

Lackebach

INTELLECTUAL PROPERTY
ATTORNEYS SINCE 1923

Siegel, LLP

LACKENBACH SIEGEL today!

VOLUME 5 - NUMBER 6 - FALL 2004

Welcome to the Lackebach Siegel today! Online Newsletter.

Lackebach Siegel, whose history and achievements in intellectual property law span most of the Twentieth Century, has practice areas which include patents, trademarks, copyrights, unfair competition, antitrust, licensing, litigation and all facets of computer, Internet and domain name law.

*Lackebach Siegel today and Since 1923 is all about
Patents, Trademarks, Copyrights, Domain Names,
Internet and Computer Law*

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Attorney Profile

**Cathy E.
Shore-Sirotn**

Position at Firm:

Advertising Department Head



As head of the Advertising Department, Ms. Cathy Shore-Sirotn is responsible for counseling clients and reviewing of their advertising, catalogs and promotional materials, including sweepstakes, contests, coupons, and give-aways. Ms. Shore-Sirotn is also a member of the Litigation Department, which handles actions throughout the

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ACKNOWLEDGEMENT ZONE

Lackebach Siegel

WINS

\$1.4 MILLION FOR CLIENT

After nearly five years of contentious litigation and following a two week jury trial, Lackebach Siegel's lead trial counsel Robert Golden scored a \$1.4 Million jury verdict against Wal-Mart Stores, Inc. and another defendant, for copyright and trade dress infringement. Lackebach client, U-Neek, Inc., designed and sold children's clothing to Wal-Mart and other retailers. In a matter of just a few years, U-Neek's sales to Wal-Mart grew from few hundred thousand dollars to five million dollars a year. Then suddenly Wal-Mart stopped buying from U-Neek. On a routine buying trip in a Wal-Mart store, the principals of U-Neek discovered knock-offs of goods they had offered for sale to Wal-Mart, but which Wal-Mart declined to purchase.

country and before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, and additionally counsels clients on trademark and copyright transactional matters, and licensing.

Ms. Shore-Sirotnin is admitted to the bars of the States of New York, New Jersey, California and Washington, D. C. She is also admitted to the Federal District Court in the Southern, Eastern and Western Districts of New York, the District of New Jersey, and the Central District of California, as well as the Federal Circuit Court of Appeals.

Education: University of Pennsylvania/ The Wharton School, B.S. & B.A. 1982 cum laude, Dean's List; New York University/ Stern School of Business, M. B.A. 1987 with honors; Fordham University School of Law, J.D. 1990 cum laude, Dean's List, Moot Court Board, Fordham Intellectual Property, Media & Entertainment Law Journal, Business Editor/ Notes & Commentary Editor; Addison Metcalf Labor Law Prize.

Prior In-House Affiliations: News Corporation (Associate General Counsel); Elizabeth Arden Inc. (Assistant General Counsel).

Prior Law Firm Affiliations: Weil, Gotshal & Manges LLP; Hall, Dickler, Kent, Goldstein & Wood, LLP.

Practice Areas: Advertising, Trademark, Patent and Copyright litigation, licensing and counseling.

Author: "Antitrust and Professional Sports Eligibility Rules," Fordham Intellectual Property, Media and Entertainment Law Journal, Fall 1990. Noted as "worth reading" in the National Law Journal, March 11, 1991.

Member: International Trademark

During the legal discovery process Lackebach uncovered documents which ended up putting the nails in Wal-Mart's coffin. Under the guise of protecting against the use of child labor, prior to buying any goods from U-Neek, Wal-Mart demanded disclosure of the identity of U-Neek's foreign manufacturer. Thereafter, the Wal-Mart buyer set up a meeting with U-Neek's manufacturer. During the meeting, the Wal-Mart buyer viewed samples of U-Neek's goods - the same exact goods U-Neek had offered to sell to Wal-Mart. The Wal-Mart buyer took photos of U-Neek's goods - the same exact goods U-Neek had offered to sell to Wal-Mart. The Wal-Mart buyer attached them to order forms, and used the forms to purchase goods directly from U-Neek's manufacturer. Wal-Mart did such a good job photographing U-Neek's clothing that U-Neek's tags and trademarks are legible, thereby removing any doubt from the jurors' minds that Wal-Mart knowingly and intentionally infringed.

Prior to the trial, Wal-Mart offered U-Neek \$390,000 in settlement. U-Neek rejected the offer and proceeded to trial, clearing the way for the jury's \$1.4 Million award.

For more information regarding this case or other intellectual property litigation issues, please contact lead trial counsel, Robert Golden, rgolden@Lackebach.com

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America's Favorite Law Firm...?

By Cathy E. Shore-Sirotnin

Is Lackebach Siegel America's Favorite Law Firm? We think we are. Just as Mueller's thought and claimed its pasta was "America's Favorite Pasta." But was it? According to the Eighth Circuit Court of Appeals, it need not be the best selling brand or even a nationwide brand to make this claim. The court held the phrase was non-actionable commercial "puffing," and not a verifiable, factual statement requiring substantiation. As America's favorite law firm, we have problems with this decision.

To establish a claim for false or deceptive advertising under the Lanham Act, New World Pasta Co. had to establish: (1) Mueller's made a false statement of fact about its own or another's product; (2) the statement actually deceived or had the tendency to deceive a substantial segment of its audience; (3) the deception was material, i.e., likely to influence the purchasing decision; (4) Mueller's caused the statement to enter interstate commerce; and (5) New World had been or was likely to be injured by the statement.

The court held that "America's Favorite Pasta" was not a statement of fact as a matter of law, based upon a definition of "favorite" as "markedly popular especially over an extended period of time." "Popular," in turn, was defined as "well liked or admired by a particular group or circle." By combining "favorite" with "America's," the court reasoned Mueller's was simply claiming its pasta was well liked or admired by America, and the phrase was not a specific, measurable claim, but instead entirely subjective and vague. The Court stated that a product may be well liked, but may not dominate in market share, for example, because it is more expensive. However, the claim was not "well liked," but "favorite," which to America's Favorite Law Firm implies a comparison and relative superiority. Although a product may be a favorite for a variety of reasons, there are various ways to measure approval, such as number one in sales, market share or taste.

Mueller's appears to have had no support at all for its claim. Most troubling, the court totally disregarded consumer survey evidence that, according to New World, proved 33% of those surveyed perceived the phrase

Association, The Trademark Law Reporter – Editorial Board (1997-2003); New York State Bar Association; California Bar Association;

Miscellaneous: *Profiled in book entitled Beyond L.A. Law:*

Stories of People Who've Done Fascinating Things with a Law Degree, in chapter entitled "A Career on the Cutting Edge." (Harcourt Brace 1998) Prior to attending Law School, Ms. Shore-Sirotnin worked for several years in marketing and advertising for Citicorp Credit Services, Inc. and Doubleday & Company.

E-mail: To learn more about America's Favorite Advertising Law Department, contact: Cathy E. Shore-Sirotnin, cshore@Lackebach.com

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PATENT CORNER:

Featuring a recently issued patent to a client of Lackebach Siegel

United States Patent Number:

6,617,771

ELECTRON IONIZATION ION SOURCE

Date of Patent: September 9, 2003

Inventor: Aviv Amirav

“America’s Favorite Pasta” to mean that Mueller’s was the number one brand, and 50% perceived the phrase to mean that Mueller’s was a national brand. The lower court reasoned that use of the survey in this manner would establish an improper benchmark and assign a different meaning to the phrase. However, courts routinely admit survey evidence in advertising and trademark cases to assist in claim interpretation and likelihood of consumer confusion analysis.

Despite this court’s holding, given prior case precedent, including both private party litigation and government action (Federal Trade Commission and State Attorneys General), our clients are well advised, before disseminating advertising with a slogan that may be interpreted to imply a verifiable claim, such as preference or superiority, to have a reasonable basis and substantiation for the claim, such as higher sales (in dollars or units), higher market share, superior results on taste tests, or the like.

To learn more about America’s Favorite Advertising Law Department, contact:
Cathy E. Shore-Sirotin, cshore@Lackenbach.com

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The Lemelson Submarine Has Been Torpedoed!

By Andrew Young

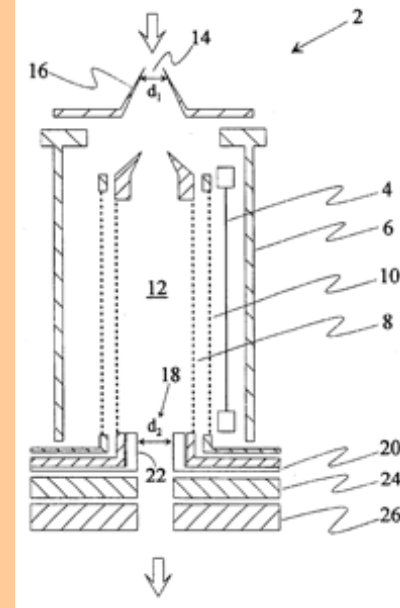
Jerome H. Lemelson (1923-1997) was a gifted inventor named on more than 500 patents covering a spectrum from toys to barcode scanning technology. Lemelson, at the time of his death, was estimated to be worth over two hundred million dollars. The basis for this wealth rests in large part on two patent applications filed in 1954 and 1956 for machine vision systems, but manipulated to delay issuance as patents for decades. As a result, the Lemelson patents are widely known as the best examples of “Submarine Patents.”

Submarine Patents are those patent applications intentionally prosecuted for long periods in secret by filing a series of “continuation” applications, to delay ultimate grant and add additional claims. While recent amendments to the Patent Act mandating patent application publication effectively ended the potential for submarine patents, there remain both existing patents having a “submarine-like” history and situations where prosecution may take many years.

“A bar code is an array of light and dark areas called bars and spaces which are arranged in sets of predefined patterns which, when put together in a particular sequence, encode information.”

*Symbol Technologies, 2004 WL
161331, *6.*

In Lemelson’s case, the initial filings in 1954 and 1956 were prosecuted in secret for 18 to 39 years, and



ELECTRON IONIZATION ION SOURCE

The invention provides an ion source, including an inlet port for introduction of a sample into the ion source; an outlet port through which an ion beam exits; an ionizer for ionizing the sample; an ion formation chamber confined by an ion cage, and at least one electrical shield for shielding the ion chamber from the penetration of electrical fields affecting the ions inside the chamber. What is claimed is: 1. An ion source, comprising: an inlet port for introduction of a sample into the ion source; an outlet port through which an ion beam exits; means for ionizing said sample; an ion formation chamber confined by an ion cage, and at least one electrical shield for shielding said ion chamber from the penetration of electrical fields affecting the ions inside said chamber. 2. The ion source as claimed in claim 1, wherein said inlet port is a molecular beam collimator... to 9 other claims of which you can check

blossomed into roughly 180 patents issued throughout the 1970-1994 time frame. Many are still pending, having claims often reading directly on existing bar code scanning technology manufactured and used by well-known corporations. The claims were amended over the years to follow the products of such companies as they were introduced.

During the late 1980's Lemelson threatened patent infringement suits against hundreds of companies, granted licenses under these patents and sued hundreds of others. Lemelson's basic strategy had been to avoid suit against the large "deep-pocket" multinational companies, and instead target smaller bar code end users which are less able to defend themselves, thus forcing monetary settlements.

Now finally the Lemelson strategy has seemingly been torpedoed. In January 2004, a Nevada court held invalid 14 of the roughly 185 patents held by Lemelson's company, ending a long series of successful litigations. The District Court found that Lemelson's 18 to 39 year delay prosecuting the asserted claims was unreasonable and unjustified (and therefore inequitable) and thus, the doctrine of prosecution laches attached. The court also noted that if the defense of prosecution laches does not apply for the Lemelson facts, the court could not envision any situation where the defense would apply. The patents were held unenforceable under the doctrine of prosecution laches, a seldom used equitable remedy recognized first by the Supreme Court over 150 years ago in *Kendall v. Winsor*, 62 U.S. 322 (1858). The essence of the doctrine is orchestrated delay.

While the Lemelson decision will no doubt be appealed, we learn:

> prosecution laches may exist where a patentee's conduct in securing his patents includes an unreasonable and unexpected delay in prosecution, even though the patentee complied with all pertinent statutes and rules; and

> prosecution laches may exist where the patentee's inequitable conduct causes the public as a whole (and the alleged infringer individually) to suffer prejudice as a result of the delay, thus delaying the benefit of the patentee's improvement in violation of public policy.

For more information, please contact: Andrew Young , ayoung@Lackebach.com

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Lackebach Siegel Helps Protect the Mouse

By Myron Greenspan

In a clear victory, Lackebach Siegel representing The Walt Disney Company, succeeded in obtaining unique Certificates of Correction that place the public on notice that certain third party design patents incorporated trademarks and copyrights of Disney in the patented designs. The design patents secured by someone else contained representations of Disney characters integrated in the products subject of the design patents, without the consent of Disney. Taking advantage of fairly recent rules changes, Lackebach Siegel was able to have such issued patents corrected to contain the following prominent notice:

our website for complete details.

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PATENT CORNER:

Notable, recent Patents secured by Lackebach Siegel

PAIR OF HAND TOOL GRIPS

Patent No.: D477,208

Assignee: Olympia Group, Inc. (USA)

PICO-CELL INDICATOR AND A METHOD FOR CELL REGISTRATION OF MOBILE TERMINAL BY USING THE PICO-CELL INDICATOR

Patent No.: 6,600,728

Assignee: Hyundai Electronics Industries Co., Ltd. (Korea)

RIGHT-ANGLED VALVE FOR FLUIDS WITH INCORPORATED FILTER

Patent No.: D478,965

Assignee: Valvulas Arco, S.A. (Spain)

PROJECTOR FOR USE IN PLANETARIUM

Patent No.: 6,623,126

Assignee: KabushiKigaisya Goto Kogaku Kenkyujo (Japan)

DISPOSABLE MECHANISM FOR TAKING OUT A FIXED AMOUNT OF FLUID AND SYSTEM FOR SUPPLYING A FIXED AMOUNT OF FLUID

Patent No.: 6,623,257

Assignee: Libra Techno Yugen Kaisha (Japan)

IMPORTANT NOTICE TO PUBLIC
The Subject matter depicted in this patent incorporates:

1. A trademark of The Walt Disney Company. Unauthorized sale or offer for sale of products incorporating such trademark may constitute trademark infringement, both prior or subsequent to the expiration of this patent, and may subject infringers to legal action; and/or
2. Copyrighted subject matter owned by The Walt Disney Company. Unauthorized copying of the copyrighted material, or manufacture or sale of products incorporating same may constitute copyright infringement, both prior or subsequent to the expiration of this patent, and may subject infringers to legal action.

Thus, although the USPTO may not yet have a uniform or set policy in protecting trademarks or copyrights of well known companies like Disney in third-party patents, these certificates give the public proper and fair notice to be aware that all that is shown in an expired design patent is not automatically in the public domain and cannot be copied with impunity.

For more information contact Myron Greenspan, mgreenspan@Lackebach.com

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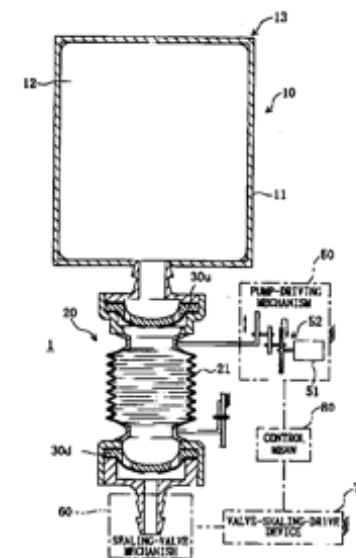
Lackebach Siegel is in the Top 2% of Patent & Trademark Firms...

Lackebach Siegel now provides electronic patent filing and other electronic filing services, resulting in reduced filing times and immediate access to status information.

Lackebach is part of the top 2% of U.S. patent law firms that provide electronic patent filing and immediate application status via the United States Patent and Trademark Office's Electronic Business Center (EBC) and our Private PAIR connection. Our first electronic patents were filed this spring, and we have expanded from there with the use of the PCT Easy filing software. These changes provide a wider and more adaptive range of patent services to our clients including:

< Grant of an official US serial number immediately upon filing;

< Revision of initial filing prior to publication enabling an effective public notice function and allowing immediate filing of foreign applications;



METHOD FOR OBTAINING 2-BROMO-5 (2-BROMO-2-NITROVINYL)-FURAN

Patent No.: 6,624,316

Assignee: Centro de Bioactivos Quimicos (Cuba)

LIGHT EMITTING DIODE DISPLAY SYSTEM

Patent No.: 6,677,918

Inventors: Yuji Yuhara; Hiroyuki Kodama et al (Japan)

SPINDLE MOTOR WITH TEMPERATURE COMPENSATION

Patent No.: 6,628,477

Assignee: Precision Motors Deutsche Minebea GmbH (Germany)

METHOD FOR DIGITAL CONTROL OF A UNIVERSAL MOTOR, IN PARTICULAR FOR ELECTRICAL HOUSEHOLD APPLIANCES

Patent No.: 6,633,149

- < Convenient submission of patent Information Disclosure Filings;
- < Immediate filing status links;
- < Electronic filing of extensive DNA and other mass-data filings; and
- < Same day patent assignment recordations.

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Andrew's Observations

Andrew Young, an attorney in Lackenbach Siegel's patent department, shares his observations:

Patents Cooperate with Trade Secrets

One often forgets that trade secrets are part of intellectual property; as are patents, trademarks, and copyrights. A trade secret is any information that can be used in the operation of a business or other enterprise, and that is sufficiently valuable and secret to afford an actual or potential economic advantage over others. Trade secrets are real and valuable property, and complement patents in well-managed intellectual property portfolios. The protection of confidential information dates at least to Roman law, which afforded relief against a person who induced another's employee to divulge secrets relating to the master's commercial affairs.

To determine if a commercial "secret" is worthy of trade secret protection consider:

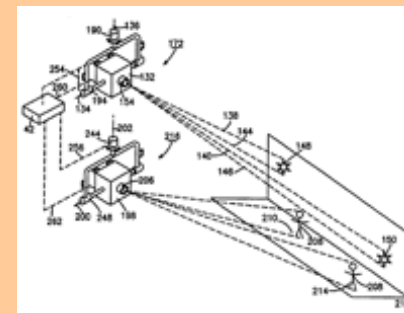
- >Is the technology capable of division for both patent protection and trade secret protection?
- >Is there a patentable product or process supporting a novel step where the true economy of scale for investment is achievable through employing processing or construction techniques undetectable in a finished product?
- >Is the corporate work force sufficiently trained to maintain a trade secret and ensure its value long-term?

Assignee: Crouzet Appliance Controls (France)

DIGITAL MICROMIRROR STAGE LIGHTING DEVICE

Patent No.: 6,671,005

Assignee: Altman Stage Lighting Company (USA)



WATCH FACE

Patent No.: D481,322

Inventor: Lois Hill (USA)

UMBILICAL CORD BLOOD COLLECTION BAG

Patent No.: D481,793

Assignee: Reliance Life Sciences Pvt. Ltd. (India)

VIDEO PROCESSING CIRCUIT FOR PROCESSING CHARACTER SIGNALS

Patent No.: 6,765,627

Assignee: Funai Electric Co., Ltd. (Japan)

HAND TOOL HANDLE

Patent No.: 6,647,629

Assignee: Hyde Manufacturing Company, Inc. (USA)

DOUBLE CURVED TILE AND METHOD AND SYSTEM FOR COVERING A ROOF THEREWITH

Patent No.: 6,658,870

>Is the corporate management motivated to create business plans and models protecting trade secrets while maximizing patent leverage?

>What is the horizon for return on the technology investment: is the business in a Lockean first-mover only environment where return on investment has a narrow time horizon; or a Schumpeter creative-destruction environment where carving out long-term niches opens opportunities for substantial capital investment and return?

Patents and trade secrets cooperate. For example, if competitors can design-around a patent within two-to-five years we recommend a spectrum of options, including the initial filing of an array of patent applications designed in view of likely trade secrets. As a consequence, upon the ending or devaluation of patent rights (via-design-around), trade secret protection remains to provide continued value.

If competitors cannot likely design around a patent, or the entry barriers to the market are sufficiently high, we recommend filing defensive broad patents to secure rights and employing defensive publications to prevent competitors from prohibiting a client's business expansion.

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Patent Terms Extensions

The patent term extension provisions of the Uruguay Round Agreements Act (URAA) and the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) each provide for the possibility of patent term extension or adjustment if the issuance of the patent was delayed due to review by the Board of Patent Appeals and Interferences ("Board") or by a Federal Court AND the patent was issued pursuant to or under a decision in the review "reversing an adverse determination of patentability."

The Patent Office has now recognized that when the Board "remands" noting the weakness of a final patent rejection, the Examiner often sua sponte decides to withdraw the rejection and allow the patent to issue rather than respond to the issues raised by the Board. Alternatively, the Examiner often withdraws the rejection and raises a new ground for rejection unrelated to the earlier appeal requiring further prosecution.

The new proposed Patent Office position is that if the Board remands for "a decision in the review reversing an adverse determination of patentability" then patent term adjustments may be available. Unfortunately, the USPTO allows patent term adjustments where the application is allowed both (a) without further amendment, and (b) after further action by the applicant (including the filing of a paper containing an argument, affidavit, an information disclosure statement, etc.).

Assignee: Gambale Srl (Italy)

AUTOMATIC ALTERNATING FRUIT FEEDER TO A CELL RECEIVER I QUINCUXES

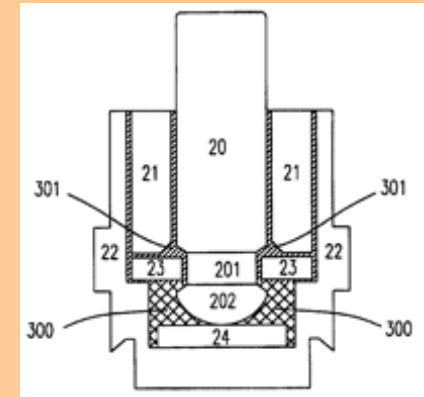
Patent No.: 6,691,857

Assignee: Food Machinery Espanola, S. A. (Spain)

LOCKING DEVICE AND ITS RELATED ASSEMBLAGE

Patent No.:6,695,481

Assignee: Delta Electronics (Taiwan)



GEOGRAPHICALLY DIVERSE CLOSED CAPTIONED NEWS TEXT DATABASE

Patent No.: 6,710,812

Assignee: Medialink Worldwide, Inc. (USA)

METHOD FOR INK JET PRINTING A DIGITAL IMAGE ON A TEXTILE, THE SYSTEM AND APPARATUS FOR PRACTICING THE METHOD, AND PRODUCTS PRODUCED BY THE SYSTEM AND APPARATUS USING THE METHOD

Patent No.: 6,736,485

Assignee: SuperSample (USA)

Global Treatment of Software Patents

Software covering very basic logic programming techniques, like Amazon.com's "One-Click Shopping," is patentable subject matter in the U.S. Within recent years, Japan has made important and well-considered strides towards allowing patents for programming techniques and other complex software methods. Japan's computer method patent policies continue to evolve recognizing most sophisticated software programs.

In an effort to harmonize Europe's patent system, the European Council recently approved changes to the European Union's Software Patents Directive. The Directive was developed to harmonize Europe's patent system based on "best practices," but critics including software developers have argued that the version developed by the European Parliament's judicial affairs committee was fatally flawed. The new "counsel-approved" legislation outlaws patenting simple algorithms or business logic (one-click) patents as well as "inventions involving computer programs which implement business, mathematical or other methods and do not produce any technical effect beyond the normal physical interactions between a program and the computer, network or other programmable apparatus..." As a consequence, all other types of software or computer technology would be protected. The European Parliament which will have another opportunity to vote this autumn.

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Long Term Benefits From Revising Foreign-Language Claims And Specifications

Recent decisions, including Festo IX and Honeywell Int'l Inc. v. Hamilton Sunstrand Corp., modified claim interpretation and expanded prosecution history estoppel during litigation based upon the claims as originally filed. There are clear benefits, therefore, to making a complete revision of the claims before filing a U.S. counterpart to a foreign filed patent application (and often the specification) to match U.S. examination formalities, and place the claims in a position to reap the full benefits of U.S. claim language practices, without creating an estoppel trail when making later prosecution amendments.

For example, the CAFC held that merely rewriting dependent claims into independent form, coupled with the cancellation of the original independent claims creates a presumption of prosecution history estoppel. It makes no difference that the scope of the rewritten claim is unchanged as long as the subject matter claimed in the independent claim was narrowed to secure allowance.

CONTAINING THEM

Patent No.: 6,765,091

Assignee: Universidad de la Habana
(Cuba)

University of Ottawa (Canada)

UNIVERSAL CONTAINER FOR CHEMICAL TRANSPORTATION

Patent No.: 6,672,486

Assignee: PVC Container Corporation
(USA)

METHOD FOR ASSEMBLING SHEET METALS AND RIGID STRUCTURE OBTAINED BY SAID METHOD

Patent No.: 6,712,259

Assignee: Armor Inox (France)

ADJUSTABLE WEIGHT BALLASTS FOR WEIGHING DOWN DIFFERENTLY SIZED BALLOONS

Patent No. 6,666,405

Inventor: Michael Isaacs (U.S.A.)

PAPER FEEDER

Patent No.: 6,644,656

Assignee: Funai Electric Co., Ltd.
(Japan)

COMPOSITION FOR STIMULATING THE SYNTHESIS OF THE MELANIC PIGMENT AND PROCESS FOR OBTAINING IT

Patent No.: 6,660,305

Assignee: Centro do Histoterapia
Placentaria (Cuba)

APPARATUS AND METHOD FOR IMAGE-COMPRESSION ENCODING AND DECODING USING ADAPTIVE TRANSFORM

Following a pre-filing claim amendment practice provides a foreign applicant with the most efficient use of budget; and despite slightly higher initial filing fees, lower ultimate prosecution costs and broadened protection.

Since Japan is a “first to file” system, Japanese patent applications often disclose a broad range of novel subject matter but the claims are closely drawn to only one aspect of the disclosure. A direct US filing without pre-filing amendment of the claims often results in narrow claims and dedication of the remaining novel disclosure to the public.

For more information regarding these topics, please contact: Andrew Young, ayoung@Lackenbach.com

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TRADEMARK CORNER:

Notable, recent Trademarks secured by Lackenbach Siegel

VIRTUARIUM and Design

Registrant:
Kabushikigaisya Gogo Kogaku Kenkyujyo
(Japan Corp.)

NICKELS DELI GRILLADE and Design

Registrant:
Nickels Restaurants, Inc.
(Canada Corp.)



MONDIAL SERVICE and Design

Registrant:
Mondial Assistance (France Corporation)

ALFREDO'S GALLERY ALLA SCROFA ROMA and Design

Registrant:
Mozzetti, Mario (Italy Citizen)



CHRONOS

Registrant:
Kabushikigaisya Goto Koqaku Kenkyujyo
(Japan Corp.)

RADIO LAB

Registrant:
WNYC Radio (NY Corp.)

KUSHITANI HAMAMATSU and Design

Registrant:

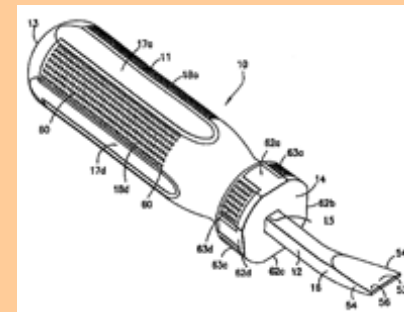
Patent No.: 6,674,910
Assignee: Hyundai Electronics Industries Co., Ltd. (Korea)

METHOD AND DEVICE FOR THE RAPID CLINICAL DIAGNOSIS OF HEPATITIS B VIRUS (HBV) INFECTION IN BIOLOGICAL SAMPLES

Patent No.: 6,682,884
Inventors: Vijay Sharma; Venkata Ramana Kondiboyina (India)

PRY BAR HANDLE

Patent No.: 6,772,994
Assignee: Mayhew Tool Products (USA)



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TURBO GRIP

Registrant:
Olympia Group, Inc.
(CA Corp.)

HUAWEI

Registrant:
Shenzhen Huawei Tech. Co., Ltd. (China Corp.)

ROTTEN RALPH

Registrant:
Italtoons Corporation
(NY Corp.)

G (Stylized)

Registrant:
Gimar, S.L. (Spain Limited Liability Company)

O-TOWN RECORDS INCORPORATED and Design

Registrant:
Trans Continental Records, Inc.
(FL Corp.)



N.Y.P.D.

Registrant:
New York Pizzeria Delicatessen, Inc. (FL Corp.)

QIORA (Stylized)

Registrant:

Kushitani Company, Ltd. (Japan Corp.)

SAN FERNANDO

Registrant:
Vitivinicola Los Reyes Ltda.
(Chile Corp.)

PEEL PUB

Registrant:
Peel Pub Canada Inc.
(CFX Corp.)

ACQUA DI POSITANO

Registrant:
Le Sirenuse S.p.A.
(Italy Corp.)

PROSHIELD

Registrant:
Hyde Manufacturing Company (MA Corp.)

SANI-SAFE (Stylized)

Registrant:
Dexter-Russell, Inc.
(MA Corp.)

PLAST WOOD

Registrant:
Plast Wood S.R.L.
(Italy Corp.)

PROFESSIONAL SECURITY and Design

Registrant:
Professional Security Bureau, Ltd. (NY Corp.)

HYUNDAI PLUS

Registrant:
Hyundai Motor Finance
(CA Corp.)

BOUNCE BULB and Design

Registrant:
Central Tools, Inc.
(RI Corp.)

MISCELLANEOUS DESIGN

Shiseido Company, Ltd.
(Japan Corp.)

OLIGRA and Design

Registrant:
Oligra USA Inc. (CA Corp.)

AJINOMOTO (Stylized)

Registrant:
Ajinomoto Co., Inc.
(Japan Corp.)

R and Design

Registrant: K.C.P.L., Inc.
(DE Corp.)



TANQUERO

Registrant:
Finca Flichman S.A.
(Argentina Corp.)

AKROS and Design

Registrant:
Banca Akros S.p.A. (Italy Joint Stock Co.)

CANDIE'S

Registrant:
IP Holdings LLC
(DE Corp.)

OHONE

Registrant: Ohone Inc.
(Canada Corp.)

ULTRABAG (Stylized)

Registrant:

Registrant:
Tomy Incorporated
(Japan Corp.)

D PROGRAM FOR SENSITIVE SKIN (Stylized)

Registrant:
Shiseido Company, Ltd.
(Japan Corp.)



CONNEXIONS and Design

Registrant:
Elhen, Robert
(Canada Citizen)

THIRTEEN DESIGNS

Registrant:
Komatsushiro, Norishige (Japan Citizen)

BONGO

Registrant:
IP Holdings LLC
(DE Corp.)

MISCELLANEOUS DESIGN

Registrant:
Corporate Suites, LLC
(DE Corp.)

KEMYX (Stylized)

Registrant:

Gimar, S.A.
(Spain Corp.)

GYM SOURCE and Design

Registrant:
Gym Source, Inc., The
(NY Corp.)



COLECCION ROMANIA

Registrant:
Sonia, S.A. (Spain Corp.)

A and Design

Registrant:
Aerogroup International, Inc., (NJ Corp.)

DIANE VON FURSTENBERG

Registrant:
Diane Von Furstenberg Studio (DE Corp.)

FINGERTURE

Registrant:
Cryptometrics, Inc., (NY Corp.)

LE SIRENUSE ALLERGO DI POSITANO and Design

Registrant:
Le Sirenuse S.p.A.
(Italy Corp.)

Kemyx SPA
(Italy Corp.)

EQ (Stylized)

Registrant:
Agricola Hacienda Canteras Limitada (Chile
Corp.)

CHIPPENDALES

Registrant:
Chippendales USA, LLC
(DE Corp.)

AMALGAMATEDONLINE

Registrant:
Amalgamated Bank (NY Corp.)

RPP

Registrant:
Kanebo Kabushiki Kaisha
(Kanebo, Ltd.) (Japan Joint Stock Company)

GOUR NAVI

Registrant:
Gourmet Navigator Incorporated (Japan Corp.)

DIGIVOGUE (Stylized)

Registrant:
Digivogue Tech Co., Ltd. (Taiwan Corp.)

MAX and Design

Registrant:
Max Co., Ltd.
(Japan Joint Stock Company)

R and Design

Registrant:
K.C.P.L., Inc. (DE Corp.)

FORDHOOK

Registrant:
W. Atlee Burpee Company
(PA Corp.)

WILSON and Design

Registrant: Hyde Tools, Inc. d/b/a/ Wilson
Machine Knife



(MA Corp.)



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OLIVE'S and Design

Registrant:

Tango Chix Productions, Inc., d/b/a Olive's
Restaurant
(NY Corp.)

NEXTREAM and Design

Registrant: Nextream France
(France Corp.)



SHISEIDO (Stylized)

Registrant: Shiseido Company, Ltd. (Japan
Corp.)

TROPICAL PROVISION

Registrant: Mauna Loa Macadamia Nut
Corporation (HI Corp.)

SAS (Stylized)

Registrant: Sociedad Anonima Sanpere
(Spain Corp.)

PARA SIEMPRE

Registrant:

Everlast World's Boxing Headquarters
Corporation (NY Corp.)

BIO DELICE and Design

Registrant: Vitamont (Societe Anonyme)
(France Corp.)



POWER STICK

Registrant: A.P. Deauville, LLC (NJ
Limited Liability Company)

FOREIGN TRADEMARK DEVELOPMENTS

By Rosemarie B. Tofano

European Union– As of July 2004 a new Customs regulation enters into effect preventing the entry of suspected infringing goods into the 25 member countries. The trademark owner may initiate the request or Customs can proceed itself, and no bond is required.

Madrid Protocol / CTM– As of October 1, 2004 it will be possible to file an International Registration application using the Madrid Protocol and designate the European Union (CTM). And a CTM applicant (or registrant) may likewise rely upon such for filing a Madrid Protocol application.

China– On April 21, 2004 China pledged to implement criminal sanctions and severe civil remedies to fight infringements. Customs enforcements are to be increased and China promises to soon implement WIPO's Internet Treaties.

India– A new trademark act is now in force providing for service marks, protection for

colors, shapes and packaging. Well-known trademarks (even if not registered in India) will now be recognized and will prevent registration of confusingly similar marks. Multi-class applications are now possible and a 10-year term is provided.

Thailand- The Customs Service itself will now take action against counterfeit goods. A new Investigation and Suppression of Intellectual Property Violations Division was set up to battle counterfeit products. It is now possible to register trademarks with Customs.

Singapore- A new July 2004 Trademark Act provides for protection of sounds, smells and other contemporary designations of origin. Well-known marks may now include marks not registered in Singapore and an exhaustive list of criteria has been provided to determine if a mark is well-known in this jurisdiction.

Canada- A May 2004 court decision clarified that marks attacked for non-use need only prove use by clear evidence of a single use – not requiring the expense of proving substantially all uses. The court indicated that evidence can be supported by “reasonable inferences” and “less than perfect affidavits” are acceptable.

Contact: Rosemarie Tofano, (rtofano@Lackebach.com) for more information.

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Managing Partner, Lackebach Siegel, LLP

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