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TTAB

December 14, 2006

The Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**Re: Paxar's Response to SPX's Motion to Suspend and Paxar's
Motion to Compel Discovery in Opp. No. 91173386**

Dear Commissioner:

On behalf of Opposer, Paxar Americas, Inc., enclosed in connection with the
above referenced Opposition is Paxar's Response to SPX's Motion to Suspend and Paxar's
Motion to Compel Discovery.

Sincerely,



Sharon A. Ceresnie
Attorney for Opposer

SAC/lrb
Enclosures

cc: John H. Weber, Esq. (via First Class Mail)
BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue N.W.
Washington, D.C. 20036-5304
Attorney for Applicant

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

PAXAR AMERICAS, Inc.,)	
)	
Opposer,	)	Opposition No.: 91173386
)	
v.	)	Serial No.: 78/711,754
	)	Mark: PATHFINDER
SPX CORPORATION,	)	Published: June 6, 2006
)	
Applicant.)	
)	

**PAXAR'S RESPONSE TO SPX'S MOTION TO SUSPEND
AND PAXAR'S MOTION TO COMPEL DISCOVERY**

Opposer, Paxar Americas, Inc. ("Paxar"), respectfully submits this brief in opposition to Applicant's ("SPX") Motion to Suspend. Paxar further moves, in accordance with Rule 37 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, to order SPX to respond to Paxar's outstanding discovery requests.

I. Introduction

SPX seeks to suspend these opposition proceedings pending the outcome of its Petition for Partial Cancellation of Paxar's incontestable registration for PATHFINDER®, Reg. No. 2,163,332 (the "Registered PATHFINDER® Mark"). Since SPX's Petition for Partial Cancellation is factually unsupported and unsupportable, and Paxar has filed a Motion for Summary Judgment requesting the Board to dismiss that proceeding with prejudice, Opposer submits that the resolution of the partial cancellation proceeding will have no bearing on these opposition proceedings. The Motion to Suspend should therefore be denied.

Furthermore, SPX has failed to provide a timely response to Paxar's discovery requests. Paxar therefore requests that the Board compel SPX's response to such outstanding discovery requests.

II. Facts

On September 13, 2005, SPX filed Application Ser. No. 78/711,754 to register PATHFINDER for "computer software for electronic vehicle diagnosis," which application was published for opposition on June 6, 2006 (the "Applied-For Mark"). On October 6, 2006, Paxar filed a Notice of Opposition against the Applied-For Mark based on a likelihood of confusion with the Registered PATHFINDER® Mark, in part based on the fact that both parties' electronic and computer-related products are intended for use and are sold in the automotive industry. *See* Ex. 1, Respondent's Notice of Opposition, ¶ 6. On November 5, 2006, the discovery period opened, and on November 6, 2006, Paxar served its First Set of Interrogatories to SPX and First Set of Requests for Production of Documents. *See* Ex. 2, Paxar's First Set of Interrogatories to Applicant and First Set of Requests for Production of Documents (the "Discovery Requests").

In lieu of responding to Paxar's Discovery Requests, on November 21, 2006, SPX filed a Petition for Partial Cancellation seeking to restrict the Registered PATHFINDER® Mark by adding the following limitation: "used to design and manufacture labels, tags and other price indicia." *See* Ex. 3, Petitioner's Petition for Partial Cancellation, ¶ 4 (the "Petition"). SPX then filed its Motion to Suspend on November 27, 2006, seeking suspension of these opposition proceedings pending the outcome of the cancellation proceedings. *See* Ex. 4, Petitioner's Motion to Suspend; ¶¶ 1, 2. Shortly after SPX filed its Motion to Suspend, the December 9, 2006 deadline for SPX to respond to the Discovery Requests passed. To date, SPX has not responded to the Discovery Requests, nor has it requested an extension of time to respond.

Paxar answered the Petition by denying that the goods sold under the Registered PATHFINDER® Mark are limited to price-marking uses and that such limitation, in any event, would not avoid a likelihood of confusion between the Registered PATHFINDER® Mark and

7
the Applied-For Mark. *See* Ex. 5, Paxar's Answer to Petition for Partial Cancellation, ¶¶ 4, 5. At the same time, Paxar filed a Motion for Summary Judgment in that proceeding based on (a) SPX's failure to cite any facts in support of its proposed limitation of the Registered PATHFINDER® Mark, and (b) a declaration, advertisements and published articles that conclusively establish Paxar's use of the Registered PATHFINDER® Mark for a broad range of goods outside the limitation sought by SPX. *See* Ex. 6, Paxar's Motion for Summary Judgment and Memorandum in Support of Paxar's Motion for Summary Judgment.

As demonstrated irrefutably in Paxar's Motion for Summary Judgment, SPX failed to perform a proper investigation before filing its baseless petition. If SPX had done even a cursory, good-faith search of Paxar's website, it would have known there is no factual basis for its Petition for Partial Cancellation.

III. Argument

A. Resolution of Cancellation Will Have No Bearing on Opposition.

Section 510.02(a) of the Trademark Trial and Appeal Board Manual of Procedure and 37 C.F.R. § 2.117(a) provide that the Board has the discretion to suspend a proceeding pending the final determination of another Board proceeding in which the parties are involved, if the final determination of the other proceeding will have a bearing on the issues before the Board. Here, the final determination of the cancellation proceedings will have no bearing on these opposition proceedings.

SPX's sole basis for seeking to suspend these opposition proceedings is that the resolution of the cancellation proceeding "will directly affect the parties' respective evidentiary burdens attendant to the issue of likelihood of confusion..." Ex. 3, Motion to Suspend, ¶ 2. Yet, the resolution of the cancellation will have no such effect, since SPX has the burden in those proceedings to prove that Paxar's goods sold under the Registered PATHFINDER® Mark do not

7
include the goods for which it is registered, just as it has in these opposition proceedings. With no factual basis for that claim, SPX has no possible rebuttal to the presumption that Paxar does, in fact, sell such goods; and it cannot controvert the evidence of such sales attached by Paxar to its Motion for Summary Judgment. Therefore, SPX's claim that its baseless cancellation petition will save it from losing these opposition proceedings because of a shift in evidentiary burdens must fail.

Further, the Partial Cancellation proceedings have no bearing on these opposition proceedings because, even if Paxar did not own a registration of its PATHFINDER mark, its common-law rights in the PATHFINDER mark would be a sufficient basis for its opposition of the Applied-For Mark. *See* TMEP § 1503.01.

In light of the foregoing, it appears that SPX filed the Petition as a tactic to delay and obfuscate the issues in these opposition proceedings. That is an improper use of the cancellation proceedings and contrary to this Board's preference for the speedy and just resolution of disputes.

B. SPX Has Failed to Timely Respond to Paxar's Discovery Requests

The Board has the power to compel SPX to respond to the Discovery Requests under Rule 37 of the Federal Rules of Civil Procedure and Rule 2.120(e) of the Trademark Rules of Practice. Fed. R. Civ. P. 37; 37 C.F.R. § 2.120(e). The time for SPX to respond to Paxar's Discovery Requests has run, yet it neither responded nor requested an extension of time to respond. Paxar made a good-faith effort to obtain SPX's response to the Discovery Requests, and the filing of the Motion to Suspend did not excuse SPX from its obligation to respond to the Discovery Requests while that Motion is pending. *See* 37 C.F.R. 2.120(e). It appears that Petitioner filed the Petition and Motion to Suspend as a delay tactic, in order to avoid responding

to the Discovery Requests, and in conflict with the Board's preference for speedy and just resolution of disputes.

IV. Conclusion

For the reasons set forth herein, Paxar respectfully requests that the Board (1) deny SPX's Motion to Suspend, and (2) grant Paxar's Motion to Compel Discovery. The resolution of the Petition will have no bearing on the pending opposition proceedings and will not affect the parties' burdens with respect to likelihood of confusion. SPX filed the Petition without any factual support and in an attempt simply to delay the resolution of these opposition proceedings. Furthermore, SPX has failed to provide a timely response to Paxar's Discovery Requests.

Dated: December 14, 2006

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP


By: 

Brett A. August
Sharon A. Ceresnie
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sharon A. Ceresnie, an attorney for Paxar Americas, Inc., hereby certify that a copy of **PAXAR'S RESPONSE TO SPX'S MOTION TO SUSPEND AND PAXAR'S MOTION TO COMPEL DISCOVERY** was served upon John H. Weber, Esq., Baker & Hostetler LLP, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304, by first-class mail, on this 14th day of December, 2006, postage prepaid.



RECEIVED OCT 18 2006

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

In the Matter of Application Serial No. 78/711,754 for
PATHFINDER
Published in the Official Gazette of June 6, 2006

CERTIFICATE OF MAILING

PAXAR AMERICAS, INC.,)

Opposer,)

v.)

SPX CORPORATION,)

Applicant.)

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 Patents, P.O.
Box 1451, Alexandria, VA 22313-1450

10/6/06

Date of Deposit

Joseph J. Kuan

Signature

10/6/06

Date of Signature

NOTICE OF OPPOSITION

Paxar Americas, Inc., (formerly Monarch Marking Systems, Inc.) a Delaware corporation, having a principal place of business at 170 Monarch Lane, Miamisburg, Ohio 45342, believes that it would be damaged by registration of the mark shown in Application Serial No. 78/711,754 in International Class 9, and hereby opposes the same.

As grounds for opposition, it is alleged:

1. Opposer has for many years prior to the alleged first use date in application Serial No. 78/711,754 been engaged in manufacturing, distributing, training, advertising, promoting, and marketing of products and services under the mark PATHFINDER.

2. Since long prior to the filing date of the application opposed herein, the products sold and the services rendered by opposer under the mark PATHFINDER have included computer hardware and computer programs.

3. Opposer has sold over 100 million dollars worth of products under its PATHFINDER mark, and Opposer's products carrying its mark PATHFINDER have been sold to and used by a wide variety of customers including automobile dealers that perform service on vehicles.

4. Opposer has registered its aforesaid PATHFINDER mark in the U.S. Patent and Trademark Office, as follows:

<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>GOODS/SERVICES</u>
PATHFINDER	385,845	Machines for applying price marking indicia to merchandise
PATHFINDER	1,358,023	Adhesive-backed labels
PATHFINDER	1,582,260	Pricing marking machines, computerized printers, labelers and other machines for applying price marking indicia to merchandise
PATHFINDER	1,642,307	Electronic transmission of messages and data

PATHFINDER	1,714,900	Cleaning preparations for cleaning computerized printers and cleaning preparations in a kit for computerized printers
PATHFINDER	1,732,980	Instructional manuals for price marking machines, computerized printers, labelers and other machines for applying price marking indicia to merchandise
PATHFINDER	1,740,206	Maintenance and repair of computerized printers and consulting services in connection therewith.
PATHFINDER	2,128,682	Maintenance and repair services for business and office machinery and equipment used in item identification, item tracking, price marking, and the generation, encoding, scanning and electronic communication of data (including by radio frequency and telephone lines), in class 37
		Services related to item identification, price marking, and the generation, electronic communication and reading of data including communication of data by radio frequency and telephone lines, in class 38

Training in the use and operation of business and office machinery and equipment for the generation, encoding, scanning and electronic communication of data,

Services related to the encoding of product information and the tracking of encoded items; design and programming for others of software for the generation, encoding scanning and electronic communication of data in class 42

PATHFINDER

2,163,332

Electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers.

Opposer's aforesaid registrations are valid and subsisting and owned by opposer, and all these registrations are incontestable pursuant to the provisions of 15 U.S.C. 1065 and 1115(b). Copies of the aforesaid registrations are attached as Exhibits A through I.

5. As a result of Opposer's extensive use, advertising, promotion and sales, opposer's PATHFINDER mark

has become extremely well known and represents a most valuable good will owned by opposer.

6. Use by applicant of the mark PATHFINDER for computer software for electronic vehicle diagnosis for which registration is sought in the application opposed herein, would be likely to cause confusion, mistake or deception in that customers and others would be likely to believe that applicant's products and services are opposer's products and services, or are in some way legitimately connected or associated with opposer or approved by opposer.

7. Use by applicant of the mark PATHFINDER for which registration is sought in the application opposed herein, would be without opposer's consent or permission.

8. On information and belief, neither applicant nor any predecessor or related company of applicant made any use of the mark PATHFINDER prior to January 31, 1998, the alleged first use date of the application opposed herein.

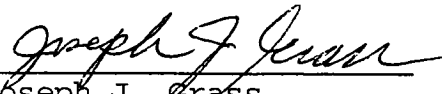
WHEREFORE, registration by applicant of the aforesaid mark would be damaging to opposer.

Opposer submits herewith the requisite filing fee in the amount of \$300.00 by deposit account order form. The Commissioner of Trademarks is hereby authorized

and requested to charge any deficiency or to credit any overpayment to deposit account 13-3955 of Paxar Americas, Inc.

Respectfully submitted,

Paxar Americas, Inc.

By 
Joseph J. Grass
Attorney for Opposer
Reg. No. 19,768
Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, OH 45342
(937) 865-2012

October 6, 2006

Registered Mar. 18, 1941

Trade-Mark 385,845

Republished, under the Act of 1946, June 22, 1948, by
Monarch Marking System Co., Dayton, Ohio.

Admitted under Section 10, accepted
for registration Dec. 15 received, July 6, 1953.

UNITED STATES PATENT OFFICE

The Monarch Marking System Company,
Dayton, Ohio

Act of February 20, 1905

Application October 16, 1940, Serial No. 437,007

PATHFINDER

STATEMENT

To the Commissioner of Patents:

The Monarch Marking System Company, a corporation duly organized under the laws of the State of Ohio and located at Dayton, Ohio, and doing business at 216 South Torrence Street, Dayton, Ohio, has adopted and used the trade-mark shown in the accompanying drawing, for MACHINES FOR APPLYING PRICE MARKING INDICIA TO MERCHANDISE, in Class 23, Cutlery, machinery, and tools, and parts thereof, and presents herewith five specimens showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905. The trade-mark has been continuously used and applied to said goods in applicant's business since October 1938.

The trade-mark is affixed to the merchandise or the container thereof by tags, labels, decalcomania and in other appropriate ways.

The undersigned hereby appoints Wood and Wood, a firm composed of Edmund P. Wood, Gordon C. Arey, Truman A. Herron and Edward B. Evans (R. No. 4,287), at 2801 Carew Tower, Cincinnati, Ohio, its attorneys, to prosecute this application for registration, with full powers of substitution and revocation and to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

THE MONARCH MARKING
SYSTEM COMPANY,

By E. L. KOHNLE,
Secretary-Treasurer.

Int. Cl.: 16

Prior U.S. Cl.: 37

United States Patent and Trademark Office

Reg. No. 1,358,023

Registered Sep. 3, 1985

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 & BYERS ROAD
MIAMISBURG, OH 45342

FOR: ADHESIVE-BACKED LABELS, IN
CLASS 16 (U.S. CL. 37).

FIRST USE 6 18-1984; IN COMMERCE
6 18-1984
OWNER OF U.S. REG. NO 385,845.

SER. NO. 524,075, FILED 2-25-1985.

MARY C. MACK, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office

Reg. No. 1,582,260

Registered Feb. 13, 1990

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 & BYERS ROAD
MIAMISBURG, OH 45342

-FOR: PRICE MARKING MACHINES, COM-
PUTERIZED PRINTERS, LABELERS AND
OTHER MACHINES FOR APPLYING PRICE
MARKING INDICIA TO MERCHANDISE, IN
CLASS 7 (U.S. CL. 23).

FIRST USE 10-0-1938; IN COMMERCE
10-0-1938.

OWNER OF U.S. REG. NOS. 385,845 AND
1,358,023.

SER. NO. 73-798,546, FILED 5-8-1989.

STEVEN R. FINE, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cl.: 104

United States Patent and Trademark Office

Reg. No. 1,642,307

Registered Apr. 23, 1991

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
7581 BYERS ROAD
MIAMISBURG, OH 45342, BY ASSIGNMENT
OF DIALCOM, INC. (MARYLAND CORPO-
RATION) ROCKVILLE, MD 20852

FOR: ELECTRONIC TRANSMISSION OF
MESSAGES AND DATA, IN CLASS 38 (U.S. CL.
104).

FIRST USE 10-0-1987; IN COMMERCE
10-0-1987.

SER. NO. 73-739,690, FILED 7-14-1988.

LIZ KULICK, EXAMINING ATTORNEY

EXHIBIT D

Int. Cls.: 3 and 21

Prior U.S. Cls.: 29 and 52

United States Patent and Trademark Office

Reg. No. 1,714,900

Registered Sep. 15, 1992

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: CLEANING PREPARATIONS FOR
CLEANING COMPUTERIZED PRINTERS AND
CLEANING PREPARATIONS IN A KIT FOR
COMPUTERIZED PRINTERS, IN CLASS 3 (U.S.
CL. 52).

FIRST USE 3-18-1991; IN COMMERCE
3-18-1991.

FOR: CLEANING CLOTHS IMPREGNATED
WITH ALCOHOL, IN CLASS 21 (U.S. CLS. 29
AND 52).

FIRST USE 3-18-1991; IN COMMERCE
3-18-1991.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-180,124, FILED 6-27-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,732,980**
Registered Nov. 17, 1992

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
STATE ROUTE 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: INSTRUCTIONAL MANUALS FOR
PRICE MARKING MACHINES, COMPUTER-
IZED PRINTERS, LABELERS AND OTHER
MACHINES FOR APPLYING PRICE MARKING

INDICIA TO MERCHANDISE, IN CLASS 16
(U.S. CL. 38).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-214,615, FILED 10-17-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

EXHIBIT F

Int. Cl.: 37

Prior U.S. Cl.: 103

United States Patent and Trademark Office

Reg. No. 1,740,206

Registered Dec. 15, 1992

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: MAINTENANCE AND REPAIR OF
COMPUTERIZED PRINTERS AND CONSULT-
ING SERVICES IN CONNECTION THERE-
WITH, IN CLASS 37 (U.S. CL. 103).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-174,269, FILED 6-10-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cls.: 37, 38, 41 and 42

Prior U.S. Cls.: 100, 101, 103, 104, 106 and 107

United States Patent and Trademark Office

Reg. No. 2,128,682

Registered Jan. 13, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

FOR: MAINTENANCE AND REPAIR SER-
VICES FOR BUSINESS AND OFFICE MACHIN-
ERY AND EQUIPMENT USED IN ITEM IDEN-
TIFICATION, ITEM TRACKING, PRICE
MARKING, AND THE GENERATION, ENCOD-
ING, SCANNING AND ELECTRONIC COMMU-
NICATION (INCLUDING BY RADIO FRE-
QUENCY AND TELEPHONE LINES), IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: SERVICES RELATED TO ITEM IDEN-
TIFICATION, PRICE MARKING, AND THE
GENERATION, ELECTRONIC COMMUNICA-
TION AND READING OF DATA, INCLUDING
COMMUNICATION OF DATA BY RADIO FRE-
QUENCY AND TELEPHONE LINES, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: TRAINING IN THE USE AND OPER-
ATION OF BUSINESS AND OFFICE MACHIN-
ERY AND EQUIPMENT FOR THE GENERA-
TION, ENCODING, SCANNING AND ELEC-
TRONIC COMMUNICATION OF DATA, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

FOR: SERVICES RELATED TO THE ENCOD-
ING OF PRODUCT INFORMATION AND THE
TRACKING OF ENCODED ITEMS; DESIGN
AND PROGRAMMING FOR OTHERS OF SOFT-
WARE FOR THE GENERATION, ENCODING,
SCANNING AND ELECTRONIC COMMUNICA-
TION OF DATA, IN CLASS 42 (U.S. CLS. 100
AND 101).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

OWNER OF U.S. REG. NOS. 385,845, 1,987,268
AND OTHERS.

SER. NO. 75-208,351, FILED 11-25-1996.

JILL C. ALT, EXAMINING ATTORNEY

Int. Cls.: 37, 38, 41 and 42

Prior U.S. Cls.: 100, 101, 103, 104, 106 and 107

United States Patent and Trademark Office

Corrected

Reg. No. 2,128,682

Registered Jan. 13, 1998

OG Date July 4, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC.
(DELAWARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

OWNER OF U.S. REG. NOS. 385,845,
1,987,268 AND OTHERS.

FOR: MAINTENANCE AND REPAIR
SERVICES FOR BUSINESS AND OFFICE
MACHINERY AND EQUIPMENT USED IN
ITEM IDENTIFICATION, ITEM TRACKING,
PRICE MARKING, AND THE GENERATION,
ENCODING, SCANNING AND ELECTRONIC
COMMUNICATION * OF DATA * (INCLUD-
ING BY RADIO FREQUENCY AND TELE-
PHONE LINES), IN CLASS 37 (U.S. CLS. 100,
103 AND 106).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: SERVICES RELATED TO ITEM
IDENTIFICATION, PRICE MARKING, AND
THE GENERATION, ELECTRONIC COMMU-
NICATION AND READING OF DATA, IN-
CLUDING COMMUNICATION OF DATA BY
RADIO FREQUENCY AND TELEPHONE

INES, IN CLASS 38 (U.S. CLS. 100, 101 AND
104).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: TRAINING IN THE USE AND OPER-
ATION OF BUSINESS AND OFFICE MA-
CHINERY AND EQUIPMENT FOR THE GEN-
ERATION, ENCODING, SCANNING AND
ELECTRONIC COMMUNICATION OF DATA,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

FOR: SERVICES RELATED TO THE EN-
CODING OF PRODUCT INFORMATION AND
THE TRACKING OF ENCODED ITEMS; DE-
SIGN AND PROGRAMMING FOR OTHERS
OF SOFTWARE FOR THE GENERATION, EN-
CODING, SCANNING AND ELECTRONIC
COMMUNICATION OF DATA, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

SER. NO. 75-208,351, FILED 11-25-1996.

*In testimony whereof I have hereunto set my hand and
caused the seal of The Patent and Trademark Office to
be affixed on July 4, 2000.*



COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT H Corrected

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,163,332

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

FOR: ELECTRONIC PRODUCTS, NAMELY,
COMPUTER HARDWARE, COMPUTER PE-
RIPHERALS, COMPUTER PRINTERS, COM-
PUTER PROGRAMS FOR OPERATING PRINT-
ERS, COMPUTER TERMINALS, SCANNERS
AND TRANSCEIVER-CONTROLLED PRINT-

ERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,987,268
AND OTHERS.

SER. NO. 75-182,703, FILED 9-27-1996.

JILL C. ALT, EXAMINING ATTORNEY

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

In the Matter of Application Serial No. 78/711,754 for
"PATHFINDER"

PAXAR AMERICAS, INC.,

Opposer,

v.

SPX CORPORATION,

Applicant.

)
)
) Opposition No.
) 91173386
)
)
)
)
)

OPPOSERS'S FIRST SET OF
INTERROGATORIES TO APPLICANT

In accordance with Rule 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, petitioner, Paxar Americas, Inc., (formerly known as Monarch Marking Systems, Inc.,) ("Paxar") requests that applicant, SPX CORPORATION, within thirty (30) days, answer each of the interrogatories set forth below, subject to the following definitions:

DEFINITIONS

A. As used herein, the term "applicant" includes SPX CORPORATION, its predecessors in interest, the officers, directors, employees, agents and representatives thereof, and any affiliate with greater than fifty percent (50%) common ownership.

B. As used herein, the term "opposer" includes Paxar Americas, Inc., its predecessors in interest, and the officers, directors, employees, agents and representatives thereof.

C. As used herein, the term "document" includes, but is not limited to, computer drives, diskettes, CD-ROMS, all writings, papers, letters, telegrams, memoranda, communications, minutes, notes, schedules, tabulations, vouchers, accounts, statements, affidavits, reports, abstracts, agreements, contracts, diaries, calendars, plans, specifications, photostats, charts, graphs, correspondence, books, internal memoranda, invoices, contracts, offers to sell, purchase orders, receipts, pamphlets, publications, catalogs, labels, packaging, wrappers, displays, photographs, slides, videotapes, films, audio tapes artwork, drawings, sketches, illustrative materials, circulars, price lists, advertisements, layouts, tear sheets, magnetic recording tapes, microfilms and other storage means by which information is retained in retrievable form, and all other materials whether printed, typewritten, handwritten, recorded, or reproduced by any process, including any and all drafts and revisions.

D. Whenever an interrogatory inquires about documents, please furnish the following information as to each:

1. The date of the document;
2. A general description of the document;
3. A general description of the subject matter to which it pertains;
4. The names and addresses of the addressor, addressee,

and all persons receiving or shown the document or copies thereof;

5. The names and addresses of the persons in whose custody, possession or control the document is presently maintained;
6. If a privilege is claimed as to a document, identify each such document and state the nature of the privilege claimed, the nature of the document, its date and, if it is a communication, the name of the sender and all recipients.

E. As used herein, the term "person" includes any corporation, division, agency, or other entity, as well as an individual.

F. As used herein, the terms "sell", "sold", "offer to sell" and "sale" include leasing, licensing and other transferences of rights.

G. Whenever an interrogatory inquires about the name or identify of a person and that person is an individual, the information requested includes:

1. The person's full name;
2. The person's employer;
3. The person's position or title;
4. The person's last known address.

H. Whenever an interrogatory inquires about the name or identity of a person and the person is a corporation, division, agency, or other entity, the information requested includes the full name and current address of said corporation, division, agency, or other entity.

I. As used herein, "and" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the interrogatory all responses which might otherwise be construed to be outside its scope.

J. As used herein, the singular shall always include the plural, and the present tense shall always include the past tense, and vice versa, as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

INTERROGATORIES

1. (a) What is the present organizational structure or management chart for the business or businesses involved in the manufacture, advertising, promotion, distribution, services rendered, or sale of products sold or intended to be sold by applicant under the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER?

(b) Identify those persons presently occupying the positions identified in answer to Interrogatory 1(a).

(c) What are the general areas of responsibility of each person named in answer to Interrogatory 1(b) above, and for how long has each person had such responsibility?

(d) Identify each person, except those identified in applicant's answer to Interrogatory 1(b) above, who has occupied a position identified in the answer to Interrogatory 1(a) starting with activities which lead to the adoption of PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER as a trademark, and state the dates during which each such person held each such position.

2. (a) Identify by date, product, service and circumstance applicant's selection, adoption, first use of or intent to use the trademark PATHFINDER or any other names or marks comprised in whole or in part by PATHFINDER.

(b) Identify each person having knowledge or information relating to applicant's consideration, selection, adoption, intent to use or first use of the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

(c) Identify all documents which refer or relate to applicant's consideration, selection, adoption, first use of or intent to use the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

(d) Identify each product or service with which applicant has used or intends to use PATHFINDER or any names or marks comprised in whole or in part of PATHFINDER and, as to each, identify the mark used or intended to be used, the date of first use in connection with such product or service and all documents relating to referring thereto.

3. (a) Has applicant conducted or caused to be conducted any trademark, trade name, or service mark search or other investigation relating to or including PATHFINDER or any trademark, trade name, or service mark comprised in whole or in part of PATHFINDER?

(b) If the answer to Interrogatory 3(a) is anything other than an unqualified negative, identify each person having knowledge or information relating thereto.

(c) If the answer to Interrogatory 3(a) is anything other than an unqualified negative, identify all documents which relate or refer thereto.

4. Identify the types of advertising and promotion applicant has used or intends to use to promote or sell or prepare to sell each of its products or services under the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER and state the amount of money by year that applicant

has spent for each type of advertising and promotion for each such product or service.

5. (a) Identify each item on which applicant uses or intends to use the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

(b) For each item identified in answer to Interrogatory 5(a), describe the manner in which applicant uses or intends to use the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

6. (a) Identify each person who presently is or who heretofore has been responsible for the advertising or promotion of each of applicant's products sold or services rendered or to be rendered under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER, and as to each person so identified, state during what period of time he or she had such responsibility.

(b) Identify all documents which relate or refer to the advertising or promotion of each of applicant's products sold or offered for sale or intended to be offered for sale or services rendered or to be rendered under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER.

7. (a) What have been applicant's revenues from its products sold under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER for each year, from their introduction through the present, in terms of dollars and units?

(b) In what territorial area or areas of the United States has applicant been marketing its product or rendering services under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER from their introduction to the present?

(c) Through what channels of trade has applicant offered or distributed or intended to offer its products or rendered or intended to render its services under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER?

8. (a) Identify each person both within and outside of applicant who presently is or who heretofore has been responsible for the sale or distribution of applicant's products under the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER and as to each person so identified, state during what period of time that person had such responsibility.

(b) Identify all documents which relate or refer to the distribution or sale or intent to sell applicant's products or render services or intent to render services under the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

9. (a) Exclusive of Application Serial No. 78/711,754, has applicant registered or attempted to register the trademark PATHFINDER or any other name or mark comprised in whole or in part of PATHFINDER with any governmental authority?

(b) If the answer to Interrogatory 9(a) is anything other than an unqualified negative, identify each such instance by the following:

(i) the identity of the governmental authority

(ii) if a trademark or service mark,

(a) the mark, serial number, application or registration number, claimed date of first use and description of goods;

(b) the name and address of counsel of record; and

(c) the status or disposition.

(iii) date of application and date of registration (if different).

10. (a) Has applicant conducted or caused to be conducted any marketing studies, focus group studies, polls or surveys which

relate to a designation comprised in whole or in part of the term PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER?

(b) If the answer to Interrogatory 10(a) is anything other than an unqualified negative, identify the designation involved, each person having knowledge or information relating to each such marketing study, focus group, study, poll or survey, and identify all documents which relate to or refer thereto.

11. Is applicant aware of any instance of third-party use of PATHFINDER or any other mark consisting in whole or in part of PATHFINDER? If so, identify the person or persons having knowledge of the third-party use, the nature and date of the use by the third-party user.

12. (a) Has applicant acquired from a third party (including any affiliate), through assignment or any other transfer, any rights in the trademark PATHFINDER or any other names or marks consisting in whole or in part of PATHFINDER?

(b) If the answer to Interrogatory 12(a) is anything other than an unqualified negative, for each such transfer, identify the mark involved, from whom the transfer was made, the date of the transfer, and all documents relating thereto.

13. (a) Has applicant granted any third party (including any affiliate) any rights in the trademark PATHFINDER or any other names or marks consisting in whole or in part of PATHFINDER?

(b) If the answer to Interrogatory 13(a) is anything other than an unqualified negative, for each such transfer, identify the mark involved, to whom the transfer was made, the date of the transfer, and all documents relating thereto.

14. (a) When and how did applicant first have knowledge of opposer's use of the trademark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER?

(b) What is the name, address, and title or position of each individual, agent, past or present, of applicant who knows or has known or been aware of the facts in answer to Interrogatories 14(a) and 14(b), answering separately for each?

(c) Identify all documents in applicant's possession or control which relate or refer to opposer, opposer's PATHFINDER trademark or opposer's PATHFINDER products.

15. (a) Is applicant aware of any instances of actual confusion or mistake which have or may have occurred between applicant or applicant's use of the trademark PATHFINDER or any other names or marks consisting in whole or in part of PATHFINDER or goods or services with which such names or marks

are used and opposer or opposer's PATHFINDER trademark or goods or services?

(b) If the answer to Interrogatory 15(a) is anything other than an unqualified negative, identify:

- (i) the persons having knowledge of
or information about the confusion or mistake;
- (ii) the date and place of the confusion or
mistake; and
- (iii) all documents relating to the incident
of confusion or mistake.

16. Identify any objection, opposition, litigation, proceeding, dispute or other controversy concerning applicant's use or attempted registration or registration of the trademark PATHFINDER or any other names or marks consisting in whole or in part of PATHFINDER including the date, nature and basis of the controversy, the goods and services or parties involved and the status or disposition.

17. Identify each person who answered or assisted in the preparation of answers to the proceeding interrogatories and the particular interrogatories as to which each answered or assisted.

18. Identify by common commercial name each product or service for which the mark PATHFINDER or any other names or

marks comprised in whole or in part of PATHFINDER has been used, and for each such product or service:

(a) Describe the purpose, nature and characteristics of each such product or service and identify all documents relating thereto:

(b) State the date of first use anywhere of the mark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER for each such product or service and identify all documents relating thereto;

(c) State the date of first use in interstate commerce of the mark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER for each such product or service and identify all documents relating thereto.

19. For each product or service which the mark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER has been used in connection with or is intended for use in connection with, state:

(a) sales price or projected sales price;

(b) the total U.S. market for each of such product or service and the projected market share of each such product or service;

(c) the geographic areas in the United States wherein each such product or service has been sold;

(d) the channels of trade through which each such product or service has been offered for sale or advertised;

(e) Applicant's projected or budgeted annual expenditures for advertising the mark PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER during each of the next three years and the advertising media; and

(f) the persons most familiar with or responsible for such advertising.

20. Identify all witnesses you expect during this opposition proceeding and state for each such witness:

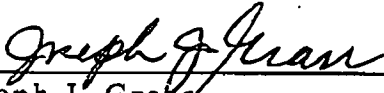
(a) the subject matter upon which he/she is expected to testify;

(b) the substance of the facts and opinions to which he/she is expected to testify; and

(c) the grounds for each opinion that he/she is expected to give.

21. Describe the types and kinds of purchasers that would be considered typical ultimate purchasers of each of applicant's PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER products or services to be offered or sold in connection with Opposer's mark in the United States.

22. Identify and describe all marketing efforts that applicant employs to promote and sell each of applicant's products and services under the term PATHFINDER or any other names or marks comprised in whole or in part of PATHFINDER.

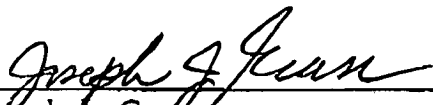


Joseph J. Grass
Reg. No. 19,768
Attorney for Opposer
Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, OH 45342
(937) 865-2012

Date: November 6, 2006

CERTIFICATE OF SERVICE

I, Joseph J. Grass, hereby certify that a copy of the foregoing
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
was served upon P. Jay Hines, Esq., Baker & Hostetler, LLP,
Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304 this 6thth day of November 2006 by
facsimile, confirmed by first class mail, postage prepaid.



Joseph J. Grass
Attorney for Opposer

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

In the Matter of
Application Serial No. 78/711,754 for PATHFINDER

PAXAR AMERICAS, INC.,

Opposer,

v.

SPX CORPORATION,

Applicant.

)
)
) Opposition No.
) 91173386
)
)
)
)
)

OPPOSER'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, opposer, Paxar Americas, Inc., (formerly Monarch Marking Systems, Inc.) ("Paxar"), requests that applicant, SPX CORPORATION, within thirty (30) days, make available at the offices of Paxar Americas, Inc., 170 Monarch Lane, Miamisburg, Ohio 45342, the documents described herein, subject to the following definitions:

DEFINITIONS

A. As used herein, the term "applicant" includes SPX CORPORATION, its predecessors in interest, its parent, subsidiary and affiliated companies, and the officers, directors, employees,

agents and representatives thereof and any affiliate with greater than fifty percent (50%) common ownership.

B. As used herein, the term "opposer" includes Paxar Americas, Inc., its predecessors in interest and the officers, directors, employees, agents and representatives thereof.

C. As used herein, the term "document" includes, but is not limited to, computer drives, diskettes, CD-ROMS, all writings, papers, letters, telegrams, memoranda, communications, minutes, notes, schedules, tabulations, vouchers, accounts, statements, affidavits, reports, abstracts, agreements, contracts, diaries, calendars, plans, specifications, photostats, charts, graphs, correspondence, books, internal memoranda, invoices, contracts, offers to sell, purchase orders, receipts, pamphlets, publications, catalogs, labels, packaging, wrappers, displays, photographs, slides, videotapes, audio tapes, films, artwork, drawings, sketches, illustrative materials, circulars, price lists, advertisements, layouts, tear sheets, magnetic recording tapes, microfilms and other storage means by which information is retained in retrievable form, and all other materials whether printed, typewritten, handwritten, recorded, or reproduced by any process, including any and all drafts and revisions.

D. As used herein, "and" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within

the scope of the request all responses which might otherwise be construed to be outside its scope.

E. As used herein, the singular shall always include the plural and the present tense shall always include the past tense, and vice versa, as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

F. If applicant claims a privilege respecting any document which falls within the categories set forth below, the following information is requested.

1. The basis for the privilege.
2. The date of the document.
3. The originator of the document, to whom it is addressed and all persons who were shown copies.
4. A general description of the type of document and the subject matter to which it pertains.

G. If any of the following documents were formerly but no longer are in applicant's possession or subject to applicant's control, state the present location and custodian of each such document.

DOCUMENTS

1. All documents requested to be identified or described in or related to applicant's answers, denials, defenses and assertions in or to Opposer's First Set of Interrogatories to Applicant.

2. Representative specimens of each label, trade dress, package, advertisements, tags, signs, catalogs, brochures, user's manuals, or other materials ever used or intended to be used by the applicant in connection with the sale of products and services in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark were or are used or are intended to be used.

3. All documents which refer or relate to the consideration, selection, adoption or first use of PATHFINDER or any other names or marks which include PATHFINDER or any similar mark, by applicant for each product and service in connection with which PATHFINDER or any other names or marks which include PATHFINDER or any similar mark are used or are intended to be used, including but not limited to invoices and labels.

4. All documents which comprise, support or otherwise refer to the facts alleged in applicant's application to register the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark, and all documents which comprise, refer or relate to said applications.

5. All documents which record, summarize or otherwise refer to annual sales of each of applicant's products and services in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark has been used from the date of first use on each such product and service.

6. All documents which refer or relate to any cessation or possible cessation of sale of any of applicant's products or services in connection with which mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark were or are used.

7. All documents which refer or relate to applicant's cessation or possible cessation of use of the mark PATHFINDER or any other names or marks which include PATHFINDER or similar mark in connection with any product or service.

8. All documents which refer or relate to the marketing, sale or distribution of applicant's products and services in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark are used.

9. All documents which refer or relate to the advertising or promotion of applicant's products and services in each and every format in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar

mark are used since the date of first use of that mark in connection with each such product and service.

10. All documents which refer or relate to preparation of, or proposals for, or selection of advertisements or promotions for applicant's products and services in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark were or are used or are intended to be used.

11. Specimens of each type of advertisement or promotional material used or intended to be used by applicant to promote and sell its products and services in connection with which the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark were or are used or are intended to be used.

12. All documents which refer or relate to any marketing studies, focus group studies, polls or surveys which relate to a name or mark consisting in whole or part of PATHFINDER or any similar mark.

13. All documents which refer or relate to the use, or potential use of the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark.

14. All documents which refer or relate to any acquisition by applicant from any third party, through assignment or any other

transfer, of any rights in the mark PATHFINDER or any other marks which include PATHFINDER or any similar mark.

15. All documents which refer or relate to any grants through license or other transfer by applicant to any third party of any rights in the mark PATHFINDER or any other marks which include PATHFINDER or any similar mark.


16. All documents which comprise, relate or otherwise refer to any registration or application for registration by applicant of any mark consisting of the word PATHFINDER, or PATHFINDER alone or in combination with any word, number, or design in the United States Patent and Trademark Office or under the law of any state or territory, or in any other Country under the laws of any country foreign to the United States.

17. All documents which relate or refer to any third party use of any name or mark comprised in whole or in part of the term PATHFINDER.

18. All documents which refer or relate to any litigation, proceeding, conflict, opposition, controversy or objection which relates to the whole or a part of the term PATHFINDER.

19. All documents which refer or relate to opposer or opposer's mark PATHFINDER.

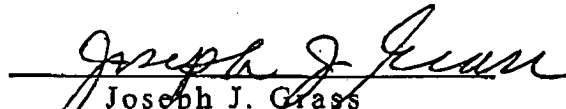
20. All documents which relate or refer to any instances of actual confusion, mistake or deception which have or may have occurred between any of applicant's products or services bearing the mark PATHFINDER or any other names or marks which include PATHFINDER or any similar mark and any product or service of opposer.


Joseph V. Grass
Reg. No. 19,768
Attorney for Opposer
Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, OH 45342
(937) 865-2012

Date: November 6, 2006

CERTIFICATE OF SERVICE

I, Joseph J. Grass, hereby certify that a copy of the foregoing
OPPOSER'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS was served upon P. Jay Hines, Esq., Baker &
Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut
Avenue, N.W., Washington, DC 20036-5304, this 6th day of
November, 2006 by facsimile, confirmed by first class mail, postage
prepaid.



Joseph J. Grass
Attorney for Opposer



TTAB

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

75/182,703

SPX CORPORATION

Petitioner,

v.

PAXAR AMERICAS, INC.

Registrant.

Cancellation No. _____

Registration No.: 2,163,332

Mark: PATHFINDER

Our ref.: 87345-0462

PETITION FOR PARTIAL CANCELLATION

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

11/17/2006 50115041 00000002 502036 75182703

01 FC:6401

300.00 DR

Sirs:

SPX Corporation, a Delaware corporation, located and doing business at 13515 Ballantyne Corporate Place, Charlotte, North Carolina 28277, believes that it is or will be damaged by Registration No. 2,163,332, issued on the Principal Register on June 9, 1998 to Respondent for the mark PATHFINDER in connection with "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers" in International Class 9. Petitioner hereby petitions for a partial cancellation of said registration pursuant to Section 18 of the Trademark Act.

As grounds for this petition, Petitioner alleges:

1. Petitioner began using the PATHFINDER trademark as early as 1991 and filed an application with the U.S. Patent and Trademark Office for the mark PATHFINDER in

11-14-2006

U.S. Patent & TM Office Mail Room, #30

connection with "computer software for electronic vehicle diagnosis" on September 13, 2005, pending U.S. application Serial No. 78/711,754.

2. Upon information and belief, Respondent, through a name change from Monarch Marking Systems, Inc., is the current owner of record of Registration No. 2,163,332 for the mark PATHFINDER for "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers" in International Class 9 and Respondent's address is as stated in the attached copy of the registration (Exhibit 1).

3. Respondent has opposed Petitioner's U.S. application for PATHFINDER, Serial No. 78/711,754, based upon, *inter alia*, Respondent's rights in Registration No. 2,163,332, in Opposition proceeding no. 91173386.

4. Upon information and belief, Respondent's electronic products consist of computer software, hardware and printers that design and manufacture tickets, labels and tags for retail product identification. Accordingly, pursuant to Section 1068 of the Lanham Act, Petitioner seeks a partial cancellation or restriction of Registration No. 2,163,332 by limiting the goods specified therein to:

electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers used to design and manufacture labels, tags and other price marking indicia

5. The entry of the proposed restriction to Respondent's goods in its Registration No. 2,163,332 will avoid a finding of likelihood of confusion with Petitioner's use of PATHFINDER, Serial No. 78/711,754.

Therefore, this Petitioner, SPX Corporation, believes that it is being and will continue to be damaged by the continued registration of PATHFINDER as foresaid and requests that said registration be partially cancelled or restricted.

Petitioner hereby appoints John H. Weber, a member of the law firm of Baker & Hostetler LLP and a member of the Bar of the District of Columbia, to prosecute this partial cancellation proceeding and transaction all business in and before the U.S. Patent and Trademark Office in connection therewith.

Please address all correspondence to John H. Weber at Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304.

Please charge our Deposit Account No. 50-20-36 with the filing fee of \$300.00.

Respectfully submitted,

SPX CORPORATION

Date: November 14, 2006

By: _____

John H. Weber

BAKER & HOSTETLER LLP

Washington Square, Suite 1100

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036-5304

(202) 861-1500 (Telephone)

(202) 861-1783 (Facsimile)

Attorney for Petitioner

JHW/π

EXHIBIT 1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,163,332

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

**MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342**

**FOR: ELECTRONIC PRODUCTS, NAMELY,
COMPUTER HARDWARE, COMPUTER PE-
RIPHERALS, COMPUTER PRINTERS, COM-
PUTER PROGRAMS FOR OPERATING PRINT-
ERS, COMPUTER TERMINALS, SCANNERS
AND TRANSCEIVER-CONTROLLED PRINT-**

**ERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).**

**FIRST USE 0-0-1984; IN COMMERCE
0-0-1984...**

**OWNER OF U.S. REG. NOS. 385,845, 1,987,268
AND OTHERS.**

SER. NO. 75-182,703, FILED 9-27-1996.

JILL C. ALT, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 75182703

Filing Dt: 09/27/1996

Reg #: 2163332

Reg. Dt: 06/09/1998

Registrant: MONARCH MARKING SYSTEMS, INC.

Mark: PATHFINDER

Assignment: 1

Reel/Frame: 2673/0651

Received: 02/27/2003

Recorded: 02/25/2003

Pages: 9

Conveyance: CHANGE OF NAME

Assignor: MONARCH MARKING SYSTEMS, INC.

Exec Dt: 01/01/2003

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: PAXAR AMERICAS, INC.

170 MONARCH LANE

MIAMISBURG, OHIO 45342

Correspondent: PAXAR AMERICAS, INC.

JOSEPH J. GRASS

170 MONARCH LANE

MIAMISBURG, OH 45342

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: July 26, 2006 v.1.10

Search Results as of: 11/14/2006 12:19 PM

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

PAXAR AMERICAS, INC.

Opposer,

V.

SPX CORPORATION

Applicant.

Opposition No.: 91173386

Serial No.: 78/711,754

Trademark: PATHFINDER

Published: June 6, 2006

Atty. Dkt. No.: 87345-0462

MOTION TO SUSPEND

Pursuant to Section 2.117 of the Trademark Rule of Practice, Applicant, SPX Corporation, hereby moves to suspend the opposition until disposition of Cancellation Proceeding No. 92046656 pending before the Trademark Trial and Appeal Board.

Pursuant to Section 18 of the Lanham Act, SPX Corporation filed a Petition for Partial Cancellation on November 14, 2006 with the Trademark Trial and Appeal Board seeking partial cancellation of Opposer's registration for PATHFINDER, Reg. No. 2,163,332. A copy of the Petition for Partial Cancellation is attached hereto as Exhibit 1. The final determination of the cancellation action will directly affect the parties' respective evidentiary burdens attendant to the issue of likelihood of confusion which is the subject of this opposition pending before Trademark Trial and Appeal Board.

Respectfully submitted,
SPX CORPORATION

Date: November 27, 2006

By: Rebecca L Roby
John H. Weber
Rebecca L. Roby
Baker & Hostettler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I certify that on the 27th day of November 2006, a true copy of the foregoing Motion to Suspend was served upon the following via First Class Mail:

Joseph J. Grass, Esquire
Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, Ohio 45342

By: Rebecca L. Roby
Rebecca L. Roby

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

SPX CORPORATION,)	
)	
Petitioner,	)	Cancellation No. 92046656
)	
v.	)	Registration No.: 2,163,332
	)	Mark: PATHFINDER
PAXAR AMERICAS, INC.,	)	Issued: June 9, 1998
)	
Respondent.)	
)	

ANSWER TO PETITION FOR PARTIAL CANCELLATION

Registrant Paxar Americas, Inc., for its answer to the Petition for Partial Cancellation, states as follows:

1. Petitioner began using the PATHFINDER trademark as early as 1991 and filed an application with the U.S. Patent and Trademark Office for the mark PATHFINDER in connection with "computer software for electronic vehicle diagnosis" on September 14, 2005, pending U.S. application Serial No. 78/711,754.

ANSWER: Respondent admits Petitioner filed the alleged USPTO application to register PATHFINDER, but Respondent lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 1.

2. Upon information and belief, Respondent, through a name change from Monarch Marking Systems, Inc., is the current owner of record of Registration No. 2,163,332 for the mark PATHFINDER for "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and

transceiver-controlled printers" in International Class 9 and Respondent's address is as stated in the attached copy of the registration (Exhibit 1).

ANSWER: Admitted.

3. Respondent has opposed Petitioner's U.S. application for PATHFINDER, Serial No. 78/711,754, based upon, *inter alia*, Respondent's rights in Registration No. 2,163,332, in Opposition proceeding no. 91173386.

ANSWER: Admitted.

4. Upon information and belief, Respondent's electronic products consist of computer software, hardware and printers that design and manufacture tickets, labels and tags for retail product identification. Accordingly, pursuant to Section 1068 of the Lanham Act, Petitioner seeks a partial cancellation or restriction of Registration No. 2,163, 332 by limiting the goods specified therein to:

electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers used to design and manufacture labels, tags and other price marking indicia.

ANSWER: Denied.

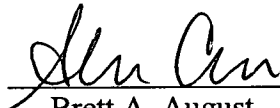
5. The entry of the proposed restriction to Respondent's goods in its Registration No. 2,163,332 will avoid a finding of likelihood of confusion with Petitioner's use of PATHFINDER, Serial No. 78/711,754.

ANSWER: Denied.

WHEREFORE, Registrant requests that the Trademark Trial and Appeal Board dismiss the present Petition for Partial Cancellation.

Dated: December 14, 2006

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: 
Brett A. August
Sharon A. Ceresnie
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-6000

Attorneys for Registrant/Respondent:
Paxar Americas, Inc.

252519v1

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

SPX CORPORATION,)	
)	
Petitioner,	)	Cancellation No. 92046656
)	
v.	)	Registration No.: 2,163,332
	)	Mark: PATHFINDER
PAXAR AMERICAS, INC.,	)	Issued: June 9, 1998
)	
Respondent.)	
)	

**RESPONDENT'S MEMORANDUM IN SUPPORT
OF ITS MOTION FOR SUMMARY JUDGMENT**

Respondent, Paxar Americas, Inc. ("Respondent"), hereby moves for entry of summary judgment in its favor and entry of an order dismissing this Petition for Partial Cancellation with prejudice. The undisputed facts demonstrate that the goods Respondent sells, offers for sale, advertises and promotes under the mark PATHFINDER®, Reg. No. 2,163,332, are not limited solely to products that are "used to design and manufacture labels, tags and other price indicia." As there is no genuine issue of material fact as to the breadth of goods sold by Respondent under its PATHFINDER® mark, Respondent is entitled to judgment in its favor as a matter of law.

I. UNDISPUTED FACTS

A. Respondent's PATHFINDER® Mark and the Product Line Sold Under the PATHFINDER® Mark

Respondent, by way of name change from Monarch Marking Systems, Inc., is the record owner of incontestable Reg. No. 2,163,332 for the mark PATHFINDER® for "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers" registered on June 9, 1998 (the "Registered PATHFINDER® Mark"). See Ex. A,

Respondent's PATHFINDER Registration. The product line sold under the Registered PATHFINDER® Mark includes many electronic product components, which may be bundled into a single unit or sold and used separately; these components include a computer, a scanner, programmable software, a transceiver and a printer. *See* Ex. B, Declaration of Joseph J. Grass, ¶ 9 ("Grass Decl.").

Respondent's PATHFINDER® product line is not limited to price-marking applications. On the contrary, the PATHFINDER® product line has a multitude of applications in a variety of industries, and Respondent has used PATHFINDER® continuously since 1984 for the full range of goods described in Reg. No. 2,163,332. *See* Ex. B, Grass Decl. ¶¶ 1 - 12. Its applications include, but are not limited to, vendor marking, shipping and receiving, inventory control, work in process, traffic, warehousing, distribution, packing/box-end labeling, government and defense contracting, capital asset tracking, bin labeling/shelf labeling, tracking patient charges, recording employee assignments, document tracking, food and drug identification and date coding, quality control marking, federal regulations labeling, repackaging from bulk shipments, and various management applications. *See* Ex. B, Grass Decl. ¶¶ 4, 7, 12. The industries in which the product line is used include, but are not limited to, the automotive parts industry, the United States Postal Service, hospitals, and warehouses that stock retail goods. *See* Ex. B, Grass Decl. ¶ 5.

B. Petitioner's PATHFINDER Application and Petition for Partial Cancellation

Like Respondent, Petitioner sells its PATHFINDER goods into automotive dealerships. Grass Decl. ¶ 6; Ex. C, Declaration of Sharon A. Ceresnie, ¶ 3 ("Ceresnie Decl."). Petitioner applied to register the mark PATHFINDER with the USPTO on September 13, 2005, Serial No. 78/711,754, in connection with "computer software for electronic vehicle diagnosis" which was published for opposition on June 6, 2006 ("Petitioner's Application"). *See* Ex. D,

Petitioner's PATHFINDER Application. On October 6, 2006, Respondent filed a Notice of Opposition against Petitioner's Application based on a likelihood of confusion with the Registered PATHFINDER® Mark, in part based on the fact that both parties' electronic and computer-related products are intended for use and are sold in the automotive industry. *See* Ex. E, Respondent's Notice of Opposition, ¶ 6.

On November 14, 2006, Petitioner filed its Petition for Partial Cancellation under Section 18 of the Lanham Act, 15 U.S.C. §1068, seeking a partial cancellation or restriction of Respondent's PATHFINDER® mark by amending the description of goods to add the following limitation: "used to design and manufacture labels, tags and other price indicia." *See* Ex. F, Petitioner's Petition for Partial Cancellation, ¶ 4. Petitioner's sole support for its Petition is its unsubstantiated claim that Respondent's electronic products are limited to products "that design and manufacture tickets, labels and tags for retail product identification," and that the proposed restriction would avoid a likelihood of confusion with Petitioner's applied-for PATHFINDER mark. *See id.*

II. ARGUMENT

Summary judgment is appropriate where, as here, "there is no genuine issue as to any material fact and ... the moving party is entitled to summary judgment as a matter of law." Fed. R. Civ. Pro. 56(c); *see also Octocom Systems, Inc. v. Houston Computer Science, Inc.*, 918 F.2d 937, 940-41 (Fed. Cir. 1990). Summary judgment "is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed to secure the just, speedy and inexpensive determination of every action. *Celotex Corp. v. Cattrett*, 477 U.S. 317, 327 (1986).

Put a different way, the purpose of summary judgment is one of judicial economy, to avoid a trial where no genuine issue of material fact remains and additional evidence

presented in connection with the motion would not be reasonably expected to change the result. *See Pure Gold, Inc. v. Syntyex (U.S.A.) Inc.*, 739 F.2d 624, 626 (Fed. Cir. 1984). Where the nonmoving party does not present proof of a factual dispute on an essential element, summary judgment should be entered against it. *Anderson v. Liberty Lobby*, 477 U.S. 242, 249 (1986).

In order to restrict a registration under Section 18 of the Lanham Act, 15 U.S.C. §1068, a petitioner must prove "(i) the entry of a proposed restriction to the goods and services in its opponent's application or registration will avoid a finding of likelihood of confusion and (ii) the opponent is not using its mark on those goods and services that will be effectively excluded from the ... registration if the proposed restriction is entered." *Eurostar Inc. v. "Euro-Star" Reitmoden GmbH & Co. KG*, 34 U.S.P.Q. 2d 1266, 1270 (TTAB 1995).

Here, Petitioner simply failed to do its homework before commencing this proceeding. Contrary to its assertion, the undisputed evidence in this proceeding demonstrates that the product line Respondent sells, offers for sale, advertises and promotes under the Registered PATHFINDER® Mark is not limited solely to price-marking uses. Rather, Respondent's products sold under the Registered PATHFINDER® Mark have expansive applications and are used in a variety of industries, including the automotive parts industry in which Petitioner is active. Because Respondent's goods are not limited as Petitioner asserts, Respondent is entitled to entry of summary judgment in its favor. For the same reason, Petitioner will be unable to avoid a finding in the pending opposition proceeding that confusion is likely between Petitioner's applied-for PATHFINDER mark and the Registered PATHFINDER® Mark.

III. CONCLUSION

There exists no genuine issue as to any material fact concerning the products sold by Respondent under the Registered PATHFINDER® Mark. Because the evidence of record

clearly establishes there is no support for Petitioner's claim that Respondent does not use the Registered PATHFINDER® Mark for all of the goods described in the Registration, Respondent respectfully requests that the Board grant Respondent's motion for summary judgment and enter judgment in favor of Respondent in these proceedings.

Dated: December 14, 2006

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP


By: 

Brett A. August
Sharon A. Ceresnie
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sharon A. Ceresnie, an attorney for Paxar Americas, Inc., hereby certify that a copy of **ANSWER TO PETITION FOR PARTIAL CANCELLATION; RESPONDENT'S MOTION FOR SUMMARY JUDGMENT** and **RESPONDENT'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT** was served upon John H. Weber, Esq., Baker & Hostetler LLP, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304, by first-class mail, on this 14th day of December, 2006, postage prepaid.



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(LAST LISTED OWNER) PAXAR AMERICAS, INC. CORPORATION BY CHANGE OF NAME DELAWARE 170 MONARCH LANE MIAMISBURG OHIO 45342

Assignment Recorded ASSIGNMENT RECORDED**Attorney of Record** JOSEPH J GRASS**Prior Registrations** 0385845;1358023;1582260;1642307;1714900;1715078;1732980;1740260;1985834; 1987268;AND OTHERS

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

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7

5. Many industries have used Registrant's PATHFINDER® products for item identification and tracking. These include but are not limited to automobile parts departments, the United States Postal Service, hospitals, and warehouses that stock retail goods. For example, attached hereto as Exhibit 3 is a true and correct copy of a product brochure that shows a PATHFINDER® labeler being used to code automobile headlamps; and Exhibit 1 shows a PATHFINDER® unit being used to code an automotive shock absorber.

6. Registrant's PATHFINDER® products have been particularly well distributed since 1998 to automotive parts dealers. See, for example, the brochure published by a reseller of PATHFINDER® equipment, Reynolds & Reynolds, that appears on its website at http://www.reyrey.com/for_customers/solutions/fixed_ops/PartsBarcoding/brochure.pdf. For ease of review, a true and correct print-out of that brochure is attached hereto as Exhibit 4. On Reynolds' website, their business is described as follows:

The Reynolds and Reynolds Company delivers information technology, software solutions, and professional services that support every aspect of automotive retailing. We are in the business of helping automobile dealers sell cars and take care of customers. Our leadership is built on deep automotive industry experience, technological knowledge, and the unique ability to bring both together in solutions that connect car companies, automobile retailers, and consumers.

Reynolds & Reynolds has purchased hundreds of thousands of dollars worth of Registrant's PATHFINDER® products for resale into the automotive sector.

7. From the outset, Registrant has promoted and sold its PATHFINDER® units for purposes other than price marking. As an illustration of this, attached as Exhibit 5 is a true and correct copy of a promotional piece that bears a 1985 copyright notice that addresses material management applications only. It reads in relevant part: "With the Pathfinder on-line to your inventory system, the need for separate materials counting and checking is eliminated. Data

server, and organize that information on the server for purposes such as tracking inventory levels.

4. Registrant's PATHFINDER® system is also used to track product movement from receipt of materials through inventory and manufacturing to shipping. More precisely, Registrant's PATHFINDER® product line is for applications that include but are not limited to the following:

- ▶ vendor marking
- ▶ shipping and receiving
- ▶ inventory control
- ▶ work in process
- ▶ traffic
- ▶ warehousing
- ▶ distribution
- ▶ packing/box-end labeling
- ▶ government and defense contracting
- ▶ capital asset tracking
- ▶ bin labeling/shelf labeling
- ▶ tracking patient charges
- ▶ tracking employees
- ▶ document tracking
- ▶ food and drug identification and date coding
- ▶ quality control marking
- ▶ federal regulations labeling
- ▶ repackaging from bulk shipments

Attached hereto as Exhibits 1 and 2 are true and correct copies of product brochures distributed commercially by Registrant that describe some of these uses.

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SPX CORPORATION,)	
)	
Petitioner,)	
)	
v.	)	Cancellation No. 92046656
)	
PAXAR AMERICAS, INC.,	)	Registration No. 2,163,332
	)	Mark: PATHFINDER
Registrant.)	

DECLARATION OF JOSEPH J. GRASS

In accordance with 28 U.S.C. § 1746, I, Joseph J. Grass, declare as follows:

1. I am counsel to Registrant, Paxar Americas, Inc., formerly known as Monarch Marking Systems, Inc. From 1970 to until my retirement in 1999, I was employed by Registrant as its Patent Counsel, and since then I have continued my relationship with Paxar on a contract basis.

2. I have personal knowledge of the facts stated herein and could, if called as a witness, testify competently with regard to them.

3. Registrant's PATHFINDER® product line is designed, sold and used for purposes much broader than the design and manufacture of labels, tags and other price-marking indicia. A primary use is for item identification and tracking, which utilizes the product line's ability to create bar-code labels with information such as part numbers and lot numbers, scan labels in remote locations in a stock room or warehouse, transmit the scanned information wirelessly to a

downloaded to the Pathfinder is reconciled in the computer against items actually marked, giving you an accurate, updated inventory record."

8. A particularly good illustration of the industrial, non-price-marking uses of the PATHFINDER® equipment is shown in Exhibit 6, which is a true and correct copy of a brochure that was targeted to an early-adopter of the PATHFINDER® system: the United States Postal Service. On page 3 of that brochure is a five-step flowchart that shows how bundles of mail can be labeled, sorted, grouped under an Air Contract Transportation tag, stacked and later identified in the event of damage, all using Registrant's PATHFINDER® system. Another good flow-chart that illustrates the various uses of PATHFINDER® products is Exhibit 7, a true and correct copy of a brochure entitled "DC Logistics Applications." The flowchart on page 2 of that brochure shows how the PATHFINDER® system can be used to label and track merchandise in and out of its packaging at all steps in the distribution chain.

9. It is important to understand that the PATHFINDER® product line includes many components, some of which may be bundled into a single unit or sold and used separately. PATHFINDER® handsets include a computer, a scanner, programmable software, a transceiver and a printer. This can be seen in brochures such as the true and copy attached hereto as Exhibit 8 that describes a PATHFINDER® hand-held unit as "a fast-processing, handheld PC, thermal printer and laser scanner, rolled into one!" The true and correct copy of the brochure attached hereto as Exhibit 9 shows that many commonly-used software programs can be loaded into a PATHFINDER® hand-held unit, including Microsoft Word and even Explorer Internet browser, which appear on the hand-held screen in much the same manner as on any computer screen.

And even custom computer programs are available from Registrant, as shown in the web brochure a true and correct copy of which is attached hereto as Exhibit 10.

10. Software and hardware options are described in brochures such as the true and correct copies attached hereto as Exhibits 11 and 12. Exhibit 12 describes printer utilities for a variety of PATHFINDER® models, such as 6030™, 6032™, 6035™, 6037™, and 6039™. Other peripheral accessories include power base units, power module chargers, leather holsters and wall chargers described in the brochure a true and correct copy of which is attached hereto as Exhibit 13.

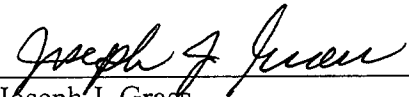
11. The success of the PATHFINDER® system for tasks other than price-marking is reflected in the good press it has received over the years. For example, attached as Exhibit 14 is a true and correct copy of an article that appeared in the publication "Automatic I.D. News" issue of March 1988 which describes PATHFINDER® products used by Mr. Gasket, a Cleveland-based manufacturer of specialty gaskets for high-performance cars. Attached as Exhibit 15 is a true and correct copy of an article that appeared in the October 31, 1988, issue of the "Focus" newsletter put out by the organizers of the Scan-Tech trade show. It explains how a PATHFINDER® printer was used as part of a system to detect defects during the assembly of printed circuit boards. Exhibit 16 includes a true and correct copy of an article that appeared in the August 10, 1987, issue of Traffic World Weekly, which highlights use of Registrant's PATHFINDER® products by the transportation and air-freight industry. Exhibit 17 is a true and correct copy of an article that appeared in the September 1989 issue of *IDSystems* which explains how Lazarus Department Stores, a division of Federated, successfully consolidated seven distribution centers into one with the help of PATHFINDER® bar-code equipment:

Attached as Exhibit 18 is a true and correct copy of another article that describes how Lazarus Department Stores was able to use PATHFINDER® technology to automate its massive distribution center.

12. Registrant's PATHFINDER® mark has been used continuously since 1984 for the full range of goods described in Registration No. 2163332. Even though some of the promotional pieces that are attached as exhibits to this Declaration were prepared some time ago, the varied uses of Registrant's PATHFINDER® mark and the industries in which they are used continue to be at least as extensive as those indicated in the attached promotional pieces.

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

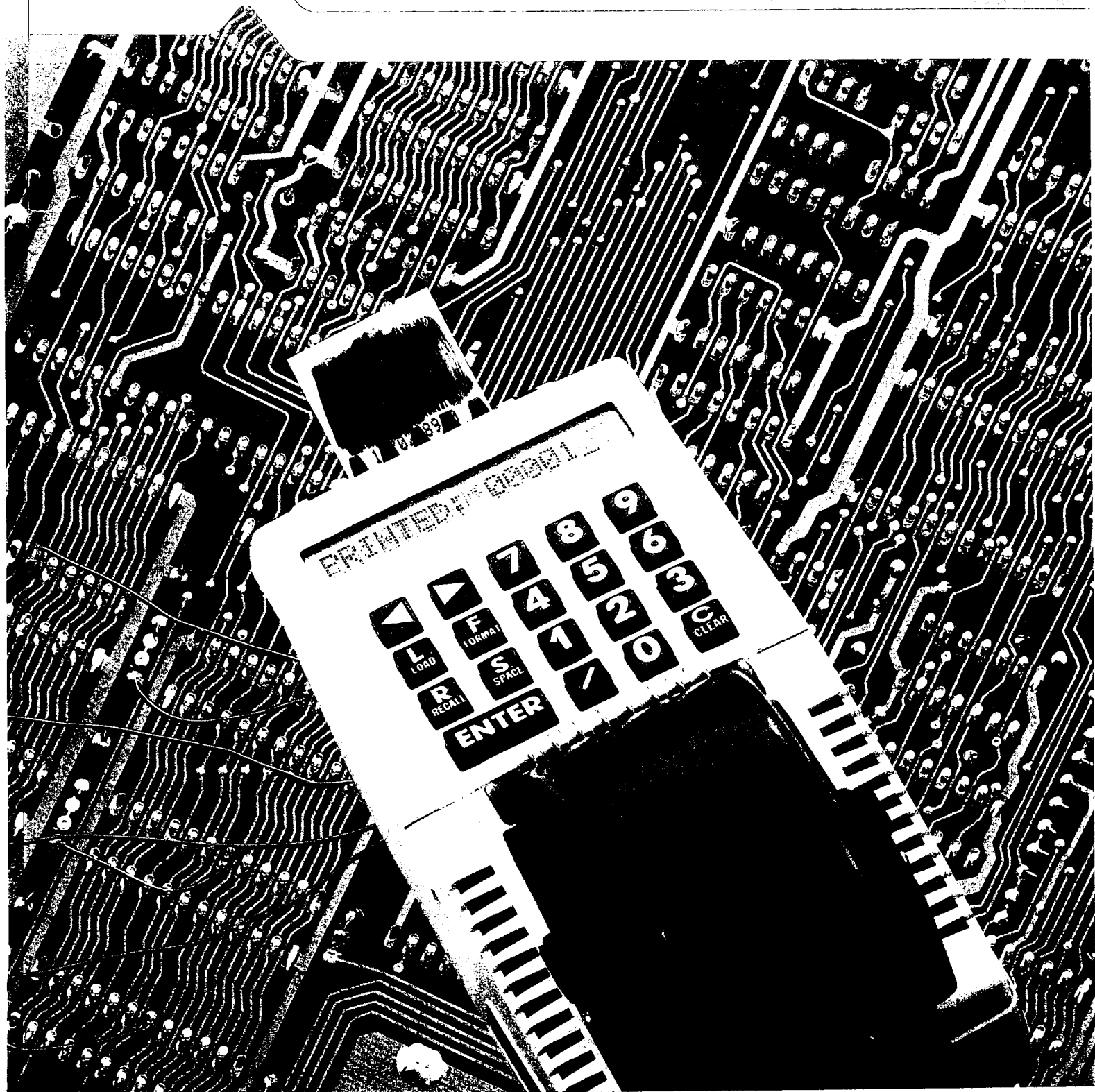
Executed at Miamisburg, Ohio, on December 11, 2006.



Joseph J. Grass

Monarch Marking
A Pitney Bowes Company

Monarch Pathfinder[®]
Industrial Labelers



Computer Accuracy In The Palm Of Your Hand

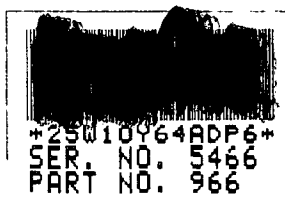
The Pathfinder® labeler, a fully portable microprocessor-controlled labeler, produces both bar codes and human-readable information—part numbers, lot numbers or other variable information. It gives you the data accuracy and integrity of a stationary printer with the productivity of a hand-held labeler.

Prints Data In Both Bar Codes and Human-Readable Characters

The Pathfinder labeler produces Code 39, UPC, Interleaved 2 of 5 and human-readable information. Ten fixed formats and eight user-configurable formats are also available.

Accurate, Dependable Information Control

You can use the Pathfinder labeler for item identification to help monitor product movement from receipt of materials through inventory and manufacturing to shipping. You can print bar codes and human-readable information and apply the labels within seconds. And extensive use has shown the Pathfinder label scannability rate to be excellent on the first pass—speeding data transactions and eliminating costly errors.

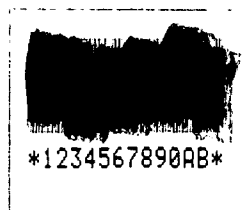


12 characters of Code 39
with 2 lines of human-readable data

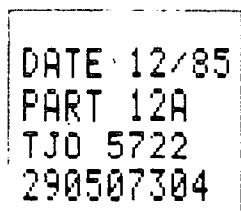
Portability ... Productivity

The Pathfinder labeler is a one-step operation: it goes to the items to be labeled—on the production line or in the warehouse. Now there is no need to print labels in one location and carry them to another area for marking.

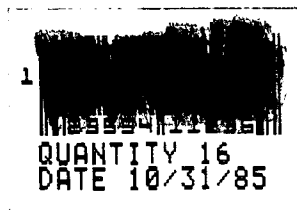
Productivity research by human factors specialists, Hammond Associates, Cincinnati, Ohio, has concluded that the Pathfinder labeler is twice as productive as a stationary printer in typical work-processing areas. In comparison tests against tabletop thermal printers, the Pathfinder labeler has been proven three times as efficient in marking products. The Pathfinder labeler eliminates queuing time waiting on the printer and eliminates the walk time to and from a central, stationary printer.



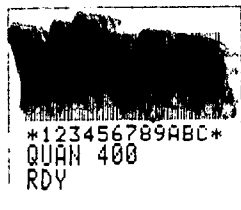
12 characters of high density DENSPAK Code 39



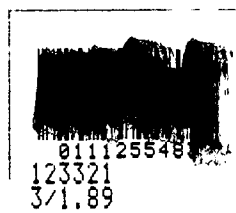
4 lines of human-readable data



12 characters of UPC-A with 2 lines of human-readable data



DENSPAK Code 39 with 2 lines of human-readable data



10 digits of Interleaved 2 of 5 with 2 lines of human-readable data



YES! PLEASE send me free brochure on Monarch Marking's
products. I understand there is no obligation.

Name _____ Title _____
Company _____ Annual label usage? _____
Address _____
City _____ State _____ Zip _____

© 1988 Monarch Marking Systems, Inc. All rights reserved.

Monarch Marking A Pitney Bowes Company

Nationwide service from 140 locations
All Monarch Marking products are warranted and backed by our responsive, factory-trained service technician located in 140 cities, coast to coast. When you work with Monarch, regular maintenance and trouble-shooting are just a phone call away!

The mark of reliability
When you purchase Monarch Marking's Pathfinder printer, you get more than a machine. We're there to get you up and running smoothly, and on call when you need us to reorder supplies. Your Monarch Marking Application Specialist will walk you through the system specs and operating recommendations, step by step. And our technical specialists are just a toll-free call away.

BULK RATE
U.S. POSTAGE
PAID
DAYTON, OHIO
PERMIT NO. 723



Printed in U.S.A.

Increased on-line capabilities, more label options, lower price!

Free brochure shows how you can get it all with the new Pathfinder 6080™ printer

If you're looking for versatility, flexibility and efficiency in a marking system, look to our new Pathfinder printer—an entire new class of portable printers packed with more features to boost productivity and cut costs.

A breakthrough in design and manufacturing has increased on-line capabilities and labeling options while it lowered the price of the unit!

You can read all about these innovative, productivity-building printers in a FREE informative brochure we've prepared for you. Just send the attached postage-paid reply card for your copy.

The advanced class

The Pathfinder 6080 printer features:

- Variable length labels, from .55" up to 4 inches long.
- Code 128 Subset C numeric printing with "double density".
- MSI (Modified Plessey) Code.
- 90-degree rotation of bar codes and fonts.
- Tag and label printing.
- Numeric standard font.
- Fewer moving parts for greater reliability and improved serviceability.
- Lightweight and portable—only 33 ounces.
- Bar code printing capability—UPC-A, UPC-E, Code 39, Code 128, MSI, EAN-8, EAN-13, EAN + 5, Interleaved 2 of 5, and CODABAR.
- Meets industry specs: UCC, HIBC, AIAG, VICS, TALC and LOGMARS.
- Accepts data from a scanner, keyboard or RS-232 serial interface into an internal 176K memory.

- Store and forward capabilities—store up to 2,900 records in the database now for uploading to the host computer later.
- More than 60 customer-configurable formats.

Capture data and keep it

The unique store and forward function of the Pathfinder printer improves quality and productivity because accurate data is collected and stored as labels are printed. Label information is also captured and stored for substitutions, back orders or changes in inventory.

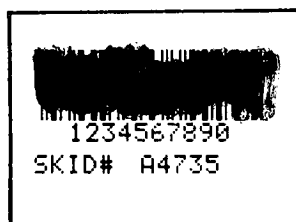
Four versions fit any need

Four versions of the Pathfinder printer were designed to fit any industrial labeling requirement:

- Fixed format Pathfinder printer offers several different label formats that are permanently stored in memory.
- Configurable, on-line, low memory Pathfinder printer lets you create and store custom label formats to your own specifications and use the on-line capabilities.



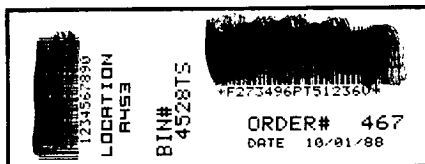
Part ID Label—1.5" x .55"



Standard Label—1.5" x 1.1"



Carton Label—1.5" x 2.5"



Custom Label—1.5" x 4"

- Configurable, on-line, high memory Pathfinder Printer produces a 2.5" label.
- Configurable, on-line, high memory Pathfinder Printer combines the best of all functions to print a 4" label.

Labels limited only by your imagination!

The Advanced Class Pathfinder Printer offers a wide variety of thermal labels to meet virtually any need.

- A narrow length label .55" ideal for small items—everything from circuit boards to pharmaceuticals.
- A standard width label 1.5" long for medium-sized items—everything from shock absorbers to tablecloths.
- A long label from 2.5" to 4" long for everything from shelf or bin labels to carton or box end labels.

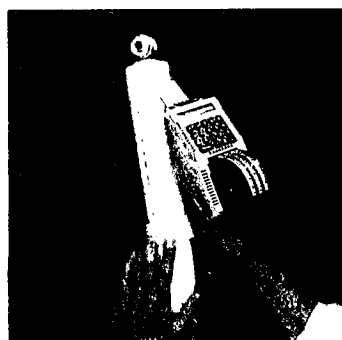
Applications as broad as the marketplace

- Vendor Marking—UPC
- Shipping and receiving
- Inventory control
- Work in process
- Traffic
- Warehousing
- Distribution
- Packaging/box end labeling
- Government and defense contractors
- Capital asset tracking
- Bin labeling/shelf labeling
- Patient charge
- Product identification
- Document tracking
- Food and drug identification and date coding
- Quality control
- Federal regulations labeling
- Repackaging from bulk shipments

FREE brochure tells more!

When you mail the postage-paid reply card, we'll rush you a FREE color brochure that you can use to help evaluate which printer and options are right for you. The brochure includes complete product specifications and label samples—so send the card for your copy today. There's no obligation, of course.

Hassle-free labeling? FREE BROCHURE shows how to get it! Mail this card for your copy!



BUSINESS REPLY MAIL

FIRST CLASS

PERMIT NO. 720

DAYTON, OHIO

POSTAGE WILL BE PAID BY ADDRESSEE



Monarch Marking

A Pitney Bowes Company

Dept. ISD-PP

P.O. Box 608

Dayton, Ohio 45401-9968

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

Simple To Operate

Clear, concise prompts on the data display screen lead the operator line-by-line through data entry. To begin marking, the operator simply enters information on the calculator-like key pad. Fixed format programming prevents the operator from exceeding specified field lengths, and with user-configurable programming, the operator can specify not only field lengths, but special graphic symbols as well. Furthermore, "error" tones sound to prevent entry of alpha characters into numeric-only fields, making data entry virtually mistake-proof.

On-Line Operation

Computerized Labeling Integrated With Manufacturing Systems

Used on-line, the Pathfinder labeler provides the item identification function so important to effective MRP (Material Requirement Planning), JIT (Just In Time), and Purchase Order Management. The Pathfinder labeler can be interfaced with your computer system to receive and send data.

Specialized Thermal Supplies

Special thermal paper supplies have been designed by the Monarch Research and Development Center for use in the Pathfinder labeler to assure clear character/line definition and high scannability rate. In addition, two-layer, "piggyback" labels and vinyl-coated labels are available to address special customer needs.

Scanning

Scanners are made with several different light sources. Thermal printing is near the middle of the visible range and requires a scanner emitting a light within the B633 spectral band (633 nanometers). Most visible light scanners can be adjusted to meet this specification.

6053 Pathfinder Labeler

Key Features:

- 12 usable (standard density) characters of Code 39
- 1½" wide labels
- 8 user-configurable formats
- Scanner Interface
- On-line capability
- Upgradable with expanded memory

Future Releases To Include:

- 2.2" and 3.3" feed length options
- Power applying module
- Sequential bar code numbering
- Real Time Day/Date function
- Storage for up to 200 label formats
- 90° printing
- Printed label count

6042 Pathfinder Labeler/6042 DENSIPAK Code 39

Key Features:

- Ten fixed label formats
- All popular bar code formats available
- Code 39 available in both standard and high density (5 and 12 usable characters)
- On-line capability



Technical Support Service

Installation Support

Monarch's technical specialists and service representatives will provide installation support: assisting with personnel training, operating recommendations and conversion to on-line operation when needed.

Built-in Diagnostics

When service is required, a set of built-in diagnostics will lead the service technician through essential operation checks. Monarch, through its factory-trained service representatives, takes direct responsibility for the Pathfinder labeler's satisfactory operation.

Specifications

WEIGHT:

26 oz. (728 grams)

POWER SOURCES:

12V; rechargeable 16 hours; 2 power modules (handles) standard
AC Power: Optional hard-wired AC power handles are available

PRINTING:

Thermal print head (with thermal coated paper — no ribbon required)

DISPLAY:

16-character alphanumeric liquid crystal display

KEYBOARD:

19-key calculator style with double-sized entry key

MEMORY:

Up to 32K RAM

LABEL FORMATS:

Ten standard formats on the 6042 Series and eight user-configurable formats on the 6053 Pathfinder labeler are available, including Code 39, UPC, EAN-8, EAN-13, Interleaved 2 of 5, human-readable information and consecutive numbering. Check digit verification or generation is standard.

LABELS:

1.1" x 1.2" wide, and 1.1" x 1.5" wide;
1000 labels/roll (28 mm x 30.5 mm)

ON-LINE:

On-line capability — via RS-232C interface. See your Monarch representative for detailed specifications.

Warranty

All machine models of the 6040/6053 Series are warranted to be free from defects in materials and workmanship for 90 days from the date of shipment to the purchaser. Monarch further warrants the satisfactory operation of these machines during the warranty period, unless the machine is damaged by accident, abuse, or violence, or the purchaser uses other than the standard supplies furnished by or meeting the specifications of Monarch, or the machine is operated or maintained contrary to instructions provided by Monarch.

For more information on the Pathfinder labeler, write Monarch Marking, P.O. Box #608, Dayton, Ohio 45401. (In Canada: 895 Brock Road, Pickering, Ontario L1W 3C1)

CALL TOLL FREE: 800-231-8800
Our phones are open 24 hours every day.

In Canada Call: 800-263-4650.

Monarch: The Leader In Materials Marking And Control



Monarch Marking

A Pitney Bowes Company

On-Track With The Pathfinder® Labeler

Internal Tracking Systems become more efficient — and accurate — when combined with Monarch's portable, electronic 6053 Pathfinder labeler.

It lets you imprint and apply bar code labels, including sequentially numbered codes, for work-in-process, item location and inventory quantities. Thermal printing on a unique synthetic material insures crisp bar codes and a high scannability rate.

Save Time and Increase Accuracy

Pathfinder labels are printed with data downloaded from your PC's purchase order or inventory file, saving key entry time and giving you the accuracy of a computer printer. After marking, information is then uploaded to update computer records.

Monarch's 6053 Pathfinder labeler: on track with on-line accuracy. For more information, write: Monarch Marking, Dept. #8, P.O. Box 308, Dayton, Ohio 45401-9968.

Call TOLL FREE: 800-243-4015

Our phones are open 24 hours every day.

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PART NO. 966

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QUANTITY 16
DATE 10/31/85

Monarch: The Leader In Materials Marking & Control

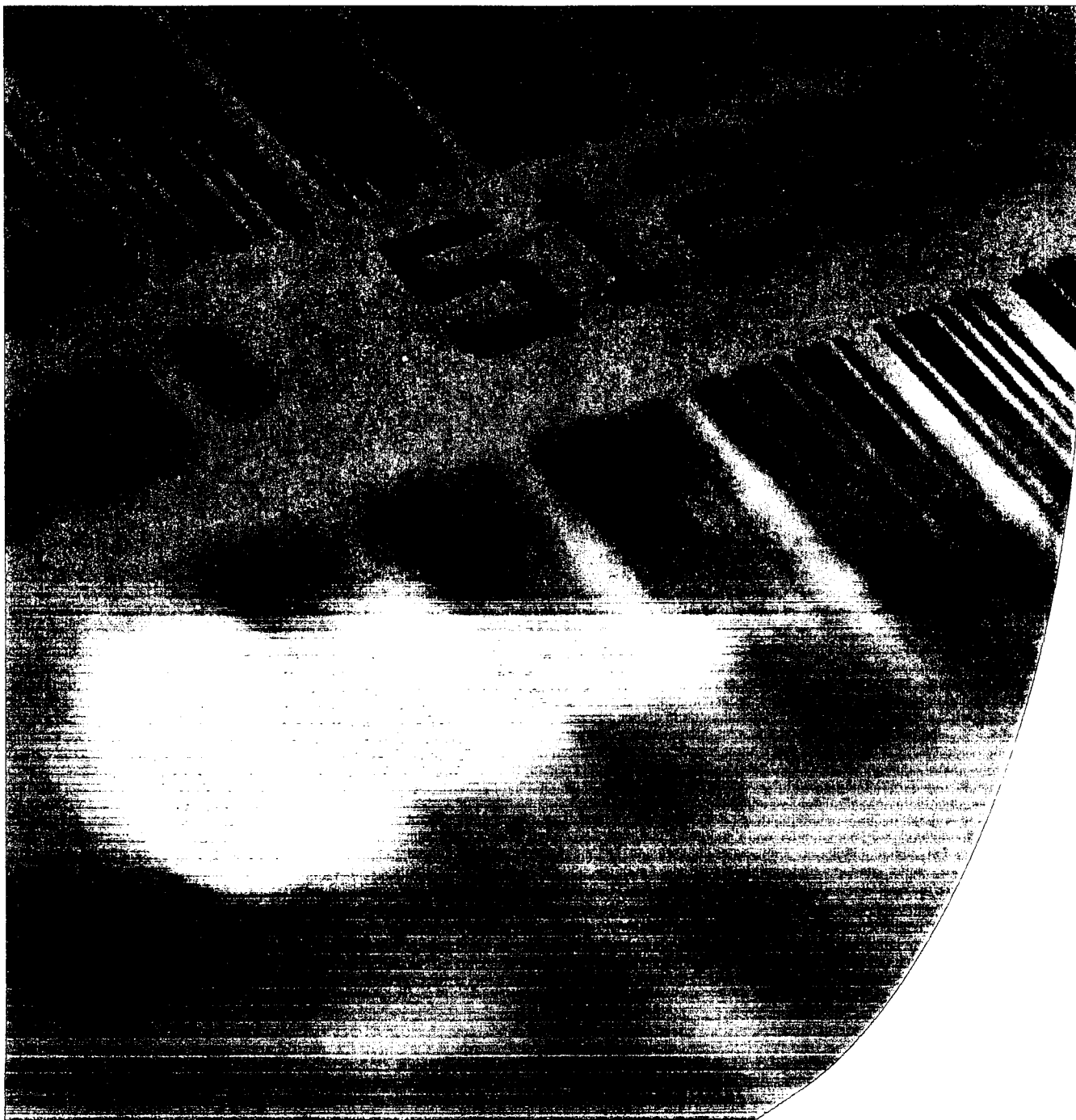


Monarch Marking

A Pitney Bowes Company

PARTS BARCODING SOLUTIONS

Inventory Management And Point of Sale Systems For Laser-Accurate Inventory.



Power Summary

Reynolds Parts Barcoding Solutions are electronic parts bar coding systems for inventory control and point of sale that are fully integrated with your REYNOLDSYSTEM™, unlike hostile interfaces from non-certified non-Reynolds vendors. The lightweight, portable scanners can read virtually any auto-industry standard bar code format.

Accuracy.

Eliminate manual data-entry errors and improve inventory accuracy with the ability to quickly and easily complete physical and cyclical inventories.

Speed.

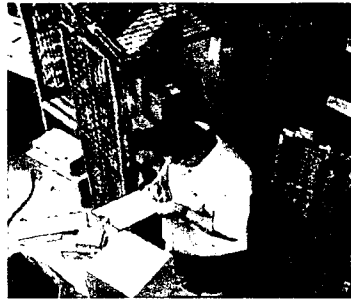
Cut receiving and inventory time up to 50% by eliminating time-consuming manual processes.

Integration.

Increase productivity through seamless data sharing with your REYNOLDSYSTEM.

Savings.

Enhance the bottom line by cutting costs for manual labor especially during physical inventories, by up to 50%.



Do you ever feel like the check-out guy at the grocery store has better tools than your parts department?

He does if he's using a bar code scanner. When you're at the grocery store, it takes the cashier less than a second to scan each of your purchases. The scanner does all the work, so you get in and out of the supermarket faster—and your order is rung up more accurately.

So why are some parts departments still entering part numbers the old way—by hand? Once, bar code scanning was an expensive high-tech luxury. Now it's a *necessity* for forward-thinking fixed operations managers who care about high productivity and higher CSI.

With Inventory Management and Point of Sale Parts Barcoding Solutions from Reynolds, you can say good-bye to keyboarding mistakes and farewell to a low-tech image.

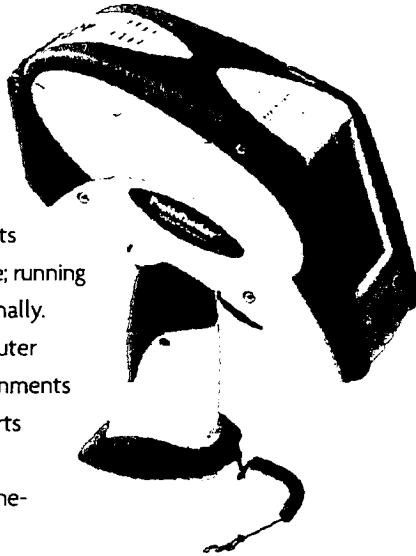
Your parts department can be one of your most important profit centers—if your staff isn't bogged down by tedious, error-prone manual processes. Reynolds Parts Barcoding Solutions help your parts department reduce the amount of time it takes to process a customer invoice, receipt parts, and perform parts inventory. A parts counterperson can scan a bar code in 50% less time than it takes to enter it by hand—and bar code scanning virtually eliminates data entry mistakes. In fact, bar code scanning is 10,000 times more accurate—an average scanner will make one error for every three million characters. A good human keyboarder makes one error every 300 characters.



Inventory Management

- Reduce parts receipting up to 50%
- Reduce inventory time and costs up to 50%
- Reduce labor costs—less overtime and weekend work
- Increase revenues by getting parts to technicians and wholesale customers faster
- Laser accuracy for tighter inventory control

- Wireless Operation: Scans and updates your parts inventory in near real-time—making sure there are no delays for your retail counter or your service department. The accuracy keeps your parts department 100% mobile; running smoothly and professionally.
- Rugged handheld computer withstands harsh environments making it perfect for parts departments
- Compact, lightweight one-hand scanning
- Easy-to-use alphanumeric keypad
- Large, easy-to-read display screen
- Uses Monarch® Ultra Platinum 6039 scanner



- Automatically prints labels for special orders
- Allows you to easily print labels for unlabeled parts and bulk parts
- Gives you the ability to create a scan board that can be used to eliminate keystrokes



Point of Sale

- Save up to 50% of time in entering parts information
- Increase service revenues by getting parts to technicians faster
- Eliminates virtually all data entry errors
- Faster and more accurate invoice processing for improved customer service
- Works in both wholesale and retail transactions at the front and back counters
- Operates on the same terminals with Electronic Parts Catalog*

*Does not work on x-terminals

Point of Sale

- Sleek, lightweight, ergonomic design is perfectly balanced to minimize operator strain while maximizing comfort
- Highly visible scan line provides simple aiming, while the curved rubber nose makes it easy to orient the scan beam
- Automatically translates Ford Motorcraft and GM ACDelco parts codes
- Uses Symbol® 2208 Cobra Series Scanner



For more information about Parts Barcoding Solutions, call 1-800-767-7879.



One More Reason To Consult Monarch . . .

In-Hand Computer Accuracy On-Site

Now, assured data integrity in a portable label printer . . . Monarch's on-line Pathfinder® printer communicates with your computer —mainframe, mini or PC — to combine the data accuracy of a tabletop controlled printer with the productivity of a handheld labeler.

With the Pathfinder on-line to your inventory system, the need for separate materials counting and checking is eliminated. Data downloaded to the Pathfinder is reconciled in the computer

against items actually marked, giving you an accurate, updated inventory record. This saves time and labor in warehouses responsible for large amounts of inventory.

The portable Pathfinder goes where you need it — with no cords attached — to thermally print bar codes, plus human readable information.

Test the Pathfinder printer in your operation; it will give you on-line accuracy in the palm of your hand. For more information about the Pathfinder write Monarch Marking Systems, Dept. #3, P.O. Box 608, Dayton, Ohio 45401.

Call TOLL FREE: 800-231-8800
Our phones are open 24 hours a day.



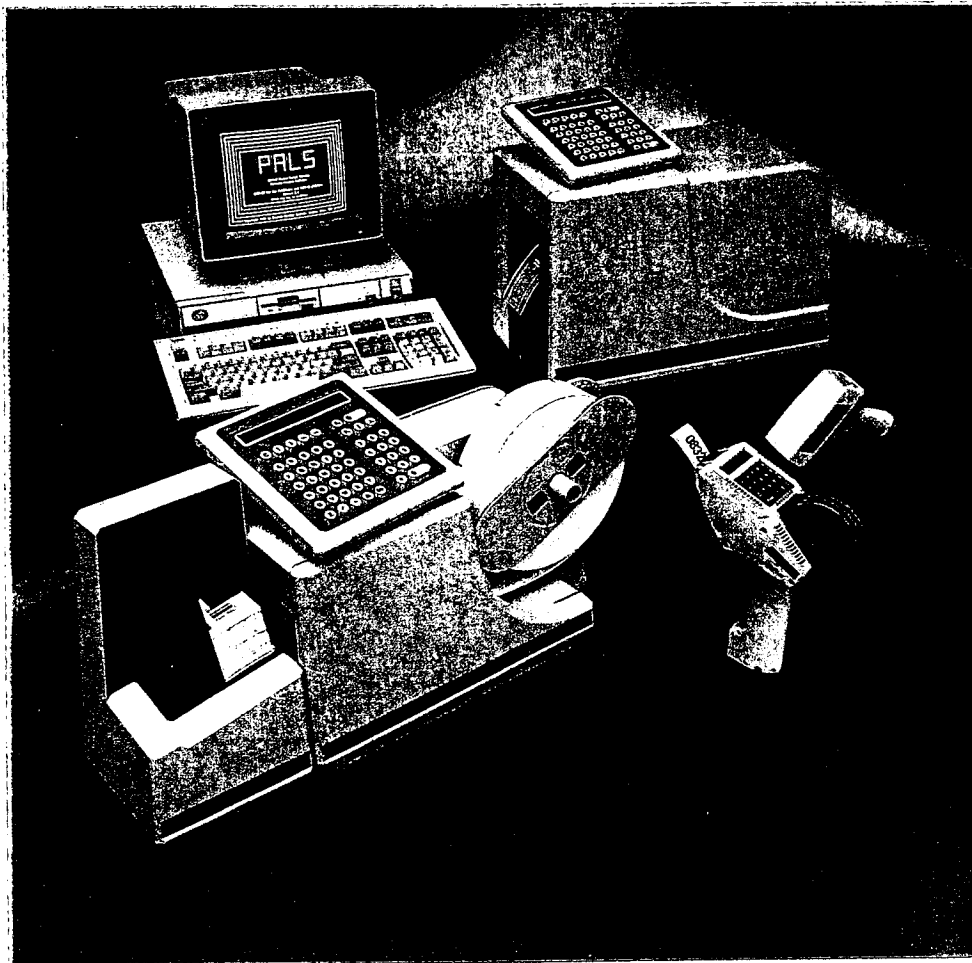
Monarch: The Leader In Material Management



Monarch Marking

A Pitney Bowes Company

*Bar Code Labeling Solutions
For the United States Postal Service*



Bar Code Labeling Systems



Here at the Bar Code Sorter, the Monarch 9425™ printer and 920™ stacker produce initial sets of tray tags—printed, cut and stacked in sort plan order—plus extra tray tags to fill out the sort plan as needed.

Company Background

Monarch Marking Systems, a Pitney Bowes company, is a century-old manufacturer of:

- Portable and tabletop bar code printing systems and printer-applicators
- Application software
- Data collection systems including terminals, scanners and wedge readers
- Handheld, mechanical labelers
- Labels, tags and ribbons
- Ink and adhesives
- Meter tape and rollers

With products designed and built in the U.S.A., Monarch experts have interfaced, installed and serviced more than 100,000 bar code printing systems all over the world—including dozens of USPS mail processing facilities, bulk mail centers and air mail facilities, coast to coast.

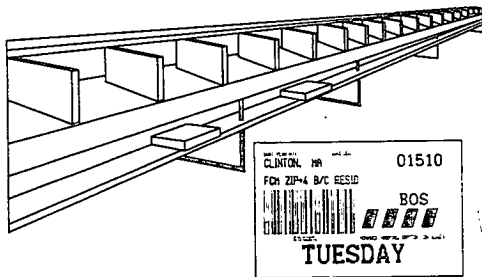
Our printers are on-line to the USPS On-Demand Labeling System (ODLS/Passport) and Monarch's own USPS Postal Automated Labeling System (PALS).

System Benefits

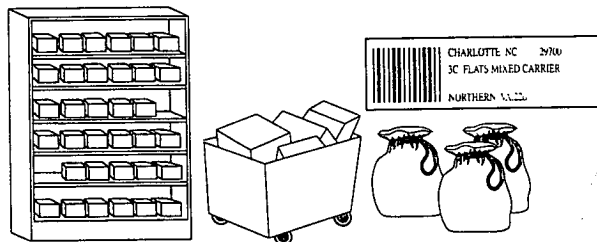
USPS customers now using Monarch bar code printing systems report the following benefits:

- Labor savings because set-up time is reduced and handwritten tags are eliminated
- Cost savings through elimination of preprinted tags, improved inventory control and reduced paperwork
- Increased accuracy because the right tag is selected every time
- Reduced errors, improving mail handling and sorting
- More convenience by eliminating steps, saving time and simplifying supplies ordering
- Increased image because now tags and labels are clear and crisp, with easy-to-read bar codes and alphanumerics
- Increased flexibility with tabletop or portable printers that go where printing is required
- Peace-of-mind performance because our products are backed by the industry's leading service organization. In addition to on-site help, Monarch offers toll-free technical support and customer service.

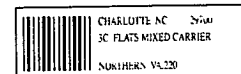
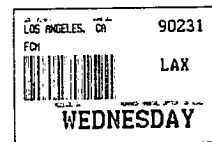
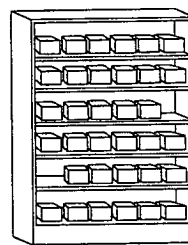
System Flowchart



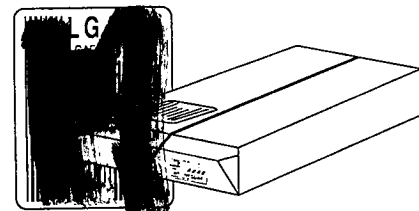
2. At the **Bar Code Sorter**, bar coded tray tags are printed on-line or on-demand, then cut and stacked in sort plan order using the 9425 printer and 920 stacker. Fill-in tags are printed on the spot with the **PATHFINDER® 6080™** portable printer. The 9425 or 9401® tabletop and **PATHFINDER** portable printers print secondary tray tags, making route changes immediate and efficient.



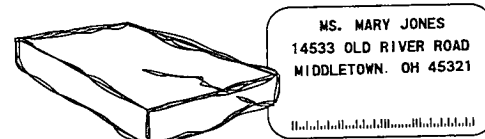
4. Sack tags are printed, cut and stacked in order automatically.



1. In the **Label Room**, tray and sack tags are printed on the high-speed 9445™ printer, cut and then stacked on the 925™ stacker in sort plan order.



3. At the **ACT Tag Station**, bar coded tray tags are scanned and the Monarch 9445 printer produces an Air Contract Transportation (ACT) tag, peeled and ready to apply to cardboard trays or plastic tubs. For high-volume needs, a 1460™ printer-applicator can automatically print and apply ACT tags to mail trays moving down a conveyor at 150 feet per minute!



5. Damaged mail is handled quickly and efficiently by keying in address information and printing an address label on the POSTNET-certified 9446 printer.

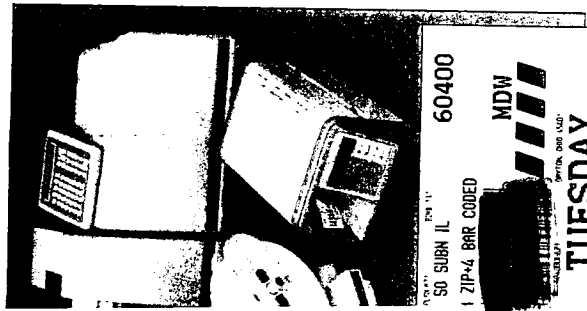
From label room to the front door, Monarch's integrated bar code printing and scanning systems help you automate mail movement and reduce errors.

Match the Right Printing System to Your Needs

The first step in planning a labeling project is to determine what you need to accomplish.
The second step is to select the printing system matched to your exact needs.

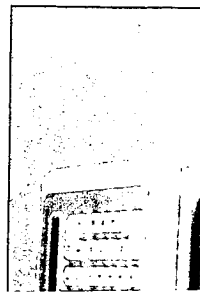
Labeling Requirements	System and Software Solution		
	ODLS SOFTWARE	MONARCH PALS (2099-3B) SOFTWARE	MONARCH® PLATFORM™/ 2095® SOFTWARE
Tray Tags			
In collated sets	9445-2K, 9425-2K	9445-1A, 9425-1A, 6080-ZM	—
In batches	—	9445-1A, 9425-1A	9445-1A, 9425-1A
Extras as needed	9425-2K, 9401-R9	9425-1A, 6080-ZM	9425-1A
Sack Tags			
In batches or extras	9445-2K, 9425-2K, 9401-R9	9445-1A, 9425-1A	9445-1A, 9425-1A
ACT Tags	—	9445-2E with scanner adapter	—
On-demand/In batches	—	9445-2F without scanner adapter	—
Print-and-apply ACT tags	—	—	1460™ printer-applicator
Color-coded case labels	—	—	9445, 9425, 9446
Damaged mail labels with POSTNET	—	—	9446 with PLATFORM software
Pricemarking labels/tags	—	—	9445, 9425, 9446

ig Applications



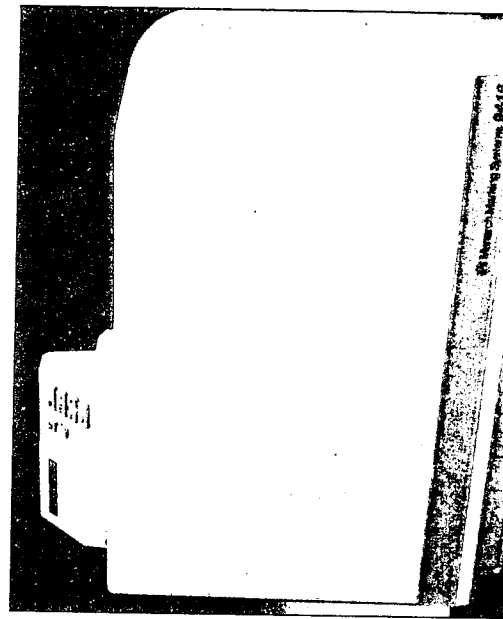
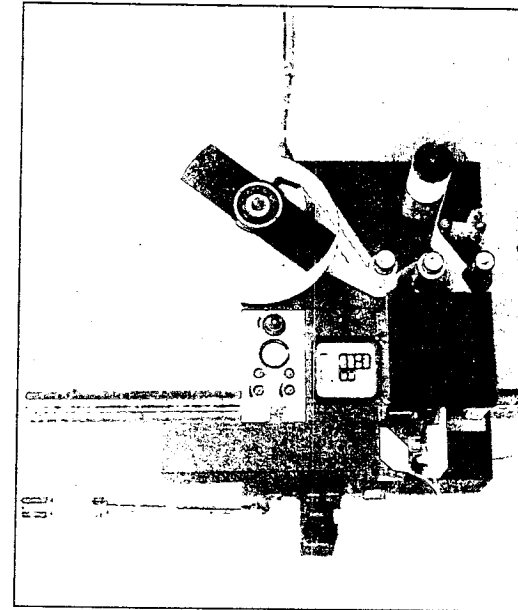
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CHARLOTTE, NC
3C ELTS MID CR RTS
DAYTON, OHIO 45401

SPS ODLS (Passport) System
ic applications. You can print
lual tags. Stackers cut and

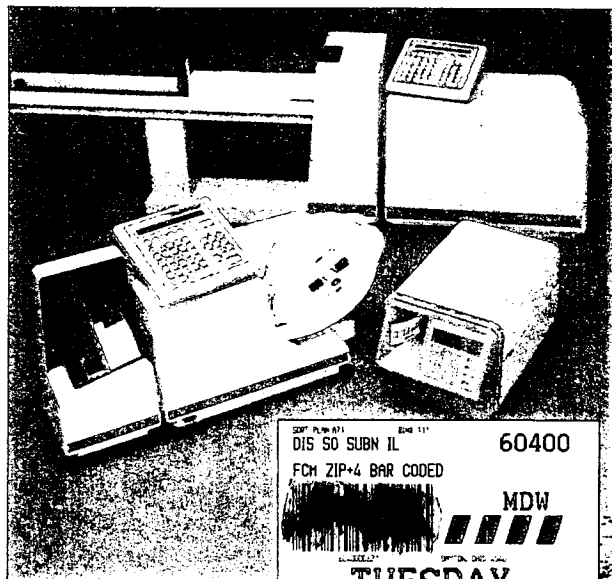


Print Speed Comparison Chart

Tabletop Bar Code Printers	Printing Speeds Per Hour		Benefits
	Tray Tags	Sack Tags	
High-volume 9445-2K/1A printer	5,000	10,000	Prints, cuts and stacks tags
Medium-volume 9425-2K/1A printer	2,500	2,500	Prints, cuts and stacks tags
Low-volume 9401-R9 printer	1,500	1,500	Prints tags
Portable Bar Code Printer			
Handheld PATHFINDER 6080-ZM printer	500	—	Lightweight and portable; prints tray tags on the spot—no cables required; scanner option eliminates key entry

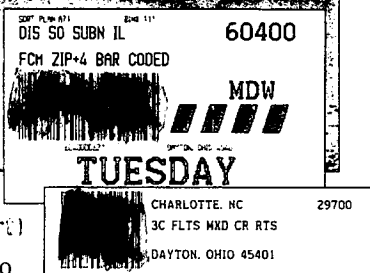


Postal Labeling Applications



On-Line Tray and Sack Tags for ODLS (Passport)

Monarch offers three ways to print tray and sack tags for the USPS ODLS (Passport) System for high-, medium- or low-volume applications. You can print complete sort plan sets or individual tags. Stackers cut and stack tags in sort plan order.



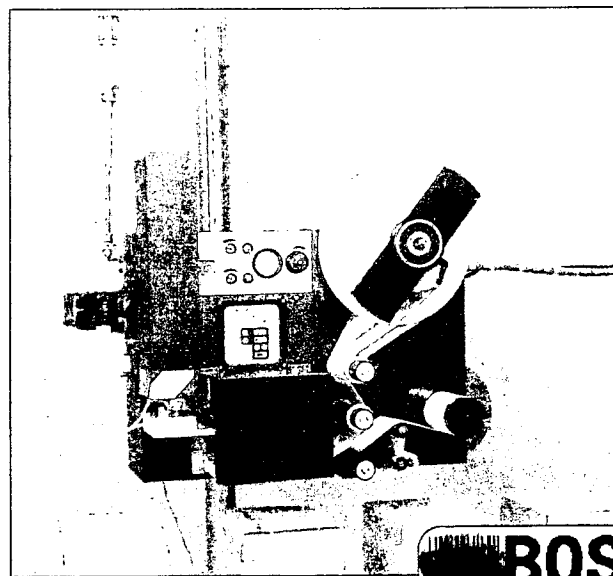
ACT Tag Printing

Enter the ZIP Code on the built-in keypad of the Monarch 9445 on-demand ACT tag printer or scan the tray tag bar code for fast, accurate input. ACT tags are printed, peeled and ready to apply to trays or tubs.

No PC required for daily operations! Commercial and Eagle Network ZIP Code/Air Stop Code databases can easily be uploaded from a PC to the printer when routings change.



Print Speed C	
Tabletop Bar Code Printers	Print Tr
High-volume 9445-2K/1A printer	4
Medium-volume 9425-2K/1A printer	2
Low-volume 9401-R9 printer	1
Portable Bar Code Printer	
Handheld PATHFINDER 6080-ZM printer	



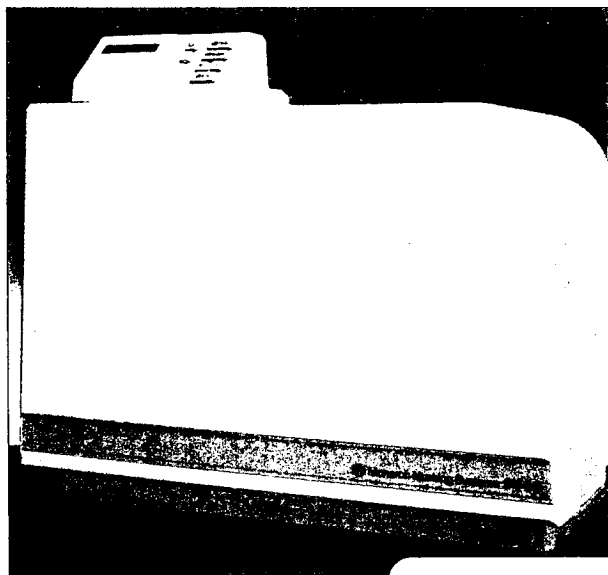
Print-and-Appl

Label data is downloaded from a host or PC to the Printer-Applicator and ACT tags can be printed and applied automatically as the trays or tubs move down a conveyor line at up to 150 feet per minute on the way to the Air Mail Facility.



Comparison Chart

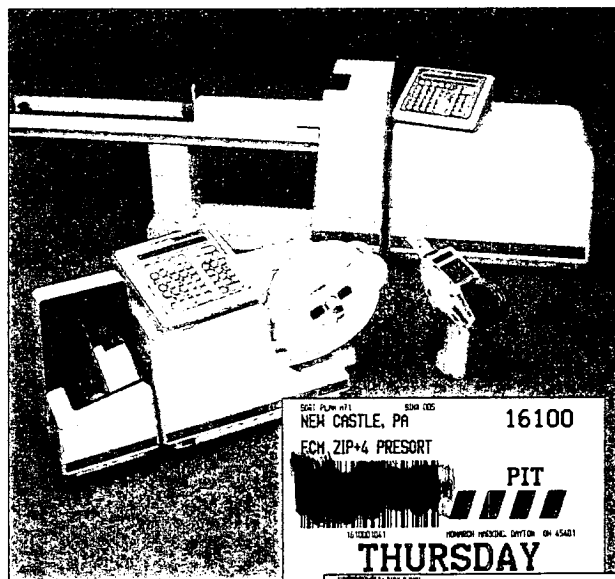
Speeds Per Hour		Benefits
Tags	Sack Tags	
	10,000	Prints, cuts and stacks tags
	2,500	Prints, cuts and stacks tags
	1,500	Prints tags
	—	Lightweight and portable; prints tray tags on the spot—no cables required; scanner option eliminates key entry



Address Label Printing

Handle damaged mail in a snap by simply keying in address information and generating crisp, clear address labels in seconds, peeled and ready to apply. The 9446 thermal transfer printer produces human-readable information and the POSTNET bar code. It has been certified by the USPS National Address Information Center in Memphis.

MS. MARY JONES
14533 OLD RIVER ROAD
MIDDLETOWN, OH 45321



Tray and Sack Tag Batch and Set Printing

Monarch's menu-driven software is designed specifically for the USPS. You can print collated sets of tray tags in stacker order for high- or medium-volume printing, or print batches of individual tray tags or day-of-week sack tags. You can also supplement previously printed sort plan sets with a portable PATHFINDER® printer for on-demand fill-in tag printing on the mail processing floor.

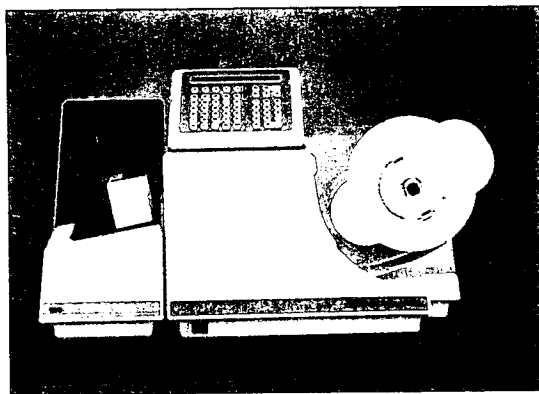


Pricemarking and Casing Labels and Tags

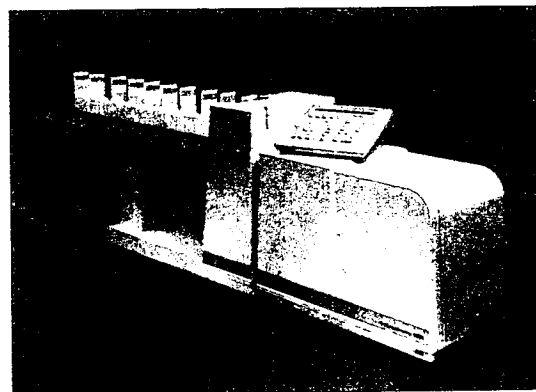
The 9425™ printer with its wide range of graphics and bar code capabilities is designed for product ID and general labeling. It can also pricemark USPS posters, T-shirts and other merchandise for sale or provide colorful bar code casing labels for shelf bins.

45401-20, 34-49, 51-59

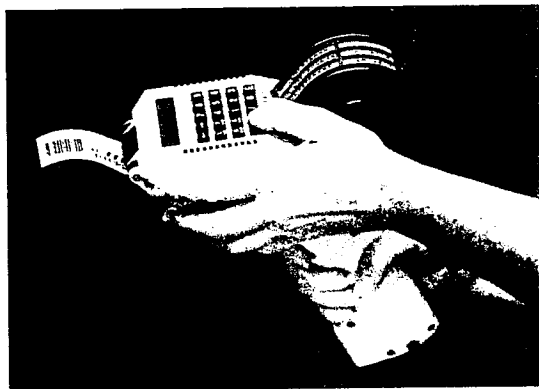
Printers, Software and Supplies



MONARCH Desktop Printers

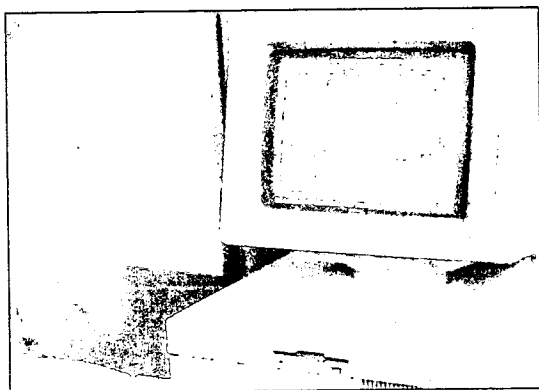


- Thermal printing maintains a scannable bar code image that meets USPS specifications; thermal transfer supplies will not fade
- Print full range of bar codes and alphanumerics in nominal, reduced and enlarged sizes
- Rugged construction withstands wear and tear of postal environment
- On-line to ODLs or MONARCH PALS software for in-spec tray and sack tags
- Cut and stack tags in sort plan order: 920™ stacker handles 500 tags; 925™ stacker handles 2,500 tags.



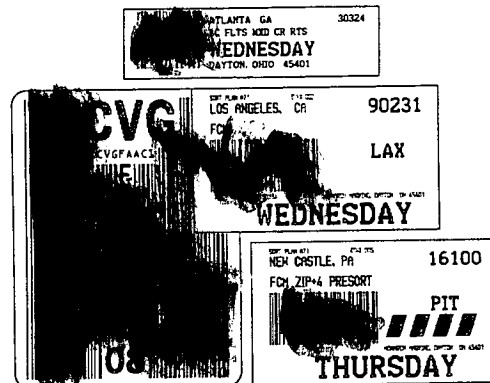
PATHFINDER Portable Printer

- Prints a full set of tray tags in stacker order or prints extra tray tags on demand for sort plan fill-in
- Lightweight, rugged, portable printer goes where the print job is; withstands a three-foot drop



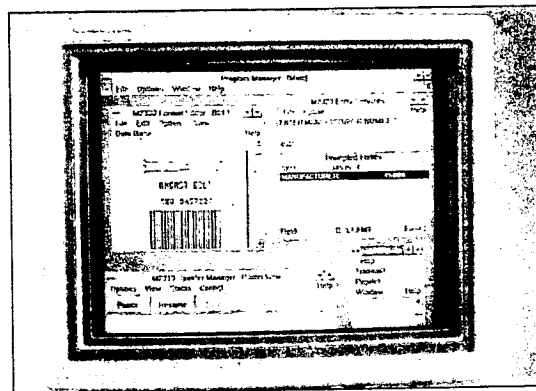
MONARCH PALS DOS-Based Software for Tray and Sack Tags

- MONARCH 2099™ software helps you maintain sort plan databases and print collated sets of tags, batches of tags or individual tags.



Supplies Expertise

- Monarch's supply strength is your assurance that your tags and labels meet rigid USPS specifications
- Special ACT tag adhesive adheres to cardboard trays or plastic tubs, then removes with ease for container reuse



Monarch Windows-Based Software

- MONARCH PLATFORM windows-based software helps you design, edit and print pricetags, address labels, casing labels, etc.

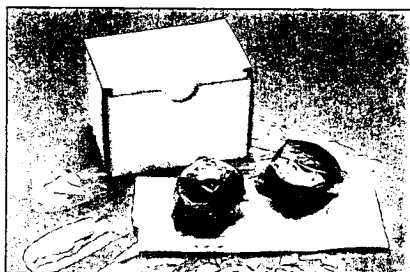
Monarch® Tags and Labels

Supplies That Meet Your Specific Needs

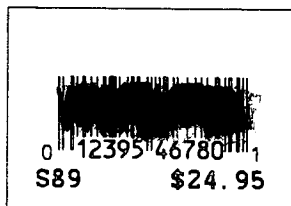
Monarch tickets, tags, and labels are designed and produced to meet specific applications in various environments. We can combine inks, synthetic and paper stocks, coatings and adhesives to create a unique tag or label for your individual requirements.

For unique requirements and non-standard formats, MONARCH Worldwide Service Bureau can provide quality pre-printed labels or tags for any USPS application, quickly and cost effectively. Monarch stocks all high-volume USPS supplies.

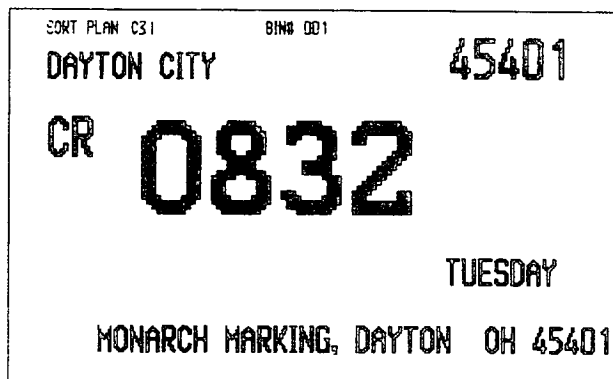
Supply Stocks	Adhesives	Supply Designs
Paper Label	Removable	Preprinted
Synthetic Label	Semi-Removable	Strip Labels
Paper Tag	Ultra-Removable	Die-Cut
Synthetic Tag	General Purpose	Butt-Cut
Infrared Label	Permanent	Piggyback



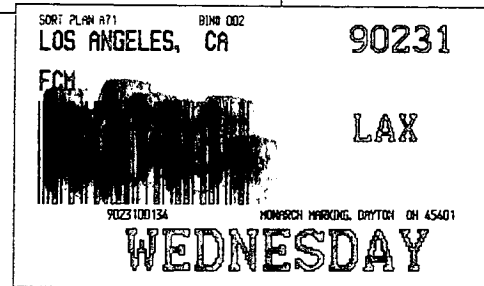
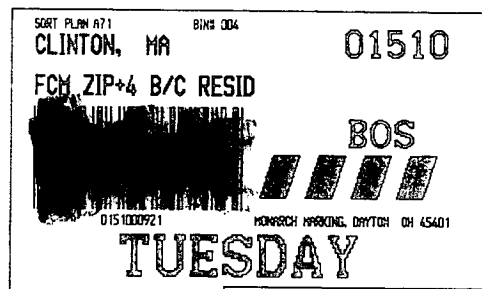
Ink rollers for CFS-II mechanized terminal.



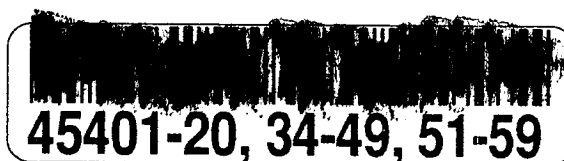
Labels identify products, prices and equipment.



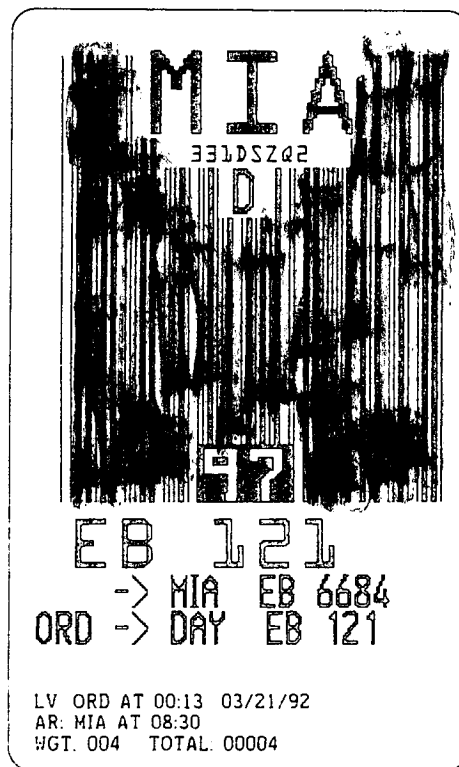
Secondary tray tag for city delivery.
Fluorescent orange tags also available.



Tray tags for bar coded and non-bar coded mail.



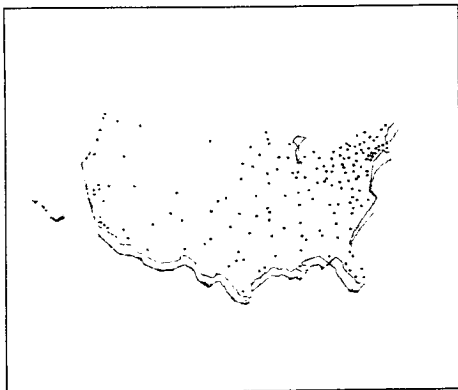
Colorful casing bin labels.



Monarch is the national supplier of MUMS labels to the USPS.

Distribution and Routing Tag for
the "Scan Where You Band" System.

Service and Support



More than 100 MONARCH® Service locations in the U.S.

You'll receive responsive, courteous response within hours of your call. Our support experts handle any concern, usually with a toll-free phone call, and, if necessary, an on-site service call.

Monarch offers four flexible service options customized to your needs:

1. Low-cost depot service
2. Preferred maintenance, or national on-site service during regular business hours
3. On-demand service, including time and materials
4. Technical training in Dayton to service Monarch equipment yourself with our parts kits

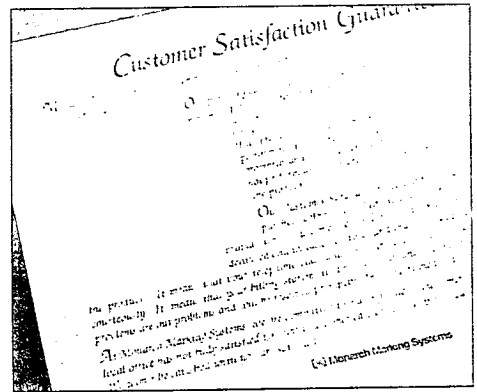
Buy, Rent or Lease



Rent or lease to preserve cash for other needs.

You can buy, rent or lease your Monarch labeling system. Renting allows you to try before you buy. Leasing helps you get what you need now and grow into future systems. Either way, our low, fixed monthly payments help you meet budget and guard against inflation.

Customer Satisfaction Guarantee



Monarch's guarantee is, quite simply, the most powerful in the industry.

With our exclusive **Customer Satisfaction Guarantee**, you can rest easy. If, at any time during its specified life, our product fails to perform to specifications, we'll repair it. If we can't fix it, we'll replace it. And, if its replacement doesn't perform to specifications, we'll give you a refund. All we ask is that you purchase our maintenance agreement and use only Monarch supplies. That's it. Period. Monarch equipment is a no-risk investment.

Get the Facts

For more details on how Monarch's postal labeling solutions can help meet your needs, call

TOLL FREE 1-800-543-6650

FAX: 1-513-865-6605

Representatives on duty Monday-Friday, 8 a.m.- 8 p.m. (Eastern Time.) Automatic order handling all other times.

Monarch Marking Systems
P.O. Box 608
Dayton, Ohio 45401-9968

Monarch: Your Partner in Postal Automation

 **Monarch Marking Systems**
A Pitney Bowes Company

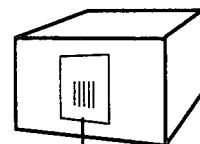
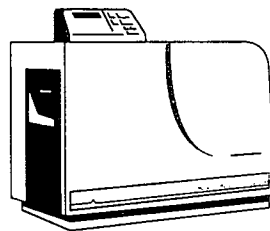
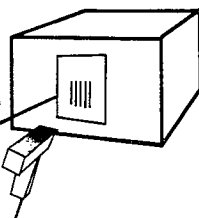
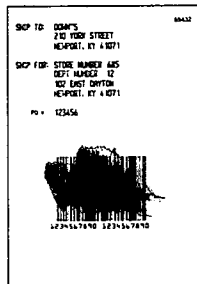
DC Logistics Applications
Department, Specialty, Discount & Variety



D.C. Receiving

1. Verifies receipt of merchandise.

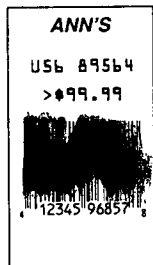
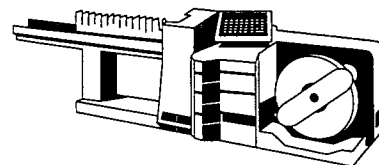
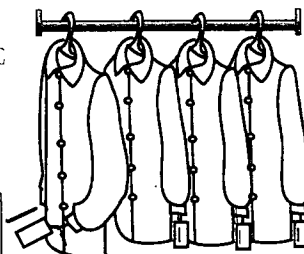
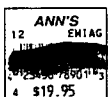
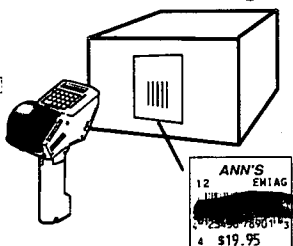
2. Routing labels applied to carton to direct merchandise to processing or storage areas.



Merchandise Processing

4. High-productivity marking for flat goods.

3. High-volume ticket printing for long or multiple SKU runs.

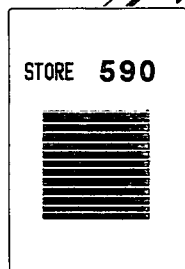
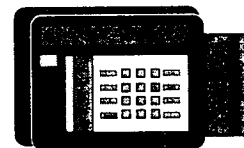
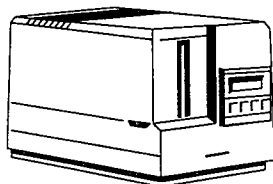
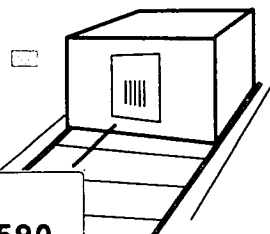


Store Routing

5. Cartons of processed merchandise receive bar code routing labels so they can be automatically directed to store shipping lanes.

Time & Attendance

6. Track Employee time & Attendance for single or multiple stations.

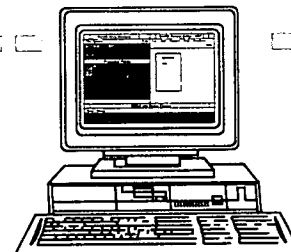
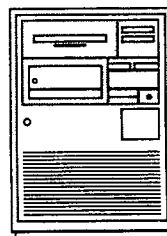
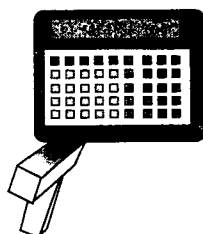
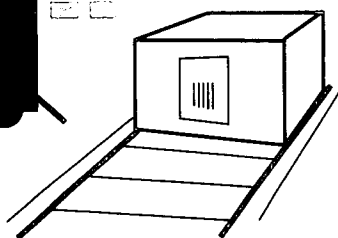


Shipping

8. Cartons are scanned as they are loaded onto the truck, updating inventory and creating a shipping manifest.

Ticket and Label Design

7. Computer design of merchandise tags/labels and carton/address labels.



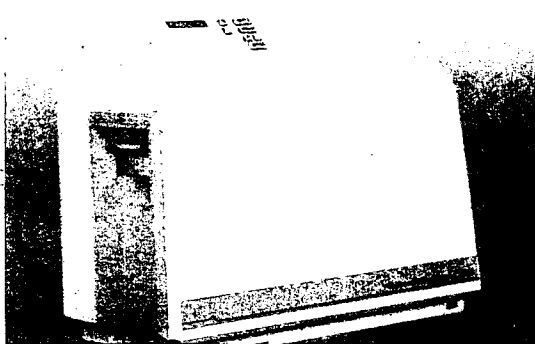
Data Collection and Bar Code Printing Solutions

Merchandise routing and tracking begins with Monarch distribution center systems. Use our data collection system to update inventory when goods are received or shipped out.



1. Data Collection unit—operating with model 5630™—software scans shipping carton, updates inventory records.

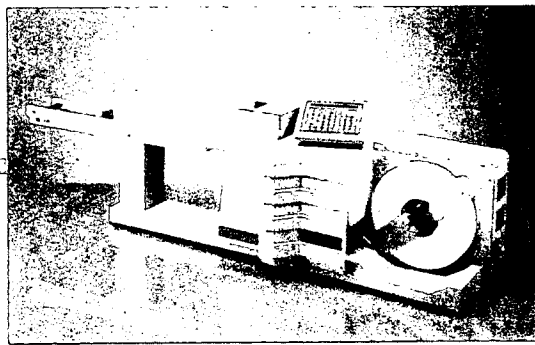
Our bar code routing labels let you track merchandise throughout your DC; and, our bar code ticketing systems increase merchandise processing productivity.



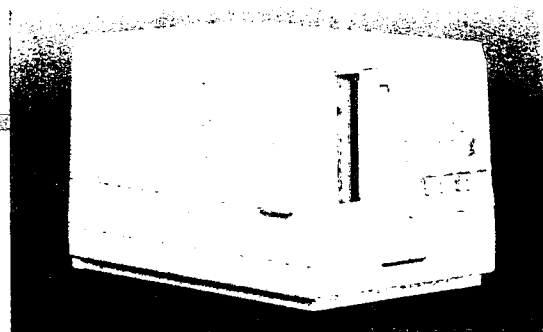
2. 9446™ printer with 415™ rewind unit for high-speed production of carton routing labels.



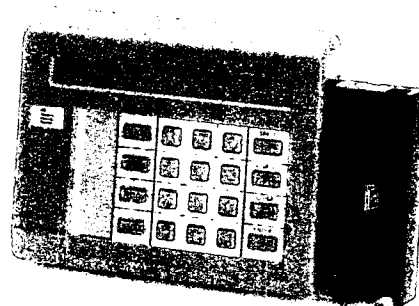
4. On-line, marking data is downloaded to the Pathfinder® printer. As it prints labels, the items marked are counted. After marking, the data is uploaded, reconciling the P.O. and updating inventory.



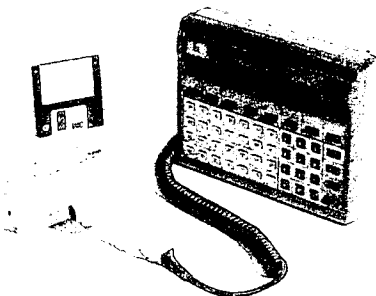
3. The 9474™ System prints up to 350 hang tags (1.2" x 2.4") per minute—21,000 per hour.



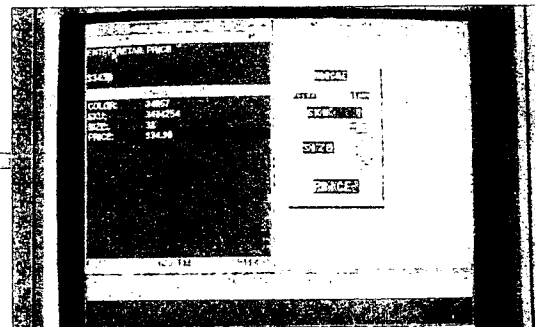
5. The economical 9406™ carton label printer is ideal for producing low-volume routing labels.



6. Monarch Data Collecting Terminals—operating with Deltron software—tracks personnel time and attendance.



8. Merchandise cartons are scanned before loading onto the truck, updating inventory and creating a shipping manifest.



7. Monarch Platform™ Software lets users graphically create custom merchandise tickets/labels and carton labels. Meets major compliance/industry standards for bar code symbologies.

Monarch Service and Support

There's more to Monarch printing and data collection systems than just hardware. Our technical specialists and service representatives provide installation support, training, operating recommendations and on-line conversion assistance as needed.

And, by using our toll-free hot line, you have a full-time staff of experienced professionals to answer your questions.

MonarchTM Nationwide Service

Every Monarch system is fully supported by Monarch Nationwide Service, the largest network of full-time, professional service technicians in the marking industry.

Complete Satisfaction Guaranteed

If you purchase our maintenance agreement and use only Monarch supplies, we'll guarantee your satisfaction. We'll repair any product that fails to perform to specifications and replace it if we can't fix it. If our replacement product also fails to perform to specifications, we'll give you a full refund. Period. There's no risk when you buy from Monarch.

Warranty

All printing and data collection systems are fully covered by Monarch's 90-day written warranty. A copy is available for your examination upon request.

For more information on Monarch's distribution center systems call Monarch

TOLL FREE: 1-800-543-6650.

FAX: 1-513-865-6605

In Canada, call 1-800-263-4650.



Monarch: The Leader in Merchandise Marking & Control

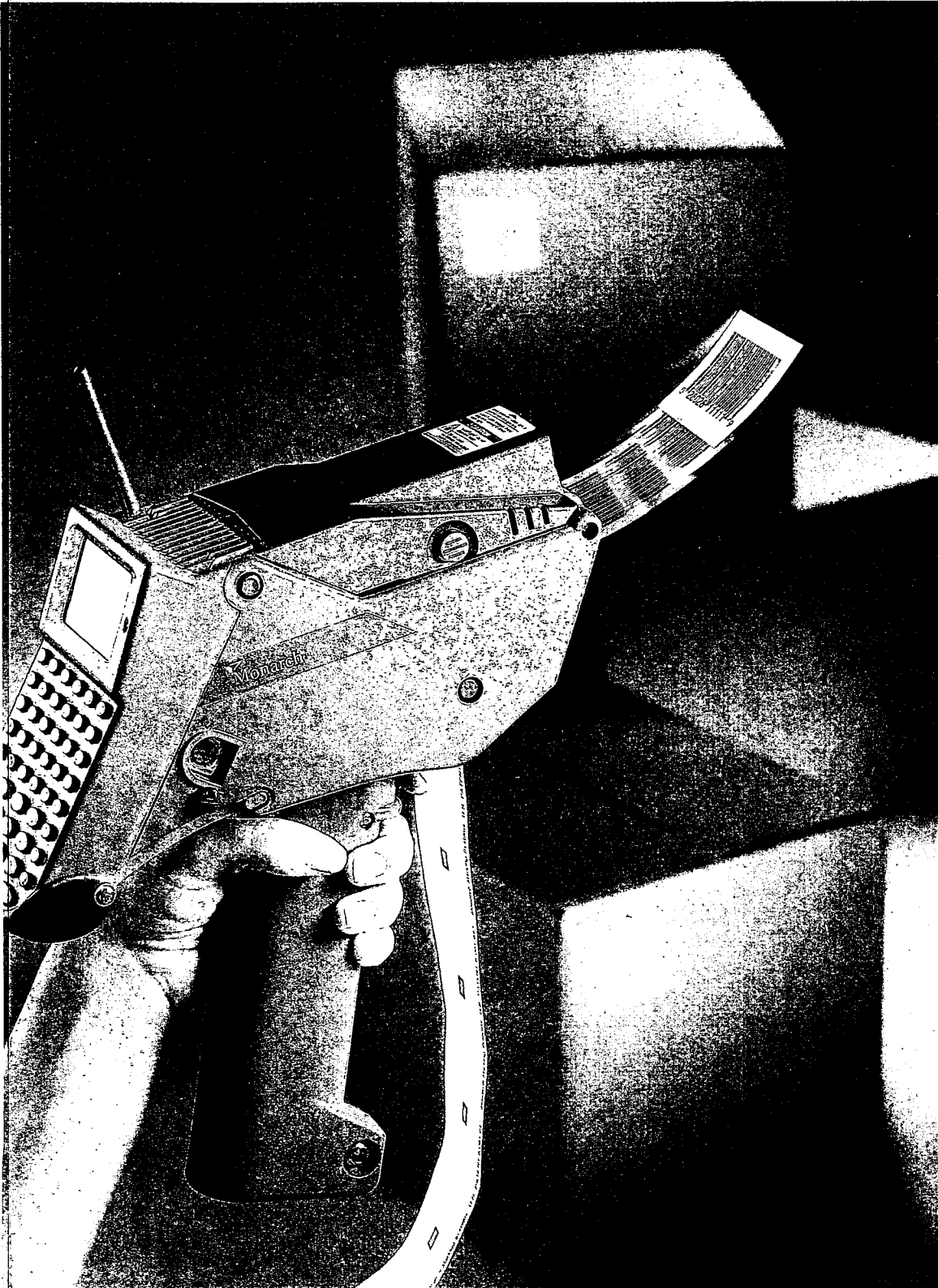
 **Monarch Marking Systems**
A Pitney Bowes Company

Monarch

DOS-Based PATHFINDER® Ultra® System

**RF and Batch
Versions**

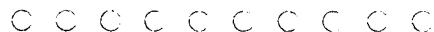
**A Fast-processing,
Handheld PC,
Thermal Printer
and Laser Scanner,
Rolled Into One!**



PAXAR

The Power of Identification™

New DOS-based PATHFINDER® Ultra® System



Introducing the revolutionary
DOS-based PATHFINDER Ultra system—
the first mobile device to collect,
process, print and apply information
in real time.

Now, it's even more productive with
an easy-to-use, 48-key keypad and
eight-line informational display that
takes the guesswork out of marking.
Prints bar codes, alphanumeric data
and graphics. The new model joins the
four-line model to offer you a wider
range of printing/data collection capability.

In this day of shrinking resources and
growing business demands, Monarch
alone offers this flexibility to the
Automated Data Collection market.
The new Ultra system typically provides
a 50 to 75 percent productivity gain
over competitive two-piece solutions
consisting of a printer and data collector!

It's the perfect match for the real-time
data collection and bar code printing
needs of retailers, consumer goods
manufacturers, transportation and
distribution providers.

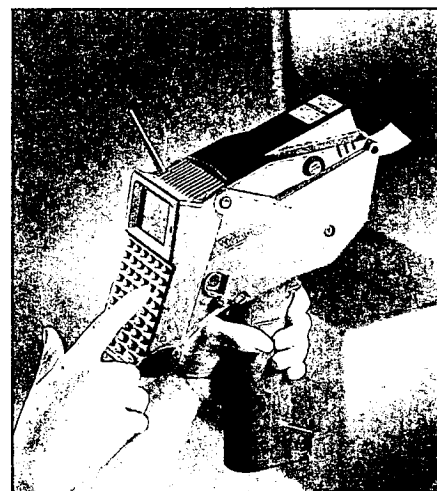
RF Version

The new, eight-line model supports
three major RF networks—Aironet,
Symbol and Proxim—via its PCMCIA
card slot.

The Disk Operating System (DOS)
allows for easy integration by C and
C++ programmers, assisted by the
Software Development Kit (SDK)
and Application Programmer
Interface (API) libraries. These
and many more exciting features
enhance Monarch's patented,
one-piece, print-and-apply design.

Batch Version

In a batch mode, the PCMCIA slot
can house a 4Meg, 8Meg, 20Meg or
40Meg memory card for expanded
storage of read/write files.



*Introducing the DOS-based
PATHFINDER Ultra system—
a fast processing, handheld PC that's
now even smarter and easier to program.*

Supplier	Radio LAN	Radio Band	Spread Spectrum Type
Proxim	RangeLAN2	2.4GHz	Frequency Hopping
Symbol	Spectrum24	2.4GHz	FH, 802.11 Compliant
Symbol	Spectrum24	2.4GHz	Frequency Hopping
Symbol	Spectrum One	902MHz	Direct Sequence
Aironet	Aironet 3000 Series	2.4GHz	Frequency Hopping
Aironet	Aironet 3500 Series	2.4GHz	FH, 802.11 Compliant

*Contact Monarch for additional connectivity opportunities

The Ultra Printer Advantage

- Enhanced 48-key keypad
- Eight-line LCD back-lit display
- Superior ergonomics
- Cableless simplicity
- Enhanced productivity
- Flexibility of three RF backbones
- Common "C" programmability

Features and Benefits

- New antenna—built tough
- RS-232 communications—fast and efficient

- Variable supply widths and types—to meet your needs

- Drop-in supply loading—easy and quick

- Optional laser scanner—increases accuracy

- Eight-line, 20-character back-lighted LCD display—more data at your fingertips

- Enhanced 48-key alphanumeric keypad — speeds labeling

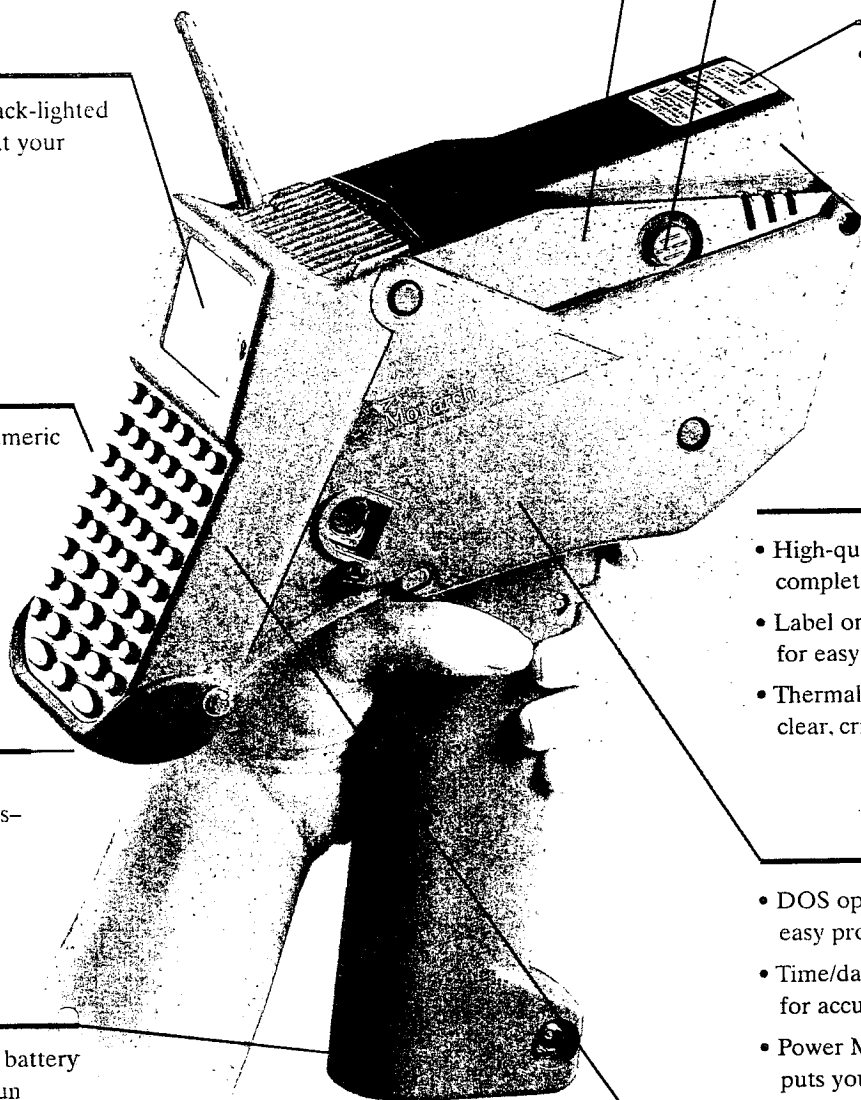
- High-quality printing—complete capabilities
- Label on-demand—for easy marking
- Thermal direct printing—clear, crisp labels at 1.8 IPS

- Weighs just 45 ounces, with antenna and supplies—lightweight and easy to handle

- 1000 MaH Rechargeable battery handle—labeling on the run
- Optional: Battery charger and holster—convenient accessories

- DOS operating system—easy programming in C and C++
- Time/date capabilities—for accurate data control
- Power Management Options—puts you in control
- Standard Resident Memory Configuration—more choices with battery backup
- Y2K Compliant

- PCMCIA type II Card Slot—Optional memory or RF radio cards
- Batch memory card—holds more data
- PC card radio for RF communications—seamless wireless integration



Specifications

Weight	2.81 pounds (1.3kg)
Display	Eight-line LCD, 20 char/line, backlight option
Printer	Thermal direct (no ink or ribbon required) Peel mode supported
Print Speed	1.8" per second
Printhead	1.83", 47mm/352 dots or 1"/192 dots
Black-White Print Ratio	30% black maximum per square inch
Fonts	Reduced CG Triumvirate Bold CG Triumvirate Bold Condensed Letter Gothic Bold Optional Fonts
Keypad	48-key alphanumeric
Scanner	Optional Integrated Laser Scanner/LED
Bar Code Symbolologies	1-D codes: All ANSI bar codes 2-D codes: PDF-417, Maxicode
Operating System	MS-DOS 6.22-compatible
Memory	1 MB, 640K for application 2 MB Flash Rom, 1.75 MB Storage (For Batch Ultra – Internal PCMCIA slot supports 4, 8, 20 or 40 MB ATA Flash Memory Card)
Power	12 VDC Ni-Cad 1.5 hours fast charger 115 or 230 VAC adapter One charge expected to support one roll of labels (600")
Backup	3.6 V Rechargeable nickel metal hydride battery
Communications	RS232 (serial) up to 115 Kbps
Radio Cards Supported	Symbol 902DS Symbol 2.4FH & 2.4FH 802.11 Aironet 2.4FH & 2.4FH 802.11 Aironet 2.4DS, 802.11 Proxim 2.4FH

The Ultimate Portable Marking Tool.

- The Ultra printer can be used for retail in-store marking, DC carton routing, manufacturing receiving, vendor compliance item marking, and transportation/distribution.
- The PATHFINDER Ultra printer is hand assembled by an award-winning manufacturing team to meet your exact specifications.
- In-house programming services, installation, training and wireless consulting services are available from Monarch.
- Monarch's supply manufacturing capabilities are unparalleled. Our R&D staff can develop the perfect match of face stocks, adhesives, and inks to meet the needs of your application.
- Monarch's sales force is trained and experienced in helping customers solve business problems with Monarch product solutions.
- Monarch has the world's largest factory-trained service organization.

Patented Features

- Circuits and memory are protected from static electricity.
- Rechargeable main battery and back-up battery protect memory.
- When voltage is low, microprocessor shuts down to prevent printhead damage.
- Breakaway handle helps protect system if dropped.
- Printhead quality is maintained through changes in printer speed or voltage.
- Intelligent printer combines real-time data input from keyboard or scanner.
- Programmable printer separates critical software from customer-specific software.

Supplies to Match Your Need

Monarch offers a variety of supply widths and types with the PATHFINDER Ultra system to meet your needs:

- 1.2", 1.5" or 2" supply widths
- Maximum 4" length
- Maximum image area: 1.83" wide x 3.7" long
- No Print Zone .235"
- Minimum feed length for print and apply is .785"
- Can support .55 feed length in strip mode
- On-demand labels or strips
- 7.5 mil tag stock
- Receipt paper
- Linerless supply option

Depth of Experience

Monarch has a depth of experience that no one else in the industry can claim. With 100,000 units sold since 1984, we are a world leader in handheld, mobile printers. Many of our initial PATHFINDER products are still out there working because they're built to last.

Service and Support

The Monarch® DOS-Based RF or Batch PATHFINDER® Ultra® Systems are covered by Monarch's written, one-year warranty and supported by MONARCH® Service, the industry's largest network of professional service technicians. Monarch Service and Support are your assurance of quality workmanship and peace-of-mind performance.

For more information about the PATHFINDER® Ultra® System or other Monarch® products,

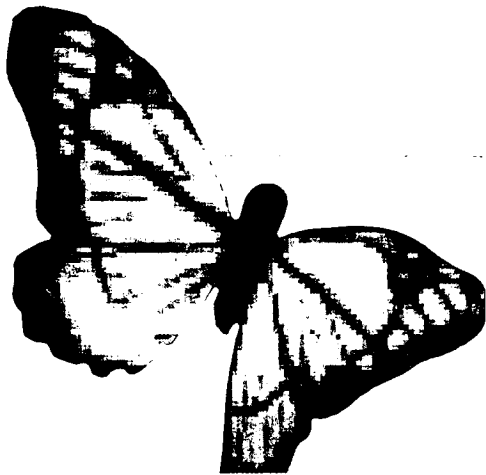
Call Toll Free: **800-543-6650**
FAX: 937-865-8015

Internet:
www.monarch.com
www.paxar.com

Monarch

PAXAR





Monarch Pathfinder Ultra Platinum 6039 Printer

More! More! More!

The new Monarch Pathfinder Ultra Platinum printer is the latest in our unique, productivity enhancing Pathfinder series. In addition to scanning, collecting data, printing and applying labels (and saving you money), this printer gives you:

MORE Programming Flexibility

Uses Windows CE operating system and touchscreen technology for easy programming!

MORE Connectivity

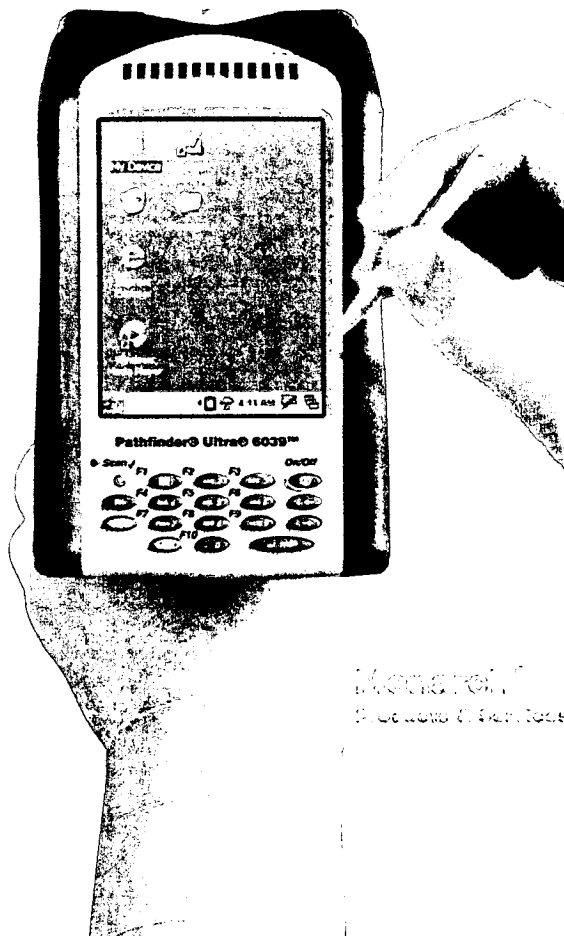
Odyssey, Avalanche and more to keep you networked!

MORE Capabilities

Increased memory for language capability and graphics!

MORE Speed

Faster processing for increased productivity!



PAXAR

The Power of Identification™



Designed with You in Mind

The one-piece Monarch Pathfinder Ultra printer is recognized for its unique ability to:

- ☛ **Increase productivity**, by automating manual information transfers and decreasing marking and re-marking time.
- ☛ **Improve accuracy** by eliminating key entry errors.
- ☛ **Save money** through enhanced productivity in four key functions: scan, data look-up, print and apply.
- ☛ **Increase sales** by helping you accomplish your marking tasks quickly so merchandise is ready to move!

And Now More!

More Programming Flexibility

If you know Windows, you know the Platinum printer! **Because it's compatible with C-sharp and VB.net, a Windows programmer can quickly and easily program to the Pathfinder Ultra Platinum printer.** You save money by creating your own customizable applications using Windows CE.NET version 5.0 operating system and our 1/4 VGA color LCD with touch screen.

More Connectivity

With the printer's enhanced networking and connectivity tools, you can utilize such leading edge packages as Odyssey and Avalanche.

More Memory

With 64 meg of flash memory and up to 512 meg SD card you can maximize your investment by adding more applications, languages, *even videos* to the Pathfinder Ultra Platinum printer.

More Speed

We've upgraded to an Intel® XScale® processor (XA270C) and 64 meg of flash memory for faster processing, speeding your applications and giving you even more productivity!

More Efficiency

The touchscreen technology allows you to operate the printer more quickly and efficiently - you don't have to scroll through menus, everything you need is on your screen!

With our state-of-the-art data collection capabilities, you don't need a separate scanner - saving you money on equipment!



Features and Specs at a Glance

Fast Scanning and Printing Capabilities
Up to 4" per second.

Superior Ergonomics
Lightweight at 38 ounces, specially balanced to fit in your hand comfortably.

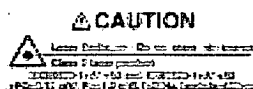
Wide Print Range
Prints labels and tags with width ranging from 1 to 2 inches and lengths of .55" to 4".

Superior Protection
Over body molding and interior cushion protect from damage and increases comfort for the user. **Drop-tested design.**

Specifications subject to change without notice.

Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, OH 45342

PAXAR
The Power of Identification



800.543.6650 prompt 5
937.865.2554 fax
e-mail: dmail@paxar.com
www.paxar.com

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Products

Variable Data Labels & Tags
Brand Promotion & Merchandising
Tags

Fabric Labels and Collections
Brand Protection & Security
Printers, Accessories, & Supplies
Monarch Brand Bar Code & RFID

Products

- Bar Code and RFID Labels & Tags
- RFID Printers
- Tabletop Bar Code Printers
- Portable Bar Code Printers
- Handheld Bar Code Printers
- Mobile Workstations
- Print and Apply Systems
- Handheld Labelers, Labels, & Tag Attachers

Regulatory Information

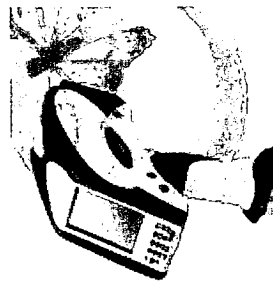
Handheld Bar Code Printers

Paxar's unique range of intelligent handheld bar code printers are complete, stand alone label printing systems that perform 3 functions: Scan, Print, and Apply. Our unique "print and apply" handheld design ensures maximum productivity from your staff.

All of the Ultra series printers offer:

- A lightweight, one-piece, handheld thermal printer, laser scanner (optional), and data terminal
- Lithium ion battery for longer use between charges
- Custom programming
- 203 DPI, 2-inch-wide printhead
- Serial and parallel bar codes
- Automatic static electricity discharge, improving reliability
- Dot shifting, providing quality bar codes even when one dot is burned out
- Clam-shell design for easy loading

The Ultra series printers save you time and money by allowing you to more productively handle store, DC, and manufacturing labeling applications such as markdowns, item identification, cross docking, carton routing, UPC code printing, and more.



Monarch® Pathfinder® Ultra® Platinum 6039™ Printer
Windows CE.NET programming and touch screen technology has now been added to our proven Ultra platform.

In addition to scanning, collecting data, printing and applying labels (and saving you money), this printer gives you more:

- Programming Flexibility - uses Windows CE operating system and touchscreen technology for easy programming
- Connectivity - Odyssey, Avalanche and more to keep you networked
- Security through encryption - compatible with FUNK and other available industry encryption software
- Capabilities - increased memory for language capability

Monarch®
Products and Services

Download:

- [6039 Brochure](#)
PDF 241KB
- [6039 Specification](#)
PDF 129K
- [Product Catalog](#)
PDF 780KB

To view the PDF documents listed above and below the FREE Adobe Reader needs to be installed on your computer.

- and graphics
- Speed - faster processing for increased productivity using its state-of-the-art Intel® XScale® processor
 - Available in RF (radio frequency) or batch modes

CAUTION

Read the following information before using this product.
 ESD60025-1-A1-A2 and ESD60025-1-A1-A2
 ESD60025-1-A1-A2 and ESD60025-1-A1-A2
 ESD60025-1-A1-A2 and ESD60025-1-A1-A2




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Monarch® Pathfinder® Ultra® Gold 6037™ Printer

A portable networked terminal-printer combination for intense printing applications.

- Available in RF or batch modes
- Programmable in C or C++
- Complete application creation flexibility

-  [6037 Brochure](#)
PDF 368KB
-  [6037 Specification](#)
PDF 184K
-  [Product Catalog](#)
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Monarch® Pathfinder® Ultra® Silver 6032™ Printer

The Pathfinder Silver is the most economical one piece portable print and apply terminal.

- For simple scan (or key entry) and print applications, the Ultra Silver printer does the job - economically
- 10 standard formats included
- Custom format development available
- Our lowest cost Ultra printer

Download:

-  [6032 Brochure](#)
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-  [6032DB Brochure](#)
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-  [6032 Specification](#)
PDF 297K
-  [Product Catalog](#)
PDF 780KB

Pathfinder® Portable, Electronic Labelers

- 6042® OA™: On-line, Alphanumeric
- 6042® OX™: On-line, Alphanumeric,
Expanded Memory, Scanner Interface



Morarch's Pathfinder® Labeler

A Portable, On-line System To Meet Your Merchandise Marking Needs

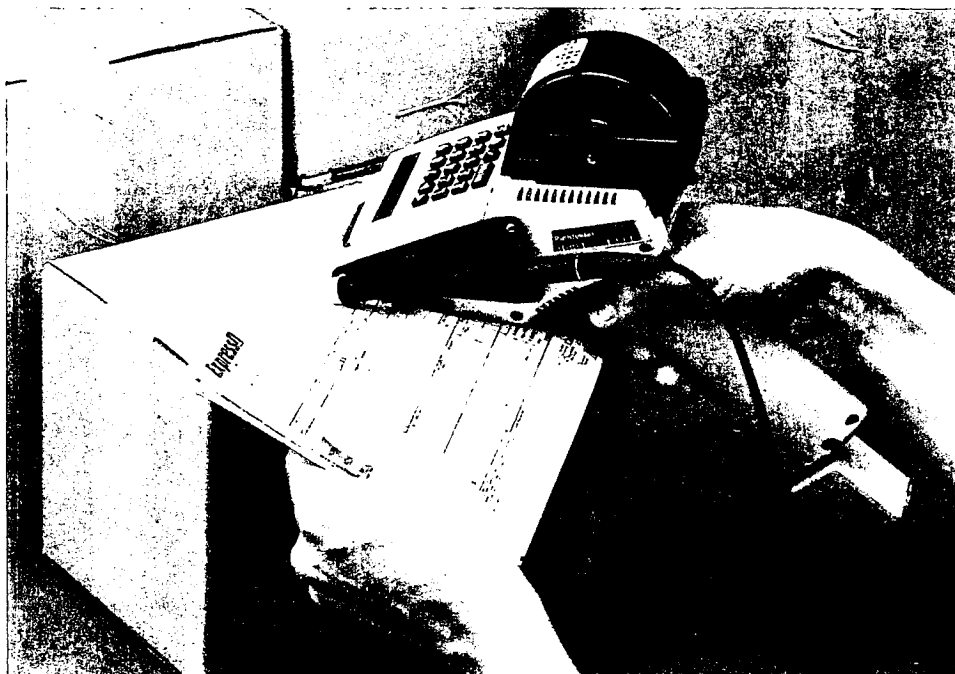
On-line Data Accuracy

The on-line Pathfinder labeler integrates merchandise marking with purchase order management, point of receipt, point of sale and other merchandise processing systems for increased productivity and data integrity protection. It reduces errors by eliminating key entry of merchandise data.

On-line Operation: Save Time, Reduce Paperwork

Used in-store or in the distribution center, the on-line Pathfinder labeler reduces the time and paperwork required for merchandise marking. It communicates with mainframe, mini and personal computers to receive and send merchandise data.

The marking process starts when merchandise data is downloaded from your computer and stored in the labeler's memory until the operator is ready to print labels. Then, the Pathfinder labeler is disconnected from the computer and taken to the merchandise. The operator calls up a label batch by access code (PO number, SKU, Key/Rec ID, etc.). A product description appears on the display — for example, 12" Basket — to ensure the labels are correct for the merchandise to be marked.

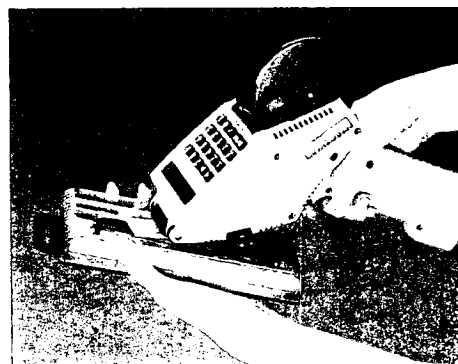


6042®-OX™ Pathfinder® Labeler with 6097™ Scanner Interface

After marking, the operator reconnects the labeler to the host computer, to transmit the updated record of merchandise marked. This information can be reconciled against the original instructions, eliminating the need for separate merchandise counting and checking.

OX Version Labeler: Key Entry/Upload Feature

This labeler has a new feature that helps reduce paperwork and save time when processing vendor deviations from purchase orders e.g., backorders or item substitutions. The backorders and/or substituted items can be key-entered into the labeler, then uploaded to the host computer with the other items.



6042-OA Pathfinder Labeler: On-line, without
Scanner Interface



Reinhardt® 6087™ Scanner Interface

Now, with the addition of the scanner, the OX version makes label printing even faster and more accurate. Use the pen wand to scan bar codes on shelf labels, then recreate the label instantly to mark merchandise. Or, scan an item's existing label, then duplicate it for restocking.

Scans bar codes to recreate labels instantly, accurately

The OA and OX version labelers print bar codes, plus alphanumeric characters. The OX version also prints special graphics.



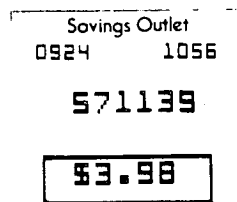
UPC-A Meets UPC
Specifications

1256 4574
12347
WAS \$12.99
NOW 2/\$12.99

Alphanumeric, Comparative
Pricing With Special Graphics*



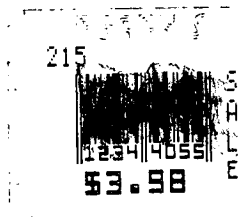
Alphanumeric



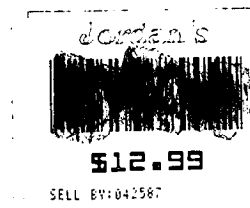
Numeric, Box Graphic*



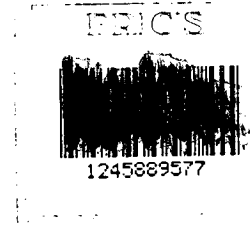
UPC-E, Numeric,
Vertical (90°) Printing*



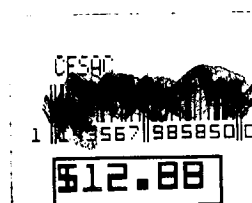
EAN-8, Alphanumeric



UPC-A, Numeric, Sell-By Date



Interleaved 2 of 5*



EAN-13, Alpha, Box Graphic*



Code 39*

*OX Version Only

Bar codes shown are intended as graphic representations only; photographic reproductions might not scan.

OA and OX Version Feature Comparison

FEATURES	OA VERSION	OX VERSION
Bar Codes	UPC-A, EAN-8 EAN-13	UPC-A, UPC-E, EAN-8, EAN-13, Code 39 (High Density, 15 Characters Including Start/Stop), Interleaved 2 of 5 CODABAR
Fonts	4 Numeric 6 Alphanumeric	6 Numeric 6 Alphanumeric OCR-A Look-A-Like 6 Rotated Alphanumeric
Printing	Parallel Only	Parallel, Rotated 90° (Alphanumeric Only)
Storage Capacity	Approx. 250 SKU's (Number varies depending on label data.)	2900 SKU's
Label Formats	8	30
Scanner Interface	No	Yes
Key Entry/Upload	No	Yes

Specifications

Interface requirements using Monarch Interface Accessories*

- RS-232C Interface, Pin "D" connector
- Asynchronous, ASCII, serial, full duplex, XOn/XOff. Word size: 7 data bits plus 1 parity bit and 1 stop bit
- Baud rate: 300, 1200, 9600
- Parity: odd, even, mark, space
- Data terminal ready line is tied to data set ready line on computer side
- Clear to send line is tied to request to send line on the computer side

Data transmission error checking

- Data overrun
- Framing error
- Character
- Detailed record data check in OX version

Pathfinder data buffer size

- OA version: 24 K bytes
- OX version: 176 K bytes

Data error checking

- On print data
- On format data

16 digits available for batch look-up numbers

16 alphanumeric characters available for item description

Keeps count of the number of labels printed for each batch

Transmits count information back to the host computer

*6091™ PBOL (Power Base Unit ON-LINE)
PC1-1, Cable Interface (Male)
PC1-2, Cable Interface (Female)

The Pathfinder labeler is part of Monarch's complete line of retail ticketing systems. For more information, write Monarch Marking, P.O. Box 608, Dayton, Ohio 45401-9968. (In Canada, 895 Brock Road, Pickering, Ontario, Canada L1W3C1.

CALL TOLL FREE: 800-543-6650

Operators on duty Monday-Friday, 8 a.m. — 8 p.m. (Eastern Time). Automatic order handling all other times.

In Canada, call 800-263-4650

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A Pitney Bowes Company

Service & Support

- Maintenance Agreements
- Service Contracts
- Printer Utilities
 - Printer Firmware
- Documentation

Printer Utilities

Want to quickly jump to what you are looking for? Click on one of the following links:

- Windows Drivers
- USB Drivers
- Tabletop Utilities
- Portable and Handheld Utilities
- Legacy Utilities

Monarch® Portable and Handheld Printer Utilities

6039™ (Windows CE 5.0)

[Monarch® 6039™ .NET Software Development Kit \(SDK\) - 2/15/06](#)

Operating Systems:
Microsoft® Windows® 98 or greater.

6039™ (Windows CE 5.0)

[Δ Top](#)

[Monarch® 6039™ USB Drivers and Installation guide - 11/3/06](#)

Operating Systems:
Microsoft® Windows® 2000 or XP.

6039™ (Windows CE 5.0)

[Δ Top](#)

[Monarch® 6039™ EVC Software Development Kit \(SDK\) - 1/05/06](#)

Operating Systems:
Microsoft® Windows® 98 or greater.

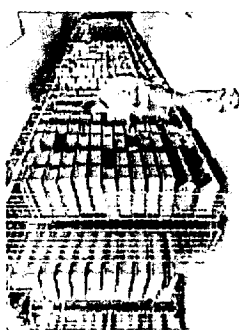
6030™, 9433™, ADK

Interpreter versions of the 6035™, 6037™ and ADK firmware version 9460™

Operating Systems:

[MONARCH® ADK Download Utility \(Application Development Kit Download Utility Version 1.3\)](#)

The ADK Download Utility is a Windows 98 (and higher) compliant download tool that allows you to



Microsoft® Windows® 98 or higher

6035™ and 6037™

Operating Systems:

Microsoft® Windows® 95/98

6035™, 6037™ and 6039™

Operating Systems:

Microsoft® Windows® 98/2000/XP

transfer ADK compiled scripts, formats, and lookup files to your ADK compliant printers.

[^ Top](#)

[File Transfer Software \(Version 2.0\)](#)

This utility allows you to easily download or upload files from your PC to the 6035 printer.

[^ Top](#)

[M06005TE Terminal Emulation Software \(08/11/06\)](#)

This software supports running terminal emulation of VT, 3270 or 5250 type terminals on the M06035, M06037 and M06039 printers. This software runs in demonstration mode without a software key purchase. The demonstration mode limits the session connection time to 20 minutes then it will disconnect from the host system, the number of sessions is unlimited. To purchase a software key or receive more information pertaining to M6005 Terminal Emulation, please contact your Paxar Sales Representative.

Note: This download contains the images for all emulations and Wireless LAN cards, the Terminal Emulation configuration utility and documentation. It is approximately 25MB in size. If you have difficulties downloading this file, you may purchase a CD-ROM from Paxar, please contact your Paxar Sales Representative for more information.

[^ Top](#)

[Monarch® 6035™/6037™ Software Development Kit \(SDK\) - 10/21/04](#)

Use this kit to write application programs for the printer using Microsoft C/C++ 1.52.

[^ Top](#)

[Monarch® MPCL™ Toolbox \(Version 1.10\)](#)

This easy-to-use utility helps you configure your printer, download files, and create downloadable soft fonts. The utility also supports serial (COM), parallel

6035™ and 6037™ (ROM-DOS 6.22)

Operating Systems:

Microsoft® Windows® 3.1 or greater.

6032™, 6035™, 6037™, 6039™ and 9433™

(LPT), and ethernet (TCP/IP) connections.

[△ Top](#)

6032™, 6035™, 6037™,
6039™, 9433™ and 9490™

Operating Systems:
Microsoft® Windows®
3.1/95/98

6015™

Palm™ III series, and the
Palm™ VII handheld; and
the Symbol® SPT 1500
terminal

Operating Systems:
Palm OS®

[Quickset Label Designer \(Version 1.10\)](#)
[MPCL Format Design Utility.](#)

Note: The Label Designer Utility allows you to design fixed or variable field formats; however, you cannot enter variable field data using the Monarch Utilities. Call Customer Service for information about complete software packages.

[△ Top](#)

[Monarch® 6015™ Print Utility \(Version 1.0\)](#)
This new utility allows users to print data from a handheld computer using the Appointment Book, Address Book, Memo, ToDo List, and the Clipboard. Also included is a utility to print receipts.

Demos: Super Demo Application ([Super Demo.prc](#) and [Super Demo.Source.zip](#)) Bar Code Application ([BarcodeSample.prc](#) and [BarCode.Source.zip](#)). Several of these applications/demos were written using Metrowerks® CodeWarrior®.

Learn more about [how to use the demos.](#)

Monarch® 6017™ Programmer's Utilities

Printers Supported: 6017™

Documentation: [Operating Instructions \(Rev.AB 4/01\)](#)

[Programmer's Manual \(Rev.AC.6/02\)](#)

Handheld Devices supported: Symbol® SPT 1700 terminal and 1800 series terminal

Operating Systems: Palm OS®

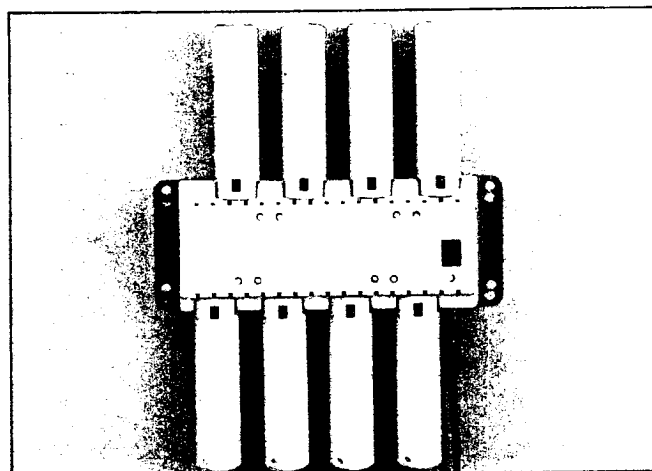
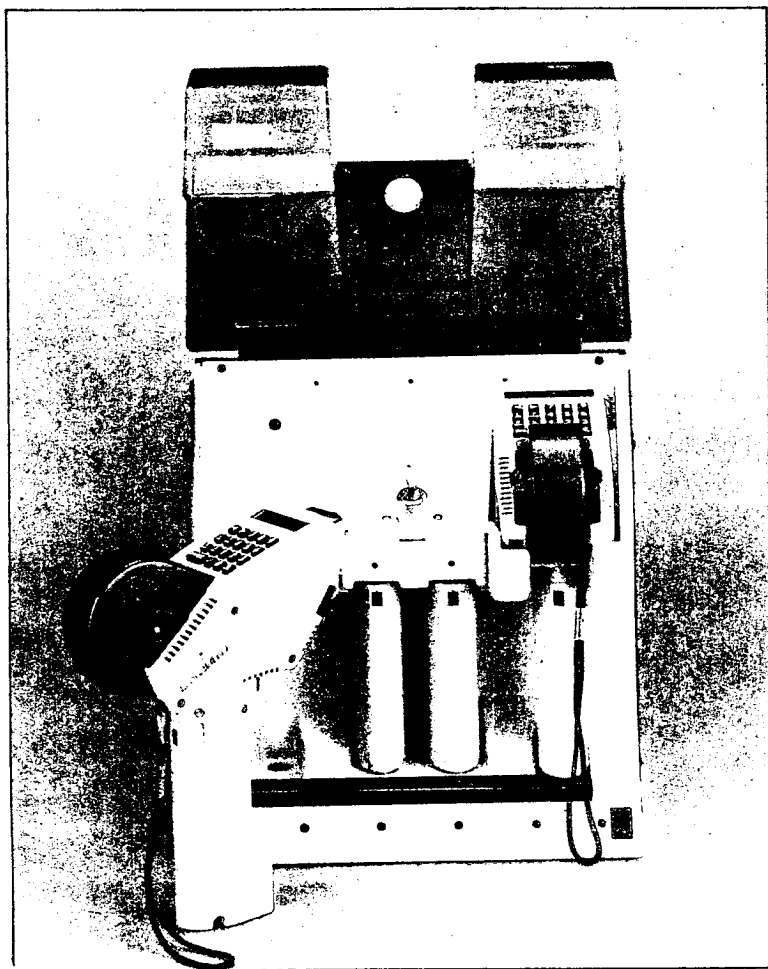
Demos: Line Busting Demo is a retail application that includes magnetic stripe card reader information. ([6017 Print Demo](#)).

Handheld Devices supported: Symbol® PPT 2700 and 2800 series terminal

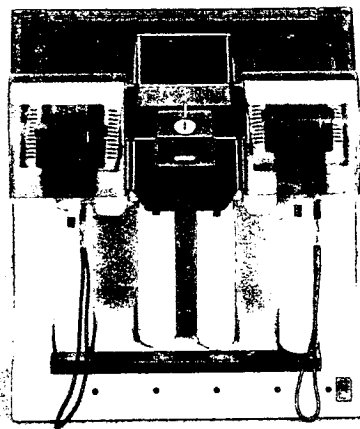
Operating Systems: PocketPC®

Demos: Pocket PC source code ([HandiPrint Demo Source Code](#)) for Pocket PC (Windows® CE) using Microsoft® Embedded Visual Basic®.

Accessories for Pathfinder® Printer

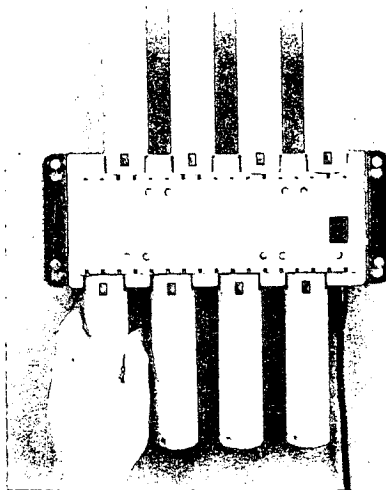


Pathfinder Accessories Increase Your Productivity



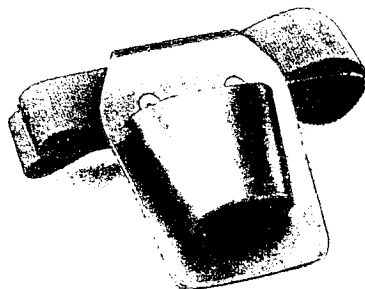
Model 6091 Power Base Unit (PBU)

- Charges two Pathfinder printers and two extra Power Modules (handles) simultaneously.
- Has a "fast charge" mode — fully charges batteries in five hours. The emergency charge then reverts to the normal trickle charge mode.
- Provides a permanent, secure storage place for Pathfinder printers not in use. (under lock and key) See-through cover also keeps equipment clean and free from dust.
- Can transfer data from one Pathfinder memory to another unit through the two ports in the PBU. (certain Pathfinder models only)
- Optional: Contains interface for transfer of data from a computer to the Pathfinder memory; also backloads from Pathfinder memory to the computer via RS-232-C interface.
- Sits on table or can be wall mounted.



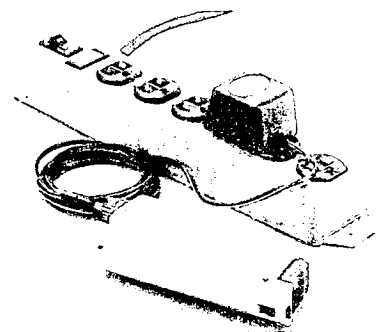
Model 6090 Power Module Charger (PMC)

- Charges and stores eight Power Modules (handles) simultaneously.
- Has a "fast charge" (5 hours) that keeps the number of extra Power Modules needed to a minimum.
- Is ideal for distribution centers or industrial high-volume labeling situations.



Pathfinder Leather Holster (PLH)

- Is made of high-quality, police-grade black leather on a durable nylon belt with quick-snap, safety fastener. Keeps Pathfinder safe, out of the way, yet handy for most efficient operation.
- Reduces potential of dropping, avoiding damage, downtime and costly repairs.



Pathfinder Power Module (PPM) and Wall Charger (PWC)

- The rechargeable batteries are contained in the detachable handles.
- Extra handles extend the number of hours the Pathfinder printer can be used each day: for second shifts, etc.
- A fully charged Power Module will print more than 1,000 labels in most work environments.
- Two Power Modules are furnished as standard with each Pathfinder printer. High-volume labeling may require extra handles or fast charge capabilities.
- A Wall Charger (PWC) with customized Pathfinder connector is furnished as standard. A fully discharged Power Module can be fully recharged in 16 hours. Extra chargers are available.

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Monarch: The Leader In Merchandise Management

 **Monarch Marking**
A Pitney Bowes Company

Company doesn't blow gasket over UPC

BY CINDY KNAPP, CONTRIBUTING EDITOR

"It was either put UPC's on or lose the business," says Mike Stasko, product manager of Mr. Gasket, the Cleveland-based manufacturer of specialty gaskets for high-performance cars. Though the company stocks over 4000 items, it only used UPC codes on the 500 or so top-selling ones, using pre-printed labels created from negatives it sent to an outside print shop and then applying

the labels manually.

Not only was this manual application a slow method, it lacked flexibility. Mr. Gasket's retailer customers, whether well-known mass merchandisers such as K-Mart or special automotive aftermarket chains like the Pep Boys, began to require this coding on the entire line of Mr. Gasket products they sold, including those low-demand products geared to their specialty clientele, not just the most

popular ones. "They'd look through our catalogs and see all the items we had, not just the UPC-coded ones, and want to order them. But we'd get work orders that said the products had to be UPC-coded," says Larry Kuczynski, purchasing director at Mr. Gasket.

When new UPC-coded labels were needed to support these customers, they had to be special-ordered, a time-consuming and frustrating process. Besides that, "we had to keep quite a few labels in stock. That took up room," says Kuczynski.

So Mr. Gasket turned to Monarch Marking, a Pitney Bowes Company in Dayton, OH, and its Pathfinder handheld printer. The 26-oz., self-programmable printer creates the UPC code and human-readable alphanumeric information right on the spot.

An efficient, rugged choice

"The biggest factor in our selection of the Pathfinder is that we could apply the labels as they were being made," says Kuczynski. And, in line with Mr. Gasket specifications, these labels can stand up to the 300° F. heat of the company's shrink-wrap process without fading.

Controlled by a micro-processor, the printer is fully portable. The two printers at Mr. Gasket are kept in such constant use that they use the cord connection option instead of the charger handles. A third is kept in shipping for special orders.

Since buying these Pathfinders, Mr. Gasket notes a two-thirds reduction in time needed to apply labels. That, plus their flexibility in supporting the needs of its best customers, made going entirely to UPC coding a wise investment for the company. ■

For more information
circle Reader Inquiry Card:

Monarch Marking CIRCLE 256



Workers at Mr. Gasket find the programmable Pathfinder printer saves effort and increases accuracy.

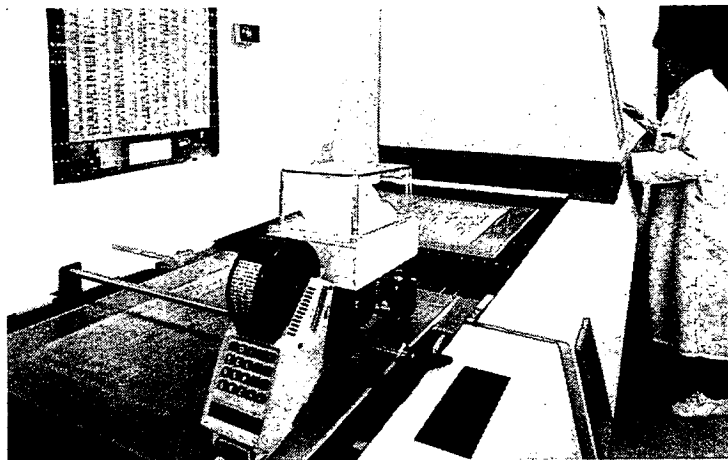
Bar codes help detect circuit board defects

Chicago—A bar code labeler being shown here at SCAN-TECH 88 is helping electronics manufacturers spot defects during the assembly of circuit boards. The AOI-BC Bar Code Labeler is an option to the AOI-19 System, a high resolution automated optical inspection system used to examine bare printed circuit boards and layers for critical manufacturing requirements. "All of our customers purchase the bar code labeler option because it makes it so convenient to identify panels," says Michael Libby, customer support manager for AOI Systems Inc., the manufacturer of the AOI-19 System, exhibiting in Booth 937.

The AOI-19 System can simultaneously set up, inspect, evaluate defects and maximize repair throughput and productivity. The AOI-19 Inspector detects and classifies defects in circuit board panels, storing the data for each inspected panel in its own file. The system computer makes the inspection data available to one or more AOI Evaluation and Repair (AOI-E/R) stations.

The system utilizes both design rule and reference inspection technology. Design rules characterize how circuits are constructed. The reference inspection technique uses coordinate data to identify specific features on the circuit board panel. "This is an emerging technology that wasn't common two years ago," says Richard Eastman, vice president of marketing for AOI.

The bar code labeler used in the system is Monarch Marking's thermal bar code Pathfinder printer, a line of bar code printers featuring a 176K data base and full bar code printing capability. The Pathfinder is stationed on the



Bar code labeler spots defects on circuit boards.

equipment at the end of a continuous production line requiring human intervention only to load labels into the printer. The Pathfinder prints out a unique panel serial number as well as the number of defects found on the panel. The defects are found by 19 solid state cameras mounted on a fixed bridge assembly.

A Sun computer serves as the inspection system's host controller. Using the Unix operating system, the controller provides asynchronous communication with the dedicated image processing hardware, the inspection system control terminal, multiple AOI-E/R stations, and other auxiliary equipment. A 142 MB hard disk assembly stores set up, defect, and SPC files:

"We set a certain time-frame of how long it will take a panel to reach the Pathfinder and when the countdown is complete, the Sun computer indicates the panel is there and tells the Pathfinder to print out the bar code label," says Libby. The file has the panel number, job number, and XY coordinates for each defect found on the panel. "At

the AOI-E/R station, the operator pulls a bar code reading wand over the label to access the appropriate defect file. The operator examines each defect and determines if the defect is significant, repairable or fatal. Because our equipment finds defects on inner layers before they are laminated, the savings in reduced scrap are substantial," Libby continues.

The AOI-E/R station automatically positions each defect under a color camera and displays the image on a high resolution color monitor. The inspection report is simultaneously displayed on a separate screen. The report includes registration data, defect location and defect type. To maximize throughput, defects are automatically sorted by user-defined levels of severity. Defects can be evaluated and classified in real time at the AOI-E/R station. ■

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Automatic I.D. News, October 1988*

60A-2 FOOD & DRUG PACKAGING
MONTHLY 67,000

AUGUST 1987

CLIPPED BY **Bacon's**

447
Thermal-transfer system

CIRCLE CARD NO. 355

Monarch Marking's 9420 thermal/thermal transfer system prints a variety of user-selectable print methods, supply information, formats and configurations to meet a wide range of applications. Meeting industry bar-code standards for Code 39 and UPC, the system prints labels to user specifications, handling various bar-code symbologies as well as alpha-numerics and graphics. Three inches can be printed per second, in any direction, Monarch says. ☒

85A-14 TRAFFIC WORLD
WEEKLY 13,500

AUGUST 10, 1987

CLIPPED BY **Bacon's**

447
**Monarch designs printer
for transport industry**

Monarch Marking has introduced the 6053-WX Pathfinder printer, a proprietary system for the transportation and air freight markets that accepts data from a scanner, keyboard or internal 176K data base, prints bar-coded labels from the data, and adds scanner and keyboard data to the data base for uploading to the computer.

The system can have the necessary ZIP codes and destination-city information for each hub location downloaded one time from the host computer, says

readable and bar-code formats.

"In other words," explains Rike, "our customers can now record data through the scanner, print data on labels, then upload to a mainframe computer. The 6053-WX gives the marketplace three functions in one portable unit. . . ."

Additional information on the system

is available from Monarch Marking, Dept. I.O.D.-P387, P.O. Box 608, Ton, Ohio 45401; (800) 243-4015.

The 6053-WX can scan all bar codes and then recreate them on durable labels to apply in package tracking, inventory control, shipping and receiving, entry or payroll functions.

A Paperleast System

Midwest retailer Lazarus successfully consolidated seven distribution centers into one mega center—with the help of bar code.

by Mary Beth Bistriz

In the past few years "merger mania" has surged through the retail industry leaving major changes in its wake. Lazarus Department Stores, a division of Federated, is one retailer who has experienced such changes. This midwest chain recently survived four mergers, resulting in the consolidation of 43 stores.

Although such rapid growth has been advantageous for the company, it was a nightmare for those involved with distribution center operations.

"After the mergers, we found ourselves with seven distribution centers throughout Indianapolis, Columbus, Dayton, and Cincinnati," said Ron Johnson, director of facility operations for Lazarus. "That meant we were doubling up on equipment, increasing our overhead costs, and losing centralized control."

Less Paperwork, More Data

To streamline their operation, Lazarus decided to consolidate the seven distribution centers into one mega center in Cincinnati. All 43 stores are now serviced from this one center.

But consolidating wasn't enough. "We not only wanted to organize merchandise distribution but also wanted to speed it up," said Johnson. "So we implemented several quick response



Photo 1. Bar coding, overhead scanning, and a "paperleast" system offer distribution QR (quick response).

functions including bar coding, overhead scanning, and paperleast distribution systems."

For Lazarus, less paperwork is a key goal in the quick response function. Too often, the distribution center can become burdened by paperwork, which slows down merchandise throughput.

Lazarus uses the term "paperleast" over "paperless" because it more accurately reflects their system. "Eliminating all paperwork would be

an unrealistic goal for us," explained Johnson, "that's why we strive for a paperleast system in which there is a minimal amount of paperwork."

"I'd have to say the two biggest benefits of the paperleast system would be the ability to flow merchandise faster. You're not in that constant mode of going from room to room moving paper, tickets, and information back and forth. The second most important aspect of the paperleast system would be the tracking information you

can obtain. You're not relying upon logs or paper to track where you're moving the merchandise. Instead, you're relying upon a *system* to tell you where the merchandise is . . . what's due inbound . . . where it is in the system . . . and if it has been received by the store."

When a distribution center is burdened by paperwork, there is a "black hole" during processing—a period when you don't know exactly how many items have been received and marked because the paperwork is still in the routing process.

"Our goal with the paperleast system is that we have 100 percent tracking, and we don't rely on paper to do this tracking," said Johnson. "We want to be able to go to a terminal anywhere in our whole network and tell where a certain piece of merchandise is and what is happening to that merchandise at a given time."

From Inbound to Outbound

As part of their paperleast system, Lazarus uses Monarch Marking's port-



Photo 2. With "paperleast" processing merchandise flows faster and tracks accurately.

able Pathfinder handheld printer and the portable 9410 Coaster printer. Tracking begins the minute inbound cartons are received from the vendor. First, a dock clerk manually enters the bill of lading information into the Pathfinder printer. Lazarus plans to download receiver data from the host

computer into the Pathfinder printer in the near future.

The Pathfinder printer is then used to mark each inbound carton with an Interleaved 2 of 5 bar code label. The dock clerk does not have to spend time counting the boxes because the Pathfinder printer sequentially marks and counts each carton on the purchase order. The cartons are then moved by conveyor belt to an overhead Accu-Sort Starburst scanner, where each is scanned and routed to the appropriate work center for processing. When the on-line operation is fully implemented, the receiving data will be uploaded from the Pathfinder printer to the mainframe to update the status of inbound merchandise.

After the merchandise reaches its workstation, the ticketing begins. First, marking data is downloaded to the Pathfinder printer through one of five CRTs located in a centralized area of the distribution center. Cartons of bulk goods are then broken, and merchandise is marked. As the printer produces labels, it is also counting the

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generating a
customized program
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(603) 924-9631

174 Concord Street, Peterborough, NH 03458

number of pieces marked and storing that data in memory. When the marking is finished, the operator uploads the marking data, including the number of labels printed corresponding to the number of pieces of merchandise received.

Downloading and uploading marking data with an on-line bar code printer means that paperwork is eliminated. Furthermore, items can be 100 percent tracked since the host computer is updated with each transmission.

Ready-to-wear items are marked with tickets printed from the Monarch portable Coaster printer with disk drive storage. The marking data is downloaded from the host computer through a controller to the RS-232 port on the printer. Once the information has been downloaded, the printer is disconnected from the CRT and rolled by cart to the marking area. When ticketing is finished, the printer is rolled back to the download/upload station where data is uploaded to the host to update the files with a description of the items marked and the quantities.

"We're adapting technology that has proven successful at the store level for our distribution center," said Bob Hinklin, director of distribution planning. "We have over 150 people using the Pathfinder and Coaster printers to mark inbound and outbound merchandise and cartons. These printers have made a tremendous difference in our paperleast operation."

As part of its efforts to streamline operations, Lazarus has incorporated overhead scanning of bar code labels for outbound merchandise. Outbound cartons are marked with Interleaved 2 of 5 bar codes, scanned by an overhead laser scanner, and routed to the correct truck for shipment to the stores.

Bar code labeling is especially convenient for the sortation process. Lazarus currently uses four sortation methods: outbound, inbound, ready-to-wear, and tilt tray.

Ready-to-wear sortation, according to Hinklin, has the quickest turnaround because the merchandise arrives in bulk, predistributed from the

vendor. So it can be easily routed to the proper store through the distribution center.

"Formerly, our merchandise was moved manually through the distribution center. Now with conveyor belts and overhead scanners, it's all done mechanically," said Hinklin.

Looking to the future, Bob Hinklin sees even greater speed and organization for the Lazarus distribution center. With the implementation of paperleast systems and overhead scanners, Lazarus has reduced merchandise turnaround time between inbound shipments to three to four days. As they groom their program, Hinklin anticipates turnaround time will be reduced even further—one to two days within the next year. He also believes that as vendors and carriers begin to use similar retail technology, the process will continue to shorten.

Lazarus' consolidation of its distribution centers, along with implementation of bar coding, overhead scanning, and paperleast systems, will ultimately benefit the customer by providing the right merchandise at the right place at the right time. Lazarus expects to see a direct benefit from these changes in sales, inventory turns, and paperwork costs. □

Mary Beth Bistriz is advertising program coordinator at Monarch Marking, Retail Systems Division.

APPLICATION PROFILE

Company Name:

Lazarus Department Stores,
A Division of Federated
Cincinnati, OH

Business: Retailer

Hardware/Software: 175 Monarch Marking Pathfinder printers, 9 Monarch Marking 9410 Coaster printers;
2 AccuSort omni directional Starburst scanners

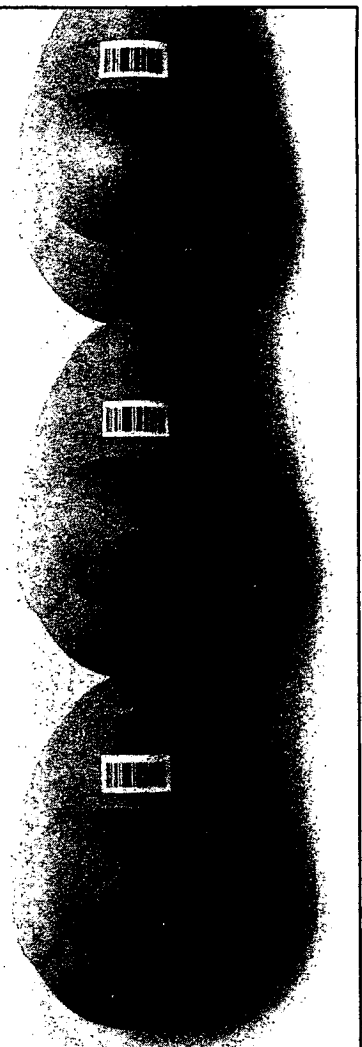
Primary Application: Tracking and inventory of goods from time they enter distribution center to time they leave

Primary Benefit: Reduced paperwork; 100 percent tracking of goods

Resources:

Accu-Sort Systems, Inc.
511 Schoolhouse Rd.
Telford, PA 18969
(215) 723-0981

Monarch Marking Systems, Inc.
Box 608
Dayton, OH 45401-0608
(800) 543-6650



HOW TO GET YOUR DUCKS IN A ROW.

ISD has software solutions that allow you to use bar codes for most anything. Like identifying products. Labeling packages. Or even managing assets and paperwork.

You'll be able to speed and simplify data collection. Track products dock-to-stock. Streamline inventory control. And more.

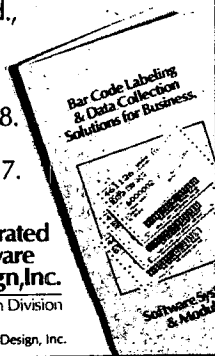
Send for literature on our full line of software solutions. Integrated Software Design, Inc., 171 Forbes Blvd., Mansfield, MA 02048. Telephone: (508) 339-4928. FAX: (508) 339-2257.



**Integrated
Software
Design, Inc.**

Automatic Identification Division

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 **Monarch Marking Systems**
A Pitney Bowes Company

*Reprinted with permission of
ID Systems, September 1989*

LAZARUS



Consolidating distribution of soft goods at this new center let Lazarus shave up to 10 days shipping time to stores.

FEEDING THE STORES FASTER

SHARONVILLE, Ohio — On approach, it looks like it could be an indoor training track for the thoroughbreds raised on the bluegrass in neighboring Lexington, Ky. Inside, the goal is speed, but the sprinters are cartons and hanging clothes, and the track is a collection of rollers and conveyors dotted with scanners and sorters — all at the leading edge of automated distribution for department stores.

The vast building is Lazarus' new hub for distributing soft goods and small items to its 43 stores. The division of Federated Department Stores bought the building in December, 1987, and began phasing in distribution operations in May.

Before, the job was spread over eight facilities in four cities — a sprawling, inefficient network that had resulted from Lazarus's mergers with Shillito Rikes and Block's stores. The retailer still maintains one other distribution center nearby to handle big ticket goods, such as furniture.

The Sharonville center "is part of our general business strategy to improve service to our customers and our stores, and improve our expense structure," explained Andy Owczarek, senior vice

president of operations at Lazarus's Cincinnati headquarters.

"It will save us millions," he continued. "But the driving force was not the savings, it was that the networks and structure we had as a result of the mergers made it difficult for us to present a consistent face to our customer in terms

to get merchandise to a store, and now we can get it into a store within two days from the time it is finished processing."

Processing time inside the distribution center also is expected to shrink as Lazarus works to bring new material handling equipment to optimum efficiency, he added.

Covering a vast 1,200,000

square feet, divisional vice president for merchandise processing at the distribution center here.

"Everything" comprises in-bound and out-bound sorting systems that route packages by scanning bar codes, a device for sorting hanging ready-to-wear by store, a tilt-tray sorter, 25 truck bays for receiving, and 55 for shipping.

Lazarus officials declined to reveal how much the retailer spent for the 7-year-old building and new equipment, but an industry source estimated it topped \$30 million.

Lazarus expects to recoup its investment within five years, according to Lozier. It already has trimmed 25 percent of its distribution staff and is on the road to cutting overhead 30 percent.

Lozier expects to reduce staff even further when all systems have been tuned to peak efficiency by the fall. The in-bound and out-bound sorting systems, which use Rapistan conveyors and Buschman rollers, are running, but the Promech sorter for hanging rtw is still being tested, and the tilt tray sorter isn't in use.

"We save a lot of lost time," said Lozier. Under the old method, incoming shipments often were routed to two or three centers for processing and ticketing before being meted out to the stores.



Tom Lozier points out the ready-to-wear processing area on a schematic diagram of the huge building.

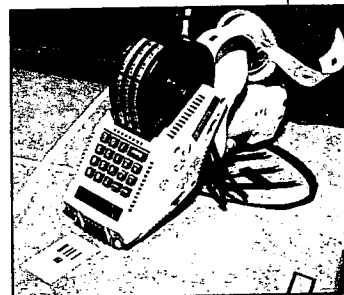
of merchandise. It was difficult to have things arriving from various places at various times."

The biggest benefit so far has been getting goods into the stores faster.

"We cut down dramatically our transit time from distribution to stores," said Owczarek. "It used to take us anywhere from two to 12 days

square feet (that's 25 football fields), the single-story building formerly housed Montgomery Ward's catalog center. Since last March, it has been filled with gadgets ranging from computers to golf carts.

"Some companies have pieces of equipment that are state of the art, but in this facility we've got just about everything," said Tom Lo-



Bar coding incoming cartons

In the new center, incoming merchandise is labeled on arrival with bar codes generated by hand-held Monarch Pathfinder printers. The labels identify the purchase order, the record of receipt, and indicate where in the center the goods will be processed.

As the cartons ride the conveyor on a high trellis, they are scanned by an overhead Accusort scanner, which registers receipt of the goods and tells the conveyor system which chute to send the carton down for processing. After being ticketed and repackaged for different stores, the goods once again ride the conveyor, but this time are deposited down rollers leading to truck bays for the individual stores. Outbound accuracy is 98 percent, according to Lozier.

— HOLLY HABER

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

SPX CORPORATION,)	
)	
Petitioner,	)	Cancellation No. 92046656
)	
v.	)	Registration No.: 2,163,332
	)	Mark: PATHFINDER
PAXAR AMERICAS, INC.,	)	Issued: June 9, 1998
)	
Respondent.)	
)	

DECLARATION OF SHARON A. CERESNIE

In accordance with 28 U.S.C. § 1746, I, Sharon A. Ceresnie, declare as follows:

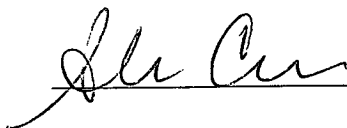
1. I am an attorney with the law firm of Pattishall McAuliffe Newbury Hilliard & Geraldson LLP ("Pattishall McAuliffe"), counsel to Respondent, Paxar Americas, Inc., formerly known as Monarch Marking Systems, Inc.

2. I have personal knowledge of the facts stated herein and could, if called as a witness, testify competently with regard to them.

3. Attached hereto as Exhibit 1 is a true and correct copy of a print-out from Petitioner's website located at <www.spx.com> printed on December 11, 2006 indicating that Petitioner "provides specialty service tools for motor vehicle manufacturers' dealership networks...".

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

Executed at Chicago, Illinois, on December 14, 2006.



Test and Measurement

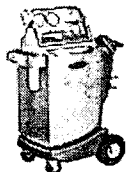
Flow Technology

Test and Measurement

Thermal Equipment and Services

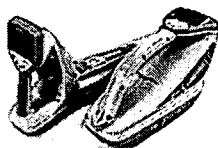
Industrial Products and Services

The businesses in the Test and Measurement segment serve a wide customer base - aerospace, electrical, electronics, life science and automotive markets, as well as municipalities. Our technology supports the introduction of new systems, expanded services, and sophisticated testing and validation.



SPX Service Solutions

provides specialty service tools for motor vehicle manufacturers' dealership networks, integrated service, technical and training information for vehicle original equipment manufacturers and professional test and service tools for the HVAC, refrigeration and electrical trades.



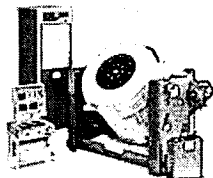
Radiodetection

manufactures and sells electronic testing, monitoring and inspection equipment for locating and identifying metallic sheathed fiber optic cable, horizontal boring guiding systems, inspection cameras and test sets.



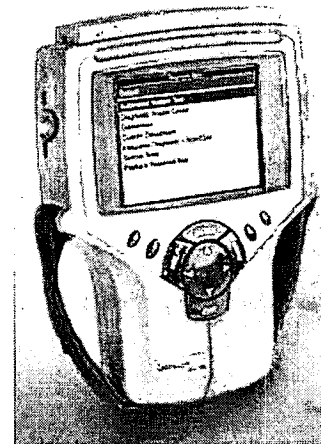
GFI Genfare

is an expert in the design, manufacture, sales, installation and maintenance of secure fare collection systems, and manufactures vending equipment for the U.S. Postal Service.



LDS Test and Measurement

has a global recognition for integrated test and measurement solutions for applications in the aerospace, defense, automotive, machinery, electrical and electronics markets



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The new Automated System Test™ feature for the OTC Genisys™ Scan Tool from SPX Service Solutions provides technicians single-button access to all available vehicle controllers, letting them save valuable time in performing even the most complex diagnostic tests. [go>](#)

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PATHFINDER

Word Mark PATHFINDER**Goods and Services** IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE FOR ELECTRONIC VEHICLE DIAGNOSIS. FIRST USE: 19980100. FIRST USE IN COMMERCE: 19980100**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Design Search Code****Serial Number** 78711754**Filing Date** September 13, 2005**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** June 6, 2006**Owner** (APPLICANT) SPX CORPORATION CORPORATION DELAWARE 13515 Ballantyne Corporate Place Charlotte NORTH CAROLINA 200365304**Attorney of Record** P. Jay Hines**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

RECEIVED OCT 10 2006

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

In the Matter of Application Serial No. 78/711,754 for
PATHFINDER
Published in the Official Gazette of June 6, 2006

CERTIFICATE OF MAILING

PAXAR AMERICAS, INC.,

Opposer,

v.

SPX CORPORATION,

Applicant.

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 Patents, P.O.
Box 1451, Alexandria, VA 22313-1450

10/6/06

Date of Deposit

Joseph J. Jean

Signature

10/6/06

Date of Signature

NOTICE OF OPPOSITION

Paxar Americas, Inc., (formerly Monarch Marking Systems, Inc.) a Delaware corporation, having a principal place of business at 170 Monarch Lane, Miamisburg, Ohio 45342, believes that it would be damaged by registration of the mark shown in Application Serial No. 78/711,754 in International Class 9, and hereby opposes the same.

As grounds for opposition, it is alleged:

1. Opposer has for many years prior to the alleged first use date in application Serial No. 78/711,754 been engaged in manufacturing, distributing, training, advertising, promoting, and marketing of products and services under the mark PATHFINDER.

2. Since long prior to the filing date of the application opposed herein, the products sold and the services rendered by opposer under the mark PATHFINDER have included computer hardware and computer programs.

3. Opposer has sold over 100 million dollars worth of products under its PATHFINDER mark, and Opposer's products carrying its mark PATHFINDER have been sold to and used by a wide variety of customers including automobile dealers that perform service on vehicles.

4. Opposer has registered its aforesaid PATHFINDER mark in the U.S. Patent and Trademark Office, as follows:

<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>GOODS/SERVICES</u>
PATHFINDER	385,845	Machines for applying price marking indicia to merchandise
PATHFINDER	1,358,023	Adhesive-backed labels
PATHFINDER	1,582,260	Pricing marking machines, computerized printers, labelers and other machines for applying price marking indicia to merchandise
PATHFINDER	1,642,307	Electronic transmission of messages and data

PATHFINDER	1,714,900	Cleaning preparations for cleaning computerized printers and cleaning preparations in a kit for computerized printers
PATHFINDER	1,732,980	Instructional manuals for price marking machines, computerized printers, labelers and other machines for applying price marking indicia to merchandise
PATHFINDER	1,740,206	Maintenance and repair of computerized printers and consulting services in connection therewith.
PATHFINDER	2,128,682	Maintenance and repair services for business and office machinery and equipment used in item identification, item tracking, price marking, and the generation, encoding, scanning and electronic communication of data (including by radio frequency and telephone lines), in class 37
		Services related to item identification, price marking, and the generation, electronic communication and reading of data including communication of data by radio frequency and telephone lines, in class 38

Training in the use and operation of business and office machinery and equipment for the generation, encoding, scanning and electronic communication of data,

Services related to the encoding of product information and the tracking of encoded items; design and programming for others of software for the generation, encoding scanning and electronic communication of data in class 42

PATHFINDER

2,163,332

Electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers.

Opposer's aforesaid registrations are valid and subsisting and owned by opposer, and all these registrations are incontestable pursuant to the provisions of 15 U.S.C. 1065 and 1115(b). Copies of the aforesaid registrations are attached as Exhibits A through I.

5. As a result of Opposer's extensive use, advertising, promotion and sales, opposer's PATHFINDER mark

has become extremely well known and represents a most valuable good will owned by opposer.

6. Use by applicant of the mark PATHFINDER for computer software for electronic vehicle diagnosis for which registration is sought in the application opposed herein, would be likely to cause confusion, mistake or deception in that customers and others would be likely to believe that applicant's products and services are opposer's products and services, or are in some way legitimately connected or associated with opposer or approved by opposer.

7. Use by applicant of the mark PATHFINDER for which registration is sought in the application opposed herein, would be without opposer's consent or permission.

8. On information and belief, neither applicant nor any predecessor or related company of applicant made any use of the mark PATHFINDER prior to January 31, 1998, the alleged first use date of the application opposed herein.

WHEREFORE, registration by applicant of the aforesaid mark would be damaging to opposer.

Opposer submits herewith the requisite filing fee in the amount of \$300.00 by deposit account order form. The Commissioner of Trademarks is hereby authorized

and requested to charge any deficiency or to credit any
overpayment to deposit account 13-3955 of Paxar Americas,
Inc.

Respectfully submitted,

Paxar Americas, Inc.

By 

Joseph J. Grass
Attorney for Opposer
Reg. No. 19,768
Paxar Americas, Inc.
170 Monarch Lane
Miamisburg, OH 45342
(937) 865-2012

October 6, 2006

Registered Mar. 18, 1941

Trade-Mark 385,845

Regublished, under the Act of 1946, June 22, 1948, by
Monarch Marking System Co., Dayton, Ohio.

Under Section 15 received, July 6, 1953.

UNITED STATES PATENT OFFICE

The Monarch Marking System Company,
Dayton, Ohio

Act of February 20, 1905

Application October 16, 1940, Serial No. 437,007

PATHFINDER

STATEMENT

To the Commissioner of Patents:

The Monarch Marking System Company, a corporation duly organized under the laws of the State of Ohio and located at Dayton, Ohio, and doing business at 216 South Torrence Street, Dayton, Ohio, has adopted and used the trade-mark shown in the accompanying drawing, for **MACHINES FOR APPLYING PRICE MARKING INDICIA TO MERCHANDISE**, in Class 23, Cutlery, machinery, and tools, and parts thereof, and presents herewith five specimens showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905. The trade-mark has been continuously used and applied to said goods in applicant's business since October 1938.

The trade-mark is affixed to the merchandise or the container thereof by tags, labels, decalcomania and in other appropriate ways.

The undersigned hereby appoints Wood and Wood, a firm composed of Edmund P. Wood, Gordon C. Arey, Truman A. Herron and Edward B. Evans (R. No. 4,267), at 2801 Carew Tower, Cincinnati, Ohio, its attorneys, to prosecute this application for registration, with full powers of substitution and revocation and to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

THE MONARCH MARKING
SYSTEM COMPANY,

By E. L. KOHNLE,
Secretary-Treasurer.

Int. Cl.: 16



Prior U.S. Cl.: 37

United States Patent and Trademark Office

Reg. No. 1,358,023

Registered Sep. 3, 1985

TRADEMARK
PRINCIPAL REGISTER

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 & BYERS ROAD
MIAMISBURG, OH 45342

FOR: ADHESIVE-BACKED LABELS, IN
CLASS 16 (U.S. CL. 37).

FIRST USE 6-18-1984; IN COMMERCE
6-18-1984
OWNER OF U.S. REG. NO. 385,845.

SER. NO. 524,075, FILED 2-25-1985.

MARY C. MACK, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office

Reg. No. 1,582,260

Registered Feb. 13, 1990

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 & BYERS ROAD
MIAMISBURG, OH 45342

-FOR: PRICE MARKING MACHINES, COM-
PUTERIZED PRINTERS, LABELERS AND
OTHER MACHINES FOR APPLYING PRICE
MARKING INDICIA TO MERCHANDISE, IN
CLASS 7 (U.S. CL. 23).

FIRST USE 10-0-1938; IN COMMERCE
10-0-1938.

OWNER OF U.S. REG. NOS. 385,845 AND
1,358,023.

SER. NO. 73-798,546, FILED 5-8-1989.

STEVEN R. FINE, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cl.: 104

United States Patent and Trademark Office Reg. No. 1,642,307
Registered Apr. 23, 1991

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
7581 BYERS ROAD
MIAMISBURG, OH 45342, BY ASSIGNMENT
OF DIALCOM, INC. (MARYLAND CORPO-
RATION) ROCKVILLE, MD 20852

FOR: ELECTRONIC TRANSMISSION OF
MESSAGES AND DATA, IN CLASS 38 (U.S. CL.
104).

FIRST USE 10-0-1987; IN COMMERCE
10-0-1987.

SER. NO. 73-739,690, FILED 7-14-1988.

LIZ KULICK, EXAMINING ATTORNEY

EXHIBIT D

Int. Cls.: 3 and 21

Prior U.S. Cls.: 29 and 52

Reg. No. 1,714,900
Registered Sep. 15, 1992

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: CLEANING PREPARATIONS FOR
CLEANING COMPUTERIZED PRINTERS AND
CLEANING PREPARATIONS IN A KIT FOR
COMPUTERIZED PRINTERS. IN CLASS 3 (U.S.
CL. 52).

FIRST USE 3-18-1991; IN COMMERCE
3-18-1991.

FOR: CLEANING CLOTHS IMPREGNATED
WITH ALCOHOL, IN CLASS 21 (U.S. CLS. 29
AND 52).

FIRST USE 3-18-1991; IN COMMERCE
3-18-1991.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-180,124, FILED 6-27-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,732,980

Registered Nov. 17, 1992

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
STATE ROUTE 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: INSTRUCTIONAL MANUALS FOR
PRICE MARKING MACHINES, COMPUTER-
IZED PRINTERS, LABELERS AND OTHER
MACHINES FOR APPLYING PRICE MARKING

INDICIA TO MERCHANDISE, IN CLASS 16
(U.S. CL. 38).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-214,615, FILED 10-17-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

EXHIBIT F

Int. Cl.: 37

Prior U.S. Cl.: 103

United States Patent and Trademark Office

Reg. No. 1,740,206

Registered Dec. 15, 1992

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
S.R. 725 AND BYERS ROAD
MIAMISBURG, OH 45342

FOR: MAINTENANCE AND REPAIR OF
COMPUTERIZED PRINTERS AND CONSULT-
ING SERVICES IN CONNECTION THERE-
WITH, IN CLASS 37 (U.S. CL. 103).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,642,307
AND OTHERS.

SER. NO. 74-174,269, FILED 6-10-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cls.: 37, 38, 41 and 42

Prior U.S. Cls.: 100, 101, 103, 104, 106 and 107

United States Patent and Trademark Office

Reg. No. 2,128,682

Registered Jan. 13, 1998

SERVICE MARK
PRINCIPAL REGISTER

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

FOR: MAINTENANCE AND REPAIR SER-
VICES FOR BUSINESS AND OFFICE MACHIN-
ERY AND EQUIPMENT USED IN ITEM IDEN-
TIFICATION, ITEM TRACKING, PRICE
MARKING, AND THE GENERATION, ENCOD-
ING, SCANNING AND ELECTRONIC COMMU-
NICATION (INCLUDING BY RADIO FRE-
QUENCY AND TELEPHONE LINES), IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: SERVICES RELATED TO ITEM IDEN-
TIFICATION, PRICE MARKING, AND THE
GENERATION, ELECTRONIC COMMUNICA-
TION AND READING OF DATA, INCLUDING
COMMUNICATION OF DATA BY RADIO FRE-
QUENCY AND TELEPHONE LINES, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: TRAINING IN THE USE AND OPER-
ATION OF BUSINESS AND OFFICE MACHIN-
ERY AND EQUIPMENT FOR THE GENERA-
TION, ENCODING, SCANNING AND ELEC-
TRONIC COMMUNICATION OF DATA, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

FOR: SERVICES RELATED TO THE ENCOD-
ING OF PRODUCT INFORMATION AND THE
TRACKING OF ENCODED ITEMS; DESIGN
AND PROGRAMMING FOR OTHERS OF SOFT-
WARE FOR THE GENERATION, ENCODING,
SCANNING AND ELECTRONIC COMMUNICA-
TION OF DATA, IN CLASS 42 (U.S. CLS. 100
AND 101).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

OWNER OF U.S. REG. NOS. 385,845, 1,987,268
AND OTHERS.

SER. NO. 75-208,351, FILED 11-25-1996.

JILL C. ALT, EXAMINING ATTORNEY

Int. Cls.: 37, 38, 41 and 42

Prior U.S. Cls.: 100, 101, 103, 104, 106 and 107

United States Patent and Trademark Office

Corrected

Reg. No. 2,128,682

Registered Jan. 13, 1998

OG Date July 4, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC.
(DELAWARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

OWNER OF U.S. REG. NOS. 385,845,
1,987,268 AND OTHERS.

FOR: MAINTENANCE AND REPAIR
SERVICES FOR BUSINESS AND OFFICE
MACHINERY AND EQUIPMENT USED IN
ITEM IDENTIFICATION, ITEM TRACKING,
PRICE MARKING, AND THE GENERATION,
ENCODING, SCANNING AND ELECTRONIC
COMMUNICATION OF DATA (INCLUDING
BY RADIO FREQUENCY AND TELEPHONE
LINES), IN CLASS 37 (U.S. CLS. 100,
103 AND 106).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: SERVICES RELATED TO ITEM
IDENTIFICATION, PRICE MARKING, AND
THE GENERATION, ELECTRONIC COMMUN-
ICATION AND READING OF DATA, IN-
CLUDING COMMUNICATION OF DATA BY
RADIO FREQUENCY AND TELEPHONE

LINES, IN CLASS 38 (U.S. CLS. 100, 101 AND
104).

FIRST USE 0-0-1938; IN COMMERCE
0-0-1938.

FOR: TRAINING IN THE USE AND OPER-
ATION OF BUSINESS AND OFFICE MA-
CHINERY AND EQUIPMENT FOR THE GEN-
ERATION, ENCODING, SCANNING AND
ELECTRONIC COMMUNICATION OF DATA,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

FOR: SERVICES RELATED TO THE EN-
CODING OF PRODUCT INFORMATION AND
THE TRACKING OF ENCODED ITEMS; DE-
SIGN AND PROGRAMMING FOR OTHERS
OF SOFTWARE FOR THE GENERATION, EN-
CODING, SCANNING AND ELECTRONIC
COMMUNICATION OF DATA, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 0-0-1938; IN COMMERCE
11-25-1996.

SER. NO. 75-208,351, FILED 11-25-1996.

*In testimony whereof I have hereunto set my hand and
caused the seal of The Patent and Trademark Office to
be affixed on July 4, 2000.*



COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT H Corrected

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,163,332

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
MIAMISBURG, OH 45342

FOR: ELECTRONIC PRODUCTS, NAMELY,
COMPUTER HARDWARE, COMPUTER PE-
RIPHERALS, COMPUTER PRINTERS, COM-
PUTER PROGRAMS FOR OPERATING PRINT-
ERS, COMPUTER TERMINALS, SCANNERS
AND TRANSCEIVER-CONTROLLED PRINT-

ERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 0-0-1984; IN COMMERCE
0-0-1984.

OWNER OF U.S. REG. NOS. 385,845, 1,987,268
AND OTHERS.

SER. NO. 75-182,703, FILED 9-27-1996.

JILL C. ALT, EXAMINING ATTORNEY



TTAB

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

75/182,703

SPX CORPORATION

Petitioner,

v.

PAXAR AMERICAS, INC.

Registrant.

Cancellation No. _____

Registration No.: 2,163,332

Mark: **PATHFINDER**

Our ref.: 87345-0462

PETITION FOR PARTIAL CANCELLATION

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

11/17/2006 SUI LSON 00000002 502036 75182703

01 FC:6401

300.00 DA

Sirs:

SPX Corporation, a Delaware corporation, located and doing business at 13515 Ballantyne Corporate Place, Charlotte, North Carolina 28277, believes that it is or will be damaged by Registration No. 2,163,332, issued on the Principal Register on June 9, 1998 to Respondent for the mark **PATHFINDER** in connection with "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers" in International Class 9. Petitioner hereby petitions for a partial cancellation of said registration pursuant to Section 18 of the Trademark Act.

As grounds for this petition, Petitioner alleges:

1. Petitioner began using the **PATHFINDER** trademark as early as 1991 and filed an application with the U.S. Patent and Trademark Office for the mark **PATHFINDER** in

11-14-2006

U.S. Patent & TMOR/TM Mail Recd. Dt. #30

connection with "computer software for electronic vehicle diagnosis" on September 13, 2005, pending U.S. application Serial No. 78/711,754.

2. Upon information and belief, Respondent, through a name change from Monarch Marking Systems, Inc., is the current owner of record of Registration No. 2,163,332 for the mark PATHFINDER for "electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers" in International Class 9 and Respondent's address is as stated in the attached copy of the registration (Exhibit 1).

3. Respondent has opposed Petitioner's U.S. application for PATHFINDER, Serial No. 78/711,754, based upon, *inter alia*, Respondent's rights in Registration No. 2,163,332, in Opposition proceeding no. 91173386.

4. Upon information and belief, Respondent's electronic products consist of computer software, hardware and printers that design and manufacture tickets, labels and tags for retail product identification. Accordingly, pursuant to Section 1068 of the Lanham Act, Petitioner seeks a partial cancellation or restriction of Registration No. 2,163,332 by limiting the goods specified therein to:

electronic products, namely, computer hardware, computer peripherals, computer printers, computer programs for operating printers, computer terminals, scanners and transceiver-controlled printers used to design and manufacture labels, tags and other price marking indicia

5. The entry of the proposed restriction to Respondent's goods in its Registration No. 2,163,332 will avoid a finding of likelihood of confusion with Petitioner's use of PATHFINDER, Serial No. 78/711,754.

Therefore, this Petitioner, SPX Corporation, believes that it is being and will continue to be damaged by the continued registration of PATHFINDER as foresaid and requests that said registration be partially cancelled or restricted.

Petitioner hereby appoints John H. Weber, a member of the law firm of Baker & Hostetler LLP and a member of the Bar of the District of Columbia, to prosecute this partial cancellation proceeding and transaction all business in and before the U.S. Patent and Trademark Office in connection therewith.

Please address all correspondence to John H. Weber at Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304.

Please charge our Deposit Account No. 50-20-36 with the filing fee of \$300.00.

Respectfully submitted,

SPX CORPORATION

Date: November 14, 2006

By: _____

John H. Weber

BAKER & HOSTETLER LLP

Washington Square, Suite 1100

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036-5304

(202) 861-1500 (Telephone)

(202) 861-1783 (Facsimile)

Attorney for Petitioner

JHW/π

EXHIBIT 1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,163,332

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PATHFINDER

**MONARCH MARKING SYSTEMS, INC. (DELA-
WARE CORPORATION)
170 MONARCH LANE
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**FOR: ELECTRONIC PRODUCTS, NAMELY,
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**ERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).**

**FIRST USE 0-0-1984; IN COMMERCE
0-0-1984...**

**OWNER OF U.S. REG. NOS. 385,845, 1,987,268
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SER. NO. 75-182,703, FILED 9-27-1996.

JILL C. ALT. EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 75182703

Filing Dt: 09/27/1996

Reg #: 2163332

Reg. Dt: 06/09/1998

Registrant: MONARCH MARKING SYSTEMS, INC.

Mark: PATHFINDER

Assignment: 1

Reel/Frame: 2673/0651

Received: 02/27/2003

Recorded: 02/25/2003

Pages: 9

Conveyance: CHANGE OF NAME

Assignor: MONARCH MARKING SYSTEMS, INC.

Exec Dt: 01/01/2003

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: PAXAR AMERICAS, INC.

170 MONARCH LANE

MIAMISBURG, OHIO 45342

Correspondent: PAXAR AMERICAS, INC.

JOSEPH J. GRASS

170 MONARCH LANE

MIAMISBURG, OH 45342

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: July 26, 2008 v.1.10

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