BULKY DOCUMENTS

(exceeds 300 pages)

Proceeding/Serial No: 91123506

Filed: 5-11-07

Title: Pucel Enterprises, Inc.

V S.

Grizzly Industrial, Inc.

Part ____ of ____

946.	GRIZZLY RIDGE DEVELOPMENT, LLC	INACTIVE	OR
947.	GRIZZLY RIDGE ESTATES, LLC	PENDING CANCELLATION	CA
948.	GRIZZLY RIDGE METAL ART	ACTIVE	OR
949.	GRIZZLY RIDGE MINING CORPORATION	DISSOLVED	CA
950.	GRIZZLY RIDGE OUTFITTERS	EXPIRED	UT
951.	GRIZZLY RIDGE PRODUCTIONS, LLC	INTENT TO DISSOLVE INVOLUN	MT
952.	GRIZZLY RIDGE, LLC	NOTICE OF WINDING UP	AZ
953.	GRIZZLY RIVER PRESS & COMPANY	TERMINATED(AUTOMATIC)	VA
954.	GRIZZLY ROAD LP	DISSOLVED	CA
955.	GRIZZLY ROD & REEL REPAIRS/GUNSMITHING	INACTIVE	OR
956.	GRIZZLY ROLL-OVER TRUCK WASH, THE, FDCSCO, FUGI	ACTIVE	UT
957.	GRIZZLY ROOFING	INACTIVE	OR
958.	GRIZZLY ROOFING SERVICE	PENDING EXPIRATION	MT
959.	GRIZZLY ROOFING, LLC	ACTIVE	OR
960.	GRIZZLY ROSE (THE)	CURRENT	ID
961.	GRIZZLY ROSE ENTERTAINMENT, INC.	ADMINISTRATIVELY DISSOLVED	CO
962.	GRIZZLY ROSE STEAK HOUSE, INC.	DISSOLVED	CO
963.	GRIZZLY ROSE, INC.	FORFEITED-FAILED TO FILE T	KS
964.	GRIZZLY RUN SERVICES	GOOD STANDING	MT
965.	GRIZZLY RUN SERVICES, LLC	GOOD STANDING	MT
966.	GRIZZLY SADDLERY, INC.	GOOD STANDING	MT
967.	GRIZZLY SALES	INACTIVE	OR
968.	GRIZZLY SALES AND MARKETING, LLC	IN EXISTENCE	TX
969.	GRIZZLY SATELLITE	GOOD STANDING	MT
970.	GRIZZLY SCHOLARSHIP ASSOCIATION	GOOD STANDING	MT
971.	GRIZZLY SEAMLESS RAINGUTTERS	PENDING EXPIRATION	MT
972.	GRIZZLY SECURITY ALARMS, INC.	GOOD STANDING	MT
973.	GRIZZLY SECURITY ARMORED EXPRESS, INC.	GOOD STANDING	MT
974.	GRIZZLY SECURITY SYSTEMS INC.	IN EXISTENCE	TX
975.	GRIZZLY SECURITY SYSTEMS INC.	IN EXISTENCE	TX
976.	GRIZZLY SELF STORAGE	GOOD STANDING	MT
977.	GRIZZLY SERVICES LLC	INTENT TO DISSOLVE INVOLUN	MT
978.	GRIZZLY SERVICES, INC.	ACTIVE	WY
979.	GRIZZLY SERVICES, INC.	DISSOLVED	LA
980.	GRIZZLY SERVICES, INC.	GOOD STANDING	MT
981.	GRIZZLY SERVICES, INC.	INCORPORATED	MD
982.	GRIZZLY SERVICES, LLC	ACTIVE	MD
983.	GRIZZLY SIDING	CURRENT	ID
984.	GRIZZLY SIDING & WINDOWS	GOOD STANDING	CO
985.	GRIZZLY SIDING AND WINDOWS	PENDING EXPIRATION	MT
986.	GRIZZLY SIGN COMPANY LLC	INTENT TO DISSOLVE INVOLUN	MT
987.	GRIZZLY SITE CONTRACTING, INC.	ACTIVE	FL
988.	GRIZZLY SKINS OF ALASKA, INC.	ACTIVE-GOOD STANDING	AK
989.	GRIZZLY SNOW REMOVAL, INC.	GOOD STANDING	MT
990.	GRIZZLY SNOWMOBILE SERVICE LLP	GOOD STANDING	MT

991.	GRIZZLY SOCCER CAMP, INC.	INTENT TO DISSOLVE INVOLUN	MT
992.	GRIZZLY SPAS	PENDING EXPIRATION	MT
993.	GRIZZLY SPECIALTY PRODUCTS	ACTIVE	FL
994.	GRIZZLY SPORTING CLUB, INC. THE	ACTIVE	PA
995.	GRIZZLY SPORTS	CURRENT	ID
996.	GRIZZLY SPORTS COMPLEX	ACTIVE	NV
997.	GRIZZLY SPORTS LLC	ACTIVE, IN COMPLIANCE	WA
998.	GRIZZLY SPORTSWEAR, INC.	SUSPENDED	CA
999.	GRIZZLY SPRAY ON BEDLINERS, SPRAY ON LININGS &	GOOD STANDING	MT
1000.	GRIZZLY SPRINKLERS & LAWN MOWING	PENDING EXPIRATION	MT
1001.	GRIZZLY STATION	EXPIRED	UT
1002.	GRIZZLY STEEL INCORPORATED	SUSPENDED	CA
1003.	GRIZZLY STORAGE, LLC	VOLUNTARY DISSOLUTION	NM
1004.	GRIZZLY STREET ADDITION TO THE TOWN OF ENNIS PR	GOOD STANDING	MT
1005.	GRIZZLY STUMP GRINDING, LLC	ACTIVE	CT
1006.	GRIZZLY SUPPLY, INC.	ACTIVE	MN
1007.	GRIZZLY SUPPLY, LLC	GOOD STANDING	MT
1008.	GRIZZLY SUSTAINABLE AGRICULTURE, INC.	GOOD STANDING	MT
1009.	GRIZZLY SYSTEMS LLC	GOOD STANDING	CO
1010.	GRIZZLY TACKLE COMPANY	ACTIVE-REGISTRATION	AK
1011.	GRIZZLY TACKLE COMPANY	NOT AVAILABLE	AK
1012.	GRIZZLY TELEPHONE	ACTIVE	OR
1013.	GRIZZLY TELEPHONE	CURRENT	ID
1014.	GRIZZLY TELEPHONE	GOOD STANDING	MT
1015.	GRIZZLY TELEPHONE, INC.	EXPIRED	UT
1016.	GRIZZLY TELEPHONE, INC.	INACTIVE	MN
1017.	GRIZZLY THINNING & CHIPPING	INACTIVE	OR
1018.	GRIZZLY THUMB	CANCELED NAME NOT RESERVED	OH
1019.	GRIZZLY TILE LLC	TERMINATED	WA
1020.	GRIZZLY TIMBER PROFESSIONALS LLC	ORGANIZED	WI
1021.	GRIZZLY TOOL & DIE DESIGN	ACTIVE	FL
1022.	GRIZZLY TOOL & DIE, INC.	DISSOLVED	MD
1023.	GRIZZLY TOOL AND DIE DESIGN	ACTIVE	FL
1024.	GRIZZLY TOOLS, INC.	INACTIVE	WA
1025.	GRIZZLY TOWING SERVICE	ACTIVE	MN
1026.	GRIZZLY TRACTOR PARTNERSHIP, LLP	PENDING EXPIRATION	MT
1027.	GRIZZLY TRACTOR SERVICE	ACTIVE	FL
1028.	GRIZZLY TRADING CO.	IN EXISTENCE	OK
1029.	GRIZZLY TRADING CO., INC.	ACTIVE/IN GOOD STANDING	AZ
1030.	GRIZZLY TRAIL RANCH	GOOD STANDING	MT
1031.	GRIZZLY TRAILERS FRANCHISE MARKETING, LLC	EXEMPT	NM
1032.	GRIZZLY TRAILS RANCH	GOOD STANDING	MT
1033.	GRIZZLY TRANSPORT SYSTEMS	INACTIVE	OR

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1034.	GRIZZLY TRANSPORT, INC.	FORFEITURE	SC
1035.	GRIZZLY TRANSPORT, INC.	INACTIVE	FL

1036.	GRIZZLY TRANSPORTATION	ACTIVE	OR
1037.	GRIZZLY TRANSPORTATION	ACTIVE	UT
1038.	GRIZZLY TRANSPORTATION	PENDING EXPIRATION	MT
1039.	GRIZZLY TRANSPORTATION LLC	ACTIVE	OH
1040.	GRIZZLY TRANSPORTATION MANAGEMENT, INC.	GOOD STANDING	ID
1041.	GRIZZLY TREE SECURITY SERVICES, INC.	DISSOLVED	CA
1042.	GRIZZLY TRUCKING	ACTIVE	WY
1043.	GRIZZLY TRUCKING	CURRENT	ID
1044.	GRIZZLY TRUCKING	FICTITIOUS REGISTRATION	MO
1045.	GRIZZLY TRUCKING & EXCAVATING CO.	DISSOLVED	IL
1046.	GRIZZLY TRUCKING AND LOGGING, LLC	ACTIVE	MD
1047.	GRIZZLY TRUCKING CO.	INACTIVE/DECREE OF COURT	WV
1048.	GRIZZLY TRUCKING INC	ACTIVE	CA
1049.	GRIZZLY TRUCKING LLC	ACTIVE	CA
1050.	GRIZZLY TRUCKING, INC.	ACTIVE	FL
1051.	GRIZZLY TRUCKING, INC.	ACTIVE	VA
1052.	GRIZZLY TRUCKING, INC.	ACTIVE	WY
1053.	GRIZZLY TRUCKING, INC.	GOOD STANDING	IL
1054.	GRIZZLY TRUCKING, INC.	INVOLUNTARILY DISSOLVED	WI
1055.	GRIZZLY TRUCKING, L.L.C.	ACTIVE	UT
1056.	GRIZZLY TRUCKING, LLC	ACTIVE	MN
1057.	GRIZZLY TRUE VALUE HOME CENTER	GOOD STANDING	MT
1058.	GRIZZLY TURTLE LODGE	INACTIVE	MO
1059.	GRIZZLY TURTLE LODGE, LLC	ACTIVE	MO
1060.	GRIZZLY U.S.A. INC.	DISSOLVED	MS
1061.	GRIZZLY VALLEY LIMITED	ACTIVE	IA
1062.	GRIZZLY VALLEY LIMITED - 2	ACTIVE	IA
1063.	GRIZZLY VALLEY LIMITED - 3	ACTIVE	IA
1064.	GRIZZLY VALLEY LIMITED - 4	ACTIVE	IA
1065.	GRIZZLY VALVE MODIFICATION LLC	IN EXISTENCE	TX
1066.	GRIZZLY VENDING	PENDING EXPIRATION	MT
1067.	GRIZZLY VENDING INC.	GOOD STANDING	MT
1068.	GRIZZLY VENTURES INC.	INACTIVE	MA
1069.	GRIZZLY VENTURES INCORPORATED	ACTIVE	SD
1070.	GRIZZLY VENTURES, INC.	TERMINATED	WA
1071.	GRIZZLY VIEW ARCHERY	INACTIVE	OR
1072.	GRIZZLY WARE INC.	DISSOLVED	NV
1073.	GRIZZLY WARE, INC.	INCORPORATED	MD
1074.	GRIZZLY WASTE RECYCLING, INC.	INACTIVE	MI
1075.	GRIZZLY WEAR NEEDLE WORKS	PENDING EXPIRATION	MT
1076.	GRIZZLY WEB DESIGN, LLC	ACTIVE	WY
1077.	GRIZZLY WELDING & CHOPPERS, L.L.C.	GOOD STANDING	MT
1078.	GRIZZLY WELL SERVICE, INC.	GOOD STANDING	MT
1079.	GRIZZLY WIRELESS	GOOD STANDING	MT
1080.	GRIZZLY WITH PAW DESIGN	GOOD STANDING	MT

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1081.	GRIZZLY WITH PAW DESIGN	GOOD STANDING	MT
1082.	GRIZZLY WITH PAW DESIGN	GOOD STANDING	MT
1083.	GRIZZLY WOOD COMPANY	INACTIVE	OR
1084.	GRIZZLY WOOD CRAFTERS	PENDING EXPIRATION	MT
1085.	GRIZZLY WOODS	ACTIVE	OR
1086.	GRIZZLY WOODWORKING, LLC	GOOD STANDING	CO
1087.	GRIZZLY WORKS	GOOD STANDING	MT
1088.	GRIZZLY WORKS, LLC, DISSOLVED SEPTEMBER 14, 200	ADMINISTRATIVELY DISSOLVED	CO
1089.	GRIZZLY WRESTLING	ACTIVE, IN COMPLIANCE	WA
1090.	GRIZZLY WRESTLING CLUB	ACTIVE	ND
1091.	GRIZZLY WULFF WHEAT & DESIGN	GOOD STANDING	MT
1092.	GRIZZLY YACHTS INCORPORATED	ACTIVE	CA
1093.	GRIZZLY YACHTS, INC.	GOOD STANDING	MT
1094.	GRIZZLY YOUTH WRESTLING CLUB	ACTIVE, IN COMPLIANCE	WA
1095.	GRIZZLY, INC.	ACTIVE	CA
1096.	GRIZZLY, INC.	ACTIVE	IN
1097.	GRIZZLY, INC.	ACTIVE	OR
1098.	GRIZZLY, INC.	ACTIVE	PA
1099.	GRIZZLY, INC.	ACTIVE	WY
1100.	GRIZZLY, INC.	ACTIVE	MI
1101.	GRIZZLY, INC.	ADMINISTRATIVELY DISSOLVED	IN
1102.	GRIZZLY, INC.	DISSOLUTION BY PROCLAMATIO	NY
1103.	GRIZZLY, INC.	DISSOLVED	MO
1104.	GRIZZLY, INC.	DISSOLVED	WI
1105.	GRIZZLY, INC.	EXPIRED	UT
1106.	GRIZZLY, INC.	FORFEITED	ID
1107.	GRIZZLY, INC.	FORFEITED EXISTENCE	TX
1108.	GRIZZLY, LLC	ACTIVE	CA
1109.	GRIZZLY, LLC	DISSOLVE DATE SEE BELOW	AZ
1110.	GRIZZLY, LTD.	CANCELLED	CA
1111.	GRIZZLY-FISK SERVICE, INC.	FORFEITED	ID
1112.	GRIZZLY'S	EXPIRED	UT
1113.	GRIZZLY'S	EXPIRED	UT
1114.	GRIZZLY'S ADJUSTMENT AND WHEEL COVER, INC.	FORFEITED EXISTENCE	TX
1115.	GRIZZLY'S AILD ANIMALS INC.	ACTIVE	FL
1116.	GRIZZLY'S ANTIQUES & COLLECTIBLES	FICTITIOUS REGISTRATION	MO
1117.	GRIZZLY'S AUTO AND TRUCK SERVICE, INC.	DISSOLVED	IL
1118.	GRIZZLY'S BAR & GRILL, SALOON OR PRIVATE CLUB	EXPIRED	UT
1119.	GRIZZLY'S BAR & GRILLE	ACTIVE	PA
1120.	GRIZZLY'S BAR & GRILLE	SUSPENDED	ME
1121.	GRIZZLY'S BAR B Q. NORTH	FICTITIOUS REGISTRATION	MO
1122.	GRIZZLY'S BARBEQUE, INC.	DISSOLVED	AR
1123.	GRIZZLY'S BEEF JERKY, INC.	ACTIVE	FL

1124.	GRIZZLY'S CENTER	ACTIVE	MN
1125.	GRIZZLY'S CRAFTS & CREATIONS	ACTIVE/IN GOOD STANDING	NH

1126.	GRIZZLY'S CUSTOM TILE LLC, DISSOLVED JUNE 3, 20	ADMINISTRATIVELY DISSOLVED	CO
1127.	GRIZZLY'S CYCLE SHOP	CANCELED NAME NOT RESERVED	OH
1128.	GRIZZLY'S DEN, L.L.C.	DOMESTIC LIMITED LIABILITY	ME
1129.	GRIZZLY'S DISCOUNT STORE	INACTIVE	OR
1130.	GRIZZLY'S DOZER SERVICE INC.	ACTIVE	OH
1131.	GRIZZLY'S FIVE STAR WELDING INC.	NOT CURRENT	AR
1132.	GRIZZLY'S GEAR LLC	ACTIVE	MI
1133.	GRIZZLY'S GIFTS	EXPIRED-REGISTRATION	AK
1134.	GRIZZLY'S GIFTS	NOT AVAILABLE	AK
1135.	GRIZZLY'S GO'N FISH'N	ACTIVE	PA
1136.	GRIZZLY'S GOURMET SAUCES	FORFEITED	MD
1137.	GRIZZLY'S GRILL & BAR, INC.	ACTIVE	MN
1138.	GRIZZLY'S GRILL N' SALOON	ACTIVE	MN
1139.	GRIZZLY'S GRILL N' SALOON	ACTIVE	MN
1140.	GRIZZLY'S GRILL N' SALOON	ACTIVE	MN
1141.	GRIZZLY'S GRILL N' SALOON	ACTIVE	MN
1142.	GRIZZLY'S GRILL N' SALOON	ACTIVE	MN
1143.	GRIZZLY'S GRILL N' SALOON	ACTIVE	ND
1144.	GRIZZLY'S GRILL N' SALOON	ACTIVE	ND
1145.	GRIZZLY'S GRILL N' SALOON	ACTIVE	ND
1146.	GRIZZLY'S GRILL N'SALOON	ACTIVE	MN
1147.	GRIZZLY'S GRILL, INC.	ACTIVE & IN GOOD STANDING	KS
1148.	GRIZZLY'S GROCERY & DELI INC.	TERMINATED	VT
1149.	GRIZZLY'S GUNS	PENDING EXPIRATION	MT
1150.	GRIZZLY'S GYM, INC.	DISSOLUTION BY PROCLAMATIO	NY
1151.	GRIZZLY'S II, INC.	REVIVED	MD
1152.	GRIZZLY'S INC	ACTIVE	AK
1153.	GRIZZLY'S INC	ACTIVE	AK
1154.	GRIZZLY'S INC	ACTIVE	AK
1155.	GRIZZLY'S INC.	ADMINISTRATIVELY DISSOLVED	TN
1156.	GRIZZLY'S INC.	INACTIVE	OR
1157.	GRIZZLY'S INC.	REVIVED	MD
1158.	GRIZZLY'S INC.	TERMINATED(AUTOMATIC)	VA
1159.	GRIZZLY'S INN, INC.	FORFEITED-FAILED TO FILE T	KS
1160.	GRIZZLY'S MALLARD, INC.	GOOD STANDING	IL
1161.	GRIZZLY'S MONTANA MOUNTAIN FURNISHINGS, L.L.C.	INTENT TO DISSOLVE INVOLUN	MT
1162.	GRIZZLY'S MOUNTAIN FURNISHINGS	CURRENT	ID
1163.	GRIZZLY'S MUD RUNNERS, INC.	FORFEITED-FAILED TO FILE T	KS
1164.	GRIZZLY'S NIGHT CLUB	EXPIRED	UT
1165.	GRIZZLY'S NORTHERN LOG FURNISHINGS, LTD.	ACTIVE	MI
1166.	GRIZZLY'S OUTDOOR PHOTOGRAPHY LLC	GOOD STANDING	MT
1167.	GRIZZLY'S PRIME TIME SALOON & EATERY	GOOD STANDING	IL
1168.	GRIZZLY'S SALOON	CURRENT	ID

1169.	GRIZZLY'S SPORTS BAR & GRILL, INC.	ACTIVE	MN
1170.	GRIZZLY'S SPORTS BAR AND GRILL	ACTIVE	MN

1171.	GRIZZLY'S TOOL BELT LLC	DELINQUENT	CO
1172.	GRIZZLY'S TREE SERVICE	ACTIVE	PA
1173.	GRIZZLY'S TRUCK SERVICE, INC.	ACTIVE	NC
1174.	GRIZZLY'S TRUCKING COMPANY, INC.	AUTO ADMIN DISSOLUTION/REV	GA
1175.	GRIZZLY'S TURQUOISE AND LEATHER, INC. (A CLOSE	ACTIVE	PA
1176.	GRIZZLY'S VENDING, INC.	DISSOLVED	IL
1177.	GRIZZLY'S, ARCHERY SUPPLIES & HUNTS, INC.	DISSOLVED	MD
1178.	GRIZZLY'S, INC.	ACTIVE	AK
1179.	GRIZZLY'S, INC.	ACTIVE	NV
1180.	GRIZZLY'S, INC.	ACTIVE-GOOD STANDING	AK
1181.	GRIZZLY'S, INC.	DISSOLVED	MS
1182.	GRIZZLY'S-WOLF, LLC	EXISTING	ID
1183.	GRIZZLY'S-WOLF, LLC	EXISTING	ID
1184.	GROWLIN' GRIZZLIES	EXPIRED	UT
1185.	GROWLIN' GRIZZLIES BOOSTER CLUB	ACTIVE	UT
1186.	GROWLING GRIZZLY	GOOD STANDING	MT
1187.	H. P. GRIZZLY CORPORATION	ACTIVE	PA
1188.	HELIX MARKET & GRIZZLY BAR	ACTIVE	OR
1189.	HOQUIAM GRIZZLY BOOSTERS	ACTIVE, IN COMPLIANCE	WA
1190.	J C GRIZZLY ENTERPRISES	PERMANENTLY REVOKED	NV
1191.	J.F.X. GRIZZLY, INC.	SUSPENDED	CA
1192.	JACKSON HOLE GRIZZLY HOT SAUCE (WORDS & DESIGN)	ACTIVE	WY
1193.	JORDAN MANUFACTURING CO.	INACTIVE	MN
1194.	KAMP GRIZZLY, INC	ACTIVE	OR
1195.	LA VERNIA GRIZZLIES POP WARNER FOOTBALL & CHEER	IN EXISTENCE	TX
1196.	LADY ANN & THE GRIZZLY FROGGE EMPORIUM	ACTIVE/IN GOOD STANDING	NH
1197.	LAIR OF THE GRIZZLY, LLC	GOOD STANDING	MT
1198.	LAKE ROAD GRIZZLY RANCH, L.L.C.	ACTIVE	CA
1199.	LASSEN LITTLE GRIZZLY YOUTH FOOTBALL, INC.	SUSPENDED	CA
1200.	LDD GRIZZLY CLUB MANAGER, INC.	ACTIVE	CA
1201.	LDD GRIZZLY CREEK, INC.	ACTIVE	CA
1202.	LITTLE GRIZZLY CREEK RANCH, INC., DISSOLVED FEB	ADMINISTRATIVELY DISSOLVED	CO
1203.	LITTLE GRIZZLY CREEK, LLC	GOOD STANDING	CO
1204.	LITTLE GRIZZLY SPORTS, INC.	GOOD STANDING	MT
1205.	LITTLE GRIZZLY, LTD.	EXISTS	CO
1206.	MAD GRIZZLY RESTAURANTS INC.	FORFEITED EXISTENCE	TX
1207.	MARIPOSA GRIZZLIES BOOSTER'S CLUB	SUSPENDED	CA
1208.	MARIPOSA GRIZZLY RADIO, INC.	SUSPENDED	CA
1209.	MESA RIDGE HIGH SCHOOL FOOTBALL BOOSTER CLUB (A	GOOD STANDING	CO
1210.	METRO GRIZZLIES MITE HOCKEY CLUB, INC.	NOT IN GOOD STANDING	ND
1211.	MICHIGAN BREWPUBS, INC.	ACTIVE	MI
1212.	MONTANA GRIZZLIES	GOOD STANDING	MT
1213.	MONTANA GRIZZLIES	GOOD STANDING	MT

1214.	MONTANA GRIZZLIES	GOOD STANDING	MT
1215.	MONTANA GRIZZLIES WITH DESIGN	GOOD STANDING	MT

1216.	MONTANA GRIZZLIES WITH DESIGN	GOOD STANDING	MT
1217.	MONTANA GRIZZLIES WITH DESIGN	GOOD STANDING	MT
1218.	MONTANA GRIZZLIES WITH DESIGN	GOOD STANDING	MT
1219.	MONTE THE GRIZZLY	GOOD STANDING	MT
1220.	MOUNTAIN GRIZZLY PUBLICATIONS	ACTIVE	UT
1221.	MY RANCH AT GRIZZLY CREEK, L.L.C.	ACTIVE	CA
1222.	NEIL SEDGWICK GRIZZLY SOCCER	GOOD STANDING	MT
1223.	NEW GRIZZLY ACQUISITION CORPORATION	INACTIVE	MA
1224.	NEWCASTLE GRIZZLIES BASEBALL CLUB	TERMINATED	WA
1225.	NH GRIZZLIES BASEBALL CLUB	ACTIVE/IN GOOD STANDING	NH
1226.	NH GRIZZLIES LLC	ACTIVE/IN GOOD STANDING	NH
1227.	OSO AND GRIZZLY COMMUTERS, LIMITED PARTNERSH P	ACTIVE	NV
1228.	PARCEL 48H-7506-14-2 GRIZZLY PEAK PROPERTIES, L	ACTIVE	CA
1229.	PAT KENNEDY'S GRIZZLY CAGE CAMP, INC.	INTENT TO DISSOLVE INVOLUN	MT
1230.	PINK GRIZZLY	GOOD STANDING	MT
1231.	REAL MONTANA & DESIGN OF GRIZZLY PAW	PENDING EXPIRATION	MT
1232.	RED GRIZZLY EXPRESS INC.	GOOD STANDING	IL
1233.	RED LODGE GRIZZLY PEAK	GOOD STANDING	MT
1234.	RHODE ISLAND GRIZZLIES	REVOKED CHARTER	RI
1235.	RINCON EXPLORATION LLC	ACTIVE	WY
1236.	ROWDY'S GRIZZLY GROWL & DESIGN	GOOD STANDING	MT
1237.	SACRAMENTO GRIZZLY'S YOUTH BASEBALL ASSOCIATION	SUSPENDED	CA
1238.	SAGINAW HOCKEY FOUNDATION	INACTIVE	MI
1239.	SIERRA GRIZZLY LLC	ACTIVE	OR
1240.	SIERRA GRIZZLY LLC	CANCELLED	CA
1241.	SILVER TIP GRIZZLY PAINTBALL CLUB	GOOD STANDING	MT
1242.	SLEEPING GRIZZLY, LLC	GOOD STANDING	CO
1243.	SLEEPING GRIZZLY, LLC	GOOD STANDING	MT
1244.	SNOW-GRIZZLY, INC.	ADMINISTRATIVELY DISSOLVED	TN
1245.	SPIRIT OF GRIZZLY, INC.	DEFAULT	NV
1246.	SPRING VALLEY GRIZZLIES BASEBALL	DEFAULT	NV
1247.	STANDING STONE BREWING CO.	ACTIVE	OR
1248.	T.J. GRIZZLIES, INC.	RESTORED TO GOOD STANDING	WI
1249.	TEMECULA VALLEY GRIZZLIES, INC.	SUSPENDED	CA
1250.	TEXOMA TRUCK CENTER, LTD.	IN EXISTENCE	OK
1251.	THE BIG GRIZZLY FUN DEVELOPMENT CO.	SUSPENDED	CA
1252.	THE FISHING VESSEL THE GRIZZLY, A LIMITED PARTN	INACTIVE	OR
1253.	THE GIGGLING GRIZZLY & DAKOTAH DRYGOODS, INC.	CANCELLATION	SD
1254.	THE GOLDEN GRIZZLY, LLC	GOOD STANDING	MT
1255.	THE GREAT GRIZZLY BEAR	FICTITIOUS REGISTRATION	MO
1256.	THE GREAT GRIZZLY BEAR CORPORATION, INC.	FORFEITED	MO
1257.	THE GRIZZLY (CLUB HEAD TOP) & DESIGN	PENDING EXPIRATION	MT
1258.	THE GRIZZLY (SHAFT SILKSCREEN) & DESIGN	PENDING EXPIRATION	MT

1259.	THE GRIZZLY ADAMS CHILDRENS' FOUNDATION, INC.	INACTIVE	FL
1260.	THE GRIZZLY ALUMNI ASSOCIATION	ACTIVE, IN COMPLIANCE	WA

1261.	THE GRIZZLY BEAN	PENDING EXPIRATION	MT
1262.	THE GRIZZLY BEAR OIL COMPANY	OTC SUSPENSION	OK
1263.	THE GRIZZLY BEAR, INC.	GOOD STANDING	ME
1264.	THE GRIZZLY CHAIR	GOOD STANDING	MT
1265.	THE GRIZZLY COMPANY, INC.	OTC SUSPENSION	OK
1266.	THE GRIZZLY CORPORATION	DISSOLVED	MO
1267.	THE GRIZZLY CORPORATION	FORFEITED	MO
1268.	THE GRIZZLY CORPORATION	TERMINATED	WA
1269.	THE GRIZZLY CRAFTSMEN	INACTIVE	OR
1270.	THE GRIZZLY DEN, INC.	SUSPENDED	CA
1271.	THE GRIZZLY EXPRESS	PENDING EXPIRATION	MT
1272.	THE GRIZZLY FROM MTG GOLF & DESIGN	PENDING EXPIRATION	MT
1273.	THE GRIZZLY FUND, INC.	GOOD STANDING	AR
1274.	THE GRIZZLY GROUP	CANCELED NAME NOT RESERVED	OH
1275.	THE GRIZZLY GROUP, INC.	ACTIVE, IN COMPLIANCE	WA
1276.	THE GRIZZLY GROUP, INC.	ADMIN DISSOLVED(FILE A/R)	AZ
1277.	THE GRIZZLY INN	PENDING EXPIRATION	MT
1278.	THE GRIZZLY INN, LLC	INVOLUNTARILY DISSOLVED	AK
1279.	THE GRIZZLY INVESTMENT CORPORATION	ACTIVE, IN COMPLIANCE	WA
1280.	THE GRIZZLY LLC	ACTIVE	OH
1281.	THE GRIZZLY MARINER CORP.	INACTIVE	WA
1282.	THE GRIZZLY RUUUBBB & GRIZZLY BEAR RUBBING HIS	PENDING EXPIRATION	MT
1283.	THE GRIZZLY SURVIVAL & BEAR REHABILITATION CENT	ACTIVE	MI
1284.	THE GROWING TREE PRESCHOOL LTD, (THE GRIZZLY CL	ACTIVE	OH
1285.	THE LEGEND OF GRIZZLY ADAMS, INC.	INACTIVE	FL
1286.	THE MEMPHIS GRIZZLIES CHARITABLE FOUNDATION	ACTIVE	TN
1287.	THE RED GRIZZLY STORAGE CO., INC.	ADMINISTRATIVELY DISSOLVED	IN
1288.	THE SIERRA GRIZZLY CORPORATION	DISSOLVED	CA
1289.	THE WINTER SPRINGS GRIZZLIES,INC.	ACTIVE	FL
1290.	THUNDERRIDGE GRIZZLY BEAR BACKER CLUB	GOOD STANDING	CO
1291.	TT GRIZZLY PROPERTIES, LP	IN EXISTENCE	TX
1292.	TWO BUFFALO CONSTRUCTION SUPPLIES INC.	ACTIVE	MN
1293.	UTAH GRIZZLIES CLUB, INC	ACTIVE	UT
1294.	UTAH GRIZZLIES CLUB, INC	ACTIVE	UT
1295.	UTAH GRIZZLIES PROFESSIONAL HOCKEY CLUB, INC.	ACTIVE	UT
1296.	UTAH GRIZZLIES PROFESSIONAL HOCKEY CLUB, INC.	EXPIRED	UT
1297.	UTAH GRIZZLIES YOUTH FOUNDATION	ACTIVE	UT
1298.	UTAH JUNIOR B GRIZZLIES, INC.	EXPIRED	UT
1299.	VOELKER ENTERPRISES, INC.	INACTIVE	MI
1300.	W. G. SMITH INC.	DISSOLVED	CA
1301.	WALTON'S GRIZZLY LODGE, INC.	ACTIVE	CA
1302.	WEST MICHIGAN HOCKEY ASSOCIATION	ACTIVE	MI
1303.	WESTERN GRIZZLY PARK OWNERS ASSOCIATION	SUSPENDED	CA
1304.	WHITE GRIZZLY	PENDING EXPIRATION	MT
1305.	WHITE GRIZZLY TRADING COMPANY	INACTIVE	MN

1306.	WILD GRIZZLY CASINO, LLC	ACTIVE	NV
1307.	WILD GRIZZLY CASINO, LLC	ACTIVE, IN COMPLIANCE	WA
1308.	WINTER SPRINGS GRIZZLIES, INC.	INACTIVE	FL
1309.	YELLOWSTONE GRIZZLY FOUNDATION (THE)	ACTIVE	WY
1310.	YELLOWSTONE GRIZZLY FOUNDATION (WORDS & DESIGN	ACTIVE	WY
1311.	YELLOWSTONE GRIZZLY FOUNDATION (WORDS & DESIGN)	ACTIVE	WY
1312.	YELLOWSTONE GRIZZLY FOUNDATION (WORDS & DESIGN)	ACTIVE	WY
1313.	YELLOWSTONE GRIZZLY FOUNDATION (WORDS & DESIGN)	ACTIVE	WY

Delaware Secretary of State Records

The Delaware Secretary of State's database contains official records, both domestic and foreign, on Corporations, Business Trusts, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships, Registered Limited Liability Partnerships, Unincorporated Nonprofit Associations, and General Partnerships that have registered, incorporated or formed in Delaware. Inactive records after 1983 are included.

The following databases are included in this search, which is conducted directly in the Delaware Secretary of State's real-time computer system:

Active Delaware Companies
Inactive Delaware Companies
Name Reservations

Delaware Citations - ACTIVE

Rank	File Number	Company Name
1.	2808249	GRIZZLY KING, L.L.C.
2.	2918719	GRIZZLY BEAR, LLC
3.	2928689	GRIZZLY, LLC
4.	3460995	GRIZZLY'S LANDSCAPE SUPPLY & SERVICES, INC.
5.	3647525	GRIZZLYTEC, LLC
6.	3659885	GRIZZLY CREEK DEVELOPMENT, LLC
7.	3899140	GRIZZLY PEAK INVESTORS, INC.
8.	3972664	GRIZZLY TRUCKING LLC

Delaware Citations - INACTIVE

Rank	File Number	Company Name
1.	0797594	GRIZZLY ENGINEERING CORPORATION
2.	0879830	GRIZZLY CORP.
3.	0940753	GRIZZLY OIL & GAS COMPANY, INC.
4.	2128050	GRIZZLY II, THE CONCERT CORP.
5.	2219283	GRIZZLY GOLD, INC.
6.	2238913	GRIZZLY CINEMA PARTNERS, INC.
7.	2497052	GRIZZLY PRODUCTS, INC.
8.	2625854	GRIZZLY MOUNTAIN TRANSPORTATION INC.
9.	2636264	GRIZZLY PERSONNEL, INC.
10.	2934857	GRIZZLY WEAR INC.
11.	3084397	GRIZZLY TECHNOLOGY LLC
12.	3134846	GRIZZLY MANAGEMENT, LTD.
13.	3146373	GRIZZLY CATTLE CO. INC.
14.	3247894	GRIZZLY I, LLC
15.	3304291	GRIZZLY BEAR WIRELESS CORP.
16.	3326108	GRIZZLY POWER, LLC
17.	3450191	GRIZZLY ENTERPRISES INCORPORATED
18.	3458710	GRIZZLY PRODUCTIONS LTD.
19.	3531364	GRIZZLY BEAR COMMUNCIATIONS, LLC

Delaware Citations - **NAME RESERVATIONS**

Rank	File Number	Company Name
1.	2947389	THE GRIZZLY MANAGEMENT GROUP, INC.

THOMSON

Antwerp

Atlanta

Boston

Chicago

Dallas

London

Los Angeles

Milan

Montreal

New York

Paris

Philadelphia

San Francisco

Stockholm

Tokyo

Toronto

Washington, DC

GRIZC 11055

(74)

BEFORE THE
UNITED STATES PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PUCEL ENTERPRISES, INC. Petitioner,	CONSOLIDATED
v.	Opposition No. 123,506 Mark: GRIZZLY.COM Application Serial No. 76/088,346 Cancellation No. 31,984 Mark: GRIZZLY
GRIZZLY INDUSTRIAL, INC. Respondent.	Cancellation No. 32,024 Mark: GRIZZLY Registration No. 2,413,625 Cancellation No. 32,025 Mark: GRIZZLY INDUSTRIAL

RESPONDENT'S/APPLICANT'S MOTION
TO AMEND CERTIFICATE OF REGISTRATION NO. 2,413,625
AND APPLICATION SERIAL NO. 76/088,346
PURSUANT TO SECTION 7(H) OF THE LANHAM ACT

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sirs:

[X] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES: If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account No. 50-1965. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on:

Date: March 14, 2003

Signature: Robbi Shew
Robbi Shew

MICHAEL BEST & FRIEDRICH LLC
401 North Michigan Avenue, Suite 1900
Chicago, Illinois 60611-4212
(312) 661-2100
Fax: (312) 222-0818

S:\CLIENT\205670\9004\C0197491.1

Pucel Enterprises, Inc. v. Grizzly Industrial, Inc.-
Composition No. 91123506, Cancellation Nos.
92031984, 92032024, 92032025

GRIZZLY INDUSTRIAL TRIAL EX. NO. 62

Registrant/Applicant, Grizzly Industrial, Inc. ("Grizzly"), hereby moves pursuant to Section 7(h) of the Lanham Act that Registration No. 2,413,625 (GRIZZLY) and Application Ser. No. 76/088,346 (GRIZZLY.COM) be amended in accordance with the attached Exhibits 1 and 2, respectively. 37 CFR 2.133(a). The registration and application are currently the subject of the above-captioned consolidated proceeding.

The Amendments (Exhibits 1 and 2) delete certain goods and services and limit the channels of trade. To assist the Board or Trademark Examiner in identifying the proposed changes, the format is as follows: the bolded, underlined text represents proposed additions, and the text that is struck represents proposed deletions.

Specifically, in Appl. Ser. No. 76/088,346 (GRIZZLY.COM), Grizzly seeks to narrow the description of the services so that the beginning of the description of the claimed services reads:

> Retail store services, online retail store services, and mail order services featuring **products for woodworking and metal working, namely services featuring:**...

(Emphasis to show the changes). Grizzly also seeks to delete from this application "services featuring dollies, hand trucks, storage bins, tool tables, sliding tables, and material handling equipment, namely, carts, casters and wheels, mobile bases, outfeed tables and stands, roller stands, rollers, tables, and work stands."

Similarly, in Reg. No. 2,413,625 (GRIZZLY), Grizzly seeks to narrow the description of services offered in IC 035 to refer to "mail order services **for products for woodworking and metal working, namely, services** featuring ..." The description of goods in IC 008 has similarly been limited to "**woodworking and metal working** hand tools, namely ..." The description of goods in IC 009 is now limited to "**Woodworking and metal working** measuring

equipment, namely, dial indicators, dial calibrators, digital calipers and instruments, and measuring tapes; software, namely, software for disseminating information related to wood and metal working and wood and metal working equipment through a global information network; magnetic switches."

Thus, the amendments narrow, and do not broaden, the identification of goods and services. No re-publication or re-searching will be necessary. In view of this, Grizzly submits that the proposed amendment complies with all applicable rules and statutory provisions. TBMP § 514.01.

The amendments proposed by Grizzly narrow the channels of trade to more accurately reflect Grizzly's woodworking and metal working consumers and, as a result, eliminates any perceived overlap with the goods identified by Pucel Enterprises, Inc. (the petitioner/requester in the consolidated proceeding) in its asserted registrations. Despite this, Pucel refused to consent to this amendment in a teleconference with Grizzly's counsel on March 13, 2003.

Petitioner, Pucel Enterprises, Inc., has not consented to this request. Because this request is made well prior to trial, Pucel has received fair notice thereof. TBMP 514.03. Moreover, since the discovery period is still open, Pucel has an opportunity to take discovery on this matter and, therefore, is not prejudiced by this Amendment.

For the foregoing reasons, Grizzly requests that its motion be allowed.

Respectfully submitted,

Joseph F. Schmidt
Lisa C. Childs
MICHAEL BEST & FRIEDRICH LLC
401 North Michigan Avenue, Suite 1900
Chicago, IL 60611
(312) 661-2100
(312) 222-0818 (fax)
Attorneys for Grizzly Industrial, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RESPONDENT'S/APPLICANT'S MOTION TO AMEND CERTIFICATE OF REGISTRATION NO. 2,413,625 AND APPLICATION SERIAL NO. 76/088,346 PURSUANT TO SECTION 7(H) OF THE LANHAM ACT** was served on Petitioner/Opposer at the following address:

Kenneth L. Mitchell
Woodling, Krost and Rust
Kirtland Office Complex
9213 Chillicothe Road
Kirtland, OH 44094

via first class mail, postage prepaid, March 14, 2003

Joe Schmidt

Attorney for Respondent/Registrant

BEFORE THE
UNITED STATES PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PUCEL ENTERPRISES, INC. Petitioner, v. GRIZZLY INDUSTRIAL, INC. Respondent.	CONSOLIDATED Opposition No. 123,506 Mark: GRIZZLY.COM Application Serial No. 76/088,346 Cancellation No. 31,984 Mark: GRIZZLY Cancellation No. 32,024 Mark: GRIZZLY Registration No. 2,413,625 Cancellation No. 32,025 Mark: GRIZZLY INDUSTRIAL

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sirs:

[X] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES: If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account No. 50-1965. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

AMENDMENT TO REGISTRATION NO. 2,413,625 (GRIZZLY)

Registrant seeks to amend the identification of goods and recitation of services in its registration as follows, in which the bolded, underlined text are additions.

IC 035. G & S: Mail order services **for products for woodworking and metal working, namely, services** featuring abrasives, jigs, air cleaners, air compressors, air compressor accessories, anti-fatigue mats, aprons, back support belts, meat cutting bandsaws, metal cutting bandsaws, wood bandsaws, bandsaw accessories, biscuits, bit systems, blade cleaners, blade stabilizers, books, brad drivers, brad point bit sets, buffing compounds, buffing systems, buffing wheels, carbon paper, center finders, chisels, band clamps, bar clamps, C-clamps, T-clamps, hold-down clamps, pipe clamps, saddle clamps, specialty clamps, cleaners, combination squares, compressors, contact cement contour gauges, countersink sets, dado blades, dead blow hammers, depth stops, dovetail jigs, dowel plugs, doweling jigs, drafting boards, drawer slides, drill bits

EXHIBIT 1

and guides, drill presses, drill press accessories, drill sharpeners, dust collectors, dust collection accessories, electric motors, emery clothes, face frame jigs, face plates, featherboards, files, glues, glue brushes, bench grinders, flex shaft grinders, mini grinders, portable grinders, slow speed grinders, universal knife grinders, wide wheel grinders, grinding stands, grinding stones, grinding wheels, hack saw kits, handscrews, hinges, hole restorer tools, hose reels, hollow chisel mortisers, jigs and fixtures, jointers, jointer clamp systems, knee pads, knife-setting jigs, wood lathes, metal lathes, wood lathe accessories, lathe chucks, levels, lubricants, magnetic switches, magnetizers and demagnetizers, mallets, marking gauges, measuring tools, miter boxes, miter saw work stations, miter trimmers, mobile bases, moisture meters, mortising attachments, moulding heads and knives, multi-spur bits, nail guns and nails, nail pullers, paint and stain kits, paint brushes, paint sprayers - HVLP, plans, planers, planer knives, planer/moulders, planer pals, plug cutters, pneumatic tools, power carvers, power feeders, power tools. pressure washers, push blocks, push sticks, rasps, rasp sets, remote controllers, right angle drives, roller stands, rosette cutterheads and cutters, router bits, router bit sets, router pads, router speed controls, router tables, router table accessories, rub collars, rub bushings, rub spacers, rubber gloves, rust removers, safety equipment, sandblasters, belt sanders, bench sanders, combination sanders, disc sanders, drum sanders, edge sanders, knife belt sanders, spindle sanders, sanding accessories, sanding belts, sanding discs, sanding drums, sanding rolls, sanding sleeves, sanding wheels, saw blades, bandsaw saw blades, circular saw blades, scroll saw blades, saw horse brackets, saw horses, scaffolding, scrapers, screws, screw accessories, scroll saws, shapers, shaper cutters, sharpening accessories, shop vacuums, snips, spokeshaves, spray guns, staplers, steel squares, step drills, stop blocks, table saws, table saw accessories, table saw inserts, table saw fences, tack cloth, tenon cutters, thickness gauge, toggle clamps, tool organizers, Trammel points, V- belts, varnishes, vise clamps, vises, wood parts, wood threading kits, and woodworking accessories, ordered from printed and on-line catalogs.

IC 007. G & S: Wood and metal working shop machinery, namely, air cleaners, air compressors and accessories for air compressors, meat cutting bandsaws, metal cutting bandsaws, wood bandsaws, buffing machines and buffing wheels for metal working, drill presses and accessories for drill presses, dust collectors and accessories for dust collectors, face plates for lathes bench grinders, flex shaft grinders, mini grinders, portable grinders, slow speed grinders, universal knife grinders, wide wheel grinders, grinding stands, wood lathes and accessories for wood lathes, lathe chucks, metal lathes and tooling for metal lathes, mortising machines, mortising attachments for drill presses, nail guns, planer knives, belt sanders, bench sanders, combination sanders, disc sanders, drum sanders, edge sanders, knife belt sanders, spindle sanders, sanders and accessories for sanders, sanding belts, sanding discs, sanding drums, sanding rolls, sanding sleeves, sanding wheels, saw blades for power operated saws, bandsaw saw blades, circular saw blades, scroll saw blades, shaper cutters, shop vacuums, steel squares for machines, table saws and accessories for table saws, milling machines, milling vises for milling machines, rotary tables and angle plates for milling machines, sheet metal machines for bending, cutting, notching, slip rolling, and punching flat and tubular sheet metal, sand blasting machines, welding machines, radial drills, and electric and battery operated power tools.

EXHIBIT 1

IC 008. G & S: **Woodworking and metal working** hand tools, namely, hammers, screwdrivers, chisels, wood carving knives, pliers, scrapers, hand saws, nail pullers, sanding blocks, saw blades, saw horses, socket sets, wrenches, anvils, tap and die sets.

IC 009. G & S: **Woodworking and metal working** measuring equipment, namely, dial indicators, dial calibrators, digital calipers and instruments, and measuring tapes; software, namely, software for disseminating information related to wood and metal working and wood and metal working equipment through a global information network; magnetic switches.

EXHIBIT 1

BEFORE THE
UNITED STATES PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PUCEL ENTERPRISES, INC. Petitioner,	CONSOLIDATED
v.	Opposition No. 123,506 Mark: GRIZZLY.COM Application Serial No. 76/088,346 Cancellation No. 31,984 Mark: GRIZZLY
GRIZZLY INDUSTRIAL, INC. Respondent.	Cancellation No. 32,024 Mark: GRIZZLY Registration No. 2,413,625 Cancellation No. 32,025 Mark: GRIZZLY INDUSTRIAL

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sirs:

[X] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES: If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account No. 50-1965. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

AMENDMENT TO SER. NO. 76/088,346 (GRIZZLY.COM)

Registrant seeks to amend the recitation of services in its application as follows, in which the bolded, underlined text are additions, and the text that is struck represents deletions.

IC 035. G & S: Retail store services, online retail store services, and mail order services featuring **products for woodworking and metal working, namely services featuring:** abrasives; air cleaners; air compressors; air tanks; air tools; angle finders; anti-kickback devices; anti-vibration mounts; auger bits; bearings; belts; benders; bevels; blade stabilizers; bolt cutters; books and plans; buffing compounds; buffing machines; buffing wheels; burrs; cable ties; calipers; cement; center punches; chain hoists; chisels; chucks; clamps and vises; clamp heads; containers; cordless tools; cut-off wheels; cutters; dial indicators; dies; digital read outs; discs;

EXHIBIT 2

~~dollies;~~ dowel cutting saws; dowel pins; drafting boards; drill guides; dust collection accessories; dust pans; dust separators; electric motors; end mill holders; end mills; engine stands; feather boards; file card files; filter bags; flexible curves; gauges; gear puller; gloves; gouges; grinders; grinding wheels; hacksaws; hammers; hand cleaner; hand punches; hand screws; ~~hand trucks;~~ hex keys; hose reels; hoses; inserts for toolholders; jacks; jig saw blades; jointer knives; knee pads; knobs; laminate trimmer; lathe accessories; live centers; machine mounts; magnetic bases; magnetic shims; magnetic switches; mallets; mandrels; mats; micrometers; miter box; miter trimmer; mortiser machine; moulder/plane; moulding head; moulding head knives; multi-spur bits; nail puller; nailers; nails; notches; planer knives; pliers; protractor; pulleys; punches; push sticks; rasps; ratchet kits; remote controller; router pads; router table; routers; rust remover; safes; sanders; sanding boxes; sanding sealer; sandpaper; saw blades; saw stops; saws; scrapers; screw extractors; screw grabs; screwdrivers; screws; security; shovels; slide tables; slip rolls; sockets; spacers; spindles; sprayers; square; stains; staplers; staples; ~~storage bins;~~ switches; tapping machine; tie down ratchets; tile cutters; tin snips. ~~tool tables;~~ trammel points; wagons; welding rod; welding supplies; wood filler; wrenches; battery chargers; clothing; generators; levels; parts washers; pressure washers; sandblasters; saw horses; scaffolding; shop vacuums; tool boxes; tool organizers; wheel barrows; cutlery; cutting tools; drill presses; drilling and boring equipment, namely, brad point bits, countersinks, drill bits, extractors, forstner bits, hole saws, plug cutters, quick change bits, reamers, solid carbide bits, spade bits, step drill bits, tapered bits; dust collection systems; fasteners; finishing supplies, namely, brushes, finishes, finishing supplies, spray guns, sprayers; hand tools; hardware, namely, brackets, bumpers, door knockers, drawer pulls, drawer slides, hinges, lock sets, shelf supports; jigs, fixtures; machine accessories, namely, arbors, belt pulleys, blade guides, boring heads, bushings and shapers, chuck inserts, chucks, clamping kits, collet attachments, collets, dividing heads, dust hoods, electric switches; face plates, fences, lathe centers, magnetic chucks, milling attachments, miter gauge, mortising attachments, motors, phase converters, power feed, rails, rotary tables, rub collars, sanding attachments, sleeves, ~~sliding tables,~~ spindles, stands, tailstock turrets, tool holders, tool post sets, tool rests, V-belts, V-blocks, wings, ~~material handling equipment, namely, carts, casters and wheels, mobile bases, outfeed tables and stands, roller stands, rollers, tables, work stands;~~ measuring tools; metal stock; metalworking machines; pneumatic tools; power tools; router bits; safety equipment, namely, ear protectors, eye protection, first aid kits, gloves, respirators; shaper cutters. shop accessories, namely, anvils, arbor presses, belt cleaners, dowel centers, glue, glue bottles, glue brushes, laminating, lubricants, moisture meters, pads and mats, power bits, push blocks, saw gauges, sharpening equipment, namely, drill sharpeners, sharpening stone sets, stop blocks, tape, tweezers; optical equipment; hand tools; coffee; tooling equipment, namely, boring bars, center drills, countersinks, cut-off and parting, dovetail cutters, end mills, fly cutters, indexable tooling, inserts, key seats, multi-function tools, rotary burrs, slitting saws, taps and dies, tool bits; welding and cutting machines; wood products, namely, biscuits, detail kits, dowels, edge banding, pins, plugs, veneer; and woodworking machines.

EXHIBIT 2

ULMER & BERNE LLP
ATTORNEYS AT LAW

Internet Address
http://www.ulmer.com/

E-mail Address
nvickroy@ulmer.com

NICOLE D. VICKROY
Direct Dial (216) 902-8826

Bond Court Building
1300 East Ninth Street, Suite 900
Cleveland, Ohio 44114-1583
Fax (216) 621-7488

(216) 621-8400

Columbus Office
88 East Broad Street, Suite 1980
Columbus, Ohio 43215-3506
Fax (614) 228-8561
Telephone (614) 228-8400

May 30, 2000

Mr. Ramsey M. Al-Salem
Perkins Coie
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Re: Grizzly Industrial, Inc./Pucel Enterprises

Dear Mr. Al-Salem:

Thank you for your letter of May 3, 2000. Your letter indicates that our client has long been aware of Grizzly Industrial. This is correct to the extent that our client was aware of a company doing business under the name of Grizzly Imports which dealt solely in wood-working equipment.

While we do not have a problem with your client's use of Grizzly in conjunction with wood-working equipment, we are extremely concerned with and object to your client's crossing into our client's product line. In this regard, we must reiterate our demand and request that Grizzly Industrial, Inc. discontinue all use of Grizzly in conjunction with materials handling products such as storage cabinets, file cabinets, mobile door cabinets, portable workbenches, machine cabinet stands, heavy duty tool stands, assembly stools, welding benches, workbenches, workbench cabinet units, workstations, utility tables and carts, mobile tables and carts, hydraulic lift top tables, portable writing tables and carts, box carts, shop tray trucks, hopper tables, stock carts, shop trucks, ladder stock carts, shelf trucks, hand dumptrucks, rollover dumptrucks, rollover box trucks, box truck, shelf trucks, garment trucks, dolly platform trucks, portable bins and shelf carts, all-purpose hand trucks, drum and can handling equipment, shelving, racks and the like.

In your correspondence you indicated that Grizzly Industrial is a leading distributor of industrial tools and has been using the mark GRIZZLY since at least 1983. In this regard, please provide me with a list of goods upon which the mark has been used since 1983.

Z001276

Pucel Enterprises, Inc. v. Grizzly Industrial, Inc.-
Composition No. 91123506, Cancellation Nos.
92031984, 92032024, 92032025

GRIZZLY INDUSTRIAL TRIAL EX. NO. 64

EXHIBIT R-14
Deponent Mlaker
Date 3/18/03 Rptr. RB
WWW.DEPOBOOK.COM

ULMER & BERNE LLP

Finally, at the present time, our client has no interest in discussing a business relationship with your client.

Sincerely,

Nicole Vickroy

Nicole D. Vickroy

280/dmz/983487
13133-000
cc: Harold Friedman, Esq.

AGREEMENT TO SELL DOMAIN NAME "grizzly.com"

This agreement is entered into on AUGUST 18th 1999, between the following two parties:

Mark Diekhans, residing at 319-C Lincoln Street, Santa Cruz, CA 95060, (herein referred to as **Seller**).

Grizzly Industrial, Inc., a Washington Corporation, residing at 1821 Valencia Street, P.O. Box 2069, Bellingham, WA 98227 (hereinafter referred to as "**buyer**").

The two parties agree as follows:

Seller hereby agrees to sell to buyer its domain name "grizzly.com" (hereinafter "the domain name") for the amount of US $200,000.00 payable as follows:

US $50,000.00 cash down upon transfer of domain name to Buyer by Internic.

US $5,000.00 per month without interest for 30 months payable monthly on the first of each month for 30 months by check to the order of Mark Diekhans, starting on the first of the month following the date of the activation of the domain transfer by Internic and ending with remittance of payment number 30.

Buyer agrees to forward to Seller e-mails meant for Seller.

Either party may assign this Agreement to an entity, which acquires substantially all of its assets or merges with it, provided that such entity agrees in writing to assume such party's obligations hereunder.

Should buyer, for any reason, default on any of the payments provided for by this Agreement and fail to correct the situation within 30 (thirty) days of receiving a written notice via Certified Mail from Seller, buyer shall revert the domain name to Seller. No conditions shall exist after payment has been made in full on this agreement.

This agreement constitutes the entire agreement between the parties as to its subject matter and supersedes all prior agreements and representations.

This Agreement shall be governed by the laws of the State of Washington.

Pucel Enterprises, Inc. v. Grizzly Industrial, Inc.- Composition No. 91123506, Cancellation Nos. 92031984, 92032024, 92032025

GRIZZLY INDUSTRIAL TRIAL EX. NO. 66

The above approved in writing by the two parties.

For Buyer: [signature] PRESIDENT

Name: SHIRAZ BALOLIA

Date: SEPT 15, 1999.

For Seller: [signature]

Name: Mark Diekhans

Date: 13 Sept 1999

EXHIBIT
O/P5
11-20-02 abs
Balolia

CONFIDENTIAL
ATTYS' EYES ONLY

GRIZC-09172

Pucel Enterprises, Inc. Opposer, v. Grizzly Industrial, Inc. Applicant
United States Patent and Trademark Office
Trademark Trial and Appeal Board
Cancellation No. 31,984
Cancellation No. 32024
Cancellation No. 32025
Opposition No. 123, 506

Report of Sidney J. Levy, Ph.D
Professor, University of Arizona
November 15, 2005

This report has been prepared at the request of Michael Best & Friedrich to summarize my work and opinions on marketing issues in connection with the above-referenced cases.

Introduction

I have been asked to evaluate and interpret marketing materials and to provide my opinion concerning the allegations by Pucel Enterprises that Grizzly Industrial's names and marks Grizzly, Grizzly Industrial, and "Grizzly.com," are likely to cause confusion and to deceive concerning the identities of these two companies.

Opinion

It is my opinion that both organizations have created well-established, distinctive, and different identities in the marketplace, and that Grizzly Industrial, Inc.'s use of its name, its brands, and of the URL Grizzly.com is not likely to cause confusion or damage to the reputation of Pucel Enterprises, Inc.

Basis and Reasoning

A: *The marketing mix is important*

In order properly to evaluate these names and marks and their meaning to customers, it is necessary to understand the marketing context in which the marks occur. Names, marks, logos, are only some of the marketing methods that are used to further the marketing objectives of an organization. They cannot be evaluated appropriately in isolation, as that produces a distorted understanding. The marketing mix includes other elements such as the nature of the product, the pricing, and the distribution. Customers experience the marketing mix, put together their impressions, and arrive at an image of the brand. Some elements of the marketing mix are more important than others in influencing customers.

B: *The larger marketing context is also important.*

What does "Grizzly" mean in the marketplace? "Grizzly" brings to mind two main relevant ideas:

1. The grizzly bear is the primary association. It is the state animal of California and is well-known for its strength and ferocity. Many organizations name themselves after the bear to represent these qualities, for example, the University of Montana Grizzlies teams. Others want to associate themselves with the idea of durability or an aggressive quality: Grizzly Diamonds, Ltd., Grizzly Pet Products, Grizzly Gear, Grizzly Short Fund, Grizzly Armored Personnel Vehicles.

2. Grizzly also has a general technical meaning. Grizzly refers to mechanical devices that serve to screen materials for sizing or refining purposes. The invention of the grizzly is attributed to James Gibbons in 1868. The Alberta Inventors and Inventions Site says that "The 'grizzly' screen idea has since been updated and modified for use in many mining and metal processing operations to help separate differentially sized" materials. Both Grizzly Industrial, Inc., and Pucel-Grizzly may benefit from this lesser known equipment idea, even with products that do not serve a screening purpose, but are claimed to be strong and durable, like the grizzly bear. They and other companies such as Grizzly Tool & Die and Grizzly Hammers, Inc. sell products that are meant to be strong and durable.

As a consequence, within both the general marketplace and in the industrial marketplace, the use of the word Grizzly and the depiction of a bear provide only a limited degree of distinction, serving mainly as a common reference to symbolize the nature of the bear and perhaps in some cases the actual presence of a screening feature.

C: *Pucel Enterprises, Inc. and Grizzly Industrial, Inc. have well-established separate marketing identities*

1. Pucel Enterprises, Inc. is identified as basically a manufacturer of *material handling and industrial equipment* that is offered through many distributors. Among the distributors, such as Indoff, Global Industrial, Action Industrial Supply, the Pucel name is a strong and prominent one. It uses the term Grizzly in a subsidiary way, commonly expressed as Pucel-Grizzly or Pucel/Grizzly. It is indicative that for its web site it chose the URL pucel-grizzly.com. It is also listed that way by various distributors of its products, sometimes with a lower case letter g for grizzly, presumably implying its subordinate or generally descriptive character. The Pucel name takes priority, so that a distributor may not even mention the Grizzly name. For example, Global Industrial at globalindustrial.com offers a variety of heavy duty shelf, cabinet, and workbench products, all listed as from Pucel Enterprises, Inc.,

and not identified as grizzly. Janeice Products, a maintenance and repair company lists Pucel Enterprises without grizzly. This approach reduces awareness by end users; e.g., a Google search for Pucel Enterprises, Inc. elicited only about 12, 200 reference, and pucel-grizzly only about 522.

2. Grizzly Industrial, Inc. is also a well-established company, with its own sphere of activity and associated reputation. It is a consumer-oriented company with its goods available in both its large warehouse style stores and on-line. It *is* Grizzly to its customers, and on-line praise of its products is readily observed: "Grizzly shipped my order in their usual speedy fashion and I have to say I am well pleased with this purchase. Once you hold this tool in your hands you understand that it is good quality without being frilly." The *Memphis Business Journal* tells about a company site in Missouri, moving casually from referring to Grizzly Industrial to just Grizzly, saying, "Grizzly distributes woodworking and metalworking equipment used by small and large customers, from individual woodworking hobbyists to industrial repair and machine shops to NASA."

   Thus, Grizzly Industrial gets much recognition for itself and has a strong presence online. A Google search elicits 1,150,000 references. EBay lists numerous of their products and says none for Pucel. A request for "grizzly industrial products" brings 436,000 references, of which the Grizzly Industrial, Inc. home page is the first. All this seems in keeping with the company's boast that "Grizzly Industrial is a very successful mail order and Internet-based company providing *woodworking and metalworking machinery* to a broad customer base ranging from home hobby users to large industrial users like Gibson Guitar and Boeing." In addition, Grizzly Industrial uses the name Panther as a brand to identify its material handling products such as dollies and carts, for which, as an example, Amazon.com lists 29 such items.

D: *My concluding opinion*

It seems apparent, objectively considered, that Pucel Enterprises, Inc. and Grizzly Industrial, Inc. do not trespass on each other's marketing roles by their use of the word Grizzly. In fact, they sell mainly to different market segments: Pucel to its distributors and Grizzly Industrial to end users. Their product lines differ in emphasis, with Pucel's catalog focused on handling equipment such as cabinets, benches, carts, whereas Grizzly Industrial's catalog centers on wood- and metal-working machines and tools. Grizzly Industrial, Inc. had the wit to use the domain name "grizzly.com," in keeping with the company name. Both companies have long histories of going their separate ways. In my view, there is no reasonable basis in the marketing

activities of the two companies for objection to the grizzly usage by Grizzly Industrial, where confusion by their customers seems so unlikely.

Information Relied Upon

In preparing the above opinion, I have examined the materials listed in the Appendix. I have also searched the Internet for additional related sites and references, as mentioned above. My analysis and interpretation are based on over 50 years of research and study of marketing, advertising, products and brands, consumers. I have gained and applied my experience in consulting and carrying out marketing research studies for many advertisers and advertising agencies. I am sensitive to the possibilities of infringement when they occur as I introduced the concept of brand image in the *Harvard Business Review*[1] ; I appreciate the importance of branding, as expressed in a 1981 review titled, "Brands, Trademarks, and the Law,"[2] and *Brand, Consumers, Symbols, and Research.*[3]

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[1]Gardner, Burleigh B., and Sidney J. Levy, "The Product and the Brand," *Harvard Business Review*, March-April, 1955, 33-39.
[2]Levy, Sidney J., and Dennis W. Rook, "Brands, Trademarks, and the Law," *Review of Marketing, 1981*, 185-194.
[3]Levy, Sidney J., *Brands, Consumers, Symbols, and Research*, Sage Publications, Inc., 1999. See Chapters 13 and 14 for the above two articles.

(5) my compensation rate = $350/hr.

Sidney J. Levy
8/31/06

APPENDIX: MATERIALS REVIEWED

Document No.	Description
	Notice Of Opposition No. 123506
	Amended Notice of Opposition No. 123506
	Petition For Cancellation No. 32025
	Petition For Cancellation No. 32024
	Petition For Cancellation No. 31,984
GRIZC 09245-09331	Grizzly Industrial website
GRIZC 09332-09348	Grizzly Industrial website
GRIZC09349-09917	Grizzly Industrial Catalog
GRIZC09920	Google hit list Pucel Enterprises with Thomasnet hit
GRIZC09921	ThomasNet web page
GRIZC09922	Thomasregister.com web page
GRIZC09923-9963	Pucel website
GRIZC09964-10002	Pucel website
GRIZC10003-10062	Pucel-Grizzly.com website
GRIZC10063-10158	Google hitlist for Pucel Enterprises
GRIZC10159-10254	Google hitlist for Grizzly Equipment (Pucel)
GRIZC10255-11005	Thomson Compumark Dilution Search
GRIZC11006-11055	Thomson Corporate Name Search
Ex. R4	Pucel Catalog
Ex. R16	Pucel Catalog

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC.,	)
	)
Opposer,	)
	)CONFIDENTIAL
vs.	)Opposition No. 123, 506
	)Cancellation Nos. 31,984;
	)32,024;32,025
	)
GRIZZLY INDUSTRIAL, INC.,	)In Re: Exhibit 39
	)
Applicant/	)
Respondent.	)

- - - - -

EXCERPT OF THE TRIAL DEPOSITION OF ANTHONY MLAKAR
Wednesday, May 24, 2006

- - - - -

Excerpt of the Trial Deposition of ANTHONY MLAKAR, called for examination under the Federal Rules of Civil Procedure, taken before me, the undersigned, Caryn L. Lott, Registered Professional Reporter, a Notary Public in and for the State of Ohio, at the offices of Parise & Associates Court Reporters, 1360 East Ninth Street, Suite 1010, Cleveland, Ohio 44114 commencing at 9:00 a.m. the day and date set forth.

- - - - -

1 A He did that type of work, yes, design work, yes.
2 Q Did Thomas Register promote the use of the
3 web site?
4 A Yes.
5 Q Did Thomas Register encourage you to obtain a
6 web site?
7 A Well, we had the web site. Probably a home page
8 or something. Then it was developed from that. We did
9 a lot of the work ourselves, if I remember. I didn't
10 get personally involved. Bob Mlakar did. There was a
11 lot of work put into that.
12 Q What did the work consist of, providing
13 photographs, for example?
14 A Photographs, the layout.
15 Q Descriptions of the product?
16 A Descriptions, yes, how we were going to encase
17 this all into the new media.
18 Q I direct your attention, if I could, to Exhibit
19 39. Could you identify that document for us.
20 A This was a schedule we prepared at your request,
21 as I remember.
22 Q Did you prepare this?
23 A I believe I was the final one to approve, yes.
24 Q Well --
25 A Maybe the whole thing. We had to go back into the

CONFIDENTIAL

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC.,	)
	)
Opposer,	)
	)
vs.	)Opposition No. 123, 506
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	)32,024;32,025
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- - - - -

APPEARANCES:

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ALSO PRESENT:

Robert Mlakar

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DIRECT EXAMINATION BY MR. MICHELL: Page 5

1 ANTHONY MLAKAR

2 Called for examination under the Federal Rules of Civil
3 Procedure, after having been first duly sworn, as
4 hereinafter certified, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. MITCHELL:
8 Q Would you please identify yourself for the
9 record.
10 A Anthony F. Mlakar.
11 Q And are you employed by Pucel Enterprises?
12 A Yes.
13 Q And what is your current position?
14 A President.
15 Q What was your first involvement with Pucel
16 Enterprises?
17 A The first I knew was the founder, Mr. Pucel, I was
18 dating his daughter.
19 Q And when was that?
20 A '54.
21 Q 1954?
22 A 1954. I knew him. I knew the family and the
23 company. Not right at that moment, but a year or so.
24 I went to the plant.
25 Q Did there come a time when you had professional

1 involvement with Pucel?
2 A Yes. The end of '60, early '61.
3 Q And what was that professional involvement?
4 A Doing accounting work for them.
5 Q Are you an accountant?
6 A Yes.
7 Q Are you a CPA?
8 A Yes.
9 Q And in the end of 1960, beginning of the 1961 time
10 frame, what did you do for Pucel?
11 A Earlier I worked for another accounting firm.
12 Q Okay.
13 A Because I knew they were used by Pucel
14 Enterprises, so I went to work for them for a period of
15 time. He sold his business and moved to California. I
16 went elsewhere. Mr. Pucel asked if I would want to do
17 the work for him instead of them going with the firm
18 that his accountants were going to. I started doing
19 the work sometime in '61.
20 Q Okay. Did you work for an accounting firm in
21 1961?
22 A I started my own -- I had a number of accounts I
23 was working with, industrial firms at that time, but I
24 had a few accounts, two or three on the side. I would
25 go in there once a month --

1 Q Just to be clear --
2 A -- at that time.
3 Q Just to be clear, in 1961, you were a self-
4 employed accountant?
5 A Yes.
6 Q And in 1961, as a self-employed accountant, did
7 you do the accounting work for Pucel?
8 A Yes.
9 Q How many years did you do the accounting work for
10 Pucel?
11 A Right up through his death, 1980.
12 Q Did you do any work, other than accounting for
13 Pucel, say, from 1961 up until the time Mr. Pucel died
14 in 1980, was it?
15 A Yes. Well, we got together on pricing. I got
16 involved when they were doing the highway work. I
17 would visit with the insurance, the bonding companies
18 with him as well.
19 Q Are you saying that as time went on your
20 involvement increased with the company?
21 A Yes, yes.
22 Q And besides pricing and besides bonding, did you
23 perform any other tasks for Pucel?
24 A Well, I reviewed the invoices, which you would
25 normally do, the incoming invoices, billings.

1 Q Did you keep track of Pucel's income?
2 A Yes, sir, yes.
3 Q Was that one of your functions?
4 A Yes.
5 Q And did you also track Pucel's expenses, and the
6 time period I am referring to is from 1961 up until
7 Mr. Pucel's death in 1980?
8 A Yes. As the accountant, I got involved in
9 reviewing and checking other people's work or reviewing
10 papers.
11 Q Were there others that tallied figures to be
12 included on tax returns?
13 A Well, I did the tax returns, but they tallied the
14 details, day-to-day details.
15 Q And did you supervise the collection of that
16 information for reporting to the United States
17 Government, for example?
18 A Yes.
19 Q Did you have any involvement with the production
20 of Pucel's Grizzly Equipment?
21 A Not directly.
22 Q Did you have the occasion to visit the
23 manufacturing facilities, for instance, the production
24 floor?
25 A Yes.

1 Q And did you have the opportunity to visit the
2 shipping area or department?
3 A Yes, sir.
4 Q And did you observe any of the products that were
5 being shipped?
6 A I observed and actually helped move them with my
7 father-in-law at that time like after hours when
8 everyone left.
9 Q Could you explain what you mean by helped move
10 them?
11 A Loading a truck. Many times in those early days
12 the trucks would come very late, 5:00, 6:00. I used to
13 be there until 7:00, 7:30 sometimes. Maybe not that
14 late. Everyone was gone. He wanted to get the goods
15 out. I am working there. I would go.
16 Q You assisted Mr. Pucel in loading?
17 A Yes.
18 Q You assisted Mr. Pucel in loading the trucks?
19 A Yes.
20 Q And did you observe the packaging?
21 A Yes.
22 Q And did the packaging of the goods carry the
23 Grizzly word mark as set forth on Exhibit 1, and
24 Exhibit 1 is in this book?
25 A Yes.

1 Q Did the packaging also include the Grizzly Bear
2 symbol?
3 A Yes.
4 Q Now, you talked about assisting Mr. Pucel in the
5 shipping after hours. Do you know what years that
6 assistance was given?
7 A Probably in the '70s, because that's when I
8 started spending a little more time there. I was quite
9 busy. I would come in later in the day and I would
10 stay at night.
11 Q Are you saying Mr. Pucel was quite busy?
12 A I was busy with other accounts.
13 Q As --
14 A I would be there later at night.
15 Q So, in other words, you would come to Pucel later
16 in the day?
17 A Perhaps, yes.
18 Q To do accounting work?
19 A Right.
20 Q And also to assist Mr. Pucel as needed?
21 A Right.
22 Q And what was the form of the packaging in those
23 days, and those days are the 1970s when you assisted --
24 A Cartons. Packed in cartons.
25 Q Were they marked as indicated on Exhibit 33 here?

1 A Yes.
2 Q I would like to ask you did there come a time when
3 you began working full-time with Pucel?
4 A After he passed away.
5 Q And do you recall the year, the actual year of
6 that?
7 A 1980, in September, end of September.
8 Q Were you appointed as an officer --
9 A Yes.
10 Q -- at that time?
11 A Yes.
12 Q To what position were you appointed?
13 A President.
14 Q And did you continue your accounting practice?
15 A No. I wound that up within a few months.
16 Q And then you went full-time with Pucel?
17 A Yes. I had to do both for a period of time as
18 best I could.
19 Q And backing up to your experience in the 1970s
20 with the shipping, were all the products marked with
21 the Grizzly word mark?
22 A To the best of my knowledge, yes.
23 Q And I am referring to what you saw personally.
24 A You mean the equipment itself?
25 Q Yes.

1 A I had seen it on all of it, yes.
2 Q And we're referring to the 1970s, correct?
3 A Yes, correct.
4 Q And do you know what year in the 1970s you were
5 assisting Mr. Pucel with the shipping and loading
6 trucks?
7 A Oh, I believe it was throughout. It wasn't a
8 daily task, you know. I would be there maybe sometimes
9 two days a week at that time to 6:00, 6:30, 7:00,
10 whatever it was. The plant closed, I think, at 4:00.
11 Any time after that. It wasn't every day that I would
12 be there, no.
13 Q In the 1970s during shipping of the products after
14 hours, did you observe the Grizzly bear symbol on the
15 products themselves?
16 A Yes, yes.
17 Q Okay.
18 A As well as the stacks of cartons that were right
19 there as well.
20 Q And the stacks of cartons, are you talking about
21 the labeled cartons?
22 A The shipping cartons.
23 Q You're pointing to Exhibit 33?
24 A Yes.
25 Q Then when you became president, can you describe

1 your duties when you became president?
2 A Well, I was over the supervisor, the plant
3 manager, a number of foremen. I used to hold meetings
4 on a daily basis in the morning, oversaw the payroll,
5 and I purchased most of the goods at that time,
6 probably all of the goods, outside purchases, supplies,
7 supervise people. I was in charge of all that.
8 Q Did you ensure that the trademarks were applied,
9 the Grizzly word mark and the Grizzly Bear symbol were
10 applied to all shipped products?
11 A Yes. That was always impressed, that you had to
12 put those names out there. He was proud of that.
13 Q Mr. Pucel?
14 A He was proud of the name Grizzly. He always
15 talked about it. I continued on that way.
16 Q You instructed everyone to ensure that the marks
17 were --
18 A We had the same people in the shipping area prior
19 to his death and after.
20 Q I see. Now, were you in charge of advertising as
21 well?
22 A Yes.
23 Q And what did you do when you became president
24 insofar as advertising is concerned?
25 A I knew what advertising we were doing at that

1 time. I would meet with the representatives of the
2 directories or magazines.
3 Q What type of advertisements were done in 1980?
4 A 1980, we did display ads in some of the
5 publications, the tabloids, which were very popular
6 then as well as now. There were a few magazine ads,
7 some specialized directories, you would call them. I
8 remember one for the Mexican Texas border called
9 Macquiladora to try to develop some of that Mexican
10 business. This was in the '80s. In fact, they just
11 contacted us this past month. They're still in
12 business but under another name.
13 Q Did the Macquiladora advertising extend into
14 Mexico?
15 A It was across the boarder. That was the purpose
16 of it, yes.
17 Q Is the answer yes, it did extend into Mexico?
18 A Yes, sir, yes.
19 Q Did you advertise in some of the Penton
20 Publications as well?
21 A Penton. That was one of the tabloids, New
22 Equipment Digest.
23 Q What was the geographical reach of New Equipment
24 Digest?
25 A That was a national publication.

1 Q What type of ads would you run in the New
2 Equipment Digest?
3 A They were display ads. There were some larger ads
4 that took one-third of the page.
5 Q What was the content of those?
6 A It varied.
7 Q Advertisements?
8 A There were cabinets. Stationary cabinets on one,
9 I remember. There was a grouping of the portable
10 cabinets with drawers and doors, maybe four or five
11 items. I think we advertised some of our racks.
12 Basically that. We would revolve them.
13 Q I see. Did you advertise in telephone
14 directories?
15 A Yes.
16 Q Did you ever advertise in telephone directories
17 (in 1981?
18 A Yes, sir.
19 Q And did you advertise in catalogs in 1981?
20 A Yes.
21 Q And did Pucel in the 1981 through 2006 time frame
22 advertise in catalogs?
23 A Yes.
24 Q And were these catalogs distributed to Pucel's
25 customers?

1 A Yes, yes.
2 Q And how many catalogs were distributed?
3 A You're talking those that were mentioned
4 yesterday?
5 Q Yes.
6 A Like that SMO group?
7 Q No. What I am getting at is yesterday Bob Mlakar
8 identified, I think, all of the Pucel catalogs. And
9 what I am asking is the catalogs that were identified,
10 that would have been after your appointment as
11 president? How many of those catalogs would you
12 distribute annually, for instance, for '81, '82, '86, I
13 think, is another one.
14 A In those years, I would say probably 20,000.
15 Maybe a little more, but let's say 20. We had
16 reprints.
17 Q You would distribute the reprinted catalogs?
18 A Yes. We put a new date on them, because there
19 were some corrections or some minor changes or photo
20 change. There were minor changes. We considered it a
21 new catalog, not a reprint.
22 Q And you would send these to your existing
23 customers? When I say, "these," you would send your
24 catalogs to your existing customers?
25 A Existing customers, which was our distributors.

1 They would order -- they would order 100 at a time, 50
2 at a time. Depends how large they were. They in turn
3 had their sales people passing them to their
4 customers. In response to some of the ads, we would
5 send the catalog out on a one-on-one basis to the
6 respondent of the ads.
7 Q Did you also use fliers as a method of
8 advertising?
9 A We developed fliers at some time in that period.
10 I couldn't say when.
11 Q What years are you referring to?
12 A I would say probably the latter '80s.
13 Q Okay.
14 A That was the last half of '80. Then in '90 we
15 produced some fliers, a mailer flier.
16 Q Would you mail those yourself or would a firm do
17 the mailing?
18 A We did them in-house.
19 Q And what types of products were advertised on the
20 mailers?
21 A Cabinets, for sure. I think we had another one
22 with some of our truck products, carts and trucks.
23 That was one page.
24 Q To whom were those fliers sent?
25 A We supplied them to our distributors for them to

1 pass out.
2 Q Did there come a time when you began advertising
3 on the Internet?
4 A Yes.
5 Q And do you know when that was?
6 A I would say '95, '96.
7 Q In the 1995 or '96 range?
8 A Yes.
9 Q And was there a time when you created a web site
10 to advertise your products?
11 A It was being developed somewhere in that area,
12 yes.
13 Q In 1995 or 1996?
14 A I think we got our Internet hookup in '94. Then
15 we started seeing what was on the worldwide web, and
16 Thomas Register was getting into this during this '95,
17 '96 period, and they assisted us in the layout with a
18 representative that they used, a web site person.
19 Q Did Thomas Register refer a person to you to
20 create your web site?
21 A I think they worked with him and introduced us to
22 him. I am not sure if we ever knew the gentleman
23 before that. We used him on other projects somewhere
24 in between there.
25 Q This person was a web site designer?

1 A He did that type of work, yes, design work, yeS.
2 Q Did Thomas Register promote the use of the web
3 site?
4 A Yes.
5 Q Did Thomas Register encourage you to obtain a
6 web site?
7 A Well, we had the web site. Probably a home page
8 or something. Then it was developed from that. We did
9 a lot of the work ourselves, if I remember. I didn't
10 get personally involved. Bob Mlakar did. There was a
11 lot of work put into that.
12 Q What did the work consist of, providing
13 photographs, for example?
14 A Photographs, the layout.
15 Q Descriptions of the product?
16 A Descriptions, yes, how we were going to encase
17 this all into the new media.

1 history back here. This goes back to the first entry
2 is 1951.
3 Q You did prepare --
4 A I prepared it.
5 Q When you said, "the final," what did you mean
6 that?
7 A I think this was done on a spreadsheet. I did
8 that.
9 Q This is the summary of the other information?
10 A Yes. I saw all of these numbers from our data.
11 Q These figures here, these represent dollars; is
12 that correct?
13 A Yes.
14 Q I don't see a dollar sign on here.
15 A That's not on there.
16 Q Both the sales and the advertising columns are
17 supposed to be dollars, right?
18 A Yes.
19 Q From the time of 1981 forward to today, can you
20 identify what those advertising expenditures were for
21 to date?
22 A The publications I have mentioned, the New
23 Equipment Digest.
24 Q Telephone advertising?
25 A Telephone advertising. There was some magazine

1 ads. Midwest Purchasing. We were in some other
2 industrial directories such as US Industrial Guide,
3 which was a much smaller version of volume of books
4 than Thomas Register, which was the largest
5 expenditure.
6 Q What is the advertising exposure of Thomas
7 Register?
8 A It's international. I don't know how we reached
9 it overseas. We weren't really too much in that at
10 that time.
11 Q How long have you advertised in the Thomas
12 Register?
13 A It goes way back. '70s that I would know of.
14 Q In 1981 when you took over as president of the
15 company, was Pucel advertising in the Thomas Register?
16 A Yes.
17 Q Since you have been president, have you advertised
18 in the Thomas Register every year?
19 A Yes.
20 Q And to whom is the Thomas Register directed?
21 A Engineers, industrial companies, manufacturing
22 companies.
23 Q Is it directed to --
24 A The fastener people would get a copy and if they
25 had inquiries. Anybody that was doing purchasing to

CONFIDENTIAL

1 resell to their customers I would think had it. I saw
2 lists of their mailing lists in the past.
3 Q Is the Thomas Register directed to metal workers,
4 for example?
5 A Yes, definitely.
6 Q And is the Thomas Register directed towards
7 machine shops?
8 A Yes.
9 Q And these are machine shops that perform various
10 work functions on metal equipment?
11 A Yes.
12 Q And is the Thomas Register directed towards
13 fabrication shops?
14 A Yes.
15 Q Is the Thomas Register directed towards metal
16 fabrication shops?
17 A Yes.
18 Q Have you advertised in the Thomas Register in
19 every year from 1981 to the present?
20 A Yes.
21 Q And I direct your attention to 39 once again. And
22 for the year 2004, there is a number indicated there.
23 Can you tell us what that includes.
24 A The advertising in those publications,
25 directories.

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1 Q Does it include catalog expense?
2 A Catalog expense, yes.
3 Q Now, going back further in time a little bit, and
4 I direct your attention to Exhibit Number 39, and take
5 the years 1996 through 1999, did you include
6 advertising expenses for SMO in those figures?
7 A No. That began -- that relationship began at the
8 end of 2000, as far as our expenditures were concerned.
9 Q And the later years indicated on 39?
10 A For 2000, a month or two of 2000, and then the
11 other years, '01 to '04.
12 Q So the '01 to '04 years include SMO expenses?
13 A Yes.
14 Q And did you have some additional expenses for
15 C & H and Global Industrial in the late 1990s that are
16 not part of these advertising dollars here?
17 A At that time, we didn't have expenditures with
18 Global Industrial directly. They had our products in
19 the catalog.
20 Q Did you pay Global for that?
21 A Global also had a separate division of the
22 postcards mailers, packets of postcards. We did that
23 on a regular basis with them even though it seemed like
24 it competed with their other division. But between the
25 two, it was Global.

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1 Q You had to pay for those postcard mailers?
2 A That we would pay for, yes.
3 Q Are those costs associated with Global included in
4 these figures?
5 A Yes, uh-huh.
6 Q Now, to whom were these postcards distributed by
7 Global?
8 A To their mailing lists that they mailed their own
9 catalogs to.
10 Q And what was the content of the postcards?
11 A We would have a picture and a description of
12 different products. We, again, varied it like we did
13 with the display ads in magazines. We would have
14 cabinets one time. I think there were work benches,
15 some of the carts. We would vary the picture.
16 Q Did you approve of the postcard before it was sent
17 out?
18 A Yes, sir.
19 Q Did the postcards contain your Grizzly word mark
20 and Grizzly Bear symbol?
21 A Yes, as far as I know.
22 Q Now, has your advertising included words or other
23 indications of sturdy of Pucel's products?
24 A I think most of our descriptions would say that
25 this is heavy duty, all welded construction in our

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1 literature.
2 Q Has that been a central theme across all of your
3 advertising channels?
4 A Yes.
5 Q The sturdy construction theme has been conveyed
6 across all channels of your advertising?
7 A Yes.
8 Q And that would include, of course, the catalogs?
9 A Yes.
10 Q And it would include the Internet?
11 A Yes.
12 Q And it would include the magazine advertisements
13 as well?
14 A Yes.
15 Q Now, have your customers come to view your
16 reputation as a company that supplies sturdy equipment?
17 A I would say so. I really think that we had a
18 reputation for that.
19 Q Have you had contact with customers of Pucel's
20 over the years?
21 A I have had contact with some of our better known
22 distributors that went back many years.
23 Q And have you had some contact --
24 A They would directly say to me, "I wouldn't want to
25 buy anything other than Grizzly because I know it will

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1 hold up," that sort of thing.
2 Q They refer to your products as Grizzly, do they?
3 A Yes, they do.
4 Q And these are your distributors?
5 A Yes.
6 Q Now, have you had contact with the end users of
7 your product, too?
8 A Not myself. I can't think of any.
9 Q End user contact?
10 A End user contact, yes.
11 Q Did your distributors or other customers ever
12 relate to you experiences in regard to your products in
13 the field?
14 A Their contact with the products or the customer
15 that was using it.
16 Q Did any of your distributors ever represent to you
17 that the end users were pleased with the Grizzly
18 equipment produced by Pucel?
19 A I would say so, yes. Many -- most times I think
20 they were pleased.
21 Q This information, as a result of the conversation
22 of the conversations you had with the distributors,
23 would come back to you?
24 A Uh-huh. There would be correspondence, too. I
25 would see some of that correspondence. 99 times out of

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1 100 they would be pleased with the product and
2 delivery, the quality.
3 MR. SCHMIDT: At this time, I
4 have to caution you about leading him
5 because you're starting to testify a
6 little bit.
7 Q You have had discussions with your distributors
8 about the quality of the goods produced by Pucel, have
9 you not?
10 A Yes.
11 Q And based on your discussions with your
12 distributors --
13 MR. SCHMIDT: I am going to
14 object again. Leading. I think
15 you're putting the answer in a
16 question and asking him to confirm
17 it. That's improper on direct.
18 MR. MITCHELL: Okay.
19 Q Have you come to the belief that the end users of
20 your products are satisfied with their intended uses?
21 MR. SCHMIDT: Objection.
22 Leading.
23 A 99 percent of them were satisfied. I won't be in
24 touch with the distributors that much directly. If
25 there were any problems, I would know it. I would hear

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1 that.

2 Q Does Pucel enjoy a good reputation in regard to

3 the Grizzly Equipment that it sells?

4 MR. SCHMIDT: Objection.

5 Leading.

6 Ken, can't you ask him what the

7 reputation is instead of always

8 putting the answer in the question?

9 Q What is the reputation?

10 A We have a good reputation.

11 Q And what is that reputation?

12 A That we produce quality goods and our customer

13 service is excellent. We follow-up on everything.

14 Q Now, I direct your attention, if I could please,

15 and ask the court reporter to mark Exhibit 40.

16 - - - - -

17 (Opposer/Petitioner's Exhibit Number 40 was

18 marked for identification.)

19 - - - - -

20 Q Mr. Mlakar, can you please identify Exhibit Number

21 40.

22 A This was produced by Pucel Enterprises. It looks

23 like a flier, but it may have been bound in some way at

24 the edge boarder here. I can't say for sure. It's an

25 advertising piece.

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14 Q Now, I direct your attention, if I could please,
15 and ask the court reporter to mark Exhibit 40.
16 - - - - -
17 (Opposer/Petitioner's Exhibit Number 40 was
18 marked for identification.)
19 - - - - -
20 Q Mr. Mlakar, can you please identify Exhibit Number
21 40.
22 A This was produced by Pucel Enterprises. It looks
23 like a flier, but it may have been bound in some way at
24 the edge boarder here. I can't say for sure. It's an
25 advertising piece.

1 MR. SCHMIDT: Has this been
2 produced?
3 MR. MITCHELL: Yes. I think
4 there is a number on there.
5 MR. SCHMIDT: I'm sorry. I see
6 it. Very good.
7 Q Now, do you notice a date on this, Mr. Mlakar?
8 A Yes. November, 1950.
9 Q Now, is this a record that Pucel kept in regard to
10 its advertisements?
11 A Yes. I don't know if there was more to it or not.
12 Q This is the best available copy --
13 A Yes.
14 Q -- of this advertisement?
15 A Yes.
16 Q You're the custodian of this --
17 A Yes.
18 Q -- advertisement?
19 A I was, and Bob Mlakar has most of this data in his
20 files now.
21 Q Is Pucel's Grizzly trade mark indicated in this
22 1950 advertisement?
23 A Yes.
24 - - - - -
25 (Opposer/Petitioner's Exhibit Number 41 was

1 marked for identification.)

2 - - - - -

3 Q Mr. Mlakar, could you please identify what Exhibit

4 41 is, and, in particular, the first sheet which is --

5 A This was proof of an ad we placed in the Ameritech

6 Industrial Purchasing Guide.

7 Q And is there an indicated date or time frame for

8 this advertisement?

9 A They would have stamped this October 3rd, 1993.

10 Q And what does the cc that is underneath Pucel

11 Enterprise's name indicate?

12 A That's the coding here on the side for what issue

13 that was in.

14 Q And what issues did --

15 A Cc represented North and South Carolina and

16 Central Virginia.

17 Q And is your Grizzly trademark on this proof?

18 A Yes, it is, in the ad.

19 Q Is the Grizzly Bear symbol on this?

20 A Yes.

21 Q Please turn to the next page, which has been

22 marked Z363. Could you please identify what this is on

23 Z363?

24 A This was another ad placed with Ameritech

25 Industrial Guide.

1 Q And where was this ad to be used?
2 A This would have been Ohio, the Ohio edition.
3 Q Are your registered trademarks that are the
4 subject of this proceeding indicated in this ad?
5 A Yes.
6 Q Does the ad indicate all welded construction,
7 rugged use?
8 A Yes, it does.
9 Q Next page please, Z364, could you please identify
10 this?
11 A Another ad in that Ameritech Industrial Purchasing
12 Guide.
13 Q And what directory does this go into?
14 A That's the North and South Carolina and central
15 Virginia.
16 Q Now, these industrial purchasing guides, which are
17 the subject of these first three pages, Z362, 363 and
18 364, to whom are these directed?
19 A It's kind of like a Yellow Pages, but it's more
20 concentrated to manufacturing goods, as I remember.
21 It would be those type of customers that they determine
22 would be the best to produce results.
23 Q They send a copy of this guide?
24 A This guide, it's probably an inch and a half, two
25 inches thick.

1 Q The next page, please, of Exhibit 41, that's
2 Z365. Can you please identify it?
3 A Another ad placed with Ameritech Industrial
4 Purchasing Guide. 1992 proof of production. That
5 would be one catalog covering Georgia, Alabama, east
6 and central Tennessee.
7 MR. SCHMIDT: Just out of
8 curiosity, are you going through every
9 single one of these, because the
10 information speaks for itself if you
11 want me to stipulate. It appears that
12 these are ads and the coding is there
13 on where it ran. It's up to you.
14 MR. MITCHELL: I don't want to
15 spend any unnecessary time.
16 MR. SCHMIDT: These Ameritech
17 guides are very clear to me. They
18 speak for themselves when they ran the
19 ads. I have no objection to it.
20 MR. MITCHELL: Let me see if I
21 can go through and group them together
22 and ask him a general question about
23 those with your stipulation in mind.
24 MR. SCHMIDT: I have no problem
25 with that. It looks like it shifts

1 from Ameritech to Thomas Register.
2 Q Mr. Mlakar, with respect to Z362 through Z380, are
3 these Ameritech Purchasing Guide proofs?
4 A Yes. Well, proofs and some are -- I think I
5 noticed some of the actual add itself. Z375 is a copy
6 of that particular page. Most of them are proofs.
7 That particular one is a copy of the ad placed on the
8 page.
9 Q And they all contain your registered Grizzly word
10 mark and your registered Grizzly Bear symbol?
11 A Yes, sir.
12 Q Now, with respect to Z265, can you identify what
13 those are?
14 A They're stapled together. These were a couple of
15 the flier that we had printed.
16 Q I notice Z266 it says, "94-1" in the bottom left-
17 hand corner?
18 A Yes.
19 Q What is --
20 A I think this was the back. We put them on front
21 and back. That's what this is.
22 Q And what is the 94-1 signify?
23 A That would have been the year '94.
24 Q Referring to Z267 --
25 A This was another directory that we advertised in.

1 It was Thomas subsidiary, Northern Ohio Regional
2 Industrial guide.
3 Q Again, the dates on this?
4 A Yes. They stamped it with, I believe, the proof
5 date, 1984.
6 Q These are all advertisements that actually went
7 into the Regional Industrial --
8 A Right.
9 Q Is that true for Z267, 268, 269 and 270?
10 A Yes.
11 Q Okay. If we refer to Z271, which follows Z270,
12 can you identify that, please.
13 A That's another Thomas Regional Industrial Buying
14 Guide.
15 Q Is this the actual ad?
16 A This would have been a proof. These pages are
17 proofs. It's my approval on each of them.
18 Q And are Z271 through Z274 all proofs from 1995?
19 A Yes.
20 Q In each case, 271 through 274, you have used the
21 Grizzly mark and the Grizzly Bear symbol?
22 A Yes.
23 Q With respect to Z275, 276, 277, 278 and 279, can
24 you identify what those are?
25 A Those are Thomas Regional Industrial Buying Guide

1 ads.
2 Q These are advertisements?
3 A Yes.
4 Q Referring to Z279A through 293, it's a group that
5 are stapled together as parte of Exhibit 41. Can you
6 identify what these are?
7 A These are the ads in the 1998 edition of Thomas
8 Register.
9 Q And on 279A, are you advertising cabinet work
10 benches?
11 A Yes.
12 Q Do these cabinet work benches include tool boxes?
13 A Yes.
14 Q On Z280, are you advertising tables?
15 A The work benches at the top here, yes, sir.
16 Q Work benches?
17 A Yes.
18 Q And for each of these, without going through them
19 individually, they're for various Grizzly products
20 Manufactured by Pucel, and they all bear your
21 trademarks on the itself?
22 A Yes.
23 Q And is this group Z279 A through 293 for the year
24 1998?
25 A Yes.

1 Q Okay. Now, turning to Z294, can you identify what
2 Z294 is?
3 A It's an ad placed in the February 1984 edition of
4 the Industrial Equipment News, the magazine.
5 Q Is this the actual ad or is this a proof?
6 A This would have been a proof.
7 Q What equipment are you advertising?
8 A Some of our portable work benches.
9 Q Those include tool boxes?
10 A Yes. We have the drawers, five-drawer unit, we
11 have four-door units in another one and then shelf
12 units, all of which are portable with the pull handles
13 on two of them and there is a shelf extension on one.
14 Q Z295, can you identify what that is?
15 A This is Industrial Literature Review where you
16 get -- from the catalog itself. That's the cover of
17 that catalog.
18 Q This would have been --
19 A The fall of 1985 edition.
20 Q Z296 --
21 A To point out, this is the responses of that ad in
22 that publication. That's what all of these numbers are
23 on there.
24 Q What was the response for your --
25 A 273.

1 Q What does that mean? Are you saying that you had
2 273 responses?
3 A Responses, yes, sir, because the responses came
4 through them and they forwarded them to us.
5 Q In other words, people were requesting catalogs?
6 A The catalog, based on that.
7 Q There were 273 requests for a catalog?
8 A Yes.
9 Q This company, Industrial Equipment News, contacted
10 you somehow?
11 A I am not sure if Industrial Literature Review, if
12 that's theirs or not.
13 Q Z296, which is the next page, can you identify
14 what that is?
15 A This is two of our postcards that went to that
16 subsidiary of Global, ITC Industrial. They were
17 industrial target cards and computer target cards.
18 Q How are these target cards disseminated?
19 A They do the mailing in a packet with postcards.
20 Q Okay.
21 A Send them out to their mailing list, which I
22 assume included anyone that placed an order with them.
23 Q The next page, Z297, can you tell us what that is?
24 A This was another postcard ad with a company that I
25 dealt with for a few times, Simon Direct. It was

1 another one of the postcard companies.
2 Q And to whom would they mail their postcards?
3 A I couldn't say. All products, material handling,
4 industrial equipment.
5 Q Can you identify Z298 and 299 and 300, it looks
6 like?
7 A This is a cover of a magazine.
8 Q What magazine was that?
9 A Midwest Purchasing Management, 1991.
10 Q And who is Midwest Purchasing?
11 A They published this magazine. They also sponsored
12 in those years or they were part of putting on the
13 Great Lakes Industrial Show. They were kind of like
14 the one that's -- that used to be held down in the
15 Convention Center. In those years, they had -- they
16 promoted that show as well. They passed these out.
17 Q Were theses your advertisements?
18 A Anyone who walked by, they would hand them one.
19 Q Was the magazine different from the --
20 A Both of these ads, '98 and '99, were in separate
21 issues of that monthly magazine. One was the September
22 issue. One was in the October issue. This cover goes
23 with the October issue.
24 Q Z300, I think it was?
25 A Yes.

1 Q Can you please identify the next two pages of
2 Exhibit 41?
3 A 301 and 302, 302 is the cover of the Midwest
4 Purchasing magazine, March-April of '91, and our
5 catalog is pictured there. This is similar to that
6 other one where they respond requesting a catalog.
7 Q Please identify Z303 and 304.
8 A 304 is the cover of Midwest Purchasing Magazine,
9 October 1993, and it has a display ad on page 18.
10 Q Your Grizzly word mark and Grizzly Bear symbol
11 appear on all of the Midwest advertisements in Midwest,
12 do they not?
13 A Yes.
14 Q Still in regard to Pucel's Exhibit 41, could you
15 identify Z305, 306 and 307, please.
16 A These were proof ads of the US Industrial
17 directory.
18 Q And what years are they for?
19 A 1988 edition.
20 Q And to whom was the US Industrial director of 1988
21 directed?
22 A Nationwide industrial plants, warehouses. There
23 is a broad range of products advertised in that
24 directory. It could have gone to anybody.
25 Q Still in Exhibit 41, Z308, is that part of the US

1 Industrial directory?
2 A Yes. I don't see any date on it.
3 Q Skipping to Z312, which is part of Exhibit 41, can
4 you identify 312, 313?
5 A That was the US Industrial Directory's Showcase.
6 Q And what year is that?
7 A 1995 on Z312.
8 Q Okay.
9 A We have our catalog pictured there. The next one
10 Z313, is a 1997.
11 Q All of these copies that we're looking at in
12 Exhibit 41, these are the best available copies you
13 have, are they not?
14 A Yes, yes.
15 Q And all of these documents in Exhibit 41 were kept
16 in the ordinary course of your business at Pucel?
17 A Yes.
18 Q Could you identify Z314, please.
19 A This was an ad in the US Industrial Directory.
20 Q Where was this ad on Z314 distributed?
21 A It's a big one- or two-volume books. They called
22 it the Kompass.
23 Q Where did they go?
24 A I don't know if they went international or not.
25 Q The next documents are Z315 and 316. It's part of

1 Exhibit 41. Can you identify those?
2 A Those were proof ads that we placed in the US
3 Export Directory.
4 Q Where was the US Export Directory disseminated?
5 A Overseas, as far as I understood.
6 Q The next document is Z317. Can you identify
7 that document and the date?
8 A This was an ad we placed in the Printing Equipment
9 Guide, which was a soft cover sort of a magazine guide
10 that was issued periodically. May of 1998, this went.
11 Okay.
12 Q That was my next question. Where was this ad
13 disseminated?
14 A This was distributed mainly to the printing
15 industry.
16 Q And when you say the printing industry, that's a
17 newspaper, for instance?
18 A Could have been newspapers. Could have been the
19 printing companies themselves, the manufacturers of
20 printing presses.
21 Q Magazine publishers?
22 A I would think they would use it, yes.
23 Q Anyone else?
24 A It was geared to the printing industry.
25 Q The next document, Z318, which is part of Exhibit

1 41, can you please identify this document and the date?
2 A This was a proof ad placed in the Greater
3 Cleveland Growth Association annual publication. COSE
4 Group it was called.
5 Q Is that true for 319 and 320 as well?
6 A Yes.
7 Q As well as Z321?
8 A Yes.
9 Q I draw your attention to Z322. Can you please
10 identify what this is?
11 A It was a display ad or a descriptive ad in that
12 Macquiladora handbook, the one that dealt with the
13 Mexico Texas border there.
14 Q Do you know what the date of this is? I don't see
15 a date.
16 A No, I don't. I don't see any date.
17 Q Do you know when you were advertising in the
18 Macquiladora?
19 A It was probably the early '90s, I would say.
20 Q Okay.
21 A There were a few issues we put in. They came out
22 twice a year.
23 Q In regard to Z323, Z324, can you identify these?
24 A This is Literature For Industry, which is digest
25 of catalogs. Our catalog is there.

1 Q And for what year?
2 A I don't see a date.
3 Q On Z323?
4 A Catalog Number 199, which would have been catalog
5 199 was our last catalog.
6 Q It would have been your --
7 A This could have been in the year 2000, perhaps.
8 Q Z325, can you identify that exhibit, please.
9 A This was another Literature Digest, March, 1994.
10 Q I see on Z325, does it indicate fall, 1993?
11 A Z325, fall, 1993.
12 Q Z326, can you identify that, please.
13 A Display ad in the New Equipment Digest.
14 Q What year was that? It doesn't look like the year
15 is on there?
16 A I see the circle is referring to a Thomas
17 Register, although there was no relationship between
18 them and equipment. It was Catalog Number 18, whatever
19 that was.
20 Q The next document, Z327, can you please identify
21 that?
22 A This was a display ad, but it isn't showing where
23 it was published.
24 Q I notice it says, "Serving the industry for 28
25 years." Do you know what year that would have been?

1 A It says that?
2 Q Right on the ad it says that.
3 A Oh, yes. That would have been '77.
4 Q Do you want to take a brief break?
5 A I am fine.
6 Q Z330, Z331 and Z332, Z333, can you please identify
7 those four.
8 A This was a display ad. These were in New
9 Equipment digest. That says 28 years. That must have
10 been in '67.
11 Q Do you mean '77?
12 A Did I say '67?
13 Q Yes.
14 A That would have been '77.
15 Q Okay.
16 A That was 330. 331 is another ad we placed in New
17 Equipment Digest. 332 is the same. We varied these
18 ads as we placed them, different issues.
19 Q Turning to Z336 through 345, can you please
20 identify what this is?
21 A Those were Literature Digest publications with a
22 cover of our catalog on each of them.
23 Q Are the years of the --
24 A 1994 is on 336.
25 Q Can I just ask you, are the respective years on

1 the bottom portions of each of those?
2 A Yes.
3 Q So this group of exhibits, 336 to 345, are
4 advertisements of your catalog in Literature Digest
5 with the respective years indicated at the bottom?
6 A Yes, sir.
7 Q Turning next to Z346 through Z350, can you
8 identify what these are and their dates?
9 A These were ads in the Ameritech Yellow Pages.
10 Q And are the years indicated on these pages?
11 A The date is 2001.
12 Q That's on page Z345, right?
13 A 346, 347 as well. They stamped it at the top.
14 This one was October 30th.
15 Q Is that Z348?
16 A 348 is October 30th of 2000.
17 Q What about Z349?
18 A Proof date, December 22nd, 1997.
19 Q Now, if we skip to Z352 and Z353, can you identify
20 those?
21 A 352 is the 1992 edition in the Ameritech Yellow
22 Pages.
23 Q And your ad?
24 A Our ad is there.
25 Q With your trademarks?

1 A Yes, sir.
2 Q What about Z353?
3 A It's the 1991 edition of the Yellow Pages. That
4 shows in column one the Grizzly ad.
5 Q As being advertised as Grizzly Equipment, right?
6 A Grizzly, yes, sir.
7 Q Okay.
8 A We don't have the Pucel ad probably on another
9 page. We don't have a copy of that here.
10 Q The next one is Z354?
11 A Okay.
12 Q This says, "Industrial Yellow Pages?"
13 A Yes.
14 Q What are the industrial Yellow Pages?
15 A I am trying to think now if this was part of that
16 Ameritech Industrial Guide. They may have changed the
17 description of that somewhere. This is similar to
18 those that we looked at earlier where they have the
19 designation alongside as to what issue it was. This
20 one says Z254. It's the Ohio edition. That's the same
21 as those on Z362 and so on.
22 MR. MITCHELL: Okay. Let's take
23 a break. That's enough of Exhibit 41.
24 - - - - -
25 (Opposer/Petitioner's Exhibit Number 42 was

1 marked for identification.)

2 - - - - -

3 Q I would like to direct your attention to Exhibit

4 42. Could you please identify that.

5 A This was a display ad in the New Equipment Digest,

6 November 1983.

7 - - - - -

8 (Opposer/Petitioner's Exhibit Number 43 was

9 marked for identification.)

10 - - - - -

11 Q Could you please identify Exhibit 43.

12 A Exhibit 43 is one of our mailing catalogs --

13 mailing envelopes.

14 Q And when you disseminate your catalogs, are they

15 sent in a mailing envelope --

16 A Yes.

17 Q -- such as that envelope?

18 A Yes.

19 - - - - -

20 (Opposer/Petitioner's Exhibit Number 44 was

21 marked for identification.)

22 - - - - -

23 Q I would like to direct your attention to Exhibit

24 44, please. Can you please identify Exhibit 44.

25 A This page?

1 Q Yes.
2 A This is one of our internal forms, catalog request
3 form, that one of our people took from the phone dated
4 September 9th of 2003.
5 Q Who took this message?
6 A One of our employees who is no longer with us
7 since this past year.
8 Q Is this a record that's kept in the ordinary
9 course of business?
10 A He passed this along to me or Bob.
11 Q And there is an indication on the bottom of it.
12 What does it say?
13 A He gave this to us particularly because I guess in
14 the conversation they said they bought welding benches
15 from Grizzly Industrial.
16 MR. SCHMIDT: I am going to move
17 to strike that as hearsay.
18 A He wrote it here, though. I can tell his writing.
19 - - - - -
20 (Opposer/Petitioner's Exhibit Number 45 was
21 marked for identification.)
22 - - - - -
23 Q I would like to direct your attention to Exhibit
24 45. I ask that you identify this.
25 A This is a cover letter from one of our

1 distributors, Carter, Milchman & Frank that says,
2 "Please quote price and delivery for resale."
3 Q Who is this document from?
4 A They were a distributor of ours, Carter, Milchman
5 & Frank.
6 Q Who is Joy?
7 A Someone probably in the sales department.
8 Q Sales department of Carter, Milchman & Frank; is
9 that right?
10 A Yes.
11 Q And did Pucel receive this document?
12 A From them, yes.
13 Q From Carter?
14 A Yes. It was faxed to us.
15 Q And when was it faxed?
16 A 8-27. I don't know why there are two dates here.
17 Q And there is a second page that's Bate Stamped
18 Z1293, correct?
19 A Yes.
20 Q And what is indicated on the top of that document?
21 A It shows that 8-27-03 from Carter, and we must
22 have faxed it from our location on 10-07.
23 Q Is that --
24 A At least it's got our name on there at the top,
25 Pucel.

1 Q Is that an indication of a fax from Pucel?
2 A I don't see how if we faxed it, our fax doesn't
3 imprint. All the faxes that -- maybe it does.
4 Q The heading on page 2, Z1293, it says, "From:
5 Chgreen@nyct.com. Who is that?
6 A That would be the New York City Transit Authority
7 sending it to Joy at Carter. They faxed it to them on
8 8-27, and Carter would have faxed us on October 7th.
9 Q Now, is Carter, Milchman one of your distributors?
10 A Yes.
11 Q And what goods are indicated on pages Z1293
12 through Z1300?
13 A This is all the same.
14 Q It's all part of the same document?
15 A Same document, yeah.
16 Q Okay.
17 A Well, they indicate a lot of products that aren't
18 ours.
19 Q On the first page, the page labeled Z1293, do you
20 see the words under Requisition Number?
21 A Z Series sliding table shaper."
22 Q Okay. And then beneath it it says, "Model G8621?"
23 A Yes.
24 Q Is the sliding table a product that Pucel makes?
25 A We make a sliding table, yeah.

1 Q And for how long have you made a sliding table or
2 tables?
3 A It goes back a long time. I think in our earlier
4 years. Maybe the '70s.
5 Q Okay.
6 A Mid-'60s, late '60s.
7 Q Now, returning to the first page, Z1292 of exhibit
8 45, is Carter Milchman asking you to quote the goods
9 attached on the remaining pages of this Exhibit 45?
10 MR. SCHMIDT: Objection.
11 Leading.
12 A That's what the cover letter says.
13 Q What is Carter, Milchman asking you to do?
14 A It says, "Good afternoon. Please quote price and
15 delivery for resale, also FOB point. Many thanks,
16 Joy."
17 Q If we could please mark Exhibit 46.
18 - - - - -
19 (Opposer/Petitioner's Exhibit Number 46 was
20 marked for identification.)
21 - - - - -
22 Q Can you please identify Exhibit 46 for us.
23 A One of our customers would have sent this to one
24 of our sales people and said this is the cart we spoke
25 of, can up come up with anything.

1 Q Okay.
2 A It's got the name Melissa on there. I don't see
3 any other name on there. There were two girls in our
4 office, have been for years.
5 Q So --
6 A This was dated April 10th, 2001.
7 Q Is Melissa one of your distributors?
8 A Well, she knew Jim. Otherwise, she wouldn't have
9 put -- she asked -- I can't say, but she must have
10 talked to Jim and wrote this hand note. I would say it
11 was one of our regular distributors that wanted to deal
12 with us.
13 Q Is your distributor looking at Grizzly
14 Industrial's cart?
15 A Yes.
16 MR. SCHMIDT: Objection.
17 Leading. Also, hearsay.
18 Q Exhibits 44, 45 and 46, are these records kept in
19 the ordinary course of business?
20 A Yes.
21 - - - - -
22 (Opposer/Petitioner's Exhibit Number 47 was
23 marked for identification.)
24 - - - - -
25 Q Can you please identify Exhibit 47.

1 A This was our catalog request form that was used.
2 It came from Power & Rubber Supply looking for one of
3 our catalogs.
4 Q There is a notation on there at the bottom. What
5 is that notation?
6 A It says that they were looking for Grizzly
7 Industrial.
8 Q And who filled this form out?
9 A One of our employees, Jim Smith.
10 Q How do you know it was Jim?
11 A I recognize his writing.
12 Q And is this document kept in the ordinary course
13 of business?
14 A Yes.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 48 was
17 marked for identification.)
18 - - - - -
19 Q Can you please identify these two pieces of paper,
20 Z00000 and Z000001, which make up Pucel's Exhibit 48?
21 A This is a letter from Industrial Appraisal Company
22 to us headed, "Grizzly Equipment Manufactured By Pucel
23 Enterprises, Inc." stating that they have a mutual
24 client, Somerset Door & Column company, and that they
25 are notifying us that they're in the process of

1 completing an insurance valuation appraisal for the
2 above client, for the mutual client, and they want the
3 current selling price for their appraisal. It's just
4 really a form letter with the mutual client.
5 Q What is the date on the letter?
6 A August 16th, 2000.
7 Q Now, the second page, Z1, are they requesting
8 price information there?
9 A Yes. Request for price information.
10 Q Are they requesting price information from Grizzly
11 Equipment Manufactured By Pucel?
12 MR. SCHMIDT: Objection.
13 Leading.
14 A addressed to Grizzly Equipment Manufactured By
15 Pucel.
16 Q From whom are they requesting price information?
17 A For their client, Somerset.
18 Q From whom are they requesting price information?
19 A They're asking it from us.
20 Q Okay. What product are they seeking price
21 information for?
22 A They're not our goods, the spindle sander.
23 Q Is this record kept in the ordinary course of
24 business, Exhibit 48?
25 A Yes.

1 - - - - -

2 (Opposer/Petitioner's Exhibit Number 49 was

3 marked for identification.)

4 - - - - -

5 Q Turning to Exhibit 49, please, can you please

6 identify Exhibit 49?

7 A It's a letter from Supply Depot Incorporated. I

8 believe -- I am almost sure they are a customer of

9 ours -- addressed to Sales.

10 Q Is that your fax?

11 A "Company Grizzly Industrial."

12 Q And when was this fax received by Pucel?

13 A October 4tbh, 2000.

14 Q Is this record kept in the ordinary course of

15 business?

16 A Yes.

17 Q Are they requesting a quote for some products?

18 A Yes.

19 Q And whose products are they requesting a quote on?

20 A Apparently Grizzly Industrial. They have got the

21 G prefix. It says up the top, "Grizzly Industrial."

22 Q And are there part numbers indicated on that

23 document?

24 A Yes.

25 Q Are they Pucel's part numbers?

1 A No.

2 - - - - -

3 (Opposer/Petitioner's Exhibit Number 50 was

4 marked for identification.)

5 - - - - -

6 Q Turning to and marking Exhibit 50, please, is this

7 a document kept as part of your ordinary business

8 records?

9 A Yes.

10 Q Can you please identify this document?

11 A It's a request for quotation from Find MRO.com,

12 which is a division or subsidiary of Grainger addressed

13 to us.

14 Q Okay. And what equipment are they looking for?

15 A They're asking for quotes on Grizzly Industrial

16 with a part number listed.

17 Q Okay.

18 A They are a distributor or seller of our goods as

19 well, find MRO.

20 - - - - -

21 (Opposer/Petitioner's Exhibit Number 51 was

22 marked for identification.)

23 - - - - -

24 Q Can you identify Exhibit 51, please.

25 A It's a UPS label that was photocopied.

1 Q What about the second page, Z1303, of Exhibit 51?
2 A This is -- I think this is an actual purchase
3 order from MH Lincoln Laboratory.
4 Q And --
5 A Pucel Enterprises, Grizzly Equipment, seven
6 drawers they're ordering.
7 Q Are they seeking your products there or are they
8 seeking Grizzly Industrial's products there?
9 MR. SCHMIDT: Objection. That's
10 multiple questions, one, and it's
11 leading.
12 Q Whose products are they seeking there?
13 A I don't know. They don't indicate any product
14 number that I can see.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 52 was
17 marked for identification.)
18 - - - - -
19 Q Can you identify Exhibit 52?
20 A This is a letter from Woodling, Krost, Rust and
21 Hochberg addressed to Kevin Le Stourgeon who is
22 president of Grizzly Material Handling Company in San
23 Antonio, Texas dated December 18th, 1985 pointing out
24 to Mr. Le Stourgeon, "We represent Pucel Enterprise,
25 Inc., which is the owner of the trademark Grizzly and a

1 number of trademark registrations thereon. We enclose
2 the registrations and the various numbers there." Do
3 you want me to read those?
4 Q No. And how was this resolved?
5 A They had agreed to change their name, and they
6 pointed out that they couldn't -- had no control for
7 the balance of their contract with their Yellow Page
8 ads, that that would have to remain until the
9 expiration of that Yellow Page ad, but it was resolved
10 shortly after this correspondence here. I don't know
11 how long it took to resolve it.
12 Q So was Grizzly Material Handling interfering with
13 your business?
14 MR. SCHMIDT: Objection.
15 Leading.
16 Q What was the problem with Grizzly Material
17 Handling?
18 A They had our name. They had our trademark name
19 Grizzly selling material handling. Their name was
20 Grizzly Material Handling.
21 Q Did they stop?
22 A They stopped, yes.
23 Q Why did they stop?
24 A After it was pointed out with this letter from
25 Charles Rust, your associate.

1 Q Z34, which is a part of Exhibit 52 --
2 A This is a 1987 letter from Mr. Le stourgeon.
3 Q I wanted to go back a little bit further to Z34,
4 which I think is a couple of pages back. Can you
5 identify that?
6 A This is a letter from Ulmer & Berne dated March
7 6th, 1998 to a Mr. Daniel Slife of Robert M. Slife &
8 Associates who was a distributor of ours for many
9 years. This was a problem with Yellow Page ads. We
10 became aware of it through the representative for
11 Yellow Pages after we had signed contracts for our
12 upcoming issue. The representative went back to the
13 office and found that there was some kind of a block
14 on -- that we weren't allowed to use the name Grizzly.
15 Q How was that matter resolved?
16 A Daniel Slife said that he had turned over that
17 advertising program to some agency in town and they,
18 apparently, on their own put a block on that and wanted
19 to use him as the holder of Grizzly trademark. That
20 had to be straightened out with correspondence with
21 whoever -- let's see if it's mentioned here. Wolf
22 Group was handling some of his advertising.
23 Q How was it resolved?
24 A We were able to place our ads.
25 Q Now, did you instruct Ulmer & Berne to send a

1 letter to Grizzly Industrial on your behalf?
2 A Yes.
3 Q And that letter in regard to your registered
4 trademarks is the registered trademark of the Grizzly
5 word mark and the Grizzly Bear symbol?
6 A Yes.
7 Q Did you make a request in that letter of Grizzly
8 Industrial?
9 A Yes.
10 Q And what was that request?
11 A Well, I wanted for them to stop using the name and
12 mark Grizzly in their catalog.
13 Q And did they stop?
14 A No.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 53 was
17 marked for identification.)
18 - - - - -
19 Q I direct your attention to Exhibit 53. Can you
20 identify the documents that have been Bate Stamped 1291
21 and 1301 through 1316?
22 A These are copies of envelopes that were addressed
23 to Grizzly Equipment with our address.
24 Q And is your business known as Grizzly Equipment?
25 A Yes.

1 Q Is your business known as Grizzly?
2 MR. SCHMIDT: Objection.
3 Leading.
4 A Yes.
5 Q Well, let's put it to you this way". What is your
6 business known as?
7 A It's know as Pucel Enterprises, Inc. It's known
8 as Grizzly equipment, Grizzly Equipment Manufactured By
9 Pucel Enterprises.
10 Q And these exhibits that we identified by number,
11 can you identify what the documents are?
12 A Well, this looks like this is from our purchasing
13 manager. They wanted to sell us some equipment. This
14 is from the US Department of Justice in Cleveland. I
15 remember we had some situation with one of our
16 employees, so they addressed us as Grizzly.
17 MR. SCHMIDT: I am going to move
18 to strike the last answer.
19 Can you read what the last
20 question was.
21 (Record read.)
22 I am moving to strike on the
23 grounds that the answer is
24 non-responsive to the question.
25 That's been asked and answered

1 already. I believe he identified them
2 as copies of envelopes.
3 Q In regard to Z1291, can you state who that
4 document is from?
5 A Duall Automation & Feeder.
6 Q And it's addressed to?
7 A Grizzly Equipment.
8 Q And 1301, who is that document addressed to?
9 A Grizzly president, Mr. Anthony Mlakar.
10 Q Document 1302, who is that one addressed to?
11 A Grizzly Pucel Enterprises, Inc.
12 Q Who is document 1304 addressed to?
13 A Grizzly/Pucel Enterprises, Inc.
14 Q Document 1306, who is that addressed to?
15 A 1306 is Grizzly.
16 Q Who is 1307 addressed to?
17 A Grizzly Pucel Enterprises, Inc.
18 Q Document 1310, who is that addressed to?
19 A Grizzly Equipment.
20 Q Document 1312, who is that addressed to?
21 A Anthony Mlakar, president, Grizzly.
22 Q What about document 1313, who is that addressed
23 to?
24 A Plant manager, Grizzly Equipment Manufacturing.
25 Q The remainder of the documents in Exhibit 53, can

1 you identify what they are?
2 A Which one?
3 MR. SCHMIDT: I'll have to object
4 as not having been produced.
5 Q Just as a group, Mr. Mlakar, can you state who
6 those documents are addressed to?
7 A They're addressed to Grizzly, Grizzly Material
8 Handling and Industrial Equipment, Grizzly Equipment,
9 President Grizzly, Anthony Mlakar, Grizzly.
10 Q Just generally, I don't want to go through each
11 one, but --
12 A This is a check, a copy of a check, Grizzly
13 Material Handling that was sent to us, which was our
14 money due us.
15 Q Do you receive checks with the payee --
16 MR. SCHMIDT: I am going to
17 object to your question because it's
18 already starting out to be leading
19 because you're supplying the answer.
20 Q Tony, do you receive checks?
21 A Yes, I do, or associates.
22 Q When I say, "you," does Pucel receive checks?
23 A Yes.
24 Q And any of those checks made payable to Grizzly?
25 MR. SCHMIDT: Objection.

1 Leading.
2 A If I can answer the question, they're made out to
3 Grizzly Equipment, Pucel Enterprises.
4 Q How are the checks that you receive made out?
5 MR. SCHMIDT: It's kind of late
6 now. You have already --
7 Q How are the checks that identify all the payee
8 names under which you receive checks --
9 A In this group?
10 Q Not in regard to that group, just in general.
11 MR. SCHMIDT: Are you instructing
12 the witness how to answer or not?
13 MR. MITCHELL: No.
14 MR. SCHMIDT: I am getting lost
15 here, because you're testifying and
16 you're leading. This is not right for
17 testimony.
18 Q Does Pucel receive checks?
19 A Yes, sir.
20 Q And identify all the payee names under which Pucel
21 receives checks?
22 A Pucel Enterprises, Inc., Grizzly Equipment, Pucel
23 by itself, Grizzly by itself, Grizzly/Pucel.
24 Q Okay. Now, is Grizzly Industrial a competitor of
25 Pucel's?

1 A Yes.
2 Q And when did you first become aware of the
3 Grizzly.com application to register?
4 A In 2000, I believe, 2001.
5 Q Did you become aware that Grizzly Industrial had
6 trademark registrations?
7 A No, I wasn't aware.
8 Q At some time, did you become aware?
9 A Yes.
10 Q And I would like to draw your attention to
11 Exhibits 9, 10 and 11, in particular.
12 A Okay.
13 Q When did you become aware of those registrations?
14 A You provided them to me.
15 Q And was that in 2001?
16 A I believe that's the year.
17 Q I would like to refer you to Exhibit 7 for a
18 minute, which is back this way. Did you become aware
19 of the Grizzly.com application to register?
20 A Yes.
21 Q When did you become aware of it?
22 A From your office, from you in 2000 or 2001.
23 MR. MITCHELL: I would like to
24 take a brief break. Then we're just
25 about finished.

(Recess had.)

MR. MITCHELL: I would like to move for the admission of all the documents identified. Yesterday I think I moved for the ones identified yesterday.

I have no further questions for Mr. Anthony Mlakar.

MR. SCHMIDT: No cross.

MR. MITCHELL: Then we're finished.

(Deposition concluded at 11:20 a.m.)

- - - - -

ANTHONY MLAKAR

Caryn L Lott
Caryn L Lott
Notary Public in and for The State of Ohio
My Commission expires 10-15-10

1 State of Ohio)

2) SS: CERTIFICATE

3 County of Cuyahoga.)

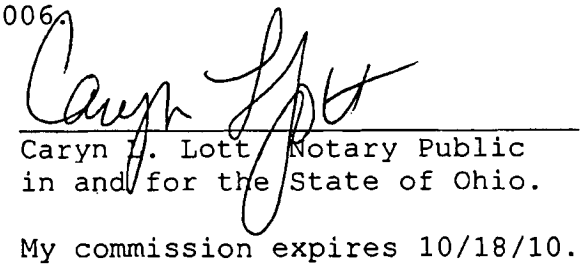
4 I, Caryn L. Lott, Registered Professional Reporter and Notary Public within and for the State of Ohio,
5 duly commissioned and qualified under Federal Rule 28, do hereby certify that the within-named ANTHONY MLAKAR
6 was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause
7 aforesaid; that the testimony then given by him/her was by me reduced to stenotypy in the presence of said
8 witness, afterwards transcribed on a computer, and that the foregoing is a true and correct transcript of the
9 testimony so givenby him/her as aforesaid.

10 I do further certify that this deposition was taken at the time and place in the foregoing caption
11 specified and was completed without adjournment.

12 I do further certify that Joseph Schmidt was present at said deposition and said deposition was
13 taken on May 24, 2006 beginning at 9:10 a.m at the offices of Parise & Asociates Court Reporters, 1360
14 East Ninth Street, Suite 1010, Cleveland, Ohio 44114.

15 I do further certify that I am not a relative, employee of, or attorney for any of the parties in the
16 above-captioned action; I am not a relative or employee of an attorney for any of the parties in the above-
17 captioned action; I am not financially interested in the action; I am not, nor is the court reporting firm
18 with which I am affiliated, under a contract as defined in Civil Rule 28(D); nor am I otherwise interested in
19 the event of this action.

20 IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this
21 19th day of June, 2006.

22 

23 Caryn L. Lott, Notary Public
in and for the State of Ohio.

24

My commission expires 10/18/10.

25

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Pucel Enterprises vs. Grizzly Industrial
Case Number:
Dep. Date: 5/24/06
Deponent: Anthony Mlakar
Location: Parise & Associates, Cleveland, OH

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefor
9	6	my their	with my	
10	8	It	I	
14	7	specialize had	specialized	
14	8	boarder	border	
15	12	resolve	revolve	
19	23	final yes	final one to approve, yes	
42	13	boarder	border	

Anthony J Mlakar
Signature of Deponent
6/16/06

Carol Jott
Notary Public in and for the
State of Ohio
My Commission Expires 10-18-10

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC. Petitioner,	CONSOLIDATED	
v.	Opposition No. 123,506	Mark: GRIZZLY.COM
	Cancellation No. 31,984	Mark: GRIZZLY
GRIZZLY INDUSTRIAL, INC. Respondent.	Cancellation No. 32,024	Mark: GRIZZLY
	Cancellation No. 32,025	Mark: GRIZZLY INDUSTRIAL

GRIZZLY INDUSTRIAL, INC.'S NOTICE OF DEPOSITION
UNDER Fed. R. Civ. P. 30(b)(6)

TO: Mr. Kenneth L. Mitchell
Woodling, Krost and Rust
9213 Chillicothe Road
Kirtland, OH 44094

PLEASE TAKE NOTICE, that commencing on Tuesday, March 18, 2003, at 9:30 a.m., at the offices of Baker & Hostetler LLP, 3200 National City Center, 1900 East 9th Street, Cleveland, Ohio, pursuant to Fed. R. Civ. P. 30(b)(6), 37 CFR 2.124(b)(2), and TBMP 404, before a duly authorized notary public or some other officer authorized to administer oaths, Grizzly Industrial, Inc. will take the deposition on oral examination of:

Pucel Enterprises, Inc., which, in accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, may designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf with respect to the matters set forth in the attached Exhibit A.

February 20, 2003

Joseph F. Schmidt
Lisa C. Childs
MICHAEL BEST & FRIEDRICH LLC
401 North Michigan Avenue, Suite 1900
Chicago, IL 60611
(312) 661-2100 (ph.) / (312) 222-0818 (fax)

Attorneys for Respondent
Grizzly Industrial, Inc.

S:\CLIENT\205670\9004\C0194905.1

EXHIBIT R-1
Deponent Mlakar
Date 3/18/03 Rptr. RB
WWW.DEPOBOOK.COM

Exhibit A

1. The selection, adoption, and first use of Pucel's GRIZZLY and Bear logo ("the Marks"), and all trademark and service mark applications and registrations therefor.

2. Pucel's advertising, sale and marketing of products and services under the Marks.

3. All litigation, oppositions, and disputes, including, but not limited to, all instances when Pucel has objected to or received objections from third parties regarding the use or registration of the Marks, or any other mark or logo alleged to be likely to cause confusion with the Marks.

4. Third party uses of the mark GRIZZLY, of which opposer is aware, including the date and circumstances under which opposer first learned of each such use, and the nature and extent of opposer's knowledge of each such third party use.

5. Pucel's knowledge of Grizzly Industrial, Inc.

6. Pucel's knowledge of Grizzly Industrial, Inc.'s use of the marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM for its goods and services.

7. All alleged instances of actual confusion or likelihood of confusion between the Marks and Grizzly Industrial, Inc.'s marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM.

8. Market research and investigations which refer or relate to all alleged confusion or likelihood of confusion between the Marks and Grizzly Industrial, Inc.'s marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM.

9. The purported fame of the Marks, including the identity of the market in which the Marks are famous, scope of advertising, sales made, and length of use.

10. The allegation that the Marks will be diluted.

11. All factual allegations in Pucel's notices of opposition and petitions for cancellation.

12. The channels of trade in which Pucel's products have been, currently are, or will be sold, distributed, advertised or otherwise marketed or promoted in connection with the Marks.

13. The nature of the business in which the primary purchasers and end users of Pucel's products are engaged.

14. The annual advertising and promotion costs of Pucel attributable to products sold or distributed under the Marks, for each year from the date of first use to the present.

15. The methods of advertising and all types of media used to advertise and promote the products in connection with which Pucel uses the Marks, including, but not limited to, the advertisements apparently placed in the following media:

- Ameritech Industrial Purchasing Guides (1991) (Z000356-58),
- New Equipment Digest (1983),
- Northern Ohio Regional Industrial Purchasing Guide (1984) (Z000267),
- Regional Industrial Buying Guide (Northern Ohio) (1995) (Z000271),
- Regional Industrial Buying Guide (Northern Ohio) (1996) (Z000275),
- Thomas Register (1998) (Z000279a),
- Industrial Equipment News (February 1984) (Z000294),
- Industrial Literature Review (Fall 1985) (Z000295),
- Midwest Purchasing Management (various in 1991 and October 1993) (Z000298-304),
- U.S. Industrial Directory (1988 and 1995, 1997) (Z000305-14),
- U.S. Export Directory (1991 and 1993) (Z000315-16),
- Printing Equipment Guide (1998) (Z000317),
- Greater Cleveland Growth Assoc. Membership Directory (1996) (Z000321),
- Laquiladora Supplier Handbook (undated) (Z000322),
- Chilton's Lit for Industry (1993) (Z000323-25),
- Literature Digest (1994, 1989, 1988, 1987,1986, 1985, 1984, 1983) (Z000336-45),
- Ameritech proofs and yellow pages (2001 proof - Pucel, 2000 proof - Pucel, 1997 proof – Grizzly, 1992 yellow pages for Ohio – Grizzly and Pucel, 1991 yellow pages for Ohio – Grizzly, 1988 proof – Pucel) (Z000346-55);
- Ameritech Industrial Purchasing Section advertisements and/or proofs (Ohio 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001) (Z000359-67), and
- various undated, unidentified advertisements (e.g., Z000326-335)

16. The number of commercial impressions made each year since 1983, including, but not limited to, identification of all magazines or trade journals, number of catalogs printed, number of catalogs distributed, editions of catalogs prepared, and the method of distribution, number of hits Pucel's web site receives, direct sales force contacts, sales presentations whether by Pucel or a distributor, toll free number calls, the circulation of each publication in which Pucel advertises,

number of persons attending any trade shows in which Pucel participates, the number of visits any Pucel booth or the like receives at such trade shows.

17. Sales made each year since 1983, including, but not limited to, the number of sales, the average sale in dollars, the geographical location of Pucel's customers, the number of customers, number of active customer accounts, and the percentage of Pucel's sales since 1983 made to (a) persons in Ohio, (b) all sales to persons in Ohio, and the contiguous states of Michigan, Indiana, Kentucky, Pennsylvania, and West Virginia, (c) all sales to persons in states east of the Mississippi River, (d) all sales made in each state of the United States; and (e) all sales made outside the United States.

18. Pucel's competitors.

19. Pucel's top 50 selling products and Pucel's annual sales in round numbers of each of these products since 1983.

20. The percentage of sales in dollars made to (a) Pucel's five largest customers, (b) Pucel's ten largest customers, and (c) Pucel's hundred largest customers.

21. Pucel's knowledge of the web site www.grizzly.com.

22. The creation and maintenance of Pucel's internet web sites, including the domain www.pucel-grizzly.com and Pucel's link to the Thomas Register web site at www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly, including the date when Pucel first used each such web site, any attempts to obtain any other web site names, such as www.grizzly.com or www.grizzly.net, and the annual sales resulting from using such web sites.

23. The financial books and records, including, but not limited to, the determination of advertising expenditures and gross sales since 1983.

24. Pucel's distributors.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing GRIZZLY INDUSTRIAL, INC.'S NOTICE OF DEPOSITION UNDER Fed. R. Civ. P. 30(b)(6) was served on

Charles R. Rust
Kenneth L. Mitchell
Woodling, Krost and Rust
9213 Chillicothe Road
Kirtland, OH 44094

via first class mail, postage prepaid, this 20th day of February, 2003.

One of the Attorneys for Grizzly Industrial, Inc.

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC.,	)
	)
Opposer,	)
	)CONFIDENTIAL
vs.	)Opposition No. 123, 506
	)Cancellation Nos. 31,984;
	)32,024;32,025
	)
GRIZZLY INDUSTRIAL, INC.,	)In Re: Exhibit 39
	)
Applicant/	)
Respondent.	)

- - - - -

EXCERPT OF THE TRIAL DEPOSITION OF ANTHONY MLAKAR
Wednesday, May 24, 2006

- - - - -

Excerpt of the Trial Deposition of ANTHONY MLAKAR, called for examination under the Federal Rules of Civil Procedure, taken before me, the undersigned, Caryn L. Lott, Registered Professional Reporter, a Notary Public in and for the State of Ohio, at the offices of Parise & Associates Court Reporters, 1360 East Ninth Street, Suite 1010, Cleveland, Ohio 44114 commencing at 9:00 a.m. the day and date set forth.

- - - - -

1 A He did that type of work, yes, design work, yes.
2 Q Did Thomas Register promote the use of the
3 web site?
4 A Yes.
5 Q Did Thomas Register encourage you to obtain a
6 web site?
7 A Well, we had the web site. Probably a home page
8 or something. Then it was developed from that. We did
9 a lot of the work ourselves, if I remember. I didn't
10 get personally involved. Bob Mlakar did. There was a
11 lot of work put into that.
12 Q What did the work consist of, providing
13 photographs, for example?
14 A Photographs, the layout.
15 Q Descriptions of the product?
16 A Descriptions, yes, how we were going to encase
17 this all into the new media.
18 Q I direct your attention, if I could, to Exhibit
19 39. Could you identify that document for us.
20 A This was a schedule we prepared at your request,
21 as I remember.
22 Q Did you prepare this?
23 A I believe I was the final one to approve, yes.
24 Q Well --
25 A Maybe the whole thing. We had to go back into the

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC.,	)
Opposer,	)
vs.	)Opposition No. 123, 506)Cancellation Nos. 31,984;)32,024;32,025
GRIZZLY INDUSTRIAL, INC.,	)
Applicant/ Respondent.	)

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TRIAL DEPOSITION OF ANTHONY MLAKAR
Wednesday, May 24, 2006

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Trial Deposition of ANTHONY MLAKAR, called for examination under the Federal Rules of Civil Procedure, taken before me, the undersigned, Caryn L. Lott, Registered Professional Reporter, a Notary Public in and for the State of Ohio, at the offices of Parise & Associates Court Reporters, 1360 East Ninth Street, Suite 1010, Cleveland, Ohio 44114 commencing at 9:00 a.m. the day and date set forth.

- - - - -

APPEARANCES:

On Behalf of Respondent/Registrant Grizzly Industrial, Inc.:

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ALSO PRESENT:

Robert Mlakar

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DIRECT EXAMINATION BY MR. MICHELL: Page 5

1 ANTHONY MLAKAR

2 Called for examination under the Federal Rules of Civil
3 Procedure, after having been first duly sworn, as
4 hereinafter certified, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. MITCHELL:

8 Q Would you please identify yourself for the
9 record.

10 A Anthony F. Mlakar.

11 Q And are you employed by Pucel Enterprises?

12 A Yes.

13 Q And what is your current position?

14 A President.

15 Q What was your first involvement with Pucel
16 Enterprises?

17 A The first I knew was the founder, Mr. Pucel, I was
18 dating his daughter.

19 Q And when was that?

20 A '54.

21 Q 1954?

22 A 1954. I knew him. I knew the family and the
23 company. Not right at that moment, but a year or so.
24 I went to the plant.

25 Q Did there come a time when you had professional

1 involvement with Pucel?
2 A Yes. The end of '60, early '61.
3 Q And what was that professional involvement?
4 A Doing accounting work for them.
5 Q Are you an accountant?
6 A Yes.
7 Q Are you a CPA?
8 A Yes.
9 Q And in the end of 1960, beginning of the 1961 time
10 frame, what did you do for Pucel?
11 A Earlier I worked for another accounting firm.
12 Q Okay.
13 A Because I knew they were used by Pucel
14 Enterprises, so I went to work for them for a period of
15 time. He sold his business and moved to California. I
16 went elsewhere. Mr. Pucel asked if I would want to do
17 the work for him instead of them going with the firm
18 that his accountants were going to. I started doing
19 the work sometime in '61.
20 Q Okay. Did you work for an accounting firm in
21 1961?
22 A I started my own -- I had a number of accounts I
23 was working with, industrial firms at that time, but I
24 had a few accounts, two or three on the side. I would
25 go in there once a month --

1 Q Just to be clear --
2 A -- at that time.
3 Q Just to be clear, in 1961, you were a self-
4 employed accountant?
5 A Yes.
6 Q And in 1961, as a self-employed accountant, did
7 you do the accounting work for Pucel?
8 A Yes.
9 Q How many years did you do the accounting work for
10 Pucel?
11 A Right up through his death, 1980.
12 Q Did you do any work, other than accounting for
13 Pucel, say, from 1961 up until the time Mr. Pucel died
14 in 1980, was it?
15 A Yes. Well, we got together on pricing. I got
16 involved when they were doing the highway work. I
17 would visit with the insurance, the bonding companies
18 with him as well.
19 Q Are you saying that as time went on your
20 involvement increased with the company?
21 A Yes, yes.
22 Q And besides pricing and besides bonding, did you
23 perform any other tasks for Pucel?
24 A Well, I reviewed the invoices, which you would
25 normally do, the incoming invoices, billings.

1 Q Did you keep track of Pucel's income?
2 A Yes, sir, yes.
3 Q Was that one of your functions?
4 A Yes.
5 Q And did you also track Pucel's expenses, and the
6 time period I am referring to is from 1961 up until
7 Mr. Pucel's death in 1980?
8 A Yes. As the accountant, I got involved in
9 reviewing and checking other people's work or reviewing
10 papers.
11 Q Were there others that tallied figures to be
12 included on tax returns?
13 A Well, I did the tax returns, but they tallied the
14 details, day-to-day details.
15 Q And did you supervise the collection of that
16 information for reporting to the United States
17 Government, for example?
18 A Yes.
19 Q Did you have any involvement with the production
20 of Pucel's Grizzly Equipment?
21 A Not directly.
22 Q Did you have the occasion to visit the
23 manufacturing facilities, for instance, the production
24 floor?
25 A Yes.

1 Q And did you have the opportunity to visit the
2 shipping area or department?
3 A Yes, sir.
4 Q And did you observe any of the products that were
5 being shipped?
6 A I observed and actually helped move them with my
7 father-in-law at that time like after hours when
8 everyone left.
9 Q Could you explain what you mean by helped move
10 them?
11 A Loading a truck. Many times in those early days
12 the trucks would come very late, 5:00, 6:00. I used to
13 be there until 7:00, 7:30 sometimes. Maybe not that
14 late. Everyone was gone. He wanted to get the goods
15 out. I am working there. I would go.
16 Q You assisted Mr. Pucel in loading?
17 A Yes.
18 Q You assisted Mr. Pucel in loading the trucks?
19 A Yes.
20 Q And did you observe the packaging?
21 A Yes.
22 Q And did the packaging of the goods carry the
23 Grizzly word mark as set forth on Exhibit 1, and
24 Exhibit 1 is in this book?
25 A Yes.

1 Q Did the packaging also include the Grizzly Bear
2 symbol?
3 A Yes.
4 Q Now, you talked about assisting Mr. Pucel in the
5 shipping after hours. Do you know what years that
6 assistance was given?
7 A Probably in the '70s, because that's when I
8 started spending a little more time there. I was quite
9 busy. I would come in later in the day and I would
10 stay at night.
11 Q Are you saying Mr. Pucel was quite busy?
12 A I was busy with other accounts.
13 Q As --
14 A I would be there later at night.
15 Q So, in other words, you would come to Pucel later
16 in the day?
17 A Perhaps, yes.
18 Q To do accounting work?
19 A Right.
20 Q And also to assist Mr. Pucel as needed?
21 A Right.
22 Q And what was the form of the packaging in those
23 days, and those days are the 1970s when you assisted --
24 A Cartons. Packed in cartons.
25 Q Were they marked as indicated on Exhibit 33 here?

1 A Yes.
2 Q I would like to ask you did there come a time when
3 you began working full-time with Pucel?
4 A After he passed away.
5 Q And do you recall the year, the actual year of
6 that?
7 A 1980, in September, end of September.
8 Q Were you appointed as an officer --
9 A Yes.
10 Q -- at that time?
11 A Yes.
12 Q To what position were you appointed?
13 A President.
14 Q And did you continue your accounting practice?
15 A No. I wound that up within a few months.
16 Q And then you went full-time with Pucel?
17 A Yes. I had to do both for a period of time as
18 best I could.
19 Q And backing up to your experience in the 1970s
20 with the shipping, were all the products marked with
21 the Grizzly word mark?
22 A To the best of my knowledge, yes.
23 Q And I am referring to what you saw personally.
24 A You mean the equipment itself?
25 Q Yes.

1 A I had seen it on all of it, yes.
2 Q And we're referring to the 1970s, correct?
3 A Yes, correct.
4 Q And do you know what year in the 1970s you were
5 assisting Mr. Pucel with the shipping and loading
6 trucks?
7 A Oh, I believe it was throughout. It wasn't a
8 daily task, you know. I would be there maybe sometimes
9 two days a week at that time to 6:00, 6:30, 7:00,
10 whatever it was. The plant closed, I think, at 4:00.
11 Any time after that. It wasn't every day that I would
12 be there, no.
13 Q In the 1970s during shipping of the products after
14 hours, did you observe the Grizzly bear symbol on the
15 products themselves?
16 A Yes, yes.
17 Q Okay.
18 A As well as the stacks of cartons that were right
19 there as well.
20 Q And the stacks of cartons, are you talking about
21 the labeled cartons?
22 A The shipping cartons.
23 Q You're pointing to Exhibit 33?
24 A Yes.
25 Q Then when you became president, can you describe

1 your duties when you became president?
2 A Well, I was over the supervisor, the plant
3 manager, a number of foremen. I used to hold meetings
4 on a daily basis in the morning, oversaw the payroll,
5 and I purchased most of the goods at that time,
6 probably all of the goods, outside purchases, supplies,
7 supervise people. I was in charge of all that.
8 Q Did you ensure that the trademarks were applied,
9 the Grizzly word mark and the Grizzly Bear symbol were
10 applied to all shipped products?
11 A Yes. That was always impressed, that you had to
12 put those names out there. He was proud of that.
13 Q Mr. Pucel?
14 A He was proud of the name Grizzly. He always
15 talked about it. I continued on that way.
16 Q You instructed everyone to ensure that the marks
17 were --
18 A We had the same people in the shipping area prior
19 to his death and after.
20 Q I see. Now, were you in charge of advertising as
21 well?
22 A Yes.
23 Q And what did you do when you became president
24 insofar as advertising is concerned?
25 A I knew what advertising we were doing at that

1 time. I would meet with the representatives of the
2 directories or magazines.
3 Q What type of advertisements were done in 1980?
4 A 1980, we did display ads in some of the
5 publications, the tabloids, which were very popular
6 then as well as now. There were a few magazine ads,
7 some specialized directories, you would call them. I
8 remember one for the Mexican Texas border called
9 Macquiladora to try to develop some of that Mexican
10 business. This was in the '80s. In fact, they just
11 contacted us this past month. They're still in
12 business but under another name.
13 Q Did the Macquiladora advertising extend into
14 Mexico?
15 A It was across the boarder. That was the purpose
16 of it, yes.
17 Q Is the answer yes, it did extend into Mexico?
18 A Yes, sir, yes.
19 Q Did you advertise in some of the Penton
20 Publications as well?
21 A Penton. That was one of the tabloids, New
22 Equipment Digest.
23 Q What was the geographical reach of New Equipment
24 Digest?
25 A That was a national publication.

1 Q What type of ads would you run in the New
2 Equipment Digest?
3 A They were display ads. There were some larger ads
4 that took one-third of the page.
5 Q What was the content of those?
6 A It varied.
7 Q Advertisements?
8 A There were cabinets. Stationary cabinets on one,
9 I remember. There was a grouping of the portable
10 cabinets with drawers and doors, maybe four or five
11 items. I think we advertised some of our racks.
12 Basically that. We would revolve them.
13 Q I see. Did you advertise in telephone
14 directories?
15 A Yes.
16 Q Did you ever advertise in telephone directories
17 (in 1981?
18 A Yes, sir.
19 Q And did you advertise in catalogs in 1981?
20 A Yes.
21 Q And did Pucel in the 1981 through 2006 time frame
22 advertise in catalogs?
23 A Yes.
24 Q And were these catalogs distributed to Pucel's
25 customers?

1 A Yes, yes.
2 Q And how many catalogs were distributed?
3 A You're talking those that were mentioned
4 yesterday?
5 Q Yes.
6 A Like that SMO group?
7 Q No. What I am getting at is yesterday Bob Mlakar
8 identified, I think, all of the Pucel catalogs. And
9 what I am asking is the catalogs that were identified,
10 that would have been after your appointment as
11 president? How many of those catalogs would you
12 distribute annually, for instance, for '81, '82, '86, I
13 think, is another one.
14 A In those years, I would say probably 20,000.
15 Maybe a little more, but let's say 20. We had
16 reprints.
17 Q You would distribute the reprinted catalogs?
18 A Yes. We put a new date on them, because there
19 were some corrections or some minor changes or photo
20 change. There were minor changes. We considered it a
21 new catalog, not a reprint.
22 Q And you would send these to your existing
23 customers? When I say, "these," you would send your
24 catalogs to your existing customers?
25 A Existing customers, which was our distributors.

1 They would order -- they would order 100 at a time, 50
2 at a time. Depends how large they were. They in turn
3 had their sales people passing them to their
4 customers. In response to some of the ads, we would
5 send the catalog out on a one-on-one basis to the
6 respondent of the ads.
7 Q Did you also use fliers as a method of
8 advertising?
9 A We developed fliers at some time in that period.
10 I couldn't say when.
11 Q What years are you referring to?
12 A I would say probably the latter '80s.
13 Q Okay.
14 A That was the last half of '80. Then in '90 we
15 produced some fliers, a mailer flier.
16 Q Would you mail those yourself or would a firm do
17 the mailing?
18 A We did them in-house.
19 Q And what types of products were advertised on the
20 mailers?
21 A Cabinets, for sure. I think we had another one
22 with some of our truck products, carts and trucks.
23 That was one page.
24 Q To whom were those fliers sent?
25 A We supplied them to our distributors for them to

1 pass out.
2 Q Did there come a time when you began advertising
3 on the Internet?
4 A Yes.
5 Q And do you know when that was?
6 A I would say '95, '96.
7 Q In the 1995 or '96 range?
8 A Yes.
9 Q And was there a time when you created a web site
10 to advertise your products?
11 A It was being developed somewhere in that area,
12 yes.
13 Q In 1995 or 1996?
14 A I think we got our Internet hookup in '94. Then
15 we started seeing what was on the worldwide web, and
16 Thomas Register was getting into this during this '95,
17 '96 period, and they assisted us in the layout with a
18 representative that they used, a web site person.
19 Q Did Thomas Register refer a person to you to
20 create your web site?
21 A I think they worked with him and introduced us to
22 him. I am not sure if we ever knew the gentleman
23 before that. We used him on other projects somewhere
24 in between there.
25 Q This person was a web site designer?

1 A He did that type of work, yes, design work, yeS.
2 Q Did Thomas Register promote the use of the web
3 site?
4 A Yes.
5 Q Did Thomas Register encourage you to obtain a
6 web site?
7 A Well, we had the web site. Probably a home page
8 or something. Then it was developed from that. We did
9 a lot of the work ourselves, if I remember. I didn't
10 get personally involved. Bob Mlakar did. There was a
11 lot of work put into that.
12 Q What did the work consist of, providing
13 photographs, for example?
14 A Photographs, the layout.
15 Q Descriptions of the product?
16 A Descriptions, yes, how we were going to encase
17 this all into the new media.

1 history back here. This goes back to the first entry
2 is 1951.
3 Q You did prepare --
4 A I prepared it.
5 Q When you said, "the final," what did you mean
6 that?
7 A I think this was done on a spreadsheet. I did
8 that.
9 Q This is the summary of the other information?
10 A Yes. I saw all of these numbers from our data.
11 Q These figures here, these represent dollars; is
12 that correct?
13 A Yes.
14 Q I don't see a dollar sign on here.
15 A That's not on there.
16 Q Both the sales and the advertising columns are
17 supposed to be dollars, right?
18 A Yes.
19 Q From the time of 1981 forward to today, can you
20 identify what those advertising expenditures were for
21 to date?
22 A The publications I have mentioned, the New
23 Equipment Digest.
24 Q Telephone advertising?
25 A Telephone advertising. There was some magazine

1 ads. Midwest Purchasing. We were in some other
2 industrial directories such as US Industrial Guide,
3 which was a much smaller version of volume of books
4 than Thomas Register, which was the largest
5 expenditure.
6 Q What is the advertising exposure of Thomas
7 Register?
8 A It's international. I don't know how we reached
9 it overseas. We weren't really too much in that at
10 that time.
11 Q How long have you advertised in the Thomas
12 Register?
13 A It goes way back. '70s that I would know of.
14 Q In 1981 when you took over as president of the
15 company, was Pucel advertising in the Thomas Register?
16 A Yes.
17 Q Since you have been president, have you advertised
18 in the Thomas Register every year?
19 A Yes.
20 Q And to whom is the Thomas Register directed?
21 A Engineers, industrial companies, manufacturing
22 companies.
23 Q Is it directed to --
24 A The fastener people would get a copy and if they
25 had inquiries. Anybody that was doing purchasing to

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1 resell to their customers I would think had it. I saw
2 lists of their mailing lists in the past.
3 Q Is the Thomas Register directed to metal workers,
4 for example?
5 A Yes, definitely.
6 Q And is the Thomas Register directed towards
7 machine shops?
8 A Yes.
9 Q And these are machine shops that perform various
10 work functions on metal equipment?
11 A Yes.
12 Q And is the Thomas Register directed towards
13 fabrication shops?
14 A Yes.
15 Q Is the Thomas Register directed towards metal
16 fabrication shops?
17 A Yes.
18 Q Have you advertised in the Thomas Register in
19 every year from 1981 to the present?
20 A Yes.
21 Q And I direct your attention to 39 once again. And
22 for the year 2004, there is a number indicated there.
23 Can you tell us what that includes.
24 A The advertising in those publications,
25 directories.

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1 Q Does it include catalog expense?
2 A Catalog expense, yes.
3 Q Now, going back further in time a little bit, and
4 I direct your attention to Exhibit Number 39, and take
5 the years 1996 through 1999, did you include
6 advertising expenses for SMO in those figures?
7 A No. That began -- that relationship began at the
8 end of 2000, as far as our expenditures were concerned.
9 Q And the later years indicated on 39?
10 A For 2000, a month or two of 2000, and then the
11 other years, '01 to '04.
12 Q So the '01 to '04 years include SMO expenses?
13 A Yes.
14 Q And did you have some additional expenses for
15 C & H and Global Industrial in the late 1990s that are
16 not part of these advertising dollars here?
17 A At that time, we didn't have expenditures with
18 Global Industrial directly. They had our products in
19 the catalog.
20 Q Did you pay Global for that?
21 A Global also had a separate division of the
22 postcards mailers, packets of postcards. We did that
23 on a regular basis with them even though it seemed like
24 it competed with their other division. But between the
25 two, it was Global.

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1 Q You had to pay for those postcard mailers?
2 A That we would pay for, yes.
3 Q Are those costs associated with Global included in
4 these figures?
5 A Yes, uh-huh.
6 Q Now, to whom were these postcards distributed by
7 Global?
8 A To their mailing lists that they mailed their own
9 catalogs to.
10 Q And what was the content of the postcards?
11 A We would have a picture and a description of
12 different products. We, again, varied it like we did
13 with the display ads in magazines. We would have
14 cabinets one time. I think there were work benches,
15 some of the carts. We would vary the picture.
16 Q Did you approve of the postcard before it was sent
17 out?
18 A Yes, sir.
19 Q Did the postcards contain your Grizzly word mark
20 and Grizzly Bear symbol?
21 A Yes, as far as I know.
22 Q Now, has your advertising included words or other
23 indications of sturdy of Pucel's products?
24 A I think most of our descriptions would say that
25 this is heavy duty, all welded construction in our

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1 literature.
2 Q Has that been a central theme across all of your
3 advertising channels?
4 A Yes.
5 Q The sturdy construction theme has been conveyed
6 across all channels of your advertising?
7 A Yes.
8 Q And that would include, of course, the catalogs?
9 A Yes.
10 Q And it would include the Internet?
11 A Yes.
12 Q And it would include the magazine advertisements
13 as well?
14 A Yes.
15 Q Now, have your customers come to view your
16 reputation as a company that supplies sturdy equipment?
17 A I would say so. I really think that we had a
18 reputation for that.
19 Q Have you had contact with customers of Pucel's
20 over the years?
21 A I have had contact with some of our better known
22 distributors that went back many years.
23 Q And have you had some contact --
24 A They would directly say to me, "I wouldn't want to
25 buy anything other than Grizzly because I know it will

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1 hold up," that sort of thing.
2 Q They refer to your products as Grizzly, do they?
3 A Yes, they do.
4 Q And these are your distributors?
5 A Yes.
6 Q Now, have you had contact with the end users of
7 your product, too?
8 A Not myself. I can't think of any.
9 Q End user contact?
10 A End user contact, yes.
11 Q Did your distributors or other customers ever
12 relate to you experiences in regard to your products in
13 the field?
14 A Their contact with the products or the customer
15 that was using it.
16 Q Did any of your distributors ever represent to you
17 that the end users were pleased with the Grizzly
18 equipment produced by Pucel?
19 A I would say so, yes. Many -- most times I think
20 they were pleased.
21 Q This information, as a result of the conversation
22 of the conversations you had with the distributors,
23 would come back to you?
24 A Uh-huh. There would be correspondence, too. I
25 would see some of that correspondence. 99 times out of

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1 100 they would be pleased with the product and
2 delivery, the quality.
3 MR. SCHMIDT: At this time, I
4 have to caution you about leading him
5 because you're starting to testify a
6 little bit.
7 Q You have had discussions with your distributors
8 about the quality of the goods produced by Pucel, have
9 you not?
10 A Yes.
11 Q And based on your discussions with your
12 distributors --
13 MR. SCHMIDT: I am going to
14 object again. Leading. I think
15 you're putting the answer in a
16 question and asking him to confirm
17 it. That's improper on direct.
18 MR. MITCHELL: Okay.
19 Q Have you come to the belief that the end users of
20 your products are satisfied with their intended uses?
21 MR. SCHMIDT: Objection.
22 Leading.
23 A 99 percent of them were satisfied. I won't be in
24 touch with the distributors that much directly. If
25 there were any problems, I would know it. I would hear

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1 that.

2 Q Does Pucel enjoy a good reputation in regard to

3 the Grizzly Equipment that it sells?

4 MR. SCHMIDT: Objection.

5 Leading.

6 Ken, can't you ask him what the

7 reputation is instead of always

8 putting the answer in the question?

9 Q What is the reputation?

10 A We have a good reputation.

11 Q And what is that reputation?

12 A That we produce quality goods and our customer

13 service is excellent. We follow-up on everything.

14 Q Now, I direct your attention, if I could please,

15 and ask the court reporter to mark Exhibit 40.

16 - - - - -

17 (Opposer/Petitioner's Exhibit Number 40 was

18 marked for identification.)

19 - - - - -

20 Q Mr. Mlakar, can you please identify Exhibit Number

21 40.

22 A This was produced by Pucel Enterprises. It looks

23 like a flier, but it may have been bound in some way at

24 the edge boarder here. I can't say for sure. It's an

25 advertising piece.

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14 Q Now, I direct your attention, if I could please,
15 and ask the court reporter to mark Exhibit 40.
16 - - - - -
17 (Opposer/Petitioner's Exhibit Number 40 was
18 marked for identification.)
19 - - - - -
20 Q Mr. Mlakar, can you please identify Exhibit Number
21 40.
22 A This was produced by Pucel Enterprises. It looks
23 like a flier, but it may have been bound in some way at
24 the edge boarder here. I can't say for sure. It's an
25 advertising piece.

1 MR. SCHMIDT: Has this been
2 produced?
3 MR. MITCHELL: Yes. I think
4 there is a number on there.
5 MR. SCHMIDT: I'm sorry. I see
6 it. Very good.
7 Q Now, do you notice a date on this, Mr. Mlakar?
8 A Yes. November, 1950.
9 Q Now, is this a record that Pucel kept in regard to
10 its advertisements?
11 A Yes. I don't know if there was more to it or not.
12 Q This is the best available copy --
13 A Yes.
14 Q -- of this advertisement?
15 A Yes.
16 Q You're the custodian of this --
17 A Yes.
18 Q -- advertisement?
19 A I was, and Bob Mlakar has most of this data in his
20 files now.
21 Q Is Pucel's Grizzly trade mark indicated in this
22 1950 advertisement?
23 A Yes.
24 - - - - -
25 (Opposer/Petitioner's Exhibit Number 41 was

1 marked for identification.)

2 - - - - -

3 Q Mr. Mlakar, could you please identify what Exhibit

4 41 is, and, in particular, the first sheet which is --

5 A This was proof of an ad we placed in the Ameritech

6 Industrial Purchasing Guide.

7 Q And is there an indicated date or time frame for

8 this advertisement?

9 A They would have stamped this October 3rd, 1993.

10 Q And what does the cc that is underneath Pucel

11 Enterprise's name indicate?

12 A That's the coding here on the side for what issue

13 that was in.

14 Q And what issues did --

15 A Cc represented North and South Carolina and

16 Central Virginia.

17 Q And is your Grizzly trademark on this proof?

18 A Yes, it is, in the ad.

19 Q Is the Grizzly Bear symbol on this?

20 A Yes.

21 Q Please turn to the next page, which has been

22 marked Z363. Could you please identify what this is on

23 Z363?

24 A This was another ad placed with Ameritech

25 Industrial Guide.

1 Q And where was this ad to be used?
2 A This would have been Ohio, the Ohio edition.
3 Q Are your registered trademarks that are the
4 subject of this proceeding indicated in this ad?
5 A Yes.
6 Q Does the ad indicate all welded construction,
7 rugged use?
8 A Yes, it does.
9 Q Next page please, Z364, could you please identify
10 this?
11 A Another ad in that Ameritech Industrial Purchasing
12 Guide.
13 Q And what directory does this go into?
14 A That's the North and South Carolina and central
15 Virginia.
16 Q Now, these industrial purchasing guides, which are
17 the subject of these first three pages, Z362, 363 and
18 364, to whom are these directed?
19 A It's kind of like a Yellow Pages, but it's more
20 concentrated to manufacturing goods, as I remember.
21 It would be those type of customers that they determine
22 would be the best to produce results.
23 Q They send a copy of this guide?
24 A This guide, it's probably an inch and a half, two
25 inches thick.

1 Q The next page, please, of Exhibit 41, that's
2 Z365. Can you please identify it?
3 A Another ad placed with Ameritech Industrial
4 Purchasing Guide. 1992 proof of production. That
5 would be one catalog covering Georgia, Alabama, east
6 and central Tennessee.
7 MR. SCHMIDT: Just out of
8 curiosity, are you going through every
9 single one of these, because the
10 information speaks for itself if you
11 want me to stipulate. It appears that
12 these are ads and the coding is there
13 on where it ran. It's up to you.
14 MR. MITCHELL: I don't want to
15 spend any unnecessary time.
16 MR. SCHMIDT: These Ameritech
17 guides are very clear to me. They
18 speak for themselves when they ran the
19 ads. I have no objection to it.
20 MR. MITCHELL: Let me see if I
21 can go through and group them together
22 and ask him a general question about
23 those with your stipulation in mind.
24 MR. SCHMIDT: I have no problem
25 with that. It looks like it shifts

1 from Ameritech to Thomas Register.
2 Q Mr. Mlakar, with respect to Z362 through Z380, are
3 these Ameritech Purchasing Guide proofs?
4 A Yes. Well, proofs and some are -- I think I
5 noticed some of the actual add itself. Z375 is a copy
6 of that particular page. Most of them are proofs.
7 That particular one is a copy of the ad placed on the
8 page.
9 Q And they all contain your registered Grizzly word
10 mark and your registered Grizzly Bear symbol?
11 A Yes, sir.
12 Q Now, with respect to Z265, can you identify what
13 those are?
14 A They're stapled together. These were a couple of
15 the flier that we had printed.
16 Q I notice Z266 it says, "94-1" in the bottom left-
17 hand corner?
18 A Yes.
19 Q What is --
20 A I think this was the back. We put them on front
21 and back. That's what this is.
22 Q And what is the 94-1 signify?
23 A That would have been the year '94.
24 Q Referring to Z267 --
25 A This was another directory that we advertised in.

1 It was Thomas subsidiary, Northern Ohio Regional
2 Industrial guide.
3 Q Again, the dates on this?
4 A Yes. They stamped it with, I believe, the proof
5 date, 1984.
6 Q These are all advertisements that actually went
7 into the Regional Industrial --
8 A Right.
9 Q Is that true for Z267, 268, 269 and 270?
10 A Yes.
11 Q Okay. If we refer to Z271, which follows Z270,
12 can you identify that, please.
13 A That's another Thomas Regional Industrial Buying
14 Guide.
15 Q Is this the actual ad?
16 A This would have been a proof. These pages are
17 proofs. It's my approval on each of them.
18 Q And are Z271 through Z274 all proofs from 1995?
19 A Yes.
20 Q In each case, 271 through 274, you have used the
21 Grizzly mark and the Grizzly Bear symbol?
22 A Yes.
23 Q With respect to Z275, 276, 277, 278 and 279, can
24 you identify what those are?
25 A Those are Thomas Regional Industrial Buying Guide

1 ads.
2 Q These are advertisements?
3 A Yes.
4 Q Referring to Z279A through 293, it's a group that
5 are stapled together as parte of Exhibit 41. Can you
6 identify what these are?
7 A These are the ads in the 1998 edition of Thomas
8 Register.
9 Q And on 279A, are you advertising cabinet work
10 benches?
11 A Yes.
12 Q Do these cabinet work benches include tool boxes?
13 A Yes.
14 Q On Z280, are you advertising tables?
15 A The work benches at the top here, yes, sir.
16 Q Work benches?
17 A Yes.
18 Q And for each of these, without going through them
19 individually, they're for various Grizzly products
20 Manufactured by Pucel, and they all bear your
21 trademarks on the itself?
22 A Yes.
23 Q And is this group Z279 A through 293 for the year
24 1998?
25 A Yes.

1 Q Okay. Now, turning to Z294, can you identify what
2 Z294 is?
3 A It's an ad placed in the February 1984 edition of
4 the Industrial Equipment News, the magazine.
5 Q Is this the actual ad or is this a proof?
6 A This would have been a proof.
7 Q What equipment are you advertising?
8 A Some of our portable work benches.
9 Q Those include tool boxes?
10 A Yes. We have the drawers, five-drawer unit, we
11 have four-door units in another one and then shelf
12 units, all of which are portable with the pull handles
13 on two of them and there is a shelf extension on one.
14 Q Z295, can you identify what that is?
15 A This is Industrial Literature Review where you
16 get -- from the catalog itself. That's the cover of
17 that catalog.
18 Q This would have been --
19 A The fall of 1985 edition.
20 Q Z296 --
21 A To point out, this is the responses of that ad in
22 that publication. That's what all of these numbers are
23 on there.
24 Q What was the response for your --
25 A 273.

1 Q What does that mean? Are you saying that you had
2 273 responses?
3 A Responses, yes, sir, because the responses came
4 through them and they forwarded them to us.
5 Q In other words, people were requesting catalogs?
6 A The catalog, based on that.
7 Q There were 273 requests for a catalog?
8 A Yes.
9 Q This company, Industrial Equipment News, contacted
10 you somehow?
11 A I am not sure if Industrial Literature Review, if
12 that's theirs or not.
13 Q Z296, which is the next page, can you identify
14 what that is?
15 A This is two of our postcards that went to that
16 subsidiary of Global, ITC Industrial. They were
17 industrial target cards and computer target cards.
18 Q How are these target cards disseminated?
19 A They do the mailing in a packet with postcards.
20 Q Okay.
21 A Send them out to their mailing list, which I
22 assume included anyone that placed an order with them.
23 Q The next page, Z297, can you tell us what that is?
24 A This was another postcard ad with a company that I
25 dealt with for a few times, Simon Direct. It was

1 another one of the postcard companies.
2 Q And to whom would they mail their postcards?
3 A I couldn't say. All products, material handling,
4 industrial equipment.
5 Q Can you identify Z298 and 299 and 300, it looks
6 like?
7 A This is a cover of a magazine.
8 Q What magazine was that?
9 A Midwest Purchasing Management, 1991.
10 Q And who is Midwest Purchasing?
11 A They published this magazine. They also sponsored
12 in those years or they were part of putting on the
13 Great Lakes Industrial Show. They were kind of like
14 the one that's -- that used to be held down in the
15 Convention Center. In those years, they had -- they
16 promoted that show as well. They passed these out.
17 Q Were theses your advertisements?
18 A Anyone who walked by, they would hand them one.
19 Q Was the magazine different from the --
20 A Both of these ads, '98 and '99, were in separate
21 issues of that monthly magazine. One was the September
22 issue. One was in the October issue. This cover goes
23 with the October issue.
24 Q Z300, I think it was?
25 A Yes.

1 Q Can you please identify the next two pages of
2 Exhibit 41?
3 A 301 and 302, 302 is the cover of the Midwest
4 Purchasing magazine, March-April of '91, and our
5 catalog is pictured there. This is similar to that
6 other one where they respond requesting a catalog.
7 Q Please identify Z303 and 304.
8 A 304 is the cover of Midwest Purchasing Magazine,
9 October 1993, and it has a display ad on page 18.
10 Q Your Grizzly word mark and Grizzly Bear symbol
11 appear on all of the Midwest advertisements in Midwest,
12 do they not?
13 A Yes.
14 Q Still in regard to Pucel's Exhibit 41, could you
15 identify Z305, 306 and 307, please.
16 A These were proof ads of the US Industrial
17 directory.
18 Q And what years are they for?
19 A 1988 edition.
20 Q And to whom was the US Industrial director of 1988
21 directed?
22 A Nationwide industrial plants, warehouses. There
23 is a broad range of products advertised in that
24 directory. It could have gone to anybody.
25 Q Still in Exhibit 41, Z308, is that part of the US

1 Industrial directory?
2 A Yes. I don't see any date on it.
3 Q Skipping to Z312, which is part of Exhibit 41, can
4 you identify 312, 313?
5 A That was the US Industrial Directory's Showcase.
6 Q And what year is that?
7 A 1995 on Z312.
8 Q Okay.
9 A We have our catalog pictured there. The next one
10 Z313, is a 1997.
11 Q All of these copies that we're looking at in
12 Exhibit 41, these are the best available copies you
13 have, are they not?
14 A Yes, yes.
15 Q And all of these documents in Exhibit 41 were kept
16 in the ordinary course of your business at Pucel?
17 A Yes.
18 Q Could you identify Z314, please.
19 A This was an ad in the US Industrial Directory.
20 Q Where was this ad on Z314 distributed?
21 A It's a big one- or two-volume books. They called
22 it the Kompass.
23 Q Where did they go?
24 A I don't know if they went international or not.
25 Q The next documents are Z315 and 316. It's part of

1 Exhibit 41. Can you identify those?
2 A Those were proof ads that we placed in the US
3 Export Directory.
4 Q Where was the US Export Directory disseminated?
5 A Overseas, as far as I understood.
6 Q The next document is Z317. Can you identify
7 that document and the date?
8 A This was an ad we placed in the Printing Equipment
9 Guide, which was a soft cover sort of a magazine guide
10 that was issued periodically. May of 1998, this went.
11 Okay.
12 Q That was my next question. Where was this ad
13 disseminated?
14 A This was distributed mainly to the printing
15 industry.
16 Q And when you say the printing industry, that's a
17 newspaper, for instance?
18 A Could have been newspapers. Could have been the
19 printing companies themselves, the manufacturers of
20 printing presses.
21 Q Magazine publishers?
22 A I would think they would use it, yes.
23 Q Anyone else?
24 A It was geared to the printing industry.
25 Q The next document, Z318, which is part of Exhibit

1 41, can you please identify this document and the date?
2 A This was a proof ad placed in the Greater
3 Cleveland Growth Association annual publication. COSE
4 Group it was called.
5 Q Is that true for 319 and 320 as well?
6 A Yes.
7 Q As well as Z321?
8 A Yes.
9 Q I draw your attention to Z322. Can you please
10 identify what this is?
11 A It was a display ad or a descriptive ad in that
12 Macquiladora handbook, the one that dealt with the
13 Mexico Texas border there.
14 Q Do you know what the date of this is? I don't see
15 a date.
16 A No, I don't. I don't see any date.
17 Q Do you know when you were advertising in the
18 Macquiladora?
19 A It was probably the early '90s, I would say.
20 Q Okay.
21 A There were a few issues we put in. They came out
22 twice a year.
23 Q In regard to Z323, Z324, can you identify these?
24 A This is Literature For Industry, which is digest
25 of catalogs. Our catalog is there.

1 Q And for what year?
2 A I don't see a date.
3 Q On Z323?
4 A Catalog Number 199, which would have been catalog
5 199 was our last catalog.
6 Q It would have been your --
7 A This could have been in the year 2000, perhaps.
8 Q Z325, can you identify that exhibit, please.
9 A This was another Literature Digest, March, 1994.
10 Q I see on Z325, does it indicate fall, 1993?
11 A Z325, fall, 1993.
12 Q Z326, can you identify that, please.
13 A Display ad in the New Equipment Digest.
14 Q What year was that? It doesn't look like the year
15 is on there?
16 A I see the circle is referring to a Thomas
17 Register, although there was no relationship between
18 them and equipment. It was Catalog Number 18, whatever
19 that was.
20 Q The next document, Z327, can you please identify
21 that?
22 A This was a display ad, but it isn't showing where
23 it was published.
24 Q I notice it says, "Serving the industry for 28
25 years." Do you know what year that would have been?

1 A It says that?
2 Q Right on the ad it says that.
3 A Oh, yes. That would have been '77.
4 Q Do you want to take a brief break?
5 A I am fine.
6 Q Z330, Z331 and Z332, Z333, can you please identify
7 those four.
8 A This was a display ad. These were in New
9 Equipment digest. That says 28 years. That must have
10 been in '67.
11 Q Do you mean '77?
12 A Did I say '67?
13 Q Yes.
14 A That would have been '77.
15 Q Okay.
16 A That was 330. 331 is another ad we placed in New
17 Equipment Digest. 332 is the same. We varied these
18 ads as we placed them, different issues.
19 Q Turning to Z336 through 345, can you please
20 identify what this is?
21 A Those were Literature Digest publications with a
22 cover of our catalog on each of them.
23 Q Are the years of the --
24 A 1994 is on 336.
25 Q Can I just ask you, are the respective years on

1 the bottom portions of each of those?
2 A Yes.
3 Q So this group of exhibits, 336 to 345, are
4 advertisements of your catalog in Literature Digest
5 with the respective years indicated at the bottom?
6 A Yes, sir.
7 Q Turning next to Z346 through Z350, can you
8 identify what these are and their dates?
9 A These were ads in the Ameritech Yellow Pages.
10 Q And are the years indicated on these pages?
11 A The date is 2001.
12 Q That's on page Z345, right?
13 A 346, 347 as well. They stamped it at the top.
14 This one was October 30th.
15 Q Is that Z348?
16 A 348 is October 30th of 2000.
17 Q What about Z349?
18 A Proof date, December 22nd, 1997.
19 Q Now, if we skip to Z352 and Z353, can you identify
20 those?
21 A 352 is the 1992 edition in the Ameritech Yellow
22 Pages.
23 Q And your ad?
24 A Our ad is there.
25 Q With your trademarks?

1 A Yes, sir.
2 Q What about Z353?
3 A It's the 1991 edition of the Yellow Pages. That
4 shows in column one the Grizzly ad.
5 Q As being advertised as Grizzly Equipment, right?
6 A Grizzly, yes, sir.
7 Q Okay.
8 A We don't have the Pucel ad probably on another
9 page. We don't have a copy of that here.
10 Q The next one is Z354?
11 A Okay.
12 Q This says, "Industrial Yellow Pages?"
13 A Yes.
14 Q What are the industrial Yellow Pages?
15 A I am trying to think now if this was part of that
16 Ameritech Industrial Guide. They may have changed the
17 description of that somewhere. This is similar to
18 those that we looked at earlier where they have the
19 designation alongside as to what issue it was. This
20 one says Z254. It's the Ohio edition. That's the same
21 as those on Z362 and so on.
22 MR. MITCHELL: Okay. Let's take
23 a break. That's enough of Exhibit 41.
24 - - - - -
25 (Opposer/Petitioner's Exhibit Number 42 was

1 marked for identification.)

2 - - - - -

3 Q I would like to direct your attention to Exhibit

4 42. Could you please identify that.

5 A This was a display ad in the New Equipment Digest,

6 November 1983.

7 - - - - -

8 (Opposer/Petitioner's Exhibit Number 43 was

9 marked for identification.)

10 - - - - -

11 Q Could you please identify Exhibit 43.

12 A Exhibit 43 is one of our mailing catalogs --

13 mailing envelopes.

14 Q And when you disseminate your catalogs, are they

15 sent in a mailing envelope --

16 A Yes.

17 Q -- such as that envelope?

18 A Yes.

19 - - - - -

20 (Opposer/Petitioner's Exhibit Number 44 was

21 marked for identification.)

22 - - - - -

23 Q I would like to direct your attention to Exhibit

24 44, please. Can you please identify Exhibit 44.

25 A This page?

1 Q Yes.
2 A This is one of our internal forms, catalog request
3 form, that one of our people took from the phone dated
4 September 9th of 2003.
5 Q Who took this message?
6 A One of our employees who is no longer with us
7 since this past year.
8 Q Is this a record that's kept in the ordinary
9 course of business?
10 A He passed this along to me or Bob.
11 Q And there is an indication on the bottom of it.
12 What does it say?
13 A He gave this to us particularly because I guess in
14 the conversation they said they bought welding benches
15 from Grizzly Industrial.
16 MR. SCHMIDT: I am going to move
17 to strike that as hearsay.
18 A He wrote it here, though. I can tell his writing.
19 - - - - -
20 (Opposer/Petitioner's Exhibit Number 45 was
21 marked for identification.)
22 - - - - -
23 Q I would like to direct your attention to Exhibit
24 45. I ask that you identify this.
25 A This is a cover letter from one of our

1 distributors, Carter, Milchman & Frank that says,
2 "Please quote price and delivery for resale."
3 Q Who is this document from?
4 A They were a distributor of ours, Carter, Milchman
5 & Frank.
6 Q Who is Joy?
7 A Someone probably in the sales department.
8 Q Sales department of Carter, Milchman & Frank; is
9 that right?
10 A Yes.
11 Q And did Pucel receive this document?
12 A From them, yes.
13 Q From Carter?
14 A Yes. It was faxed to us.
15 Q And when was it faxed?
16 A 8-27. I don't know why there are two dates here.
17 Q And there is a second page that's Bate Stamped
18 Z1293, correct?
19 A Yes.
20 Q And what is indicated on the top of that document?
21 A It shows that 8-27-03 from Carter, and we must
22 have faxed it from our location on 10-07.
23 Q Is that --
24 A At least it's got our name on there at the top,
25 Pucel.

1 Q Is that an indication of a fax from Pucel?
2 A I don't see how if we faxed it, our fax doesn't
3 imprint. All the faxes that -- maybe it does.
4 Q The heading on page 2, Z1293, it says, "From:
5 Chgreen@nyct.com. Who is that?
6 A That would be the New York City Transit Authority
7 sending it to Joy at Carter. They faxed it to them on
8 8-27, and Carter would have faxed us on October 7th.
9 Q Now, is Carter, Milchman one of your distributors?
10 A Yes.
11 Q And what goods are indicated on pages Z1293
12 through Z1300?
13 A This is all the same.
14 Q It's all part of the same document?
15 A Same document, yeah.
16 Q Okay.
17 A Well, they indicate a lot of products that aren't
18 ours.
19 Q On the first page, the page labeled Z1293, do you
20 see the words under Requisition Number?
21 A Z Series sliding table shaper."
22 Q Okay. And then beneath it it says, "Model G8621?"
23 A Yes.
24 Q Is the sliding table a product that Pucel makes?
25 A We make a sliding table, yeah.

1 Q And for how long have you made a sliding table or
2 tables?
3 A It goes back a long time. I think in our earlier
4 years. Maybe the '70s.
5 Q Okay.
6 A Mid-'60s, late '60s.
7 Q Now, returning to the first page, Z1292 of exhibit
8 45, is Carter Milchman asking you to quote the goods
9 attached on the remaining pages of this Exhibit 45?
10 MR. SCHMIDT: Objection.
11 Leading.
12 A That's what the cover letter says.
13 Q What is Carter, Milchman asking you to do?
14 A It says, "Good afternoon. Please quote price and
15 delivery for resale, also FOB point. Many thanks,
16 Joy."
17 Q If we could please mark Exhibit 46.
18 - - - - -
19 (Opposer/Petitioner's Exhibit Number 46 was
20 marked for identification.)
21 - - - - -
22 Q Can you please identify Exhibit 46 for us.
23 A One of our customers would have sent this to one
24 of our sales people and said this is the cart we spoke
25 of, can up come up with anything.

1 Q Okay.
2 A It's got the name Melissa on there. I don't see
3 any other name on there. There were two girls in our
4 office, have been for years.
5 Q So --
6 A This was dated April 10th, 2001.
7 Q Is Melissa one of your distributors?
8 A Well, she knew Jim. Otherwise, she wouldn't have
9 put -- she asked -- I can't say, but she must have
10 talked to Jim and wrote this hand note. I would say it
11 was one of our regular distributors that wanted to deal
12 with us.
13 Q Is your distributor looking at Grizzly
14 Industrial's cart?
15 A Yes.
16 MR. SCHMIDT: Objection.
17 Leading. Also, hearsay.
18 Q Exhibits 44, 45 and 46, are these records kept in
19 the ordinary course of business?
20 A Yes.
21 - - - - -
22 (Opposer/Petitioner's Exhibit Number 47 was
23 marked for identification.)
24 - - - - -
25 Q Can you please identify Exhibit 47.

1 A This was our catalog request form that was used.
2 It came from Power & Rubber Supply looking for one of
3 our catalogs.
4 Q There is a notation on there at the bottom. What
5 is that notation?
6 A It says that they were looking for Grizzly
7 Industrial.
8 Q And who filled this form out?
9 A One of our employees, Jim Smith.
10 Q How do you know it was Jim?
11 A I recognize his writing.
12 Q And is this document kept in the ordinary course
13 of business?
14 A Yes.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 48 was
17 marked for identification.)
18 - - - - -
19 Q Can you please identify these two pieces of paper,
20 Z00000 and Z000001, which make up Pucel's Exhibit 48?
21 A This is a letter from Industrial Appraisal Company
22 to us headed, "Grizzly Equipment Manufactured By Pucel
23 Enterprises, Inc." stating that they have a mutual
24 client, Somerset Door & Column company, and that they
25 are notifying us that they're in the process of

1 completing an insurance valuation appraisal for the
2 above client, for the mutual client, and they want the
3 current selling price for their appraisal. It's just
4 really a form letter with the mutual client.
5 Q What is the date on the letter?
6 A August 16th, 2000.
7 Q Now, the second page, Z1, are they requesting
8 price information there?
9 A Yes. Request for price information.
10 Q Are they requesting price information from Grizzly
11 Equipment Manufactured By Pucel?
12 MR. SCHMIDT: Objection.
13 Leading.
14 A addressed to Grizzly Equipment Manufactured By
15 Pucel.
16 Q From whom are they requesting price information?
17 A For their client, Somerset.
18 Q From whom are they requesting price information?
19 A They're asking it from us.
20 Q Okay. What product are they seeking price
21 information for?
22 A They're not our goods, the spindle sander.
23 Q Is this record kept in the ordinary course of
24 business, Exhibit 48?
25 A Yes.

1 - - - - -

2 (Opposer/Petitioner's Exhibit Number 49 was

3 marked for identification.)

4 - - - - -

5 Q Turning to Exhibit 49, please, can you please

6 identify Exhibit 49?

7 A It's a letter from Supply Depot Incorporated. I

8 believe -- I am almost sure they are a customer of

9 ours -- addressed to Sales.

10 Q Is that your fax?

11 A "Company Grizzly Industrial."

12 Q And when was this fax received by Pucel?

13 A October 4tbh, 2000.

14 Q Is this record kept in the ordinary course of

15 business?

16 A Yes.

17 Q Are they requesting a quote for some products?

18 A Yes.

19 Q And whose products are they requesting a quote on?

20 A Apparently Grizzly Industrial. They have got the

21 G prefix. It says up the top, "Grizzly Industrial."

22 Q And are there part numbers indicated on that

23 document?

24 A Yes.

25 Q Are they Pucel's part numbers?

1 A No.

2 - - - - -

3 (Opposer/Petitioner's Exhibit Number 50 was

4 marked for identification.)

5 - - - - -

6 Q Turning to and marking Exhibit 50, please, is this

7 a document kept as part of your ordinary business

8 records?

9 A Yes.

10 Q Can you please identify this document?

11 A It's a request for quotation from Find MRO.com,

12 which is a division or subsidiary of Grainger addressed

13 to us.

14 Q Okay. And what equipment are they looking for?

15 A They're asking for quotes on Grizzly Industrial

16 with a part number listed.

17 Q Okay.

18 A They are a distributor or seller of our goods as

19 well, find MRO.

20 - - - - -

21 (Opposer/Petitioner's Exhibit Number 51 was

22 marked for identification.)

23 - - - - -

24 Q Can you identify Exhibit 51, please.

25 A It's a UPS label that was photocopied.

1 Q What about the second page, Z1303, of Exhibit 51?
2 A This is -- I think this is an actual purchase
3 order from MH Lincoln Laboratory.
4 Q And --
5 A Pucel Enterprises, Grizzly Equipment, seven
6 drawers they're ordering.
7 Q Are they seeking your products there or are they
8 seeking Grizzly Industrial's products there?
9 MR. SCHMIDT: Objection. That's
10 multiple questions, one, and it's
11 leading.
12 Q Whose products are they seeking there?
13 A I don't know. They don't indicate any product
14 number that I can see.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 52 was
17 marked for identification.)
18 - - - - -
19 Q Can you identify Exhibit 52?
20 A This is a letter from Woodling, Krost, Rust and
21 Hochberg addressed to Kevin Le Stourgeon who is
22 president of Grizzly Material Handling Company in San
23 Antonio, Texas dated December 18th, 1985 pointing out
24 to Mr. Le Stourgeon, "We represent Pucel Enterprise,
25 Inc., which is the owner of the trademark Grizzly and a

1 number of trademark registrations thereon. We enclose
2 the registrations and the various numbers there." Do
3 you want me to read those?
4 Q No. And how was this resolved?
5 A They had agreed to change their name, and they
6 pointed out that they couldn't -- had no control for
7 the balance of their contract with their Yellow Page
8 ads, that that would have to remain until the
9 expiration of that Yellow Page ad, but it was resolved
10 shortly after this correspondence here. I don't know
11 how long it took to resolve it.
12 Q So was Grizzly Material Handling interfering with
13 your business?
14 MR. SCHMIDT: Objection.
15 Leading.
16 Q What was the problem with Grizzly Material
17 Handling?
18 A They had our name. They had our trademark name
19 Grizzly selling material handling. Their name was
20 Grizzly Material Handling.
21 Q Did they stop?
22 A They stopped, yes.
23 Q Why did they stop?
24 A After it was pointed out with this letter from
25 Charles Rust, your associate.

1 Q Z34, which is a part of Exhibit 52 --
2 A This is a 1987 letter from Mr. Le stourgeon.
3 Q I wanted to go back a little bit further to Z34,
4 which I think is a couple of pages back. Can you
5 identify that?
6 A This is a letter from Ulmer & Berne dated March
7 6th, 1998 to a Mr. Daniel Slife of Robert M. Slife &
8 Associates who was a distributor of ours for many
9 years. This was a problem with Yellow Page ads. We
10 became aware of it through the representative for
11 Yellow Pages after we had signed contracts for our
12 upcoming issue. The representative went back to the
13 office and found that there was some kind of a block
14 on -- that we weren't allowed to use the name Grizzly.
15 Q How was that matter resolved?
16 A Daniel Slife said that he had turned over that
17 advertising program to some agency in town and they,
18 apparently, on their own put a block on that and wanted
19 to use him as the holder of Grizzly trademark. That
20 had to be straightened out with correspondence with
21 whoever -- let's see if it's mentioned here. Wolf
22 Group was handling some of his advertising.
23 Q How was it resolved?
24 A We were able to place our ads.
25 Q Now, did you instruct Ulmer & Berne to send a

1 letter to Grizzly Industrial on your behalf?
2 A Yes.
3 Q And that letter in regard to your registered
4 trademarks is the registered trademark of the Grizzly
5 word mark and the Grizzly Bear symbol?
6 A Yes.
7 Q Did you make a request in that letter of Grizzly
8 Industrial?
9 A Yes.
10 Q And what was that request?
11 A Well, I wanted for them to stop using the name and
12 mark Grizzly in their catalog.
13 Q And did they stop?
14 A No.
15 - - - - -
16 (Opposer/Petitioner's Exhibit Number 53 was
17 marked for identification.)
18 - - - - -
19 Q I direct your attention to Exhibit 53. Can you
20 identify the documents that have been Bate Stamped 1291
21 and 1301 through 1316?
22 A These are copies of envelopes that were addressed
23 to Grizzly Equipment with our address.
24 Q And is your business known as Grizzly Equipment?
25 A Yes.

1 Q Is your business known as Grizzly?
2 MR. SCHMIDT: Objection.
3 Leading.
4 A Yes.
5 Q Well, let's put it to you this way". What is your
6 business known as?
7 A It's know as Pucel Enterprises, Inc. It's known
8 as Grizzly equipment, Grizzly Equipment Manufactured By
9 Pucel Enterprises.
10 Q And these exhibits that we identified by number,
11 can you identify what the documents are?
12 A Well, this looks like this is from our purchasing
13 manager. They wanted to sell us some equipment. This
14 is from the US Department of Justice in Cleveland. I
15 remember we had some situation with one of our
16 employees, so they addressed us as Grizzly.
17 MR. SCHMIDT: I am going to move
18 to strike the last answer.
19 Can you read what the last
20 question was.
21 (Record read.)
22 I am moving to strike on the
23 grounds that the answer is
24 non-responsive to the question.
25 That's been asked and answered

1 already. I believe he identified them
2 as copies of envelopes.
3 Q In regard to Z1291, can you state who that
4 document is from?
5 A Duall Automation & Feeder.
6 Q And it's addressed to?
7 A Grizzly Equipment.
8 Q And 1301, who is that document addressed to?
9 A Grizzly president, Mr. Anthony Mlakar.
10 Q Document 1302, who is that one addressed to?
11 A Grizzly Pucel Enterprises, Inc.
12 Q Who is document 1304 addressed to?
13 A Grizzly/Pucel Enterprises, Inc.
14 Q Document 1306, who is that addressed to?
15 A 1306 is Grizzly.
16 Q Who is 1307 addressed to?
17 A Grizzly Pucel Enterprises, Inc.
18 Q Document 1310, who is that addressed to?
19 A Grizzly Equipment.
20 Q Document 1312, who is that addressed to?
21 A Anthony Mlakar, president, Grizzly.
22 Q What about document 1313, who is that addressed
23 to?
24 A Plant manager, Grizzly Equipment Manufacturing.
25 Q The remainder of the documents in Exhibit 53, can

1 you identify what they are?
2 A Which one?
3 MR. SCHMIDT: I'll have to object
4 as not having been produced.
5 Q Just as a group, Mr. Mlakar, can you state who
6 those documents are addressed to?
7 A They're addressed to Grizzly, Grizzly Material
8 Handling and Industrial Equipment, Grizzly Equipment,
9 President Grizzly, Anthony Mlakar, Grizzly.
10 Q Just generally, I don't want to go through each
11 one, but --
12 A This is a check, a copy of a check, Grizzly
13 Material Handling that was sent to us, which was our
14 money due us.
15 Q Do you receive checks with the payee --
16 MR. SCHMIDT: I am going to
17 object to your question because it's
18 already starting out to be leading
19 because you're supplying the answer.
20 Q Tony, do you receive checks?
21 A Yes, I do, or associates.
22 Q When I say, "you," does Pucel receive checks?
23 A Yes.
24 Q And any of those checks made payable to Grizzly?
25 MR. SCHMIDT: Objection.

1 Leading.
2 A If I can answer the question, they're made out to
3 Grizzly Equipment, Pucel Enterprises.
4 Q How are the checks that you receive made out?
5 MR. SCHMIDT: It's kind of late
6 now. You have already --
7 Q How are the checks that identify all the payee
8 names under which you receive checks --
9 A In this group?
10 Q Not in regard to that group, just in general.
11 MR. SCHMIDT: Are you instructing
12 the witness how to answer or not?
13 MR. MITCHELL: No.
14 MR. SCHMIDT: I am getting lost
15 here, because you're testifying and
16 you're leading. This is not right for
17 testimony.
18 Q Does Pucel receive checks?
19 A Yes, sir.
20 Q And identify all the payee names under which Pucel
21 receives checks?
22 A Pucel Enterprises, Inc., Grizzly Equipment, Pucel
23 by itself, Grizzly by itself, Grizzly/Pucel.
24 Q Okay. Now, is Grizzly Industrial a competitor of
25 Pucel's?

1 A Yes.
2 Q And when did you first become aware of the
3 Grizzly.com application to register?
4 A In 2000, I believe, 2001.
5 Q Did you become aware that Grizzly Industrial had
6 trademark registrations?
7 A No, I wasn't aware.
8 Q At some time, did you become aware?
9 A Yes.
10 Q And I would like to draw your attention to
11 Exhibits 9, 10 and 11, in particular.
12 A Okay.
13 Q When did you become aware of those registrations?
14 A You provided them to me.
15 Q And was that in 2001?
16 A I believe that's the year.
17 Q I would like to refer you to Exhibit 7 for a
18 minute, which is back this way. Did you become aware
19 of the Grizzly.com application to register?
20 A Yes.
21 Q When did you become aware of it?
22 A From your office, from you in 2000 or 2001.
23 MR. MITCHELL: I would like to
24 take a brief break. Then we're just
25 about finished.

(Recess had.)

MR. MITCHELL: I would like to move for the admission of all the documents identified. Yesterday I think I moved for the ones identified yesterday.

I have no further questions for Mr. Anthony Mlakar.

MR. SCHMIDT: No cross.

MR. MITCHELL: Then we're finished.

(Deposition concluded at 11:20 a.m.)

- - - - -

ANTHONY MLAKAR

Caryn Lott
Caryn L Lott
Notary Public in and for The State of Ohio
My Commission expires 10-18-10

1 State of Ohio)

2) SS: CERTIFICATE

3 County of Cuyahoga.)

4 I, Caryn L. Lott, Registered Professional Reporter and Notary Public within and for the State of Ohio,
5 duly commissioned and qualified under Federal Rule 28, do hereby certify that the within-named ANTHONY MLAKAR
6 was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause
7 aforesaid; that the testimony then given by him/her was by me reduced to stenotypy in the presence of said
8 witness, afterwards transcribed on a computer, and that the foregoing is a true and correct transcript of the
9 testimony so givenby him/her as aforesaid.

10 I do further certify that this deposition was taken at the time and place in the foregoing caption
11 specified and was completed without adjournment.

12 I do further certify that Joseph Schmidt was present at said deposition and said deposition was
13 taken on May 24, 2006 beginning at 9:10 a.m at the offices of Parise & Asociates Court Reporters, 1360
14 East Ninth Street, Suite 1010, Cleveland, Ohio 44114.

15 I do further certify that I am not a relative, employee of, or attorney for any of the parties in the
16 above-captioned action; I am not a relative or employee of an attorney for any of the parties in the above-
17 captioned action; I am not financially interested in the action; I am not, nor is the court reporting firm
18 with which I am affiliated, under a contract as defined in Civil Rule 28(D); nor am I otherwise interested in
19 the event of this action.

20 IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this
21 19th day of June, 2006.

22

23 Caryn L. Lott, Notary Public
in and for the State of Ohio.

24

My commission expires 10/18/10.

25

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Pucel Enterprises vs. Grizzly Industrial
Case Number:
Dep. Date: 5/24/06
Deponent: Anthony Mlakar
Location: Parise & Associates, Cleveland, OH

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefor
9	6	my their	with my	
10	8	It	I	
14	7	specialize had	specialized	
14	8	boarder	border	
15	12	resolve	revolve	
19	23	final yes	final one to approve, yes	
42	13	boarder	border	

Anthony J Mlakar
Signature of Deponent
6/16/06

Carol Jett
Notary Public in and for the
State of Ohio
My Commission Expires 10-18-10

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC. Petitioner,	CONSOLIDATED	
v.	Opposition No. 123,506	Mark: GRIZZLY.COM
	Cancellation No. 31,984	Mark: GRIZZLY
GRIZZLY INDUSTRIAL, INC. Respondent.	Cancellation No. 32,024	Mark: GRIZZLY
	Cancellation No. 32,025	Mark: GRIZZLY INDUSTRIAL

GRIZZLY INDUSTRIAL, INC.'S NOTICE OF DEPOSITION
UNDER Fed. R. Civ. P. 30(b)(6)

TO: Mr. Kenneth L. Mitchell
Woodling, Krost and Rust
9213 Chillicothe Road
Kirtland, OH 44094

PLEASE TAKE NOTICE, that commencing on Tuesday, March 18, 2003, at 9:30 a.m., at the offices of Baker & Hostetler LLP, 3200 National City Center, 1900 East 9th Street, Cleveland, Ohio, pursuant to Fed. R. Civ. P. 30(b)(6), 37 CFR 2.124(b)(2), and TBMP 404, before a duly authorized notary public or some other officer authorized to administer oaths, Grizzly Industrial, Inc. will take the deposition on oral examination of:

Pucel Enterprises, Inc., which, in accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, may designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf with respect to the matters set forth in the attached Exhibit A.

February 20, 2003

Joseph F. Schmidt
Lisa C. Childs
MICHAEL BEST & FRIEDRICH LLC
401 North Michigan Avenue, Suite 1900
Chicago, IL 60611
(312) 661-2100 (ph.) / (312) 222-0818 (fax)

Attorneys for Respondent
Grizzly Industrial, Inc.

S:\CLIENT\205670\9004\C0194905.1

EXHIBIT R-1
Deponent Mlakar
Date 3/18/03 Rptr. RB
WWW.DEPOBOOK.COM

Exhibit A

1. The selection, adoption, and first use of Pucel's GRIZZLY and Bear logo ("the Marks"), and all trademark and service mark applications and registrations therefor.

2. Pucel's advertising, sale and marketing of products and services under the Marks.

3. All litigation, oppositions, and disputes, including, but not limited to, all instances when Pucel has objected to or received objections from third parties regarding the use or registration of the Marks, or any other mark or logo alleged to be likely to cause confusion with the Marks.

4. Third party uses of the mark GRIZZLY, of which opposer is aware, including the date and circumstances under which opposer first learned of each such use, and the nature and extent of opposer's knowledge of each such third party use.

5. Pucel's knowledge of Grizzly Industrial, Inc.

6. Pucel's knowledge of Grizzly Industrial, Inc.'s use of the marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM for its goods and services.

7. All alleged instances of actual confusion or likelihood of confusion between the Marks and Grizzly Industrial, Inc.'s marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM.

8. Market research and investigations which refer or relate to all alleged confusion or likelihood of confusion between the Marks and Grizzly Industrial, Inc.'s marks GRIZZLY, GRIZZLY INDUSTRIAL, and GRIZZLY.COM.

9. The purported fame of the Marks, including the identity of the market in which the Marks are famous, scope of advertising, sales made, and length of use.

10. The allegation that the Marks will be diluted.

11. All factual allegations in Pucel's notices of opposition and petitions for cancellation.

12. The channels of trade in which Pucel's products have been, currently are, or will be sold, distributed, advertised or otherwise marketed or promoted in connection with the Marks.

13. The nature of the business in which the primary purchasers and end users of Pucel's products are engaged.

14. The annual advertising and promotion costs of Pucel attributable to products sold or distributed under the Marks, for each year from the date of first use to the present.

15. The methods of advertising and all types of media used to advertise and promote the products in connection with which Pucel uses the Marks, including, but not limited to, the advertisements apparently placed in the following media:

- Ameritech Industrial Purchasing Guides (1991) (Z000356-58),
- New Equipment Digest (1983),
- Northern Ohio Regional Industrial Purchasing Guide (1984) (Z000267),
- Regional Industrial Buying Guide (Northern Ohio) (1995) (Z000271),
- Regional Industrial Buying Guide (Northern Ohio) (1996) (Z000275),
- Thomas Register (1998) (Z000279a),
- Industrial Equipment News (February 1984) (Z000294),
- Industrial Literature Review (Fall 1985) (Z000295),
- Midwest Purchasing Management (various in 1991 and October 1993) (Z000298-304),
- U.S. Industrial Directory (1988 and 1995, 1997) (Z000305-14),
- U.S. Export Directory (1991 and 1993) (Z000315-16),
- Printing Equipment Guide (1998) (Z000317),
- Greater Cleveland Growth Assoc. Membership Directory (1996) (Z000321),
- Laquiladora Supplier Handbook (undated) (Z000322),
- Chilton's Lit for Industry (1993) (Z000323-25),
- Literature Digest (1994, 1989, 1988, 1987,1986, 1985, 1984, 1983) (Z000336-45),
- Ameritech proofs and yellow pages (2001 proof - Pucel, 2000 proof - Pucel, 1997 proof – Grizzly, 1992 yellow pages for Ohio – Grizzly and Pucel, 1991 yellow pages for Ohio – Grizzly, 1988 proof – Pucel) (Z000346-55);
- Ameritech Industrial Purchasing Section advertisements and/or proofs (Ohio 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001) (Z000359-67), and
- various undated, unidentified advertisements (e.g., Z000326-335)

16. The number of commercial impressions made each year since 1983, including, but not limited to, identification of all magazines or trade journals, number of catalogs printed, number of catalogs distributed, editions of catalogs prepared, and the method of distribution, number of hits Pucel's web site receives, direct sales force contacts, sales presentations whether by Pucel or a distributor, toll free number calls, the circulation of each publication in which Pucel advertises,

number of persons attending any trade shows in which Pucel participates, the number of visits any Pucel booth or the like receives at such trade shows.

17. Sales made each year since 1983, including, but not limited to, the number of sales, the average sale in dollars, the geographical location of Pucel's customers, the number of customers, number of active customer accounts, and the percentage of Pucel's sales since 1983 made to (a) persons in Ohio, (b) all sales to persons in Ohio, and the contiguous states of Michigan, Indiana, Kentucky, Pennsylvania, and West Virginia, (c) all sales to persons in states east of the Mississippi River, (d) all sales made in each state of the United States; and (e) all sales made outside the United States.

18. Pucel's competitors.

19. Pucel's top 50 selling products and Pucel's annual sales in round numbers of each of these products since 1983.

20. The percentage of sales in dollars made to (a) Pucel's five largest customers, (b) Pucel's ten largest customers, and (c) Pucel's hundred largest customers.

21. Pucel's knowledge of the web site www.grizzly.com.

22. The creation and maintenance of Pucel's internet web sites, including the domain www.pucel-grizzly.com and Pucel's link to the Thomas Register web site at www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly, including the date when Pucel first used each such web site, any attempts to obtain any other web site names, such as www.grizzly.com or www.grizzly.net, and the annual sales resulting from using such web sites.

23. The financial books and records, including, but not limited to, the determination of advertising expenditures and gross sales since 1983.

24. Pucel's distributors.

CERTIFICATE OF SERVICE

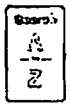
I hereby certify that a true and correct copy of the foregoing GRIZZLY INDUSTRIAL, INC.'S NOTICE OF DEPOSITION UNDER Fed. R. Civ. P. 30(b)(6) was served on

Charles R. Rust
Kenneth L. Mitchell
Woodling, Krost and Rust
9213 Chillicothe Road
Kirtland, OH 44094

via first class mail, postage prepaid, this 20th day of February, 2003.

One of the Attorneys for Grizzly Industrial, Inc.

E-mail to Company | Electronic Commerce



Thomas Register
on the Internet

EXHIBIT R-26
Deponent
Date 2/18/03 Rptr.
WWW.DEPOBOOK.COM

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Thomas Register Product Headings: Trucks, Cabinets, Benches, Carts, Trucks: Hand, Cabinets: Tool, Benches: Work, Trucks: Factory Warehouse Shop Industrial, Tables, Cabinets: Portable, Drum Handling Equipment, Carts: Hand, Desks, Workstations, Workstation Benches & Cabinets, Cabinets: Storage, Cabinets: Shop, Cabinets: Metal, Cabinets: Gas Cylinder, Cradles: Barrel & Drum, Drawers, Lockers, Lockers: Steel, Lockers: Storage, Benches: Cabinet, Shelving: Storage, Shelving, Tables: Hydraulic Lift, Tables: Lift, Desks: Shop, Desks: Office, Carts: Stock, Carts: Push, Racks, Workstations: Adjustable, Cradles: Drum, Cabinets: Metal Steel, Chutes: Package Baggage Merchandise, Cabinets & Cases: Map Chart, Trucks: Food Restaurant, Trucks: Brick Tile, Racks: Bar Rod Pipe Tube, Work Tables: Stainless Steel, Racks: Clothing Garment Apparel, Racks: Tool Shop Factory, Boxes: Shelf Stock Parts, Benches: Woodworking, Workstations: ESD, Trucks: Oven, Trays, Tops, Bins, Rollers, Hoppers, Hand Trucks, Racks: Boltless, Workbenches, Boxes: Bin, Racks: Bin, Workstations: Industrial, Lifters, Carts: Housekeeping & Janitorial, Workstations: Computer, Desks: Computer, Furniture: Mailroom, Dumpers: Drum, Stands: Automotive Repair, Benches: Automotive Repair, Casters, Furniture: Wall Unit & Wall System, Computer Cabinets: Space Saving Security, Cabinets: Computer, Workstations: Electronic, Trucks: Narrow Aisle, Stands, Trucks: Janitors, Stools, Carts: Television Set VCR A/V Equipment, Cabinets: Drawer, Factory Equipment, Tops: Veneered, Furniture: Laboratory,

Furniture: Metal, Furniture: School, Furniture: Office, Furniture: Shop, Enclosures: Sheet Metal, Cabinets: Utility, Cabinets: Towel Supply, Cabinets: Test, Cabinets: Small Parts, Cabinets: Steel, Cabinets: Slide, Cabinets: Office, Cabinets: Paint Storage, Cabinets: Hospital, Cabinets: Laboratory, Cabinets: Instrument, Cabinets: Flammable Liquids Storage, Cabinets: Filing, Cabinets: Drafting Room, Cabinets: Display, Cabinets: Blueprint, Dumpers, Cradles: Pipe, Drawers: Small Parts Storage, Drawers: Modular, Dollies: Pallet, Dollies, Dollies: Cable Reel, Dollies: Contractors, Dollies: Drum, Dollies: Industrial & Warehouse, Dollies: Jet Engine Assembly, Dollies: Wheel, Dollies: Plate Glass, Dollies: Steel, Dollies: Pipe, Rollers: Drum, Holders: Tool Hand, Hoppers: Parts Handling, Lockers: Ship, Lockers: Railroad & Bus Station Airport, Lockers: Built-In, Lockers: Clothing, Lockers: Foot, Lockers: Army, Lockers: Gymnasium Health Club, Tilters, Lifters: Drum, Bins: Storage, Bins: Shelf, Shelves: Wall, Shelves: Stacking, Shelves: Corner & Wall, Shelves: Ladder, Benches: Steel, Benches: Vise, Benches: Laboratory, Benches: Locker Room, Benches: Manual Training, Benches: Modular, Benches: Molders, Benches: Pipe Vise, Benches: Assembly, Benches: Push, Benches: Sewing, Benches: Shop, Benches: Draw, Benches: Die Work, Benches: Cutting, Benches: Cleanroom, Baskets: Perforated Metal, Baskets: Locker & Locker Room, Baskets: Material Handling, Baskets: Metal, Baskets, Baskets: Steel, Ladders: Rolling, Ladders, Casters: Rubber Tired, Casters: Rubber Wheel, Casters: Socket, Casters: Industrial, Casters: Piano, Casters: Plastic, Casters: Ball Bearing, Casters: Brake, Casters: Fibre Wheel, Casters: Furniture, Casters: Grooved Wheel, Casters: Swivel, Casters: Wheel, Casters: Vehicle, Cleanroom Equipment, Platforms: Ladder, Platforms, Dividers, Carriers: Drum & Cylinder, Carriers: Garment, Shop Equipment, Bins: Packing, Mailroom Equipment, Stations: Work, Containers, Containers: Metal, Die Handling Equipment, Shelving: Tool Room, Shelving: Computer Tape, Shelving: Printed Circuit Board, Shelving: Mobile, Shelving: Revolving, Shelving: Steel, Shelving: Basket, Shipping Room Equipment & Supplies, Can Handling Systems, Attachments: Lift Truck, Sheet Metal Fabrication, Apparel Handling Equipment, Tops: Laboratory Furniture, Bins: Hardware, Framing: Metal, Forming: Metal, Welding Accessories & Supplies, Steel Fabrication, Tops: Furniture, Bins: Factory Stockroom Steel, Bins: Factory Stockroom Plastic, Metal Fabricators, Storage Equipment: Tool Room, Computer Furniture, Truck Conversion & Extension Units, Contract Manufacturing, Tops: Counter, Bins: Chip, Turntables: Truck, Tops: Butcher Block, Tops: Bench, Bins: Bulk Material, Legs: Bench, Inclinators, Bins: Assembly, Material Handling Equipment, Fabricators, Stools: Utility, Stands: Machine, Stands: Packing, Stands: Tire, Stands: Floor, Stands: Test, Stands: Barrel & Drum Draining, Stands: Tool, Stands: Tray, Stands: Bench Back, Stands: Stock, Stands: Table, Trucks: Food Service, Trucks: Dolly, Trucks: Dump, Trucks: Drum Handling, Trucks: Machine Shop, Trucks: Folding Chair & Table, Trucks: Die Handling, Trucks: Department Store, Trucks: Container Handling, Trucks: Cylinder, Trucks: Carpet, Trucks: Baggage, Trucks: Bakery, Trucks: Barrel, Trucks: Basket, Trucks: Book, Trucks: Bottle, Trucks: Can, Trucks: Box Body, Trucks: Industrial, Trucks: Hospital, Trucks: Glass, Trucks: Heavy Duty, Trucks: Garment, Trucks: Electrical Equipment, Trucks: Platform, Trucks: Reel Handling, Trucks: Laundry, Trucks: Lift Hand Electric, Trucks: Lift, Trucks: Lift Hand Hydraulic, Trucks: Pipe, Trucks: Post Office, Trucks: Elevating Table Portable, Trucks: Security, Trucks: Shelf, Trucks: Skid Handling, Trucks: Order Picking, Trucks: Special, Trucks: Steel Body, Trucks: Tilt, Trucks: Tote Box, Trucks: Tool, Trucks: Welding, Trucks: Logging & Lumber, Trucks: Packing House, Trucks: Transfer, Trucks: Tray, Trucks: Printed Circuit Board, Trucks: Panel, Hoists: Drum & Barrel, Slings: Drum, Plates: Gage, Plates: Aluminum, Plates: Electric Switch & Outlet, Risers: Cast Iron & Steel, Chutes: Steel, Machinery: Tiering, Tables: Cleanroom, Tables: Compaction, Tables: Crossed Roller, Tables: Cutting & Trimming, Tables: Iron & Steel, Tables: Layout, Tables: Laboratory, Tables: Elevating, Tables: Drill Press, Tables: Factory, Tables: Work, Tables: Welding, Tables: Sheet Feeding, Tables: Steel, Tables: Rotary, Tables: School, Tables: Positioning, Tables: Machine, Tables: Mail Sorting, Tables: Office, Tables: Packing House, Tables: Butcher Block, Bases & Frames: Machine, Drums: Hoist, Trays: Battery, Trays: Assembly, Trays: Tool, Trays: Stainless Steel, Trays: Metal, Trays: Shop & Factory, Hoists, Hooks: Swivel, Hooks: Hoist, Boxes: Storage, Boxes: Metal Locking, Boxes: Tote Steel, Boxes: Material Handling, Boxes: Tote, Boxes: Tool, Boxes: Steel, Boxes: Stacking, Boxes: Shop, Boxes: Metal, Boxes: Hinged Cover Metal, Hooks, Boxes, Lifts: Hydraulic, Vises, Desks: Steel, Desks: Metal, Desks: Laboratory, Desks: Mailing Steel, Desks: Filing, Desks: Control, Racks: Storage, Racks: Stock, Racks: Adjustable, Racks: Assembly, Racks: Desk Organizer, Racks: Warehouse, Racks: Die, Racks: Open Steel, Racks: Printed Circuit Board, Racks: Pattern Storage, Racks: Industrial Material Storage, Racks: Barrel Storage, Racks: Barrel & Drum Draining, Racks: Bakery, Racks: Box, Racks: Battery, Racks: Laboratory, Racks: Frame, Racks: Drum Storage, Racks: Material Handling, Racks: Can, Racks: Casing Drill Pipe & Tubing, Racks: Tote Pan, Racks: Pallet, Racks: Package, Racks: Tire, Carts: Baggage, Carts: Cylinder, Carts: Barrel, Carts: Dump, Carts: Mailroom, Carts: Transfer, Carts: Tool, Carts: Utility, Carts: Reel Wire & Cable, Carts: Hospital, Carts: Aircraft, Carts: Battery, Carts: Printed Circuit Board, Carts: Laundry, Carts:

Laboratory, Carts: Instrument Handling, Carts: Industrial, Bases: Table

Pucel ENTERPRISES INC.

Located At:
1440 East 36th Street ~ Cleveland, Ohio 44114
FOR A DISTRIBUTOR NEAR YOU CALL
1-800-336-4986

Grizzly
Manufactured By
PUCEL ENTERPRISES, inc
Since 1949

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Company Profile
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Click on images and item names for details and online ordering

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Go To Order Form

CABINETS

DESKS

CABINET WORK BENCHES

MOBILE CABINET WORK BENCHES

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STOOLS, WELDING BENCHES & STANDS

WORK BENCHES

WORK STATIONS

WORK BENCH ACCESSORIES

TABLES & CARTS

CARTS & TRUCKS

DRUM & CAN HANDLING

SHELVING & STORAGE RACKS

Stacking Rack Units Knock Down Adjustable Shelving
Extra Heavy Duty Shelving Vertical Bar Rack
Portable Rack-U-Frame Portable Twin Rack-U Frame

STACKING RACK UNITS

to top

picture shows
2 units stacked

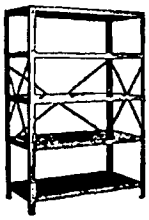
For space saving economical storage. Stock can stored in bundles or individual pieces.

SRU Series

Order On

HEAVY DUTY KNOCK DOWN ADJUSTABLE SHELVING

to top



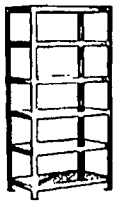
Extremely rugged to hold heavy loads. May be e as individual units or in a row. Extra shelves may added. Pads on bottom of legs protect floors. Bolt construction. Shipped knocked down complete wi assembly hardware.

DR Series

Order On

EXTRA HEAVY DUTY SHELVING

to top



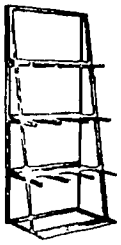
All Welded, used for tools, dies, and other heavy material. May be used as individual units or bolte rows. Pads on bottom of legs protect floors. Six 1 gauge steel shelves with 10" clearance can be ch to meet your specifications. 65" overall height.

PE Series

Order On

VERTICAL BAR RACK

to top



Provides most efficient storage in limited areas a near jobs for tubing, pipe, rods, etc. Includes four gauge tray type shelves for short pieces. 84"H 36 24"D from base. Extension beyond front posts 6", 3/8", second 10", third 14". The arms extend 8" b each shelf for separation of stock.

HOME

VB-3684

PORTABLE RACK-U-FRAME

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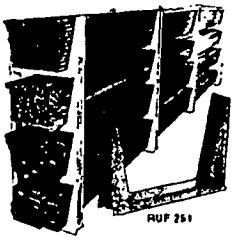
to top



U.S. PATENT NO.3,581,907
CANADIAN PATENT 930334
Completely assembled ready for use. Formed for strength and stacking tiers. Carrying handle for st and convenience. Sold individually and used in a combination to meet your needs. For maximum c and safety, the units should be installed on a soli smooth surface, evenly spaced 20 ft., and stacke maximum of four high.

RUF-251

PORTABLE TWIN RACK-U-FRAME

Order On
to top

Used in multiples with fork lifts, as required to pro length and tier height needed for storage. Can be stacked a maximum of four high.

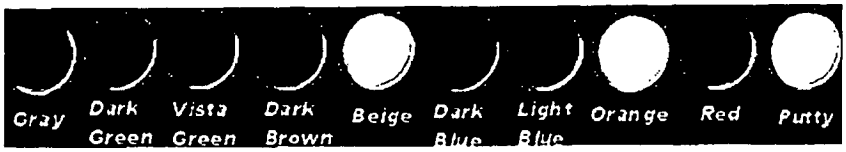
RUF Series

Order On

Stacking Rack Units **Knock Down Adjustable Shelving**
Extra Heavy Duty Shelving **Vertical Bar Rack** **Portable Rack-U-Frame**
Portable Twin Rack-U Frame

Grizzly Color Chart

You may choose any color below at no additional charge.
Or we can match any color to fit your application for a minimum charge.



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WORK BENCHES

WORK STATIONS

WORK BENCH ACCESSORIES

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Our innovative product line and engineering technology has made Pucel Enterprises, Inc. the industry leader for over 50 years in the material handling & industrial field. We are family owned and operated. Our products are all-welded, heavy duty construction - ready for use. We offer 10 standard colors to suit your needs at no additional cost, and can match most colors to fit your application at a minimal charge.

In addition to our standard line, we offer custom built products fabricated to your requirements. With sketches or prints, our staff can work with you in design & pricing. We can also modify any of our standard line to fit your needs.

Thanks to our dedicated customers we are setting the standard in the industry.

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Product #	Product	Unit Price
BSD-24120	Work Bench. Capacity:3000 lbs.;Depth:24 in.;Overall Height:32 1/2 in.;Recno:287761;Weight:272 lb...	$479.00
BSD-2448	Work Bench. Capacity:3000 lbs.;Depth:24 in.;Overall Height:32 1/2 in.;Recno:287757;Weight:151 lb...	$274.00
BSD-2460	Work Bench. Capacity:3000 lbs.;Depth:24 in.;Overall Height:32 1/2 in.;Recno:287758;Weight:168 lb...	$300.00
BSD-2472	Work Bench. Capacity:3000 lbs.;Depth:24 in.;Overall Height:32 1/2 in.;Recno:287759;Weight:186 lb...	$326.00
BSD-2496	Work Bench. Capacity:3000 lbs.;Depth:24 in.;Overall Height:32 1/2 in.;Recno:287760;Weight:240 lb...	$432.00
BSD-28120	Work Bench. Capacity:3000 lbs.;Depth:28 in.;Overall Height:32 1/2 in.;Recno:287766;Weight:292 lb...	$513.00
BSD-2848	Work Bench. Capacity:3000 lbs.;Depth:28 in.;Overall Height:32 1/2 in.;Recno:287762;Weight:158 lb...	$291.00
BSD-2860	Work Bench. Capacity:3000 lbs.;Depth:28 in.;Overall Height:32 1/2 in.;Recno:287763;Weight:176 lb...	$321.00
BSD-2872	Work Bench. Capacity:3000 lbs.;Depth:28 in.;Overall Height:32 1/2 in.;Recno:287764;Weight:196 lb...	$356.00
BSD-2896	Work Bench. Capacity:3000 lbs.;Depth:28 in.;Overall Height:32 1/2 in.;Recno:287765;Weight:254 lb...	$461.00
BSD-34120	Work Bench. Capacity:3000 lbs.;Depth:34 in.;Overall Height:32 1/2 in.;Recno:287771;Weight:317 lb...	$567.00
BSD-3448	Work Bench. Capacity:3000 lbs.;Depth:34 in.;Overall Height:32 1/2 in.;Recno:287767;Weight:177 lb...	$315.00
BSD-3460	Work Bench. Capacity:3000 lbs.;Depth:34 in.;Overall Height:32 1/2 in.;Recno:287768;Weight:197 lb...	$351.00
BSD-3472	Work Bench. Capacity:3000 lbs.;Depth:34 in.;Overall Height:32 1/2 in.;Recno:287769;Weight:213 lb...	$390.00
BSD-3472-B	Work Bench. 12 Containers Of Size -1:7	$1275.00

	L x 4 W x 3 H in.;12 Containers Of Size:11 L x 6 W x 5 H i...	
BSD-3496	Work Bench. Capacity:3000 lbs.;Depth:34 in.;Overall Height:32 1/2 in.;Recno:287770;Weight:277 lb...	$496.00

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Product_#	Product	Unit Price
W-2448	Knock Down Work Bench. Depth:24 in.;Overall Heigth:34 1/4 in.;Recno:287781;Weight:107 lbs.;Width...	$224.00
W-2448	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Heigth:34 1/4 in.;Recno:287781;Weight:107 l...	$249.00
W-2460	Knock Down Work Bench. Depth:24 in.;Overall Height:34 1/4 in.;Recno:287782;Weight:124 lbs.;Width...	$261.00
W-2460	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Height:34 1/4 in.;Recno:287782;Weight:124 l...	$286.00
W-2472	Knock Down Work Bench. Depth:24 in.;Overall Height:34 1/4 in.;Recno:287783;Weight:138 lbs.;Width...	$296.00
W-2472	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Height:34 1/4 in.;Recno:287783;Weight:138 l...	$321.00
W-30120	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287788;Weight:264 lbs.;Width...	$573.00
W-30120	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287788;Weight:264 l...	$608.00
W-30144	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287789;Weight:296 lbs.;Width...	$805.00
W-30144	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287789;Weight:296 l...	$840.00
W-3048	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287784;Weight:127 lbs.;Width...	$265.00
W-3048	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287784;Weight:127 l...	$290.00
W-3060	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287785;Weight:147 lbs.;Width...	$310.00
W-3060	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287785;Weight:147 l...	$335.00
W-3060-CD	Cabinet Drawer Work Bench. Overall	$820.00

		Height:33 1/2 in.;Recno:287538;Top Dimension:30 x 60 x 1 3/4 ...	
	W-3072	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287786;Weight:166 lbs.;Width...	$354.00
	W-3072	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287786;Weight:166 l...	$379.00
	W-3096	Knock Down Work Bench. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287787;Weight:226 lbs.;Width...	$476.00
	W-3096	Knock Down Work Bench - Set Up. Depth:30 in.;Overall Height:34 1/4 in.;Recno:287787;Weight:226 l...	$511.00
	W-36120	Knock Down Work Bench. Depth:36 in.;Overall Height:34 1/4 in.;Recno:287794;Weight:295 lbs.;Width...	$652.00

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Product_#	Product	Unit Price
KD-2448	Knock Down Work Bench. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287796;Weight:107 lbs.;Width...	$153.00
KD-2448	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287796;Weight:107 l...	$178.00
KD-2460	Knock Down Work Bench. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287797;Weight:120 lbs.;Width...	$171.00
KD-2460	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287797;Weight:120 l...	$196.00
KD-2472	Knock Down Work Bench. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287798;Weight:134 lbs.;Width...	$189.00
KD-2472	Knock Down Work Bench - Set Up. Depth:24 in.;Overall Height:32 1/2 in.;Recno:287798;Weight:134 l...	$214.00
KD-2848	Knock Down Work Bench. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287799;Weight:118 lbs.;Width...	$168.00
KD-2848	Knock Down Work Bench - Set Up. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287799;Weight:118 l...	$193.00
KD-2860	Knock Down Work Bench. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287800;Weight:132 lbs.;Width...	$190.00
KD-2860	Knock Down Work Bench - Set Up. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287800;Weight:132 l...	$215.00
KD-2872	Knock Down Work Bench. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287801;Weight:148 lbs.;Width...	$215.00
KD-2872	Knock Down Work Bench - Set Up. Depth:28 in.;Overall Height:32 1/2 in.;Recno:287801;Weight:148 l...	$240.00
KD-3448	Knock Down Work Bench. Depth:34 in.;Overall Height:32 1/2 in.;Recno:287802;Weight:132 lbs.;Width...	$190.00
KD-3448	Knock Down Work Bench - Set Up. Depth:34 in.;Overall Height:32 1/2 in.;Recno:287802;Weight:132 l...	$215.00
KD-3460	Knock Down Work Bench. Depth:34	$218.00

		in.;Overall Height:32 1/2 in.;Recno:287803;Weight:148 lbs.;Width...	
	KD-3460	Knock Down Work Bench - Set Up. Depth:34 in.;Overall Height:32 1/2 in.;Recno:287803;Weight:148 l...	$243.00
	KD-3472	Knock Down Work Bench. Depth:34 in.;Overall Height:32 1/2 in.;Recno:287804;Weight:164 lbs.;Width...	$245.00
	KD-3472	Knock Down Work Bench - Set Up. Depth:34 in.;Overall Height:32 1/2 in.;Recno:287804;Weight:164 l...	$270.00

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Product_#	Product	Unit Price
HBS-28120-E16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1903.00
HBS-28120-E8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1874.00
HBS-28120-M12	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1541.00
HBS-28120-M16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1555.00
HBS-28120-M8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1526.00
HBS-2848-E12	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1456.00
HBS-2848-E16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1470.00
HBS-2848-E8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1441.00
HBS-2848-M12	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1057.00
HBS-2848-M16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1071.00
HBS-2848-M8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1042.00
HBS-2860-E12	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1478.00
HBS-2860-E16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1492.00
HBS-2860-E8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1463.00
HBS-2860-M12	Ergonomic Hydraulic Work Bench.	$1079.00

		Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	
☐	HBS-2860-M16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1093.00
☐	HBS-2860-M8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1064.00
☐	HBS-2872-E12	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1505.00
☐	HBS-2872-E16	Ergonomic Hydraulic Work Bench. Capacity:750 lbs.;Description:With Steel Top;Height Adjustment:1...	$1519.00
☐	HBS-2872-E8	Ergonomic Hydraulic Work Bench. Capacity:1000 lbs.;Description:With Steel Top;Height Adjustment:...	$1490.00

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Thomas Register Product Headings: Trucks, Cabinets, Benches, Carts, Trucks: Hand, Cabinets: Tool, Benches: Work, Trucks: Factory Warehouse Shop Industrial, Tables, Cabinets: Portable, Drum Handling Equipment, Carts: Hand, Desks, Workstations, Workstation Benches & Cabinets, Cabinets: Storage, Cabinets: Shop, Cabinets: Metal, Cabinets: Gas Cylinder, Cradles: Barrel & Drum, Drawers, Lockers, Lockers: Steel, Lockers: Storage, Benches: Cabinet, Shelving: Storage, Shelving, Tables: Hydraulic Lift, Tables: Lift, Desks: Shop, Desks: Office, Carts: Stock, Carts: Push, Racks, Workstations: Adjustable, Cradles: Drum, Cabinets: Metal Steel, Chutes: Package Baggage Merchandise, Cabinets & Cases: Map Chart, Trucks: Food Restaurant, Trucks: Brick Tile, Racks: Bar Rod Pipe Tube, Work Tables: Stainless Steel, Racks: Clothing Garment Apparel, Racks: Tool Shop Factory, Boxes: Shelf Stock Parts, Benches: Woodworking, Workstations: ESD, Trucks: Oven, Trays, Tops, Bins, Rollers, Hoppers, Hand Trucks, Racks: Boltless, Workbenches, Boxes: Bin, Racks: Bin, Workstations: Industrial, Lifters, Carts: Housekeeping & Janitorial, Workstations: Computer, Desks: Computer, Furniture: Mailroom, Dumpers: Drum, Stands: Automotive Repair, Benches: Automotive Repair, Casters, Furniture: Wall Unit & Wall System, Computer Cabinets: Space Saving Security, Cabinets: Computer, Workstations: Electronic, Trucks: Narrow

Aisle, Stands, Trucks: Janitors, Stools, Carts: Television Set VCR A/V Equipment, Cabinets: Drawer, Factory Equipment, Tops: Veneered, Furniture: Laboratory, Furniture: Metal, Furniture: School, Furniture: Office, Furniture: Shop, Enclosures: Sheet Metal, Cabinets: Utility, Cabinets: Towel Supply, Cabinets: Test, Cabinets: Small Parts, Cabinets: Steel, Cabinets: Slide, Cabinets: Office, Cabinets: Paint Storage, Cabinets: Hospital, Cabinets: Laboratory, Cabinets: Instrument, Cabinets: Flammable Liquids Storage, Cabinets: Filing, Cabinets: Drafting Room, Cabinets: Display, Cabinets: Blueprint, Dumpers, Cradles: Pipe, Drawers: Small Parts Storage, Drawers: Modular, Dollies: Pallet, Dollies, Dollies: Cable Reel, Dollies: Contractors, Dollies: Drum, Dollies: Industrial & Warehouse, Dollies: Jet Engine Assembly, Dollies: Wheel, Dollies: Plate Glass, Dollies: Steel, Dollies: Pipe, Rollers: Drum, Holders: Tool Hand, Hoppers: Parts Handling, Lockers: Ship, Lockers: Railroad & Bus Station Airport, Lockers: Built-In, Lockers: Clothing, Lockers: Foot, Lockers: Army, Lockers: Gymnasium Health Club, Tilters, Lifters: Drum, Bins: Storage, Bins: Shelf, Shelves: Wall, Shelves: Stacking, Shelves: Corner & Wall, Shelves: Ladder, Benches: Steel, Benches: Vise, Benches: Laboratory, Benches: Locker Room, Benches: Manual Training, Benches: Modular, Benches: Molders, Benches: Pipe Vise, Benches: Assembly, Benches: Push, Benches: Sewing, Benches: Shop, Benches: Draw, Benches: Die Work, Benches: Cutting, Benches: Cleanroom, Baskets: Perforated Metal, Baskets: Locker & Locker Room, Baskets: Material Handling, Baskets: Metal, Baskets, Baskets: Steel, Ladders: Rolling, Ladders, Casters: Rubber Tired, Casters: Rubber Wheel, Casters: Socket, Casters: Industrial, Casters: Piano, Casters: Plastic, Casters: Ball Bearing, Casters: Brake, Casters: Fibre Wheel, Casters: Furniture, Casters: Grooved Wheel, Casters: Swivel, Casters: Wheel, Casters: Vehicle, Cleanroom Equipment, Platforms: Ladder, Platforms, Dividers, Carriers: Drum & Cylinder, Carriers: Garment, Shop Equipment, Bins: Packing, Mailroom Equipment, Stations: Work, Containers, Containers: Metal, Die Handling Equipment, Shelving: Tool Room, Shelving: Computer Tape, Shelving: Printed Circuit Board, Shelving: Mobile, Shelving: Revolving, Shelving: Steel, Shelving: Basket, Shipping Room Equipment & Supplies, Can Handling Systems, Attachments: Lift Truck, Sheet Metal Fabrication, Apparel Handling Equipment, Tops: Laboratory Furniture, Bins: Hardware, Framing: Metal, Forming: Metal, Welding Accessories & Supplies, Steel Fabrication, Tops: Furniture, Bins: Factory Stockroom Steel, Bins: Factory Stockroom Plastic, Metal Fabricators, Storage Equipment: Tool Room, Computer Furniture, Truck Conversion & Extension Units, Contract Manufacturing, Tops: Counter, Bins: Chip, Turntables: Truck, Tops: Butcher Block, Tops: Bench, Bins: Bulk Material, Legs: Bench, Inclinators, Bins: Assembly, Material Handling Equipment, Fabricators, Stools: Utility, Stands: Machine, Stands: Packing, Stands: Tire, Stands: Floor, Stands: Test, Stands: Barrel & Drum Draining, Stands: Tool, Stands: Tray, Stands: Bench Back, Stands: Stock, Stands: Table, Trucks: Food Service, Trucks: Dolly, Trucks: Dump, Trucks: Drum Handling, Trucks: Machine Shop, Trucks: Folding Chair & Table, Trucks: Die Handling, Trucks: Department Store, Trucks: Container Handling, Trucks. Cylinder, Trucks: Carpet, Trucks: Baggage, Trucks: Bakery, Trucks: Barrel, Trucks: Basket, Trucks: Book, Trucks: Bottle, Trucks: Can, Trucks: Box Body, Trucks: Industrial, Trucks: Hospital, Trucks: Glass, Trucks: Heavy Duty, Trucks: Garment, Trucks: Electrical Equipment, Trucks: Platform, Trucks: Reel Handling, Trucks: Laundry, Trucks: Lift Hand Electric, Trucks: Lift, Trucks: Lift Hand Hydraulic, Trucks: Pipe, Trucks: Post Office, Trucks: Elevating Table Portable, Trucks: Security, Trucks: Shelf, Trucks: Skid Handling, Trucks: Order Picking, Trucks: Special, Trucks: Steel Body, Trucks: Tilt, Trucks: Tote Box, Trucks: Tool, Trucks: Welding, Trucks: Logging & Lumber, Trucks: Packing House, Trucks: Transfer, Trucks: Tray, Trucks: Printed Circuit Board, Trucks: Panel, Hoists: Drum & Barrel, Slings: Drum, Plates: Gage, Plates: Aluminum, Plates: Electric Switch & Outlet, Risers: Cast Iron & Steel, Chutes: Steel, Machinery: Tiering, Tables: Cleanroom, Tables: Compaction, Tables: Crossed Roller, Tables: Cutting & Trimming, Tables: Iron & Steel, Tables: Layout, Tables: Laboratory, Tables: Elevating, Tables: Drill Press, Tables: Factory, Tables: Work, Tables: Welding, Tables: Sheet Feeding, Tables: Steel, Tables: Rotary, Tables: School, Tables: Positioning, Tables: Machine, Tables: Mail Sorting, Tables: Office, Tables: Packing House, Tables: Butcher Block, Bases & Frames: Machine, Drums: Hoist, Trays: Battery, Trays: Assembly, Trays: Tool, Trays: Stainless Steel, Trays: Metal, Trays: Shop & Factory, Hoists, Hooks: Swivel, Hooks: Hoist, Boxes: Storage, Boxes: Metal Locking, Boxes: Tote Steel, Boxes: Material Handling, Boxes: Tote, Boxes: Tool, Boxes: Steel, Boxes: Stacking, Boxes: Shop, Boxes: Metal, Boxes: Hinged Cover Metal, Hooks, Boxes, Lifts: Hydraulic, Vises, Desks: Steel, Desks: Metal, Desks: Laboratory, Desks: Mailing Steel, Desks: Filing, Desks: Control, Racks: Storage, Racks: Stock, Racks: Adjustable, Racks: Assembly, Racks: Desk Organizer, Racks: Warehouse, Racks: Die, Racks: Open Steel, Racks: Printed Circuit Board, Racks: Pattern Storage, Racks: Industrial Material Storage, Racks: Barrel Storage, Racks: Barrel & Drum Draining, Racks: Bakery, Racks: Box, Racks: Battery, Racks: Laboratory, Racks: Frame, Racks: Drum Storage, Racks: Material Handling, Racks: Can, Racks: Casing Drill Pipe & Tubing, Racks: Tote Pan, Racks: Pallet, Racks: Package, Racks: Tire, Carts: Baggage, Carts: Cylinder, Carts: Barrel, Carts: Dump, Carts: Mailroom, Carts: Transfer, Carts: Tool, Carts: Utility, Carts: Reel Wire & Cable, Carts: Hospital, Carts: Aircraft, Carts: Battery, Carts: Printed Circuit Board, Carts: Laundry, Carts: Laboratory, Carts: Instrument Handling, Carts: Industrial, Bases: Table

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EXTRA HEAVY DUTY STORAGE CABINETS

to top

Each unit is constructed of 12 gauge sides, 14 gauge reinforced shelves and bottom. All models include one fixed shelf. All other shelves are adjustable on 4" centers. Keyed handle included. Extra shelves available at additional charge. 1500 lb. Capacity per shelf

HDSC Series

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EXTRA HEAVY DUTY STORAGE BIN CABINETS

to top

This unit is constructed of 12 gauge sides, 14 gauge reinforced shelf and bottom. All models have one fixed center shelf. All containers hang on mounting panels welded to cabinet back to easily remove and interchange the containers.

HDSC-3672-B

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STORAGE BIN CABINETS

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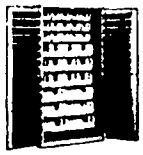

All welded construction with 12ga. sides. 16ga. louvered panels mounted to cabinet back and inside doors. Cabinet is complete with shelf clips for addition of shelves adjustable on 2" centers. Double swing doors to be equipped with 3 point locking mechanism and chromed locking handle.

HDSC-367224-BD

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BI-FOLD DOOR CABINET

to top

Cabinet has bi-fold doors that project only 9" when open. Doors have a 3-point lock mechanism with a built in cylinder lock and 2 keys. All welded, fully assembled.

BDSC Series

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GAS CYLINDER STORAGE

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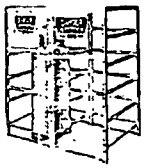

Store flammables, LP gas cylinders for plant safety. Expanded metal open air design. Protects cylinders. Hinged lockable doors prevent tampering and theft. Complete with safety signs. Finish: Safety yellow, unless otherwise specified.

GCSC Series UGCSC Series

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HEAVY DUTY TOOL CABINET

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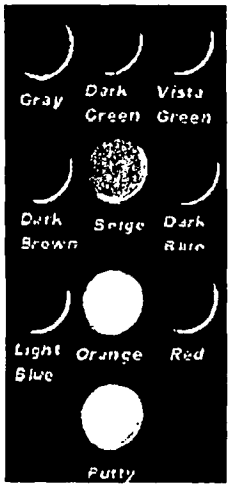

Or we can match any color to fit your application for a minimum charge.

Unit equipped with padlock hasp and keyed handle for extra security. 12 gauge top, bottom and door.

HDTC-2442
STORAGE BIN CABINET CABINET

Order Online
to top

High at back and tapers to 6" high at front. Furnished with plain handle. Keyed handle is available at additional cost.

SBT-3672
BOOK SHELF STORAGE CABINET

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to top

Unit is constructed of 16 gauge steel. There are two fixed shelves 12" deep, on top for storage of books and catalogs. Cabinet below has three fixed shelves, 10" clearance. Furnished with keyed handle.

BSC-3675
WARDROBE STORAGE CABINET

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to top

These units are all welded, construction of heavy gauge steel. Each model includes a keyed handle. optional padlock hasp available at an additional charge. Drawer unit # 1416-4 also available.

WSC-3672 w/ 1416-4 Drawer Unit SERIES

WSC-3672 SERIES

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Heavy Duty Tool	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/cabinet.htm#tool
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TABLES & CARTS
CARTS & TRUCKS
DRUM & CAN HANDLING
STORAGE RACKS

CABINET WORK BENCH

Base Cabinet Work Bench Cabinet Drawer Work Bench
Cabinet Work Bench

BASE CABINET WORK BENCH

to top

Steel, laminate, composition, or maple wood top for standard or particular requirements. Bench tops can be finished with side & back stops and risers.

CDB-3060-W
CB, DB, CDB, Series

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CABINET DRAWER WORK BENCH

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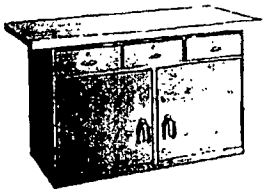

This bench provides a large working space with plenty of storage. There are three drawers mounted side by side with cylinder locks. These are 14241 drawers. Cabinet has two doors with one fixed shelf, which is centered. Doors with keyed handle. Maple wood top. Also available with optional composition or laminate top. 33 1/2" overall height.

W-3060-CD

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CABINET WORK BENCH

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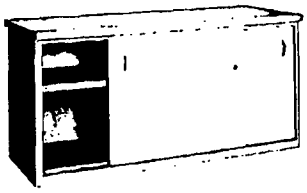

Steel, laminated, composition or maple wood tops. With or without sliding doors. Sliding doors are factory installed, equipped with cylinder lock and two keys. Shelves adjustable on 4" centers. Side and back stops, bench risers, can be added. Base is 25" deep. All models are 34" overall height. Various models available, with or without shelves & sliding doors.

CW-3072-SD
CS, CW Series

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Base Cabinet Work Bench Cabinet Drawer Work Bench
Cabinet Work Bench

Grizzly Color Chart
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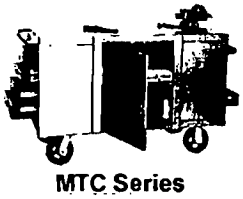

MTC Series

Bench furnished with two nine drawer tool cabinets for the storage of tools, parts, and other items. Equipped with a keyed handle on the compartment doors and a cylinder lock on the tool cabinets for extra security. Options available at an additional charge: machinists vise & floor lock.

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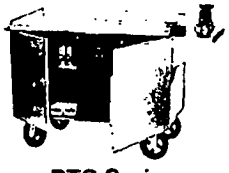

PTC Series

Bench furnished with a nine drawer tool cabinet for the storage of tools, parts, and other items. Sides and back stops prevent objects from falling off work area. Equipped with a keyed handle on the door & a cylinder lock on the tool cabinet for extra security. Options available at an additional charge: machinists vise, floor lock, 3/16 steel plate top.

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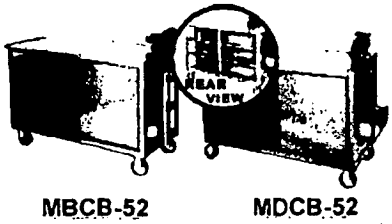

MBCB-52 Door model
MDCB-52 Drawer model
Additional Shelf

All welded steel rolling bench has a strong 14 gauge work surface. Locking tool chest has 9 drawers. Two swivel and two rigid polyurethane wheel casters for easy maneuverability on all floor surfaces. Options available at an additional charge: machinist vise, floor lock.

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MOBILE 3-DRAWER DOOR CABINET

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MDD-2448
Capacity:
2000 lbs. | 2400 lbs.

Drawers with individual key and locks and hinged door with locking handle. Offset tubular handle and two rigid, two swivel rubber tired roller bearing wheels for easy maneuverability.

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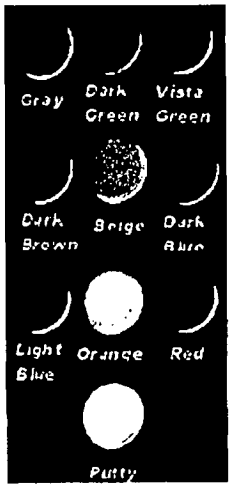
You may choose any color below at no additional charge



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PORTABLE DRAWER & DOOR CABINET *to top*

Semi steel or polyurethane casters for easy maneuverability. Optional keyed handle on door or cylinder locks on drawers available at an additional charge.

PUB- Series
Casters:
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BP-2536

Drawer with tool tray. Large compartment for storing bulky items. 12 gauge steel top strong enough to mount a vise. Available options: maple top, side and back stops, extra drawer units, floor lock, 3/16" steel plate top.

BP-36
w/ 1416-4 drawer

BP-36

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STANDING SHOP DESKS

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1236 with P-66

Open body desk. Some models include drawers. With optional P-36 pigeon hole unit 53"H; P66 pigeon hole unit 57"H. Optional cylinder locks on drawers available at an additional charge. Various models available, with or without drawer units and pigeon hole unit.

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SHOP CABINET DESKS

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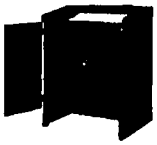
3236 with P-36

Enclosed body desk comes complete with doors and shelves. Some models include drawers. With optional P 36 pigeon hole unit 53"; P66 pigeon hole unit 57". Optional cylinder locks in drawers and keyed handle in door available at an additional charge.



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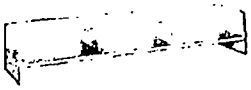

P-36
Three 4" x 12" openings x 9" deep. Overall length 36" Overall height 7" Ship wt. 15 lbs.

P-66
Six 4" x 12" openings x 9" deep. Overall length 36" Overall height 11" Ship wt. 24 lbs.

P-36 & P-66

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FILING CABINET DESK

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Unique multi-purpose desk features standard three drawer letter size locking filing cabinet on right side. Locking desk drawer. Bottom shelf on left side. 1/4 " Acrylic mounted over steel top. Pigeon hole unit.

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FCD-2839

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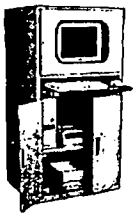

Enclosed all steel work station protects equipment from many types of industrial environments. A clear plexiglass upper door with cylinder lock, keeps monitor clean and secure. Ventilated space for monitor and CPU. Pullout keyboard shelf. Lower cabinet with cylinder lock has adjustable shelf and lower pullout shelf. Computer equipment & monitor not included.

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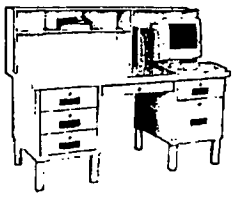

Desk is equipped with steel top, double pedestal, six spacious drawers, each with cylinder locks. Drawers slide on ball bearing steel rollers. Desk also includes a convenient pigeon hole unit.

SD-2860

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TABLES & CARTS

Utility Tables/Carts SER Series TC, TEC Series Mobile Table/Cart
Hydraulic Lift Table Portable Writing Table/Cart

UTILITY TABLES & CARTS

to top

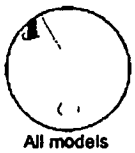
SC

SDC

These all welded tables include back and side stops on shelves to prevent parts and other items from rolling off. Steel pads on legs prevent floor marks. Sturdy deep drawers furnished with padlock loops. Drawer size 14"W x 16"D x 5"H. Cylinder lock available at additional charge.

SC3

S2DC



All models available w/ floor pads

SD3C

S3DC

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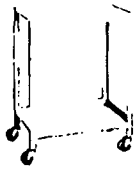
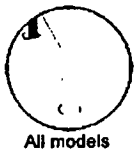
TC, TEC Series





All models available w/ floor pads

A durable service table for holding parts and transporting items. Available with 2 or 3 shelves.

TC, TEC Series

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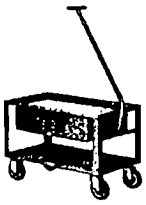
SER Series



SER Series

Cart dimensions 15"W x 28"L x 20 1/2"H. Handle 32" long. Tray shelves 1" deep. Drawers complete with drawer slides on ball bearing steel rollers and padlock hasp.

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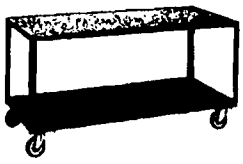
to top

MOBILE TABLE / CART

Capacity based on evenly distributed load. Designed for factory use, yet attractive enough for an office or a store. Reinforced 16 gauge shelves. All models 30" overall height. Shelf clearance: two shelf model 21", three shelf model 9 3/4".

HOME



MT Series

HYDRAULIC LIFT TOP TABLE

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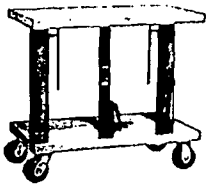

For moving dies and tools to and from work stations. The foot pedal easily adjusts the table height. Heavy, reinforced steel top 20" x 36". Floor lock holds the table firmly in place. Table can be adjusted from a range of 31" to 43" from the floor.

HLTT-36-1

PORTABLE WRITING TABLE / CART

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Table equipped with removable 1/4" pressed wood top and a 1/4" lip in front to prevent items from falling off. Unit has 8" high steel clipboard holder with a degree slope to the back.

PPET-2636

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Utility Tables/Carts SER Series TC, TEC Series Mobile Table/Cart Hydraulic Lift Table Portable Writing Table/Cart

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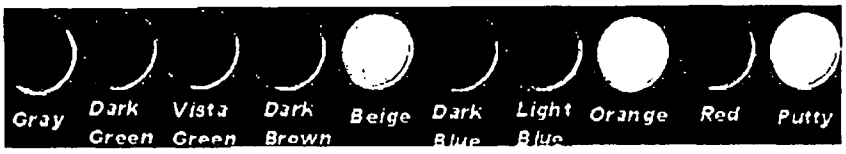

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EWS Series BSDD Series EDB Series EWB Series BSD-3472-B
FWS Series DBU Series DBU -2872-BS Series
Versatile Modular Work Bench Versatile Modular Work Bench Accessories

WORK STATIONS

WORK STATION EWS Series

to top

Each drawer can be furnished with padlock loop eyes or with a plain face. Drawers slide effortlessly on ball bearing steel rollers. Stops prevent drawers from pulling out of slides. Cabinet rest on 6" high base. There is a tool tray in each drawer 1" deep to hold small items. The bench riser shelf has a pegboard back and has an electrical outlet strip with a six foot cord.

EWS Series

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WORK STATION BSDD Series

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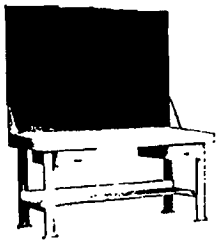

Top with back and side stops, stringer, shelf, and two drawer units. Drawer units are 14241 (14"W x 23-1/2"D x 5"H). Work bench available with 1/4" hard tempered peg board or 1/2" homosote board (please specify when ordering). Convenient homosote board and peg board back used for hanging small tools, paper work, etc. All back boards 48" high.

BSDD Series w/ Peg Board Back

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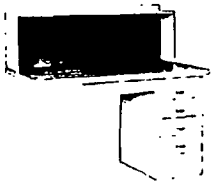

Each drawer can be furnished with padlock loop eyes or with a plain face. Drawers slide effortlessly on ball bearing steel rollers. Stops prevent drawers from pulling out of slides. Cabinet rest on 6" high base. There is a tool tray in each drawer 1" deep to hold small items. The bench riser shelf has a pegboard back and has an electrical outlet strip with a six foot cord.

EDB Series

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WORK STATION EWB Series

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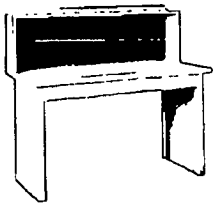
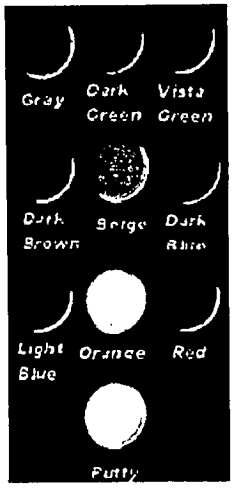


All work stations equipped with a bench riser shelf with pegboard back for hanging small items, and an electrical outlet strip wired with a six foot cord. Models come with maple, composition, steel, or laminate tops.

HOME

Grizzly Color Chart
You may choose any color below at no additional charge



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EWB Series

WORK STATION BSD-3472-B

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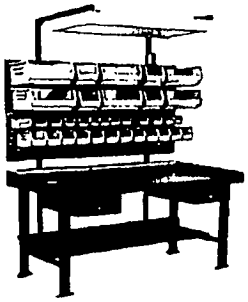

12 gauge steel top, side and back stops, and legs. 16 gauge stringers and shelves. The top, stringer, and legs are all reinforced for extra strength. Standard height of the work bench is 32-1/2" high. Benches can be made 34" high at an additional charge. Optional cylinder locks on drawers available at an additional charge. The work bench is equipped with a fluorescent light fixture (lamps included). A 72"W x 33"H back panel is included for the hanging of storage bins. An electrical outlet strip wired with a six foot cord is also included.

BSD-3472-B

WORK STATION FWS Series

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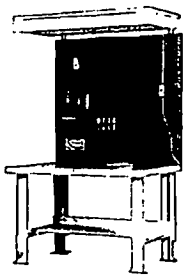

Work station equipped with bottom shelf, fluorescent light fixture with on-off switch, and 1/4" thick pegboard back. 32-1/2" high to work surface. Options available at additional charge: bench drawer units, riser, duplex receptacle outlet, and pressed wood top.

FWS Series

WORK STATION DBU Series

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Features sixteen drawers for increased storage. Drawers can be furnished with padlock loop eyes or a plain face. There is a sliding tray in each drawer to hold small items within easy reach. Models come standard with hard maple, composition, steel, or laminate tops. 34" overall height. 72" overall length. Drawer size 14"W x 23 1/2"D x 5"H. Optional cylinder locks on drawers available at an additional charge.

DBU Series

WORK STATION DBU -2872-BS Series

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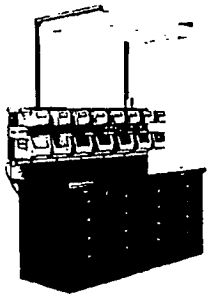

The DBU-2872-BS work bench is equipped with a fluorescent light fixture (lamps included). Unit equipped with an electrical outlet strip, wired with a six foot cord. A 72"W x 17"H panel is included for the hanging of storage bins. Model come standard with hard maple, composition, steel or laminate tops.

DBU-2872-BS

VERSATILE MODULAR WORK BENCH

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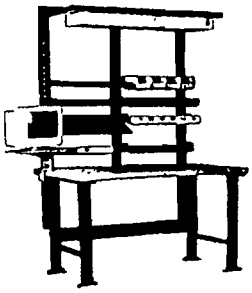
This Versatile Modular Work Bench allows you to choose components to fit your specific applications. Yet it can easily be adapted or expanded later to meet changing needs. Heavy duty construction accommodates all industrial environments. Benches come with standard stringer. A full line of bench accessories are available at an additional charge.



VMW-3060-W

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C-Series CF,CM, CT Series Machine Cabinet Stands

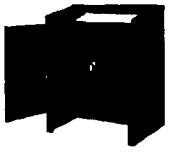
TOOL & REPAIR BENCH CABINETS

C SERIES

to top

C-1824

Heavy duty benches provide solid working surface. All models 34" to working surface. Units constructed of 1 gauge top, 14 gauge side leg panels. Two models available, two shelves with one door, and one shelf with two doors. optional extra shelves and keyed handles available at an additional charge.



C-1836

C-2448

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CF, CM, CT SERIES

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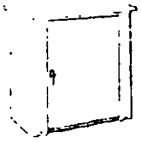
CF-Series

Rugged cabinets with tray coolant tops with pipe connection. A model for every purpose. Floor lugs to secure base to floor All drawers equipped with stops, ball bearing steel rollers, and 1" deep tool tray. Cylinder lock available at additional charge. CM Serie are without shelves.



CM-Series

CT-Series

Order Online

MACHINE CABINET STANDS

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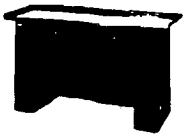
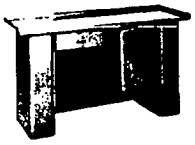


DFT-60

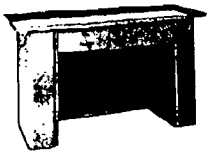


DFT-60-C

Heavy duty construction allows for work on engines, pumps and any other repair items. Can also be used for mounting lathes, grinders, drill presses etc. CT models are with coolant top, and DFT models are with

drop front. Designed for strength and appearance.

HOME



CT-60

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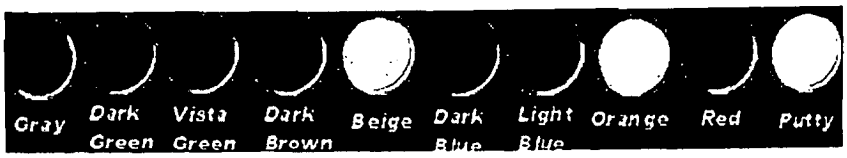

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Adjustable Dolly Drum & Can Dollies Hi-Drum & Can Dollies
Drum Dolly Truck Low Drum Truck More

ADJUSTABLE DOLLY

to top

AD Series

For round, square, rectangular or any irregular shaped container. Adjust from 14 1/4" to 191/4" or 23 1/2" to 36 1/2"

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DRUM & CAN DOLLIES

to top

82, 83

81

75, 76

Large size easy rolling wheels permit quick, safe transportatio even the heaviest loaded drums. 24" diameter holds standard gallon drums or other similar size containers. 19" diameter for gallons or smaller containers. Floor clearance 4" on all model 2" sides on 82 and 83. Available in galvanized finish for institutional, food processing & sanitary use.

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HI-DRUM & CAN DOLLIES

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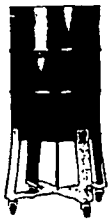

#71 with drum

These dollies provide a higher elevation for easier flow draina from drums in vertical position. They take up less space than drums in a horizontal position.

Order Onlin

DRUM DOLLY TRUCK

to top

DT Series

For transporting drums or other containers. Bracket on handle holding cable or hose. Accessory box welded to handle for storage of tools and parts. Dimensions 25"W x 33"L x 41"H. Accessory box size 6"W x 21 "L x 12"H. Bottom deck size 25 25"L x 2"D.

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LOW DRUM TRUCK

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The low drum truck has a steel tubular T handle with a low fra

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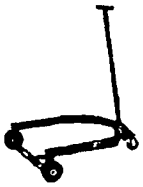

LBR-909

Because of the casters and low design, the truck maneuvers easily full barrels and drums with open tops without spilling. 2 x 33"H 1-1/2" low under slung. 8" above floor. Handles barrels to 24" diameter. LBR-909H Unit with hinged handle (available an additional charge). Ship wt. 45 lbs.

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ASSEMBLY STOOLS

Assembly Stools Welding Benches Tool Stands

LOW PORTABLE ASSEMBLY STOOLS

to top

For general maintenance and assembly use. Has drop front on second shelf for easy sliding and carrying parts and tools.

LPAS-1323 LPAS-1616

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WELDING BENCHES

GAS WELDING BENCH

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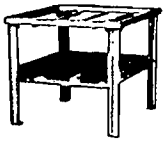

A sturdy gas welding bench for extra strength and durability. top is constructed of 12 gauge steel, capable of holding 32 fire bricks. Embossed 14 gauge steel legs. 16 gauge shelf divided into three equal sections for rod storage. Pads on bottom to protect floor. Shipped knocked down.

GW-Series

Order Online

ARC WELDING BENCHES

to top

Built for rugged service . the 12 gauge top has three flanges up and front flange down. Legs are double formed, embossed 14 gauge steel. Shelf is divided into three sections for storage of rods. Shipped knocked down, available with or without drawer.

AW-Series

Order Online

The arc welding bench can be purchased with 20 gauge steel shield. The shield comes complete with three see thru windows. Shield easily snaps on the top flange, no bolting required. The seethru welding eliminates the danger of eye flash burn while watching the welder. No need for glasses or hand shields. Also available with a solid shield. Shipped knocked down.

AWS-Series

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TOOL STANDS

HEAVY DUTY TOOL STANDS (2,000 lbs. capacity)

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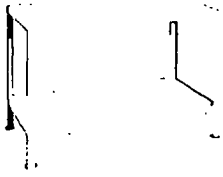

Heavy duty tool stands have a broad usage in many industries where heavier than average loads are used. Bench drawers can be added. Available with two or three shelves.

STORAGE RACKS

2448-2

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EXTRA HEAVY DUTY TOOL STANDS (3,000 lbs. capacity)

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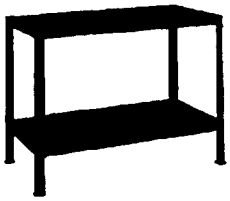

For handling heavy load requirements. All shelves are flat. Bench drawer units can be added. Various sizes available with 2 or 3 shelves.

HS Series

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Assembly Stools Welding Benches Tool Stands

Grizzly Color Chart

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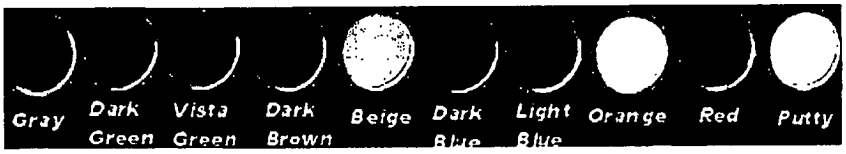

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Stacking Rack Units | Knock Down Adjustable Shelving
Extra Heavy Duty Shelving | Vertical Bar Rack
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STACKING RACK UNITS

to top

picture shows 2 units stacked

For space saving economical storage. Stock can stored in bundles or individual pieces.

SRU Series

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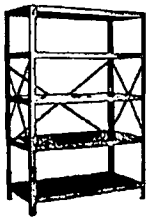
HEAVY DUTY KNOCK DOWN ADJUSTABLE SHELVING

to top



Extremely rugged to hold heavy loads. May be e as individual units or in a row. Extra shelves may added. Pads on bottom of legs protect floors. Bolt construction. Shipped knocked down complete wi assembly hardware.

DR Series

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EXTRA HEAVY DUTY SHELVING

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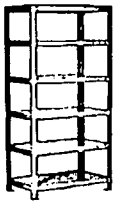

All Welded, used for tools, dies, and other heavy material. May be used as individual units or bolte rows. Pads on bottom of legs protect floors. Six 1 gauge steel shelves with 10" clearance can be ch to meet your specifications. 65" overall height.

PE Series

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VERTICAL BAR RACK

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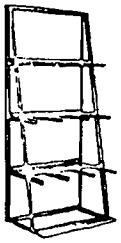

Provides most efficient storage in limited areas a near jobs for tubing, pipe, rods, etc. Includes four gauge tray type shelves for short pieces. 84"H 36 24"D from base. Extension beyond front posts 6", 3/8", second 10", third 14". The arms extend 8" b each shelf for separation of stock.

HOME

VB-3684

PORTABLE RACK-U-FRAME

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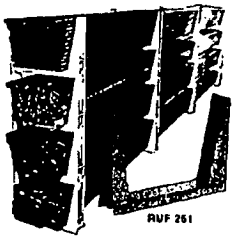

U.S. PATENT NO:3,581,907
CANADIAN PATENT 930334
Completely assembled ready for use. Formed for strength and stacking tiers. Carrying handle for st and convenience. Sold individually and used in a combination to meet your needs. For maximum c and safety, the units should be installed on a soli smooth surface, evenly spaced 20 ft., and stacke maximum of four high.

RUF-251

PORTABLE TWIN RACK-U-FRAME

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Used in multiples with fork lifts, as required to pro length and tier height needed for storage. Can be stacked a maximum of four high.

RUF Series

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Stacking Rack Units Knock Down Adjustable Shelving
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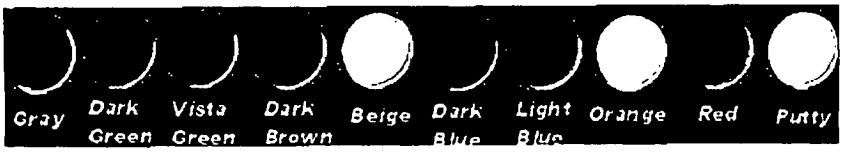

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Knock Down Work Benches Knock Down Steel Work Benches
Ergonomic Benches Hydraulic Lift Top Table

WORK BENCHES

STANDARD WORK BENCH

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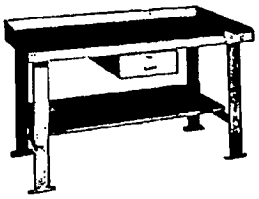

All models constructed of 12 gauge steel tops, back and side stops, and legs; 16 gauge stringers and shelves. The top, stringer, and legs are all reinforced for additional strength. Standard height of the work benches is 33/2" high. Benches can be made 34" high at an additional charge. All benches 96" or longer have three bench legs. Various models available.

BSD Series

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KNOCK DOWN WORK BENCHES

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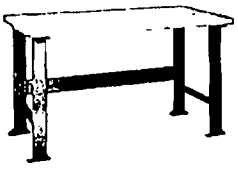

These benches available with hard maple, composition or laminate top, two bench legs, and one stringer. A third leg is added for units 96" or longer. Bench includes bolts, nuts, lag screws, and washers. All parts are provided for easy assembly. Options available at an additional charge: bench risers, side and back stops, shelves, bench drawer units, and bench cabinet units.

W Series

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KNOCK DOWN STEEL TOP WORK BENCHES

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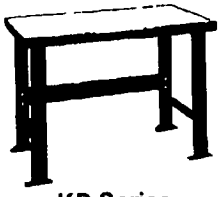

Reinforced welded top designed with channels for drawer hanger attachment. Sturdy reinforced legs with floor pads that can be anchored to the floor. Bolts, washers, and nuts are furnished. Elongated holes facilitate fast assembly. Top and legs are constructed of 12 gauge steel, stringers of 16 gauge. Options available.

KD Series

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ERGONOMIC BENCHES

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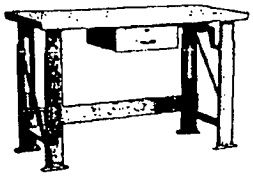

These ergonomic benches allow operators to adjust their work surface to accommodate specific height needs with ease. Available with manual crank handle or electric. The manual crank folds under bench when not in use. The electric unit can adjust height with the push of a button.

HBS-2848
Shown with optional drawer unit

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HYDRAULIC LIFT TOP TABLE

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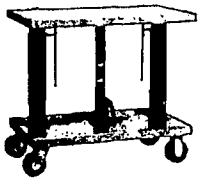

HLTT-36-1

For moving dies and tools to and from work stations. The foot pedal easily adjusts the table height. Heavy, reinforced steel top. Floor lock holds table firmly in place.

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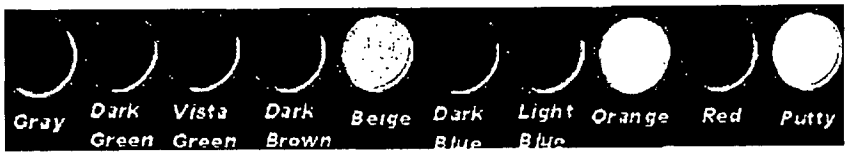

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Electrical Outlet Strips

BENCH TOPS

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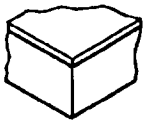

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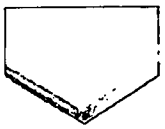
1/4 pressed wood tops are attached to any work bench top.
Available in any size up to 48" x 96".

Hard Maple



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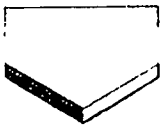

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BENCH LEGS

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BL-Series

These sturdy all steel legs are designed for maximum support. Top and cross members are permanently welded to legs. Holes are provided to attach bench top, shelf, and stringer.

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ADJUSTABLE BENCH LEGS

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ABL-Series

Legs adjust from 32-1/2" to 37-1/2" on 1" center. Holes are provided for attachment of bench top, shelf, and stringer. Steel floor pads have holes for anchoring to floor.

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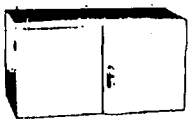
WORK BENCH CABINET UNITS

to top



CU-Series

CUK-Series

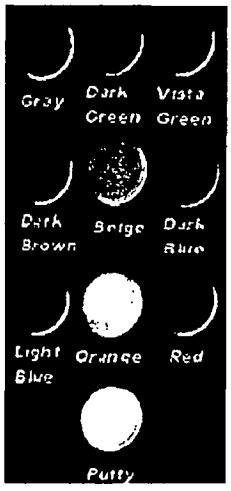
Standard units furnished with open tops. For use on work benches. Can be used with either wood top or steel top work benches. The units are quickly attached to wood tops by lag screws.

The CUK-18 model includes keyed locking handle.

STORAGE RACKS

HOME

Grizzly Color Chart
You may choose any color below at no additional charge



Or we can match any color to fit your application for a minimum charge.

WORK BENCH RISERS

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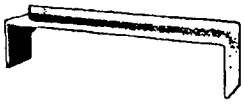

The storage capacity of your work bench may substantially increase with out reducing the work area by adding an optional riser.

R-Series

BENCH DRAWER UNITS

Order Online

to top

1416-1 1416-2

Drawer units can be fastened to either wood or steel benches, tables, desks, or counters. Padlock loop eyes furnished with each drawer. Drawer stops prevent drawers from pulling out of slides. Drawers slide effortlessly on ball bearing steel rollers.

1416-3

HEAVY DUTY DRAWER UNIT

Order Online

to top

Extra heavy duty drawer units can be fastened to either wood or steel benches, tables, desks, or counters. Drawer stops prevent drawer from pulling out of slides. Drawers slide effortlessly on ball bearing steel rollers.

H-2024-1

SIDE & BACK STOP SETS

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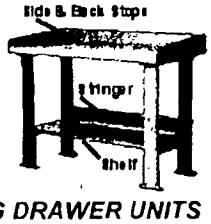
to top

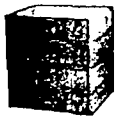


Side and Back Stops
Each set consists of two side stops and one back stop.
Stringer & Shelf
16 gauge one inch channel reinforced construction.

STACKING DRAWER UNITS

Order Online

to top



These drawers can be mounted side by side, or stacked and bolted together. Theycan be fastened to either wood or steel benches, tables, desks, or counters. Padlock hasp for each drawer.

SDU-Series

ELECTRICAL OUTLET STRIPS

Order Online

to top

For the convenience of plugging in power tools, instruments, equipment, etc. at your fingertips. Each strip has a six foot cord.

EOS-Series

Order Online

Bench Tops Bench Legs Adjustable Bench Legs Work Bench Cabinet Units
Work Bench Risers Bench Drawer Units Heavy Duty Drawer Unit
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CARTS & TRUCKS

Heavy Duty Shop Tray Truck / Stock Cart / Heavy Duty Shop Truck / Extra Heavy Duty Shop Truck / Single & Double End Trucks / Instrument Trucks / Ladder Stock Cart

BOX CART (300 lbs. capacity)

to top

Combines a tote box with a highly maneuverable cart. Easily turns in narrow aisles.

B & BC-213

Order Online

TRAY STOCK CARTS (1,100 lbs. capacity)

to top

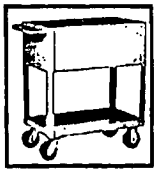
Both trays constructed of 16 gauge steel with a 1/2" hemmed edge. Options available at additional charge: floor lock, flat bottom shelf.

TSC Series

Order Online

HEAVY DUTY SHOP TRAY TRUCK (3,000 lbs. capacity)

to top



Both trays constructed of 12 gauge steel. Floor clearance-6 1/2". Options available at additional charge: floor lock, flat bottom shelf.

TT Series

Order Online

HOPPER TABLE / CART

to top

Used beside machines for holding tote box on the sloping lipped top shelf filled with parts. The finished parts then can be dropped into the chute opening, which can lead to a tote box on the bottom shelf.

TH Series

Order Online

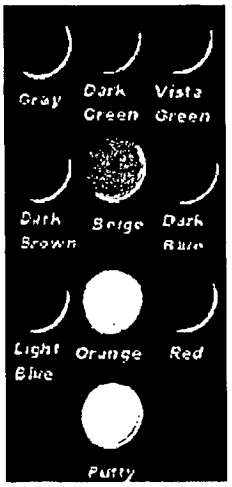
STOCK CART (1,000 lbs. capacity)

to top

Designed for rugged factory use, yet attractive for use in an office or a store. 16 gauge shelves. Optional flat bottom shelf and bench drawer units available at an additional charge. SC

HOME

Grizzly Color Chart
You may choose any color below at no additional charge

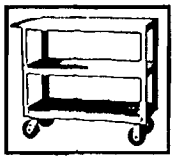


Or we can match any color to fit your application for a minimum charge.

series has optional writing shelf attachment available. Various models available.

SC Series **SCF Series** **Order Online**

HEAVY DUTY SHOP TRUCK (3,000 lbs. capacity) *to top*



12 gauge steel construction . Options available at additional charge: drawer unit, floor lock, flat bottom shelf, writing shelf attachment.

DT Series **Order Online**

EXTRA HEAVY DUTY SHOP TRUCK (5,000 lbs. capacity) *to top*

For moving heavy parts. Constructed of 12 gauge steel. All models 36" high with 10" floor clearance. Shelf clearance 8 5/8" on three shelf model; 21" on two shelf model.

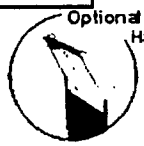
ET Series **Order Online**

STEP LADDER ATTACHMENT

Simple installation. Bolts to legs at swivel caster end. Ladder is spring loaded and adjustable. For use on DT and ET Series.

SL- Series **Order Online**

HEAVY DUTY SINGLE & DOUBLE END TRUCK *to top*



For stock and general shop use. Push handle at one end or both ends. 36" overall height. Floor lock, flat bottom shelf, & offset handle available at additional charge.

TR Series **TRE Series** **Order Online**

INSTRUMENT TRUCK *to top*

Truck is designed to transport heavy, sensitive and delicate equipment. Moves heavy loads smoothly with 8" pneumatic casters. All welded 12 gauge steel construction. Top shelf has a non-slip ribbed rubber vinyl matting for safety and shock absorption.

IT Series **Order Online**

HEAVY DUTY SLAT-TOP SHOP TRUCK *to top*

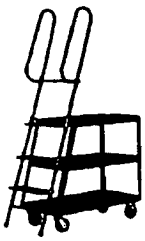
Can slide heavy dies on and off top with safety to fingers and hands. Items easily lifted on and off truck with slings and grabs. 12 gauge top, formed double channel.

S-DT Series

LADDER STOCK CART

Order Online

to top



The ladder is spring loaded, which automatically slides to the floor when operator places his or her weight on the first step, locking both ladder and cart to the floor. Top and center shelf can be reversed at no charge. Optional floor lock and flat bottom shelf available at additional charge.

LT-20-78P LT-20P

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Heavy Duty Shop Tray Truck / Stock Cart / Heavy Duty Shop Truck / Extra Heavy Duty Shop Truck / Single & Double End Trucks / Instrument Trucks / Ladder Stock Cart

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	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=ET-*+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=SL-18+SL-24
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=30-TR-60+30-TR-60+30-TR-48+30-TR-48+30-TR-36+30-TR-36+30-TR-30+30-TR-30+24-TR-60+24-TR-60+24-TR-48+24-TR-48+24-TR-36+24-TR-36+24-TR-30+24-TR-30+18-TR-60+18-TR-60+18-TR-48+18-TR-48+18-TR-36+18-TR-36+18-TR-30+18-TR-30+OFFSET-HANDLE+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=30-TRE-60+30-TRE-60+30-TRE-48+30-TRE-48+30-TRE-36+30-TRE-36+30-TRE-30+30-TRE-30+24-TRE-60+24-TRE-60+24-TRE-48+24-TRE-48+24-TRE-36+24-TRE-36+24-TRE-30+24-TRE-30+18-TRE-60+18-TRE-60+18-TRE-48+18-TRE-48+18-TRE-36+18-TRE-36+18-TRE-30+18-TRE-30+OFFSET-HANDLE+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=details_order&ptno=OFFSET-HANDLE
Order Online	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=30-TR-60+30-TR-60+30-TR-48+30-TR-48+30-TR-36+30-TR-36+30-TR-30+30-TR-30+24-TR-60+24-TR-60+24-TR-48+24-TR-48+24-TR-36+24-TR-36+24-TR-30+24-TR-30+18-TR-60+18-TR-60+18-TR-48+18-TR-48+18-TR-36+18-TR-36+18-TR-30+18-TR-30+30-TRE-60+30-TRE-60+30-TRE-48+30-TRE-48+30-TRE-36+30-TRE-36+30-TRE-30+30-TRE-30+24-TRE-60+24-TRE-60+24-TRE-48+24-TRE-48+24-TRE-36+24-TRE-36+24-TRE-30+24-TRE-30+18-TRE-60+18-TRE-60+18-TRE-48+18-TRE-48+18-TRE-36+18-TRE-36+18-TRE-30+18-TRE-30+OFFSET-HANDLE+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=IT-*
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=S-48-DT-3+S-48-DT-3+S-48-DT-2+S-48-DT-2+S-36-DT-3+S-36-DT-3+S-36-DT-2+S-36-DT-2+S-30-DT-3+S-30-DT-3+S-30-DT-2+S-30-DT-2+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=LT-20-78P+LT-20-78S+FLOOR-LOCK
	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=LT-20P+LT-20S+FLOOR-LOCK
Order Online	http://www.pucel-grizzly.thomasregister.com/olc/pucel-grizzly/smartcat.cgi?az=53139002&template=puc_temp.htm&type=list_order&ptno=LT-20S+LT-20P+LT-20-

Shortcut Text	Internet Address
	78S+LT-20-78P+LT-SHELF+FLOOR-LOCK

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PUCEL ENTERPRISES, INC.,	)	CONSOLIDATED
	)	
Petitioner,	)	Opposition No. 123,506
	)	Cancellation No. 31,984
vs.	)	Cancellation No. 32,024
	)	Cancellation No. 32,025
GRIZZLY INDUSTRIAL, INC.,	)	
	)	
Respondent.	)	

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DEPOSITION OF ROBERT A. MLAKAR
Tuesday, March 18, 2003

- - - - -

Deposition of ROBERT A. MLAKAR, called by the Respondent for examination under the Federal Rules of Civil Procedure, taken before me, the undersigned, Rebecca L. Brown, Registered Professional Reporter, a Notary Public in and for the State of Ohio, at the offices of Baker & Hostetler LLP, 3200 National City Center, 1900 East 9th Street, Cleveland, Ohio, commencing at 9:45 a.m. the day and date above set forth.

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APPEARANCES:

On Behalf of the Petitioner:

Joseph F. Schmidt, Esq.
Michael, Best & Friedrich LLC
401 North Michigan Avenue, Suite 1900
Chicago, Illinois 60611

On Behalf of the Respondent:

Kenneth L. Mitchell, Esq.
Woodling, Krost and Rust
9213 Chillicothe Road
Kirtland, Ohio 44094

ALSO PRESENT:

Anthony Mlakar

- - - -

1 ROBERT A. MLAKAR

2 called by the Respondent for examination under the
3 Federal Rules of Civil Procedure, after having been
4 first duly sworn, as hereinafter certified, was
5 examined and testified as follows:

6 - - - - -

7 MR. SCHMIDT: Let the record show
8 that this is the 30(b)(6) deposition of
9 Pucel Enterprises, Inc. pursuant to a
10 notice served on Pucel's counsel, Mr.
11 Mitchell.
12 And maybe you could mark that as
13 number 1.

14 - - - - -

15 (Exhibit Mlakar R-1 was
16 marked for identification.)

17 - - - - -

18 EXAMINATION

19 BY MR. SCHMIDT:
20 Q Mr. Mlakar, I show you what's been marked as
21 Exhibit R-1. Are you familiar with that?
22 A Yes.
23 Q You've reviewed that before?
24 A Yes. I've seen it.
25 Q And there's a number of —

1 MR. MITCHELL: And if you could,
2 put on the record the confidentiality and
3 the request to read too.
4 Q Exhibit A to the notice of deposition contains
5 24 different categories of subject matter. Have you
6 reviewed those?
7 A Yes. I did read them.
8 Q And you're appearing here today on behalf of
9 Pucel to give testimony regarding the subject matter
10 listed in Exhibit A?
11 A That's correct.
12 Q Mr. Mlakar, what is your education after high
13 school?
14 A I went to college for four years and three years
15 of graduate school.
16 Q Where did you go to college?
17 A Borromeo Seminary College of Ohio.
18 Q And grad school?
19 A St. Mary's Seminary in Cleveland. Then I went
20 to a number of classes and courses in business. That
21 was at Tri-C.
22 Q Was grad school a business school, business
23 major?
24 A No, it wasn't. That was theology major.
25 Q And you're currently employed by Pucel?

1 A That's correct.
2 Q What position do you currently hold?
3 A I'm the vice president.
4 Q How long have you been vice president?
5 A Vice president for 13 years, approximately 13.
6 Q And how long have you been formally employed at
7 Pucel?
8 A I was employed off and on for 25 years.
9 Q So you worked there some when you were going
10 through school?
11 A That's correct.
12 Q And the past 13 years has been full time and
13 continuous?
14 A Yes. I was working full time even beyond that.
15 The 13 years was the position of vice president.
16 Q And what are your responsibilities at Pucel?
17 A I basically handle some of the purchasing, some
18 of the marketing. I have a part of all of the
19 different areas. I'm also the elected liaison between
20 the plant manufacturing facility and the office as
21 well.
22 Q And who do you report to?
23 A Tony Mlakar.
24 Q And who directly reports to you? If it's easier
25 for you, you can break it down by purchasing,

1 marketing groups.
2 A Who answers to me?
3 Q Yeah.
4 A I basically just get across the desk. It's a
5 family operation so we have everyone — I have an
6 open-door policy. So whenever issues come in, I take
7 everything as it comes in all areas.
8 Q Who's in charge of purchasing?
9 A That's split up between a few of us. Tony,
10 myself and sometimes others will do it if we're not
11 available.
12 Q But you and Tony are the main purchasing people?
13 A That's correct.
14 Q And what is it that you purchase?
15 A We purchase steel, all of the purchased parts,
16 casters, all the day-to-day operating goods,
17 packaging.
18 Q Does Pucel do all of its own manufacturing?
19 A No, we don't. 99 percent of it.
20 Q And you do that on site at Pucel's —
21 A That's correct.
22 Q — office and factory, correct?
23 A Yes. It's all one location.
24 Q The one percent that you contract out is for
25 what products?

1 A We incorporate other products from the outside
2 into our Grizzly Equipment and we consider that a
3 purchased product, that gets incorporated into our
4 product.
5 Q Pucel is located where?
6 A 1440 East 36th Street, Cleveland, Ohio 44114.
7 Q And you have executive offices at that location?
8 A Yes. Our offices are on the second floor.
9 Q And you have a factory at that location also?
10 A That's correct.
11 Q Do you have any other offices?
12 A No.
13 Q Any other factories?
14 A No.
15 Q And how many employees?
16 A 53.
17 Q Now, does anyone have an ownership interest in
18 Pucel other than the Mlakar family?
19 A There are some other stockholders.
20 Q Are there any other - are these individual
21 stockholders?
22 A That's correct.
23 Q Are there any other companies that hold any
24 interest in Pucel?
25 A No.

1 Q Are there any other companies that have any
2 interest in the outcome of these proceedings,
3 companies other than Pucel? Let me rephrase that.
4 Are there any companies that Pucel has any
5 relationship with that have an interest in the outcome
6 of these proceedings?
7 A Only insofar as the goods that we produce, you
8 know, and what we produce and how we produce it.
9 Q Did you review any documents preparing for your
10 deposition?
11 A Yes, I did.
12 Q Do you remember what documents you looked at?
13 A I looked at some of the interrogatories and
14 this, Exhibit A.
15 Q Did you consult with any other witnesses or
16 potential witnesses in this case?
17 A Yes.
18 Q And who did you talk to?
19 A I talked with Papp Straub, Jeanette Papp.
20 Q And when did you do that?
21 A I just talked to her briefly. It was — she had
22 some concerns. I guess someone from your office had
23 contacted her and she was upset.
24 Q So this was recently?
25 A Just recently.

1 Q Within the past month or so?
2 A Yes.
3 Q And what was she upset about?
4 A She was upset that I guess the office had called
5 her and asked her questions over the phone and she was
6 upset that it wasn't exactly what she said.
7 Q Did she initiate the call to you?
8 A Yes.
9 Q And what was the result of the call?
10 A I don't know. I don't know what she —
11 Q Her call to you, what was the result of her call
12 to you?
13 A I didn't say anything. She was just telling me
14 how upset she was. That was it.
15 Q Did you tell her to do anything?
16 A No.
17 Q Did you put Miss Papp in touch with Mr.
18 Mitchell?
19 A Yes, I did.
20 Q Do you know if Mr. Mitchell is representing
21 Jeanette Papp?
22 A No, I don't.
23 Q Do you know what the circumstances are that
24 involve Jeanette Papp in this case?
25 A I think Jeanette is actually the one that was

1 put on record as to who brought the confusion of
2 Grizzly Equipment.
3 Q What do you mean by "brought the confusion"?
4 A Well, she's the one that brought it to our
5 attention, the catalog.
6 Q What confusion did she bring to your attention?
7 A Well, the whole notion that they were using the
8 Grizzly mark, the same Grizzly mark that we have, both
9 in word and the grizzly bear symbol.
10 Q When you say "they," you're referring to Grizzly
11 Industrial?
12 A Pardon me?
13 Q When you refer to "they," you're referring to
14 Grizzly Industrial? I think in your answer —
15 A They was Jeanette sent the catalog to me. Not
16 Grizzly Industrial.
17 Q Papp sent a Grizzly Industrial catalog to you?
18 A Yes.
19 Q Do you know when?
20 A '99 or 2000.
21 Q And she sent it to you?
22 A Not me specifically. It came to the office.
23 Q Do you know if she contacted anyone at the
24 office in connection with sending the catalog?
25 A Oh, she had mentioned it to me.

1 Q What did she say to you?
2 A She said I received a catalog that had the same
3 Grizzly on it as ours and she thought I might want to
4 see it.
5 Q Was she referring to a picture or design or a
6 word? Do you know?
7 A The word and the grizzly bear she was referring
8 to.
9 Q Did she say that she was confused?
10 A She said when she opened it, the first thing she
11 thought of was that what did we do, get a new catalog.
12 That was her response to me.
13 Q Now, before Miss Papp sent you that Grizzly
14 catalog, had you ever spoken to her about Grizzly
15 Industrial?
16 A No.
17 Q Do you know if anyone had spoken to Miss Papp
18 about Grizzly Industrial?
19 A To my knowledge, nobody had.
20 Q Do you know if anyone asked anyone at Papp
21 Straub to order a Grizzly Industrial catalog?
22 A That I don't know.
23 Q Did Miss Papp ever say anything to you about
24 having ordered a Grizzly catalog?
25 A No, she did not.

1 Q Is it your understanding that Miss Papp realized
2 after looking at the catalog that it was not a Pucel
3 catalog?
4 A She did. As she looked through it, she knew —
5 well, she's known us for a number of years and knows
6 what we sell.
7 Q And that led her to believe that it was not your
8 catalog?
9 A Well, she looked — as she went through the cover
10 and went through it a little bit, she realized the
11 location of it and she mentioned the location was not
12 in Cleveland, Ohio.
13 Q Were there any other communications with Miss
14 Papp about this incident of her receiving a Grizzly
15 Industrial catalog?
16 A No.
17 Q What did you do with the catalog?
18 A I kept it and actually we brought it down with
19 us to Washington. That's the one that you saw that we
20 used as an exhibit.
21 Q At Mr. Balolia's deposition?
22 A That's correct.
23 MR. SCHMIDT: Go off for a second.
24 - - - - -
25 (Exhibit Mlakar R-2 was

1 marked for identification.)

2 - - - - -

3 Q We have placed in front of you what's been

4 marked as R-2. Can you identify that?

5 A Those are the stickers that are put on all of

6 our Grizzly Equipment that leave our place.

7 Q Is it put on every — are those stickers put on

8 every item that Pucel —

9 A Yes, they are.

10 Q Including the wood products?

11 A Yes.

12 Q They would be put on tabletops?

13 A Yes.

14 Q And workbenches?

15 A Yes.

16 Q And where do you affix the stickers to the

17 products?

18 A Typically right onto the front of the surface.

19 If it's on a storage cabinet, it goes on the top. If

20 it's on a cart, it will go on the face. On a

21 workbench, on the face. Platform truck, on the

22 handle.

23 - - - - -

24 (Exhibit Mlakar R-3 was

25 marked for identification.)

1 - - - - -

2 Q You have what's been marked as Exhibit R-3 which
3 consists of three pages. I'm just going to use the
4 last digits of the production numbers, 356, 357 and
5 358. Can you identify that, please?
6 A This looks like some advertising that we have in
7 the Ameritech Industrial Guide. At least that's
8 what's shown on the first two. The last one doesn't
9 really identify where it's actually printed.
10 MR. MITCHELL: 358 you mean?
11 THE WITNESS: 358.
12 Q Does 358 look like an advertisement that would
13 appear in the Yellow Pages?
14 A That's correct.
15 Q This appears to be a proof from 1991, R-3.
16 A Yes.
17 Q And Pucel advertises in the Industrial Yellow
18 Pages?
19 A Yes.
20 Q Does Pucel advertise in any other types of
21 Yellow Pages than industrial?
22 A Well, it would be in the regular Yellow Pages
23 and White Pages as well.
24 Q You wouldn't have an advertisement in the White
25 Pages though?

1 A No. Not an ad or anything, no. Just have our
2 name.
3 Q And in the regular Yellow Pages, would you have
4 an advertisement or just your name?
5 A I'm not sure. I thought we had a little
6 advertisement block in the Yellow Pages. It's
7 something similar to 357.
8 Q Where in the center of 357 it refers to Pucel
9 Enterprises, Inc., designing, engineering, development
10 and manufacturing?
11 A Probably a small block like that.
12 Q Like that?
13 A Probably would be something smaller.
14 Q And that's what you think would go into the
15 Yellow Pages?
16 A If I did, that's what it would be.
17 Q If you did?
18 A Yeah. It would be a small little ad like that
19 or a bold listing.
20 Q And document number 356 is the type of
21 advertisement that you would carry in the Industrial
22 Yellow Pages?
23 A My ads change all the time so it's not - it's
24 typical.
25 Q I'm just asking if this is representative of the

1 type of ad that you would run in the Yellow Pages
2 Purchasing Guide Industrial Section.
3 A Yes. It is good size. Yes. That's typically
4 the average size that we do. The content changes, of
5 course, from time to time.
6 Q And what geographic area is covered by the
7 Yellow Pages that you currently advertise in?
8 A That I'm not sure.
9 Q Was it the Cleveland area?
10 A I'm not sure. I think it goes in a few of the
11 outer regions other than just the Cleveland area.
12 Q It's in the Ohio area; is that correct?
13 A I think so. I'm not sure.
14 Q You don't advertise in the Yellow Pages that
15 cover any states outside of Ohio, do you?
16 A No.
17 Q I think most of your ads in your catalog refer
18 to designing, engineering, development, manufacturing,
19 correct?
20 A That's something that we've always had on our
21 logo. On our letterhead we always put that on there.
22 Being a manufacturing facility, you have to be capable
23 of doing those three things.
24 Q Do Pucel's customers request special orders?
25 A Occasionally. Sometimes they just put options

1 on the basic unit. They might put some options on
2 each of the items.
3 MR. MITCHELL: Can I ask for a
4 break?
5 MR. SCHMIDT: Yes.
6 (Recess had.)
7 - - - - -
8 (Exhibit Mlakar R-4 was
9 marked for identification.)
10 - - - - -
11 Q Before the break we were discussing the special
12 orders and designing, we had just started, and I
13 thought it might be easier if we look at the Pucel
14 catalog, which we've marked as R-4. You recognize
15 that, right?
16 A Yes.
17 MR. SCHMIDT: Go off the record
18 for one second.
19 (Discussion had off the record.)
20 Q Going to page 1 of the catalog under the front
21 cover, the heading on that page is "Custom Design and
22 Specialty Services." Do you see that?
23 A Yes.
24 Q What percent of the total are custom design and
25 specialty product services?

1 A To give a percentage, I can't give it exactly.
2 We sometimes call custom work anything that might have
3 some modification to one of our standards, in what we
4 consider a standard in the catalog, but on the
5 percentage of business, I don't know.
6 Q Well, the catalog carries what you would refer
7 to as some standard products of the type you sell.
8 A Yes.
9 Q And do you stock those products?
10 A No, we don't. We stock the parts ready for
11 assembly, but it all depends on - someone might want a
12 location different. It's the same item, but they
13 might want to put a coffeemaker on one of the shelves
14 and it has to be a couple inches higher depending on
15 what they're using it for. So it all depends on what
16 they're using it for.
17 Q So do most orders involve some modification?
18 A No.
19 Q Would half of the orders involve some
20 modification?
21 A No.
22 Q What percentage would you think would require
23 modification?
24 A I don't know the percentage.
25 Q How much custom designing do you do?

1 A Percentage wise or -
2 Q Yes. To the total. Percentage to the total.
3 A I don't know.
4 Q Does Pucel have any salesmen that are employed
5 by Pucel?
6 A Not specific duties. We have men in the office
7 that actually handle some of the customer service and
8 the phone work.
9 What do you mean by "salesmen"? That's pretty
10 broad.
11 Q Who sells Pucel's products?
12 A Actually, our distributors are the ones who sell
13 the products and the Internet sells the products. All
14 Grizzly products are not only in the catalog, but also
15 on the web site.
16 Q Looking at Exhibit R-2, is that the current
17 label that Pucel uses today?
18 A Yes, it is.
19 Q Are there any other labels or stickers that
20 Pucel uses besides the type shown in R-2?
21 A That goes on the product. We do have the bear
22 symbol and the Grizzly mark on the cartons themselves
23 as they go out. They're usually averaging about 12
24 inches in diameter on the carton.
25 - - - - -

1 (Exhibit Mlakar R-5 was
2 marked for identification.)
3 - - - - -
4 Q We have placed in front of you Exhibit R-5 which
5 is document number 056.
6 A Yes.
7 Q Is this a page from a Pucel catalog, can you
8 tell?
9 A Yes. It's from the Pucel Grizzly Equipment
10 catalog.
11 Q And the top refers to steel shop equipment.
12 A Yes.
13 Q Is steel shop a place? How would you define
14 steel shop?
15 A Steel shop is actually identifying the type of
16 equipment of what it is, not specifically where it
17 belongs, but it gives that image of durability.
18 Q So this is steel equipment and you're referring
19 to it as steel shop equipment as opposed to a steel
20 shop?
21 A Right. It's representing the equipment. Yes.
22 Q And these products shown in R-5, do you know
23 where they would be used?
24 A These can be used in many different areas. We
25 have — it can be used in a plastic working area. It

1 A This one does not.
2 Q Isn't that name, Grizzly – isn't the way the
3 name is displayed, "Grizzly Equipment Manufactured By
4 Pucel Enterprises, Inc.," something your lawyer
5 recommended to you using since this proceeding
6 started?
7 A No. No. Not at all.
8 Q Can you point me to a document where your name
9 is – Pucel's name is displayed as Grizzly Equipment
10 Manufactured By Pucel Enterprises, Inc.?
11 A Right now give you a document or tell you –
12 what's the question?
13 Q Do you have any documents in front of you or are
14 you aware of any documents that you might have
15 produced to me that show the name Grizzly Equipment
16 Manufactured By Pucel Enterprises?
17 MR. MITCHELL: Can I see this for
18 a second?
19 Q Are you aware of any such documents?
20 A I do know that we, over the period of time, have
21 acquired – some people sent in checks, Grizzly
22 Equipment, with our address. Some just simply put
23 Grizzly. Some put Grizzly Equipment Manufactured By
24 Pucel. We advertise heavily in some of our
25 publications that have Grizzly Equipment Manufactured

1 By Pucel. So it's something in our advertising that
2 they would see.
3 Q How long has Pucel been saying Grizzly Equipment
4 Manufactured By Pucel? Is that within the last two
5 years or so?
6 A No. That's - I've always known it as Grizzly
7 Equipment Manufactured By Pucel.
8 - - - - -
9 (Exhibit Mlakar R-7 was
10 marked for identification.)
11 - - - - -
12 MR. MITCHELL: That's two pages,
13 isn't it, R-7?
14 MR. SCHMIDT: Yeah.
15 Q R-7 is document number 002 and 003. Mr. Mlakar,
16 can you identify Exhibit R-7?
17 A This looks like a request for quote from a
18 company called Supply Depot, Incorporated and
19 obviously they sent it to us by mistake because it
20 should have - these are not our items necessarily in
21 our catalog with these model numbers.
22 Q How do you know it was sent to you?
23 A It was faxed over. That's the only way that we
24 would have received it.
25 Q Do you see in the fax transmittal sheet, fax

1 number 216-881 up here? Is that Pucel's fax number?
2 A That's correct.
3 Q Do you know who Supply Depot is?
4 A Yes. They're a distributor of - they're one of
5 our customers. They distribute our material handling
6 and industrial equipment, all the Grizzly Equipment.
7 Q Let's go back for a moment to Exhibit R-6. Have
8 you ever heard of Industrial Appraisal Company?
9 A No.
10 Q Do you know if your father has?
11 A No, I don't.
12 Q Do you know if Pucel has ever done any work with
13 Industrial Appraisal Company?
14 A None that I'm aware of.
15 Q Now, looking at Exhibit R-7, Supply Depot, you
16 said it is a seller of Pucel's products.
17 A Yes.
18 Q Or distributor.
19 A Distributor. That's correct. The name sounds
20 familiar.
21 Q Do you know for how long?
22 A I do not.
23 Q Do you know who Betty Byron is?
24 A No, I don't.
25 Q Did you ever see R-7?

1 A When?
2 Q Did you personally see Exhibit R-7 before I
3 showed you today?
4 A I've seen items like this over a period of
5 years. Specifically I'm sure that I have, but I don't
6 look at the detail of it.
7 Q Do you know if there was any response to this?
8 A I don't know.
9 Q Do you know who would handle that?
10 A Typically if someone in the office would receive
11 it, as a courtesy, we would fax it back and say that
12 you're requesting — you're confused with the company,
13 this should not have been sent to us.
14 Q Have you ever seen or signed any such letters?
15 A No.
16 Q Who signs those letters?
17 A Someone in the office might just send it by fax.
18 They might not even sign it. They might just write
19 across that it's not ours.
20 Q Do you know if you keep copies?
21 A Some of them obviously like this. I'm sure they
22 wouldn't have kept all of them.
23 Q Do you know if you keep copies of the responses?
24 A That I'm not sure.
25 MR. SCHMIDT: Ken, do you know if

1 you've produced any responses? There's a
2 number of these documents with no
3 responses.
4 MR. MITCHELL: No. I don't think
5 we have produced any responses.
6 Q Can you look in your files and determine the
7 type of documents from Supply Depot that you think was
8 misdirected to Pucel?
9 A Yes.
10 MR. MITCHELL: Tony Mlakar may be
11 able to handle these actual confusion type
12 questions better.
13 - - - - -
14 (Exhibit Mlakar R-8 was
15 marked for identification.)
16 - - - - -
17 Q R-8 is document number 004. Can you identify
18 R-8, Mr. Mlakar?
19 A Yes.
20 Q And what is it?
21 A It's one of our catalog request forms that
22 someone in the office had filled out and it was
23 obvious that they were looking for Grizzly Industrial,
24 but one of the people - what they did was if you're
25 interested in material handling, we'll send you a

1 catalog and a price list and that's what they did and
2 it was sent on 10-18-2000.
3 Q So at the bottom it's under new customer, how
4 did you hear about us?
5 A Well, typically when someone asks for a catalog,
6 we try to see how our marketing — you know, some of
7 the areas, so what we do is we have them fill this in.
8 It's something we developed a number of years ago.
9 Q Do you know if this was a phone request?
10 A Yes, it was a phone.
11 - - - - -
12 (Exhibit Mlakar R-9 was
13 marked for identification.)
14 - - - - -
15 Q Can you identify R-9? It's document number 005.
16 A I thought it was mine at first. It's not mine.
17 I can tell by the model number. It's something from,
18 looks like, the Internet of a two-shelf cart.
19 Q There's Jim on here, it says "Jim, this is the
20 cart we spoke about. Can you come up with anything?"
21 A Jim is one of the people in our office. They're
22 probably talking about a Grizzly cart came to Grizzly
23 Equipment, Grizzly, and they didn't know what he was
24 talking about, or she, it looks like Melissa, and so
25 he probably said give me more information and so she

1 faxed it over and said take a look at it.

2 - - - - -

3 (Exhibit Mlakar R-10 was

4 marked for identification.)

5 - - - - -

6 Q You're looking at what's been marked as Exhibit

7 R-10. Can you identify it?

8 A Yes.

9 Q What is it?

10 A It looks like a request for a quote from one of

11 our distributors who faxed us for equipment that was

12 not ours. She was obviously confused and sent it to

13 us instead of Grizzly Industrial because we're

14 referred to as Grizzly with them.

15 Q Who is FindMRO.com?

16 A It's actually a division that was Granger

17 Company.

18 Q Did Pucel do business with Granger?

19 A Yes.

20 Q Does Pucel do business with FindMRO?

21 A It's the same company. It was a division.

22 Q Who is Matt Hauck, H-A-U-C-K?

23 A I don't know who it is personally. Must have

24 been someone in purchasing.

25 Q How long has Pucel done business with Granger?

1 A I'd say at least 15, 20 years.
2 Q Are you familiar with any people at Granger?
3 A Not specifically. I have given sales meetings
4 to a group of their people.
5 Q At Granger?
6 A One of their offices.
7 Q Are they familiar with Pucel's product line?
8 A Yes, they are.
9 Q Do you find it kind of surprising then that they
10 would fax Pucel and list Grizzly Industrial and list
11 parts that Pucel doesn't sell?
12 A I think the confusion part was the mark itself
13 and the trademark name that we go under of Grizzly and
14 the bear symbol, that's what they're familiar with, so
15 when they saw Grizzly, they turn and fax it over to
16 us.
17 Q You said that they're familiar with your product
18 line. You believe that Granger is familiar with
19 Pucel's product line?
20 A Um-hmm.
21 Q Don't you find it kind of surprising that
22 they're asking Pucel for products that Pucel does not
23 sell?
24 A We used to have a lot of options that can go on
25 any of our equipment and we've done that before, so

1 it's not unusual for us to be able to quote items that
2 go on ours. It's not unusual at all.
3 Q Are the items listed in this - I don't know if
4 this is a fax or an e-mail. Let's call it a request
5 for quotation. Are the items listed in this request
6 for quotation something that Pucel would sell?
7 A We could.
8 MR. MITCHELL: I have the original
9 here and it looks like the top does, in
10 fact, have fax identification.
11 MR. SCHMIDT: Okay.
12 Q When you look down under the items, about the
13 fifth one down, small replacement blades and then
14 large replacement blades -
15 A Yes.
16 Q - do you know what they're referring to?
17 A Probably on a machine cutting tool of some sort.
18 Q Does Pucel sell blades?
19 A We don't sell blades, but we have - we sell
20 things like vices and rules and things that are
21 incorporated within our product as options.
22 Q Are those in your catalog?
23 A No, they're not. Well, the vices are. The tool
24 cabinets, the floor locks, the different casters,
25 they're all in our catalog, but it's not unusual for a

1 customer to request us to actually supply and
2 incorporate within our product all types of options.
3 Q Where do you get these options from?
4 A All over. I go right to the manufacturers for
5 some. Other times through distributors for that
6 product.
7 Q So if a company like Granger wanted some
8 replacement blades and they listed them as Grizzly
9 Industrial, might they ask you to ship some Grizzly
10 Industrial replacement blades to them with some other
11 equipment?
12 A That's what they were trying to do here, wanted
13 us to supply them with it. They know that we have
14 workbenches and cabinets and carts, so they wanted us
15 to supply them with this.
16 Q They know that you don't have blades though,
17 correct?
18 A This person obviously didn't know that we
19 specifically didn't have the blades to offer.
20 Q Well, don't the people that you work with at
21 Granger understand that some of the things they ask
22 for you get from other sources?
23 A Some might not and some don't even care, they
24 just want it. They want it incorporated into their
25 product and sent right to them or their customer.

1 Q And you don't know what the situation is?
2 A No, I don't.
3 Q With R-10, do you?
4 A No.
5 Q You don't know that they were confusing Grizzly
6 Industrial and Pucel, do you?
7 A I believe they were.
8 Q But you don't know, do you?
9 A Because they would not have sent us the fax if
10 they weren't confused.
11 Q What do you think they were confused about?
12 A They were confused with the company, who to
13 direct it to with our marks.
14 Q Do you think this fax should have been sent to
15 Grizzly Industrial?
16 A Yes. Based on the - because I know the products
17 that they're asking for specifically.
18 Q Well, you said that a company like Granger would
19 ask for products other than what's in your catalog and
20 ask you to supply them, correct?
21 A Um-hmm.
22 Q How do you know that they're not asking you to
23 supply these Grizzly Industrial products to them?
24 A Because I see that they have none of our items
25 in this particular list at all.

1 Q Could this request for a quote have been part of
2 another order to Pucel?
3 A That I don't know.
4 Q So you didn't talk to Matt Hauck about this, did
5 you?
6 A No.
7 Q And do you know who Rich Porter is?
8 A No, I don't.
9 Q You didn't talk to anyone at Granger about
10 this —
11 A No, I didn't.
12 Q — quote?
13 Do you know if anyone at Pucel did?
14 A I don't know.
15 Q Granger is a good customer, correct?
16 A Fairly good, yes.
17 Q Wouldn't you expect to respond to something like
18 this?
19 A Well, what I said was typically they might just
20 call them up and say there was confusion.
21 Q Well, you keep referring to confusion. You
22 don't know if anyone's confused.
23 A Well, we knew they were confused because they
24 had faxed it to us.
25 Q How could you know what someone else is

1 thinking?

2 A Well, from the act in which they had faxed it

3 over. If there was no confusion, they would have sent

4 it right to the source in Washington.

5 Q Maybe they wanted you to supply these products.

6 Is that a possibility?

7 A Could be.

8 Q You do supply products that you don't

9 manufacture, right?

10 A That's correct.

11 Q And you do supply products that are not in your

12 catalog.

13 A That's correct.

14 - - - - -

15 (Exhibit Mlakar R-11 was

16 marked for identification.)

17 - - - - -

18 Q Let's see. R-11 is 008 and 009 for document

19 numbers and this is a document, I believe, that — it

20 is, because these are Pucel's production numbers. Do

21 you know what this is referring to, R-11?

22 A It looks like search results from different

23 companies with Grizzly.

24 Q With Grizzly as part of their name?

25 A That's correct.

1 Q Would you have ordered this?
2 A No, I did not.
3 Q The list contains quite a few other businesses
4 that use the name Grizzly as part of their name,
5 correct?
6 A Yes.
7 Q And some are obvious as to the services. For
8 example, about ten down there's Grizzly Auto Repair.
9 That's probably an auto repair shop. And others are
10 not so obvious, are they, as to the nature of
11 business?
12 A Most you can glance through and see what their
13 line of business is.
14 Q Has Pucel ever asked any of these companies to
15 stop using the Grizzly name?
16 A No. We have not on this list because these
17 people on the list, they don't have the same mark,
18 they don't have the same goods.
19 Q What do you mean by that?
20 A That we would have. Specifically the goods.
21 MR. MITCHELL: Can I ask for one
22 more break?
23 (Recess had.)
24 Q If you go to the page 009, the second page,
25 probably about ten down, there's listings for Grizzly

1 Manufacturing, Inc. and Grizzly Manufacturing Co. in
2 Lake City, Florida. Are you familiar with that
3 company?
4 A No.
5 Q Do you know what kind of business they're in?
6 A No, I don't.
7 Q Have you ever received any letters, notes, phone
8 calls, anything of the sort from anyone referring to a
9 Grizzly company other than Grizzly Industrial?
10 A None that I'm aware of.
11 - - - - -
12 (Exhibit Mlakar R-12 was
13 marked for identification.)
14 - - - - -
15 Q Looking at Exhibit R-12, can you identify that?
16 A This is a Dun & Bradstreet done on a Grizzly
17 Imports, a D&B report.
18 Q Was this done by Pucel?
19 A Yes.
20 Q How can you tell?
21 A It has — that must be our subscriber number.
22 It's got Tony Mlakar's name on it.
23 Q Have you ever seen this before?
24 A Yes.
25 Q Do you know when?

1 A No, I don't.
2 Q Would it have been on or around March 11, 1995
3 which is listed as the date printed?
4 A It could have been around there. Sometimes
5 these are taken and I don't necessarily see all of
6 them that are printed.
7 Q Do you know why Tony would have ordered this?
8 A Periodically he'll just do a D&B not only on
9 some of our customers, but on others as well. So he
10 must have requested this for some reason.
11 Q When was the first time you heard of Grizzly
12 Imports?
13 A '97, '98.
14 Q So you don't think you saw this D&B in 1995?
15 A I think I might have, but it wasn't of much
16 interest to me. We have a lot of paper that comes
17 over, a lot of information, and specifically I don't
18 remember in detail about this particular sheet.
19 Q Do you know what kind of business Grizzly
20 Imports is involved in?
21 A We just knew by the name. You could tell the
22 imports. I don't really know — it was obviously
23 imported goods.
24 Q Has Pucel ever received any offers to purchase
25 its company?

1 A Pardon me?

2 Q Has Pucel ever received any offers from any

3 companies to purchase Pucel?

4 A Yes.

5 Q How many?

6 A That I don't know.

7 Q Has Pucel ever received any offers from any

8 companies that has the name of Grizzly as part of the

9 company name?

10 A None that I'm aware of.

11 - - - - -

12 (Exhibit Mlakar R-13 was

13 marked for identification.)

14 - - - - -

15 Q Are you familiar with the letter marked as

16 R-13?

17 A Yes, I have seen it.

18 Q Did you ask that that letter be sent?

19 A Tony handled this.

20 Q Are you familiar with the content of this

21 letter?

22 A Yes.

23 Q And do you approve of the content or should I

24 say did you approve of the content at the time it was

25 sent?

1 A Approve the content?

2 Q Of the letter.

3 A I never specifically saw the letter before it

4 was sent.

5 Q You didn't see it until after it was sent?

6 A Yes. I never saw it before this.

7 - - - - -

8 (Exhibit Mlakar R-14 was

9 marked for identification.)

10 - - - - -

11 Q Are you familiar R-14?

12 A I have seen this.

13 Q You have or haven't?

14 A I have.

15 Q Did you approve of it before it was sent out?

16 A No, I did not.

17 Q Would Tony -

18 A I saw it afterwards.

19 Q Would Tony have approved it?

20 A He might have.

21 Q Would anyone other than you and Tony approve of

22 a -

23 A No.

24 Q - lawyer letter going out?

25 A No.

1 Q Have you had a chance to read the letter now?
2 A Okay.
3 Q Do you approve of the content of Exhibit R-14?
4 MR. MITCHELL: Now you mean?
5 MR. SCHMIDT: Now.
6 A No, I don't.
7 Q Why not?
8 A Right when I first read the second paragraph, I
9 don't know where this person, Nicole, received this
10 information, but she said "While we do not have a
11 problem with your client's use of Grizzly in
12 conjunction with woodworking equipment, we are
13 extremely concerned with" - and then she went into
14 material handling and industrial equipment. I have a
15 problem with that line.
16 Q What problem?
17 A I do have a problem with them using the word
18 "Grizzly" in connection with other goods and using the
19 bear symbol.
20 Q When you say "other goods," are you referring to
21 woodworking equipment?
22 A Well, I believe the woodworking equipment, our
23 material is used in that area.
24 Q You have a problem with woodworking equipment
25 other than material handling equipment?

1 A Yes, I do.
2 Q And what is the problem?
3 A Our products are in conjunction with woodworking
4 equipment, it's worked along with, and our Grizzly
5 trademark is used in those areas as well.
6 Q So is it Pucel's position that the use of
7 Grizzly Industrial and/or Grizzly.com for any of the
8 products in the Grizzly Industrial catalog is a
9 problem for Pucel?
10 A I feel that Grizzly - we do have a problem with
11 that, yes, using the trademark.
12 Q On saws, you have a problem with Grizzly
13 Industrial selling saws under the name Grizzly
14 Industrial?
15 A I do, yes.
16 Q And do you think that Grizzly Industrial's sale
17 of saws in its Grizzly Industrial catalog is likely to
18 cause confusion with Pucel or Pucel's products?
19 A Yes, I do.
20 - - - - -
21 (Exhibit Mlakar R-15 was
22 marked for identification.)
23 - - - - -
24 Q We have put in front of you Exhibit R-15 which
25 is document number 407. Could you please identify

1 that?
2 A This is by year showing the sales and also the -
3 not only sales, but the advertising in relation to
4 those sales.
5 Q Do you know how much Pucel spent on advertising
6 in 2002?
7 A No, I don't.
8 Q Would it have been more or less than the 87,000
9 spent in '01?
10 A It might have been a little more.
11 Q Probably less than 100,000?
12 A Yes.
13 Q And do you remember what the sales were for
14 2002?
15 A 4. - it was around 4.8.
16 Q So they were up over 2001?
17 A I think so. We're still working on those
18 numbers so I don't know specifically.
19 Q Looking at the advertising number of 87,111 for
20 '01, I want to run through the expenditures that make
21 up that 87,000. What would be the most expensive
22 piece of advertising, the catalog?
23 A The catalog and Thomas Register.
24 Q You print copies of the catalog every year?
25 A No. Based on the need, we go through about

1 15,000 a year. We print 50, 60,000.
2 Q At one time?
3 A Um-hmm.
4 Q So you don't necessarily print catalogs every
5 year?
6 A No, we don't.
7 Q For example, the - I think we have the current
8 one, which is 199, catalog number 199, which is
9 Exhibit R-4, is your current catalog.
10 A That's correct.
11 Q And do you remember when you printed this?
12 A '98 or '99.
13 Q So it's current today?
14 A Current right now until we empty - get rid of
15 all the catalogs. We have many more products we're
16 adding, but for now that's the catalog that's used.
17 Q Would you have printed 50 or 60,000 in '98 or
18 '99 when you redid the catalog and came out with 199?
19 A Would we have -
20 Q How many would you have printed - you said
21 sometimes you print 50 to 60,000 at one time.
22 A Right.
23 Q Would you have printed 50 to 60,000 in '98 or
24 '99?
25 A Depending on the cost and the availability of

1 the funds and how much we allocate toward it, it would
2 depend.
3 Q Do you know how much you allocated in 2001
4 toward the catalog?
5 A We didn't run any catalogs.
6 Q Did you print any catalogs in '01?
7 A No. We just printed fliers, updated fliers and
8 quick ship items. So we do have fliers that we send
9 to update.
10 Q Well, let's work on the 87,000 number for '01.
11 What is the biggest expense, the Thomas Register then?
12 A Um-hmm.
13 Q Do you know how much that is?
14 A Not offhand.
15 Q Approximately?
16 A 65,000.
17 Q And would you have printed fliers in '01?
18 A Um-hmm.
19 Q What type of fliers?
20 A We target certain customers that we might be
21 sending fliers to. I think there were a couple
22 brochures. We're in the process now — that's why my
23 mind's flogged with fliers. We're in the process now
24 of developing them as well.
25 Q Did these go to existing customers?

1 A Yes. Or to anybody who is requesting an item
2 like that.
3 Q About how much would you have spent on fliers in
4 '01?
5 A I don't have that. I'm not sure.
6 Q And how many would you have printed?
7 A I think we did 2, 300 at a time, but we don't
8 have to print that many with the fax. I know a number
9 of them were faxed to customers.
10 Q What else goes into the 87,000? You probably
11 have in the range of 10 to 15,000 left after the
12 Thomas Register.
13 A We have — and the Ameritech ads. We have moneys
14 allocated — this is only actually the tip of the
15 iceberg that we put out, but we have — we give moneys
16 toward companies to do publications and advertise our
17 Grizzly mark for us.
18 Q Is that included in the advertising
19 expenditures?
20 A I believe so, yes.
21 Q So if you're in — is C&H a distributor?
22 A Yes, they are.
23 Q So if you appear in the C&H catalog, you would
24 give them some money to help pay for it?
25 A That one we don't. They haven't asked for it.

1 Q But some others you might?
2 A Some others do. We put moneys in toward that.
3 Q Does Pucel go to any trade shows?
4 A Indirectly we have. We go to trade shows
5 indirectly through our distributors. Like the one
6 that was in Cleveland, we give them our product and
7 then they put it on display and advertise for us.
8 Q Does Pucel ever have a booth at trade shows?
9 A We have, yes.
10 Q In 2001?
11 A No.
12 Q 2002?
13 A No.
14 Q 2003?
15 A No.
16 Q Prior to that?
17 A Prior to that.
18 Q When was the last time Pucel had a booth at a
19 trade show?
20 A When we had the Convention Center in Cleveland.
21 We were using it - it wasn't at the IX Center. I
22 believe that was six, seven years ago, maybe longer
23 than that.
24 Q So you don't typically go to trade shows?
25 A No.

1 Q That was special because it was in Cleveland
2 that year?
3 A It all depends. I would rather go through the
4 distributor since they already have the booth set up.
5 Actually, I went set up with a distributor and we had
6 it in St. Louis a few years ago. I was at a trade
7 show with them so I sent all the product down and I
8 actually manned the booth with them, but it wasn't
9 specifically my booth. I just helped pay for it.
10 Q What other promotion and advertising that Pucel
11 does would go into the advertising figure?
12 A Some of the magazines in the past we've done the
13 index cards that get sent out to customers.
14 Q Were Pucel products displayed at any trade shows
15 in 2002?
16 A Yes.
17 Q What trade shows?
18 A It was the one at the IX Center. It was the -
19 not sure of the name of the show.
20 Q What industry is represented by the show?
21 A Well, this one in particular was material
22 handling, casters. Material handling and industrial
23 equipment was where we put our equipment in the booth.
24 It was all types of equipment.
25 Q Material handling equipment?

1 A Some of it, yes.
2 Q What else?
3 A I didn't go this year. Typically they have
4 machinery. They have some service oriented -
5 MR. MITCHELL: Are you talking
6 about the show that's in November?
7 THE WITNESS: Yes.
8 MR. MITCHELL: That's the general
9 industrial show, I think.
10 THE WITNESS: Yes. It's Great
11 Lakes Industrial Show is what it's called.
12 MR. MITCHELL: Is that it, Great
13 Lakes Industrial?
14 THE WITNESS: Great Lakes
15 Industrial Show. It just dawned on me. I
16 went blank.
17 Q Does Pucel go to that every year through
18 distributors?
19 A It all depends.
20 Q Any other trade shows besides the Great Lakes
21 Industrial Show that Pucel's been to in the last few
22 years?
23 A I went to their industrial show in St. Louis.
24 Q When was that?
25 A That was three, four years ago.

1 Q Did you have a booth there?
2 A I helped. I paid for half of the booth and then
3 put the Grizzly Equipment in it.
4 Q Whose booth was it?
5 A It was one of our distributors.
6 Q They have other goods shown there besides
7 Pucel's, right?
8 A Yes.
9 Q Is Pucel's name on the booth?
10 A Yes.
11 Q Was the Pucel name on the booth in association
12 with a distributor?
13 A Yes. He had our names in each of our sections,
14 Then we had our catalogs on our equipment that we
15 passed out.
16 Q Now, what magazines does Pucel advertise in?
17 A There was a list that was given. I don't know
18 if you saw it. I sent that in.
19 Q I'll look for it. I remember something like
20 that.
21 MR. MITCHELL: Can we go off the
22 record for a second?
23 (Discussed had off the record.)
24 Q So that's Exhibit R-1 we're looking at now?
25 A That's correct.

1 Q It looks like I made up the list.
2 MR. MITCHELL: Yeah. That's what
3 I was thinking.
4 Q I see dates running back to 1983. Do you see
5 that second one from the top?
6 A Yes.
7 Q There's some other '80 dates throughout there
8 and I see some dates running up through 2001. So does
9 this list look fairly comprehensive of the
10 publications that you've placed advertisements in, at
11 least from '83 to 2001?
12 A I wouldn't limit it to this. It all depends
13 what you mean in publications because I feel the
14 thrust of us moving today is more the Internet and
15 things like that for advertising.
16 Q Excluding the Internet, printed publications.
17 A How about printed? That goes into another area
18 that I focus on even more would be some of the catalog
19 items of advertising that we send because there's —
20 the volume is in our printed — in the catalogs.
21 Q Those are distributor catalogs?
22 A Yes. They're pushing Grizzly Equipment, yes.
23 Q And the Internet —
24 A Internet.
25 Q — shows Grizzly Equipment by Pucel.

1 A Right. But what people do is take that
2 information off of ours and actually advertise it on
3 theirs. So there's a branching out even beyond this.
4 Q That's more recent.
5 A Over the past few years.
6 Q As far as printed publications go, is this list
7 fairly complete?
8 A For advertising?
9 Q In printed publications other than distributors'
10 catalogs.
11 A Yes.
12 Q Now, the top one is Ameritech Industrial
13 Purchasing Guides. Is that the Yellow Pages?
14 A That would be referring to the R-3 that we
15 looked at before.
16 Q Are you in the Yellow Pages every year?
17 A Yes.
18 Q In the Industrial Purchasing Guide section?
19 A Yes.
20 Q So your advertising is on the Internet today?
21 A Yes.
22 Q You are in distributors' catalogs?
23 A That's correct.
24 Q And you have your own catalog?
25 A Yes.

1 Q It does not look like you advertise much
2 anymore, other than the Yellow Pages, in any other
3 types of printed publications other than what we've
4 mentioned; is that right?
5 A That I'm not sure.
6 Q Are you aware of any trade journal, industry
7 publications that you're currently advertising in?
8 A No, I don't.
9 Q You're not aware of any?
10 A Not aware of any.
11 Q Do you think you are — do you think Pucel is
12 placing any ads out now in any type of trade journals
13 or magazines?
14 A That I'm not sure.
15 Q Who would know?
16 A Tony would know.
17 Q Is Tony in charge of advertising?
18 A Typically he handles the renewals. We also take
19 into consideration our advertising as what we put on
20 our equipment as well. We consider that advertising.
21 Q Does that fit into the advertising budget?
22 A Not necessarily, but we take that into
23 consideration, just the printing of the labels.
24 Q Let's take a look at R—4 then, the catalog. If
25 you go two pages in, "Dependability and integrity

1 since 1949." The first paragraph refers to Pucel is
2 the industry leader for over 50 years.
3 A Yes.
4 Q And the industry you're talking about there is
5 the material handling and industrial equipment field.
6 A Yes.
7 Q What does Pucel mean by they're the industry
8 leader?
9 A Within our industry, the Grizzly product line
10 has been one of the common ones throughout the country
11 and we believe that many of the people look to us in a
12 lot of ways, not only for design, but also of what we
13 have in our product line.
14 Q Does Pucel have the most complete material
15 handling product line in the industry?
16 A I think one of the most complete, yes.
17 Q And the next paragraph refers to Pucel is the,
18 quote, "industry choice" for quality dependable
19 products.
20 A Yes.
21 Q And again, that refers to the material handling
22 industry?
23 A Material handling and industrial industry.
24 Q What's the industrial industry?
25 A Industrial equipment, material handling and

1 industrial equipment. So it's a little bit broader
2 than just material handling.
3 Q What type of equipment is industrial equipment?
4 A Industrial equipment would be some of the
5 materials used in the industry in conjunction with
6 another product.
7 Q Can you give me an example?
8 A It would be in connection with conveyors, for
9 example, is a good example where they have other
10 equipment next to it, but they incorporate our product
11 in the industry as a part of their machines around
12 them and conveyors.
13 Q Did the industry bestow this upon you, that you
14 were the industry choice or is that your own words?
15 A I believe that, as well as when you watch in the
16 industry you can see how people copy certain things
17 that are typically yours that the industry starts
18 using. So just little signs that you see other
19 companies start using and incorporating into their
20 product line.
21 Q Did you ever run any polls or market studies —
22 A No, we haven't.
23 Q — as to whether or not Pucel is the industry
24 choice? Your answer is you haven't?
25 A We have not.

1 Q Other than your personal opinion, do you have
2 any support for the statement that Pucel is the
3 industry choice?
4 A From our distributors who have our equipment and
5 sell Grizzly Equipment, they have said the quality and
6 workmanship of it.
7 Q Have they said that you're the industry choice?
8 A In other words.
9 Q As far as being the industry leader, that's in
10 terms of what elements, sales, innovative product
11 lines? What things fit under what are you the
12 industry leader in?
13 A Constantly growing product line based on the
14 needs of the people, based on the needs of the
15 customers. We're not just limited to just a small
16 group of items. We're constantly growing in our
17 product line.
18 Q Do you have a bigger product line than any other
19 material handling company?
20 A We have a substantial amount. I'm not sure how
21 it totally matches up. We're up there with them.
22 Q Up there with who?
23 A With some of the competitors in the field.
24 Q Who are they?
25 A That would be people -

1 Q The big ones.
2 A People like Lyons, Equipto.
3 Q How do you spell -
4 A L-Y-O-N-S.
5 Q - the second one?
6 A Equipto is E-Q-U-I-P-T-O. Hodge. Those are
7 some of them. Grizzly Industrial.
8 Q Gross sales wise, is Lyons, Equipto and Hodge
9 larger than Pucel?
10 A I know Lyons is larger. I don't know about the
11 others. They're pretty comparable in size, Equipto
12 and Hodge.
13 Q Do you know what the total material handling
14 market is?
15 A No, I don't.
16 Q Do you know what percentage you have of that
17 market?
18 A No.
19 Q If a company sells a dolly or hand cart, are
20 they a competitor of Pucel?
21 A If they sell it?
22 Q If a company sells a dolly or hand cart, are
23 they competitors of Pucel?
24 A Not necessarily.
25 Q How do you determine who's a competitor?

1 A In selling those goods?
2 Q How do you determine who's a competitor of
3 Pucel?
4 A Manufacturing company that sells and distributes
5 our products in the industry.
6 Q What do you mean "in the industry"?
7 A In the industry, in the different channels in
8 which we sell to.
9 Q What channels do you sell to?
10 A We sell through channels of distributors, we
11 sell through the Internet end users.
12 Q So if I started selling - if I formed a company
13 and started selling dollies over the Internet, would
14 you consider me to be a competitor of yours?
15 A Only if you were using the same marks as ours,
16 then you would be.
17 Q Does Lyons use the same marks as Pucel?
18 A No, they don't.
19 Q Yet you said they were a competitor. I'm trying
20 to determine how you decide whether or not someone is
21 a competitor.
22 A Competitor is one who is taking sales away from
23 us. That would be a competitor. And not buying from
24 us.
25 Q Let me pose it this way for you. You say a

1 competitor takes sales away from you. Would you agree
2 that it might be a more apt description of a
3 competitor to say that someone who is competing with
4 you for the same sales?
5 A Could you repeat that?
6 MR. SCHMIDT: Can you read that
7 back?
8 (Record read.)
9 A That could be an aspect of it.
10 Q What other aspects are there to competitors,
11 that they would then fit in the category of being a
12 competitor?
13 A Well, a competitor is one who takes sales away
14 from us. A competitor would be, in our eyes, someone
15 who would be —
16 Q Let's back up for one second. Do all of your
17 competitors take sales away from you?
18 A Potentially it could.
19 Q Okay. Go ahead.
20 A Potentially.
21 Q And what else makes up a competitor, they take
22 sales away from you?
23 A A competitor would be someone who actually takes
24 — manufactures different goods than what we have,
25 meaning that they use their own facility to

1 manufacture, that would be a competitor.
2 Q To manufacture the same goods that you are?
3 A Same goods and other ones.
4 Q What do you mean "other ones"?
5 A It could be, because some people might be
6 manufacturing items that we don't have in our book, in
7 our catalog.
8 Q But they still might be a competitor?
9 A Potentially, yes.
10 Q Is Home Depot a competitor?
11 A No.
12 Q Why not?
13 A Because they don't sell these products that we
14 have.
15 Q Don't they sell hand trucks and dollies?
16 A I'm sure they do.
17 Q But you don't consider them to be a competitor?
18 A They're not manufacturing it so that's one
19 aspect of it, manufacturing it.
20 Q So only the manufacturers of the products of the
21 type in your catalog are competitors?
22 A Not necessarily.
23 Q I don't understand. Could you explain that?
24 A Well, for example, in the case in why we're
25 here, they're using the same mark with the same goods

1 and forming the confusion in the same formation of our
2 trade. We go after the same customers, so that's a
3 competitor. Taking sales from us. That's the
4 confusion of it all. We have the same mark of
5 Grizzly, the wording. We have the same bear. It's
6 the same goods and distributed, I believe, through the
7 same means through which we distribute from.
8 Q And that answer is how you define what a
9 competitor is?
10 A No. That's one aspect of a competitor.
11 Q You said you send out about 15,000 catalogs a
12 year.
13 A Yes.
14 Q How many of those are to existing customers?
15 A Actually, most of those are just from people who
16 are based off the catalog request form.
17 Q Do you know what prompts companies to request a
18 catalog?
19 A Really the Internet has actually prompted a lot
20 of that. We get a lot of individuals requesting
21 catalogs because they see us on the web site and they
22 want to have something in their hands with the
23 catalog. So it's not necessarily companies that are
24 after the Grizzly Equipment of ours.
25 Q So if you - one way of bringing in a new

1 customer would be that they go on your web site -
2 A Potentially.
3 Q - and request a catalog and you send them the
4 catalog.
5 A Yes. That's one way.
6 Q And then do they call you to place an order? Do
7 they call Pucel?
8 A They can, yes.
9 Q And who do they talk to when they call Pucel to
10 place an order?
11 A They call the people in the office that are
12 working.
13 Q Is there someone in particular that takes in new
14 orders?
15 A Not necessarily, no. Any of the guys will take
16 the orders.
17 Q Would it be you, your father?
18 A Not necessarily.
19 Q Who are the guys that would take the orders,
20 what's their job?
21 A We have one guy who typically does much of the
22 customer service and he'll do the processing of the
23 orders and then we have another guy that will answer
24 questions on a more technical level, if they have
25 technical questions, so we have them on hand as well.

1 Q I think you had just under five million in sales
2 in 2001.
3 A Um-hmm.
4 Q About 4.8, I guess, in 2002. What percentage of
5 those sales are with existing customers?
6 A I don't know.
7 Q 90 percent?
8 A I'm not sure.
9 Q Do you have any idea how much new business you
10 pick up in terms of new customers every year?
11 A Hundreds.
12 Q Pucel picks up hundreds of new customers every
13 year?
14 A Yes.
15 Q And are these customers going directly to Pucel?
16 A Some are.
17 Q What percentage would go directly to Pucel?
18 A That I'm not sure.
19 Q Do most of the new customers come through your
20 distributors?
21 A Some of them.
22 Q Where would most of them come through?
23 A We have some of them that — a majority of them
24 are the ones on the catalogs. We have people coming
25 on board as a specialized mail order and they have

1 thousands of actual people that are part of that
2 program that sign up on a regular basis. That's one
3 avenue. Another avenue are new customers, people on
4 the web site that are placing orders and it gets drop
5 shipped all over the country.
6 Q Do you take orders on the Pucel web site?
7 A There's an order online. RFQ section and an
8 order online on our web site.
9 Q Is that with Pucel or with Thomas Register?
10 A That's in connection. Our web site will link
11 into Thomas Register. They host our order online.
12 Q So you're not doing it yourself?
13 A Well, it is us, we do all the work with it in
14 designing it, but they're hosting it and our web site
15 links directly into it.
16 Q Who takes the orders, the Thomas Register
17 people?
18 A No. It comes right to us. We just access the
19 file and it comes, we download. They don't send it to
20 us or anything. We actually go into our site and
21 actually download the information if it's an RFQ or an
22 order online.
23 Q Do you know what percent of your business is
24 done that way now, on the on-line order?
25 A No, I don't. It's grown over the past few

1 years.
2 Q Would it be less than 10 percent?
3 A I'm not sure.
4 Q Would the bulk of Pucel's business come through
5 companies ordering from major distributors?
6 A I'd say a lot of it goes through distributors
7 who then go into the end users themselves because
8 they're the ones who are actually hitting the streets
9 and getting everybody they can within their region.
10 Q How many different companies distribute Pucel
11 products?
12 A Thousands.
13 Q You have thousands of distributors?
14 A Um-hmm.
15 Q Companies like Global Industrial and C&H?
16 A Well, we have other distributors that actually
17 distribute our product line. For example, one company
18 might have — it has a few hundred partners within that
19 one company. So you're going to see one name as a
20 distributor, however, that's their corporate office,
21 but they have many partners who distribute the
22 product.
23 Q So how does Granger deal with Pucel when they
24 want to buy something?
25 A They just call us up and have a request for

1 quote.
2 Q They call you directly?
3 A Granger does, yes.
4 Q How many of your — I assume they're one of
5 you're larger customers.
6 A They are one of our larger.
7 Q If you say in round numbers that your business
8 is about five million a year, are there ten or less
9 customers that make up about 90 percent of that?
10 A Are there — could you re —
11 Q Ten or less customers that make up about 90
12 percent of that five million.
13 A No, not at all. No.
14 Q If you take five or ten of your largest
15 customers, what percentage of that would they make up?
16 MR. MITCHELL: Do you want the
17 answer for five or first for five and then
18 for ten or —
19 Q First for five.
20 A First for five. There would be probably 25, 30
21 percent, 25. Something like that.
22 Q And your ten largest customers would be what
23 percent —
24 A That I don't know.
25 Q — of the total?

1 MR. MITCHELL: If you don't know -
2 A It's a small percentage.
3 MR. MITCHELL: - that's your
4 answer.
5 A Yeah. I don't know.
6 Q It's in excess of 25 percent?
7 A For -
8 Q Did you just say for five customers it was
9 roughly 25 percent?
10 A Well, it drops way off percentage wise. So it
11 might be one to two percent because there's so many of
12 them, it makes up one, two percent.
13 Q If you took your top ten customers, would gross
14 sales to those customers be in excess of a million
15 dollars?
16 A Yes.
17 Q Your ten largest customers?
18 A Yes.
19 Q Would it be in excess of two million?
20 A That I don't know.
21 Q Somewhere between one and two million?
22 A It's less than two million.
23 Q Now, do you deal directly with those ten
24 customers?
25 A Do I personally?

1 Q No. Someone from Pucel. Do they go through
2 distributors or do they work directly with Pucel?
3 A They work directly through Pucel when they buy
4 Grizzly Equipment.
5 Q Now, how does Pucel typically employ your
6 customers?
7 A We typically will periodically send out
8 literature. We will do cold calls periodically trying
9 to gain customers.
10 Q Who do you send out literature to?
11 A It all depends. Like we've been trying to get
12 more customers in terms of like the shipping, in that
13 industry, to we'll move into different targeted areas
14 to try to get more business. We'll call on certain
15 people that are potential people that would buy the
16 equipment.
17 Q Do you sell exclusively to companies?
18 A I don't understand that question.
19 Q Does Pucel have any individuals that are
20 customers?
21 A Yes, we do.
22 Q And how many individuals?
23 A I don't know that.
24 Q What do you sell to individuals?
25 A We sell cabinets, workbenches, carts, platform

1 trucks, dollies. Anything that they would need.
2 Q What percent of the five million would you say
3 is purchased by individual customers?
4 A That I don't know. I don't have that
5 information.
6 Q Would you say less than five percent?
7 A I don't know.
8 Q Who would know?
9 A I'm not sure.
10 Q How do you target individuals in your
11 advertising?
12 A Basically through the Internet is the biggest
13 source to target individuals.
14 Q Other than the Internet, how do you target
15 individuals?
16 A We have what we call a scratch and dent through
17 some of our auctions on some of our returns and we get
18 a large number of people that come to that, so they're
19 continual customers after that. They might have a
20 small machine shop or they might use it for their own
21 personal use and they acquire it through that auction
22 and then they continue and they keep coming back. So
23 there's a number of customers that we've acquired over
24 the years that will just keep coming back for
25 equipment.

1 Q And is this like a garage sale?
2 A It's a way - some things that are maybe
3 scratched, you know.
4 Q Where does this take place?
5 A At our facility.
6 Q So they come to Pucel?
7 A Um-hmm.
8 Q And there's an auction and they buy a scratched
9 desk or cabinet?
10 A Yes.
11 Q Could be a housewife as far as you know?
12 A It could be. Sure.
13 Q How do you know they're individuals versus
14 company representatives?
15 A Well, when you talk to them and mingle with
16 them, you know they're taking it home or they will
17 have to come back.
18 Q So you mingle with them during the auction?
19 A Periodically.
20 Q How often do you do that?
21 A Once a year, once every other year we try and do
22 that. Lately it's been a little bit - we've had more
23 people coming in so we haven't had to have them. We
24 get rid of some of the stuff.
25 Q How does the Pucel web site target individuals?

1 A Anybody all over the country can actually go
2 online, as you know, and it could be when they type in
3 our equipment, ours comes up.
4 Q I understand that, but how do you on your web
5 site target individuals?
6 A By the products that we have.
7 Q Are they meant for individual use?
8 A Absolutely. Yes. We also have — we have a
9 company that actually distributes directly to the
10 homes and they sell in children's bedrooms our
11 equipment, they go directly into people's garages some
12 of our equipment.
13 Q What company is that?
14 MR. MITCHELL: Well, we'll object
15 because identity of a customer.
16 MR. SCHMIDT: Is the company part
17 of Pucel or is it a customer?
18 MR. MITCHELL: It's a customer of
19 Pucel.
20 A That sells directly into the homes.
21 MR. MITCHELL: And they resell to
22 individuals in homes for use in the home.
23 - - - - -
24 (Exhibit Mlakar R-16 was
25 marked for identification.)

1 - - - - -

2 (Recess had.)

3 Q Here's your original for safekeeping as

4 promised.

5 A Goes in my special file.

6 Q R-16 is a 1967 catalog that doesn't have any

7 Bates numbers because we just got that today. So

8 there's no numbers, which is fine with me right now,

9 so this is a 1967. That should be enough for all of

10 us.

11 A That's fine.

12 MR. SCHMIDT: I guess we're going

13 to have all these with no numbers.

14 MR. MITCHELL: Right. You do have

15 the numbered pages that correspond to the

16 tabbed sections, but I don't know what

17 number they are without looking it up.

18 Q If you look at the back page - actually, a

19 couple - let's start with this. Looking at the back

20 page of Exhibit R-16, is this something you put on

21 when you mail it on who to route to?

22 A Pardon me?

23 Q When this catalog was mailed, there's a number

24 of different types of areas listed on the back that

25 the catalog may go to. Are you on the last page?

1 A Yes, I am.

2 Q Do you see where it says "Please route to" under

3 Pucel?

4 A Yes.

5 Q Are these the type of companies or buyers that

6 you would traditionally route your catalogs to?

7 General foreman, is that someone that you would send

8 them to?

9 A We could, but not solely to these people.

10 Q But would these be the main people who Pucel

11 would sell to?

12 A Not necessarily. This was done in '67 which was

13 a little bit before my time with the company, so what

14 the intent is, it was limited to those people, but

15 even in -

16 Q Is it important for you today to send catalogs

17 to general foremen of companies?

18 A I prefer not to.

19 Q How about metal and material handling engineers?

20 A No, I wouldn't.

21 Q Maintenance department?

22 A Not necessarily.

23 Q Production?

24 A No.

25 Q Product design?

1 A No.
2 Q Equipment buyers?
3 A Not necessarily.
4 Q What's your focus today with the catalog?
5 A I like actual names. I prefer that method. I
6 don't like this method. So I -
7 Q I'm not asking about the method on identifying a
8 general foreman, but the names, what type of positions
9 do the people hold that you're focusing sending the
10 catalogs to? I'm asking are they equipment buyers of
11 companies?
12 A They could be. This is a little bit limiting.
13 Q Can you list who you like to send catalogs to?
14 A You might have people, but I prefer names in
15 themselves.
16 Q I understand the names. These people hold jobs.
17 A Right.
18 Q What jobs do they hold?
19 A I don't necessarily know what jobs they have
20 specifically. Might be an engineer, it could be a
21 foreman. It could be - I mean, it could be those
22 items, but not necessarily. This sort of puts people
23 into just a general category, into a box, whereas I
24 think today it's more open ended than something like
25 this.

1 Q Who typically places orders from your larger
2 customers?
3 A It varies. We have a broad range of customers
4 anywhere from customers that have things in their home
5 to people who have a smaller shop that just need a
6 cart or a workbench in their facility. Although some
7 of these might work, because even in a small place,
8 many times they — if you notice on any type of
9 literature that's sent out or advertising, in order to
10 get a book, you have to say what you are. Well, you
11 could be anything you want. You could have a
12 three-person shop and you're the manager, you're the
13 product manager. You could have — you know what I'm
14 saying? It doesn't matter. These catalogs would be
15 distributed to anyone.
16 Q But they're typically plants in industrial
17 settings?
18 A Back then possibly.
19 Q Today for the most part isn't that the bulk of
20 your sales are to companies?
21 A We sell to the company and the company has their
22 end user. Their end user could be anyone in their
23 area. It could be someone off the street. It could
24 be — I mean, they're going to sell to whoever they
25 want because some of the actual distributors have

1 retail stores where they have hand trucks of ours,
2 carts. I mean they actually show them in their
3 showroom so it could be anybody.
4 Q So your products are shown in retail showrooms?
5 A Some of them are, yes.
6 Q Which showrooms?
7 A I don't know all of them.
8 Q Do you know any of them?
9 A Yes.
10 Q Can you name some?
11 A Yes. Right down the street from us there's a
12 person who sells material handling and casters. They
13 have ours in the front of their office, their showroom
14 and part of that is our equipment.
15 Q Any place outside of Cleveland?
16 A Yes. On the West Coast there's a company that
17 actually has our equipment in their window as well and
18 sells it on a regular basis.
19 Q And what type of - is this a retail
20 establishment -
21 A Yes.
22 Q - or warehouse?
23 What is the one in California?
24 A What is it called?
25 Q Yeah. I mean, you talk about a showroom or a

1 store.

2 A It's just — their company is called Black, Inc.

3 I don't think it makes —

4 MR. MITCHELL: That's fine.

5 A It's called Black, Inc. and they have a store

6 and actually is expanding into another retail store

7 where he has our stuff viewed in the storeroom so

8 those are people off the street.

9 Q And he sells material handling equipment?

10 A Not necessarily. He does and he doesn't. He

11 sells our industrial equipment, but he's using it for

12 a different function. That's what I was saying that

13 we have a broad range of customers. They're actually

14 putting our units and using them on — some of his

15 customers put their televisions on them because they

16 want that industrial look.

17 Those other two companies I was referring to

18 that are selling to the public, that's just a big

19 thing in New York now. In fact, a lot of our

20 equipment is even in showrooms in New York City. Very

21 popular.

22 Q When you say "showrooms," are these street level

23 stores?

24 A Yes.

25 Q And how are your products getting into those

1 stores?
2 A The Internet more and more. We have — it seems
3 like in the last few years there's been a great desire
4 for the industrial equipment look so we've been
5 getting just — that's where a lot of people are coming
6 on to the web site.
7 Q How do you get into these stores? Is that
8 through efforts of your distributors or people at
9 Pucel?
10 A Actually, people — both I would say. Some of
11 them see us on the web site and they say I'm
12 interested in this and others might be a distributor,
13 could be.
14 Q Now, for New York stores that show your product,
15 or California stores, do you ship to them, Pucel, or
16 does a distributor ship to them?
17 A We ship directly to them.
18 Q And do you ship multiple units or just one of
19 each that they want and then when someone wants it,
20 they call you for an order?
21 A No. There's actually been a demand so they
22 order multiple units.
23 Q So somebody might have ten cabinets in stock at
24 a retail location?
25 A Potentially, yeah.

1 MR. MITCHELL: Same thing is true
2 with some of your distributors as well,
3 right?
4 A Yeah. We have some stocking distributors as
5 well that carry the goods and then send — as they sell
6 them, then they just release them and then they order
7 more.
8 MR. MITCHELL: And they display as
9 well, right?
10 THE WITNESS: Yes.
11 Q Do they have retail showrooms?
12 A I believe, yes.
13 Q Who is an example of a distributor?
14 A We have one distributor in particular that has
15 warehouses in — I believe they have their showrooms,
16 one's here in Ohio, New Jersey, Chicago, California.
17 There's five and they just opened up a sixth one.
18 Georgia is the fifth one.
19 MR. SCHMIDT: I think it's part
20 of the production and interrogatories, but
21 I don't remember any of this being in
22 there.
23 MR. MITCHELL: Any of what?
24 MR. SCHMIDT: This type of
25 information being sold at retail. For

1 example, in New York, none of that was
2 responded to. So I think you guys have to
3 look at that, bring that up to date a
4 little bit if you have information on all
5 of these other uses because, I mean, all we
6 have in front of us is what you've given
7 me.
8 MR. MITCHELL: I would agree with
9 that. I think that some of this is new
10 information.
11 MR. SCHMIDT: I mean, I've read
12 everything in here this weekend and this is
13 new and it doesn't sound like it just
14 happened yesterday.
15 Q Right? It's been going on a couple of years?
16 A Yes. But it - what happens is - that's why we
17 kept saying how broad everything is, that it just
18 keeps expanding into more and more areas.
19 MR. MITCHELL: It's a very
20 expansive distribution and sales.
21 MR. SCHMIDT: Well, I would say
22 that you're really extremely short then on
23 your discovery because there is a whole
24 other area that I never heard about and I'm
25 sitting here and deposing him and I don't

1 have any of that information in front of
2 me. It hasn't been answered, no documents
3 have been produced. There's been no
4 indication that any of your products are
5 displayed or shown at retail to my
6 knowledge of what's in the discovery to
7 date. So you need to bring me up to date
8 on that.
9 MR. MITCHELL: Yeah. We'll take a
10 look back at that and see if there are any
11 documents, but I think that one of the
12 interrogatories alluded to the breadth of
13 the distribution and sales through, among
14 other things, the Internet and through the
15 distributors' links to the Pucel site on
16 the Internet.
17 Do you want to stop for lunch now?
18 MR. SCHMIDT: Yeah, before it gets
19 too late.
20 Will you stipulate that anything that
21 you've produced I can use rather than
22 having me mark it from here and your
23 production documents that you won't object
24 to it?
25 MR. MITCHELL: You mean because

1 they aren't marked, because they don't have
2 a Bates stamp number on it, is that what
3 you mean?
4 MR. SCHMIDT: No. Because they
5 aren't identified in a deposition.
6 MR. MITCHELL: I don't understand.
7 What do you mean they're not identified?
8 MR. SCHMIDT: I don't want to sit
9 — I mean, sometimes people typically go
10 through and mark every document so that
11 they can use it later on in a brief and
12 argument or whatever.
13 MR. MITCHELL: Sure.
14 MR. SCHMIDT: Would you stipulate
15 that anything that you've produced you
16 won't object to?
17 MR. MITCHELL: As far as?
18 MR. SCHMIDT: My use of.
19 MR. MITCHELL: But you don't
20 intend to mark it, is that what you're
21 saying?
22 MR. SCHMIDT: Right.
23 MR. MITCHELL: Let me think about
24 that because it might be awfully confusing
25 later.

1 MR. SCHMIDT: Because otherwise
2 I'm going to go through all these things
3 and get it marked.
4 MR. MITCHELL: Let me think about
5 it. I'm inclined not to so stipulate
6 because I won't be able to make any sense
7 out of it later. That's my only concern.
8 MR. SCHMIDT: That's all right.
9 - - - - -
10 (Lunch recess had at 12:45 p.m.)
11 - - - - -
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1 Tuesday, March 18, 2003
2 2:10 p.m.
3 - - - - -
4 (Anthony Mlakar present.)
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6 CONTINUED EXAMINATION OF ROBERT MLAKAR
7 BY MR. SCHMIDT:
8 Q So, Mr. Mlakar, I think you said that you're
9 somewhat involved in advertising and marketing, but
10 that your father is principally responsible for the
11 advertising.
12 A Yes. He signs the contracts.
13 Q Is there anyone at the company other than you
14 two that determine the type of advertising and the
15 goals of your advertising other than you two?
16 A No. The two of us.
17 Q Do you work with an advertising agency?
18 A Could you define that what an advertising agency
19 is? What do you -
20 Q An agency that places advertisements.
21 A No, not necessarily.
22 Q Do you develop your own advertisements?
23 A Yes. But we have other people do the - you
24 know, where they give the ideas. That's what I was
25 asking.

1 Q Do you contract with somebody outside to help
2 prepare your ads after you give them ideas?
3 A No.
4 Q You work that all out in-house?
5 A In-house, yes.
6 Q And then you go directly to the media that
7 you're using, for example, you'll contact Thomas
8 Register directly?
9 A I have people doing the computer work, the
10 layout. I work with a couple people, you know. The
11 fliers I was telling you about.
12 Q In-house?
13 A I do them in-house and then we have the other -
14 someone else to do the computer work. That's correct.
15 Q Outside?
16 A Yes.
17 Q You go to an outside -
18 A Yes.
19 Q - graphics design firm?
20 A Yes.
21 Q Now, you don't do any TV or radio advertising,
22 correct?
23 A Not ourselves directly, no.
24 Q When you say not yourself, are you referring to
25 someone like Global Industrial or C&H may run a

1 television or radio ad?
2 A We don't have ads, but our stuff has been on
3 television.
4 Q How so?
5 A We have one of our customers who puts them on
6 their show, some of our pieces.
7 Q Can you explain that? It's been on TV, it can't
8 be too much of a secret.
9 A Yeah. She incorporates our product line into
10 hers that she sells so she'll do a feature television
11 show on what she's doing and she'll have our products
12 in front of her and on television she'll talk about
13 them.
14 Q What TV show?
15 A Martha Stewart.
16 Q What products of yours will she show on the
17 show?
18 A She'll do the desk, the stands.
19 Q Anything else?
20 A I'm not sure if she put on her show directly, it
21 was a drawer unit workbench.
22 Q And what's the frequency that your products have
23 been on the Martha Stewart show?
24 A Directly talking about ours, I would say three
25 to four times.

1 Q And when did this occur?
2 A In the last few years.
3 Q In 2003?
4 A I'd say it started in '99, 2000.
5 Q Did it go into 2001?
6 A Yes.
7 Q Do you have videotape of the show?
8 A Yes.
9 MR. SCHMIDT: Can you produce that
10 as the usage of the name on TV media?
11 MR. MITCHELL: I don't see why
12 not.
13 Q Do you have a problem making me a copy of that
14 and sending it out?
15 A No.
16 Q I'd like to show that to the client. Is the
17 name Pucel mentioned by Martha Stewart?
18 A Now that you mention it, I was trying to figure
19 that out.
20 Q You can't remember?
21 A That I can't remember.
22 Q What do you remember that was said about your
23 products in terms of who the manufacturer is, the name
24 of the product? Do you remember anything?
25 A Yeah. She talks - sometimes she talks about

1 that she found this great company, she was looking for
2 years, that can produce this and it's a family-owned
3 business and she kind of gives information like that
4 with regard to it.
5 Q Did you get any calls off of that show, any of
6 those shows? There was a number of times they were on
7 so did you receive any calls as a result of being on
8 the TV?
9 A I really don't know that.
10 Q Tony might?
11 A Pardon me?
12 Q Tony might know? Your father might know?
13 A Not necessarily.
14 Q Is Pucel attending any trade shows in 2003?
15 A I'm not sure yet.
16 Q Do you know if Pucel will be shown at trade
17 shows or part of someone else's booth at trade shows
18 in 2003?
19 A I imagine we will be, yes.
20 Q What shows are you looking at for 2003?
21 A That one industrial, the one in St. Louis
22 typically will probably have our products in there.
23 It's based on requests as the year evolves. If we're
24 willing to ship the products out there, have them man
25 the booth.

1 MR. MLAKAR: And Cleveland.
2 A We had that one in November. That would be —
3 the next one would be in November.
4 Q There's a Cleveland show you'll probably attend
5 in 2003?
6 A That Great Lakes Industrial Show.
7 Q That's annual?
8 A Yes.
9 Q Who attends that show? Do you know the class of
10 customers?
11 A Just by me being there and going through it,
12 it's all different people. It's pretty popular in
13 Cleveland. A lot of people go from businesses for
14 their own use. They're not necessarily connected with
15 a company, but they will go for their own self. Some
16 are going — are sent from their company.
17 Q I asked you earlier and I thought you said that
18 you didn't have any idea what percentage to the total
19 your sales are to individuals. Is that right, you
20 didn't know?
21 A That's correct.
22 Q Does the company keep such records?
23 A No, we don't.
24 Q Individuals aren't the focus of your business
25 though, are they?

1 A It's a part of our business.
2 Q A small part, right?
3 A I can't say that because you have to remember
4 the distributors sell to the individual people as
5 well.
6 Q Customers like Granger that are the heart of
7 your business in terms of generating sales -
8 A They're a larger one, but it's the extra 2,
9 3,000 that are the smaller percentage that actually
10 makes the bulk of it so you have -
11 Q Are those individuals or smaller companies?
12 A Not necessarily smaller companies. It's just
13 they comprise the bulk of the business.
14 MR. MITCHELL: You might want to
15 explain that better to him.
16 A Well, you have that 25 percent I was talking to
17 you about of being 25 percent of the volume, but then
18 you have many people that are only one through three
19 percent of the total whole of the amount so it doesn't
20 really mean that they're small or large on that
21 percentage.
22 Q Do you ship to all 50 states?
23 A Yes, we do.
24 Q Is there a greater concentration of shipments to
25 customers in any part of the country than any other?

1 A I'm not sure.
2 Q Now, the Thomas Register takes up two-thirds to
3 three-quarters of your advertising budget. What's the
4 purpose of using the Thomas Register?
5 A Thomas Register handles all the different
6 mediums for us to advertise in, which is appealing.
7 It advertises in book form. It advertises in CD form.
8 It advertises in web form. So it handles all the
9 different mediums in which we would like to advertise
10 in and they handle that.
11 Q Who uses the Thomas Register?
12 A Well, actually, anybody can use the Thomas
13 Register.
14 Q I'm sure of that, but there's probably a
15 customer base that they're geared toward.
16 A They're geared toward - it's hard to say because
17 right now what they do is they have - they use Google
18 and some of the other search engines that are actually
19 plugging right into their site so the amount of hits
20 into our catalog is pretty phenomenal. So it could be
21 anybody who types in some of the keywords of
22 workbenches. They're targeting a more broader range
23 of people, all people. It could be business, it could
24 be the private person.
25 Q Isn't Thomas Register an industrial guide of

1 suppliers?

2 A Many of them are the ones who handle their

3 books, industrial supplies, people who will be using

4 industrial equipment order the Thomas Register books,

5 but they handle all different services. They're not

6 limited to one particular area.

7 Q How long have you been using, you being Pucel,

8 been using the Thomas Register?

9 A As advertising?

10 Q Yes.

11 A I think –

12 MR. MLAKAR: I'd be better able to

13 answer that.

14 A Yeah. As long as I've known, at least over 25

15 years for sure.

16 Q You've used it to advertise in?

17 A Yes.

18 Q And does Pucel also use the Thomas Register as a

19 purchasing guide?

20 A Occasionally.

21 Q Pucel has a web site that's Pucel-Grizzly.com.

22 A That's correct.

23 Q And was there a different domain name prior to

24 Pucel-Grizzly.com?

25 A No. We have Grizzly/Pucel.com as well. Those

1 are the two we have.
2 Q Did you ever have just Pucel.com?
3 A No, we did not.
4 Q So your first and only domain names were
5 Pucel-Grizzly and Grizzly/Pucel?
6 A That's correct.
7 Q Now, does your web site stand on its own or is
8 it only tied in with the Thomas Register?
9 A I have it linked right into Thomas Register
10 because of the e-commerce and everything on that web
11 site is everything in our catalog.
12 Q Everything on what web site?
13 A Everything in our web site.
14 Q On the Pucel web site?
15 A Yes.
16 Q Is in your catalog?
17 A That's correct.
18 Q Everything in the catalog is on the web site?
19 A That's correct.
20 Q And the 65,000 that you spend in advertising
21 with the Thomas Register, does that relate to the web
22 site link?
23 A Yes.
24 Q It's a fee they charge for Pucel to be listed in
25 the Thomas Register?

1 A They do. They charge. Yes.
2 MR. MLAKAR: It's not just the web
3 site.
4 A Yeah. It's the whole e-commerce package.
5 Q You mentioned there's CDs and so forth. To sign
6 up for the Thomas Register - it's roughly 65,000 a
7 year for Pucel to sign up with the Thomas Register.
8 A In the different mediums.
9 Q In the different media?
10 A Um-hmm. And that varies. It doesn't have to be
11 that number, just doesn't have to be that number now.
12 Q You mentioned that you have a lot of different
13 customers, but who are Pucel's primary customers?
14 MR. MITCHELL: We don't really
15 want our customers disclosed.
16 Q Without the names, just tell me the type of
17 businesses that they're involved in.
18 MR. MITCHELL: Okay. That's fair.
19 A We have people that, as I mentioned before,
20 plastic working could be, electronic working, could be
21 woodworking, metal working.
22 Q It could be, but do you have a large woodworking
23 client?
24 A We don't specifically see sometimes all of the
25 end users who would be using it, but we know we have

1 clients that actually have shops and metal working,
2 woodworking that actually use that equipment.
3 MR. SCHMIDT: I think it would be
4 relevant to disclose those if there are any
5 in business.
6 MR. MITCHELL: You got a
7 woodworker right next door, right?
8 THE WITNESS: Yeah. Right next
9 door to me, same thing.
10 Q Is that a — and I tried to limit this first by
11 saying who are your primary customers, not just that
12 there happens to be a woodworker next door. If your
13 business is going to make it or break it, what are the
14 types of customers that are going to keep you going —
15 A All of those.
16 Q — without naming the names?
17 A Without the names of the companies?
18 Q Without naming specific customer names. I
19 assume you have some key accounts. I'm trying to get
20 at the type of business that your key accounts are
21 engaged in, not that they could be this or could be
22 that. But in reality you have, I assume, key
23 accounts; is that right?
24 MR. MITCHELL: Could I interject
25 something?

1 What I think he's asking is that you
2 sell to — in many different ways, but you
3 sell to distributors, you sell to
4 individuals on the Internet and I think
5 what his question is what are the business
6 of those distributors, who do they in turn
7 supply the equipment to. I think that's
8 what your — I think that's your question.
9 MR. SCHMIDT: That's part of it.
10 MR. MITCHELL: As far as classes
11 of customers.
12 MR. SCHMIDT: That's part of it.
13 Q I think you have probably a number of accounts
14 that you deal directly with, long-term customers.
15 Would that be right?
16 A Yes.
17 Q Somebody like Granger, that's one name we've
18 mentioned. Granger uses your products in what type of
19 businesses, what business are they in?
20 A They sell industrial equipment and they're not —
21 they sell to metal working.
22 Q Does Granger use your equipment or does Granger
23 resell it?
24 A They resell it.
25 Q They're an equipment supplier?

1 A Material handling, industrial equipment,
2 motors. All sorts of areas.
3 Q Do most of the people that you sell to end up
4 reselling your product?
5 A Not necessarily.
6 Q So it's a mix, some use it and some resell it?
7 A That's correct.
8 Q Of course, everything like C&H and Global
9 Industrial, that's all reselling?
10 A That's correct.
11 Q Because they don't use it, they're regular
12 distributors?
13 A That's correct.
14 Q Are your biggest accounts in terms of volume and
15 gross dollar sales companies that resell?
16 A Yes.
17 Q How involved is Pucel in soliciting customers
18 directly?
19 A How do we do that?
20 Q Do you do that?
21 A We do that through the Internet.
22 Q Other than the Internet?
23 A Just calls.
24 Q Is there a pattern set up for making such calls?
25 I think you mentioned you don't have any in-house

1 salesmen.
2 A That's correct.
3 Q So how does Pucel go about when they're not
4 using distributors, how do they go about directly
5 marketing products?
6 A Individuals?
7 Q No. How does Pucel go out to anybody? Do you
8 make sales calls? Do you or your father make sales
9 calls?
10 A Occasionally we do.
11 Q What's occasionally?
12 A I'll go and customers — some of our customers
13 request me to go into some of the places either for a
14 presentation or for a specific project.
15 Q That's an existing customer?
16 A Yeah. We've also done things with sales leads.
17 We've had — you can subscribe to it where you have
18 sales leads where you get an actual contact name.
19 Q Do you make cold calls?
20 A Off of those sales leads, if we feel it would be
21 a good enough lead, we would follow up with a call.
22 Q Is there an average size of order that you're
23 aware of for Pucel's products in terms of hundreds of
24 thousands of dollars?
25 A I'd probably say about 150, 160.

1 Q And what would some of the larger orders be —
2 A We have —
3 Q — on an annual basis, say?
4 A Of what one individual order would be, large?
5 Q Yeah.
6 A Like 3,000.
7 Q Are most of Pucel's customers fairly
8 sophisticated as to what type of product they're
9 looking for and its purposes.
10 A I think it all depends on the company as to who
11 they have. I'm not sure.
12 Q Well, most of them, if not all of them, have
13 some level of experience in purchasing products of
14 this type, correct?
15 A I would imagine so, yes.
16 Q Don't you talk to them occasionally?
17 A Yes, I do.
18 Q And they know you?
19 A Maybe not me specifically.
20 Q They know Pucel?
21 A Yes.
22 Q They know your father possibly?
23 A Yes.
24 Q So they know who they're dealing with when
25 they're talking to you?

1 A Some do.
2 Q Now, the Pucel 1967 catalog, which is our R-16
3 and R-4, which is the current catalog, for the most
4 part the product line hasn't changed; is that correct?
5 A It's been upgraded.
6 Q But basically what you were selling in 1967 is
7 what Pucel is selling today?
8 A Yeah. The elements in '67 are in the '99
9 catalog today, most of them.
10 Q Most of them. And when you say they have —
11 well, they're in the — you're in the same categories
12 in terms of in '67 there were workbenches, cabinets,
13 desks, carts, drum equipment, racks, stands, tables,
14 trucks.
15 A That's correct.
16 Q And I would imagine that that fairly well
17 matches today's index of products.
18 A We just added certain areas, like updated like
19 computer cabinets that we didn't have back then.
20 We've updated into more work station applications that
21 weren't necessarily there. So we've brought it to a
22 different level from then.
23 Q But they're still workstations or workbenches
24 that you —
25 A That's correct.

1 Q — designed to fit modern technology?
2 A Yes.
3 Q There's no present plans to expand the product
4 line outside of your core line, is there?
5 A No, not at this point. We do have other items
6 we're preparing right now to add into the catalog.
7 Q You don't plan on selling drill presses next
8 year, do you?
9 A No.
10 Q Or power tools?
11 A No.
12 Q Now, has Pucel licensed anyone to use the
13 trademark Grizzly?
14 A No, we haven't.
15 Q Have you authorized anyone to use the trademark
16 Grizzly?
17 A People use it in their publications that you see
18 within the people sending out their catalogs.
19 Q Your distributors?
20 A That's correct.
21 Q You jointly prepare ads with them or authorize
22 them to prepare ads using your name?
23 A We authorize them and then we approve those, the
24 construction of them, make sure the wording is
25 correct.

1 Q But what they're selling are Pucel products with
2 the Grizzly name on it?
3 A That's correct.
4 Q They're not using the Grizzly name to sell
5 products other than those products manufactured by
6 Pucel, are they?
7 A That's correct.
8 Q Now, Pucel doesn't have any retail services.
9 A Only through the Internet.
10 Q If that's to be considered a retail store, then
11 it's your retail. You have no physical location?
12 A No, we don't.
13 Q Are you aware of any instance where Pucel ever
14 lost a sale to Grizzly Industrial?
15 A I'm not aware of it. The only thing would be
16 that one letter where that person faxed it over and
17 was asking for a quote.
18 Q That person was wanting to purchase from Pucel,
19 weren't they?
20 A Well, they called up wanting it and then found
21 out that it wasn't us after we faxed it and then they
22 said, "Well, why don't you quote it." So it was a
23 situation like that.
24 Q Where they could have been showing you
25 something, can you give me something like that?

1 A Could have been.
2 Q You're not exactly sure what their motive was?
3 A That's correct.
4 Q And you didn't handle that order, if there was
5 one, right?
6 A No.
7 Q There's been a number of instances, maybe five
8 to ten instances, over the past few years where
9 someone called Pucel or sent a fax to Pucel and
10 mentioned either the name Grizzly Industrial or
11 mentioned products that Pucel doesn't sell, correct?
12 A Could you repeat that?
13 Q There are approximately five to ten instances
14 that you're aware of where people have written to
15 Pucel or called Pucel mentioning Grizzly Industrial or
16 a product of Grizzly Industrial that you don't sell,
17 is that your understanding?
18 A There's a lot more than just a few over the past
19 few years.
20 Q I said five to ten.
21 A Yeah. There's a lot more than that.
22 Q How many?
23 A I'm not sure exactly.
24 Q Do you keep records of that?
25 A No, not specifically. Not every case.

1 Q Then you don't know how many?
2 A No, but I know that it's more than five to ten
3 for a fact.
4 Q What more can you tell me about that?
5 A Well, for example, just last Thursday or Friday
6 we had a call come in and it was just mentioned to me.
7 It wasn't documented or written down.
8 Q What was mentioned to you?
9 A Someone called, it was probably 7:30 a.m.,
10 called from Home Depot and wanted a Grizzly product so
11 they called us. He looked it up and called our number
12 and that's the extent that I know of it. But it would
13 be like that, instances like that that were occurring
14 all the time.
15 Q You sell Grizzly products.
16 A What's that?
17 Q You said someone called you referring to Grizzly
18 products and you sell Grizzly products.
19 A That's correct. They called. But it was some
20 item that was not ours. That's a confusion.
21 Q Do you know what the item was?
22 A No, I don't. Tony might know, but I'm just made
23 aware of it, just that it's happening and occurring.
24 That's the extent that I have of it.
25 Q Do you know if it was a Grizzly Industrial

1 product?
2 A Occasionally that's what it is they're looking
3 for. They say they want a Grizzly product, they start
4 giving a part number, we say we don't have that part
5 number and then it starts evolving because we go under
6 the assumption that we're Grizzly. It's Grizzly
7 products. So that's not unusual. So if someone says
8 I want a Grizzly product, that's not an unusual
9 request. And then they say I want model number
10 JN50212, and they're saying like, well, okay, then it
11 starts going deeper, what is it, and then we start
12 finding out that it's not our product directly.
13 Q Do you have firsthand knowledge of any of these
14 instances that you're talking about?
15 A Yes.
16 Q And what's the extent of your firsthand
17 knowledge?
18 A It would be some of the documented issues that
19 came up here.
20 Q Did you talk to any of the people that sent the
21 documents?
22 A No, I haven't.
23 Q So the only knowledge you have is secondhand
24 then?
25 A Directly I know that I've had at least one or