

ESTTA Tracking number: **ESTTA475207**

Filing date: **05/30/2012**

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	Biomass Energy, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	1376 Fredericks Hall Road Bumpass, VA 23024 UNITED STATES		

Attorney information	Thomas J. Mango Cantor Colburn LLP 20 Church Street, 22nd Floor Hartford, CT 06103 UNITED STATES tmango@cantorcolburn.com, cwilkinson@cantorcolburn.com Phone:860-286-2929		
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Registration Subject to Cancellation

Registration No	4144426	Registration date	05/15/2012
Registrant	Stone, William Louis and Miller, Karen Devin PO Box 25 Bumpass, VA 23024 UNITED STATES		

Goods/Services Subject to Cancellation

Class 004. First Use: 2010/11/05 First Use In Commerce: 2011/03/30 All goods and services in the class are cancelled, namely: Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets
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Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Application and Registration are void pursuant to 15 U.S.C. Â§ 1051(b)

Attachments	Peititon for Cancellation.PDF (33 pages)(3328662 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	/Thomas J. Mango/
Name	Thomas J. Mango
Date	05/30/2012

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

In the Matter of Trademark Registration No.	4144426
Filed:	May 25, 2011
Mark:	OLD DOMINION PELLETS
Published in the Official Gazette:	May 15, 2012

Biomass Energy, LLC,

Petitioner,

v.

William Louis Stone and Karen Devin Miller,

Registrants.

Cancellation No: _____

PETITION FOR CANCELLATION

In the matter of United States Trademark Registration No. 4144426 (“Registration”), filed May 25, 2011, and registered May 15, 2012, for the mark OLD DOMINION PELLETS (“ODP Mark”), by William Louis Stone and Karen Devin Miller (“Registrants”), covering “Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets” in International Class 4 (“Registrants’ Goods”), Petitioner Biomass Energy, LLC (“Petitioner”) believes that it is being and will continue to be damaged by the Registration, and hereby petitions for its cancellation pursuant to 15 U.S.C. § 1064.

The grounds for cancellation are as follows:

1. Petitioner is a limited liability company organized and existing under the laws of the State of Delaware, with a principal place of business of 1376 Fredericks Hall Road, Bumpass, Virginia 23024.

2. Petitioner is Virginia's largest wood pellet manufacturer, offering renewable energy heating solutions for commercial and industrial properties and heat energy pellets, among other goods.

3. In early 2011, Petitioner selected the mark OLD DOMINION as its new brand for marketing wood pellets for home heating. On March 28, 2011, Petitioner proceeded with the adoption of the trademark OLD DOMINION.

4. On June 23, 2011, Petitioner filed U.S. Trademark Application Serial No. 85/354219 for the mark OLD DOMINION (the "OLD DOMINION Application") covering "wood pellets for home heating" in International Class 4, and based on an Intent-to-Use. True and accurate copies of printouts from the United States Patent and Trademark Office's ("USPTO") TESS and TARR databases for the Petitioner's U.S. Trademark Application are annexed hereto as "Exhibit A."

5. On October 6, 2011, the OLD DOMINION Application was suspended based on Registrants' then prior-filed pending application for the ODP Mark, which has since matured into U.S. Trademark Registration No. 4144426. A true and accurate copy of the Letter of Suspension is annexed hereto as "Exhibit B."

6. Petitioner believes that it is being and will continue to be damaged by the Registration, and, therefore, Petitioner petitions for cancellation of the Registration pursuant to 15 U.S.C. § 1064.

7. On information and belief, Registrants are organized as a joint venture under the laws of Virginia, with a business address at P.O. Box 25, Bumpass, Virginia 23024.

8. On or about May 25, 2011, Registrants filed the application to register the ODP Mark that matured into U.S. Trademark Registration No. 4144426 covering “Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets” in International Class 4. The ODP Mark is registered on the Supplemental Register, with the term “PELLETS” disclaimed. A true and accurate copy of the Certificate of Registration No. 4144426 is annexed hereto as “Exhibit C.” In addition, true and accurate copies of printouts from the USPTO’s TESS and TARR databases for the Registrants’ U.S. Trademark Registration are annexed hereto as “Exhibit D.”

9. Registrants filed the application to register the ODP Mark pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a). In support thereof, Registrants claimed the ODP Mark was first used in commerce in connection with Registrants’ Goods on March 30, 2011.

10. At the time Registrants filed the application to register the ODP Mark, Registrants signed a declaration (“Declaration”) stating:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

11. A true and accurate copy of the application for the ODP Mark, which has since matured into U.S. Trademark Registration No. 4144426, including the signed Declaration is annexed hereto as “Exhibit E.”

12. During the time that Petitioner’s OLD DOMINION brand was in development, and at the time Registrants filed the application to register the ODP Mark, Registrants were employed by Petitioner.

13. Upon information and belief, Registrants were involved in and aware of the Petitioner’s development of its OLD DOMINION brand. Petitioner’s selection and development of the OLD DOMINION Mark occurred prior to Registrants filing the ODP Application.

14. Upon information and belief, Registrant Stone has acknowledged that Petitioner was developing the OLD DOMINION brand and that the OLD DOMINION Mark is and has at all times been the property of Petitioner.

COUNT I
FRAUD

15. Petitioner incorporates paragraphs 1 – 14 by reference and realleges the same as if originally set forth herein.

16. Since Registrants signed the Declaration, attached hereto as Exhibit E, while employed by Petitioner and were aware of the Petitioner’s development of the OLD DOMINION brand, Registrants were aware that the statements contained in the Declaration were false.

17. In particular, Registrants were aware that the statement that they were “entitled to use such mark in commerce” and “to the best of [your] knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce” was false.

18. By knowingly executing a false declaration when filing the application for registration of the ODP Mark, Registrants committed fraud upon the United States Patent and Trademark Office and fraudulently obtained U.S. Trademark Registration No. 4144426.

19. Since registration of the ODP Mark was obtained fraudulently, Registration No. 4144426 should be cancelled pursuant to 15 U.S.C. § 1064.

COUNT II
REGISTRANTS' APPLICATION AND REGISTRATION ARE VOID

20. Petitioner incorporates paragraphs 1 – 19 by reference and realleges the same as if originally set forth herein.

21. Since Petitioner Biomass Energy, LLC is the true and sole owner of the ODP Mark and the only entity entitled to use the mark in commerce, but the application to register the ODP Mark was intentionally filed in the name of William Louis Stone and Katherine Devin Miller, neither of whom has an ownership interest in the ODP Mark, the application and the resulting registration are void pursuant to 15 U.S.C. § 1051(b).

WHEREFORE, Petitioner Biomass Energy, LLC respectfully requests that the instant petition be granted, and that United States Trademark Registration No. 4144426 be cancelled.

RESPECTFULLY SUBMITTED,
Biomass Energy, LLC

Date: May 30, 2012

By: /Thomas J. Mango/
Thomas J. Mango, Esq.
Michelle P. Ciotola, Esq.
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
(860) 286-2929 (phone)
(860) 286-0115 (fax)
tmango@cantorcolburn.com
mciotola@cantorcolburn.com

Attorneys for Petitioner
Biomass Energy, LLC

CERTIFICATE OF SERVICE

I, Thomas J. Mango, Esq., counsel to Biomass Energy, LLC in the above-captioned proceeding, hereby certify that, on the 30th day of May 2012, I served a copy of the foregoing Petition for Cancellation, by first class mail, postage prepaid, upon the following individuals, identified in the Registration as the owners, at the following addresses:

WILLIAM LOUIS STONE AND KAREN DEVIN MILLER
P.O. BOX 25
BUMPASS VA 23024

WILLIAM LOUIS STONE AND KAREN DEVIN MILLER
915 ELK CREEK ROAD
MINERAL, VA 23117

/Thomas J. Mango/
Thomas J. Mango

EXHIBIT A



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed May 30 04:35:46 EDT 2012

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

OLD DOMINION

Word Mark	OLD DOMINION
Goods and Services	IC 004. US 001 006 015. G & S: Wood pellets for home heating
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85354219
Filing Date	June 23, 2011
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) BIOMASS ENERGY, LLC LIMITED LIABILITY COMPANY DELAWARE 1376 FREDERICKS HALL ROAD BUMPASS VIRGINIA 23024
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Michelle P. Ciotola
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-05-30 11:05:01 ET

Serial Number: 85354219 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OLD DOMINION

(words only): OLD DOMINION

Standard Character claim: Yes

Current Status: Suspension check completed. Application remains suspended.

Date of Status: 2012-04-18

Filing Date: 2011-06-23

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
ALI STEPHANIE MARIE

Current Location: L90 -TMEG Law Office 109

Date In Location: 2012-04-18

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

1. BIOMASS ENERGY, LLC

Address:
BIOMASS ENERGY, LLC
1376 FREDERICKS HALL ROAD
BUMPASS, VA 23024
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 004

Class Status: Active

Wood pellets for home heating

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-04-18 - Report Completed Suspension Check Case Still Suspended

2012-04-09 - Assigned To LIE

2011-11-23 - Automatic Update Of Assignment Of Ownership

2011-10-06 - Notification Of Letter Of Suspension E-Mailed

2011-10-06 - Letter of suspension e-mailed

2011-10-06 - Suspension Letter Written

2011-10-05 - Assigned To Examiner

2011-06-29 - New Application Office Supplied Data Entered In Tram

2011-06-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michelle P. Ciotola

Correspondent

MICHELLE P. CIOTOLA
CANTOR COLBURN LLP

20 CHURCH ST FL 22

HARTFORD, CT 06103-1221

Phone Number: 860-286-2929

Fax Number: 860-286-0115

EXHIBIT B

To: Woodfuels Virginia, LLC (TM-CT@cantorcolburn.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85354219 - OLD DOMINION - EBI0040TUS
Sent: 10/6/2011 10:20:39 PM
Sent As: ECOM109@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85354219

MARK: OLD DOMINION

85354219

CORRESPONDENT ADDRESS:

MICHELLE P. CIOTOLA
CANTOR COLBURN LLP
20 CHURCH ST FL 22
HARTFORD, CT 06103-1221

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: Woodfuels Virginia, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

EBI0040TUS

CORRESPONDENT E-MAIL ADDRESS:

TM-CT@cantorcolburn.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 10/6/2011

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

PRIOR-FILED PENDING APPLICATION(S) FOUND: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark(s) in a prior-filed pending application(s) may present a bar to registration of applicant's mark.

The effective filing date of the pending application identified below precedes the filing date of applicant's application. If the mark in the referenced application registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 85/329986

/Stephanie M. Ali, Esq./
Trademark Examining Attorney
Law Office 109
ph: 571.272.9272
fax: 571.273.9109
email: stephanie.ali@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Oct 6, 2011

85329986

DESIGN MARK

Serial Number

85329986

Status

NON-FINAL ACTION - MAILED

Word Mark

OLD DOMINION PELLETS

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Stone, William Louis and Miller, Karen Devin INDIVIDUAL UNITED STATES
PO Box 125, Bumpass VIRGINIA 23024

Goods/Services

Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets. First Use: 2010/11/05. First Use In Commerce: 2011/03/30.

Filing Date

2011/05/25

Examining Attorney

KERTGATE, AMY

OLD DOMINION PELLETS

To: Woodfuels Virginia, LLC (TM-CT@cantorcolburn.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85354219 - OLD DOMINION - EBI0040TUS
Sent: 10/6/2011 10:20:41 PM
Sent As: ECOM109@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 10/6/2011 FOR
SERIAL NO. 85354219**

Please follow the instructions below:

TO READ OFFICE LETTER: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office letter

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

HELP: For *technical* assistance in accessing the Office correspondence, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office letter.

EXHIBIT C

United States of America

United States Patent and Trademark Office

OLD DOMINION PELLETS

Reg. No. 4,144,426

Registered May 15, 2012

Int. Cl.: 4

TRADEMARK

SUPPLEMENTAL REGISTER

STONE, WILLIAM LOUIS AND MILLER, KAREN DEVIN (VIRGINIA JOINT VENTURE)
PO BOX 25
BUMPASS, VA 23024

FOR: FUEL PELLETS; FUEL PRODUCTS FOR STOVES, NAMELY, WOOD PELLETS, CORN AND GRAINS; PELLETS OF COMPRESSED FIBER MANUFACTURED FROM A PLANT CROP TO BE USED AS FUEL; SPLINTS, NAMELY, WOOD FOR USE AS FUEL; WOOD HEATING PELLETS, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 11-5-2010; IN COMMERCE 3-30-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PELLETS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-329,986, FILED P.R. 5-25-2011; AM. S.R. 3-23-2012.

AMY KERTGATE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT D



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed May 30 04:35:46 EDT 2012

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OLD DOMINION PELLETS

Word Mark OLD DOMINION PELLETS

Goods and Services IC 004, US 001 006 015. G & S: Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets. FIRST USE: 20101105. FIRST USE IN COMMERCE: 20110330

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85329986

Filing Date May 25, 2011

Current Basis 1A

Original Filing Basis 1A

Date Amended to Current Register March 23, 2012

Registration Number 4144426

Registration Date May 15, 2012

Owner (REGISTRANT) Stone, William Louis and Miller, Karen Devin WILLIAM L STONE- US CITIZEN KAREN D MILLER- US CITIZEN JOINT VENTURE VIRGINIA PO Box 25 Bumpass VIRGINIA 23024

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PELLETS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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This page was generated by the TARR system on 2012-05-30 11:08:31 ET

Serial Number: 85329986 Assignment Information Trademark Document Retrieval

Registration Number: 4144426

Mark

OLD DOMINION PELLETS

(words only): OLD DOMINION PELLETS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2012-05-15

Filing Date: 2011-05-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2012-05-15

Register: Supplemental

Law Office Assigned: LAW OFFICE 113

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: 650 -Publication And Issue Section

Date In Location: 2012-05-15

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

1. Stone, William Louis and Miller, Karen Devin

Composed Of:

WILLIAM L STONE- US CITIZEN KAREN D MILLER- US CITIZEN

Address:

Stone, William Louis and Miller, Karen Devin
PO Box 25
Bumpass, VA 23024
United States
Legal Entity Type: Joint Venture
State or Country Where Organized: Virginia
Phone Number: 540-894-3103
Fax Number: 8003163848

GOODS AND/OR SERVICES

International Class: 004

Class Status: Active

Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets

Basis: 1(a)

First Use Date: 2010-11-05

First Use in Commerce Date: 2011-03-30

ADDITIONAL INFORMATION

Disclaimer: "PELLETS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-15 - Registered - Supplemental Register

2012-04-06 - Law Office Publication Review Completed

2012-03-23 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

2012-03-23 - Examiner's Amendment Entered

2012-03-23 - Notification Of Examiners Amendment E-Mailed

2012-03-23 - EXAMINERS AMENDMENT E-MAILED

2012-03-23 - Examiners Amendment -Written

2012-03-22 - Teas/Email Correspondence Entered

2012-03-22 - Communication received from applicant

2012-03-16 - Assigned To LIE

2012-02-28 - TEAS Change Of Correspondence Received

2012-02-28 - TEAS Response to Office Action Received

2011-09-14 - Notification Of Non-Final Action E-Mailed

2011-09-14 - Non-final action e-mailed

2011-09-14 - Non-Final Action Written

2011-09-12 - Assigned To Examiner

2011-05-31 - New Application Office Supplied Data Entered In Tram

2011-05-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

STONE, WILLIAM LOUIS AND MILLER, KAREN D

PO BOX 25

BUMPASS VA 23024-0125

Phone Number: 540-894-3103

EXHIBIT E

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85329986

Filing Date: 05/25/2011

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>OLD DOMINION PELLETS</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	OLD DOMINION PELLETS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Stone, William Louis and Miller, Karen Devin
*STREET	PO Box 125,
*CITY	Bumpass
*STATE (Required for U.S. applicants)	Virginia
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	23024
PHONE	540-894-3103

EMAIL ADDRESS	dev0604@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	004
IDENTIFICATION	Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/05/2010
FIRST USE IN COMMERCE DATE	At least as early as 03/30/2011
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT1\IMAGEOUT</u> <u>11\853\299\85329986\xml1\FTK0003.JPG</u>
SPECIMEN DESCRIPTION	40 lb bag of Old Dominion Pellets, Hardwood blend fuel heating pellets.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Stone, William Louis and Miller, Karen Devin
*STREET	PO Box 125,
*CITY	Bumpass
*STATE (Required for U.S. applicants)	Virginia

* COUNTRY	United States
* ZIP/POSTAL CODE	23024
PHONE	540-894-3103
* EMAIL ADDRESS	dev0604@gmail.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
* TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/William L. Stone/
* SIGNATORY'S NAME	William L. Stone
* SIGNATORY'S POSITION	owners
* DATE SIGNED	05/25/2011
* SIGNATURE	/Karen D. Miller/
* SIGNATORY'S NAME	Karen D. Miller
* SIGNATORY'S POSITION	owners
* DATE SIGNED	05/25/2011

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85329986

Filing Date: 05/25/2011

To the Commissioner for Trademarks:

MARK: OLD DOMINION PELLETS (Standard Characters, see mark)

The literal element of the mark consists of OLD DOMINION PELLETS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, William Louis and Miller, Karen Devin Stone, a citizen of United States, having an address of

PO Box 125,
Bumpass, Virginia 23024
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 004: Fuel pellets; Fuel products for stoves, namely, wood pellets, corn and grains; Pellets of compressed fiber manufactured from a plant crop to be used as fuel; Splints, namely, wood for use as fuel; Wood heating pellets

In International Class 004, the mark was first used at least as early as 11/05/2010, and first used in commerce at least as early as 03/30/2011, and is now in use in such commerce. The applicant is submitting one specimen(s) 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) 40 lb bag of Old Dominion Pellets, Hardwood blend fuel heating pellets..

Specimen File 1

The applicant's current Correspondence Information:

Stone, William Louis and Miller, Karen Devin
PO Box 125,
Bumpass, Virginia 23024
540-894-3103(phone)
dev0604@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William L. Stone/ Date Signed: 05/25/2011

Signatory's Name: William L. Stone

Signatory's Position: owners

Signature: /Karen D. Miller/ Date Signed: 05/25/2011

Signatory's Name: Karen D. Miller

Signatory's Position: owners

RAM Sale Number: 993

RAM Accounting Date: 05/26/2011

Serial Number: 85329986

Internet Transmission Date: Wed May 25 15:08:14 EDT 2011

TEAS Stamp: USPTO/FTK-65.207.72.194-2011052515081410

5911-85329986-4803893b09c816abf6b89aac0d

9eb13430-CC-993-20110525140318331964

OLD DOMINION PELLETS

OLD DOMINION PELLETS

Your First Choice for a Green Energy Solution

Sustainably Harvested



High BTU Value

•Use in Approved Pellet
Burning Appliances

•Ultra Low Ash

Ultra Premium*
Hardwood Blend

Store in Dry Area*

A Green Path to Energy Independence

OLD DOMINION PELLETS

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