

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 22, 2003

Concurrent Use No. 2,033

Steven M. Link, dba Dr. Roof

v.

Dr. Roof, Inc.

To: Dr. Roof, Inc.

GARY K. PRICE
JOHNSON, CARROLL AND GRIFFITH
2230 WEST FRANKLIN ST, PO BOX 6016
EVANSVILLE, IN 47719-0016

Re: Registration No. 1,578,137
Issued: January 16, 1990

The applicant in application Serial No. 74/637,996 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant	:	Steven M. Link, dba Dr. Roof
Applicant's address	:	108 Thompson Street Raritan, NJ 08869
Applicant's mark	:	RX DR. ROOF and Design
Goods or services	:	home maintenance, home repair and custom home construction services
Filing date	:	February 22, 1995
Territory of use	:	The geographical area in which applicant seeks registration is limited to the following: Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Connecticut, Pennsylvania east

of Interstate Highway 81, New
Jersey, and Delaware

Attorney : Stephen L. Baker
Baker & Friedman
359 East Main St, PO Box 672
Somerville, NJ 08876

In its application, the applicant has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark. Your mark, goods or services, and territory of use, as *acknowledged in* the referenced application, are set out below in a summary of details of the application. A copy of the application as filed is included herewith.

Your mark : DR. ROOF

Your goods or services : Commercial and residential
roof repair services

Your territory of use : The entire United States,
excluding: Maine, Vermont,
New Hampshire, Massachusetts,
Rhode Island, New York,
Connecticut, Pennsylvania east
of Interstate Highway 81, New
Jersey, and Delaware

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

The proceeding will be conducted in accordance with the Rules of Practice in Trademark cases, as set out in Title 37 of the Code of Federal Regulations. Rule 2.99 thereof, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified as a concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of any other party specified as a concurrent user in the application,

an answer must be filed within forty day after the mailing of the notice.

You are allowed until **40 days** from the mailing date hereof to file an answer in accordance with Rule 2.99. If filed, the answer should be directed to the allegations relating to concurrent use recited in the application identified herein.

You are also requested to advise the Board of any relevant applications or registrations, other than those already listed herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before **40 days** from the mailing date hereof.

DISCOVERY AND TESTIMONY PERIODS ARE SET AS INDICATED BELOW.

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party WITHIN THIRTY DAYS after completion of the taking of testimony. Rule 2.125.

Discovery to open:	June 11, 2003
Discovery to close:	December 8, 2003
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	March 7, 2004
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	May 6, 2004
Rebuttal testimony period to close: (opening fifteen days prior thereto)	June 20, 2004

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.

Karl Kochersperger, Paralegal

cc:

Stephen L. Baker
Baker & Friedman
P.O. Box 672, 359 East Main Street

Somerville, NJ 08876