

RECORDER

09-10-2003

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

MRD 9-5-2003

TR



102535686

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 Association
 General Partnership Limited Partnership
 Corporation-California Other

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

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

Internal Address:
Street Address: 4700 Amon 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

3. Nature of conveyance:

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

Execution Date: November 15, 1995

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  September 8, 2003
Name of Person Signing Signature Date

Total number of pages comprising cover sheet 1

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

Do not detach this portion

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

09/09/2003 JIALAWR 00000914 181260 1223225 Commissioner of Patents and Trademarks
 01 FE:8521 40.00 BA Box Assignment
 02 FE:8523 120.00 BA Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

**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 miscordal, 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 misrecordal, 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 misrecordal 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.

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

REEL: 1422 FRAME: 0747

TRADEMARK

REEL: 002714 FRAME: 0156

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.

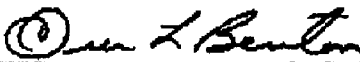
WHEREAS, TV/COM International, Inc., a California corporation, having an office at 16516 Via Esprillo, San Diego, California 92127, is desirous of acquiring the worldwide rights in and to said trademarks and the registrations therefor.

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: 

Name: Oren L. Benton

Title: President

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

By: 

Name: Oren L. Benton

Title: President

TRADEMARK
REEL: 1422 FRAME: 0748

TRADEMARK
REEL: 002714 FRAME: 0157

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: 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: JULY 23, 1996

TRADEMARKS

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
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IAS	1,298,178	09/25/84
Pro Card	1,738,135	12/08/92
TV/Com International	1,901,138	06/20/95

RECORDED: 01/16/1996

ATTACHMENT A TRADEMARK
REEL: 1422 FRAME: 0750

RECORDED: 09/05/2003

TRADEMARK
REEL: 002714 FRAME: 0159