

ESTTA Tracking number: **ESTTA227080**

Filing date: **07/29/2008**

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

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Alliant Techsystems Inc.		
Entity	Corporation	Citizenship	Delaware
Address	7480 Flying Cloud Drive Minneapolis, MN 55344 UNITED STATES		

Attorney information	Stephen R. Baird Winthrop & Weinstine, P.A. 225 South Sixth Street Suite 3500 Minneapolis, MN 55402 UNITED STATES sbaird@winthrop.com Phone:612-604-6400		
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### Registration Subject to Cancellation

Registration No	2744244	Registration date	07/29/2003
Registrant	BONIS, JAMES G. 170 Kenwick Drive Rochester, NY 14623 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 013. First Use: 2002/01/03 First Use In Commerce: 2002/01/03 All goods and services in the class are cancelled, namely: Ammunition
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	891883	Application Date	03/10/1969
Registration Date	06/02/1970	Foreign Priority Date	NONE
Word Mark	HI-SHOK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U009 (International Class 013). First use: First Use: 1962/11/30 First Use In Commerce: 1962/11/30		

BULLETS FOR RIFLE AND HAND GUN AMMUNITION			
U.S. Registration No.	1594112	Application Date	09/25/1989
Registration Date	05/01/1990	Foreign Priority Date	NONE
Word Mark	HYDRA-SHOK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 CENTERFIRE PISTOL CARTRIDGES		

U.S. Registration No.	2472138	Application Date	04/16/1999
Registration Date	07/24/2001	Foreign Priority Date	NONE
Word Mark	DEEP-SHOK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 2000/04/26 First Use In Commerce: 2000/04/26 SHOTSHELLS, [ AND RIFLE AND HANDGUN CARTRIDGES ]		

Attachments	Petition to Cancel.pdf ( 6 pages )(219039 bytes ) Exhibit A.pdf ( 12 pages )(755571 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Daniel J. Kelly/
Name	Daniel J. Kelly
Date	07/29/2008

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

Alliant Techsystems Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Cancellation No. _____
James G. Bonis d/b/a Pyramont, N.A.,	)	
	)	
Respondent.	)	
	)	

---

**PETITION TO CANCEL**

Commissioner for Trademarks  
P.O. Box  
Alexandria, VA 22313-1451

Alliant Techsystems Inc. ("Petitioner"), a Delaware corporation having a principal place of business at 7480 Flying Cloud Drive, Minneapolis, Minnesota 55344, believes that it is and will continue to be damaged by the registration of EXTREME SHOCK, U.S. Registration No. 2,744,244, on the Principal Register and hereby petitions to cancel the same pursuant to the provisions of Lanham Act § 18, 15 U.S.C. § 1064 (2008). The grounds for cancellation are as follows:

1. Petitioner is a leading developer, manufacturer, marketer, and seller of ammunition, ammunition components, and shooting products and accessories in the United States. Petitioner is the owner of several trademarks containing the term SHOK for use in association with ammunition and/or ammunition components dating back to at least 1962,

beginning with the mark HI-SHOK. In addition, Petitioner began using HYDRA-SHOK at least as early as 1988 and DEEP-SHOK at least as early as 2000 (collectively the “SHOK Marks”).

2. Petitioner has spent a considerable amount of time, effort, expense, and resources developing, promoting, advertising, and popularizing its SHOK Marks with a result that the purchasing public has come to know, rely upon, and recognize each of Petitioner’s SHOK Marks as indicators of the source of the goods so marked. Petitioner has established valuable goodwill in each of its SHOK Marks.

3. In addition to the valuable common law rights associated with Petitioner’s SHOK Marks, Petitioner owns several United States Trademark Registrations for its SHOK Marks.

4. Petitioner is the record owner of U.S. Trademark Registration No. 891,883 for the trademark HI-SHOK® for use in connection with “bullets for rifle and hand gun ammunition,” in International Class 13, claiming a first use date at least as early as November 30, 1962. The Registration was issued on the Principal Register on June 2, 1970 and it is valid, subsisting, and incontestable.

5. Petitioner is the record owner of U.S. Trademark Registration No. 1,594,112 for the trademark HYDRA-SHOK® for use in connection with “centerfire pistol cartridges,” in International Class 13, claiming a first use date at least as early as June of 1988. The Registration was issued on the Principal Register on May 1, 1990 and it is valid, subsisting, and incontestable.

6. Petitioner is the record owner of U.S. Trademark Registration No. 2,472,138 for the trademark DEEP-SHOK® for use in connection with “shotshells” in International Class 13, claiming a first use date at least as early as April 24, 2000. The Registration was issued on the

Principal Register on July 24, 2001 and it is valid, subsisting, and incontestable. The filing date and nationwide constructive use date of the Registration is April 16, 1999.

7. Attached hereto as Exhibit A are true and correct copies of documents showing Petitioner's ownership of the United States Trademark Registrations for its SHOK Marks.

8. On December 6, 2001, almost forty years after Petitioner commenced use of its HI-SHOK trademark, Respondent James G. Bonis d/b/a Pyramont, N.A. ("Respondent"), having actual and constructive knowledge of Petitioner's prior use and registered rights in the trademarks HI-SHOK, HYDRA-SHOK, and DEEP-SHOK, filed Application Serial No. 76/345,196, seeking to register EXTREME SHOCK ("Respondent's Mark") in connection with "ammunition" in International Class 13, which matured into Reg. No. 2,744,244 ("Respondent's Registration").

9. Petitioner's common law rights and registrations for the HI-SHOK, HYDRA-SHOK, and DEEP-SHOK trademarks have priority over Respondent's Registration.

10. The goods identified in Respondent's Registration and the goods used and registered in association with Petitioner's SHOK Marks are legally identical and overlapping.

11. Respondent's Mark so resembles Petitioner's SHOK Marks as to be likely, when used on or in connection with ammunition, to cause confusion, or to cause mistake, or to deceive.

12. Purchasers and prospective purchasers are likely to mistakenly believe that the ammunition offered under Respondent's Mark is sponsored, endorsed, or approved by Petitioner, or is in some way affiliated, connected, or associated with Petitioner, all to the detriment of Petitioner.

13. Petitioner has been damaged, in part, because Respondent's Registration should not have been permitted registration under Section 2(d) of the Lanham Act, given Petitioner's

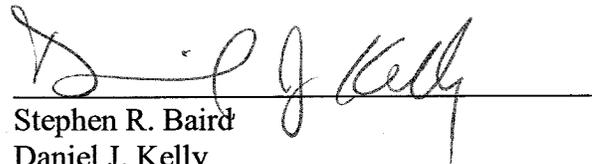
prior common law rights in the SHOK Marks and U.S. Reg. Nos. 891,883; 1,594,112; and 2,472,138.

14. Petitioner is likely to be further damaged by the continued registration of Respondent's Registration insofar as Respondent's Mark has been registered for use without any restrictions, and registration confers upon Respondent various statutory presumptions to which it is not entitled in view of Petitioner's prior common law use and registration of its SHOK Marks.

**WHEREFORE**, Petitioner respectfully requests that the Board grant this petition to cancel U.S. Reg. No. 2,744,244, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064 (2008).

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.



Stephen R. Baird

Daniel J. Kelly

225 South Sixth Street, Suite 3500

Minneapolis, MN 55402-4629

Telephone: (612) 604-6400

Facsimile: (612) 604-6800

ATTORNEYS FOR PETITIONER  
ALLIANT TECHSYSTEMS INC.

Date: July 29, 2008

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

In the matter of Registration No.: 2,744,244  
Registration Date: July 29, 2003  
For the mark: EXTREME SHOCK

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Alliant Techsystems Inc.,

Petitioner,

v.

Cancellation No. \_\_\_\_\_

James G. Bonis,

Respondent.

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**CERTIFICATE OF SERVICE BY MAIL**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Jennifer Rezac, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 29th day of July, 2008, she mailed by First Class mail, a true and correct copy of the

1.       Petition to Cancel

in the above-captioned action to the following at the address listed in the United States Patent and Trademark Office TARR database, to-wit:

James G. Bonis  
170 Kenwick Drive  
Rochester, NY 14623

and

Philip K. Fitzsimmons  
Shlesinger, Fitzsimmons & Shlesinger  
Alliance Building, Suite 1323  
183 East Main Street  
Rochester, NY 14604  
(Attorney of Record)

*Jennifer Rezac*  
Jennifer Rezac

Subscribed and sworn to before me  
This 29th day of July, 2008.

*Jennifer Ahlers*  
NOTARY PUBLIC  
395400v1



Exhibit A



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**Typed Drawing**

<b>Word Mark</b>	HI-SHOK
<b>Goods and Services</b>	IC 013. US 009. G & S: BULLETS FOR RIFLE AND HAND GUN AMMUNITION. FIRST USE: 19621130. FIRST USE IN COMMERCE: 19621130
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72321207
<b>Filing Date</b>	March 10, 1969
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0891883
<b>Registration Date</b>	June 2, 1970
<b>Owner</b>	(REGISTRANT) FEDERAL CARTRIDGE CORPORATION CORPORATION MINNESOTA 2700 FOSHAY TOWER MINNEAPOLIS MINNESOTA 55402  (LAST LISTED OWNER) ALLIANT TECHSYSTEMS INC. CORPORATION DELAWARE 5050 LINCOLN DRIVE EDINA MINNESOTA 55436
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Stephen R. Baird
<b>Prior Registrations</b>	0765673
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20000720.
<b>Renewal</b>	2ND RENEWAL 20000720
<b>Live/Dead Indicator</b>	LIVE

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**Serial Number:** 72321207 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 891883

**Mark (words only):** HI-SHOK

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2000-07-20

**Filing Date:** 1969-03-10

**Transformed into a National Application:** No

**Registration Date:** 1970-06-02

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2001-12-11

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. ALLIANT TECHSYSTEMS INC.

**Address:**

ALLIANT TECHSYSTEMS INC.

5050 LINCOLN DRIVE

EDINA, MN 55436

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**U.S. Class:** 009 (International Class 013)

**Class Status:** Active

BULLETS FOR RIFLE AND HAND GUN AMMUNITION

**Basis:** 1(a)

**First Use Date:** 1962-11-30

**First Use in Commerce Date:** 1962-11-30

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

765673

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2006-11-20 - TEAS Revoke/Appoint Attorney Received  
2006-11-20 - Attorney Revoked And/Or Appointed  
2006-11-20 - TEAS Revoke/Appoint Attorney Received  
2006-09-06 - Automatic Update Of Assignment Of Ownership  
2000-07-20 - Second renewal 10 year  
2000-07-20 - Section 8 (10-year) accepted/ Section 9 granted  
1999-12-27 - Combined Section 8 (10-year)/Section 9 filed  
1990-04-30 - First renewal 10 year  
1990-03-05 - Section 9 filed/check record for Section 8

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Stephen R. Baird

**Correspondent**

Stephen R. Baird  
Winthrop & Weinstine, P.A.  
Suite 3500  
225 South Sixth Street  
Minneapolis MN 55402  
Phone Number: (612) 604-6585  
Fax Number: (612) 604-6985



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**Typed Drawing**

**Word Mark** HYDRA-SHOK  
**Goods and Services** IC 013. US 009. G & S: CENTERFIRE PISTOL CARTRIDGES. FIRST USE: 19880600. FIRST USE IN COMMERCE: 19880600  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 73827192  
**Filing Date** September 25, 1989  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** February 6, 1990  
**Registration Number** 1594112  
**Registration Date** May 1, 1990  
**Owner** (REGISTRANT) FEDERAL-HOFFMAN, INC. DBA FEDERAL CARTRIDGE CO. CORPORATION MINNESOTA 900 EHLEN DRIVE ANOKA MINNESOTA 553037502  
 (LAST LISTED OWNER) ALLIANT TECHSYSTEMS INC. CORPORATION DELAWARE 5050 LINCOLN DRIVE EDINA MINNESOTA 55436  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Stephen R. Baird  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20000823.  
**Renewal** 1ST RENEWAL 20000823  
**Live/Dead Indicator** LIVE

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**Serial Number:** 73827192 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1594112

**Mark (words only):** HYDRA-SHOK

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2000-08-23

**Filing Date:** 1989-09-25

**Transformed into a National Application:** No

**Registration Date:** 1990-05-01

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2002-02-08

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. ALLIANT TECHSYSTEMS INC.

**Address:**

ALLIANT TECHSYSTEMS INC.

5050 LINCOLN DRIVE

EDINA, MN 55436

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

---

**International Class:** 013

**Class Status:** Active

CENTERFIRE PISTOL CARTRIDGES

**Basis:** 1(a)

**First Use Date:** 1988-06-00

**First Use in Commerce Date:** 1988-06-00

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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**PROSECUTION HISTORY**

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2006-11-20 - Attorney Revoked And/Or Appointed  
2006-11-20 - TEAS Revoke/Appoint Attorney Received  
2006-11-20 - Attorney Revoked And/Or Appointed  
2006-11-20 - TEAS Revoke/Appoint Attorney Received  
2006-09-06 - Automatic Update Of Assignment Of Ownership  
2000-08-23 - First renewal 10 year  
2000-08-23 - Section 8 (10-year) accepted/ Section 9 granted  
1999-12-27 - Combined Section 8 (10-year)/Section 9 filed  
1996-06-26 - Section 8 (6-year) accepted & Section 15 acknowledged  
1996-01-16 - Section 8 (6-year) and Section 15 Filed  
1990-05-01 - Registered - Principal Register  
1990-02-06 - Published for opposition  
1990-01-08 - Notice of publication  
1989-11-30 - Approved for Pub - Principal Register (Initial exam)  
1989-11-20 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
Stephen R. Baird

**Correspondent**

Stephen R. Baird

Winthrop & Weinstine, P.A.

Suite 3500

225 South Sixth Street

Minneapolis MN 55402

Phone Number: (612) 604-6585

Fax Number: (612) 604-6985

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**Typed Drawing**

**Word Mark** DEEP-SHOK

**Goods and Services** IC 013. US 002 009. G & S: SHOTSHELLS, [ AND RIFLE AND HANDGUN CARTRIDGES ]. FIRST USE: 20000426. FIRST USE IN COMMERCE: 20000426

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75684648

**Filing Date** April 16, 1999

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 4, 2000

**Registration Number** 2472138

**Registration Date** July 24, 2001

**Owner** (REGISTRANT) FEDERAL CARTRIDGE COMPANY CORPORATION MINNESOTA 900 Ehlen Drive Anoka MINNESOTA 553037501

(LAST LISTED OWNER) ALLIANT TECHSYSTEMS INC. CORPORATION DELAWARE 5050 LINCOLN DRIVE EDINA MINNESOTA 55436

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Stephen R. Baird

**Prior Registrations** 0076573;0891883;1594112

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

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**Serial Number:** 75684648 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2472138

**Mark (words only):** DEEP-SHOK

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2007-08-16

**Filing Date:** 1999-04-16

**Transformed into a National Application:** No

**Registration Date:** 2001-07-24

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

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**Current Location:** 830 -Post Registration

**Date In Location:** 2007-08-16

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. ALLIANT TECHSYSTEMS INC.

**Address:**

ALLIANT TECHSYSTEMS INC.

5050 LINCOLN DRIVE

EDINA, MN 55436

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

---

**International Class:** 013

**Class Status:** Active

SHOTSHELLS

**Basis:** 1(a)

**First Use Date:** 2000-04-26

First Use in Commerce Date: 2000-04-26

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

76573

891883

1594112

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### MADRID PROTOCOL INFORMATION

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### PROSECUTION HISTORY

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2007-08-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-08-10 - Assigned To Paralegal

2007-07-23 - Section 8 (6-year) and Section 15 Filed

2007-07-23 - TEAS Section 8 & 15 Received

2007-02-23 - Case File In TICRS

2006-11-20 - Attorney Revoked And/Or Appointed

2006-11-20 - TEAS Revoke/Appoint Attorney Received

2006-09-06 - Automatic Update Of Assignment Of Ownership

2001-07-24 - Registered - Principal Register

2001-03-29 - Assigned To Examiner

2001-01-17 - Allowed for Registration - Principal Register (SOU accepted)

2001-01-11 - Assigned To Examiner

2000-12-19 - Statement of use processing complete

2000-09-27 - Amendment to Use filed

2000-03-28 - Notice of allowance - mailed

2000-01-04 - Published for opposition

1999-12-03 - Notice of publication

1999-10-15 - Approved for Pub - Principal Register (Initial exam)

1999-09-14 - Communication received from applicant

1999-08-27 - Non-final action mailed

1999-08-25 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Stephen R. Baird

**Correspondent**

Stephen R. Baird

Winthrop & Weinstine, P.A.

225 South Sixth Street

Suite 3500

Minneapolis MN 55402

Phone Number: (612) 604-6585

Fax Number: (612) 604-6985

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