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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451

Butler

Mailed: July 3, 2007

78183980

Concurrent Use No. 94002107

TN MASTER TILE LP  
(Concurrent Use Applicant)

v.

MASTER TILE PRODUCTS, INC.  
(Named Excepted User)

07-18-2007

U.S. Patent & TMO/ TM Mail Rcpt Dt #72

TN Master Tile LP (hereinafter TN Master Tile) seeks to register the mark MASTER TILE for "non-metal tiles" (application Serial No. 78183980)<sup>1</sup> and for "retail stores featuring construction materials, namely, tile, stone, grout, backing boards, tile and stone setting materials, and tile and stone setting tools; wholesale stores featuring construction materials, namely, tile, stone, grout, backing boards, tile and stone setting materials, and tile and stone setting tools" (application Serial No. 78183981).<sup>2</sup> In its applications, TN Master Tile recites its area of use as "the entire United States of America except the State of Ohio." TN Master Tile named Master Tile Products, Inc. as the sole exception to its exclusive rights to use its marks.

In an order dated October 12, 2007, the Board noted the assignment from Master Tile Products, Inc. of its trademarks to

<sup>1</sup> TN Master Tile, in this application, claims a date of first use anywhere and a date of first use in commerce of January 1, 1993.

<sup>2</sup> TN Master Tile, in this application, claims a date of first use anywhere of 1948 and a date of first use in commerce of December 18, 1992.

TN Master Tile. The trademarks listed in the executed assignment are: MASTER TILE; MASTER TILE PRODUCTS; and the "Master Tile Products logo." Previously, the parties also filed a stipulation to dismiss this concurrent use proceeding and TN Master Tile filed a motion to amend the involved applications to remove the geographic restrictions in view of the assignment. However, the stipulated dismissal and the motion to amend referenced expressly Serial No. 78183980 and were silent as to Serial No. 78183981. Consequently, TN Master Tile was allowed time to inform the Board whether it sought to amend both concurrent use applications and to dismiss this proceeding as to both concurrent use applications. On October 24, 2007, TN Master Tile responded by clarifying that its proposed amendment and dismissal involved both applications.

TN Master Tile's amendment to delete the geographic restrictions from both applications is granted.

In view thereof, this concurrent use proceeding is dissolved. However, inasmuch as TN Master Tile's applications published reciting geographic restrictions, application Serial Nos. 78183980 and 78183981 must be republished as geographically unrestricted applications. Such applications are hereby forwarded to the Publication Division of this Office for republication.

*By the Trademark Trial  
and Appeal Board*

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