

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

Mailed: November 29, 2006

Concurrent Use No. 94002192

TRUE VALUE COMPANY

v.

Lisa Hill, Inc.

Lisa Hill, Inc.  
6520 University Ave., Suite 10  
Lubbock, TX 79413

Re: Registration No. 2169375  
Issued: 06/30/1998

**Tyrone Craven, Paralegal:**

The applicant in application Serial No. 78/505130 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant : True Value Company

Applicant's address : 8600 West Bryn Mawr Avenue  
Chicago, IL 60631-3505

Applicant's mark : Party Plus

Goods or services : Retail stores and wholesale distributorships featuring party equipment and supplies in International Class 035

Rental and leasing of party equipment and supplies in International Class 041

Filing date : 10/25/2004

Territory of use : The area comprising the entire United States except the city of Lubbock, Texas and the

surrounding area within a fifty  
mile radius of Lubbock, Texas.

Attorney : Christopher J. Schulte  
Merchant & Gould, P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910

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 : Party Plus Warehouse

Your goods or services : retail stores services  
specializing in party supplies in  
International Class 035

Your territory of use : The city of  
Lubbock, Texas and the  
surrounding area within a fifty  
mile radius of Lubbock, Texas.

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 above** 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 [due date].

**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: December 18, 2006

Discovery to close: June 16, 2007

Testimony period for party in position of plaintiff to close: September 14, 2007  
(opening thirty days prior thereto)

Testimony period for party in position of defendant to close: November 13, 2007  
(opening thirty days prior thereto)

Rebuttal testimony period to close: December 28, 2007  
(opening fifteen days prior thereto)

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.

cc:  
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Merchant & Gould, P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910  
UNITED STATES