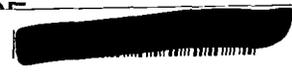


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



04-03-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #73

In Re: Application of United)
Coatings Manufacturing Company)
Serial No. 76/233,386)
Filing date: March 30, 2001)
Trademark: ROOF MATE)
Law Office 115)
TM Attorney: Jeffrey S. DeFord)

REPLY BRIEF OF APPLICANT

INTRODUCTION

Applicant, United Coatings, hereby replies to the examiner's Appeal Brief, respectfully requests the Trademark Trial and Appeal Board to reverse the examiner's final decision.

REPLY TO ARGUMENT

First of all, with respect to the disclaimer requirement, Applicant will agree to the disclaimer of "ROOF" when the application is allowed.

The Applicant's application declares that the mark has been used on the goods since at least as early as 1983. It is therefore not controverted that there has been over

18 years of use by the applicant, and from the office records, even longer use by multinational company, Dow Chemical.

To reiterate what seems to have been ignored, there is no speculation of whether there might possibly be a likelihood of confusion in this case, whether by channels of trade, differences in the goods, or any other factor, because of the longstanding ***eighteen years of concurrent use***.

CONCLUSION

For the reasons set forth above, Applicant submits there is no likelihood of confusion, mistake or deception between Appellant's mark and the prior cited registration. Accordingly, Appellant's mark is entitled to registration and the Board is therefore respectfully requested to reverse the examiner's final decision refusing registration of the Appellant's mark.

Respectfully submitted,

4-3-03
Date



Mark W. Hendricksen
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TTAB

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IN THE UNITED STATES PATENT AND TRADEMARK O

04-03-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #73

Trademark Application Serial No.
 Filing Date March 30, 2001
 Applicant United Coatings
 Law Office 115
 Trademark Attorney Jeffrey S. DeFord
 Attorney's Docket No. UN1-123
 Mark: ROOF MATE

TRANSMITTAL LETTER

To: Box TTAB
 Assistant Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, VA 22202-3513

From: Wells St. John P.S.
 601 W. First Avenue, Suite 1300
 Spokane, WA 99201-3828
 Telephone: (509) 624-4276
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Enclosed are:

1. Return Postcard Receipt
2. Transmittal Letter
3. Reply Brief of Applicant

Deposit Account Authorization - The Commissioner is hereby authorized to charge payment of any applicable fees to Deposit Account No. 23-0925.

Date: 4-3-03

By: *Mark W. Hendricksen*
 Attorney for Applicant
 Mark W. Hendricksen
 Reg. No. 32,356

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