Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: **ESTTA381696**

Filing date: **12/02/2010**

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

Proceeding	91179480
Party	Defendant Kobelco Construction Machinery Co., Ltd.
Correspondence Address	BASSAM IBRAHIM BUCHANAN INGERSOLL & ROONEY PC 1737 KING STREET, SUITE 500 ALEXANDRIA, VA 22314-2727 UNITED STATES bassam.ibrahim@bipc.com, lloyd.smith@bipc.com
Submission	Opposition/Response to Motion
Filer's Name	S. Lloyd Smith
Filer's e-mail	lloyd.smith@bipc.com
Signature	/s. lloyd smith/
Date	12/02/2010
Attachments	Public.pdf (42 pages)(1737154 bytes)

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

PLASTI-FAB LTD.,	:	
	:	
Opposer,	:	
	:	Opposition No. 91179480 (parent)
v.	:	Opposition No. 91179482
	:	
KOBELCO CONSTRUCTION MACHINERY CO., LTD.,	:	**PUBLIC VERSION**
	:	
Applicant.	:	

APPLICANT'S OPPOSITION TO OPPOSER'S
MOTION FOR SUMMARY JUDGMENT

Applicant Kobelco Construction Machinery Ltd., ("Applicant") hereby opposes Opposer Plasti-Fab Ltd's ("Opposer") Motion for Summary Judgment for the reasons stated below.

I. INTRODUCTION

The Board must deny Opposer's Motion for Summary Judgment because Opposer has not established that there are no genuine issues of material fact as to the likelihood of confusion alleged in Opposer's Notices of Opposition. Likelihood of confusion is an intensely factual inquiry that rarely lends itself to summary judgment, particularly given that on a Motion for Summary Judgment all facts must be construed in the light most favorable to Applicant, the non-movant. Opposer has not met its high burden of proving likelihood of confusion as a matter of law.

Genuine issues of fact remain with respect to at least all of the *duPont* factors mentioned by Opposer. Opposer has misapplied the tests concerning the similarity of the

marks and the existence of third party marks, and ignored critical facts affecting these factors. Further, Opposer has ignored additional factors, such as the lack of any proof concerning the fame of Opposer's mark and the existence of numerous third party marks containing "geo" and "spec" for construction related goods. Given Applicant's evidence, and Opposer's failure of proof, these factors must be weighed in Applicant's favor.

Accordingly, the Board must deny Opposer's motion for Summary Judgment because there are several issues of material fact that remain.

II. STANDARD

A. Standard for Summary Judgment

Summary Judgment is only appropriate where there are no genuine issues of material fact and a case can be resolved as a matter of law. Fed. R. Civ. P. 56(c)[1]. A party moving for Summary Judgment has the burden of demonstrating the absence of any genuine issue of material fact. *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 833 F.2d 1560, 1562-63 (Fed Cir. 1987). Only when the moving party's motion is supported by evidence demonstrating the absence of a genuine issue of material fact does, does the burden shift to the nonmoving party to demonstrate the existence of genuinely disputed issues of fact that must be resolved at trial. *Id.* A dispute as to a material fact is "genuine" if a reasonable fact finder viewing the entire record could resolve the dispute in favor of the nonmoving party. *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ 2d 1542, 1544 (Fed. Cir. 1992). In considering whether to grant Summary Judgment, the Court must draw all inferences in favor of the non-movant. *McKay v. U.S.*, 199 F. 3d 1376 (Fed. Cir. 1999).

---

1 Applicant notes that the December 1, 2010 amendments to Fed. R. Civ. P. 56 refer to a "genuine dispute as to any material fact".

The Trademark Trial and Appeal Board uses the Federal Circuit's thirteen factor test set forth in *In re E.I. duPont de Nemours & Co.,* 177 USPQ 563 (CCPA 1973) to determine a likelihood of confusion. Likelihood of confusion is a highly factual inquiry. *See Petro Shopping Centers, L.P. v. James River Petroleum, Inc.*, 130 F.3d 88, 92 (4th Cir. 1997). Thus, a Motion for Summary Judgment on a likelihood of confusion are disfavored, *see Country Floors Inc. v. P'Ship of Gepner & Ford,* 930 F.2d 1056, 1062-63 (3d Cir. 1991), and the Board should have a strong preference for resolving such questions after the testimony phase, not on Summary Judgment. When viewing Opposer's allegations in its Motion for Summary Judgment in the light most favorable to Applicant, issues of material fact remain concerning a likelihood of confusion. Accordingly, Opposer is not entitled to Summary Judgment and its Motion should be denied.

III. ARGUMENT

A. Opposer Has Not Established A Likelihood of Confusion as a Matter of Law; Therefore, the Motion Should Be Denied

i. The Parties' Marks are Dissimilar (*duPont* Factor 1)

Applicant has two marks that are at issue here. First, U.S. Application No. 79/023,935 (the "'935 Application") is for Geospec (Applicant's "Geospec Mark"). Second, U.S. Application No. 79/023,934 (the "'934 Application") is for:

(Applicant's "ACERA Geospec Mark"). The '934 Application includes a claim for orange in the wording "ACERA," grey in "Geospec", and black and white outlining in all wording.

1. *The "Geospec" mark in the '935 Application:* Opposer has relied on its own use of GeoSpec (Opposer's "GeoSpec Mark") in its Notice of Opposition. Opposer argues that its GeoSpec Mark is identical to Applicant's Geospec Mark without any consideration of the full context of the marks. Although Opposer has argued that the parties' marks are identical in sight and sound, it has not offered any evidence as to how the marks appear in the market place and are pronounced. Instead, Opposer rests on conclusory allegations as to these points. These conclusory allegations alone, without evidentiary support, are insufficient to establish a lack of material fact as to these issues.

If the common elements of conflicting marks are words that are descriptive or suggestive (i.e., "weak"), then this reduces the likelihood of confusion. *See, e.g., Keebler Co. v. Murray Bakery Prods.*, 866 F.2d 1386, 9 USPQ2d 1736 (Fed. Cir. 1989)[PECAN SANDIES and PECAN SHORTEES]; *Magnaflux Corp. v. Sonoflux Corp.*, 231 F.2d 669, 109 USPQ 313 (CCPA 1956)[MAGAFLUX and SONOFLUX]; and *Land-O-Nod Co. v. Paulison,* 220 USPQ 61 (TTAB 1983)[CHIROPRACTIC and CHIROMATIC]. In this instance, Opposer has argued that "GEO" and "SPEC" have common meanings. Opposer's Brief at 8. Based on Opposer's assertions, Opposer's mark is weak and diluted. Thus, there is less likelihood of confusion due to these common descriptive elements.

Further, the evidence shows that Opposer is using the mark as "GeoSpec" with both the "G" and the "S" capitalized and emphasizing two separate and distinct words "Geo" and "Spec", (see Exhibit 1, printout from Opposer's website), whereas Applicant's "Geospec" Mark is a single mark that is different in both sound and appearance. It is well settled that there is no single correct pronunciation of a trademark that is not a common English word because it is impossible to predict how the public will pronounce a particular mark. *Edwards Lifesciences Corp. v. VigiLanz Corp,* 94 USPQ2d 1399, 1409 (TTAB 2010); *Centraz Indus. Inc. v. Spartan Chemical Co. Inc.,* 77 USPQ2d 1698, 1701 (TTAB 2006).

Opposer's lack of evidence concerning actual pronunciation of the parties' respective marks fall well short of establishing as a matter of law that they will be pronounced the same. Finally, Opposer's argument that alleged similarity in appearance or sound between Opposer's GeoSpec and Applicant's Geospec Mark is sufficient to find a similarity likelihood of confusion is contrary to the law. *See Coach Services Inc. v. Triumph Learning LLC*, 96 U.S.P.Q.2d 1600 (TTAB 2010)("the law does not counsel that similarity in one factor alone automatically results in a finding that the marks are similar.")

2. *The Stylized ACERA Geospec Mark in the '934 Application:* Separately, Opposer has not established as a matter of law that Opposer's GeoSpec Mark and Applicant's stylized ACERA Geospec Mark are identical in either sound or appearance. The stylization of Applicant's ACERA Geospec Mark, combined with the multi-colors of the mark render the two parties' marks visually distinct. In addition, the "ACERA" before "Geospec" mandates that this mark will necessarily be pronounced differently than Opposer's GeoSpec Mark. More importantly, this initial portion of the mark is most likely to create a consumer impression that is different from Opposer's GeoSpec Mark. *Presto Prods. Inc. v. Nice-Pak Prods., Inc.,* 9 USPQ2d

1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered"). *See also Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin,* 396 F.3d 1369, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005)("Veuve" is the most prominent part of the mark VEUVE CLICQUOT because "VEUVE" is the first word in the mark and the first word to appear on the label); *Century 21 Real Estate Corp. v. Century Life of America,* 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (upon encountering the marks, consumers must first notice the identical lead word).

Finally, the fact that the parties are using them on different goods creates a genuine issue of material fact as to whether the marks are different in their connotations and commercial impressions. This difference is a critical distinction. *See Coach Services Inc. v. Triumph Learning LLC*, 96 USPQ2d 1600 (TTAB 2010)(finding different connotations and commercial impression of parties' COACH marks to be critical). As the Board stated in *Coach,* in considering connotation and overall commercial impression, the Board is compelled to consider the nature of the respective goods and services. *See e.g., TBC Corp. v. Holsa*, 44 USPQ2d 1315, 1316 (Fed. Cir. 1997) (court discounted "distinct connotation" of GRAND SLAM in relation to bridge, baseball, golf and tennis as irrelevant and noted that "with respect to automobile tires GRAND SLAM is wholly arbitrary"); *Viacom Int'l. Inc. v. Komm,* 46 USPQ2d 1233, 1238 (TTAB 1998) (the word "mouse" has different meanings when applied to a computer peripheral and a cartoon superhero); *Bost Bakery, Inc. v. Roland Indus., Inc.*, 216 USPQ 799, 801-802 (TTAB 1982) ("Hearth" highly suggestive as applied to bread but "Heritage" largely arbitrary as applied to such goods).

Thus, the Board has found a difference in connotations of the same or very similar marks in instances where the goods were more related than in the instant case. For instance, the Board

found that the mark BOTTOMS UP when used in connection with men's suits, coats and trousers engenders a different commercial impression from BOTTOMS UP for women's underwear and, therefore, was not likely to cause confusion. *In re Sydel Lingerie Co., Inc.,* 197 USPQ 629 (TTAB 1977). *See also In re Sears, Roebuck and Co.,* 2 USPQ2d 1312 (TTAB 1987) (CROSSOVER for brassieres creates a different commercial impression than CROSSOVER for ladies' sportswear); and *In re British Bulldog, Ltd.,* 224 USPQ 854 (TTAB 1984) (PLAYERS for shoes engenders a different commercial impression than PLAYERS for underwear).

ii. The Parties Goods are Very Different (*duPont* Factor 2)

Applicant's '935 and '934 applications are for "power shovels and cranes." Opposer does not contest that its goods are different. Opposer's goods are identified in its U.S. Registration No. 3,385,301 as "Molded expanded polystyrene (EPS) blocks and boards designed to act as a lightweight fill material used in geotechnical applications and compressible inclusion against structures; expanded polystyrene (EPS) foundation drainage boards designed to provide insulation and drainage to hydrostatic pressure on foundations; and insulation for walls, pipes, utility lines and vessels." It is also undisputed that the parties' goods in these descriptions do not overlap. Finally, Opposer has not introduced any evidence that these goods are related.

Opposer's argument that Applicant's "power shovels and cranes" should be evaluated on the basis of what is on Applicant's website is incorrect. The Board must determine the issue of likelihood of confusion based solely on the goods identified in the description of goods. *Canadian Imperial Bank of Commerce v. Wells Fargo Bank,* 811 F.2d 1490, 1 USPQ2d 1813, 1815 (Fed. Cir. 1987); *CBS Inc. v. Morrow,* 708 F.2d 1579, 218 USPQ 198, 199 (Fed. Cir. 1983).

Opposer's attempt to establish that the parties' goods are similar based merely on the fact that they both might be used in "construction" is insufficient to establish that the goods are related. For instance, the Board has recently ruled in *Edwards Lifesciences,* 94 USPQ2d at 1410, that such superficial similarities do not make similar goods:

> "Despite the superficial similarities between the goods, we find that they are very different: opposer's product is a monitor (with associated operating software), used in critical care settings such as operating rooms, intensive care units, recovery rooms, hospital emergency rooms and burn units to measure cardiac output while applicant's product is a computer monitoring system comprising software and a database used by hospital pharmacies to analyze patient lab results and prescribed drugs to anticipate adverse drug events. Opposer simply has not satisfied its burden of proof of showing that the goods identified by the application are sufficiently related to heart monitors as to create a likelihood of confusion."

Likewise, in the instant dispute Opposer's unsupported allegations that the parties' goods are related merely because they are alleged to be in "a general category, which includes tools and materials for construction projects" does not establish that the parties' goods are related as a matter of law. *See* Opposer's Brief at 8. This factor must therefore be weighed in Applicant's favor.

iii. The Parties Trade Channels and Purchasers Are Different (*duPont* Factor 3)

Opposer has further failed to demonstrate that, even if the parties goods ended up on the same construction site, they would be used by the same personnel or that overlapping personnel would encounter them. In an analogous situation, the Board stated in *Edwards Lifesciences,* 94 USPQ2d at 1411:

> First, the evidence demonstrates that the two products are used by different personnel in the hospital. Opposer's monitors are used by the staff in critical care settings such as operating rooms, intensive care units, recovery rooms, hospital emergency rooms and burn

> units to measure cardiac output. Applicant's computer monitoring system is designed for and used by the hospital pharmacy. Second, the two products are not complementary products. There is no testimony or evidence demonstrating that the two products would be bought and/or used together by the same personnel in the hospital. Thus, despite the fact that a patient may be simultaneously monitored by Applicant's system and Opposer's heart monitor, the same hospital staff are not interacting with the two products.

This logic is equally applicable to the instant proceeding where there is no evidence that the products are complementary or that purchasers or users overlap. It is illogical to assume that purchasers of Applicant's heavy machinery will be the same as purchasers of Opposer's goods, since separate and distinct personnel or subcontractors likely operate and install these machines and products as is common in the construction industry.

As the Federal Circuit has previously held, "although the two parties conduct business not only in the same fields but also with some of the same companies, the mere purchase of goods and services of both parties by the same institution does not, by itself, establish similarity of trade channels or overlap of customers... The likelihood of confusion must be shown to exist not in a purchasing *institution*, but in 'a customer or purchaser.'" *Electronic Design & Sales v. Electronic Data Sys.,* 954 F.2d 713, 21 USPQ2d 1388, 1391 (Fed. Cir. 1992) (Emphasis in the original). Opposer has failed to satisfy this Federal Circuit requirement. Opposer has no evidence that customers or purchasers for Applicant's heavy machinery and Opposer's polystyrene blocks, boards, and insulation will overlap. Thus, Opposer has failed to establish a lack of a genuine issue of material fact as to this issue.

iv. Opposer has Ignored The Extensive Evidence of Third Party Use (*duPont* Factor 6)

Opposer's analysis of third party use improperly focuses exclusively on third party uses of "GEOSPEC" as a whole. It is undisputed that there is at least one third party user of

"GEOSPEC" at www.geospec.com. *See* Opposer's Brief at 10. However, Opposer ignores that there are hundreds of third party valid and existing U.S. trademark registrations for marks containing "GEO" and "SPEC" that pertain to the construction industry. The following is a representative list of such registrations which actually contain the word "construction" in their description of goods and/or services (see Exhibit B):

Registration Number	Mark
3,276,095	THE GEO GROUP, INC.
3,139,781	GEO GROUP, INC.
2,881,666	GEO FENCE CO.
3,812,624	GEO-SOLUTIONS
3,806,888	GEO-INGENUITY
3,261,581	GEO-MAT
2,318,319	GEO INSTITUTE
2,247,201	GEO-INSTITUTE
2,043,606	GEO D-STIX
1,774,747	1-800-CALL GEO.
2,824,121	SPEC MIX BRICKLAYER 500
2,870,571	RESI-SPEC
3,844,158	MANU-SPEC
3,739,248	SPEC IT GREEN
3,592,035	SPEC MIX TOUGHEST TENDER
3,715,664	PRO SPEC
2,891,052	SPEC-DATA
2,718,494	SPEC-DATA
3,280,259	E SPEC
2,224,915	SPEC MIX
1,796,522	ROOF SPEC INC.

This evidence compels a finding that genuine issues of third party use remain in this case and this factor weighs in favor of Applicant and denial of Opposer's Summary Judgment Motion. As the Board itself has stated, "The Board has, in the past, given weight to evidence of widespread and significant use by third parties of marks containing elements in common with the involved marks when considering claims of likelihood of confusion, because such evidence may demonstrate that confusion is not, in reality, likely to occur in the marketplace." *CareFirst of*

Maryland Inc. v. FirstHealth of the Carolinas Inc., 77 USPQ2d 1492 (TTAB 2005) ("Applicant properly adduced testimony from twelve third parties that use marks or names comprising, in part, the words care and/or first in the healthcare field.").

v. Opposer Has Not Demonstrated A Potential For Confusion (*duPont* Factor 12)

Opposer's short argument on this point has not addressed this factor independently from the factors above or explained how this factor is separate from the overall likelihood of confusion inquiry. Opposer further offers no evidence on this point. Accordingly, this factor should not be weighed in Opposer's favor.

vi. Opposer Has Ignored At Least Two Factors Applicable to this Case: Applicant's Goods are Subject to Careful, Sophisticated Purchases (*duPont* Factor 4) and Opposer's Mark Lacks Any Fame (*duPont* Factor 5)

Applicant's "power shovels and cranes" are inherently expensive machines that are not purchased on impulse. The evidence shows that a handful of Applicant's used machines were shipped to the United States priced at $[redacted] per machine. See Opposer's Brief, Ex. N, Applicant's Document Production at KOB002. Applicant has ignored this evidence and not introduced any evidence to the contrary. Thus, it must be presumed that the purchase of Applicant's expensive machines is a sophisticated purchase and that this factor weighs in Applicant's favor. *See Edwards Lifesciences,* 94 USPQ2d at 1413 (finding careful purchase by knowledgeable persons of $14,000 machines because "Just based on the products involved in this proceeding, one would expect that all of the purchasers would exercise a high degree of care when making their purchasing decision. Nothing in the record is to the contrary). This factor alone is highly probative of a lack of a likelihood of confusion.

Opposer has further ignored the fame factor and not submitted any evidence supporting a conclusion on summary judgment other than that Opposer's GeoSpec Mark is weak and entitled

to very narrow protection, if any. Opposer has not presented evidence of the requisite extensive public recognition and renown sufficient to establish that its mark is famous. *Bose Corp. v. QSC Audio Prods. Inc.,* 293 F.3d 1367, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002). Further, Opposer has not submitted evidence of sales volume and advertising expenditures associated with its GeoSpec goods, "the length of time those indicia of commercial awareness have been evident," widespread critical assessments and through notice by independent sources of the products identified by the marks, as well as the general reputation of the products and services. *See Bose Corp.,* 63 USPQ2d at 1305-1306 and 1309.

Opposer admits to a mere $[redacted] in sales since its alleged first use in 2005, and Applicant has had no opportunity to cross examine Opposer's declarant. See Opposer's Brief, Ex. B at ¶¶ 3b and 3g. Further, Opposer's Application for its '217 GeoSpec registration did not even allege use until 2007. *See* Trademark Rule 2.122(b)(2) (the date of use in a registration is not evidence on behalf of the registrant; "a date of use must be established by competent evidence"). Given the alleged short use, small sales and the lack of any other supporting evidence, it is clear that Opposer's mark lacks fame.

vi. Weighing the Factors as a Whole, Opposer has Not Established Likelihood of Confusion as a Matter of Law

As established above, genuine issues of fact remain with respect to all of the *duPont* factors mentioned by Opposer. The parties' respective Geospec and ACERA Geospec Marks are so dissimilar that Opposer's Motion for Summary Judgment should fail with respect to Applicant's ACERA Geospec Mark just because of its dissimilarity with Opposer's GeoSpec Mark. In addition, there are no *duPont* factors that weigh in Opposer's favors. By misapplying the tests concerning the similarity of the marks and the existence of third party marks and

ignoring critical facts affecting these factors, Opposer has failed to establish that it is entitled to Summary Judgment. When further weighed in conjunction with additional *duPont* factors, such as the lack of any proof concerning the fame of Opposer's GeoSpec Mark and the sophisticated, deliberative purchasers of Applicant's goods, the evidence clearly establishes that factual issues remain concerning likelihood of confusion. Accordingly, the Board must deny Opposer's Motion for Summary Judgment.

B. Applicant is Not Precluded From Relying on Evidence that Contradicts Opposer's Arguments

Opposer's argument concerning preclusion of evidence is inaccurate and misleading in several respects, and should be denied. The Board's June 3, 2010 Order concerning construction of interrogatories against Applicant did not pertain to Interrogatory No. 43, which was served as a part of Opposer's Second Set of Interrogatories (Nos. 30-59) on July 30, 2010. *See* Opposer's Brief, Exhibit A at attachment H. Instead, the portion of the Board's Order referred to in Opposer's Brief specifically referred to "Applicant's supplemental responses" to Opposer's First Set of Interrogatories (Nos. 1-29). *See* Opposer's Brief, Ex. O, Board Order at 7-8. Thus, there is no Board Order concerning Interrogatory No. 43 as the Opposer claims. Opposer has never objected to Applicant's response to Interrogatory No. 43 and to impose the draconian relief against Applicant on the grounds advanced by Opposer would be unprecedented. Notably, Opposer does not cite any case law to support its position.

In fact, Opposer's position concerning Interrogatory No. 43, which requests "all facts and the legal bases" in support of Applicant's affirmative defense in its Answer that there is no likelihood of confusion, is directly contrary to the case law. The Board has held that interrogatories requesting a party to "identify each and every fact, document and witness in

support of its pleaded allegations" is equivalent to a request for identification of fact witnesses and trial evidence prior to trial and therefore improper. *Time Warner Enter't. Co. v. Jones,* 65 USPQ2d 1650, 1657 (TTAB 2002). See TBMP § 414(7) ("A party need not, in advance of trial, specify in detail the evidence it intends to present, or identify the witnesses it intends to call, except that the names of expert witnesses intended to be called are discoverable."). Accordingly, Applicant should not be precluded from entering evidence to rebut Opposer's position on likelihood of confusion.

IV. CONCLUSION

Applicant has identified numerous material factual issues that support a conclusion that there is no likelihood of confusion between the parties' marks. Accordingly, these issues of material fact prevent the Board from granting Opposer's Motion for Summary Judgment. Therefore, Applicant requests that Opposer's Motion be denied and that the Board issue a ruling that resumes the proceedings.

Respectfully submitted,

Kobelco Construction Machinery Co., Ltd.

By: _____

Bassam N. Ibrahim
S. Lloyd Smith
Attorneys for Applicant
Buchanan Ingersoll & Rooney PC
1737 King Street
Alexandria, Virginia 22314-2727
Telephone: 703-836-6620

Date: December 2, 2010

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT was served this 2nd day of December, 2010 by first-class mail, postage prepaid, on:

David E. Sipiora, Esq.
Miranda C. Martinez, Esq.
Townsend and Townsend and Crew LLP
1400 Wewatta Street, Suite 600
Denver, Colorado 80202

Florie Goodman

Florie Goodman

EXHIBIT

A

Plasti-Fab™ EPS PRODUCT SOLUTIONS

GeoSpec™ Lightweight Fill

Landscape Voids

Landscaping on the upper floors of buildings or over underground garages is becoming an important architectural feature. The weight of soil especially, where a variety of grades are required, can be a major load on the structure.

The use of Plasti-Fab GeoSpec lightweight fill material allows the landscape architect to vary the finished soil grade and reduce the structural loading, yet provide sufficient soil over the GeoSpec lightweight fill to permit the growth of trees, shrubs,or grass.

GeoSpec lightweight fill material, having a density of approximately 16 kg/m³ (1 lb/ft³), replaces soil with a density of 1440 to 1765 kg/m³ (90 to 110 lbs/ft³). GeoSpec lightweight fill material is a closed cell foam so it absorbs limited amounts of water and a structural loading of 16 kg/m³ (1 lb/ft³) can be safely used.

For large permanent installations a concrete slab can be placed over GeoSpec lightweight fill material with allowances for different depths of soil for trees and shrubs. As an alternate a geotextile filter cloth can be placed over GeoSpec lightweight fill material to separate them from the soil. Soil can be placed directly over GeoSpec lightweight fill material where there is not a need to keep the soil out of the drainage system and where gardening activities will not disturb the GeoSpec lightweight fill material.

Where a concrete slab is placed over GeoSpec lightweight fill material, drainage should be arranged above the slab if it is required. Drainage at the waterproofing membrane would not be the prime method of draining the plantings. Where a geotextile fabric is used or the soil placed directly over GeoSpec lightweight fill material drainage will occur through the joints between blocks to the drains at the waterproofing membrane.

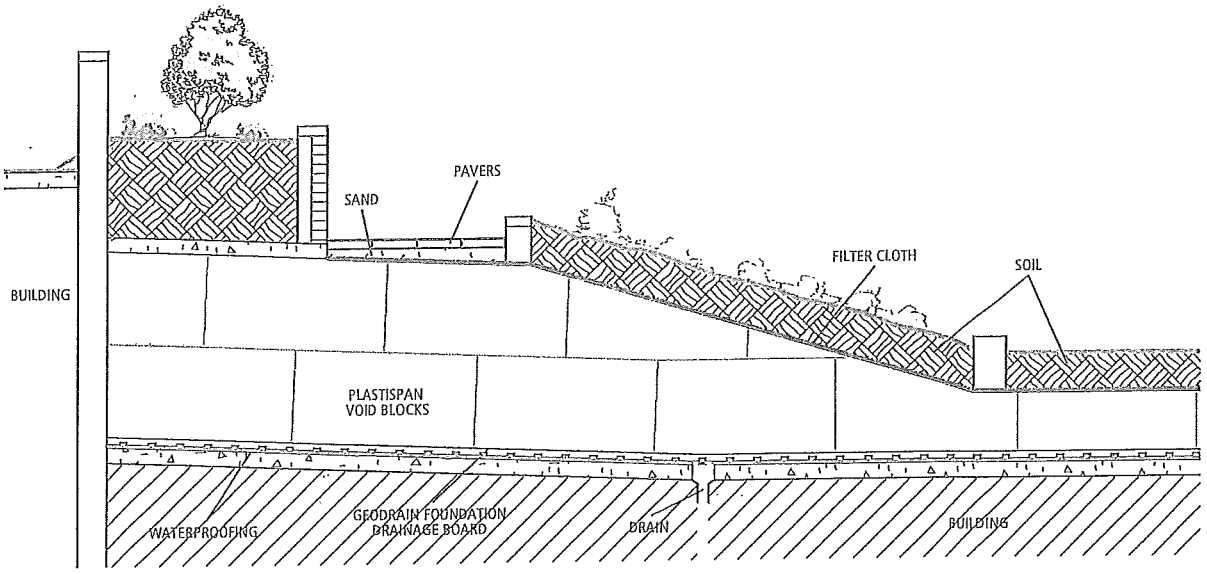
Where a rooftop garden is exposed to the weather it can have a more severe climate than at ground level. Winds are stronger, and exposure can be greater. Warm exhaust air, chimney exhaust, and heat reflected from walls may lead to drying of the plantings. The soil must be well insulated from the building so the plants will remain dormant in the winter.

Protect GeoSpec lightweight fill material from penetration by roots of trees or shrubs.

Recommended minimum soil depths would be from 300 mm (1 foot) under grass to 1.2 m (4 ft.) under large trees.

GeoSpec lightweight fill material must be restrained against lateral forces by retaining walls or other means.

GeoSpec lightweight fill material must not be left exposed to sunlight or weather for extended periods of time. Cover with soil, concrete, sand, pavers etc.



Application

Choose application instructions from the PlastiSpan brochure "Building Insulation Foundation Applications – Selection, Application and Specification". The following instructions apply specifically to landscape voids.

Preparation

Waterproofing membrane to have a slope to adequately drain.

PlastiSpan sloped insulation can be used to create a slope.

Drain tile to be installed if required.

Drainage

Lay GeoSpec lightweight fill material loose with channels down.

OR

Lay protection board and 12 mm (1/2") gravel. Minimum 50 mm (2") thick over roofing membrane to provide a drainage plane.

Void Block

Place GeoSpec lightweight fill material 1.2 x 4.8 m (4' x 16') x thickness required as indicated on plans. Where insulation blocks need to be straightened use portland cement mortar pads approximately 1 ft. (300 mm) in diameter.

Allow to cure for 24 hours before working over blocks.

Finish

Place reinforcing mesh if required and pour concrete slab over void block as shown on plans;

OR

Lay geotextile cloth loosely over insulation block.

Turn up and bond at walls or curbs using asphalt emulsion. Lap joints a minimum of 150 mm (6").

Place soil or sand (over concrete slab) (over geotextile cloth) directly onto void blocks.

Specification

Choose specifications from the PlastiSpan brochure "Building Insulation Foundation Applications – Selection, Application and Specification" with the following additions:

GeoSpec Lightweight Fill Material – manufactured by Plasti-Fab.

Thicknesses as shown on plans (or specify).

Copyright © 2004 by Plasti-Fab Ltd. All rights reserved.
Plasti-Fab, PlastiSpan, and GeoSpec are registered trademarks of Plasti-Fab Ltd. Printed in Canada.

GGS – 0404

ECP-Certified Insulation

EXHIBIT

B

Int. Cls.: 35, 36, 37, and 42

Prior U.S. Cls.: 100, 101, 102, 103, and 106

Reg. No. 3,276,095

United States Patent and Trademark Office

Registered Aug. 7, 2007

SERVICE MARK
PRINCIPAL REGISTER

THE GEO GROUP, INC.

GEO GROUP, INC. (FLORIDA CORPORATION)
621 NW 53RD STREET, SUITE 700
BOCA RATON, FL 33487

FOR: BUSINESS ADMINISTRATION AND MANAGEMENT OF PRISON AND DETENTION-RELATED FACILITIES FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: FINANCING SERVICES RELATING TO THE CONSTRUCTION OF PRISON AND DETENTION-RELATED FACILITIES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: CUSTOM CONSTRUCTION OF PRISON AND DETENTION-RELATED FACILITIES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: DESIGN OF PRISON AND DETENTION-RELATED FACILITIES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROUP, INC.", APART FROM THE MARK AS SHOWN.

SN 78-307,754, FILED 9-30-2003.

SONYA STEPHENS, EXAMINING ATTORNEY

Int. Cls.: 35, 36, 37, and 42

Prior U.S. Cls.: 100, 101, 102, 103, and 106

Reg. No. 3,139,781

United States Patent and Trademark Office

Registered Sep. 5, 2006

SERVICE MARK
PRINCIPAL REGISTER

GEO GROUP, INC.

GEO GROUP, INC. (FLORIDA CORPORATION)
621 NW 53RD STREET, SUITE 700
BOCA RATON, FL 33487

FOR: BUSINESS ADMINISTRATION AND MANAGEMENT OF PRISON AND DETENTION RELATED FACILITIES FOR OTHERS, NAMELY, BUSINESS ADMINISTRATION AND MANAGEMENT OF SECURITY GUARD SERVICES IN PRISON AND DETENTION-RELATED FACILITIES, BUSINESS ADMINISTRATION AND MANAGEMENT OF HEALTH CARE SERVICES IN PRISON AND DETENTION-RELATED FACILITIES, BUSINESS ADMINISTRATION AND MANAGEMENT OF FOOD PREPARATION SERVICES IN PRISON AND DETENTION-RELATED FACILITIES, BUSINESS ADMINISTRATION AND MANAGEMENT OF LAUNDRY SERVICES IN PRISON AND DETENTION-RELATED FACILITIES, AND BUSINESS ADMINISTRATION AND MANAGEMENT OF OFFENDER REHABILITATION PROGRAMS IN PRISON AND DETENTION-RELATED FACILITIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: FINANCING SERVICES RELATING TO THE CONSTRUCTION OF PRISON AND DETENTION-RELATED FACILITIES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: CUSTOM CONSTRUCTION OF PRISON AND DETENTION-RELATED FACILITIES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: DESIGN OF PRISON AND DETENTION-RELATED FACILITIES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROUP, INC.", APART FROM THE MARK AS SHOWN.

SN 78-293,166, FILED 8-27-2003.

SCOTT OSLICK, EXAMINING ATTORNEY

Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

Reg. No. 2,881,666

United States Patent and Trademark Office

Registered Sep. 7, 2004

SERVICE MARK
PRINCIPAL REGISTER

GEO FENCE CO.

GEO BROTHERS FENCE COMPANY (PARTNERSHIP)
271 WESTERN AVENUE
LYNN, MA 01904

FOR: CONSTRUCTION, INSTALLATION AND REPAIR OF ALL TYPES OF FENCES; AND FENCE REMOVAL AND CLEAN UP, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 6-1-1996; IN COMMERCE 6-1-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FENCE CO", APART FROM THE MARK AS SHOWN.

SER. NO. 78-283,953, FILED 8-6-2003.

BILL DAWE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

GEO-SOLUTIONS

Reg. No. 3,812,624

Registered July 6, 2010

Int. Cls.: 37 and 42

SERVICE MARK

PRINCIPAL REGISTER

GEO-SOLUTIONS, INC. (PENNSYLVANIA CORPORATION)
1250 FIFTH AVENUE
NEW KENSINGTON, PA 15068

FOR: CONSTRUCTION SERVICES, NAMELY, PLANNING, LAYING OUT AND CONSTRUCTION OF ENVIRONMENTAL AND CIVIL ENGINEERING REMEDIES RELATING TO SOIL AND GROUNDWATER, NAMELY, SLURRY WALLS, UNDERGROUND BARRIER WALLS AND COLLECTOR DRAINS IN THE FIELDS OF ENVIRONMENTAL REMEDIATION, GROUND MODIFICATION, GROUNDWATER CONTAINMENT, SOIL IMPROVEMENT AND EXCAVATION SUPPORT; CONSTRUCTION CONSULTATION, CONSTRUCTION MANAGEMENT AND SUPERVISION; GENERAL CONSTRUCTION CONTRACTING, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.

FOR: DESIGN OF ENVIRONMENTAL AND CIVIL ENGINEERING REMEDIES RELATING TO SOIL AND GROUNDWATER, NAMELY, SLURRY WALLS, UNDERGROUND BARRIER WALLS AND COLLECTOR DRAINS IN THE FIELDS OF ENVIRONMENTAL REMEDIATION, GROUND MODIFICATION, GROUNDWATER CONTAINMENT, SOIL IMPROVEMENT AND EXCAVATION SUPPORT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-627,321, FILED 12-5-2008.

SUSAN STIGLITZ, EXAMINING ATTORNEY

David J. Kappos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GEO-INGENUITY

Reg. No. 3,806,888

Registered June 22, 2010

Int. Cls.: 37 and 42

SERVICE MARK

PRINCIPAL REGISTER

GEOPIER FOUNDATION COMPANY, INC. (GEORGIA CORPORATION)
SUITE 335
150 FAIRVIEW ROAD
MOORESVILLE, NC 28117

FOR: CONSTRUCTION OF CIVIL ENGINEERING STRUCTURES, NAMELY, SOIL AND SUBSURFACE IMPROVEMENT STRUCTURES FOR SUPPORT OF BUILDINGS AND OTHER COMMERCIAL, INDUSTRIAL, RESIDENTIAL, AND TRANSPORTATION-RELATED STRUCTURES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-2-2009; IN COMMERCE 11-2-2009.

FOR: ENGINEERING AND DESIGN SERVICES FOR CONSTRUCTION OF CIVIL ENGINEERING STRUCTURES, NAMELY, SOIL AND SUBSURFACE IMPROVEMENT STRUCTURES FOR SUPPORT OF BUILDINGS AND OTHER COMMERCIAL, INDUSTRIAL, RESIDENTIAL, AND TRANSPORTATION-RELATED STRUCTURES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-2-2009; IN COMMERCE 11-2-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-864,979; FILED 11-4-2009.

BARNEY CHARLON, EXAMINING ATTORNEY

David J. Kappos

Director of the United States Patent and Trademark Office

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35, and 50

Reg. No. 3,261,581

United States Patent and Trademark Office

Registered July 10, 2007

TRADEMARK
PRINCIPAL REGISTER

GEO-MAT

MAR-FLEX SYSTEMS, INC. (OHIO CORPORATION)
6866 CHRISMAN LANE
MIDDLETOWN, OH 45042

FOR: WATERPROOFING AND MEMBRANE DRAINAGE SYSTEMS, NAMELY DRAINAGE AND DAMP PROOFING SHEET AND ROLL MATERIALS FOR USE IN THE CONSTRUCTION AND WATERPROOFING INDUSTRY, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 12-1-2004; IN COMMERCE 1-27-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 76-621,860, FILED 11-23-2004.

LOURDES AYALA, EXAMINING ATTORNEY

Int. Cl.: 42

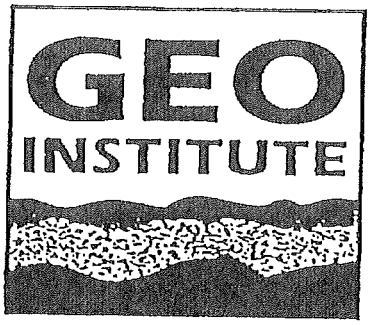
Prior U.S. Cls.: 100 and 101

Reg. No. 2,318,319

United States Patent and Trademark Office

Registered Feb. 15, 2000

SERVICE MARK
PRINCIPAL REGISTER



AMERICAN SOCIETY OF CIVIL ENGINEERS (NEW YORK NON-PROFIT CORPORATION)
1801 ALEXANDER BELL DRIVE
RESTON, VA 20191

FOR: ASSOCIATION SERVICES, NAMELY PROMOTING THE INTERESTS OF ENGINEERS AND RELATED PROFESSIONALS; ADVANCING SCIENCE AND ENGINEERING; FACILITATING TECHNOLOGY TRANSFER IN THE FIELDS OF ENGINEERING AND SCIENCE; PROMOTING RESEARCH, DEVELOPMENT, DESIGN, AND PRACTICE IN THE FIELDS OF ENGINEERING AND SCIENCE; INTEGRATING THE TECHNICAL AND PROFESSIONAL ACTIVITIES OF ALL INDIVIDUALS ENGAGED IN RESEARCH, EDUCATION, DESIGN, TESTING, MANUFACTURING, CONSTRUCTION AND OPERATIONS IN THE FIELDS OF ENGINEERING AND SCIENCE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-15-1997; IN COMMERCE 7-15-1997.

OWNER OF U.S. REG. NO. 2,247,201.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSTITUTE", APART FROM THE MARK AS SHOWN.

THE STIPPLING IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR.

SER. NO. 75-545,278, FILED 8-31-1998.

ANDREW SPIVAK, EXAMINING ATTORNEY

Int. Cls.: 16, 41 and 42

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and 107

Reg. No. 2,247,201

United States Patent and Trademark Office

Registered May 25, 1999

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

GEO-INSTITUTE

AMERICAN SOCIETY OF CIVIL ENGINEERS (NEW YORK NON-PROFIT CORPORATION)
1801 ALEXANDER BELL DRIVE
RESTON, VA 20191

FOR: PUBLICATIONS, NAMELY, NEWSLETTERS, JOURNALS, MANUALS, GUIDES, CATALOGUES, BOOKLETS, STANDARDS, AND PROCEEDINGS IN THE FIELD OF ENGINEERING, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-0-1997; IN COMMERCE 1-0-1997.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS, WORKSHOPS, AND SELF-STUDY PROGRAMS IN THE FIELD OF ENGINEERING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

FOR: ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF ENGINEERS AND RELATED PROFESSIONALS; ADVANCING SCIENCE AND ENGINEERING; FACILITATING TECHNOLOGY TRANSFER IN THE FIELDS OF ENGINEERING AND SCIENCE; PROMOTING RESEARCH, DEVELOPMENT, DESIGN, AND PRACTICE IN THE FIELDS OF ENGINEERING AND SCIENCE; INTEGRATING THE TECHNICAL AND PROFESSIONAL ACTIVITIES OF ALL INDIVIDUALS ENGAGED IN RESEARCH, EDUCATION, DESIGN, TESTING, MANUFACTURING, CONSTRUCTION AND OPERATIONS IN THE FIELDS OF ENGINEERING AND SCIENCE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-1997; IN COMMERCE 1-0-1997.

SER. NO. 75-343,818, FILED 8-20-1997.

ANGELA LYKOS, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,043,606

United States Patent and Trademark Office

Registered Mar. 11, 1997

TRADEMARK
PRINCIPAL REGISTER

GEO D-STIX

GEODESIC STRUCTURES, INC. (WASHINGTON CORPORATION)
P.O. BOX 11893
SPOKANE, WA 99211

FOR: TOY CONSTRUCTION KITS COMPRISING STRUCTURAL MEMBERS AND FLEXIBLE CONNECTORS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-1993; IN COMMERCE 12-0-1993.

OWNER OF U.S. REG. NO. 1,075,134.

SER. NO. 75-091,155, FILED 4-19-1996.

HOPE SLONIM, EXAMINING ATTORNEY

Int. Cl.: 37

Prior U.S. Cl.: 103

Reg. No. 1,774,747

United States Patent and Trademark Office

Registered June 1, 1993

SERVICE MARK
PRINCIPAL REGISTER

1-800-CALL GEO.

BRAZIL, GEORGE M. (UNITED STATES CITIZEN)
3022 HESPARIAN WAY, SUITE 101
SANTA ANA, CA 92706

FOR: PROPERTY SERVICES; NAMELY, PLUMBING, HEATING, AIR CONDITIONING, ELECTRICAL CONSTRUCTION AND REPAIR SERVICES, IN CLASS 37 (U.S. CL. 103).

FIRST USE 6-0-1991; IN COMMERCE 6-0-1991.

OWNER OF U.S. REG. NO. 1,290,445.

SN 74-183,211; FILED 7-8-1991.

JESSIE B. WARMAN, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

Reg. No. 2,824,121

United States Patent and Trademark Office

Registered Mar. 16, 2004

SERVICE MARK
PRINCIPAL REGISTER

SPEC MIX BRICKLAYER 500

SPEC/MIX, INC. (MINNESOTA CORPORATION)
2025 CENTRE POINT BLVD.
SUITE 430
MENDOTA HEIGHTS, MN 55120

FOR: CONDUCTING ENTERTAINMENT IN THE NATURE OF COMPETITIONS IN THE MASONRY AND CONSTRUCTION FIELDS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-0-2002; IN COMMERCE 11-0-2002.

OWNER OF U.S. REG. NOS. 1,725,699 AND 2,224,915.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRICKLAYER" AND "500", APART FROM THE MARK AS SHOWN.

SN 78-175,076, FILED 10-16-2002.

JEFF DEFORD, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,870,571

United States Patent and Trademark Office

Registered Aug. 3, 2004

TRADEMARK
PRINCIPAL REGISTER

RESI-SPEC

PROJECT PLANNING & MANAGEMENT, INC. (MICHIGAN CORPORATION)
16845 KERCHEVAL AVE., SUITE 7
GROSSE POINTE, MI 482301551

FOR: RESIDENTIAL CONSTRUCTION SPECIFICATIONS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-2-2003; IN COMMERCE 1-2-2003.

SN 78-204,950, FILED 1-20-2003.

STANLEY I. OSBORNE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

MANU-SPEC

Reg. No. 3,844,158

Registered Sep. 7, 2010

Int. Cl.: 37

SERVICE MARK

PRINCIPAL REGISTER

REED ELSEVIER INC. (MASSACHUSETTS CORPORATION)
2 NEWTON PLACE
255 WASHINGTON STREET
NEWTON, MA 02458

FOR: PROVIDING INFORMATION IN THE FIELD OF BUILDING CONSTRUCTION MATERIALS SPECIFICATION FOR THE BUILDING AND CONSTRUCTION INDUSTRY , IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-857,515, FILED 10-26-2009.

SALLY SHIH, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE

David J. Kappos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

SPEC IT GREEN

Reg. No. 3,739,248
Registered Jan. 19, 2010

Int. Cl.: 41

SERVICE MARK
PRINCIPAL REGISTER

BARTON, CATHERINE (UNITED STATES INDIVIDUAL)
73-20 AUSTIN STREET NO. 2D
FOREST HILLS, NY 11375 AND

MILLER, PAUL D. (UNITED STATES INDIVIDUAL)
308 EAST 79TH STREET
PHB
NEW YORK, NY 10075

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS, WORKSHOPS, AND CONFERENCES IN THE FIELDS OF REAL ESTATE CONSTRUCTION, MAINTENANCE, AND MANUFACTURING OF BUILDING MATERIALS AND PARTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-1-2007; IN COMMERCE 3-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN", APART FROM THE MARK AS SHOWN.

SER. NO. 77-744,630, FILED 5-26-2009.

LAURA KOVALSKY, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE

David J. Kappos

Director of the United States Patent and Trademark Office

Int. Cl.: 41
Prior U.S. Cls.: 100, 101 and 107
United States Patent and Trademark Office
Corrected

Reg. No. 3,592,035
Registered Mar. 17, 2009
OG Date Nov. 30, 2010

SERVICE MARK
PRINCIPAL REGISTER

SPEC MIX TOUGHEST TENDER

SPEC/MIX, INC. (MINNESOTA CORPORATION)
2025 CENTRE PONTE BOULEVARD, SUITE 300
MENDOTA HEIGHTS, MN 55120

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,224,915.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TENDER", APART FROM THE MARK AS SHOWN.

FOR: CONDUCTING ENTERTAINMENT IN THE NATURE OF COMPETITIONS IN THE MASONRY AND CONSTRUCTION FIELDS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-0-2007; IN COMMERCE 6-0-2007.

SER. NO. 77-186,053, FILED 5-21-2007.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Nov. 30, 2010.

United States of America

United States Patent and Trademark Office

PRO SPEC

Reg. No. 3,715,664
Registered Nov. 24, 2009

SAKRETE OF NORTH AMERICA, LLC (DELAWARE LIMITED LIABILITY COMPANY)
8201 ARROWRIDGE ROAD
CHARLOTTE, DE 28273

Int. Cls.: 1, 2, 3, 17, and 19

TRADEMARK
PRINCIPAL REGISTER

FOR: CHEMICAL COMPOUNDS FOR CURING CONCRETE; BONDING COMPOUNDS FOR USE IN THE BUILDING INDUSTRY AND TILES; ADHESIVES FOR LAYING FLOORS, CEILING AND WALL TILES; POLYMER-BASED CONCRETE CURING CHEMICAL COMPOUNDS; WATERPROOFING CHEMICAL COMPOSITIONS FOR ARTICLES OF MASONRY, WOOD AND OTHER BUILDING AND/OR CONSTRUCTION SURFACE, NAMELY, POLYMER-MODIFIER CEMENT FOR WATERPROOFING OR DAMP PROOFING AND LATEX POLYMER CONCRETE WATER PROOFING AND DAMP PROOFING COMPOUNDS, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

FOR: LATEX BASED PRIMER WITH RUST INHIBITOR; PRIMERS FOR USE ON CONCRETE; PRIMERS FOR USE IN PREPARING SURFACES FOR TILE INSTALLATION, IN CLASS 2 (U.S. CLS. 6, 11 AND 16).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

FOR: CLEANERS FOR USE ON TILE, CONCRETE, OR MASONRY, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

FOR: SEALING AND CONDITIONING COMPOUNDS FOR CONCRETE TILE; RAPID CURE, HIGH STRENGTH, POLYMER-BASED CEMENT PATCHING COMPOUNDS; ACRYLIC-BASED SEALANTS AND CAULKING COMPOUNDS FOR CONCRETE AND TILE; GROUT SEALANT, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

FOR: CEMENT MIXES; FILLING CEMENT; CEMENT AND AGGREGATE MIXES COMPOSED OF SAND, GRAVEL, AND CEMENT FOR USE IN CONSTRUCTION; GROUT, MORTAR AND MORTAR MIXES; LEVELING COMPOUNDS FOR USE IN LAYING FLOOR, CEILING AND WALL TILES AND STUCCO MIXES; SANDS; CONCRETE SEALERS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

UNITED STATES PATENT AND TRADEMARK OFFICE · DEPARTMENT OF COMMERCE

David J. Kappos

Director of the United States Patent and Trademark Office

Reg. No. 3,715,664 SN 77-059,243, FILED 12-7-2006.

SUNG IN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,891,052

United States Patent and Trademark Office

Registered Oct. 5, 2004

SERVICE MARK
PRINCIPAL REGISTER

SPEC-DATA

REED ELSEVIER INC. (MASSACHUSETTS CORPORATION)
275 WASHINGTON STREET
NEWTON, MA 02458

FOR: PROVISION OF PROPRIETARY BUILDING PRODUCT SPECIFICATION INFORMATION FOR THE CONSTRUCTION, BUILDING AND ARCHITECTURE INDUSTRIES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

OWNER OF U.S. REG. NO. 2,718,494.

SEC. 2(F).

SER. NO. 76-552,558, FILED 9-29-2003.

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,718,494

United States Patent and Trademark Office

Registered May 27, 2003

TRADEMARK
PRINCIPAL REGISTER

SPEC-DATA

REED ELSEVIER INC. (MASSACHUSETTS CORPORATION)
275 WASHINGTON STREET
NEWTON, MA 02458

FOR: MANUALS OF MANUFACTURER'S PRODUCT INFORMATION FOR THE CONSTRUCTION INDUSTRY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-0-1964; IN COMMERCE 6-0-1964.

SEC. 2(F).

SER. NO. 76-177,644, FILED 12-8-2000.

MICHAEL SOUDERS, EXAMINING ATTORNEY

Int. Cl.: 7

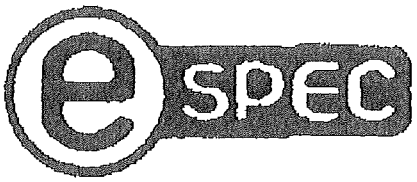
Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 3,280,259

United States Patent and Trademark Office

Registered Aug. 14, 2007

TRADEMARK
PRINCIPAL REGISTER



HONDA GIKEN KOGYO KABUSHIKI KAISHA (JAPAN CORPORATION), DBA HONDA MOTOR CO., LTD.,
NO.1-1, 2-CHOME, MINAMI-AOYAMA
MINATO-KU, TOKYO, JAPAN

FOR: ENGINES OTHER THAN FOR LAND VEHICLES, NAMELY INTERNAL COMBUSTION ENGINES,OUTBOARD MOTORS AND STRUCTURAL PARTS THEREFORE; ELECTRIC GENERATORS; POWER LAWN AND GARDEN TOOLS, NAMELY TILLERS AND TRIMMERS; LAWN MOWERS; SNOW BLOWERS; AND PNEUMATIC AND HYDRAULIC MACHINES, NAMELY DEWATERING PUMPS, CONSTRUCTION PUMPS, MULTIPURPOSE PUMPS, AND SUBMERSIBLE PUMPS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 7-0-2000; IN COMMERCE 7-0-2000.

SN 75-932,174, FILED 3-2-2000.

COLLEEN DOMBROW, EXAMINING ATTORNEY

Int. Cls.: 19, 22, 37 and 39

Prior U.S. Cls.: 1, 2, 7, 12, 19, 22, 33, 42, 50, 100, 103, 105 and 106

Reg. No. 2,224,915

United States Patent and Trademark Office

Registered Feb. 23, 1999

Amended

OG Date Apr. 19, 2005

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SPEC MIX

SPEC/MIX, INC. (MINNESOTA CORPORATION)
2025 CENTRE POINTE BOULEVARD, STE 430
MENDOTA HEIGHTS, MN 55120

OWNER OF U.S. REG. NO. 1,725,699.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MIX INC.", APART FROM THE MARK AS SHOWN.

FOR: DRY PREMIXED MORTAR BLENDS AND DRY CEMENT MIXES, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 10-0-1994; IN COMMERCE 10-0-1994.

FOR: CARRYING BAGS FOR BULK DELIVERY OF DRY MORTAR BLENDS AND DRY CEMENTITIOUS MATERIALS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-0-1994; IN COMMERCE 10-0-1994.

FOR: MANUFACTURE OF DRY PREMIXED MORTAR BLENDS AND DRY CEMENTITIOUS MATERIALS TO THE SPECIFICATIONS OF OTHERS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 10-0-1994; IN COMMERCE 4-0-1995.

FOR: DELIVERY OF DRY PREMIXED MORTAR BLENDS AND DRY CEMENTITIOUS MATERIALS TO CONSTRUCTION SITES THROUGH BULK BAG AND SILO DISPENSING SYSTEMS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 10-0-1994; IN COMMERCE 4-0-1995.

SER. NO. 75-145,781, FILED 8-6-1996.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Apr. 19, 2005.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 37 and 42

Prior U.S. Cls.: 100, 101 and 103

United States Patent and Trademark Office

Reg. No. 1,796,522
Registered Oct. 5, 1993

SERVICE MARK
PRINCIPAL REGISTER

ROOF SPEC INC.

ROOF SPEC INC. (MINNESOTA CORPORATION)
1843 WEST COUNTY ROAD C
ST. PAUL, MN 55113

FOR: CONSTRUCTION SUPERVISION, INSPECTION AND MANAGEMENT IN THE FIELD OF COMMERCIAL ROOF SYSTEMS, IN CLASS 37 (U.S. CL. 103).
FIRST USE 3-17-1986; IN COMMERCE 6-0-1986.
FOR: TECHNICAL CONSULTATION, DESIGN AND TESTING FOR OTHERS IN THE FIELD OF COMMERCIAL ROOF SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 3-17-1986; IN COMMERCE 6-0-1986.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INC.", APART FROM THE MARK AS SHOWN.
SEC. 2(F).

SER. NO. 74-249,984, FILED 2-25-1992.

KAREN L. FEISTHAMEL, EXAMINING ATTORNEY