



**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

TTAB

APPLICANT'S APPEAL BRIEF

Trademark Trial and Appeal Board
Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicant submits this Appeal Brief in support of its appeal of the Examining Attorney's Final Refusal of application Serial No. 78/389,392. Supporting exhibits are attached hereto as Appendix pages 1-71. A Table of Contents and a Table of Authorities are provided.

Applicant respectfully requests that the Board reverse the Final Refusal in light of the evidence and arguments herein.

Respectfully submitted,

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04-13-2006

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Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicant submits the following remarks in support of its appeal from the Final Refusal of the Examining Attorney.

A Final Office Action was sent via email on August 31, 2005, wherein the Examining Attorney asserted that Applicant's mark so resembles the mark shown in Registration No. 2,651,882 ("the '882 registration") as to be likely to cause confusion. Applicant respectfully disagrees, and requests that the Board reverse the refusal.

Likelihood of confusion under the Lanham Act, 15 U.S.C. § 1052(d), is a legal determination based upon factual underpinnings. *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1084 (Fed. Cir. 2000). The question is determined on a case-specific basis, applying the thirteen factors set forth in *In re E. I. DuPont de Nemours & Co.*, 476

F.2d 1357, 1361 (C. C.P.A. 1973), without deference. *In re Int'l Flavors & Fragrances, Inc.*, 183 F.3d 1361, 1365 (Fed. Cir. 1999). At the same time, the Federal Circuit reviews factual underpinnings for that legal conclusion, namely the *DuPont* factors, for substantial evidence. *Dickinson v. Zurko*, 527 U.S. 150, 156, 119 S. Ct. 1816 (1999). Evidence is substantial if "a reasonable person might find that the evidentiary record supports the agency's conclusion." *On-Line Careline*, 229 F.3d at 1085.

Factors to be considered when testing for likelihood of confusion include: (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound connotation and commercial impression; (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) The similarity or dissimilarity of established, likely-to-continue trade channels; (4) The conditions under which and buyers to whom sales are made, i.e. 'impulse' vs. careful, sophisticated purchasing; (5) The fame of the prior mark (sales, advertising, length of use); (6) The number and nature of similar marks in use on similar goods; (7) The nature and extent of any actual confusion; (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion; (9) The variety of goods on which a mark is or is not used (house mark, 'family' mark, product mark); (10) The market interface between applicant and the owner of a prior mark; (11) The extent to which applicant has a right to exclude others from use of its mark on its goods; (12) The extent of potential confusion, i.e., whether *de minimis* or substantial; and (13) any other established fact probative of the effect of use. *In re E. I. DuPont*, 476 F.2d at 1361.

Each of the factors is discussed below:

1) The similarity or dissimilarity of the marks in their entirety as to appearance, sound connotation and commercial impression

A determination of similarity or dissimilarity under *DuPont* requires an examination of the marks in their entirety; the Board must consider all relevant factors pertaining to the marks' appearance, sound, and connotation. *See Dupont*, 476 F.2d at 1361.

Applicant seeks to register the mark CAVALIER. Although the marks are the same, a determination of likelihood of confusion does not rest on this factor alone. None of the other factors, discussed below, support the Examiner's conclusion, and therefore Applicant respectfully requests reversal of the refusal.

2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use

Applicant seeks to register the mark CAVALIER for non-metal doors made from wood composite and solid wood components in Class 19. By contrast, the goods listed in the '882 registration only include "non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings." Applicant's goods are used as entry doors, such as residential entry doors. The identification of goods in the present application does not include non-metallic railings, guardrails, handrails or banisters used on or in buildings. Indeed, the goods of the present application do not include any type of railings, guardrails, or banisters.

Railings, guardrails, handrails and banisters are used along walkways and stairs. The owner of the '882 registration, American Vinyl Concepts, Inc. d/b/a Avcon Corp. (hereafter "Avcon"), markets thermoplastic railings for use on commercial buildings under the name "Cavalier Railings", as shown on Avcon's website at

www.avconrail.com. See Exhibit A at Appendix pgs. 3-5. The mark is specifically used in association with railings. *Id.* By contrast, Applicant's mark is used in association with nonmetal entry doors, as provided in its identification of goods. Obviously, railings, guardrails, handrails and banisters are quite different from doors, and used for entirely different applications. A consumer would not confuse a railing for a door. Nor are railings and doors likely to be substituted for each other.

As such, Applicant submits that the goods listed in the present application and the goods listed in the '882 registration are quite different. This factor therefore weighs in Applicant's favor.

3) The similarity or dissimilarity of established, likely-to-continue trade channels

Applicant's goods are sold at various building and home centers, such as Home Depot. Avcon does not sell its products through stores such as Home Depot. According to Avcon's website, consumers buy its products directly from the manufacturer. Exhibit A at Appendix p. 7. The website includes a questionnaire, which potential customers may fill out and send to Avcon via email. The questionnaire asks if the consumer would like to be contacted by an Avcon salesman. *Id.* at Appendix pgs. 9-10.

In order to purchase Avcon's goods (including their Cavailer Railing system), a consumer must specifically contact Avcon for information or to be contacted by a salesman. In fact, the website indicates that in order to get a quote for a particular application, a consumer must provide Avcon with the desired style, color, method of mounting and dimensions. The dimensions are determined from blueprints or drawings supplied by the customer. *Id.* at Appendix p. 7.

By contrast, Applicant's nonmetal doors marketed under its CAVALIER mark are stocked 'on the shelves' at Home Depot and other building and home centers.

Dimensions, colors and other properties about the doors are not only marketed on the packaging, but visible to any consumer. One seeking to purchase Applicant's doors under its CAVALIER mark would not confront Avcon's railings. While Applicant recognizes that there is no restriction in the registration about trade channels, commercial reality establishes how the registrant distributes its products to consumers. As such, the trade channels through which Applicant and Avcon market their goods are quite dissimilar.

Applicant submits that this factor weighs heavily in its favor.

4) The conditions under which and buyers to whom sales are made, i.e. 'impulse' vs. careful, sophisticated purchasing

Purchaser sophistication tends to minimize likelihood of confusion. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1376 (Fed. Cir. 2005). Neither Applicant's goods nor the goods listed in the '882 registration, are goods which buyers purchase on an impulse. Indeed, a consumer could not make an 'impulse purchase' of Avcon's railing systems. As noted above, a consumer must contact the manufacturer directly, after which time the consumer is contacted by a salesman. Aside from the consumer's style and color preferences, detailed information about mounting methods and dimensions must be provided by submitting blueprints or drawings to Avcon. Such purchasing steps can hardly be said to an 'impulse purchase'.

Likewise, a nonmetal door is not an impulse purchase. Applicant's goods are typically only purchased after careful selection and consideration by consumers. Indeed, such goods must be carefully evaluated not only for their aesthetic appearance, but also

for their dimensions, features and characteristics. For example, Applicant's CAVALIER doors are evaluated for their acoustic and thermal characteristics, weight, material construction, etc. For that reason, such doors are often installed by skilled contractors, who are typically very familiar with the different manufacturers of building materials, and not likely to confuse the products of different manufactures. Indeed, an entry door is often not only installed by a contractor, but purchased by that contractor as well. A skilled contractor would not be confused between a non-metal door and a railing, handrail, guardrail or banister, given such products are used for entirely different applications.

In any event, even if purchased by ordinary consumers, the differences between the goods are substantial. One seeking non-metal entry doors would not likely be confused when confronted by railings, guardrails, handrails and banisters used in or on buildings. Furthermore, the goods of both Applicant and Avcon are relatively expensive items, and not likely to be purchased without careful consideration.

Applicant submits that this factor also weighs heavily in its favor.

5) The fame of the prior mark (sales, advertising, length of use)

"Fame for confusion purposes arises as long as a significant portion of the relevant consuming public ... recognizes the mark as a source indicator." *Palm Bay*, 396 F.3d at 1375. There is no evidence supporting the conclusion that the mark shown in the '882 registration is a famous mark. Nor does the Examining Attorney contend that this factor supports the refusal.

Furthermore, the mark of the '882 registration is not distinctive, as evinced by the various other marks noted below which include the word 'cavalier.' It is unlikely that

consumers would associate any other goods other than those listed in the '882 registration with the owner of the '882 registration. Furthermore, there is no evidence suggesting that consumers would recognize the mark of the '882 registration as a source indicator.

Thus, this factor does not support the Examiner's refusal.

6) The number and nature of similar marks in use on similar goods

The '882 registration was filed January 22, 2002, and registered on November 19, 2002. The mark CAVAILER STONE was registered December 26, 2000 for "masonry products, namely, concrete material cast to resemble field rock" in Class 19, with the word 'stone' disclaimed. The mark CAVALIER HOMES OF ALABAMA was registered April 18, 2000 for "manufactured housing in the nature of mobile homes" in Class 19, with the words "homes of Alabama" disclaimed. Copies of results from TARR web server for the aforementioned marks, along with evidence from internet searches establishing use for of these marks, are attached hereto as Exhibit B at Appendix pgs. 12-21. Thus, the '882 registration was granted even though it was filed after these marks, which include the word 'cavalier,' and which had been filed and registered for goods in Class 19. Nevertheless, the '882 application was deemed sufficiently different, and therefore granted.

Various other common law marks including the word 'cavalier' are also currently in use for various goods and services, including fencing. For example, internet searches establish use of the following marks: CAVALIER STEEL & FENCE COMPANY for fences, guardrails and gates; CAVALIER for window cleaning and power washing; and CAVALIER WALL LINER for liner paper, bridging material and wall coverings. See Exhibit C at Appendix pgs. 22-27.

Thus, there are various other similar marks including the word 'cavalier' for commercial services, as well as building materials including fencing. As such, the '822 registration is neither directed to all types of nonmetal building products, nor should it be afforded such protection. Rather, the '822 registration is entitled to a limited scope of protection.

7) The nature and extent of any actual confusion

Applicant is aware of no actual confusion. See Exhibit D, Appendix p. 28A, Mayfield Dec., ¶ 3. The Examining Attorney has presented no evidence of any actual confusion. As such, this factor weighs in favor of Applicant.

8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion

Applicant is aware of no actual confusion despite concurrent use of Applicant's mark and the mark of the '822 registration. Applicant has been using its CAVALIER mark in commerce since at least as early as December 1, 2004. Exhibit D, Appendix p. 28A, Mayfield Dec., ¶ 2. Promotional materials for Applicant's CAVALIER Mahogany Door Collection show use of the mark for non-metal doors made from wood composite and solid wood components. Exhibit D, Appendix pgs. 29-32. Applicant is aware of no instances of confusion caused by the concurrent use of the subject marks, which has been ongoing for more than 16 months. Exhibit D, Appendix p. 28A, Mayfield Dec., ¶ 3. The Examining Attorney has presented no evidence that would support the conclusion that the two marks would create a likelihood of confusion. Applicant is not aware of any such confusion. *Id.*

There is no indication that the two marks have caused, or are likely to cause, confusion despite being associated with various types of building materials. As such,

there is no indication or evidence supporting the conclusion that Applicant's mark and the mark shown in the '822 registration are likely to cause confusion. To the contrary, the ongoing concurrent use of the two subject marks, which has resulted in no confusion known to Applicant, suggests that confusion is unlikely.

9) The variety of goods on which a mark is or is not used (house mark, 'family' mark, product mark)

The mark of the '822 registration is used on a limited variety of goods. The '822 registration is for "non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings." The mark of the '822 registration is not used as a house mark encompassing a wide variety of goods. Rather, it is only for a relatively specific type of goods. Indeed, the website of the owner of the '822 registration indicates that the mark is only used for thermoplastic railings. See Exhibit A at Appendix p. 3. There are various other marks including the word 'cavalier' for other types of building materials and commercial services, as noted above. As such, the extent to which Avcon has the right to exclude others from using its mark is limited only to use on the specific goods listed therein given the narrow scope of the registration.

Furthermore, there is no indication that consumers would associate other goods not listed in the '822 registration and including the word 'cavalier' with Avcon. In fact, it is much more likely that consumers would only associate those products listed in the '822 registration with Avcon given the relatively specialized products being offered by Avcon.

Therefore, Applicant submits that this factor weighs in its favor.

10) The market interface between applicant and the owner of a prior mark

As noted above, the channels of trade through which Applicant and Avcon market their goods are quite dissimilar. Applicant's CAVALIER entry doors are sold through

home centers and building supply outlets – Avcon’s products are not. Rather, consumers must contact Avcon directly for purchasing their railing systems after providing the requisite information for the order, including blueprints or drawings of the building on which the railings are to be secured.

The differing markets through which Applicant and Avcon market and sell their goods, as well as the differing products offered, results in an either minimal or nonexistent market interface between Applicant and Avcon. As such, this factor favors Applicant.

11) The extent to which applicant has a right to exclude others from use of its mark on its goods

Applicant is currently using its mark CAVALIER for non-metal doors made from wood composite and solid wood components, and therefore currently has common law rights in the mark. Applicant has been using the mark at least as early as December 1, 2004. See Exhibit D, Appendix p. 28A, Mayfield Dec., ¶ 2. Applicant has been using its mark on the products and in promotional materials distributed throughout the United States. Applicant is unaware of any other use of the mark CAVALIER for non-metal doors, or indeed any type of doors, and therefore claims the right to exclude all others from using the mark for such goods.

12) The extent of potential confusion, i.e., whether *de minimis* or substantial

Applicant is unaware of any potential confusion, either *de minimis* or otherwise. *Id.* at ¶ 3. The Examining Attorney has presented no evidence suggesting any potential confusion. This factor therefore does not support a finding of a likelihood of confusion. Indeed, the lack of any actual confusion weighs in favor of Applicant.

13) Other established facts probative of the effect of use

In response to Applicant's request for reconsideration of the final refusal, the Examiner Attorney stated that "potential purchasers of the applicant's and registrant's goods encountering the identical trademark on the products would likely erroneously believe that the goods emanate from a common source." *February 28, 2006 Office Communication, page 2.* Furthermore, the Examiner Attorney argued, "any goods or services in the registrant's normal fields of expansion must also be considered in order to determine whether the registrant's goods or services are related to the applicant's identified good or services." *August 31, 2005 Final Refusal, p. 2.*

Applicant submits that Avcon's normal field of expansion does not include non-metal doors made from wood composite and solid wood components. Rather, Avcon's field of expansion is relatively narrow. Avcon is the owner of various other registrations, all of which list non-metallic railings, guardrails, handrails and banisters for use on buildings (or a variation thereof). These registrations were permitted over third party registrations having identical marks but differing goods. Further, some third party applications have been permitted over a corresponding Avcon registration despite both having identical marks but differing goods. Thus, some of Avcon's registrations have been distinguished from third party applications or registrations based on the differing goods, given the subject third party mark and corresponding mark in Avcon's registration are identical. As such, Avcon's normal field of expansion does not include any of the goods listed in these other third party registrations or applications approved for publication.

For example, Avcon is the owner of the mark DEFENDER, Registration No. 2,680,449, for “non-metallic railings, guardrails, handrails and banisters for exterior and interior use for buildings,” which was registered January 28, 2003. See Exhibit E at Appendix p. 34. Application Serial No. 76/345,636 for the mark DEFENDER for “metal guard rails” was allowed October 22, 2002. *Id.* at Appendix pgs. 35-37. Although the ‘636 application was ultimately abandoned for failure to submit a statement of use on December 28, 2005, Avcon’s ‘449 registration was permitted over the then allowed and pending ‘636 application, despite both applications being for guard rails.

Avcon is the owner of the mark GUARDIAN, Registration No. 2,385,507 for “non-metallic railings, guardrails, handrails and banisters for use in buildings,” which was registered September 12, 2000. *Id.* at Appendix p. 38. Avcon’s ‘507 registration was deemed sufficiently different than the following marks: GUARDIAN, Registration No. 1,969,176 for “nonmetal highway barriers, registered April 23, 1996; and GUARDIAN, Registration No. 766,986 for “plywood,” registered March 24, 1964. Further, the following marks have been registered over Avcon’s GUARDIAN mark: GUARDIAN SECURITY STORM DOORS, Registration No. 3,038,888 for “metal security storm doors,” registered January 10, 2006; and GUARDIAN, Registration No. 2,789,197 for “fasteners for use in holding down roof supported terrace blocks,” registered December 2, 2003. *Id.* at Appendix pgs. 39-46.

Avcon is also the owner of the mark HARBOR MASTER, Registration No. 2,649,265 for “non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings,” which was registered November 12, 2002. *Id.* at Appendix p. 47. However, the mark HARBOR MASTER, Serial No. 76/360,330 for “insulated glass,

impact resistant window glass and window glass” was allowed October 12, 2004. *Id.* at Appendix pgs. 48-50. Thus, the ‘330 application was deemed sufficiently different than Avcon’s ‘265 registration.

Avcon is the owner of the mark MALIBU, Registration No. 2,649,266 for “non-metallic railings, guardrails, handrails and banisters for exterior and interior use for buildings,” which was registered November 12, 2002. *Id.* at Appendix p. 51. The ‘266 registration was permitted over various registered marks for other building materials: MALIBU, Registration No. 2,438,102 for “roofing tiles sold to roofing contractors,” registered March 27, 2001; and MALIBU, Registration No. 1,755,339 for “PVC fences,” registered March 2, 1993. Furthermore, the mark MALIBU, Registration No. 2,908,935 was registered December 7, 2004 for “vinyl windows, namely windows with frames made of vinyl.” *Id.* at Appendix pgs. 52-57.

Avcon is the owner of the mark DAYTONA, Registration No. 2,649,267 for “non-metallic railings, guardrails, handrails and banisters for exterior and interior use for buildings,” which was registered November 12, 2002. *Id.* at Appendix p. 58. The mark DAYTONA, Registration No. 3,009,492 for “interlocking plastic floor tiles,” registered October 25, 2005, was deemed sufficiently different than Avcon’s ‘267 registration. *Id.* at Appendix pgs. 59-60.

Avcon is the owner of the mark CONTINENTAL, Registration No. 2,649,262 for “non-metallic railings, guard rails, handrails and banisters for use in and on buildings,” which was registered November 12, 2002. *Id.* at Appendix p. 61. The mark CONTINENTAL, Registration No. 3,046,044 for “prefabricated bridges and bridge

components, constructed primarily of metal,” registered January 17, 2006, was deemed sufficiently different than Avcon’s ‘262 registration. *Id.* at Appendix pgs. 62-63.

Avcon is the owner of the mark SENTRY, Registration No. 2,666,200 for “non-metallic railings, guard rails, handrails and banisters for use in and on buildings,” which was registered December 24, 2002. *Id.* at Appendix p. 64. The mark SENTRY, Registration No. 2,662,958 for “Builders hardware made of metal, namely, hinges, cabinet catches, chain door guards, turn buttons, screen door pulls, screen door spring hinges, sash hook lifts, mending plates, corner braces, flat corner irons, magnetic catches, spring and chain door stops, safety hasps, t-hinges, strap hinges, screen and storm sash hangers, utility hinges, roller catches, and door protector chains,” registered December 17, 2002. *Id.* at Appendix pgs. 65-66. Thus, Avcon’s ‘200 registration was permitted over the ‘958 registration.

Avcon is the owner of the mark CAPE COD, Registration No. 2,651,884 for “non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings,” which was registered November 19, 2002. *Id.* at Appendix p. 67. Interestingly, Applicant of the present application is also the applicant for the mark CAPE COD, Serial No. 78/553,761 for “metal doors, and non-metal doors; door lites, side lites, transom lites in the nature of glass and plastic panels for doors and door areas; decorative glass for building.” *Id.* at Appendix pgs. 69-71. Applicant’s ‘761 application was approved for publication March 8, 2006. *Id.* Thus, ‘non-metal doors’ were not considered to be within the scope of protection of the Avcon’s ‘884 registration, which lists the same goods as listed in the ‘882 registration. Thus, non-metal doors have already been deemed not be included in Avcon’s normal field of expansion.

Each of the above-noted Avcon registrations is for non-metallic railings, guardrails, handrails and banisters for use for buildings. Some of Avcon's registrations were permitted despite there being other registrations having identical marks but for other building materials. Other third party applications have been permitted over a corresponding Avcon registration, despite the third party application and corresponding Avcon registration having identical marks, and despite the subject goods being for building materials and/or in Class 19. Thus, Avcon's field of expansion must be narrowly construed in light of the goods listed in these other registrations and/or applications approved for publication.

Specifically, Avcon's field of expansion cannot include metal guard rails, highway barriers, plywood, roofing tiles, PVC fences, hinges, cabinet catches, chain door guards, turn buttons, screen door pulls, screen door spring hinges, sash hook lifts, mending plates, corner braces, flat corner irons, magnetic catches, spring and chain door stops, safety hasps, t-hinges, strap hinges, screen and storm sash hangers, utility hinges, roller catches, and door protector chains, metal security storm doors, fasteners for use in holding down roof supported terrace blocks, insulated glass, impact resistant window glass and window glass, vinyl windows, plastic floor tiles, bridge components, metal doors, lites, side lites, transom lites, and decorative glass for building.

More importantly, Avcon's field of expansion should not include non-metal doors, as already determined by the Examining Attorney in Applicant's application for the mark CAPE CODE for, *inter alia*, non-metal doors, which was approved for publication over Avcon's '884 registration for the mark CAPE COD.

Therefore, Avcon's normal field of expansion does not include non-metal doors made from wood composite and solid wood components. Avcon's marks are used in association with a specific group of goods only. Indeed, its field of expansion does not even include all barriers or guardrails. Avcon's normal range of expansion for other 'related goods' for its CAVALIER mark is narrow, and should be narrowly construed.

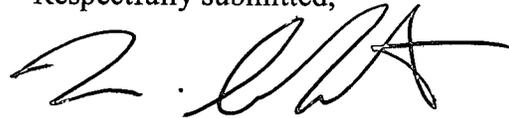
In addition, Applicant's normal field of expansion is not likely to include railings, guardrails or banisters. Masonite Corporation, successor by merger of Applicant Masonite Holdings, Inc., and Masonite International Corporation (collectively "Masonite") is internationally known for the manufacture and sale of interior doors, door components, and entry systems. For more than 80 years, Masonite has focused on the manufacture of doors, door components, and fiberboard. Aside from its application for the mark CAPE CODE, Masonite has more than 100 U.S. registrations or pending applications primarily for doors, door components, entry systems, and fiberboard. Masonite's field of expansion has not included railings, guardrails or banisters, and it is unlikely it would manufacture or sell any such products in the future. As such, the product lines offered by Applicant and Avcon have not intersected since Masonite's beginnings in 1925, nor are they likely to intersect in the future.

Applicant is unaware of any other facts not already discussed which would support the Examining Attorney's refusal. Instead, Applicant submits that when the relevant factors are considered in light of the factual underpinnings of the present application, there is no likelihood of confusion between Applicant's mark and the mark of the '822 registration.

CONCLUSION

In light of the arguments herein and of record, Applicant respectfully requests reversal of the Examining Attorney's refusal. It is believed that no fees are due with this submission. Should that determination be incorrect, then please debit account 50-0548 and notify the undersigned.

Respectfully submitted,



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Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

EXHIBIT A

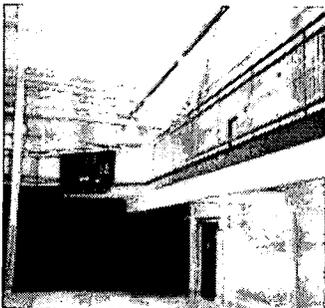
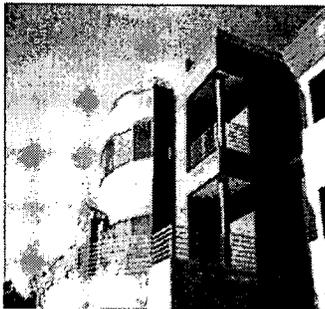
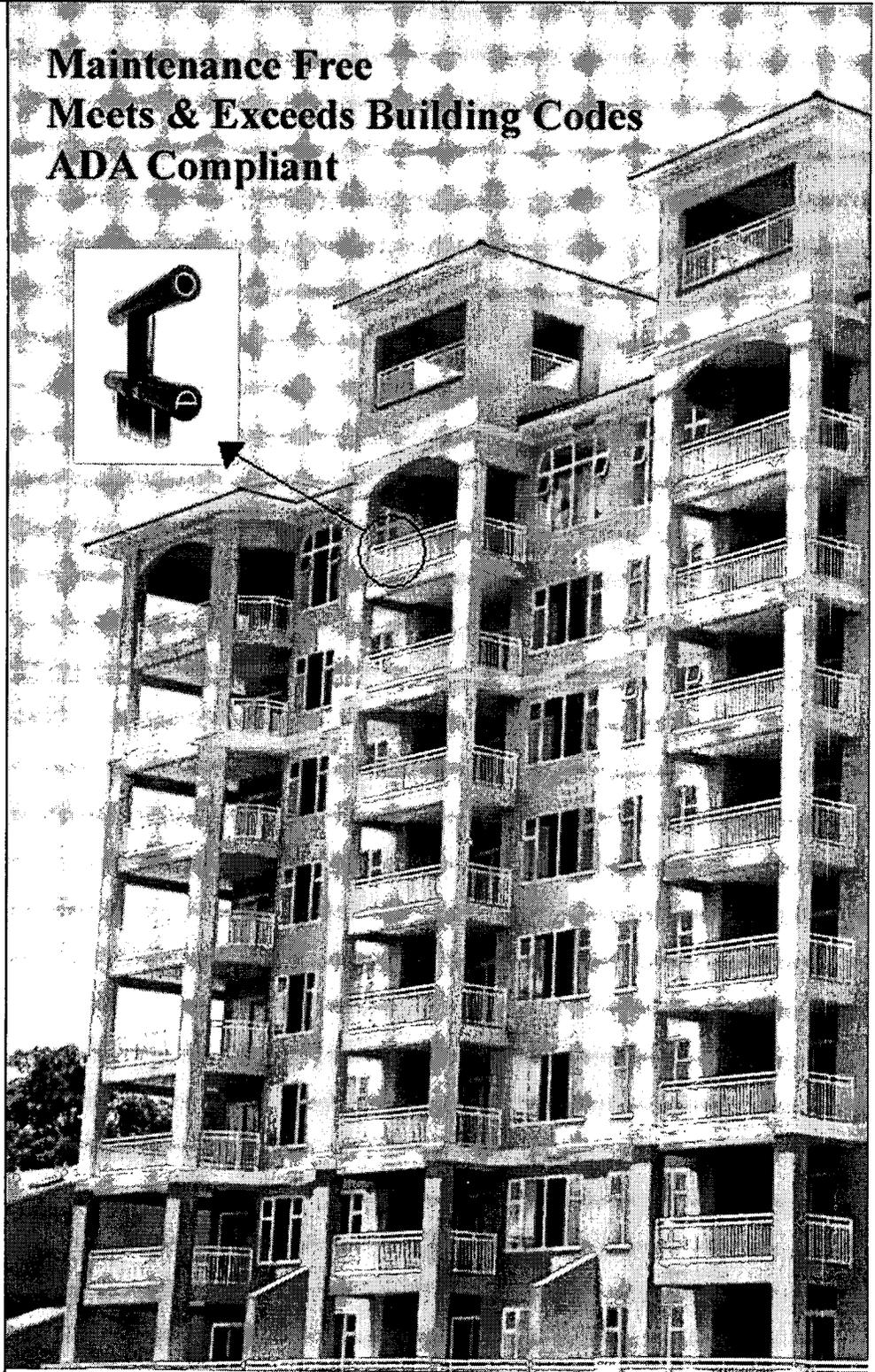
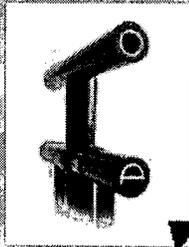


Structural Thermoplastic Railing S

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**Maintenance Free
Meets & Exceeds Building Codes
ADA Compliant**

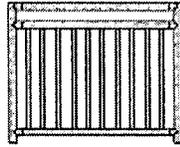




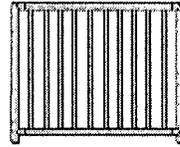
Structural Thermoplastic Railing S

800-24-AVCON - 601 Prospect Street, Lakewood, NJ 08701 - info@av

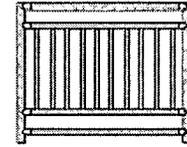
- Home
- Products
- Product Brochures
- Presentation
- Photo Gallery
- Color Chart
- Technical Data
- CAD Details
- Installation Details
- Contact Information
- News Articles
- Upcoming Events
- Related Links



Protector



Sentry



Cavalier



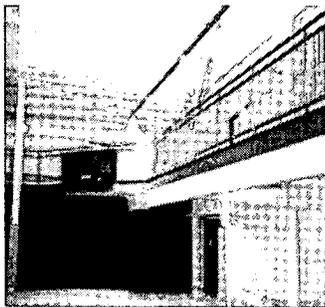
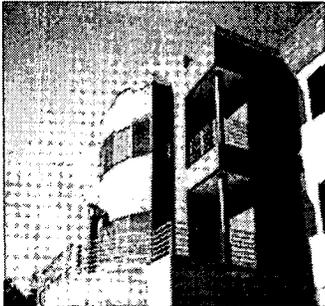
Cont.



Original Series

[Learn more ▶](#)

◀ [PREVIOUS PAGE](#)



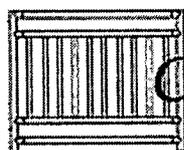
601 Prospect Street
Lakewood, NJ 08701



Structural Thermoplastic Railing S

800-24-AVCON - 601 Prospect Street, Lakewood, NJ 08701 - info@a

- Home
- Products
- Product Brochures
- Presentation
- Photo Gallery
- Color Chart
- Technical Data
- CAD Details
- Installation Details
- Contact Information
- News Articles
- Upcoming Events
- Related Links

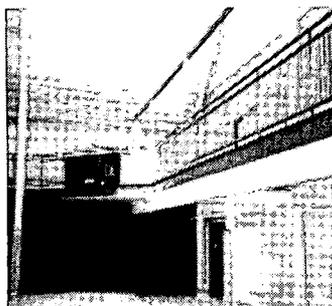


Cavalier Railing

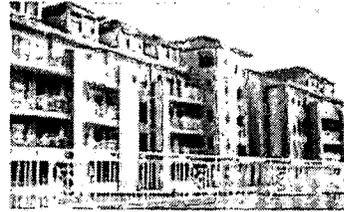
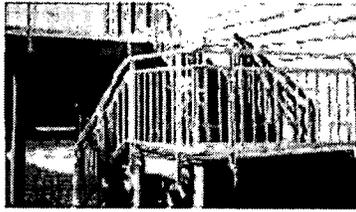
Over the past few years AVCON has engineered, developed, and brought to market its Original Series {Sentry, Protector, Cavalier, and Continental} The Original Series denotes the use of our Patented Expansion Collar at all post to rail connections. We developed the Expansion Collar in our continual effort to provide innovative yet practical railing solutions. The Expansion Collar and Original Series provides several benefits, most specifically concealment of railing expansion and contraction, hindering of water infiltration and strength.



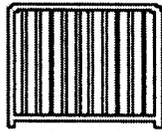
ca
spe



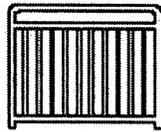
AVCON *Thermoplastic Railing Systems*



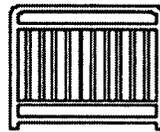
Classic Series®



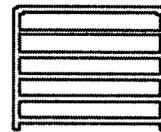
Daytona®



Malibu®

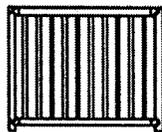


Cape Cod®

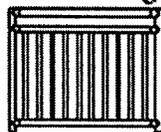


Harbor Master®

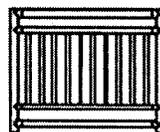
Original Series



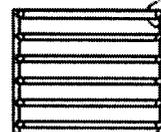
Sentry®



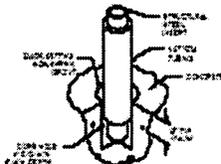
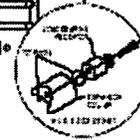
Protector®



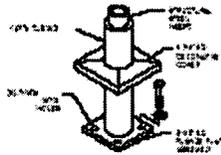
Cavalier®



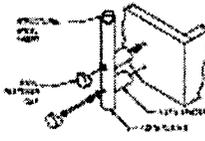
Continental®



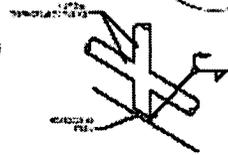
Core Mount



Range Mount



Fascia Mount

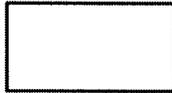


Weld Mount

Stocking Colors*



BLACK



WHITE

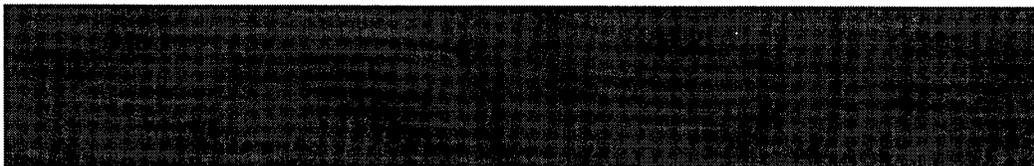


BROWN



GRAY

**Special order and custom colors available upon request*



◀◀BACK

MOST COMMONLY ASKED QUESTIONS

1. *Is it strong enough?*

AVCON Railing has been designed and engineered to meet and exceed all applicable building codes. In fact, tests have shown that it surpasses many codes and is stronger than some conventional metal railing.

2. *Does it meet code?*

AVCON has been independently tested and certified to meet BOCA and the Standard (Southern) Building Code. It has been certified to meet Florida Dade, New York City, and the U.B.C. Codes.

3. *Will it fade?*

AVCON only uses compounds specifically formulated so as not to be susceptible to ultraviolet light, which causes fading and other deterioration in most plastics. This includes dark colors.

4. *Does AVCON offer a warranty?*

The Railing Industry as a whole does not offer any warranties. AVCON, however, does offer you a 10 year prorated warranty.

5. *Will it rust or corrode?*

The reason for using plastic is to eliminate rusting, painting and corrosion. Plastic does not rust. All internal connectors are stainless steel.

6. *Will it get brittle in the sun, like PVC pipe?*

No. AVCON has pioneered and perfected compounds and resins solely for the purpose of avoiding the negatives of PVC pipe. AVCON will not turn brittle, yellow or fade like PVC pipe.

7. *Is it affected by chemicals?*

Some chemicals will affect any material known to man. However, we have a list of hundreds of chemicals that have little or no affect on our compounds. These include almost all chemicals that will ever come in contact with AVCON Railing. Additionally, no glues are used. All connections are mechanical.

8. *Will it scratch?*

AVCON is not indestructible. However, marks that may be forced into its surface can be removed by simple sanding & polishing.

9. *Will it burn?*

AVCON tends to be self-extinguishing. An additional source of fuel is required to support combustion.

10. Does it give off toxic fumes if burned?

All materials will give off some fumes if burning. The smoke produced when AVCON Railing is ignited is less toxic than that produced by burning wood.

11. How is it mounted?

AVCON did not re-invent the wheel in this area. The typical methods of mounting metal or wood railing apply to AVCON. It is either mounted by coring & grouting, or bolted on using several standard bolting methods.

12. How long will it last?

Plastics do not deteriorate. Whereas this is a problem in landfills, it is a positive with AVCON. Testing is conducted in various climatic conditions to insure proper performance in all environments.

13. Where is it best used?

AVCON can be used anywhere railing is needed. All applications: commercial, industrial and residential are ideal for AVCON.

14. Is it cheaper?

AVCON costs more than some, less than others. If comparisons are done against other code compliant structural railing, AVCON is very competitive; often less. The only other material used in railing manufacture that claims maintenance freedom is stainless steel. AVCON is much less than stainless steel and, unlike stainless steel, AVCON is available in colors.

15. How do I buy it?

Direct from the manufacturer.

16. Who can install it?

Any conscientious, mechanical individual familiar with working with a finished product can install AVCON Railing. We recommend those knowledgeable with AVCON's system. To this end we have formed AVTEC Specialties, our sister company, which can provide a turnkey operation to those who request it. While not difficult, it is different.

17. How can I get a price?

Provide us with style, color, method of mounting and dimensions, and we will promptly quote your requirements.

We will also determine the above from supplied blueprints or drawings.

18. *Can I get shop drawings?*

Yes. AVCON maintains a fully computerized AutoCAD department and the experts to operate it.

19. *What literature is available?*

Brochures, color charts, design details, projects list, installation instructions, test data, etc.; all are available in written form. Additionally a complete Architectural Manual or Computer Disk is available.

20. *What are your terms?*

AVCON standard terms require a 50% deposit with the balance due at the time of shipment.

21. *How is AVCON shipped?*

Either crated and shipped or delivered by AVCON, depending on quantity and destination. AVCON also allows pick-up at its factory, and on a large order will ship full truckload directly to the job-site.

22. *What colors is AVCON Railing available in?*

AVCON currently stocks white, black, gray and brown. We also have approximately 30 other colors formulated. Any color can be matched. Pricing for all colors, other than our stock colors, are dependent on quantity and the specific color required.

23. *What size tubing is available?*

Currently AVCON tubing is available in nominal 2" and 3" post and rails, 1 1/2" handrails, and 1" balusters O.D. To enhance design, some square and rectangular profiles are available in limited styles.

24. *What is the wall thickness?*

Different components require different thicknesses. The predominant wall thickness is 5/16" (.312").

25. *Is the color all the way through the material?*

Yes.

26. *Can you bend the tubing?*

Yes. This sets AVCON apart from all the others. We have the ability to bend, twist, and contort the tubing to meet many an architect's most elaborate designs. No molded "fittings" are used that would compromise strength or the ability to form radii or other bends.

Close Window



Structural Thermoplastic Railing

800-24-AVCON - 601 Prospect Street, Lakewood, NJ 08701 - info@

- Home
- Products
- Product Brochures
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- Photo Gallery
- Color Chart
- Technical Data
- CAD Details
- Installation Details
- Contact Information
- News Articles
- Upcoming Events
- Related Links



Contact Information

Thank you for your interest in AVCON Railings!

If you should have any questions or need more detailed inform free to contact us via phone at 800-24-AVCON, fax or e-mail. hear from you. The form below is offered to you as a convenie mail directly to us. Thanks again and have a great day!

Questions? You can contact us by submitting the form

Name

Company

Address

City State Zip

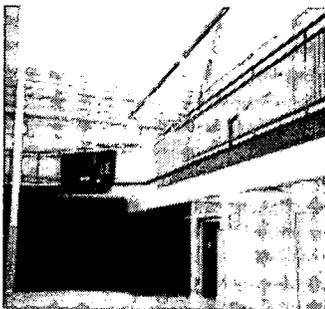
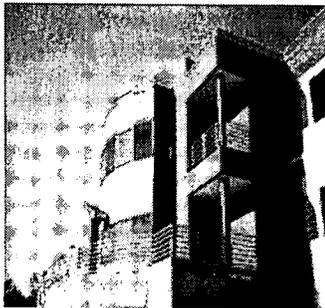
Phone Fax E-Mail

Please Choose One of the Following

- Architect General Contractor Private Residence
- Building Owner Management Co. Engineer
- Other

How did You First Hear About AVCON

- Sweet's Catalog Sweets's Directory Sweet's I
- Blue Book Google Search Yahoo Se
- Trade Magazine Condo Management Magazine





- Trade Show
- Referral
- Other

Requested Information

- Please have a salesman contact me
- Please send additional information

**If you are interested in Specifying AVCON Railings,
one of the following**

- Architectural Manual (Binder)
- Sample of Product
- Architectural File CD-ROM

Comments or Questions

601 Prospect Street
Lakewood, NJ 08701
Phone: 800-24-AVCON
Fax: 732-286-0526



**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-03-09 14:53:19 ET

Serial Number: 75708925

Registration Number: 2416524

Mark (words only): CAVALIER STONE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2000-12-26

Filing Date: 1999-05-17

Transformed into a National Application: No

Registration Date: 2000-12-26

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-11-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Kirby, Rick

Address:

Kirby, Rick
460 W.G. Talley Road
Alvaton, KY 42122
United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 019

Masonry products, namely, concrete material cast to resemble field rock

APPENDIX 13

First Use Date: 1996-09-15

First Use in Commerce Date: 1996-09-15

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "STONE"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-11-04 - TEAS Change of Correspondence Received

2000-12-26 - Registered - Principal Register

2000-10-13 - Allowed for Registration - Principal Register (SOU accepted)

2000-08-31 - Case file assigned to examining attorney

2000-08-29 - Statement of use processing complete

2000-07-03 - Amendment to Use filed

2000-04-11 - Notice of allowance - mailed

2000-01-18 - Published for opposition

1999-12-17 - Notice of publication

1999-10-08 - Approved for Pub - Principal Register (Initial exam)

1999-10-04 - Examiner's amendment mailed

1999-09-21 - Examiner's amendment mailed

1999-09-14 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

LAURA M HAGAN (Attorney of record)

Laura M. Hagan

Kerrick, Stivers & Coyle, P.L.C.

APPENDIX 14

1025 State Street
Bowling Green KY 42101

Phone Number: 270-782-8160

Fax Number: 270-782-5856

amazon.com

Your Store

Yellow Pages

See All 32 Product Categories

Your Account |



Cart |

Wish List |

Help |



Browse Categories | Government Listings | Movie Showtimes

Search: Yellow Pages

In: Alvaton, KY



e.g. pizza, plumber, theatre Full Address, or just City & State, or just Zip [Help](#)

BUSINESS INFORMATION

Explore this business

business info

Share your thoughts

[write a review](#)

[write a So You'd Like to... guide](#)

[e-mail a friend about this business](#)

RATE THIS ITEM

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[Home & Garden](#) > [Contractors](#) > [All Contractors](#)
[Shopping](#) > [Home Improvement & Building](#) > [Builders & Contractors](#)
[See All Categories](#)



Talk to t

Cavalier Stone Products

460 W G Talley Rd, Alvaton, KY 42122-9663 - [Map](#)
(270) 843-1158 - [Click to Call](#)

MAPQUEST



[Share your own customer images](#)



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[Interactive Map and Direr](#)

Business Details:

ASIN
B00048L37M

Phone Numbers
(270) 843-1158

Address
460 W G Talley Rd
Alvaton, KY 42122-9663

Help improve the listing for Cavalier Stone Products

- [Share pictures of this business](#) (e.g. exteriors, interiors, signage, etc.)
- [Tell us more about this business](#), update/correct name, contact information, services, and other details.

**Attenti
Owner:
& Cust
Update
Cavalier
Product**

APPENDIX 16

[Opt Out Information](#)

[Update](#)

Sponsored Links:

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Award-winning luxury **home** builder based in Lexington, Kentucky
www.jimmynashhomes.com

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ReliableRemodeler.com

[Home **Improvement**](#)

View a Local Contractor Directory & Start a **Home Improvement** Project.
www.1800Contractor.com

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- View or change your orders in [Your Account](#).

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- See our [shipping rates & policies](#).
- [Return](#) an item (here's our [Returns Policy](#)).

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-03-09 14:53:48 ET

Serial Number: 75691873

Registration Number: 2343290

Mark (words only): CAVALIER HOMES OF ALABAMA

Standard Character claim: No

Current Status: Registered.

Date of Status: 2000-04-18

Filing Date: 1999-04-26

Transformed into a National Application: No

Registration Date: 2000-04-18

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2000-04-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cavalier Homes, Inc.

Address:

Cavalier Homes, Inc.
Highway 41 North and Cavalier Road
Addison, AL 35540
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 019

Manufactured housing in the nature of mobile homes

APPENDIX 18

First Use Date: 1984-11-30

First Use in Commerce Date: 1984-11-30

Basis: 1(a)

International Class: 035

Retail dealership services in the field of manufactured homes

First Use Date: 1984-11-30

First Use in Commerce Date: 1984-11-30

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "HOMES OF ALABAMA"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-09-24 - TEAS Change of Correspondence Received

2000-04-18 - Registered - Principal Register

2000-01-25 - Published for opposition

1999-12-23 - Notice of publication

1999-09-24 - Approved for Pub - Principal Register (Initial exam)

1999-09-21 - Unresponsive/Duplicate Paper Received

1999-08-31 - Examiner's amendment mailed

1999-08-27 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Michael S. Denniston (Attorney of record)

Lakeysucha Adams

Bradley Arant Rose & White LLP

1819 Fifth Avenue North

Birmingham AL 35203

APPENDIX 19

Phone Number: 205 521-8363

Fax Number: 205 488 6363



**CAVALIER HOMES OF ALA
HISTORY**

HOMES FOR SALE

HOMES FOR SALE
LAND / HOME SALES
NEW HOME SPECIALS

OUR SERVICES



TESTIMONIALS

CUSTOMER ACCOUNTS

HOME LOCATOR
HOME LOAN FINDER
INSURANCE FINDER
TRANSPORT FINDER

COMMUNITIES
DEALERS
SERVICE PROVIDERS
HOME PRODUCTS
MANUFACTURERS
REGULATORY INFO
BOOK VALUE REPORTS

MINI-PUTT GOLF FUN
ADVERTISE WITH US
CONTACT US

AFFILIATE LOGON

CAVALIER HOMES OF ALABAMA

- Cavalier Homes of Alabama's first manufactured home was produced in 1984. It all started in Addison Alabama under the leadership of the late Jerry Wilson.
- Cavalier Homes of Alabama is the flag-ship of Cavalier Homes, Inc., the parent company. Cavalier is publicly owned and its stock is traded on the New York Stock Exchange under the symbol CAV.
- Cavalier Homes of Alabama's traditional manufactured home market has been the Southeastern part of the US. Selling products and services to hundreds of independently owned retail sales centers, which are not an agent of Cavalier Homes of Alabama, throughout that region.

Send Facts & History on Home Manufacturers

THE F

American
Astro Hor
Bellcrest
Belmont I
Brigadier
Buccanex
Cavalier I
Cavalier I
Alabama
Carco Int
Champion

Crystal V.
Destiny F
Dickman
Energym:
Fleetwoo:
Homes O
Heritage
Homeste:
Liberty H
Lincoln P
Mansion
Oak Cree
Palm Har
Patriot Hc
Patriot Hc
Patriot Hc
Peach St.
Pinnacle
Rivercha:
Schult Hc
Southern
Southridg
Spirit Hor
Town & C
Victorian

MANU

RANKING
MANUFA
FACTOR
TRADEN
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BUILDEF
HOME V.
RELATEI
PRESS F

BOOK STORE

MODULAR HOMES
a Buyers Guide for Facts
and Savings

FIX-IT GUIDE
Step-by-Step Instructions
for Repair and Maint.

HOW TO BUY
a Manufactured Home and
Save Thousands.

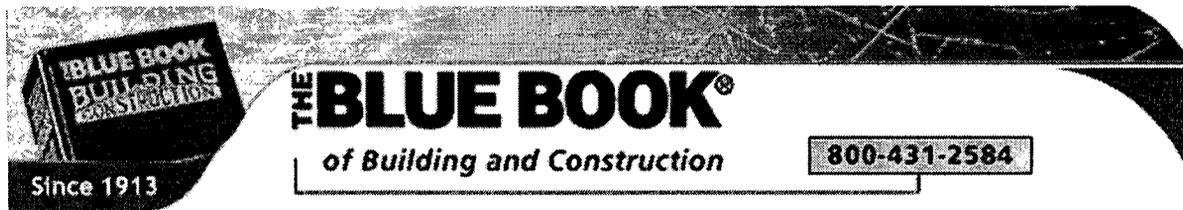
BUYER'S GUIDE
to Mfg Homes & Land.

COMPARISON GUIDE
of 50 Major Builders

**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

EXHIBIT C



Fences

Cavalier Steel & Fence Co.

Darby, Pennsylvania
Tel#: 800-505-9300 Fax#: 610-237-9906

 **Ad View**
A
 **Profile View**
P
 **Web Site Link**
W
 **Send BB-Mail**
B

Click the Links Above

Geographical Areas Serviced: Pennsylvania, New Jersey, Delaware

Major Brands Installed: Merchants Metals, Linear, B&B, DoorKing, Hy-Security, Guardsman, Ornamental Steel, SPECRAIL Aluminum, Tymetal Gate Systems, Steel Guard, Rail, Rental Panels

Cavalier Steel & Fence Co. can also be seen under the following Blue Book Classifications:

- ✓ [Fences](#)
- ✓ [Guardrail Contractors & Manufacturers](#)
- ✓ [Gates & Gate Operators](#)

If you are searching for any of the following construction terms: Fences, Barbed Wire Fence, Chain Link Fences, Concrete Fence, Fences - Temporary Fencing, Gates - Iron & Wire, Gates - Sliding-Automatic Controls, Plastic Netting & Mesh, Portable Fence, Razor Ribbon, Safety Fencing, Temporary Fencing, Vinyl Fencing, Wind Screens, Wire Fences, Wood Fences, Wrought Ironwork. you can find them in The Blue Book of Building and Construction. Search over 1,000,000 commercial construction listings from all over the U.S., select your region and click "Show Companies".

1) Show me Fences from:

2)

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Company Profile

Cavalier Fence Co.

940 Cedar Ave.

Darby, PA 19023

Phone: 610-237-9911, 800-505-9300 (toll free)

Fax: 610-237-9906

Fences: Iron & Steel Information

Iron, installation; Service

Company Information

Fence Installation Service

Employees: 10-49

Activity: Service Company

Year Company Founded: 1960

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If you have different information about this company or were unable to contact them let us know.

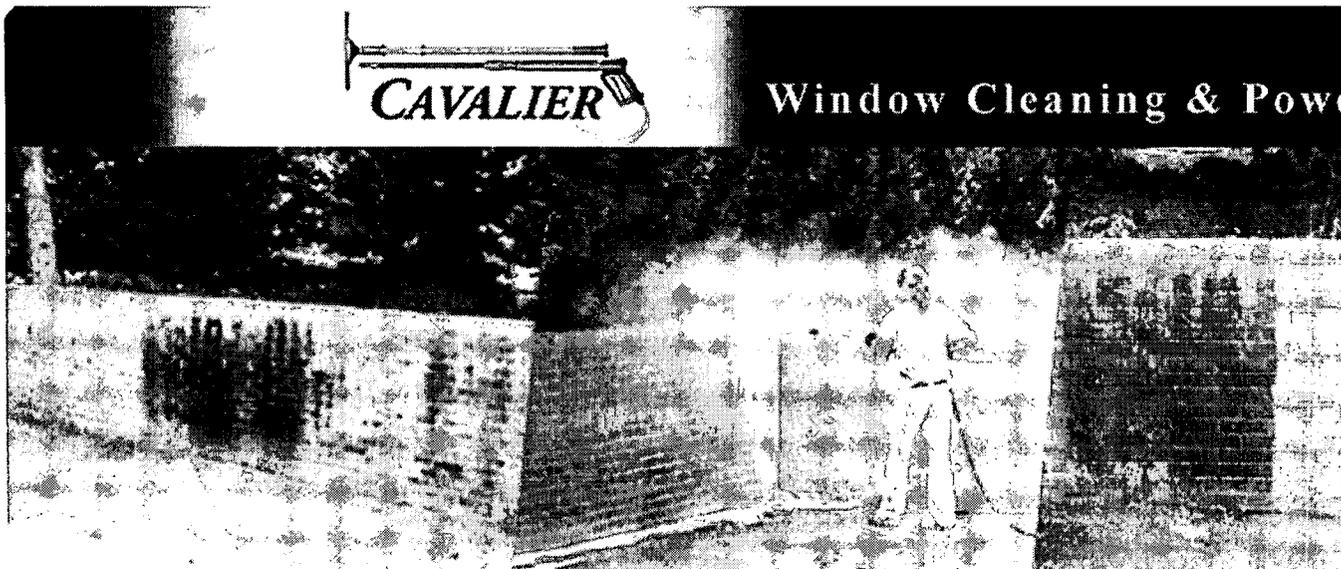
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- » Thorough, full service, high pressure power washing by skilled, experienced professionals
- » Quality attention to your special details

Specializing in these Services:

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- » Flat Surfaces - concrete, brick, stone, wood decks, patios, porches, railings, fences
- » Awnings & Storefronts, Basements & Garages
- » Mold & Mildew removal

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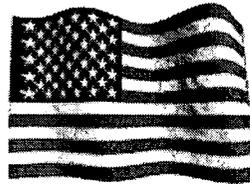
CAVALIER WALL LINER

03-14-2006

03:00

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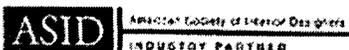
Decorative Pillows	Wallliner™ Liner paper	Wallpaper - Wallcoverings	Wallpaper Murals
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SEARCH SITE

CAVALIER WALL LINER is a service company dedicated to providing quality materials, best prices, and services to the trade and the do-it-yourself consumers. Our product range includes wall liner, also known as liner paper or blankstock, non woven wall liner, also known as bridging material, paintable canvas wall liner, natural fiber grass cloth, non woven textured and hand crafted metallic wallcoverings, wall murals, wallpaper borders, paper and vinyl wallpapers. The company is owned and operated by Edward and Greta who have been involved in the wallpaper industry for more than 30 years.

The use of wallpaper is well known, so we would like to take this opportunity to give you the reasons for our wall liner and non woven wall liner. Wall liner is a requirement for many wallcoverings. Its main purpose it to absorb excess moisture from the finish wall covering and control the expansion and contraction process of the finish wallpaper during the drying process. Non woven wall liner is designed to smooth rough surfaces for the ultimate application of wallpaper or paint. Surfaces it was designed to cover include brick, wood paneling, laminate, ceramic tile, cement block, stucco, textured, and damaged walls.

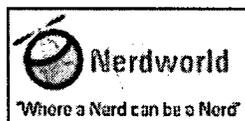




Please visit our "[Why Liner?](#)" section where you will find additional valuable information about wall liner, known as lining paper or blankstock to the trade, written by Jim Parodi, a master paperhanger. Our "[Why Bridging Material?](#)" section, written by Rebecca Schunck, contains basic installation instruction, tips, and guidelines for our non woven wall liner. We also we have a link to [Robert M. Kelly's book](#) about wallpaper installation. This may be your most important investment if you are serious about learning about wallcoverings, or becoming a better wallpaper installer.

Mission Statement

We strive to provide the dedicated craftsperson with quality products, fair prices, and prompt, courteous service. To this end, our approach is full time service from order to shipping, in the most efficient manner possible. We hope to receive and produce quality feedback throughout the order process to keep the Muraler informed of the entire process. Our motto is "Quality at the right price", and we endeavor to achieve this result. Most orders ship the same day from our warehouse, and each order receives our personalized attention, regardless of it's size. We do business the old fashioned way, updated to suit the latest in technology. We hope our e-commerce solution is your answer for a better and more productive way of business.



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**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

EXHIBIT D

Apr 11 2006 9:07

P.02

**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:	
Masonite Holdings, Inc.	:	Law Office: 112
Serial No. 78/389,392	:	Examining Attorney: Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt: 26240.325
Mark: CAVALIER		

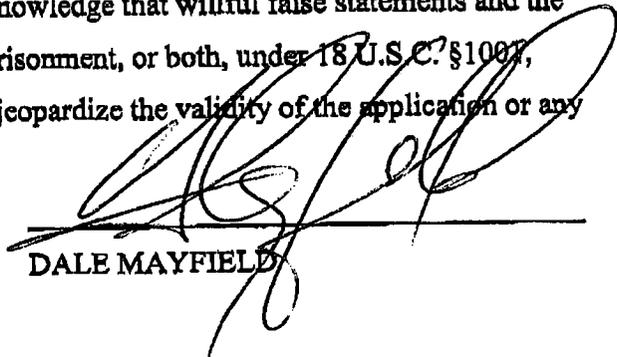
DECLARATION OF DALE MAYFIELD

I, Dale Mayfield, hereby declare:

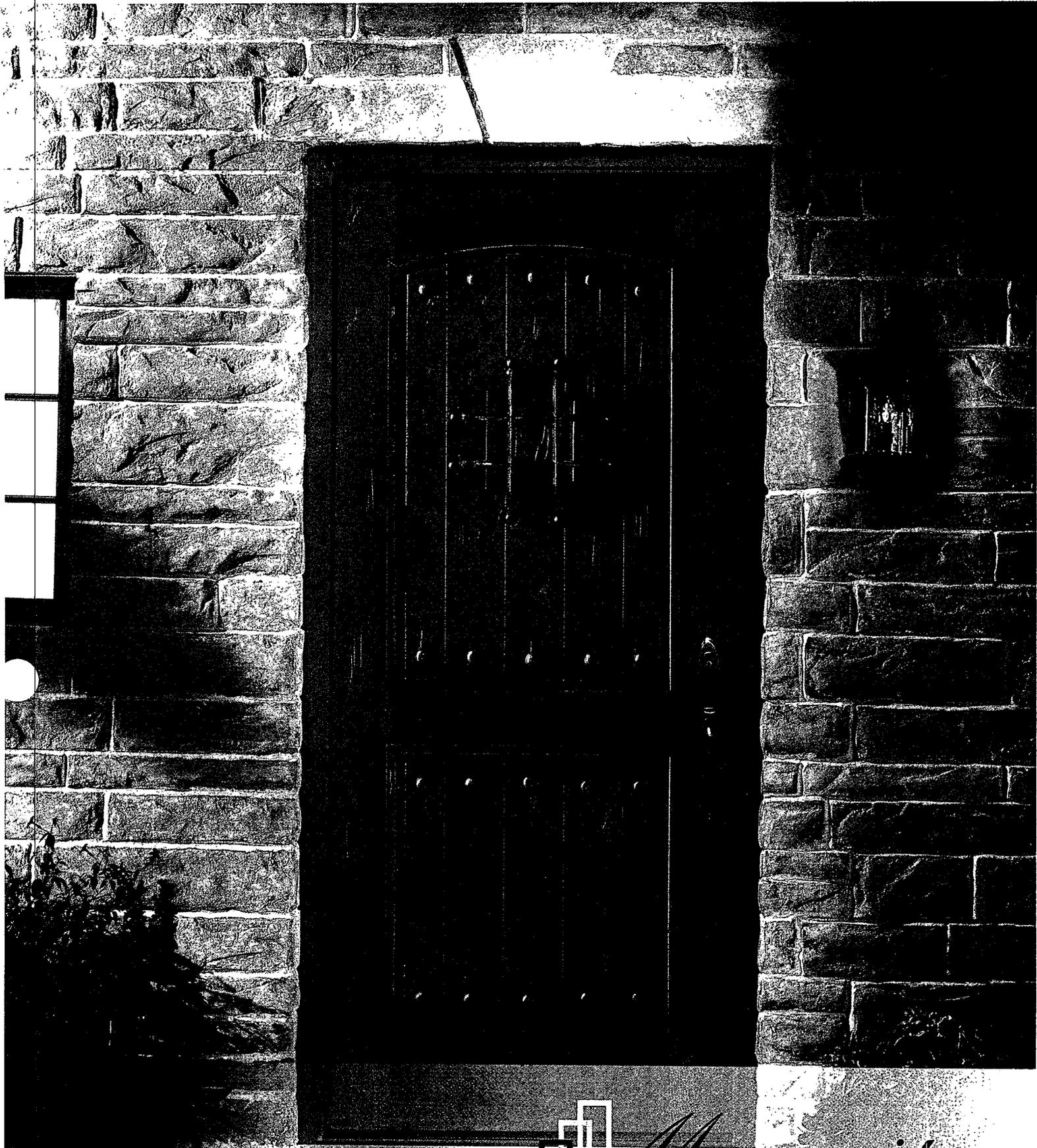
1. I am the Vice President of Marketing of Masonite Corporation (successor by merger of Masonite Holdings, Inc.) ["Masonite"], and am familiar with Masonite's use of its trademarks, including the mark CAVALIER in currently pending application Serial No. 78/389,392.
2. Masonite has been using the mark CAVALIER on non-metal doors made from wood composite and solid wood components at least as early as December 1, 2004. *Exhibit 1 - Product Brochure.*
3. I am unaware of any confusion that has occurred as a result of Masonite's concurrent use of its CAVALIER mark and use of the mark shown in Registration No. 2,651,882.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on 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 18 U.S.C. §1007, and that such willful false statements may jeopardize the validity of the application or any registration granted therefrom.

DATED: 4-11-06


DALE MAYFIELD

APPENDIX 28A

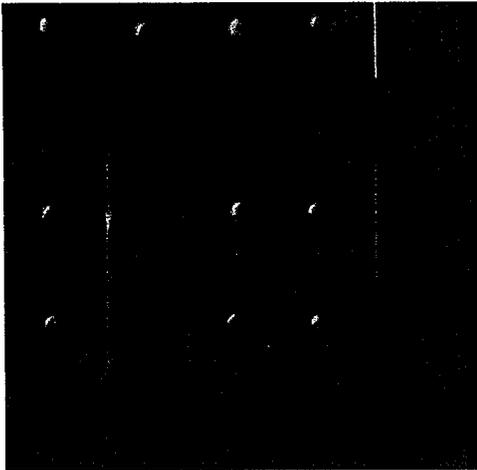


 *Masonite*[®]

CAVALIER™ MAHOGANY DOOR COLLECTION

Introducing the CAVALIER™ DISTRESSED MAHOGANY DOOR COLLECTION, inspired by timeless 'old world' design

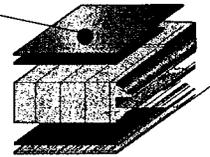
The Cavalier™ Series is our newest addition to the Royal Mahogany™ line. This new series is ideal for rustic or southwestern style homes. Cavalier is a beautiful and affordable way to meet an 'old world' design need and is available in a variety of designs and sizes, meeting the requirements of most applications.



Cavalier™ 3 Panel, shown with optional applied clavos

ENGINEERED STILES & RAILS

All Cavalier stile & rail components have been specially engineered for durability and stability. Sawn Mahogany laminates are applied over finger-jointed/edge-glued wood cores, using mortise & tenon joinery, creating components that are more stable than solid wood. Each stile also features a solid Mahogany edge-band.



RAISED MOULDING

Applied mouldings are used on both sides of all Cavalier doors. The moulding has a simple, rustic profile - perfectly complementing the distressed design.

FACTORY FINISHED

All Cavalier doors are custom factory-finished. Doors are stained and highlighted to create that authentic aged look, bringing out the natural characteristics of the Mahogany wood. The doors are then top-coated with a UV-resistant polyurethane. Matching (non-distressed) frame components with pleasing color match are also available.

HAND-CRAFTED QUALITY

Each door is individually distressed by hand to produce that old world look of the Cavalier Collection.

HAND-CRAFTED BLACK IRON

Iron clavos, or decorative nails, are optional on all Cavalier designs. An operating "speakeasy" door with compression bulb weather-stripping is also available. Speakeasy grille, also in black iron, is an option on all designs.

FLOATING PANELS

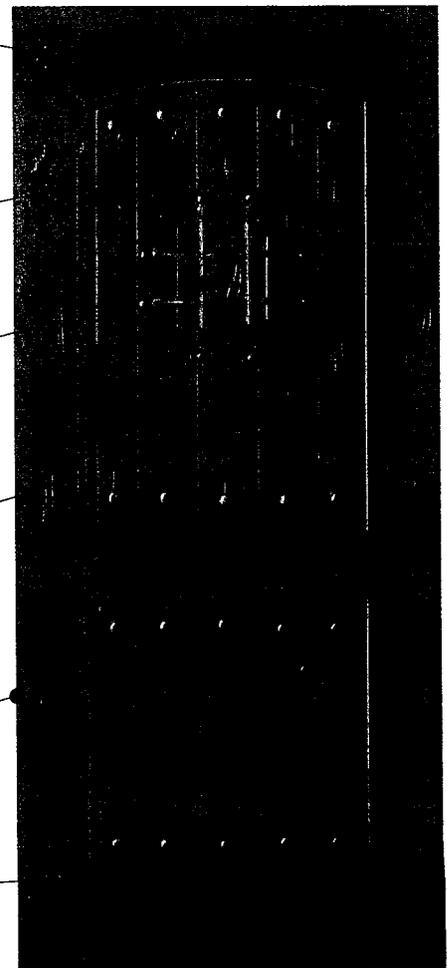
The solid/edge-glued Mahogany panels are free to "float" between fixed ends which reduces the possibility of the panels splitting due to natural wood contractions.

DESIGNS & SIZES

Cavalier is available in a variety of designs and sizes (see table), including a 3'6" wide door.

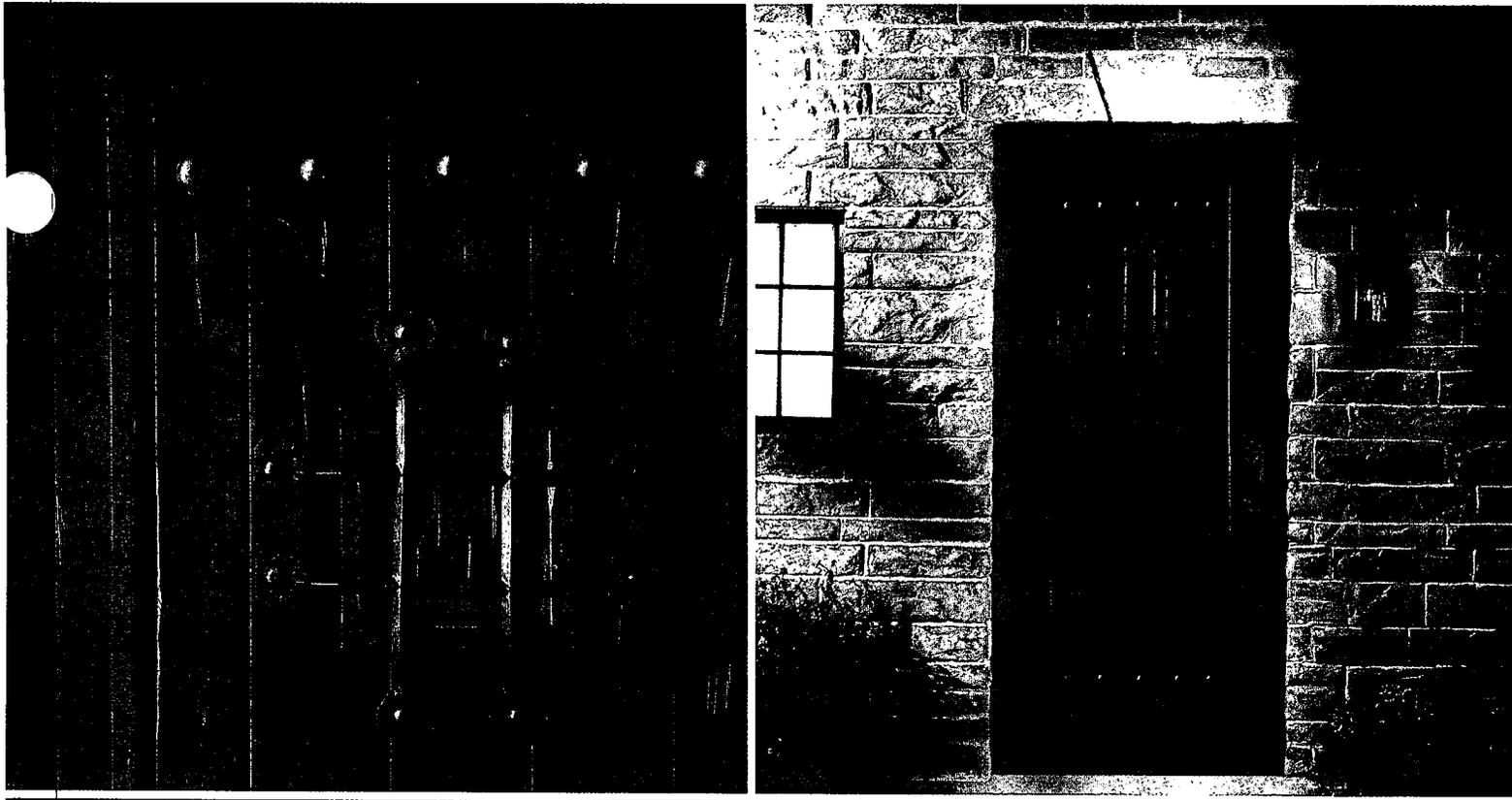
STRONGER JOINTS

The mortise & tenon joints between the stiles & rails are stronger than dowel joints because the gluing surface is more than doubled.



APPENDIX 30

Cavalier 2 Panel Camber Top,
shown with optional speakeasy grille and applied clavos



Cavalier 1 Panel, shown with optional speakeasy grille and applied clavos

AVAILABLE SIZES AND DESIGNS				
	1 Panel	2 Panel Camber Top	3 Panel	Full Sidelite
Width x Height				
3'0" x 6'8"	■	■	■	
3'0" x 8'0"		■		
3'6" x 8'0"		■		
1'0" x 6'8"				■
1'0" x 8'0"				■

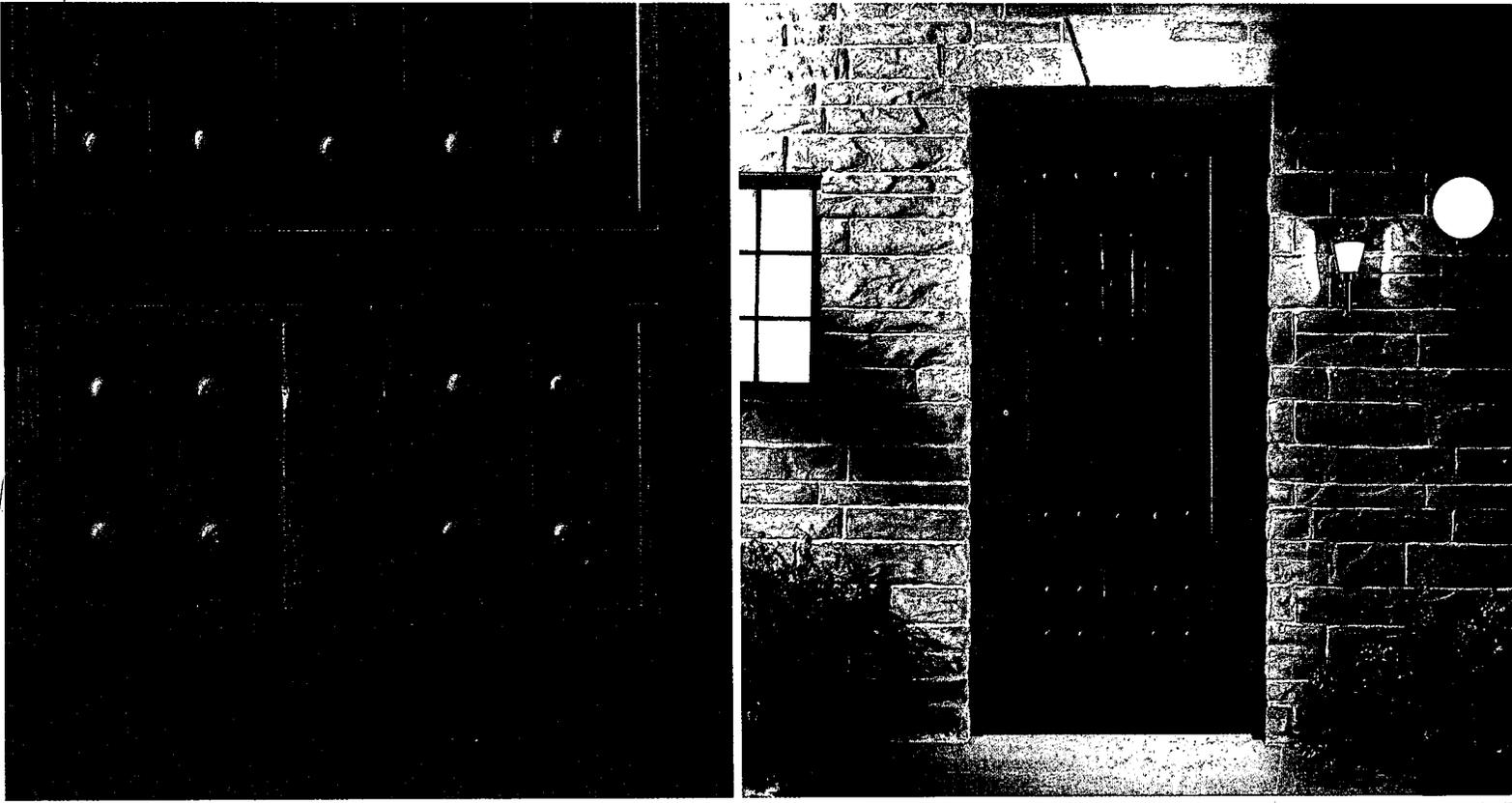
NOTE: Speakeasy grilles and applied clavos are optional on all doors and sidelite panels. Sidelite panels feature clear, insulated glass.

Cavalier™ Mahogany

- 1-Year Limited Warranty ❖
- Double-Pane Insulated Glass (10-Year Warranty) ❖
- 1-1/4" Solid Mahogany Raised Panels
- Rails can be trimmed up to 1/2" off the top & bottom, stiles can be trimmed up to 1/4" off each side
- Available Factory Prefinished only

Door: All Cavalier Mahogany Doors have a 1-year limited warranty as long as they are installed in accordance with our written instructions. In the unlikely event of defects, Masonite must be notified within 30 days of occurrence.

Glass: All glass pieces are guaranteed not to leak for 10 years from the date of purchase. Masonite must be notified of any defects within 30 days of occurrence.



Cavalier 3 Panel, shown with optional speakeasy grille and applied clavos

Masonite's Commitment

At Masonite, employees from all parts of the company – sales, marketing, research and development, customer service and manufacturing – understand that people love their homes. In the past, homes were purchased to meet functional needs. Today, homes are purchased to meet specific lifestyles and to satisfy the need to create multiple living environments within a single home. To meet these lifestyle needs, Masonite is continually creating new and innovative products that will make every home more beautiful, more valuable and more enjoyable. With the ultimate goal of adding beauty and value to every home, Masonite's products are designed and constructed to exacting standards and specifications. All materials – wood, fiberglass, steel or composites – are engineered and carefully selected to ensure lasting durability and timeless performance.

For individuals who are building, renovating or redecorating, Masonite products are certain to beautify and accent a wide array of architectural home styles.

Masonite. The Beautiful Door.®

 *Masonite*®
Masonite International Corporation

Masonite Helpline: **1-800-663-DOOR (1-800-663-3667)**
9 a.m. to 9 p.m. Monday through Saturday, 10 a.m. to 4 p.m. Sunday, EST
www.masonite.com

APPENDIX 32

**TRADEMARK TRIAL & APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

EXHIBIT E



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Typed Drawing

Word Mark	DEFENDER
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings , guard rails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 20020101. FIRST USE IN COMMERCE: 20020101
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360336
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 5, 2002
Registration Number	2680449
Registration Date	January 28, 2003
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SERIES" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 76345636 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark (words only): DEFENDER

Standard Character claim: No

Current Status: Abandoned: No Statement of Use filed after Notice of Allowance was issued.

Date of Status: 2005-10-23

Filing Date: 2001-12-04

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 700 -Intent To Use Section

Date In Location: 2004-10-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. The Ideal Group

Address:

The Ideal Group
2555 Clark St.
Detroit, MI 482091355
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Michigan

GOODS AND/OR SERVICES

International Class: 006
METAL GUARD RAILS

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-28 - Abandonment Notice Mailed - No Use Statement Filed

2005-12-28 - Abandonment - No use statement filed

2005-08-11 - TEAS Change of Correspondence Received

2005-04-11 - Extension 5 granted

2005-04-11 - Extension 5 filed

2005-04-11 - TEAS Extension Received

2004-10-27 - Extension 4 granted

2004-10-14 - Extension 4 filed

2004-10-14 - TEAS Extension Received

2004-04-28 - Extension 3 granted

2004-04-19 - Extension 3 filed

2004-04-23 - Case File in TICRS

2004-04-19 - TEAS Extension Received

2003-10-29 - Extension 2 granted

2003-10-22 - Extension 2 filed

2003-10-22 - TEAS Extension Received

2003-05-19 - Extension 1 granted

APPENDIX 36

2003-04-16 - Extension 1 filed
2003-04-16 - TEAS Extension Received
2002-10-22 - Notice of allowance - mailed
2002-07-30 - Published for opposition
2002-07-10 - Notice of publication
2002-05-17 - Approved for Pub - Principal Register (Initial exam)
2002-03-13 - Communication received from applicant
2002-03-13 - PAPER RECEIVED
2002-02-27 - Non-final action mailed
2002-02-22 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

John G. Posa (Attorney of record)

John G. Posa
Gifford, Krass, Groh, Sprinkle, Anderson
P.O. Box 7021
2701 Troy Center Drive, Suite 330
Troy MI 48007-7021
Phone Number: (248) 647-6000
Fax Number: (248) 647-5210



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Typed Drawing

Word Mark	GUARDIAN
Goods and Services	IC 019. US 001 012 033 050. G & S: NON-METAL RAILINGS , GUARD RAILS, HAND RAILS AND BANISTERS FOR USE IN BUILDINGS. FIRST USE: 19981007. FIRST USE IN COMMERCE: 19981007
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75808027
Filing Date	September 27, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 20, 2000
Registration Number	2385507
Registration Date	September 12, 2000
Owner	(REGISTRANT) Stanley, Larry S. DBA Avcon CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	GUARDIAN
Goods and Services	IC 019. US 001 012 033 050. G & S: FASTENERS FOR USE IN HOLDING DOWN ROOF SUPPORTED TERRACE BLOCKS. FIRST USE: 20020906. FIRST USE IN COMMERCE: 20020906
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76159109
Filing Date	November 3, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 19, 2002
Registration Number	2789197
Registration Date	December 2, 2003
Owner	(REGISTRANT) HANOVER ARCHITECTURAL PRODUCTS, INC. CORPORATION PENNSYLVANIA 240 BENDER ROAD HANOVER PENNSYLVANIA 17331
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Stanley B. Kita
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

APPENDIX 39

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Typed Drawing

Word Mark	GUARDIAN
Goods and Services	IC 019. US 012. G & S: nonmetal highway barriers. FIRST USE: 19940207. FIRST USE IN COMMERCE: 19940212
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	74480637
Filing Date	January 19, 1994
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 30, 1996
Registration Number	1969176
Registration Date	April 23, 1996
Owner	(REGISTRANT) YEW CORPORATION CORPORATION PENNSYLVANIA 24 West Main Street, Suite C Bloomsburg PENNSYLVANIA 17815 (LAST LISTED OWNER) ARMORCAST PRODUCTS COMPANY CORPORATION BY ASSIGNMENT CALIFORNIA 13230 SATICOY STREET SYDNEY CHASE NO. HOLLYWOOD CALIFORNIA 91605
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Arnold H. Krumholz
Type of Mark	TRADEMARK

APPENDIX 41

Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark **GUARDIAN**
Goods and Services IC 019. US 012. G & S: Plywood. FIRST USE: 19630517. FIRST USE IN COMMERCE: 19630517
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 72171187
Filing Date June 17, 1963
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0766986
Registration Date March 24, 1964
Owner (REGISTRANT) Simpson Timber Company CORPORATION WASHINGTON 2000 Washington Bldg. Seattle WASHINGTON

 (LAST LISTED OWNER) OLYMPIC PANEL PRODUCTS LLC LTD LIAB CO DELAWARE 204 E. RAILROAD AVE. SHELTON WASHINGTON 98584
Assignment Recorded ASSIGNMENT RECORDED
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20040423.
Renewal 2ND RENEWAL 20040423
Live/Dead LIVE

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Indicator

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Typed Drawing

Word Mark GUARDIAN SECURITY STORM DOORS
Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: Metal Security Storm Doors. FIRST USE: 19900400. FIRST USE IN COMMERCE: 19900400
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76507664
Filing Date April 18, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 18, 2005
Registration Number 3038888
Registration Date January 10, 2006
Owner (REGISTRANT) Guida, Inc CORPORATION PENNSYLVANIA 2106 S. 63rd Street Philadelphia PENNSYLVANIA 19142
Attorney of Record Camille M. Miller
Prior Registrations 2351398
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SECURITY STORM DOORS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark HARBOR MASTER
Goods and Services IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for use in and/or buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76360330
Filing Date January 22, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 20, 2002
Registration Number 2649265
Registration Date November 12, 2002
Owner (REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78299423

Registration Number: (NOT AVAILABLE)

Mark (words only): HARBORMASTER

Standard Character claim: No

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2005-10-11

Filing Date: 2003-09-11

The Notice of Allowance Date is: 2004-10-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
KIM SOPHIA SUJIN Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2004-10-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Eagle Window & Door, Inc.

Address:

Eagle Window & Door, Inc.
P.O. Box 1072 2045 Kerper Boulevard
Dubuque, IA 52004
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: 248-594-0633

Fax Number: 248-594-0610

GOODS AND/OR SERVICES

International Class: 019

Insulated glass, impact resistant window glass and window glass

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-11 - Extension 2 granted

2005-10-11 - Extension 2 filed

2005-10-11 - TEAS Extension Received

2005-04-12 - Extension 1 granted

2005-04-12 - Extension 1 filed

2005-04-12 - TEAS Extension Received

2004-10-12 - Notice of allowance - mailed

2004-07-20 - Published for opposition

2004-06-30 - Notice of publication

2004-04-30 - Approved for Pub - Principal Register (Initial exam)

2004-04-23 - EXAMINERS AMENDMENT E-MAILED

2004-03-24 - Non-final action e-mailed

2004-03-20 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

APPENDIX 49

MICHAEL B STEWART (Attorney of record)

MICHAEL B STEWART
RADER FISHMAN & GRAUER PLLC
39533 WOODWARD AVE STE 140
BLOOMFIELD HILLS MI 48304

Phone Number: 248-594-0633

Fax Number: 248-594-0610



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Typed Drawing

Word Mark	MALIBU
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings , guardrails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360332
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649266
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark MALIBU
Goods and Services IC 019. US 001 012 033 050. G & S: Vinyl windows, namely windows with frames made of vinyl. FIRST USE: 20010501. FIRST USE IN COMMERCE: 20010501
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76136166
Filing Date September 27, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition May 22, 2001
Registration Number 2908935
Registration Date December 7, 2004
Owner (REGISTRANT) Anlin Industries, Inc. CORPORATION CALIFORNIA 1665 Tollhouse Rd. Clovis CALIFORNIA 93720
Attorney of Record Michele A. Engnath
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark	MALIBU
Goods and Services	IC 019. US 001 012 033 050. G & S: ROOFING TILES SOLD TO ROOFING CONTRACTORS. FIRST USE: 19891030. FIRST USE IN COMMERCE: 19891122
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75751611
Filing Date	July 16, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 2, 2001
Registration Number	2438102
Registration Date	March 27, 2001
Owner	(REGISTRANT) BURLINGAME INDUSTRIES, INC. CORPORATION CALIFORNIA 3546 North Riverside Avenue Rialto CALIFORNIA 92376
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Constantine Marantidis
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark MALIBU
 Goods and Services IC 019. US 012. G & S: PVC fences. FIRST USE: 19920331. FIRST USE IN COMMERCE: 19920331
 Mark Drawing Code (1) TYPED DRAWING
 Design Search Code
 Serial Number 74290166
 Filing Date June 29, 1992
 Current Filing Basis 1A
 Original Filing Basis 1A
 Published for Opposition December 8, 1992
 Registration Number 1755339
 Registration Date March 2, 1993
 Owner (REGISTRANT) Nebraska Plastics, Inc. CORPORATION NEBRASKA P.O. Box 45 West Hwy 30 & O STREETS Cozad NEBRASKA 69130
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030623.
 Renewal 1ST RENEWAL 20030623
 Live/Dead Indicator LIVE

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Typed Drawing

Word Mark	DAYTONA
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360333
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649267
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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DAYTONA

Word Mark **DAYTONA**
Goods and Services IC 019. US 001 012 033 050. G & S: INTERLOCKING PLASTIC FLOOR TILES. FIRST USE: 20031215. FIRST USE IN COMMERCE: 20031215
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78342310
Filing Date December 17, 2003
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition September 21, 2004
Registration Number 3009492
Registration Date October 25, 2005
Owner (REGISTRANT) CONNOR SPORT COURT INTERNATIONAL, INC. CORPORATION DELAWARE 939 SOUTH 300 WEST SALT LAKE CITY UTAH 84104
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Vaughn W. North
Type of Mark TRADEMARK
Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark CONTINENTAL
Goods and Services IC 019. US 001 012 033 050. G & S: Non-metallic railings, guard rails, handrails and banisters for use in and on buildings. FIRST USE: 19991001. FIRST USE IN COMMERCE: 19991001
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76360237
Filing Date January 22, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 20, 2002
Registration Number 2649262
Registration Date November 12, 2002
Owner (REGISTRANT) American Vinyl Concpets, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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CONTINENTAL

Word Mark	CONTINENTAL
Goods and Services	IC 006. US 002 012 013 014 023 025 050. G & S: Prefabricated bridges and bridge components, constructed primarily of metal. FIRST USE: 19740000. FIRST USE IN COMMERCE: 19740000
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Design Search Code	
Serial Number	78527564
Filing Date	December 6, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 25, 2005
Registration Number	3046044
Registration Date	January 17, 2006
Owner	(REGISTRANT) Continental Bridge, Inc. CORPORATION DELAWARE 8301 State Highway 29 N Alexandria MINNESOTA 56308
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Rene M. LaForte
Type of Mark	TRADEMARK

APPENDIX 62

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark **SENTRY**

Goods and Services IC 019. US 001 012 033 050. G & S: Non-metallic **railings**, guard rails, handrails and banisters for use in and on buildings. FIRST USE: 20000101. FIRST USE IN COMMERCE: 20000101

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76360239

Filing Date January 22, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 1, 2002

Registration Number 2666200

Registration Date December 24, 2002

Owner (REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755

Type of Mark TRADEMARK

Register PRINCIPAL

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Typed Drawing

Word Mark **SENTRY**
Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: Builders hardware made of metal, namely, hinges, cabinet catches, chain **door** guards, turn buttons, screen **door** pulls, screen **door** spring hinges, sash hook lifts, mending plates, corner braces, flat corner irons, magnetic catches, spring and chain **door** stops, safety hasps, t-hinges, strap hinges, screen and storm sash hangers, utility hinges, roller catches, and **door** protector chains. FIRST USE: 19690729. FIRST USE IN COMMERCE: 19690729
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76372300
Filing Date February 8, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 24, 2002
Registration Number 2662958
Registration Date December 17, 2002
Owner (REGISTRANT) Distribution America, Inc. CORPORATION DELAWARE 2700 River Road Des Plaines ILLINOIS 60018
Attorney of Record Louis M. Heidelberger, Thomas J. McWilliams, Todd A. Norton
Prior Registrations 0998209;1005486;AND OTHERS

APPENDIX 65

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Record 1 out of 1

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Typed Drawing

Word Mark CAPE COD
Goods and Services IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76360331
Filing Date January 22, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 27, 2002
Registration Number 2651884
Registration Date November 19, 2002
Owner (REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78553761 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

CAPE COD

(words only): CAPE COD

Standard Character claim: Yes

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2006-03-08

Filing Date: 2005-01-25

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:
CLARKE IDI A Employee Location

Current Location: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2006-03-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Masonite International Corporation

Address:

APPENDIX 69

Masonite International Corporation
1600 Britannia Road East
Mississauga L4W 1J2
Canada

Legal Entity Type: Corporation

State or Country of Incorporation: Canada

Phone Number: (905) 670-6550

Fax Number: (905) 670-6520

GOODS AND/OR SERVICES

International Class: 006

Metal doors

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 019

Non-metal doors; door lites, side lites, transom lites in the nature of glass and plastic panels for doors and door areas; decorative glass for building

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-03-08 - Approved for Pub - Principal Register (Initial exam)

2006-03-02 - Teas/Email Correspondence Entered

2006-02-23 - Communication received from applicant

2006-02-23 - TEAS Response to Office Action Received

2005-08-25 - Non-final action e-mailed

2005-08-25 - Non-Final Action Written

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2005-08-23 - Case file assigned to examining attorney

2005-02-03 - New Application Entered In Tram

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