

# TTAB

Attorney Docket DX-3 (#90545)

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

In the Matter of:

Application Serial No. 75/701,707  
Mark: Drawing of a Marine Heat Exchanger  
Published in the Official Gazette at Page TM 400 on May 9, 2000



DURAMAX MARINE, LLC )  
)  
Opposer, )  
)  
v. )  
)  
R.W. FERNSTRUM & COMPANY, )  
)  
Applicant )

06-09-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #58

Opposition No. 119,899

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

### OPPOSER'S SUPPLEMENTAL NOTICE OF RELIANCE

Opposer Duramax Marine, LLC, by its attorneys, hereby submits this Supplemental Notice of Reliance pursuant to Trademark Rule 2.120(j) and 2.122(d) through (f) of the Trademark Rules of Practice, 37 C.F.R. §§ 2.120 and 2.122, hereby introduces into evidence the following:

federal trademark registrations (copies of official records of the PTO):

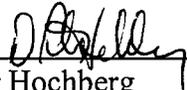
#### A. Federal Registrations

Pursuant to Trademark Rules 2.122(e), 37 C.F.R. § 2.122(3), Opposer hereby introduces into evidence a copy of the following official record of the Patent and Trademark Office, a copy of which is attached hereto:

1. Certified status copy of Registration No. 941,352, dated May 26, 2004, for the trademark GRIDCOOLER. Reliance on this registration was previously noted in the Notice of Reliance filed on May 28, 2004.

Respectfully submitted,

Date: June 7, 2004

By:   
D. Peter Hochberg  
Counsel for Opposer  
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DPH/sm

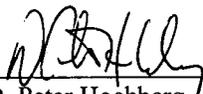
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "OPPOSER'S SUPPLEMENTAL NOTICE OF RELIANCE" was served via first class, postage prepaid, U.S. mail upon:

Samuel D. Littlepage, Esq.  
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1901 "L" Street, N.W., Suite 800  
Washington, D.C. 20036-3506

**ATTORNEYS FOR APPLICANT**

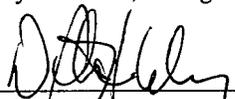
Date: June 7, 2004

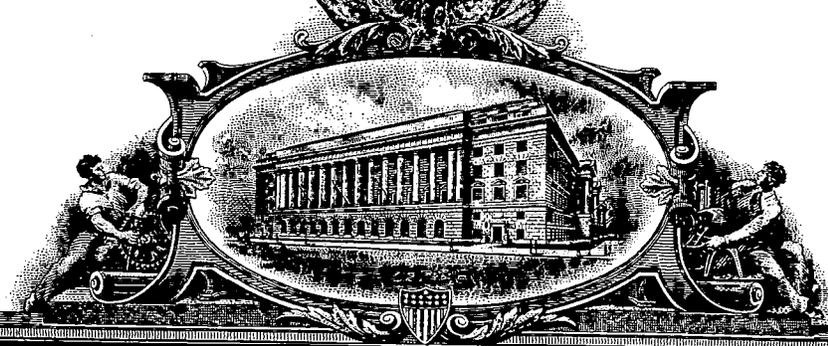
By:   
D. Peter Hochberg

**CERTIFICATE OF MAILING**

I hereby certify that this document is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, 22202-3514, on the date noted below:

Date: June 7, 2004

  
D. Peter Hochberg



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

May 26, 2004

**THE ATTACHED U.S. TRADEMARK REGISTRATION 941,382 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 20 YEARS FROM *August 22, 1972*  
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *August 22, 2002*  
SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:  
*REGISTRANT***

By Authority of the  
**COMMISSIONER OF PATENTS AND TRADEMARKS**



*N. Woodson*  
**N. WOODSON**  
Certifying Officer

# United States Patent Office

941,382  
Registered Aug. 22, 1972

## PRINCIPAL REGISTER Trademark

Ser. No. 343,833, filed Nov. 18, 1969

# GRIDCOOLER

R. W. Fernstrum & Company (Michigan corporation)  
Menominee, Mich. 49858

For: EXTERNAL COOLING SYSTEM FOR  
MARINE ENGINES AND INSTALLED UPON THE  
HULLS OF WATER CRAFT, in CLASS 23 (INT. CL. 7).

First use on or about June 1, 1950; in commerce on or  
about June 1, 1950.

A. D. HOOKS, Examiner