

ESTTA Tracking number: **ESTTA1177239**

Filing date: **12/08/2021**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Continental D.I.A. Diamond Products, Inc.
Granted to Date of previous extension	12/08/2021
Address	1300 INDUSTRIAL ROAD SUITE 18 SAN CARLOS, CA 94070 UNITED STATES
Attorney information	JOSEPH V. MAUCH SHARTSIS FRIESE LLP ONE MARITIME PLAZA, 18TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES Primary Email: trademarks@sflaw.com Secondary Email(s): crubke@sflaw.com, jmauch@sflaw.com, calendar@sflaw.com 415-421-6500
Docket Number	12628/002

Applicant Information

Application No.	79297637	Publication date	08/10/2021
Opposition Filing Date	12/08/2021	Opposition Period Ends	12/08/2021
International Registration No.	1559456	International Registration Date	10/08/2020
Applicant	Wiha Werkzeuge GmbH OBERTALSTR. 3-7 78136 SCHONACH FED REP GERMANY		

Goods/Services Affected by Opposition


Class 008. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Hand-operated tools and implements for treatment of materials, for construction, repair and maintenance, namely, screwdrivers, nut drivers, grip drivers, screwdriver handles, screwdriver bit holders, screwdriver bits, screwdriver bit sets, screwdriver bit sockets, countersinks and nut setters



Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2497482	Application Date	02/25/1999
Registration Date	10/16/2001	Foreign Priority Date	NONE
Word Mark	TERMINATOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1997/12/00 First Use In Commerce: 1997/12/00 DIAMOND CONTAINING POWER SAW BLADES, BITS FOR POWER DRILLS AND POWER GRINDING WHEELS ALL FOR USE IN THE MARBLE, GRANITE, CONCRETE, ASPHALT, ROOFING AND TILE INDUSTRY		

U.S. Registration No.	5045294	Application Date	02/12/2016
Registration Date	09/20/2016	Foreign Priority Date	NONE
Word Mark	TERMINATOR		
Design Mark			
Description of Mark	The mark consists of a shield design having an outer border frame, the word "TERMINATOR" across the top of the shield, a flame design below the word "TERMINATOR" and five stars positioned below and outside of the left and right sides of the bottom pointed edge of the shield.		
Goods/Services	Class 007. First use: First Use: 2009/02/03 First Use In Commerce: 2009/02/03 Machine tools and accessories, namely, blades for power saws, bits for power drills, core bits for power drills, bits for power milling machines, power grinding wheels, router machine bits, polishingwheels, polishing pads, back-up pads for polishing pads and sanding discs, all for cutting, grinding, shaping, sanding, polishing, coring, drilling and milling of masonry, stone and ceramic materials by others; computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding-		

	wheels and breaker wheels; air-operated hand sanders/polishers		
U.S. Registration No.	3028708	Application Date	11/12/2004
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	TERMINATOR XTREME		
Design Mark	 <p style="text-align: center; font-size: 24pt; font-weight: bold;">TERMINATOR XTREME</p>		
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2004/09/13 First Use In Commerce: 2004/09/13 Power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containing diamonds and polishing pads containing diamonds, all for use in the marble, granite, concrete, asphalt, roofing and tile industry		
U.S. Registration No.	3581253	Application Date	07/27/2007
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	TERMINATOR ZOOM		
Design Mark	 <p style="text-align: center; font-size: 24pt; font-weight: bold;">TERMINATOR ZOOM</p>		
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2007/07/29 First Use In Commerce: 2007/07/29 Power-operated tools and accessories for use in the marble, granite, concrete, asphalt, roofing and tile industries, namely, power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containing diamonds, profile wheels containing diamonds, finger bits containing diamonds and polishing pads containing diamonds		
U.S. Application No.	90753338	Application Date	06/03/2021

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TERMINATOR THE CUTTING EDGE.		
Design Mark			
Description of Mark	The mark consists of a black outlined diamond-shaped design with a flame-like stripe running diagonally across the diamond to the left of the word TERMINATOR in uppercase red letters with the words "The Cutting Edge". in black letters below.		
Goods/Services	Class 007. First use: First Use: 2019/00/00 First Use In Commerce: 2019/00/00 Power-operated tools and accessories for use in the marble, granite, natural stone, engineered stone, porcelain, concrete, asphalt, roofing and tile industries, namely, power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containing diamonds, profile wheels containing diamonds, finger bits containing diamonds and polishing pads containing diamonds; computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels and breaker wheels; air-operated hand sanders/polishers		

U.S. Application No.	90801395	Application Date	06/29/2021
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TERMINATOR ADP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels, breaker wheels, polishing pads, back-up pads and sanding discs; machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels, breaker wheels, polishing pads, back-up pads and sanding discs		

Attachments	86906134#TMSN.png(bytes) 78516409#TMSN.png(bytes)
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	77241273#TMSN.png(bytes) 90753338#TMSN.png(bytes) 90801395#TMSN.png(bytes) Notice of Opposition TERMINATORBLUE.pdf(629422 bytes)
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Signature	/Joseph V. Mauch/
Name	Joseph V. Mauch
Date	12/08/2021

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

Continental D.I.A. Diamond Products, Inc.,

Opposer,

v.

Wiha Werkzeuge GmbH,

Applicant.

Opposition No.:

Mark:

Serial No.: 79297637

NOTICE OF OPPOSITION

Opposer Continental D.I.A. Diamond Products, Inc., a California corporation (“Opposer” or “Continental”), which has its principal place of business at 1300 Industrial Road, Suite 18, San Carlos, California 94070, believes that it would be damaged by registration of the mark TERMINATORBLUE as shown in United States Trademark Application Serial No. 79297637, filed by Wiha Werkzeuge GmbH, a German entity (“Applicant”) and published for opposition on August 10, 2021. Opposer requested and received an extension of time to oppose to December 8, 2021. Continental opposes the application.

The grounds for this Opposition are as follows:

1. Opposer has been selling products in the marble, granite, concrete, asphalt, roofing and tile industry using the TERMINATOR, TERMINATOR XTREME, and TERMINATOR ZOOM marks (the “TERMINATOR Marks”) since at least 1997. Continental owns trademark registrations for the TERMINATOR Marks in the US, Canada, EU, and UK, including the following US registrations (electronic database copies of which are attached as Exhibit A):

- (a) TERMINATOR (US Registration No. 2497482) for “diamond containing power saw blades, bits for power drills and power grinding wheels all for use in the marble, granite, concrete, asphalt, roofing and tile industry”



- (b) (US Registration No. 5045294) for “Machine tools and accessories, namely, blades for power saws, bits for power drills, core bits for power drills, bits for power milling machines, power grinding wheels, router machine bits, polishing wheels, polishing pads, back-up pads for polishing pads and sanding discs, all for cutting, grinding, shaping, sanding, polishing, coring, drilling and milling of masonry, stone and ceramic materials by others; computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels and breaker wheels; air-operated hand sanders/polishers”
- (c) TERMINATOR XTREME (US Registration No. 3028708) for “Power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containing diamonds and polishing pads containing diamonds, all for use in the marble, granite, concrete, asphalt, roofing and tile industry”
- (d) TERMINATOR ZOOM (US Registration No. 3581253) for “Power-operated tools and accessories for use in the marble, granite, concrete, asphalt, roofing and tile industries, namely, power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containing diamonds, profile wheels containing diamonds, finger bits containing diamonds and polishing pads containing diamonds”

2. Opposer also owns the following two US applications (electronic database copies of which are attached as Exhibit B):

- (a) TERMINATOR ADP (Ser. No. 90801395) for “computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels, breaker wheels, polishing pads, back-up pads and sanding discs; machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels, breaker wheels, polishing pads, back-up pads and sanding discs,” filed on June 29, 2021.



- (b) (Ser. No. 90753338) for “Power-operated tools and accessories for use in the marble, granite, natural stone, engineered stone, porcelain, concrete, asphalt, roofing and tile industries, namely, power saw blades containing diamonds, bits for power drills containing

diamonds, power grinding wheels containing diamonds, profile wheels containing diamonds, finger bits containing diamonds and polishing pads containing diamonds; computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels and breaker wheels; air-operated hand sanders/polishers,” filed on June 3, 2021.

3. Opposer uses the TERMINATOR Marks in combination with its registered mark KNOCKOUT (US Reg. No. 3856075) on a variety of products including TERMINATOR KNOCKOUT Polishing Pads and TERMINATOR KNOCKOUT Turbo Blades. Opposer has invested substantial resources developing its business using the TERMINATOR Marks and has established a well-known and well-respected brand.

4. On October 8, 2020, Applicant filed Application Serial Number 79297637 for the mark TERMINATORBLUE for “Hand-operated tools and implements for treatment of materials, for construction, repair and maintenance, namely, screwdrivers, nut drivers, grip drivers, screwdriver handles, screwdriver bit holders, screwdriver bits, screwdriver bit sets, screwdriver bit sockets, countersinks and nut setters.” Applicant claimed a priority date of September 14, 2020.

5. Opposer has been using the TERMINATOR Marks since 1997, which is over 20 years before the priority date claimed by Applicant.

6. On information and belief, Applicant and Opposer both offer similar goods to the same set of consumers using similar channels of trade.

7. Applicant’s TERMINATORBLUE Mark for Applicant’s goods is confusingly and deceptively similar to Opposer’s TERMINATOR Marks for Opposer’s goods, such that the trade and purchasing public are likely to be confused by and deceived into believing that the goods sold and marketed in connection with Applicant’s TERMINATORBLUE originate with or are otherwise authorized by, sponsored by, licensed by, or associated with Opposer.

8. In view of the similarity of the parties' respective marks and the parties' parallel goods, Applicant's use of the TERMINATORBLUE Mark is likely to cause confusion, or to cause mistake or to deceive.

9. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of the TERMINATORBLUE Mark for the goods described in Applicant's application.

10. Registration of the Application should be refused under Section 2(d) of the Lanham Act (15 U.S.C. § 1052(d)) for the reason that the TERMINATORBLUE Mark so resembles Opposer's TERMINATOR Marks as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that this Opposition be sustained, the application denied, and the mark refused registration.

Dated: December 8, 2021.

Respectfully submitted,

/s/ Cristina N. Rubke
Joseph V. Mauch
Cristina N. Rubke
SHARTSIS FRIESE LLP
One Maritime Plaza, 18th Floor
San Francisco, CA 94111
Telephone: 415.421.6500
Facsimile: 415.421.2922
Attorneys for Opposer
CONTINENTAL D.I.A. DIAMOND
PRODUCTS, INC.

EXHIBIT A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

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Mark: TERMINATOR

No Image exists for this case.

US Serial Number: 75648086

Application Filing Date: Feb. 25, 1999

US Registration Number: 2497482

Registration Date: Oct. 16, 2001

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the (

Status: The registration has been renewed.

Status Date: Jul. 19, 2021

Publication Date: Dec. 21, 1999

Mark Information

Mark Literal Elements: TERMINATOR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: DIAMOND CONTAINING POWER SAW BLADES, BITS FOR POWER DRILLS AND POWER GRINDING THE MARBLE, GRANITE, CONCRETE, ASPHALT, ROOFING AND TILE INDUSTRY

International Class(es): 007 - Primary Class

U.S Class(es): 013,

Class Status: ACTIVE

[Privacy - Terms](#)

Basis: 1(a)

First Use: Dec. 1997

Use in Commerce: Dec. 1997

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.

Owner Address: Suite 18
1300 Industrial Road
San Carlos, CALIFORNIA UNITED STATES 94070

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke

Docket Number: 12628/002

Attorney Primary Email Address: trademarks@sflaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Cristina N. Rubke
Shartsis Friese LLP
One Maritime Plaza, 18th Floor
San Francisco, CALIFORNIA UNITED STATES 94111

Phone: 415-421-6500

Fax: 415-421-2922

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 19, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 19, 2021	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70187
Jul. 19, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70187

Jul. 19, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70187
Apr. 09, 2021	TEAS SECTION 8 & 9 RECEIVED	
Apr. 01, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 16, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 18, 2020	WITHDRAWAL OF ATTORNEY GRANTED	
Jun. 18, 2020	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jun. 16, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 16, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 16, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 16, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Jan. 19, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 14, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec. 15, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 30, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 17, 2008	NOTICE OF SUIT	
Mar. 28, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Mar. 09, 2007	ASSIGNED TO PARALEGAL	66607
Jan. 29, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 29, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jan. 22, 2007	CASE FILE IN TICRS	
Feb. 23, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 16, 2001	REGISTERED-PRINCIPAL REGISTER	
Dec. 21, 1999	PUBLISHED FOR OPPOSITION	
Nov. 19, 1999	NOTICE OF PUBLICATION	
Aug. 26, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 1999	EXAMINER'S AMENDMENT MAILED	
Aug. 18, 1999	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 03, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 27, 1999	EXAMINER'S AMENDMENT MAILED	
Jul. 27, 1999	ASSIGNED TO EXAMINER	71995

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 19, 2021

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Mark: TERMINATOR



US Serial Number: 86906134

Application Filing Date: Feb. 12, 2016

US Registration Number: 5045294

Registration Date: Sep. 20, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the (

Status: Registered. The registration date is used to determine when post-registration maintenance documents :

Status Date: Sep. 20, 2016

Publication Date: Jul. 05, 2016

Mark Information

Mark Literal Elements: TERMINATOR

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a shield design having an outer border frame, the word "TERMINATOR" across the design below the word "TERMINATOR" and five stars positioned below and outside of the left and right of the shield.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.01.10 - Three or more stars; Stars, three or more
 01.01.13 - Stars - multiple stars with five points
 01.15.03 - Flames, other than flames emanating from objects, words, numbers, fireplaces

[Privacy](#) - [Terms](#)

emanating from objects, words, numbers, fireplaces or candles
 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed t
 24.09.07 - Banners; Advertising, banners
 25.03.25 - Repetitive designs, words, or letters as a background; Backgrounds covered with other figur
 designs, words or letters

Related Properties Information

International Registration [1306976](#)
Number:

International Application(s) [A0057060/1306976](#)
/Registration(s) Based on
this Property:

Claimed Ownership of US [2497482](#), [3028708](#), [3500842](#)
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Machine tools and accessories, namely, blades for power saws, bits for power drills, core bits for power machines, power grinding wheels, router machine bits, polishing wheels, polishing pads, back-up pads : discs, all for cutting, grinding, shaping, sanding, polishing, coring, drilling and milling of masonry, stone : computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core b grinding wheels and breaker wheels; air-operated hand sanders/polishers

International Class(es): 007 - Primary Class **U.S Class(es):** 013, 019, 021, 025

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 03, 2009 **Use in Commerce:** Feb. 03, 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44E: No
Filed 44E: No	Currently 66A: No
Filed 66A: No	Currently No Basis: No
Filed No Basis: No	

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.



Owner Address: Suite 18
 1300 Industrial Road
 San Carlos, CALIFORNIA UNITED STATES 94070

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke

Docket Number: 12628/002

Attorney Primary Email Address: trademarks@sflaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Cristina N. Rubke

Shartsis Friese LLP
 One Maritime Plaza, 18th Floor
 San Francisco, CALIFORNIA UNITED STATES 94111

Phone: 415-421-6500

Fax: 415-421-2922

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2021	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Apr. 01, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 18, 2020	WITHDRAWAL OF ATTORNEY GRANTED	
Jun. 18, 2020	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jun. 16, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 16, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 16, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 16, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 20, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 05, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 05, 2016	PUBLISHED FOR OPPOSITION	
Jun. 15, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 02, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	

May 31, 2016	ASSIGNED TO EXAMINER	76581
Feb. 20, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 19, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 16, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 20, 2016

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Mark: TERMINATOR XTREME

TERMINATOR XTREME

US Serial Number: 78516409

Application Filing Date: Nov. 12, 2004

US Registration Number: 3028708

Registration Date: Dec. 13, 2005

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the (

Status: The registration has been renewed.

Status Date: Feb. 04, 2015

Publication Date: Sep. 20, 2005

Mark Information

Mark Literal Elements: TERMINATOR XTREME

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US [2497482](#)
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Power saw blades containing diamonds, bits for power drills containing diamonds, power grinding wheels

Privacy - Terms

polishing pads containing diamonds, all for use in the marble, granite, concrete, asphalt, roofing and tile

International Class(es): 007 - Primary Class **U.S Class(es):** 013, 019, 021, 028
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 13, 2004 **Use in Commerce:** Sep. 13, 2004

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	Currently 44E: No
Filed 44E: No	Currently 66A: No
Filed 66A: No	Currently No Basis: No
Filed No Basis: No	

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.
Owner Address: Suite 18
 1300 Industrial Road
 San Carlos, CALIFORNIA UNITED STATES 94070
Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke **Docket Number:** 12628/002
Attorney Primary Email Address: trademarks@sflaw.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Cristina N. Rubke
 Shartsis Friese LLP
 One Maritime Plaza, 18th Floor
 San Francisco, CALIFORNIA UNITED STATES 94111
Phone: 415-421-6500 **Fax:** 415-421-2922

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 01, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Apr. 01, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 18, 2020	WITHDRAWAL OF ATTORNEY GRANTED	
Jun. 18, 2020	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jun. 16, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 16, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 16, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 16, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 04, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 04, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 04, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Feb. 04, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jan. 20, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 18, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Aug. 17, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jul. 07, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 12, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 30, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 17, 2008	NOTICE OF SUIT	
Dec. 13, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 20, 2005	PUBLISHED FOR OPPOSITION	
Aug. 31, 2005	NOTICE OF PUBLICATION	
Aug. 08, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
Jul. 29, 2005	ASSIGNED TO LIE	76985
Jul. 27, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 27, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 27, 2005	EXAMINERS AMENDMENT -WRITTEN	76720
Jul. 27, 2005	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 05, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
Jun. 24, 2005	ASSIGNED TO LIE	76985
Jun. 21, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 21, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 21, 2005	EXAMINERS AMENDMENT -WRITTEN	76720

Jun. 21, 2005	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 21, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 21, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 21, 2005	EXAMINERS AMENDMENT -WRITTEN	76720
Jun. 17, 2005	USE AMENDMENT ACCEPTED	
Jun. 17, 2005	NON-FINAL ACTION E-MAILED	6325
Jun. 17, 2005	NON-FINAL ACTION WRITTEN	76720
Jun. 16, 2005	ASSIGNED TO EXAMINER	76720
Mar. 05, 2005	AMENDMENT TO USE PROCESSING COMPLETE	70997
Feb. 25, 2005	USE AMENDMENT FILED	70997
Feb. 25, 2005	TEAS AMENDMENT OF USE RECEIVED	
Dec. 01, 2004	PRELIMINARY/VOLUNTARY AMENDMENT - ENTERED	77976
Nov. 23, 2004	PRELIMINARY/VOLUNTARY AMENDMENT - ENTERED	77976
Dec. 01, 2004	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 23, 2004	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 18, 2004	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 04, 2015

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[Back to Search](#)

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Mark: TERMINATOR ZOOM

TERMINATOR ZOOM

US Serial Number: 77241273

Application Filing Date: Jul. 27, 2007

US Registration Number: 3581253

Registration Date: Feb. 24, 2009

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the (

Status: The registration has been renewed.

Status Date: Mar. 22, 2018

Publication Date: Jan. 15, 2008

Notice of Allowance Date: Apr. 08, 2008

Mark Information

Mark Literal Elements: TERMINATOR ZOOM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: [2497482](#), [3028708](#), [3083811](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Power-operated tools and accessories for use in the marble, granite, concrete, asphalt, ro

[Privacy - Terms](#)

blades containing diamonds, bits for power drills containing diamonds, power grinding wheels containin
containing diamonds, finger bits containing diamonds and polishing pads containing diamonds

International Class(es): 007 - Primary Class **U.S Class(es):** 013, 019, 021, 023

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 29, 2007

Use in Commerce: Jul. 29, 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.

Owner Address: Suite 18
1300 Industrial Road
San Carlos, CALIFORNIA UNITED STATES 94070

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke

Docket Number: 12628/002

Attorney Primary Email trademarks@sflaw.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Cristina N. Rubke

Name/Address: Shartsis Friese LLP
One Maritime Plaza, 18th Floor
San Francisco, CALIFORNIA UNITED STATES 94111

Phone: 415-421-6500

Fax: 415-421-2922

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 01, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Apr. 01, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 18, 2020	WITHDRAWAL OF ATTORNEY GRANTED	
Jun. 18, 2020	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jun. 16, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 16, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 16, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 16, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 22, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 22, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Mar. 22, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Mar. 22, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Mar. 09, 2018	TEAS SECTION 8 & 9 RECEIVED	
Feb. 24, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 25, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 25, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Mar. 07, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	66607
Mar. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Mar. 07, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 24, 2009	REGISTERED-PRINCIPAL REGISTER	
Jan. 22, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Jan. 17, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 14, 2009	STATEMENT OF USE PROCESSING COMPLETE	76873
Dec. 29, 2008	USE AMENDMENT FILED	76873
Jan. 14, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Dec. 29, 2008	TEAS STATEMENT OF USE RECEIVED	
Dec. 15, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 24, 2008	EXTENSION 1 GRANTED	98765
Aug. 24, 2008	EXTENSION 1 FILED	98765
Aug. 24, 2008	TEAS EXTENSION RECEIVED	
Jul. 30, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 08, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 15, 2008	PUBLISHED FOR OPPOSITION	
Dec. 26, 2007	NOTICE OF PUBLICATION	

Dec. 10, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Dec. 10, 2007	ASSIGNED TO LIE	68658
Nov. 03, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 02, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 02, 2007	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 02, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 02, 2007	EXAMINERS AMENDMENT -WRITTEN	77875
Nov. 01, 2007	ASSIGNED TO EXAMINER	77875
Jul. 31, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 22, 2018

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DOCUMENTS

[Back to Search](#)

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Mark: TERMINATOR ADP

TERMINATOR ADP

US Serial Number: 90801395

Application Filing Date: Jun. 29, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (subject to the minimum filing requirements) and has not yet been assigned.

Status: New application will be assigned to an examining attorney approximately 6 months after filing date.

Status Date: Jul. 02, 2021

Mark Information

Mark Literal Elements: TERMINATOR ADP

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US [2497482](#), [3028708](#), [3581253](#) and others
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, grinding wheels, breaker wheels, polishing pads, back-up pads and sanding discs; machine tools, namely, drill bits, core bits, milling bits, edge profile bits, grinding wheels, breaker wheels, polishing

Privacy - Terms

International Class(es): 007 - Primary Class**U.S Class(es):** 013, 019, 021, 023**Class Status:** ACTIVE**Basis:** 1(b)

Basis Information (Case Level)

Filed Use: No**Currently Use:** No**Filed ITU:** Yes**Currently ITU:** Yes**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.**Owner Address:** 1300 Industrial Road, Suite 18
San Carlos, CALIFORNIA UNITED STATES 94070**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke**Docket Number:** 12628/002**Attorney Primary Email Address:** trademarks@sflaw.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: CRISTINA N. RUBKESHARTSIS FRIESE LLP
ONE MARITIME PLAZA, 18TH FLOOR
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111**Phone:** 415-421-6500**Fax:** 415-421-2922

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 10, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2021	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Jul. 02, 2021

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DOCUMENTS

[Back to Search](#)

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Mark: TERMINATOR THE CUTTING EDGE.



US Serial Number: 90753338

Application Filing Date: Jun. 03, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (subject to minimum filing requirements) and has not yet been assigned to an examining attorney.

Status: New application will be assigned to an examining attorney approximately 6 months after filing date.

Status Date: Jun. 07, 2021

Mark Information

Mark Literal Elements: TERMINATOR THE CUTTING EDGE.

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a black outlined diamond-shaped design with a flame-like stripe running diagonally from the top-left to the bottom-right. The word "TERMINATOR" is written in uppercase red letters with the words "The Cutting Edge." in black letters below it.

Color Drawing: Yes

Color(s) Claimed: The color(s) red, black, and white is/are claimed as a feature of the mark.

Design Search Code(s): 01.15.03 - Flames, other than flames emanating from objects, words, numbers, fireplaces or candles; Fireplaces or candles
26.07.28 - Miscellaneous designs with overall diamond shape, including letters forming or comprising a diamond shape (miscellaneous overall shape)

Related Properties Information

Claimed Ownership of US Registrations: [2497482](#), [3028708](#), [3581253](#) and others

Goods and Services

Note:

[Privacy - Terms](#)

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Power-operated tools and accessories for use in the marble, granite, natural stone, engineered stone, p roofing and tile industries, namely, power saw blades containing diamonds, bits for power drills containi wheels containing diamonds, profile wheels containing diamonds, finger bits containing diamonds and p diamonds; computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill profile bits, grinding wheels and breaker wheels; air-operated hand sanders/polishers

International Class(es): 007 - Primary Class **U.S Class(es):** 013, 019, 021, 022

Class Status: ACTIVE

Basis: 1(a)

First Use: 2019

Use in Commerce: 2019

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Continental D.I.A. Diamond Products, Inc.

Owner Address: 1300 Industrial Road, Suite 18
San Carlos, CALIFORNIA UNITED STATES 94070

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Cristina N. Rubke

Docket Number: 12628/002

Attorney Primary Email Address: trademarks@sflaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: CRISTINA N. RUBKE

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA, 18TH FLOOR
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111

Phone: 415-421-6500

Fax: 415-421-2922

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Aug. 27, 2021	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Aug. 26, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 07, 2021	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** NEW APPLICATION PROCESSING**Date in Location:** Jun. 07, 2021**Assignment Abstract Of Title Information - Click to Load****Proceedings - Click to Load**