

United States Patent and Trademark Office
Trademark Trial and Appeal Board

P O Box 1451
Alexandria, Va. 23313-1451

Certification

TTAB

Petitioner Omnova Solutions Inc
175 Ghent Road
Fairlawn Oh 44333-3300

92043900

V.

Respondent The Die-Gem Co., Inc.
One The Die-Gem Way
Akron, Ohio 44312-1539

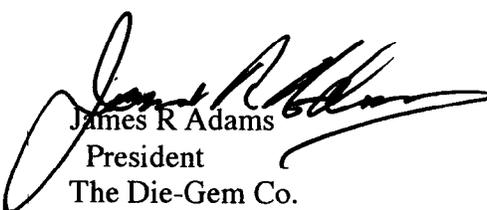
Aug. 20, 2005

Mr. Ajay A. Jagtiani
Jagtiani + Guttag
10363-A Democracy Lane
Fairfax, Va. 22030

Dear Mr. Jagtiani:

Please find enclosed February 22, 2005 letter to Pauline Stewart Legal assistant United states Patent & Trademark Office regarding the error in receiving the notification of Trust Insurance Co. v. Lincoln National Life Ins. Co. This letter from the USPTO was received February 21, 2005.

Please note that this information has been available on line since April 4, 2005 and that we responded to the error in less than 24 hrs..



James R Adams
President
The Die-Gem Co.

Email response JRA@die-gem.com

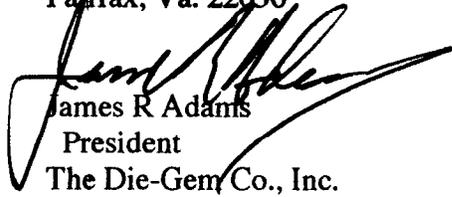
Encl: 1.Ltr. to Pauline Stewart Legal assistant
2.Env. Pauline Stewart Legal assistant
3. Notice of Opposition No. 91163116
4. Mailed env. from USPTO To The Die-Gem Co., Inc.



08-24-2005

I certify that the above listed enclosures were served Aug 20, 2005 by US mail, properly addressed and postage prepaid to the petitioner as representative of Omnova Solutions Inc. :

Mr. Ajay A. Jagtiani
Jagtiani + Gutttag
10363-A Democracy Lane
Fairfax, Va. 22030



James R Adams
President
The Die-Gem Co., Inc.

The Die-Gem Co., Inc

Feb. 22, 2005

Ms Pauline Stewart Legal Assistant
United States Patent & Trademark Office
P O Box 1451
Alexandria, VA 22313-1451

Dear Ms Stewart:

We have received the enclosed notification of Trust Insurance Co. vs Lincoln National Life Ins. Co. This seems to be in error.

We have received no other notification from you.

Please advise me, James Adams, if there is some notification we should be aware of with regard to this matter or any other.

You may contact me as listed below.

Thank You

James R Adams
President
The Die-Gem Co., Inc.
P O Box 8033
Akron, OH. 44320 - 8033

The Die-Gem Co., Inc.
One The Die-Gem Way
Akron, OH. 44312 - 1539

330 784-7400 Fax 7542

E-mail JRA@die-gem.com

Ref. 91163116 Ltr
92 043900 on envelope

The Die-Gem Co., Inc
One TheDie-Gem Way
Akron, Oh 44312

97043900

Ms Pauline Stewart, Legal Assistant
United States Patent & Trademark Office
Trademark Trial and Appeal Board
P O Box1451
Alexandria, VA 22313-1451

mailed Feb 25 05

Feb 92043900

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Res Feb 21 05

Mailed: February 17, 2005

Opposition No. 91163116

76494981

The Lincoln National Life
Insurance
Company

v.

Future Trust Insurance Co.

Pauline Stewart, Legal Assistant

On February 2, 2005, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, The Lincoln National Life Insurance Company, is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party

92043900

Within thirty days after completion of the taking of
testimony. Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE: February 2, 2005

30-day testimony period for party
in position of plaintiff in the
opposition to close: May 3, 2005

30-day testimony period for party
in position of defendant in
the opposition and plaintiff in
the counterclaim to close: July 2, 2005

30-day rebuttal testimony period
for plaintiff in the opposition and
defendant in the counterclaim
to close: August 31, 2005

15-day rebuttal testimony period for
plaintiff in the counterclaim to
close: October 15, 2005

Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)].

Brief for plaintiff in the
opposition shall be due: December 14, 2005

Brief for defendant in the
opposition and plaintiff in
the counterclaim shall be due: January 13, 2006

Brief for defendant in the
counterclaim and reply brief,
if any, for plaintiff in the
opposition shall be due: February 12, 2006

Reply brief, if any, for
plaintiff in the counterclaim
shall be due: February 27, 2006

If the parties stipulate to any extension of these dates,
the papers should be filed in triplicate and should set forth

92043900

the dates in the format shown in this order. See Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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Alexandria, VA 22313-1451
If Undeliverable Return in Ten Days
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PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER

92043900
THE DIE GEM CO., INC.
P.O. BOX 8033, MAPLE VALLEY STATION
AKRON, OH 44320

443201033-33 0001



United States Patent and Trademark Office

Trademark Trial and Appeal Board

P O Box 1451

Alexandria, Va. 23313-1451

Petitioner

Omnova Solutions Inc

175 Ghent Road

Fairlawn Oh 44333-3300

92043900

V.

Respondent

The Die-Gem Co., Inc.

One The Die-Gem Way

Akron, Ohio 44312-1539

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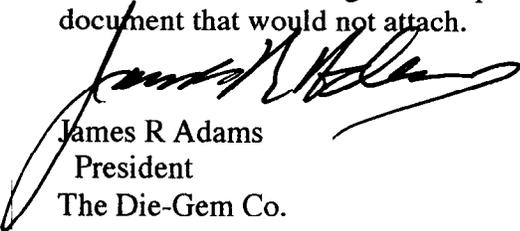
Aug. 21, 2005

Mr. Ajay A. Jagtiani
Jagtiani + Gutttag
10363-A Democracy Lane
Fairfax, Va. 22030

Dear Mr. Jagtiani:

Please find enclosed Motion to Quash the Notice of Default April 4, 2005 filed on Line April 4, 2005. Tracking # ESTTA29649

Please note that Motion to Quash Tracking # ESTTA29648 was filed April 4, 2005. ESTTA29648 Tracking # is a duplicate of Tracking # ESTTA29649 except for one document that would not attach.



James R Adams
President
The Die-Gem Co.

Email response JRA@die-gem.com

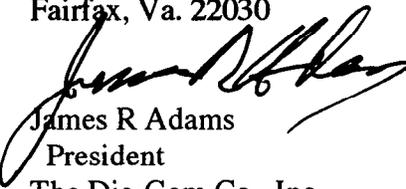
- Encl: 1.TTAB Elect File ESTTA29649
2.TTAB Elect File Signature
3. Statement of the facts
4.Ltr. to Pauline Stewart Legal assistant
5.Env. to Pauline Stewart Legal assistant
6. Notice of Opposition No. 91163116
7. Mailed env. from USPTO To The Die-Gem Co., Inc.



08-24-2005

I certify that the above listed enclosures were served Aug 21, 2005 by US mail, properly addressed and postage prepaid to the petitioner as representative of Omnova Solutions Inc. :

Mr. Ajay A. Jagtiani
Jagtiani + Guttag
10363-A Democracy Lane
Fairfax, Va. 22030



James R Adams
President
The Die-Gem Co., Inc.

What was filed
April 4 2005
TR# A29649

Trademark Trial and Appeal Board Electronic Filing System. <http://esta.uspto.gov>

ESTTA Tracking number: **ESTTA29649**

Filing date: **04/04/2005**

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

Proceeding	92043900
Party	Defendant DIE GEM CO., INC., THE DIE GEM CO., INC., THE P.O. BOX 8033 MAPLE VALLEY STATION AKRON, OH 44320
Correspondence Address	THE DIE GEM CO., INC. P.O. BOX 8033, MAPLE VALLEY STATION AKRON, OH 44320
Submission	Motion to Quash
Filer's Name	James R Adams
Filer's e-mail	JRA@die-gem.com
Signature	/James R Adams/
Date	04/04/2005
Attachments	05.pdf (2 pages) 225.pdf (1 page) 050020.pdf (1 page) 050018.pdf (1 page) TesaDeclaration.pdf (1 page) 050021.pdf (1 page) 050022.pdf (1 page) 050023.pdf (1 page)



United States Patent and Trademark Office

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Motion to Quash

Signature

FTO 2151 (Exp. 5/31/2004)
O/T/B No. (E51-0040) (Exp. 5/31/2004)**Signature**

The request must be signed by the filer. The request will not be "signed" in the sense of a traditional paper document. To sign the request, the signer must enter any combination of printable characters that have been adopted to serve the function of a signature, preceded and followed by the forward slash (/) symbol. Acceptable "signatures" could include: /john doe/ .pdf, and 1123-4567/.

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

Proceeding	92043900
Party	Defendant DIE GEM CO., INC., THE DIE GEM CO., INC., THE P.O. BOX 8033 MAPLE VALLEY STATION AKRON, OH 44320
Correspondence Address	THE DIE GEM CO., INC. P.O. BOX 8033, MAPLE VALLEY STATION AKRON, OH 44320
Submission	Motion to Quash
Attachments	05.pdf (2 pages) 225.pdf (1 page) 050020.pdf (1 page) 050018.pdf (1 page) TesaDeclaration.pdf (1 page) 050021.pdf (1 page) 050022.pdf (1 page) 050023.pdf (1 page)

Filer Information

Fill in the information below. You will receive an e-mail confirmation of your filing within 24 hours. Your paper will be considered by the Board in due course.

Filer's Signature *	/James R Adams/
Filer's Name *	James R Adams
Filer's E-Mail Address *	JRA@die-gem.com Note: Multiple e-mail addresses may be provided separated by commas
Date	04/04/2005

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04/04/2005 04:08 AM EDT

April 3, 2005

United States Patent & Trademark Office
Trademark Trial and Appeal board
P O Box 1451
Alexandria, VA 22313-1451

Registration No. 1384270
PEEL N STICK®

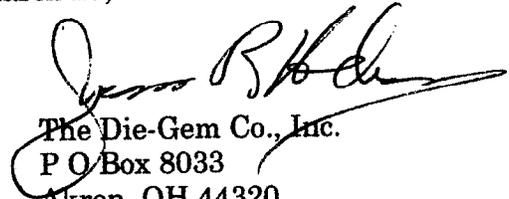
CANCELLATION NO 92043900 Letter dated March 25, 2005 & Mailed

March 29, 2005 received April 1, 2005

Omnova Solutions, Inc.

Vs.

Die-Gem Co., Inc., The



The Die-Gem Co., Inc.
P O Box 8033
Akron, OH 44320
James R Adams
President
JRA@die-gem.com

1. The Die-Gem Company did not receive a "notice of default" to respond notice dated February 17, 2005 or any other date with regard to this matter OF CANCELLATION of PEEL N STICK registered mark. Proof see attachments.

The Die-Gem Company petitions the Trademark Trial and Appeal Board to stop all action and rescind any order (judgment by default) concerning the registered mark PEEL N STICK. The mark PEEL N STICK is and has been integral part of The Die-Gem Company since 1973. PEEL N STICK products have been sold in commerce in every year since 1973. On March 22, 2005 a Declaration and Application for renewal of registration of the mark PEEL N STICK registration NO 1384270 under sections 8 & 9 (15 U.S.C. 1058 & 1059) was filled via TEAS.

92043900

2. The Die-Gem Company petitions the Trademark Trial and Appeal Board for an extension of 30 days to fully negate the petition for cancellation NO 92043900. The proof includes CONFIDENTIAL documents.

An Explanation

On February 21, 2005 The Die-Gem Company did receive an envelope from United States Patent & Trademark Office Trademark Trial and Appeal Board Concerning Opposition No 91163116. We were unaware and have nothing to do with this matter of National Life Insurance Company vs. Future Trust Insurance Company.

The Die-Gem Company in a letter Dated and Mailed on February 22, 2005 noted the error and gave full detail of Die-Gem correct address (Street & box), phone number, fax number and Email address and responsible person to notify regarding any correspondence. A copy of the letter dated February 17, 2005 and envelope dated February 18, 2005 from TT&AB were included as part of the explanation. See attachments (copies both letters) as proof that procedure was not followed and that judgment by default should be rescinded.

No response of any nature has ever been received from TT&AB..

The Die-Gem Co., Inc
One TheDie-Gem Way
Akron, Oh 44312

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Ms Pauline Stewart, Legal Assistant
United States Patent & Trademark Office
Trademark Trial and Appeal Board
P O Box 1451
Alexandria, VA 22313-1451

92 04 3900

Feb. 22, 2005

Ms Pauline Stewart Legal Assistant
United States Patent & Trademark Office
P O Box 1451
Alexandria, VA 22313-1451

Dear Ms Stewart:

We have received the enclosed notification of Trust Insurance Co. vs Lincoln National Life Ins. Co. This seems to be in error.

We have received no other notification from you.

Please advise me, James Adams, if there is some notification we should be aware of with regard to this matter or any other.

You may contact me as listed below.

Thank You

James R Adams
President
The Die-Gem Co., Inc.
P O Box 8033
Akron, OH. 44320

The Die-Gem Co., Inc.
One The Die-Gem Way
Akron, OH. 44312

330 784-7400 Fax 7542

E-mail JRA@die-gem.com

9704500

[Handwritten mark]

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Co. vs Lincoln

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THE DIE GEM CO., INC.
P.O. BOX 8033 MAPLE VALLEY STATION
AKRON, OH 44320

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We
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Thank

James R A
President
The Die-Gen
P O Box 8033
Akron, OH. 4

The Die-Gem C
One The Die-Ge
Akron, OH. 4431

330 784-7400 Fa

E-mail JRA@die-t

THE FIRST OF THE FOLLOWING IS A SUMMARY OF THE WORK OF THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868.

THE SECOND OF THE FOLLOWING IS A SUMMARY OF THE WORK OF THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868.

THE THIRD OF THE FOLLOWING IS A SUMMARY OF THE WORK OF THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868.

THE FOURTH OF THE FOLLOWING IS A SUMMARY OF THE WORK OF THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868.

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THE TENTH OF THE FOLLOWING IS A SUMMARY OF THE WORK OF THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868.

IF THE HOUSE OF REPRESENTATIVES SHOULD PASS A RESOLUTION TO THE EFFECT THAT THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868, SHOULD BE REAPPOINTED TO CONSIDER THE MATTER OF THE CONSTITUTION OF THE UNITED STATES, THE HOUSE OF REPRESENTATIVES SHOULD BE ADVISED THAT THE COMMITTEE ON THE CONSTITUTION OF THE UNITED STATES, AS REPORTED TO THE HOUSE OF REPRESENTATIVES, IN ITS REPORT OF FEBRUARY 18, 1868, IS NOT A COMMITTEE OF THE HOUSE OF REPRESENTATIVES, BUT A COMMITTEE OF THE SENATE OF THE UNITED STATES.

1204320

The price is the amount shown in this order. See Statement
Page 2 of 2 (0)
An extra handling will be set only upon request. Call us
provided at (800) 828-1234