

ESTTA Tracking number: **ESTTA564650**

Filing date: **10/11/2013**

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	JKS Enterprises, Inc.		
Entity	Corporation	Citizenship	Washington
Address	17793 State Route 536 Mount Vernon, WA 98273 UNITED STATES		

Attorney information	Jonathan I. Feil Simburg, Ketter, Sheppard & Purdy, LLP 999 Third Avenue, Suite 2525 Seattle, WA 98104-4089 UNITED STATES jfeil@sksp.com, ssnow@sksp.com Phone:(206) 382-2600		
----------------------	--	--	--

Registrations Subject to Cancellation

Registration No	3582510	Registration date	03/03/2009
Registrant	Fence Systems NW, Inc. 1616 E. Marine View Drive Everett, WA 98201 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 1981/06/01 First Use In Commerce: 1981/06/01 All goods and services in the class are cancelled, namely: Retail stores for fencing materials
Class 037. First Use: 1981/06/01 First Use In Commerce: 1981/06/01 All goods and services in the class are cancelled, namely: Installing fencing

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3582512	Registration date	03/03/2009
Registrant	Fence Systems NW, Inc. 1616 E. Marine View Drive Everett, WA 98201 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 1985/06/01 First Use In Commerce: 1985/06/01 All goods and services in the class are cancelled, namely: Retail stores for fencing materials
Class 037. First Use: 1985/06/01 First Use In Commerce: 1985/06/01 All goods and services in the class are cancelled, namely: Installing fencing

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ECONOMY FENCE CENTER		
Goods/Services	Retail stores for fencing materials, installing fencing, repairing fencing, sales of fencing and fencing materials		

Attachments	Petition for Cancellation 2013-10-11.pdf(1417277 bytes)
-------------	--

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	/Jonathan I. Feil/
Name	Jonathan I. Feil
Date	10/11/2013

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

Registrant: Fence Systems NW, INC.
Trademark: ECONOMY FENCE CENTER
Registration No.: 3,582,510
Serial No.: 77-413,027
Date of Issue: March 3, 2009
Goods/Services: Retail stores for fencing materials (Class 35)
Installing fencing (Class 37)

Registrant: Fence Systems NW, INC.
Trademark: ECONOMY FENCE CENTER & design
Registration No.: 3,582,512
Serial No.: 77-414,073
Date of Issue: March 3, 2009
Goods/Services: Retail stores for fencing materials (Class 35)
Installing fencing (Class 37)

JKS ENTERPRISES, INC.,

Petitioner,

v.

FENCE SYSTEMS NW, INC.,

Respondent.

Cancellation No.

PETITION FOR CANCELLATION

JKS Enterprises, Inc. believes that it is or will be damaged by Registrations Nos. 3,582,510 and 3,582,512, and hereby petitions to cancel said registrations on the grounds stated herein.

The fee for full cancellation of the registrations in International Classes 35 and 37 is remitted with this Petition.

As the grounds of this Petition, Petitioner alleges the following:

1. Petitioner JKS Enterprises, Inc. is a corporation organized under the laws of the State of Washington.
2. Petitioner has been, and is, engaged in the sale, installation, and repair of fencing and fencing materials, via a retail store location at 17793 State Route 536, Mount Vernon, WA 98273, and the rendering of such services in commerce in the ordinary course of trade.
3. Petitioner and its predecessors in interest have used the mark ECONOMY FENCE CENTER (“Petitioner’s Mark”) continuously in connection with the services described in paragraph 2 above since at least the date of first use claimed in Respondent’s application described in paragraph 9 below, and Petitioner continues to be use ECONOMY FENCE CENTER in such fashion. Petitioner attaches hereto as Exhibit 1 a copy of samples of Petitioner’s advertising of its services.
4. Upon information and belief, Respondent and its predecessor in interest have been aware of Petitioner’s use of ECONOMY FENCE CENTER for a considerable length of time and have consented to such use, have waived any objection to such use, and/or are estopped from objecting to or interfering in such use.
5. Petitioner is successor in interest to the rights of Jerry Sturlaugson under an “Agreement of Purchase of [sic] Sale” with Chainlink Specialties Fence Co., Inc. (“Chainlink Fence”), signed on February 2, 1984 (the “Petitioner’s Purchase Agreement”). Under Petitioner’s Purchase Agreement, Petitioner purchased from Chainlink Fence “the right to continue to do business under the name of ECONOMY FENCE CENTER at the address of 2201 Riverside Dr. Mt. Vernon, Wa.”

6. Upon information and belief, Respondent and its predecessor in interest have been aware of Petitioner's Purchase Agreement from on or about the date it was signed up to the present.

7. By virtue of Petitioner's extensive, unrestricted, and unchallenged use of ECONOMY FENCE CENTER and its rights under Petitioner's Purchase Agreement, Petitioner has the right to use ECONOMY FENCE CENTER in commerce in connection with the sale, installation, and repair of fencing and fencing materials, including retail stores for fencing materials.

8. Respondent Fence Systems NW, Inc. is a corporation organized and existing under the laws of the State of Washington, doing business at 1616 East Marine Drive, Everett, Washington 98201.

9. On March 4, 2008, Respondent filed an application under Serial No. 77-413,027, to register the mark ECONOMY FENCE CENTER (the "Word Mark") in Class 35 for "retail stores for fencing materials" and Class 37 for "installing fencing." On November 4, 2008, Respondent filed a Response to Office Action for such application, which included the following statement: "The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement." Petitioner attaches hereto as Exhibit 2 a copy of Application Serial No. 77-413,027 and as Exhibit 3 a copy of the Response to Office Action filed in connection with such application.

10. Registration No. 3,582,510, registering the Word Mark on the Principal Register, was issued on March 3, 2009.

11. Also on March 4, 2008, Respondent filed an application under Serial No. 77-414,073 (collectively with Serial No. 77-413,027, the "Applications") to register the

mark ECONOMY FENCE CENTER & design (the “Design Mark,” and collectively with the “Word Mark,” “Respondent’s Marks”), in Class 35 for “retail stores for fencing materials” and Class 37 for “installing fencing.” The Design Mark consists of “ECONOMY FENCE CENTER” (stylized) within a circle with a bar across the front. On November 4, 2008, Respondent filed a Response to Office Action for such application, which included the following statement:

“ECONOMY FENCE CENTER has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.” Petitioner attaches hereto as Exhibit 4 a copy of Application Serial No. 77-414,073 and as Exhibit 5 the Response to Office Action filed in connection with such application.

12. Registration No. 3,582,512 (collectively with Registration No. 3,582,510, the “Registrations”), registering the Design Mark on the Principal Register, was issued on March 3, 2009.

13. Upon information and belief, Respondent claims to be the successor in interest to the rights of Scott D. Strong under an “Offer of Purchase” dated January 13, 1984, under which Mr. Strong purchased from Chainlink Fence “the right to do business at 11918 Airport Road, Everett, WA as Economy Fence Center.”

14. The Registrations have caused and/or will cause Petitioner to be damaged, including but not limited to as follows:

(a) Purporting to act under authority of the Registrations, Respondent, through its attorneys, has demanded that Petitioner cease and desist from using ECONOMY FENCE CENTER outside of Skagit County, Washington, and that Petitioner cease and desist from marketing in King and Snohomish Counties, Washington.

(b) Purporting to act under authority of the Registrations, Respondent, through its attorneys, has demanded that Petitioner transfer the Internet domain name economyfencecenter.com to Respondent.

(c) Purporting to act under authority of the Registrations, Respondent, through its attorneys, has demanded that Petitioner cease and desist from using ECONOMY FENCE CENTER separate from “of Mr. Vernon.”

(d) Purporting to act under authority of the Registrations, Respondent, through its attorneys, has threatened to sue Petitioner for damages and attorneys’ fees.

(e) The Registrations create a cloud on title, thus impairing the value and marketability of Petitioner’s business, goodwill, and other assets.

15. Upon information and belief, Respondent’s Marks were not used in commerce by Respondent as early as the dates stated in the Applications and were not in use in such commerce as of the dates of the Applications.

16. ECONOMY FENCE CENTER has not become distinctive of the services of Respondent, in that Respondent’s use of ECONOMY FENCE CENTER in commerce, if any, had not been substantially exclusive and continuous in commerce for at least the five years immediately before the date of Respondent’s declarations signed on November 4, 2008, and its use is not at this time substantially exclusive and continuous in commerce.

COUNT I
Likelihood of Confusion

17. Petitioner incorporates by reference the allegations contained in paragraphs 1 to 16.

18. Respondent's Word Mark (ECONOMY FENCE CENTER) is identical to Petitioner's Mark. Respondent's Design Mark (ECONOMY FENCE CENTER & design) is substantially similar to Petitioner's Mark.

19. The services identified by Respondent's Marks are identical to those identified by Petitioner's Marks.

20. This Petition is being filed within five year from the date of the Registrations.

21. The Registrations for Respondent's Marks so closely resemble Petitioner's Mark for identical services as to be likely to cause confusion, or to cause mistake, or to deceive. Accordingly, the Registrations should be canceled in their entirety under Section 2(d) of the Lanham Act.

COUNT II
Fraudulent Procurement

22. Petitioner incorporates by reference the allegations contained in paragraphs 1 to 21.

23. On March 4, 2008, Respondent filed the Applications in the United State Patent and Trademark Office ("PTO"), through its lawyers, stating under notice of 18 U.S.C. §1001 that: (a) the declarant believed Respondent to be the owner of Respondent's Marks sought to be registered, (b) to the declarant's knowledge and belief no other person, firm, corporation, or association had the right to use Respondent's Marks 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 or services of such other person, to cause confusion, or to cause mistake, or to deceive, and (c) Respondent's Marks were used in commerce by Respondent as early as the dates stated in the respective Applications and were in use in such commerce as of the date of the Applications.

24. On November 4, 2008, Respondent filed two Responses to Office Action in respect of the Applications, which stated under notice of 18 U.S.C. §1001 that ECONOMY FENCE CENTER had become distinctive of Respondent's services through Respondent's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of the statement.

25. The foregoing statements made to the PTO in the Applications and the Responses to Office Action were each false:

(a) As of March 4, 2008, Respondent's Marks were not owned by Respondent and were subject to the right, title, and interest of Petitioner to use ECONOMY FENCE CENTER in connection with identical services.

(b) As of March 4, 2008, Petitioner had the right to use ECONOMY FENCE CENTER in connection with identical services.

(c) On information and belief, as of March 4, 2008, Respondent's Marks were not used in commerce by Respondent as early as the dates stated in the Applications and/or were not in use in such commerce as of the date of the Applications.

(d) As of November 4, 2008, Respondent's use of ECONOMY FENCE CENTER had not been substantially exclusive for at least the immediately prior five years and its use was not then substantially exclusive, in that Petitioner had during that period used and was at that time using ECONOMY FENCE CENTER in connection with identical services.

26. Respondent knew that these statements were false.

27. Respondent knowingly made material misrepresentations to the PTO with the intent to deceive in order to obtain the Registrations.

28. The PTO relied on the representations in issuing the Registrations.

29. The PTO would not have issued the Registrations but for Respondent's false representations.

30. Respondent's actions in the procurement of the Registrations constitute fraudulent procurement, thereby invalidating the Registrations. Accordingly, the Registrations should be canceled in their entirety.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained in favor of Petitioner and that Registrations Nos. 3,582,510 and 3,582,512 be cancelled in full.

Respectfully submitted,

SIMBURG, KETTER, SHEPPARD & PURDY, LLP

By 

999 Third Avenue, Suite 2525
Seattle, WA 98104-4089
Telephone: (206) 382-2600
Fax: (206) 223-3929
E-mail: jfeil@sksp.com

Attorneys for Petitioner
JKS ENTERPRISES, INC.

DATED: October 11, 2013

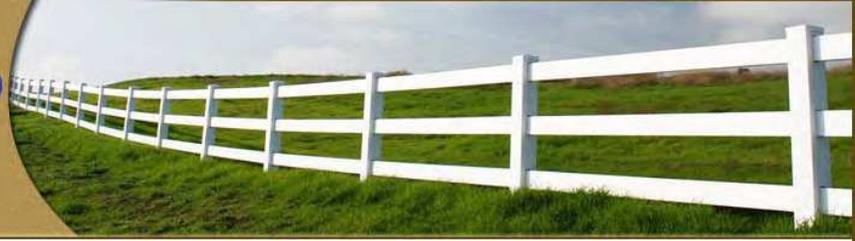
Exhibit 1

Samples of Petitioner's Advertising

It May be Just a Fence to You, But It's a Reputation to Us



360-519-4832



Mount Vernon, WA Fence

Whatcom County 360-671-7225

Skagit County 360-428-2900

North Snohomish County 425-335-3327

Whidbey Island 360-240-9780

Economy Fence Center

Economy Fence Center provides all kinds of fences for homes and businesses. We are a division of JKS Enterprises, Inc. serving Snohomish, Skagit, Whatcom, and Island counties since 1982. We sell and install chain link, wood, split rail, and more.



Free Estimates
Economy Fence Center

Learn More About Economy Fence Center:

- Sales and installation
- Chain link fence
- Wood fence
- Split rail fence
- Vinyl fence
- Ornamental
- Iron fence
- Posts and fittings
- Dog runs
- Gates
- Fence repairs
- Residential and commercial

We operate under Lic # EC-ON-OF C166BP.

Contact Economy Fence Center today at 360-519-4832 for your fence needs. Also contact us at 360-671-7225.

Contact Information

 360-519-4832

 [View our full website](#)

Economy Fence Center

Methods of Payment:



f t RSS



Call us at:
 Mount Vernon 360-428-2900
 Oak Harbor 360-240-9780
 Bellingham 360-671-7225
 Camano Is. 360-387-1425
 Everett 425-335-3327
 Fax us at:
 360-428-4223

Home
 About Us
 Types of Fencing
 Location
 Contact Us
 Monthly Special




"It may be a fence to you but to us it's a reputation!"

WIX

Economy Fence Center Designed by Michael Pritchard

WIX.com Wix.com This Site Was Created Using . Create Your Own Site for Free >> Start

f t RSS



Call us at:
 Mount Vernon 360-428-2900
 Oak Harbor 360-240-9780
 Bellingham 360-671-7225
 Camano Is. 360-387-1425
 Everett 425-335-3327
 Fax us at:
 360-428-4223

Home
 About Us
 Types of Fencing
 Location
 Contact Us
 Monthly Special

About Us

Here at Economy Fence Center we provide the best service at a competitive rate! We are a division of JKS Enterprises Inc, providing quality fencing to the Northwest since 1982!

We operate under Lic # EC-ON-OF C166BP




We are members of:
 "Better Business Bureau"
 National Association of Home Builders (NAHB)
 Building Association of Washington (BIAW)
 Skagit Island Counties Builders Association (SICBA)

WIX

Economy Fence Center Designed by Michael Pritchard

WIX.com Wix.com This Site Was Created Using . Create Your Own Site for Free >> Start



Types of Fencing

Call us at:
Mount Vernon 360-428-2900
Oak Harbor 360-240-9780
Bellingham 360-671-7225
Camano Is. 360-387-1425
Everett 425-335-3327
Fax us at:
360-428-4223

- Home
- About Us
- Types of Fencing
- Location
- Contact Us
- Monthly Special

Call your local number for a free estimate!
We provide many types of fencing and repair.

- Chain Link
- Wood
- Vinyl
- Ornamental Iron
- Arbors and Trellis
- Barb Wire
- Commercial
- Decorative
- Dog runs
- Field Fencing



Click to enlarge

"No job to small or too large!"

Economy Fence Center Designed by Michael Pritchard



Location

Call us at:
Mount Vernon 360-428-2900
Oak Harbor 360-240-9780
Bellingham 360-671-7225
Camano Is. 360-387-1425
Everett 425-335-3327
Fax us at:
360-428-4223

- Home
- About Us
- Types of Fencing
- Location
- Contact Us
- Monthly Special

We are located at 17793 State Route 536, Mount Vernon, Washington. Just a short drive from the freeway so come in and talk with us about your fencing needs! Our hours are Monday-Friday 8:00-4:30, Closed Saturday and Sunday.



Economy Fence Center Designed by Michael Pritchard







Call us at:
 Mount Vernon 360-428-2900
 Oak Harbor 360-240-9780
 Bellingham 360-671-7225
 Camano Is. 360-387-1425
 Everett 425-335-3327
 Fax us at:
 360-428-4223

- Home
- About Us
- Types of Fencing
- Location
- Contact Us
- Monthly Special

Contact Us

>> **Contact Form**

Here at Economy Fence Center we want to know what you think of our business so please leave a comment below. If you have any questions call your local number found on the left side of the page or send us an email using the contact form.

Your Name:
 Your Email:
 Subject:
 Message:

[Send](#)

10 Comments

10. Great service 4 months ago
 by Bob
 Thanks for the great service

9. Dianne 6 months ago
 by Dianne
 The crew did an excellent job & left no trace that they were there. My neighbor was not immediately @ involved on the next job that did

◀ 1/2 ▶

Add Comment

We accept Visa, MasterCard, Discover, American Express, Checks, Cash and **Financing is Available.**






Economy Fence Center Designed by Michael Pritchard

Wix.com Wix.com
This Site Was Created Using . Create Your Own Site for Free >>
Start







Call us at:
 Mount Vernon 360-428-2900
 Oak Harbor 360-240-9780
 Bellingham 360-671-7225
 Camano Is. 360-387-1425
 Everett 425-335-3327
 Fax us at:
 360-428-4223

- Home
- About Us
- Types of Fencing
- Location
- Contact Us
- Monthly Special

Monthly Special



Summer special: Buy 100 feet or more of chain link fencing and get 5% OFF! This offer is only valid if you print out this coupon and present it at time of purchase. Offer is not valid with any other offers or discounts, expires 8/31/13.

Economy Fence Center Designed by Michael Pritchard

Wix.com Wix.com
This Site Was Created Using . Create Your Own Site for Free >>
Start

superguarantee™ ads feature an orange/black border

RESH
IES
ick
Season
659-3875
7-463-0350
7-435-6514
7-794-5076
7-435-0945
563-5685
629-6455
463-0450
565-7891
334-4124
387-1191
436-1951
136-8727
866-9562
PLY
9-2632
52-7219
03-4939
44-1234
95-3460
15-9202
3-9356
5-0200
:TS
1-5448
3-3601
5-2806
1-7982
1-1162

SHOEMISH COUNTY OF
Auditor
Licenses
Vehicle & Vessel Title & Registration
Subsequent Vehicle & Vessel Title
& Registration
Mountlake Terrace
22921 56th Av W Mt Tc
..... 425 670-3874
Shoemish Mini-Storage
687 Maple Ave Snoh. 360 568-0333

Feeders
Pacific Coast Feather Co
14524-40th Av NE, Mountl. 360 653-3696

Feed Dealers
Beshell Feed Center
20809 Besh-Evert Hwy Bldg. 425 481-8832
CLEARVIEW FEED STORE
16510 SR 9 SE Snoh. 360 668-6363
Co-Op Supply
Aclynton
121 S Olympic Ave Arl. ... 360 435-3213
Lake Stevens
8326 SR 92 360 691-1813

COMPUTER FEED INC
EASTERN WASHINGTON ALFALFA
DAIRY • HORSE FEEDS • FARM SUPPLIES
• PET FOOD • SPECIALTY FEED
WHOLESALE / RETAIL
COMPUTER FEED FORMULATION
Cowlitz 360 445-6211

COUNTRY FEED-STROTZ
21713 27th Ave NE Arl. 360 652-8064
FRONT PORCH FEED & MERCANTILE
Livestock & Farm Supplies • Hay Straw
Abers • Alegra • Purina • LMF • Mazuri
Garden Supplies • Hardware • Gifts
Quality Pet Food & Supplies
360-793-2372
207 State Route 2 Skagit. 360 793-2372

MONROE FARM & FEED CORP
18422 Cascade View Dr Albro
..... 360 794-4663
SHOEMISH CO-OP & TRUE
VALUE
168 Lincoln Ave Snoh. ... 360 568-2104

Fence Contractors
superguarantee
businesses feature
orange/black
diagonal lines
around their ads.

See Also Dates
A US FENCE CO
Snoh. 425 334-4209
(See Advertisement On Page 271)
A US Fence Co Snoh. 360 568-5300
ALLIED CONSTRUCTION INC
Redmond 425 869-7663
Atlas Fence
2604 Rockefeller Ave Everett
..... 425 259-3200

ATLAS FENCE COMPANY
610 Cedar Ave Mountl. ... 360 659-1329
Berger Fence Co Inc. 360 387-2863
CASCADE FENCE COMPANY
INC
1209 Ferguson Park Rd Snoh
..... 360 568-3571
(See Advertisement On Page 270)

CITY WIDE FENCE CO
Lynnwood 425 745-8648
(See Advertisement On Page 270)
City Wide Fence Co Bldg. ... 425 481-2074
City Wide Fence Co
16923-40th Av W Lym. ... 425 355-4302
Construction Rig
23 154th Dr SE Snoh. ... 425 382-3219
Conquer Fence Co
8329 219th SE Mountl. ... 425 481-7176
Eagle Fence Construction
15310 Smokey Point Blvd Mountl.
..... 360 853-8748
Eagle Fence Construction
15310 Smokey Point Blvd Mountl.
..... 425 252-1557

COMPUTER FEED
Residential & Commercial
Chain Link • Cedar
Vinyl • Ornamental
Locally Owned & Operated
Since 1982
4518 83rd Av SE
Everett 425 335-3327

Buy the Easy Way—
Use the Yellow Pages
The Yellow Pages
is the place
to see...and be seen.

superguarantee
Get the job done right, or we'll step in and make it right.
Look for specially marked businesses in this book.
For information, visit superguarantee.com

St
ECO
EVE
En
776
PENS

Exhibit 2

Application Serial No. 77-413,027

Trademark/Service Mark Application, Principal Register

Serial Number: 77413027

Filing Date: 03/04/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77413027
MARK INFORMATION	
*MARK	ECONOMY FENCE CENTER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	ECONOMY FENCE CENTER
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	Fence Systems NW, Inc.
*STREET	1616 E. Marine View Drive
*CITY	Everett
*STATE (Required for U.S. applicants)	Washington
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	98201
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Washington
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035

*IDENTIFICATION	Retail stores for fencing materials
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1981
FIRST USE IN COMMERCE DATE	At least as early as 06/01/1981
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-6422136243-191456463_0303145600_001.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\EXPORT15\774\130\77413027\xml1\APP0003.JPG
	\\TICRS2\EXPORT15\774\130\77413027\xml1\APP0004.JPG
SPECIMEN DESCRIPTION	an internet display advertising and promoting the services
*INTERNATIONAL CLASS	037
*IDENTIFICATION	Installing fencing
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1981
FIRST USE IN COMMERCE DATE	At least as early as 06/01/1981
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-1-6422136243-191456463_0303145600_001.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\EXPORT15\774\130\77413027\xml1\APP0005.JPG
	\\TICRS2\EXPORT15\774\130\77413027\xml1\APP0006.JPG
SPECIMEN DESCRIPTION	An internet display advertising and promoting the services
ATTORNEY INFORMATION	
NAME	Clark A. Puntigam
FIRM NAME	Jensen & Puntigam, P.S.
STREET	2033 6th Ave, Suite 1020
CITY	Seattle
STATE	Washington
COUNTRY	United States
ZIP/POSTAL CODE	98121
PHONE	206-448-3200

FAX	(206) 441-5514
EMAIL ADDRESS	docket@jensenpuntigam.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Robert A. Jensen
CORRESPONDENCE INFORMATION	
NAME	Clark A. Puntigam
FIRM NAME	Jensen & Puntigam, P.S.
STREET	2033 6th Ave, Suite 1020
CITY	Seattle
STATE	Washington
COUNTRY	United States
ZIP/POSTAL CODE	98121
PHONE	206-448-3200
FAX	(206) 441-5514
EMAIL ADDRESS	docket@jensenpuntigam.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/clark a. puntigam/
SIGNATORY'S NAME	Clark A. Puntigam
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	03/04/2008

Trademark/Service Mark Application, Principal Register

Serial Number: 77413027

Filing Date: 03/04/2008

To the Commissioner for Trademarks:

MARK: ECONOMY FENCE CENTER (Standard Characters, see [mark](#))

The literal element of the mark consists of ECONOMY FENCE CENTER.

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

The applicant, Fence Systems NW, Inc., a corporation of Washington, having an address of

1616 E. Marine View Drive

Everett, Washington 98201

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.

International Class 035: Retail stores for fencing materials

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 06/01/1981, and first used in commerce at least as early as 06/01/1981, 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) an internet display advertising and promoting the services.

Original PDF file:

[spec-6422136243-191456463_.0303145600_001.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

International Class 037: Installing fencing

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 037, the mark was first used at least as early as 06/01/1981, and first used in commerce at least as early as 06/01/1981, 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) An internet display advertising and promoting the services.

Original PDF file:

[spec-1-6422136243-191456463 . _ 0303145600_001.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File 1](#)

[Specimen File 2](#)

The applicant hereby appoints Clark A. Puntigam and Robert A. Jensen of Jensen & Puntigam, P.S.
2033 6th Ave, Suite 1020
Seattle, Washington 98121
United States

to submit this application on behalf of the applicant.

Correspondence Information: Clark A. Puntigam

2033 6th Ave, Suite 1020

Seattle, Washington 98121

206-448-3200(phone)

(206) 441-5514(fax)

docket@jensenpuntigam.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 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: /clark a. puntigam/ Date Signed: 03/04/2008

Signatory's Name: Clark A. Puntigam

Signatory's Position: Attorney of record

RAM Sale Number: 3178
RAM Accounting Date: 03/05/2008

Serial Number: 77413027
Internet Transmission Date: Tue Mar 04 19:27:45 EST 2008
TEAS Stamp: USPTO/BAS-64.221.36.243-2008030419274522
2118-77413027-400a47a757492717c6b41a2731
1ea2af672-CC-3178-20080304191456463840

ECONOMY FENCE CENTER



HOME

TESTIMONIALS

FENCES

REQUEST A QUOTE

SPECIALS



Welcome

For a professionally installed fence to beautify and add value to your home, you've come to the right place!

We offer fast, friendly and courteous service. We use only the best products and maintain a skilled staff to answer your questions. Our reputation is built on our commitment to providing quality service, which has earned us many valuable customers. Check out what they have to say about us on our [testimonial page](#).

We look forward to working with you.



The Fencing Professionals

Serving The Puget Sound Area
for over 25 years

Seattle: 206-447-1536

Eastside: 425-881-0884

Everett: 425-347-1355

Tacoma: 253-441-6900





ECONOMY FENCE CENTER

The Fencing Professionals
25 Years In Business

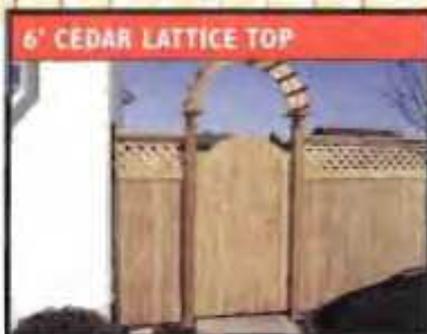
FALL FENCE SALE!

All our cedar materials are Western Red Cedar. Ask us why!



3-RAIL WHITE VINYL

Installed..... \$13.00 per ft.
Materials Only... \$6.25 per ft.
Includes Posts, Rails, Concrete, & Standard Cap



6' CEDAR LATTICE TOP

Installed..... \$23.75 per ft.
Materials Only \$13.75 per ft.
Includes Posts, Cedar Posts, Lattice, Concrete, Cedar Fence Boards, & Post Caps



6' VINYL PRIVACY, WHITE

Installed..... \$36.00 per ft.
Materials Only \$22.75 per ft.
Includes Post, Rails, Concrete, T&E Boards, & Standard Cap



4' SCALLOPED VINYL PICKET, WHITE

Installed..... \$38.00 per ft.
Materials Only \$24.75 per ft.
Includes Posts, Rails, Concrete, Pickets & Standard Cap



4' MONTAGE ORNAMENTAL IRON

Installed..... \$43.00 per ft.
Materials Only \$29.00 per ft.
Black only. Includes Posts, Rails, Concrete and Pickets



6' CEDAR ESTATE STYLE

Installed..... \$18.25 per ft.
Materials Only \$11.00 per ft.
Includes Posts, Cedar Posts, Concrete, Cedar Boards, and Post Caps



EVERETT 1616 E. Marine View Dr.

(425) 347-1355

TACOMA 3304 S. 30th St.

(253) 441-6800

www.economyfence.com



#FENCE01 99308

© 2008 Economy Fence Center. All rights reserved. Economy Fence Center is an Equal Opportunity Employer. Economy Fence Center is a service mark of Economy Fence Center.

Exhibit 3

Response to Office Action in
Application Serial No. 77-413,027

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77413027
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use FENCE CENTER apart from the mark as shown.
SECTION 2(f)	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/derek smith/
SIGNATORY'S NAME	Derek Smith
SIGNATORY'S POSITION	Owner
DATE SIGNED	11/04/2008
RESPONSE SIGNATURE	/clark a. puntigam/
SIGNATORY'S NAME	Clark A. Puntigam
SIGNATORY'S POSITION	Attorney of record, Washington bar member
DATE SIGNED	11/04/2008
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 04 16:11:17 EST 2008
TEAS STAMP	USPTO/ROA-64.221.36.243-2 0081104161117501257-77413 027-430e9db19598c983dbbd6 95963e404c-N/A-N/A-200811 04153529239482

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77413027** has been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use FENCE CENTER apart from the mark as shown.

Section 2(f), based on Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). 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. §1001, and that such willful false statements 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. §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; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /derek smith/ Date: 11/04/2008

Signatory's Name: Derek Smith

Signatory's Position: Owner

Response Signature

Signature: /clark a. puntigam/ Date: 11/04/2008

Signatory's Name: Clark A. Puntigam

Signatory's Position: Attorney of record, Washington bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77413027

Internet Transmission Date: Tue Nov 04 16:11:17 EST 2008

TEAS Stamp: USPTO/ROA-64.221.36.243-2008110416111750

1257-77413027-430e9db19598c983dbbd695963

e404c-N/A-N/A-20081104153529239482

Exhibit 4

Application Serial No. 77-414,073

Trademark/Service Mark Application, Principal Register

Serial Number: 77414073

Filing Date: 03/05/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77414073
MARK INFORMATION	
*MARK	\\TICRS2\EXPORT15\774\140\77414073\xml1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of ECONOMY FENCE CENTER (stylized) within a design which includes a circle with a bar across the front thereof.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	640 x 824
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Fence Systems NW, Inc.
*STREET	1616 E. Marine View Drive
*CITY	Everett
*STATE (Required for U.S. applicants)	Washington
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	98201
LEGAL ENTITY INFORMATION	
TYPE	corporation

STATE/COUNTRY OF INCORPORATION	Washington
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Retail stores for fencing materials
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1985
FIRST USE IN COMMERCE DATE	At least as early as 06/01/1985
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-6422136243-172812292_ _ECONOMYFENCE-USE.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\EXPORT15\774\140\77414073\xml1\APP0003.JPG
	\\TICRS2\EXPORT15\774\140\77414073\xml1\APP0004.JPG
SPECIMEN DESCRIPTION	An internet display advertising and promoting the services
*INTERNATIONAL CLASS	037
*IDENTIFICATION	Installing fencing
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1985
FIRST USE IN COMMERCE DATE	At least as early as 06/01/1985
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-1-6422136243-172812292_ _ECONOMYFENCE-USE.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\EXPORT15\774\140\77414073\xml1\APP0005.JPG
	\\TICRS2\EXPORT15\774\140\77414073\xml1\APP0006.JPG
SPECIMEN DESCRIPTION	An internet display advertising and promoting the services.
ATTORNEY INFORMATION	
NAME	Clark A. Puntigam
FIRM NAME	Jensen & Puntigam P.S.
STREET	2033 6th Ave, Suite 1020
CITY	Seattle

STATE	Washington
COUNTRY	United States
ZIP/POSTAL CODE	98121
PHONE	206-448-3200
FAX	(206) 441-5514
EMAIL ADDRESS	docket@jensenpungigam.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Robert A. Jensen
CORRESPONDENCE INFORMATION	
NAME	Clark A. Pungigam
FIRM NAME	Jensen & Pungigam P.S.
STREET	2033 6th Ave, Suite 1020
CITY	Seattle
STATE	Washington
COUNTRY	United States
ZIP/POSTAL CODE	98121
PHONE	206-448-3200
FAX	(206) 441-5514
EMAIL ADDRESS	docket@jensenpungigam.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/clark a. pungigam/
SIGNATORY'S NAME	Clark A. Pungigam
SIGNATORY'S POSITION	Attorney of record

DATE SIGNED

03/05/2008

Trademark/Service Mark Application, Principal Register

Serial Number: 77414073

Filing Date: 03/05/2008

To the Commissioner for Trademarks:

MARK: (Stylized and/or Design, see [mark](#))

The applicant is not claiming color as a feature of the mark. The mark consists of ECONOMY FENCE CENTER (stylized) within a design which includes a circle with a bar across the front thereof.

The applicant, Fence Systems NW, Inc., a corporation of Washington, having an address of
1616 E. Marine View Drive
Everett, Washington 98201
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.

International Class 035: Retail stores for fencing materials

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 06/01/1985, and first used in commerce at least as early as 06/01/1985, 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) An internet display advertising and promoting the services.

Original PDF file:

[spec-6422136243-172812292 . ECONOMYFENCE-USE.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

International Class 037: Installing fencing

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 037, the mark was first used at least as early as 06/01/1985, and first used in

commerce at least as early as 06/01/1985, 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) An internet display advertising and promoting the services..

Original PDF file:

[spec-1-6422136243-172812292 . ECONOMYFENCE-USE.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

The applicant hereby appoints Clark A. Puntigam and Robert A. Jensen of Jensen & Puntigam P.S.
2033 6th Ave, Suite 1020
Seattle, Washington 98121
United States

to submit this application on behalf of the applicant.

Correspondence Information: Clark A. Puntigam

2033 6th Ave, Suite 1020

Seattle, Washington 98121

206-448-3200(phone)

(206) 441-5514(fax)

docket@jensenpuntigam.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 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: /clark a. puntigam/ Date Signed: 03/05/2008

Signatory's Name: Clark A. Puntigam

Signatory's Position: Attorney of record

RAM Sale Number: 2764
RAM Accounting Date: 03/06/2008

Serial Number: 77414073
Internet Transmission Date: Wed Mar 05 17:37:03 EST 2008
TEAS Stamp: USPTO/BAS-64.221.36.243-2008030517370348
6639-77414073-400f8ddb2dc352436d0192f84f
9cd21e24-CC-2764-20080305172812292725





HOME

TESTIMONIALS

FENCES

REQUEST A QUOTE

SPECIALS



Welcome

For a professionally installed fence to beautify and add value to your home, you've come to the right place!

We offer fast, friendly and courteous service. We use only the best products and maintain a skilled staff to answer your questions. Our reputation is built on our commitment to providing quality service, which has earned us many valuable customers. Check out what they have to say [about us on our testimonial page.](#)

We look forward to working with you.



The Fencing Professionals

Serving The Puget Sound Area
for over 25 years

Seattle: 206-447-1536

Eastside: 425-881-0884

Everett: 425-347-1355

Tacoma: 253-441-6900





ECONOMY FENCE CENTER

The Fencing Professionals
25 Years In Business

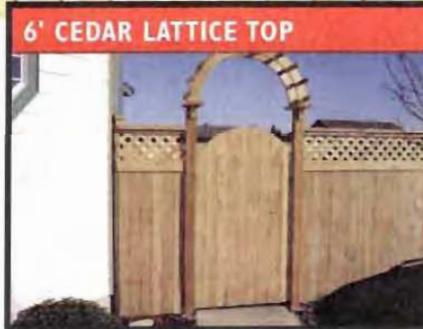
FALL FENCE SALE!

All our cedar materials are Western Red Cedar. Ask us why!



3-RAIL WHITE VINYL

Installed \$13.00 per ft.
Materials Only... \$6.25 per ft.
Includes: Posts, Rails Concrete, & Standard Cap



6' CEDAR LATTICE TOP

Installed \$23.75 per ft.
Materials Only \$13.75 per ft.
Includes: Posts, Cedar Rails, Lattice, Concrete, Cedar Fence Boards, & Post Caps



6' VINYL PRIVACY, WHITE

Installed \$36.00 per ft.
Materials Only \$22.75 per ft.
Includes: Post, Rails, Concrete, T&G Boards, & Standard Cap.



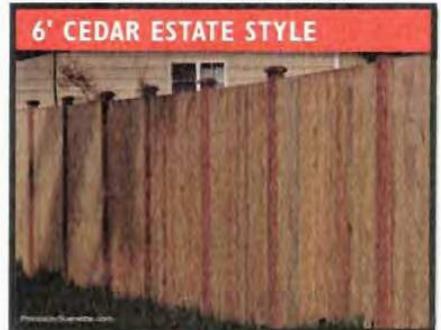
4' SCALLOPED VINYL PICKET, WHITE

Installed \$38.00 per ft.
Materials Only \$24.75 per ft.
Includes: Posts, Rails, Concrete, Pickets & Standard Cap



4' MONTAGE ORNAMENTAL IRON

Installed \$43.00 per ft.
Materials Only \$29.00 per ft.
Black only. Includes: Posts, Rails, Concrete and Pickets



6' CEDAR ESTATE STYLE

Installed \$18.25 per ft.
Materials Only \$11.00 per ft.
Includes: Posts, Cedar Rails, Concrete, Cedar Boards, and Post Caps



EVERETT 1616 E. Marine View Dr.
(425) 347-1355

TACOMA 3304 S. 30th St.
(253) 441-6800

www.economyfence.com



#FENCESN 993C8

Lifetime Vinyl Fencing Warranty. All Prices will vary depending on actual layout. Gates are extra. (6' high posts are extra. A surcharge is applied to small fence installations. Limited to Stock on hand.

Exhibit 5

Response to Office Action in
Application Serial No. 77-414,073

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77414073
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use FENCE CENTER apart from the mark as shown.
SECTION 2(f), IN PART	ECONOMY FENCE CENTER has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/derek smith/
SIGNATORY'S NAME	Derek Smith
SIGNATORY'S POSITION	Owner
DATE SIGNED	11/04/2008
RESPONSE SIGNATURE	/clark a. puntigam/
SIGNATORY'S NAME	Clark A. Puntigam
SIGNATORY'S POSITION	Attorney of record, Washington bar member
DATE SIGNED	11/04/2008
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 04 16:16:41 EST 2008
TEAS STAMP	USPTO/ROA-64.221.36.243-2 0081104161641237814-77414 073-430e69611fec2ab0157d cfa870ce22a34e-N/A-N/A-20 081104161408521669

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77414073** has been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use FENCE CENTER apart from the mark as shown.

Section 2(f), in part, based on Use

ECONOMY FENCE CENTER has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). 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. §1001, and that such willful false statements 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. §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; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /derek smith/ Date: 11/04/2008

Signatory's Name: Derek Smith

Signatory's Position: Owner

Response Signature

Signature: /clark a. puntigam/ Date: 11/04/2008

Signatory's Name: Clark A. Puntigam

Signatory's Position: Attorney of record, Washington bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77414073

Internet Transmission Date: Tue Nov 04 16:16:41 EST 2008

TEAS Stamp: USPTO/ROA-64.221.36.243-2008110416164123

7814-77414073-430e69611fec2ab0157dcfa87

0ce22a34e-N/A-N/A-20081104161408521669

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing document was served sent by U.S.

First Class mail, addressed to:

Fence Systems NW, Inc.
1616 E. Marine View Drive
Everett, WA 98201

Clark A. Puntigam
Jensen & Puntigam, P.S.
2033 6th Ave Ste 1020
Seattle, WA 98121-2527

Nathaniel Taylor
Ellis, Li & McKinstry PLLC
2025 First Avenue, Penthouse A
Seattle, WA 98121-3125
Email: ntaylor@elmlaw.com

DATED: October 11, 2013



Jonathan I. Feil
SIMBURG, KETTER, SHEPPARD & PURDY, LLP
999 Third Avenue, Suite 2525
Seattle, WA 98104
Telephone: (206) 382-2600
Fax: (206) 223-3929
E-mail: jfeil@sksp.com