

03-30-2005

U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Docket No. Brook.1050 (33964/1340)

To the Honorable Commissioner of



Original documents or copy thereof.

1. Name of conveying party(ies):

102969213

Name of receiving party(ies)

Kenneth David Harris, Jr., Baird M. Little and
Stephen R. Lyman

Name: Brookstone Purchasing, Inc.

Street Address: 17 Riverside Street

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

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

City: Nashua State: NH Zip: 03062

Country: U.S.A. Postal Code:

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date(s):

1st Inventor: 8/9/20042nd Inventor: 8/9/20043rd Inventor: 8/9/2004

4. Application number(s) or patent number(s);

If this document is being filed together with a new application, the filing date of the application is:

A. Patent Application No.(s) 29/207,025

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Attorney Name: Gunnar G. Leinberg, Esq

Firm Name: Nixon Peabody LLP

Internal Address:

Street Address: Clinton Square, P.O. Box 31051

City: Rochester State: NY Zip: 14603-1051

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

14-1138

(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.

Gunnar G. Leinberg

Name of Person Signing

Registration No. 35,584

Signature

Date

Total number of pages including cover sheet, attachments, and documents:

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Assignment Recordation Services, Director of the United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____

March 23, 2005

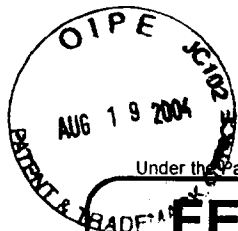
Date

Patricia Knisley

Signature

Patricia Knisley

Typed or printed name



08-25-2004



102820647

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
id Trademark Office; U.S. DEPARTMENT OF COMMERCE
f information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 170

Complete if Known

| | |
|----------------------|-------------------------|
| Application Number | 29/207,025 |
| Filing Date | June 8, 2004 |
| First Named Inventor | Harris |
| Examiner Name | TBD |
| Art Unit | 2913 |
| Attorney Docket No. | Brook.1050 (33964/1340) |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-3205

Brookstone Company, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$ 0 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | -20** = | X | |
| Independent Claims | -3** = | X | |
| Multiple Dependent | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------------------------------------------|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | (\$ 0 |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|----------------------------------------------------------------------------|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 130 |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | 40 |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 170

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|-----------------|-----------------------------------|-----------------|-----------|--------------|
| Name (Print/Type) | Andrea L. Hirst | Registration No. (Attorney/Agent) | 55,269 | Telephone | 603 577-8274 |
| Signature | Andrea L. Hirst | Date | August 13, 2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
REEL: 016396 FRAME: 0102

ASSIGNMENT


WHEREAS, We, **Kenneth David Harris, Jr.**, a citizen of the United States of America, residing at **77 Richardson Road, Hollis, New Hampshire 03049**, **Baird M. Little**, a citizen of the United States of America, residing at **2 Delta Drive, Nashua, New Hampshire 03060**, and **Stephen R. Lyman**, a citizen of the United States of America, residing at **3 Jump Lane, Hudson, New Hampshire 03051** have invented certain new and useful improvements in **HEADPHONES** for which we have executed an application for Letters Patent in the United States, filed as U. S. Serial No. **29/207,025** on **June 8, 2004**;

AND WHEREAS, **Brookstone Purchasing, Inc.**, a New Hampshire corporation, with its principal place of business at **17 Riverside Street, Nashua, New Hampshire 03062**, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

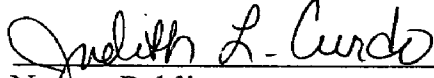
AND WE HEREBY covenant and agree that we will communicate to the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9 day
of Aug, 2004.

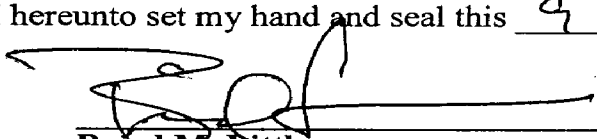

Kenneth David Harris, Jr.

STATE OF NH
COUNTY OF Hillsborough SS:

This 9th day of Aug, 2004, before me personally came the
above-named **Kenneth David Harris, Jr.**, to me personally known as the individual who
executed the same of his/her own free will for the purposes therein set forth.



Notary Public
Commission expires on _____
JUDITH L. CURDO, Justice of the Peace
My Commission Expires October 27, 2004

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9 day
of August, 2004.


Baird M. Little

STATE OF NH
COUNTY OF Hillsborough SS:

This 9th day of Aug, 2004, before me personally came the
above-named **Baird M. Little**, to me personally known as the individual who executed the
same of his/her own free will for the purposes therein set forth.



Notary Public
Commission expires on _____
JUDITH L. CURDO, Justice of the Peace
My Commission Expires October 27, 2004

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9th day
of August, 2004.


Stephen R. Lyman

STATE OF NH
COUNTY OF Hillsborough SS:

This 9th day of Aug, 2004 before me personally came the
above-named **Stephen R. Lyman**, to me personally known as the individual who executed
the same of his/her own free will for the purposes therein set forth.


Notary Public
Commission expires on _____

JUDITH L. CURDO, Justice of the Peace
My Commission Expires October 27, 2004