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

Proceeding	91187094
Party	Defendant COUNTRY COACH MERGER LLC
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Submission	Motion for Summary Judgment
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of the application of:

Country Coach Merger, LLC  
Mark: VIPER  
Serial No.: 78/559,731  
Filed: 2005-02-03  
Published for  
Opposition: 2008-06-24

DEI Headquarters, Inc.,        )  
                                  Opposer        )  
  )  
  )  
  )  
  )  
Country Coach, Inc.            )  
                                  Applicant

Opposition No. 91187094

Serial No. 78/559,731

**APPLICANT’S MOTION FOR SUMMARY JUDGMENT;**  
**MEMORANDUM OF POINTS AND AUTHORITIES**

**[Supporting Declarations of Matthew Howard and Joel Voelzke filed concurrently  
herewith]**

Applicant hereby moves for summary judgment. Applicant’s motion is based on the following Memorandum of Points and Authorities.

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## INTRODUCTION

Opposer DEI Headquarters, Inc. (“DEI”) owns 13 registrations for the mark VIPER in several fields, principally for automotive security products such as alarms, remote starters, and tracking systems.

Applicant Country Coach, LLC (“Country Coach”) seeks to register the mark VIPER for the goods of Class A Motor Homes.

Opposer opposes the application on the grounds of likelihood of confusion and dilution.

Opposer hereby moves for summary judgment on the grounds that the mark VIPER is not famous and is in fact highly diluted, and that there is no likelihood of confusion. The VIPER mark is highly diluted, and not likely to be the subject of confusion in this case, at least because there are 100 live VIPER-containing registrations that are not owned by Opposer. The live registrations for VIPER that are not owned by Opposer include 7 registrations within International Class 012, which is the class of the present application. Perhaps most relevant of all, the live registrations include a registration since 1993 by Daimler-Chrysler for VIPER for automobiles, which is much closer to Applicant’s goods of motor homes than any registration owned by Opposer. There is also a live third party registration for VIPER in International Class 012 which precedes any of Opposer’s filings.

Opposer DEI is no stranger to Opposition proceedings, having filed 25 failed oppositions against VIPER-containing applications which eventually issued as registrations to third parties and which remain live registrations today (see Exh. 3). DEI has also opposed approximately 150 total applications, a great number of which remain pending.

Despite DEI’s zealous and astoundingly frequent use of Opposition proceedings, DEI has already demonstrated within this proceeding either a remarkable ignorance of

TTAB and FRCP rules, or an active disdain for abiding by those rules.<sup>1</sup> It would be fair to say that Opposer DEI is a truly vexatious TTAB litigant.

Because there is no genuine issue of relevant facts in dispute, Applicant is entitled to summary judgment.

Additionally, by granting this Motion for Summary Judgment, the TTAB may be able to put to rest Opposer's frivolous claim which it has asserted against numerous trademarks applicants that DEI's VIPER mark is "famous," and thereby prevent the TTAB and innocent third parties from being burdened by such frivolous filings in the future. The TTAB may also be able to significantly reduce the number of frivolous Oppositions filed by DEI based on likelihood of confusion grounds.

### **STATEMENT OF FACTS**

#### **A. THE PRESENT APPLICATION**

Applicant seeks registration of the mark VIPER for the goods of Class A Motor Homes, in International Class 012. A "Class A" motor home is one that is built from the ground up as a motor home with a specifically designed and specifically built chassis rather than being, for example, a trailered vehicle, a van conversion, a living space built on an existing truck chassis, or the like. (Howard Decl. filed concurrently herewith, ¶ 2) Class A motor homes are the most expensive type of motor homes. They typically cost \$200,000 and up. A motor home is typically the largest purchase a consumer will make in his lifetime other than his home. (Id. at ¶3) Motor home purchasers are sophisticated purchasers who understand the differences between brands, manufacturers, and options.

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<sup>1</sup> Within this Opposition proceeding, Opposer has (1) served its initial disclosures past the Board-ordered deadline of January 30, 2009 for doing so, (2) served discovery requests before serving its initial disclosures in violation of Rule 2.120(a)(3), (3) sought but was denied an order compelling Applicant to serve responses to discovery that Opposer served in violation of Rule 2.120(a)(3), and (4) failed to include in its interrogatory responses the certifications under penalty of perjury required under FRCP 33(b)(3) and (5). (Voelzke Decl. filed concurrently herewith)

(Id.) They know what company makes the models of motor homes that they are considering purchasing. (Id.)

Applicant Country Coach, LLC makes particularly high end luxury motor homes. Country Coach's motor homes cost between about \$300,000 and \$1,600,000. (Id.)

B. OPPOSER'S REGISTRATIONS

In its Opposition, Opposer relies on 13 registrations for the VIPER mark. Those registrations are reproduced collectively as Exhibit 1 hereto. Those registrations are:

Reg. No. 3,276,251

Reg. No. 3,086,979

Reg. No. 3,000,663

Reg. No. 2,889,487

Reg. No. 2,362,498

Reg. No. 2,300,806

Reg. No. 2,139,385

Reg. No. 1,983,683

Reg. No. 1,961,709

Reg. No. 1,816,396

Reg. No. 1,756,693

Reg. No. 1,755,228

Reg. No. 1,382,152

Each of Opposer's marks are directed to the word VIPER variously in International Classes 9, 35, 42, 11, 12, 14, 21, and 25 for good/services in, *inter alia*, welding helmets; vehicle tracking; electrical controllers for use with engraving materials; valve diagnostic systems in nuclear, pulp and paper, chemical processing, and petrochemical processing; vehicle security system software; ceiling fans; electrical lighting fixtures; electronic pagers; automotive anti-theft devices and systems; car stereo equipment; wristwatches; coffee cups; and T-shirts and sweatshirts.

C. THIRD PARTY “VIPER” REGISTRATIONS

1. Total Third Party Registrations

There are 100 live third party registrations for VIPER and/or combinations and/or cognates thereof, spanning a wide variety of goods and services including: internal combustion engines, automobiles, tires for automobiles, boats, bicycles, truck parts, hand tools, power tool parts, spinal implants, fishing rods, lights for vehicles, plumbing valves, drilling machines, restaurant and bar services, toilets, binoculars, electrical chord, hose, fluidic valves, lithographic printing plates, toys, games, clothing, playing cards, degreasers, golf clubs, electrical fault interrupters, paper converting machines, fabric, x-ray machines, candy, paintballs, CNC machinery, software, vacuum cleaners, model airplanes, lights for use on vehicles, tanning beds, conveyor belts, dive computers and depth gauges, rum, fertilizing and seeding equipment, pallets, air operated scrapers, integrated circuits, woodworking router bits, heavy machinery, pool cues and other pool supplies, fireworks, alpine skies, computer workstations, fire hoses, pocket knives, ammunition, industrial machinery of various types, sunglasses, magnetic cartridge tapes, and vermin killing preparations.

Exhibit 2 hereto is a listing from the PTO website of all “Live” third party VIPER-containing applications and registrations.

Exhibit 3 hereto is summary of the marks and goods/services in the 100 “Live” third party VIPER-containing registrations.

Exhibit 4 hereto collectively are the printouts of the 100 “Live” third party VIPER-containing registrations.

As can be seen in Exhibits 2, 3, and 4, the word VIPER, or VIPER in combination with a suffix or prefix word has been either registered to third parties at least 100 times as of March 12, 2009. Additionally, as can be seen in Exhibit 5, the word VIPER, or

VIPER in combination with a suffix or prefix word has been substantively allowed but not yet registered to third parties at least 19 times as of March 12, 2009.

Moreover, Exhibits 4 and 5 represent only the “Live” registrations as of March 12, 2009, and the “Live” substantively allowed applications, respectively. The “Dead” registrations were specifically excluded from this inquiry.

2. Third Party Registrations in Class 012

Opposer asserts several registrations for automotive security products, automotive audio products, etc., in International Class 012, which is the Class of the present application.

Significantly, there are 7 third party VIPER-containing registrations in International Class 012 alone (Exh. 4, pp. 42, 45, 46, 50, 57, 86, 98) Those registrations cover the goods of, *inter alia*, automobiles (the Dodge VIPER sports car, owned by Chrysler Motors Corporation, printout from the Dodge website attached as Exhibit 6 hereto) and structural parts and engines therefor, fishing boats, bicycles, tires for automobiles, and truck bodies.

## ARGUMENT

### I. APPLICANT IS ENTITLED TO SUMMARY JUDGMENT ON OPPOSER'S DILUTION CLAIM

#### A. "FAME" REQUIRES A STRINGENT SHOWING THAT THE MARK HAS BECOME A HOUSEHOLD NAME, WHICH OPPOSER CANNOT MEET

The Opposer bears the burden of proving its case. In order to prove its case of dilution, Opposer must first demonstrate that its marks are famous. A mark "is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner." 15 U.S.C. §1125(c)(2)(A).

Dilution is a cause of action "reserved for a select class of marks—those marks with such powerful consumer associations that even non-competing uses can impinge on their value." Avery Dennison Corp. v. Sumpton, 189 F.3d 868, 875, 51 U.S.P.Q.2d 1801 (9th Cir. 1999). For this reason, dilution protection extends only to those whose mark is a "household name." Thane Int'l, Inc. v. Trek Bicycle Corp., 305 F.3d 894, 911, 64 U.S.P.Q.2d 1564 (9th Cir. 2002). "[F]ame is substantially more difficult to prove than secondary meaning." Milbank Tweed Hadley & McCloy LLP v. Milbank Holding Corp., 82 U.S.P.Q. 2d 1583, 1587 (C.D. Cal. 2007) (applying the standard for Fame under the Trademark Dilution Revision Act of 2006). "To meet the famousness element of protection under the dilution statutes, a mark must be truly prominent and renowned." Avery Dennison Corp., 189 F.3d at 875 (holding that as a matter of law, Avery Dennison Corporation had failed to show that either of the marks AVERY or DENNISON were famous.).

B. OPPOSER'S MARKS CANNOT BE FAMOUS IN VIEW OF THE 100 THIRD PARTY VIPER REGISTRATIONS, THE VAST MAJORITY OF WHICH OPPOSER DID NOT OPPOSE

Opposer's VIPER marks cannot be famous because they are greatly diluted. Opposer's 13 VIPER registrations pale in comparison to the 100 VIPER registrations held by third parties. A survey of Exhibits 3 and 4 reveals the following numbers of third party registered marks in International Classes common to those of Opposer's marks comprising VIPER by International Class:

IC 9: A total of 19 marks, comprising Exhibit 4, pp. 44, 51, 54, 61, 70, 72, 74, 81, 87, 88, 101, 102, 118, 121, 124, 128, 129, 130, 132;

IC 11: A total of 7 marks comprising Exhibit 4, pp. 68, 76, 91, 92, 135, 139, 140

IC 12: A total of 7 marks comprising Exhibit 4, pp. 42, 45, 46, 50, 57, 86, 98

It is significant that Opposer has elected to not oppose many of these allowed and or registered marks, many of which are in the same classes of goods/services as Opposer's registrations, yet Opposer still claims that Country Coach's mark in International Class 12 will dilute Opposer's (already highly diluted) marks.

The evidence herein provides for a conclusion of a high degree of dilution of VIPER and its various combination word marks across multiple Class listings including those of Opposer's marks and with ownership and use by numerous third parties. It is further relevant to the dilution theme for Opposer's uses of VIPER that the undersigned has not endeavored to evaluate the common-law use of Viper either alone or in combination to add to the evidence of dilution through competing uses of VIPER.

C. OPPOSER'S MARKS ARE HIGHLY DILUTED EVEN WITHIN INTERNATIONAL CLASS 12

Even within International Class 12 to which the present application pertains, the VIPER mark is crowded with third party registrations. Significantly, there are 7 live third party registrations (Exhibit 4, pp. 42, 45, 46, 50, 57, 86, 98) for VIPER in International Class 012 alone, which is the class of Applicant's goods. Those registrations cover the

goods of, *inter alia*, automobiles (the Dodge VIPER sports car, owned by Chrysler Motors Corporation, website printout attached as Exh. 6) and structural parts and engines therefor, fishing boats, bicycles, tires for automobiles, and truck bodies. Additionally, there are pending applications in International Class 12 for motorcycles and one for VIPERJET for jet airplanes, both of which Opposer has also opposed.

Further, the instant application was allowed over even three existing registrations (2,875,027; 1,800,654; and 1,590,771) issued to Chrysler for the VIPER sports car, which was first registered in 1990.

The concept of niche fame was abolished via the Trademark Dilution Revision Act of 2006. Milbank Tweed Hadley & McCloy LLP v. Milbank Holding Corp., 82 U.S.P.Q. 2d 1583, 1588 (C.D. Cal. 2007). However, even if the concept of niche fame still applied, even within International Class 12 Opposer's marks could not be famous, due to the high degree of dilution of the VIPER mark within that class, and especially in view of the Dodge VIPER sports car.

Accordingly, Applicant is entitled to summary judgment that Opposer's marks are not famous, and accordingly to summary judgment on Opposer's dilution claim.

## **II. APPLICANT IS ENTITLED TO SUMMARY JUDGMENT ON OPPOSER'S LIKELIHOOD OF CONFUSION CLAIM**

### **A. THERE IS NO LIKELIHOOD OF CONFUSION IN VIEW OF THE NUMEROUS THIRD PARTY REGISTRATIONS FOR VIPER, ESPECIALLY FOR GOODS THAT ARE SIGNIFICANTLY CLOSER TO APPLICANT'S GOODS THAN OPPOSER'S GOODS**

Opposer bears the burden of proving a likelihood of confusion.

For all the reasons stated above that the VIPER marks are highly diluted, especially within International Class 12 to which the present application pertains, Applicant is entitled to summary judgment that there is no likelihood of confusion.

Applicant particularly points out that the live third party VIPER registrations for truck bodies, boats, and automobiles are significantly closer to Applicant's goods of Class A motor homes than are any of Opposer's goods. If, for example, Chrysler, the maker of the VIPER sports car, or Scranton Manufacturing Company Inc., the maker of VIPER truck bodies, were to oppose on the ground of likelihood of confusion with Class A motor homes, then at least their positions would be colorable.

But even Daimler-Chrysler, which owns the VIPER registration for automobiles for the Dodge VIPER sports car, did not oppose the present application. That is, even the makers of the VIPER sports car did not feel threatened in any way by the prospect of a VIPER model motor home. Clearly, the public is able to distinguish between the numerous VIPER marks owned by numerous different parties in the marketplace today.

In fact, even within the automotive industry, there have been a number of identical marks that have peacefully coexisted for years for both recreational vehicles and for automobiles without any consumer confusion (Howard Decl. at ¶5), due in part to the high cost of recreational vehicles and the sophistication of recreational vehicle consumers and the great care which they put into their purchasing decisions. Consumers simply do not make careless or impulse purchases of motor homes.

Opposer DEI's position is nothing short of ludicrous, in view of the numerous third party registrations especially for VIPER model sports cars and VIPER model truck bodies. It is ludicrous to suppose that a consumer might purchase a \$300,000+ Country Coach Class A motor home in the mistaken belief that because the model name for that Country Coach motor home is VIPER, then that motor home must be made by the same people that make the VIPER sports car, or VIPER truck bodies, or VIPER boats, or VIPER bicycles, or VIPER tires, or VIPER car alarms and welding helmets.

B. APPLICANT REQUESTED, BUT OPPOSER REFUSED TO PRODUCE IN DISCOVERY, ANY EVIDENCE OF OVERLAP BETWEEN MAKERS OF CLASS A MOTOR HOMES AND MAKERS OF ANY OF OPPOSER'S GOODS

In Discovery, Applicant issued an interrogatory to Opposer asking Opposer to identify all persons of which Opposer was aware who manufacture motor homes and also manufacture at least one of Opposer's goods. (Voelzke Decl., Exh. 1, Interrogatory No. 12). Evidencing clear bad faith litigation tactics, Opposer invoked attorney-client privilege and various other clearly inapplicable objections and refused to answer the question. (Id.).

Applicant should now be prohibited from even attempting to introduce any evidence of overlap between makers of motor homes and makers of any of Opposer's goods. The Board should take it as established fact that there is no overlaps between motor home manufacturers and manufacturers of any of Opposer's goods.

C. APPLICANT IS ENTITLED TO SUMMARY JUDGMENT BECAUSE OPPOSER HAS FAILED TO ADDUCE ANY EVIDENCE OF LIKELIHOOD OF CONFUSION

When, as in this case, the non-moving party bears the burden of proving its case at trial, the party moving for summary judgment can meet its burden of pointing out the absence of material disputed fact by pointing out the absence of evidence from the non-moving party. The party moving for summary judgment need not disprove the other party's case. See Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986). Thus, “[s]ummary judgment for a defendant is appropriate when the plaintiff ‘fails to make a showing sufficient to establish the existence of an element essential to [his] case, and on which [he] will bear the burden of proof at trial.’” Cleveland v. Policy Mgmt. Sys. Corp., 526 U.S. 795, 805-06 (1999) (citing Celotex, 477 U.S. at 322).

In this case, Applicant is entitled to summary judgment because, even if for no other reason, Opposer has failed to produce any evidence to support its case.

Applicant specifically asked Opposer to state all factual and legal basis for its

claim of likelihood of confusion. In response, Opposer merely recited the goods listed in its registration, and made handwaving generalizations based thereon which represent merely attorney argument rather than any factual evidence. (See Voelzke Decl., Exh. 1, response to Interrogatory No. 9.).

Applicant further asked Opposer for any consumer surveys which it had conducted. In response, Opposer neither identified any surveys, nor produced any surveys, nor said that it had any intention of preparing any surveys. (See Voelzke Decl., Exh. 1, response to Interrogatory No. 22).

Because Opposer has adduced no factual evidence to support its claim of likelihood of confusion, the Board may now grant summary judgment in view of the undisputed record of numerous third party registrations including 7 third party registrations in Class 12 alone, and particularly in view of the registration since 1993 for the Dodge VIPER sports car.

D. OPPOSER REFUSED TO EVEN STATE WHICH MARKS IT OWNS OR WHICH IT CLAIMS TO HAVE LICENSED

In discovery, Applicant issued an interrogatory requesting Opposer to identify which registered VIPER trademarks it claims to own, and to produce the documents which establish that ownership (Voelzke Decl. filed concurrently herewith, Exh. 1, Interrogatory No. 14). Evidencing clear bad faith litigation tactics, Opposer invoked attorney-client privilege and various other clearly inapplicable objections and refused to answer the question. (Id.)

Similarly, Applicant issued an interrogatory requesting Opposer to identify all third party registrations for which it claims a license agreement. (Voelzke Decl., Exh. 1, Interrogatory No. 15) Evidencing further bad faith litigation tactics, Opposer invoked attorney-client privilege and various other clearly inapplicable objections and refused to answer the question. (Id.)

In any event, Opposer violated FRCP 33(b)(3) by failing to include the required

certification of its answers. (See Voelzke Decl., Exh. 1.).

Even if Opposer should suddenly claim that it owns any rights in any of the numerous third party VIPER-containing registrations, Opposer should be prohibited due to its clear bad faith tactics and its clear refusal to produce any substantive discovery responses, from claiming any ownership rights now in any of those third party registrations. The Board should take it as established fact that Opposer owns no rights to any VIPER registrations other than those that are registered in Opposer's own name.

E. APPLICANT SHOULD BE ENTITLED TO SUMMARY JUDGMENT FOR OPPOSER'S REFUSAL TO PROVIDE SUBSTANTIVE DISCOVERY RESPONSES

Because Opposer bears the burden of establishing likelihood of confusion, it is Opposer's burden to produce evidence of likelihood of confusion. A perusal of Opposer's interrogatory responses (Voelzke Decl. Exh. 1) shows Opposer's clear refusal to produce, in good faith, any evidence of likelihood of confusion, or even to simply participate in good faith in the exchange of information relevant to this case. Opposer, for example, invoked the attorney-client privilege with respect to many interrogatories, regardless of whether the attorney-client privilege were even remotely applicable to those interrogatories. Applicant respectfully submits that when, as here, a party bears the burden of proof at trial, but engages in systematic obstruction of discovery, the other party should be granted summary judgment.

For all of the foregoing reasons, Applicant is entitled to summary judgment that there is no likelihood of confusion.

### **CONCLUSIONS**

Opposer has clearly abused the TTAB opposition procedure in the instant Opposition as well as numerous other oppositions. Even though Opposer owns only a

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fraction of the 112 or so registered VIPER-containing marks, Opposer is attempting to monopolize the English language word "VIPER." Trademark law, and the Opposition procedure, was never intended to allow such a result.

The Board should put an end to Opposer's abusive and bad faith misuse of the legal system now to the extent that it is able, by declaring that, as a matter of law, Opposer's marks are not famous, and by granting summary judgment to Applicant.

Respectfully submitted,

INTELLECTUAL PROPERTY LAW  
OFFICES OF JOEL VOELZKE, APC



Dated: March 13, 2009

By: \_\_\_\_\_  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing:

MOTION FOR SUMMARY JUDGMENT;  
MEMORANDUM OF POINTS AND AUTHORITIES

was served 13<sup>th</sup> day of March, 2009 electronically per agreement of counsel addressed as follows:

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By: \_\_\_\_\_  
Joel D. Voelzke

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# Exhibit 1

Opposer's Asserted Registrations

Int. Cl.: 9

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

Reg. No. 3,276,251

**United States Patent and Trademark Office**

Registered Aug. 7, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

A.C.E. INTERNATIONAL COMPANY, INC.  
(MASSACHUSETTS CORPORATION)  
85 INDEPENDENCE DRIVE  
TAUNTON, MA 02780

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: WELDING HELMETS, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

SN 78-439,600, FILED 6-22-2004.

FIRST USE 7-14-2005; IN COMMERCE 7-14-2005.

MICHAEL TANNER, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 3,086,979

United States Patent and Trademark Office

Registered May 2, 2006

TRADEMARK  
PRINCIPAL REGISTER



XENETECH, INC. (LOUISIANA CORPORATION)  
12139 AIRLINE HIGHWAY  
BATON ROUGE, LA 70817

FOR: ELECTRICAL CONTROLLERS AND POWER UNITS COMPRISED OF TOUCH SCREEN CONTROLS FOR USER INTERFACE, MOTOR POWER UNIT CONTAINING THE CONTROLLER BOARD STACK AND POWER SUPPLY AND ASSOCIATED ELECTRICAL CABLES NEEDED FOR COMMUNI-

CATIONS. ALL FOR USE WITH ENGRAVING TABLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-17-2003; IN COMMERCE 6-17-2003.

THE MARK CONSISTS OF STYLIZED FONT OF THE WORD "VIPER" AND SNAKE HEAD.

SER. NO. 76-528,057, FILED 7-7-2003.

KELLEY WELLS, EXAMINING ATTORNEY

Int. Cls.: 9 and 35

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,000,663

Registered Sep. 27, 2005

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
ONE VIPER WAY  
VISTA, CA 92083

FOR: VEHICLE TRACKING DEVICES COMPRISED OF CELLULAR RADIO MODULES, COMPUTER SOFTWARE AND COMPUTER HARDWARE, SENSORS, TRANSMITTERS, RECEIVERS AND GLOBAL POSITIONING SATELLITE RECEIVERS, ALL FOR USE IN CONNECTION WITH VEHICLE TRACKING, VEHICLE MONITORING AND ANTI-THEFT VEHICLE ALARMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-15-2003; IN COMMERCE 4-15-2003.

FOR: WIRELESS TRACKING, LOCATING AND MONITORING OF VEHICLES FOR PURPOSES OF ROADSIDE ASSISTANCE, SPEED NOTIFICATION AND VEHICLE USAGE MONITORING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-15-2003; IN COMMERCE 4-15-2003.

OWNER OF U.S. REG. NOS. 1,756,693, 2,300,806 AND OTHERS.

SER. NO. 78-250,773, FILED 5-16-2003.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, and 101

United States Patent and Trademark Office

Reg. No. 2,889,487

Registered Sep. 28, 2004

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**VIPER**

CRANE NUCLEAR, INC. (DELAWARE CORPORATION)  
2825 COBB INTERNATIONAL BLVD.  
KENNESAW, GA 30152

FOR: VALVE DIAGNOSTIC SYSTEM COMPRISED OF A VARIETY OF SENSORS, A DATA ACQUISITION MODULE THAT COLLECTS AND CONDITIONS SIGNALS, AND A COMPUTER WITH COMPUTER SOFTWARE FOR MONITORING AND ANALYZING VALVE PERFORMANCE IN THE NUCLEAR, PULP AND PAPER, CHEMICAL PROCESSING, PETROCHEMICAL PROCESSING, OIL AND GAS REFINING, OIL AND GAS PIPELINE TRANSPORTATION, OFF-SHORE OIL PRODUCTION, POWER PRODUCTION, WATER TREATMENT, AND BREWERY AND DISTILLERY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-1-2000; IN COMMERCE 12-1-2000.

FOR: VALVE AND ACTUATOR TESTING SERVICES IN THE PULP AND PAPER, CHEMICAL PROCESSING, PETROCHEMICAL PROCESSING, OIL AND GAS REFINING, OIL AND GAS PIPELINE TRANSPORTATION, OFF-SHORE OIL PRODUCTION, POWER PRODUCTION, WATER TREATMENT, WASTEWATER TREATMENT, BREWERY AND DISTILLERY INDUSTRIES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-22-2003; IN COMMERCE 4-22-2003.

SN 76-076,478, FILED 6-23-2000.

MARC LEIPZIG, EXAMINING ATTORNEY

Int. Cl.: 11

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

Reg. No. 2,362,498

**United States Patent and Trademark Office**

Registered June 27, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

MINKA LIGHTING INC. (CALIFORNIA CORPORATION)  
1151 WEST BRADFORD CIRCLE  
CORONA, CA 91720

FIRST USE 2-15-1996; IN COMMERCE 2-15-1996.

SN 75-125,165, FILED 6-25-1996.

CONRAD WONG, EXAMINING ATTORNEY

FOR: CEILING FANS AND ELECTRIC LIGHTING  
FIXTURES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31  
AND 34).

Int. Cl.: 9

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

Reg. No. 2,300,806

**United States Patent and Trademark Office**

Registered Dec. 14, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: COMPUTER SOFTWARE FOR USE IN VEHICLE SECURITY SYSTEMS TO BE USED BY MANUFACTURERS, DISTRIBUTORS, RETAILERS, REPAIR PERSONS AND INSTALLERS OF SUCH SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-18-1999; IN COMMERCE 7-18-1999.

OWNER OF U.S. REG. NOS. 1,755,228, 2,139,385, AND OTHERS.

SN 75-455,751, FILED 3-24-1998.

RODNEY DICKINSON, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 2,139,385

**United States Patent and Trademark Office**

Registered Feb. 24, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FIRST USE 9-9-1997; IN COMMERCE 9-9-1997.

SN 74-690,070, FILED 6-16-1995.

FOR: ELECTRONIC PAGERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 1,983,683

Registered July 2, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: COMPUTERS, MICROPROCESSORS  
AND ELECTRONIC VOICE MODULES FOR

USE WITH VEHICLE SECURITY SYSTEMS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).  
FIRST USE 12-30-1990; IN COMMERCE  
12-30-1990.

SER. NO. 74-633,911, FILED 2-8-1995.

JEFFERY FRAZIER, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

**United States Patent and Trademark Office** Reg. No. 1,961,709  
Registered Mar. 12, 1996

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**TRADEMARK  
PRINCIPAL REGISTER**



DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: ANTI-THEFT AUTOMOTIVE DEVICES, NAMELY AUTOMOTIVE ANTI-THEFT ALARMS, ELECTRONIC SENSORS, ELECTRONIC SIRENS, REMOTE CONTROL TRANSMITTERS AND RECEIVERS AND PARTS FOR THE ALARMS AND THE SIRENS SOLD AS A

UNIT AND SOLD THROUGH AUTOMOTIVE SECURITY INSTALLERS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 9-30-1987; IN COMMERCE 9-30-1987.

OWNER OF U.S. REG. NO. 1,756,693.

SER. NO. 74-622,208, FILED 1-17-1995.

JEFFERY FRAZIER, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cl.: 28

**United States Patent and Trademark Office** **Reg. No. 1,816,396**  
Registered Jan. 11, 1994

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFOR-  
NIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FIRST USE 12-8-1989; IN COMMERCE  
12-8-1989.

SN 74-293,318, FILED 7-13-1992.

FOR: COSTUME JEWELRY, IN CLASS 14  
(U.S. CL. 28).

SAMUEL E. SHARPER JR., EXAMINING AT-  
TORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19 and 21

**United States Patent and Trademark Office**      Reg. No. 1,756,693  
Registered Mar. 9, 1993

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
1413 LINDA VISTA DRIVE  
SAN MARCOS, CA 92069

FOR: VEHICULAR ANTI-THEFT AND SECURITY SYSTEMS; NAMELY, REMOTELY ACTUATED, ELECTRONICALLY-ENERGIZED SECURITY HARDWARE COMPRISING DOOR

LOCKS, ACTUATORS, AUDIBLE ALARMS AND PARTS THEREFOR, IN CLASS 12 (U.S. CLS. 19 AND 21).

FIRST USE 11-9-1984; IN COMMERCE 11-9-1984.

SER. NO. 73-775,611, FILED 1-23-1989.

G. T. GLYNN, EXAMINING ATTORNEY

Int. Cls.: 14, 21 and 25

Prior U.S. Cls.: 2, 27, 30 and 39

**United States Patent and Trademark Office** **Reg. No. 1,755,228**  
Registered Mar. 2, 1993

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: WRIST WATCHES, IN CLASS 14 (U.S. CL. 27).

FIRST USE 3-28-1991; IN COMMERCE 3-28-1991.

FOR: COFFEE CUPS, IN CLASS 21 (U.S. CLS. 2 AND 30).

FIRST USE 4-20-1990; IN COMMERCE 4-20-1990.

FOR: T-SHIRTS AND SWEAT SHIRTS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 2-21-1990; IN COMMERCE 2-21-1990.

SER. NO. 74-296,002, FILED 7-20-1992.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 21

**United States Patent and Trademark Office** Reg. No. 1,382,152  
Registered Feb. 11, 1986

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SANYO ELECTRIC, INC. (DELAWARE CORPORATION)  
200 RISER ROAD  
LITTLE FERRY, NJ 07643

FOR: CAR STEREO RECEIVERS, EQUALIZERS, AMPLIFIERS AND SPEAKERS, IN CLASS 9 (U.S. CL. 21).

FIRST USE 4-1-1985; IN COMMERCE 5-1-1985.

SER. NO. 546,329, FILED 7-3-1985.

J. TINGLEY, EXAMINING ATTORNEY

# Exhibit 2

Listing of VIPER-containing live  
registrations and applications by  
third parties



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Current Search: S1: (viper[mn] or viper[mp] or viper[de]) and live[lid] not (dei or directed)[on] docs: 143 occ: 449

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78693219	3570096	VIPER	TARR	LIVE
2	78746097	3225980	BASS PRO SHOPS VIPER	TARR	LIVE
3	78826670	3541950	VIPER	TARR	LIVE
4	78629768		VIPER	TARR	LIVE
5	78559731		VIPER	TARR	LIVE
6	78517659	3106107		TARR	LIVE
7	78874513		VIPER	TARR	LIVE
8	78874787	3321567	VIPER	TARR	LIVE
9	78846729	3274777	PIPE VIPER	TARR	LIVE
10	78819042	3287085	VIPER	TARR	LIVE
11	78697329	3299267	VIPER	TARR	LIVE
12	78665582	3188935	VIPER ELITE	TARR	LIVE
13	78665517	3191643	VIPER	TARR	LIVE
14	78663725	3204595	ISOMERS WRINKLE VIPER	TARR	LIVE
15	78657963	3103846	TALLY-HO VIPER	TARR	LIVE
16	78569497	3105350	VIPER BOB FIGHTING GIMBAL	TARR	LIVE
17	78549420	3092598	MINI-VIPER	TARR	LIVE
18	78549361	3092597	VIPER	TARR	LIVE
19	78546538	3230890	VIPER	TARR	LIVE
20	78514423	3076054	DW VIPER	TARR	LIVE
21	78233959	2838656	VIPER	TARR	LIVE
22	78115899	2785027	VIPER GTS FINAL EDITION	TARR	LIVE

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23	78392268		VIPER GRID	TARR	LIVE
24	78472486	3096701	VIPER	TARR	LIVE
25	78437876	3405286	VIPER RECORDS WWW.VIPERRECORDS.COM	TARR	LIVE
26	78409429	3395722	LIGHT VIPER	TARR	LIVE
27	78486557	3223825	VIPER	TARR	LIVE
28	78442757	2997658	VIPER	TARR	LIVE
29	78321070		NETENGINE VIPER	TARR	LIVE
30	78306691	2979305	LIGHT VIPER	TARR	LIVE
31	78302244	3096355	VIPER VENOM V-2	TARR	LIVE
32	78222542	2855298	VIPER	TARR	LIVE
33	78222334		VIPER	TARR	LIVE
34	78167461	3214639	VIPER FILMSTREAM CAMERA	TARR	LIVE
35	78113212	2787583	BD VIPER	TARR	LIVE
36	78077961	2659558	PIT VIPER PUMPS	TARR	LIVE
37	78004292	2764107	VIPER TAPE	TARR	LIVE
38	77231561		VIPER	TARR	LIVE
39	77318478		VIPER MOTORCYCLE COMPANY	TARR	LIVE
40	77084678		BLACK VIPER	TARR	LIVE
41	77523540		VIPER	TARR	LIVE
42	77491939		VIPER	TARR	LIVE
43	77628797		VIPER	TARR	LIVE
44	77651090			TARR	LIVE
45	77442982		VIPER	TARR	LIVE
46	77553092		VIPER	TARR	LIVE
47	77360673	3562286	VIPER LOK	TARR	LIVE
48	77547183		VIPER CELL	TARR	LIVE
49	77119559		VIPER	TARR	LIVE
50	77260964		VIPER STRIKE	TARR	LIVE
51	77248065		VIPER QUICK STRIKE	TARR	LIVE
52	77619098		VIPER TEAM TASK FORCE	TARR	LIVE
53	77510623		LIGHT VIPER SHADOW	TARR	LIVE
54	77229844	3531900	VIPER KINGS	TARR	LIVE
55	77125399	3526289	PIT VIPER	TARR	LIVE
56	77325060		THE VIPER ROOM	TARR	LIVE
57	77588765		VIPER	TARR	LIVE
58	77325045	3515208	THE VIPER ROOM	TARR	LIVE
59	77374668		VIPER	TARR	LIVE
60	77575394		VIPER ENERGY DRINK	TARR	LIVE
61	77560561		VIPER FISTICUFFS THE VIPER VERNON FORREST	TARR	LIVE
62	77068572	3290129	VIPER	TARR	LIVE
63	77556481		V VIPER GARAGE DOOR OPERATOR SYSTEM	TARR	LIVE
64	77556015		VIPER X90	TARR	LIVE
65	77555928		VIPER X70	TARR	LIVE

66	77555858		VIPER X50	TARR	LIVE
67	77387062	3495737	VIPER	TARR	LIVE
68	77325063	3483878	THE VIPER ROOM	TARR	LIVE
69	77252605		VIPER X-11	TARR	LIVE
70	77502134		BLACK VIPER ENERGY SERVICES	TARR	LIVE
71	77502080		BLACK VIPER ENERGY SERVICES, LTD.	TARR	LIVE
72	77254457		IFLEX-VIPER	TARR	LIVE
73	77441560		VIPER	TARR	LIVE
74	77170073		BLACK VIPER	TARR	LIVE
75	77344779		VIPER	TARR	LIVE
76	77255183		VIPER	TARR	LIVE
77	77159736	3364801	VIPER	TARR	LIVE
78	77159724	3364800	VIPER	TARR	LIVE
79	77062450	3301002	ICE VIPER	TARR	LIVE
80	76627945		THE VIPER PROTECTOR	TARR	LIVE
81	76625316		VIPER	TARR	LIVE
82	76092785	2655529	VIPER	TARR	LIVE
83	76096442	2665228	VIPER	TARR	LIVE
84	76689664		ALLEY VIPER	TARR	LIVE
85	76084971	3418768	VIPER	TARR	LIVE
86	76359348	3402198	VIPER	TARR	LIVE
87	76652652	3185368	VIPER	TARR	LIVE
88	76616592	3122397	VIPER PROTECTIVE COATINGS	TARR	LIVE
89	76573483	2924857	TELE-VIPER	TARR	LIVE
90	76566702	3016774	VIPER	TARR	LIVE
91	76558990	2903030	NEO-VIPER	TARR	LIVE
92	76543237	2888647	NINJA VIPER STAFF	TARR	LIVE
93	76540659	2957742	VIPER	TARR	LIVE
94	76500817	2898751	PIT VIPER	TARR	LIVE
95	76431053	2721102	ALLEY VIPER	TARR	LIVE
96	76379643	2787266	BD VIPER	TARR	LIVE
97	76379317	2971302	VIPER	TARR	LIVE
98	76301902	3016588	VIPER	TARR	LIVE
99	76286257		VIPER	TARR	LIVE
100	76247887	2823749	VIPER RAY	TARR	LIVE

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Current Search: S1: (viper[mn] or viper[mp] or viper[de]) and live[lid] not (dei or directed)[on] docs: 143 occ: 449

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
101	76241523	2917654	VIPER	TARR	LIVE
102	76224588	2648508	VIPER BLAST	TARR	LIVE
103	76224472	2655802	VIPER GUM	TARR	LIVE
104	76217581	2875966	VIPER	TARR	LIVE
105	76172346	2776193	VIPER	TARR	LIVE
106	76160033	2878193	MIGHTY VIPER	TARR	LIVE
107	76154092	2655638	WEED-VIPER	TARR	LIVE
108	76117088	2648145	VIPER	TARR	LIVE
109	75682039	2405422	VIPER	TARR	LIVE
110	75902129	2557829	VIPER	TARR	LIVE
111	75878672	2406244	VIPER PRINTING VISION SYSTEM	TARR	LIVE
112	75808747		VIPER	TARR	LIVE
113	75775208	2450085	VIPER	TARR	LIVE
114	75733058	2464438	VIPER	TARR	LIVE
115	75615988	2802614	HYPER VIPER	TARR	LIVE
116	75607293	2394189	VIPER	TARR	LIVE
117	75603474	2311548	VIPER	TARR	LIVE
118	75063072	2391799	MARUBA THERAPY "DISTINCTIVE BELIZEAN SPIRITS, WON'T LET YOU DOWN" VIPER RUM WARNING FOR REAL MEN ONLY PRODUCT OF MARUBA RESORT BELIZE, CENTRAL AMERICA	TARR	LIVE
119	75235727	2200400	VIPER	TARR	LIVE
120	75129840	2151342	VIPER	TARR	LIVE

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121	75104957	2165063	VIPER CLEAN SWEEP SYSTEM	TARR	LIVE
122	75415846	2280025	VIPER	TARR	LIVE
123	75330948	2275269	VIPER	TARR	LIVE
124	75219531	2286914	VIPER	TARR	LIVE
125	75213983	2275153	VIPER ROUTER BITS	TARR	LIVE
126	75146020	2751538	VIPER	TARR	LIVE
127	75142003	2357885	VIPER	TARR	LIVE
128	74159920	1800654	VIPER	TARR	LIVE
129	74556881	2153975	VIPER	TARR	LIVE
130	74719065	2694285	VIPER	TARR	LIVE
131	74586587	2018198	MOUNTAIN VIPER	TARR	LIVE
132	74531318	1898841	SCREAMING VIPER	TARR	LIVE
133	74486413	1957050	VIPER	TARR	LIVE
134	74302332	1941385	VIPER	TARR	LIVE
135	74237737	1786679	VIPER	TARR	LIVE
136	74206405	1711190	VIPER	TARR	LIVE
137	74076862	1860263	VIPER	TARR	LIVE
138	74022286	1643173	VIPER	TARR	LIVE
139	73807056	1590771	VIPER RT/10	TARR	LIVE
140	73655202	1464451	VIPER	TARR	LIVE
141	73810675	1582460	VIPER	TARR	LIVE
142	73557173	1390491	VIPER	TARR	LIVE
143	73419416	1274259	VIPER	TARR	LIVE

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# Exhibit 3

Summary of VIPER-containing  
live registrations by third parties

**Table 1**

Registered VIPER Marks Not Owned by Opposer  
Directed Electronics, Inc. or DEI Headquarters, Inc.

Reg. No.	App. No.	Mark	Goods/Services	Owner	Opposed by DEI?	Result
3570096	78693219	VIPER	IC 010 spinal implants not composed of living tissue, surgical instruments for use in spinal surgery.	DePuy, Inc.		
3225980	78746097	BASS PRO SHOPS VIPER	IC 028 Fishing rods and fishing reels.	Bass Pro Trademarks, L.L.C.		
3541950	78826670	VIPER	IC 011 Lights for vehicles, namely "LED" warning lights for use in or on emergency rescue and response vehicles, police cars, fire engines and fire trucks, fire fighting vehicles, municipal and government service vehicles and trucks, and ambulances only.	Federal Signal Corporation	YES	
3321567	78874787	VIPER	IC 028 Manually operated exercise equipment; hand-held and portable exercise equipment, namely weights, weight plates, dumb-bells, barbells, and mini-trampolines; exercise benches; and weights and dumb-bells for exercise.	Stamina Products, Inc.		
3274777	78846729	PIPE VIPER	IC 008 hand tool in the nature of a helical coil for bending pipe.	Romanoff, Philip		
3287085	78819042	VIPER	IC 007 Internal combustion engines for power operated lawn and garden equipment and replacement parts therefor	Ardisam, Inc.		
3299267	78697329	VIPER	IC 017 VAPOR BARRIERS MADE OF POLYPROPYLENE FOR THE CONSTRUCTION INDUSTRY	Insulation Solutions, Inc.		
3188935	78665582	VIPER ELITE	IC 007 diamond tipped and edged power saw blades for the cutting of natural stone,	Braxton-Bragg Corporation		

			polishing pads for polishing natural stone countertops, and bits for use in natural stone cutting machines, namely computer numerical control (CNC) finger bits.			
3562286	77360673	<b>VIPER LOK</b>	IC 011 Valves and fittings for use in plumbing systems.	American Valve, Inc.	YES	
3531900	77229844	<b>VIPER KINGS</b>	IC 041 Entertainment in the nature of a rock band; Entertainment, namely, live performances by a musical band; Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; Entertainment, namely, live music concerts; Entertainment, namely, live performances by musical bands; Entertainment, namely, live performances by rock groups.	Jensen, Chris, and Scgal, Adam		
3526289	77125399	<b>PIT VIPER</b>	IC 007 Track-mounted, rotary blasthole drilling machines.	Atlas Copco Drilling Solutions LLC		
3515208	77325045	<b>THE VIPER ROOM</b>	IC 043 Restaurant and bar services.	VIPER ROOM DEVELOPMENT, LLC	YES	
3290129	77068572	<b>VIPER</b>	IC 009 Binoculars	Sheltered Wings, Inc.		
3495737	77387062	<b>VIPER</b>	IC 011 Toilets; Toilet tanks; Toilet bowls.	Globe Union (Bermuda) Trading Ltd.		
3483878	77325063	<b>THE VIPER ROOM</b>	IC 043 Restaurant and bar services.	VIPER ROOM DEVELOPMENT, LLC		
3364801	77159736	<b>VIPER</b>	IC 009 electrical cord coated with rubber.	Southwire Company		
3364800	77159724	<b>VIPER</b>	IC 009 electrical cord coated with rubber.	Southwire Company		
3301002	77062450	<b>ICE VIPER</b>	IC 001 Chemical preparation for melting ice contained in a water permeable container.	IDRS Inc.		
2655529	76092785	<b>VIPER</b>	IC 011 Mist generator, namely, tube or hose with at least one nozzle and a hose connector.	Arizona Mist, Inc.		

2665228	76096442	<b>VIPER</b>	IC 021 DISPOSABLE BAG OPENER.	Spellbound Development Group, Inc.		
3418768	76084971	<b>VIPER</b>	IC 007 Fluidic valves and components therefor being parts of chemical distribution machines and chemical distribution fluidic circuit machines, for use in the semiconductor industry.	SMC CORPORATION OF AMERICA		
3402198	76359348	<b>VIPER</b>	IC 007 Lithographic printing plates, namely, non pre-heat, or pre-heat thermal, digital laser exposed, aluminum substrate lithographic printing plates.	Southern Lithoplate, Inc.		
3185368	76652652	<b>VIPER</b>	IC 003 Degreasing preparations for use in cleaning air conditioning coils.	Pastorello, John INDIVIDUAL		
3122397	76616592	<b>VIPER</b> PROTECTIVE COATINGS	IC 001 Polyurethane or polyurea designed as a protective barrier on wood, concrete, steel, and aluminum.	Polyurethane Sales & Service LLC Oleg Pemberton LTD LIAB CO	YES	
2924857	76573483	<b>TELE-VIPER</b>	IC 028 toy action figures and accessories for use therewith.	HASBRO, INC.		
3016774	76566702	<b>VIPER</b>	IC 025 MEN'S AND WOMEN'S FOOTWEAR, NAMELY, SHOES, RUNNING SHOES, AND BOOTS	Canrun Shoes Imports Ltd		
2903030	76558990	<b>NEO-VIPER</b>	IC 028 toy action figures and accessories for use therewith.	HASBRO, INC.		
2888647	76543237	<b>NINJA VIPER</b> STAFF	IC 028 Toys, games, and playthings, namely, toy weapons, toy armor, playsets comprised of plastic toy weapons for role-playing games, mechanical action toys; role playing game equipment in the nature of game book manuals.	Happy Kid Toy Group Ltd.		
2957742	76540659	<b>VIPER</b>	IC 005 herbicide for agricultural and domestic use.	NUFARM AMERICAS INC.		
2898751	76500817	<b>PIT VIPER</b>	IC 028 Golf Clubs.	GOLFSMITH INTERNATIONAL, INC.	YES	
2721102	76431053	<b>ALLEY VIPER</b>	IC 028 toy action figures and toy vehicles.	HASBRO, INC.		
2787266	76379643	<b>BD VIPER</b>	IC 009 LABORATORY APPARATUS,	Becton, Dickinson and		

			NAMELY A SAMPLE PROCESSOR USED FOR CLINICAL AND LABORATORY RESEARCH AND CLINICAL DIAGNOSTICS.	Company		
2971302	76379317	<b>VIPER</b>	IC 009 FAULT INTERRUPTERS FOR ELECTRIC POWER DISTRIBUTION SYSTEMS.	G&W Electric Co.	YES	
3016588	76301902	<b>VIPER</b>	IC 024 Fabric, namely air texturized nylon for use in snakeproof boots.	Eastbank Trading Company, Inc.	YES	
2823749	76247887	<b>VIPER RAY</b>	IC 010 Digital x-ray apparatus for dental purposes.	HSI SERVICE CORP.	YES	
2917654	76241523	<b>VIPER</b>	IC 007 PAPER CONVERTING MACHINES FOR CONVERTING PAPER IN ROLL FORM INTO VARIOUS END-USE PRODUCTS SUCH AS, STATIONERY, NAPKINS, NON-WOVEN WIPES AND THE LIKE.	Specialty Systems Advanced Machinery, Inc.	YES	
2648508	76224588	<b>VIPER BLAST</b>	IC 030 Candy	S.P. Enterprises, Inc.	YES	
2655802	76224472	<b>VIPER GUM</b>	IC 030 Candy and Chewing Gum.	S.P. ENTERPRISES, INC.	YES	
2875966	76217581	<b>VIPER</b>	IC 012 : REFUSE TRUCK PARTS, NAMELY, REFUSE TRUCK BODIES.	Scranton Manufacturing Company Inc.		
2776193	76172346	<b>VIPER</b>	IC 028 MARKING PELLETS, NAMELY, PAINTBALLS.	SWISS CAPS RECHTE UND LIZENZEN AG SWISS CORPORATION	YES	
2878193	76160033	<b>MIGHTY VIPER</b>	IC 007 COMPUTER NUMERIC CONTROL MACHINES, NAMELY CNC VERTICAL MACHINE CENTERS, CNC HORIZONTAL MACHINE CENTERS, CNC LATHES, METAL WORKING MACHINES, NAMELY, LATHES, GRINDERS AND MILLS.	Mighty USA, Inc.	YES	
2655638	76154092	<b>WEED-VIPER</b>	IC 008 Hand held herbicide applicator.	Chester, Steven INDIVIDUAL	YES	
2648145	76117088	<b>VIPER</b>	IC 009 COMPUTER ENGINEERING DOCUMENT SOFTWARE, NAMELY,	Frontier Media, Inc. DBA Axis Technologies	YES	

			SOFTWARE FOR USE IN THE MANAGEMENT, VIEWING, DISTRIBUTION, RETRIEVAL, AND EDITING OF ENGINEERING DOCUMENTS, AND RELATED DOCUMENTATION SOLD AS A UNIT	CORPORATION		
2405422	75682039	<b>VIPER</b>	IC 007 vacuum cleaners.	Castex Incorporated		
2557829	75902129	<b>VIPER</b>	IC 028 Aerial toys and models, namely, scale model airplanes, and accessories therefor; toy model hobbycraft kits of scale model airplanes; hobbycraft kits comprised of parts for assembly of scale model airplanes; and hobbycraft kits comprised of parts for operation of scale model airplanes.	Centuri Corporation		
2406244	75878672	<b>VIPER</b> PRINTING VISION SYSTEM	IC 009 CHARGE COUPLED DEVICE CAMERAS, IMAGE ACQUISITION CIRCUIT BOARDS AND COMPUTERS FOR EVALUATING COMMERCIAL PRINTING QUALITY.	Panels & Controls Corp.		
2450085	75775208	<b>VIPER</b>	IC 017 nonmetallic hose for use in the chemical industry.	VEYANCE TECHNOLOGIES, INC.		
2464438	75733058	<b>VIPER</b>	IC 009 halogen and strobe warning lights for use on vehicles.	Federal Signal Corporation		
2802614	75615988	<b>HYPER VIPER</b>	IC 028 LINE-CONTROLLED MODEL AIRPLANES.	ESTES-COX CORP.		
2394189	75607293	<b>VIPER</b>	IC 011 TANNING BEDS.	PC MARKETING, INC.		
2311548	75603474	<b>VIPER</b>	IC 007 Industrial conveyor belting.	Legg Company, Inc.		
2350817	75507286	<b>VYPER</b>	IC 009 dive computers and depth gauges.	Suunto Oyj LTD LIAB CO FINLAND		
2391799	75063072	MARUBA THERAPY "DISTINCTIVE BELIZEAN SPIRITS,	IC 033 rum bottled with a snake in the bottle.	Nicholson, Franziska G. INDIVIDUAL	YES	

		WON'T LET YOU DOWN" <b>VIPER RUM</b> WARNING FOR REAL MEN ONLY PRODUCT OF MARUBA RESORT BELIZE, CENTRAL AMERICA				
2200400	75235727	<b>VIPER</b>	IC 007 agricultural implements, namely, coulters for fertilizer application and seed planting.	Yetter Manufacturing Company		
2151342	75129840	<b>VIPER</b>	IC 007 material handling systems, namely, palletizers for containers and other like articles.	Busse Bros., Inc.		
2165063	75104957	<b>VIPER CLEAN SWEEP SYSTEM</b>	IC 007 high-pressure air operated scraper for use in air duct cleaning comprised of conjoinable rods and conduit which delivers a cleaning nozzle and a cleaning whip into ductwork, for purpose of blowing high-pressure air in such a way as to remove unwanted material from ductwork.	Duct Doctor Ltd.	YES	
2280025	75415846	<b>VIPER</b>	IC 007 vacuum cleaners.	Tennant Company		
2275269	75330948	<b>VIPER</b>	IC 009 Integrated circuits for switch mode power supplies.	STMICROELECTRONICS S.R.L.		
2286914	75219531	<b>VIPER</b>	IC 007 woodworking router bits for use with stationary and portable power tools used in decorating, cutting, and profiling wood surfaces.	UNITED STATES SAW CORPORATION	YES	
2275153	75213983	<b>VIPER ROUTER BITS</b>	IC 007 woodworking router bits for use with stationary and portable power tools	UNITED STATES SAW CORPORATION	YES	

			used in decorating, cutting, and profiling wood surfaces			
2751538	75146020	<b>VIPER</b>	IC 007 Machinery and equipment for use in the granular products processing industry, namely, heavy machines for use in crushing and sorting rocks, ore, bricks, asphalt and debris; vibrated screen separating machines for use in separating, sizing, scalping, sifting and processing of sand, gravel, rock, minerals, foods, metals, chemicals, pigments, abrasives, ceramics and other materials.	Viper International Limited	YES	
2357885	75142003	<b>VIPER</b>	IC 028 pool cues and pool accessories, namely, pool bridges, bumpers, pool cue chalk and chalk holders, cue cases, cue cement, cue clamps, cue racks, cue repair kits, pool cue tips, tally balls and billiard triangles.	GREAT LAKES DART MFG., INC.	YES	
1800654	74159920	<b>VIPER</b>	IC 012 automobiles and structural parts therefor.	CHRYSLER CORPORATION	YES	
2153975	74556881	<b>VIPER</b>	IC 012 tires for automobiles.	COOPER TIRE & RUBBER COMPANY		
2694285	74719065	<b>VIPER</b>	IC 009 computer workstation.	National Computer Plus, Inc.	YES	
2018198	74586587	<b>MOUNTAIN VIPER</b>	IC 028 Alpine skis, ski bindings.	Rossignol Ski Company, Inc.	YES	
1898841	74531318	<b>SCREAMING VIPER</b>	IC 013 fireworks.	China Pyrotechnics, Inc.		
1957050	74486413	<b>VIPER</b>	IC 009 fire hose nozzles; metal fire hose nozzles; non-metallic fire hose nozzles.	ARMTEX PRODUCTS S.A.		
1941385	74302332	<b>VIPER</b>	IC 008 pocket knives and sporting knives.	TAYLOR BRANDS, LLC LTD LIAB CO		
1786679	74237737	<b>VIPER</b>	IC 013 ammunition; namely, metallic cartridges.	RA BRANDS, L.L.C. LTD LIAB CO		
1711190	74206405	<b>VIPER</b>	IC 007 machine for producing fiber-reinforced composite structure through the	CINCINNATI MILACRON INC.		

			process of dispensing and compacting layered bands of closely-spaced resin-impregnated fiber tows for manufacturing structures.			
1860263	74076862	<b>VIPER</b>	IC 009 sunglasses	BLUBLOCKER CORPORATION	YES	
1643173	74022286	<b>VIPER</b>	IC 041 entertainment services in the nature of an amusement park ride.	SIX FLAGS THEME PARKS, INC.		
1590771	73807056	<b>VIPER RT/10</b>	IC 012 AUTOMOBILES AND STRUCTURAL PARTS THEREOF.	CHRYSLER MOTORS CORPORATION		
1464451	73655202	<b>VIPER</b>	MAGNETIC CARTRIDGE TAPE DRIVES, ELECTRONIC CIRCUITRY FOR CONTROLLING TAPE DRIVES, POWER SUPPLIES FOR TAPE DRIVES AND ASSOCIATED COMPUTER PROGRAMS FOR CONTROLLING SAID TAPE DRIVES RECORDED ON DISKS, TAPES AND ELECTRONIC COMPONENT MEMORIES.	ARCHIVE CORPORATION		
1582460	73810675	<b>VIPER</b>	IC 012 OPEN FISHING BOATS.	VIPER BOATS, INC		
1390491	73557173	<b>VIPER</b>	IC 005 PREPARATIONS FOR KILLING AND DESTROYING VERMIN.	FLUSHMAN & SON DBA THE BUG STOP, INC.		
1274259	73419416	<b>VIPER</b>	IC 012 Bicycles.	RALEIGH AMERICA, INC.		

# Exhibit 4

Live VIPER-containing  
registrations by third parties

Int. Cl.: 12

Prior U.S. Cl.: 19

**United States Patent and Trademark Office**

**Reg. No. 1,274,259**

Registered Apr. 17, 1984

**TRADEMARK**  
Principal Register

**VIPER**

Western States Import Company, Incorporated  
(California corporation)  
1837 DeHavilland Dr.  
Newbury Park, Calif. 91320

For: BICYCLES, in CLASS 12 (U.S. Cl. 19).  
First use Jul. 1982; in commerce Jul. 1982.

Ser. No. 419,416, filed Mar. 30, 1983.

THOMAS S. LAMONE, Examining Attorney

Int. Cl.: 5

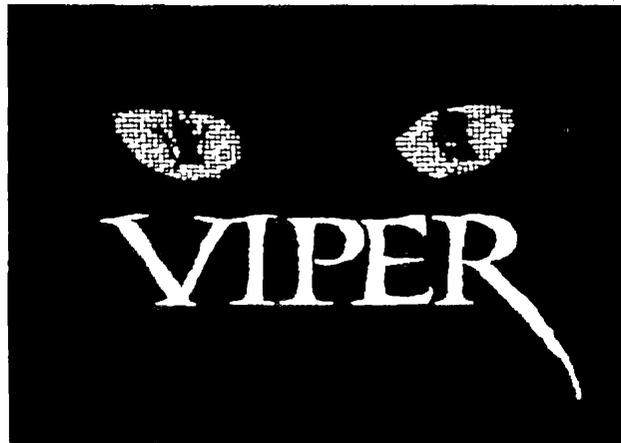
Prior U.S. Cl.: 6

**United States Patent and Trademark Office**

Reg. No. 1,390,491

Registered Apr. 22, 1986

**TRADEMARK  
PRINCIPAL REGISTER**



FLUSHMAN & SON (ILLINOIS CORPORATION). DBA THE BUG STOP, INC.  
1942 S. HALSTED  
CHICAGO, IL 60608

FOR: PREPARATIONS FOR KILLING AND DESTROYING VERMIN, IN CLASS 5 (U.S. CL. 6).

FIRST USE 8-1-1982; IN COMMERCE 8-0-1983.

THE DRAWING IS LINED FOR THE COLOR YELLOW.

SER. NO. 557,173, FILED 9-6-1985.

ALBIN DROST, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 26

Reg. No. 1,464,451

**United States Patent and Trademark Office** Registered Nov. 10, 1987

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

ARCHIVE CORPORATION (CALIFORNIA  
CORPORATION)  
1650 SUNFLOWER  
COSTA MESA, CA 92626

FOR: MAGNETIC CARTRIDGE TAPE  
DRIVES, ELECTRONIC CIRCUITRY FOR CON-  
TROLLING TAPE DRIVES, POWER SUPPLIES  
FOR TAPE DRIVES AND ASSOCIATED COM-  
PUTER PROGRAMS FOR CONTROLLING

SAID TAPE DRIVES RECORDED ON DISKS,  
TAPES AND ELECTRONIC COMPONENT  
MEMORIES, IN CLASS 9 (U.S. CL. 26).

FIRST USE 2-6-1987; IN COMMERCE  
2-6-1987.

SER. NO. 655,202, FILED 4-14-1987.

R. M. FEELEY, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cl.: 19

**United States Patent and Trademark Office**

Reg. No. 1,582,460

Registered Feb. 13, 1990

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

VIPER BOATS, INC. (NORTH CAROLINA COR-  
PORATION)  
P.O. BOX 577  
AYDEN, NC 28513

FIRST USE 7-0-1987; IN COMMERCE  
7-0-1987.

SER. NO. 73-810,675, FILED 7-3-1989.

FOR: OPEN FISHING BOATS, IN CLASS 12  
(U.S. CL. 19).

DAVID H. STINE, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cl.: 19

**United States Patent and Trademark Office** **Reg. No. 1,590,771**  
Registered Apr. 10, 1990

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER RT/10**

CHRYSLER MOTORS CORPORATION (DELA-  
WARE CORPORATION)  
12000 CHRYSLER DRIVE  
HIGHLAND PARK, MI 48288

FIRST USE 1-2-1989; IN COMMERCE  
1-7-1989.

SER. NO. 73-807,056, FILED 6-16-1989.

FOR: AUTOMOBILES AND STRUCTURAL  
PARTS THEREOF, IN CLASS 12 (U.S. CL. 19).

ELLEN A. RUBEL, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cl.: 107

**United States Patent and Trademark Office** **Reg. No. 1,643,173**  
Registered Apr. 30, 1991

**SERVICE MARK  
PRINCIPAL REGISTER**



SIX FLAGS CORPORATION (DELAWARE  
CORPORATION)  
SUITE 1200  
611 RYAN PLAZA DRIVE  
ARLINGTON, TX 76011

FOR: ENTERTAINMENT SERVICES IN THE  
NATURE OF AN AMUSEMENT PARK RIDE,  
IN CLASS 41 (U.S. CL. 107).

FIRST USE 4-7-1990; IN COMMERCE  
4-7-1990.

OWNER OF U.S. REG. NOS. 1,576,935 AND  
1,576,941.

SN 74-022,286. FILED 1-24-1990.

JAMES F. VOEGELI, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cl.: 23

**United States Patent and Trademark Office** **Reg. No. 1,711,190**  
**Registered Sep. 1, 1992**

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**TRADEMARK  
PRINCIPAL REGISTER**



CINCINNATI MILACRON INC. (DELAWARE  
CORPORATION)  
4701 MARBURG AVENUE  
CINCINNATI, OH 45209

FOR: MACHINE FOR PRODUCING FIBER-  
REINFORCED COMPOSITE STRUCTURE  
THROUGH THE PROCESS OF DISPENSING  
AND COMPACTING LAYERED BANDS OF

CLOSELY-SPACED RESIN-IMPREGNATED  
FIBER TOWS FOR MANUFACTURING STRUC-  
TURES, IN CLASS 7 (U.S. CL. 23).

FIRST USE 4-1-1989; IN COMMERCE  
4-1-1989.

SER. NO. 74-206,405, FILED 9-23-1991.

BLAINE T. KUSER, EXAMINING ATTORNEY

Int. Cl.: 13

Prior U.S. Cl.: 9

**United States Patent and Trademark Office** **Reg. No. 1,786,679**  
Registered Aug. 10, 1993

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

REMINGTON ARMS COMPANY, INC. (DELA-  
WARE CORPORATION)  
1007 MARKET STREET  
WILMINGTON, DE 19898

FIRST USE 4-27-1982; IN COMMERCE  
4-27-1982.

SER. NO. 74-237,737, FILED 1-15-1992.

FOR: AMMUNITION; NAMELY, METALLIC  
CARTRIDGES, IN CLASS 13 (U.S. CL. 9).

KAREN K. BUSH, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cl.: 19

**United States Patent and Trademark Office** **Reg. No. 1,800,654**  
Registered Oct. 26, 1993

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

CHRYSLER CORPORATION (DELAWARE  
CORPORATION)  
12000 CHRYSLER DRIVE  
HIGHLAND PARK, MI 48288

FOR: AUTOMOBILES AND STRUCTURAL  
PARTS THEREFOR, IN CLASS 12 (U.S. CL. 19).

FIRST USE 1-2-1989; IN COMMERCE  
1-7-1989.

OWNER OF U.S. REG. NO. 1,590,771.

SER. NO. 74-159,920, FILED 4-23-1991.

CHRISIE B. KING, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 26

**United States Patent and Trademark Office** **Reg. No. 1,860,263**  
Registered Oct. 25, 1994

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

BLUBLOCKER CORPORATION (ILLINOIS  
CORPORATION)  
3100 DUNDEE ROAD  
SUITE 802  
NORTHBROOK, IL 60062

FIRST USE 3-4-1994; IN COMMERCE  
3-4-1994.

SN 74-076,862, FILED 7-9-1990.

FOR: SUNGLASSES, IN CLASS 9 (U.S. CL.  
26).

G. T. GLYNN, EXAMINING ATTORNEY

**Int. Cl.: 13**

**Prior U.S. Cl.: 9**

**United States Patent and Trademark Office** **Reg. No. 1,898,841**  
**Registered June 13, 1995**

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**TRADEMARK  
PRINCIPAL REGISTER**

**SCREAMING VIPER**

CHINA PYROTECHNICS, INC. (ALABAMA  
CORPORATION)  
202 NORTH COURT STREET  
FLORENCE, AL 35630

FIRST USE 4-12-1993; IN COMMERCE  
4-12-1993.

SER. NO. 74-531,318, FILED 5-31-1994.

FOR: FIREWORKS, IN CLASS 13 (U.S. CL. 9).

ANTHONY R. MASIELLO, EXAMINING AT-  
TORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28, and 44

**United States Patent and Trademark Office** **Reg. No. 1,941,385**  
Registered Dec. 12, 1995

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**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

IMPERIAL SCHRADE CORP. (DELAWARE  
CORPORATION)  
99 MADISON AVENUE  
NEW YORK, NY 10016

FIRST USE 4-0-1995; IN COMMERCE  
4-0-1995.

SN 74-302,332, FILED 8-10-1992.

FOR: POCKET KNIVES AND SPORTING  
KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

DAVID H. STINE, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 1,957,050

Registered Feb. 20, 1996

**TRADEMARK  
PRINCIPAL REGISTER**



ARMTEX PRODUCTS S.A. (SWITZERLAND  
CORPORATION)  
CHAMERSTRASSE, 79  
CH-6303, ZUG, SWITZERLAND

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

FIRST USE 6-30-1990; IN COMMERCE  
6-30-1990.

FOR: FIRE HOSE NOZZLES; METAL FIRE  
HOSE NOZZLES; NON-METALLIC FIRE HOSE

SER. NO. 74-486,413, FILED 2-4-1994.

RANDY RICARDO, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

**United States Patent and Trademark Office** **Reg. No. 2,018,198**  
Registered Nov. 19, 1996

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**TRADEMARK  
PRINCIPAL REGISTER**

**MOUNTAIN VIPER**

ROSSIGNOL SKI COMPANY, INC. (DELA-  
WARE CORPORATION)  
INDUSTRIAL AVENUE  
WILLISTON, VT 05495

FIRST USE 3-21-1995; IN COMMERCE  
3-21-1995.

SN 74-586,587, FILED 10-17-1994.

FOR: ALPINE SKIS, SKI BINDINGS, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

KATHERINE STOIDES, EXAMINING ATTOR-  
NEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 2,151,342

**United States Patent and Trademark Office**

Registered Apr. 14, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

BUSSE BROS., INC. (WISCONSIN CORPORATION)  
124 NORTH COLUMBUS STREET  
RANDOLPH, WI 53956

AND OTHER LIKE ARTICLES, IN CLASS 7  
(U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).  
FIRST USE 8-16-1996; IN COMMERCE  
8-16-1996.

FOR: MATERIAL HANDLING SYSTEMS,  
NAMELY, PALLETIZERS FOR CONTAINERS

SN 75-129,840, FILED 7-3-1996.  
ANDREW BAXLEY, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

Reg. No. 2,153,975

**United States Patent and Trademark Office**

Registered Apr. 28, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

COOPER TIRE & RUBBER COMPANY (DELA-  
WARE CORPORATION)  
LIMA AND WESTERN AVENUES  
FINDLAY, OH 45840

FIRST USE 3-24-1994; IN COMMERCE  
3-24-1994.

SN 74-556,881, FILED 8-1-1994.

FOR: TIRES FOR AUTOMOBILES, IN CLASS  
12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

MICHAEL MASON, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,165,063

**United States Patent and Trademark Office**

Registered June 16, 1998

**TRADEMARK  
PRINCIPAL REGISTER**



**Clean Sweep System**

DUCT DOCTOR LTD. (MINNESOTA CORPORATION)  
11153 S. WILTON RIVER RD.  
NEW RICHLAND, MN 56072

FOR: HIGH-PRESSURE AIR OPERATED SCRAPER FOR USE IN AIR DUCT CLEANING COMPRISED OF CONJOINABLE RODS AND CONDUIT WHICH DELIVERS A CLEANING NOZZLE AND A CLEANING WHIP INTO DUCTWORK, FOR PURPOSE OF BLOWING HIGH-PRESSURE AIR IN SUCH A WAY AS TO REMOVE UNWANTED MATERIAL FROM

DUCTWORK, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 5-2-1995; IN COMMERCE 6-5-1995.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLEAN SWEEP SYSTEM", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS IN PART OF THE WORD "VIPER" AND A STYLIZED SNAKE DESIGN.

SER. NO. 75-104,957, FILED 5-16-1996.

JEFFERY FRAZIER, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 2,200,400

**United States Patent and Trademark Office**

Registered Oct. 27, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

YETTER MANUFACTURING COMPANY (ILLI-  
NOIS CORPORATION)  
109 S. MCDONOUGH  
COLCHESTER, IL 62326

PLICATION AND SEED PLANTING, IN CLASS  
7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).  
FIRST USE 10-17-1997; IN COMMERCE  
10-17-1997.

SN 75-235,727, FILED 2-3-1997.

FOR: AGRICULTURAL IMPLEMENTS,  
NAMELY, COULTERS FOR FERTILIZER AP-

MICHAEL MASON, EXAMINING ATTORNEY

Int. Cl.: 7

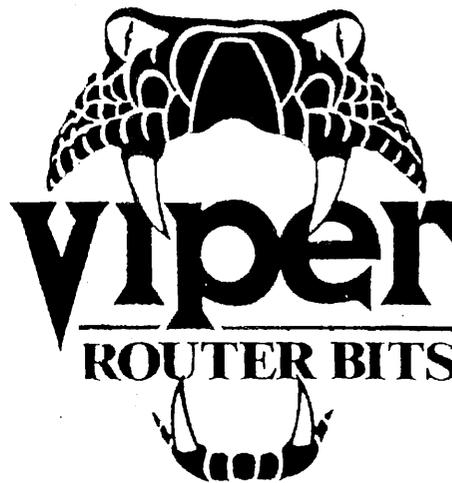
Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,275,153

**United States Patent and Trademark Office**

Registered Sep. 7, 1999

**TRADEMARK  
PRINCIPAL REGISTER**



UNITED STATES SAW CORPORATION (NEW  
YORK CORPORATION)  
2084 LOCKPORT-OLCOTT ROAD  
BURT, NY 14028

FOR: WOODWORKING ROUTER BITS FOR  
USE WITH STATIONARY AND PORTABLE  
POWER TOOLS USED IN DECORATING, CUT-  
TING, AND PROFILING WOOD SURFACES ,  
IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND  
35).

FIRST USE 8-0-1988; IN COMMERCE  
8-0-1988.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "ROUTER BITS", APART  
FROM THE MARK AS SHOWN.

SER. NO. 75-213,983, FILED 12-16-1996.

CINDY HENDERSON, EXAMINING ATTOR-  
NEY

**Int. Cl.: 9**

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

**Reg. No. 2,275,269**

**United States Patent and Trademark Office**

**Registered Sep. 7, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SGS-THOMSON MICROELECTRONICS S.R.L.  
(ITALY CORPORATION)  
VIA C. OLIVETTI 2  
AGRATE BRIANZA, ITALY

FIRST USE 1-1-1998; IN COMMERCE  
1-1-1998.

SER. NO. 75-330,948, FILED 7-25-1997.

FOR: INTEGRATED CIRCUITS FOR SWITCH  
MODE POWER SUPPLIES, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

DAVID H. STINE, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 2,280,025

**United States Patent and Trademark Office**

Registered Sep. 21, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

CASTEX INCORPORATED (MICHIGAN COR-  
PORATION)  
12875 RANSOM STREET  
HOLLAND, MI 49424

FIRST USE 9-25-1998; IN COMMERCE  
9-25-1998.

SN 75-415,846, FILED 1-9-1998.

FOR: VACUUM CLEANERS, IN CLASS 7  
(U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

R. G. COLE, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,286,914

**United States Patent and Trademark Office**

Registered Oct. 19, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

UNITED STATES SAW CORPORATION (NEW  
YORK CORPORATION)  
2084 LOCKPORT-OLCOTT ROAD  
BURT, NY 14028 .

IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND  
35).

FIRST USE 8-0-1988; IN COMMERCE  
8-0-1988.

FOR: WOODWORKING ROUTER BITS FOR  
USE WITH STATIONARY AND PORTABLE  
POWER TOOLS USED IN DECORATING, CUT-  
TING, AND PROFILING WOOD SURFACES ,

SER. NO. 75-219,531, FILED 12-30-1996.

CINDY HENDERSON, EXAMINING ATTOR-  
NEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,311,548

**United States Patent and Trademark Office**

Registered Jan. 25, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

LEGG COMPANY, INC. (KANSAS CORPORATION)  
325 EAST 10TH STREET  
HALSTEAD, KS 67056

FIRST USE 4-30-1998; IN COMMERCE  
4-30-1998.

SER. NO. 75-603,474, FILED 12-11-1998.

FOR: INDUSTRIAL CONVEYOR BELTING,  
IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND  
35).

THEODORE MCBRIDE, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 2,350,817

**United States Patent and Trademark Office**

Registered May 16, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**VYPER**

SUUNTO OYJ (FINLAND LIMITED LIABILITY  
COMPANY)  
JUVAN TEOLLISUUSKATU 8  
02920 ESPOO, FINLAND

FOR: DIVE COMPUTERS AND DEPTH  
GAUGES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36  
AND 38).

FIRST USE 1-13-1999: IN COMMERCE  
1-13-1999.

SN 75-507,286, FILED 6-23-1998.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

**Int. Cl.: 28**

**Prior U.S. Cls.: 22, 23, 38, and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,357,885**

**Registered June 13, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

GREAT LAKES DART MFG., INC. (WISCONSIN CORPORATION)  
S84 W19093 ENTERPRISE DRIVE  
MUSKEGO, WI 53150 BY CHANGE OF NAME; BY CHANGE OF NAME GREAT LAKES DART DISTRIBUTORS, INC. (WISCONSIN CORPORATION)  
MUSKEGO, WI 53150

FOR: POOL CUES AND POOL ACCESSORIES, NAMELY, POOL BRIDGES, BUMPERS, POOL CUE

CHALK AND CHALK HOLDERS, CUE CASES, CUE CEMENT, CUE CLAMPS, CUE RACKS, CUE REPAIR KITS, POOL CUE TIPS, TALLY BALLS AND BILLIARD TRIANGLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 6-20-1996; IN COMMERCE 6-20-1996.

SN 75-142,003, FILED 7-29-1996.

ELISSA GARBER KON, EXAMINING ATTORNEY

Int. Cl.: 33

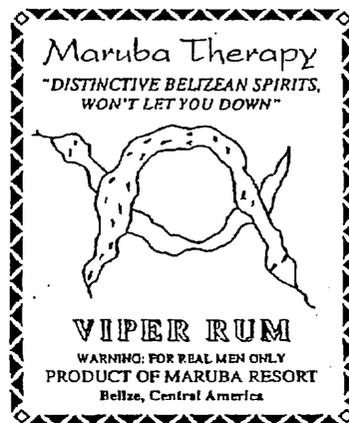
Prior U.S. Cls.: 47 and 49

Reg. No. 2,391,799

United States Patent and Trademark Office

Registered Oct. 3, 2000

**TRADEMARK  
PRINCIPAL REGISTER**



NICHOLSON, FRANZISKA G. (UNITED STATES CITIZEN)  
P.O. BOX 300703  
HOUSTON, TX 77230

FOR: RUM BOTTLED WITH A SNAKE IN THE BOTTLE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DISTINCTIVE BELIZEAN SPIRITS"; "VIPER RUM"; "PRODUCT OF"; "RESORT" AND "BELIZE, CENTRAL AMERICA", APART FROM THE MARK AS SHOWN.

SN 75-063,072, FILED 2-26-1996.

NORA BUCHANAN WILL, EXAMINING ATTORNEY

Int. Cl.: 11

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

Reg. No. 2,394,189

**United States Patent and Trademark Office**

Registered Oct. 10, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

PC MARKETING, INC. (NEW JERSEY CORPORATION)  
1040 WILT AVENUE  
RIDGEFIELD, NJ 07657

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

SN 75-607,293, FILED 12-17-1998.

H. M. FISHER, EXAMINING ATTORNEY

FOR: TANNING BEDS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,405,422

**United States Patent and Trademark Office**

Registered Nov. 21, 2000

**TRADEMARK  
PRINCIPAL REGISTER**



CASTEX INCORPORATED (MICHIGAN CORPORATION)  
12875 RANSOM STREET  
HOLLAND, MI 49424

FOR: VACUUM CLEANERS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).  
FIRST USE 9-25-1998; IN COMMERCE 9-25-1998.

THE MARK CONSISTS OF A STYLIZED DRAWING OF A VIPER AND THE WORD "VIPER".

SER. NO. 75-682,039, FILED 4-13-1999.

WILLIAM BRECKENFELD, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**Reg. No. 2,406,244**

**United States Patent and Trademark Office**

**Registered Nov. 21, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER PRINTING VISION SYSTEM**

PANELS & CONTROLS CORP. (ILLINOIS CORPORATION)  
760 LAKESIDE DRIVE  
GUREE, IL 60031

FOR: CHARGE COUPLED DEVICE CAMERAS, IMAGE ACQUISITION CIRCUIT BOARDS AND COMPUTERS FOR EVALUATING COMMERCIAL PRINTING QUALITY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-5-1999; IN COMMERCE 4-5-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PRINTING VISION SYSTEM", APART FROM THE MARK AS SHOWN.

SER. NO. 75-878,672, FILED 12-22-1999.

KATHLEEN M. VANSTON, EXAMINING ATTORNEY

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35, and 50

**United States Patent and Trademark Office**

**Reg. No. 2,450,085**

**Registered May 8, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

GOODYEAR TIRE & RUBBER COMPANY, THE  
(OHIO CORPORATION)  
1144 EAST MARKET STREET  
AKRON, OH 443160001

FIRST USE 5-25-1999; IN COMMERCE 5-25-1999.

SN 75-775,208, FILED 9-7-1999.

FOR: NONMETALLIC HOSE FOR USE IN THE  
CHEMICAL INDUSTRY, IN CLASS 17 (U.S. CLS. 1, 5,  
12, 13, 35 AND 50).

GI HYUN AN, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

**Reg. No. 2,464,438**

Registered June 26, 2001

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

FEDERAL SIGNAL CORPORATION (DELA-  
WARE CORPORATION)  
1415 W. 22ND STREET, SUITE 1100  
OAK BROOK, IL 60523

FIRST USE 10-30-1999; IN COMMERCE 12-17-1999.

SN 75-733,058, FILED 6-21-1999.

FOR: HALOGEN AND STROBE WARNING  
LIGHTS FOR USE ON VEHICLES, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

BRIAN RUPP, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,557,829

United States Patent and Trademark Office

Registered Apr. 9, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

CENTURI CORPORATION (DELAWARE CORPORATION)  
P.O. BOX 227  
1295 H STREET  
PENROSE, CO 81240

SCALE MODEL AIRPLANES; AND HOBBYCRAFT KITS COMPRISED OF PARTS FOR OPERATION OF SCALE MODEL AIRPLANES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-31-1980; IN COMMERCE 12-31-1980.

SER. NO. 75-902,129, FILED 1-24-2000.

FOR: AERIAL TOYS AND MODELS, NAMELY, SCALE MODEL AIRPLANES, AND ACCESSORIES THEREFOR; TOY MODEL HOBBYCRAFT KITS OF SCALE MODEL AIRPLANES; HOBBYCRAFT KITS COMPRISED OF PARTS FOR ASSEMBLY OF

BERYL GARDNER, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 2,648,145

Registered Nov. 12, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

FRONTIER MEDIA, INC. (TEXAS CORPORATION), DBA AXIS TECHNOLOGIES  
16633 DALLAS PARKWAY, SUITE 600  
DALLAS, TX 75248

FOR: COMPUTER ENGINEERING DOCUMENT SOFTWARE, NAMELY, SOFTWARE FOR USE IN THE MANAGEMENT, VIEWING, DISTRIBUTION, RETRIEVAL, AND EDITING OF ENGINEERING DOCUMENTS, AND RELATED DOCUMENTA-

TION SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

SER. NO. 76-117,088, FILED 8-24-2000.

TAWANDA VAN HORN, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 2,648,508**

Registered Nov. 12, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER BLAST**

S.P. ENTERPRISES, INC. (NEVADA CORPORATION)  
1889 E. MAULE AVE., SUITE E  
LAS VEGAS, NV 89119

OWNER OF U.S. REG. NOS. 2,425,268 AND  
2,442,534.

SER. NO. 76-224,588, FILED 3-14-2001.

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-5-2001; IN COMMERCE 2-5-2001.

NELSON SNYDER, EXAMINING ATTORNEY

Int. Cl.: 11

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

Reg. No. 2,655,529

**United States Patent and Trademark Office**

Registered Dec. 3, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

ARIZONA MIST, INC. (UTAH CORPORATION)  
1051 NORTH FIESTA BLVD.  
GILBERT, AZ 85233

FIRST USE 3-26-1998; IN COMMERCE 3-26-1998.

OWNER OF U.S. REG. NO. 2,218,418.

FOR: MIST GENERATOR, NAMELY, TUBE OR  
HOSE WITH AT LEAST ONE NOZZLE AND A HOSE  
CONNECTOR, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31  
AND 34).

SER. NO. 76-092,785, FILED 7-20-2000.

WILLIAM SAUERS, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

**United States Patent and Trademark Office**

Reg. No. 2,655,638

Registered Dec. 3, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**WEED-VIPER**

CHESTER, STEVEN (UNITED STATES INDIVIDUAL)  
1909 BUFFALO BEND DR.  
LEWISVILLE, TX 75067

FIRST USE 10-23-2000; IN COMMERCE 10-23-2000.

SER. NO. 76-154,092. FILED 10-26-2000.

FOR: HAND HELD HERBICIDE APPLICATOR,  
IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

BARNEY CHARLON, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 2,655,802**

Registered Dec. 3, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER GUM**

S.P. ENTERPRISES, INC. (NEVADA CORPORATION)  
1889 E. MAULE AVE., SUITE E  
LAS VEGAS, NV 89119

FOR: CANDY AND CHEWING GUM, IN CLASS  
30 (U.S. CL. 46).

FIRST USE 2-25-2001; IN COMMERCE 2-25-2001.

OWNER OF U.S. REG. NOS. 2,425,268 AND  
2,442,534.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "GUM", APART FROM THE MARK  
AS SHOWN.

SER. NO. 76-224,472, FILED 3-14-2001.

NELSON SNYDER, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,659,558

United States Patent and Trademark Office

Registered Dec. 10, 2002

TRADEMARK  
PRINCIPAL REGISTER



LIBERTY PUMPS, INC. (NEW YORK CORPORATION)  
7000 APPLE TREE AVENUE  
BERGEN, NY 14416

FOR: WASTEWATER PUMPS, SUMP PUMPS,  
SEWAGE PUMPS, AND EFFLUENT PUMPS, AND  
MECHANICAL CONTROLS THEREFOR, IN CLASS  
7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 6-11-1984; IN COMMERCE 6-11-1984.

OWNER OF U.S. REG. NOS. 1,347,255, 1,801,880  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "PUMPS", APART FROM THE  
MARK AS SHOWN.

SER. NO. 78-077,961, FILED 8-7-2001.

ARETHA MASTERSON, EXAMINING ATTORNEY

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,665,228

**United States Patent and Trademark Office**

Registered Dec. 24, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SPELLBOUND DEVELOPMENT GROUP, INC.  
(CALIFORNIA CORPORATION)  
PMB 400, 3419 VIA LIDO  
NEWPORT BEACH, CA 92663

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

SER. NO. 76-096,442, FILED 7-26-2000.

FOR: DISPOSABLE BAG OPENER, IN CLASS 21  
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

GEORGIA CARTY, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 2,694,285

Registered Mar. 11, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

NATIONAL COMPUTER PLUS, INC. (OKLAHOMA CORPORATION)  
P.O. BOX 470123  
4610 S 101ST EAST AVENUE  
TULSA, OK 74147

FIRST USE 3-1-1994; IN COMMERCE 3-1-1994.

SER. NO. 74-719,065, FILED 8-22-1995.

FOR: COMPUTER WORKSTATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

F. D. CARMINE, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 2,721,102

Registered June 3, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**ALLEY VIPER**

HASBRO. INC. (RHODE ISLAND CORPORATION)  
1027 NEWPORT AVENUE  
PAWTUCKET, RI 02862

OWNER OF U.S. REG. NO. 2,464,670.

FOR: TOY ACTION FIGURES AND TOY VEHICLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 76-431,053, FILED 7-16-2002.

FIRST USE 6-15-1997; IN COMMERCE 6-15-1997.

MICHAEL SOUDERS, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,751,538

**United States Patent and Trademark Office**

Registered Aug. 19, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

VIPER INTERNATIONAL LIMITED (UNITED KINGDOM CORPORATION)  
ORRITOR ROAD  
COOKSTOWN, CO. TYRONE, IRELAND BT80 8BL

FOR: MACHINERY AND EQUIPMENT FOR USE IN THE GRANULAR PRODUCTS PROCESSING INDUSTRY, NAMELY, HEAVY MACHINES FOR USE IN CRUSHING AND SORTING ROCKS, ORE, BRICKS, ASPHALT AND DEBRIS; VIBRATED SCREEN SEPARATING MACHINES FOR USE IN SEPARATING, SIZING, SCALPING, SIFTING AND PROCESSING OF SAND, GRAVEL, ROCK, MINER-

ALS, FOODS, METALS, CHEMICALS, PIGMENTS, ABRASIVES, CERAMICS AND OTHER MATERIALS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 3-0-1990; IN COMMERCE 3-0-1990.

SER. NO. 75-146,020, FILED 8-6-1996.

BARBARA A. LOUGHRAN, EXAMINING ATTORNEY

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35 and 50

Reg. No. 2,764,107

**United States Patent and Trademark Office**

Registered Sep. 16, 2003

**TRADEMARK  
PRINCIPAL REGISTER**



NEWAY PACKAGING CORP (CALIFORNIA  
CORPORATION)  
19730 MAGELLAN DRIVE  
TORRANCE, CA 90502

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "TAPE", APART FROM THE MARK  
AS SHOWN.

FOR: ADHESIVE PACKING TAPE FOR INDUS-  
TRIAL OR COMMERCIAL USE, IN CLASS 17 (U.S.  
CLS. 1, 5, 12, 13, 35 AND 50).

SER. NO. 78-004,292, FILED 4-14-2000.

FIRST USE 4-14-2000; IN COMMERCE 4-14-2000.

JENNIFER MARTIN, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,776,193

Registered Oct. 21, 2003

TRADEMARK  
PRINCIPAL REGISTER

VIPER

SWISS CAPS RECHTE UND LIZENZEN AG  
(SWITZERLAND SWISS CORPORATION)  
HAUSENSTRASSE 49  
9533 KIRCHBERG, SWITZERLAND BY ASSIGN-  
MENT TECHNICAPS GMBH (SWITZERLAND  
CORPORATION) 9533 KIRCHBERG, SWITZER-  
LAND

FOR: MARKING PELLETS, NAMELY, PAINT-  
BALLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-4-1999; IN COMMERCE 11-4-1999.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
SWITZERLAND APPLICATION NO. 07774/2000,  
FILED 6-29-2000, REG. NO. 478565, EXPIRES 6-29-  
2010.

SN 76-172,346, FILED 11-28-2000.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

Reg. No. 2,785,027

**United States Patent and Trademark Office**

Registered Nov. 18, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER GTS FINAL EDITION**

DAIMLERCHRYSLER CORPORATION (DELA-  
WARE CORPORATION)  
1000 CHRYSLER DRIVE  
AUBURN HILLS, MI 48326

FOR: MOTOR VEHICLES, NAMELY, PASSENGER AUTOMOBILES, AND STRUCTURAL PARTS AND ENGINES THEREFOR, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 5-0-2002; IN COMMERCE 5-0-2002.

OWNER OF U.S. REG. NOS. 1,590,771, 2,418,499, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GTS FINAL EDITION", APART FROM THE MARK AS SHOWN.

SN 78-115,899, FILED 3-19-2002.

BARBARA GAYNOR, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 2,787,266

Registered Nov. 25, 2003

**TRADEMARK  
PRINCIPAL REGISTER**



BECTON, DICKINSON AND COMPANY (NEW  
JERSEY CORPORATION)  
1 BECTON DRIVE  
FRANKLIN LAKES, NJ 074171880

FOR: LABORATORY APPARATUS, NAMELY A  
SAMPLE PROCESSOR USED FOR CLINICAL AND  
LABORATORY RESEARCH AND CLINICAL DIAG-  
NOSTICS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND  
38).

FIRST USE 7-23-2002; IN COMMERCE 7-23-2002.

OWNER OF U.S. REG. NOS. 442,281, 717,640, AND  
OTHERS.

SN 76-379,643, FILED 3-7-2002.

JEFF DEFORD, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 2,787,583

**United States Patent and Trademark Office**

Registered Nov. 25, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**BD VIPER**

BECTON, DICKINSON AND COMPANY (NEW  
JERSEY CORPORATION)  
1 BECTON DRIVE  
FRANKLIN LAKES, NJ 074171880

FIRST USE 7-23-2002; IN COMMERCE 7-23-2002.

OWNER OF U.S. REG. NOS. 442,281, 717,640, AND  
OTHERS.

FOR: LABORATORY APPARATUS, NAMELY A  
SAMPLE PROCESSOR USED FOR CLINICAL AND  
LABORATORY RESEARCH AND CLINICAL DIAG-  
NOSTICS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND  
38).

SN 78-113,212, FILED 3-7-2002.

JEFF DEFORD, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,802,614

**United States Patent and Trademark Office**

Registered Jan. 6, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**HYPER VIPER**

ESTES-COX CORP. (DELAWARE CORPORATION)  
1295 H STREET, P.O. BOX 227  
PENROSE, CO 81240 BY MERGER, BY CHANGE OF  
NAME CENTURI CORPORATION (DELAWARE  
CORPORATION) PENROSE, CO 81240

FIRST USE 5-5-2003; IN COMMERCE 5-5-2003.

SN 75-615,988, FILED 1-5-1999.

FOR: LINE-CONTROLLED MODEL AIRPLANES,  
IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

KIMBERLY KREHELY, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

**United States Patent and Trademark Office**

Reg. No. 2,823,749

Registered Mar. 16, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER RAY**

HSI SERVICE CORP. (DELAWARE CORPORATION)  
220 CONTINENTAL DRIVE - SUITE 115  
NEWARK, DE 197134309

FIRST USE 5-0-2002; IN COMMERCE 5-0-2002.

SN 76-247.887, FILED 4-27-2001.

FOR: DIGITAL X-RAY APPARATUS FOR DENTAL PURPOSES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

LEIGH CAROLINE CASE, EXAMINING ATTORNEY

Int. Cl.: 11

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

**United States Patent and Trademark Office**

**Reg. No. 2,838,656**

Registered May 4, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

H-TECH, INC. (DELAWARE CORPORATION)  
103 SPRINGER BUILDING  
3411 SILVERSIDE ROAD  
WILMINGTON, DE 19810

FIRST USE 11-7-2002; IN COMMERCE 11-7-2002.

SER. NO. 78-233,959. FILED 4-4-2003.

FOR: SWIMMING POOL WATER CLEANING  
AND FILTERING UNITS, IN CLASS 11 (U.S. CLS.  
13, 21, 23, 31 AND 34).

SHARI SHEFFIELD. EXAMINING ATTORNEY

Int. Cl.: 11

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

**United States Patent and Trademark Office**

**Reg. No. 2,855,298**

Registered June 15, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

HARBISON-FISCHER, INC. (DELAWARE CORPORATION)  
901 NORTH CROWLEY ROAD  
CROWLEY, TX 76036

FIRST USE 3-21-2003; IN COMMERCE 6-30-2003.

SN 78-222,542, FILED 3-6-2003.

FOR: SEPARATORS FOR SEPARATING LIQUIDS  
FROM GASES IN THE OIL AND GAS INDUSTRY,  
IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

SUSAN HAYASH, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

**United States Patent and Trademark Office**

**Reg. No. 2,875,966**

Registered Aug. 24, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SCRANTON MANUFACTURING COMPANY  
INC. (IOWA CORPORATION)  
101 STATE STREET  
SCRANTON, IA 51462

FIRST USE 4-18-1997; IN COMMERCE 4-18-1997.

SER. NO. 76-217,581, FILED 2-28-2001.

FOR: REFUSE TRUCK PARTS, NAMELY, RE-  
FUSE TRUCK BODIES, IN CLASS 12 (U.S. CLS. 19, 21,  
23, 31, 35 AND 44).

JOHN LINCOSKI. EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

**United States Patent and Trademark Office**

Reg. No. 2,878,193

Registered Aug. 31, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**MIGHTY VIPER**

MIGHTY USA, INC. (CALIFORNIA CORPORATION)  
19706 S. NORMANDIE AVENUE  
TORRANCE, CA 90502

FOR: COMPUTER NUMERIC CONTROL MACHINES, NAMELY CNC VERTICAL MACHINE CENTERS, CNC HORIZONTAL MACHINE CENTERS, CNC LATHES, METAL WORKING MACHINES, NAMELY, LATHES, GRINDERS AND

MILLS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 9-0-2000; IN COMMERCE 9-0-2000.

SER. NO. 76-160,033, FILED 11-6-2000.

TRACY CROSS, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 2,888,647

Registered Sep. 28, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**NINJA VIPER STAFF**

HAPPY KID TOY GROUP LTD. (HONG KONG CORPORATION)  
ROOM 410-411, 4/F HOUSTON CENTRE  
63 MODY ROAD  
TSIM SHA TSUI EAST, KOWLOON, HONG KONG

FOR: TOYS, GAMES, AND PLAYTHINGS. NAME-  
LY, TOY WEAPONS, TOY ARMOR, PLAYSETS  
COMPRISED OF PLASTIC TOY WEAPONS FOR  
ROLE-PLAYING GAMES, MECHANICAL ACTION  
TOYS; ROLE PLAYING GAME EQUIPMENT IN  
THE NATURE OF GAME BOOK MANUALS, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 2-1-2003; IN COMMERCE 4-1-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE NINJA AND STAFF, APART FROM  
THE MARK AS SHOWN.

SER. NO. 76-543,237, FILED 8-26-2003.

REBECCA SMITH, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,898,751

Registered Nov. 2, 2004

TRADEMARK  
PRINCIPAL REGISTER

PIT VIPER

DIAMOND TOUR GOLF WHOLESALERS, INC.  
(ILLINOIS CORPORATION)  
203 EAST LINCOLN HIGHWAY  
DEKALB, IL 60115

FIRST USE 1-31-2003; IN COMMERCE 1-31-2003.

SER. NO. 76-500,817, FILED 3-3-2003.

FOR: GOLF CLUBS, IN CLASS 28 (U.S. CLS. 22, 23,  
38 AND 50).

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 2,903,030

Registered Nov. 16, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**NEO-VIPER**

HASBRO, INC. (RHODE ISLAND CORPORATION)

1027 NEWPORT AVENUE

PAWTUCKET, RI 02862

FOR: TOY ACTION FIGURES AND ACCESSORIES FOR USE THEREWITH. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-4-2003; IN COMMERCE 3-4-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,464,670 AND 2,721,102.

SER. NO. 76-558,990, FILED 11-12-2003.

AMY HELLA, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

United States Patent and Trademark Office

Reg. No. 2,917,654

Registered Jan. 11, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SPECIALTY SYSTEMS ADVANCED MACHIN-  
ERY, INC. (WISCONSIN CORPORATION)  
SOUTH FRONT STREET  
IRON RIVER, WI 54847

FOR: PAPER CONVERTING MACHINES FOR  
CONVERTING PAPER IN ROLL FORM INTO VAR-  
IOUS END-USE PRODUCTS SUCH AS, STATION-  
ERY, NAPKINS, NON-WOVEN WIPES AND THE

LIKE, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND  
35).

FIRST USE 6-8-2004; IN COMMERCE 6-8-2004.

SN 76-241,523, FILED 4-16-2001.

ALEX KEAM. EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 2,924,857

Registered Feb. 8, 2005

TRADEMARK  
PRINCIPAL REGISTER

**TELE-VIPER**

HASBRO, INC. (RHODE ISLAND CORPORATION)  
1027 NEWPORT AVENUE  
PAWTUCKET, RI 02862

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: TOY ACTION FIGURES AND ACCESSORIES FOR USE THEREWITH, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 76-573,483, FILED 2-2-2004.

FIRST USE 9-3-2003; IN COMMERCE 9-3-2003.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,957,742

**United States Patent and Trademark Office**

Registered May 31, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

NUFARM AMERICAS INC. (ILLINOIS COR-  
PORATION)  
1333 BURR RIDGE PARKWAY  
SUITE 125A  
BURR RIDGE, IL 60521

FIRST USE 1-29-2004; IN COMMERCE 1-29-2004.

SN 76-540,659, FILED 8-28-2003.

FOR: HERBICIDE FOR AGRICULTURAL AND  
DOMESTIC USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46,  
51 AND 52).

ANN LINNEHAN, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 2,971,302

Registered July 19, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

G&W ELECTRIC CO. (ILLINOIS CORPORATION)  
3500 WEST 127TH STREET  
BLUE ISLAND, IL 604061864

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

SN 76-379,317, FILED 3-7-2002.

FOR: FAULT INTERRUPTERS FOR ELECTRIC  
POWER DISTRIBUTION SYSTEMS, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,979,305

Registered July 26, 2005

TRADEMARK  
PRINCIPAL REGISTER



FIBERPLEX INC. (DELAWARE CORPORATION)  
10840-412 GUILFORD RD.  
ANNAPOLIS JUNCTION, MD 20701

FIRST USE 1-31-2004; IN COMMERCE 1-31-2004.

FOR: OPTICAL CONVERTERS, NAMELY CON-  
VERTERS FOR CONVERTING OPTICAL SIGNALS  
TO ELECTRICAL SIGNALS. IN CLASS 9 (U.S. CLS.  
21, 23, 26, 36 AND 38).

SN 78-306,691, FILED 9-29-2003.

JOHN HWANG, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 2,997,658

Registered Sep. 20, 2005

TRADEMARK  
PRINCIPAL REGISTER

VIPER

AMES TRUE TEMPER PROPERTIES, INC. (MI-  
CHIGAN CORPORATION)  
300 DELAWARE AVENUE SUITE 1704  
WILMINGTON, DE 19801

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: HAND OPERATED LAWN AND GARDEN  
TOOLS, NAMELY, SHOVELS; RAKES; HOES; CUL-  
TIVATORS; POST HOLE DIGGERS; AND SPADING  
FORKS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

SER. NO. 78-442,757, FILED 6-29-2004.

FIRST USE 12-30-2003; IN COMMERCE 12-30-2003.

GRETTA YAO, EXAMINING ATTORNEY

Int. Cl.: 24

Prior U.S. Cls.: 42 and 50

**United States Patent and Trademark Office**

Reg. No. 3,016,588

Registered Nov. 22, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

EASTBANK TRADING COMPANY, INC. (GEOR-  
GIA CORPORATION)  
P.O. BOX 6174  
MACON, GA 312086174

FIRST USE 11-1-1993; IN COMMERCE 11-1-1993.

SER. NO. 76-301,902, FILED 8-17-2001.

FOR: FABRIC, NAMELY AIR TEXTURIZED NY-  
LON FOR USE IN SNAKEPROOF BOOTS, IN CLASS  
24 (U.S. CLS. 42 AND 50).

MARY ROSSMAN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,016,774

Registered Nov. 22, 2005

TRADEMARK  
PRINCIPAL REGISTER

VIPER

CANRUN SHOES IMPORTS LTD. (CANADA  
CORPORATION)

470 NORTH RIVERMEDE ROAD

UNIT 10

CONCORD L4K 3R8, ONTARIO, CANADA

FOR: MEN'S AND WOMEN'S FOOTWEAR,  
NAMELY, SHOES, RUNNING SHOES, AND BOOTS,  
IN CLASS 25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF CANADA REG. NO. TMA480456,  
DATED 8-14-1997, EXPIRES 8-14-2012.

SER. NO. 76-566,702, FILED 12-23-2003.

JOHN DALIER, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 3,076,054

United States Patent and Trademark Office

Registered Apr. 4, 2006

TRADEMARK  
PRINCIPAL REGISTER

DW VIPER

THE BRADBURY COMPANY (KANSAS CORPORATION)  
1200 E. COLE  
MOUNDRIDGE, KS 67107

FOR: METAL FORMING EQUIPMENT, ROLL-FORMING EQUIPMENT AND ROTARY MACHINES, NAMELY PUNCHING, CUT-OFF AND SHEAR MACHINES AND LIGHT GAUGE ROLL-FORMING MACHINES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 11-4-2004; IN COMMERCE 11-4-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-514,423, FILED 11-10-2004.

KARANENDRA S. CHHINA, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,092,597

Registered May 16, 2006

TRADEMARK  
PRINCIPAL REGISTER

VIPER

EBSCO INDUSTRIES, INC. (DELAWARE CORPORATION)  
5724 HIGHWAY 280 EAST  
BIRMINGHAM, AL 35242

FOR: SPORTING GOODS, NAMELY, TREE-STANDS FOR HUNTING AND PARTS THEREFORE AND TREESTAND HUNTING BLINDS. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-1-1998; IN COMMERCE 1-1-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-549,361, FILED 1-18-2005.

ANNE MADDEN, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,092,598

Registered May 16, 2006

TRADEMARK  
PRINCIPAL REGISTER

MINI-VIPER

EBSCO INDUSTRIES, INC. (DELAWARE CORPORATION)  
5724 HIGHWAY 280 EAST  
BIRMINGHAM, AL 35242

FOR: SPORTING GOODS, NAMELY, TREE-STANDS FOR HUNTING AND PARTS THEREFORE. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-1-2002; IN COMMERCE 1-1-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-549,420, FILED 1-18-2005.

ANNE MADDEN, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

**United States Patent and Trademark Office**

Reg. No. 3,096,355

Registered May 23, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER VENOM V-2**

KUHN, TODD A. (UNITED STATES INDIVI-  
DUAL)  
233 SPRINGFIELD DRIVE  
NORTH EAST, MD 21901

FIRST USE 1-0-2004; IN COMMERCE 1-0-2004.

SN 78-302,244, FILED 9-18-2003.

FOR: ARCHERY HUNTING ARROWHEAD, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TANYA AMOS, EXAMINING ATTORNEY

Int. Cl.: 22

Prior U.S. Cls.: 1, 2, 7, 19, 22, 42, and 50

Reg. No. 3,096,701

**United States Patent and Trademark Office**

Registered May 23, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

WILLIAM KENYON & SONS, INC. (NEW JERSEY  
CORPORATION)  
90 ETHEL ROAD, WEST  
PISCATAWAY, NJ 08854

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: CARRIER ROPES FOR USE IN PAPER  
MACHINE THREADING SYSTEMS, IN CLASS 22  
(U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

SN 78-472,486, FILED 8-24-2004.

FIRST USE 1-27-2005; IN COMMERCE 1-27-2005.

STEPHANIE DAVIS, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,103,846

United States Patent and Trademark Office

Registered June 13, 2006

TRADEMARK  
PRINCIPAL REGISTER

TALLY-HO VIPER

UNITED STATES PLAYING CARD COMPANY,  
THE (DELAWARE CORPORATION)

4590 BEECH STREET

CINCINNATI, OH 452123497

FOR: PLAYING CARDS, IN CLASS 28 (U.S. CLS.  
22, 23, 38 AND 50).

FIRST USE 3-1-2005; IN COMMERCE 3-1-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 548,306, 2,665,172 AND  
OTHERS.

SER. NO. 78-657,963, FILED 6-24-2005.

SOPHIA S. KIM, EXAMINING ATTORNEY

Int. Cl.: 25

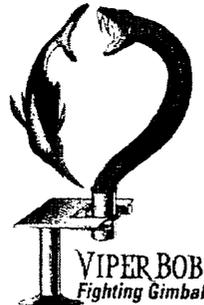
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,105,350

Registered June 13, 2006

TRADEMARK  
SUPPLEMENTAL REGISTER



TERWILLIGER, ROBERT L. (UNITED STATES  
INDIVIDUAL)  
C/O MARTINSON & BEASON  
115 NORTH SIDE SQUARE  
HUNTSVILLE, AL 35801

FIRST USE 6-30-2004; IN COMMERCE 6-30-2004.

SER. NO. 78-569,497, FILED P.R. 2-17-2005; AM. S.R.  
4-21-2006.

FOR: CLOTHING, NAMELY T-SHIRTS, MEN'S  
SHIRTS, LADIES SHIRTS, HATS, AND JACKETS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

ALEXANDER L. POWERS, EXAMINING ATTOR-  
NEY

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26 and 46

United States Patent and Trademark Office

Reg. No. 3,122,397

Registered Aug. 1, 2006

TRADEMARK  
PRINCIPAL REGISTER



POLYURETHANE SALES & SERVICE LLC (WA-  
SHINGTON LTD LIAB CO)  
1311 NW 148TH STREET  
VANCOUVER, WA 98685

FOR: POLYURETHANE OR POLYUREA DE-  
SIGNER AS A PROTECTIVE BARRIER ON WOOD,  
CONCRETE, STEEL, AND ALUMINUM, IN CLASS 1  
(U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 12-1-2003; IN COMMERCE 12-1-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "PROTECTIVE COATINGS", APART  
FROM THE MARK AS SHOWN.

SER. NO. 76-616,592, FILED 10-18-2004.

DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-  
NEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

**United States Patent and Trademark Office**

Reg. No. 3,185,368

Registered Dec. 19, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

PASTORELLO, JOHN (UNITED STATES INDIVIDUAL)  
2572-C FENDER AVE.  
FULLERTON, CA 92831

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: DEGREASING PREPARATIONS FOR USE IN CLEANING AIR CONDITIONING COILS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SER. NO. 76-652,652, FILED 12-30-2005.

FIRST USE 5-0-2000; IN COMMERCE 5-0-2000.

JOANNA DUKOVIC, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

United States Patent and Trademark Office

Reg. No. 3,188,935

Registered Dec. 26, 2006

TRADEMARK  
PRINCIPAL REGISTER

VIPER ELITE

BRAXTON-BRAGG CORPORATION (TENNESSEE CORPORATION)  
P. O. BOX 5407  
KNOXVILLE, TN 37928

FOR: DIAMOND TIPPED AND EDGED POWER SAW BLADES FOR THE CUTTING OF NATURAL STONE, POLISHING PADS FOR POLISHING NATURAL STONE COUNTERTOPS, AND BITS FOR USE IN NATURAL STONE CUTTING MACHINES, NAMELY COMPUTER NUMERICAL CONTROL (CNC) FINGER BITS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 2-0-2003; IN COMMERCE 2-0-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-665,582, FILED 7-7-2005.

CHRISTOPHER OTT, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 3,191,643

United States Patent and Trademark Office

Registered Jan. 2, 2007

TRADEMARK  
PRINCIPAL REGISTER

VIPER

BRAXTON-BRAGG CORPORATION (TENNESSEE CORPORATION)  
P. O. BOX 5407  
KNOXVILLE, TN 37928

FOR: DIAMOND TIPPED AND EDGED POWER SAW BLADES FOR CUTTING NATURAL STONE, POLISHING PADS FOR POLISHING NATURAL STONE COUNTERTOPS, ABRASIVE WHEELS AND DISCS FOR CUTTING NATURAL STONE, FLOOR POLISHING DISCS FOR POLISHING NATURAL STONE FLOORS, AND BITS FOR USE IN NATURAL STONE CUTTING MACHINES, NAMELY CORE BITS AND COMPUTER NUMERICAL

CONTROL (CNC) FINGER BITS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-665,517, FILED 7-7-2005.

CHRISTOPHER OTT, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 3,204,595

United States Patent and Trademark Office

Registered Jan. 30, 2007

TRADEMARK  
PRINCIPAL REGISTER

ISOMERS WRINKLE VIPER

ISOMERS LABORATORIES INC. (CANADA CORPORATION)  
105 TYCOS DRIVE  
TORONTO, CANADA M6B 1W3

OWNER OF U.S. REG. NO. 2,911,472.

FOR: NON-MEDICATED SERUMS FOR CLEANSING, MOISTURIZING, DECORATING AND ENHANCING THE SKIN OF THE BODY, FACE AND HEAD, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE WRINKLE, APART FROM THE MARK AS SHOWN.

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

SN 78-663,725, FILED 7-5-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

JACQUELINE A. LAVINE, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,214,639

Registered Mar. 6, 2007

TRADEMARK  
PRINCIPAL REGISTER

VIPER FILMSTREAM CAMERA

THOMSON MULTIMEDIA (FRANCE CORPORATION)  
46 QUAI ALPHONSE LE GALLO  
BOULOGNE-BILLANCOURT, FRANCE 92100

FOR: PROFESSIONAL QUALITY HIGH DEFINITION DIGITAL CINEMATOGRAPHIC CAMERA FOR USE BY PROFESSIONAL PHOTOGRAPHERS AND MOVIE STUDIOS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 023156081, FILED 3-

27-2002, REG. NO. 023156081, DATED 3-27-2002, EXPIRES 3-27-2012.

OWNER OF U.S. REG. NO. 2,840,072.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAMERA", APART FROM THE MARK AS SHOWN.

SER. NO. 78-167,461, FILED 9-24-2002.

CARRIE ACHEN, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 3,223,825

**United States Patent and Trademark Office**

Registered Apr. 3, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

THE BRADBURY COMPANY (KANSAS CORPORATION)  
1200 E. COLE  
MOUNDRIDGE, KS 67107

FOR: METAL FORMING EQUIPMENT, ROLL-FORMING EQUIPMENT AND ROTARY MACHINES, NAMELY PUNCHING AND CUT-OFF AND SHEAR MACHINES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 11-13-2003; IN COMMERCE 11-13-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-486,557, FILED 9-20-2004.

KARANENDRA S. CHHINA, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,225,980

United States Patent and Trademark Office

Registered Apr. 3, 2007

TRADEMARK  
PRINCIPAL REGISTER

BASS PRO SHOPS VIPER

BASS PRO TRADEMARKS, L.L.C. (MISSOURI  
LIMITED LIABILITY COMPANY)

2500 EAST KEARNEY

SPRINGFIELD, MO 65898

FOR: FISHING RODS AND FISHING REELS, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 2-11-2006; IN COMMERCE 2-11-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,116,517, 2,191,778,  
AND OTHERS.

SN 78-746,097, FILED 11-3-2005.

SHANNON TWOHIG, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,230,890

Registered Apr. 17, 2007

TRADEMARK  
PRINCIPAL REGISTER

VIPER

PROCESS METRIX, LLC (DELAWARE LTD LIAB  
CO)  
6622 OWENS DR.  
PLEASANTON, CA 945883334

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: INSTRUMENTS FOR MEASURING THE  
TEMPERATURE OF A MOLTEN STEEL OR IRON  
BATH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 78-546,538, FILED 1-12-2005.

FIRST USE 7-14-2006; IN COMMERCE 7-14-2006.

RON FAIRBANKS, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,274,777

Registered Aug. 7, 2007

TRADEMARK  
PRINCIPAL REGISTER

# PIPE VIPER

ROMANOFF, PHILIP (UNITED STATES INDIVIDUAL)

5B BROCTON COURT

WHITING, NJ 08759

FOR: HAND TOOL IN THE NATURE OF A HELICAL COIL FOR BENDING PIPE, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 1-0-2005; IN COMMERCE 1-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIPE", APART FROM THE MARK AS SHOWN.

SER. NO. 78-846,729, FILED 3-27-2006.

ERNEST SHOSHO, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 3,287,085

United States Patent and Trademark Office

Registered Aug. 28, 2007

TRADEMARK  
PRINCIPAL REGISTER

Viper

ARDISAM, INC. (WISCONSIN CORPORATION)  
1690 ELM STREET  
P.O. BOX 666  
CUMBERLAND, WI 54829

FIRST USE 9-1-2006; IN COMMERCE 9-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: INTERNAL COMBUSTION ENGINES FOR POWER OPERATED LAWN AND GARDEN EQUIPMENT AND REPLACEMENT PARTS THEREFOR, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

SN 78-819.042, FILED 2-20-2006.

SALLY SHIH, EXAMINING ATTORNEY

Document Description: Registration Certificate  
Mail / Create Date: 11-Sep-2007

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Next Page

You are currently on page 1 of 1



**Int. Cl.: 9**

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

**Reg. No. 3,290,129**

**United States Patent and Trademark Office**

**Registered Sep. 11, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
SUITE FOUR  
2120 WEST GREENVIEW DRIVE  
MIDDLETOWN, WI 53562

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-068,572. FILED 12-20-2006.

FIRST USE 11-30-2005; IN COMMERCE 11-30-2005.

JASON ROTH, EXAMINING ATTORNEY

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- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.

Exhibit 4  
Page 124

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35, and 50

Reg. No. 3,299,267

United States Patent and Trademark Office

Registered Sep. 25, 2007

TRADEMARK  
PRINCIPAL REGISTER

VIPER

INSULATION SOLUTIONS, INC. (ILLINOIS CORPORATION)  
401 TRUCK HAVEN ROAD  
EAST PEORIA, IL 61611

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: VAPOR BARRIERS MADE OF POLYPROPYLENE FOR THE CONSTRUCTION INDUSTRY, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

SN 78-697,329, FILED 8-22-2005.

FIRST USE 5-15-2006; IN COMMERCE 5-15-2006.

JOANNA DUKOVIC, EXAMINING ATTORNEY

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26 and 46

Reg. No. 3,301,002

United States Patent and Trademark Office

Registered Oct. 2, 2007

TRADEMARK  
PRINCIPAL REGISTER

ICE VIPER

IDRS INC. (MINNESOTA CORPORATION)  
SUITE 320  
212 3RD AVENUE N.  
MINNEAPOLIS, MN 55401

FOR: CHEMICAL PREPARATION FOR MELT-  
ING ICE CONTAINED IN A WATER PERMEABLE  
CONTAINER, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26  
AND 46).

FIRST USE 12-31-2004; IN COMMERCE 12-31-2004.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE ICE, APART FROM THE MARK  
AS SHOWN.

SER. NO. 77-062,450, FILED 12-12-2006.

ANTHONY RINKER, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,321,567

United States Patent and Trademark Office

Registered Oct. 23, 2007

TRADEMARK  
PRINCIPAL REGISTER

VIPER

STAMINA PRODUCTS, INC. (MISSOURI CORPORATION)  
2040 NORTH ALLIANCE  
SPRINGFIELD, MO 65803

FIRST USE 2-0-2007; IN COMMERCE 2-0-2007.

FOR: MANUALLY OPERATED EXERCISE EQUIPMENT; HAND-HELD AND PORTABLE EXERCISE EQUIPMENT, NAMELY WEIGHTS, WEIGHT PLATES, DUMB-BELLS, BARBELLS, AND MINI-TRAMPOLINES; EXERCISE BENCHES; AND WEIGHTS AND DUMB-BELLS FOR EXERCISE, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-874,787, FILED 5-2-2006.

GEOFFREY FOSDICK, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

**Reg. No. 3,364,800**

Registered Jan. 8, 2008

**TRADEMARK  
PRINCIPAL REGISTER**



SOUTHWIRE COMPANY (DELAWARE COR-  
PORATION)  
ONE SOUTHWIRE DRIVE  
CARROLLTON, GA 30119

FIRST USE 11-1-2006; IN COMMERCE 11-1-2006.

SER. NO. 77-159,724, FILED 4-18-2007.

FOR: ELECTRICAL CORD COATED WITH RUB-  
BER. IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

APRIL ROACH, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

Reg. No. 3,364,801

Registered Jan. 8, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SOUTHWIRE COMPANY (DELAWARE COR-  
PORATION)  
ONE SOUTHWIRE DRIVE  
CARROLLTON, GA 30119

FOR: ELECTRICAL CORD COATED WITH RUB-  
BER, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-2006; IN COMMERCE 11-1-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-159,736, FILED 4-18-2007.

APRIL ROACH, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,395,722

Registered Mar. 11, 2008

TRADEMARK  
PRINCIPAL REGISTER

LIGHT VIPER

FIBERPLEX INC. (DELAWARE CORPORATION)  
10840-412 GUILFORD ROAD  
ANNAPOLIS JUNCTION, MD 20701

FOR: OPTICAL CONVERTERS, NAMELY, CONVERTERS FOR CONVERTING OPTICAL SIGNALS TO ELECTRICAL SIGNALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2004; IN COMMERCE 1-31-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE LIGHT, APART FROM THE MARK AS SHOWN.

SN 78-409,429, FILED 4-28-2004.

MARK RADEMACHER, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

**United States Patent and Trademark Office**

Reg. No. 3,402,198

Registered Mar. 25, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SOUTHERN LITHOPLATE, INC. (NORTH CAROLINA CORPORATION)  
105 JEFFREY WAY  
YOUNGSVILLE, NC 27596

FOR: LITHOGRAPHIC PRINTING PLATES, NAMELY, NON PRE-HEAT, OR PRE-HEAT THERMAL, DIGITAL LASER EXPOSED. ALUMINUM

SUBSTRATE LITHOGRAPHIC PRINTING PLATES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 5-16-2003; IN COMMERCE 5-16-2003.

SN 76-359,348, FILED 1-17-2002.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 3,405,286

**United States Patent and Trademark Office**

Registered Apr. 1, 2008

**TRADEMARK  
PRINCIPAL REGISTER**



**WWW.VIPERRECORDS.COM**

STUART, JONATHAN (UNITED STATES INDIVIDUAL)  
49 WEST 83RD STREET  
NEW YORK, NY 10024 AND  
STUART, HELENA (UNITED STATES INDIVIDUAL)  
49 WEST 83RD STREET  
NEW YORK, NY 10024

FIRST USE 0-0-2000; IN COMMERCE 0-0-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE RECORDS, APART FROM THE MARK AS SHOWN.

FOR: SERIES OF SOUND RECORDINGS FEATURING MUSIC AND THEATRICAL PERFORMANCES BY VARIOUS ARTISTS OR GROUPS. IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-437,876, FILED 6-18-2004.

SHARON MEIER, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 3,418,768

United States Patent and Trademark Office

Registered Apr. 29, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

SMC CORPORATION OF AMERICA (INDIANA CORPORATION)  
3011 NORTH FRANKLIN ROAD  
INDIANAPOLIS, IN 46226

FOR: FLUIDIC VALVES AND COMPONENTS THEREFOR BEING PARTS OF CHEMICAL DISTRIBUTION MACHINES AND CHEMICAL DISTRIBUTION FLUIDIC CIRCUIT MACHINES. FOR USE IN

THE SEMICONDUCTOR INDUSTRY, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 1-3-2001; IN COMMERCE 1-3-2001.

SN 76-084,971, FILED 7-7-2000.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

**Reg. No. 3,483,878**

Registered Aug. 12, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**



VIPER ROOM DEVELOPMENT, LLC (DELA-  
WARE LTD LIAB CO)  
510 N. ROBERTSON BLVD.  
LOS ANGELES, CA 90048

FOR: RESTAURANT AND BAR SERVICES, IN  
CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-14-1993; IN COMMERCE 8-14-1993.

THE MARK CONSISTS OF AN IMAGE OF A  
PERSON WITH A VIPER TAIL CLAD IN TOP HAT  
SMOKING, WITH THE WORDS "THE VIPER  
ROOM".

SER. NO. 77-325.063, FILED 11-8-2007.

WON TEAK OH, EXAMINING ATTORNEY

Document Description: Registration Certificate  
Mail / Create Date: 02-Sep-2008

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You are currently on page 1 of 1



Int. Cl.: 11

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

**United States Patent and Trademark Office**

Reg. No. 3,495,737

Registered Sep. 2, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER**

GLOBE UNION (BERMUDA) TRADING LTD.  
(BERMUDA COMPANY)  
C/O HOLLIS & CO.  
REID HALL, 3 REID STREET  
HAMILTON, BERMUDA

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: TOILETS; TOILET TANKS; TOILET BOWLS,  
IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

SER. NO. 77-387,062. FILED 2-1-2008.

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

AMEETA JORDAN, EXAMINING ATTORNEY

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Exhibit 4  
Page 135

Document Description: Registration Certificate  
Mail / Create Date: 14-Oct-2008

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**Int. Cl.: 43**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 3,515,208**

**Registered Oct. 14, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE VIPER ROOM**

VIPER ROOM DEVELOPMENT, LLC (DELA-  
WARE LIMITED LIABILITY COMPANY)  
510 N. ROBERTSON BLVD.  
LOS ANGELES, CA 90048

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: RESTAURANT AND BAR SERVICES, IN  
CLASS 43 (U.S. CLS. 100 AND 101).

SER. NO. 77-325,045, FILED 11-8-2007.

FIRST USE 8-14-1993; IN COMMERCE 8-14-1993.

WON TEAK OH, EXAMINING ATTORNEY

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Exhibit 4  
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Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

United States Patent and Trademark Office

Reg. No. 3,526,289

Registered Nov. 4, 2008

TRADEMARK  
PRINCIPAL REGISTER

PIT VIPER

ATLAS COPCO DRILLING SOLUTIONS LLC  
(DELAWARE LIMITED LIABILITY COMPAN-  
NY)  
2100 NORTH FIRST STREET  
GARLAND, TX 75040

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: TRACK-MOUNTED, ROTARY BLAST-  
HOLE DRILLING MACHINES, IN CLASS 7 (U.S.  
CLS. 13, 19, 21, 23, 31, 34 AND 35).

SER. NO. 77-125,399, FILED 3-8-2007.

FIRST USE 9-0-2000; IN COMMERCE 9-0-2000.

KELLY BOULTON, EXAMINING ATTORNEY

Document Description: Registration Certificate  
Mail / Create Date: 11-Nov-2008

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**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**Reg. No. 3,531,900**

**United States Patent and Trademark Office**

**Registered Nov. 11, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

# Viper Kings

SEGAL, ADAM (UNITED STATES INDIVIDUAL)  
7300 AFTERNOON STREET  
LAS VEGAS, NV 89131 AND  
JENSEN, CHRIS (UNITED STATES INDIVIDUAL)  
C/O ADAM SEGAL  
7300 AFTERNOON STREET  
LAS VEGAS, NV 89131

SIC CONCERTS; ENTERTAINMENT, NAMELY, LIVE PERFORMANCES BY MUSICAL BANDS; ENTERTAINMENT, NAMELY, LIVE PERFORMANCES BY ROCK GROUPS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

FOR: ENTERTAINMENT IN THE NATURE OF A ROCK BAND; ENTERTAINMENT, NAMELY, LIVE PERFORMANCES BY A MUSICAL BAND; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING MUSICAL PERFORMANCES, MUSICAL VIDEOS, RELATED FILM CLIPS, PHOTOGRAPHS, AND OTHER MULTIMEDIA MATERIALS; ENTERTAINMENT, NAMELY, LIVE MU-

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-229,844, FILED 7-14-2007.

ROSELLE HERRERA, EXAMINING ATTORNEY

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Exhibit 4  
Page 138

Int. Cl.: 11

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

United States Patent and Trademark Office

Reg. No. 3,541,950

Registered Dec. 2, 2008

TRADEMARK  
PRINCIPAL REGISTER

VIPER

FEDERAL SIGNAL CORPORATION (DELA-  
WARE CORPORATION)  
SUITE 1100  
1415 WEST 22ND STREET  
OAK BROOK, IL 60523

FOR: LIGHTS FOR VEHICLES, NAMELY "LED"  
WARNING LIGHTS FOR USE IN OR ON EMER-  
GENCY RESCUE AND RESPONSE VEHICLES, PO-  
LICE CARS, FIRE ENGINES AND FIRE TRUCKS,  
FIRE FIGHTING VEHICLES, MUNICIPAL AND  
GOVERNMENT SERVICE VEHICLES AND  
TRUCKS, AND AMBULANCES ONLY, IN CLASS  
11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 5-0-2006; IN COMMERCE 11-15-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,464,438.

SN 78-826,670, FILED 3-1-2006.

DOMINIC FATHY, EXAMINING ATTORNEY

Int. Cl.: 11

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

Reg. No. 3,562,286

**United States Patent and Trademark Office**

Registered Jan. 13, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**VIPER LOK**

AMERICAN VALVE, INC. (NORTH CAROLINA  
CORPORATION)  
4321 PIEDMONT PARKWAY  
GREENSBORO, NC 27410

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: VALVES AND FITTINGS FOR USE IN  
PLUMBING SYSTEMS, IN CLASS 11 (U.S. CLS. 13,  
21, 23, 31 AND 34).

SN 77-360,673, FILED 12-28-2007.

FIRST USE 5-2-2008; IN COMMERCE 5-2-2008.

PAULA MAHONEY, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 3,570,096

Registered Feb. 3, 2009

TRADEMARK  
PRINCIPAL REGISTER

VIPER

DEPUY, INC. (DELAWARE CORPORATION)  
700 ORTHOPAEDIC DRIVE  
WARSAW, IN 46581

FOR: SPINAL IMPLANTS NOT COMPOSED OF  
LIVING TISSUE, SURGICAL INSTRUMENTS FOR  
USE IN SPINAL SURGERY, IN CLASS 10 (U.S. CLS.  
26, 39 AND 44).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
SOUTH AFRICA APPLICATION NO. 2005/08623,  
FILED 5-3-2005.

SER. NO. 78-693,219, FILED 8-16-2005.

KIMBERLY PERRY, EXAMINING ATTORNEY

# Exhibit 5

Allowed or Published Live VIPER-  
containing marks to Third Parties

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Nov 28, 2006

Albert B. Deaver, Jr.  
Locke Liddell & Sapp LLP  
Suite 3400  
600 Travis Street  
Houston TX 77002-3095

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**The following information should be reviewed for accuracy:**

SERIAL NUMBER: 78/629768  
MARK: VIPER (STANDARD CHARACTER MARK)  
OWNER: Grant Prideco, L.P.  
Suite 900  
400 North Sam Houston Pky., East  
Houston , TEXAS 77060

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO                      Section 1(b): YES                      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
www.uspto.gov

Jun 4, 2008

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

1. Serial No.:  
78/559,731
2. Mark:  
VIPER  
Standard Character Mark
3. International Class(es):  
12
4. Publication Date:  
Jun 24, 2008
5. Applicant:  
COUNTRY COACH MERGER LLC

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

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

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

By direction of the Commissioner.

Correspondence Address:

Joel D. Voelzke  
Intellectual Property Law Office of Joel  
24772 Saddle Peak Road  
Malibu CA 90265-3042

TMP&I

Side - 1

**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: Feb 27, 2008**  
**PUBLICATION DATE: Mar 18, 2008**

The mark identified below will be published in the Official Gazette on Mar 18, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 78874513**  
**MARK: VIPER**  
**OWNER: Elbit Systems Ltd.**

Side - 2

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

FIRST-CLASS  
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NANCY K GARDNER  
NEEDLE & ROSENBERG PC  
999 PEACHTREE ST STE 1000  
ATLANTA, GA 30309-3915

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Apr 29, 2008

Christopher M. Turk  
JanSport Apparel Corp.  
3411 Silverside Road  
Wilmington DE 19810

ATTORNEY  
REFERENCE NUMBER

6085-US

**\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\***

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**The following information should be reviewed for accuracy:**

SERIAL NUMBER: 78/392268  
MARK: VIPER GRID (STANDARD CHARACTER MARK)  
OWNER: JanSport Apparel Corp.  
3411 Silverside Road  
Wilmington , DELAWARE 19810

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO                      Section 1(b): YES                      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

Side - 1

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

**MAILING DATE: Feb 18, 2009**

**PUBLICATION DATE: Mar 10, 2009**

The mark identified below will be published in the Official Gazette on Mar 10, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77231561**

**MARK: VIPER**

**OWNER: Amphenol Corporation**

Side - 2

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COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

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DOUGLAS R. WOLF  
WOLF, GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVE  
BOSTON, MA 02210-2211

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Feb 17, 2009

DORIAN B. KENNEDY
BAKER DONELSON BEARMAN CALDWELL & BERKOW
6 CONCOURSE PKWY NE STE 3100
ATLANTA, GA 30328-5353

ATTORNEY
REFERENCE NUMBER

2170169-13

\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\*

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at http://www.uspto.gov/teas/index.html (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 77/084678
MARK: BLACK VIPER (STANDARD CHARACTER MARK)
OWNER: Delta Medical Systems, Inc.
Suite 400
6865 Shiloh Road East
Alpharetta , GEORGIA 30005
OWNER: Delta Medical Supply Group, Inc.
436 West Gay Street
West Chester , PENNSYLVANIA 19380

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

Side - 1

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

**MAILING DATE: Feb 4, 2009**

**PUBLICATION DATE: Feb 24, 2009**

The mark identified below will be published in the Official Gazette on Feb 24, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77523540**

**MARK: VIPER**

**OWNER: Rammax Maschinenbau GmbH**

Side - 2

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

FIRST-CLASS  
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MICHAEL J. STRIKER  
STRIKER, STRIKER & STENBY  
103 EAST NECK ROAD  
HUNTINGTON, NY 11743

Side - 1

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

**MAILING DATE: Oct 1, 2008**

**PUBLICATION DATE: Oct 21, 2008**

The mark identified below will be published in the Official Gazette on Oct 21, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77491939**

**MARK: VIPER**

**OWNER: IMI CORNELIUS, INC.**

Side - 2

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

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MICHAEL PIONTEK  
PYLE & PIONTEK, LLC  
221 N LASALLE ST STE 2036  
CHICAGO, IL 60601-1417

Side - 1

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

**MAILING DATE: Jan 21, 2009**

**PUBLICATION DATE: Feb 10, 2009**

The mark identified below will be published in the Official Gazette on Feb 10, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77628797**

**MARK: VIPER**

**OWNER: Sheltered Wings, Inc.**

Side - 2

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

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BENNET K. LANGLOTZ  
LANGLOTZ PATENT AND TRADEMARK WORKS, INC.  
PO BOX 759  
GENOA, NV 89411-0759

Side - 1

**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: Dec 31, 2008**  
**PUBLICATION DATE: Jan 20, 2009**

The mark identified below will be published in the Official Gazette on Jan 20, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77442982**  
**MARK: VIPER**  
**OWNER: Airgas, Inc.**

Side - 2

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

FIRST-CLASS  
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Lisa B. Lane  
Fox Rothschild LLP  
1101 Market Street  
Suite 2600  
Philadelphia, PA 19107

Side - 1

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

**MAILING DATE: Dec 24, 2008**

**PUBLICATION DATE: Jan 13, 2009**

The mark identified below will be published in the Official Gazette on Jan 13, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77553092**

**MARK: VIPER**

**OWNER: Gunhide Properties, LLC**

Side - 2

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

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BENNET K. LANGLOTZ  
LANGLOTZ PATENT AND TRADEMARK WORKS, INC.  
PO BOX 759  
GENOA, NV 89411-0759

Side - 1

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

**MAILING DATE: Dec 17, 2008**

**PUBLICATION DATE: Jan 6, 2009**

The mark identified below will be published in the Official Gazette on Jan 6, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77547183**

**MARK: VIPER CELL**

**OWNER: Jeff Selano**

Side - 2

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

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STEVEN L SCHMID  
1824 HICKORY TRACE DR  
FLEMING ISLAND, FL 32003-8387

Side - 1

**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: Aug 15, 2007**  
**PUBLICATION DATE: Sep 4, 2007**

The mark identified below will be published in the Official Gazette on Sep 4, 2007. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77119559**  
**MARK: VIPER**  
**OWNER: Positron Public Safety Systems Corp.**

Side - 2

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

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ANTONY J. MCSHANE  
NEAL, GERBER & EISENBERG LLP  
2 N LA SALLE ST STE 2200  
CHICAGO, IL 60602-3963

U.S. Patent and Trademark Office (USPTO)

**NOTICE OF ALLOWANCE**

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Jan 20, 2009

BRUCE B. BRUNDA  
75 ENTERPRISE STE 250  
ALISO VIEJO, CA 92656-2681

**\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\***

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**The following information should be reviewed for accuracy:**

SERIAL NUMBER: 77/260964  
MARK: VIPER STRIKE (STANDARD CHARACTER MARK)  
OWNER: Northrop Grumman Corporation  
1840 Century Park East  
Los Angeles , CALIFORNIA 90067

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO                      Section 1(b): YES                      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

013 - Laser guided munitions -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Feb 10, 2009

MORTON J. ROSENBERG  
ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DR STE 101  
ELLICOTT CITY, MD 21043-4178

ATTORNEY  
REFERENCE NUMBER

MR3409-8

**\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\***

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**The following information should be reviewed for accuracy:**

SERIAL NUMBER: 77/510623  
MARK: LIGHT VIPER SHADOW (STANDARD CHARACTER MARK)  
OWNER: FIBERPLEX INC.  
10840-412 GUILFORD ROAD  
ANNAPOLIS JUNCTION , MARYLAND 20701

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO                      Section 1(b): YES                      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

Side - 1

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

**MAILING DATE: May 7, 2008**

**PUBLICATION DATE: May 27, 2008**

The mark identified below will be published in the Official Gazette on May 27, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77325060**

**MARK: THE VIPER ROOM**

**OWNER: VIPER ROOM DEVELOPMENT, LLC**

Side - 2

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

FIRST-CLASS  
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ANDREW B. KATZ  
CHERNOW KATZ LLC  
721 DRESHER RD STE 1100  
HORSHAM, PA 19044-2360

Side - 1

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

**MAILING DATE: Jan 23, 2008**

**PUBLICATION DATE: Feb 12, 2008**

The mark identified below will be published in the Official Gazette on Feb 12, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 77252605**

**MARK: VIPER X-11**

**OWNER: Primeau IV, Daniel F.**

Side - 2

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

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VINCENT G. LOTEMPIO  
KLOSS STENGER KROLL AND LOTEMPIO  
P.O. BOX 820  
EAST AMHERST, NY 14051

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
www.uspto.gov

Mar 11, 2009

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

1. Serial No.:  
76/627,945
2. Mark:  
THE VIPER PROTECTOR  
and design
3. International Class(es):  
8
4. Publication Date:  
Mar 31, 2009
5. Applicant:  
Siteman, Walter Denis

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

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

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

By direction of the Commissioner.

Correspondence Address:

WELDON F. GREEN; WELDON F. GREEN & CO.  
31 ADELAIDE STREET EAST; BOX 1111  
TORONTO, ONTARIO  
M5C 2K6  
CANADA

TMP&I

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Oct 7, 2008

JEFFREY L. WILSON  
JENKINS, WILSON, TAYLOR & HUNT, P.A.  
3100 TOWER BOULEVARD SUITE 1200  
DURHAM, NC 27707

ATTORNEY  
REFERENCE NUMBER

1135/50

**\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\***

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**The following information should be reviewed for accuracy:**

SERIAL NUMBER: 76/625316  
MARK: VIPER (STANDARD CHARACTER MARK)  
OWNER: Kinetikos Medical Incorporated  
6005 Hidden Valley Road, Suite 180  
Carlsbad , CALIFORNIA 92009

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

Exhibit 5  
Page 160

010 - Medical and surgical apparatus, namely, orthopaedic internal fixation plate for radial fractures, parts therefor and instruments to be used in connection with the insertion of such fixation plates -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

---

**ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS**

# Exhibit 6

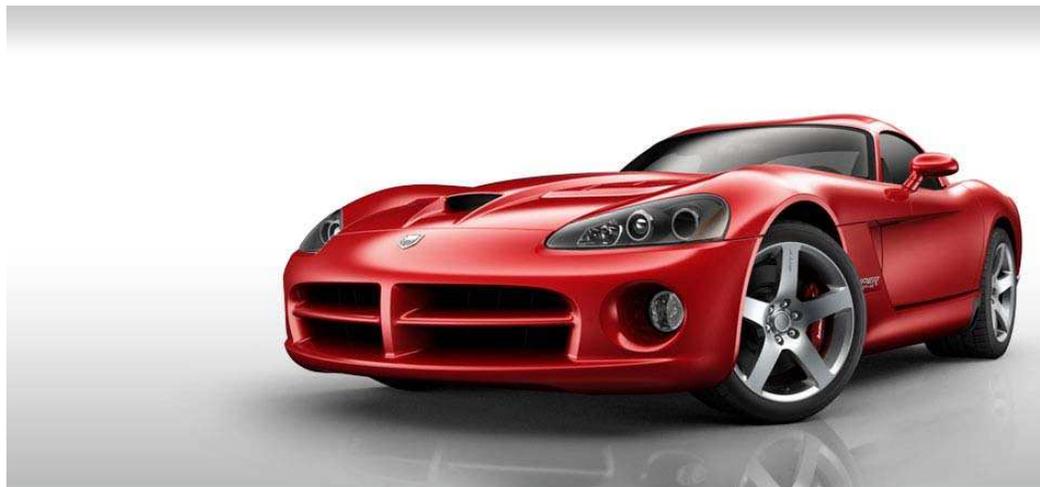
Dodge VIPER Sports Car

from official website Dodge.com (converted not  
completely correctly to PDF)


**EMPLOYEE PRICING PLUS**  
**Limited Time Offer**
**MSRP\* Starting at price**      **\$91,220**  
**EMPLOYEE PRICE:**            **\$91,220**
**SAMPLE PRICE:**            **\$91,220**
**Sample Est Monthly**  
**Payment**                      **\$1,583<sup>[1]</sup>**
      **Build My Deal**


 22 Highway MPG<sup>[2]</sup>  
 See all MPG ratings

tag\_cloud\_viper\_mask.swf  
 power\_\_lpos::line1  
 /  
 quote\_\_lpos::line5  
 ehicle,");  
 8.4L V10 engine  
 x::8\_\_y::285\_\_size::7\_\_lid::8\_4\_L\_v8\_engine\_\_lpos::line4  
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 Brembo® brakes  
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 0-60 in four seconds  
 x::140\_\_y::226\_\_size::5\_\_lid::0\_60\_in\_four\_seconds\_\_lpos::line1  
 /en/2009/viper/performance/powertrain/  
 |  
 x::114\_\_y::285\_\_size::11  
 |  
 x::158\_\_y::245\_\_size::11  
 Limited slip rear differential  
 x::8\_\_y::246\_\_size::5\_\_lid::limited\_slip\_rear\_differential\_\_lpos::line2  
 /en/2009/viper/performance/handling/  
 |  
 x::151\_\_y::305\_\_size::11

**2009 Dodge Viper**
**MSRP\* Starting At: \$91,220**


Dodge is a registered trademark of Chrysler LLC. © Copyright 2009 Chrysler LLC. All Rights Reserved.

Brands of Chrysler LLC

Legal, safety and trademark information concerning the numbered items above.

- 1      *For very well-qualified buyers. Not all buyers will qualify. Must receive financing through Chrysler Financial. Payment example includes a 10% down payment and 5.9% APR for 60 months. Monthly charge equals \$19.29 per \$1,000 financed. See dealer for details.*  
*Brembo is a registered trademark of Brembo SpA.*
- 2      *13 city / 22 hwy EPA estimated mpg with 8.4L engine and six-speed manual transmission, RWD.*  
*Chrysler LLC reserves the right to make changes at any time without notice or obligation to the information contained on this Internet site, prices, incentive programs, specifications, equipment, colors, materials, product illustrations and to change or discontinue models. All prices are based upon Manufacturer's Suggested Retail Prices ("MSRP") in U.S. dollars (unless otherwise indicated) and exclude taxes, title fees, licensing, options and destination charges unless specifically included. Dealers are independent businesses and are free to set their own retail prices. All information contained at this Internet site is intended for the USA market only.*

*\*MSRP excludes tax. Starting at price refers to the base model, a more expensive model may be shown. Optional equipment may be shown. Pricing may change at any time without notification.*

Exhibit 6

Page 162

In the matter of the application of:

Country Coach Merger, LLC  
Mark: VIPER  
Serial No.: 78/559.731  
Filed: 2005-02-03  
Published for  
Opposition: 2008-06-24

DEI Headquarters, Inc.,	)	
Opposer	)	
	)	Opposition No. 91187094
v.	)	
	)	Serial No. 78/559.731
Country Coach, Inc.	)	
Applicant	)	

DECLARATION OF MATTHEW HOWARD

I, Matthew Howard, declare as follows:

1. I am intimately familiar with the motor home industry. I began my work in the motor home industry in 1995. I have served as director of marketing and/or vice president of marketing with four different recreational vehicle manufacturers and one recreational vehicle dealership. I am currently the Vice President of Marketing and Sales Administration for Country Coach, LLC (“Country Coach”).

2. Country Coach manufactures is what is referred to in the industry as Class A motor homes. That means that the vehicle is built from the ground up as a motor home with a specifically designed and specifically built chassis rather than being, for example, a trailered vehicle, a van conversion, a living space built on an existing truck chassis, or the like.

3. Country Coach’s motor homes sell for between about \$300,000 and \$1.6 million. A motor home is typically the largest purchase a consumer will make in his lifetime other than his home. Motor home purchasers are sophisticated purchasers who understand the differences between brands, manufacturers, and options. They know what company makes the models of motor homes that they are considering purchasing.

They realize that there are recreational vehicle model names that are similar or identical to model or brand names of other products, but would not expect, merely due to the similarities of the marks, that there would be any connection or affiliation between the manufacturer of a particular motor home model and the manufacturer of a significantly different product.

4. There is no realistic possibility that any purchaser of a Country Coach VIPER model motor home would be confused into believing that the motor home might be made by, or affiliated with, Opposer DEI Headquarters, Inc. and its VIPER brand car alarms, remote starters, beer, t-shirts, welding helmets, and other products, or with any of the numerous third party trademark registrants for VIPER, including Daimler-Chrysler and its VIPER model sports car.

5. In fact, a number of model names currently coexist as model names for both Class A motor homes and for passenger vehicles without any confusion in the industry as far as I am aware:

a. EXCURSION coexists as a model name for both a Class A motor home by Fleetwood Enterprises, and as an SUV by the Ford Motor Company.

b. EXPEDITION coexists as a model name for both a Class A motor home by Fleetwood Enterprises, and as an SUV by the Ford Motor Company.

c. DISCOVERY coexists as a model name for both a Class A motor home by Fleetwood Enterprises, and as an SUV by the Land Rover Corporation.

d. PACIFICA coexists as a model name for both a Class A motor home by National R.V. Holdings, Inc. and as an SUV by Daimler-Chrysler.

6. At least two names also coexist or coexisted as model names for other types of recreational vehicles as well as for passenger automobiles:

a. CAVALIER coexists as a model name for both a towable recreational vehicle by Gulf Stream Coach, and as a passenger vehicle by General Motors, although 2005 was the last model year for Chevrolet Cavaliers.

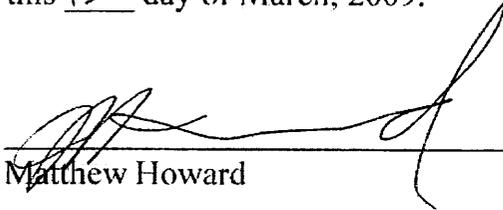
b. STRATUS coexists as a model name for both a towable recreational vehicle by R-Vision, Inc., as well as a passenger vehicle by Chrysler, although R-

Vision recently quit making new Stratus towables and Chrysler has quit making Stratus vehicles.

7. As far as I am aware, in none of the above cases has there been any consumer confusion as to source of those products.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed at Eugene, Oregon this 12<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Matthew Howard

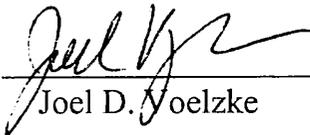
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing:

**DECLARATION OF MATTHEW HOWARD**

was served 13<sup>th</sup> day of March, 2009 electronically per agreement of counsel addressed as follows:

Crystal Biggs, Esq.  
DEI Headquarters, Inc.  
One Viper Way  
Vista, CA 92081  
[Christie.Biggs@deiholdings.com](mailto:Christie.Biggs@deiholdings.com)

By:   
Joel D. Yoelzke

In the matter of the application of:

Country Coach Merger, LLC  
Mark: VIPER  
Serial No.: 78/559,731  
Filed: 2005-02-03  
Published for  
Opposition: 2008-06-24

DEI Headquarters, Inc.,	)	
Opposer	)	
	)	Opposition No. 91187094
v.	)	
	)	Serial No. 78/559,731
Country Coach, Inc.	)	
Applicant	)	

**DECLARATION OF JOEL VOELZKE**  
**IN SUPPORT OF APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

I, Joel Voelzke, am counsel for applicant Country Coach, LLC in this Opposition.

I declare as follows:

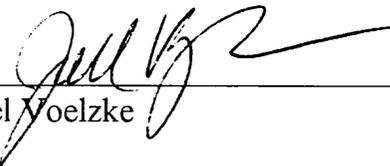
1. During this proceeding, Opposer DEI Holdings, Inc., through its counsel Christie Biggs, did the following:
  - a) Served its initial disclosures on February 9, 2009, which was 10 days past the deadline of January 30, 2009 set by the Board for serving the initial disclosures.
  - b) Served its first set of written discovery requests on January 2, 2009, which was 39 days before it served its initial disclosures, in violation of 37 CFR 2.120(a)(3) which requires a party to serve its initial disclosures prior to seeking discovery.
  - c) Sought, and was denied, an order compelling Applicant to respond to Opposer's first set of written discovery which was served in violation of 37 CFR 2.120(a)(3).

d) Served its responses to Applicant's first set of Interrogatories without the certification under penalty of perjury required by FRCP 33(b)(3), (5).

2. Attached as Exhibit 1 hereto is a true and correct copy of the responses served by Opposer to Applicant's First Set of Interrogatories. As one can see, the interrogatory responses contained little to no substantive information, asserted clearly inapplicable privileges as grounds for not producing information or documents, and did not contain the certification required by FRCP 33(b)(3), (5).

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed at Malibu, California on this 13<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Joel Voelzke

CERTIFICATE OF SERVICE

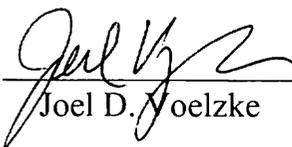
The undersigned hereby certifies that a copy of the foregoing:

**DECLARATION OF JOEL VOELZKE  
IN SUPPORT OF APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

was served 13<sup>th</sup> day of March, 2009 electronically per agreement of counsel  
addressed as follows:

Crystal Biggs, Esq.  
DEI Headquarters, Inc.  
One Viper Way  
Vista, CA 92081  
Christie.Biggs@deiholdings.com

By:

  
Joel D. Voelzke

# Exhibit 1

Opposer's Responses to Applicant's  
First Set of Interrogatories

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

In the Matter of Application Serial No. 78-559,731  
Mark: VIPER

DEI HEADQUARTERS, INC.,	)	
	)	
-vs-	)	Opposition No. 91187094
	)	
COUNTRY COACH MERGER, LLC	)	
	)	
Applicant	)	
	)	

**OPPOSER’S RESPONSES TO APPLICANT’S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Opposer, DEI Headquarters, Inc. (“DEI or Opposer”) hereby responds to Applicant’s First Set of Interrogatories.

**PRELIMINARY STATEMENT**

DEI has not fully completed its investigation of the facts relating to this proceeding, nor has it fully completed discovery in this proceeding. All of the responses contained herein are based only upon such information and documents, which are presently available to and specifically known to DEI. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions, changes and variations to the responses set forth herein.

The following responses are given without prejudice to DEI'S right to produce evidence and any subsequently discovered document or documents or fact or facts which DEI may later recall. DEI accordingly reserves the right to change any and all responses herein as additional facts are ascertained, analyses are made, legal research is completed and contentions are made.

The responses contained herein are made in a good faith effort based upon the documents, factual information and specific legal contentions that are presently known, but should in no way be to the prejudice of DEI in relation to further discovery, research or further analysis.

### **GENERAL OBJECTIONS**

DEI hereby objects to each and every interrogatory on the following grounds. These general objections are applicable to each and every one of the following responses and objections, and failure to repeat an objection in response to a specific interrogatory shall not be deemed a waiver of the objection. Further, if DEI specifically repeats one or more of these general objections in response to a specific interrogatory, such specific response cannot be deemed a waiver of any other of these general objections.

1. DEI objects to each interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, or any other applicable privilege.
2. DEI further objects to each interrogatory on the grounds that they are overbroad in time and/or scope, oppressive, vague, ambiguous, harassing and unduly burdensome.
3. DEI objects to these interrogatories to the extent they require DEI to identify information equally available to the requesting party, information and documents in the public domain and/or documents from sources other than DEI. DEI will not identify information or documents equally available to the requesting party, information or documents in the public domain and/or

documents from sources other than DEI, including but not limited to court filings and documents recorded in official local, state or federal records.

4. DEI further objects to each interrogatory to the extent it seeks information which is not relevant to the subject matter of this proceeding and not likely to lead to the discovery of admissible evidence.

DEI further reserves all objections regarding the admissibility of any information and/or documents produced, including but not limited to objections as to relevancy and authenticity.

Without waiving the foregoing objections, DEI responds to the interrogatories as follows:

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1.:**

IDENTIFY all goods of which YOU are aware that were sold under the VIPER mark within the United States within the past five (5) years, that were neither manufactured by YOU, sold by YOU, distributed by YOU, licensed by YOU, nor for which YOU controlled the quality.

#### **RESPONSE TO INTERROGATORY NO.1:**

Opposer incorporates its preliminary statement and general objections as set forth above. Opposer further specifically objects to Interrogatory No. 1 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to the Applicant. Opposer further objects to Interrogatory No. 1 to the extent that it seeks information that is proprietary, confidential and/or privileged. Without waiver of those objections, DEI responds by producing representative, non-privileged documents under the protective order, where required. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by

the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 2.:**

For each of the goods listed in YOUR answer to Interrogatory No. 1 above, state what efforts if any that YOU made to enforce any trademark rights against the manufacturer(s), seller(s), and/or distributor(s) of those goods.

**RESPONSE TO INTERROGATORY NO.2:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 2 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to the Applicant. Opposer further objects to Interrogatory Number 2 to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under the protective order, and in part with : DEI vehemently maintains and enforces its trademark rights through various means, including but not limited to opposition proceeding, cancellation proceeding, trademark infringement proceedings, cease and desist notices in connection with trademark, copyright, trade dress and intellectual property infringement, notices, trademark rights, trade dress rights, copyrights. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 3.:**

For each of the goods listed in YOUR answer to Interrogatory No. 1 above, IDENTIFY the owner of the respective mark, or if the owner is not known, then IDENTIFY the manufacture(s), seller(s), and distributor(s) of the goods.

**RESPONSE TO INTERROGATORY NO.3:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 3 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to Applicant. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under the protective order, where required. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 4.:**

IDENTIFY all goods of which YOU are aware that were sold under a mark that is a cognate of the VIPER mark or that incorporates the term VIPER or a cognate thereof, within the United States within the past five (5) years, that were neither manufactured by YOU, sold by YOU, distributed by YOU, licensed by YOU, nor for which YOU controlled the quality.

**RESPONSE TO INTERROGATORY NO.4:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 4 on the grounds that it is overbroad and

unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to the Applicant. Opposer further objects to Interrogatory No. 4 to the extent that it seeks information that is proprietary, confidential and/or privileged. Without waiver of those objections, DEI will respond to this Interrogatory, by producing representative documents, non-privileged documents under protective order, where required. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 5.:**

For each of the goods listed in YOUR answer to Interrogatory No. 4 above, IDENTIFY the owner of the respective mark, or if the owner is not known to YOU, then IDENTIFY the manufacture(s), seller(s), and distributor(s) of the goods.

**RESPONSE TO INTERROGATORY NO.5:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 5 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to Applicant. Opposer further objects to Interrogatory No. 5 to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under protective order, where required. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied

admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 6.:**

For each of the goods listed in YOUR answer to Interrogatory No. 4 above, state what efforts if any that YOU made to enforce any trademark rights against the manufacturer(s), seller(s), and/or distributor(s) of those goods.

**RESPONSE TO INTERROGATORY NO.6:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 6 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to Applicant. Opposer further objects to Interrogatory No. 6 to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under the protective order, and in part that DEI vehemently maintains and enforces its trademark rights through a variety of means, including but not limited to cease and desist letters, trademark opposition notices, trademark cancellation notices, trademark, trade dress, copyright and intellectual property infringement notices, mark analysis, claims, notices, trademark rights, trade dress rights, copyrights. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 7.:**

IDENTIFY all licensees of any of OPPOSER'S MARKS, and for each such licensee, list the licensed goods.

**RESPONSE TO INTERROGATORY NO.7:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 7 on the grounds that it is overbroad and unduly burdensome and to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under the protective order, to the extent they are available. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 8.:**

IDENTIFY all licenses of any of OPPOSER'S MARKS.

**RESPONSE TO INTERROGATORY NO.8:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 8 on the grounds that it is overbroad and unduly burdensome and to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, by producing representative, non-privileged documents under protective order, to the extent they are available. The answers given to the Interrogatory herein are without prejudice to DEI's right to

supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 9.:**

State in detail the factual and legal basis for YOUR contention in paragraph 7 of the Notice of Opposite “that the applied-for mark so resembles Opposer’s VIPER mark that, as used in connection with the applied-for goods, it is likely to cause confusion, mistake, or deception of the relevant trade and public, to the damage of Opposer.”

**RESPONSE TO INTERROGATORY NO.9:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 9 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to the Applicant and that have already been disclosed to Applicant. Opposer further objects to Interrogatory No. 9 to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing and without waiver of those objections, DEI responds Opposer’s and Applicant’s marks are identical. The marks look exactly the same, they sound exactly the same, they have the same meaning, and they appear the same and are common in every respect. The VIPER mark has been Opposer’s flagship mark for over 20 years. Applicant’s applied-for mark is a standard character mark that is identical to Opposer’s mark. Applicant’s applied-for mark so resembles Opposer’s registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the Applicant and Opposer. In a likelihood of confusion determination, the marks are compared for similarities

in their appearance, sound, meaning or connotation and commercial impression. Similarity in any one of these elements may be sufficient to find a likelihood of confusion. The Applicant's applied for mark VIPER is identical to Opposer's registration of the VIPER mark. Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and or services. Opposer's goods and services, include, but shall not limited to the following:

VEHICULAR ANTI-THEFT AND SECURITY SYSTEMS; REMOTELY ACTUATED, ELECTRONICALLY-ENERGIZED SECURITY HARDWARE COMPRISING DOOR LOCKS, ACTUATORS, AUDIBLE ALARMS AND PARTS THEREFOR; ELECTRONIC INTERFACE MODULES; ELECTRONIC SENSORS, CONTROL SIRENS, REMOTE CONTROL TRANSMITTERS, REMOTE CONTROL RECEIVERS, CONTROLLERS, AUTOMOTIVE, SECURITY DEVICES, REMOTE CONTROL DATA, SECURITY SYSTEMS, TRANSMITTERS, VEHICLE SECURITY DEVICES THAT TRANSMIT SIGNALS, NOTICE AND/OR RESPONSES IN SITUATIONS INCLUDING EMERGENCY, THEFT, SECURITY; RECEIVERS, EQUALIZERS, PAGERS; AMPLIFIERS, COSTUME JEWELRY, REMOTE START DEVICES, CUPS, TRANSMITTERS, TOY VEHICLES, CLOTHING AND APPAREL AND RELATED ACCESSORIES, TRACKING, VALVE DIAGNOSTIC SYSTEMS, ACCESSORIES, COMPUTERS, MICROPROCESSORS, ELECTRONIC VOICE MODULES; ELECTRONIC PAGERS, BEVERAGES, COMPUTER SOFTWARE, DEVICES COMPRISED OF CELLULAR RADIO MODULES, COMPUTER SOFTWARE AND COMPUTER HARDWARE, SENSORS, TRANSMITTERS, RECEIVERS, DATA CONTROLLERS, CEILING FANS AND LIGHTING; ELECTRIC LIGHTING, LED LIGHTS FOR VEHICLES, T-SHIRTS, COMPUTER SOFTWARE, ELECTRIC MONITORING APPARATUS; WELDING HELMETS; ELECTRONIC CONTROLLERS, POWER UNITS COMPRISED OF TOUCH SCREEN FOR USER INTERFACE, MOTOR POWER UNIT CONTAINING THE CONTROLLER BOARD STACK AND POWER SUPPLY; ASSOCIATED ELECTRIC CABLES NEEDED FOR COMMUNICATION FOR USE WITH ENGRAVING TABLES, VALVE DIAGNOSTIC SYSTEM COMPRISED OF A VARIETY OF SENSORS, A DATA ACQUISITION MODULE THAT COLLECTS AND CONDITIONS SIGNALS, AND A COMPUTER WITH COMPUTER SOFTWARE FOR MONITORING AND ANALYZING VALVE PERFORMANCE IN THE NUCLEAR, PULP AND PAPER, CHEMICAL PROCESSING, PETROCHEMICAL PROCESSING, OIL AND GAS REFINING, OIL AND GAS PIPELINE TRANSPORTATION, OFF-SHORE OIL PRODUCTION,

POWER PRODUCTION, WATER TREATMENT, AND BREWERY AND DISTILLERY, VALVE AND ACTUATOR TESTING SERVICES IN THE PULP AND PAPER, CHEMICAL PROCESSING, PETROCHEMICAL PROCESSING, OIL AND GAS REFINING, OIL AND GAS PIPELINE TRANSPORTATION, OFF-SHORE OIL PRODUCTION, POWER PRODUCTION, WATER TREATMENT, WASTEWATER TREATMENT, BREWERY AND DISTILLERY INDUSTRIES

Applicant's use of the applied-for mark causes a likelihood of confusion and deception.

The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 10.:**

State in detail the factual and legal basis for support any contention by YOU that any of OPPOSER'S MARKS are famous, considered either singly or as a group.

**RESPONSE TO INTERROGATORY NO.10:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 10 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant and that are publicly available to the Applicant. Opposer further objects to Interrogatory No. 10 to the extent that it seeks information that is proprietary, confidential and/or privileged. Notwithstanding the foregoing, Opposer will respond to this Interrogatory, in part by producing representative, non-privileged documents and in part, with the following: The VIPER mark has been Opposer's flagship mark for over 20 years. Consumers, dealers, end-users, etc. associate the VIPER mark with DEI. DEI has spent millions of dollars in advertising and promoting its VIPER mark and as such, DEI's VIPER mark

is widely recognized by the general consuming public of the United States as a designation of source of goods of DEI. DEI has owned and used the VIPER mark for over 20 years across the United States and internationally. DEI has extensively advertised its VIPER mark through various mediums, including but not limited to, television, radio, magazines, publications, journals, ads, flyers, in-store, articles, and print. DEI has sold high volumes of its VIPER branded products across the United States of America and internationally. Consumers recognize and associate the VIPER mark with Opposer. Opposer's VIPER mark is registered on the principal register. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 11.:**

For each of OPPOSER'S GOODS, describe the typical sophistication of, and degree of purchaser care of, the classes of customers for the respective one of OPPOSER'S GOODS sold under OPPOSER'S MARK

**RESPONSE TO INTERROGATORY NO.11:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 11 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant. Opposer further objects to Interrogatory No. 11 to the extent that it seeks information that is proprietary, confidential and/or privileged. Without waiver of those objections, Opposer responds that its goods and/or services bearing the VIPER mark are sold and distributed throughout the world to various markets and channels including but not limited to retailers, dealers, distributors, warehouses, farm stores,

government, local government, carriers, buyers, municipals, first responders, consumer electronics retailers, 12 volt retailers, fleets, carriers, military, defense, security, hardware stores, mass merchant stores, individual retailers, commercial buyers, automotive jobbers, end-users, automotive repair shops, expeditors, automotive parts stores, buyers, distributors, and consumers all varying in age, gender, location, occupation, interests and activities. Sophistication and degree of purchaser care varies depending on the purchaser and factors that may be individually important or unimportant to that purchaser. The answers given to the Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 12.:**

IDENTIFY all persons of which YOU are aware that manufacture motor homes and also manufacture at least one of OPPOSER'S GOODS.

**RESPONSE TO INTERROGATORY NO.12:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 12 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant. Opposer further objects to Interrogatory No. 12 to the extent that it seeks information that is proprietary, confidential and/or privileged. Without waiver of those objections, DEI responds that its investigation is continuing and, to date, it has not had the opportunity to determine from Applicant, the most likely source, whether Applicant and Opposer have the same manufacturers. DEI hereby reserves its right to supplement this Response, along with any other answer provided herein, upon discovery of

additional information responsive to this Interrogatory. The answers given to each Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 13.:**

Describe in detail all plans that you have to manufacture and/or sell motorized vehicles and/or recreational vehicles.

**RESPONSE TO INTERROGATORY NO.13:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory No. 13 on the grounds that it is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents also requested by Applicant. Opposer further objects to Interrogatory No. 13 to the extent that it seeks information that is proprietary, confidential and/or privileged. Without waiver of those objections, DEI responds that its product planning activities constantly evolve and product and new service line-ups are considered on a case-by-case basis through strategic efforts to maximize the best interest of DEI. The answers given to each Interrogatory herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 14.:**

For each trademark application (whether registered or not) listed in Exhibit 1 hereto, state whether YOU own the trademark, and if so, IDENTIFY the document(s) that establish YOUR ownership of that trademark.

**RESPONSE TO INTERROGATORY NO.14:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory 14 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 14 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 15.:**

For each trademark (whether registered or not) listed in Exhibit 1, state whether YOU have a license agreement with the owner of that trademark application, and if so, IDENTIFY the associated license agreement.

**RESPONSE TO INTERROGATORY NO.15:**

Opposer incorporates its preliminary statement and general objections as forth above.

Opposer further specifically objects to Interrogatory 15 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 15 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing non-privileged, representative documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 16.:**

For each trademark application (whether registered or not) listed in Exhibit 2 hereto, state whether YOU own the trademark, and if so, IDENTIFY the document(s) that establish YOUR ownership of that trademark.

**RESPONSE TO INTERROGATORY NO.16:**

Opposer incorporates its preliminary statement and general objections as forth above.

Opposer further specifically objects to Interrogatory 16 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 16 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product

and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 17.:**

For each trademark (whether registered or not) listed in Exhibit 2, state whether YOU have a license agreement with the owner of that trademark application, and if so, IDENTIFY the associated license agreement.

**RESPONSE TO INTERROGATORY NO.17:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory 17 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 17 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 18.:**

For each trademark application (whether registered or not) listed in Exhibit 3 hereto, state whether YOU own the trademark, and if so, IDENTIFY the document(s) that establish YOUR ownership of that trademark.

**RESPONSE TO INTERROGATORY NO.18:**

Opposer incorporates its preliminary statement and general objections as forth above. Opposer further specifically objects to Interrogatory 18 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 18 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 19.:**

For each trademark (whether registered or not) listed in Exhibit 3, state whether YOU have a license agreement with the owner of that trademark application, and if so, IDENTIFY the associated license agreement.

**RESPONSE TO INTERROGATORY NO.19:**

Opposer incorporates its preliminary statement and general objections as forth above.

Opposer further specifically objects to Interrogatory 19 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant that are publicly available to the Applicant. Opposer further objects to Interrogatory 19 to the extent it seeks information that is proprietary and confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 20.:**

IDENTIFY each person to whom you attempted to license any of OPPOSER'S MARKS, and for each such person, state whether that attempt was successful.

**RESPONSE TO INTERROGATORY NO.20:**

Opposer incorporates its preliminary statement and general objections as forth above.

Opposer further specifically objects to Interrogatory 20 on the grounds that it seeks information that is overbroad and unduly burdensome in that it requires DEI to create a summary or compilation of information from documents requested by Applicant. Opposer further objects to Interrogatory 20 to the extent it seeks information that is proprietary, confidential or protected from discovery by the attorney-client, work product and/or trade secret privileges. Without waiver of those objections, DEI will respond to this Request, by producing representative, non-

privileged, documents under protective order. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 21.:**

IDENTIFY any expert witness that YOU intend to call at trial and state the substance of his or her opinion(s).

**RESPONSE TO INTERROGATORY NO.21:**

DEI incorporates its preliminary statement and general objections as forth above. Without waiver of those objections, DEI responds it has not yet determined which expert witnesses it intends to call. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

**INTERROGATORY NO. 22.:**

State the name, date, and findings or conclusions of any consumer survey, consumer study, market research, focus group research, or other studies or surveys, conducted by or on behalf of YOU regarding OPPOSER'S MARKS, OPPOSER'S GOODS, APPLICANT'S MARK, or APPLICANT'S GOODS.

**RESPONSE TO INTERROGATORY NO.22:**

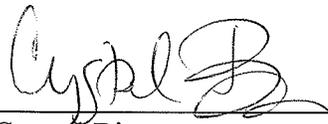
DEI incorporates its preliminary statement and general objections as forth above.

Without waiver of those objections, DEI responds it has not yet determined if studies or surveys will be used. The answers given to the Interrogatories herein are without prejudice to DEI's right to supplement upon discovery of additional information. No incidental or implied admissions are intended by the answers herein, and if DEI has not fully provided an Answer, it is not intended to be, and shall not be construed to be, a waiver by DEI.

Dated: March 10, 2009

Respectfully Submitted,

DEI Headquarters, Inc.



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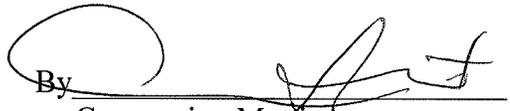
Crystal Biggs  
One Viper Way  
Vista, CA 92081  
Telephone: (760) 598-6200 ext. #1298  
Facsimile: (760) 599-1389

**CERTIFICATE OF SERVICE**

I certify that on March 10, 2009 the following: **OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES, OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, DOCUMENTS, AND OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES** are being served by mailing a copy thereof with the United Parcel Service, Next Day Air prepaid addressed to:

Joel D. Voelzke  
24772 W. Saddle Peak Road  
Malibu, CA 90265-3047

Dated: March 10, 2009

By   
Concepcion Martínez  
DEI Headquarters, Inc.  
1 Viper Way  
Vista, CA 92081