

ESTTA Tracking number: **ESTTA43387**

Filing date: **08/27/2005**

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

<b>Proceeding</b>	92043900
<b>Party</b>	Defendant DIE GEM CO., INC., THE DIE GEM CO., INC., THE P.O. BOX 8033 MAPLE VALLEY STATION AKRON, OH 44320
<b>Correspondence Address</b>	THE DIE GEM CO., INC. P.O. BOX 8033, MAPLE VALLEY STATION AKRON, OH 44320
<b>Submission</b>	The Die-Gem Co., Inc requests the Board to make the Motion to Hold the Portion of the Answer to the Cancellation Proceeding 92043900 marked Confidential as Confidential
<b>Filer's Name</b>	James R adams
<b>Filer's e-mail</b>	JRA@die-gem.com
<b>Signature</b>	/James R Adams/
<b>Date</b>	08/27/2005
<b>Attachments</b>	05.pdf ( 2 pages )

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

Aug 27, 2005

**The Die-Gem Co., Inc requests the Board to make the Motion to Hold the Portion of the Answer to the Cancellation Proceeding 92043900 marked Confidential as Confidential.**

The Petitioner Omnova Solutions Inc has stated in their Petition to Cancel "Petitioner believes and Alleges that Respondent has abandoned the mark "PEEL N STICK", has made no use of it in connection with any goods for at least three consecutive years proceeding the filing of this claim for cancellation, and has no intent to resume such use."

In order to show prima facie proof to the Trademark Trial and Appeal Board The Die-Gem Co., Inc. believes that it was necessary to provide a chronological description of the use of the mark PEEL N STICK. This proof required some information that was marked Confidential.

The Die-Gem Co., Inc. as an inventor and innovator of weatherstripping products has brought many changes to the weatherstripping market as well as other marketing areas. In order to give a complete proof in the Answer it was necessary to show some current and future directions of The Die-Gem Co., Inc. The confidential material is proof of The Die-Gem Co., Inc. intent to continue the use of the mark PEEL N STICK.

On Aug 17, 2005 The Die-Gem Co., Inc. received a call from a supervisor for the TT&AB asking if we had received a letter regarding the 30 day suspension? The Die-Gem Co., Inc. answer was no but we did down loaded a pdf file August 1 2005. The Die-Gem Co., Inc. has not received a notification of the 30 day suspension by US mail.

On August 1 and August 18, 2005 requests were made to the Representative of Omnova Solutions Inc. with regard to an agreement to hold part of the Answer to Cancellation 92043900 Confidential. Both requests contained copies of the 30 day suspension and the the standard provision for protecting confidentiality of information revealed during the

Answer requested by the Board in the cancellation proceeding brought by Omnova Solutions Inc. No response has been received from the Petitioner Omnova Solutions Inc. It appears Omnova Solutions Inc. has no interest in holding some of The Die-Gem Co., Inc. information confidential.

James R Adams  
President  
The Die-Gem Co.

Email response [JRA@die-gem.com](mailto:JRA@die-gem.com)

330-784-7400 Fax 7542

I certify that on the 27<sup>th</sup> of August 2005 that this document was served by internet addressed to the representative of Omnova Solutions Inc. :

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

At

[iplaw@jagtiani.com](mailto:iplaw@jagtiani.com)  
web site [www. Jagtiani.com](http://www.Jagtiani.com)

And by

I certify that on the 27<sup>th</sup> of August 2005 that this document was served by US Mail addressed to the representative of Omnova Solutions Inc. addressed and postage prepaid to the correspondent of record for Petitioner:

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

James R Adams  
President

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