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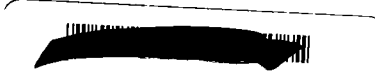
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In the matter of Trademark Application Serial No. 76374089
Filed on February 22, 2002
For the Mark TWIST-LOK
Published in the Official Gazette on April 1, 2003 OG Page No. TM204*

09/09/2003 10:53:32

The Sherwin-Williams Company)
Opposer,)
vs.)
Robert D. Newman and)
Specilaty Products of Missouri, Inc.)
Applicant.)

Attorney Docket No.: 7576



BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

08-29-2003
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Dear Sir/Madam:

In the matter of the application for registration of "TWIST-LOK" by Robert D. Newman and Specialty Products of Missouri, Inc. of Greenwood, Missouri, on the Principal Register of the Trademark Act of 1946, as a trademark for "extension poles made of plastic and metal for use in painting and window washing" in International Class 16 (Prior U.S. Classes 2, 5, 22, 23, 29, 37, 38 and 50), The Sherwin-Williams Company, a corporation organized and doing business under the laws of the State of Ohio, having its principal office at 101 Prospect Avenue NW, Cleveland, Ohio 44115-1075, believes it will be damaged by registration of said mark, and therefore, opposes Applicant's registration.

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As grounds for this Opposition, Opposer respectfully alleges the following:

1. Opposer is a major manufacturer and seller of paints, applicators and related materials, including extension poles.

2. For several years Opposer has used the term "twist lock" as a phrase describing the locking mechanism of extension poles made of plastic and metal for use in painting and window washing, and Opposer intends to continue using that description on extension poles.

3. The term "twist lock" is merely descriptive of a twist lock locking mechanism, and is, in fact, the generic name of such a mechanism.

4. Applicant's proposed mark, TWIST-LOK, is virtually identical in sound, appearance and meaning to the generic or descriptive term "twist lock".

5. Applicant has advised Opposer that should Applicant obtain trademark registration of the term TWIST-LOK, Applicant intends to enforce its registration to prevent Opposer from using the term "twist lock" in the manner currently used by Opposer.

6. If Applicant is permitted to use and register its mark, Opposer will be damaged because of Applicant's avowed intention to restrict or prevent Opposer's use of the term "twist lock".

7. Applicant is not now, and has never been, entitled to registration of the term TWIST-LOK since it is the descriptive or generic term describing the twist lock locking mechanism utilized by Applicant and Opposer and others.

8. Applicant's proposed mark TWIST-LOK is merely descriptive of one of the qualities or nature of Applicant's goods, namely, an extension pole utilizing a twist lock locking mechanism.

For these and other reasons, Opposer believes that it would be materially damaged if Applicant's mark was registered and, therefore, prays that registration of the mark TWIST-LOK be refused and that this Opposition be sustained. A duplicate of this NOTICE OF OPPOSITION is enclosed.

The fee in the amount of \$200.00 should be charged to Deposit Account No. 19-2025, as well as any additional fees, and any overpayments should be credited to the same Deposit Account No. 19-2025. Two copies of a letter authorizing these charges is enclosed herewith.

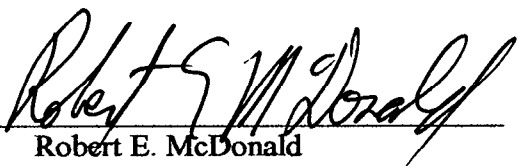
All correspondence in connection with matter should be mailed to:

Robert E. McDonald, Esq.
c/o The Sherwin-Williams Company
101 Prospect Avenue NW
1100 Midland Bldg. – Legal Dept.
Cleveland, OH 44115-1075

Dated this 29th day of August, 2003.

Respectfully submitted,

THE SHERWIN-WILLIAMS COMPANY

By 
Robert E. McDonald
Reg. No. 29,193
Attorney for Opposer

August 29, 2003
The Sherwin-Williams Company
101 Prospect Avenue NW
1100 Midland Bldg. – Legal Dept.
Cleveland, OH 44115-1075
phone: (216) 566-2432
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2900 Crystal Drive
Arlington, VA 22202-3514

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U.S. Patent & TMO/c/TM Mail Ropt Dt. #22

LETTER

Dear Sir/Madam:

Enclosed please find an original and one photocopy of a NOTICE OF OPPOSITION against the registration of Trademark Application Serial No. 76/374089. Please charge the \$200 fee to Deposit Account No. 19-2025. Any additional fees or overpayments may also be charged or credited to Deposit Account No. 19-2025. A duplicate copy of this authorization is enclosed.

Respectfully submitted,
THE SHERWIN-WILLIAMS COMPANY

By

Robert E. McDonald
Reg. No. 29,193
Attorney for Opposer

August 29, 2003
The Sherwin-Williams Company
101 Prospect Avenue NW
1100 Midland Bldg. - Legal Dept.
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Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3514

CERTIFICATE OF MAILING

“Express Mail” mailing label number EV 091999615 US

Date of Deposit August 29, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Debbie Pankiw

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper of fee)