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

Proceeding	92041776
Party	Plaintiff CATERPILLAR INC. CATERPILLAR INC. 100 N. E. ADAMS ST. PEORIA, IL 616296490
Correspondence Address	MARY E. INNIS LOEB & LOEB LLP. 321 NORTH CLARK STREET, SUITE 2300 CIIICAGO, IL 60610 UNITED STATES minnis@loeb.com
Submission	Stipulation of Facts
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Date	08/05/2005
Attachments	stip.pdf (6 pages)

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

In the Matter of Registration No. 2,684,138: PAVERCAT
Registered on the Principal Register on February 4, 2003, in International Class 7

CATERPILLAR INC.,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92041776
v.	)	
	)	
PAVE TECH, INC.,	)	
	)	
Respondent.	)	

STIPULATION REGARDING AUTHENTICITY OF DOCUMENTS

Petitioner, Caterpillar Inc., and Registrant, Pave Tech, Inc., hereby stipulate that Petitioner's Exhibits 1 through 75 as indicated on the attached Exhibit List are authentic in accordance with F.R.E. 901 with all other objections reserved.

Date: Aug 4, 2005

Respectfully submitted,

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Aug 3, 2005

Attorneys for Respondent

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

In the Matter of Registration No. 2,684,138: PAVERCAT
Registered on the Principal Register on February 4, 2003, in International Class 7

CATERPILLAR INC.,	)	
	)	
Petitioner,	)	
v.	)	Cancellation No. 92041776
	)	
PAVE TECH, INC.,	)	
	)	
Registrant.	)	

PETITIONER'S EXHIBIT LIST

Exhibit No.	Description	Bates No.
Exh. 1.	From Driveways to Super Highways	CAT 019043-019046
Exh. 2.	The Caterpillar Story	CAT 000011-000093
Exh. 3.	Reg. No. 564,272	CAT 024088-024089
Exh. 4.	Inside CAT RACING 2005	CAT 022308-022359
Exh. 4 A.	2004 CAT RACING LICENSEE MEETING	CAT 024055-024064
Exh. 5.	AMERICA'S GREATEST BRANDS "CAT" version of the brand has taken more prominent position (compared to CATERPILLAR), at least since introduction of new design marks in 1989	CAT 000006-000010
Exh. 6.	Caterpillar Corporate Identity Guidelines	CAT 018616-018810
Exh. 7.	Less detailed version of Caterpillar's Corporate Identity Guidelines	CAT 018811-018860
Exh. 8.	Dealer Identity Manual	CAT 018861-018921
Exh. 9.	Cat Rental Store Usage Guide	CAT 021539-021582
Exh. 10.	Style Guide from Trademark Merchandise Licensing Division	CAT 018922-019015

Exhibit No.	Description	Bates No.
Exh. 11.	1995 Issue: Reference to "Sale of genuine CAT parts	CAT 019019
Exh. 12.	1962 Issue: Reference to "Stories about CAT products"	CAT 019024
Exh. 13.	1967 Issue: Reference to " Cat 977 Traxcavator	CAT 019027
Exh. 14.	1986 Issue: Reference to the company as "Cat has responded"	CAT 019034
Exh. 15.	1990 Issue: Magazine title has become "Cat World" also reference to "Cat Equipment"	CAT 002840-002847
Exh. 16.	On Your Own Vol. 19, No. 2	CAT 023939-023962
Exh. 17.	On Your Own Product Focus 2005 Issue	CAT 023891-023938
Exh. 18.	2001-2002 CAT Merchandise Catalog	CAT 003016-003111
Exh. 19.	The CAT Rental Store Merchandise Catalog	CAT 003600-003605
Exh. 20.	CAT Dealer Promotional Products Catalog	CAT 003606-003618
Exh. 21.	CAT Footwear Product Line Catalog	CAT 003112-003168
Exh. 22.	CAT Racing Distinctive Gifts Catalog	CAT 003340-003359
Exh. 23.	200 Collectible CAT Scale Model Replicas Catalog	CAT 003424-003443
Exh. 24.	CAT Merchandise Sales For 2004	CAT 023272
Exh. 25.	Caterpillar Products and Services Guidebook	CAT 005311-005383
Exh. 26.	2005 Caterpillar Product Line Brochures	CAT 001839-001846
Exh. 27.	1998 Press Release and Photos	CAT 011287-011304
Exh. 28.	1999 Press Release and Printouts from CD	CAT 011162-011190
Exh. 29.	Sample Brochure Promoting Compact Equipment	CAT 011147-011150
Exh. 30.	216B Skid Steer Loaders Product Bulletins	CAT 019237-019268

Exhibit No.	Description	Bates No.
Exh. 31.	Skid Steer Loader 226 (Exhibit from Deposition of Sharpe Exh. 6)	CAT 023810-023817
Exh. 32.	Skid Steer Loader 226B	CAT 019210-019230
Exh. 33.	Skid Steer Loader 232	CAT 019174-019204
Exh. 34.	Skid Steer Loader 232B	CAT 019649-019680
Exh. 35.	Multi Terrain Loader 247B	CAT 019505-019532
Exh. 36.	Multi Terrain Loader 257B	CAT 019533-019560
Exh. 37.	Compact Wheel Loader 902, 906, 908	CAT 011227-011266
Exh. 38.	Mini Excavator Product Bulletins	CAT 020013-020056
Exh. 39.	Work Tools for Mini Excavators Product Bulletin	CAT 023780-023807
Exh. 40.	Soil Compactors Product Bulletin	CAT 023557-023568
Exh. 41.	Small CAT Asphalt Compactor	CAT 019042 and CAT 024047-024054
Exh. 42.	Work Tool Product Line	CAT 010729-010735
Exh. 43.	Dealer Name News 1998 "Work Tools and Versatility	CAT 010741-010753
Exh. 44.	CAT Work Tools for CAT Skid Steer Loaders and Multi Terrain Loaders	CAT 019269-019387
Exh. 45.	CAT Work Tools for CAT 902, 906, 908 Compact Wheel Loaders	CAT 019453-019476
Exh. 46.	Tools at Work Vol. 1, No. 1	CAT 010770-010785
Exh. 47.	Tools at Work Vol. 1, No. 2	CAT 010754-010769
Exh. 48.	Touch Tools for Tech Machines	CAT 024035-024046
Exh. 48 A.	Compact Equipment	CAT 023963-024034
Exh. 49.	NACD Landscape Marketing Plan 2005	CAT 020976-021062

Exhibit No.	Description	Bates No.
Exh. 49 A.	2005/2006 Landscape Strategy	CAT 023737-023755
Exh. 49 B.	ALCA Brochure	CAT 023756-023763
Exh. 50.	Communicating with Our Customers	CAT 021591-021602
Exh. 51.	Communicating with Emotion	CAT 021603-021605
Exh. 52.	Communicating One-On-One	CAT 021606-021613
Exh. 53.	Developing a Proposition to Dedifferentiate CCE	CAT 021583-021590
Exh. 54.	Delivering The Message	CAT 021614-021624
Exh. 55.	General Construction Promotion Kit (From CD)	CAT 023697-023735 and CAT 023736
Exh. 56.	Landscape Promotion	CAT 022360-022361
Exh. 57.	Welcome CAT Rental Store 2003 Issue	CAT 022458-022489
Exh. 58.	CAT Rental Digest	CAT 022496-022511
Exh. 59.	CAT Rental Advertising	CAT 022288-022307 and CAT 022095-022109
Exh. 60.	CAT Rental Promotions	CAT 022362-022373
Exh. 61.	CAT Rental Promotions Kit	CAT 015979-016002
Exh. 62.	CAT Rental Kit Brochures	CAT 015929-015962
Exh. 63.	CAT Rental Store Count	CAT 021523-021527
Exh. 64.	Total Overall Advertising Expenditures	CAT Summary and Designated Bates Nos.
Exh. 64 A.	Advertising Clip Report	CAT 021649-021679

Exhibit No.	Description	Bates No.
Exh. 65.	Caterpillar's Print Advertising Expenditures	CAT Summary; Designated Bates Nos. and CAT 024066-024087
Exh. 65 A.	Caterpillar Compact Equipment Advertising	CAT 023292
Exh. 65 B.	Caterpillar CAT RENTAL STORE Advertising	CAT 023292
Exh. 66.	Caterpillar Work Tool Sales	CAT Summary and Designated Bates Nos.
Exh. 67.	Caterpillar Compact Equipment Sales	CAT Summary and Designated Bates Nos.
Exh. 68.	Caterpillar's Overall U.S. Sales	CAT Summary and Designated Bates Nos.
Exh. 69.	Ranked 68th in The 100 Top Brands	CAT 019047-019050
Exh. 70.	Caterpillar Paving Products Solutions Guide	CAT 023818-023825
Exh. 71.	CAT Motorcycle	CAT 023808-023809
Exh. 72.	Pave Tech Exhibits	Exhibits 7, 8, 10, 15, 16, 22
Exh. 73.	Caterpillar's Enforcement of CAT Formative Marks	CAT Summary and Designated Bates Nos.
Exh. 74.	Caterpillar's Domain Name Enforcement Actions	CAT Summary and Designated Bates Nos.
Exh. 75.	Caterpillar Enforcement of Counterfeit Goods and Misuse of Caterpillar Marks	CAT Summary and Designated Bates Nos.