



03-22-1999

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

03-01-1999



U.S. Patent & TMO/TM Mail Rpt Dt: #58

100989433

TO THE HONORABLE COMMISSIONER OF Patents and Trademarks. Please record the attached original documents or copy thereof.

mKD 3-1-99

1. Name of conveying party(ies):  
Fort Wayne Plastics, Inc.  
(an Indiana corporation)

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

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

2. Name and address of receiving party(ies):  
Name: Fort Wayne Pools, Inc.

Internal Address: \_\_\_\_\_  
Street Address: 6930 Gettysburg Pike  
City: Fort Wayne State: IN ZIP: \_\_\_\_\_

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

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

Execution Date: April 13, 1998

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

A. Trademark Application No.(s)  
B. Trademark registration No.(s) 1,755,141

Additional numbers attached?  Yes  No

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

Name: Peter D. Murray, Esq.  
Internal Address: Cooper & Dunham LLP  
Street Address: 1185 Avenue of the Americas  
City: New York State: NY ZIP: 10036

6. Total number of applications and registrations involved:  1

7. Total fee (37 CFR 3.41):.....\$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number: 03-3125  
(Attach duplicate copy of this page if paying by deposit account)

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.*

Peter D. Murray                      *Peter D. Murray*                      2/24/99  
Name of Person Signing                      Signature                      Date

Total number of pages comprising cover sheet:

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

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TRADEMARK

REEL: 1870 FRAME: 0877

STATE OF INDIANA

OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF FACT

To Whom These Presents Come, Greeting:

I, Sue Anne Gilroy, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the custodian of the corporate records and the proper official to execute this certificate.

I further certify that the records of this office disclose that Articles of Amendment to the Articles of Incorporation, bearing an approved and filed date of December 15, 1997, were filed, changing the name of the corporation from:

**FORT WAYNE PLASTICS, INC.**


to

**FORT WAYNE POOLS, INC.**

The effective date of this change of corporate name is December 15, 1997.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this Thirteenth day of April, 1998.

  
SUE ANNE GILROY, Secretary of State

  
Deputy

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sony Electronics Inc.

Serial No: 75-382655

Filed: October 31, 1997

Mark: **ENHANCED ELLIPTICAL CORRECTION SYSTEM**

Examiner: Rebecca L. Gilbert

Law Office: 103

To The Assistant Commissioner for Trademarks  
Trademark Examining Operation  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**AMENDMENT**

This is in response to the Office Action of August 31, 1999 concerning the above.

Applicant disagrees with the Examiner's contention that the mark **ENHANCED ELLIPTICAL CORRECTION SYSTEM** is merely descriptive as applied to the goods. In support of the position that the term **ELLIPTICAL CORRECTION** is merely descriptive the Examiner has cited five (5) articles. However, if the Examiner will carefully review each of the cited articles she will note that they all refer to Applicant and in at least one of the articles the mark **ENHANCED ELLIPTICAL CORRECTION SYSTEM** is followed by a TM designation. The term **ENHANCED ELLIPTICAL CORRECTION SYSTEM** was created by Applicant for use as a trademark for the applied for goods. Applicant submits that the cited articles, rather than supporting the Examiner's position, in fact support Applicant's position that the term is a trademark for the goods. In view of the fact that the cited articles all refer to Applicant the

Examiner's claim that "the term 'elliptical correction' is used and has been adopted, respectively in the geologic and computer industries to denote a method of accounting and adjusting for the curvature of a plane curve" is completely unsupported. Under the circumstances, there is no basis for holding that the mark ENHANCED ELLIPTICAL CORRECTION SYSTEM is merely descriptive. Accordingly, Applicant requests that the refusal to register on this basis be withdrawn.

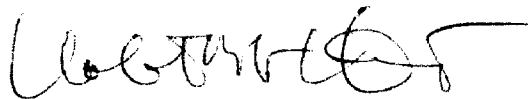
Please enter the following disclaimer:

No claim is made to the exclusive right to use "ENHANCED" and "SYSTEM" apart from the mark as shown.

In view of the above and since the office search failed to disclose the existence of any confusingly similar mark, it is respectfully requested that the subject mark be accepted for publication.

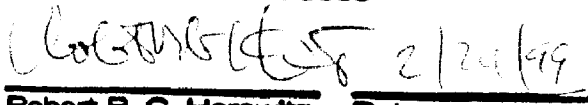
Dated: February 24, 1999

Respectfully submitted,



Robert B.G. Horowitz  
Attorney for Applicant  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513



Robert B. G. Horowitz Date