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

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|------------------------|---|
| Proceeding | 91182064 |
| Party | Plaintiff AS Holdings, Inc. |
| Correspondence Address | Terence J. Linn Van Dyke, Gardner, Linn & Burkhart, LLP. 2851 Charlevoix Drive SE, Ste 207 Grand Rapids, MI 49546 UNITED STATES linn@vglb.com, anne@vglb.com |
| Submission | Other Motions/Papers |
| Filer's Name | Matthew D. Kendall |
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| Signature | /mdk/ |
| Date | 04/30/2010 |
| Attachments | Opposer's First Set of Interrogs 1-39.pdf (12 pages)(403588 bytes) Opposer's 1st Set of Req for Prod of Docs.pdf (9 pages)(331828 bytes) Opposer's 1st Set of Req for Admissons.pdf (12 pages)(487736 bytes) |

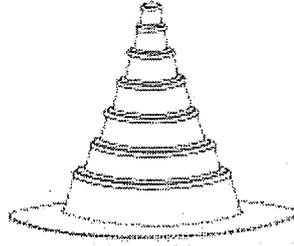
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ALPHA SYSTEMS, INC.)
)
) Opposer,)
) v.)
)
 H&C MILCOR, INC., f/k/a)
 AQUATICO OF TEXAS, INC.)
)
) Applicant.)
)
 _____)

Opposition No. 91182064

Serial Number 76/461,157

Mark: **DESIGN ONLY**



OPPOSER'S FIRST SET OF INTERROGATORIES
TO APPLICANT (Nos. 1-39)

In accordance with Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Opposer, Alpha Systems, Inc., through its attorneys, requests that Applicant H&C Milcor, Inc., answer, in writing and under oath, the interrogatories appearing below.

DEFINITIONS

In the interrogatories appearing below, the following definitions shall apply:

A. The term "Applicant" shall mean H&C Milcor, Inc., any and all predecessor's in interest and/or any and all successor's in interest of application Serial No. 76/461,157, including but not limited to Portals Plus, Inc. and Hart & Cooley, Inc., and shall include each of its officers, directors, trustees, employees, staff members, partners, associates, agents, counsel, and other representatives; and each business entity with which H&C Milcor, Inc. is associated and shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

B. The term "H&C Milcor" shall mean H&C Milcor, Inc. and/or Hart & Cooley, Inc., and shall include each of its officers, directors, trustees, employees, staff members, partners, associates, agents, counsel, and other representatives; and each business entity with which H&C Milcor, Inc. is associated and shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

C. The term "Applicant's Application" shall mean United States Trademark Application Serial No. 76/461,157.

D. The term "Opposer" or "Alpha Systems" shall mean Alpha Systems, Inc.

E. The term "Applicant's Mark" shall mean the mark shown in the trademark application of Applicant, Serial No. 76/461,157.

F. The term "person", in singular or plural form, shall be broadly construed to include natural persons, associations, joint ventures, partnership, companies, corporations, and any other organization or entity.

G. The term "documents and things", in singular or plural form, shall be broadly construed to include any tangible item either containing or exhibiting any information and/or communication and to include any tangible item which may either convey or exhibit the same through any medium whatsoever.

H. The term "communications", in singular or plural form, shall mean any oral, written, recorded, or unrecorded expression of any information whatsoever.

I. The term "identify", when used with respect to a document, means to:

1. state the nature and substance of the document with sufficient particularity to enable it to be differentiated and distinguished from all other documents;

2. state the title, number, if any, and the official designation, if any, of the document;
3. identify the author and the originator of the document or in whose name the document was issued if different from the author;
4. state the date of the document;
5. identify the address of the document;
6. identify each person whose signature is affixed to the document or who is otherwise named and/or referenced in the document;
7. state the date the document was executed, if different from any other date the document may bear;
8. describe the subject matter of the document;
9. identify each person who has custody or control of the document and of each duplicate of the document; and
10. state whether the document will be voluntarily made available for inspection and copying.

J. The term "identify" when used with respect to a person means to state:

1. the person's complete legal name;
2. each of the current business and residence addresses and telephone numbers of such person, or, if such information is unknown and cannot be ascertained after exercising reasonable diligence, each of the last-known business and residence addresses and telephone numbers of such person; and
3. the current employer of such person and the employer's address and telephone number, or, if such employer is not known and cannot be ascertained after

exercising reasonable diligence, the last-known employer of such person and that employer's address and telephone number.

K. The term "describe" when used with respect to an act, occurrence, statement, communication, conduct, or omission, or any document and thing or other event or the like (hereinafter collectively referred to as "act") means to:

1. describe the substance of the event or events constituting the act;
2. state the date or dates of the event or events constituting the act;
3. identify each person participating in the act;
4. identify each person who witnessed or may have witnessed the act;
5. describe the substance of each person's participation in the event

or events constituting the act;

6. describe the mode by which the act occurred (e.g., by telephone, by letter, etc.); and

7. identify each document which relates to, refers to, evidences, or embodies the act.

INSTRUCTIONS

In the event Applicant claims privilege with respect to any information, document, and/or thing (hereinafter "information") requested, Applicant shall supply at the time of production a listing of all such nonproduced information, such listing to include the following:

- a. the number of the request calling for the production of such information;
- b. the date of any such information;
- c. the identify of each person who signed, prepared, provided, or assigned in the preparation of any such information;

- d. the identity of each person and concern to whom such information was addressed;
- e. the name of each person and concern, other than the addressee shown thereon, to whom any such information, including copies and reproductions thereof, was given or sent;
- f. a brief description of the subject matter of such information; and
- g. the ground (i.e., attorney-client privilege, etc.) for refusing to produce such information.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify Applicant, including but not limited to, identification of all subsidiaries, parent companies, joint ventures, and/or related companies of Applicant.

INTERROGATORY NO. 2:

Describe the manner in which the Applicant first developed and adopted Applicant's Mark, including identification of all persons involved in the development of Applicant's Mark and their activities relating thereto.

INTERROGATORY NO. 3:

Identify all goods and services distributed or intended to be distributed in association with Applicant's Mark.

INTERROGATORY NO. 4:

For each good and service provided or intended to be provided in association with Applicant's

Mark, describe the manner in which Applicant uses or intends to use Applicant's Mark on or in association with Applicant's goods and services, including the manner in which Applicant's Mark is applied to those goods and services.

INTERROGATORY NO. 5:

For each good and service provided or intended to be provided in association with Applicant's Mark, describe the class or type of customers to which Applicant distributes or intends to distribute those goods and services.

INTERROGATORY NO. 6:

For each good or service provided or intended to be provided in association with Applicant's Mark, describe the channels of trade in which Applicant provides those goods and services.

INTERROGATORY NO. 7:

Describe the manner in which Applicant promotes and advertises products and services provided or intended to be provided in association with Applicant's Mark, including, but not limited to, advertising and promotion of Applicant incorporating Applicant's Mark.

INTERROGATORY NO. 8:

Identify expenditures by Applicant annually relating to advertising and promotion associated with Applicant's Mark.

INTERROGATORY NO. 9:

Identify annual sales of products and services, both in dollars and in units, made in association with Applicant's Mark.

INTERROGATORY NO. 10:

Identify all patents owned by and/or licensed to Applicant relating to pipe boots, including all expired patents and unexpired patents.

INTERROGATORY NO. 11:

Describe all instances of confusion relating to Applicant's products and/or Applicant's Mark known to Applicant, including identification of the marks involved, the parties involved, and the goods or services involved.

INTERROGATORY NO. 12:

Identify and describe the first use of Applicant's Mark and first use in interstate commerce of Applicant's Mark, including, but not limited to, the dates thereof, the other party or parties involved in said use, the goods and services involved in said use, and the employee of Applicant most knowledgeable regarding said use.

INTERROGATORY NO. 13:

Describe each opinion of counsel obtained by or on behalf of Applicant relating to Opposer and/or Opposer's Mark, the description including the date of the opinion, the person or persons receiving the opinion or copy thereof, the attorney rendering the opinion, and the substance of the opinion.

INTERROGATORY NO. 14:

Identify all searches and investigations conducted by or on behalf of Applicant regarding Applicant's Mark.

INTERROGATORY NO. 15:

Describe each opinion of counsel obtained by or on behalf of Applicant relating to Applicant's Mark, the description including the date of the opinion, the person or persons receiving the opinion or copy thereof, the attorney rendering the opinion, and the substance of the opinion.

INTERROGATORY NO. 16:

Identify all witnesses whose testimony Applicant intends to introduce in this proceeding, and describe the substance of said testimony.

INTERROGATORY NO. 17:

Identify all experts Applicant has retained for this proceeding, and for each describe the qualifications and background of the expert, a complete statement of all opinions to be expressed and the basis and reasons therefore, and the data or information considered in forming the opinion.

INTERROGATORY NO. 18:

Identify all agreements entered into regarding Applicant's Mark, whether oral or written.

INTERROGATORY NO. 19:

Describe the manner in which Applicant's goods, with which Applicant uses Applicant's mark, are installed on a roof.

INTERROGATORY NO. 20:

Describe the manner in which the conically shaped steps of Applicant's goods, with which Applicant uses Applicant's mark, are used to seal pipes on a roof.

INTERROGATORY NO. 21:

Describe the manner in which the double thick molded rib at the top of each step of Applicant's goods, with which Applicant uses Applicant's mark, offers tear resistance and reinforcement of Applicant's goods.

INTERROGATORY NO. 22:

Describe the manner in which the double thick molded rib at the top of each step of Applicant's goods, with which Applicant uses Applicant's mark, provides a cutting guide for installation of Applicant's goods.

INTERROGATORY NO. 23:

Describe the manner in which Applicant's goods, with which Applicant uses Applicant's mark, eliminates workmanship errors in field fabrication while flashing pipes on a roof.

INTERROGATORY NO. 24:

Describe the manner in which Applicant's goods, with which Applicant uses Applicant's mark, makes the process of flashing pipes clean and consistent.

INTERROGATORY NO. 25:

Identify all persons involved in designing and writing the content, related to Applicant's goods

with which Applicant uses Applicant's mark, of the Internet website at <http://www.portalsplus.com/>.

INTERROGATORY NO. 26:

Identify all persons who provided information used to support the following statement made on the Internet website at <http://www.portalsplus.com/> : "The conically shaped steps of the Portals Plus Pipe Boots will securely seal all pipes and its large double thick molded rib at the top of each step offers superior tear resistance and reinforcement, as well as a cutting guide for installation. The Portls [sic] Plus Stainless Snaplock clamp maximizes the secure seal at the penetration. Utilizing the Pipe Boots eliminates workmanship errors in field fabrication and makes flashing pipes a clean, consistent approach."

INTERROGATORY NO. 27:

Identify the person who wrote the following statement used on the Internet website at <http://www.portalsplus.com/> : "The conically shaped steps of the Portals Plus Pipe Boots will securely seal all pipes and its large double thick molded rib at the top of each step offers superior tear resistance and reinforcement, as well as a cutting guide for installation. The Portls [sic] Plus Stainless Snaplock clamp maximizes the secure seal at the penetration. Utilizing the Pipe Boots eliminates workmanship errors in field fabrication and makes flashing pipes a clean, consistent approach."

INTERROGATORY NO. 28:

Identify the business of Aquatico of Texas, Inc.

INTERROGATORY NO. 29:

Describe the business relationship of Aquatico of Texas, Inc. and H&C Milcor, Inc. including

description of the history of that relationship.

INTERROGATORY NO. 30:

Identify the employee of Applicant most knowledgeable about the design of pipe boots.

INTERROGATORY NO. 31:

Identify the employee of Applicant most knowledgeable about the operation of pipe boots.

INTERROGATORY NO. 32:

Describe any and all function provided by the frusto-conical portion or surface 10 referred to in the February 28, 2007 Amendment relative to Figure 3 referenced therein.

INTERROGATORY NO. 33:

Describe any and all function provided by the arcuate band or ring 11 referred to in the February 28, 2007 Amendment relative to Figure 3 referenced therein.

INTERROGATORY NO. 34:

Describe any and all function provided by the annular nearly vertical surface 12 referred to in the February 28, 2007 Amendment relative to Figure 3 referenced therein.

INTERROGATORY NO. 35:

Describe any and all function provided by the horizontal annular surface 13 referred to in the February 28, 2007 Amendment relative to Figure 3 referenced therein.

INTERROGATORY NO. 36:

Describe any and all function provided by the frusto-conical portion or surface 14 referred to in the February 28, 2007 Amendment relative to Figure 3 referenced therein.

INTERROGATORY NO. 37:

Describe the source of the drawing of the mark originally filed with Applicant's Application.

INTERROGATORY NO. 38:

Describe the business relationship between Portals Plus, Inc. and H&C Milcor.

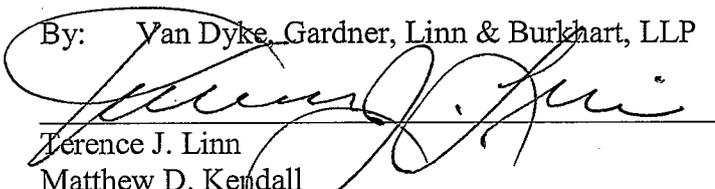
INTERROGATORY NO. 39:

With respect to each interrogatory of Opposer's Interrogatories 1 – 38, identify the person by name and title who furnished information respecting the answers herein given.

Respectfully submitted,

ALPHA SYSTEMS, INC.

By: Van Dyke, Gardner, Linn & Burkhardt, LLP



Terence J. Linn
Matthew D. Kendall
2851 Charlevoix Drive SE, Suite 207.
PO Box 888695
Grand Rapids, MI 49588-8695
(616) 975-5500

Dated: May 5, 2008

shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

B. The term "H&C Milcor" shall mean H&C Milcor, Inc. and/or Hart & Cooley, Inc., and shall include each of its officers, directors, trustees, employees, staff members, partners, associates, agents, counsel, and other representatives; and each business entity with which H&C Milcor, Inc. is associated and shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

C. The term "Applicant's Application" shall mean United States Trademark Application Serial No. 76/461,157.

D. The term "Opposer" or "Alpha Systems" shall mean Alpha Systems, Inc.

E. The term "Applicant's Mark" shall mean the mark shown in the trademark application of Applicant, Serial No. 76/461,157.

F. The term "person", in singular or plural form, shall be broadly construed to include natural persons, associations, joint ventures, partnership, companies, corporations, and any other organization or entity.

G. The term "documents and things", in singular or plural form, shall be broadly construed to include any tangible item either containing or exhibiting any information and/or communication and to include any tangible item which may either convey or exhibit the same through any medium whatsoever.

H. The term "communications", in singular or plural form, shall mean any oral, written, recorded, or unrecorded expression of any information whatsoever.

I. The term “identify”, when used with respect to a document, means to:

1. state the nature and substance of the document with sufficient particularity to enable it to be differentiated and distinguished from all other documents;

2. state the title, number, if any, and the official designation, if any, of the document;

3. identify the author and the originator of the document or in whose name the document was issued if different from the author;

4. state the date of the document;

5. identify the address of the document;

6. identify each person whose signature is affixed to the document or who is otherwise named and/or referenced in the document;

7. state the date the document was executed, if different from any other date the document may bear;

8. describe the subject matter of the document;

9. identify each person who has custody or control of the document and of each duplicate of the document; and

10. state whether the document will be voluntarily made available for inspection and copying.

J. The term “identify” when used with respect to a person means to state:

1. the person’s complete legal name;

2. each of the current business and residence addresses and telephone numbers of such person, or, if such information is unknown and cannot be ascertained after exercising reasonable diligence, each of the last-known business and residence

addresses and telephone numbers of such person; and

3. the current employer of such person and the employer's address and telephone number, or, if such employer is not known and cannot be ascertained after exercising reasonable diligence, the last-known employer of such person and that employer's address and telephone number.

K. The term "describe" when used with respect to an act, occurrence, statement, communication, conduct, or omission, or any document and thing or other event or the like (hereinafter collectively referred to as "act") means to:

1. describe the substance of the event or events constituting the act;
2. state the date or dates of the event or events constituting the act;
3. identify each person participating in the act;
4. identify each person who witnessed or may have witnessed the act;
5. describe the substance of each person's participation in the event or events constituting the act;
6. describe the mode by which the act occurred (e.g., by telephone, by letter, etc.); and
7. identify each document which relates to, refers to, evidences, or embodies the act.

INSTRUCTIONS

In the event Applicant claims privilege with respect to any information, document, and/or thing (hereinafter "information") requested, Applicant shall supply at the time of production a listing of all such nonproduced information, such listing to include the following:

- a. the number of the request calling for the production of such information;

- b. the date of any such information;
- c. the identity of each person who signed, prepared, provided, or assigned in the preparation of any such information;
- d. the identity of each person and concern to whom such information was addressed;
- e. the name of each person and concern, other than the addressee shown thereon, to whom any such information, including copies and reproductions thereof, was given or sent;
- f. a brief description of the subject matter of such information; and
- g. the ground (i.e., attorney-client privilege, etc.) for refusing to produce such information.

REQUESTS FOR PRODUCTION

1. All documents and things referring or relating to the above-identified mark shown in Application Serial No. 76/461,157, filed October 18, 2002 (hereinafter referred to as "Applicant's Mark").
2. A copy of a corporate organization chart of Applicant as of October 18, 2002 and a copy of a corporate organization chart of Applicant as of December 25, 2007. In the event that corporate organization charts are not available, documents and things sufficient to establish the corporate organizational structure of Applicant.
3. All documents and things referring or relating to development of Applicant's Mark.
4. All documents and things referring or relating to adoption of Applicant's Mark.
5. All documents and things referring or relating to any trademark search or investigation undertaken by or on behalf of Applicant regarding Applicant's Mark, including, but not limited to, the materials generated in said search or investigation.

6. All documents and things referring or relating to opinion of counsel regarding Applicant's Mark, including, but not limited to, opinion of counsel regarding Applicant's ability to use and/or register Applicant's Mark.
7. All documents and things referring or relating to first use of Applicant's Mark.
8. All documents and things referring or relating to first use in interstate commerce of Applicant's Mark.
9. All documents and things referring or relating to any search or investigation undertaken by or on behalf of Applicant regarding pipe boots.
10. All documents and things referring or relating to all opinion of counsel obtained by or on behalf of Applicant relating to Opposer.
11. Three exemplars of each label or package distributed by Applicant bearing Applicant's Mark.
12. Documents and things sufficient to establish the manner in which Applicant uses or intends to use Applicant's Mark on Applicant's goods and services.
13. Three exemplars of all advertising and promotional materials distributed or intended to be distributed by Applicant in association with Applicant's Mark.
14. Documents and things sufficient to establish the manner in which Applicant uses or intends to use Applicant's Mark in association with advertising of Applicant's goods and services.
15. Documents and things sufficient to establish annual sales by Applicant of goods and services in association with Applicant's Mark.
16. All summary documents, whether annual, quarterly, or other time period, relating or referring to sales of Applicant's goods or services in association with Applicant's Mark.

17. Documents and things sufficient to establish annual advertising and promotion expenditures by Applicant, or intended to be expended by Applicant, associated with Applicant's Mark.
18. All summary documents, whether annual, quarterly, or for other time period, relating or referring to advertising or promotional expenditures by Applicant regarding Applicant's Mark.
19. Documents and things sufficient to establish the channels of trade in which Applicant distributes or intends to distribute goods and services in association with Applicant's Mark.
20. Documents and things sufficient to establish the class or type of customers to which Applicant distributes or intends to distribute goods and services in association with Applicant's Mark.
21. All documents and things referring or relating to third-party use of the Applicant's Mark.
22. All documents and things referring or relating to instances of actual confusion regarding Applicant, Applicant's Mark, and/or goods or services of Applicant distributed in association with Applicant's Mark.
23. All documents and things referring or relating to Applicant's first use of Applicant's Mark.
24. All documents and things referring or relating to Applicant's first use in interstate commerce of Applicant's mark.
25. All documents and things referring or relating to Applicant's use of Applicant's mark in April 1982.
26. All documents and things referring to market studies conducted by or on behalf of Applicant regarding Applicant's Mark, or goods and services intended to be distributed by Applicant in association with Applicant's Mark.

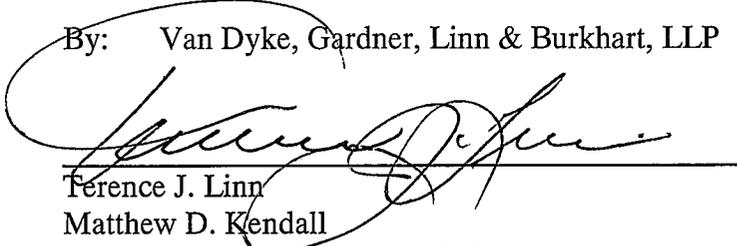
27. All documents and things referring or relating to surveys conducted by or on behalf of Applicant concerning Applicant's Mark, or goods and services intended to be distributed by Applicant in association with Applicant's Mark.
28. All documents and things referring or relating to agreements negotiated and/or entered into by Applicant relating to Applicant's Mark, including, but not limited to, assignments, licenses, permissions, or consents.
29. All documents and things referring or relating to transfer of ownership of Applicant's Mark from Portals Plus to H&C Milcor.
30. All documents and things referring or relating to transfer of the application for Applicant's Mark from Portals Plus to H&C Milcor.
31. All documents and things referring or relating to any litigation or administrative proceeding relating to Applicant's Mark.
32. All documents and things referring or relating to communication with any expert or potential expert contacted by or on behalf of Applicant regarding this opposition proceeding, including, but not limited to, *curriculum vitae* and reports by said expert.
33. All documents and things referring or relating to the specimens submitted by Applicant in Applicant's application.
34. All documents and things referring or relating to the Applicant's Mark.
35. All documents and things referring or relating to the change of H&C Milcor, Inc. to Hart & Cooley, Inc.
36. All documents and things referring or relating to transfer of the application for Applicant's Mark from H&C Milcor, Inc. to Hart & Cooley, Inc.

37. All documents and things relating to an affidavit under 37 C.F.R. 2.41(b), dated October 16, 2002, filed in Applicant's Application relating to prosecution of Applicant's Mark, the documents and things including, but not limited to, Exhibits A through T.

Respectfully submitted,

ALPHA SYSTEMS, INC.

By: Van Dyke, Gardner, Linn & Burkhardt, LLP

A handwritten signature in black ink, appearing to read "Terence J. Linn", is written over a horizontal line. The signature is fluid and cursive.

Dated: May 5, 2008

Terence J. Linn
Matthew D. Kendall
2851 Charlevoix Drive S.E., Suite 207
P.O. Box 888695
Grand Rapids, MI 49588-8695
(616) 975-5500

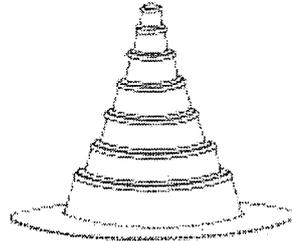
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) Applicant.)
)
_____)

Opposition No. 91182064

Serial Number 76/461,157

Mark: **DESIGN ONLY**



**OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO
APPLICANT (NOS. 1-11), WITH ATTACHED OPPOSER'S EXHIBIT**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120,

Opposer requests that Applicant admit the following within the time provided for by the Rules or by Order of this Court:

DEFINITIONS

In the requests for admission appearing below, the following definitions shall apply:

A. The term "Applicant" shall mean H&C Milcor, Inc., any and all predecessor's in interest and/or any and all successor's in interest of application Serial No. 76/461,157, including but not limited to Portals Plus, Inc. and Hart & Cooley, Inc., and shall include each of its officers, directors, trustees, employees, staff members, partners, associates, agents, counsel, and other representatives; and each business entity with which H&C Milcor, Inc. is associated and shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

B. The term "H&C Milcor" shall mean H&C Milcor, Inc. and/or Hart & Cooley, Inc., and shall include each of its officers, directors, trustees, employees, staff members, partners, associates, agents, counsel, and other representatives; and each business entity with which H&C Milcor, Inc. is associated and shall include each of its divisions, subsidiaries, parent companies, joint ventures, related companies, officers, directors, trustees, employees, staff members, agents, counsel, and other representatives, jointly and severally.

C. The term "Applicant's Application" shall mean United States Trademark Registration Application Serial No. 76/461,157, filed October 18, 2002.

D. The term "Applicant's mark" shall mean the mark shown in Applicant's Application.

E. The term "Opposer" shall mean Alpha Systems, Inc.

REQUESTS FOR ADMISSION

REQUEST NO. 1:

The original applicant of Applicant's Application was Portals Plus, Inc., a corporation of the State of Illinois.

REQUEST NO. 2:

Applicant is the owner of Applicant's Application by assignment from Portals Plus, Inc., a corporation of the State of Illinois.

REQUEST NO. 3:

H&C Milcor and Portals Plus, Inc. are related entities.

REQUEST NO. 4:

Portals Plus sponsored and maintained an internet website at the web address www.portalsplus.com.

REQUEST NO. 5:

Applicant authorizes the continued maintenance of the internet website at www.portalsplus.com.

REQUEST NO. 6:

Attached hereto as Exhibit 1 are true copies of printouts of portions of the www.portalsplus.com website.

REQUEST NO. 7:

Applicant authorizes and sponsors the information and materials carried on the internet website www.portalsplus.com, excerpts which are shown in Exhibit 1 attached hereto.

REQUEST NO. 8:

Portals Plus marketed its pipe boot products that embody the Applicant's Mark with the representation that "The conically shaped steps of the Portals Plus pipe flashing will securely seal all pipes and the large double thick molded rib at the top of each step offers supreme tear resistance and reinforcement, as well as a cutting guide. Utilizing the Pipe Flashings eliminates the workmanship error in field fabrication and makes flashing pipes a clean, consistent approach."

REQUEST NO. 9:

Portals Plus marketed its pipe boot products that embody the Applicant's Mark with the representation that "The conically shaped steps of the Portals Plus Pipe Boots will securely seal all pipes and its large double thick molded rib at the top of each step offers superior tear resistance and reinforcement, as well as a cutting guide for installation... Utilizing the Pipe Boots eliminates the workmanship error in field fabrication and makes flashing pipes a clean, consistent approach."

REQUEST NO. 10:

Portals Plus continues to market its pipe boot products that embody Applicant's Mark with the representation that "The conically shaped steps of the Portals Plus pipe flashing will securely seal all pipes and the large double thick molded rib at the top of each step offers supreme tear resistance and reinforcement, as well as a cutting guide. Utilizing the Pipe Flashings eliminates the workmanship error in field fabrication and makes flashing pipes a clean, consistent approach."

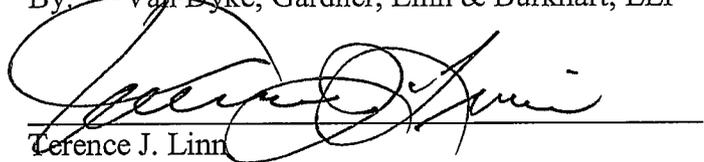
REQUEST NO. 11:

Portals Plus continues to market its pipe boot products that embody the Applicant's Mark with the representation that "The conically shaped steps of the Portals Plus Pipe Boots will securely seal all pipes and its large double thick molded rib at the top of each step offers superior tear resistance and reinforcement, as well as a cutting guide for installation... Utilizing the Pipe Boots eliminates the workmanship error in field fabrication and makes flashing pipes a clean, consistent approach."

Respectfully submitted,

ALPHA SYSTEMS, INC.

By: Van Dyke, Gardner, Linn & Burkhart, LLP

A handwritten signature in black ink, appearing to read "Terence J. Linn", is written over a horizontal line. The signature is stylized and cursive.

Terence J. Linn

Matthew D. Kendall

2851 Charlevoix Drive SE, Ste 207

P.O. Box 888695

Grand Rapids, MI 49588-8695

(616) 975-5500

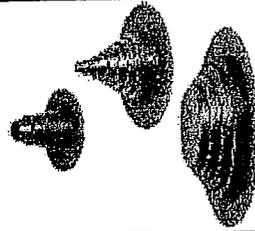
Dated: May 5, 2008

PIPE BOOTS

Pipe Flashings (boots)- for economical flashings of single ply roofing systems. Pipe Boots (or witches' hats) are economical flashings designed for single pipe penetrations through single ply roofs. Virtually any common pipe size can be accommodated with one of these boots. The conically shaped steps of the Portals Plus Pipe Boots will securely seal all pipes and its large double thick molded rib at the top of each step offers superior tear resistance and reinforcement, as well as a cutting guide for installation. The Portals Plus Stainless Snaplock Clamp maximizes the secure seal at the penetration. Utilizing the Pipe Boots eliminates workmanship errors in field fabrication and makes flashing pipes a clean, consistent approach. Portals Plus Adapter Rings can be used to seal very small pipes, as well as unusual shapes such as angle irons and square tubes.

Other Flashing Systems: Pipe Portals, Double Pipe Portals, Alumi-Flash

| PIPE BOOTS (w/ CLAMPS) | | | |
|------------------------|------------------------------|---------|---------------------|
| NEW UPC PART NUMBER | DESCRIPTION | QTY/CTN | LIST PRICE PER UNIT |
| 42100 | SMALL - BLACK EPDM | 10 | \$ 16.80 |
| 42130 | SMALL - WHITE EPDM | 10 | \$ 18.00 |
| 44130 | SMALL - WHITE HYPALON* | 10 | \$ 19.20 |
| 42110 | MEDIUM - BLACK EPDM | 10 | \$ 22.00 |
| 42140 | MEDIUM - WHITE EPDM | 10 | \$ 26.50 |
| 43170 | MEDIUM - BLACK NEOPRENE | 10 | \$ 33.20 |
| 44170 | MEDIUM - WHITE HYPALON* | 10 | \$ 28.00 |
| 46209 | MEDIUM - WHITE TPO** | 8 | \$ CF.00 |
| 48009 | MEDIUM - WHITE PVC** | 8 | \$ CF.00 |
| 42121 | LARGE - BLACK EPDM | 5 | \$ 78.00 |
| 42151 | LARGE - WHITE EPDM | 5 | \$ 80.00 |
| 43181 | LARGE - BLACK NEOPRENE | 5 | \$ 110.00 |
| 45000 | QUADRASEAL 212R - BLACK EPDM | 10 | \$ 32.00 |
| 45010 | QUADRASEAL 412R - BLACK EPDM | 10 | \$ 32.00 |
| 45020 | QUADRASEAL 481R - BLACK EPDM | 10 | \$ 32.00 |



* - AVAILABLE ON A LIMITED BASIS

** - ALL COLORS AVAILABLE (call Portals Plus)

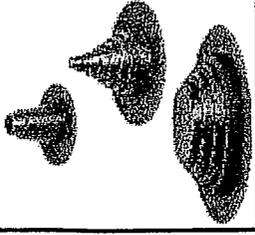
\$CF.00 - CONSULT FACTORY

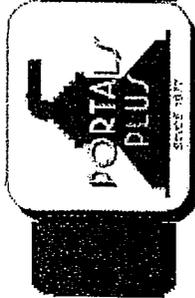
PIPE BOOTS

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Other Flashing Systems: Pipe Portals, Double Pipe Portals, Alumi-Flash

| PIPE BOOTS (w/ ADHESIVE TAPE) | | | |
|-------------------------------|-------------|---------|---------------------|
| NEW UPC PART NUMBER | DESCRIPTION | QTY/CTN | LIST PRICE PER UNIT |
| | | | |

| | | | | |
|---|-------|-------------------------|----|----------|
|  | 42500 | SMALL - BLACK EPDM | 10 | \$ 22.60 |
| | 42510 | MEDIUM - BLACK EPDM | 10 | \$ 32.60 |
| | 43570 | MEDIUM - BLACK NEOPRENE | 10 | \$ 43.60 |



Pipe Flashings

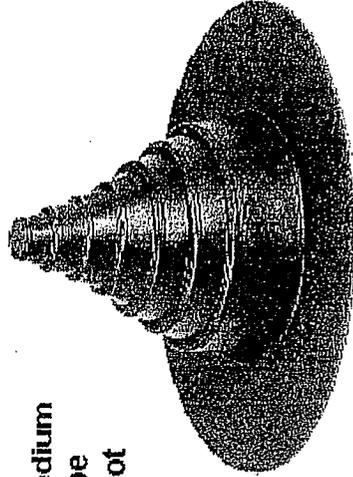
Technical Product Information

Flashings for all size penetrations for single ply roofs

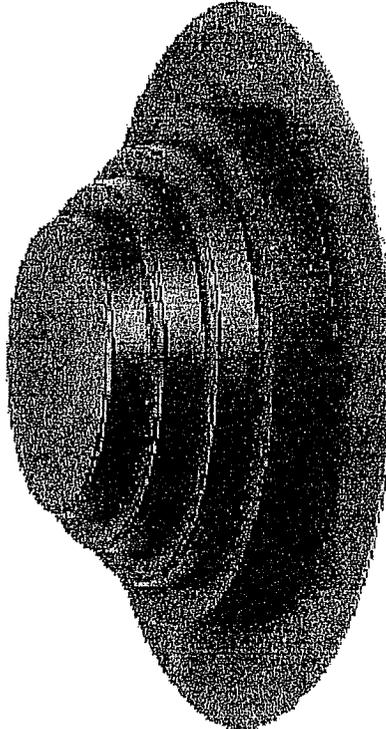
Small
Pipe
Boot



Medium
Pipe
Boot



Large
Pipe
Boot

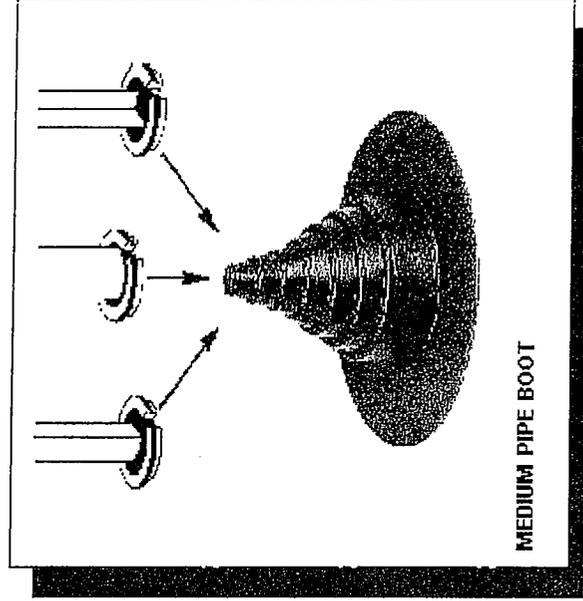
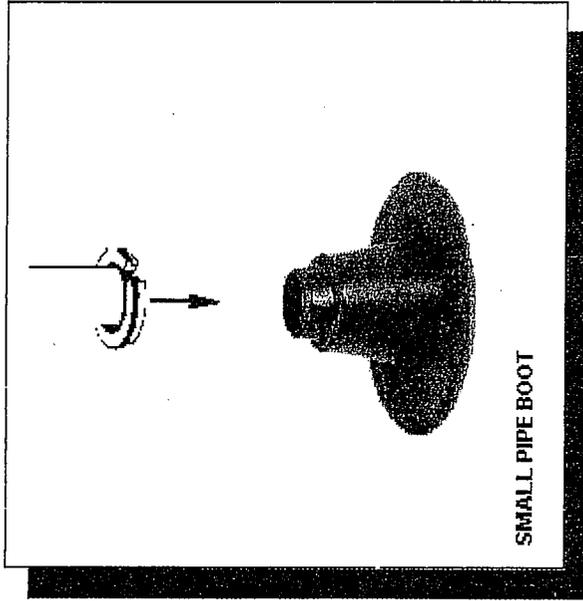


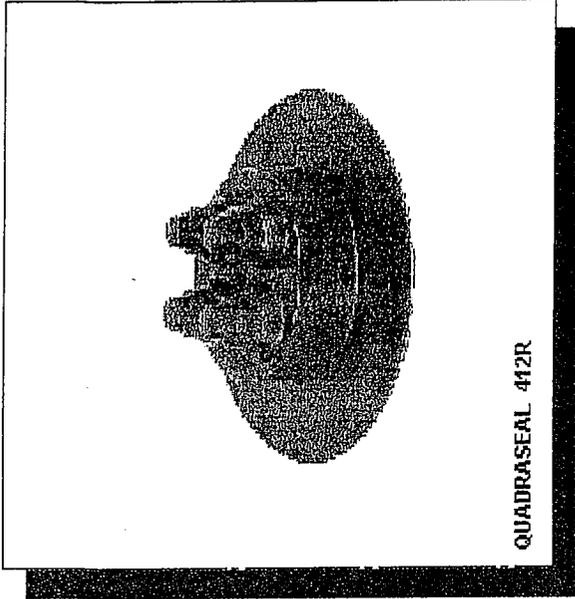
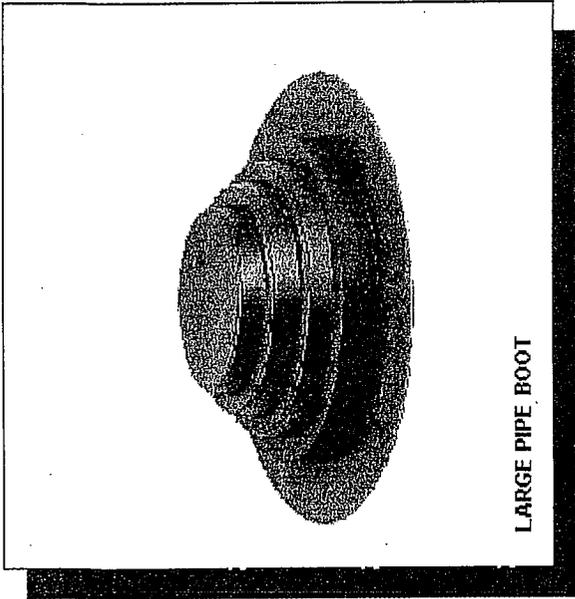


**Quadraseal
Pipe
Boot**

The "Pipe Boot" is an economical flashing designed for single pipe penetrations on single ply rubber roofs. The unit will accommodate virtually all pipe sizes: 1.75" and 2.75" on Small Pipe Boot, 1" through 6" on Medium Pipe Boot and 8" through 12" on Large Pipe Boot. Pipe Boots are available in EPDM, Neoprene, Hypalon, TPO, or PVC material. The Quadraseal is designed to allow as many as four pipes up to 2" in diameter to pass through one flashing. Quadraseals are available in EPDM material only. The conically shaped steps of the Portals Plus pipe flashing will securely seal all pipes and the large double thick molded rib at the top of each step offers supreme tear resistance and reinforcement, as well as a cutting guide. Utilizing the Pipe Flashings eliminates the workmanship error in field fabrication and makes flashing pipes a clean, consistent approach.

Adapters available for round, square tube, and angle iron available to fit most pipe boots.





| NEW UPC PART NUMBER | DESCRIPTION | QTY/CTN | LIST PRICE PER UNIT |
|---------------------|-------------------------|---------|---------------------|
| 42100 | SMALL - BLACK EPDM | 10 | \$ 16.80 |
| 42130 | SMALL - WHITE EPDM | 10 | \$ 18.00 |
| 44130 | SMALL - WHITE HYPALON* | 10 | \$ 19.20 |
| 42110 | MEDIUM - BLACK EPDM | 10 | \$ 22.00 |
| 42140 | MEDIUM - WHITE EPDM | 10 | \$ 26.50 |
| 43170 | MEDIUM - BLACK NEOPRENE | 10 | \$ 33.20 |
| 44170 | MEDIUM - WHITE HYPALON* | 10 | \$ 28.00 |
| OEM | MEDIUM - WHITE TPO** | 8 | \$ CF.00 |
| OEM | MEDIUM - WHITE PVC** | 8 | \$ CF.00 |
| 42121 | LARGE - BLACK EPDM | 5 | \$ 78.00 |
| 42151 | LARGE - WHITE EPDM | 5 | \$ 80.00 |
| 43181 | LARGE - WHITE NEOPRENE | 5 | \$ 110.00 |

** - ALL COLORS AVAILABLE FOR TPO & PVC (call Portals Plus)
CF - DENOTES CALL FACTORY

Quadraseals
Adapter Rings

Other Flashing Systems:
Pipe Portals

Installation Instructions
CAD Page

Double Pipe Portals
Alumi-Flash

PORTALS PLUS 484 N. Thomas Drive, Bristow/Ill, IL 60106 TEL: (630) 595-7320 FAX: (630) 766-5259

All information is subject to change without notice. Dimensions and specifications shown are within manufacturing tolerances.
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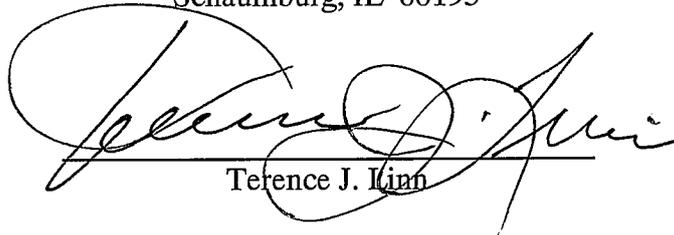
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|-------------------------|---|-----------------------------|
| ALPHA SYSTEMS, INC. |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91182064 |
| |) | |
| H&C MILCOR, INC. f/k/a |) | |
| AQUATICO OF TEXAS, INC. |) | Serial Number: 76/461,157 |
| |) | Mark: Miscellaneous Design: |
| Applicant. |) | (Pipe Boot Product Design) |
| _____ |) | |

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2008, a true and correct copy Opposer's First Set of Requests for Production of Documents and Things (Nos. 1-37), Opposer's First Set of Interrogatories to Applicant (Nos. 1-39), and Opposer's First Set of Requests for Admissions to Applicant (Nos. 1-11) with Attached Opposer's Exhibit were sent by first class mail, postage prepaid, to Attorney for Applicant as follows:

Dillis V. Allen
105 S Roselle Rd, Suite 101
Schaumburg, IL 60193


Terence J. Linn