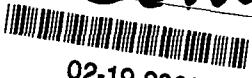


Exhibits



02-19-2003

U.S. Patent & TMO/c/TM Mail Ropt. Dt. #40

**UNITED STATES PATENT AND TRADEMARK OFFICE
THE TRADEMARK TRIAL AND APPEAL BOARD**

WAGNER SPRAY TECH CORPORATION,

Opposer,

v.

GRACO INC.,

Applicant.

Opposition No.: 125,525

Mark: The color blue as applied to airless paint sprayers

Serial No.: 75/621,248

Filed: January 13, 1999

Published: March 26, 2002

**DECLARATION OF STEPHEN R. BAIRD IN SUPPORT OF
APPLICANT'S RESPONSE IN OPPOSITION TO OPPOSER'S
MOTION FOR PROTECTIVE ORDER**

I, Stephen R. Baird, declare and state as follows:

1. I am a principal with Fish & Richardson P.C., P.A., Minneapolis, Minnesota, and counsel for Graco Inc. in the above-captioned opposition proceeding.
2. Attached hereto as Exhibit 1 is a true and correct copy of Wagner Spray Tech Corporation's ("Opposer") Responses to Applicant's First Set of Interrogatories to Opposer.
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of Anthony J. Torntore, Opposer's Vice President of Sales.
4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of Sean James, President of Wagner Holding, Inc.
5. Attached hereto as Exhibit 4 is a true and correct copy of a letter dated December 23, 2002 from myself to Eunice P. de Carvalho, counsel for Opposer.
6. Attached hereto as Exhibit 5 is a true and correct copy of letter dated January 3, 2003 from Eunice P. de Carvalho to myself.
7. Attached hereto as Exhibit 6 is a true and correct printout of an email sent by me to Eunice P. de Carvalho on January 6, 2003.
8. Attached hereto as Exhibit 7 is a true and correct copy of a letter dated January 8, 2003 from Eunice P. de Carvalho to myself.

9. Attached hereto as Exhibit 8 is a true and correct copy of Applicant's Answers to Opposer's Second Set of Interrogatories to Applicant.
10. Attached hereto as Exhibit 9 is a true and correct printout from the Lexis database of Misco, Inc. v. United States Steel Corp., 784 F.2d 198 (6th Cir. 1986).
11. Attached hereto as Exhibit 10 is a true and correct printout from the Lexis database of Leonard v. University of Del., 96-360 MMS, LEXSEE 1997 U.S. Dist. LEXIS 4196 (D. Del. March 20, 1997).
12. Attached hereto as Exhibit 11 is a true and correct printout from the Lexis database of Wigler v. Electronic Data Sys. Corp., 108 F.R.D. 204 (D. Md. 1985).
13. Attached hereto as Exhibit 12 is a true and correct printout from the Lexis database of Berry v. Federated Mut. Ins. Co., 110 F.R.D. 441 (N.D. Ind. 1986).
14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the 2001 edition of Trademark Trial and Appeal Board Practice and Procedure authored by Gary D. Krugman.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 14th day of February 2003, at Minneapolis, Minnesota.


Stephen R. Baird

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the following documents:

**Applicant's Response in Opposition to Opposer's
Motion for Protective Order
And
Declaration of Stephen R. Baird in Support of Applicant's
Response in Opposition to Opposer's Motion
For Protective Order**


have been served upon the following counsel on the 14th day of February, 2003, directed to said counsel at the following address and in the below manner:

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VIA FIRST CLASS MAIL

Dated: February 14, 2003

Respectfully submitted,



Tammy McCanna

TTAB

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February 14, 2003

BOX TTAB – NO FEE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

CERTIFICATE OF MAILING
37 C.F.R. 1.8
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below:
Date: 2-14-03 Tammy McCanna
Tammy J. McCanna



BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

Re:
Opposition No: 125,525
Opposer: Wagner Spray Tech Corporation
Applicant: Graco Inc.
Our Ref. No.: 12243-002001

Dear Sir or Madam:

Enclosed for filing in connection with the above-referenced application are:

- 1) Applicant's Response in Opposition to Opposer's Motion for Protective Order;
- 2) Declaration of Stephen R. Baird in Support of Applicant's Response in Opposition to Opposer's Motion for Protective Order;
- 3) Certificate of Service; and
- 4) Postcard to acknowledge receipt of these materials.

Please date stamp and return the enclosed postcard to acknowledge receipt of these materials. Should any fees be required relating to the enclosed document, the Honorable Commissioner for Trademarks is authorized to deduct said fees from Fish & Richardson Deposit Account No. 06-1050 with reference to 12243-002001.

Very truly yours,

Stephen R. Baird