



## ECOLOGICAL FIBERS, INC.

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TTAB  
91158195

October 7, 2003

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513



10-10-2003

U.S. Patent & TMOtr/TM Mail Rcpt Dt. #78

Re: Serial No. 76465422

Attached please find a copy of the request from Georgia-Pacific Corporation suggesting that we ammend the wording of our trademark submission omitting the word "paper" from the description of goods.

At the close of a telephone conversation on October 6, 2003 between John Quill, V.P. of Sales and Marketing at Ecological Fibers, Inc., and Kathleen Shannon, Senior Paralegal/Consumer Products at Georgia-Pacific Corporation, I have been instructed to delete the reference to "paper" as requested by Georgia-Pacific Corporation.

Although we, at Ecological Fibers, Inc., can see no similarity between Georgia-Pacific's "Ultima Paper Towels" and Ecological Fibers' "Coated Cover Materials", we agree to change the description to read: Cover material with a clear protective top coat for scuff and soil resistance for game boards, boxes, photo albums, slipcases, picture frames, books, looseleaf or file.

Please contact me at (978) 537-0003 ext. 101 should you have any questions regarding the amend-ment.

Sincerely,

Donna M. Lafarier  
Marketing Manager

cc: Kathleen A. Shannon - Georgia-Pacific Corp.



**Georgia-Pacific**



Georgia-Pacific Corporation  
Law Department

133 Peachtree Street NE (30303-1847)  
P.O. Box 105605  
Atlanta, Georgia 30348-5605  
(404) 652-5716  
(404) 584-1461 fax  
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September 29, 2003

**Kathleen A. Shannon**  
Senior Paralegal  
Consumer Products

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donna Lafarier  
Ecological Fibers, Inc.  
40 Pioneer Drive  
Lunenburg, Massachusetts 01462

Re: ULTIMA, S.N. 76/465,422

Dear Ms. Lafarier,

As you may know, Fort James Operating Company, a wholly-owned subsidiary of Georgia-Pacific Corporation, owns several federal registrations for ULTIMA for, *inter alia*, "paper towels" which are in use in the United States.

Your trademark application for ULTIMA for "paper cover material with a clear protective top coat for scuff and soil resistance for game boards, boxes, photo albums, slipcases, picture frames, looseleaf or file" has come to our attention.

As you undoubtedly know, ULTIMA is a rather weak trademark; however, there are only three registrations for ULTIMA in International Class 16 – ours and two others. The other two are for "presentation easels" and "fictional books", both of which are clearly distinguishable from our use of ULTIMA on bath tissue, paper towels and napkins. Your application causes us concern given that your identification of goods cites "paper cover material." We cannot permit other identical marks for similar goods cropping onto the register essentially weakening our registration rights.

As you know, we have taken two extensions of time and are prepared to oppose your application on October 8, 2003 unless we can amicably resolve this matter. Accordingly, we request that you revise the identification of goods to delete any reference to "paper." For instance, we could accept an identification that reads: "cover material with a clear protective top coat for scuff and soil resistance for game boards, boxes, photo albums, slipcases, picture frames, looseleaf or file."

September 29, 2003

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If you agree to amend the goods as indicated above and forward proof of that amendment as filed with the United States Patent & Trademark Office prior to October 8, 2003, we will not take any further action.

We look forward to your prompt reply. If you wish to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Shannon". The signature is written in black ink and is positioned below the word "Sincerely,".

Kathleen A. Shannon  
Senior Paralegal  
Consumer Products Division