

RECOR

09-08-2003

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

TR



102533591

MRD 9-5-2003

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

1. Name of conveying party(ies):
TV/COMM INTERNATIONAL, INC.

Individual
 General Partnership
 Corporation-California

Association
 Limited Partnership
 Other

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

3. Nature of conveyance:

Assignment
 Security Agreement
 Other -to correct wrong registration number on an assignment previously recorded at Reel 1422 Frame 0746 on January 16, 1996 (see Affidavit for Explanation)

Merger
 Change of Name

Execution Date: November 15, 1995

2. Name and Address of receiving party(ies):

Name: Uniden America Corporation

Internal Address:

Street Address: 4700 Arnon Carter Boulevard

City: Fort Worth State: TX Zip: 76155 Country: USA

Individual(s) Citizenship: U.S.A.
 Association:
 General Partnership:
 Limited Partnership:
 Corporation-State Delaware
 Other:

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No, the designation of domestic representative has been made with the Power of Attorney which has been filed with the Patent and Trademark Office.

(Designations must be a separate document from Assignment)

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):
If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)

B. Trademark registration No.(s)
U.S. Registration No. 1,223,225 registered January 11, 1983

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Elisabeth A. Evert, Esq.
Internal Address: Sidley Austin Brown & Wood
Street Address: 717 North Harwood St., Suite 3400
City: Dallas State: TX ZIP: 75201

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$160.00 (EXPEDITED SERVICE)

Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: 18-1260

DO NOT USE THIS SPACE

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

Elisabeth A. Evert
Name of Person Signing

Elisabeth A. Evert
Signature

September 8, 2003
Date

Total number of pages comprising cover sheet 1

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

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Box Assignment
Washington, D.C. 20231

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01-30-1996

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FORM PTO-1594 (REV. 8-93)



RECOR T1



ET 40-481 100-482 U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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Tab settings

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

OCI COMMUNICATIONS COMPANY

- Individual(s), Association, General Partnership, Corporation-State, Other

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

3. Nature of conveyance:

- Assignment, Security Agreement, Other, Merger, Change of Name

Execution Date: November 15, 1995

2. Name and address of receiving party(ies)

Name: TV/COMM INTERNATIONAL, INC.

Internal Address:

Street Address: 16516 Via Esprillo

City: San Diego State: CA ZIP: 92127

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State California, Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

See Attachment A attached.

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Byde W. Clawson

Internal Address:

McCutchen, Doyle, Brown & Enersen

Street Address: 55 South Market Street

Suite 1500

City: San Jose State: CA ZIP: 95113

6. Total number of applications and registrations involved:

5

7. Total fee (37 CFR 3.41): \$ 140.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

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

080 UW 01/29/96 1172074

090 UW 01/29/96 1172074

DO NOT USE THIS SPACE

9. Statement and signature.

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

Byde W. Clawson Name of Person Signing

Signature

Date

1-9-96

Total number of pages including cover sheet, attachments, and document: 5

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box A, Arlington, VA

Washington D.C. 20231

TRADEMARK REEL: 1422 FRAME: 0746

**AFFIDAVIT OF ELISABETH A. EVERT
IN SUPPORT OF REQUEST FOR CORRECTION TO
ASSIGNMENT RECORDS FOR US REGISTRATION NO. 1,223,225**

I, Elisabeth A. Evert, declare that:

1. I am an attorney and partner practicing in the law firm of Sidley Austin Brown & Wood LLP, attorneys for Uniden America Corporation, a corporation organized under the laws of the State of Delaware and Registrant herein. I am authorized to execute this Affidavit on behalf of Registrant.
2. Registrant is the owner of the subject trademark, EXTEND-A-PHONE, U.S. Trademark Registration No. 1,223,225 that registered on January 11, 1983.
3. Registrant filed its Combined Declaration of Use in Commerce/Application for Renewal of Registration of Mark Under §§ 8 & 9 on November 22, 2002. On March 11, 2003, the US Patent & Trademark Office issued a Post Registration Office Action that stated that the Section 8 Affidavit was refused because the records of Assignment Branch of the US Patent & Trademark Office were unclear as to the present owner of the Registration. *See Tab A* During subsequent research conducted by our law firm, it was discovered that due to a mere typographical error, OCI Communications Company had inadvertently misrecorded an assignment of the entire interest and good will of Registration No. 1,223,225 to TV/COMM International, Inc. Said assignment is recorded at Reel 1422 Frame 0746 of the U.S. Patent and Trademark Office Assignment Branch.
4. Subsequent research conducted in order to rectify this error indicated that TV/COMM International, Inc. is the owner of US Registration No. 1,223,255 for ORION (& Design). It appears that a typographical error caused the USPTO to record the assignment documents appropriate to the ORION (& Design) mark against the EXTEND-A-PHONE mark owned by Registrant.
5. A review of the recent trademark filings on behalf of TV/COMM International, Inc. showed John P. O'Banion, Esq. of O'Banion & Ritchey LLP of Sacramento California as their filing correspondent.
6. On or about March 20, 2003, I dispatched a letter to Mr. O'Banion that explained the misassignment of ownership rights and requested that Mr. O'Banion take the necessary steps to correct the error. A copy of said letter is attached hereto at **Tab B**. Shortly thereafter, Mr. O'Banion contacted me via telephone and informed me that his work for TV/COMM International, Inc. had been only for specific marks and that he no longer had

any contact with the entity. Mr. O'Banion referred me to the filing correspondent of the misrecodal, Byde W. Clawson.

7. On or about April 29, 2003, I dispatched a letter to Mr. Clawson that explained the misassignment of ownership rights and requested that Mr. Clawson take the necessary steps to correct the error. A copy of said letter is attached hereto at **Tab C**. Furthermore, on or about May 1, 2003, a further letter transmitting a Recordation Form Cover Sheet was dispatched to Mr. Clawson. A copy of that letter is attached hereto at **Tab D**.
8. On or about May 15, 2003, a voice mail message was received from Mr. Clawson, in which he stated that due to several changes in ownership of the entity known as TV/COMM International, Inc. at the time of the misrecodal, he no longer represented TV/COMM International, Inc. and was not authorized to act on their behalf. Further, Mr. Clawson stated that the name of the attorney who represents TV/COMM International is Robert A. Miller, Jr. of Paul, Hastings, Janofsky & Walker LLP of Los Angeles, California. Mr. Clawson also provided me with the telephone number of Mr. Miller and stated that he had left a message for Mr. Miller regarding this matter. See **Tab E**.
9. On or about July 13, 2003, I dispatched a letter to Mr. Robert A. Miller, Jr. of Paul, Hastings, Janofsky & Walker LLP of Los Angeles, California that explained the misassignment of ownership rights and requested that Mr. Miller take the necessary steps to correct the error. The letter contained a Recordation Form Cover Sheet and further stated: "The document has been prepared with all the relevant information, including the specific language necessary to correct the misassignment. If it meets with your approval, please sign and date where indicated and return the form to us using the enclosed self-addressed Federal Express envelope." A copy of said letter is attached hereto at **Tab F**.
10. No response was received from Mr. Miller.
11. The six-month due date for responding to the Post Registration Office Action is September 11, 2003. The only response possible that would insure that Registrant retains all of its valuable rights to Registration No. 1,223,225 is the correction of this misrecodal of the assignment of ownership rights. Proof of said correction must be filed with the Response to Post Registration Office Action.
12. Because of these foregoing facts, I have prepared the correcting assignment recordation and respectfully request that the document be accepted for filing so that the records associated with Registrant's EXTEND-A-PHONE mark correctly state that Uniden America Corporation remains the correct owner of record.

WORLDWIDE ASSIGNMENT OF TRADEMARKS

WHEREAS, OCI Communications Company, a Colorado general partnership, is the owner of the trademarks listed in Attachment A hereto and all registrations therefor.

WHEREAS, TV/COM International, Inc., a California corporation, having an office at 16516 Via Esprillo, San Diego, California 92127, is desirous of acquiring the worldwide rights in and to said trademarks and the registrations therefor.

NOW, THEREFORE, in consideration of the transactions contemplated by that certain Asset Purchase Agreement dated April 12, 1995, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, OCI Communications Company hereby assigns and transfers to TV/COM International, Inc. all of its right, title and interest throughout the world in and to the trademarks set forth in Attachment A hereto and all registrations therefor, together with the goodwill of the business symbolized by said trademarks and registrations.

Signed at Denver, Colorado, this 15th day of November, 1995.

OCI COMMUNICATIONS COMPANY,
a Colorado general partnership

By: First Concord Ventures, Inc.,
a Colorado corporation,
its general partner

By: Oren L. Benton

Name: Oren L. Benton
Title: President

By: First Concord Communications, Inc.,
a Colorado corporation,
its general partner

By: Oren L. Benton

Name: Oren L. Benton
Title: President

TRADEMARK
REEL: 1422 FRAME: 0748

TRADEMARK
REEL: 002712 FRAME: 0341

State of Colorado)
County of Denver)

ss:

On this 15 th day of November, 1995, personally appeared Oren L. Benton, known to me to be the President of First Concord Ventures, Inc., a general partner of the Assignor above named, and acknowledged that he executed the foregoing Assignment on behalf of said Assignor and pursuant to authority duly received.

Ann Vandevlice
Notary Public

My Commission Expires: My Commission Expires
JULY 23, 1996

State of Colorado)
County of Denver)

ss:

On this 15 th day of November, 1995, personally appeared Oren L. Benton, known to me to be the President of First Concord Communications, Inc., a general partner of the Assignor above named, and acknowledged that he executed the foregoing Assignment on behalf of said Assignor and pursuant to authority duly received.

Ann Vandevlice
Notary Public

My Commission Expires: My Commission Expires
JULY 23, 1996

TRADEMARKS

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
Total Control	1,172,074	10/06/81
Orion & Design	1,223,225	01/11/83
IAS	1,298,178	09/25/84
Pro Card	1,738,135	12/08/92
TV/Com International	1,901,138	06/20/95

ATTACHMENT A TRADEMARK

RECORDED: 01/16/1996

REEL: 1422 FRAME: 0750

RECORDED: 09/05/2003

TRADEMARK
REEL: 002712 FRAME: 0343