

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July 7, 2005

Concurrent Use No. 94002107

TN Master Tile LP

v.

MASTER TILE PRODUCTS, INC.

To: MASTER TILE PRODUCTS, INC.
P.O. BOX 7514
CANTON, OH 44705-0514

Re: **MASTER TILE**

Vionette Baez, Paralegal Specialist

The applicant in applications Serial Nos. 78183980 and 78183981 have applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant	:	TN Master Tile LP
Applicant's address	:	2510 McAllister Houston, TX 77092
Applicant's mark	:	MASTER TILE
Goods or services	:	No-metal tiles
Filing date	:	11/12/2002
Territory of use	:	The entire United States of America, except the state of Ohio
Attorney	:	D. Brit Nelson Locke Liddell & Sapp LLP

3400 JP Morngan Chase
Tower
600 Travis: ATTN; IP
Dockett Clerk
Houston, TX 77002-3095

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 applications as filed are also included herewith.

Your mark : MASTER TILE
Your goods or services : Tile or sales of tiles
Your territory of use : Portion of the state of Ohio

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 in the application to register as 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 days after the mailing of the notice.

You are allowed until **August 16, 2005** to file such 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. If an answer is not filed, then the proceeding

may be handled as in a case of default. See Rule 2.99(d)(3).

You are requested to advise the Trademark Trial and Appeal Board of any relevant applications or registrations, other than that already listed herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should accompany your answer.

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 period to open: **July 27, 2005**

Discovery period to close: **January 23, 2006**

30-day testimony period for party
in position of plaintiff to close: **April 23, 2006**

30-day testimony period for party
in position of defendant to close: **June 22, 2006**

15-day rebuttal testimony period
to close: **August 06, 2006**

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.
