

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: D. BRIT NELSON
LOCKE LIDELL & SAPP LLP
3400 JP MORGAN CHASE TOWER
600 TRAVIS, ATTN: IP DOCKETT CLERK
HOUSTON, TX 77002-3095

Serial No.: 78183980 and 78183981

Filed: November 12, 2002

Vionette Baez, Paralegal Specialist

A concurrent use proceeding involving your above-identified applications are 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.

Master Tile Products, Inc., the user referred to in your application, is being notified on this date of the institution of the concurrent use proceeding and is being supplied with copies of your applications, in accordance with the provisions of Rule 2.99. The user has been given until **August 16, 2005** to file an answer under Rule 2.99. Should the user fail to file the required answer, the proceeding may be handled as in a case of default. See Rule 2.99(d)(3).

You are requested to advise the Board of any relevant applications or registrations, other than that already referenced 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 **August 16, 2005**.

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:	July 27, 2005
Discovery to close:	January 23, 2006
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	April 23, 2006
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	June 22, 2006
Rebuttal testimony period to close: (opening fifteen days prior thereto)	August 6, 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.
