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12-19-07

Form PTO-1594 (Rev. 07/05)  
USPTO Collection 0454-0027 (exp. 6/30/2008)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents of the new address(es) below.

1. Name of conveying party(ies):  
802 Action Sports LLC

Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation- State: \_\_\_\_\_  
 Other LLC

Citizenship (see guidelines) \_\_\_\_\_  
Additional names of conveying parties attached?  Yes  No

2. Name and address of receiving party(ies)  
Additional names, addresses, or citizenship attached?  Yes  No

Name: Technine Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 216 North St  
City: New Haven  
State: VT  
Country: U.S.A. Zip: 05492

Association       Citizenship  
 General Partnership       Citizenship  
 Limited Partnership       Citizenship  
 Corporation       Citizenship New York  
 Other       Citizenship \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

3. Nature of conveyance / Execution Date(s):  
Execution Date(s) 3/30/07

Assignment       Merger  
 Security Agreement       Change of Name  
 Other Court Order for sale of property

4. Application number(s) or registration number(s) and identification or description of the Trademark.  
A. Trademark Application No.(s)  
75/83069A

B. Trademark Registration No.(s)  
2,387,773

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

5. Name & address of party to whom correspondence concerning document should be mailed:  
Name: Peter S. M. Dougall  
Internal Address: Paul Frank & Collins P.C.  
Street Address: One Church St  
P.O. Box 1307  
City: Burlington  
State: VT Zip: 05402-1307  
Phone Number: 802-668-2311  
Fax Number: 802-668-0042  
Email Address: pmcdougall@PFClaw.com

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 2.0(b)(8) & 3.41) N/A

Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed

8. Payment Information: N/A

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number \_\_\_\_\_  
Authorized User Name \_\_\_\_\_

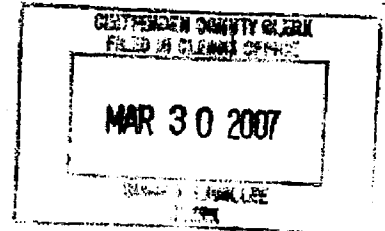
9. Signature: Carol P. Smith 12/19/07  
Signature Date  
CAROL P. SMITH Total number of pages including cover sheet, attachments, and document: 6  
Name of Person Signing

Documents to be recorded (including cover sheet) should be filed to (571) 279-0148, or mailed to: Mail Stop Assignment and Recordation Services, Director of the USPTO, P.O. Box 1460, Alexandria, VA 22313-1460

STATE OF VERMONT  
CHITTENDEN COUNTY. SS.

RAYMOND FORTIER and 802 ACTION )  
SPORTS OUTLET LLC, )  
Plaintiffs )  
v. )  
TECHNINE, INC., TECHNINE )  
INTERNATIONAL, INC., and GENFOOT )  
AMERICA, INC. )  
Defendants )

CHITTENDEN SUPERIOR COURT  
Docket No. S0558-06 CnC



**JUDGMENT ORDER**

This matter came before the Court on January 9-10, 2007 for a final hearing on the merits. Trial was to the Court based on a waiver of jury trial by all parties. The Court issued and entered Findings of Fact and Conclusions of Law on March 1, 2007 (the "Decision"). Based on the Decision, the Court enters the following Order:

1. All claims stated in plaintiffs' Amended Verified Complaint are hereby dismissed with prejudice.
2. Pursuant to 12 V.S.A. §§ 4711 et seq., the Court hereby declares that Technine, Inc., the Vermont corporation, is the sole owner of the intellectual property associated with the Technine name, including the split-T trademark, the Technine name, and the Technine.com domain name and web site, and all other logos and icons used by Technine, Inc. The Court further declares that the domain name Technine.com may be registered with Register.com in the name of its rightful owner, Technine, Inc.
3. Pursuant to 12 V.S.A. §§ 4711 et seq., the Court hereby declares that any interest in the "split-T" trademark represented by registration number 2387773 with serial number 75830694 was abandoned by "Tech-9, Inc." and that Technine, Inc. of Vermont acquired ownership of the

PAUL FRANK + COLLINS  
P.C.  
ATTORNEYS AT LAW  
BURLINGTON, VERMONT  
PLATTSBURGH, NEW YORK

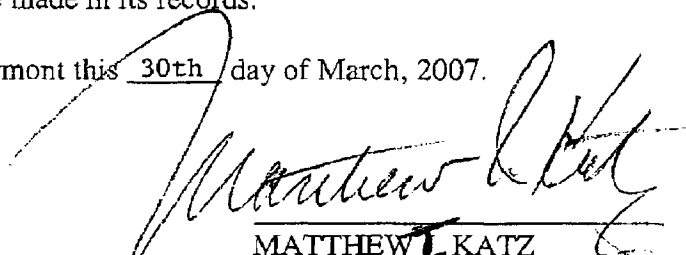
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trademark through its continuous use of the mark since 2001. The Court further declares that plaintiff Raymond Fortier has no rights with respect to the domain name Technine.com, and that he is not entitled to register said domain name with Register.com.

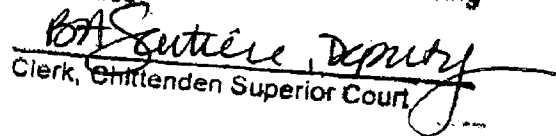
4. The plaintiffs are permanently enjoined and restrained from using or claiming ownership of the intellectual property associated with the Technine name, including the split-T trademark, the Technine name, the Technine.com domain name and web site, and all other logos and icons used by Technine, Inc. The plaintiff Raymond Fortier is further directed to, within ten business days of the date of this Judgment Order, transfer the registration of Technine.com to Technine, Inc.

5. The Court hereby directs the Court Manager to certify and give notice of the Decision and this Judgment Order under 15 U.S.C. § 1116(c) and 15 U.S.C. § 1119 to the Director of the United States Patent and Trademark Office within 30 days of the issuance of this Order so that an appropriate entry may be made in its records.

Dated at Burlington, Vermont this 30th day of March, 2007.

  
MATTHEW I KATZ  
Presiding Superior Court Judge

530068\_v1: 8846-00001

11-6-07 CERTIFIED to be a true copy  
of the original as the same appears on  
file in this office and CERTIFIED to be  
final on 4-30-07 no appeal having  
been filed.  
  
Clerk, Chittenden Superior Court

PAUL FRANK + COLLINS  
P.C.  
ATTORNEYS AT LAW  
BURLINGTON, VERMONT  
PLATTSBURGH, NEW YORK



**UNITED STATES PATENT AND TRADEMARK OFFICE**

OFFICE OF THE GENERAL COUNSEL

OFFICE OF THE SOLICITOR

November 15, 2007

Peter J. McDougall, Esq.  
Paul Frank & Collins P.C.  
One Church Street  
P.O. Box 1307  
Burlington, VT 05402-1307

Re: Raymond Fortier and 802 Action Sports Outlet LLC v. Technine, Inc., et. al.  
(State of Vermont, Chittenden County, SS)  
Chittenden Superior Court Docket No. S0558-06 CnC

Dear Mr. McDougall:

We received your November 7, 2007 letter enclosing certified copies of the Findings of Fact dated March 1, 2007 and Judgment Order dated March 30, 2007 in the above case. Your letter states these documents concern the transfer of trademark registration number 2387773.

State court decisions are not determinative of a party's right to register a mark or to maintain a registration of a mark under federal law. *See In re Marriott Corp.*, 517 F.2d 1364, 186 USPQ 218 (CCPA 1975). However, facts developed and established in a state court may be considered by the United States Patent and Trademark Office ("Office"). *Id.*

While the Office is not required to act in response to the Vermont court's order, upon consideration of the court's finding that Technine, Inc. (Vermont) is the owner of the mark shown in the registration, it is appropriate that the Register be rectified to reflect ownership of the registration in the name of Technine, Inc. (Vermont). As a courtesy, the Office will make the appropriate entry in the registration record.

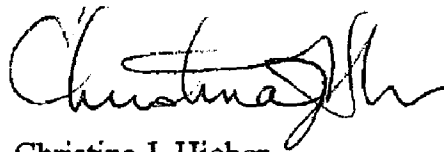
Litigation Address: Office of the Solicitor, P.O. Box 15667, Arlington, Virginia 22215

For all other correspondence:  
P.O. Box 1450, Alexandria, Virginia 22313-1450 - [www.uspto.gov](http://www.uspto.gov)

**TRADEMARK**  
**REEL: 003682 FRAME: 0764**

If you have any questions, please contact the undersigned.

Very Truly Yours,



Christina J. Hieber  
Associate Solicitor  
Phone: 571-272-9035  
Fax: 571-273-0373

cc: Craig Weatherly, Esq.  
Gravel and Shea  
76 St. Paul Street, 7<sup>th</sup> Fl.  
P.O. Box 369  
Burlington, VT 05402-0369