

**Exhibit B**  
**to**  
**Counterclaim of Hokie Real Estate, Inc.**

Fraudulent Application for Trademark Registration  
Falsely Claiming 1896 Date of First Use of the Term HOKIES

TRADEMARK  
Corporation  
2648-104T

APPLICATION FOR TRADEMARK REGISTRATION

Mark: HOKIES

Intl. Cl.: 14; 16; 18; 21; and 25

To the Assistant Secretary and Commissioner of Patents and Trademarks:

Virginia Polytechnic Institute and State University, a Virginia state agency, having a principal place of business at 324 Burruss Hall, Blacksburg, Virginia 24061, hereby declares as follows:

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

precious metals and jewelry including gold pins, gold earrings, tie tacs, charms, rings; watches and clocks in Intl. Cl. 14

paper articles including writing paper, decals, notebooks, bumper stickers, calendars, and pens in Intl. Cl. 16

leather and imitations including portfolio covers, brief cases; travel bags, back packs, wallets, and umbrellas in Intl. Cl. 18

drinking glasses, mugs, plastic cups, beverage can holders, and waste baskets in Intl. Cl. 21

clothing including shirts, pants, shorts, ties, hats, baby bibs, shoes, and jackets in Intl. Cl. 25

Date of first use of the mark anywhere in Intl. Cl. 14:  
at least as early as July 1982

Date of first use of the mark in commerce which the U.S. Congress may regulate in Intl. Cl. 14: at least as early as July 1982

Date of first use of the mark anywhere in Intl. Cl. 16: at least as early as November 11, 1896

Date of first use of the mark in commerce which the U.S. Congress may regulate in Intl. Cl. 16: at least as early as November 11, 1896

Date of first use of the mark anywhere in Intl. Cl. 18:  
at least as early as July 1982

Date of first use of the mark in commerce which the U.S. Congress may regulate in Intl. Cl. 18: at least as early as July 1982

Date of first use of the mark anywhere in Intl. Cl. 21: at least as early as June 17, 1971

Date of first use of the mark in commerce which the U.S. Congress may regulate in Intl. Cl. 21: at least as early as June 17, 1971

1/3 1225/36

Date of first use of the mark anywhere in Intl. Cl. 25: at least as early as August 7, 1973

Date of first use of the mark in commerce which the U.S. Congress may regulate in Intl. Cl. 25: at least as early as August 7, 1973

Specify the type of commerce: interstate commerce

The mark is used by applying it to the goods, cartons and containers for the goods, labels, tags, stickers, or plates affixed to the goods, displays associated with the goods or any other suitable manner.

#### POWER OF ATTORNEY

Applicant hereby appoints the following attorneys, with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration:

Raymond C. Stewart (Reg. No. 21,066)  
Joseph A. Kolasch (Reg. No. 22,463)  
Terrell C. Birch (Reg. No. 19,382)  
Anthony L. Birch (Reg. No. 26,122)  
James M. Slattery (Reg. No. 28,380)  
Charles Gorenstein (Reg. No. 29,271)  
Terry L. Clark (Reg. No. 32,644)  
Robert J. Kenney

Send correspondence to: BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703)205-8000

#### DECLARATION

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 I am properly authorized to execute this application on behalf of the applicant; I believe the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), I believe the applicant to be entitled to use such mark in commerce; to the best of my 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 of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

11-1-96  
(Date)

Ann Spencer  
(Signature)

Ann Spencer, Associate Vice President  
for Administrative Services and  
Personnel