

Attorney Docket: 201990.06090

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Kaliburn, Inc.)	
)	
Serial No.:	85/805,437)	Trademark Law Office: 105
)	
Filed:	December 12, 2012)	Examiner: Lee-Anne Berns
)	
Mark:	ENDURA)	
)	

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

DECLARATION OF JACKIE WINN

The undersigned, being hereby warned that willful false statement and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that such willful false statement may jeopardize the validity of this application or any resulting registration, declares:

1. I am the manager of R&D Engineering for Burny Kaliburn, a Lincoln Electric Company and have knowledge of the following facts.
2. The Applicant obtained an assignment of all of the trademarks owned by Kaliburn including the applied for ENDURA mark and the goodwill associated therewith as part of an assignment recorded with the United States Patent Office at Reel/Frame 5010/0222
3. The Applicant and its predecessor have used the trademark ENDURA before Select-Arc began using its ENDURANCE mark in August 2009.
4. To the best of my knowledge, during the period from August 2009 through the present, there have been no instances of actual confusion between the ENDURA mark and the ENDURANCE mark.
5. A true and accurate copy of a sales sheet from 2003 is attached as Exhibit A.

6. Exhibit A is a representative example of one use of the ENDURA trademark in connection with the plasma cutting electrodes.
7. Exhibit B is a true and accurate copy of a product label showing another representative use of the ENDURA trademark in connection with plasma cutting electrodes.

Signature: Jackie Winn
JACKIE WINN

Date: 9/25/2013

EXHIBIT A

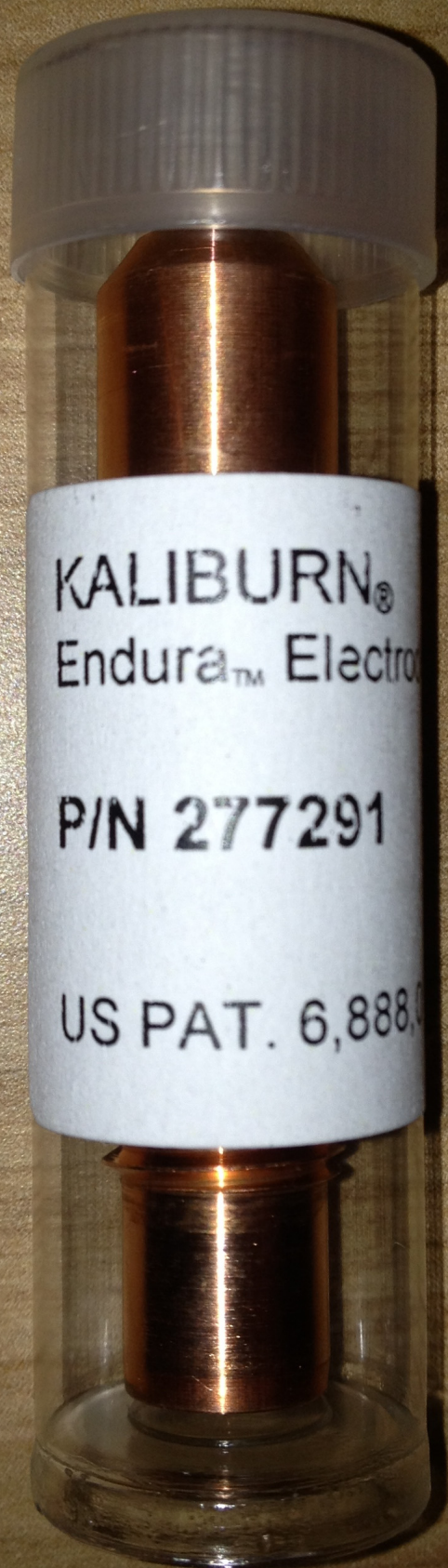
OEM Pricing

December 2003

FineLine FL-200PC Torch Consumable Parts – Page 1

<u>Part No.</u>	<u>Description</u>	<u>List Price</u>	<u>OEM Price</u>
200213	Endura™ Electrode – 30 Amp Mild Steel 30 Amp Aluminum	\$15.00	\$10.50
200238	Endura™ Electrode – 30/50 Amp Stainless (Air)	\$15.00	\$10.50
200214	Endura™ Electrode – 50/70 Amp Mild Steel 50/70 Amp Aluminum 70 Amp Stainless Steel (Air)	\$15.00	\$10.50
200215	Endura™ Electrode – 100 Amp Mild Steel 100 Amp Stainless (Air) 100 Amp Aluminum	\$15.00	\$10.50
202115 <i>was 200216</i>	Endura™ Electrode – 200 Amp Mild Steel 200 Amp Stainless (Air) 200 Amp Aluminum	\$15.00	\$10.50
202111 <i>was 200248</i>	Endura™ Electrode – 200 Amp Stainless (H ₂)	\$15.00	\$10.50
200290	Endura™ Electrode – Plasma Marking	\$15.00	\$10.50
202120	Endura™ Electrode – 70 Amp Stainless Steel (H ₂)	\$15.00	\$10.50
202121	Endura™ Electrode – 100 Amp Stainless (H ₂)	\$15.00	\$10.50
200222	Nozzle – 30 Amp Mild Steel 30 Amp Aluminum Plasma Marking	\$13.00	\$9.10
200228	Nozzle – 30 Amp Stainless Steel (Air)	\$13.00	\$9.10
200223	Nozzle – 50 Amp Mild Steel 50 Amp Aluminum	\$13.00	\$9.10
200229	Nozzle – 50 Amp Stainless Steel (Air)	\$13.00	\$9.10
200224	Nozzle – 70 Amp Mild Steel	\$13.00	\$9.10
200240	Nozzle – 70 Amp Stainless Steel (Air) 70 Amp Aluminum	\$13.00	\$9.10

EXHIBIT B



KALIBURN®
Endura™ Electro

P/N 277291

US PAT. 6,888,000