

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
FWT, INC.		04/16/2010	CORPORATION: TEXAS
RECEIVING PARTY DATA			
Name:	FWT, LLC		
Street Address:	P.O. BOX 8597		
City:	Fort Worth		
State/Country:	TEXAS		
Postal Code:	76124		
Entity Type:	LIMITED LIABILITY COMPANY: TEXAS		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2088202	POWERMOUNT	
CORRESPONDENCE DATA			
Fax Number:	(214)200-0853		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	2146515000		
Email:	eppsl@haynesboone.com		
Correspondent Name:	Haynes and Boone, LLP - IP Section		
Address Line 1:	2323 Victory Avenue		
Address Line 2:	Suite 700		
Address Line 4:	Dallas, TEXAS 75219		
ATTORNEY DOCKET NUMBER:	6850.71		
NAME OF SUBMITTER:	Andrew S. Ehmke		
Signature:	/Andrew S. Ehmke/		
Date:	08/09/2011		

OP \$40.00 2088202

Total Attachments: 77

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ASSIGNMENT OF TRADEMARK

This "Assignment" or "Agreement" has been entered into between the Owner and the Assignee as of the Effective Date.

Owner:FWT, Inc., a Texas Corporation
Address:P.O. Box 8597
Fort Worth, Texas 76124

Assignee:FWT, LLC, a Texas limited liability company
Address:P.O. Box 8597
Fort Worth, Texas 76124

Effective Date of this "Agreement":April 16, 2010.

RECITALS (BACKGROUND)

- A. The Trademark. On October 25, 1995, the Owner filed for and subsequently received from the United States Trademark & Trademark Office a trademark that a copy of which is attached to this Assignment as Attachment 1.

Registration Date: August 12, 1997
Trademark Number: 2,088,202
Serial Number: 75/010,434

The "Trademark" covers **PowerMount** [a word mark] and generally described as follows:

For telecommunications equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure.

- B. Agreement to Assign the Trademark. Assignee wishes to acquire for the duration of the term for which the Trademark is or may be granted, for its sole use and benefit, and for the use and benefit of its legal representatives, the full and exclusive right, title and interest in and to the Trademark in the United States and any foreign countries which have or may grant a corresponding Trademark.

AGREEMENTS

In consideration of the payment of Ten and No/100 Dollars (\$10.00) to the undersigned Owner paid by Assignee, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged:

1. Assignment. Owner sells, assigns, and transfers to the Assignee and its successors and assigns, the entire right, title, and interest in, to, and under the Trademark. The rights assigned include any right of priority.
2. Agreement to Help Secure the Trademark. Owner agrees to communicate any facts known to it respecting the Trademark and to promptly sign and deliver without further compensation any power of attorney, assignment, application, continuation, divisional or reissue, or other papers that may be necessary or desirable to fully secure the Trademark (by Assignee and its successors and assigns) in the United States and in any foreign country. Owner further agrees to cooperate and assist in the prosecution of any proceedings involving the re-examination or adjudication of the Trademark, provided the reasonable expenses that may be incurred by the Owner in lending such cooperation and assistance be paid by the Assignee.
3. Owner's Representations. The following representations and warranties are made by Owner:
 - a. The Trademark is valid, and in full force and effect.
 - b. The Trademark is the sole property of the Owner and, except as disclosed to Assignee in this Assignment.
 - c. No lien, mortgage, security interest, or other encumbrance against the Trademark.
 - d. No share, interest, assignment, or other right to the Trademark has been transferred, assigned, or granted to any other party except as disclosed to Assignee in this Assignment.
 - e. Owner has the full power and authority to hold the Trademark, to sell, assign, and transfer such Trademark to Assignee pursuant to this Assignment and to sign, deliver, and perform, and to enter into and consummate all transactions contemplated by this Assignment.
 - f. There are no threatened or existing actions, suits, or proceedings pending relating to the Trademark.
4. Attorney in Fact. Owner appoints the Assignee and its successors and assigns as the Owner's true and lawful attorney in fact with respect to all rights and remedies associated with the Trademark.

5. General Contract Provisions.

- a. Acknowledgement of Recitals. The parties acknowledge that the Recitals to this Agreement are true and correct in all material respects.
- b. Incorporation of Related Documents. All exhibits, schedules, attachments (including legal descriptions), and other instruments referred to in this Agreement are incorporated into this Agreement as completely as if they were copied verbatim into the body of it.
- c. Authorization. The individuals signing this Agreement warrant that they have the authority to sign this Agreement as authorized agents and with full authority of any entity which such individual represents, and that the execution of this Agreement does not violate any applicable bylaws, regulations, operating agreement, rules, or other resolution of such entity.
- d. Complete Agreement. This Agreement contains the full and complete understanding between the Parties, supersedes all prior and contemporaneous agreements and understandings, whether written or oral. Only the final, signed Agreement is admissible as the written agreement between the Parties, and prior drafts, if any, incorporating revisions or original language may not be used and shall not be admissible as evidence for any purpose in any litigation that may arise between the Parties. Neither this Agreement nor any of its provisions may be amended or modified other than by a written document signed by the parties.
- e. Further Assurances. Each party to this Agreement agrees to perform any further acts and to sign and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.
- f. Divisible Agreement. This Agreement shall be construed in any case where doubt may arise in such manner as will make it lawful and fully enforceable. If any part of this Agreement shall be deemed unenforceable or illegal, then it is the intention of the Parties that the unenforceable part be severed, and that only the remainder be enforced, so long as the Agreement does not fail in its essential purpose.
- g. No Third Party Beneficiaries. Neither this Agreement nor any other agreement contemplated in this Agreement shall be deemed to confer upon any person or entity not a party to this Agreement any rights or remedies contained in this Agreement, except for any successors or assigns of the Assignee which shall have the same rights as Assignee under this Agreement.
- h. Headings, Gender, Singular = Plural. The headings of the paragraphs of this Agreement have been inserted for convenience of reference only and shall in no way restrict or modify any of the terms or provisions of the Agreement. Words of either gender used in this Agreement shall be held and construed to include

the other gender unless the context otherwise requires. Whenever used in this Agreement, the singular number shall include the plural, and the plural number shall include the singular.

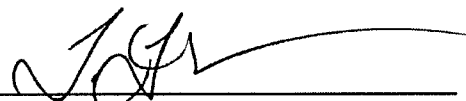
- i. Applicable Law. This Agreement has been signed in, delivered in, and shall be interpreted, construed, enforced, and governed by and in accordance with the laws of the State of Texas. The mandatory and exclusive courts of jurisdiction and venue for any litigation relating to this agreement or any other dispute between the parties are the state county or district courts of Tarrant County, Texas. The parties to this Agreement consent to the jurisdiction and venue. If either party retains an attorney to enforce this Agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any exhibits or amendments to the Agreement.
- j. Counterparts / Acceptance By Electronic Delivery. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. The parties agree that original signatures will not be required to enforce the terms of this Agreement. This Agreement may be signed and the terms of which fully accepted by either party by delivering an electronic form of this Agreement to the other party and indicating in the body (e.g. by signing) of the electronic delivery format that the enclosed Agreement has been accepted by the delivering party. Examples of electronic delivery include but are not limited to: facsimile transmission (but do not include e-mail delivery). A copy of this Agreement has the same force and effect as the original.
- k.

[Remainder of the page is blank. Signature pages follow.]

Signed on 10/5, 2010.

Owner

By:

X 

FWT, Inc.
T. F. Moore, President

Notary Block - Corporate Acknowledgment

The undersigned, a Notary Public in and for the State of Texas, does certify that on October 5, 2010, personally appeared T. Fred Moore [name], acting as President [title] and authorized agent for FWT, Inc. [entity] and Grantor who, being by me first respectively duly sworn, declared that they are the persons who signed the foregoing instrument in the capacity stated and for the purposes and considerations expressed in the instrument.



Notary Public, State of Texas



October 5, 2010

Date (notarized)

Acknowledged and Received.

Signed on _____, 2010.

Assignee

By:

 X
FWT, L.L.C.
T. F. Moore, President

**ATTACHMENT 1
TRADEMARK**

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	75010434
REGISTRATION NUMBER	2088202
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	POWERMOUNT
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	ANDREW S. EHMKE HAYNES & BOONE, LLP SUITE 3100 901 MAIN STREET DALLAS Texas 75202-3789 United States 2142000853 2146515116 ipdocketing@haynesboone.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	ANDREW S. EHMKE Haynes and Boone, LLP 2323 Victory Avenue, Suite 700 Dallas Texas United States 75219-7673 214-651-5116 214-200-0853 ipdocketing@haynesboone.com
SIGNATURE SECTION	
SIGNATURE	/Manjula N. Variyam/
SIGNATORY NAME	Manjula N. Variyam
SIGNATORY DATE	12/16/2008
SIGNATORY POSITION	Attorney of Record, Texas bar member

FILING INFORMATION SECTION	
SUBMIT DATE	Tue Dec 16 12:42:35 EST 2008
TEAS STAMP	USPTO/CCA-165.97.22.226-2 0081216124235595552-75010 434-400c6bbd442cfb1696c95 a45677d5e283d-N/A-N/A-200 81216124140616390



UNITED STATES PATENT AND TRADEMARK OFFICE

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

REGISTRATION NO: 2088202 SERIAL NO: 75/010434 MAILING DATE: 09/15/2007
REGISTRATION DATE: 08/12/1997
MARK: POWERMOUNT
REGISTRATION OWNER: FWT, Inc.

CORRESPONDENCE ADDRESS:

ANDREW S. EHMKE
HAYNES & BOONE, LLP
SUITE 3100
901 MAIN STREET
DALLAS TX 75202-3789

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058. ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

.....
NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059. ACCORDINGLY, THE REGISTRATION IS RENEWED.

.....
THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

AUSTIN, DANA DIONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL**

**TRADEMARK
REEL: 004605 FRAME: 0509**

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION I) SECTION 8: AFFIDAVIT OF CONTINUED USE The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration. **Failure to file the Application for Renewal will result in the expiration of the registration.**

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2088202
REGISTRATION DATE	08/12/1997
SERIAL NUMBER	75010434
MARK SECTION	
MARK	POWERMOUNT
OWNER SECTION (current)	
NAME	FWT, Inc.
STREET	1901 East Loop 820 South
CITY	Fort Worth
STATE	Texas
ZIP/POSTAL CODE	76112-7899
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	ANDREW S. EHMKE
FIRM NAME	HAYNES & BOONE, LLP
INTERNAL ADDRESS	SUITE 3100
STREET	901 MAIN STREET
CITY	DALLAS
STATE	Texas
POSTAL CODE	75202-3789
COUNTRY	United States
ATTORNEY DOCKET NUMBER	1684JB.23613

ATTORNEY SECTION(proposed)	
NAME	ANDREW S. EHMKE
FIRM NAME	HAYNES & BOONE, LLP
INTERNAL ADDRESS	SUITE 3100
STREET	901 MAIN STREET
CITY	DALLAS
STATE	Texas
POSTAL CODE	75202-3789
COUNTRY	United States
PHONE	2146515116
FAX	2142000853
EMAIL	ipdocketing@haynesboone.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	6850.71
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\750\104 \75010434\xml1\S890002.JP G
	\\TICRS2\EXPORT13\750\104 \75010434\xml1\S890003.JP G
SPECIMEN DESCRIPTION	scanned photographs of the mark affixed to the goods
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
GRACE PERIOD	200
TOTAL FEE PAID	700
SIGNATURE SECTION	

SIGNATURE	/Fred Moore/
SIGNATORY'S NAME	Fred Moore
SIGNATORY'S POSITION	Chairman
DATE SIGNED	08/29/2007
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Wed Aug 29 18:02:16 EDT 2007
TEAS STAMP	USPTO/S08N09-165.97.14.21 4-20070829180216437307-20 88202-380afbd871eb3f2e85b e71a364944879df-DA-2563-2 0070829174206456647

FD-3 Form 1995 (Rev. 5/2/02)
OMB No. 0651-0055 (Exp. 12/31/2011)

**Combined Declaration of Use In Commerce & Application For Renewal of
Registration of A Mark Under Sections 8 & 9**

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2088202
REGISTRATION DATE: 08/12/1997

MARK: POWERMOUNT

The owner, FWT, Inc., having an address of
1901 East Loop 820 South
Fort Worth, Texas 76112-7899
United States

is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 009, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) scanned photographs of the mark affixed to the goods.

Specimen File1

Specimen File2

The registrant hereby appoints ANDREW S. EHMKE of HAYNES & BOONE, LLP

SUITE 3100

901 MAIN STREET

DALLAS, Texas 75202-3789

United States

to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 6850.71.

A fee payment in the amount of \$700 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce

Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Fred Moore/ Date: 08/29/2007

Signatory's Name: Fred Moore

Signatory's Position: Chairman

Mailing Address (current):

HAYNES & BOONE, LLP

901 MAIN STREET

DALLAS, Texas 75202-3789

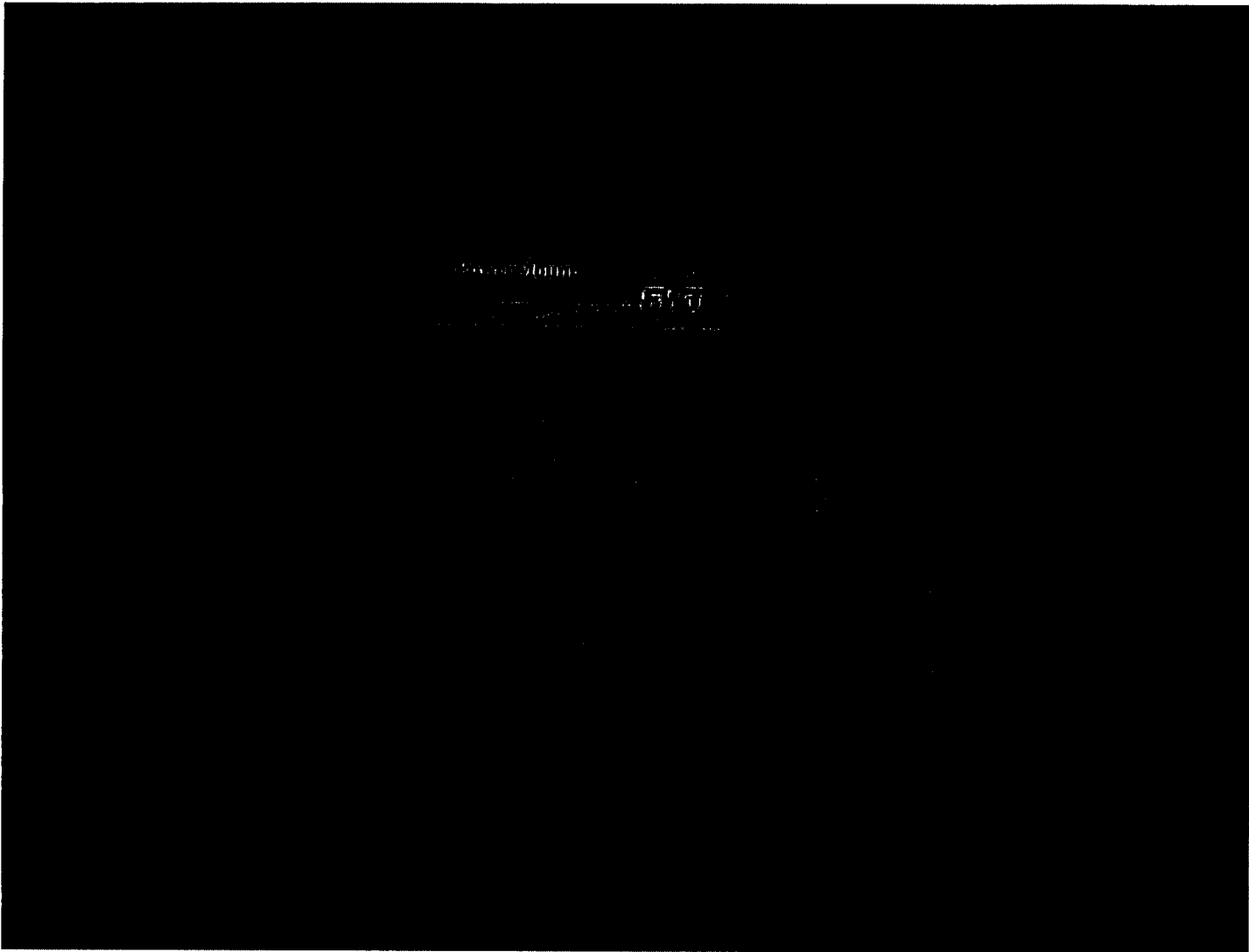
Mailing Address (proposed):

HAYNES & BOONE, LLP

901 MAIN STREET

DALLAS, Texas 75202-3789

Serial Number: 75010434
Internet Transmission Date: Wed Aug 29 18:02:16 EDT 2007
TEAS Stamp: USPTO/S08N09-165.97.14.214-2007082918021
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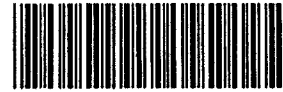
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ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2088202



Serial Number: 75010434



RAM Sale Number: 2563

RAM Accounting Date: 20070830

Total Fees: \$700

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20070829	\$100	1	1	\$100
Application for Renewal (§9)	7201	20070829	\$400	1	1	\$400
Grace period for §8	7206	20070829	\$100	1	1	\$100
Grace period for renewal	7203	20070829	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20070829



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0519

THE STATE OF CALIFORNIA

County of _____

Know all men by these presents, _____

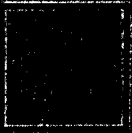
[Handwritten Signature]

do hereby certify that _____

is the true and correct copy of _____



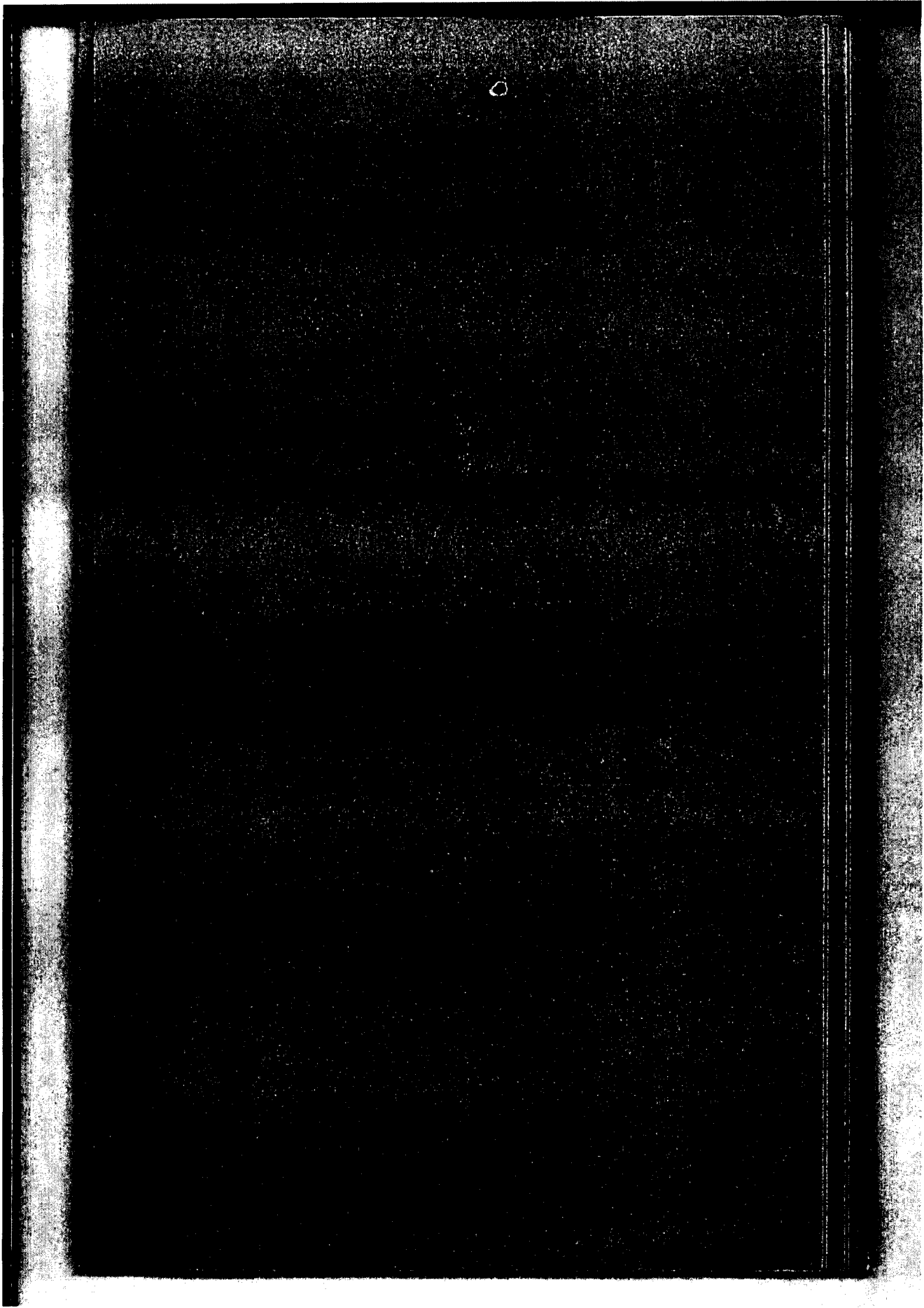
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CONTENTS

Page	Title	Page	Title
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
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TRADEMARK
REEL: 004605 FRAME: 0522

1. REG. NO. 008202		3. MARK POWERCOUNT		4. SER. NO. 757C1C434	
2. REG. DATE AUG 9 1997				5. REGISTER PRINCIPAL	
6. INTERNATIONAL CLASS		7. PRIOR U.S. CLASS 31-21-21-1C-1E		8. FILING DATE 10/25/95	
				9. LAW OFFICE 1C2	
10. APPLICANT AND POST OFFICE FMT, Inc. 1901 East Loop 820 South Fort Worth, TEXAS 761127555 CORPORATION OF TEXAS			16. EXAMINING ATTORNEY Leifman		
			17. TYPE OF MARK SERVICE MARK		
			18. FIRST USE 01/04/1997		
11. CORRESPONDENCE ADDRESS James E. Bradley FELSMAN, BRADLEY, CLATER & JILLON, LLP 2600 Continental Plaza 777 Main Street Fort Worth, TX 76102			19. IN COMMERCE 01/04/1997		
12. DOMESTIC REPRESENTATIVE			20. FOREIGN REG. AND APPL. DATA		
13. APPLICANT'S ATTORNEY James E. Bradley					
14. GOODS - SERVICES CCS-telecommunication equipment, namely antenna supports					
21. OTHER DATA					
PUBLISHED JAN 21 1997					
PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE - PATENT AND TRADEMARK OFFICE					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

Attorney Docket No.: 1684JB-23613

In re Application of:)
FWT, Inc.)
Serial No.: 75/010,434)
Filed: October 25, 1995)
Mark: POWERMOUNT)
Notice of Allowance Mailing)
Date: April 15, 1997)

SPECIMEN PAGE

PowerMount TM

No. 10097

FWT ^{INC.}

1901 E. LOOP 820 SOUTH • FT. WORTH, TEXAS 76112
817 - 457 - 3060 • 800 - 433 - 1816

PowerMount TM

No. 10098

FWT ^{INC.}

1901 E. LOOP 820 SOUTH • FT. WORTH, TEXAS 76112
817 - 457 - 3060 • 800 - 433 - 1816

PowerMount TM

No. 10099

FWT ^{INC.}

1901 E. LOOP 820 SOUTH • FT. WORTH, TEXAS 76112
817 - 457 - 3060 • 800 - 433 - 1816

POWERMOUNT, Statement of Use
Attorney Docket No.: 1684JB-23613

Page 4

1684JB-23613/41791.1

TRADEMARK
REC'D
MAY 12 1997
U.S. PATENT & TRADEMARK OFFICE

TRADEMARK
REC'D

TRADEMARK
REC'D

PUBLICATION/REGISTRATION EXAMINATION WORK SHEET

Reviewer: Regina Ennis L.O.: 102 Date: 6/19/97 Serial No.: 010424

I certify all information in the database matched the information in the file and no corrections were required.

INSTRUCTIONS: If the information in the database does not match the information in the file the reviewer should check the ERROR column. After correction (text editing), the EDITED column should be checked. RETAIN IN FILE WRAP.

SCREEN	ERROR	EDITED	ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF:	
AM			AM:	Mark Type:
			AM:	Register:
			AM:	Mark: <input type="checkbox"/> MDC:
PY			PY:	Owner: <input type="checkbox"/> Name:
			PY:	<input type="checkbox"/> Citizenship:
			PY:	<input type="checkbox"/> Entity Type:
			PI:	<input type="checkbox"/> Entity Statement:
			DB:	DBA/AKA/TA Statement:
			PY:	Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
			NC:	Assignment or Name Change:
CL			CO:	Composed of:
			CL:	International Class: U.S. Class:
			CL:	First Use: First Use in Commerce:
			GS:	Goods and Services:
			GS:	
			GS:	
AM			AM:	Amended Register: P.R.: S.R.:
			AM:	Amended Reg. Date:
O D A T A			DI:	Disclaimer:
			DM:	Description of Mark:
			LS:	Lining and Stippling Statement:
			TR:	Translation of Words in Mark:
			NO:	Name/Portrait Description/Consent:
			TF:	Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement:
			AF:	Use in Another Form:
			CS:	Certification Statement:
			CU:	Concurrent Use Statement:
			PR:	Prior U.S. Registrations:
FN			DR:	Domestic Representative:
			FO:	Foreign Country of Origin:
			FN:	Foreign Application No.: Frqn. Appl. Filing Date:
			FN:	Section 44(d): Y/N
			FN:	Foreign Registration No.: Frqn. Reg. Date:
			FN:	Foreign Registration Expiration Date:
			FN:	Foreign Renewal Reg. No.: Frqn. Reg. Renewed:
CD			AT:	Attorney Name:
			CO:	Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip
			DN:	Attorney Docket Number:

Other: _____

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

g

 Text Editor

6/20/97

 Date

STATEMENT OF USE AMENDMENT WORKSHEET

NAME: R. Howell

DATE: _____

SERIAL #: 75/010934

INSTRUCTIONS: The dates of use and/or deletion to goods have been entered in the file. The Text Editor should check the "Entered" column after the amendment has been entered into the database.

RETAIN IN APPLICATION FILE

SCREEN CODE	AMENDED	ENTERED	AMENDED TO:
CL	X	✓	Date of first use
CL	X	✓	Date of first use in commerce
DELETE(GS)			Goods & Services
CL			International Class
PY			Applicant : () Name () Address () Entity Type () Citizenship/State of Incorporation
NC/99			Assignment/Name Change
CD			Correspondence () Name () Address

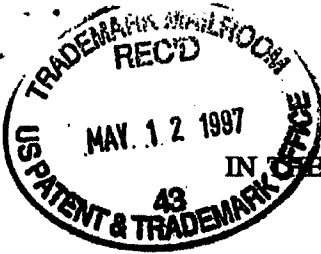
NOTE: _____

OTHER INFORMATION OR AMENDMENTS: _____
NO AMENDMENT REQUIRED (): _____

All indicated amendment(s) have been entered in the database in accordance with the above instructions and text editing guidelines.

INIT. AW DATE: 6/9

100/565141V



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

Attorney Docket No.:1684JB-23613

In re Application of:)
FWT, Inc.)
Serial No.: 75/010,434)
Filed: October 25, 1995)
Mark: POWERMOUNT)
Notice of Allowance Mailing)
Date: April 15, 1997)

Box ITU FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

STATEMENT OF USE UNDER 37 C.F.R. § 2.88

Sir:

Applicant requests registration of the above-identified trademark in the U.S. Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended). Three (3) specimens showing the mark as used in commerce are submitted with this Statement.

Applicant is using the mark in commerce on those goods or services identified in the Notice of Allowance in this application.

The mark was first used on April 4, 1997. The mark was first used in interstate commerce on April 4, 1997.

POWERMOUNT, Statement of Use
Attorney Docket No.: 1684JB-23613
Page 1

1684JB-23613/41791.1

030 80 05/21/97 75010434

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son!

The mark is used by applying it to labels applied directly to the goods.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C.1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: April 30, 1997

By: [Signature]

Printed Name: Roy Moore

Title: Vice President, Marketing and Sales

Telephone No.: (817) 457-3060

CERTIFICATE OF EXPRESS MAIL Express Mail No. <u>BM594486790US</u>	
I, <u>Carrie Mays</u> , hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.	
Date of Deposit: <u>12 May 97</u>	By: <u>[Signature]</u>

Applicant: FWT, Inc.

Address: 1901 East Loop 820 South
Fort Worth, Texas 76112-7899

Goods: Telecommunication equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure, in International Class 9.

Date of
First Use: April 4, 1997

Date of
First Use
in Commerce: April 4, 1997



POWERMOUNT

Attorney: James E. Bradley
FELSMAN, BRADLEY, GUNTER & DILLON, L.L.P.
777 Main Street, Suite 2600
Fort Worth, Texas 76102
(817) 332-8143

POWERMOUNT, Statement of Use
Attorney Docket No.: 1684JB-23613
Page 3

1684JB-23613/41791.1

TRADEMARK
REEL: 004605 FRAME: 0530

FELSMAN, BRADLEY, GUNTER & DILLON, L.L.P.
INTELLECTUAL PROPERTY LAW

AUSTIN
SUITE 350, ARBORETUM POINT
9505 ARBORETUM BOULEVARD
AUSTIN, TEXAS 78758
TELEPHONE: (512) 343-9116
FAX: (512) 343-6002



2600 CONTINENTAL PLAZA
777 MAIN STREET
FORT WORTH, TEXAS 76102

LOCAL: (817) 332-8143
METRO: (817) 428-4646
FAX: (817) 332-8409

4/15/97

HOUSTON
3900 ESSEX LANE
SUITE 1120
HOUSTON, TEXAS 77027
TELEPHONE: (713) 840-8143
FT. WORTH DIRECT: (817) 251-4264
FAX: (713) 840-8148

May 12, 1997

Box: NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: In re application of: FWT, Inc.
"POWERMOUNT"; Serial No. 75/010,434
Our File No. 1684JB-23613

Dear Sir:

Enclosed for filing are:

- (1) This transmittal letter with Certificate of Express Mail No. EM5944867790US;
- (2) The original STATEMENT OF USE;
- (3) Three (3) specimens showing how the mark is being used;
- (4) Our check in the amount of \$100.00 for the filing fee; and
- (5) Our return postcard, which we would appreciate you date stamping and returning to us upon receipt.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Melvin A. Hunn

cc: Roy Moore

REC'D MAIL ROOM MAY 22 1997

CERTIFICATE OF EXPRESS MAIL	
Express Mail No. EM5944867790US	
I, Carrie Mays, hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail First-Class to Addressee" service under 39 C.F.R. § 1110 on the date indicated below and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.	
Date of Deposit: 12 May 97	by: C. Mays

FELSMAN, BRADLEY, GUNTER & DILLON, L.L.P.
INTELLECTUAL PROPERTY LAW

AUSTIN
SUITE 350 ARBORETUM POINT
9609 ARBORETUM BOULEVARD
AUSTIN, TEXAS 78759
TELEPHONE: (512) 343-6116
FAX: (512) 343-6002



2600 CONTINENTAL PLAZA
777 MAIN STREET
FORT WORTH, TEXAS 76102

LOCAL: (817) 332-8143
METRO: (817) 429-4846
FAX: (817) 332-8409

HOUSTON
3900 ESSEX LANE
SUITE 1120
HOUSTON, TEXAS 77027
TELEPHONE: (713) 640-8143
FT. WORTH DIRECT: (817) 251-4284
FAX: (713) 640-8149

May 12, 1997

Box: NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: In re application of: FWT, Inc.
"POWERMOUNT"; Serial No. 75/010,434
Our File No. 1684JB-23613

Dear Sir:

Enclosed for filing are:

- (1) This transmittal letter with Certificate of Express Mail No. EM5944867790US;
- (2) The original STATEMENT OF USE;
- (3) Three (3) specimens showing how the mark is being used;
- (4) Our check in the amount of \$100.00 for the filing fee; and
- (5) Our return postcard, which we would appreciate you date stamping and returning to us upon receipt.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Melvin A. Hunn

cc: Roy Moore

CERTIFICATE OF EXPRESS MAIL	
Express Mail No. EM5944867790US	
I, Carrie Mays, hereby certify that this paper or fee is being deposited with the United States Postal Service via Express Mail Post Office to Addressed Verified under 75 C.F.R. 4.11(f)(4) (fill in the date indicated below and if addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513)	
Date of deposit: 12 May 97	by: C. Mays

NOTICE OF ALLOWANCE
15 U.S.C. SECTION 1063(b)(2)

Page 01 of 01

The MARK identified below was published for opposition under 15 U.S.C. Section 1062(a). No successful opposition was filed. In order to obtain a registration, applicant must file a Statement of Use under 15 U.S.C. Section 1051(d)(1) within six months of the MAILING DATE OF NOTICE identified below. A six-month extension of time to file the Statement of Use will be granted upon proper request. Subsequent six-month extensions will be granted, for a period not to exceed twenty-four months, if good cause is shown. 15 U.S.C.1051(d)(2). Failure to timely file or perfect a Statement of Use or request for extension of time will result in abandonment of the application. The requirements for each are set forth at 37 C.F.R. Sections 2.88 and 2.89.

75/010434

James E. Bradley
FELSMAN, BRADLEY, GUNTER & DILLON, LLP
2600 Continental Plaza
777 Main Street
Fort Worth, TX 76102

**ATTORNEY
REFERENCE NUMBER**
1684JB.23613

PLEASE REVIEW THE ACCURACY OF THE NOTICE OF ALLOWANCE DATA

A request for correction to the notice of allowance should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of BOX 1TU. The Patent and Trademark Office will review the request and make corrections where appropriate.

SERIAL NUMBER: 75/010434
MARK: POWERMOUNT
OWNER NAME: FWT, Inc.
OWNER ADDRESS: 1901 East Loop 820 South
Fort Worth
TEXAS 761127899

MAILING DATE OF NOTICE: 04/15/1997

A Statement of Use or a request for an extension of time to file a Statement of Use must be RECEIVED by the Patent and Trademark Office within six (6) months from the above mailing date.

GOODS/SERVICES BY INTERNATIONAL CLASS

009—telecommunication equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

The filing of documents by Express Mail will be accorded a filing date of the date the document was deposited as Express Mail. All documents mailed by Express Mail must include the following: (1) the number of the Express Mail mailing label; (2) be addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513; and (3) a certificate of Express Mail mailing that states the date of mailing by Express Mail and is signed by the person mailing the document.

Certificate of Express Mail:

I, _____ (Name), do hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this date of _____ (date).

(signature)

Name

Express Mail Label Number

Date of Deposit





**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

**ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513**

DEC. 20, 1996

NOTICE OF PUBLICATION UNDER 12(a)

**1. Serial No.:
75/010,434**

**2. Mark:
POWERMOUNT**

**3. Applicant:
FWT, Inc.**

**4. Publication Date:
JAN. 21, 1997**

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 at \$28.00 each for domestic orders, or at \$35.00 each for foreign orders from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

By direction of the Commissioner.

James E. Bradley
FELSMAN, BRADLEY, GUNTER & DILLON, LLP
2600 Continental Plaza
777 Main Street
Fort Worth, TX 76102

TMP&I



PUBLICATION/REGISTRATION REVIEW WORK SHEET

Reviewer: SHANA WEBSTER-TROTMAN Ofc: 7 Date: 11.16.96 Serial No.: _____

I certify all information in the database matched the information in the file and no corrections were required.
 INSTRUCTIONS: If the information in the database does not match the information in the file the reviewer should check the ERROR column. After correction (text editing), the EDITED column should be checked. RETAIN IN FILE WRAP.

SCREEN	ERROR	EDITED	ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF:
M K			Mark: Words: <input type="checkbox"/> Drawing Code: <input type="checkbox"/>
			Mark Type:
			Register:
CL			Amended Register: <input type="checkbox"/> Date Register Amended: <input type="checkbox"/>
			Prime Classification:
			Class Status Active <input type="checkbox"/> Inactive <input type="checkbox"/> Class Status Date:
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			U.S. Class: Add <input type="checkbox"/> Delete <input type="checkbox"/> Reclassify <input type="checkbox"/>
			Date of First Use:
			Date of First Use in Commerce:
			Use in Another Form: Prime Class <input type="checkbox"/>
CD			Goods and Services:
			Certification Statement:
			Attorney Name:
AC			Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/St/Cntry <input type="checkbox"/> Zip
			Docket Number: <input type="checkbox"/>
MM			Domestic Representative:
			Concurrent Use Statement:
			Description of Mark Statement:
TR			Disclaimer:
			Lining and Stippling Statement:
TF			Name/Portrait Description Consent Statement:
			Translation of Words in Mark Statement:
FN			Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement
			Foreign Entry Number:
			Country of Origin:
			Foreign Application No.: Filing Date:
			Foreign Registration No.: Registration Date:
			Foreign Reg. Exp. Date:
			Renewed: Foreign Reg. No.: Renewal Date:
			Renewed: Foreign Reg. Exp. Date:
PY			Priority Claimed: Section 44(d):
			Prior U.S. Registrations: Registration Nos.:
PY			Assignment or Name Change:
			Applicant: <input type="checkbox"/> Name
			<input type="checkbox"/> Entity Type
			<input type="checkbox"/> Citizenship/State of Inc.
			Entity Statement:
			Composed of Statement:
PY			Doing Business As (DBA) or (AKA) or (TA) Statement:
			Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Co. <input type="checkbox"/> Zip

Other: _____

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.
 _____ Date: 11/19/96
 Text Editor

All previous versions obsolete 11/12/92

AMENDMENT EXAMINATION WORK SHEET

Name: Regina Ennis L.O.: 102 Date: 8/00/90 Serial No.: 25/010434

INSTRUCTIONS: To certify amendments the R&A Clerk should check the "AMENDED" column. The Text Editor should check "ENTERED" after the amendment has been entered. **RETAIN IN FILE.**

SCREEN	AMENDED	ENTERED	AMENDED TO:
AM			AM Mark Type:
			AM Register:
			AM Mark: <input type="checkbox"/> MDC: <u>ff</u>
PY			PY Owner: <input type="checkbox"/> Name:
			PY <input type="checkbox"/> Citizenship:
			PY <input type="checkbox"/> Entity Type:
			EN <input type="checkbox"/> Entity Statement:
			DB DBA/AKA/TA Statement: Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
CL			NC Assignment or Name Change:
			CD Composed of:
			CL International Class: U.S. Class:
			CL First Use: First Use in Commerce:
			GS Goods and Services:
AM			AM Amended Register: P.R.: S.R.:
			AM Amended Reg Date:
			D1 Disclaimer:
OTHER			DM Description of Mark:
			LS Lining and Stippling Statement:
			TR Translation of Words in Mark:
			ND Name/Portrait Description/Consent:
			TF Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement:
			AF Use in Another Form:
			CS Certification Statement:
			CU Concurrent Use Statement:
FN			PR Prior U.S. Registrations:
			DR Domestic Representative:
			FN Foreign Country of Origin:
			FN Foreign Application No.: Frgn. Appl. Filing Date:
			FN Section 44(e) Claimed: Y/N Section 44(d) Claimed: Y/N
			FN Foreign Registration No.: Frgn. Reg. Date:
			FN Foreign Registration Expiration Date:
CD			FN Foreign Renewal Reg. No.: Frgn. Reg. Renewed:
			FN Foreign Registration Renewed Expiration Date:
			AT Attorney Name:
		CD Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip	
		DN Attorney Docket Number:	

Other: _____

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

[Signature]
Text Editor

[Signature]
Date

Initial Box if No Amendments are required.



TRADEMARK LAW OFFICE 102
Serial Number: 75/010434
Mark: POWERMOUNT

Please Place on Upper Right Corner
of Response to Office Action ONLY

2A

THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATIONS

Attorney Docket No. 1684JB-23613

In re Application of: §
FWT, INC. §
Mark: POWERMOUNT §
Serial No.: 75/010434 §
Filed: October 25, 1995 §
Class: 9 §

Trademark Attorney:
Ari Leifman

Law Office: 102

RESPONSE

Box RESPONSE
NO FEE
Hon. Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

This communication is in response to the Office Action mailed April 29, 1996.
That Office Action required Applicant to amend the description of goods.
Additionally, the Examining Attorney refused registration on the Principal Register
under § 2(d) of the Trademark Act, as amended, on the basis that the mark, when
used on the identified goods, so resembles Registration No. 1,264,762, as to be likely
to cause confusion or to cause mistake, or to deceive.

RESPONSE TO OFFICE ACTION
Attorney Docket No. 1684JB-23613
Page 1

1684JB-23613/30064.1

AMENDMENT

A. IDENTIFICATION OF THE GOODS

In response to the Office Action, Applicant respectfully request amendment of the above-identified application as follows:

Delete the entire recitation of goods set forth in the original application and replace it with the following:

A

GS

Telecommunication equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure, in International Class 9.

REMARKS

A. LIKELIHOOD OF CONFUSION

The Office Action mailed April 29, 1996, initially refused registration on the basis that the mark is likely to be confused with the registered mark, POWERMOUNT, in U. S. Registration No. 1,264,762 (15 U.S.C. § 1052 (d), TMEP

RESPONSE TO OFFICE ACTION
Attorney Docket No. 1684JB-23613
Page 2

1684JB-23613/30064.1

§ 1207). Applicant respectfully traverses this refusal and presents the following evidence and arguments.

There is no litmus rule for evaluating the appropriateness of a rejection under section 2(d) of the Trademark Act, 15 U.S.C. § 1052(a). When of record, the factors elucidated in *In re E.I. DuPont DeNemours & Co.*, 476 F2d 1357, 177 U.S.P.Q. 563 (CCPA 1973)(hereinafter referred to as "DuPont"), must be considered. TMEP § 1207.01. The evidentiary elements listed in DuPont are not listed in order of merit. Each may, from case to case, play a dominate role. Particularly important in the present case are (1) "the similarity or dissimilarity and nature of the goods as described in the application or registration or in connection with which a prior mark is in use," and, (2) "the conditions under which the buyers to whom sales are made, i.e., 'impulse' v. careful, sophisticated purchasing." *Id.* 567.

Considering first the similarity or dissimilarity of the goods on which the marks are used, it must be determined whether there is a likelihood of confusion between the goods or their sources because of the use of the marks thereon. *In re Rexel, Inc.*, 223 U.S.P.Q. 830 (TTAB 1984). Where the goods in question are not identical or competitive, and are not related in market in such a way that they would be encountered by the same people in situations that would create the incorrect

RESPONSE TO OFFICE ACTION
Attorney Docket No. 1684JB-23613
Page 3

1684JB-23613/30064.1

assumption that all the goods come from the same source, then even where the mark are identical, confusion is not likely. *In re Unilever, Ltd.*, 222 U.S.P.Q. 981, (TTAB 1984)(emphasis added).

In the present application, the marks are identical, however, in comparing the goods on which the marks are used, it becomes obvious that the goods are distinctly different and are marketed to sophisticated buyers in such a way that confusion is not likely. The Registrant's goods are for "hospital grade television mounting systems comprised of interchangeable cross rails, support arm, drive motors, wall channels and drive motor controls for adjusting the height and angle of television receivers." The very description of the goods tells a consumer that the product is a specialized television mounting system for use in *hospitals*. This is not a product that the average consumer is going to find in a retail store. Indeed, this is not a product an average consumer would even purchase. Applicant's goods are antenna supports for use on *telecommunication equipment*. The goods of both the Registrant and the Applicant are specialized items designed for specific needs. The channel of trade through which both the Registrant and the Applicant market their goods is very different. Additionally, the customers of both are highly sophisticated buyers and sellers. The goods of both the Registrant and the Applicant are expensive items. A consumer interested in mounting televisions sets in hospitals would not confuse the

RESPONSE TO OFFICE ACTION

Attorney Docket No. 1684JB-23613

Page 4

1684JB-23613/30064.1

goods with telecommunication antenna equipment. Both the Registrant and the Applicant have different customer bases. Confusion between Registrant's goods and Applicant's goods could not exist, considering that customers of both goods are sophisticated purchasers, employing a large amount of time, attention, intelligence and sophistication in selecting products for their unrelated industries.

In the present case, the Examiner has reached a determination of likelihood of confusion based on the goods of the Registrant and the Applicant. Applicant submits that its goods and the goods of the Registrant are so different in function and purpose, travel in different channels of trade and have such sophisticated buyers that confusion in the marketplace is highly unlikely.

CONCLUSION

For the above reasons, Applicant submits that its mark, when used on the identified goods, is in no way confusingly similar with that of Registrant such that registration should be barred. With the submission of this response and amendment, Applicant has fully addressed and satisfied each requirement that has been made in the prosecution of this application. Applicant believes it is entitled to registration

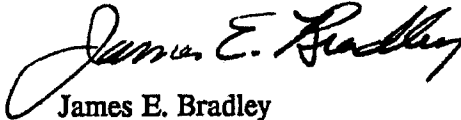
RESPONSE TO OFFICE ACTION
Attorney Docket No. 1684JB-23613
Page 5

1684JB-23613/30064.1

TRADEMARK
REEL: 004605 FRAME: 0543

and requests approval for publication.

Respectfully submitted,



James E. Bradley
Registration No. 27,536
FELSMAN, BRADLEY,
GUNTER & DILLON, LLP
777 Main Street, Suite 2600
Fort Worth, Texas 76102
(817) 332-8143

DATED: 06/27/96

Attorney for Applicant

CERTIFICATE OF MAILING UNDER 37 CFR 1.18(a)	
I, Carrie Mays, hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-4315, on <u>27 Jun 96</u> .	
Name: <u>Carrie Mays</u>	Date: <u>27 Jun 96</u>

RESPONSE TO OFFICE ACTION
Attorney Docket No. 1684JB-23613
Page 6

1684JB-23613/30064.1

TRADEMARK
REEL: 004605 FRAME: 0544



**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

SERIAL NO.

75/010434 FWT, Inc.

APPLICANT

PAPER NO.

MARK

POWERMOUNT

ADDRESS

James E. Bradley
FELSMAN, BRADLEY, GUNTER & DILLON, LLP
2600 Continental Plaza
777 Main Street
Fort Worth, TX 76102

ACTION NO.

01

MAILING DATE

04/29/96

REF. NO.

1684JB. 23613

ADDRESS:

Assistant Commissioner for Trademarks
900 Crystal Drive
Arlington, VA 22202-3513.

If no fees are enclosed, the address should include the words "BOX 5."

Please provide in all correspondence:

1. Filing date, serial number, mark, and applicant's name.

2. Mailing date of this Office action.

3. Your telephone number and ZIP code.

4. Examining attorney's name and law office number.

FORM PTO-1525 (5-90)

U.S. DEPT. OF COMM. PAT. & TM OFFICE

A proper response to this Office Action must be received within six months of the mailing date of the Office Action in order to avoid **ABANDONMENT**. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

Ser. No. 75/010434

MARK: POWERMOUNT

The assigned examining attorney has reviewed the referenced application and determined the following.

REFUSAL TO REGISTER -- SECTION 2(d)

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration No. 1264762 as to be likely to cause confusion, or to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

Here, the applicant seeks to register POWERMOUNT for "telecommunication equipment, namely,

TRADEMARK

REEL: 004605 FRAME: 0545

antenna supports." The registered mark is also POWERMOUNT for "hospital grade television mounting systems comprised of interchangeable cross rails, support arms, drive motors, wall channels and drive motor controls for adjusting the height and angle of television receivers."

These marks are identical, and the goods associated with these marks are closely related. The applicant's goods appear to be used to mount telecommunications equipment, and the registrant's goods perform a similar function.

The similarities between the marks and the goods are so great as to create a likelihood of confusion.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

INFORMALITY

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The identification of goods is unacceptable as indefinite. The applicant may adopt the following identification, if accurate: telecommunication equipment, namely, antenna supports in the nature of - - (please specify what these supports are), in International Class 9. TMEP section 804.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.



Ari Leifman
Trademark Attorney
Law Office 102
(703) 308-9102 ext. 179

*** User: EX692024 *** Serial Number: 73343156 ***

Word Mark
POWERMOUNT

Goods/Services
IC 009; US 023 026; G & S: Hospital Grade Television Mounting Systems
Comprised of Interchangeable Cross Rails, Support Arms, Drive Motors,
Wall Channels and Drive Motor Controls for Adjusting the Height and Angle
of Television Receivers; FIRST USE DATE: 1973.03.01; FIRST USE IN
COMMERCE: 1973.03.01

Mark Drawing Code
(1) TYPED DRAWING

Serial Number
73-343156

Filing Date
1981.12.23

Registration Number
1264762

Registration Date
1984.01.24

Owner Name/Address
(REGISTRANT) GCX Corporation CORPORATION CALIFORNIA 34 Mount Rainier Dr.
San Rafael CALIFORNIA 94903

Type of Mark
TRADEMARK

Register
PRINCIPAL

Affidavit
SECT 8.; SECT 15.; COMBINED SECT 8 AND SECT 15.

*** Search: 4 *** Document Number: 4 ***

TRADEMARK
REEL: 004605 FRAME: 0547

215-34/75010434

10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR TRADEMARK REGISTRATION

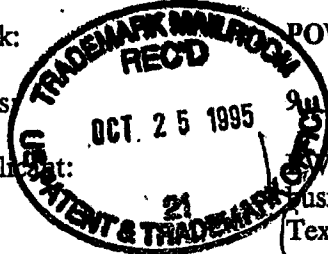
Attorney Docket No. 1684JB-23613

DN

Mark: POWERMOUNT

Class:

Applicant:



SOFT, Inc., a (TX) corporation, located and doing business at (1901 East Loop 820 South, Fort Worth, Texas 76112-7899.)
TX

AA

BOX: NEW APP FEE
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

Applicant requests registration of the above-identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended) for the following goods:

~~Telecommunication equipment, namely antenna supports~~ in International Class 9;

~~Applicant has a bona fide intention to use the mark in commerce on the above-identified goods. (15 U.S.C. 1051(b), as amended). Applicant intends to use the mark by applying it to labels that will be affixed to containers for the goods.~~

Applicant hereby appoints Robert A. Felsman, Reg. No. 22,107; (James E. Bradley), Reg. No. 27,536; Charles D. Gunter, Jr., Reg. No. 29,386; Andrew J. Dillon, Reg. No. 29,634; Kenneth C. Hill, Reg. No. 29,650; Melvin A. Hunn, Reg. No. 32,574; and Duke W. Yee, Reg. No. 34, 285; to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection

SUB A
(GS)
009
R...

AT

therewith.

Please send all correspondence to:

CA
James E. Bradley
FELSMAN, BRADLEY, GUNTER & DILLON, LLP
2600 Continental Plaza
777 Main Street
Fort Worth, Texas 76102
(817) 332-8143

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

[SIGNATURE ON FOLLOWING PAGE]

FWT, Inc.

By: Roy Moore

Name: Roy Moore

Title: Vice President

Date: 10-23-95

CERTIFICATE OF EXPRESS MAIL Express Mail No. <u>7848330696103</u>	
<small>I, Carrie Mays, hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.110 on the date indicated below and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.</small>	
Date of Deposit: <u>10/25/95</u>	By: <u>C. Mays</u>

75010434

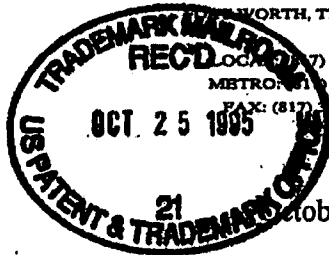
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UNFAIR COMPETITION

FELSMAN, BRADLEY, GUNTER & DILLON, LLP
ATTORNEYS

2600 CONTINENTAL PLAZA
777 MAIN STREET
DALLAS, TEXAS 76102

TELEPHONE (214) 332-8143
METROPHONE 429-4646
FAX: (817) 332-8409

AUSTIN OFFICE:
SUITE 350 ARBORETUM POINT
9505 ARBORETUM BOULEVARD
AUSTIN, TEXAS 78759
TELEPHONE (512) 343-6116
FAX (512) 343-6002



October 25, 1995

ROBERT A. FELSMAN
JAMES E. BRADLEY
CHARLES D. GUNTER
ANDREW J. DILLON
MELVIN A. HUNN
KENNETH C. HILL
DUKE W. YEE

GRADY K. BERGEN
MAX CICCARELLI
CARLA J. DOLCE
MARK W. HANDLEY
KEITH L. HARGROVE
MARK D. PERDUE
BRIAN F. RUSSELL
L. BRUCE TERRY
CRAIG J. YUDELL

OF COUNSEL
JOHN G. GRAHAM

Box: NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: In re application of: FWT, Inc.
"POWERMOUNT"
Our File No. 1684JB-23613

Dear Sir:

Enclosed for filing are:

- (1) This transmittal letter with Certificate of Express Mail No. TB485306965US;
- (2) The original TRADEMARK APPLICATION;
- (3) Our check in the amount of \$245.00 for the filing fee; and
- (4) Our return postcard, which we would appreciate you date stamping and returning to us upon receipt.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

James E. Bradley
James E. Bradley

cc: Roy Moore

CERTIFICATE OF EXPRESS MAIL Express Mail No. TB485306965US	
I, Carrie Mays, hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.110 on the date indicated below and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.	
Date of Deposit: 10/25/95	By: <i>C. Mays</i>

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UNFAIR COMPETITION

FELSMAN, BRADLEY, GUNTER & DILLON, LLP
ATTORNEYS

2600 CONTINENTAL PLAZA
777 MAIN STREET
FORT WORTH, TEXAS 76102

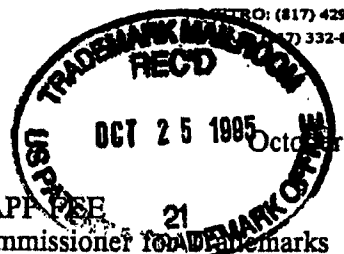
LOCAL: (817) 332-8143
FAX: (817) 429-4666
(817) 332-8409

AUSTIN OFFICE:
SUITE 350 ARBORETUM POINT
9505 ARBORETUM BOULEVARD
AUSTIN, TEXAS 78759
TELEPHONE (512) 343-6116
FAX (512) 343-6002

ROBERT A. FELSMAN
JAMES E. BRADLEY
CHARLES D. GUNTER
ANDREW J. DILLON
MELVIN A. HUNN
KENNETH C. HILL
DUKE W. YEE

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L. BRUCE TERRY
CRAIG J. YUDELL

OF COUNSEL
JOHN G. GRAHAM



Box: NEW APPL
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Our File No. 1684JB-23613

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Respectfully submitted,

James E. Bradley
James E. Bradley

cc: Roy Moore

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Date of Deposit: <u>10/25/95</u>	By: <u>C. Mays</u>

75010434

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

040 TL 11/16/95 75010434

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PTO-1555
(5/87)

TRADEMARK
REEL: 004605 FRAME: 0553

CODING SHEET FOR PSEUDO MARKS AND DESIGN SEARCH CODES

SERIES CODE AND SERIAL NUMBER 75-010434

MARK DRAWING CODE
(please circle appropriate MDC)

1 2 3 5 6

PSEUDO MARK (PM) POWER MOUNT

WIPO/DESIGN SEARCH CODES

_____	_____	_____
_____	_____	_____
_____	_____	_____
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NAME: Mary Cowan

ITU: (Y) or N

P (1)

S - 2

SERIAL NO.: 75/010434

TRADEMARK APPLICATION FILE DATA WORKSHEET

CLASS DATA

1. INTERNATIONAL CLASS	G								
2. COLLECTIVE TM or SM	I	S	T	S	T	S	T	S	T
3. FEE PAID	<u>(Y)</u>	N	Y	N	Y	N	Y	N	Y
4. PRIOR US CLASS(ES)									
5. 1ST USE DATE									
6. 1ST USE IN COMM DATE									
7. IN ANOTHER FORM CODE	1	2	1	2	1	2	1	2	1
8. IN ANOTHER FORM STATEMENT	AF CODE IN MARGIN TEXT IN []								
9. GOODS/SERVICES	<u>(GS)</u> INTERNATIONAL CLASS IN MARGIN, TEXT []								
10. CERTIFICATION STATEMENT	CS IN MARGIN, TEXT IN []								

FOREIGN DATA

1. PRIORITY CLAIMED	Y	N	Y	N	Y	N	Y	N	Y
2. COUNTRY CODE									
3. FOREIGN APPLICATION									
4. FOREIGN FILING DATE									
5. FOREIGN REG #									
6. FOREIGN REG DATE									
7. FOREIGN EXPIRATION DATE									
8. RENEWAL #									
9. RENEWAL REG DATE									
10. RENEWAL EXPIRATION DATE									

NOTES TO DATA ENTRY PERSONNEL:

INT CL
9
PRIOR US CL

TRADEMARK
75010434



Applicant: FWT, Inc.

Address: 1901 East Loop 820 South
Fort Worth, Texas 76112-7899

Goods: Telecommunication equipment, namely antenna supports, in
International Class 9.

POWERMOUNT

Attorney: James E. Bradley
Address: FELSMAN, BRADLEY, GUNTER & DILLON, LLP
2600 Continental Plaza
777 Main Street
Fort Worth, Texas 76102
817/332-8143
Attorney for Applicant

PUBLISHED
JAN 21 1997

REGISTERED
AUG 12 1997
PAT. & T.M. OFFICE

POWERMOUNT, Docket No. 1684JB-23613
Intent to Use Application
Page 4

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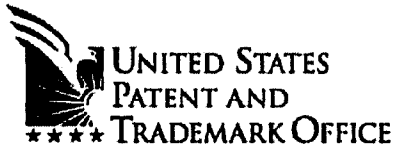


TRADEMARK
REEL: 004605 FRAME: 0556

*** User: EX692024 ***

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	2	2	0	PHRASCH /OW fwt
02	9470	0	0	PHRASCH :power:
03	3080	0	0	PHRASCH :mount:
04	4	4	0	PHRASCH 2 & 3
05	774564	0	0	PHRASCH 016/CC
06	1014	0	0	PHRASCH 3 & 5
07	242574	0	0	PHRASCH 009/IC
08	6298	0	0	PHRASCH A/IC ^ B/IC ^ 200/IC
09	240	17	0	PHRASCH 3 & (7 ^ 8)
10	3154	0	0	PHRASCH ANTEN:/GS
11	52	32	20	PHRASCH 10 & (2 ^ 3)
12	4	3	1	PHONSCH POWERMOUNT ^ POWERMOUNTS
13	7	5	2	PHONSCH (power ^ powers) & (mount ^ mounts)

TERMINAL SESSION STARTED 04/25/96 12:43 P.M. (EASTERN TIME)
TERMINAL SESSION FINISHED 04/25/96 1:14 P.M. (EASTERN TIME)
ELAPSED TIME THIS SESSION 0 HRS AND 31 MIN



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2088202 SERIAL NO: 75/010434 MAILING DATE: 09/20/2003
REGISTRATION DATE: 08/12/1997
MARK: POWERMOUNT
REGISTRATION OWNER: FWT, Inc.

CORRESPONDENCE ADDRESS:

ANDREW S. EHMKE
HAYNES & BOONE, LLP
901 MAIN STREET
SUITE 3100
DALLAS, TX 75202-3789

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058. **ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.**

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065. **ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.**

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

HENSON, EVERETT J
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

TRADEMARK
REEL: 004605 FRAME: 0558

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION) SECTION 8: AFFIDAVIT OF CONTINUED USE The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration. **Failure to file the Section 8 Affidavit will result in the cancellation of the registration.**

II) SECTION 9: APPLICATION FOR RENEWAL The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration. **Failure to file the Application for Renewal will result in the expiration of the registration.**

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
FWT, Inc.

Registration No.: 2,088,202

Registered: August 12, 1997

Mark: POWERMOUNT

§
§
§
§
§
§
§

Int'l Class: 009

TRANSMITTAL

Box Post Reg. Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

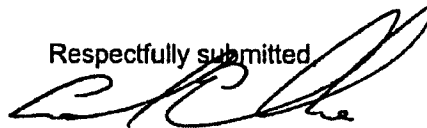
Sir:

Enclosed are the following regarding the above-identified trademark registration:

1. Combined Declaration Under 15 U.S.C. §§ 8 and 15;
2. one specimen of the mark;
3. a check in the amount of \$300.00 for the fee due under 37 C.F.R. §2.6(a)(12) and (13);
4. Revocation and New Power of Attorney and Change of Correspondence Address;
5. an original and a copy of this Transmittal; and
6. a return postcard.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,



Andrew S. Ehmke
Registration No. 50,271

Date: July 22, 2003
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Phone: 214-651-5116
Facsimile: 214-651-5940
File: 6850.71
D-1152198_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on

July 22 2003
Kathy Mettee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

Registrant: FWT, Inc.
Registration No.: 2,088,202
Mark: POWERMOUNT
Registration Date: August 12, 1997
Int. Class: 9

COMBINED DECLARATION UNDER 15 U.S.C. §§ 8 & 15

BOX POST REG FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document and the registration to which it relates, declares that FWT, Inc. owns the above identified registration issued August 12, 1997, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from the date of the registration or the date of publication under Section 12(c)(6) to the present, on or in connection with telecommunication equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure which are specified in the registration, that such mark is still in use in interstate commerce; that such mark is still in use as evidenced by the attached specimen; that there has been no final decision adverse to registrant's claim of ownership of said mark for such goods, or to registrant's right to register the same or to keep the same on the register; that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Applicant hereby appoints JEFFREY M. BECKER; JAMES R. BELL; TIMOTHY BLISS; RANDALL C. BROWN; RANDALL E. COLSON, MICHAEL A. DAVIS, JR.; ANDREW S. EHMKE; GREGORY H. GUILLOT; RITA M. IRANI; WARREN B. KICE; CHRISTOPHER P. KOSH; J. ANDREW LOWES; TODD MATTINGLY; DAVID L. MCCOMBS; JOHN W. MONTGOMERY; BILL R. NAIFEH; JULIE M. NICKOLS; GLORIA NORBERG; DAVID M. O'DELL; PURVI PATEL; DAWN PEROTTI; CATHERINE SHONG; PAUL WEHRMANN and RICHARD V. WELLS all of the law firm of HAYNES AND BOONE, LLP, 901 Main Street, Suite 3100, Dallas, Texas 75202-3789, telephone number 214/651-5000, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith.

FWT, Inc.

Date: 5/15/03

By: T. H. Moore

Name: [Signature]

Title: Chairman

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214-651-5116
Facsimile: 214-651-6940
File: 6850.71

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Trademarks, Crystal Drive,
Arlington, VA 22202-3513
on July 22 2003
Kathy Mettee

D-1063198_1 DOC

TRADEMARK / DOCKET NO. 6850.71

FWT, Inc.

By: [Signature]

Name: T. F. MOORE

Title: Chairman

Date: 5/15/03
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: (214) 651-5116
Facsimile: (214) 651-5940
File: 6850.71

D-1132048_1 DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

on July 22, 2003
Kathy Mettee

PowerMount™

PATENT #5649402

No. 11018

FWT INC.

1901 E. LOOP 820 SOUTH • FT. WORTH, TEXAS 76112
817 - 457 - 3060 • 800 - 433 - 1816

#7
#7

Attorney Docket No. 6850.71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

Registrant: FWT, Inc. ✓
Registration No.: 2,088,202 ✓
Mark: POWERMOUNT ✓
Registration Date: August 12, 1997 ✓
Int. Class: 9 ✓

COMBINED DECLARATION UNDER 15 U.S.C. §§ 8 & 15

BOX POST REG FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document and the registration to which it relates, declares that FWT, Inc. owns the above identified registration issued August 12, 1997, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from the date of the registration or the date of publication under Section 12(c)(6) to the present, on or in connection with telecommunication equipment, namely, antenna supports in the nature of a galvanized steel column placed in the center of an electrical transmission tower to support an antenna array on a galvanized steel antenna support structure which are specified in the registration, that such mark is still in use in interstate commerce; that such mark is still in use as evidenced by the attached specimen; that there has been no final decision adverse to registrant's claim of ownership of said mark for such goods, or to registrant's right to register the same or to keep the same on the register; that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

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01 FC:6205
02 FC:6208

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No. 6478 P. 2

May 15, 2003 2:28PM

Applicant hereby appoints JEFFREY M. BECKER; JAMES R. BELL; TIMOTHY BLISS; RANDALL C. BROWN; RANDALL E. COLSON, MICHAEL A. DAVIS, JR.; ANDREW S. EHMKE; GREGORY H. GUILLOT; RITA M. IRANI; WARREN B. KICE; CHRISTOPHER P. KOSH; J. ANDREW LOWES; TODD MATTINGLY; DAVID L. MCCOMBS; JOHN W. MONTGOMERY; BILL R. NAIFEH; JULIE M. NICKOLS; GLORIA NORBERG; DAVID M. O'DELL; PURVI PATEL; DAWN PEROTTI; CATHERINE SHONG; PAUL WEHRMANN and RICHARD V. WELLS all of the law firm of HAYNES AND BOONE, LLP, 901 Main Street, Suite 3100, Dallas, Texas 75202-3789, telephone number 214/651-5000, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith.

FWT, Inc.

Date: 5/15/03

By: J. H. Moore

Name: J. H. Moore

Title: Chairman

HAYNES AND BOONE, LLP
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on July 22, 2003
Kathy Melton

D-1063198_1 DOC

TRADEMARK / DOCKET NO. 6850.71

FWT, Inc.

By: [Signature]

Name: T.F. Moore ✓

Title: Chairman

Date: 5/15/03
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