

ESTTA Tracking number: **ESTTA547234**

Filing date: **07/08/2013**

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

Proceeding	91206026
Party	Plaintiff Victualic Company
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Date	07/08/2013
Attachments	Motion for a Protective Order 7-08-13 with Exhibits.pdf(4313950 bytes)

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

Victaulic Company of America,)		
)		
Opposer,	)	Cancellation No.:	91206026
	)	Serial No.:	85/502,864
v.)		
)		
Shurjoint Piping Products, Inc.)		
)		
Applicant.)		

VICTAULIC’S MOTION FOR A PROTECTIVE ORDER

Opposer, Victaulic Company of America (hereinafter “Victaulic”) hereby moves for a protective order to quash Shurjoint Piping Products, Inc.’s Third Set of Requests to Admit (“Third Requests”). In support of its motion, Victaulic states the following:

INTRODUCTION

On June 3, 2013, Shurjoint served Victaulic with its Third Requests. A copy of the Third Requests is attached hereto as Exhibit 1. The Third Requests contain 525 separate requests for admission. Ex. 1.

The Third Requests is nothing more than Shurjoint’s harassment of Victaulic. The Third Requests seek admissions regarding third-party registrations containing either the word “JOINT” or “SNAP”. For each of these third-party marks, Shurjoint seeks an admission that Victaulic did not file an extension of time to oppose these federal registrations; did not file an opposition to the application of these marks; did not telephone these registrants in connection with the use of these marks; did not write any correspondence to these registrants in connection with the use of these marks; did not file a petition to cancel their marks; did not file a lawsuit against the registrants of these marks; and did not file a lawsuit regarding the use of these marks. Ex. 1.

None of the requests are relevant to the proceeding at hand. Whether Victaulic has ever filed an opposition to any one of these third-party trademarks has no bearing on whether the application for the mark at issue should be granted. As such, this tribunal should grant Victaulic's motion for a protective order and quash the Third Requests in their entirety.

PROCEDURAL BACKGROUND

On July 11, 2012, Victaulic filed an opposition to Shurjoint's registration application 85502864 (the "Application"). Victaulic opposes the Application based on priority and likelihood of confusion with Victaulic's Registration No. 1165192 ("Victaulic's Mark").

On October 16, 2013, Shurjoint filed a motion for judgment on the pleadings. The basis for Shurjoint's motion was that Victaulic's opposition should be barred by laches by its failure to object to one of Shurjoint's substantially similar marks for substantially similar services, Registration No. 1996123. The motion was ultimately denied.

On the same day, Shurjoint served Victaulic with its First Set of Requests to Admit ("First Requests"). A copy of the First Requests is attached as Exhibit 2. The First Requests contain 35 individual requests seeking admissions primarily related to Registration No. 1996123 and Victaulic's Mark.

The First Requests were substantively answered by Victaulic. A copy of Victaulic's response to the First Requests is attached as Exhibit 3.

On April 10, 2013, instead of submitting additional requests that might clarify Victaulic's previous answers, Shurjoint propounded an additional **235** requests to admit ("Second Requests") on Victaulic. A copy of the Second Requests is attached as Exhibit 4.

The Second Requests pertain to third-party trademark registrations that contain either the word "SNAP" or "JOINT".

On June 3, 2013, Shurjoint propounded an additional 525 requests to admit on Victaulic that expound upon the Second Requests. The Third Requests, however, are no more relevant to this proceeding than the Second Requests.

In accordance with Federal Rule of Civil Procedure 26, counsel for Victaulic attempted in good faith to resolve their issues regarding the Third Requests. The declaration of Jamie Robinson (“Robinson Decl.”) is attached as Exhibit 5. The parties were unable to resolve their dispute as to the relevance of the Third Requests, which necessitated the filing of this motion.

ARGUMENT

Federal Rule of Civil Procedure 26(c)(1) and 37 CFR § 2.120(f) allow a party to move for a protective order to avoid annoyance, embarrassment, harassment, and undue burden and expense. In this case, there is no doubt that the Third Requests were propounded for no other purpose than to harass Victaulic.

There is nothing relevant about the Third Requests to this action. Whether Victaulic has ever filed an objection, sent a demand letter, made a phone call to, or filed a lawsuit related to a third-party trademark that contains the word “SNAP” or “JOINT” has nothing to do with whether a likelihood of confusion exists between Victaulic’s Mark and the mark for which Shurjoint seeks registration.

Shurjoint’s position with respect to other discovery issues also supports Victaulic’s motion. For example, counsel recently agreed to an extension of time for all other dates in this case, including dates related to other discovery issues, while the parties engage in settlement discussions, yet has steadfastly refused to grant any extension of time to Victaulic on the requests to admit unless Victaulic agrees to answer each one of the 525 requests with an admission or a denial. Robinson Decl. ¶¶ 2-4. Such a position is simply unreasonable and

demonstrates that Shurjoint's intent is to cause Victaulic to continue to incur unnecessary expense despite the fact that the parties are engaged in settlement discussions.

WHEREFORE, Opposer Victaulic Company of America hereby requests that the Trademark Trial and Appeal Board grant its Motion for a Protective Order, quash the Third Requests, and for any further relief that the Interlocutory Attorney deems just.

Dated: July 8, 2013

Respectfully submitted,

Victaulic Company of America

By: /s/Bryan P. Sugar
Bryan P. Sugar
Jamie A. Robinson
UNGARETTI & HARRIS LLP
70 W. Madison Street
Suite 3500
Chicago, Illinois 60602
(312)977-4400

CERTIFICATE OF SERVICE

I certify that on this 8th day of July 2013, a true copy of the foregoing Opposer's Agreed Motion for Extension of Time was served upon the following via email and via First-Class Mail, postage prepaid, to the following representative:

Mark H. Tidman
BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5300

By: /s/Jamie A. Robinson
Jamie A. Robinson

EXHIBIT 1

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

Victaulic Company of America,

Opposer,

v.

Shurjoint Piping Products, Inc.

Applicant.

Opposition No.: 91206026
Serial No.: 85/502,864

APPLICANT'S THIRD SET OF REQUEST FOR ADMISSIONS

Applicant, Shurjoint Piping Products, Inc. (hereinafter "Shurjoint"), pursuant to Rule 26 and Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Opposer, Victaulic Company of America (hereinafter "Victaulic") respond to the Requests for Admissions as set forth below.

REQUESTS FOR ADMISSIONS

1. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 646,725.
2. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 646,725.
3. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 646,725.
4. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 646,725.
5. Admit that Opposer has not filed a petition to cancel Reg. No. 646,725.

6. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 646,725.
7. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 646,725.
8. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,415,852.
9. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,415,852.
10. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,415,852.
11. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,415,852.
12. Admit that Opposer has not filed a petition to cancel Reg. No. 2,415,852.
13. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,415,852.
14. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,415,852.
15. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,079,877.
16. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,079,877.
17. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,079,877.

18. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,079,877.
19. Admit that Opposer has not filed a petition to cancel Reg. No. 3,079,877.
20. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,079,877.
21. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,079,877.
22. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,628,738.
23. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,628,738.
24. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,628,738.
25. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,628,738.
26. Admit that Opposer has not filed a petition to cancel Reg. No. 3,628,738.
27. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,628,738.
28. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,628,738.
29. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,047,996.

30. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,047,996.

31. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,047,996.

32. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,047,996.

33. Admit that Opposer has not filed a petition to cancel Reg. No. 4,047,996.

34. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,047,996.

35. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,047,996.

36. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,281,151.

37. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,281,151.

38. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,281,151.

39. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,281,151.

40. Admit that Opposer has not filed a petition to cancel Reg. No. 4,281,151.

41. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,281,151.

42. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,281,151.

43. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,821,970.

44. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,821,970.

45. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,821,970.

46. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,821,970.

47. Admit that Opposer has not filed a petition to cancel Reg. No. 3,821,970.

48. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,821,970.

49. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,821,970.

50. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 524,298.

51. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 524,298.

52. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 524,298.

53. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 524,298.

54. Admit that Opposer has not filed a petition to cancel Reg. No. 524,298.
55. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 524,298.
56. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 524,298.
57. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,511,157.
58. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,511,157.
59. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,511,157.
60. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,511,157.
61. Admit that Opposer has not filed a petition to cancel Reg. No. 3,511,157.
62. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,511,157.
63. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,511,157.
64. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,620,992.
65. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,620,992.

66. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,620,992.

67. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,620,992.

68. Admit that Opposer has not filed a petition to cancel Reg. No. 2,620,992.

69. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,620,992.

70. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,620,992.

71. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,908,433.

72. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,908,433.

73. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,908,433.

74. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,908,433.

75. Admit that Opposer has not filed a petition to cancel Reg. No. 3,908,433.

76. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,908,433.

77. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,908,433.

78. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,595,354.
79. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,595,354.
80. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,595,354.
81. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,595,354.
82. Admit that Opposer has not filed a petition to cancel Reg. No. 3,595,354.
83. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,595,354.
84. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,595,354.
85. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,387,934.
86. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,387,934.
87. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,387,934.
88. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,387,934.
89. Admit that Opposer has not filed a petition to cancel Reg. No. 2,387,934.

90. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,387,934.
91. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,387,934.
92. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,890,196.
93. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,890,196.
94. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,890,196.
95. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,890,196.
96. Admit that Opposer has not filed a petition to cancel Reg. No. 3,890,196.
97. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,890,196.
98. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,890,196.
99. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,792,527.
100. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,792,527.
101. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,792,527.

102. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,792,527.
103. Admit that Opposer has not filed a petition to cancel Reg. No. 2,792,527.
104. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,792,527.
105. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,792,527.
106. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,307,353.
107. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,307,353.
108. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,307,353.
109. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,307,353.
110. Admit that Opposer has not filed a petition to cancel Reg. No. 4,307,353.
111. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,307,353.
112. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,307,353.
113. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,601,922.

114. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,601,922.

115. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,601,922.

116. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,601,922.

117. Admit that Opposer has not filed a petition to cancel Reg. No. 3,601,922.

118. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,601,922.

119. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,601,922.

120. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,803,055.

121. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,803,055.

122. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,803,055.

123. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,803,055.

124. Admit that Opposer has not filed a petition to cancel Reg. No. 1,803,055.

125. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,803,055.

126. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,803,055.

127. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,207,995.

128. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,207,995.

129. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,207,995.

130. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,207,995.

131. Admit that Opposer has not filed a petition to cancel Reg. No. 4,207,995.

132. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,207,995.

133. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,207,995.

134. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,235,478.

135. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,235,478.

136. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,235,478.

137. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,235,478.

138. Admit that Opposer has not filed a petition to cancel Reg. No. 4,235,478.
139. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,235,478.
140. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,235,478.
141. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,707,773.
142. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,707,773.
143. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,707,773.
144. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,707,773.
145. Admit that Opposer has not filed a petition to cancel Reg. No. 1,707,773.
146. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,707,773.
147. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,707,773.
148. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,930,930.
149. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,930,930.

150. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,930,930.

151. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,930,930.

152. Admit that Opposer has not filed a petition to cancel Reg. No. 1,930,930.

153. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,930,930.

154. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,930,930.

155. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,529,966.

156. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,529,966.

157. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,529,966.

158. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,529,966.

159. Admit that Opposer has not filed a petition to cancel Reg. No. 3,529,966.

160. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,529,966.

161. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,529,966.

162. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,418,142.
163. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,418,142.
164. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,418,142.
165. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,418,142.
166. Admit that Opposer has not filed a petition to cancel Reg. No. 1,418,142.
167. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,418,142.
168. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,418,142.
169. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,794,798.
170. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,794,798.
171. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,794,798.
172. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,794,798.
173. Admit that Opposer has not filed a petition to cancel Reg. No. 2,794,798.

174. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,794,798.
175. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,794,798.
176. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 555,911.
177. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 555,911.
178. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 555,911.
179. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 555,911.
180. Admit that Opposer has not filed a petition to cancel Reg. No. 555,911.
181. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 555,911.
182. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 555,911.
183. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,020,931.
184. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,020,931.
185. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,020,931.

186. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,020,931.
187. Admit that Opposer has not filed a petition to cancel Reg. No. 4,020,931.
188. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,020,931.
189. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,020,931.
190. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,194,492.
191. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,194,492.
192. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,194,492.
193. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,194,492.
194. Admit that Opposer has not filed a petition to cancel Reg. No. 1,194,492.
195. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,194,492.
196. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,194,492.
197. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,213,777.

198. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,213,777.

199. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,213,777.

200. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,213,777.

201. Admit that Opposer has not filed a petition to cancel Reg. No. 1,213,777.

202. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,213,777.

203. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,213,777.

204. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,277,187.

205. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,277,187.

206. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,277,187.

207. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,277,187.

208. Admit that Opposer has not filed a petition to cancel Reg. No. 4,277,187.

209. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,277,187.

210. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,277,187.

211. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,701,189.

212. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,701,189.

213. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,701,189.

214. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,701,189.

215. Admit that Opposer has not filed a petition to cancel Reg. No. 3,701,189.

216. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,701,189.

217. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,701,189.

218. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,734,092.

219. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,734,092.

220. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,734,092.

221. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,734,092.

222. Admit that Opposer has not filed a petition to cancel Reg. No. 2,734,092.
223. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,734,092.
224. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,734,092.
225. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,497,401.
226. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,497,401.
227. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,497,401.
228. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,497,401.
229. Admit that Opposer has not filed a petition to cancel Reg. No. 1,497,401.
230. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,497,401.
231. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,497,401.
232. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,477,411.
233. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,477,411.

234. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,477,411.

235. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,477,411.

236. Admit that Opposer has not filed a petition to cancel Reg. No. 1,477,411.

237. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,477,411.

238. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,477,411.

239. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,254,997.

240. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,254,997.

241. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,254,997.

242. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,254,997.

243. Admit that Opposer has not filed a petition to cancel Reg. No. 3,254,997.

244. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,254,997.

245. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,254,997.

246. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,229,162.
247. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,229,162.
248. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,229,162.
249. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,229,162.
250. Admit that Opposer has not filed a petition to cancel Reg. No. 3,229,162.
251. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,229,162.
252. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,229,162.
253. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,810,439.
254. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,810,439.
255. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,810,439.
256. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,810,439.
257. Admit that Opposer has not filed a petition to cancel Reg. No. 1,810,439.

258. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,810,439.

259. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,810,439.

260. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,610,337.

261. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,610,337.

262. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,610,337.

263. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,610,337.

264. Admit that Opposer has not filed a petition to cancel Reg. No. 1,610,337.

265. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,610,337.

266. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,610,337.

267. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,372,116.

268. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,372,116.

269. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,372,116.

270. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,372,116.
271. Admit that Opposer has not filed a petition to cancel Reg. No. 1,372,116.
272. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,372,116.
273. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,372,116.
274. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 788,618.
275. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 788,618.
276. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 788,618.
277. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 788,618.
278. Admit that Opposer has not filed a petition to cancel Reg. No. 788,618.
279. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 788,618.
280. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 788,618.
281. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,360,400.

282. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,360,400.

283. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,360,400.

284. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,360,400.

285. Admit that Opposer has not filed a petition to cancel Reg. No. 1,360,400.

286. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,360,400.

287. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,360,400.

288. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,300,689.

289. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,300,689.

290. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,300,689.

291. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,300,689.

292. Admit that Opposer has not filed a petition to cancel Reg. No. 2,300,689.

293. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,300,689.

294. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,300,689.

295. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 869,082.

296. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 869,082.

297. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 869,082.

298. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 869,082.

299. Admit that Opposer has not filed a petition to cancel Reg. No. 869,082.

300. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 869,082.

301. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 869,082.

302. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 620,215.

303. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 620,215.

304. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 620,215.

305. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 620,215.

306. Admit that Opposer has not filed a petition to cancel Reg. No. 620,215.
307. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 620,215.
308. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 620,215.
309. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,036,461.
310. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,036,461.
311. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,036,461.
312. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,036,461.
313. Admit that Opposer has not filed a petition to cancel Reg. No. 4,036,461.
314. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,036,461.
315. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,036,461.
316. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,820,992.
317. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,820,992.

318. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,820,992.

319. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,820,992.

320. Admit that Opposer has not filed a petition to cancel Reg. No. 1,820,992.

321. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,820,992.

322. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,820,992.

323. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,939,669.

324. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,939,669.

325. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,939,669.

326. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,939,669.

327. Admit that Opposer has not filed a petition to cancel Reg. No. 2,939,669.

328. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,939,669.

329. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,939,669.

330. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,069,476.

331. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,069,476.

332. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,069,476.

333. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,069,476.

334. Admit that Opposer has not filed a petition to cancel Reg. No. 3,069,476.

335. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,069,476.

336. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,069,476.

337. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,112,280.

338. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,112,280.

339. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,112,280.

340. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,112,280.

341. Admit that Opposer has not filed a petition to cancel Reg. No. 3,112,280.

342. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,112,280.

343. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,112,280.

344. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,463,198.

345. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,463,198.

346. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,463,198.

347. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,463,198.

348. Admit that Opposer has not filed a petition to cancel Reg. No. 3,463,198.

349. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,463,198.

350. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,463,198.

351. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,166,094.

352. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,166,094.

353. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,166,094.

354. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,166,094.

355. Admit that Opposer has not filed a petition to cancel Reg. No. 1,166,094.

356. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,166,094.

357. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,166,094.

358. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,637,384.

359. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,637,384.

360. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,637,384.

361. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,637,384.

362. Admit that Opposer has not filed a petition to cancel Reg. No. 1,637,384.

363. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,637,384.

364. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,637,384.

365. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,655,989.

366. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,655,989.

367. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,655,989.

368. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,655,989.

369. Admit that Opposer has not filed a petition to cancel Reg. No. 1,655,989.

370. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,655,989.

371. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,655,989.

372. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,152,481.

373. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,152,481.

374. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,152,481.

375. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,152,481.

376. Admit that Opposer has not filed a petition to cancel Reg. No. 3,152,481.

377. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,152,481.

378. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,152,481.

379. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,773,776.

380. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,773,776.

381. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,773,776.

382. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,773,776.

383. Admit that Opposer has not filed a petition to cancel Reg. No. 3,773,776.

384. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,773,776.

385. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,773,776.

386. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,126,613.

387. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,126,613.

388. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,126,613.

389. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,126,613.

390. Admit that Opposer has not filed a petition to cancel Reg. No. 3,126,613.
391. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,126,613.
392. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,126,613.
393. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,398,408.
394. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,398,408.
395. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,398,408.
396. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,398,408.
397. Admit that Opposer has not filed a petition to cancel Reg. No. 2,398,408.
398. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,398,408.
399. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,398,408.
400. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,574,030.
401. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,574,030.

402. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,574,030.

403. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,574,030.

404. Admit that Opposer has not filed a petition to cancel Reg. No. 2,574,030.

405. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,574,030.

406. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,574,030.

407. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,621,343.

408. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,621,343.

409. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,621,343.

410. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,621,343.

411. Admit that Opposer has not filed a petition to cancel Reg. No. 2,621,343.

412. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,621,343.

413. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,621,343.

414. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,005,406.

415. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,005,406.

416. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,005,406.

417. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,005,406.

418. Admit that Opposer has not filed a petition to cancel Reg. No. 2,005,406.

419. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,005,406.

420. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,005,406.

421. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,109,151.

422. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,109,151.

423. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,109,151.

424. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,109,151.

425. Admit that Opposer has not filed a petition to cancel Reg. No. 3,109,151.

426. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,109,151.

427. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,109,151.

428. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,709,034.

429. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,709,034.

430. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,709,034.

431. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,709,034.

432. Admit that Opposer has not filed a petition to cancel Reg. No. 2,709,034.

433. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,709,034.

434. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,709,034.

435. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,709,033.

436. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,709,033.

437. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,709,033.

438. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,709,033.

439. Admit that Opposer has not filed a petition to cancel Reg. No. 2,709,033.

440. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,709,033.

441. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,709,033.

442. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,223,891.

443. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,223,891.

444. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,223,891.

445. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,223,891.

446. Admit that Opposer has not filed a petition to cancel Reg. No. 4,223,891.

447. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,223,891.

448. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,223,891.

449. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,132,655.

450. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,132,655.

451. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,132,655.

452. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,132,655.

453. Admit that Opposer has not filed a petition to cancel Reg. No. 4,132,655.

454. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,132,655.

455. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,132,655.

456. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,392,973.

457. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,392,973.

458. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,392,973.

459. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,392,973.

460. Admit that Opposer has not filed a petition to cancel Reg. No. 3,392,973.

461. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,392,973.

462. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,392,973.

463. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,039,439.

464. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,039,439.

465. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,039,439.

466. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,039,439.

467. Admit that Opposer has not filed a petition to cancel Reg. No. 4,039,439.

468. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,039,439.

469. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,039,439.

470. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,373,832.

471. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,373,832.

472. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,373,832.

473. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,373,832.

474. Admit that Opposer has not filed a petition to cancel Reg. No. 2,373,832.
475. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,373,832.
476. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,373,832.
477. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,455,035.
478. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,455,035.
479. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,455,035.
480. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,455,035.
481. Admit that Opposer has not filed a petition to cancel Reg. No. 3,455,035.
482. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,455,035.
483. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,455,035.
484. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 1,579,749.
485. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 1,579,749.

486. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,579,749.

487. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 1,579,749.

488. Admit that Opposer has not filed a petition to cancel Reg. No. 1,579,749.

489. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 1,579,749.

490. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 1,579,749.

491. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 4,002,947.

492. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 4,002,947.

493. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,002,947.

494. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 4,002,947.

495. Admit that Opposer has not filed a petition to cancel Reg. No. 4,002,947.

496. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 4,002,947.

497. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 4,002,947.

498. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 2,728,956.

499. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 2,728,956.

500. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,728,956.

501. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 2,728,956.

502. Admit that Opposer has not filed a petition to cancel Reg. No. 2,728,956.

503. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 2,728,956.

504. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 2,728,956.

505. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,372,864.

506. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,372,864.

507. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,372,864.

508. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,372,864.

509. Admit that Opposer has not filed a petition to cancel Reg. No. 3,372,864.

510. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,372,864.

511. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,372,864.

512. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,078,200.

513. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,078,200.

514. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,078,200.

515. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,078,200.

516. Admit that Opposer has not filed a petition to cancel Reg. No. 3,078,200.

517. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,078,200.

518. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,078,200.

519. Admit that Opposer did not extend time to oppose the application for federal registration that matured into Reg. No. 3,819,306.

520. Admit that Opposer did not oppose the application for federal registration that matured into Reg. No. 3,819,306.

521. Admit that Opposer did not telephone the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,819,306.

522. Admit that Opposer did not write any correspondence to the registrant or any representative of the registrant in connection with use of the mark in Reg. No. 3,819,306.

523. Admit that Opposer has not filed a petition to cancel Reg. No. 3,819,306.

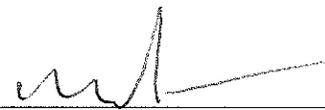
524. Admit that Opposer has not filed a lawsuit against the registrant of Reg. No. 3,819,306.

525. Admit that Opposer has not filed a lawsuit pertaining in any manner to the use of the mark in Reg. No. 3,819,306.

Respectfully submitted,

Shurjoint Piping Products, Inc.

Date June 3, 2013

By: 

Mark H. Tidman
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5300
(202) 861-1500 (Telephone)
(202) 861-1783 (Facsimile)
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on this 3rd day of June 2013, a true copy of the foregoing Respondent's Third Set of Request For Admissions was served upon the following via email and via First Class Mail to the following representative:

Bryan P. Sugar
Ungaretti & Harris
70 West Madison Street
3500 Three First National Plaza
Chicago, IL 60602-4224

By:  _____
Mark H. Tidman

EXHIBIT 2

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

Victaulic Company of America,

Petitioner,

v.

Shurjoint Piping Products, Inc.

Respondent.

Cancellation No.: 91206026
Serial No.: 85/502,864

RESPONDENT'S FIRST SET OF REQUEST FOR ADMISSIONS

Respondent, Shurjoint Piping Products, Inc. (hereinafter "Shurjoint"), pursuant to Rule 26 and Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Victaulic Company of America (hereinafter "Victaulic") respond to the Requests for Admissions as set forth below.

REQUESTS FOR ADMISSIONS

1. Victaulic has sold pipe couplings under Victaulic's trademark SNAP-JOINT for at least 30 years.
2. Victaulic and Shurjoint have been direct competitors for at least 30 years.
3. Victaulic is aware that Shurjoint has sold pipe couplings under the trademark SHURJOINT for at least 30 years.
4. Victaulic and Shurjoint have co-existed using their respective trademarks SHURJOINT and SNAP-JOINT for directly competing goods for at least 30 years.
5. Victaulic had knowledge of Shurjoint's use of the trademark SHURJOINT for goods directly competing with Victaulic's SNAP-JOINT goods, prior to the filing of the present proceeding.

6. Victaulic is not aware of a single instance of any actual, expressed consumer confusion between the parties' respective trademarks, SHURJOINT and SNAP-JOINT.

7. Aside from the present proceedings, Victaulic has never asserted that Shurjoint's trademark SHURJOINT infringes upon Victaulic's trademark SNAP-JOINT.

8. Shurjoint owns an incontestable registration for SHURJOINT, Reg. No. 1,996,123, covering "pipe fittings of metal."

9. Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, was published for opposition on August 8, 1995.

10. Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from Victaulic.

11. Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from any other party.

12. Victaulic was aware of the existence of Reg. No. 1,996,123 for SHURJOINT prior to the filing of the present proceeding.

13. Victaulic was aware of Shurjoint's ownership of Shurjoint's incontestable registration for SHURJOINT, Reg. No. 1,996,123, prior to the filing of the present proceeding.

14. The trademark designs in Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, are substantially similar.

15. The goods covered under Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, are substantially similar.

16. The goods covered under Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, travel in the same channels of trade.

17. Pipe couplings are sold by Victaulic in the United States.

18. Pipe fittings are sold by Victaulic in the United States.

19. Pipe couplings and pipe fittings are sold through the same channels of trade.

20. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Shurjoint has sold pipe couplings under the trademark SHURJOINT for at least 30 years.

21. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Victaulic and Shurjoint have been direct competitors for at least 30 years.

22. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Victaulic and Shurjoint have co-existed using their respective trademarks SNAP-JOINT and SHURJOINT for directly competing goods for at least 30 years.

23. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, had knowledge of Shurjoint's use of the trademark SHURJOINT for goods directly competing with Victaulic's SNAP-JOINT goods.

24. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, did not have knowledge of a single instance of any actual, expressed consumer confusion between the parties' respective trademarks, SHURJOINT and SNAP-JOINT.

25. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that, aside from the present proceeding, Victaulic has never asserted that Shurjoint's trademark SHURJOINT infringes upon Victaulic's trademark SNAP-JOINT.

26. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, had knowledge of Shurjoint's ownership of an incontestable registration for SHURJOINT (Reg. No. 1,996,123) covering "pipe fittings of metal".

27. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Shurjoint's registration for SHURJOINT, Registration No. 1,996,123, was published for opposition on August 8, 1995.

28. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from Victaulic.

29. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from any other party.

30. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, had knowledge of the substantial similarity between the trademark designs in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85/502,864.

31. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, had knowledge of the substantial similarity between the goods covered in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85/502,864.

32. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that the goods covered in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85/502,864, travel in the same channels of trade.

33. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that pipe couplings were sold by Victaulic in the United States.

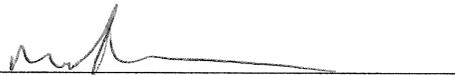
34. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that pipe fittings were sold by Victaulic in the United States.

35. Prior to the filing of the present proceeding, Victaulic's counsel, Brian Sugar, knew that pipe couplings and pipe fittings are sold through the same channels of trade.

Respectfully submitted,

Shurjoint Piping Products, Inc.

Date October 16, 2012

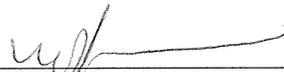
By: 
Mark H. Tidman
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5300
(202) 861-1500 (Telephone)
(202) 861-1783 (Facsimile)
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on this 16th day of October 2012, a true copy of the foregoing Respondent's First Set of Request For Admissions was served upon the following via First Class Mail to the following representative:

Bryan P. Sugar
Ungaretti & Harris
70 West Madison Street
3500 Three First National Plaza
Chicago, IL 60602-4224

By:



Mark H. Tidman

EXHIBIT 3

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

Victaulic Company of America)	
)	
Opposer,	)	Opposition No. 91206026
)	
v.	)	Serial No. 85/502,864
)	
Shurjoint Piping Products, Inc.,)	
)	
Respondent.)	

**VICTAULIC'S ANSWERS AND OBJECTIONS TO RESPONDENT'S
FIRST SET OF REQUESTS FOR ADMISSIONS**

Opposer Victaulic Company of America ("Victaulic" or "Opposer"), by its attorneys, submits the following responses and objections to Respondent's Requests for Admissions.

GENERAL OBJECTIONS

1. Opposer objects to these requests to the extent that they seek information protected from discovery by the attorney-client privilege, work product doctrine, consultant work product, joint defense privilege, or any other privilege or immunity from disclosure available to Opposer by statute, regulation, or common law.

2. Opposer objects to these requests to the extent that they are vague, ambiguous, and/or overbroad or not limited in time.

3. Opposer objects to these requests to the extent that they seek information which is not relevant to the subject matter of this action and/or is not reasonably calculated to lead to the discovery of admissible evidence.

4. Opposer objects to the requests to the extent that they seek to impose obligations on Opposer beyond those imposed under the Federal Rules of Civil Procedure or the Patent Rules of Practice for the Trademark Trial and Appeal Board.

5. These general objections shall be deemed to be applicable to and continuing with respect to each of the requests to admit responded to below. The general objections asserted above are incorporated into each and every one of the responses set forth herein. Such objections are not waived, nor in any way limited, by any response to any specific request.

6. The information contained in Opposer's responses is produced based on information presently available to Opposer. Opposer reserves the right to amend, supplement, or alter its responses and objections at any time.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Victaulic has sold pipe coupling under Victaulic's trademark SNAP-JOINT for at least 30 years.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 2:

Victaulic and Shurjoint have been direct competitors for at least 30 years.

RESPONSE: Victaulic admits that it and Shurjoint both sell fittings for grooving and hole-cut piping systems. Victaulic objects to this request on the grounds that the phrase "direct competitors" is vague and ambiguous and therefore Victaulic denies the remaining allegations in this request.

REQUEST FOR ADMISSION NO. 3:

Victaulic is aware that Shurjoint has sold pipe couplings under the trademark SHURJOINT for at least 30 years.

RESPONSE: Victaulic admits that it is aware that Shurjoint has sold fittings for grooving and hole-cut piping systems under the SHURJOINT trade name. Victaulic denies the remaining allegations of this request.

REQUEST FOR ADMISSION NO. 4:

Victaulic and Shurjoint have co-existed using their respective trademarks SHURJOINT and SNAP-JOINT for directly competing goods for at least 30 years.

RESPONSE: Victaulic admits that it has used the SNAP-JOINT mark for at least 30 years. Victaulic objects to this request on the grounds that the phrase “directly competing goods” is vague and ambiguous and that it is without sufficient information to admit or deny the remaining allegations of this request and therefore denies same.

REQUEST FOR ADMISSION NO. 5:

Victaulic had knowledge of Shurjoint’s use of the trademark SHURJOINT for goods directly competing with Victaulic’s SNAP-JOINT goods, prior to the filing of the present proceeding.

RESPONSE: Victaulic admits that it had knowledge that Shurjoint sold fittings for grooving and hole-cut piping systems under the SHURJOINT trade name prior to the filing of the present proceeding. Victaulic objects to this request on the grounds that the phrase “goods directly competing” is vague and ambiguous, and therefore Victaulic denies the remaining allegations of this request.

REQUEST FOR ADMISSION NO. 6:

Victaulic is not aware of a single instance of any actual, expressed consumer confusion between the parties’ respective trademarks, SHURJOINT and SNAP-JOINT.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 7:

Aside from the present proceedings, Victaulic has never asserted that Shurjoint’s trademark SHURJOINT infringes upon Victaulic’s trademark SNAP-JOINT.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 8:

Shurjoint owns an incontestable registration for SHURJOINT, Reg. No. 1,996,123, covering “pipe fittings of metal.”

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 9:

Shurjoint’s registration for SHURJOINT, Reg. No. 1,996,123, was published for opposition on August 8, 1995.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 10:

Shurjoint’s registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from Victaulic.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 11:

Shurjoint’s registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from any other party.

RESPONSE: Victaulic objects to this request on the grounds that the phrase “opposition” is vague and ambiguous and that it is without sufficient information to admit or deny the remaining allegations of this request and therefore denies same.

REQUEST FOR ADMISSION NO. 12:

Victaulic was aware of the existence of Reg. No. 1,996,123 for SHURJOINT prior to the filing of the present proceeding.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 13:

Victaulic was aware of Shurjoint’s ownership of Shurjoint’s incontestable registration for SHURJOINT, Reg. No. 1,996,123, prior to the filing of the present proceeding.

RESPONSE: Victaulic had constructive notice of Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, prior to the filing of the present proceeding. Victaulic denies the remaining allegations of this request.

REQUEST FOR ADMISSION NO. 14:

The trademark designs in Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, are substantially similar.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 15

The goods covered under Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, are substantially similar.

RESPONSE: The key difference between Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864 is that the subject applications tries to claim "pipe couplings," which is absent from Reg. No. 1,996,123. Victaulic denies the remaining allegations of this request.

REQUEST FOR ADMISSION NO. 16:

The goods covered under Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, and Shurjoint's application for SHURJOINT, App. No. 85-502,864, travel in the same channels of trade.

RESPONSE: Victaulic lacks sufficient information to admit or deny the allegations in this request and, therefore denies same.

REQUEST FOR ADMISSION NO. 17:

Pipe couplings are sold by Victaulic in the United States.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 18:

Pipe fittings are sold by Victaulic in the United States.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 19:

Pipe couplings and pipe fittings are sold through the same channels of trade.

RESPONSE: Victaulic objects to this request on the grounds that the phrase “sold through the same channels of trade” is overly broad, vague and ambiguous and that it lacks sufficient information to admit or deny the allegations in this request, and therefore denies same.

REQUEST FOR ADMISSION NO. 20:

Prior to the filing of the present proceeding, Victaulic’s counsel, Brian [*sic*] Sugar, knew that Shurjoint has sold pipe couplings under the trademark SHURJOINT for at least 30 years.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 21:

Prior to the filing of the present proceeding, Victaulic’s counsel, Brian [*sic*] Sugar, knew that Victaulic and Shurjoint have been direct competitors for at least 30 years.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that the phrase “direct competitor” is vague and ambiguous, and therefore Victaulic

denies the allegations in this request. Victaulic also objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 22:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that Victaulic and Shurjoint have co-existed using their respective trademarks SNAPJOINT and SHURJOINT for directly competing goods for at least 30 years.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that the phrase "directly competing goods" is vague and ambiguous and therefore Victaulic denies the allegations in this request. Victaulic also objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 23:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, had knowledge of Shurjoint's use of the trademark SHURJOINT for goods directly competing with Victaulic's SNAP-JOINT goods.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that the phrase "goods directly competing" is vague and ambiguous and therefore Victaulic denies the allegations in this request. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 24:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, did not have knowledge of a single instance of any actual, expressed consumer confusion between the parties' respective trademarks, SHURJOINT and SNAP-JOINT.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 25:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that, aside from the present proceeding, Victaulic has never asserted that Shurjoint's trademark SHURJOINT infringes upon Victaulic's trademark SNAP-JOINT.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 26:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, had knowledge of Shurjoint's ownership of an incontestable registration for SHURJOINT (Reg. No. 1,996,123) covering "pipe fittings of metal."

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the

grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 27:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, was published for opposition on August 8, 1995.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 28:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from Victaulic.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 29:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that Shurjoint's registration for SHURJOINT, Reg. No. 1,996,123, registered without opposition whatsoever from any other party.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 30:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, had knowledge of the substantial similarity between the trademark designs in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85-502,864.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 31:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, had knowledge of the substantial similarity between the goods covered in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85-502,864.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 32:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that the goods covered in Shurjoint's registration, Reg. No. 1,996,123, and Shurjoint's application, App. No. 85-502,864, travel in the same channels of trade.

RESPONSE: Victaulic objects to this request on the grounds that the phrase "travel in the same channels of trade" is vague and ambiguous and therefore Victaulic denies the allegations in this request. Victaulic further objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic also objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 33:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that pipe couplings were sold by Victaulic in the United States.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

REQUEST FOR ADMISSION NO. 34:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that pipe fittings were sold by Victaulic in the United States.

RESPONSE: Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the

grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

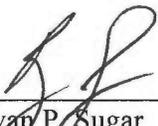
REQUEST FOR ADMISSION NO. 35:

Prior to the filing of the present proceeding, Victaulic's counsel, Brian [*sic*] Sugar, knew that pipe couplings and pipe fittings are sold through the same channels of trade.

RESPONSE: Victaulic objects to this request on the grounds that the phrase "sold through the same channels of trade" is vague and ambiguous and therefore Victaulic denies the allegations in this request. Victaulic objects to this request on the grounds that it is not relevant, not calculated to lead to the discovery of admissible evidence and improperly designed for the sole purpose of harassing counsel for Victaulic. Victaulic further objects to this request on the grounds that it seeks verification of knowledge beyond the knowledge of Victaulic and therefore denies same.

VICTAULIC COMPANY OF AMERICA

Date: March 15, 2013

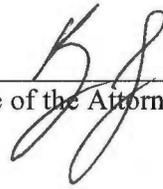


Bryan P. Sugar
Maureen R. Smith
UNGARETTI & HARRIS LLP
70 W. Madison Street, Suite 3500
Chicago, Illinois 60602
Telephone: (312) 977-4400

CERTIFICATE OF SERVICE

I, Bryan P. Sugar, an attorney, certify that on March 15, 2013, a copy of the foregoing **OPPOSER'S ANSWERS AND OBJECTIONS TO RESPONDENT'S FIRST SET OF REQUESTS FOR ADMISSIONS** was sent via first-class mail, postage prepaid, addressed to the following counsel for Respondent:

Mark H. Tidman
BAKER & HOSTETLER LLP
1050 Connecticut Avenue, Suite 1100
Washington, DC 20036-5300
Telephone: (202) 861-1500



One of the Attorneys for Opposer

EXHIBIT 4

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

Victaulic Company of America,

Opposer,

v.

Shurjoint Piping Products, Inc.

Applicant.

Opposition No.:

91206026

Serial No.:

85/502,864

RESPONDENT'S SECOND SET OF REQUEST FOR ADMISSIONS

Applicant, Shurjoint Piping Products, Inc. (hereinafter "Shurjoint"), pursuant to Rule 26 and Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Opposer, Victaulic Company of America (hereinafter "Victaulic") respond to the Requests for Admissions as set forth below.

REQUESTS FOR ADMISSIONS

1. Admit that attached hereto as Exhibit A is a true and accurate copy of reg. no. 646,725 for the mark TYTON JOINT.
2. Admit that Opposer has never objected to the registration of reg. no. 646,725.
3. Admit that Opposer has never objected to the use of the mark in reg. no. 646,725.
4. Admit that attached hereto as Exhibit B is a true and accurate copy of reg. no. 2,415,852 for the mark STAB-JOINT.
5. Admit that Opposer has never objected to the registration of reg. no. 2,415,852.
6. Admit that Opposer has never objected to the use of the mark in reg. no. 2,415,852.

7. Admit that attached hereto as Exhibit C is a true and accurate copy of reg. no. 3,079,877 for the mark RAPIDJOINT.
8. Admit that Opposer has never objected to the registration of reg. no. 3,079,877.
9. Admit that Opposer has never objected to the use of the mark in reg. no. 3,079,877.
10. Admit that attached hereto as Exhibit D is a true and accurate copy of reg. no. 3,628,738 for the mark PIN-FUSE JOINT.
11. Admit that Opposer has never objected to the registration of reg. no. 3,628,738.
12. Admit that Opposer has never objected to the use of the mark in reg. no. 3,628,738.
13. Admit that attached hereto as Exhibit E is a true and accurate copy of reg. no. 4,047,996 for the mark NICE JOINT.
14. Admit that Opposer has never objected to the registration of reg. no. 4,047,996.
15. Admit that Opposer has never objected to the use of the mark in reg. no. 4,047,996.
16. Admit that attached hereto as Exhibit F is a true and accurate copy of reg. no. 4,281,151 for the mark NANO BALL JOINT.
17. Admit that Opposer has never objected to the registration of reg. no. 4,281,151.
18. Admit that Opposer has never objected to the use of the mark in reg. no. 4,281,151.
19. Admit that attached hereto as Exhibit G is a true and accurate copy of reg. no. 3,821,970 for the mark MULTI/JOINT.
20. Admit that Opposer has never objected to the registration of reg. no. 3,821,970.

21. Admit that Opposer has never objected to the use of the mark in reg. no. 3,821,970.
22. Admit that attached hereto as Exhibit H is a true and accurate copy of reg. no. 524,298 for the mark LOCK-JOINT.
23. Admit that Opposer has never objected to the registration of reg. no. 524,298.
24. Admit that Opposer has never objected to the use of the mark in reg. no. 524,298.
25. Admit that attached hereto as Exhibit I is a true and accurate copy of reg. no. 3,511,157 for the mark JOINT-SAVER.
26. Admit that Opposer has never objected to the registration of reg. no. 3,511,157.
27. Admit that Opposer has never objected to the use of the mark in reg. no. 3,511,157.
28. Admit that attached hereto as Exhibit J is a true and accurate copy of reg. no. 2,620,992 for the mark JOINTMASTER and Design.
29. Admit that Opposer has never objected to the registration of reg. no. 2,620,992.
30. Admit that Opposer has never objected to the use of the mark in reg. no. 2,620,992.
31. Admit that attached hereto as Exhibit K is a true and accurate copy of reg. no. 3,908,433 for the mark ENDURA-JOINT.
32. Admit that Opposer has never objected to the registration of reg. no. 3,908,433.
33. Admit that Opposer has never objected to the use of the mark in reg. no. 3,908,433.
34. Admit that attached hereto as Exhibit L is a true and accurate copy of reg. no. 3,595,354 for the mark CRYOCOUP JOINT.

35. Admit that Opposer has never objected to the registration of reg. no. 3,595,354.
36. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,595,354.
37. Admit that attached hereto as Exhibit M is a true and accurate copy of reg. no.
2,387,934 for the mark COMBO-JOINT.
38. Admit that Opposer has never objected to the registration of reg. no. 2,387,934.
39. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,387,934.
40. Admit that attached hereto as Exhibit N is a true and accurate copy of reg. no.
3,890,196 for the mark ALUM-A-JOINT.
41. Admit that Opposer has never objected to the registration of reg. no. 3,890,196.
42. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,890,196.
43. Admit that attached hereto as Exhibit O is a true and accurate copy of reg. no.
2,792,527 for the mark WEATHER SNAP.
44. Admit that Opposer has never objected to the registration of reg. no. 2,792,527.
45. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,792,527.
46. Admit that attached hereto as Exhibit P is a true and accurate copy of reg. no.
4,307,353 for the mark TOPSNAP.
47. Admit that Opposer has never objected to the registration of reg. no. 4,307,353.
48. Admit that Opposer has never objected to the use of the mark in reg.
no. 4,307,353.

49. Admit that attached hereto as Exhibit Q is a true and accurate copy of reg. no. 3,601,922 for the mark TITAN SNAPLOCK.

50. Admit that Opposer has never objected to the registration of reg. no. 3,601,922.

51. Admit that Opposer has never objected to the use of the mark in reg. no. 3,601,922.

52. Admit that attached hereto as Exhibit R is a true and accurate copy of reg. no. 1,803,055 for the mark TAP'N'SNAP.

53. Admit that Opposer has never objected to the registration of reg. no. 1,803,055.

54. Admit that Opposer has never objected to the use of the mark in reg. no. 1,803,055.

55. Admit that attached hereto as Exhibit S is a true and accurate copy of reg. no. 4,207,995 for the mark SOFA SNAP.

56. Admit that Opposer has never objected to the registration of reg. no. 4,207,995.

57. Admit that Opposer has never objected to the use of the mark in reg. no. 4,207,995.

58. Admit that attached hereto as Exhibit T is a true and accurate copy of reg. no. 4,235,478 for the mark SOFA S.N.A.P and Design.

59. Admit that Opposer has never objected to the registration of reg. no. 4,235,478.

60. Admit that Opposer has never objected to the use of the mark in reg. no. 4,235,478.

61. Admit that attached hereto as Exhibit U is a true and accurate copy of reg. no. 1,707,773 for the mark SNAP-U-LOCK.

62. Admit that Opposer has never objected to the registration of reg. no. 1,707,773.

63. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,707,773.

64. Admit that attached hereto as Exhibit V is a true and accurate copy of reg. no.
1,930,930 for the mark SNAPTRUSS.

65. Admit that Opposer has never objected to the registration of reg. no. 1,930,930.

66. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,930,930.

67. Admit that attached hereto as Exhibit W is a true and accurate copy of reg. no.
3,529,966 for the mark SNAPTRAK.

68. Admit that Opposer has never objected to the registration of reg. no. 3,529,966.

69. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,529,966.

70. Admit that attached hereto as Exhibit X is a true and accurate copy of reg. no.
1,418,142 for the mark SNAP-TOP.

71. Admit that Opposer has never objected to the registration of reg. no. 1,418,142.

72. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,418,142.

73. Admit that attached hereto as Exhibit Y is a true and accurate copy of reg. no.
2,794,798 for the mark SNAPTOGGLE.

74. Admit that Opposer has never objected to the registration of reg. no. 2,794,798.

75. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,794,798.

76. Admit that attached hereto as Exhibit Z is a true and accurate copy of reg. no. 555,911 for the mark SNAP-TITE (Stylized).

77. Admit that Opposer has never objected to the registration of reg. no. 555,911.

78. Admit that Opposer has never objected to the use of the mark in reg. no. 555,911.

79. Admit that attached hereto as Exhibit AA is a true and accurate copy of reg. no. 4,020,931 for the mark SNAP-TITE.

80. Admit that Opposer has never objected to the registration of reg. no. 4,020,931.

81. Admit that Opposer has never objected to the use of the mark in reg. no. 4,020,931.

82. Admit that attached hereto as Exhibit BB is a true and accurate copy of reg. no. 1,194,492 for the mark SNAP-TITE.

83. Admit that Opposer has never objected to the registration of reg. no. 1,194,492.

84. Admit that Opposer has never objected to the use of the mark in reg. no. 1,194,492.

85. Admit that attached hereto as Exhibit CC is a true and accurate copy of reg. no. 1,213,777 for the mark SNAP-TITE.

86. Admit that Opposer has never objected to the registration of reg. no. 1,213,777.

87. Admit that Opposer has never objected to the use of the mark in reg. no. 1,213,777.

88. Admit that attached hereto as Exhibit DD is a true and accurate copy of reg. no. 4,277,187 for the mark SNAPSTIK.

89. Admit that Opposer has never objected to the registration of reg. no. 4,277,187.

90. Admit that Opposer has never objected to the use of the mark in reg.
no. 4,277,187.

91. Admit that attached hereto as Exhibit EE is a true and accurate copy of reg. no.
3,701,189 for the mark SNAPSTAK.

92. Admit that Opposer has never objected to the registration of reg. no. 3,701,189.

93. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,701,189.

94. Admit that attached hereto as Exhibit FF is a true and accurate copy of reg. no.
2,734,092 for the mark SNAPSPLIT.

95. Admit that Opposer has never objected to the registration of reg. no. 2,734,092.

96. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,734,092.

97. Admit that attached hereto as Exhibit GG is a true and accurate copy of reg.
no. 1,497,401 for the mark SNAP-SEAM.

98. Admit that Opposer has never objected to the registration of reg. no. 1,497,401.

99. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,497,401.

100. Admit that attached hereto as Exhibit HH is a true and accurate copy of reg. no.
1,477,411 for the mark SNAPRACK.

101. Admit that Opposer has never objected to the registration of reg. no. 1,477,411.

102. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,477,411.

103. Admit that attached hereto as Exhibit II is a true and accurate copy of reg. no. 3,254,997 for the mark SNAPQUIK and Design.

104. Admit that Opposer has never objected to the registration of reg. no. 3,254,997.

105. Admit that Opposer has never objected to the use of the mark in reg. no. 3,254,997.

106. Admit that attached hereto as Exhibit JJ is a true and accurate copy of reg. no. 3,229,162 for the mark SNAPQUIK.

107. Admit that Opposer has never objected to the registration of reg. no. 3,229,162.

108. Admit that Opposer has never objected to the use of the mark in reg. no. 3,229,162.

109. Admit that attached hereto as Exhibit KK is a true and accurate copy of reg. no. 1,810,439 for the mark SNAP-ON and Design.

110. Admit that Opposer has never objected to the registration of reg. no. 1,810,439.

111. Admit that Opposer has never objected to the use of the mark in reg. no. 1,810,439.

112. Admit that attached hereto as Exhibit LL is a true and accurate copy of reg. no. 1,610,337 for the mark SNAP-ON.

113. Admit that Opposer has never objected to the registration of reg. no. 1,610,337.

114. Admit that Opposer has never objected to the use of the mark in reg. no. 1,610,337.

115. Admit that attached hereto as Exhibit MM is a true and accurate copy of reg. no. 1,372,116 for the mark SNAP-ON.

116. Admit that Opposer has never objected to the registration of reg. no. 1,372,116.

117. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,372,116.

118. Admit that attached hereto as Exhibit NN is a true and accurate copy of reg.
no. 788,618 for the mark SNAP-ON.

119. Admit that Opposer has never objected to the registration of reg. no. 788,618.

120. Admit that Opposer has never objected to the use of the mark in reg. no. 788,618.

121. Admit that attached hereto as Exhibit OO is a true and accurate copy of reg.
no. 1,360,400 for the mark SNAP-N-LOC.

122. Admit that Opposer has never objected to the registration of reg. no. 1,360,400.

123. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,360,400.

124. Admit that attached hereto as Exhibit PP is a true and accurate copy of reg. no.
2,300,689 for the mark SNAPMATE.

125. Admit that Opposer has never objected to the registration of reg. no. 2,300,689.

126. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,300,689.

127. Admit that attached hereto as Exhibit QQ is a true and accurate copy of reg. no.
869, 082 for the mark SNAP-LOK.

128. Admit that Opposer has never objected to the registration of reg. no. 869, 082.

129. Admit that Opposer has never objected to the use of the mark in reg. no. 869, 082.

130. Admit that attached hereto as Exhibit RR is a true and accurate copy of reg. no.
620,215 for the mark SNAPLOCK (Stylized).

131. Admit that Opposer has never objected to the registration of reg. no. 620,215.

132. Admit that Opposer has never objected to the use of the mark in reg. no. 620,215.
133. Admit that attached hereto as Exhibit SS is a true and accurate copy of reg. no. 4,036,461 for the mark SNAP-LOC.
134. Admit that Opposer has never objected to the registration of reg. no. 4,036,461.
135. Admit that Opposer has never objected to the use of the mark in reg. no. 4,036,461.
136. Admit that attached hereto as Exhibit TT is a true and accurate copy of reg. no. 1,820,992 for the mark SNAP-LOC.
137. Admit that Opposer has never objected to the registration of reg. no. 1,820,992.
138. Admit that Opposer has never objected to the use of the mark in reg. no. 1,820,992.
139. Admit that attached hereto as Exhibit UU is a true and accurate copy of reg. no. 2,939,669 for the mark SNAPLOC.
140. Admit that Opposer has never objected to the registration of reg. no. 2,939,669.
141. Admit that Opposer has never objected to the use of the mark in reg. no. 2,939,669.
142. Admit that attached hereto as Exhibit VV is a true and accurate copy of reg. no. 3,069,476 for the mark SNAP-IN-PLACE WINDOW SYSTEM.
143. Admit that Opposer has never objected to the registration of reg. no. 3,069,476.
144. Admit that Opposer has never objected to the use of the mark in reg. no. 3,069,476.
145. Admit that attached hereto as Exhibit WW is a true and accurate copy of reg. no. 3,112,280 for the mark SNAPFAST.

146. Admit that Opposer has never objected to the registration of reg. no. 3,112,280.

147. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,112,280.

148. Admit that attached hereto as Exhibit XX is a true and accurate copy of reg. no.
3,463,198 for the mark SNAPBEAM.

149. Admit that Opposer has never objected to the registration of reg. no. 3,463,198.

150. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,463,198.

151. Admit that attached hereto as Exhibit YY is a true and accurate copy of reg. no.
1,166,094 for the mark SNAPBACK.

152. Admit that Opposer has never objected to the registration of reg. no. 1,166,094.

153. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,166,094.

154. Admit that attached hereto as Exhibit ZZ is a true and accurate copy of reg. no.
1,637,384 for the mark SNAP RING.

155. Admit that Opposer has never objected to the registration of reg. no. 1,637,384.

156. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,637,384.

157. Admit that attached hereto as Exhibit AAA is a true and accurate copy of reg. no.
1,655,989 for the mark SNAP RIB.

158. Admit that Opposer has never objected to the registration of reg. no. 1,655,989.

159. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,655,989.

160. Admit that attached hereto as Exhibit BBB is a true and accurate copy of reg. no. 3,152,481 for the mark SNAP ON 3000 AIRMATIC.

161. Admit that Opposer has never objected to the registration of reg. no. 3,152,481.

162. Admit that Opposer has never objected to the use of the mark in reg. no. 3,152,481.

163. Admit that attached hereto as Exhibit CCC is a true and accurate copy of reg. no. 3,773,776 for the mark SNAP LOCK.

164. Admit that Opposer has never objected to the registration of reg. no. 3,773,776.

165. Admit that Opposer has never objected to the use of the mark in reg. no. 3,773,776.

166. Admit that attached hereto as Exhibit DDD is a true and accurate copy of reg. no. 3,126,613 for the mark SNAP IT.

167. Admit that Opposer has never objected to the registration of reg. no. 3,126,613.

168. Admit that Opposer has never objected to the use of the mark in reg. no. 3,126,613.

169. Admit that attached hereto as Exhibit EEE is a true and accurate copy of reg. no. 2,398,408 for the mark SNAP GUARD and Design.

170. Admit that Opposer has never objected to the registration of reg. no. 2,398,408.

171. Admit that Opposer has never objected to the use of the mark in reg. no. 2,398,408.

172. Admit that attached hereto as Exhibit FFF is a true and accurate copy of reg. no. 2,574,030 for the mark SNAP GUARD.

173. Admit that Opposer has never objected to the registration of reg. no. 2,574,030.

174. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,574,030.

175. Admit that attached hereto as Exhibit GGG is a true and accurate copy of reg. no.
2,621,343 for the mark SCREW AND SNAP.

176. Admit that Opposer has never objected to the registration of reg. no. 2,621,343.

177. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,621,343.

178. Admit that attached hereto as Exhibit HHH is a true and accurate copy of reg. no.
2,005,406 for the mark SCREW AND SNAP.

179. Admit that Opposer has never objected to the registration of reg. no. 2,005,406.

180. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,005,406.

181. Admit that attached hereto as Exhibit III is a true and accurate copy of reg. no.
3,109,151 for the mark QUICKSNAP.

182. Admit that Opposer has never objected to the registration of reg. no. 3,109,151.

183. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,109,151.

184. Admit that attached hereto as Exhibit JJJ is a true and accurate copy of reg. no.
2,709,034 for the mark PREMIUM PRO-SNAP.

185. Admit that Opposer has never objected to the registration of reg. no. 2,709,034.

186. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,709,034.

187. Admit that attached hereto as Exhibit KKK is a true and accurate copy of reg. no. 2,709,033 for the mark PREMIUM PRO-SNAP and Design.

188. Admit that Opposer has never objected to the registration of reg. no. 2,709,033.

189. Admit that Opposer has never objected to the use of the mark in reg. no. 2,709,033.

190. Admit that attached hereto as Exhibit LLL is a true and accurate copy of reg. no. 4,223,891 for the mark POWER SNAP.

191. Admit that Opposer has never objected to the registration of reg. no. 4,223,891.

192. Admit that Opposer has never objected to the use of the mark in reg. no. 4,223,891.

193. Admit that attached hereto as Exhibit MMM is a true and accurate copy of reg. no. 4,132,655 for the mark PAC SNAP EDGE.

194. Admit that Opposer has never objected to the registration of reg. no. 4,132,655.

195. Admit that Opposer has never objected to the use of the mark in reg. no. 4,132,655.

196. Admit that attached hereto as Exhibit NNN is a true and accurate copy of reg. no. 3,392,973 for the mark NETCO-SNAP-IN.

197. Admit that Opposer has never objected to the registration of reg. no. 3,392,973.

198. Admit that Opposer has never objected to the use of the mark in reg. no. 3,392,973.

199. Admit that attached hereto as Exhibit OOO is a true and accurate copy of reg. no. 4,039,439 for the mark LEAF RELIFER SNAP TIGHT.

200. Admit that Opposer has never objected to the registration of reg. no. 4,039,439.

201. Admit that Opposer has never objected to the use of the mark in reg.
no. 4,039,439.

202. Admit that attached hereto as Exhibit PPP is a true and accurate copy of reg. no.
2,373,832 for the mark KEY-SNAP.

203. Admit that Opposer has never objected to the registration of reg. no. 2,373,832.

204. Admit that Opposer has never objected to the use of the mark in reg.
no. 2,373,832.

205. Admit that attached hereto as Exhibit QQQ is a true and accurate copy of reg. no.
3,455,035 for the mark GUTTER SNAP.

206. Admit that Opposer has never objected to the registration of reg. no. 3,455,035.

207. Admit that Opposer has never objected to the use of the mark in reg.
no. 3,455,035.

208. Admit that attached hereto as Exhibit RRR is a true and accurate copy of reg. no.
1,579,749 for the mark GRASS SNAP-ON.

209. Admit that Opposer has never objected to the registration of reg. no. 1,579,749.

210. Admit that Opposer has never objected to the use of the mark in reg.
no. 1,579,749.

211. Admit that attached hereto as Exhibit SSS is a true and accurate copy of reg. no.
4,002,947 for the mark GRAB GUARD STOP THIEVES IN A SNAP!

212. Admit that Opposer has never objected to the registration of reg. no. 4,002,947.

213. Admit that Opposer has never objected to the use of the mark in reg.
no. 4,002,947.

214. Admit that attached hereto as Exhibit TTT is a true and accurate copy of reg. no. 2,728,956 for the mark EQUI-SNAP.

215. Admit that Opposer has never objected to the registration of reg. no. 2,728,956.

216. Admit that Opposer has never objected to the use of the mark in reg. no. 2,728,956.

217. Admit that attached hereto as Exhibit UUU is a true and accurate copy of reg. no. 3,372,864 for the mark D-SNAP.

218. Admit that Opposer has never objected to the registration of reg. no. 3,372,864.

219. Admit that Opposer has never objected to the use of the mark in reg. no. 3,372,864.

220. Admit that attached hereto as Exhibit VVV is a true and accurate copy of reg. no. 3,078,200 for the mark COUNTER SNAP.

221. Admit that Opposer has never objected to the registration of reg. no. 3,078,200.

222. Admit that Opposer has never objected to the use of the mark in reg. no. 3,078,200.

223. Admit that attached hereto as Exhibit WWW is a true and accurate copy of reg. no. 3,819,306 for the mark BUFFALO SNAP.

224. Admit that Opposer has never objected to the registration of reg. no. 3,819,306.

225. Admit that Opposer has never objected to the use of the mark in reg. no. 3,819,306.

226. Admit that Opposer has not opposed Application Serial No. 85-855914.

227. Admit that Opposer has not opposed Application Serial No. 85-249841.

228. Admit that Opposer has not opposed Application Serial No. 76-712108.

- 229. Admit that Opposer has not opposed Application Serial No. 85-540265.
- 230. Admit that Opposer has not opposed Application Serial No. 85-573860.
- 231. Admit that Opposer has not opposed Application Serial No. 77-513691.
- 232. Admit that Opposer has not opposed Application Serial No. 77-513682.
- 233. Admit that Opposer has not opposed Application Serial No. 85-519984.
- 234. Admit that Opposer has not opposed Application Serial No. 77-922818.
- 235. Admit that Opposer has not opposed Application Serial No. 76-712924.

Respectfully submitted,

Shurjoint Piping Products, Inc.

Date April 10, 2013

By: 
Mark H. Tidman
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5300
(202) 861-1500 (Telephone)
(202) 861-1783 (Facsimile)
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on this 10th day of April 2013, a true copy of the foregoing Respondent's Second Set of Request For Admissions was served upon the following via email and via First Class Mail to the following representative:

Bryan P. Sugar
Ungaretti & Harris
70 West Madison Street
3500 Three First National Plaza
Chicago, IL 60602-4224

By: 
Mark H. Tidman

For Purposes of Brevity, Exhibits to Shurjoint's
Second Requests for Admissions are not
attached to Victaulic's Motion for Protective
Order filed July 8, 2013

EXHIBIT 5

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

Victaulic Company of America,)		
)		
Opposer,	)	Cancellation No.:	91206026
	)	Serial No.:	85/502,864
v.)		
)		
Shurjoint Piping Products, Inc.)		
)		
Applicant.)		

DECLARATION OF JAMIE A. ROBINSON

I, Jamie A. Robinson, in support of Victaulic Company of America’s Motion for a Protective Order, state as follows:

1. I am counsel for Victaulic Company of America in this matter. I have personal knowledge of the subject matter herein.
2. On June 27, 2013, I sent an email to counsel for Shurjoint Piping Products, Inc. (“Shurjoint”) in good faith to schedule a telephone conference regarding the relevancy of Shurjoint’s Third Set of Requests for Admission (“Third Requests”).
3. On July 2, 2013, counsel replied by email arguing that he believed the Third Requests to be relevant to the issue of likelihood of confusion.
4. Although counsel attempted to reach a compromise on the requests, one could not be met.
5. In light of the parties’ settlement negotiations, counsel for Shurjoint agreed to an extension of all currently set dates and outstanding discovery issues except the requests to admit.

I certify under penalty of perjury that the foregoing is true and correct.

July 8, 2013

/s/Jamie A. Robinson
Jamie A. Robinson