

Exhibit E
to
Counterclaim of Hokie Real Estate, Inc.

Fraudulent 2005 Declaration for Renewal of HOKIES Registration
Falsely Claiming Continued Use of the term HOKIES on All Goods
Identified in Registration

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION OF USE AND INCONTESTABILITY
UNDER SECTIONS 8 AND 15

Reg. No.: 2,351,364
Mark: HOKIES
Class: Intl. Classes 014, 016, 018, 021 and 025

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
(State Agency of the Commonwealth of Virginia)

06/21/2005 TMCCANTS 00000024 2351364

210 Burruss Hall
Blacksburg, VA 24061-0229

01 FC:6205 500.00 OP
02 FC:6208 1000.00 OP

The above-identified Registrant declares that it owns Reg. No. 2,351,364, issued May 23, 2000, as shown by records in the Patent and Trademark Office; that trademark shown therein has been in continuous use in interstate commerce for five consecutive years from May 23, 2000 to the present on all of the goods listed in the registration, namely:

Precious metals, jewelry, namely, gold pins, gold earrings, tie tacks; charms and rings, watches and clocks in International Class 014;

Paper articles, namely, writing paper, folders, note pads, stationery, looseleaf binders, decals, bumper stickers, note books, calendars, post cards, posters and pens in International Class 016;

Leather and imitation leather goods, namely, brief case type portfolio covers and brief cases, travel bags, backpacks, wallets and umbrellas in International Class 018;

Drinking glasses, mugs, plastic cups, insulating sleeve holders for beverage cans and waste paper baskets in International Class 021; and

Clothing, namely, t-shirts, sport shirts, sweat pants, shorts, sweat shirts, sweaters, jerseys, pants, ties, baby bibs, caps, hats, shoes, jackets and bath robes in International Class 025

that the mark is still in use in interstate commerce as evidenced by the attached specimens showing the mark as currently used by Registrant on representative goods in each of Classes 014, 016, 018, 021 and 025; that there has been no final decision adverse to Registrant's claim of ownership of said mark, to its right to register the same, or to maintain it on the Register; that there is no proceeding involving any of said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts; that all statements made herein are true and that all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this registration or any document pertaining thereto.

POWER OF ATTORNEY

Registrant hereby appoints Warren E. Olsen, Edward E. Vassallo, Ronald A. Clayton, Pasquale A. Razzano, Nina Shreve, Leslie K. Mitchell, Thomas J. O'Connell, Steven E. Warner, Timothy J. Kelly, Brian L. Klock, Edmund J. Haughey III, James M. Gibson, Stephen E. Belisle, Tila M. Duhaine, Patricia L. Werner and Jeffrey M. Connor, each a member of the Bars of New York or the District of Columbia, as our attorneys with full power of substitution, to prosecute this registration and to receive all correspondence related to this registration.

All written communications should be directed as follows:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza, 38th Floor
New York, New York 10112-3801


Atty. Docket No.: 03022.0000T1
Reg. No. 2,351,364

All telephone inquiries should be directed as follows:

Attorney Docket No.: **03022.0000T1**
Warren E. Olsen (Reg. No. 27,290)
202-530-1010

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By: 
Lawrence G. Hincker,
Its: Associate Vice President

Date: June 01, 2005

Attachment: 5 Specimens of use; 1 in each of Classes 014, 016, 018, 021 and 025
\$1500.00 check