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

StonCor Group, Inc.,	)	
	)	
Opposer,	)	Opposition No. 91181621
	)	
v.	)	Ser. No. 76/650832
	)	Mark: STONEDGE
Les Pierres Stonedge Inc.,	)	Filing Date: November 22, 2005
	)	Publication Date: August 28, 2007
Applicant.	)	

**APPLICANT'S MAIN BRIEF**

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### **DESCRIPTION OF THE RECORD**

The record consists of Applicant's application file, the Notice of Opposition with the pleaded registrations<sup>1</sup>, namely Reg. Nos. 1712857, 1706070, 1645258, 1703299, 1688593, 1655954, 1691045, 1689713, 1697228, 1740723, 1487280, 1687420, 1697229 and 1697230, and Applicant's Answer.

### **STATEMENT OF THE ISSUES**

Whether the registration of the applied-for mark in connection with the specified goods is likely to cause confusion, or to cause mistake, or to deceive consumers in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

### **RECITATION OF THE FACTS**

Opposer, StonCor Group Inc., is a Delaware corporation with an address at One Park Avenue, Maple Shade, New Jersey 08052. Notice of Opposition at ¶ 1. Opposer is the owner of fourteen United States trademark registrations for the standard character word marks:

STONHARD for "chemicals, namely two component epoxies; multicomponent mixtures of epoxies, curing agents and aggregates; multicomponent mixtures of urethanes, resins and hardeners; all for general industrial use" in International Class 2;

STONCLAD 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 International Class 1 and for "floors and flooring systems composed of resins, curing agents quartz aggregate for use in industrial and institutional applications" in International Class 19;

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<sup>1</sup> Opposer belatedly attempts to make Reg. No. 1306662 for the mark STONCLAD-PT of record by listing it in Opposer's Main Brief. This registration was not referenced in the Notice of Opposition and a certified copy was not attached as an exhibit thereto. Moreover, a certified copy was not submitted during Opposer's testimony period. Therefore, it has not properly been made of record in this proceeding.

STONBLEND 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 International Class 1 and 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 International Class 19;

STONKOTE 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 International Class 1 and 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 International Class 2;

STONSHIELD 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 International Class 1 and 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 International Class 19;

STONCREST 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 International Class 1 and 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 International Class 2;

STONCRETE 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 International Class 19;

STONFIL for “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” in International Class 19;

STONLINER 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 International Class 1 and for “mortars, including multi-component mortars for use in industrial and institutional applications” in International Class 19;

STONLOK 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 International Class 1;

STONLUX 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 International Class 1 and for “floors and flooring systems comprised of epoxy resins, hardeners/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 International Class 19;

STONPROOF 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 International Class 1 and for “multi-purpose epoxy-based sealants and polyurethane membranes for use in industrial and institutional applications” in International Class 17;

STONSET 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 International Class 1 and for “grout; namely, three-component epoxy-based grouts for industrial and institutional applications” in International Class 19; and

STONSEAL for “polyurethane and aliphatic polyurethane chemical solvents all solely for use in industrial and institutional applications” in International Class 1 and for “protective coatings; namely, two-component polyurethane coatings and aliphatic polyurethane coatings for use in industrial and institutional applications” in International Class 2.

Exhibit to Notice of Opposition.

Applicant, Les Pierres Stonedge Inc., filed an application, Serial No. 76/650832, with the United States Patent and Trademark Office (“US PTO”) to register the standard character word mark STONEDGE for “precast decorative stone” in International Class 19. The Opposed

Application was filed on November 22, 2005 with a claim of priority pursuant to Section 44(d) of the Trademark Act, 15 U.S.C. § 1126(d), based on a Canadian application filed on June 22, 2005. A claim for registration pursuant to Section 44(e) of the Trademark Act, 15 U.S.C. § 1126(d), was accepted by the US PTO on June 19, 2007.

The Opposed Application was published for opposition on August 28, 2007. On December 20, 2007, Opposer filed a Notice of Opposition opposing the registration of Applicant's STONEDGE mark in connection with "precast decorative stone" in International Class 19. Neither Opposer nor Applicant proffered any evidence during their respective testimony period. Despite the Board's explicit admonition to Opposer in its April 15, 2009 Order, Opposer improperly attempted to submit evidence during its rebuttal period. TTAB Order, Docket Entry 22 at p. 5 ("We emphasize to opposer that, during its rebuttal trial period, it must limit its submissions to permissible rebuttal of applicant's testimony and evidence.").

#### **EVIDENTIARY OBJECTIONS**

Despite the Board's explicit admonition to Opposer to "limit its submissions to permissible rebuttal of applicant's testimony and evidence", Opposer proffered inadmissible rebuttal in the nature of a deposition of one of its employees along with numerous exhibits taken during its period rebuttal period. "It is the general rule that a party plaintiff may in his case on rebuttal introduce facts and witnesses appropriate to deny, explain, or otherwise discredit the facts and witnesses adduced by the opponent, but not any facts or witnesses which might appropriately have been introduced during its case-in-chief to sustain its pleading. That is, a plaintiff may not utilize its rebuttal period to prove its case-in-chief or to shore up its principal case in light of a defendant's evidence unless it could demonstrate surprise as a result of unforeseen testimony by the defendant, a factor not present or urged in the instant case." *The Am.*

*Meat Inst. et al. v. Horace W. Longacre, Inc.*, 211 USPQ 712 (TTAB 1981); *see also VIP Foods, Inc. v. V.I.P. Food Products*, 200 USPQ 105 (TTAB 1978); *B. A. Railton, Co. v. Jones*, 109 USPQ 398 (Comr. 1956); *Sigma Chem. Co. v. Med. and Technical Summaries, Inc.*, 144 USPQ 688 (TTAB 1969); *Hyde Park Footwear Co., Inc. v. Hampshire-Designers, Inc.*, 197 USPQ 639 (TTAB 1977); and *Pekor Iron Works, Inc. v. Pennsylvania Eng'g Corp.*, 181 USPQ 660 (TTAB 1974). First, because Applicant proffered no testimony or evidence during its testimony period, there was nothing for Opposer to deny, refute or explain. "It is axiomatic that rebuttal testimony may be used only to rebut evidence offered by the defendant." *Wet Seal Inc. v. FD Mgmt. Inc.*, 82 USPQ2d 1629 (TTAB 2007). Second, all of the evidence proffered by Opposer and relied upon by Opposer in its brief, is evidence that would have been appropriate for Opposer to introduce during its case-in-chief in order to sustain its pleading. *See Id.* ("The burden is on opposer, in the first instance, to come forward during its own testimony period with proof of the essential elements of its claim, one element of which is the relatedness of the parties' goods. Opposer should not have even assumed that applicant would call its own witness, let alone that the witness, if called, would make an admission favorable to opposer's case."); *see also Hester Indus., Inc. v. Tyson Foods Inc.*, 2 USPQ2d 1646 (TTAB 1987) ("To the extent that any evidence offered by opposer during its rebuttal testimony period served to support its case-in-chief, it constituted improper rebuttal and cannot be considered.").

After the conclusion of the direct examination of the witness called by Opposer during its rebuttal period, Applicant objected to the entirety of the deposition testimony on the grounds that it constituted improper rebuttal.<sup>2</sup> Now, in accordance with TBMP Rule 707.02(c), Applicant hereby maintains its objection to the testimony of Mr. Michael Jewell and all of the exhibits

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<sup>2</sup> Rebuttal Testimony Deposition of Michael Jewell at p. 98, Ins. 7-16.

submitted therewith and requests that all such evidence be excluded from consideration in the Board's decision.

## **ARGUMENT**

### **I. STANDING**

In its brief, Opposer failed to argue that it has standing to oppose the Opposed Application. In addition, Opposer failed to proffer any evidence that it is not a mere intermeddler. Nevertheless, Opposer appears to have satisfied the standing requirement by making its pleaded registrations of record. *See Cunningham v. Laser Golf Corp.*, 55 USPQ2d 1842 (Fed. Cir. 2000); and *Lipton Indus., Inc. v. Ralston Purina Co.*, 213 USPQ 185 (CCPA 1982).

### **II. PRIORITY AND LIKELIHOOD OF CONFUSION**

#### **A. Priority**

Assuming Opposer has standing to oppose, its registrations, which issued prior to Applicant's priority date, presumably remove the issue of priority from this case. *See King Candy Co. v. Eunice King's Kitchen, Inc.*, 182 USPQ 108 (CCPA 1974).

#### **B. Likelihood of Confusion**

In determining whether a likelihood of confusion exists, the Board must analyze all of the facts in evidence that are relevant to the factors bearing on the issue of likelihood of confusion including those set forth in *In re E. I. du Pont de Nemours & Co.*, 177 USPQ 563 (CCPA 1973) and *In re Majestic Distilling Co., Inc.*, 65 USPQ2d 1201 (Fed. Cir. 2003). However, in the analysis of likelihood of confusion, key considerations are the similarities of the marks and the relatedness of the parties' goods. *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 USPQ 24, 29 (CCPA 1976) ("The fundamental inquiry mandated by Section 2(d) goes to the

cumulative effect of differences in the essential characteristics of the goods and differences in the marks”).

“In an opposition, the opposer bears the burden of proving by a preponderance of the evidence a substantive ground for refusal to register the subject trademark. In a likelihood of confusion case under Trademark Act § 2(d), this burden requires an opposer to prove that it has some prior trademark right and that applicant's mark is likely to cause confusion with that trademark.” *Life Zone Inc. v. Middleman Group, Inc.*, 87 USPQ2d 1953, 1959 (TTAB 2008); *see Yamaha Int'l Corp. v. Hoshino Gakki Co. Ltd.*, 6 USPQ2d 1001, 1007 (Fed. Cir. 1988) (“It is beyond question that an opposer alleging likelihood of confusion under Section 2(d) has the burden of proof to establish that applicant does not have the right to register its mark.”) (internal punctuation eliminated).

**1. Applicant's STONEDGE mark is not confusingly similar to any of Opposer's registered marks.**

The decisive question in this case is whether the degree of similarity of the parties' marks is sufficient to indicate a likelihood of confusion. To determine whether the marks are confusingly similar, the Board must consider the appearance, sound, connotation and commercial impression of each mark. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005).

Rather than specifically compare any of its registered marks to the applied-for mark, Opposer relies on a general comparison to what it calls its “family of marks”. Opposer's Brief at pp. 13-16.

First, the mere ownership of registrations for various marks with a common characteristic does not suffice to establish a “family” of marks. *See J & J Snack Foods Corp. v. McDonald's Corp.*, 18 USPQ2d 1889, 1891 (Fed. Cir. 1991); *Consolidated Foods Corp. v. Sherwood Medical*

*Indus., Inc.*, 177 USPQ 279, 282 (TTAB 1973); *see generally* J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 23:61 (4<sup>th</sup> ed. updated 2006); *see also Hester Indus., Inc. v. Tyson Foods, Inc.*, 2 USPQ2d 1646, 1647 (TTAB 1987); *Polaroid Corp. v. Am. Screen Process Equip. Co.*, 166 USPQ 151, 154 (TTAB 1970); and *Polaroid Corp. v. Richard Mfg. Co.*, 144 USPQ 419, 421 (CCPA 1965); *Truescents LLC v. Ride Skin Care, L.L.C.*, 81 USPQ2d 1334 (TTAB 2006); *Hearst Communications, Inc. v. Charles Browning Wilson*, Opposition No. 91120453 (January 16, 2009) [not precedential] (ownership of 31 registrations for marks comprising or containing COSMOPOLITAN or COSMO were insufficient to establish a family of marks where there was no evidence that a family of marks has been promoted together).

To establish a “family” of marks, “it must be shown by competent evidence, first, that ... the marks containing the claimed “family” feature, or at least a substantial number of them, were used and promoted together ... in such a manner as to create public recognition coupled with an association of common origin predicated on the “family” feature; and second, that the “family” feature is distinctive (i.e., not descriptive or highly suggestive or so commonly used in the trade that it cannot function as a distinguishing feature of any party’s mark). *Land-O-Nod Co. v. Paulison*, 220 USPQ 61, 65-66 (TTAB 1983). Opposer did not proffer any admissible evidence (or even inadmissible evidence) showing that its registered marks were used and promoted together in a manner to create public recognition of the “STON-” prefix. Moreover, Opposer did not proffer any admissible evidence (or even inadmissible evidence) showing that the “STON-” prefix is distinctive. In fact, Opposer itself argues that the “STON-” prefix is descriptive— noting that a feature of the products sold under Opposer’s marks is that they are “hard as a rock,” “rock” being a synonym for “stone”. Opposer’s Brief at p. 16, n.32. The mere descriptiveness of the “STON-” prefix can be readily appreciated in light of the pertinent definitions of the term

“stone”. The term “stone” is defined as a “rock” and as “something like a stone in shape or hardness”.<sup>3</sup> Thus, the “STON-” prefix will immediately convey to the ultimate consumers that the products sold under Opposer’s marks are something like a stone in hardness or as Opposer puts it—“hard as a rock”. Because the claimed family feature was not itself promoted by Opposer and because the claimed family feature is a descriptive term, Opposer cannot rely on the broader scope of protection often afforded to families of marks to establish that the parties’ marks are confusingly similar simply because they share the same feature.

Second, Opposer has failed to proffer any admissible evidence showing or even suggesting that any of its registered marks have a sound, appearance and/or meaning that is confusingly similar to Applicant’s STONEDGE mark. Opposer argues that the marks are similar in appearance because the marks begin with the letters S-T-O-N-. This is, however, where the similarities between Applicant’s STONEDGE mark and Opposer’s marks end.<sup>4</sup> While Applicant’s STONEDGE mark is derived from the telescoping of STONE and EDGE, each of Opposer’s marks are compound marks where two distinct terms (one or both misspelled) are represented as one. The -EDGE portion of Applicant’s STONEDGE mark shares no similarities in sound, appearance or meaning with the suffix portion of any of Opposer’s marks. In fact, Opposer does not even attempt to argue that there are any such similarities.

Opposer’s sole argument, therefore, is that Applicant’s STONEDGE mark is confusingly similar to one or more of its marks because each such mark (e.g., STONFIL, STONCREST, STONSET, STONLOK) starts with the same four letters as Applicant’s STONEDGE mark.

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<sup>3</sup> Webster’s II New Riverside University Dictionary at p. 1142. Applicant requests that the Board take judicial notice of the proffered definition of “stone” from the referenced dictionary, the relevant pages of which are submitted as Exhibit A. *See* TBMP 704.12(a); *see also* *University of Notre Dame du Lac v. J. C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982), *aff’d*, 703 217 USPQ 505 (Fed. Cir. 1983) (judicial notice can be taken of dictionary definitions).

<sup>4</sup> Although not directly argued in its Brief, Opposer suggests that the marks are similar in length although it should be noted that only four of Opposer’s 14 asserted marks have the same number (8) of letters as Applicant’s STONEDGE mark.

While this is inarguably true, the parties' marks are not, when compared in their entireties, confusingly similar. While Opposer may wish to argue that the STON- prefix is the dominant element of the parties' marks, it has failed to prove that consumers are most likely to remember this aspect of the parties' marks. *See Hoover Co. v. Royal Appliance Mfg. Co.*, 57 USPQ2d 1720, 1722 (Fed. Cir. 2001) (burden of proof is on the opposer to prove which aspects of the marks consumers are most likely to remember) and cases cited therein. Given the absence of any evidence to the contrary, both parts of the parties' marks must be given equal weight when comparing the marks for confusing similarity. "When it is the entirety of the marks that is perceived by the public, it is the entirety of the marks that must be compared." *Opryland USA Inc. v. Great Am. Music Show Inc.*, 23 USPQ 1471, 1473 (Fed. Cir. 1992). "[E]ach case requires consideration of the effect of *the entire mark* including any term in addition to that which closely resembles the opposing mark." *Rockwood Chocolate Co., Inc. v. Hoffman Candy Co.*, 152 USPQ 599, 602 (CCPA 1967) (emphasis in original).

The STON- element of Opposer's marks is not more dominant than the other element(s) in each of Opposer's marks. Applicant avers that the STON- element of Opposer's marks, as used in connection with the Opposer's goods, is highly suggestive or even descriptive and, therefore, would be less likely to be impressed in the minds of consumers. As previously discussed, the term "stone" immediately informs consumers that Opposer's goods are hard as stone. Further, Opposer's goods are "floors and flooring systems", "grouts" and chemical resins, coatings, hardeners, additives, and curing agents for floors and flooring systems. A "floor" as used in the context of a "house or other structure" is defined as "the layer of boards, brick, stone, etc. in an apartment, on which people tread; the under surface of the interior of a room."<sup>5</sup>

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<sup>5</sup> Oxford English Dictionary, Second Edition, Volume V at pp. 1077-8. Applicant requests that the Board take judicial notice of the proffered definition of "floor" from the, the relevant pages of which are submitted as

Therefore, in the context of Opposer's goods, the STON- element of Opposer's marks is a phonetically-equivalent misspelling of the term "stone" and consumers would understand that this term is merely describing the type of floor/flooring sold by Opposer and that it is merely describing the compatibility of Opposer's grouts, chemical resins, coatings, hardeners, additives, and curing agents, i.e., that they are used for installing stone floors and flooring systems. Where a party has a weak mark or has marks that include a weak element, even competitors may come closer to the mark than would be the case with a strong mark without violating the party's rights. *See Sure-fit Prods. Co. v. Saltzson Drapery Co.*, 117 USPQ 295 (CCPA 1958) (marks SURE-FIT and RITE-FIT, both for slip-covers, held not confusingly similar); *see also Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 167 USPQ 529 (CCPA 1970) (because the common element in the marks is a common noun or adjectival word of everyday usage in the English language and has a laudatory or suggestive indication, PEAK PERIOD for personal deodorants is not confusingly similar to PEAK for dentifrice).

Although Applicant's STONEDGE mark begins with the element STON- like the Opposer's mark, the element -EDGE in Applicant's STONEDGE mark bears absolutely no similarities to the additional element in each of Opposer's marks: -HARD, -CLAD, BLEND, -KOTE, -SHIELD, -CREST, -CRETE, -FIL, -LINER, -LOK, -LUX, -PROOF, -SET or -SEAL. Thus, STONEDGE is readily distinguishable from STONHARD, STONEDGE is readily distinguishable from STONCLAD, STONEDGE is readily distinguishable from STONBLEND, STONEDGE is readily distinguishable from STONEKOTE, STONEDGE is readily distinguishable from STONESHIELD, STONEDGE is readily distinguishable from STONECREST, STONEDGE is readily distinguishable from STONCRETE, STONEDGE is readily distinguishable from STONFIL, STONEDGE is readily distinguishable from

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Exhibit B. *See* TBMP 704.12(a); *see also* fn. 3, *infra*, and case cited therein.

STONLINER, STONEDGE is readily distinguishable from STONLOK, STONEDGE is readily distinguishable from STONELUX, STONEDGE is readily distinguishable from STONEPROOF, STONEDGE is readily distinguishable from STONSET, and STONEDGE is readily distinguishable from STONSEAL.

Thus, the differences between Applicant's STONEDGE mark and each of Opposer's marks outweigh the similarities—especially given the weakness of the common element STON-. *See King Candy Co. v. Eunice King's Kitchen, Inc.*, 182 USPQ 108, 110 (CCPA 1974) (confusion unlikely when marks are of such non-arbitrary nature that the public easily distinguishes slight differences in the marks under consideration).

**2. The goods identified in the Opposed Application are not closely related to the goods set forth in Opposer's registrations.**

While Opposer concludes its analysis of the second *du Pont* factor with the blanket assertion that the parties' goods are "at the very least, closely related", it only specifically argues in its brief that there is a relationship between Applicant's goods and the goods it sells under its STONFIL, STONSET, and STONCRETE marks. Opposer's Brief at pp. 19-23. Opposer makes no explicit arguments that any of its other marks are used on goods that are closely related to the goods set forth in the Opposed Application.

Considering first the goods identified in Opposer's registrations for the marks STONFIL, STONSET, and STONCRETE, Opposer essentially argues that Applicant's goods "go together essentially hand-in-glove" with the goods set forth in the Opposed Application because Applicant's goods "*could* be installed using StonCor's mortars or other products sold under StonCor's marks STONFIL, STONSET, and STONCRETE". Opposer's Brief at p. 19 (emphasis added). Therefore, it appears that Opposer is arguing that the parties' goods are complementary products. First, there is no evidence of record to support this theory. Opposer

has not proffered any evidence that mortars, grouts, waterproof and cementitious block fillers and coatings, 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, flooring underlayerments or cementitious anchoring and casting materials for use with masonry and concrete are actually used to install precast decorative stone. Second, even if Opposer could establish that such goods are, would or could be used to install precast decorative stone, there is, more importantly, no evidence of record to establish that Applicant's goods and any of Opposer's goods bear such a relationship that purchasers would be led to believe that they emanated from or were connected with a common source. *See, e.g., In re Hyundai Motor Am.*, Serial No. 78889340 at p. 8 (Sep. 14, 2009) [not precedential] ("merely because two products are attached or used together does not necessarily mean they are closely related"); *see also In re Rola Weinbrenneri und Likofabrik GmbH & Co. KC*, 223 USPQ 57, 58 (TTAB 1984) ("the critical question ... is not whether the ... products can be used or mixed together (although that is a factor to be considered), but rather whether ... they bear such a relationship that purchasers would be led to believe that they emanated from or were connected with a common source.").

Opposer has not proffered any evidence that consumers of the goods it sells under its STONFIL, STONSET, and STONCRETE marks would expect that precast decorative stone would come from the same source as such goods. Specifically, Opposer has not proffered evidence of even a single entity that uses the same trademark to sell precast decorative stone and any of the goods identified in Opposer's registrations for the marks STONFIL, STONSET, and STONCRETE. Furthermore, Opposer has not proffered any evidence that any of its products are sold in proximity to Applicant's goods in retail or even wholesale outlets. Accordingly, there is no reason to even presume that consumers will perceive that there is a relationship between the

party's goods.

Considering second the remaining goods in Opposer's registrations, e.g., floors and flooring, Opposer does not even argue that such goods and Applicant's goods are similar in use or function or that they are competitive products. In this regard, Applicant notes that decorative stone is inherently not a type of functional stone that could be used as floors or flooring systems.<sup>6</sup> Therefore, the parties' goods do not perform the same function nor are they used for the same purposes. Therefore, there is clearly no overlap in the parties' goods.

There is no evidence that the parties' goods are or could be marketed to the same consumers in situations that would give rise to the mistaken belief that they originate from or are in some way associated with the same entity or provider. While Opposer nakedly asserts that the parties' goods could be sold to building contractors, architects, and building superintendents, no explanation is established or even asserted as to how or when such individuals would encounter either party's goods or the marketing for such goods.

Lastly, there is no evidence of record which would even suggest that precise decorative stone is a good that is within the natural zone of expansion for entities that provide the goods set forth in Opposer's registrations.

In sum, there is no evidence of record to establish that the parties' different goods are closely related. Opposer's theory that some of its goods could be used with the installation of precast decorative stones, at most, suggests that there is a mere possibility of confusion rather than a likelihood of confusion. *See Bongrain Int'l (Am.) Corp. v. Delice de France, Inc.*, 1

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<sup>6</sup> Applicant requests that the Board take judicial notice of the definitions of "decorative stone" which are taken from an online dictionary, a print-out of which is attached hereto as Exhibit C. Applicant notes that these definitions are taken from print publications (information about these print publications is also attached) and are of a type that are not subject to reasonable dispute in that they are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See Syngenta Crop Protection, Inc. v. Bio-Chek, LLC*, 90 UPSQ2d 1112 (TTAB 2009) quoting Fed. R. Evid. 201(b)(1) (accepting print-outs from online dictionaries that are the electronic version of printed dictionaries).

USPQ2d 1775, 1779 (Fed. Cir. 1987) (The “statute refers to likelihood, not the mere possibility, of confusion”).

**3. The remaining *du Pont/Majestic* factors do not favor Opposer.**

In addition to discussing the first two *du Pont/Majestic* factors in its Brief, Opposer mechanically addresses each of the *du Pont* factors. Opposer has, however, presented no admissible evidence that would have sufficient bearing on any of the *du Pont/Majestic* factors, other than the first two, to merit any consideration in this case. *See Olde Tyme Foods, Inc. v. Roundy's, Inc.*, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992) (factors must be considered “when relevant evidence is of record”); *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 218 USPQ 390, 393 (Fed. Cir. 1983) (factors must be considered “when of record”). For example, there is no evidence that the parties' goods travel in the same channels of trade nor is there any evidence establishing the trade channels for either party's goods. Even if all of the *du Pont* factors are analyzed in light of the evidence of record, none of these additional factors would overcome the dissimilarity of the marks or the lack of relatedness of the parties' goods.

Even so, Applicant notes Opposer's concession that the parties' products are sold to “careful, sophisticated purchasers” as a factor that weighs heavily in favor of finding no likelihood of confusion. Opposer's Brief at p. 26. In its brief, Opposer explains that architects, building managers, construction contractors, and specification writers (the people it alleges are the consumers for both its goods and Applicant's goods) are “well educated professionals, not known for being impulse buyers.” Opposer's Brief at p. 26. “Where the purchasers are the same, their sophistication is important and often dispositive because “[s]ophisticated consumers may be expected to exercise greater care.” *Electronic Design & Sales Inc. v. Electronic Data Sys. Corp.*, 21 USPQ2d 1388, 1392 (Fed. Cir. 1992) (Internal citation omitted); *see also Astra*

*Pharm. Prods., Inc. v. Beckman Instruments, Inc.*, 220 USPQ 786, 791 (1st Cir. 1983) (“[T]here is always less likelihood of confusion where goods are expensive and purchased and used by highly specialized individuals after careful consideration.”). In this case, the sophistication of the purchasers weighs in Applicant’s favor to the point that it is dispositive of the issue of likelihood of confusion.

### SUMMARY

Opposer has failed to meet its burden of proof to establish that Applicant does not have the right to register its STONEDGE mark. The non-distinctiveness of the common family element, STON-, and the absence of any evidence that Opposer has ever used and promoted its marks together in such a manner as to create public recognition in the common family element prevents a finding that Opposer has a family of STON- marks. Instead, Opposer has predicated its entire opposition on the misplaced belief that its mere ownership of several registrations with a common element, *ipso facto*, created rights broad enough to overcome the lack of any similarity in the sound, appearance or meaning between any of its marks individually and Applicant’s STONEDGE mark. The differences in the parties’ marks and the absence of any evidence that the parties’ marks are used on goods that are closely related is fatal to Opposer’s assertion of a likelihood of confusion. Therefore, Applicant requests that the opposition be

denied and that the instant application be issued as a registration.

Respectfully submitted,

LES PIERRES STONEDGE INC.

Dated: February 1, 2010

By:



James R. Menker

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Attorneys for Applicant

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "APPLICANT'S MAIN BRIEF" was served on Opposer's attorney, Charles N. Quinn of Fox Rothschild LLP, with an address at 2000 Market Street, 10<sup>th</sup> Floor, Philadelphia, PA 19103-3291, via first class mail, postage prepaid, today February 1, 2010.

By:

  
\_\_\_\_\_  
Laura K. Greer

# **EXHIBIT A**

2. Heavy, starchy, and hard to digest <a stodgy dinner> 3. Solidly built: **STOCKY**. —**stodg'ly** adv. —**stodg'ness** n.

**stogy** or **stogie** (stō'gē) n., pl. **-gies**. [After *Conestoga*, Pennsylvania.] 1. A long, thin, inexpensive cigar. 2. A rough, heavy shoe or boot.

**stolic** (stō'lik) also **stolical** adj. [*Lat. Stoicus*, a Stoic < Gk. *Stoikos* < *stoa* (Poikilē), (Painted) Porch, where Zeno taught.] Apparently indifferent to or unaffected by pleasure or pain: **IMPASSIVE** <"stolic resignation in the face of hunger" —John F. Kennedy> —n. **stoic**. 1. A stoic person. 2. **Stoic**. A member of a Greek school of philosophy, founded by Zeno about 308 B.C., holding that human beings should be free from passion and calmly accept all occurrences as the unavoidable result of divine will. —**stoic'ly** adv. —**stoic'calness** n.

**stoichiometry** (stōi'kē-ōm'ē-trē) n. [*Gk. stoicheion*, element + *-metry*.] Methodology and technology by which quantities of reactants and products in chemical reactions are determined. —**stoichiomet'ric** (-ō-mē'tr'ik) adj. —**stoichiomet'rically** adv.

**stoicism** (stōi'siz'əm) n. 1. Indifference to pleasure or pain: **IMPASSIVENESS**. 2. **Stoicism**. The philosophical doctrines of the Stoics.

**stoke** (stōk) v. **stoked**, **stoking**, **stokes**. [*Back-formation* < *STOKER*.] —vt. 1. To stir up and feed amply, as a fire. 2. To feed fuel to and tend (a furnace). —vi. To feed fuel to and tend a furnace.

**stokehold** (stōk'hōld') n. *Naut.* The compartment into which a ship's furnaces or boilers open.

**stokehole** (stōk'hōl') n. [*Transl. of Du. stookgat*.] 1. The space about the opening in a furnace or boiler. 2. *Naut.* A stokehold.

**stoker** (stō'kər) n. [*Du. < stoken, to poke*.] 1. One who feeds fuel to and tends a furnace, as a fireman on a locomotive. 2. A mechanical device for feeding coal to a furnace.

**stole** (stōl) n., [*ME, long robe < OE stol < Lat. stola < Gk. stolē, garment*.] 1. A long usu. embroidered silk or linen scarf, worn over the left shoulder by deacons and over both shoulders by priests and bishops while officiating. 2. A long cloth or fur scarf worn about a woman's shoulders. 3. A long robe worn by ancient Roman matrons.

**stole** (stōl) v. p.t. of **STEAL**.

**stolen** (stō'lən) v. p.p. of **STEAL**.

**stolid** (stō'lid) adj. [*Lat. stolidus*, stupid.] Feeling or exhibiting little emotion: **IMPASSIVE**. —**sto'lid'ly** adv. —**stolid'ness** n. —**sto'lid'ly** adv.

**stollen** (stō'lən) n., pl. **-len** or **-lens**. [*G.*] A rich yeast bread containing raisins, citron, and chopped nuts.

**stolon** (stō'lən) n., [*Lat. stolo, stolon, branch*.] 1. Bot. A stem growing along or under the ground and taking root at the nodes or apex to form new plants. 2. *Zool.* A stemlike structure of certain colonial organisms from which new individuals bud. —**sto'lon'ate** (-lō-nāt') adj.

**stoloniferous** (stō'lō-nif'ər-əs) adj. Yielding or forming stolons. —**sto'lonif'erously** adv.

**stoma** (stō'mə) n., pl. **-mata** (-mə-tə) or **-mas**. [*NLat. < Gk., mouth*.] 1. Bot. One of the minute pores in the epidermis of a leaf or stem through which gases and water vapor pass. 2. *Anat.* a. A small aperture in the surface of a membrane. b. A tiny opening in the surface of the peritoneum thought to be for the passage of fluid into the lymphatic vessels. 3. *Zool.* A mouthlike opening, as the oral cavity of a nematode.

**stomach** (stūm'ək) n. [*ME stomak < Ofr. stomaque < Lat. stomachus < Gk. stomakhos < stoma, mouth*.] 1. a. The enlarged saclike portion of the alimentary canal, one of the principal organs of digestion, located in vertebrates between the esophagus and the small intestine. b. A similar digestive structure of many invertebrates. 2. The abdomen; belly. 3. An appetite for food. 4. A desire or inclination. 5. Obs. Courage; spirit. 6. Obs. Pride. —vt. **-ached**, **-aching**, **-achs**. 1. To bear; tolerate <couldn't stomach that insult> 2. Obs. To resent.

**stomachache** (stūm'ək-ək') n. Abdominal pain.

**stomacher** (stūm'ək-ər) n. A heavily embroidered or jeweled garment formerly worn over the chest and stomach, esp. by women.

**stomachic** (stō-māk'ik) adj. 1. Of or relating to the stomach: **GASTRIC**. 2. Beneficial to or stimulating digestion in the stomach. —n. An agent that strengthens or stimulates the stomach. —**sto-mach'ic'ally** adv.

**stomach pump** n. A suction pump with a flexible tube inserted into the stomach through the mouth and esophagus to empty the contents of the stomach in an emergency, as in poisoning.

**stomach worm** n. A parasitic nematode worm that infests the stomachs of animals; esp. *Haemonchus contortus*, a parasite of sheep and other ruminants.

**stomat** pref. var. of **STOMATO-**.

**stomata** (stō'mə-tə) n. pl. of **STOMA**.

**stomatal** (stō'mə-təl) adj. Of, relating to, or having a stoma.

**stomatic** (stō-māt'ik) adj. 1. Of or pertaining to the mouth. 2. *Stomatal*.

**stomatitis** (stō'mə-tīt'is) n. Inflammation of the mucous tissue of the mouth.

**stomato-** or **stomat-** pref. [*< Gk. stoma, stomat, mouth*.] Mouth: stoma <stomatitis>

**stomatology** (stō'mə-tōl'ō-jē) n. Medical study of the physiology and pathology of the mouth. —**sto'ma-to-log'ic'al** (-tō-lō'j'ē-kəl), **sto'ma-to-log'ic** adj. —**sto'ma-to-log'ist** n.

**stomatopod** (stō-māt'ō-pōd') n. [*NLat. Stomatopoda*, order name: Gk. *stoma*, mouth + Gk. *pous*, foot.] Any of various marine crustaceans of the order Stomatopoda, including the squilla.

**stomatous** (stō-mə-təs) adj. *Stomatal*.

**stomodeum** also **stomodaemum** (stō-mō-dē-əm) n., pl. **-dea** also **-daeae** (-dē-ā) [*NLat. < Gk. stoma, mouth + Gk. hōdaios*, on the way < *hodos*, road.] An embryonic oral cavity. —**sto'mo-de-'al** adj.

**stomp** (stōmp) v. **stomped**, **stomping**, **stomps**. [*Var. of STAMP*.] —vt. To trample heavily or violently on. —vi. To trample heavily or violently. —n. 1. A dance involving a rhythmical and heavy step. 2. The jazz music for the stomp.

**-stomy** suff. [*< Gk. stoma, opening, mouth*.] A surgical operation in which an artificial opening is made into a specified organ or part <colostomy>

**stone** (stōn) n. [*ME < OE stān*.] 1. a. Concreted earthy or mineral matter: **ROCK**. b. This material used for construction. 2. A small piece of rock. 3. Rock shaped or finished for a specific purpose, esp.: a. A gravestone. b. A grindstone, millstone, or whetstone. c. A milestone or boundary stone. 4. A gem. 5. Something like a stone in shape or hardness, as a hailstone. 6. Bot. The hard covering enclosing the kernel in certain fruits, as the cherry or plum. 7. *Pathol.* A mineral concretion in a hollow organ, as in the kidney. 8. pl. **stone**. A unit of weight in Britain, 6.36 kilograms or 14 pounds avoirdupois. 9. A table with a smooth surface on which page forms are composed. —vt. **stoned**, **stoning**, **stones**. 1. To hurl or throw stones at, esp. to kill with stones. 2. To remove the stones or pits from. 3. To furnish, fit, pave, or line with stones. 4. To rub on or with a stone in order to polish or sharpen. 5. Obs. To make hard or indifferent. —**ston'er** n.

**Stone Age** n. The earliest known period of human culture, marked by the use of stone tools.

**stone-blind** (stōn'blind') adj. Totally blind.

**stone-broke** (stōn'brōk') adj. Totally broke: **PENILESS**.

**stone cell** n. A nearly isometric sclereid found in certain fruits.

**stonechat** (stōn'chăt') n. A small Old World bird, *Saxicola torquata*, with dark plumage.

**stonecrop** (stōn'krōp') n. 1. Any of various plants of the genus *Sedum*, with fleshy leaves and variously colored flowers. 2. Any of various plants related to the stonecrop.

**stonecutter** (stōn'kūt'ər) n. One that cuts stone. —**stonecut'ting** n.

**stoned** (stōnd) adj. *Slang*. 1. Intoxicated; drunk. 2. Being under the influence of a mind-altering drug, as marijuana.

**stone-deaf** (stōn'dēf') adj. Totally deaf.

**stonefish** (stōn'fīsh') n., pl. **stonefish** or **-fish-es**. Any of several tropical marine fishes of the family Scorpaenidae, with spines that eject a deadly venom.

**stonefly** (stōn'flī) n. Any of numerous winged insects of the order Plecoptera; found on banks of streams and used as fishing bait both in the larval and adult stage.

**stone fruit** n. A drupe.

**stone-ground** (stōn'grəund') adj. Ground in a buhrstone mill <stone-ground flour>

**stone lily** n. A fossil crinoid.

**stone marten** n. 1. A Eurasian mammal, *Martes foina*, having brown fur with lighter underfur. 2. The fur of the stone marten.

**stone mason** (stōn'mā'sən) n. One who prepares and lays stones in building. —**stone'ma'son'ry** n.

**stone mint** n. A North American plant, *Cunila origanoides*, with small purplish or white flower clusters.

**stone's throw** n. A short distance <just a stone's throw away>

**stone-wall** (stōn'wōl') v. **-walled**, **-walling**, **-walls**. —vi. 1. To play defensively rather than trying to score in cricket. 2. *Informal*. a. To engage in delaying tactics: **STALL** <"Stonewalling for a time in order to close the missile gap" —James Reston> b. To refuse to answer or cooperate. —vt. *Informal*. To refuse to answer or cooperate with <"I want you to stonewall it, let them plead the Fifth Amendment." —Richard M. Nixon> —**stone'wall'er** n.

**stone-ware** (stōn'wār') n. A heavy, nonporous pottery.

**stone-work** (stōn'wōrk') n. 1. The process or technique of working in stone. 2. Stone masonry. —**stone'work'er** n.

**stone-wort** (stōn'wōrt', -wōrt') n. Any of various green algae of the genus *Chara* that grow submerged in fresh or brackish water and are often encrusted with deposits of calcium carbonate.

**stony** also **stoney** (stōn'ē) adj. **-ier**, **-iest**. 1. Covered with or full of stones: 2. Like stone, as in hardness. 3. Unemotional; hard-hearted. 4. Rigid; impassive <a stony stare> 5. Emotionally numb. —**ston'y** adv. —**ston'iness** n.

**stonyhearted** (stōn'ē-hārt'id) adj. **STONY** 3. —**ston'y-heart'ed-ness** n.

**stood** (stōd) v. p.t. & p.p. of **STAND**.

**stooge** (stōb) n. [*Orig. unknown*.] 1. *T. dian*. 2. One who allows oneself to be puppet. 3. **STOOL PIGEON** 2, 3. —vi. **stoog** To be or behave as a stooge.

**stool** (stōl) n. [*ME stol < OE stōl*.] 1. A seat supported on legs or a pedestal. 2. A leg (feet or knees in sitting or kneeling); as a **PRIVY**. 4. a. A bowel movement. b. *Fecal* rootstock producing shoots or suckers. b. *stump* or rootstock. —vi. **stooled**, **stool**, shoots or suckers. 2. To defecate. 3. *Slang*. a stool pigeon.

**stoolie** (stōl'ē) n. **STOOL PIGEON** 3.

**stool pigeon** n. [*From the practice of stool*.] 1. A pigeon used as a decoy. 2. *Slang*. a decoy. 3. *Slang*. An informer, esp. a spy.

**stoop** (stōp) v. **stooped**, **stooping**, **stoops**. —vi. 1. To bend forward and do middle of the back. 2. To walk or stand back bent forward. 3. To bend or sag down: **CONDESCEND**. 5. To yield; submit. 6. To pursuing its prey. —vt. 1. To bend (the head down). 2. To debase; humble. —n. 1. An actual bending forward of the head and upper oneself: **CONDESCENSION**. 4. A descent, as ( **stoop** (stōp) n. [*Du. stoep, front verand form, or staircase leading to the entrance o*

**stoop** (stōp) n. var. of **STOOP**.

**stoop-ball** (stōp'bōl') n. A game patterned player throws a ball against a stoop or wall.

**stop** (stōp) v. **stopped**, **stopping**, **stops**. [*stop* < *LLat. stippare < Lat. stippa, stoppe*.] —vt. 1. To close (an opening) by plugging up. 2. To constrict (an opening). passage on (e.g., a road). 4. To prevent the cause to halt, cease, or desist. 6. To desist; ing> 7. To order a bank to withhold pay check> 8. To cause (e.g., a motor) to cease HALT. 9. a. To press down (a string on a stringed instrument) with the finger in sounding a'd cease moving, progressing, acting, or operati what one is doing: **CEASE**. 3. To interrupt a jo stay <stopped at the pub> —n. 1. a. An state of being stopped: **CESSATION**. 2. A finish as during a trip. 4. A place stopped at <a tr or means that obstructs, blocks, or plugs up bank to withhold payment on a check. 7. To stops or regulates movement. b. A perforate that limits the effective aperture of a lens, improved definition but lowered intensity, esp. a period. 9. *Mus.* a. The act of stoppin, musical instrument. b. A hole on a wind ins stringed instrument. d. A key for closing the ment. 10. *Mus.* a. A tuned set of pipes, as i key, or pull that regulates such a set of pipes for securing something temporarily <a sail s as English p.t.; or k, marked by an articula passage is completely closed: 13. The depressio and top of the skull of a dog. —adj. Of, relatir the end of an operation or activity <a stop c

**STOPS**: 1. STOP, ARREST, CEASE, CHECK

**STAY v. core meaning**: to prevent the occurre: <stopped the execution of the prisoner> <noise> ant: start 2. STOP, CEASE, DESIST, DIS OFF, LEAVE OFF, QUIT v. core meaning: to come that finally stopped <a guard who yelled fo

**stopcock** (stōp'kōk') n. A valve that regul through a pipe: **FAUCET**.

**stope** (stōp) n. [*Perh. < LG step*.] An excavati made by the mining of ore from steeply incl —vt. & vi. **stopped**, **stopping**, **stopes**. To i mine by means of a stope.

**stopgap** (stōp'gāp') n. An improvised substi dent.

**stoplight** (stōp'līt') n. 1. A traffic signal. 2. A vehicle activated when the brakes are applied.

**stop order** n. An order to a broker to buy or teaches a specified level of decline or gain.

**stop-over** (stōp'ōvər) n. 1. An interruption i nny for stopping at a certain place. 2. A place vi journey.

ā pat ā pay ā care ā father ē pet ē be hw which fpl  
ī tie īr pier ō pot ō toe ō paw, for oi noise ōō took

ō boot ou out th thin th this ū cur  
vō abuse zh vision z about, item, edil

S II

# New Riverside University Dictionary



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# **EXHIBIT B**

**d.** To become flooded.  
 1908 *Daily Report* 24 Aug. 9/1 A carburettor which resistently floods is not uncommon. 1912 *Motor Man*. 13 persistent tendency to flood... due to a punctured float.  
**5.** To suffer from uterine hæmorrhage.  
 1770 HEWSON in *Phil. Trans.* LX. 404 To give women, hence are flooding, considerable quantities of port wine.  
 Hence 'flooding' *ppl.* a. Also 'flooder'.  
 1627-61 FELTHAM *Resolves* l. liii. 95 They... pour a plenty n the general world... Surely, we nickname this same odding man, when we call him by the name of Brave.  
 833 MRS. BROWNING *Prometh. Bound Poems* (1850) l. 179 y the flow Of flooding Nile. 1871 *Daily News* 30 June, 'they flooded the constituency with money... and the result 'as that the honourable flooder was sent to what is called nother place. 1891 GALABIN *Midwifery* (ed. 2) 731 Certain 'omen have a constitutional proclivity to flooding... and ave been described as 'flooders'.

**loodable** ('fladəb(ə)l), a. [f. FLOOD v. + -ABLE.]  
 liable to be flooded, subject to inundation.  
 1872 *Daily News* 21 May. The late rains have flooded all oodable parts of the country.

**loodage** ('fladɪdʒ). [f. FLOOD sb. + -AGE.] A looded state, inundation.  
 1864 CARLYLE *Fredk. Gt.* IV. XII. vi. 164 This place... had any accidents by floodage and by fire. 1870 *Law Rep. Com.* 'eas V. 667 The effect of the milldam... is to cause back ater, or as it is called, floodage on the land above.

**looded**, *ppl.* a. 1. In the senses of the verb.  
 1834 M. SCOTT *Cruise Midge* (1859) 429 From the flooded loor the water was soaking through the seams. 1854 J. S. C. BOTT *Napoleon* (1855) II. iv. 76 'Pardon,' she exclaimed ith... flooded eyes. 1881 MRS. C. PRÆD *Policy & P.* I. 130 'adox had... saved Cathcart's life in a flooded creek.  
 2. flooded gum *Austral.*, any of several ucalypts growing in damp soil.  
 1847 F. W. L. LEICHHARDT *Jrnl. Overland Exped. Austral.* . 324 The latter part of the stage was again over a large box-lat, intersected by shallow grassy depressions, timbered with flooded-gum. 1884 A. NILSON *Timber Trees N.S.W.* 36 Flooded gum, *Eucalyptus* rostrata, saligna, viminalis, esinifera. 1923 D. G. STÆD *Tree Bk.* 24 A splendid tree is he Sydney Blue Gum, also called Flooded Gum. This tree grows to more than 150 feet high in the eastern forests of New South Wales and southern Queensland. 1965 *Austral. Encycl.* III. 405/1 Large Sydney blue gums or flooded gums *E. saligna* at Tamborine Mountain.

**flood-gate, 'floodgate.**  
 1. *sing.* and *pl.* A gate or gates that may be opened or closed, to admit or exclude water, *esp.* the water of a flood; *spec.* the lower gates of a ock.  
 c.1440 *Promp. Parv.* 167/2 Flodegate of a mylle, *sino-* fletorium. 1519 *Churchw. Acc. St. Giles, Reading* 3 For a ent next the flode gate in the North side of the said mill ane. 1677 *PLOT Oxfordsh.* 233 There are placed a great pair of folding doors, or Flood-gates of Timber cross the river. 1769 *FALCONER Dict. Marine* (1789), *Basin of a dock*, a place where the water is confined by double flood-gates. 1781 *Chambers's Cycl. s.v. Lock or Weir*, Lock is... a kind of canal enclosed between two gates; the upper called by workmen the sluice-gate, and the lower called the flood-gate. 1858 *LARDNER Hydrot.* etc. iv. 66 The water in the higher level is confined by a floodgate.  
 b. *transf.* and *fig.* chiefly in expressions relating to rain or tears.  
 c.1225 *Anncr. R.* 72 Hwon 3e nede moten spoken a lute-wiht, leseþ uwer muþes flodzetten, ase me ded et ter mulne, and leted adun soe. 1548 *HALL Chron., Hen. VI.* 158b, To set open the fludde gates of these devises, it was thought necessary, to cause some good comocion and rysing of people. 1592 *SHAKS. Ven. & Ad.* 959 Through the flood-gates breaks the siluer rain. 1607 *HIERON Wks.* l. 89 It setteth open the very floudgate of Gods wrath. a.1656 *Bp. HALL Rem. Wks.* (1660) 109 Let no Antinomian stop the floodgates of our eyes. 1663 *COWLEY Disc. O. Cromwell* (1669) 67 It is God that breaks up the Flood-gates of so general a Deluge. 1781 *COWPER Convers.* 264 When wine has forced the flood-gates of licentious mirth! 1848 *THACKERAY Van. Fair* xxvi, The floodgates were opened, and mother and daughter wept.

2. a. A sluice. *b. dial.* (see quot. 1886).  
 1559 A. ANDRISON in *W. Boys Sandwich* (1792) 739 Wheales... for the drawunge up of the fludgates. 1870 *SPURGEON Treas. Dav.* Ps. v. 3 It is idle to pull up the flood-gates of a dry brook, and then hope to see the wheel revolve. 1886 *ELWORTHY W. Somerset Word-bk., Flood-gate*, a gate hung upon a pole across a stream, so that in flood-time it rises and falls by floating on the water. Its purpose is... to prevent cattle passing when the water is low.  
 †3. The stream that is closed by or passes through a flood-gate; a strong stream, a torrent. Also *transf.* and *fig.* Obs.  
 1388 *WYCLIF Job xxxvi.* 27 Which... schedith out reynes at the licenesse of floodgatis. 1533 *Act 25 Hen. VIII.* c. 7 Take... in fudgate, salmon-pipe, or at the tayle of any mylle or were... the young fry... of... salmon. 1590 *SPENSER F.Q.* II. i. 43 Of her gored wound... He... did the floodgate stop With his faire garment. 1651 C. CARTWRIGHT *Cert. Relig.* 1. 22 My Lord, you let a flood-gate of Arguments out.

b. *attrib.* passing into adj.  
 1604 *SHAKS. Oth.* l. iii. 56 For my particular griefe Is of so flood-gate, and ore-bearing Nature.  
 4. *Comb.*, as flood-gate iron (see quot. 1833).  
 1783 in *Boswell Johnson* (1848) 721/2 'Sir,' said he, 'I am the great T'walmley, who invented the New Floodgate Iron'. 1833 J. HOLLAND *Manuf. Metal* II. 253 The second [box-iron] is made hollow, for the reception of a heater; and with reference to the contrivance by which the heater is shut in,

**flood-hatch.** [see HATCH.] A framework of boards sliding in grooves, to be raised in time of flood; a sluice, floodgate. *lit.* and *fig.*  
 1587 *TURBERV. Epit. & Sonn.* (1837) 299, I cannot lue if you doe stoppe, the floodhatch of your friendly brook. 1596 *FITZ-GEFFRAY Sir F. Drake* (1881) 26 Let downe The flood-hatches of all spectators eies. 1806 *WOLCOTT* (P. Pindar) *Tristia* Wks. 1812 V. 340, I close the flood-hatch of your praise. 1807 *VANCOUVER Agric. Devon.* (1813) 319 At the end... another flood-hatch is fixed on a level with the bed of the river. 1880 in *W. Cornwall Gloss.*

**flooding** ('flɑdɪŋ), *vbl. sb.* [f. FLOOD v. + -ING<sup>1</sup>.]  
 1. The action of the vb. FLOOD; an instance of it.  
 1799 J. ROBERTSON *Agric. Perth* 166 Rivers, which, by their flooding, have... formed the richest and deepest mould.  
 b. *pl.* Floods. In quots. *fig.*: Fullness, superabundance.  
 1674 N. FAIRFAX *Bulk & Selv.* Ep. Ded., To... drown their sorrows for the jewel that was lost, in the floodings of their joy for the Cabinet that was left. 1854 MRS. BROWNING *Drama of Exile* Poems 1850 l. 18 Thy body heaves Under the golden floodings of thine hair!

2. A popular term for uterine hæmorrhage, *esp.* in connexion with parturition.  
 1710 T. FULLER *Pharm. Extemp.* 299, I should by no means advise it to any... apt to flooding. 1859 *WALLER* in *Hulme tr. Moquin-Tandon* III. iii. 162 Cases of hæmorrhage... which from their severity are termed 'floodings'.

**floodless** ('flɑdlɪs), a. [f. FLOOD sb. + -LESS.]  
 Without water.  
 1605 *SYLVESTER Du Bartas* II. iii. iii. *Lawe* 702 This floodless Poord the Faithfull Legions pass. 1622 J. TAYLOR (Water P.) *Merry-Wherry-Ferry* B ij, We gat from Forc-dikes floodless flood to Trent.

**floodlet** ('flɑdlɪt), [f. as prec. + -LET.] A little flood.  
 1855 *BAILEY Spirit Leg. in Mystic*, &c. 73 Where... sacred Sinde; Or Brahmopootra, fling o'er bordering meads Their annual floodlets fruitful.

**floodometer** ('flɑ'dɒmɪtə(r)), [f. as prec. + -(O)METER.] An instrument for ascertaining the height of a flood.  
 1880 *Times* 17 Sept. 8/5 The floodometer at the county bridge registered 8 ft. of 'fresh' this noon, and, with falling rain, the water is still rising.

**'flood-tide.** [f. FLOOD sb. + TIDE.] The rising or inflowing tide; = FLOOD sb. 1.  
 1719 *DE FOR CRUSOE* (1840) II. iv. 75 They had... the flood-tide with them. 1841 *MARRYAT Poacher* xxxviii, The flood-tide has made almost an hour, and we must sail at the first of the ebb.  
*fig.* 1861 *TRENCH Comm. Ep. 7 Churches* 77 It seemed as if the flood-tides of a thankful love would never ebb. 1874 *MORLEY Compromise* (1886) 34 We have been... on a flood tide of high profits and a roaring trade.

**floody** ('flɑdɪ), a. Also 5 *fudy*, 6 *floody*, *fluddy*. [f. FLOOD sb. + -Y.] Pertaining to the flood, *i.e.* to the river or to the sea.  
 c.1420 *Pallad. on Husb.* l. 372 Stone tiburtyne, or floody colubnyne. 1483 *Cath. Angl.* 136/2 *Fludy, fluialis.* 1599 *NASHE Lenten Stuffe* Wks. (Grosart) V. 232 To chaunt... an excludite of this monarchal fluddy Induperator [red herring]. 1818 *KEATS Let.* 13 Mar. (1931) l. 110 Devonshire... is a splashy, rainy, misty, 'floody, muddy, slipshod County. 1964 *Penguin Bk. Austral. Ballads* 201 The creek was full and bloody fluddy.

**flook.** see FLUKE.  
**flookan, flooking.** ('flʊkən, -ɪŋ). *Mining.* Also 9 *fuc(c)an*. [Of unknown origin; app. not Celtic.]  
 a. A cross-course or transverse vein composed of clay. b. (See quot. 1869).  
 1728 *NICHOLLS* in *Phil. Trans* XXXV. 403 The Load is frequently intercepted by the crossing of a Vein of Earth, or Stone... This transient Load is by the Miners term'd a Flooking. 1807 *CARNE* *ibid.* XCVII. 293 A flookan... was discovered... which cut the lode at an angle of 45°. 1869 R. B. SMYTH *Gold. Victoria* 611 *Flucan* or *Flookan*, a sort of clayey substance, often found against the walls of a quartz reef, and accompanying cross-spurs and slides.

**floor** (flɔ:(r)), *sb.* 1 *flór*, 3 *flor*, 4-7 *flóre*, *flóre* (e, 5-6, 9 *dial.* *flur* (e, 6 *Sc.* *fluire*, (6 *floyre*), 6-7 *flór* (e, 6-8 *flower*, 7 *flóre*, 7- *flór*. [OE. *flór* str. masc. and fem., corresponds to MDu., mod.Du. *vloer*, MHG. *vluer* masc. and fem. (mod.Ger. *flur* fem. field, plain, masc. floor), ON. *flór* floor of a cowstall:—O Teut. \**floru-s*:—pre-Teut. \**plāru-s* or \**plōru-s*. Cf. ÓIr. *lár*, Welsh *llawr* of same meaning:—pre-Celtic \**plār*-.]  
 1. In a house or other structure.  
 1. a. The layer of boards, brick, stone, etc. in an apartment, on which people tread; the under surface of the interior of a room. Phr. *to mop* or *wipe the floor with*: see MOP v. 2 1 b, WIPE v. 9 e.  
*Beowulf* 725 (Gr.) On fagne for feond tæddore. c.888 K. ÆLFRED *Boeth.* 1, He gefeoll niwol of dune on þa floor. c.1200 *ORMIN* 15566, & all he warrp ut i þe for þe bordess & te sillfer. 1297 R. GLOUC. (1724) 288 þe for to brac vnder hem. a.1400 *Isumbras* 653 The knyghtes... fande the golde right in the flore. 1528 *LYNDESAY Dreame* 13 Sumtyme, playand fairs on the flure. 1681 R. KNOX *Hist. Creylen* 116 They dig an hole in the floor of their house. 1718 *Frytheinker* No. 1750 She walks upon a three Turneing a Feet over the

Floor. 1828 *SCOTT F.M. Perth* xxiii, He threw his glove upon the floor of the church. 1860 *TYNDALL Glac.* l. v. 40 The stone floor was dark with moisture.

b. In extended sense: The base of any cavity; the bottom of a lake, sea, etc. Also *fig.*: a minimum, *esp.* of prices or wages. Cf. CEILING *vbl. sb.* 6 d.

a.1000 *Satan* 318 (Gr.) Flor attré weol. c.1586 C'TESS *PEMBROKE Ps.* LXXVIII. vi, Where the deepe did show his sandy flore. 1844 *EMERSON Lect. New Eng. Ref. Wks.* (Bohn) l. 268 They would know the worst, and tread the floor of hell. 1866 *TATE Brit. Mollusks* iii. 48 The tongue forms the floor of the mouth. 1869 *RAWLINSON Anc. Hist.* 2 Found underneath the floors of caves. 1938 *Reader's Digest* Sept. 1 Even fair price ceilings and quality floors won't answer real needs unless an adequate supply of goods is made available. 1941 *Time* 21 July 70/3 Excuse for the silver-buying program and its artificial price floor... was to keep Western miners at work. 1949 *Economist* 2 Sept. 670/1 Price-floors were set for bituminous coal. 1959 *Ibid.* 11 Apr. 106/2 A floor of only £12 a week on the wages of British artists.  
 †c. *metonymically.* Those who sit on the floor, as opposed to those who occupy elevated seats in token of rank or dignity. *Obs.*

1655-62 *GURNALL Chr. in Arm.* (1669) 296/2 We are in their condition and rank, being of the floor and lowest of the people. 1683 R. NORTH in *State Trials* (1811) IX. 193 Differences between him [the lord mayor] and the aldermen on the one side, and the floor or livery men on the other.

d. *spec.* The floor of a studio where films or television programmes are shot; hence used *allusively*: (a) a film or television studio; (b) in phr. on the floor, of a film; in production.

1937 M. ROBINSON *Continuity Girl* v. 89 Rene was to be continuity. Mr. Kimmins asked me to come on the floor as her assistant. 1948 *Ann. Reg.* 1947 443 The inauguration of the modern Metro-Goldwyn-Mayer floors at Elstree. 1948 *Observer* 22 Feb. 5/1 At Elstree, only one film, the *Guinea Pig*, is on the floor. 1950 'E. CRISPIN' *Freq. Hearses* l. 15 'How far has it [sc. a film] got?' 'It's not on the floor yet... I mean that they haven't actually started making it yet.' 1957 M. KENNEDY *Heroes of Clone* i. 13 I'll make a shooting script... It'll be something you can go on the floor with. 1971 R. BUSBY *Deadlock* xiii. 200 [He's] down there on the floor. We're doing one for the can and then he goes out live.

2. a. The framework or structure of joists, etc. supporting the flooring of a room.  
 1703 *MOXON Mech. Exerc.* 160 Floor, in Carpentry, it is as well taken for the Fram'd work of Timber, as the Boarding over it. 1823 P. NICHOLSON *Pract. Build.* 220 *Bridging Floors*, floors in which bridging joists are used. 1858 *SIMMONDS Dict. Trade, Floor*, the timber, bricks &c. of the platform... on which the planks or flooring is laid.  
 b. Applied to the ceiling of a room, in its relation to the apartment above. Also *transf.* of the sky.

1596 *SHAKS. Merch.* V. v. i. 58 Looke how the floor of heaven is thick inlayed with pattens of bright gold. 1603 *HOLLAND Plutarch's Mor.* 931 Sticking up a brooch or spit... to the floor over head. 1887 *BOWEN Virg. Æneid* l. 287 Then Casar... Bounding his throne by Ocean, his fame by the firmament floor.  
 3. *Naut.* a. (see quot. 1867). †b. The deck. c. *pl.* = *floor-timbers*.

a.1618 *RALEIGH Invent. Shipping* 18 We have given longer Floares to our Ships, then in elder times, and better bearing under Water. 1683 *HACKE Collect. Orig. Voy.* (1699) I. 37 We took up our Water Cask from out of the Main Hatch to the Floor, and cleared the Timbers amid-Ships. 1805 D. STEEL *Naval Archit.* 378 In the Royal Navy... the floors are bolted through the keelson and keel. 1867 *SMYTH Sailor's Word-bk., Floor*, the bottom of a vessel on each side of the keelson; but strictly taken, it is only so much of her bottom as she rests upon when aground. *Ibid.*, *Floors* or *Floor-Timbers*.

4. a. In legislative assemblies, the part of the house where the members sit, and from which they speak.  
 Hence *fig.* The right of speaking; as to get or obtain the floor, to take the floor: to get up to address a meeting; to take part in a debate. Chiefly U.S.  
 1774 J. Q. ADAMS in *Fam. Lett.* (1876) 12 He came upon the floor, and asked a member, 'What state are you now in?' 1804 *PRITTS Speeches* (1806) IV. 354 The right honourable gentleman on the floor. 1811 B. RUSH in *J. Q. Adams's Wks.* (1854) IX. 638 note, It blazed forth... in the year 1776 upon the floor of Congress. 1816 *PICKERING Voc. s.v.* To get the floor; that is, to obtain an opportunity of taking part in a debate. 1880 *MCCARTHY Own times* III. xlvii. 391 The Conservatives get what American politicians call 'the floor'. 1885 *Manch. Exam.* 15 May 6/1 Sauntering boldly up the floor of the House. 1886 *Lit. World* (U.S.) 11 Dec. 460/1 The President took the floor to second the above resolutions. 1888 *BRYCE Amer. Commw.* I. xii. 157 The senator from Minnesota has the floor. *Ibid.* l. xiii. 177 The member who first 'obtains the floor'.

b. In Courts of Law (see quot.).  
 1867 *WHARTON Law Lex.* (ed. 4), *Floor of the court*, the part of the court between the judges and the first row of counsel. Parties who appear in person stand there.  
 c. *from the floor*: of a question, speech, etc.: delivered by an individual (member, spectator, etc.), as opp. to the governing body, the 'platform'.  
 1966 *Rep. Comm. Inquiry Univ. Oxf.* I. 234 Resolutions moved not by Council, but from the floor.  
 5. A set of rooms and landings in a house on the same or nearly the same level; a story. See FIRST-FLOOR.  
 1585 *HIGINS Junius' Nomenclator* 181 *Trisiega*... an house of three colles, floores, stories or lofts one ouer another.

1611 B. JONSON *Catiline* 1. i. He that, building, stays at one Floor or the second, hath erected none. 1751 JOHNSON *Rambler* No. 161 ¶ 5 The lodgers on the first floor had stipulated that [etc.]. 1830 TENNYSON *Mariana* vi. Old footsteps trod the upper floors. 1831 SIR J. SINCLAIR *Corr.* II. 330 Many buildings... are let in floors to mechanics.

## II. A level space or area.

6. a. An artificial platform, or levelled space, for the carrying on of some industry, esp. threshing. Cf. *threshing floor*. Also, a dance-floor; to take the floor: to take part in a dance. †Rarely, a structure to walk over.

†1000 *Ag. Gosp.* Luke iii. 17 He foameth his barnes floor. c1300 *K. Alis*. 6104 Of hundreds of bruggen they made flores, And so they wente into the mores. c1400 MAUNDEV. (Roxb.) xviii. 83 pan pai gader pe fruyt and... layez it upon a flure til it becom blakk and runkled. 1573 BARET *Alv.* F. 721 A floore where corne is threshed, area. 1702 in *London Gaz.* No. 3799/4 Every Cistern... Kiln, Floor, Room, or other Place... made use of for the Wetting or Steeping of Corn. 1775 ROMANS *Hist. Florida* 166 One or two platforms... called drying floors. 1839 W. CARLETON *Fardourgha* (1848) iv. 46 Answer Mrs. Fogarty, stantin' fether you'll take a month's larnin' on the flure. 1851 MAYNE REID *Scalp Hunt*. I. vii. 99 We returned to our seats again; and after refreshing... again 'took the floor'. 1884 C. T. DAVIS *Bricks, Tiles, etc.* v. (1889) 128 The 'floors'... the level places where the bricks are moulded. 1884 L. TROUBRIDGE *Life amongst Troubridges* (1966) 171 We all went to the New Club Ball... such a floor, such music, and such a partner. 1888 *Lockwood's Dict. Mech. Engin.*, Floor, the sand bed of a foundry is termed the floor. 1938 [see CABARET 2b]. 1967 R. RENDELL *New Lease Death* viii. 82 'Hard to make conversation when you're dancing...' 'Like "Don't you think this is a good floor?"' fig. 1782 COWPER *Expost.* 302 Where flails of oratory thresh the floor.

b. *transf.* The corn, etc. placed on a 'floor'. In *Malting*, A batch or quantity of grain laid at one time for steeping, a 'piece'.

182 WYCLIF *Ruth* iii. 2 In this ny3t he wynewith the floor of his barli. 1832 W. CHAMPION *Malster's Guide* 43 The turning of his floors or pieces, by which alone the proper form of the roan can be acquired. 1876 WYLLIE in *Encycl. Brit.* IV. 268 Each steeping is called a 'floor' or piece, and must be laid in succession according to age.

7. a. A naturally level space or extended surface. Also = the ground (*obs. exc. dial.*).

1400 *Morte Arth.* 325 With pe drowghte of pe daye alle drye ware pe flores! 1555 EDEN *Decades* 234 The vpper crust or floure of the earth. 1637 MILTON *Lycidas* 167 Sunk though he be beneath the watery floor. 1692 *Ray Dissol. World* III. v. (1693) 302 Great Banks or Floors of Earth. 1697 DRYDEN *Ving.* *Past.* v. 25 His rosie Wreath was... Born by the tide of Wine, and floating on the Floor. 1820 SHELLEY *Cloud* 47 The moon Gildes glimmering o'er my fleece-like floor. 1839 LONGF. *Celestial Pilot* 3 Down in the west upon the ocean floor. 1865 GARLAND in *Jrnl. Roy. Inst. Cornwall*. Apr. 48 Floor, a grass meadow. 1871 L. STEPHEN *Playgr.* *Eur.* ix. (1894) 198 Forests of pine rise steeply from the meadow floor.

b. the floor (Cricket colloq.): the ground. So to put a catch on the floor: to fail to hold it.

1903 *Strand Mag.* XXV. 624/2 A large majority of them [sc. catches] were 'put on the floor'. 1960 *Times* 14 June 16: With the field drawn tight around the bat and catches being snapped up off the floor.

†8. An area or region. *Obs.* -1

1626 BACON *Sylva* §255 Both of them [visibles and audibles] spread themselves in Round, and fill a whole Floare or Orbe vnto certain Limits.

†9. = BED sb. 8. *Obs. rare.* [Cf. MHG. *vluur* sown field.]

1600 SURFLET *Countrie Farme* II. iv. 206 Of the disposing or appointing of the floores of the kitchen garden.

III. 10. A surface on which something rests; a foundation.

1556 WITHALS *Dict.* (1566) 39 b/1 A flore, or foundacion, wherupon buildyng is set. 1768 SMEATON *Reports* (1797) I. 330 The arches I would recommend are of 12 feet wide, and 6 feet from the floor to the springer. 1960 *Jane's Freight Containers* 1968-69 18/3 Freight Container Components... Floor. Component supporting the payload.

11. The stratum upon which a seam of coal, etc. immediately lies.

1869 R. B. SMYTH *Golf. Victoria* 611 Floor, a false bottom, with washdirt lying on it. 1878 HUXLEY *Physiogr.* 235 Vegetable remains are also met with in rocks beneath the coal, forming what is called the floor. 1883 in GRESLEY *Gloss. Coal Mining* s.v.

IV. A layer = BED III.

12. A layer, a stratum; a horizontal course.

1692 *Ray Dissol. World* II. iv. (1732) 127 Many Beds or Floors of all kinds of Sea-Shells. 1778 PRYCE *Min. Cornwall*. 321 A Floor is a bed of Ore in a Lode. 1851 RICHARDSON *Geol.* i. 7 In the case of tin it occasionally spreads out into a flat mass, technically called a floor.

13. A unit of measurement used for embankment work (see *quants.*).

1707 MORTIMER *Husb.* xv. 309 Banks are measured by the Floor, which is eighteen Foot square and one deep. 1797 *Trans. Soc. Encourag. Arts* XV. 148 A floor of earth is twenty feet square, and one foot deep. 1877 in *N.W. Linc. Gloss.* [= 400 cubic feet].

V. *attrib. and Comb.*

14. Simple *attrib.*, as floor area, -covering, -joist, level, -slab, -space, -stone, -tile; floor-mounted *adj.*

1887 *Pall Mall G.* 9 Nov. 13/2 The... floor area of the large hall having been fully occupied. 1885 *List of Subscribers, Classified* (United Telephone Co.) (ed. 6) 122 *Corticine Floor Covering Co., Limited*, 112 Queen Victoria Street, E.C. 1 1886 K. MOORE *Moving House* x. 121 She was also taking over the dull but still serviceable floor-covering of the flat which she meant to enliven by a couple of her

favourite rugs. 1859 GEO. ELIOT *A. Bede* 183 A difficulty about a \*floor-joist or a window-frame. 1874 MICKLETHWAITE *Mod. Par. Churches*. 127 The steps and \*floor levels. 1962 *Times* 25 May 18/5 The cranked, \*floor-mounted gear lever. 1936 *Discovery* Feb. 56/1 The two principal \*floor-slabs... were of a specially hard kind of granite. 1963 *Gloss. Build. Terms* (B.S.I.) 18 Floor slab, a slab forming the continuous loadbearing structure of a floor and spanning between supports or laid on the ground. 1876 J. S. INGRAM *Centenn. Exposition* v. 150 It occupied about one-seventh of the entire \*floor-space in that structure. 1930 *Times Educ. Suppl.* 23 Aug. 363/2 The small floor-space of the war museum. 1927 *Blackw. Mag.* Apr. 527 Little of the \*floorstone remains. 1956 E. POUND *tr. Sophocles' Women of Trachis* 30 Seemed to corrode of itself. Ate itself up, there on the floor-stones. 1894 *Antiquary* Aug. 41 the \*floor-tiles of these hearths... have been burnt white.

15. Special *comb.*, as floor-arch (see *quot.*); floor-bank (see *quot.* 1750); floor-board, a board used for flooring, also *attrib.*; hence as *vb.*: to press (the accelerator pedal of a motor vehicle) down until it reaches the floor; to accelerate, drive very fast; so floor-boarding; floor-frame, (a) the framework of the floor in a vessel; (b) U.S. the main frame of the body of a railway-carriage underneath the floor; floor-guide, floor-hanger (see *quots.*); floor-head, (a) the upper end of one of the floor-timbers in a vessel; (b) (see *quot.* 1867); floor-hollow (see *quot.*); floor lamp, one that stands on the floor; U.S., a tall lamp designed to stand on the floor; floor-layer, U.S. a workman who lays down floors; floor-laying, the operation of laying down floors; floor-leader U.S., a leader in debate, esp. in legislative assemblies; floor-length a., reaching to the floor; floor-light (see *quot.*); floor man, one who helps to attract customers to a mock auction; floor manager, (a) U.S., a 'master of ceremonies' at a dance; (b) orig. U.S., a shop-walker; (c) U.S., one who organizes support for a candidate in the hall of a political convention; (d) in television production: see *quot.* 1961; floor pattern (see *quot.* 1964); floor-pipe, a hot-air pipe laid along the floor of a conservatory; floor-plan, (a) *Shipbuilding* (see *quot.* 1867); (b) *Arch.* (see *quot.* 1874); floor-plate, (a) *Shipbuilding* (see *quot.* 1883); (b) *Mech. Engin.* = foot-plate; floor polish, a manufactured substance for rendering floors glossy; hence floor-polisher; floor-riband (see *quots.*); floor-rider (see *quot.*); floor show, an entertainment presented on the floor of a restaurant, night-club, etc.; floor-sweep (see *quot.*); floor-timber(s) (see *quot.* 1867); floor-waiter, a waiter who serves on one floor of a hotel; floor-walker, U.S. = SHOP-WALKER; floorward a., directed towards the floor; floorward's *adv.*, towards the floor.

1884 KNIGHT *Dict. Mech.* IV. 349/1 \*Floor Arch, an arch with a flat extrados. 1750 ELLIS *Mod. Husbandm.* I. i. 93 What we call a \*Floor-bank; that is, some earth that lies next the hedge, thrown over the roots with a spade... so that with the first Original or first raised Floor-bank, the whole Rise of Earth is not above a foot. 1806 BRISTOL in *Young's Ann. Agric.* XLIII. 586 The ditches will be filled up, so as to form what are called floor-banks. 1881 *Young Every Man his own Mechanic* §146 \*Floor boards are, or ought to be, an inch in thickness. 1884 *Health Exhib. Catal.* 83/2 Parts of a Solid Floor of fire-proof construction, with a floor-board surface. 1942 BERRY & VAN DEN BARK *Amer. Thes. Slang* §288/4 Drive fast... floorboard, give 'er the gas. 1971 *Scope* (S. Afr.) 19 Mar. 59/2 (Adv.). You slice her into second gear... all clear ahead... and floorboard the pedal. 1971 *Islander* (Victoria, B.C.) 16 May 10/3 As he floor-boarded the throttle he noticed his quarry had turned a corner. 1807 HUTTON *Course Math.* II. 84 In \*Floor-boarding, take the length of the room for one dimension, and the breadth for the other, [etc.]. 1948 MENCKEN *Amer. Lang.* (Suppl. II) xi. 719 Of the more original words and phrases of the truckmen I offer a few specimens:—floor-boarding... Running at high speed. 1775 FALCK *Day's Diving Vessel* 4 \*Floor frame of six beams athwart ship. 1855 OGLIVIE *Suppl.* \*Floor-guide in ship-building, a narrow flexible piece of timber placed between the floor-riband and the keel. 1884 KNIGHT *Dict. Mech.* IV. 349/1 \*Floor Hanger, a shaft bearing fastened to the floor. 1769 FALCONER *Dict. Marine* (1789). *Rung-heads*... the upper ends of the floor-timbers, which are... more properly called \*floor-heads. 1856 R. H. DANA *Seamen's Friend* 5 When the ballast is iron, it is stowed up to the floor-heads. 1867 SMYTH *Sailor's Word-bk.* Floor-head, the third diagonal, terminating the length of the floors near the bilge of the ship. c1850 *Rudim. Navig.* (Weale) 118 \*Floor hollow, the inflected curve that terminates the floor next the keel, and to which the floor-hollow mould is made. 1892 *Daily News* 21 Nov. 2/6 The home demand for telescope \*floor lamps is still growing. 1907 *Yesterday's Shopping* (1969) 255 Polished brass telescopic floor lamps. 1940 C. McCULLERS *Heart is a Lonely Hunter* (1943) I. i. 5 He walked into a store one day and hauled out a floor lamp without paying for it. 1965 J. M. CAIN *Magician's Wife* (1966) II. 18 He... went into the living room, and without turning the floor lamps on, sat down in a chair by a window and stared out at the gathering dusk. 1863 *Boston* (Mass.) *Jrnl.* 10 May 4/6 The newly formed union of \*floor-layers. 1884 *Health Exhib. Catal.* 83/1 Improved method of \*Floor-laying without nails. 1899 *Congress. Rec.* II. Feb. 1764/2 Congress has witnessed very few more successful \*floor leaders. 1954 *Encounter* Mar. 59/1 Congressman John McCormack, Democratic floor-leader in the House. 1939 *Ottawa Jrnl.* 26 June 8/4 The bride wore a \*floor-length gown of white chiffon over taffeta. 1967 E. SHORT *Embroidery & Fabric*

*Collage* iii. 74 A round table in a bedroom or drawing-room may sometimes have a floor-length cover permanently in position. 1884 KNIGHT *Dict. Mech.* IV. 349/1 \*Floor-light, a frame with glass panes in a floor. 1928 *Daily Express* 3 Mar. 7 Meader and Solomons were what is known as 'floor men', or, 'pitch gatherers'. 1887 *Harper's Mag.* May 67/1 Jerry, as one of the \*floor-managers, was gorgeous. 1892 *Ibid.* Feb. 439/1 Like the floor-walkers in the stores, they're all floor or aisle managers now. 1913 J. LONDON *Valley of Moon* III. xiii. An' here's you making' rough-house at a dance, an' I'm the floor manager, an' I gotta put you out. 1924 W. S. HAYWARD *Retail Handbk.* 74 The floor manager is the first person to arrive in the department and the last to leave. 1930 J. B. PRIESTLEY *Angel Pavement* vi. 292 Tells me she's had some bother with the buyer or floor manager. 1953 *Manch. Guardian Weekly* 3 Sept. 3 The convention floor manager's hard-won knowledge. 1960 O. SKILBECK *ABC of Film & TV* 55 Floor manager. 1961 G. MILLERSON *Technique Telev. Production* 14 The floor-manager is the director's contact man on the studio floor, and checks staging, action and performers on his behalf. 1966 S. JACKMAN *Davidson Affair* 1. 17. I... saw the floor-manager's hand drop to cue me in... and turned to face the camera. 1943 M. MAYO *Amer. Square Dance* 11 It is well also to picture clearly in the mind what the dance will look like and what the \*floor pattern will be. 1958 J. WINEARLS *Mod. Dance* 130 (caption) Floor Pattern. 1964 W. G. RAFFÉ *Dict. Dance* 374/2 Floor pattern: the track, or footsteps, traced by the dancer on the stage. 1966 EVELYN *Kal. Hort.* (ed. 8) 162 The fresh Air... circulating thorough the Office of the \*Floor-pipe. 1867 SMYTH *Sailor's Word-bk.* \*Floor-plans, longitudinal sections, whereon are represented the water-lines and ribband-lines. 1874 KNIGHT *Dict. Mech.* I. 889/1 Floor-plan... (Architecture) a horizontal section, showing the thickness of the walls and partitions, the arrangement of the passages, apartments, and openings at the level of the principal, or receiving floor of the house. 1869 SIR E. J. REED *Shipbuild.* xix. 407 The \*Floor-plates are now required to extend to a perpendicular height up the bilges of twice the depth of the floors amidships. 1883 W. C. RUSSELL *Sailor's Lang. Floorplates*, formerly plates in the bottom of an iron ship corresponding with the floor-timbers in wooden ones. 1888 *Lockwood's Dict. Mech. Engin.*, Floor plates, foot plates. 1907 *Yesterday's Shopping* (1969) 18/2 \*Floor polish. 1926 *Daily Colonist* (Victoria, B.C.) 2 July 4/5 (Adv.). Floor polishes, you may say, are pretty much alike. But try 'Poliflor' just once and you will immediately realize what a vast difference there can be. 1895 *Army & Navy Co-op. Soc. Price List* 184/2 \*Floor Polisher, extra large, with swivel joint, including handle. 1897 *Westm. Gaz.* 7 Dec. 10/2 One man only will be allowed on the premises—the floor-polisher. 1939-40 *Army & Navy Stores Catal.* 114/1 Floor polisher... Double sided. One side for applying wax. One side for polishing. c1850 *Rudim. Navig.* (Weale) 118 \*Floor riband, the riband next below the floor-heads which supports the floors. 1867 SMYTH *Sailor's Word-bk.* \*Floor-riders, knees brought in from side to side over the floor ceiling and kelson, to support the bottom, if bilged or weak, for heavy cargo. 1927 *Stage Year Bk.* 69 The opportunities and scope for employment [in vaudeville] of an artist are practically unlimited, apart from the large field in musical productions, cabaret \*floor shows, etc. 1931 DURANTE & KEFOED *Night Clubs* 4 A floor show with six principals and no chorus. 1959 *Times* 2 Mar. 12/7 Snippets from a night-club floor-show of resplendent tattiness. c1850 *Rudim. Navig.* (Weale) 119 \*Floor-steeps, the radii that sweep the heads of the floors. 1627 CAPT. SMITH *Seaman's Gram.* II. 2 They lay the Rungs, called \*floor timbers... thwart the keel. 1867 SMYTH *Sailor's Word-bk.* Floors or Floor-Timbers, those parts of the ship's timbers which are placed immediately across the keel. 1930 A. BENNETT *Imperial Palace* xvii. 109 Once he had memorably discovered fourth-floor silver in the fifth-floor service-room... which disconcerted all the \*floor-waiters. 1967 G. GREENE *May we borrow your husband?* 19 Peter's mislaid his tie. He thinks the floor-waiter has purloined it. 1876 *Scribner's Monthly* Feb. 599/2, I next went into a store a few doors further up Broadway. When I entered I approached the \*floor-walker. 1884 *Minior* (Dakota) *Teller* 30 July, These Boston merchants stationed their floor-walkers at the place appointed by the Philadelphia agent. 1942 E. PAUL *Narrow St.* iv. 32 The tenant of this room and bath was a floor-walker from the Samaritane. 1887 *Tall Mall G.* 12 Mar. 12/1 A constantly repeated floor-ward glance of bashfulness and modesty. 1863 *Reader* 31 Oct. 502 He is bundled down \*floorwards.

floor, sb. 3 colloq. [f. FLOOR v.] Something that 'floors' or discomfits one; also, a fatal blunder (in a calculation, etc.).

1841 R. W. CHURCH *Let.* 21 Mar. in *Life & Lett.* (1894) 23 The Heads show that they feel it rather a floor for the present. 1846 *Ibid.* 64 We may be caught out in some 'floor'.

floor (floo(r)), v. [f. FLOOR sb. 1]

1. a. *trans.* To cover or furnish with a floor or floors, in various senses of the word; to pave. Also with *over*.

c1420 *Pallad.* on *Husb.* I. 334 Eke pave or floor it wele in somer tye. c1520 *Mem. Ripon* (Surtees) III. 201 Flowryng the lofte per v dies. 1581 MULCASTER *Positions* xxxi. (1887) 114 (He) must have his ground flowered so... as in wrestling not hard to fall on. 1660 *Pepys Diary* 4 Sept., Looking over the joiners, flooring my dining-room. 1668 *Fryer Acc. E. Ind.* & P. 226 [Persia] is floored with vast Sands pent in by the surrounding Sprouts of Taurus. 1782 *Cowper Expost.* 16 Fiery suns... and oceans floored with ice. 1807 *VANCOUVER Agric. Devon* (1813) 473 The feeding and sleeping place floored with flat stones. 1823 *Examiner* 442/2 The pit was floored over to the height of the stage. 1857 B. TAYLOR *Northern Trav.* iii. (1858) 18 Thick fir forests, floored with bright-green moss.

b. To form, or serve as, the floor of.

1639 G. DANIEL *Ecclus.* i. 4 The Sands which floor the Sea. 1854 *HOOKER Himalayan Jrnl.* II. xviii. 44, 300 feet of deposit, which once floored its valleys.

2. a. To bring to the floor or ground; to knock down in boxing; to bring down (game). To be floored (of a horseman): to have a fall.

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SECOND EDITION

*Prepared by*

J. A. SIMPSON *and* E. S. C. WEINER

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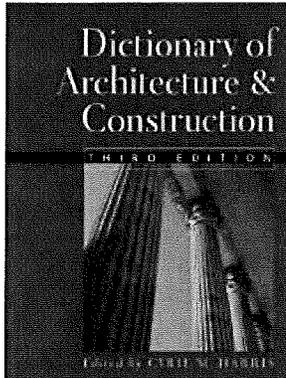
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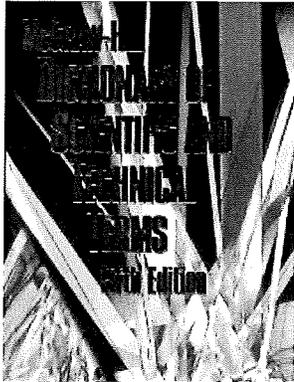
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