ESTTA Tracking number: **ESTTA29648**
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	/1James R Adams/
Date	04/04/2005
Attachments	05.pdf (2 pages) TesaDeclaration.pdf (1 page) 050021.pdf (1 page) 050022.pdf (1 page) 050023.pdf (1 page) 050020.pdf (1 page) 050018.pdf (1 page)

April 3, 2005

United States Patent & Trademark Office
Trademark Trail 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 CANNCELLATION of PEEL N STICK registered mark. Proof see attachments.

The Die-Gem Company petitions the Trademark Trail 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.

2. The Die-Gem Company petitions the Trademark Trail 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 Trail 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..

92093700

From: TEAS@uspto.gov
To: <JRA@die-gem.com>
Date: Tuesday, March 22, 2005 10:30 PM
Subject: Received Your Trademark Combined Sections 8 & 9 Declaration/Application for registration number 1384270

<NAME> PAUL N ERICK

We have received your Combined Sections 8 and 9 Declaration/Application for registration number '1384270'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, DO NOT request via e-mail that we correct your filing. The TEAS staff cannot make any changes. You may file an amendment IMMEDIATELY (if still within the statutory period), via a hard paper copy, not electronically, listing your mark and registration number, and stating your proposed correction, to the following address:
Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

To avoid lateness due to mail delay, it is recommended that you include the following CERTIFICATE OF MAILING language as part of your submission:

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451, on:

Date of Deposit _____
Signature _____
Name _____

REGISTRATION NUMBER: 1384270

REGISTRATION DATE: 02/25/1986

* Registrant Information

The owner, DIE GEM CO., INC., THE, residing at P.O. BOX 8033 MAPLE VALLEY STATION AKRON OH OH 44320, is using the mark in commerce on or in connection with the goods and/or services as follows:

* Classification and Listing of Goods/Services:

For International Class 017, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) 1Catalog page for window weather stripping` 2 Instruction for installing door weatherstripping .

* Fees

A fee payment in the amount of $800 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

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

Mailed: February 17, 2005

Opposition No. 91157114

The Lincoln National Life Insurance Company

v.

Fulton Trust Insurance Co.

Pauline Stewart, Legal Assistant

On February 3, 2005, applicant filed an answer to the opposition and a counterclaim to extend 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(a)(2)(iii) and 2.101(b)(1).

In accordance with the Trademark Rules of Practice, discovery is open, and the times of discovery and testimony periods 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

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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

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the dates in the format shown in this order. See Trademark Rule 2.131(d).

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

Co. vs Lincoln

should be aware of

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

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Thank

James R
President
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Akron, OH. 4

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330 784-7400 Fa

E-mail JRA@die-

92043920

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Akron, Oh 44312

Ms Pauline Stewart, Legal Assistant
United States Patent & Trademark Office
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