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

Proceeding	91181621
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Date	10/22/2009
Attachments	Jewell Rebuttal Deposition - 91181621.pdf (106 pages)(263830 bytes) 1 - Notice of Opposition.pdf (54 pages)(2566279 bytes) 2 - Job File.pdf (33 pages)(2002715 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

OPPOSITION NO. 91181621
SERIAL NO: 76/650,832

* * *

STONCOR GROUP, INC.,

Opposer,

vs.

LES PIERRES STONEDGE, INC.,

Applicant.

* * *

September 9, 2009

* * *

Oral sworn deposition of MICHAEL
JEWELL, held at the StonCor Group, Inc., 1000
East Park Avenue, Maple Shade, New Jersey,
commencing at 9:51 a.m. before Sharon L.
Martin, Registered Professional Reporter,
Certified Court Reporter-NJ, Notary Public.

* * *

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1 * * *

2 MR. QUINN: I think before we
3 have the witness sworn, we need to address
4 one thing that Mr. Menker and I have agreed
5 upon and needs to be on the record. And that
6 is that we have agreed that our firm as
7 opposed to the Court Reporter will file the
8 deposition and the exhibit -- the deposition
9 transcripts -- script, excuse me, and the
10 exhibits with the Trademark Trial and Appeal
11 Board.

12 Right, Mr. Menker?

13 MR. MENKER: That's correct.

14 MR. QUINN: Okay. Any other
15 stipulations from your end, Mr. Menker?

16 MR. MENKER: Not that I can
17 think of.

18 MR. QUINN: Okay. I'd like to
19 propose that the -- that the witness be
20 permitted to sign the transcript in front of
21 any notary as opposed to having the Court
22 Reporter come back and be the person to --
23 that he signs in front of.

24 MR. MENKER: That's fine.

1 MR. QUINN: Okay. We also
2 stipulate that the StonCor registrations that
3 were attached to the Notice of Opposition are
4 of record and are in evidence as the --

5 MR. MENKER: I think the Board
6 already said as much.

7 MR. QUINN: I believe that -- I
8 believe that's correct, but I just wanted to
9 see, make sure that we're in agreement
10 between the two of us to that effect.

11 Okay?

12 MR. MENKER: Yup, I agree that
13 the registrations are made of record.

14 MR. QUINN: Okay.

15 Please go ahead and swear the
16 witness then.

17 MICHAEL JEWELL, having been
18 duly sworn, was examined and testified as
19 follows:

20 EXAMINATION OF MR. JEWELL BY MR. QUINN:

21 Q. Mr. Jewell, you're here today as a
22 spokesman for StonCor Group, Inc., correct?

23 A. Yes.

24 Q. And you realize that your testimony

1 today is binding on StonCor Group, Inc.,
2 correct?

3 A. Yes.

4 Q. And you are spokesman for the
5 corporation in your capacity as an officer of
6 the corporation today, correct?

7 A. Yes.

8 Q. Mr. Jewell, what is your education,
9 past high school?

10 A. I have a Bachelor of Science degree in
11 Chemical Engineering.

12 Q. And from where did you obtain that
13 degree?

14 A. From Drexel University in Philadelphia.

15 Q. And when did you obtain it?

16 A. In 1986.

17 Q. And are you a citizen of the United
18 States?

19 A. Yes.

20 Q. And what is your residential address?

21 A. 116 Green Briar Road, Delran,
22 D-e-l-r-a-n, New Jersey 08075.

23 Q. And just for the record, by whom are
24 you employed?

1 A. I work for the Stonhard Division of
2 StonCor Group, Inc.

3 Q. And what is your position there?

4 A. I am the Vice President of Marketing.

5 Q. And how long have you held that
6 position?

7 A. Nine years.

8 Q. How long have you been employed by
9 StonCor Group or its predecessors in
10 interest?

11 A. Twenty-three years.

12 Q. And what other positions did you hold
13 before becoming Vice President of Marketing?

14 A. I was a Technical Service Engineer, I
15 was a Product Manager. I've been the
16 Director of Technical Service, the Director
17 of Marketing, International Business
18 Development Manager and now the Vice
19 President of Marketing.

20 Q. And when you stated your employment you
21 stated the Stonhard Division of StonCor.

22 Would you tell us the business of StonCor and
23 then the business of Stonhard Division?

24 A. StonCor is a management company that

1 operates as a -- an entity that reports
2 directly to our parent company, which is RPM,
3 a publicly traded company. StonCor is in the
4 business of -- of many different products,
5 corrosion protection, flooring, wall
6 coatings, fiberglass reinforced grating
7 materials. And Stonhard is the floor and
8 wall covering division under StonCor.

9 Q. So the business of Stonhard is
10 floors -- flooring and wall --

11 A. Wall coatings.

12 Q. Wall coatings, okay.

13 How about services, does Stonhard offer
14 any service?

15 A. Yes, Stonhard is a total turnkey
16 supplier. We manufacture the materials. We
17 actually hold the contract to install those
18 materials and we do aftermarket service of
19 those materials as well.

20 Q. Would you explain what you mean by a
21 "total turnkey supplier"?

22 A. Because we -- we are the manufacturer,
23 but we also hold the contract on the
24 installation and service, which is in our --

1 in our industry fairly unique. Most
2 companies are either a supplier of material
3 or they are an applicator contractor and we
4 do the whole package.

5 Q. Would you describe in general terms the
6 types of customers to whom StonCor offers --
7 pardon me, Stonhard, Division of StonCor
8 offers and sells its products?

9 A. Traditionally, our -- the customers we
10 would sell to are manufacturers that produce
11 anything from food processing manufacturers
12 to general manufacturing, automobile
13 manufacturers, machine shops, those types of
14 applications. We have in the last ten years
15 branched out into more commercial and public
16 space-type applications, so now large general
17 contractors that are building sports venues,
18 or hospitals, or schools, those types of
19 applications as well. That probably
20 represents about 30 percent of our business.

21 Q. So, for example, in -- what is the
22 breakdown between the flooring part of the
23 business and the coating part of the
24 business, percentage-wise?

1 A. Flooring versus wall coating?

2 Q. Yes.

3 A. About -- anywhere from I'd say seven to
4 ten percent of our business is wall coating
5 and -- and the balance is flooring.

6 Q. And to whom do you approach when you're
7 going to try to make a sale, what --
8 better -- better -- withdraw that.

9 What type of -- or what would be the
10 typical position of the individual you would
11 approach in an organization when you go to
12 make a sale?

13 A. Depending on the application in the
14 market, we sell to the enduser, the actual
15 building owner in many cases. So if there's
16 a food processing facility, we would call
17 directly on and sell directly to that plant
18 location.

19 In the case of commercial work, new
20 construction, many times we're selling to --
21 or the majority of the time we're selling to
22 a general contractor. And we would be
23 calling on and making sales calls and
24 promoting our sales to those general

1 contractors.

2 In addition, we have a small sales team
3 of about 15 that call on and sell to
4 architects and specifiers, because in the new
5 construction side of our business a vast
6 majority of that work is guided by
7 specification of the product.

8 Q. Do your people call on architects?

9 A. Yes.

10 Q. Is an architect what you would specify
11 as a specifier?

12 A. Yes, architects, engineers and
13 specification writers.

14 Q. Are those products sold through
15 salaried representatives, or commission
16 salespersons, independent reps or what?

17 A. Yeah, our sales force is a combination
18 of salaried and commissioned employees. So
19 our sales force of about 150 are all direct
20 employees. There are no sales -- there are
21 no agents or reps.

22 Q. And about how many projects or sales do
23 you make annually of the flooring product?

24 A. Somewhere between 10 and 15,000

1 individual contracts a year.

2 Q. In the United States?

3 A. In the United States.

4 Q. And what would be the approximate
5 dollar value of that?

6 A. About right around \$100 million
7 annually in the United States.

8 Q. In the United States?

9 A. Yes.

10 Q. Does StonCor own trademarks for its
11 various products?

12 A. Yes.

13 Q. What are the trademarks owned by
14 StonCor for its products that are sold in the
15 construction industry?

16 A. Ooh, many. Stonhard is trademarked.
17 And then we have trademarks for many of the
18 products that we sell; Stonclad, Stonkote,
19 Stonshield, Stonblend, Stoncrest, Stoncrete,
20 Stonfil, Stonliner, Stonlok, Stonlux,
21 Stonfil, Stonseal, Stonset. That's probably
22 not all of them.

23 MR. QUINN: For the Court

24 Reporter's edification, all of those start

1 with the letters S-t-o-n, but there is no "e"
2 after the "n."

3 BY MR. QUINN:

4 Q. Mr. Jewell, I'd like you to take a look
5 at Exhibit 1 and have the Court Reporter mark
6 that for identification.

7 (Exhibit Opposer-1, TTAB
8 Trademark Opposition 91181621 StonCorGroup,
9 Inc. v. Les Pierres Stonedge, Inc., is marked
10 for identification)

11 BY MR. QUINN:

12 Q. And would you identify Exhibit 1 for
13 us?

14 A. It is the -- give me a second.

15 Oh, it is the Notice of Opposition to
16 the mark Stonedge.

17 Q. And would you turn to page 23 of
18 Exhibit 1?

19 A. Okay.

20 Q. And do you see listed there a number of
21 trademarks?

22 A. Yes.

23 Q. Are those trademarks all marks for
24 StonCor's flooring products and related --

1 what are those trademarks for? Let's state
2 it better.

3 A. That's a list of trademarks for
4 Stonhard's flooring products, lining products
5 and wall coatings.

6 Q. Okay. And would you briefly tell,
7 recite each mark and a short statement of
8 what the product is that is sold under that
9 mark?

10 A. Yes.

11 Stonblend is a decorative quartz
12 flooring material used for industrial and
13 commercial applications.

14 Stonclad is a -- an industrial floor
15 surfacing material, used primarily in
16 manufacturing.

17 Stoncrete is a cementitious cement
18 based lining and resurfacing material that's
19 used for industrial applications.

20 Stonfil is a patching and repair
21 material for vertical and horizontal
22 surfaces.

23 Stonliner is a polymeric lining
24 material that's used for containment linings,

1 tank linings, outdoor-type applications.

2 Stonlok is a prefabricated interlocking
3 floor tile.

4 Stonset is a polymer-based patching and
5 repair grout. It's used for filling large
6 deep areas and for pitching and sloping
7 floors.

8 Stonshield is a textured quartz
9 flooring system for industrial and commercial
10 applications.

11 Stonkote is a coating material that's
12 used primarily as a topcoat on the Stonclad
13 product line, but can be used as a
14 stand-alone floor coating.

15 Stoncrest is the same as Stonkote,
16 except it's solvent based. It's used for a
17 topcoat in industrial applications of our
18 Stonclad line, as well as a stand-alone
19 coating.

20 Stonhard is the name of our division.

21 Stonlux is a floor that's smooth,
22 glossy surface that's used for clean rooms.
23 It's used for antistatic applications,
24 primarily in the electronics, manufacturing

1 industry.

2 Stonproof is a polymeric waterproof
3 membrane that's used underneath many of our
4 floor systems.

5 And Stonseal is a polyurethane topcoat
6 that's used as a topping on many of our
7 flooring systems and can also be used as a
8 stand-alone coating.

9 Q. You described the product sold under
10 the mark Stoncrete. Isn't it true that
11 StonCor's literature sometimes describes that
12 product as a grout?

13 A. Yes.

14 Q. And you described the product sold
15 under the mark Stonfil. Isn't it true that
16 StonCor's literature sometimes describes that
17 product as a mortar?

18 A. Yes.

19 Q. And the same question with the mark
20 Stonliner, isn't it sometimes described as a
21 mortar in Ston --

22 A. Yes, yes, Stonliner.

23 Q. -- StonCor's literature?

24 A. Yes.

1 Q. And with respect to the mark Stonlok,
2 you have a flooring tile product, correct,
3 under that mark?

4 A. Yes.

5 Q. You also have an adhesive product sold
6 under that mark?

7 A. That's correct.

8 Q. Okay. What are the importance of these
9 trademarks owned by StonCor, if any?

10 A. We believe that they are, you know,
11 representative of -- of Stonhard and our
12 position in the marketplace. They're all
13 selected because of their inter-relation to
14 the name Stonhard.

15 Q. Do they -- in -- do they -- strike
16 that.

17 You testified with respect to the mark
18 Stonhard that it was your division name.
19 Does the mark Stonhard appear on the products
20 when they're sold?

21 A. It appears on all the packaging, as
22 well as on all the literature.

23 Q. So all the packaging when the product
24 is shipped out to a job site?

1 A. Yes.

2 Q. It appears on that?

3 A. Mm-hum.

4 THE COURT REPORTER: Yes?

5 THE WITNESS: Yes. Sorry.

6 BY MR. QUINN:

7 Q. So do other marks appear on individual
8 products as well?

9 A. When an individual product is shipped,
10 its packaging would have the Stonhard mark on
11 the -- on the packaging, as well as the --
12 the name of the individual product. So if
13 it's a, for example, Stonclad, it would be in
14 a box that says Stonclad, but it would also
15 carry the Stonhard mark.

16 Q. I see.

17 Direct your attention to page 2 of the
18 Exhibit 1.

19 A. Okay.

20 Q. And, particularly, paragraph 3 thereon,
21 which states, and I quote, StonCor
22 manufacturers and sells, inter alia, epoxy
23 resin and polymer -- and polymer based
24 floorings and coatings, under the mark

1 Stonblend, in interstate commerce in the
2 United States of America, and with its
3 predecessors in interest, has continuously
4 done so from at least as early as about 1992
5 through the present.

6 Do you see that paragraph?

7 A. Yes.

8 Q. Is that a true and correct statement?

9 A. Yes.

10 Q. The next paragraph reads, As a
11 result -- and that's paragraph 4 on page 2,
12 it reads, As a result of long, uninterrupted,
13 exclusive and continuing use of the trademark
14 Stonblend in interstate commerce,
15 substantially throughout the United States,
16 on and in connection with epoxy resin and
17 polymer based floorings and coatings, StonCor
18 owns common law rights in the mark Stonblend
19 for use on and in connection with such epoxy
20 resin and polymer based floorings and
21 coatings and products reasonably related
22 thereto. As a result of such long,
23 uninterrupted, exclusive and continuing use
24 of the mark Stonblend in interstate commerce,

1 substantially throughout the United States on
2 and in connection with such epoxy resin and
3 polymer based floorings and coatings, the
4 mark Stonblend has come to be recognized in
5 the trade and in the minds of the relevant
6 consuming public as identifying StonCor, Inc.
7 as the source of origin of such epoxy resin
8 and polymer based floorings and coatings sold
9 under and bearing the mark Stonblend.

10 Is that a true statement?

11 A. Yes.

12 Q. You believe that to be true?

13 A. I do.

14 Q. Paragraph 5 on page 3 reads and I
15 quote, StonCor, Inc. owns United States
16 trademark registration 1,712,857, issued
17 8 September 1992, for the mark Stonblend for
18 use on and in connection with floors and
19 flooring systems, multi-component mixtures of
20 epoxies, curing agents and aggregates, and
21 multi-component mortars. United States
22 trademark registration 1,712,857 for the mark
23 Stonblend is valid, in force, and has
24 acquired incontestable status through the

1 filing and acceptance of declarations under
2 15 U.S.C. 1058 and 1065. United States
3 trademark registration 1,712,857 for the mark
4 Stonblend is prima facie evidence of
5 StonCor's exclusive right to use the mark
6 Stonblend in commerce on and in connection
7 with floors and flooring systems,
8 multi-component mixtures of epoxies, curing
9 agents and aggregates, and multi-component
10 mortars.

11 Do you agree with that statement?

12 A. Yes.

13 Q. That's a true statement?

14 A. Yes.

15 Q. Paragraph 6 reads, Pursuant to
16 application 76/650,832, Les Pierres seeks
17 registration of the mark Stonedge for use on
18 and in connection with "precast decorative
19 stone" in international class 19. As a
20 result of the similarity in sound and
21 commercial connotation of StonCor's
22 registered and common law trademark Stonblend
23 and the mark Stonedge, which is the subject
24 of Les Pierres' application for registration

1 as referenced above, the related nature of
2 the goods sold by StonCor under the mark
3 Stonblend to the goods sold by Les Pierres --
4 pardon me, to be sold by Les Pierres
5 under the trademark Stonedge, and the related
6 and common channels of trade in which the
7 goods of StonCor and Les Pierres are likely
8 to move and in which StonCor and LesPierres
9 do and will conduct their respective
10 businesses, there is a likelihood of
11 confusion between StonCor's trademark
12 Stonblend and the mark Stonedge, which
13 Les Pierres seeks to register based on use of
14 the same, such that StonCor will be damaged
15 by any registration of the mark Stonedge.

16 Do you see that paragraph?

17 A. Yes.

18 Q. Do you agree with that paragraph?

19 A. Yes.

20 Q. Do you think that's a true statement?

21 A. Yes.

22 Q. Okay.

23 MR. QUINN: Off the record for
24 a minute.

1 (Off-the-record discussion)

2 BY MR. QUINN:

3 Q. Mr. Jewell, would you now turn to
4 Exhibit 43?

5 (Off-the-record discussion)

6 MR. QUINN: Back on the record.

7 We want to -- Mr. Menker and I
8 have agreed and the Defendant -- and the
9 Applicant has stipulated, we're stipulating
10 that Mr. Jewell would testify similarly with
11 the same answers with respect to the
12 remaining paragraphs of the Notice of
13 Opposition down through paragraph 38.

14 Correct, Mr. Menker?

15 MR. MENKER: Correct.

16 And I guess if Mr. Jewell will
17 say that as well, that will be great.

18 THE WITNESS: Yes.

19 MR. QUINN: Yes.

20 Through paragraph 37, pardon
21 me. Okay.

22 Mr. Menker, are you still
23 there?

24 MR. MENKER: Yes.

1 MR. QUINN: Okay. We got a
2 little feedback there.

3 BY MR. QUINN:

4 Q. Now, would you turn to Exhibit 43?

5 A. Okay.

6 MR. QUINN: And I'm going to
7 ask the Court Reporter to mark that.

8 (Exhibit Opposer-43, Documents,
9 are marked for identification)

10 BY MR. QUINN:

11 Q. And can you identify Exhibit 43? Take
12 a look through it, it's multi pages.

13 A. It appears to be copies of brochure
14 pages, as well as printed pages from
15 Les Pierres's website for Techo-Bloc, as well
16 as other advertising and literature.

17 Q. That's correct.

18 These are documents that Les Pierres
19 provided to StonCor pursuant to the document
20 production request in the opposition
21 proceeding. And you can see Les Pierres's
22 document number on the -- each one of the
23 documents.

24 A. Okay.

1 Q. I'd like you to turn to document --
2 this one doesn't seem to have a number. I
3 believe it would be LPS0009.

4 A. Okay. It is.

5 Q. Well, it's hidden, yes.

6 And familiarize -- take a minute to
7 familiarize yourself with the products shown
8 on that page.

9 A. (At which time the Witness reviews the
10 document).

11 Okay.

12 Q. And what are the product -- or how
13 would you describe the product that's shown
14 there on document -- page 0009 of Exhibit 43?

15 A. Well, according to the -- the heading
16 on the document, it's a pillar cap, which I
17 imagine in this picture is the very top of
18 those pillars. And it appears to be made of
19 either stone or some sort of composite
20 material. And it's all printed in French,
21 so...

22 Q. On the basis of what you're inferring
23 or the implications you're taking from the
24 document there and the -- the assumption

1 you're making about the product, how would
2 that product be installed?

3 A. By -- by whom or how?

4 Q. No. How? What materials would be
5 used; what would be done; how would it be
6 installed?

7 A. I would -- my estimate it would be
8 installed using either mortar or an adhesive
9 to -- to build the pillars and cap them.

10 Generally, it's either a cement mortar or
11 some sort of polymer modified mortar or
12 adhesive that's used to hold these things
13 together.

14 Q. And does StonCor make and sell any
15 product or products that could be used to
16 fulfill that function?

17 A. We make products that could be used as
18 the mortar or adhesive layers, not the actual
19 capping stone.

20 Q. And what trademarks are those products
21 sold under?

22 A. Stonlok, Stoncrete, Stonset, Stonfil
23 are all used for those types of -- could be
24 used for those types of applications.

1 Q. I'd like you to turn two more pages to
2 page -- or the page of Exhibit 43 that's
3 marked LPS0011.

4 A. Okay.

5 Q. And look at the photographs that appear
6 in the upper portion of that page. And that
7 page is written in English. You can read --

8 A. Okay.

9 Q. -- the description there, please?

10 A. Okay.

11 Q. To yourself.

12 A. Mm-hum.

13 (At which time the Witness reviews the
14 document).

15 Okay.

16 Q. And at the right do you see six
17 pictures with different titles emblazoned on
18 the pictures?

19 A. Yes.

20 Q. Just read those titles so we're sure
21 for identification where you're referring.

22 A. Masonry, Pillar Caps, Slabs, Steps,
23 Stone Veneers and Walls.

24 Q. And does StonCor make and sell any

1 products that could be used in the
2 installation of these masonry, pillar caps,
3 slabs, steps, stone veneers and walls?

4 A. Our cementitious and polymer modified
5 mortars and grouts could be used in the
6 application of stone block, brick, masonry,
7 those types of things.

8 Q. The type of thing that we're seeing
9 here; is that what you're saying?

10 A. It is possible, yes.

11 Q. And what trademarks are those products
12 sold under?

13 A. Stoncrete, Stonset, Stonlok, Stonfil.

14 Q. And all of the packages of those
15 trademarks would also bear -- or those
16 products, pardon me, all of the packages of
17 any such products would also bear the mark
18 Stonhard --

19 A. Yes.

20 Q. -- is that correct?

21 Thank you.

22 Turn to page LPS0017 and 0018, if you
23 would, please, of Exhibit 43.

24 A. Okay.

1 Q. What do you see there?

2 A. These are specification pages for
3 pillar caps, 17 is for one size and 18 is for
4 another size cap.

5 Q. Are these the same item that you
6 discussed earlier that could be installed
7 using StonCor products?

8 A. Yes.

9 Q. Thank you.

10 And turn now to page LPS00020 of
11 Exhibit 43.

12 A. Okay.

13 Q. What -- what does that page show?

14 A. It's a page from the Techo-Bloc
15 website. And it again shows Stonedge pillar
16 caps on -- and the same, you know, pictures
17 of the pillar caps, as well as application
18 photographs.

19 Q. And does that page show in the lower
20 center of the page different colors, even
21 though this page is printed in black and
22 white?

23 A. There are three photos that show three
24 different products with different names under

1 them. I assume that those are colors, where
2 it says View Colors. So, yes.

3 Q. The -- the StonCor products that you
4 mentioned earlier that could be used in the
5 installation of a pillar cap, are those
6 available in different colors?

7 A. They could be.

8 Q. One or more of them?

9 A. They could be made in different colors.
10 Primarily, they are -- they are a gray color,
11 but they could be made in different colors.
12 Stonset is generally gray. Stonlok is made
13 in three different colors. And Stoncrete is
14 primarily gray, but could be pigmented. And
15 Stonfil, as well, it's made in two different
16 colors.

17 Q. Thank you.

18 Would you turn to page LPS0025 of
19 Exhibit 43?

20 A. Okay.

21 Q. And what -- and what do you see there?

22 A. It's another specification page for
23 Stonedge Series Techo-Bloc. They appear to
24 be -- well, this says 45-degree corners. So

1 it's a block with a bevelled edge on it.

2 Q. And could -- could the same -- how
3 would these pieces be installed?

4 A. Well, based on the photograph at the
5 bottom, they appear to be used to -- if
6 they're used on a wall surface, I would guess
7 where the -- a corner meets or if they -- you
8 just wanted a bevelled edge on your -- on
9 your, you know, wall or whatever that you
10 were building.

11 Q. And would any of the StonCor products
12 that you described earlier, the mortars and
13 grouts be used in such installation?

14 A. They could be, yes.

15 Q. And turn to the next page, please.

16 A. Okay.

17 Q. That is page LPS0026. What do you see
18 there?

19 A. Techo-Bloc Stonedge Series,
20 Chantilly II, which appears to be some sort
21 of a stone or a simulated stone.

22 Q. Is it a facing?

23 A. It looks like a -- yeah, it's large
24 rock face. So it appears to be a facing or a

1 cladding-type material.

2 Q. And could the StonCor materials --
3 products that we mentioned earlier be used in
4 the installation of these facing material?

5 A. They could be, yes.

6 Q. Would you turn to page LPS0028 and look
7 at that page, the following page 0029,
8 following page 0030, and following page 0031,
9 and following page 0032?

10 A. Okay.

11 Q. What do you see there?

12 A. Pages from a website. And it appears
13 to be size specifications for the various,
14 you know, blocks and stones -- different
15 profiles, different shapes, different sizes.

16 Q. Based on your knowledge of those pieces
17 or parts that you see there, could the
18 StonCor products that we mentioned earlier be
19 used in their installation?

20 A. They could be, yes.

21 Q. Could you turn to page 0034 of
22 Exhibit 43?

23 A. Okay.

24 Q. And tell us, what is that page?

1 A. It's installation instruction for
2 pillar caps or pillars, building a pillar and
3 capping it.

4 Q. And would you -- do you see where it
5 says in the lower left-hand side, Creating a
6 pillar?

7 A. Yes.

8 Q. Would you read the fourth sentence or
9 paragraph underneath the heading of Creating
10 a Pillar?

11 A. It is also important to adequately glue
12 each row in order to obtain a stable pillar.

13 Q. Does StonCor make an adhesive product
14 that could be used for that purpose?

15 A. Yes.

16 Q. And what is that product, what
17 trademark is that?

18 A. Stonlok.

19 Q. It's sold under the trademark Stonlok?

20 A. Stonlok, as well as Stonset.

21 Q. And do you see in the -- up above
22 there, above the drawings where it says Note?

23 A. Yes.

24 Q. What does it say after Note?

1 A. Techo-Bloc suggests applying concrete
2 adhesive glue between each layer of the
3 pillar kit.

4 Q. And does StonCor make a product that
5 could be used for that function?

6 A. Yes.

7 Q. And that product is sold under what
8 trademark?

9 A. Stonlok and Stonset.

10 Q. Thank you.

11 I believe you said earlier that StonCor
12 sells its flooring products to a variety of
13 customers, correct?

14 A. Yes.

15 Q. Would that include occasionally retail
16 outlets?

17 A. No, we don't sell through retail --

18 Q. No, not through retail.

19 A. Oh, I'm sorry.

20 Q. To, to customers or builders that are
21 building structures that will serve as retail
22 outlets.

23 A. Yes, that -- that is true.

24 Q. Okay. So it is true that StonCor sells

1 to builders who will build structures and
2 serve as retail outlets?

3 A. Yes.

4 Q. Among many other things.

5 A. Yes.

6 Q. In the application that is being
7 opposed here for the mark Stonedge, the
8 product is described as, quote, precast
9 decorative stone, close quote.

10 What does that mean to you?

11 A. Precast decorative stone to me would be
12 something that's manufactured, it's not -- as
13 opposed to natural stone, but it's
14 manufactured in order to look like stone.
15 And it's prefabricated in very specific
16 sizes.

17 Q. Would that include the products we've
18 seen in Exhibit 43?

19 A. I believe so, yes.

20 Q. On the pages of Exhibit 43, do you see
21 use of the mark Stonedge that is being
22 opposed?

23 A. Yes.

24 Q. It's on nearly every page, is it not?

1 A. Yes.

2 Q. And if you would direct your attention
3 back to page 00009 of Exhibit 43.

4 A. Okay.

5 Q. I direct your attention to the mark
6 Stonedge as it appears in the upper left-hand
7 corner of that page.

8 A. Yes.

9 Q. Do you find some resemblance there
10 between that mark and the marks of StonCor?

11 A. Yes, very much.

12 Q. And on what -- what do you -- what do
13 you find -- what is it that makes you say
14 there's some resemblance?

15 A. Well, it starts with -- it starts with
16 S-t-o-n, because they capitalize the "E," it
17 draws attention to the fact that it's just
18 S-t-o-n and not S-t-o-n-e and that's
19 identical to every mark that Stonhard has
20 filed and owns.

21 Q. What is identical, the S-t-o --

22 A. The S-t-o-n as the first half of the
23 name.

24 Q. Based on your perusal of Exhibit 43 and

1 the products sold by the Applicant under the
2 mark Stonedge, would those products be sold
3 for use in the same -- any of the same
4 applications or markets to whom StonCor
5 promotes its products?

6 A. Under -- just based on looking at the
7 products themselves, they could be used in
8 commercial construction or those types of
9 applications. Although, many of the photos
10 and things they show are not that. But it's
11 not -- it's not uncommon to see these types
12 of materials used in commercial space,
13 retail, you know, schools, hospitals, those
14 types of applications.

15 Q. In the public spaces?

16 A. In the public space, yes.

17 Q. And StonCor sells flooring for those
18 public spaces --

19 A. Yes.

20 Q. -- correct?

21 A. Yes.

22 Q. Do you believe that a typical general
23 contractor to whom StonCor might sell seeing
24 the mark Stonedge would think that product

1 identified a product of StonCor?

2 A. I do believe it's possible that they
3 would see that, especially if they saw it
4 printed in -- in a specification or -- or a
5 place where the mark is just being referenced
6 to as -- as a product.

7 Q. You think there is -- in your judgment
8 is there similarity in sound as between
9 Stonedge and StonCor's mark or marks?

10 A. There's similarity in sound in terms of
11 they both start with the sound "stone."
12 They're both only two syllables. And, you
13 know, so when you look -- even when you look
14 at it visually, it looks the same.

15 Q. And that applies to one or all of
16 StonCor's marks?

17 A. All of Stonhard's marks -- StonCor's
18 marks.

19 Q. And you find some similarity in
20 appearance --

21 A. Yes.

22 Q. -- as between the mark Stonedge and any
23 or all of StonCor's marks?

24 A. Yes, to many of our marks, yeah. It's

1 similar in length, same number of letters in
2 many cases.

3 Q. So in your judgment someone seeing the
4 mark Stonedge, a general contractor, for
5 example, might understand that to be a member
6 of the StonCor family of marks?

7 A. Yes, especially if he sees it in a
8 typed specification or a document such as
9 that.

10 Q. Because in that -- that would be in
11 text, is that --

12 A. In text.

13 Q. -- why you're saying --

14 A. If I looked at a specification, it's
15 not normally a printed piece of literature,
16 it's actually a typed out specification.

17 Q. You think a general contractor seeing a
18 package of precast decorative stone labeled
19 Stonedge might think that that was a product
20 of StonCor?

21 A. It's possible. It depends on how the
22 package is presented and -- and the typeface
23 and -- and whatever used to identify the
24 product.

1 Q. And the same question with respect to a
2 general contractor hearing about a, quote,
3 precast decorative stone product and hearing
4 that the product was sold under the mark
5 Stonedge, would he believe that product was a
6 product of StonCor?

7 A. He could certainly believe that.

8 Q. Do you think it likely that an
9 architect seeing the mark Stonedge would
10 think that denoted a product of StonCor?

11 A. I think likely, yes.

12 Q. You think it's likely that an architect
13 hearing the mark Stonedge pronounced would
14 believe that mark identified a product of
15 StonCor?

16 A. Yes.

17 Q. Same question with respect to a
18 building engineer?

19 A. Yes.

20 Q. Would it make any difference whether
21 we're talking about building engineers,
22 general contractors, architects or not?

23 A. No.

24 Q. They'll all reach the same conclusion?

1 A. They're likely to reach the same
2 conclusion.

3 Q. That conclusion being?

4 A. If they heard the mark or saw it, that
5 it -- that it was possibly a product
6 manufactured or provided by Stonhard or
7 StonCor.

8 Q. And we're using here StonCor and
9 Stonhard interchangeably?

10 A. Yes.

11 Q. Let's compare the marks Stonhard and
12 Stonedge.

13 What's the first letter of each mark?

14 A. "S."

15 Q. What's the second letter of each mark?

16 A. "t."

17 Q. What's the third letter of each mark?

18 A. "o."

19 Q. What's the fourth letter of each mark?

20 A. "n."

21 Q. Do the two marks share a common letter
22 "d" in the second half?

23 A. Yes.

24 Q. What are the number of letters in each

1 of those marks?

2 A. Eight.

3 Q. And do both of those marks have an

4 English word as the second and ending

5 syllable?

6 A. Yes.

7 Q. What is it in the case of Stonhard?

8 A. It's "hard."

9 Q. The word "hard"?

10 A. Yes.

11 Q. And what is the English word that's the

12 second syllable of Stonedge?

13 A. It's the word "edge."

14 Q. So the first syllable of each of the

15 marks is what?

16 A. Ston.

17 Q. Spelled?

18 A. S-t-o-n.

19 Q. And sounding like the word?

20 A. Like the word "stone," s-t-o-n-e.

21 Q. Is there hyphen, or spacing, or

22 separation in either of the two marks?

23 A. No.

24 Q. How long has the mark Stonhard been

1 used as a trademark or as a part of a -- as a
2 trademark, let's start with that, to your
3 knowledge?

4 A. To my knowledge, since 1922.

5 Q. And how long -- was it ever used as the
6 name of the corporation?

7 A. Yes.

8 Q. And for how long did that happen, did
9 that persist?

10 A. At least since --

11 Q. Better stated, when did that start?

12 A. To my knowledge, at -- at least as
13 early as 1960.

14 Q. And when did that cease to be the name
15 of the corporation?

16 A. When Stonhard executed a name change,
17 changing its name to StonCor. And I believe
18 that was in about 1990 or 1993, somewhere in
19 there.

20 Q. And subsequent to that, the -- was it
21 used as a division or a trading name?

22 A. It's a division of -- it's -- the mark
23 Stonhard is currently used as a division of
24 and doing business as -- entity for StonCor

1 Group, Inc.

2 Q. A trading name?

3 A. Yes.

4 Q. In addition to being a trademark?

5 A. Yes.

6 Q. That's applied to all of the goods?

7 A. Correct.

8 Q. Including the goods that we said could
9 be used to install the Stonedge products?

10 A. Yes.

11 MR. QUINN: Okay. I'd like you
12 now to take a look at Exhibit 2. The Court
13 Reporter to mark that.

14 Mr. Menker, you still hear us
15 okay?

16 MR. MENKER: Yup, everything is
17 great.

18 (Exhibit Opposer-2, Job File,
19 is marked for identification)

20 THE WITNESS: Okay.

21 BY MR. QUINN:

22 Q. And would you tell us or would you
23 identify Exhibit 2 for us?

24 A. Sure.

1 It is -- just a moment. Yup, Exhibit 2
2 is a -- give me a second. Appears to be a
3 copy of a job file or a project file from a
4 Stonhard project or -- or a job that we
5 performed.

6 Q. And would you briefly tell us how one
7 of these job files comes into existence and
8 what its function is --

9 A. Sure.

10 Q. -- with respect to -- and making
11 reference to Exhibit 2 as its convenient to
12 do so.

13 A. Okay. Well, when we begin the process
14 of selling, a salesperson is calling on his
15 customer, whether it's a general contractor,
16 an end contractor or an architect. And as
17 that -- as that lead or that prospect turns
18 into an actual piece of business, a project,
19 in fact, at the time that we begin producing
20 any sorts of documentation for that project,
21 whether it's the specification itself, the
22 proposal that we've made to the customer and
23 then all the subsequent documentation that
24 goes from -- from proposal, to contract, to

1 billing, to shipping documentation, all of
2 that is contained in a single file that we
3 refer to as a job file or a project file.

4 Q. And that's what we see here as
5 Exhibit --

6 A. Yes.

7 Q. -- 2?

8 And can you tell us what this
9 particular job file -- what job this job file
10 was for? Pardon me for the awkwardness of
11 the question.

12 A. Yup, one second.

13 This would be an installation for
14 Boeing Helicopters in Ridley Park,
15 Pennsylvania. It's a contract or a job that
16 was performed, sold to a general contractor,
17 Haverstick and Borthwick in Plymouth Meeting,
18 PA. So this would be a contract that we sold
19 to a general contractor for an installation
20 at an enduser, in this case Boeing.

21 Q. And what were the products that were
22 involved in that sale, can you tell us?

23 A. Yes.

24 Stonclad GS mortar system,

1 Stonkote AT5, which is a coating, standard
2 primer, Stonkote HT4 and Stonflex MP7.

3 Q. And what does the HT4, for example,
4 mean after you used that word --

5 A. Yes.

6 Q. Pardon me, you used that word after the
7 word "Stonkote," what does that mean?

8 A. HT4 would just be one formulation or
9 version of Stonkote, which is a product
10 family for us. Stonkote are -- all the
11 Stonkotes are coatings, top coatings. And
12 then there are various versions of that,
13 depending on the service requirements.

14 Q. And is the same true of the MP7 you
15 referred to with respect to the mark
16 Stonflex?

17 A. Yes, Stonflex would represent a family
18 of products. In this case, adhesives and
19 sealants. And MP7 is one version of that; in
20 fact, that's a joint sealant.

21 Q. Now, I believe you testified earlier
22 that you did about 7,000 jobs annually in the
23 United States?

24 A. Individual projects, really anywhere

1 from 7 and 15,000, depending upon the -- the
2 year that we have.

3 Q. And there is a job file for each one of
4 those projects?

5 A. Yes.

6 Q. Now, if you do a job for a customer
7 let's say five years ago and you generated a
8 job file for that customer at a particular
9 locale --

10 A. Yes.

11 Q. -- and that customer then comes back
12 and says, I need additional work done, and
13 he's expanding his building, for example,
14 does that result in the creation of a
15 separate job file?

16 A. Yes, there's a job file for each
17 individually executed project or -- or
18 contract.

19 Q. Even though that's with the same
20 contractor at the same location?

21 A. Yes.

22 Q. So -- pardon me.

23 Has the number of jobs remained
24 relatively constant over the last, let's say,

1 five or ten years?

2 A. It -- it varies from year to year, but
3 I would say over the last ten years it's
4 probably never less than, you know, 5 to
5 7,000, but it could have -- it could swell to
6 as more as, you know, 10 or 12, or even
7 15,000. It really depends upon the nature of
8 the business in that given year.

9 Q. So if -- if the minimum was 5,000 over
10 the last ten years, so there's 50,000 job
11 files at least?

12 A. Over the last ten years, yes.

13 Q. And how -- do you have any idea of how
14 many different customers are represented by
15 those 50,000 job files? An estimate would be
16 fine.

17 A. An estimate?

18 Somewhere between 2,500 and -- and
19 4,000.

20 Q. Customers?

21 A. Customers.

22 Q. And those customers would range, what,
23 from -- what would be the smallest to the
24 largest in terms of the organizations you

1 would be selling to?

2 A. It could be a small individual private
3 company, like a restaurant or an auto
4 dealership, to a company the size of a Boeing
5 or a General Electric.

6 Q. And in the case of a large customer,
7 like a Boeing, or a General Electric, or
8 Anheuser-Busch, someone like that, do you
9 have any idea of how many individuals in a
10 company, corporate organization would be
11 involved in that procurement?

12 A. For an individual location, it might be
13 anywhere from, you know, two or three to in
14 the case of like an Anheuser-Busch, it could
15 be five to ten. We consider a customer or an
16 account an individual location. So for a
17 Boeing, every single facility or every
18 location of Boeing is an individual customer
19 to us.

20 So at any given location it will be
21 anywhere from I'd say, you know, five to ten
22 people might be involved.

23 Q. Okay. Would you turn to Exhibit 3?

24 MR. QUINN: And the Court

1 Reporter to mark that.

2 You did mark Exhibit 2,
3 correct?

4 THE COURT REPORTER: Yes.

5 (Exhibit Opposer-3, Stonhard's
6 Floor Systems Brochure, is marked for
7 identification)

8 BY MR. QUINN:

9 Q. Turn to Exhibit 3 and identify that for
10 us, please.

11 A. This is Stonhard's Floor Brochure,
12 Floor Systems Brochure, sometimes referred to
13 as our general catalog, in its entirety.

14 Q. And on page five of that brochure would
15 you read -- pardon me, not read. Just
16 describe what the significance is of the
17 material, the names and the common nouns that
18 appear there in the lower right-hand corner?

19 A. The lower right-hand corner just
20 examples of the types of areas where our
21 products might be used.

22 Q. And then on the following page, would
23 you tell us what are those pictures that
24 appear on the page that's headed -- or lower

1 case -- pardon me, lower left-hand corner,
2 Design?

3 A. Those are just examples of -- of the
4 design that -- capabilities of our products.
5 And those are four photos or actual projects
6 that were completed using our product as part
7 of an overall design.

8 Q. I'm curious, do you happen to know what
9 the one is in the upper right-hand corner,
10 for Mr. Menker's benefit, that shows the
11 State of Florida?

12 A. Yes, that's actually the Florida
13 Welcome Center when you cross over the border
14 from Georgia into Florida.

15 Q. You don't happen to know if that
16 building is stone on the outside, do you?

17 A. I do not.

18 Q. Or artificial concrete?

19 A. I do not.

20 Q. And turn to page 11.

21 A. Okay.

22 Q. What does that page show on the
23 right-hand edge of the page?

24 A. On the right hand -- oh, the colors you

1 mean?

2 Q. Yes.

3 What do you see there on the right-hand
4 edge?

5 A. This is a page from the brochure from
6 the Stonclad family of products and the
7 photos along the right edge are color
8 swatches of the available standard colors for
9 Stonclad.

10 Q. And I notice there under the word
11 Stonclad UT it says, Troweled polyurethane
12 textured mortar system.

13 A. Yes.

14 Q. Is that mortar system available in all
15 of those colors to the right?

16 A. Yes.

17 Q. So that mortar system has some colors
18 that might match up with the colors that we
19 saw earlier in Exhibit 43?

20 A. Yes.

21 Q. Not --

22 A. If we had seen them in color.

23 Q. If we had seen them in color?

24 A. Yeah.

1 Q. It has a tan, correct?

2 A. Yup, a tan and a brown.

3 Q. And a silver, correct?

4 A. Silver gray, yes.

5 Q. A pewter, darker gray?

6 A. Yes.

7 Q. And a slate color?

8 A. Yes.

9 Q. Would you turn to page 13?

10 A. Okay.

11 Q. And what do you see there?

12 A. This is a page from the brochure for
13 the product family Stonshield.

14 Q. And what does it say under the heading
15 Stonshield UTS?

16 A. Troweled polyurethane mortar system,
17 textured with Stonshield's signature colored
18 quartz aggregate. Use in food preparation
19 and service areas where thermal shock and
20 cycling are present.

21 Q. Is Stonshield UTS available in the
22 colors shown to the right there on page 13?

23 A. Yes, those are the standard colors.

24 Q. Turn to page 15.

1 A. Okay.

2 Q. That's Stonblend?

3 A. This is the Stonblend family page from
4 the brochure.

5 Q. And Stonblend is a flooring product?

6 A. Yes.

7 Q. And the colors for Stonblend are those
8 shown on the right?

9 A. Yes, they are. The GSI are on the top
10 section and the GSI-G are in the bottom
11 section.

12 Q. And on page 17 --

13 A. Yes.

14 Q. -- the same --

15 A. The same...

16 Q. -- question?

17 A. Stonres page from the brochure and the
18 colors on the right are the available
19 standard colors for that product.

20 Q. And Stonres is what?

21 A. Is a resilient pour in place floor
22 system.

23 Q. And turn to page 23, please.

24 A. Okay.

1 Q. I'm sorry, I'm sorry, strike that.

2 We're finished with Exhibit 3.

3 Would you turn to Exhibit 4?

4 MR. QUINN: And would the Court

5 Reporter mark that, please.

6 (Exhibit Opposer-4, Signet

7 Research Report for Plant Services Magazine,

8 is marked for identification)

9 THE WITNESS: Okay.

10 BY MR. QUINN:

11 Q. Can you identify Exhibit 4 for us

12 before July?

13 A. Exhibit 4 is a Signet Research Report

14 for Plant Services Magazine. So it would --

15 these are independent surveys that are run

16 that the magazine offers to us to show the

17 strength of our advertising and makes

18 suggestions on how our advertising is

19 received in their magazine.

20 Q. And would you turn back to page 12 of

21 that exhibit?

22 A. Okay.

23 Q. And what do you see there?

24 A. This would be --

1 Q. Table of some sort?

2 A. A table, yup, an AdEffect table.

3 Q. And what is the significance of this
4 for StonCor?

5 A. It shows on this table Stonhard. So
6 Stonhard placed a one-page four color ad on
7 page 51. They gave us an overall AdEffect
8 StonCor of 81. And then they rate the -- how
9 many people rated it or what percentage of
10 people surveyed rated our ad as excellent in
11 effectiveness and good in effectiveness.

12 Q. And are those advertisers ranked in
13 that table?

14 A. They appear to be ranked by AdEffect
15 score.

16 Q. And where is Stonhard in the ranking?

17 A. Number 6.

18 Q. Are any of the five above Stonhard
19 competitors?

20 A. No.

21 Q. Does that ranking have significance to
22 you as respecting StonCor's trademarks?

23 A. Yes.

24 Q. What is that significance?

1 A. It shows -- well, one, it shows the
2 effectiveness of our advertising in our
3 space. In fact, on this list there is only
4 one other competitor listed and they are 12th
5 down on the list.

6 Q. What is that?

7 A. Tennant Company, they manufacturer
8 coatings.

9 Q. Mm-hum.

10 So with respect to -- does this --
11 strike that.

12 Does this table have any significance
13 as respecting the recognition of StonCor's
14 trademarks?

15 A. It at least shows that -- how well
16 received our advertising is in this case.

17 I'm not -- unless I read how the survey was
18 done, I couldn't -- I don't know.

19 Q. But all the ads would include
20 StonCor -- one other more of StonCor
21 trademarks?

22 A. They certainly would.

23 Q. Including all of them would have the
24 trademark Stonhard?

1 A. Always with the Stonhard trademark.

2 Q. Would you look at the last two pages of
3 that exhibit, please?

4 A. Okay.

5 Q. And tell us what those two pages are.

6 A. This appears to be the summary of the
7 actual -- how the score was achieved for the
8 Stonhard -- for Stonhard in that previous
9 table. It's actually showing what percentage
10 of respondents rated our ad as excellent,
11 good, fair, poor.

12 And, in addition, it appears that there
13 is some comments lifted from the various
14 surveys and those are the bullets that are
15 listed here.

16 In fact, the bullets, they're asking
17 the surveyor after seeing the ad in as much
18 detail, tell us your opinion about the
19 advertiser and the products being advertised
20 and what message you feel they're trying to
21 convey. And these bullets represent comments
22 that have been taken out of various surveys.

23 Q. So the comments represent the reaction
24 of the readers to the ads?

1 A. Yes.

2 Q. And from that do you believe there's
3 some correlation with respect to the goodwill
4 associated with the ads and the marks that
5 appear in those ads?

6 A. Yes.

7 Q. What do you believe that correlation
8 is?

9 A. One, people recognize the name
10 Stonhard. And when you read some of these,
11 you know, you'll see that our advertising
12 also portrays and -- and people are getting
13 that message, that we portray our product
14 through the mark to represent a quality
15 product. It's good for the applications.
16 It's very straightforward. You know, and --
17 and this reinforces that we're meeting our
18 goal of using the mark to -- to represent the
19 quality of our product.

20 Q. Okay. Let's turn to Exhibit 5.

21 A. Okay.

22 MR. QUINN: Would you mark
23 Exhibit 5 for us, please?

24 (Exhibit Opposer-5, Page Out of

1 Food Processing Magazine, is marked for
2 identification)

3 BY MR. QUINN:

4 Q. And can you tell us what Exhibit 5 is?

5 A. Exhibit 5 is a page out of Food
6 Processing Magazine. This is from their
7 Reader's Choice Awards Edition of the
8 magazine.

9 Q. And what is the significance of this
10 page to StonCor and to this proceeding?

11 A. We -- we advertise frequently in Food
12 Processing. And once a year Food Processing
13 does an unaided survey where they ask various
14 questions to their respondents. For example,
15 in our case, to name a flooring material or
16 name a flooring supplier to -- they ask a
17 series of questions for them to identify
18 companies that they recognize as the leader
19 in a market space. Or just unaided, name,
20 you know, all the flooring companies that you
21 can think of. And in the bottom left corner
22 you can see the category of flooring. And
23 24 percent of the time Stonhard was named
24 as -- as a flooring company or as a, you

1 know, quality provider of flooring. I'm not
2 certain as to the nature of the question. So
3 we were ranked number 1. And the number 2 is
4 Tufco and they were 7 percent of the time
5 recognized in the survey.

6 Q. Thank you.

7 Let's turn to Exhibit 6.

8 (Exhibit Opposer-6, Page from
9 Magazine, is marked for identification)

10 BY MR. QUINN:

11 Q. And would you identify that exhibit?

12 A. This is a page from a magazine, I'm
13 trying to see here. It's probably Food
14 Processing magazine again.

15 Reader's Choice Awards for 2007. And,
16 again, this is the section or the category
17 Equipment & Packaging. And Stonhard would be
18 the -- well, Flooring is one of the
19 categories. And Stonhard is listed number 1,
20 again, referenced 23 percent of the time.
21 And like the previous one, Tufco is number 2
22 at 16 percent of the time.

23 Q. So what is the relevance of this
24 particular piece, Exhibit 5 -- 6, pardon me,

1 to this proceeding?

2 A. Yes, like 5, the relevance here is that
3 Stonhard is, at least in this venue, Food
4 Processing, the most widely recognized name
5 in the marketplace.

6 Q. Okay. I'd like to direct your
7 attention to Exhibit 7.

8 A. Okay.

9 (Exhibit Opposer-7, Page from
10 Food Processing Magazine, is marked for
11 identification)

12 BY MR. QUINN:

13 Q. Would you tell -- identify what this
14 exhibit is and tell us the relevance to this
15 proceeding?

16 A. Page from Food Processing Magazine.

17 Q. What is the date?

18 A. March 2009. Also Reader's Choice
19 Awards for Equipment, Packaging & Services.
20 Bottom left is Flooring category. Again,
21 Stonhard is number 1, ranked at 25 percent.
22 Sherwin Williams, one of our competitors and
23 Tufco are tied for the second place position
24 at 14 percent of the time.

1 Q. So, again, does that demonstrate
2 goodwill and recognition of the mark --

3 A. To us --

4 Q. -- Stonhard?

5 A. Yes, to us, again, it represents the
6 wide recognition of the mark Stonhard in the
7 marketplace.

8 Q. Thank you.

9 Turn to Exhibit 8, please.

10 A. Yes.

11 (Exhibit Opposer-8, Packet of
12 Product Literature, Product Data Sheets, is
13 marked for identification)

14 BY MR. QUINN:

15 Q. Would you tell us what Exhibit 8 is,
16 identify it for us?

17 A. Exhibit 8 is a packet of product
18 literature, product data sheets for various
19 Stonhard products. It's all product data
20 sheets.

21 Q. And they are for what products?

22 A. Stonblend GSI, Stonclad GR,
23 Stonclad GS, Stonclad UR, Stoncrete HS1,
24 Stonfil OP2, Stonset QS5. Unless I missed

1 something, that's all of them.

2 Q. And the products Stoncrete, Stonfil,
3 and Stonset are products you've previously
4 testified could be used to install a Stonedge
5 caps and other --

6 A. They could be, yes.

7 Q. -- artificial stone concrete --

8 A. Yes.

9 Q. -- product?

10 A. Yes.

11 Q. Correct?

12 A. Yes.

13 Q. And these product data sheets, are they
14 available on StonCor's website?

15 A. Yes, they are.

16 Q. Are they distributed to customers,
17 potential customers --

18 A. Yes.

19 Q. -- or do they stay on the website?

20 A. They are distributed as well. We have
21 them in printed form. And they are
22 distributed via our sales force. They can be
23 sent in the mail as well from here. And, in
24 addition, they can be downloaded directly

1 from our website.

2 Q. Do you have any idea how many of these
3 are distributed annually?

4 A. Any given data sheet we usually print
5 them in lots -- excuse me. Usually print
6 them in lots of 5 to 10,000. Depending upon
7 the product, we might distribute 5 or 6,000
8 in a year for a high moving product. For a
9 lower moving product, 2 to 3,000 printed,
10 printed copies. Those numbers are a lot
11 lower than they used to be, because most of
12 our data sheet distribution ends up being
13 direct from the internet.

14 Q. When you said a lower moving product,
15 how would you -- what would be your estimate
16 for Stoncrete, the number of data sheets?

17 A. Stoncrete HS1 would be in the --

18 Q. Representative year.

19 A. -- maybe 2 to -- 2,000 to 2,500 data
20 sheets in a year.

21 Q. Same question with respect to Stonfil?

22 A. OP2, somewhere in the 3 to 5,000 range.

23 Q. Same question with respect to Stonset?

24 A. QS5, it would be in the 2,000 range.

1 Q. Do you have any idea how many hits a
2 year you get on your website?

3 A. Somewhere between 9,000 and 10,000 a
4 month.

5 Q. So that would be somewhere around
6 120,000 a year?

7 A. Yes.

8 Q. And do you have any way of telling
9 whether those people print data sheets off of
10 your website?

11 A. I know we can tell if they've been to
12 that section of the website. We can run
13 reports that tell us that. Off the top of my
14 head, I don't know what the quantities would
15 be.

16 Q. Okay. But you do know that people do
17 print from your website?

18 A. Yes.

19 Q. Okay.

20 A. Well, we know that they view the page.
21 I can't tell if they've printed it or not.

22 Q. Let's turn to Exhibit 9.

23 A. Okay.

24 MR. QUINN: The Court Reporter

1 mark that, please.

2 (Exhibit Opposer-9, Two
3 Photographs, are marked for identification)

4 BY MR. QUINN:

5 Q. What is Exhibit 9?

6 A. The series of photographs -- well, two
7 photographs for one of our packaging, boxes
8 that's used to package our products in.

9 Q. And what mark appears -- what appears
10 on that box?

11 A. On the front side and on the side
12 panel, you can see the mark Stonhard.

13 Q. Now, if the product in the box were one
14 of the -- let's say for Stonfil, where would
15 that appear?

16 A. If you look at the picture that shows
17 the side of the box where there's a large
18 blank white area, it would be printed either
19 with a label or direct ink printed on the
20 side of the box the name of the product. For
21 example, Stonclad GS would be printed on the
22 side of the box when the box is filled.

23 Q. Mm-hum.

24 And what is the second photograph, what

1 is that illegible text?

2 A. That would be some safety information,
3 including the contact information, if -- if
4 the product happens to be spilled or if a
5 truck were in an accident or whatever and
6 someone needed emergency information about
7 how to handle a chemical spill. As well at
8 the bottom it appears to be a list of our
9 offices and locations around the world.

10 Q. There's not any trademark significance
11 to that, is there?

12 A. Inside the box?

13 Q. Yes.

14 A. No.

15 Q. Okay. Let's turn to Exhibit 10.

16 A. Okay.

17 (Exhibit Opposer-10, Stonhard
18 Linings Brochure, is marked for
19 identification)

20 BY MR. QUINN:

21 Q. And would you identify Exhibit 10 for
22 us?

23 A. Exhibit 10 is the Stonhard Linings
24 Brochure, similar to the Flooring Brochure

1 this is a catalog for our chemical resistant
2 linings materials.

3 MR. QUINN: The Reporter has
4 marked Exhibit 10?

5 THE COURT REPORTER: Yes.

6 BY MR. QUINN:

7 Q. Go to Exhibit 11.

8 A. Okay.

9 MR. QUINN: Would you mark
10 Exhibit 11, please?

11 (Exhibit Opposer-11, College
12 Planning and Management Magazine Document, is
13 marked for identification)

14 BY MR. QUINN:

15 Q. And would you identify Exhibit 11 and
16 tell us what it is?

17 A. Give me one second.

18 It appears to either be a listing or a
19 press release from College Planning and
20 Management Magazine from July of 2007. It's
21 probably a directory listing.

22 Q. Do you see the statement, Stonhard, the
23 unprecedented leader of high-performance,
24 seamless, polymer floor and wall systems?

1 A. Yes.

2 Q. What's the basis for the statement "the
3 unprecedented leader"?

4 A. We -- first of all, based on surveys
5 that are run fairly frequently, we believe
6 that Stonhard is the most widely recognized
7 brand in our marketplace of seamless polymer
8 floor and wall systems.

9 We also know that from a square footage
10 standpoint, we have the largest market share
11 in the U.S. marketplace; in fact, in the
12 North America marketplace in our -- in our
13 space of polymer floor and wall systems.

14 Q. All right. Let's turn to Exhibit 12.

15 (Exhibit Opposer-12, College
16 Planning and Management Magazine Document, is
17 marked for identification)

18 BY MR. QUINN:

19 Q. What is Exhibit 12?

20 A. This appears to be either an editorial
21 or a press release that Stonhard made through
22 College Planning and Management Magazine.

23 Q. Is this typical of Stonhard's
24 advertising in the print media?

1 A. This is one form. Our most common
2 would be a traditional four color ad. This
3 is a more of an editorial-type ad. I would
4 say this probably represents 25 to 30 percent
5 of the type of advertising that we do.

6 Q. Let's turn to Exhibit 13.

7 A. Okay.

8 (Exhibit Opposer-13, Food
9 Processing Magazine Document, is marked for
10 identification)

11 BY MR. QUINN:

12 Q. Would you identify Exhibit 13 for us?

13 A. It's a page from Food Processing
14 Magazine, September 2003. Like the previous,
15 it's -- it's an advertisement, but it's an
16 advertisement that's, you know, styled to --
17 to look more like an editorial.

18 Q. And, again, is this typical of --

19 A. Yeah.

20 Q. -- Stonhard's print media advertising?

21 A. Yes, this is typical and represents,
22 again, about 25 to 30 percent of our
23 advertising.

24 Q. Do you have any idea of the circulation

1 of Food Processing?

2 A. I do not.

3 Q. Same question with respect to the
4 publication at Exhibit 12 appear in
5 College --

6 A. College Planning and Management.

7 Q. -- Planning and Management?

8 A. I don't know.

9 Q. Turn to Exhibit 14.

10 A. Okay.

11 (Exhibit Opposer-14, Animal Lab
12 News Document, is marked for identification)

13 BY MR. QUINN:

14 Q. Would you identify that for us, please?

15 A. This is a Facility Design, Materials,
16 and Equipment. So the magazine is Animal Lab
17 News and this is the Buyer's Guide edition.
18 So this is a directory style edition of that
19 magazine.

20 Q. And what is the significance of this --

21 A. This page --

22 Q. -- to this proceeding?

23 A. This page includes interior materials.

24 And, specifically, in the middle, Flooring.

1 And Stonhard would be listed as one of the
2 companies providing resinous flooring.

3 Q. Is that a placement of an ad by
4 Stonhard or was that --

5 A. No, that's --

6 Q. -- a gratuitous placement by the ad --
7 by the magazine for its readers?

8 A. Right, it's a complimentary listing in
9 the directory. It's not a paid ad.

10 Q. So it demonstrates some recognition of
11 the mark Stonhard by third parties?

12 A. Yes.

13 If we could take a break at some point.

14 MR. QUINN: Mr. Menker, we need
15 to take a break here.

16 MR. MENKER: Okay.

17 (Brief recess)

18 MR. QUINN: Back on the record.

19 BY MR. QUINN:

20 Q. Okay. Mr. Jewell, please identify --

21 MR. QUINN: And I ask the Court
22 Reporter to mark Exhibit 15.

23 (Exhibit Opposer-15, College

24 Planning and Management Magazine Document, is

1 marked for identification)

2 THE WITNESS: Okay. That's a
3 page from College Planning and Management
4 Magazine. It's a section inside the magazine
5 called Ask the Expert. The magazine gets
6 questions written in from various places.
7 And when it's about flooring and different
8 kinds of materials, many times they will
9 contact us and ask us if we'd like to respond
10 to the question. And this is a case where
11 there's a question and we wrote a response to
12 that question.

13 BY MR. QUINN:

14 Q. And this appears in what magazine?

15 A. College Planning and Management, March
16 of 2005 issue.

17 Q. What magazines does StonCor advertise
18 in or contribute to, as we see here?

19 A. Probably --

20 Q. How many --

21 A. About 15 to 20 different magazines.

22 Q. Name as many of those as you can.

23 A. Food Processing, Plant Services,
24 Healthcare Building Design, Commercial

1 Building Products, Architectural Building
2 Products, College Planning and Management,
3 School Planning and Management, Animal Lab
4 News, the Pharmaceutical Processing. I'm
5 sure I'm missing many, that's just a handful.

6 Q. Do you have any idea of combined
7 circulation of all those magazines?

8 A. Some of the -- the commercial oriented
9 magazines are on the order of usually 30 or
10 40,000. The more industry specific, like a
11 Food Processing, might be only like ten to
12 15,000.

13 Q. Can you tell us approximately what
14 Stonhard spends annually on those
15 advertisements in the print media?

16 A. In the print media, just right around
17 \$200,000 a year.

18 Q. And that's for the United States?

19 A. For the United States, only.

20 Q. Let's turn to Exhibit 16.

21 A. Okay.

22 (Exhibit Opposer-16, Food
23 Processing Magazine Document, is marked for
24 identification)

1 BY MR. QUINN:

2 Q. Would you identify that for us?

3 MR. QUINN: Would the Court
4 Reporter mark it?

5 BY MR. QUINN:

6 Q. And then would you tell us the
7 significance of that exhibit to this
8 proceeding?

9 A. This appears to be a -- give me a
10 second.

11 Q. Take your time.

12 A. This is either a press release of some
13 kind from Food Processing Magazine, February
14 of 2005 for the Reader's Choice Awards for
15 Food Processing Magazine.

16 Q. I direct your attention to the bottom
17 of page under the word "Methodology" that
18 appears there, maybe that will give you some
19 more -- refresh your recollection as to what
20 this exhibit is and is all about.

21 A. Yes.

22 So this is -- this is the news release
23 or press release that Food Processing put out
24 to announce the winners of the Reader's

1 Choice Awards.

2 Q. Okay. And what appears on exhibit --
3 page 4 of that exhibit?

4 A. Page 4 are the winners or the -- or the
5 listings of I think the number one and two
6 position for each of the categories that they
7 surveyed on, including flooring systems.

8 Q. And who appears as number one under
9 Flooring?

10 A. Stonhard.

11 Q. Thank you.

12 Let's go to Exhibit 17.

13 (Exhibit Opposer-17, Facility
14 Care Magazine Document, is marked for
15 identification)

16 BY MR. QUINN:

17 Q. Would you identify that for us and tell
18 us what its significance is to this
19 proceeding?

20 A. This is a page from Facility Care
21 Magazine, January/February 2007 issue. And
22 this is a page that contains what we would
23 call a product release. So we submit
24 these -- these are non-paid listings where we

1 submit a photo and a short caption or a short
2 description of what we're offering. And the
3 magazine either picks it up or they don't
4 pick it up. And in this case it's the
5 product release for Stonblend RTZ, sound
6 reducing flooring.

7 Q. And that appears where on exhibit --

8 A. It's at the top center of the page.

9 Q. Okay. Turn to Exhibit 18.

10 A. Okay.

11 (Exhibit Opposer-18, School
12 Planning and Management Magazine Document, is
13 marked for identification)

14 BY MR. QUINN:

15 Q. And would you tell us -- would you
16 identify Exhibit 18 and tell us the
17 significance of that to this proceeding?

18 A. Exhibit 18 is a page from School
19 Planning and Management Magazine, July 2004.
20 The top half of the page is an editorial
21 written by Ellen Kollie. So this would be a
22 non-paid editorial where this editor did a
23 review of our materials or our products and
24 wrote her own editorial. And this is

1 regarding life-cycle costs of our flooring
2 materials.

3 Q. And does the trademark Stonblend appear
4 in that write-up?

5 A. Bah, bah, bah.

6 Yes, Stonblend RTZ. In fact, there's a
7 quote here from me in this article.

8 Q. And the significance of that is as to
9 the trademark issue in this case, recognition
10 of the mark?

11 A. Recognition of the mark. And, really,
12 because we're being interviewed by an editor
13 of the magazine, recognition of how -- of how
14 widely recognized our name is or how
15 respected our name is in the industry.

16 Q. Okay. Thank you.

17 Let's look at Exhibit 19 and ask you to
18 identify that.

19 MR. QUINN: And the Court
20 Reporter mark it.

21 (Exhibit Opposer-19, Editorial
22 Content from the McGraw Hill publication,
23 Louisiana Contractor from July of 2005, is
24 marked for identification)

1 BY MR. QUINN:

2 Q. And tell us the significance to this
3 proceeding.

4 A. It appears to be an editorial content
5 from the McGraw Hill publication, Louisiana
6 Contractor from July of 2005. Again, it's a
7 non-paid. This is in this case an editorial
8 case history on a project.

9 Q. Would you turn to page 2 on that
10 exhibit and look at the last line on page 2?

11 A. Okay.

12 Q. Would you read that?

13 A. The Stonclad flooring was chosen
14 because, quote, it'll hold up to the chimps,
15 end quote, Reich added.

16 Q. Now, this -- was this piece that we
17 have identified as Exhibit 19 placed by
18 StonCor?

19 A. No, this would be a case history that
20 was -- we most likely submitted the
21 information to the magazine, but it was
22 edited, reviewed and edited by an editor of
23 the magazine, Karla Wall. And it was their
24 choice to publish it. We did not pay to have

1 this placed.

2 Q. Let's turn to Exhibit 20.

3 A. Okay.

4 MR. QUINN: And ask that that
5 be marked.

6 (Exhibit Opposer-20, Editorial
7 Content from Design Cost Data, is marked for
8 identification)

9 BY MR. QUINN:

10 Q. And, Mr. Jewell, identify that for us
11 and tell us its significance to this
12 proceeding.

13 A. This is, again, editorial content from
14 a magazine called Design Cost Data from
15 May 2005. And this would be again a case
16 history-type article, non-paid. So we would
17 have submitted the article and it was picked
18 up by the magazine because they felt that it
19 had editorial merit.

20 Q. So this was not written by StonCor?

21 A. This -- normally these are written by
22 StonCor and edited, reviewed and edited by
23 someone at the magazine.

24 (Exhibit Opposer-21, Design

1 Cost Data Magazine Document, is marked for
2 identification)

3 BY MR. QUINN:

4 Q. Let's look at Exhibit 21. And would
5 you tell us -- identify Exhibit 21 and tell
6 us its significance to this proceeding.

7 A. This, again, it appears to be a -- hold
8 on. In this case it's an online from DC&D,
9 which I believe is Design Cost Data Magazine.
10 This is just an online version. And it is a
11 case history editorial regarding one of
12 Stonhard's projects that we completed and
13 it's dated 2008.

14 (Exhibit Opposer-22, Page from
15 Stonhard's Website, is marked for
16 identification)

17 BY MR. QUINN:

18 Q. Let's go to Exhibit 22.

19 A. Okay.

20 Q. Would you identify Exhibit 22 for us?

21 A. It's a collection of pages from
22 Stonhard's -- well, two pages -- one page
23 from Stonhard's website. This would be our
24 home page.

1 Q. And the text, if you turn it sideways,
2 it's in blue, talks about the different
3 markets that you serve?

4 A. Yes.

5 Q. And this is the same website you
6 testified earlier that you have 120
7 something -- approaching -- or over 100,000
8 hits a year on --

9 A. Yes.

10 Q. And that's from where the website from
11 where those product data sheets that we
12 identified earlier can be printed?

13 A. That is correct.

14 Q. Okay. Let's turn to Exhibit 23.

15 A. Okay.

16 (Exhibit Opposer-23, Page from
17 Stonhard Website, is marked for
18 identification)

19 BY MR. QUINN:

20 Q. Would you identify this for us?

21 A. Again, this is a Stonhard website.

22 This is from the Products section of the
23 website. This is actually the main page to
24 the Products section that lists all the

1 different families.

2 Q. And the trademarks?

3 A. And all the trademarks that are --
4 represent them.

5 Q. That identify those product?

6 A. Yes.

7 Q. And those are?

8 A. Stonclad, Stonshield, Stonblend,
9 Stonres, Stontec, Stonlux, Stonlok, Stonchem,
10 Stonglaze and Stonkleen.

11 Q. And those bullets on the left, if
12 someone clicks on there where does that take
13 you?

14 A. Yeah, if someone clicks on either of
15 the bullets on the left or on the actual
16 little square photo of the product, it would
17 take them to a page dedicated to that product
18 family.

19 Q. Mm-hum.

20 And on that page what would they find?

21 A. On that page they would see standard
22 colors, more detailed information about that
23 specific product family. As well as that's
24 where you would find the link to download the

1 product data sheet.

2 Q. Would you turn please to Exhibit 24?

3 A. Okay.

4 (Exhibit Opposer-24, Page from
5 Website, is marked for identification)

6 BY MR. QUINN:

7 Q. And tell us what that is.

8 A. Exhibit 24 is the page from our
9 website. This is from the What's New section
10 of our website. And, specifically, this is
11 the Trade Show page. So this is showing
12 trade shows, places where you can see
13 Stonhard and our products exhibited
14 throughout the year.

15 Q. How many trade shows does StonCor
16 attend in a given year?

17 A. Typical year, about 25 to 30.

18 Q. And do you have any idea of the total
19 attendance of those trade shows?

20 A. No, hundreds of thousands of people
21 when you add it all together.

22 Q. Do you have any idea of how many people
23 visit the StonCor booth at those trade shows?

24 A. We may have -- depending on the size of

1 the show, over the course of two or
2 three days, it could be 20 to 30 on a small
3 show. It could be 100 to 120 on a larger
4 show.

5 Q. And the booth that you would maintain
6 at that trade show, are the trademarks
7 visible?

8 A. Yes, always the Stonhard trademark.
9 And then depending on the specific show, we
10 may actually list some of the other
11 trademarks if we're trying to promote a
12 specific product or -- or talk to a specific
13 market segment.

14 Q. Give me an example of a specific
15 product that would be promoted at one show
16 over all of the other products?

17 A. For example, this year at Healthcare
18 Building Design or Healthcare Design Expo,
19 which is in Florida, we'll have a Stonhard
20 trade show booth and it's very highly likely
21 that we'll be specifically promoting the
22 Stonblend and Stonres product families at
23 that show, because those are targeted really
24 for the healthcare industry.

1 Q. And what is it about those products
2 that make them suit -- specifically --
3 especially suited for the healthcare
4 industry?

5 A. They're both very durable products, but
6 they're very decorative and aesthetic in
7 nature. So they can be used in the public
8 side of the hospital, because they -- they
9 are nice looking products, but they also hold
10 up to the demands of the hospital.

11 Q. Okay. Thank you.

12 A. Mm-hum.

13 Q. Turn to Exhibit 25.

14 A. Okay.

15 (Exhibit Opposer-25, BPA Audit
16 for School Planning & Management Magazine, is
17 marked for identification)

18 BY MR. QUINN:

19 Q. Can you identify Exhibit 25 for us,
20 please?

21 A. Yes.

22 BPA, this is an BPA audit. The
23 magazines that we advertise in, in order to
24 convince us to advertise and to sell us on

1 their magazine, they use outside, third party
2 audit companies to audit their circulation
3 and verify that the circulation is -- is --
4 numbers are correct and true. So this is a
5 BPA Audit for School Planning & Management
6 Magazine.

7 Q. And does StonCor advertise in that
8 magazine?

9 A. Yes, we do.

10 Q. And is that how you came -- I guess
11 it's not -- is it how you came to acquire
12 this document?

13 A. Yes. Normally they -- they'll give us
14 one of these reports during the sales process
15 when they're trying to sell us on advertising
16 in their magazine.

17 Q. Mm-hum.

18 It looks from the bottom -- it's not
19 clear as to whether it came from their
20 website or not?

21 A. Normally not. Normally they hand this
22 kind of document to us.

23 Q. And so this document says -- what does
24 this document say about the circulation of

1 that magazines?

2 A. Give me a sec.

3 It looks like total circulation is
4 about 48,000.

5 Q. Mm-hum.

6 A. They show how many new readers were
7 added last year, how many were removed, how
8 many are qualified versus non-qualified. In
9 this case, qualified versus non-qualified
10 refers more to paid subscriptions versus
11 complimentary subscription. In this case,
12 100 percent of the circulation is non-paid.

13 Q. And on the next page?

14 A. This gives a breakdown of the
15 distribution of their circulation. So for
16 the total, 48,000, how many of those are
17 executive level people that are receiving the
18 magazine versus specifier level or purchasing
19 level. And then it even breaks it down into
20 subcategories beyond that.

21 Q. And are the specifier level, are those
22 the people that would be writing the specs
23 for these --

24 A. Yeah, specifier level would be -- not

1 just -- not only writing the specs, but
2 someone who would specify that we need this
3 kind of floor or we need a Stonhard floor.
4 So it could be somebody within the
5 organization that has operations
6 responsibility, but that person says, Yeah,
7 I -- I have the ability or in my job
8 description I will specify materials.

9 Q. And then down the very bottom, what
10 does -- what -- what do they -- what is the
11 group at the very bottom? Read that --

12 A. At the specifier level, yeah, that's
13 architects, engineers, construction managers,
14 design-builders, general contractors,
15 interior designers, consultants.

16 Q. So these are -- that's the same group
17 generally that you identified earlier as
18 being the people to whom you direct your
19 marketing efforts?

20 A. Yes, one of the groups who we direct
21 our marketing efforts to, yes.

22 Q. Let's turn to Exhibit 26.

23 A. Okay.

24 (Exhibit Opposer-26, Facility

1 Care Magazine Document, is marked for
2 identification)

3 BY MR. QUINN:

4 Q. And would you identify that for us,
5 please?

6 A. Again, this appears to be, in this case
7 it's Facility Care Magazine. And this is
8 their presentation of the independent third
9 party, you know, circulation audit
10 information. Again, by -- from BPA, who's --
11 they're like the main company that does this
12 audit.

13 Q. So Exhibit 26 is the same kind of the
14 thing as Exhibit 25, just in a different
15 form; is that correct?

16 A. The first one is more raw form, right
17 from the audit. This is obviously put
18 together as a sales piece by Facility Care
19 Magazine, trying to -- so they graphically
20 are representing the data from that audit.

21 Q. Thank you.

22 (Exhibit Opposer-27, Food
23 Processing Magazine Circulation Audit, is
24 marked for identification)

1 BY MR. QUINN:

2 Q. Let's turn to Exhibit 27. Mark and
3 identify that and tell us the relevance of
4 it.

5 A. This is, again, a circulation audit.
6 This time for Food Processing Magazine. It's
7 the same format as the first one that we
8 looked at.

9 Q. As Exhibit 25?

10 A. Twenty-five, yes.

11 Q. Okay. And that also is a publication
12 in which StonCor advertises?

13 A. Yes.

14 Q. Let's turn to Exhibit 28.

15 A. Okay.

16 (Exhibit Opposer-28, College
17 Planning & Management Circulation Audit, is
18 marked for identification)

19 BY MR. QUINN:

20 Q. Would you identify Exhibit 28? Tell
21 us --

22 A. Yes.

23 Q. -- of its relevance to this proceeding.

24 A. Again, it's an audit, circulation

1 audit. This time for a College Planning &
2 Management. It's the same -- same company,
3 BPA. And it's the same format as 25 and 27.

4 Q. And this is another publication in
5 which StonCor advertises?

6 A. Yes.

7 MR. QUINN: Off the record for
8 a moment.

9 MR. MENKER: Okay.

10 (Off-the-record discussion)

11 MR. QUINN: Back on the record.

12 Even though Mr. Menker and I
13 have agreed that the trademark registrations
14 that were attached to the Notice of
15 Opposition are of record, I just want to have
16 Mr. Jewell look at these trademark
17 registrations that are attached to the Notice
18 of Opposition and to tell us the only -- to
19 verify that the owner of those is the StonCor
20 Group, Inc., which appears on the face of
21 them. You may wish to...

22 BY MR. QUINN:

23 Q. So would you look, please, Mr. Jewell,
24 at the attachments to the Notice of

1 Opposition and check as to the ownership
2 listed for each one.

3 A. (At which time the Witness reviews the
4 document).

5 Okay. All of the marks with the
6 exception of one lists StonCor Group, Inc. as
7 the owner. And that one lists Stonhard, Inc.
8 as the owner, that would be for the mark
9 Stonlok. All the others list StonCor Group,
10 Inc.

11 Q. And with respect to Stonlok it is
12 correct, is it not, that when Stonhard, Inc.
13 changed its name to StonCor, Group, Inc.,
14 that that was the only -- there was no
15 transfer of assets associated with that --

16 A. That's correct.

17 Q. -- name change, correct?

18 A. It was just a name change, corporate
19 name change.

20 Q. So StonCor Group may not be listed
21 there as the owner, but it is, in fact, the
22 owner of that registration?

23 A. That is correct.

24 MR. QUINN: Okay. I move that

1 all of these exhibits that have been marked
2 be accepted into evidence in this proceeding.

3 And that concludes the direct
4 examination of Mr. Jewell from my
5 perspective.

6 Mr. Menker?

7 MR. MENKER: I don't have any
8 cross-examination.

9 But, for the record, the
10 Applicant objects to the testimony on the
11 grounds that it's improper rebuttal.

12 MR. QUINN: We understand the
13 objection. We do not agree with it. And
14 we'll see what the Trademark Trial and Appeal
15 Board, how they react to Mr. Menker's
16 objection.

17 Anything else?

18 MR. MENKER: Nope, that's it.

19 MR. QUINN: Okay. Well, let
20 me -- let me think for a minute.

21 Let's go off the record.

22 (Off-the-record discussion)

23 BY MR. QUINN:

24 Q. Okay. Redirect for Mr. Jewell then.

1 With respect to the mark Stonedge that
2 is the subject of the application that's been
3 filed by Les Pierres, that mark -- strike.

4 Do you believe that mark is similar in
5 appearance to one or more of the StonCor
6 marks?

7 A. Yes, I believe it's similar in
8 appearance to most of our marks.

9 Q. Give me the specific marks or mark to
10 which you believe is similar in appearance.

11 A. Stonclad, Stonblend, Stonshield,
12 Stonhard itself, Stonlux, Stoncrete, Stonset,
13 Stonfil, Stoncrest, Stonlok, Stonproof,
14 Stonkote, all of them.

15 Q. With respect to the mark Stonedge that
16 is the subject of Les Pierres's application
17 for registration, do you find that mark to be
18 similar in sound to any of StonCor's marks?

19 A. Yes, to all of them.

20 Q. With respect to the mark Stonedge that
21 is the subject of Les Pierres's application
22 for registration, do you find the connotation
23 of that mark to be similar to any or all of
24 StonCor's marks?

1 A. Well, I find it to be confusing with
2 our marks. In terms of it's a building
3 product and a building material. And it
4 could be connoted -- or connotated that it is
5 somehow associated with our company.

6 Q. The application for registration of
7 Stonedge is for use of that mark in
8 connection with precast decorative stone.
9 Isn't it true that StonCor makes products
10 that can be used to -- in the assembly or
11 construction of structures from such precast
12 decorative stone --

13 A. Yes, it's true.

14 Q. -- under the mark Stonedge?

15 A. Yes, it's true, we manufacture several
16 products that could be used in the assembly
17 and construction with these types of stones.

18 Q. And if those products were being used,
19 the StonCor products were being used in
20 connection with the construction of
21 structures made from the Applicant's precast
22 decorative stone, let me make sure of that,
23 would those products be shipped to a job site
24 in boxes?

1 A. Yes.

2 Q. And would those boxes bear trademarks?

3 A. Yes.

4 Q. And what would those trademarks be?

5 A. Well, they would always include the
6 Stonhard trademark. And then depending upon
7 the product that was being shipped, if it was
8 Stonset, for example, it would list Stonset
9 on the package as well.

10 Q. And from Exhibit 43, and particularly
11 page LPS009 --

12 A. Mm-hum, yes.

13 Q. -- I believe you testified that you
14 found that mark Stonedge as it appeared there
15 to be likely to cause confusion with
16 StonCor's -- with StonCor and StonCor's
17 various marks, correct?

18 A. Yes.

19 Q. Now, would you state the basis for that
20 conclusion?

21 A. Well, yes. Especially it's
22 non-stylized. If it's in a, just a typeface,
23 it looks by all appearances to be
24 associated -- or to be the same or similar to

1 our marks. Again, it's -- it's S-t-o-n
2 followed by another word, in that all of our
3 marks are presented the same way.

4 Q. And I represent to you that that is the
5 way in which Applicant seeks to register its
6 mark.

7 A. Yes.

8 MR. QUINN: Let the record show
9 that I just showed to Mr. Jewell, Mr. Menker,
10 a printout from the TARR system that I made
11 yesterday of the status information for your
12 client's application 76/65832 for the mark
13 Stonedge that is at issue in this proceeding.

14 MR. MENKER: Okay.

15 MR. QUINN: Merely to show, and
16 I think you'll stipulate, that the
17 registration that is sought is not stylized
18 in any form, correct?

19 MR. MENKER: That is correct,
20 that should be part of the record, part of
21 the application file.

22 MR. QUINN: Okay.

23 BY MR. QUINN:

24 Q. Anything else, Mr. Jewell, that you

1 would like to add regarding this issue of
2 confusion or likelihood of confusion between
3 the Applicant's mark, Stonedge, when used in
4 connection with precast decorative stone and
5 StonCor and StonCor's marks and products sold
6 under those marks?

7 A. Yeah, the only thing is, is that, you
8 know, we've put a great deal of effort and
9 energy over the years into being very, very
10 consistent with our naming schemes, as well
11 as our trademark filings to really associate
12 within the building and construction industry
13 anything that's Ston"blank" associated with
14 Stonhard. We -- we have a very purposeful
15 naming scheme that always includes
16 Ston"blank." We would not ever consider a
17 product that was -- didn't start with
18 S-t-o-n. And, in fact, we believe that in
19 the marketplace Ston"blank" in the building
20 and construction industry is generally
21 recognized as a Stonhard product.

22 Q. And when you say Ston"blank" you mean
23 S-t-o-n"blank" as contrasted to S-t-o-n-e?

24 A. Yes, S-t-o-n"blank."

1 Q. Thank you.

2 MR. QUINN: That's all that I
3 have, Mr. Menker.

4 MR. MENKER: Okay.

5 MR. QUINN: Anything from your
6 end?

7 MR. MENKER: No more.

8 MR. QUINN: Okay. Thank you
9 very much.

10 MR. MENKER: Thank you.

11 MR. QUINN: We'll be in touch I
12 guess. Okay.

13 MR. MENKER: Okay.

14 MR. QUINN: Thank you.

15 (Witness excused)

16 (Testimony concluded at

17 12:08 p.m.)

18

19

20

21

22

23

24

1 C E R T I F I C A T E

2 I, Sharon L. Martin, a Notary Public,
3 Certified Court Reporter of the State of New
4 Jersey, Registered Professional Reporter, do
5 hereby certify that prior to the commencement
6 of the examination,

7 MICHAEL JEWELL

8 was duly sworn by me to testify to the truth,
9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is a
11 true and accurate transcript of the testimony
12 as taken stenographically by and before me at
13 the time, place and on the date hereinbefore
14 set forth.

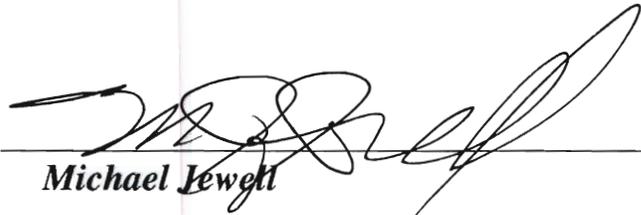
15 I do further certify that I am neither a
16 relative nor employee nor attorney nor
17 counsel of any of the parties to this action,
18 and that I am neither a relative nor employee
19 of such attorney or counsel and that I am not
20 financially interested in this action.

21

22 _____
23 SHARON L. MARTIN, RPR, CCR-NJ-XI02021
24 Notary Public
 My Commission Expires September 25, 2011
 Date:

CERTIFICATE OF DEPONENT

I hereby certify that I have read the foregoing transcript of my examination and that it is true, correct and complete, to the best of my knowledge, recollection and belief, except for the list of corrections, if any, noted on the Errata Sheet attached hereto and made a part hereof.

	<i>10-7-2009</i>
<hr/> <i>Michael Jewett</i>	<i>Date</i>
	<i>10/7/09</i>
<hr/> <i>Witness</i>	<i>Date</i>

**Bonnie Reilly
Notary Public
State of New Jersey**



Exhibit 1

to

Opposer StonCor's Rebuttal Testimony

TTAB Trademark Opposition 91181621

StonCor Group, Inc. v. Les Pierres Stonedge, Inc.

above, hereby opposes registration of the same, and in support thereof alleges as follows:

1. StonCor Group, Inc., ("StonCor") is a corporation organized and existing under the laws of Delaware, having a principal place of business at Park Avenue, Maple Shade, New Jersey United States of America.

2. Les Pierres Stonedge, Inc. ("Les Pierres") is, on information and belief, a corporation organized and existing under the laws of St-Hubert, Quebec, Canada, located and doing business at 5200 Albert Millichamp, St-Hubert, Quebec J3Y 8X8, Canada.

StonCor's STONBLEND Mark

3. StonCor manufactures and sells, *inter alia*, epoxy resin and polymer based floorings and coatings, under the mark STONBLEND, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

4. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONBLEND in interstate commerce, substantially throughout the United States, on and in connection with epoxy resin and polymer based floorings and coatings, StonCor owns common law rights in the mark STONBLEND for use on and in connection with such epoxy resin and polymer based floorings and coatings and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONBLEND in interstate commerce, substantially throughout the United States

on and in connection with such epoxy resin and polymer based floorings and coatings, the mark STONBLEND has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such epoxy resin and polymer based floorings and coatings sold under and bearing the mark STONBLEND.

5. StonCor, Inc. owns United States trademark registration 1,712,857, issued 8 September 1992, for the mark STONBLEND for use on and in connection with floors and flooring systems, multi-component mixtures of epoxies, curing agents and aggregates, and multi-component mortars. United States trademark registration 1,712,857 for the mark STONBLEND is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,712,857 for the mark STONBLEND is *prima facie* evidence of StonCor's exclusive right to use the mark STONBLEND in commerce on and in connection with floors and flooring systems, multi-component mixtures of epoxies, curing agents and aggregates, and multi-component mortars.

6. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with "precast decorative stone" in international class 19. As a result of the similarity in sound and commercial connotation of StonCor's registered and common law trademark STONBLEND and the mark STONEDGE, which is the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONBLEND to the goods to be sold by

Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor's trademark STONBLEND and the mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor's STONCLAD Mark

7. StonCor manufactures and sells, *inter alia*, floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents under the mark STONCLAD in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1962 through the present.

8. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONCLAD in interstate commerce substantially throughout the United States on and in connection with floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, StonCor owns common law rights in the mark STONCLAD for use on and in connection with such floors and flooring systems composed

of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONCLAD in interstate commerce, substantially throughout the United States, on and in connection with floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, the mark STONCLAD has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor as the source of origin of such floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents sold under and bearing the mark STONCLAD.

9. StonCor owns United States trademark registration 1,706,070, issued on 11 August 1992, for the mark STONCLAD for use on and in connection with, *inter alia*, floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents. United States trademark registration 1,706,070 for the mark STONCLAD is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,706,070 for the mark STONCLAD is *prima facie*

evidence of StonCor's exclusive right to use the mark STONCLAD in commerce on and in connection with, *inter alia*, floors and flooring systems composed of resins, curing agents and quartz aggregate; epoxy hardeners; chemical epoxy additives; epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents.

10. As a result of the similarity in sound, appearance and commercial connotation of StonCor's registered and common law trademark STONCLAD and the mark STONEDGE , the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under its trademark STONCLAD to those sold by Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is a likelihood of confusion between StonCor's trademark STONCLAD and the mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE secured by Les Pierres.

StonCor's STONCRETE Mark

11. StonCor manufactures and sells, *inter alia*, cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and

concrete, under the mark STONCRETE, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

12. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONCRETE in interstate commerce, substantially throughout the United States, on and in connection with cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete, StonCor owns common law rights in the mark STONCRETE for use on and in connection with such cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete, and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONCRETE in interstate commerce, substantially throughout the United States on and in connection with such cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete, the mark STONCRETE has come

to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete sold under and bearing the mark STONCRETE.

13. StonCor, Inc. owns United States trademark registration 1,645,258, issued 21 May 1991, for the mark STONCRETE for use on and in connection with cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete. United States trademark registration 1,645,258 for the mark STONCRETE is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,645,258 for the mark STONCRETE is *prima facie* evidence of StonCor's exclusive right to use the mark STONCRETE in commerce on and in connection with cementitious grouts; non-shrink, non-metallic grouts; rapid setting grouts; expanding grouts; water-impervious grouts; water plugging grouts; self-leveling flooring underlayerments; cementitious flooring underlayerments; high strength grouts; cementitious anchoring and casting materials for use with masonry and concrete.

14. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with “precast decorative stone” in international class 19. As a result of the similarity in sound and commercial connotation of StonCor’s registered and common law trademark STONCRETE and the mark STONEDGE , which is the subject of Les Pierres’s application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONCRETE to the goods to be sold by Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor’s trademark STONCRETE and the mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor’s STONFIL Mark

15. StonCor manufactures and sells, *inter alia*, mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars, under the mark STONFIL, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

16. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONFIL in interstate commerce, substantially throughout the

United States, on and in connection with mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars, StonCor owns common law rights in the mark STONFIL for use on and in connection with such mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONFIL in interstate commerce, substantially throughout the United States on and in connection with such mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars, the mark STONFIL has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars sold under and bearing the mark STONFIL.

17. StonCor, Inc. owns United States trademark registration 1,703,299, issued 28 July 1992, for the mark STONFIL for use on and in connection with mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars. United States trademark registration

1,703,299 for the mark STONFIL is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,703,299 for the mark STONFIL is *prima facie* evidence of StonCor's exclusive right to use the mark STONFIL in commerce on and in connection with mortars; polymer modified mortars; mortars for filling voids in horizontal surfaces; grouts; waterproof and cementitious block fillers and coatings; gel mortars; trowelable and flowable mortars.

18. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with "precast decorative stone" in international class 19. As a result of the similarity in sound and commercial connotation of StonCor's registered and common law trademark STONFIL and the mark STONEDGE , which is the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONFIL to the goods to be sold by Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor's trademark STONFIL and the mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor's STONLINER Mark

19. StonCor manufactures and sells, *inter alia*, mortars, including multi-component mortars for use in industrial and institutional applications, under the mark STONLINER, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

20. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONLINER in interstate commerce, substantially throughout the United States, on and in connection with mortars, including multi-component mortars for use in industrial and institutional applications, StonCor owns common law rights in the mark STONLINER for use on and in connection with such mortars, including multi-component mortars for use in industrial and institutional applications and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONLINER in interstate commerce, substantially throughout the United States on and in connection with such mortars, including multi-component mortars for use in industrial and institutional applications, the mark STONLINER has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such epoxy resin and polymer based floorings and coatings sold under and bearing the mark STONLINER.

21. StonCor, Inc. owns United States trademark registration 1,688,593, issued 26 May 1992, for the mark STONLINER for use on and in connection with mortars, including multi-component mortars for use in industrial and

institutional applications. United States trademark registration 1,688,593 for the mark STONLINER is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,688,593 for the mark STONLINER is *prima facie* evidence of StonCor's exclusive right to use the mark STONLINER in commerce on and in connection with mortars, including multi-component mortars for use in industrial and institutional applications.

22. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with "precast decorative stone" in international class 19. As a result of the similarity in sound and commercial connotation of StonCor's registered and common law trademark STONLINER and the mark STONEDGE , which is the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONLINER to the goods to be sold by Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor's trademark STONLINER and the mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor's STONLOK Mark

23. StonCor manufactures and sells, *inter alia*, liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway construction, under the mark STONLOK, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

24. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONLOK in interstate commerce, substantially throughout the United States, on and in connection with liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway construction, StonCor owns common law rights in the mark STONLOK for use on and in connection with such liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway

construction and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONLOK in interstate commerce, substantially throughout the United States on and in connection with such liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway construction, the mark STONLOK has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway construction sold under and bearing the mark STONLOK.

25. StonCor, Inc. owns United States trademark registration 1,655,954, issued 10 September 1991, for the mark STONLOK for use on and in connection with liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway

construction. United States trademark registration 1,655,954 for the mark STONLOK is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,655,954 for the mark STONLOK is *prima facie* evidence of StonCor's exclusive right to use the mark STONLOK in commerce on and in connection with liquid applied adhesives and admixtures for concrete or masonry surfaces which become integral with and impart superior stain, water and abrasion resistance to the surface; latex based bonding agents; epoxy bonding agents and embedding adhesives, all for use principally in industrial and commercial building applications on masonry, concrete and tile and in highway construction.

26. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with "precast decorative stone" in international class 19. As a result of the similarity in sound and commercial connotation of StonCor's registered and common law trademark STONLOK and the mark STONEDGE, which is the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONLOK to the goods to be sold by Les Pierres under the trademark STONEDGE, and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor's trademark STONLOK and the

mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor's STONSET Mark

27. StonCor manufactures and sells, *inter alia*, grout; namely, three-component epoxy-based grouts for industrial and institutional applications, under the mark STONSET, in interstate commerce in the United States of America, and with its predecessors in interest, has continuously done so from at least as early as about 1992 through the present.

28. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONSET in interstate commerce, substantially throughout the United States, on and in connection with grout; namely, three-component epoxy-based grouts for industrial and institutional applications, StonCor owns common law rights in the mark STONSET for use on and in connection with such grout; namely, three-component epoxy-based grouts for industrial and institutional applications and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONSET in interstate commerce, substantially throughout the United States on and in connection with such grout; namely, three-component epoxy-based grouts for industrial and institutional applications, the mark STONSET has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor, Inc. as the source of origin of such grout; namely, three-

component epoxy-based grouts for industrial and institutional applications sold under and bearing the mark STONSET.

29. StonCor, Inc. owns United States trademark registration 1,691,045, issued 9 June 1992, for the mark STONSET for use on and in connection with grout; namely, three-component epoxy-based grouts for industrial and institutional applications. United States trademark registration 1,691,045 for the mark STONSET is valid, in force, and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,691,045 for the mark STONSET is *prima facie* evidence of StonCor's exclusive right to use the mark STONSET in commerce on and in connection with grout; namely, three-component epoxy-based grouts for industrial and institutional applications.

30. Pursuant to application 76/650,832, Les Pierres seeks registration of the mark STONEDGE for use on and in connection with "precast decorative stone" in international class 19. As a result of the similarity in sound and commercial connotation of StonCor's registered and common law trademark STONSET and the mark STONEDGE, which is the subject of Les Pierres's application for registration as referenced above, the related nature of the goods sold by StonCor under the trademark STONSET to the goods to be sold by Les Pierres under the trademark STONEDGE, and the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move and in which StonCor and Les Pierres do and will conduct their respective business, there is likelihood of confusion between StonCor's trademark STONSET and the

mark STONEDGE , which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE .

StonCor's STONSHIELD Mark

31. StonCor manufactures and sells, *inter alia*, floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, under the mark STONSHIELD in interstate commerce in the United States of America and has continuously done so from at least as early as about 1984 through the present and continues to sell the same in interstate commerce bearing and under the mark STONSHIELD.

32. As a result of long, uninterrupted, exclusive and continuing use of the trademark STONSHIELD in interstate commerce, substantially throughout the United States, on and in connection with floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, StonCor is the exclusive owner of common law rights in the mark STONSHIELD for use on and in connection with such goods and products reasonably related thereto. As a result of such long, uninterrupted, exclusive and continuing use of the mark STONSHIELD in interstate commerce, substantially throughout the United States on and in connection with floors and flooring systems comprised

of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, the mark STONSHIELD has come to be recognized in the trade and in the minds of the relevant consuming public as identifying StonCor as the manufacturer and source of origin of such floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents, sold under and bearing the mark STONSHIELD.

33. StonCor owns United States trademark registration 1,689,713, issued on 2 June 1992, for the mark STONSHIELD for use on and in connection with floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents. United States trademark registration 1,689,713 for the mark STONSHIELD is valid, in force and has acquired incontestable status through the filing and acceptance of declarations under 15 U.S.C §§ 1058 and 1065. United States trademark registration 1,689,713 for the mark STONSHIELD is *prima facie* evidence of StonCor's exclusive right to use the mark STONSHIELD in commerce on and in connection with said floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical

epoxy additives, epoxy curing agents; epoxies for use as components in mixtures; and chemical solvents.

34. As a result of the similarity in commercial connotation of StonCor's registered and common law trademark STONSHIELD and the mark STONEDGE , which is the subject of Les Pierres's application for registration as referenced above, the highly related nature of the goods sold by StonCor under its trademark STONSHIELD and the goods sold by Les Pierres under the trademark STONEDGE , the related and common channels of trade in which the goods of StonCor and Les Pierres are likely to move, and the related and common channels of trade in which StonCor and Les Pierres do and will conduct their respective business, there is a likelihood of confusion between StonCor's trademark STONSHIELD and the mark STONEDGE which Les Pierres seeks to register based on use of the same, such that StonCor will be damaged by any registration of the mark STONEDGE secured by Les Pierres.

35. If the mark STONEDGE is registered pursuant to application 76/650,832 filed by Les Pierres, Les Pierres will acquire the *prima facie* exclusive right to use the mark STONEDGE on and in connection with precast decorative stone throughout the United States. This will damage StonCor in that there will be a likelihood of confusion, and probably actual confusion, among consumers and in the trade as to the true source of origin of floors and flooring systems comprised of quartz aggregates, epoxy resins and hardeners/curing agents for use with epoxy resins; epoxy hardeners; chemical epoxy additives, epoxy curing agents; epoxies for use as components in

mixtures; and chemical solvents, long sold by StonCor under the mark STONSHIELD, and precast decorative stone to be sold by Les Pierres under the mark STONEDGE . Such confusion will inevitably damage StonCor and result in irreparable harm to StonCor.

StonCor's Family of "S T O N..." Marks

36. In addition to the marks owned by StonCor as outlined above, StonCor also owns and has used, and may continue to use, the marks STONKOTE, STONCREST, STONHARD, STONLUX, STONPROOF, STONSEAL, and others on and in connection with a variety of floors, flooring systems, mortars, grouts, protective coatings and other products sold under or ancillary to these marks. These marks are valid, in force, registered in the United States Patent and Trademark Office and, together with the marks outlined above, represent a significant portion of StonCor's family of marks and trademark rights commencing with the letters "S T O N". As a result of use of all of these marks, the letters "S T O N" when at the beginning of the marks have come to denote to those in architecture, civil and construction engineering, building construction, the building trades, and to consumers at large, the products of StonCor, Inc.

37. As a result of the similarity in sound and commercial connotation of the first four letters of StonCor's registered and common law trademarks as set forth above and the mark STONEDGE , which is the subject of Les Pierres's application for registration as referenced above, and the highly related nature of many of the goods sold by StonCor under its marks commencing with the

four letters "S T O N" and the products allegedly to be sold by Les Pierres under the trademark STONEDGE , and the related and common channels of trade in which the goods of the respective parties are likely to move and which the respective parties do and will conduct the respective businesses, there is a likelihood of confusion between the trademarks of StonCor's trademark family commencing with the letters "S T O N", and the mark STONEDGE which Les Pierres seeks to register, such that StonCor will be damaged by any registration of the mark STONEDGE secured by Les Pierres.

Conclusion

38. The instant opposition should be sustained and registration should be denied to Les Pierres for the mark STONEDGE pursuant to application 76/650,832.

39. Attached hereto pursuant to 37 CFR 2.122(d)(1) are photocopies of certified copies, issued by the United States Patent and Trademark Office, showing both the current status of and title to the registration, for the above cited marks, namely:

<u>Registration</u>	<u>Mark</u>
1,712,857	STONBLEND
1,706,070	STONCLAD
1,645,258	STONCRETE
1,703,299	STONFIL
1,688,593	STONLINER

1,655,954	STONLOK
1,691,045	STONSET
1,689,713	STONSHIELD
1,697,228	STONKOTE
1,740,723	STONCREST
1,487,280	STONHARD
1,687,420	STONLUX
1,697,229	STONPROOF
1,697,230	STONSEAL

Please charge all fees required in connection with the filing of this opposition and any papers accompanying this notice of opposition to deposit account 50-1943.

Respectfully submitted,



Charles N. Quinn
 Attorney for Opposer
 Fox Rothschild LLP
 2000 Market Street, Tenth Floor
 Philadelphia, PA 19103-3291
 Tel: 215-299-2135
 Fax: 215-299-2150
 Email: cquinn@foxrothschild.com

Date: December 20, 2007



Certificate of Mailing Under 37 C.F.R. 1.10

EXPRESS MAIL NO.: **EV592210457US**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated below, and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

12/20/07
 Date of Deposit

Beth Palmerchuck
 Signature

Beth Palmerchuck
 Type or print name of person

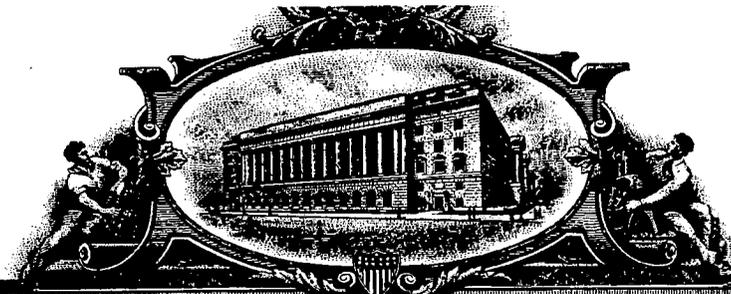
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served via First Class Mail and E-Mail, postage pre-paid, this 20th day of December, 2007, on the following attorney, whose name is listed with the below-appearing correspondence address for the opposed application in the United States Patent and Trademark Office, as the attorney for the applicant, as follows:

A. Yates Dowell, III, Esq.
Dowell & Dowell
2111 Eisenhower Avenue
Suite 406
Alexandria, VA 22314-4679.


Charles N. Quinn
COUNSEL FOR OPPOSITION

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,712,857 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 10 YEARS FROM *September 08, 1992*

1st* RENEWAL FOR A TERM OF 10 YEARS FROM *September 08, 2002

SECTION 8 & 15

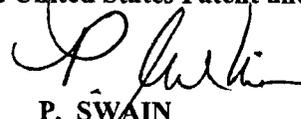
SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DELAWARE CORPORATION

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



P. SWAIN

Certifying Officer



Int. Cls.: 1 and 19

Prior U.S. Cls.: 6 and 12

United States Patent and Trademark Office

Reg. No. 1,712,857

Registered Sep. 8, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONBLEND

STONHARD, INC. (DELAWARE CORPORATION)
P.O. BOX 308
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CL. 6).

FIRST USE 1-1-1983; IN COMMERCE 1-1-1983.

FOR: FLOORS AND FLOORING SYSTEMS COMPOSED OF EPOXY RESIN, HARDENERS/

CURING AGENTS FOR USE WITH EPOXY RESINS, AND AGGREGATES FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS; MORTARS, INCLUDING MULTI-COMPONENT MORTARS FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 19 (U.S. CLS. 6 AND 12).

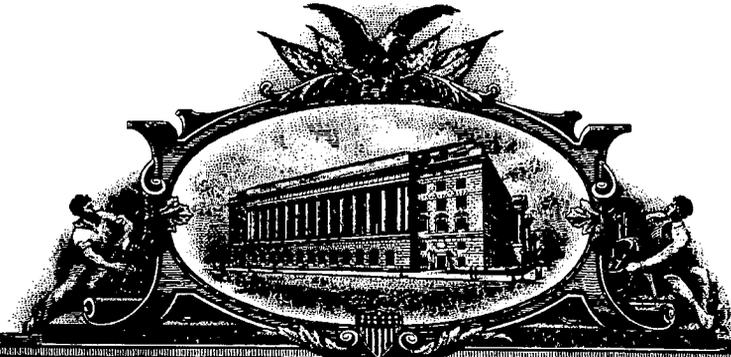
FIRST USE 1-1-1983; IN COMMERCE 1-1-1983.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,319, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,706,070 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 10 YEARS FROM *August 11, 1992*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *August 11, 2002*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DELAWARE CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. SWAIN

Certifying Officer



Int. Cls.: 1 and 19

Prior U.S. Cls.: 6 and 12

United States Patent and Trademark Office Reg. No. 1,706,070
Registered Aug. 11, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONCLAD

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CL. 6).

FIRST USE 1-1-1962; IN COMMERCE 1-1-1962.

FOR: FLOORS AND FLOORING SYSTEMS COMPOSED OF ~~EPOXY~~ RESINS, ~~HARDEN-~~

~~ERS/CURING AGENTS FOR USE WITH EPOXY RESINS, QUARTZ AGGREGATE AND, OPTIONALLY, PIGMENT, FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS; MORTARS, INCLUDING MULTI-COMPONENT MORTAR FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 19 (U.S. CLS. 6 AND 12).~~

FIRST USE 1-1-1962; IN COMMERCE 1-1-1962.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,263, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,645,258 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.

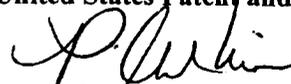
REGISTERED FOR A TERM OF 10 YEARS FROM *May 21, 1991*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 21, 2001*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN

Certifying Officer



Int. Cl.: 19

Prior U.S. Cl.: 12

United States Patent and Trademark Office **Reg. No. 1,645,258**
Registered May 21, 1991

**TRADEMARK
PRINCIPAL REGISTER**

STONCRETE

STONHARD, INC. (DELAWARE CORPORATION)
P.O. BOX 308
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: CEMENTITIOUS GROUTS; NON-SHRINK, NON-METALLIC GROUTS; RAPID SETTING GROUTS; EXPANDING GROUTS; WATER-IMPERVIOUS GROUTS; WATER PLUGGING GROUTS; SELF-LEVELING FLOORING UNDERLAYERMENTS; CEMENTITIOUS FLOORING UNDERLAYERMENTS;

HIGH STRENGTH GROUTS; CEMENTITIOUS ANCHORING AND CASTING MATERIALS FOR USE WITH MASONRY AND CONCRETE, IN CLASS 19 (U.S. CL. 12).

FIRST USE 6-0-1987; IN COMMERCE 6-0-1987.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-018,802, FILED 1-16-1990.

RICHARD A. STRASER, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 12, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,703,299 IS
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THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 28, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM July 28, 2002
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DE CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


E. BORNETT
Certifying Officer



Int. Cl.: 19

Prior U.S. Cl.: 12

United States Patent and Trademark Office **Reg. No. 1,703,299**
Registered July 28, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONFIL

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: MORTARS; POLYMER MODIFIED
MORTARS; MORTARS FOR FILLING VOIDS
IN HORIZONTAL SURFACES; GROUTS; WA-
TERPROOF AND CEMENTITIOUS BLOCK
FILLERS AND COATINGS; GEL MORTARS;

TROWELABLE AND FLOWABLE MORTARS,
IN CLASS 19 (U.S. CL. 12).

FIRST USE 1-0-1952; IN COMMERCE
1-0-1952.

OWNER OF U.S. REG. NOS. 1,306,662 AND
1,487,280.

SER. NO. 74-128,918, FILED 1-2-1991.

FRED MANDIR, EXAMINING ATTORNEY

7056951

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,688,593 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 10 YEARS FROM *May 26, 1992*
SECTION 8 & 15**

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DE CORP

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**


**E. L. BORNETT
Certifying Officer**



Int. Cls.: 1 and 19

Prior U.S. Cls.: 1, 6 and 12

United States Patent and Trademark Office

Reg. No. 1,688,593

Registered May 26, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONLINER

**STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052**

**FOR: EPOXY HARDENERS, CHEMICAL
EPOXY ADDITIVES, EPOXY CURING
AGENTS, EPOXIES FOR USE AS COMPONENTS
IN MIXTURES, CHEMICAL SOLVENTS
ALL SOLELY FOR USE IN INDUSTRIAL AND
INSTITUTIONAL APPLICATIONS, IN CLASS 1
(U.S. CLS. 1 AND 6).**

**FIRST USE 1-1-1952; IN COMMERCE
1-1-1952.**

**FOR: MORTARS, INCLUDING MULTI-COMPONENT
MORTARS FOR USE IN INDUSTRIAL AND
INSTITUTIONAL APPLICATIONS, IN
CLASS 19 (U.S. CL. 12).**

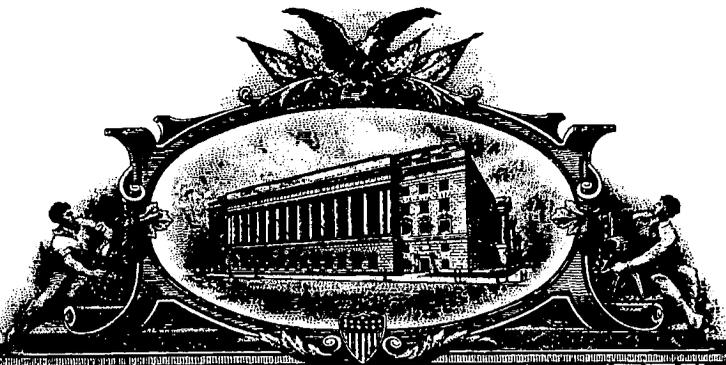
**FIRST USE 1-1-1952; IN COMMERCE
1-1-1952.**

**OWNER OF U.S. REG. NOS. 1,306,662, 1,487,280
AND OTHERS.**

SER. NO. 74-008,251, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 12, 2007

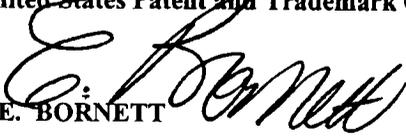
THE ATTACHED U.S. TRADEMARK REGISTRATION 1,655,954 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 10, 1991*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *September 10, 2001*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONHARD, INC.
A DE CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


E. BORNETT
Certifying Officer



Int. Cl.: 1

Prior U.S. Cls.: 5, 6 and 12

United States Patent and Trademark Office **Reg. No. 1,655,954**
Registered Sep. 10, 1991

**TRADEMARK
PRINCIPAL REGISTER**

STONLOK

STONHARD, INC. (DELAWARE CORPORATION)
P.O. BOX 308
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: LIQUID APPLIED ADHESIVES AND ADMIXTURES FOR CONCRETE OR MASONRY SURFACES WHICH BECOME INTEGRAL WITH AND IMPART SUPERIOR STAIN, WATER AND ABRASION RESISTANCE TO THE SURFACE; LATEX BASED BONDING AGENTS; EPOXY BONDING AGENTS AND EMBEDDING ADHESIVES, ALL FOR USE

PRINCIPALLY IN INDUSTRIAL AND COMMERCIAL BUILDING APPLICATIONS ON MASONRY, CONCRETE AND TILE AND IN HIGHWAY CONSTRUCTION, IN CLASS 1 (U.S. CLS. 5, 6 AND 12).

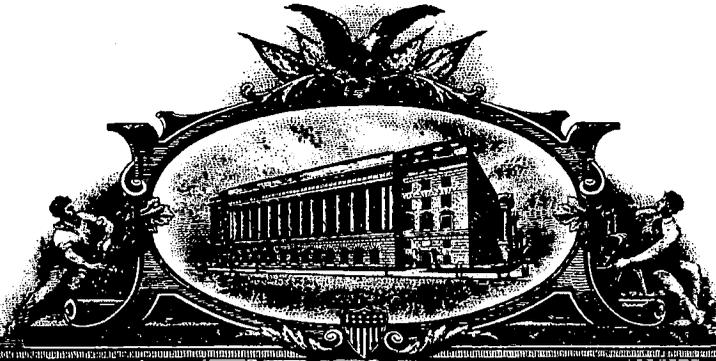
FIRST USE 1-1-1952; IN COMMERCE 1-1-1952.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-019,904, FILED 1-17-1990.

RICHARD A. STRASER, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 13, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,691,045 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 10 YEARS FROM *June 09, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 09, 2002*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.
A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

L. Edelen

L. EDELEN
Certifying Officer



Int. Cls.: 1 and 19

Prior U.S. Cls.: 5, 6 and 12

United States Patent and Trademark Office **Reg. No. 1,691,045**
Registered June 9, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONSET

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CLS. 5 AND 6).

FIRST USE 1-1-1952; IN COMMERCE 1-1-1952.

FOR: GROUT; NAMELY, THREE-COMPONENT EPOXY-BASED GROUTS FOR INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 19 (U.S. CL. 12).

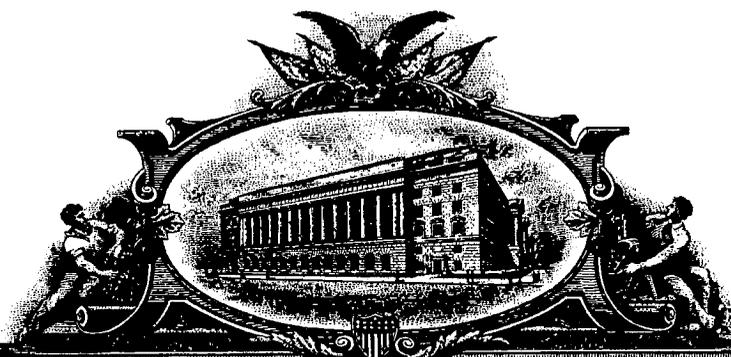
FIRST USE 1-1-1952; IN COMMERCE 1-1-1952.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,265, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 13, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,689,713 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 10 YEARS FROM *June 02, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 02, 2002*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.
A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

L. EDELEN
Certifying Officer



Int. Cls.: 1 and 19

Prior U.S. Cls.: 6 and 12

United States Patent and Trademark Office

Reg. No. 1,689,713

Registered June 2, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONSHIELD

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CL. 6).

FIRST USE 1-1-1979; IN COMMERCE 1-1-1979.

FOR: FLOORS AND FLOORING SYSTEMS COMPRISED OF EPOXY RESINS, HARDENERS/CURING AGENTS FOR USE WITH EPOXY RESINS AND QUARTZ AGGREGATES FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 19 (U.S. CLS. 6 AND 12).

FIRST USE 1-1-1979; IN COMMERCE 1-1-1979.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,256, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 12, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,697,228 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 10 YEARS FROM *June 30, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 30, 2002*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.
A DE CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


E. BORNETT
Certifying Officer



Int. Cls.: 1 and 2

Prior U.S. Cls.: 6, 12 and 16

Reg. No. 1,697,228

United States Patent and Trademark Office Registered June 30, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONKOTE

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY RESINS USED AS COMPONENTS IN MIXTURES, HARDENERS AND CURING AGENTS FOR USE FOR EPOXY RESINS, ALL FOR USE IN NEW BUILDING CONSTRUCTION AND IN REPAIR AND RENOVATION OF EXISTING BUILDINGS, IN CLASS 1 (U.S. CLS. 6 AND 12).

FIRST USE 1-5-1984; IN COMMERCE 1-5-1984.

FOR: TWO COMPONENT EPOXY-RESIN BASED COATINGS FOR USE AS PROTECTIVE FLOOR COATINGS AND IN PROTECTING

OTHER HORIZONTAL SURFACES, USED IN NEW BUILDING CONSTRUCTION AND IN REPAIR AND RENOVATION OF EXISTING BUILDINGS; EPOXY-RESIN FLOORING COATING MATERIALS FOR USE IN NEW BUILDING CONSTRUCTION AND IN REPAIR AND RENOVATION OF EXISTING BUILDINGS, PARTICULARLY FOR USE OVER CONCRETE, IN CLASS 2 (U.S. CLS. 12 AND 16).

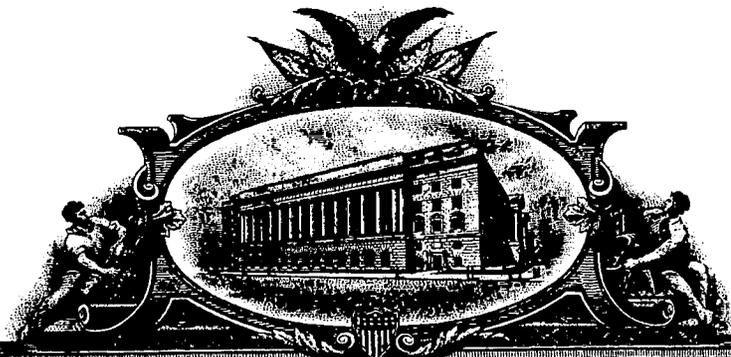
FIRST USE 1-5-1984; IN COMMERCE 1-5-1984.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 73-828,632, FILED 10-2-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,740,723 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 10 YEARS FROM *December 22, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 22, 2002*
SECTION 8 & 15**

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DELAWARE CORPORATION

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



P. SWAIN

Certifying Officer



Int. Cls.: 1 and 2

Prior U.S. Cls.: 6 and 16

Reg. No. 1,740,723

United States Patent and Trademark Office Registered Dec. 22, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONCREST

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CL. 6).

FIRST USE 1-1-1965; IN COMMERCE 1-1-1965.

FOR: PROTECTIVE EPOXY COATINGS; NAMELY, EPOXY-POLYAMIDE COATINGS, TWO-COMPONENT EPOXY-BASED COATINGS AND COLORABLE PROTECTIVE COATINGS FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 2 (U.S. CLS. 6 AND 16).

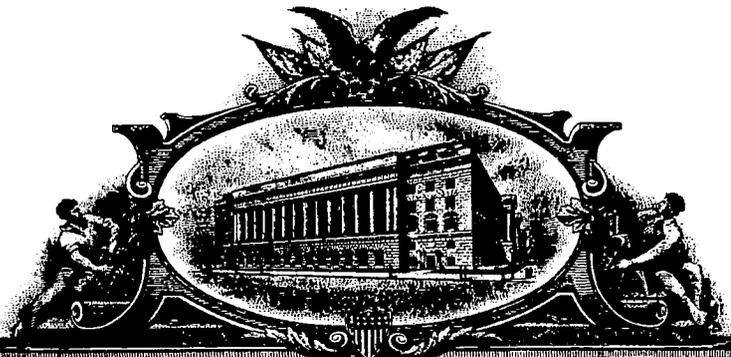
FIRST USE 1-1-1965; IN COMMERCE 1-1-1965.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,252, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 12, 2007

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,487,280 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 *May 10, 1988*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DE CORP

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**E. BORNETT
Certifying Officer**



Int. Cl.: 1

Prior U.S. Cl.: 6

United States Patent and Trademark Office **Reg. No. 1,487,280**
Registered May 10, 1988

**TRADEMARK
PRINCIPAL REGISTER**

STONHARD

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
P.O. BOX 308
MAPLE SHADE, NJ 08052

FOR: CHEMICALS, NAMELY TWO COMPONENT EPOXIES; MULTICOMPONENT MIXTURES OF EPOXIES, CURING AGENTS AND AGGREGATES; MULTICOMPONENT MIXTURES OF URETHANES, RESINS AND HARD-

ENERS; ALL FOR GENERAL INDUSTRIAL USE, IN CLASS 1 (U.S. CL. 6).

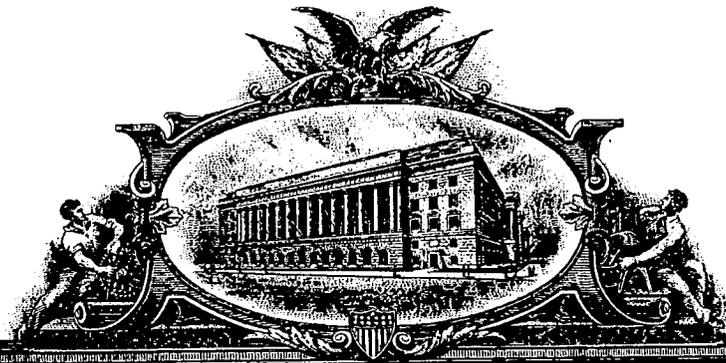
FIRST USE 0-0-1956; IN COMMERCE 0-0-1956.

OWNER OF U.S. REG. NO. 1,306,662.

SER. NO. 655,185, FILED 4-10-1987.

HELEN ROBERTS WENDEL, EXAMINING ATTORNEY

7058507



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 20, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,687,420 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 10 YEARS FROM *May 19, 1992*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 19, 2002*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.

A DE CORP

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. R. GRANT
Certifying Officer



Int. Cls.: 1 and 19

Prior U.S. Cls.: 5, 6 and 12

United States Patent and Trademark Office

Reg. No. 1,687,420

Registered May 19, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONLUX

**STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052**

FOR: EPOXY HARDENERS, CHEMICAL EPOXY ADDITIVES, EPOXY CURING AGENTS, EPOXIES FOR USE AS COMPONENTS IN MIXTURES, CHEMICAL SOLVENTS ALL SOLELY FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 1 (U.S. CLS. 5 AND 6).

FIRST USE 1-1-1983; IN COMMERCE 1-1-1983.

FOR: FLOORS AND FLOORING SYSTEMS COMPRISED OF EPOXY RESINS, HARDEN-

ERS/CURING AGENTS FOR USE WITH EPOXY RESINS, QUARTZ AGGREGATES, AND, OPTIONALLY, PIGMENTS FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS; MORTARS; NAMELY, EPOXY RESIN BASED MORTARS FOR USE IN INDUSTRIAL AND INSTITUTIONAL APPLICATIONS, IN CLASS 19 (U.S. CLS. 6 AND 12).

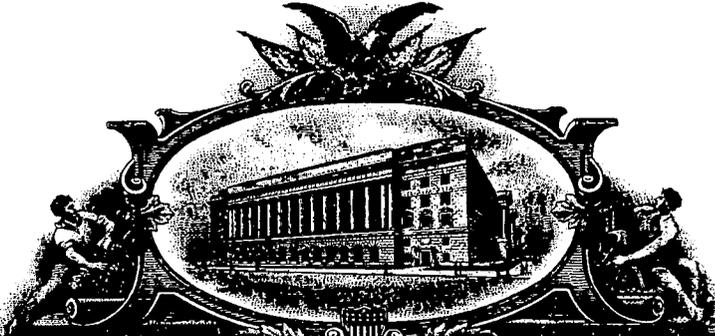
FIRST USE 1-1-1983; IN COMMERCE 1-1-1983.

OWNER OF U.S. REG. NOS. 1,306,662 AND 1,487,280.

SER. NO. 74-008,264, FILED 12-6-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 13, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,697,229 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 10 YEARS FROM *June 30, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 30, 2002*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.
A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

L. Edele

L. EDELEN
Certifying Officer



Int. Cls.: 1 and 17

Prior U.S. Cls.: 6 and 12

United States Patent and Trademark Office **Reg. No. 1,697,229**
Registered June 30, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONPROOF

**STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052**

**FOR: EPOXY HARDENERS, CHEMICAL
EPOXY ADDITIVES, EPOXY CURING
AGENTS, EPOXIES FOR USE AS COMPO-
NENTS IN MIXTURES, CHEMICAL SOLVENTS
ALL SOLELY FOR USE IN INDUSTRIAL AND
INSTITUTIONAL APPLICATIONS, IN CLASS 1
(U.S. CL. 6).**

**FIRST USE 1-1-1985; IN COMMERCE
1-1-1985.**

**FOR: MULTI-PURPOSE EPOXY-BASED SEA-
LANTS AND POLYURETHANE MEMBRANES
FOR USE IN INDUSTRIAL AND INSTITU-
TIONAL APPLICATIONS, IN CLASS 17 (U.S.
CLS. 6 AND 12).**

**FIRST USE 1-1-1985; IN COMMERCE
1-1-1985.**

**OWNER OF U.S. REG. NOS. 1,306,662 AND
1,487,280.**

SER. NO. 74-012,827, FILED 12-21-1989.

FRED MANDIR, EXAMINING ATTORNEY

7056951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 13, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,697,230 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 10 YEARS FROM *June 30, 1992*
1st RENEWAL FOR A TERM OF 10 YEARS FROM June 30, 2002
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

STONCOR GROUP, INC.
A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

L. Edele

L. EDELEN
Certifying Officer



Int. Cls.: 1 and 2

Prior U.S. Cls.: 6 and 16

United States Patent and Trademark Office

Reg. No. 1,697,230

Registered June 30, 1992

**TRADEMARK
PRINCIPAL REGISTER**

STONSEAL

STONHARD, INC. (DELAWARE CORPORATION)
PARK AVENUE
MAPLE SHADE, NJ 08052

FOR: POLYURETHANE AND ALIPHATIC
POLYURETHANE CHEMICAL SOLVENTS
ALL SOLELY FOR USE IN INDUSTRIAL AND
INSTITUTIONAL APPLICATIONS, IN CLASS 1
(U.S. CL. 6).

FIRST USE 1-1-1952; IN COMMERCE
1-1-1952.

FOR: PROTECTIVE COATINGS; NAMELY,
TWO-COMPONENT POLYURETHANE COAT-

INGS AND ALIPHATIC POLYURETHANE
COATINGS FOR USE IN INDUSTRIAL AND
INSTITUTIONAL APPLICATIONS, IN CLASS 2
(U.S. CLS. 6 AND 16).

FIRST USE 1-1-1952; IN COMMERCE
1-1-1952.

OWNER OF U.S. REG. NOS. 1,306,662 AND
1,487,280.

SER. NO. 74-012,844, FILED 12-21-1989.

FRED MANDIR, EXAMINING ATTORNEY

EXHIBIT *IX*

Opposer. 2
9/9/09 SM

Exhibit 2

to

Opposer StonCor's Rebuttal Testimony

TTAB Trademark Opposition 91181621

StonCor Group, Inc. v. Les Pierres Stonedge, Inc.

STONHARD, INC.
ONE PARK AVENUE
MAPLE SHADE, NJ 08052
800.854.0310

BOB STEIN
TERRITORY MANAGER
TEL/FAX 610.495.0751

- need clo from
GC for #2213 to
refinish project.
\$1,991.70 on
suspense for this
clo

4/19 left vm for Ed
9/3

DATE: _____ TOTAL PAGES: 2

TO: KATE ANDERSON

PROJECT: _____

SUBJECT: _____

ED WEINLEN

825 - 9300
600 - 875 -

825 - 9174 FAX

5/3 left vm for Ed

5/4 " "

STONHARD

Authority for additional work

To: Ed Weinklein

Location: Boeing Bldg 3-07
Order or Contract Number:

I authorize Stonhard, Inc. to furnish all necessary equipment, material and labor to perform work described below and change our account.

Haverstick-Borthwick

Firm

Signature of Authorized Agent

Title

DESCRIPTION OF WORK	AMOUNT \$
Change Order:	
Additional cost to ship additional materials to fill in new floor lower than 1/4" thick. Additional mobilization next week to coat balance of area.	
Materials: 1 1/2 units Stonclad GS epoxy mortar	\$1,662.00
Labor: (2) men x 1/2 day	\$551.00
Total cost of work	\$2,213.00
Work order must be sign and fax back to Bob Stein at (856)-321-7510.	

ED,
PLEASE SIGN AND SEND BACK
TODAY.
Bob

Apr. 18 2007 04:19PM P2

FAX NO.: 6104950751

FROM : OP00002 : STONHARD, INC.

Trade Secret -
Commercially Sensitive

National City.



Haverstick-Borthwick
400 Stenton Avenue
Plymouth Meeting, PA 19462

Wilmington Trust Co
Wilmington, DE 19802

DATE
April 5, 2007

CHECK NO.
62226

AMOUNT
\$*****1,991.70

#44
9-1

Pay: *****One thousand nine hundred ninety-one dollars and 70 cents

PAY TO THE ORDER OF
Stonhard Inc.
P O Box 931947
Cleveland, OH 44193

Wes A. Call

⑆000062226⑆ ⑆031901929⑆40028443412⑆

Batch: 9525

LOCKBOX	BATCH	ITEM	IMAGE	DATE	AMOUNT
931947	488	10	10	April 09, 2007	\$ 1,991.70

Haverstick-Borthwick

STO08

Stonhard Inc.

DATE	OPENING BALANCE	DESCRIPTION	CHECK NUMBER	AMOUNT	DESCRIPTION	BALANCE	
1-08-07	1625-1	06-1625-99		2213.00	221.30	1991.70	
CHECK DATE	4-05-07	CHECK NUMBER	62226	TOTAL >	2213.00	221.30	1991.70

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

173285000
 clo4 518812 - \$ 2,845
 to
 ↳ 517675 - \$10,521

OP00003

Trade Secret -
Commercially Sensitive

"THIS ORDER WAS ENTERED AFTER 08-19-2006 AND IS THEREFORE SUBJECT TO THE COMPENSATION INCENTIVE"

"THE INCENTIVE ONLY APPLIES TO ORDERS WITH RATIO BETWEEN 0.6 AND 1.0."

STONHARD, DIV OF STONCOR GROUP, INC.

Date : 12-28-06/15:25

517675

Page : 1

PROJECT SCRATCH

Sales Order # : 517675
 Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
 Order Entry Dt : 11-30-2006 Labor Type : Union
 Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
 Project Status : Active Primary Territory : 11201 CHESTER
 CMG Manager : Lotus Notes Quote # : 04401128

12-28

INSTALLATION

: 087407000
 Boeing Helicopters
 Industrial Hwy, Rt. 29
 Bldg 3-25
 Ridley Park, PA
 19078

BILL TO

: 173285000
 Haverstick-Borthwick
 400 Stenton Ave.
 P.O. Box 766
 Plymouth Meeting, PA
 19462

INVOICE ADDRESS

Haverstick-Borthwick
 ACCOUNTS PAYABLE
 P. O. Box 766
 Plymouth Meeting, PA
 19462

SL5/50034282

ATTN OF :
 PHONE # :
 CUST PO : 1625-ST002-0
 TYPE : PSL Stonhard Project Sales Order
 SIC CODE: 3721 AIRCRAFT
 SFA PROJECT #:

PRODUCT LINE : 01 FLOORING
 CURRENCY : American Dollars

SURVEY CONTACT:
 TAX EXEMPT : No
 NEW CONSTRUCT.:

REVENUE INFORMATION

	INVOICED	PENDING	REMAINING	TOTAL
INVOICE AMOUNT	0.00	0.00	10,521.00	10,521.00 ✓
HANDLING CHARGE (17.00%)	0.00	0.00	1,235.39	1,235.39 ✓
TOTAL LABOR	0.00	0.00	3,000.00	3,000.00 ✓
LABOR OVERHEAD (10.00%)	0.00	0.00	300.00	300.00
OTHER CHARGE (PURCHASED)	0.00	0.00	0.00	0.00
OTHER CHARGE OH (PURCHASED)(10.00%)	0.00	0.00	0.00	0.00
OTHER CHARGE (COST)	0.00	0.00	0.00	0.00
OTHER CHARGE OH (COST)(10.00%)	0.00	0.00	0.00	0.00
MATERIAL REVENUE AMOUNT	0.00	0.00	5,985.61	5,985.61
LIST PRICE GOODS USED				7,266.99
DIFFERENCE OVER LIST				-1,281.38
RATIO				0.8237

PRODUCT INFORMATION

ITEM	DESCRIPTION	QUANTITY	MEAS
6480	STONKOTE AT5 STEEL GRAY	3.0000	UN
6550	STONFLEX MP7 STEEL GRAY	1.0000	C
901	PRIMER STANDARD	2.0000	UN
100	STONCLAD GS STEEL GRAY	3.5000	UN
100	STONCLAD GS STEEL GRAY	1.0000	UN
100	STONCLAD GS STEEL GRAY	0.5000	UN

OP00004

Trade Secret -
 Commercially Sensitive

"THIS ORDER WAS ENTERED AFTER 08-19-2006 AND IS THEREFORE SUBJECT TO THE COMPENSATION INCENTIVE"

"THE INCENTIVE ONLY APPLIES TO ORDERS WITH RATIO BETWEEN 0.6 AND 1.0."

STONHARD, DIV OF STONCOR GROUP, INC.

Date : 12-28-06/15:25

517675

Page : 2

PROJECT SCRATCH

Sales Order # : 517675
 Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
 Order Entry Dt : 11-30-2006 Labor Type : Union
 Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
 Project Status : Active Primary Territory : 11201 CHESTER
 CMG Manager : Lotus Notes Quote # : 04401128

LIST PRICE INFORMATION

ITEM	DESCRIPTION	USAGE		LIST		ORDERED	
		LIST PRICE	TOTAL USED	COMMISSION	LIST PRICE	TOT ORDERED	TOT DELIVERED
01012	STONCLAD AGGREGATE STEEL GRAY	14.98	898.82	179.76	14.98	898.82	898.82
01333	PRIMER STANDARD AB	265.36	530.72	106.14	265.36	530.72	530.72
01736	STONCLAD GS AB	440.12	4,401.20	880.24	440.12	4401.20	4401.20
01822	S'KOTE AT5/S'CHEM 691 C	107.05	321.15	48.17	107.05	321.15	321.15
6520P0	STONKOTE HT4 STEEL GRAY AB	325.49	976.49	146.47	325.49	976.49	976.49
6550P0	STONFLEX MP7 STEEL GRAY AB	138.60	138.60	13.86	138.60	138.60	138.60
			=====	=====		=====	=====
			7,266.99	1374.65		7266.99	7266.99

SHIPPING INFORMATION

INSTALLATION DATE	SHIP DATE	STATUS	COMPLETION DATE	WAREHOUSE	F O B	WEIGHT	CARRIER
12-15-2006	12-19-2006	Delivered	12-22-2006	Maple Shade DC	Prepay and Do N	1788.50	MUSTANG Expediting
	12-26-2006	Delivered		Maple Shade DC	Prepay and Do N	459.60	Customer PICK UP
	12-26-2006	Delivered		Maple Shade DC	Prepay and Do N	229.80	Customer PICK UP

MATERIAL UTILIZED

ITEM	DESCRIPTION	QTY		-----LEFTOVER----		TOTAL QTY	QTY UTILIZED
		ORDERED	DELIVERED	L/O	SLSM		
01012	STONCLAD AGGREGATE STEEL GRAY	60.0000	60.0000	0.0000	0.0000	0.0000	60.0000
01333	PRIMER STANDARD AB	2.0000	2.0000	0.0000	0.0000	0.0000	2.0000
01736	STONCLAD GS AB	10.0000	10.0000	0.0000	0.0000	0.0000	10.0000
01822	S'KOTE AT5/S'CHEM 691 C	3.0000	3.0000	0.0000	0.0000	0.0000	3.0000
6520P0	STONKOTE HT4 STEEL GRAY AB	3.0000	3.0000	0.0000	0.0000	0.0000	3.0000
6550P0	STONFLEX MP7 STEEL GRAY AB	1.0000	1.0000	0.0000	0.0000	0.0000	1.0000

INSTALLERS

PUR ORD.	SUPPLIER	NAME	AMOUNT	BACKORDER	PRICE
180772	102373	HIGH PERFORMANCE FLOORS, INC	3,000.00	0.00	1.00
SUB TOTAL LABOR :			3,000.00	0.00	
TOTAL LABOR :			3,000.00	0.00	

OP00005

Trade Secret -
Commercially Sensitive

"THIS ORDER WAS ENTERED AFTER 08-19-2006 AND IS THEREFORE SUBJECT TO THE COMPENSATION INCENTIVE"

"THE INCENTIVE ONLY APPLIES TO ORDERS WITH RATIO BETWEEN 0.6 AND 1.0."

STONHARD, DIV OF STONCOR GROUP, INC.

Date : 12-28-06/15:25

517675

Page : 3

PROJECT SCRATCH

Sales Order # : 517675
Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
Order Entry Dt : 11-30-2006 Labor Type : Union
Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
Project Status : Active Primary Territory : 11201 CHESTER
CMG Manager : Lotus Notes Quote # : 04401128

COMPENSATION INFORMATION

TERRITORY	MANAGER	PLAN	SHARE	PLAN COMPENSATION	NET COMPENSATION
01011201	400471 STEIN, ROBERT S	04	100.00	897.84	897.84
01201254	400801 BURNS, THOMAS B.	04	50.00	897.84	448.92
TOTAL MATERIAL AMOUNT /		TOTAL LIST PRICE AMOUNT		=	RATIO
5,985.61 /		7,266.99		=	0.8237
PLAN TYPE (02) - Earned Revenue					
TOTAL MATERIAL AMOUNT -		TOTAL LIST PRICE AMOUNT		=	DIFFERENCE
5,985.61 -		7,266.99		=	-1,281.38
TOTAL MATERIAL AMOUNT +		DIFFERENCE		=	EARNED REVENUE
5,985.61 +		-1,281.38		=	4,704.22
PLAN TYPE (03 & 04) - Eng					
PLAN AMOUNT +		DIFFERENCE		=	PLAN COMPENSATION
897.84 +		-192.20		=	705.63

FORM S_019
REV 001 04/22/98

OP00006

Trade Secret -
Commercially Sensitive

STONHARD

Project Finish Form				PROJECT #		517675	
TM		Staln 400471		DATE		12/22/06	
PO/CONTRACT #			DATE INSTALLATION FINALLY COMPLETE			12/27/06	
SHIP TO ACCT #			BILL TO ACCT #			173285	
COMPANY NAME & ADDRESS							
Boeing Helicopters				Haverstick-Borthwick			
Survey Contact:							
Ed Wienien							
Reference Information							
Area Name		Size	Main Product Installed		Area Name		Size
Bldg 3-07							
Original Contract Amount						\$10,521.00	
Change Orders							
#1	\$2,218.00		#5				
#2			#6				
#3			#7				
#4			#8				
Change Order Total						\$2,218.00	
TOTAL CONTRACT AMOUNT						\$12,739.00 10,521	
TOTAL LABOR ON PROJECT							
Installer Name		HPF 102373		LABOR AMOUNT		\$3,400.00 3,000 180772	
Installer Name							
Installer Name							
Installer Name							
TOTAL LABOR AMOUNT						\$3,400.00	
Project LEFTOVERS to be returned							
Contact Name:		call in later		Item # Name	Qty	Item # Name	Qty
Phone:							
Receiving Warehouse:							
Other Charges For Project				O/C AMOUNT			
Vendor Name							
Vendor Name							
Vendor Name							
Vendor Name							
Previously Billed Phases <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
If yes, what is the total amount previously billed?							
Detailed Invoice Description/Details (if required):							

SHIPPING SCRATCH

Stonhard, Div of StonCor Group, Inc. Date: 12-22-06/08:31

517675-3

Administrator : McCauley, Kathleen

Page : 1

Baan Project : 517675

Sales Order : 517675

SALESMAN	NAME	HIERARCHY	TERRITORY	TERRITORY NAME
400471	STEIN, ROBERT S	40111	01011201	CHESTER
400801	BURNS, THOMAS B.	40112	01201254	A&E PHILADELPHIA

*** NOT A LEGAL BILL OF LADING ***

PURCHASE ORDER : 1625-ST002-0
 SHIPPED BY : McCauley, Kathleen
 STATUS : Print Picking List
 FOB : Prepay and Do Not Add
 CARRIER : Customer PICK UP
 WAREHOUSE : Maple Shade DC
 SHIPPING DATE : 12-22-2006

SHIP TO

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

INSTALLATION

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

Attn :
Phone:

Quantity	U/M	ITEM	NAME	FCL	WEIGHT
6.0000	A	01012	STONCLAD AGGREGATE STEEL GRAY		198.00
1.0000	C	01736	STONCLAD GS AB		31.80
=====				=====	
7.0000					229.80

PICK LIST COMMENTS :

8:32 AM 12/22/2006 Please combine with shipment 517675-2 for Rich Szerbin to pick up...kam x7820.

BOL COMMENTS :

FORM S-015
REV. 001 04/22/98

OP00008

Trade Secret -
Commercially Sensitive

SHIPPING SCRATCH

Stonhard, Div of StonCor Group, Inc

Date : 12-22-06/08:21

Page : 1

517675-2

Administrator : McCauley, Kathleen

Baan Project : 517675

Sales Order : 517675

SALESMAN	NAME	HIERARCHY	TERRITORY	TERRITORY NAME
400471	STEIN, ROBERT S	40111	01011201	CHESTER
400801	BURNS, THOMAS B.	40112	01201254	A&E PHILADELPHIA

**** NOT A LEGAL BILL OF LADING ****

PURCHASE ORDER : 1625-ST002-0
 SHIPPED BY : McCauley, Kathleen
 STATUS : Print Picking List
 FOB : Prepay and Do Not Add
 CARRIER : Customer PICK UP
 WAREHOUSE : Maple Shade DC
 SHIPPING DATE : 12-22-2006

SHIP TO

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

INSTALLATION

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

Attn :
Phone:

Quantity	U/M	ITEM	NAME	FCL	WEIGHT
12.0000	A	01012	STONCLAD AGGREGATE STEEL GRAY		396.00
2.0000	C	01736	STONCLAD GS AB		63.60
=====					=====
14.0000					459.60

PICK LIST COMMENTS :
 8:21 AM 12/22/2006 P/U by Rich Szerbin...kan x7820.

BDL COMMENTS :

FORM S-015
 REV. 001 04/22/98

OP00009

Trade Secret -
Commercially Sensitive

SHIPPING SCRATCH

Stonhard, Div of StonCor Group, Inc. Date : 12-18-06/09:02

517675-1

Administrator : McCauley, Kathleen

Page : 1

Baan Project : 517675

Sales Order : 517675

SALESMAN	NAME	HIERARCHY	TERRITORY	TERRITORY NAME
400471	STEIN, ROBERT S	40111	01011201	CHESTER
400801	BURNS, THOMAS B.	40112	01201254	A&E PHILADELPHIA

*** NOT A LEGAL BILL OF LADING ***

PURCHASE ORDER : 1625-ST002-0
 SHIPPED BY : McCauley, Kathleen
 STATUS : Print Picking List
 FOB : Prepay and Do Not Add
 CARRIER : MUSTANG Expediting
 WAREHOUSE : Maple Shade DC
 SHIPPING DATE : 12-18-2006

SHIP TO

Boeing Helicopters
 Bob Stein 610-416-0171
 Industrial Hwy, Rt. 291
 Bldg 3-07
 Ridley Park, PA
 19078

Attn : Ray Halloway
 Phone:

INSTALLATION

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

Quantity	U/M	ITEM	NAME	FCL	WEIGHT
42.0000	A	01012	STONCLAD AGGREGATE STEEL GRAY		1386.00
2.0000	C	01333	PRIMER STANDARD AB		66.80
7.0000	C	01736	STONCLAD GS AB		222.60
3.0000	C	01822	S'KOTE AT5/S'CHEM 691 C		21.00
3.0000	C	6520P0	STONKOTE HT4 STEEL GRAY AB		74.40
1.0000	C	6550P0	STONFLEX MP7 STEEL GRAY AB		18.50

=====
58.0000

=====
1788.50

PICK LIST COMMENTS :
 9:02 AM 12/18/2006 P/U 12/18; Del 12/19...kam x7820.

BOL COMMENTS :
 Del 12/19

12/22 per BS,
 add 1.5 GS steel gray
 (100)

FORM S-015
 REV. 001 04/22/98

OP00010

Trade Secret -
Commercially Sensitive

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"THE INCENTIVE ONLY APPLIES TO ORDERS WITH RATIO BETWEEN 0.6 AND 1.0."

STONHARD, DIV OF STONCOR GROUP, INC.

Date : 11-30-06/16:03

517675

Page : 1

PROJECT SCRATCH

Sales Order # : 517675
 Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
 Order Entry Dt : 11-30-2006 Labor Type : Union
 Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
 Project Status : Active Primary Territory : 11201 CHESTER
 CMG Manager : Lotus Notes Quote # : 04401128

INSTALLATION

: 087407000

BILL TO

: 173285000

INVOICE ADDRESS

Boeing Helicopters
 Industrial Hwy, Rt. 291
 Bldg 3-25
 Ridley Park, PA
 19078

Haverstick-Borthwick
 400 Stenton Ave.
 P.O. Box 766
 Plymouth Meeting, PA
 19462

Haverstick-Borthwick
 ACCOUNTS PAYABLE
 P. O. Box 766
 Plymouth Meeting, PA
 19462

ATTN OF :

PHONE # :

CUST PO : 1625-ST002-0

TYPE : PSL Stonhard Project Sales Order

SIC CODE: 3721 AIRCRAFT

SFA PROJECT #:

PRODUCT LINE : 01 FLOORING

CURRENCY : American Dollars

SURVEY CONTACT:

TAX EXEMPT : No

NEW CONSTRUCT.:

REVENUE INFORMATION

	INVOICED	PENDING	REMAINING	TOTAL
INVOICE AMOUNT	0.00	0.00	10,521.00	10,521.00
HANDLING CHARGE (17.00%)	0.00	0.00	1,049.19	1,049.19
TOTAL LABOR	0.00	0.00	3,000.00	3,000.00
LABOR OVERHEAD (10.00%)	0.00	0.00	300.00	300.00
OTHER CHARGE (PURCHASED)	0.00	0.00	0.00	0.00
OTHER CHARGE OH (PURCHASED)(10.00%)	0.00	0.00	0.00	0.00
OTHER CHARGE (COST)	0.00	0.00	0.00	0.00
OTHER CHARGE OH (COST)(10.00%)	0.00	0.00	0.00	0.00
MATERIAL REVENUE AMOUNT	0.00	0.00	6,171.81	6,171.81
LIST PRICE GOODS USED				6,205.78
DIFFERENCE OVER LIST				-33.97
RATIO				0.9945

PRODUCT INFORMATION

ITEM	DESCRIPTION	QUANTITY	MEAS
6480	STONKOTE AT5 STEEL GRAY	3.0000	UN
6550	STONFLEX MP7 STEEL GRAY	1.0000	C
901	PRIMER STANDARD	2.0000	UN
100	STONCLAD GS STEEL GRAY	3.5000	UN

OP00011

Trade Secret -
Commercially Sensitive

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STONHARD, DIV OF STONCOR GROUP, INC.

Date : 11-30-06/16:03

PROJECT SCRATCH

517675

Page : 2

Sales Order # : 517675
 Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
 Order Entry Dt : 11-30-2006 Labor Type : Union
 Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
 Project Status : Active Primary Territory : 11201 CHESTER
 CMG Manager : Lotus Notes Quote # : 04401128

LIST PRICE INFORMATION

ITEM	DESCRIPTION	USAGE		LIST		ORDERED	
		LIST PRICE	TOTAL USED	COMMISSION	LIST PRICE	TOT ORDERED	TOT DELIVERED
01012	STONCLAD AGGREGATE STEEL GRAY	16.07	675.25	135.05	16.07	675.25	0.00
01333	PRIMER STANDARD AB	265.36	530.72	106.14	265.36	530.72	0.00
01736	STONCLAD GS AB	509.08	3,563.56	712.71	509.08	3563.56	0.00
01822	S'KOTE AT5/S'CHEM 691 C	107.05	321.15	48.17	107.05	321.15	0.00
6520PO	STONKOTE HT4 STEEL GRAY AB	325.49	976.49	146.47	325.49	976.49	0.00
6550PO	STONFLEX MP7 STEEL GRAY AB	138.60	138.60	13.86	138.60	138.60	0.00
			=====	=====		=====	=====
			6,205.78	1162.41		6205.78	0.00

SHIPPING INFORMATION

INSTALLATION DATE : 12-15-2006 COMPLETION DATE : 12-16-2006
 SHIPMENT # SHIP DATE STATUS WAREHOUSE F O B WEIGHT CARRIER
 517675-1 12-12-2006 Generate Outbound Advice Maple Shade DC Prepay and Do N 1788.50

MATERIAL UTILIZED

ITEM	DESCRIPTION	QTY		-----LEFTOVER-----		TOTAL QTY	QTY UTILIZED
		ORDERED	DELIVERED	L/O	SLSM		
01012	STONCLAD AGGREGATE STEEL GRAY	42.0000	0.0000	0.0000	0.0000	0.0000	0.0000
01333	PRIMER STANDARD AB	2.0000	0.0000	0.0000	0.0000	0.0000	0.0000
01736	STONCLAD GS AB	7.0000	0.0000	0.0000	0.0000	0.0000	0.0000
01822	S'KOTE AT5/S'CHEM 691 C	3.0000	0.0000	0.0000	0.0000	0.0000	0.0000
6520PO	STONKOTE HT4 STEEL GRAY AB	3.0000	0.0000	0.0000	0.0000	0.0000	0.0000
6550PO	STONFLEX MP7 STEEL GRAY AB	1.0000	0.0000	0.0000	0.0000	0.0000	0.0000

COMPENSATION INFORMATION

TERRITORY	MANAGER	PLAN	SHARE	PLAN COMPENSATION	NET COMPENSATION
01011201	400471 STEIN, ROBERT S	04	100.00	924.90	924.90
01201254	400801 BURNS, THOMAS B.	04	50.00	924.90	462.45
TOTAL MATERIAL AMOUNT /		TOTAL LIST PRICE AMOUNT		=	RATIO
6,171.81 /		6,205.78		=	0.9945

OP00012

Trade Secret -
Commercially Sensitive

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STONHARD, DIV OF STONCOR GROUP, INC.

Date : 11-30-06/16:03

517675

Page : 3

PROJECT SCRATCH

Sales Order # : 517675
 Approval : McCauley, Kathleen Administrator : McCauley, Kathleen
 Order Entry Dt : 11-30-2006 Labor Type : Union
 Order Entered By : mccauley /11-30-2006 Primary Hierarchy : 40111
 Project Status : Active Primary Territory : 11201 CHESTER
 CMG Manager : Lotus Notes Quote # : 04401128

PLAN TYPE (02) - Earned Revenue

TOTAL MATERIAL AMOUNT	-	TOTAL LIST PRICE AMOUNT	=	DIFFERENCE
6,171.81	-	6,205.78	=	-33.97
TOTAL MATERIAL AMOUNT	+	DIFFERENCE	=	EARNED REVENUE
6,171.81	+	-33.97	=	6,137.83

PLAN TYPE (03 & 04) - Eng

PLAN AMOUNT	+	DIFFERENCE	=	PLAN COMPENSATION
925.77	+	-5.09	=	920.67

FORM S_019

REV 001 04/22/98

OP00013

Trade Secret -
Commercially Sensitive

STONHARD

Quote To Project Conversion Form				QUOTE NUMBER 4401128	
TM	Stein 400471	AE		SFA Project #	517675
Date	11/06/06				
SHIP TO ACCT #	87407	BILL TO ACCT #	1732285		
COMPANY NAME & ADDRESS			COMPANY NAME & ADDRESS		
Boeing Helicopters			Haverstick-Borthwick		
Bldg 3-07					
Ship To Contact	Ray Halloway	Phone #			
CUSTOMER PO/CONTRACT #			TAX EXEMPT		
ITEM REQUIREMENTS					
ITEM NAME/#		QUANTITY	ITEM NAME/#		QUANTITY
clad Gs-steel		X 3.5			
std primer		X 2			
at5-steel		X 3			
mp7-steel		X 1			
Shipping Instructions/Special Requirements:					
TOTAL PROJECT LABOR		\$3,000.00			
TOTAL PROJECT OTHER CHARGES					
TOTAL CONTRACT PRICE		\$10,520.00			
Is a Performance and Payment Bond Required? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				APPROVALS/COMMENTS	
Project Start Date:		12/15/2006			
Planned Delivery Date (Ship Date):		12/12/2006			
Project Completion Date:		12/16/2006			

100
901
w480
w550

emailed TM 10/11 kam

Please Note: If the background colors are not printing properly, please [click here](#) to be taken to the FAQ that describes how to adjust your browser settings.

Quote Scratch - Quote #04401128

Type: Normal **Product Line:** 01 **Create Date:** 10/11/2006 **Submitted Date:** 10/11/2006 **Printed Date:** 10/11/2006
Impact: No **No. Areas:** 1 **Quoted As:** Parent Only **Pricing:** Lump Sum **Install Type:** Union
Send To: Territory Manager **Send Via:** EmailSA: **McCauley, Kathleen** **Fax:**

Quote To: Mr. John Rowley (810) 566-5701 Paul Restall Co. Account No: 0209287 (BaaN: 209287000) 47 State Rd. Media, PA 19063
Install To: Boeing Helicopters Account No: 0087407 (BaaN: 087407000) Industrial Hwy, Rt. 291 Bldg 3-25 Ridley Park, PA 19078

Pricing Assumes Comments

Proposal assumes union labor.
 Price is based on one mobilization only. If additional mobilizations are required, additional charges will be incurred.
 Finished floor will follow contour of existing substrate.
 Floor will be mechanically prepared with equipment other than a Blastrac- such as, scarifiers, grinders, scabblers, etc.
 Not responsible for damages caused by hydrostatic and/or osmotic pressure.
 The following is a list of requirements needed to ensure a successful completion of this project:
 Lighting - The area must have adequate lighting in order to install the specified Stonhard product.
 Heat - A minimum substrate and material temperature of 60F must be maintained in the area to ensure proper curing.
 Electricity - The area must have 220v/60 amp/3 phase or 440v/30 amp/3 phase power.
 Trash removal - A dumpster or equivalent means of trash removal must be provided.
 Material storage - The material must be stored in a dry, heated location in or around the area.
 Accessibility - Area must be free of all moveable equipment and trades prior to Stonhard's arrival.

Internal Comments

left vm for sh and ss 10/11 @1246pm...kam.
 okay per sh and ss...kam.

Area 1 - Building 3-07 Koike Positioner Relocation (675 sq.foot)

Product #:	Product Name:	Size:	Coverage:	# Units:	Unit Price:	Quoted Price:
100	STONCLAD GS STEEL GRAY	675	192.9	3.5	\$1,211.24	\$4,239.34
901	PRIMER STANDARD	675	467	2	\$265.71	\$531.42
6480	STONKOTE AT5 STEEL GRAY	675	225	3	\$432.55	\$1,297.64
6550	STONFLEX MP7 STEEL GRAY	675	1,400	1	\$138.80	\$138.80
Total:						\$6,207.00
Labor:						\$3,000.00
Other Charges:						\$0.00

Pricing

Parent Pricing			
Total Quoted Material:	\$6,171.81	Lump Sum to Customer:	\$10,521.00
Total Labor:	\$3,000.00	Ratio:	1.000
Other Charges:	\$0.00		
Revenue At List:	\$10,556.19		

Commissions

Salesperson Name: Robert Stein **Relation #:** 0400471 **AE:** No **Share/ %:** 100 **Commission:** \$925.77

OP00015

Trade Secret -
 Commercially Sensitive

CERTIFICATE NUMBER
CLE-001359937-05

PRODUCER
MARSH USA INC.
216-937-1700
200 PUBLIC SQUARE
SUITE 1100
CLEVELAND, OH 44114-1824
Attn: LIZ ENSLEY
34492-00000-CAS06-06-07 CALIF

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

- COMPANY
A FIRST CONTINENTAL SERVICES CO.
- COMPANY
B ACE AMERICAN INSURANCE COMPANY
- COMPANY
C AMERICAN HOME ASSURANCE CO
- COMPANY
D

INSURED
RPM INTERNATIONAL INC.
& ITS SUBSIDIARIES (SUB: STONHARD)
STONHARD, A DIVISION OF STONCOR GROUP, INC.
2628 PEARL ROAD
MEDINA, OH 44258

76

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	GL-01-001/2006	04/01/06	04/01/07	GENERAL AGGREGATE \$ 3,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMPROP AGG \$ 9,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 1,000,000
					MED EXP (Any one person) \$ 1,000
B	AUTOMOBILE LIABILITY	ISA H0800856-5	04/01/06	04/01/07	COMBINED SINGLE LIMIT \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				PROPERTY DAMAGE \$
<input checked="" type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
C	EXCESS LIABILITY	BE 4485281	04/01/06	04/01/07	EACH OCCURRENCE \$ 5,000,000
	<input checked="" type="checkbox"/> UMBRELLA FORM				AGGREGATE \$ 5,000,000
	OTHER THAN UMBRELLA FORM				\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WLR C4434011-2 (AOS)	04/01/06	04/01/07	<input checked="" type="checkbox"/> WC STATUTORY LIMITS
		SCF C4434012-4 (WI)	04/01/06	04/01/07	OTHER
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:				EL EACH ACCIDENT \$ 1,000,000
	<input checked="" type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL DISEASE-POLICY LIMIT \$ 1,000,000
					EL DISEASE-EACH EMPLOYEE \$ 1,000,000
A	AUTO PHYSICAL DAMAGE	APD-02-002/2006	04/01/06	04/01/07	COMP & COLLISION DED. \$2,500

DESCRIPTION OF OPERATIONS/LOCATION/SPECIAL ITEMS
EVIDENCE OF INSURANCE

For Installation of Epoxy Flooring at Boeing Helicopters, Industrial Hwy, Rt. 291, Ridley Park, PA
Job Quote No.: 04401128

CERTIFICATE HOLDER

CANCELLED

Trade Secret -
Commercially Sensitive

PAUL RESTALL CO.
47 STATE ROAD
MEDIA, PA 19063

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE.

MARSH USA INC.

By: Kevin J. Robinson

Kevin J. Robinson

VALID AS OF: 11/08/06

OP00016

APPROVAL NOTATION

DATE (MM/DD/YY)

PRODUCER
 MARSH USA INC.
 216-937-1700
 200 PUBLIC SQUARE
 SUITE 1100
 CLEVELAND, OH 44114-1824
 Attn: LIZ ENSLEY

34492 -00000-CAS08-06-07 CALIF

COMPANIES AFFORDING COVERAGE

COMPANY
E

COMPANY
F

INSURED
 RPM INTERNATIONAL INC.
 & ITS SUBSIDIARIES (SUB: STONHARD)
 STONHARD, A DIVISION OF STONCOR GROUP, INC.
 2628 PEARL ROAD
 MEDINA, OH 44258

76

COMPANY
G

COMPANY
H

THE GENERAL LIABILITY AND AUTOMOBILE PHYSICAL DAMAGE PLACEMENT IS A DIRECT PLACEMENT. MARSH MANAGEMENT SERVICES (VERMONT) MANAGES THE CAPTIVE INSURER INDICATED HERE. MARSH USA INC. HAS ONLY ACTED IN THE ROLE OF A CONSULTANT TO THE CLIENT WITH RESPECT TO THIS PLACEMENT, WHICH IS INDICATED HERE FOR YOUR CONVENIENCE.

CERTIFICATE HOLDER

PAUL RESTALL CO.
 47 STATE ROAD
 MEDIA, PA 19063

MARSH USA INC. BY
 Kevin J. Robinson *Kevin J. Robinson*

OP00017

Please Note: If the background colors are not printing properly, please [click here](#) to be taken to the FAQ that describes how to adjust your browser settings.

Quote Scratch - Quote #04401128

Type: Normal	Product Line: 01	Create Date: 10/11/2006	Submitted Date: 10/11/2006	Printed Date: 11/06/2006
Impact: No	No. Areas: 1	Quoted As: Parent Only	Pricing: Lump Sum	Install Type: Union
Send To: Territory Manager	Send Via: Email	SA: McCauley, Kathleen	Fax:	

Quote To: Mr. John Rowley (610) 566-5701 Paul Restall Co. Account No: 0209287 (BaaN: 209287000) 47 State Rd. Media, PA 19063	Install To: Boeing Helicopters Account No: 0087407 (BaaN: 087407000) Industrial Hwy, Rt. 291 Bldg 3-25 Ridley Park, PA 19078
---	--

*INS'ed.
Please see attached*

Pricing Assumes Comments

Proposal assumes union labor.
Price is based on one mobilization only. If additional mobilizations are required, additional charges will be incurred.
Finished floor will follow contour of existing substrate.
Floor will be mechanically prepared with equipment other than a Blastrac- such as, scarifiers, grinders, scabblers, etc.
Not responsible for damages caused by hydrostatic and/or osmotic pressure.
The following is a list of requirements needed to ensure a successful completion of this project:
Lighting - The area must have adequate lighting in order to install the specified Stonhard product.
Heat - A minimum substrate and material temperature of 60F must be maintained in the area to ensure proper curing.
Electricity - The area must have 220v/60 amp/3 phase or 440v/30 amp/3 phase power.
Trash removal - A dumpster or equivalent means of trash removal must be provided.
Material storage - The material must be stored in a dry, heated location in or around the area.
Accessibility - Area must be free of all moveable equipment and trades prior to Stonhard's arrival.

Internal Comments

left vm for sh and ss 10/11 @1246pm...kam.
okay per sh and ss...kam.

Area 1 - Building 3-07 Koike Positioner Relocation (675 sq feet)

Enabled: Yes	Cove Base:	Warranty: Standard				
Product #:	Product Name:	Size:	Coverage:	# Units:	Unit Price:	Quoted Price:
100	STONCLAD GS STEEL GRAY	675	192.9	3.5	\$1,211.24	\$4,239.34
901	PRIMER STANDARD	675	467	2	\$265.71	\$531.42
6480	STONKOTE AT5 STEEL GRAY	675	225	3	\$432.55	\$1,297.64
6550	STONFLEX MP7 STEEL GRAY	675	1,400	1	\$138.60	\$138.60
Total:						\$6,207.00
Labor:						\$3,000.00
Other Charges:						\$0.00

Pricing

Parent Pricing	
Total Quoted Material:	\$6,171.81 Lump Sum to Customer: \$10,521.00
Total Labor:	\$3,000.00 Ratio: 1.000
Other Charges:	\$0.00
Revenue At List:	\$10,556.19

Commissions

Salesperson Name: Robert Stein	Relation #: 0400471	AE: No	Share/ %: 100	Commission: \$925.77
---------------------------------------	----------------------------	---------------	----------------------	-----------------------------

OP00018

Trade Secret -
Commercially Sensitive

STUBBINS

*Quote #
04401128*

HAVERSTICK-BORTHWICK COMPANY
400 STENTON AVENUE
P O BOX 766
PLYMOUTH MEETING, PENNSYLVANIA 19462
(610) 825-9300, FAX (610) 825-9194

DATE: OCTOBER 31, 2006

ATT: ACCOUNTING DEPARTMENT

TO: STONHARD INC
BOX 308, STATE HIGHWAY 73 & PARK AVE.
MAPLE SHADE, N J 08052
FAX #856-321-7522

RE: CERTIFICATE OF INSURANCE

JOB: HB #1625 - BOEING BLDG 3-07, KOIKE POSITIONER
RELOCATION, RIDLEY PARK, PA.

OUR RECORDS SHOW WE NEED TO RECEIVE FROM YOU A CURRENT COPY OF YOUR CERTIFICATE OF INSURANCE. THIS INSURANCE CERTIFICATE SHOULD ALSO NOTE THAT HAVERSTICK-BORTHWICK CO IS ADDITIONAL INSURED WITH RESPECT TO WORK DONE BY US FOR US. PLEASE FAX YOUR CERTIFICATE TO 610-825-9194 AND MARK IT TO THE ATTENTION OF THE ACCOUNTING DEPARTMENT.

IF YOU HAVE ANY QUESTIONS CONCERNING THE ABOVE, PLEASE FEEL FREE TO CONTACT OUR OFFICE.

THANKING YOU IN ADVANCE FOR YOUR PROMPT REPLY.

VERY TRULY YOURS,

HAVERSTICK-BORTHWICK CO

GLORIA J. CASALE, BOOKKEEPER

OP00019

Trade Secret -
Commercially Sensitive

STONHARD

One Park Avenue
Maple Shade, NJ 08052
856/779-7500
FAX: 856/321-7510

FAX TRANSMITTAL

TO: Gloria Casale FAX: (610) 825-9194
Haverstick - Borthwick

FROM: Kate McCauley

DATE: 11/8/06

TOTAL NUMBER OF PAGES (including cover sheet): 3

ENCLOSED PLEASE FIND THE FOLLOWING:

- Quotation Letter #
- Insurance Certificate
- Release / Waiver
- Warranty Letter
- Billing / Invoice Documents
- Other: _____

Message:

- A Hard Copy Is To Follow

If You Did Not Receive All Pages Or If You Have Any Problem With Receiving, Please Call
Kate McCauley At (800) 854-0310 x7820. Thank You.

OP00020
Trade Secret -
Commercially Sensitive

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4283	
CONNECTION TEL		916108259194
CONNECTION ID		
ST. TIME	11/08 13:10	
USAGE T	01'31	
PGS. SENT	3	
RESULT	OK	

STONHARD

FAX TRANSMITTAL

One Park Avenue
 Maple Shade, NJ 08052
 856/779-7500
 FAX: 856/321-7510

TO: Gloria Casale FAX: (610) 825-9194
Haverstick - Borthwick

FROM: Kate McCauley

DATE: 11/8/06

TOTAL NUMBER OF PAGES (including cover sheet): 3

ENCLOSED PLEASE FIND THE FOLLOWING:

- Quotation Letter #
- Insurance Certificate
- Release / Waiver
- Warranty Letter
- Billing / Invoice Documents
- Other: _____

Message:

OP00021

Trade Secret -
Commercially Sensitive

HASTERSTICK-BORTHWICK

400 Stenton Ave, P.O. Box 766
Plymouth Meeting, PA 19462

JOB NO: 1625

Office (610) 825-9300 Fax (610) 825-9194

P.O. No: 1625-STO02-0
CC#: 03030

TO: **STONHARD, INC.**
BOX 308 STATE HWY 73 & PARK AVE
MAPLE SHADE, N J 08502

PROJECT: Boeing - Bldg 3-07
Phone: Kolke Positioner Relocation
(856) 779-7500 100 Stewart Avenue
Ridley Park P A 19078

THIS AGREEMENT MADE ON October 30, 2006 by and between **Haverstick-Borthwick Co., Inc.**, a Pennsylvania Corporation, hereinafter referred to as the GENERAL CONTRACTOR and **STONHARD, INC.** hereinafter referred to as the SUB-CONTRACTOR.

WITNESSETH:

1. The Sub-Contractor does hereby covenant, promise and agree for the sum of **Ten Thousand Five Hundred Twenty One Dollars (\$10,521.00)** to furnish all labor, material, tools, equipment, supplies and any other items necessary or incidental to the following:

Install Stonhard Stonclad GS epoxy mortar with Stonicote AT5 antistatic topcoat

REVIEWED & APPROVED

NOV 30 2006

Kate McCauley

Date required: **In accordance with the agreed upon project schedule including all milestone dates**

2. The exceptions are:

3. We are forwarding: **Drawings P1-S4**

4. In consideration of this Sub-Contract, the Sub-Contractor herein agrees to perform all of the required work herein, in accordance with the General Conditions, Special Conditions, Addenda, Plans and Specifications and Drawings prepared by all of which form a part of the Contract between General Contractor and Owner dated (hereinafter referred to as Principal Contract) and hereby become a part of this Contract, as if set forth at length or attached hereto: Special attention is called to **Attachment I, Insurance Requirements**. Haverstick-Borthwick Company must be named as an **Additional Insured** on your certificate. This Sub-contractor agrees to be bound by the terms of the aforesaid Principal Contract, as far as applicable to this Sub-Contract, and to assume toward the General Contractor all the obligations and responsibilities that the General Contractor, by those documents, assumes toward the Owner.

And the said parties for themselves, their respective heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year first above written.

ATTEST:

Linda C. Owens

Linda C. Owens

ATTEST:

Haverstick-Borthwick Co., Inc.

By

Edward T. Weinlein
Edward T. Weinlein
STONHARD, INC.

By

Kate McCauley
Kate McCauley
Sales Administrator
(Title)

PLEASE SIGN AND RETURN DUPLICATE

OP00022

Trade Secret -
Commercially Sensitive

OWNER: Haverstick Borthwick Company
 400 Stanton Avenue
 Plymouth Meeting, PA 19462

PROJECT: Boeing Helicopters
 Bldg 3-07
 100 Stewart Avenue
 Ridley Park, PA 19078

APPLICATION NO: 1

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

PERIOD TO: 12/31/06

FROM CONTRACTOR: VIA ARCHITECT:
 Stonhard, Division of StonCor Group, Inc.
EMIT TO: Stonhard P.O. Box 931947 Cleveland, OH 44193

CONTRACTOR: Stonhard, Division of StonCor Group, Inc.

PROJECT NOS: 625-ST002-0

CONTRACT DATE: 10/30/06

CONTRACTOR'S APPLICATION FOR PAYMENT

application is made for payment, as shown below, in connection with the Contract.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

ORIGINAL CONTRACT SUM \$ 10,521.00
 Net change by Change Orders \$ 2,213.00
CONTRACT SUM TO DATE (Line 1 ± 2) \$ 12,734.00
TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 12,734.00

RETAINAGE:
 a. 10 % of Completed Work \$ 1,273.40
 (Column D + E on G703)
 b. 0 % of Stored Material \$
 (Column F on G703)
 Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 1,273.40

TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 11,460.60
PAYMENT (Line 6 from prior Certificate) \$ 0.00
CURRENT PAYMENT DUE \$ 11,460.60
BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 1,273.40

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month	\$0.00	
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

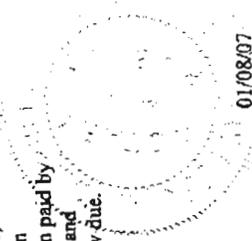
AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



By: Kate McAuley Date: 01/08/07

State of New Jersey County of Burlington
 Subscribed and sworn to before me this 8th day of January, 2006
 Notary Public: COLLEEN A. CAMPBELL
 My Commission expires: My Commission Expires June 12, 2011

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, PROJECT: Boeing
 containing Contractor's signed certification is attached. APPLICATION NO: 1
 APPLICATION DATE: 01/08/07
 PERIOD TO: 12/31/06
 ARCHITECT'S PROJECT NO:

In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
1	Billing for Original Contract	\$10,521.00	\$0.00	\$10,521.00	\$0.00	\$10,521.00	\$0.00	\$1,052.10
2	Change Order #1	\$2,213.00	\$0.00	\$2,213.00	\$0.00	\$2,213.00	\$0.00	\$221.30
GRAND TOTALS		\$12,734.00	\$0.00	\$12,734.00	\$0.00	\$12,734.00	\$0.00	\$1,273.40

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

OP00024

Trade Secret -
Commercially Sensitive

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0548
CONNECTION TEL 818562274889
CONNECTION ID
ST. TIME 03/26 13:04
USAGE T 01'44
PGS. SENT 4
RESULT OK

- 4 pages -

STONHARD

PRINTED ON 03-22-2007 06:47:13	QUOTE NUMBER 04407253	PROJECT NUMBER 518812	INVOICE NUMBER SLS /50036229
BILLING ADDRESS / ACCOUNT NUMBER 173285000 Haverstick-Borthwick ACCOUNTS PAYABLE P. O. Box 766 Plymouth Meeting, PA 19462 USA		SHIPPING ADDRESS Boeing 100 Stewart Avenue Ridley Park, PA 19078	REMIT TO ADDRESS STONHARD c/o P.O. BOX 931947 Cleveland, OH 44193
TERMS Net 30 Days	PURCHASE ORDER NO. 1625-1	ORDER DATE 03-08-2007	SALES CODE 400471 McCauley/Stein
			INVOICE DATE 03-22-2007

Billing for Original Contract

2,845.00

Total Invoice :

2,845.00

page # 2

I attached last billing

Thx Kathy

OP00025



Kerri
Niemyer/Stonhard/StonCor
03/26/2007 01:13 PM

To Kathy Norman/Stonhard/StonCor@StonCor
cc
bcc
Subject 518812 - Boeing

Kathy,
I had to fix the billing on this one. The previous billing that Kate did was for the wrong amount on the change order. Retainage billing will have to be done in April..... This is a c/o to 517675.



Boeing-Haverstick 517675-2.xls

Thanks,
Kerri L. Niemyer
Sales Administration
Stonhard, Division of StonCor Group, Inc.
(800) 854-0310 Ext. 7837
kniemyer@stonhard.com

OP00026
Trade Secret -
Commercially Sensitive

From: Origin ID: (800)854-0310
KATE MCCAULEY
STONCOR GROUP, INC
ONE PARK AVENUE W



Ship Date: 08JAN07
ActWgt: 1 LB
System#: 1014189/INET2500
Account#: S *****

MAPLE SHADE, NJ 08052

REF:

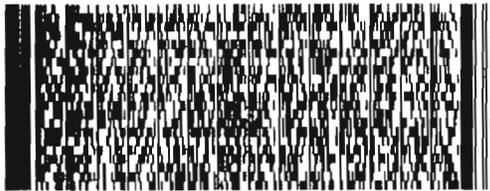


Delivery Address Bar Code

SHIP TO: (610)825-9300 BILL SENDER

JEREMY DAROSS
Haverstick-Borthwlc
400 Stenton Ave

Plymouth Meeting, PA 19462



STANDARD OVERNIGHT

TUE

Deliver By:
09JAN07

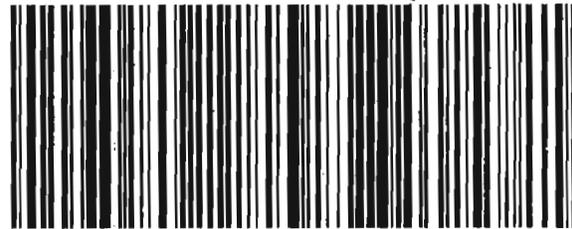
TRK# 7906 4460 5273

FORM
0201

PHL A2

19462 -PA-US

17 QFWA



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

OP00027

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Commercially Sensitive

STONHARD

One Park Avenue
Maple Shade, NJ 08052
856/779-7500
FAX: 856/321-7510

FAX TRANSMITTAL

TO: Gloria FAX: (610) 825-9194

FROM: Kate McCauley

DATE: 2/13/07

TOTAL NUMBER OF PAGES (including cover sheet): 6

ENCLOSED PLEASE FIND THE FOLLOWING:

- Quotation Letter #
- Insurance Certificate
- Release / Waiver
- Warranty Letter
- Billing / Invoice Documents AIA #1: SLS/50034282
Retainage AIA: SLS/50034282 A
- Other: _____

Message:

- A Hard Copy Is To Follow

If You Did Not Receive All Pages Or If You Have Any Problem With Receiving, P' **OP00028**
Kate McCauley At (800) 854-0310 x7820. Thank You.

Trade Secret -
Commercially Sensitive

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3744
CONNECTION TEL 916108259194
CONNECTION ID
ST. TIME 02/13 09:41
USAGE T 02'05
PGS. SENT 6
RESULT OK

STONHARD

One Park Avenue
Maple Shade, NJ 08052
856/779-7500
FAX: 856/321-7510

FAX TRANSMITTAL

TO: Gloria FAX: (610) 825-9194

FROM: Kate McCauley

DATE: 2/13/07

TOTAL NUMBER OF PAGES (including cover sheet): 6

ENCLOSED PLEASE FIND THE FOLLOWING:

- Quotation Letter #
- Insurance Certificate
- Release / Waiver
- Warranty Letter
- Billing / Invoice Documents AIA #1: SLS/500 34282
Retainage AIA: SLS/50034282 A
- Other: _____

Message: _____

OP00029

Trade Secret -
Commercially Sensitive

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGES

TO OWNER Haverstick Bordwick Company
 400 Stenton Avenue
 Plymouth Meeting, PA 19462
 PROJECT: Boeing Helicopters
 Bldg 3-07
 100 Stewart Avenue
 Ridley Park, PA 19078

APPLICATION NO: Retainage

Distribution to:

OWNER
 ARCHITECT
 CONTRACTOR

PERIOD TO: 01/31/07

FROM CONTRACTOR: VIA ARCHITECT:

Stonhard, Division of StonCor Group, Inc.

REMIT TO: Stonhard P.O. Box 931947 Cleveland, OH 44193

PROJECT NOS: 625-ST002-0

CONTRACT FOR: Epoxy Flooring INVOICE NUMBER: SLS/50034282A

CONTRACT DATE 10/30/06

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

ORIGINAL CONTRACT SUM \$ 10,521.00
 Net change by Change Orders \$ 2,213.00
 CONTRACT SUM TO DATE (Line 1 ± 2) \$ 12,734.00
 TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 12,734.00

RETAINAGE:
 a. 0 % of Completed Work \$ 0.00
 (Column D + E on G703)
 b. 0 % of Stored Material \$
 (Column F on G703)
 Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 0.00

TOTAL EARNED LESS RETAINAGE \$ 12,734.00
 (Line 4 Less Line 5 Total)
 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 11,460.60
 CURRENT PAYMENT DUE \$ 1,273.40
 BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0.00
 (Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month	\$0.00	
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	\$0.00

CONTRACTOR: Stonhard, Division of StonCor Group, Inc.

By: Kate McCooly Date: 01/08/07
 State of: New Jersey County of: Burlington
 Subscribed and sworn to before me this 8th day of January, 2006
 Notary Public: COLLEEN A. CAMPBELL
 My Commission expires: NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires: 06/12/2011

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
 ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5292

DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

OP000030

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

PROJECT: Boeing

APPLICATION NO: Retainage

APPLICATION DATE: 01/08/07

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 01/31/07

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G + C)	I BALANCE TO FINISH (C - G)	J RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
1	Billing for Original Contract	\$10,521.00	\$10,521.00	\$0.00	\$0.00	\$0.00	\$10,521.00	100%	\$0.00	\$0.00
2	Changer Order #1	\$2,213.00	\$2,213.00	\$0.00	\$0.00	\$0.00	\$2,213.00	100%	\$0.00	\$0.00
GRAND TOTALS		\$12,734.00	\$12,734.00	\$0.00	\$0.00	\$0.00	\$12,734.00	100%	\$0.00	\$0.00

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From: Origin ID: (800)854-0310
KATE MCCAULEY
STONCOR GROUP, INC
ONE PARK AVENUE W
MAPLE SHADE, NJ 08052



Ship Date: 08JAN07
ActWgt: 1 LB
System#: 1014189/INET2500
Account#: S *****

REF:

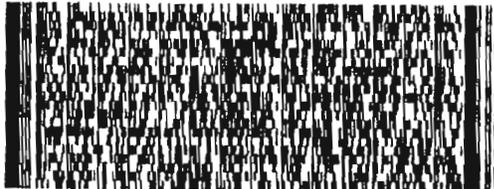


Delivery Address Bar Code

SHIP TO: (810)825-9300 BILL SENDER

JEREMY DAROSS
Haverslick-Borthwick
400 Stenton Ave

Plymouth Meeting, PA 19462



STANDARD OVERNIGHT

TUE

Deliver By:
09JAN07

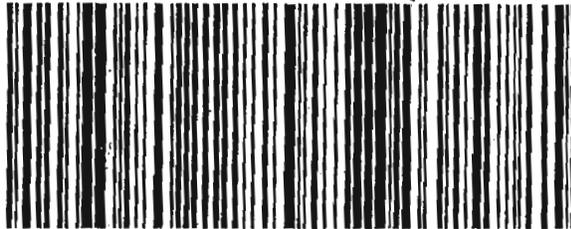
TRK# 7906 4460 5273

FORM
0201

PHL A2

19462 -PA-US

17 QFWA



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