

**In the United States Patent and Trademark Office  
Before the Trademark Trial and Appeal Board**

In the matter of Trademark Registration No. 3104755  
For the mark: SNAP!  
Date registered: 13 June 2006

Market America, Inc.,  
v.  
Rochester Midland Corporation

Cancellation No. 92046019

**REGISTRANT'S ANSWER TO MARKET AMERICA, INC.'S FIRST SET OF  
INTERROGATORIES & REQUESTS FOR PRODUCTION**

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Registrant, Rochester Midland Corporation (RMC) states the following in response to Petitioner's Interrogatories and Requests for Production:

**Interrogatory 1: Identify the department(s) & person(s) responsible for developing and selecting the SNAP! trademark.**

A group discussion in the marketing department makes it unclear which individual may have suggested this mark.

**Interrogatory 2: Identify the department(s) & person(s) responsible for developing the SNAP! product line.**

Marketing department and R&D

**Interrogatory 3: Explain how the SNAP! trademark was ultimately selected by RMC.**

A number of names were selected, and searched without discovering any MA useage and the SNAP! name was found to be available and most suitable for the product.

**Interrogatory 4: Identify each type of product RMC has sold since 2002 using the SNAP! trademark.**

The attached brochure (marked Exhibit A) answers this question.

**Interrogatory 5: Identify each type of product RMC currently sells using the SNAP! trademark.**

The attached brochure (marked Exhibit A) answers this question.

**Interrogatory 6: Explain the intended use(s) for each product identified in Interrogatory 4 and Interrogatory 5 above.**

The combination of the attached brochures (marked Exhibits A and B) answers this question. Moreover, all SNAP! products are for commercial cleaning applications, and are diluted and dispensed through dispensing units.

**Interrogatory 7: Identify every state in the US in which RMC markets and/or sells products bearing the SNAP! trademark.**

The SNAP! products are available nationally, and are marketed and sold in every state through distribution to commercial end users, and are not sold retail.

**Interrogatory 8: Explain how RMC advertises and promotes products bearing the SNAP! trademark by (i) media type and (ii) market locations.**

Product promotion is via attached brochures and wall chart (marked as Exhibits A, B and C)

**Interrogatory 9: Explain how customers purchase products bearing the SNAP! trademark by identifying (i) product points of sale and (ii) any retail, wholesale, distributor or other seller/provider of these products.**

No retail. Distributors wholesale SNAP! products to commercial end users

**Interrogatory 10: Explain how customers purchase products bearing the SNAP! trademark by identifying (i) product points of sale and (ii) any retail, wholesale, distributor or other seller/provider of these products.**

No retail. Distributors wholesale SNAP! products to commercial end users

**Interrogatory 10: Identify every location in which SNAP! products are sold by (i) city/state and (ii) retail, wholesale, or distributor business name and type in each city/state.**

Distributors are numerous and their names and addresses are proprietary.

**Interrogatory 11: Identify the person(s) and department(s) responsible for marketing products bearing the SNAP! trademark.**

Institutional Chemical Group of RMC

**Interrogatory 12: Identify RMC's target market for each type of product bearing the SNAP! trademark.**

Commercial end users through distribution channels for all types of SNAP! products

**Interrogatory 13: From 2002 to the present, identify RMC's yearly revenues (including gross and net revenues) from sale of products bearing the SNAP! trademark.**

RMC is a privately held company whose sales figures are not published.

**Interrogatory 14: Identify when RMC first became aware of Market America's SNAP product.**

April 24, 2006

**Interrogatory 15: Explain how RMC was first made aware of Market America's SNAP product.**

A distributor emailed information from World Wide Web.

**Interrogatory 16: Identify any reports (received from customers) involving plaintiff's SNAP product by (i) date of report and (ii) name of reporter.**

See Answer to Interrogatories 14 and 15.

**Documents are available for production as follows:**

Production request 5 – see Exhibits A-C.

Production request 7 – product labels appear in Exhibit A.

Submitted on October 12, 2006.

By: *E. S. Stephens*

Eugene S. Stephens, Reg. No. 20,649, Attorney for Registrant  
BROWN & MICHAELS, PC  
400 M&T Bank Building - 118 North Tioga St.  
Ithaca, NY 14850  
(585) 232-7700 x 306 • (585) 232-7188 (fax)  
e-mail: docket@bpmlegal.com

**CERTIFICATE OF SERVICE**

I certify that a true and complete copy of the foregoing Registrant's Answer to Market America, Inc.'s First Set of Interrogatories & Requests for Production has been served on Market America, Inc. by mailing said copy on the 12th day of October 2006 via Express Mail postage prepaid and electronic mail to:

C. Andrew Wattleworth  
Associate General Counsel  
Market America, Inc.  
1302 Pleasant Ridge Road  
Greensboro, NC 27409  
[andyw@morebv.com](mailto:andyw@morebv.com)

*Pamela J. Knapp*  
Pamela J. Knapp, IP Paralegal  
Brown & Michaels, PC

If You Dispense from Large Containers, Check Out Chemizer PLUS, a Versatile Chemical Management System



You can dispense up to six different products from the compact Chemizer PLUS. Easy push button operation eliminates complicated dilution ratios, pumps, measuring cups.

- Proper dilution control insures safe use
- Color-coded labeling system helps prevent misuse
- Built-in back flow prevention
- Two flow rates to fill mop bucket/cleaning equipment or spray bottles

Ask for publication 3318

For more information, contact:

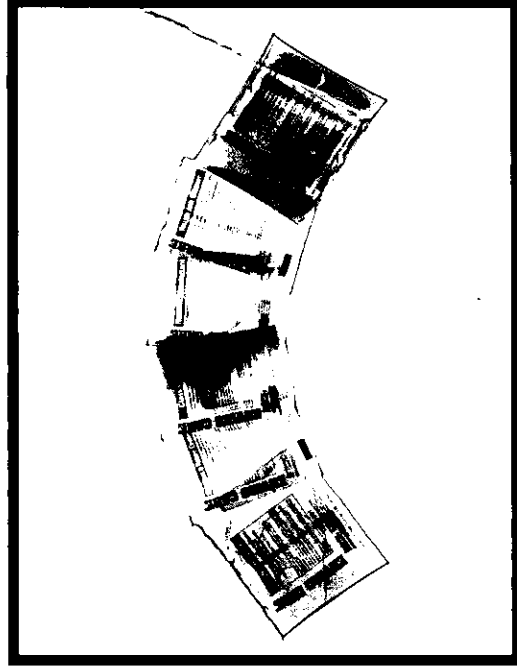


*Creating Integrated Solutions Since 1888*

Corporate Headquarters  
333 Hollenbeck Street  
Rochester, New York 14621

Telephone: 800-836-1627, extension 422  
www.rochestermidland.com

If You Need to Delegate Portions, Try Our Enviro Paks, a Pre-Measured, Portable Chemical Management System

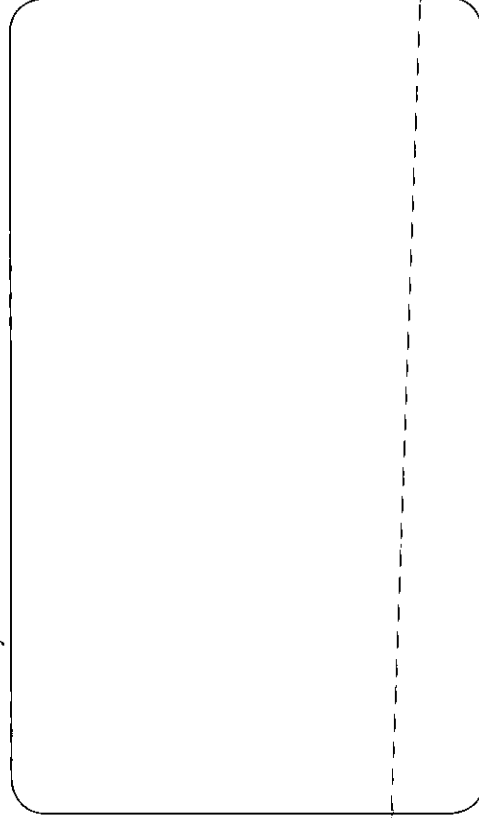


If your chemical volume is lower, or you work in a decentralized setting, such as a campus or multi-story office building, then try Enviro Paks.

- No wasted chemicals
- No return trips to mixing stations or storage areas
- Great inventory management
- Simplifies new employee training
- Minimizes space requirements

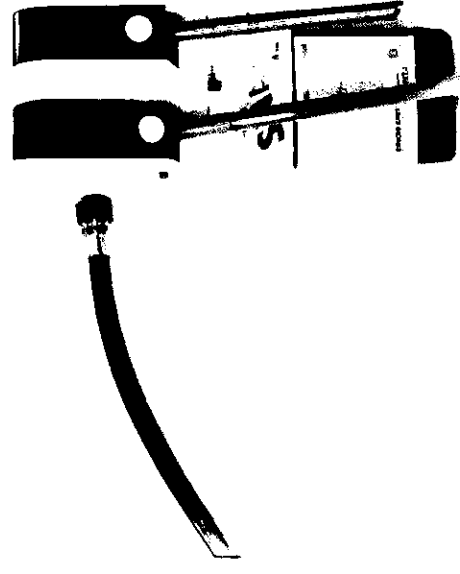
Ask for publication 4352

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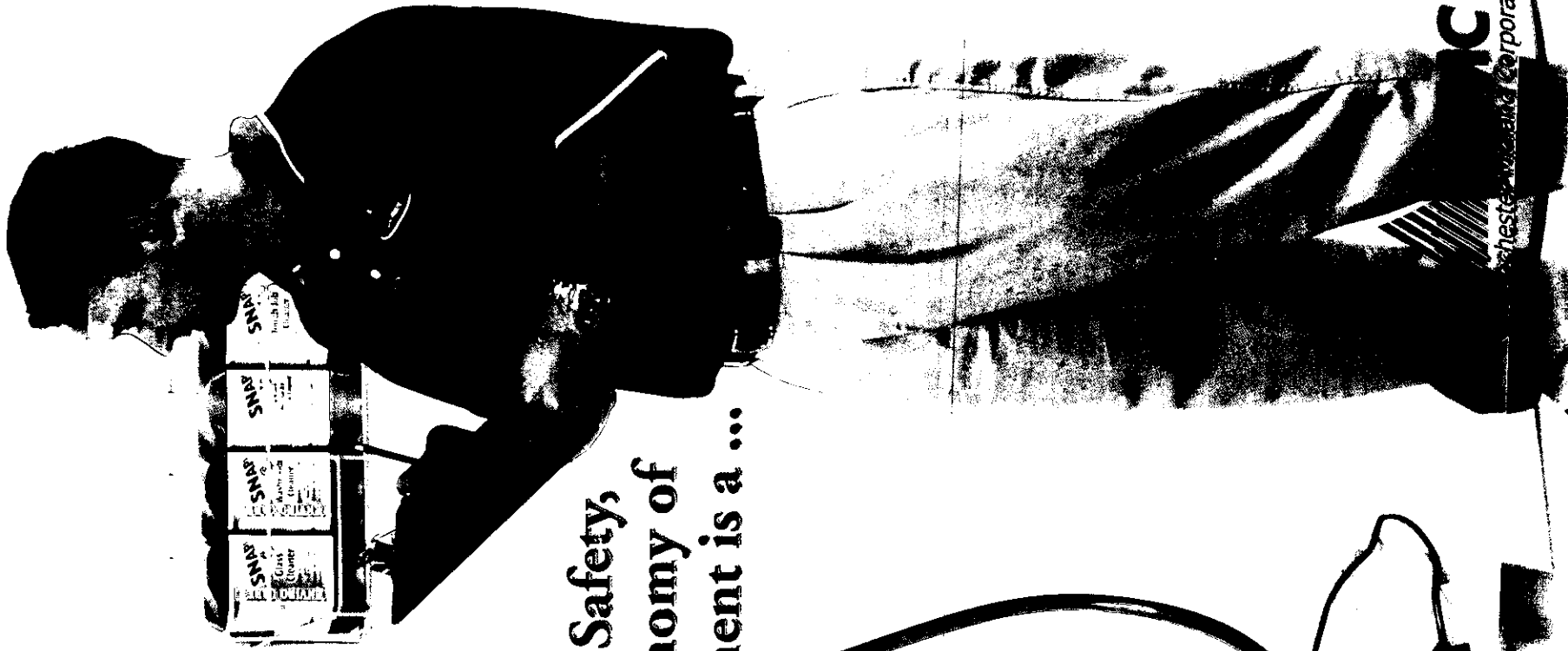
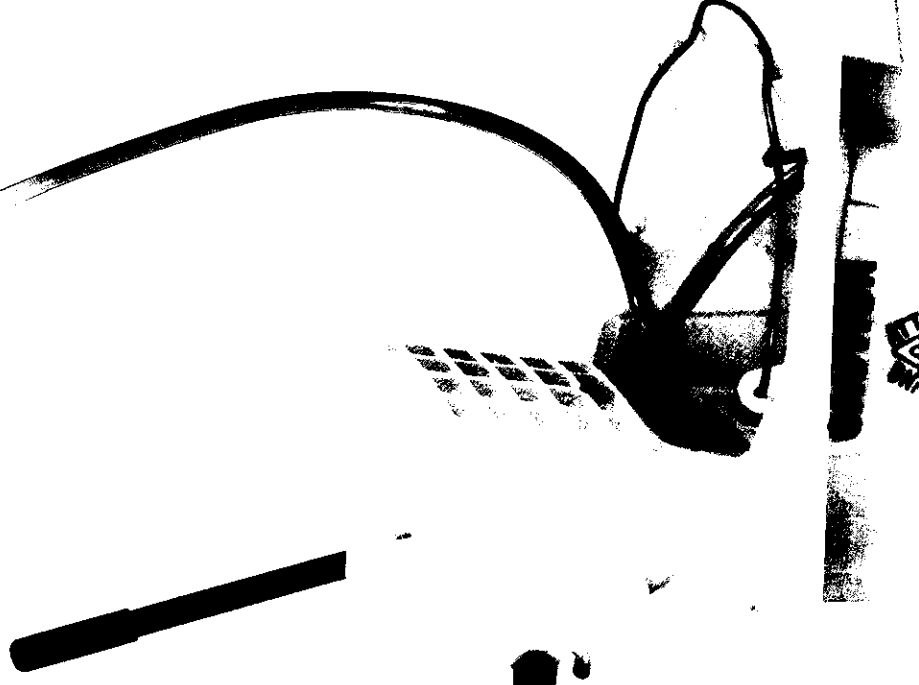


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# Exhibit A



With RMC, the Safety, Accuracy, & Economy of Chemical Management is a ...



Rochester Midland Corporation

# SNAP!

A High Performance System

## Fast, Easy & Accurate Portion Control with NO Chemical Contact

Chemical management relies on portioning systems to give you control of critical maintenance factors — cleaning performance, labor costs, and chemical usage.

SNAP! is the latest RMC innovation in chemical management and is comprised of a unique, high-tech Dispensing Unit and RMC's comprehensive line of high performance cleaning chemicals contained in special SNAP! Cartridges. Together, the SNAP! Dispensing Unit and the SNAP! Cartridges, make for the safest, most accurate and economical chemical management system available.

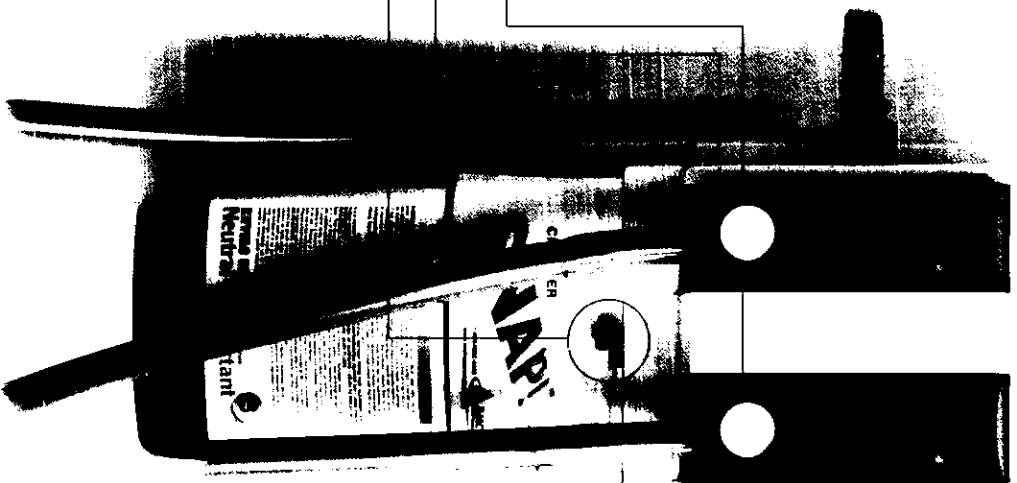
SNAP! dispenses multiple products with patented no chemical carryover technology. One unit handles all SNAP! products.

Built in flow control eliminates water pressure problems and gives accurate and consistent dilution every time. Press for controlled bottle fill or look-on for handsfree bucket or auto scrubber fill.

SNAP! Cartridges snap securely in place.

### SNAP! Mobile Unit

- Dual Flow Rates
- Bottle, Bucket and Scrubbers fill
- Built-in Back Flow Prevention
- Dispenses Any SNAP! Product
- Complete with Quick Disconnect
- No Assembly Required



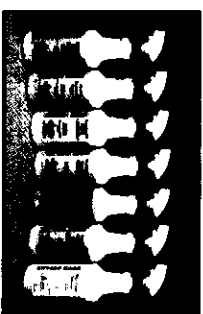
### Safety

- No mixing
- No cross over of chemicals
- Color-coded bottles with safety chart
- Bilingual and numbered labels with safety chart
- No chemical contact



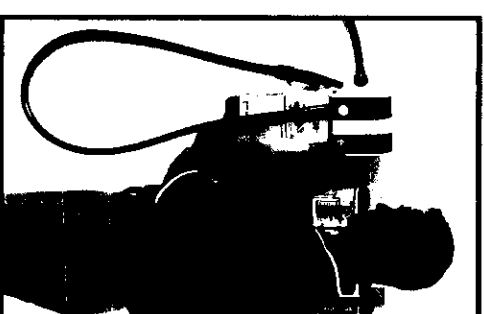
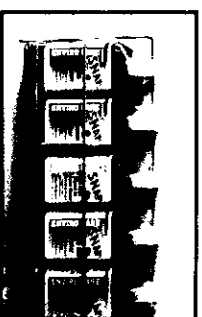
### Accuracy

- No knobs or dials to turn. Just press large green buttons with bottle or bucket icon
- Color-coded bottles with safety chart
- No mixing of chemicals



### Economy

- Same bottle for both units
- Quick disconnect
- No electricity needed
- Super concentrate
- Mobile units provide flexibility
- Less storage



SNAP! is safe and easy to use. By using the handy reference chart, the user simply selects the correct cleaning product cartridge, snaps it into the Dispensing Unit, and selects Bottle or Bucket portioning by pushing the button.

Get SNAP! installed in your locations now! Call 800-836-1627, extension 422 or go to [rochemidland.com](http://rochemidland.com) and get Snapping!



RMC Chemizer SNAP! ... a Complete and Comprehensive Chemical Management System!

The SNAP! System Includes Our Enviro Care Products!

Each SNAP! product is color coded, numbered, and includes bilingual English/Spanish labeling to help make cleaning straightforward and easy to understand.



② Glass Cleaner



① Neutral Disinfectant



⑤ Non-Acid Washroom Cleaner



③ Fresh Air Deodorizer



④ Carpet Care



⑥ General Purpose Cleaner



⑩ Neutral All Purpose Cleaner



⑧ Citrus Cleaner Degreaser



① Enviro Care Glass Cleaner



③ Enviro Care Neutral Disinfectant



⑤ Enviro Care Washroom Cleaner



⑨ Enviro Care Low Foam All Purpose Cleaner



⑦ Enviro Care Tough Job Cleaner

Task Icon	Task Description	Product Name & Number	How to Use
	Washing windows, mirrors, any glossy surface	SNAP! Glass Cleaner	Hand Cleaning: Spray onto surface and polish by using a clean soft cloth, brush, squeegee or squeegee. Remove using squeegee. Hand Cleaning: Spray onto surface and polish with squeegee.
	Spot cleaning, cleaning and degreasing	SNAP! Citrus Cleaner Degreaser	Spray & Wipe cleaning - apply, scrub top, then squeegee. Spray & Wipe cleaning - apply, scrub top, then squeegee. Clean before use.
	General cleaning, degreasing, spot cleaning, window cleaning	SNAP! General Purpose Cleaner	Handy dry cleaning when degreasing a hot surface. Spray onto surface and polish with squeegee or spon. (Do not use on vinyl or other sensitive surfaces.)
	General cleaning of light fixtures	SNAP! Fresh Air Deodorizer	Chalky residue per normal procedures using hot water solution or spon. (Do not use on vinyl or other sensitive surfaces.)
	Any hardware cleaning, degreasing	SNAP! Fresh Air Deodorizer	To prevent air mist into room area. May be applied onto surface or sprayed for longer-lasting effect. Product to be used in accordance with the label.
	Handing the hardware, cleaning, degreasing, spot cleaning, window cleaning	Enviro Care Low Foam All Purpose Cleaner	Use with soap, bucket & sponge. Rinse, clean, dry, and squeegee. (Do not use on vinyl or other sensitive surfaces.)
	Handing the hardware, cleaning, degreasing, spot cleaning, window cleaning	SNAP! Neutral Disinfectant	Use with soap, bucket, sponge, brush, bucket & squeegee. Rinse, clean, dry, and squeegee. (Do not use on vinyl or other sensitive surfaces.)
	Handing the hardware, cleaning, degreasing, spot cleaning, window cleaning	SNAP! Neutral Disinfectant	Use to remove scale, soap film, body oils and other residues. Apply using spon. (Do not use on vinyl or other sensitive surfaces.)

For more information, go to: [www.rochemidland.com](http://www.rochemidland.com)



# SNAP!

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SNAP! dispenses multiple products with patented no chemical carryover technology. One unit handles all SNAP! products.

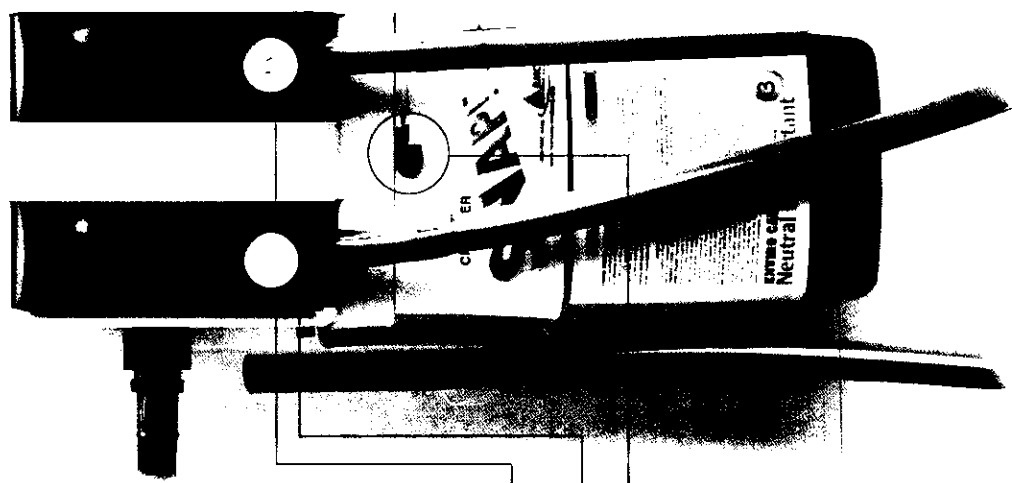
Built in flow control eliminates water pressure problems and gives accurate and consistent dilution every time.

Press for controlled bottle fill or lock-on for handsfree bucket or auto scrubber fill.

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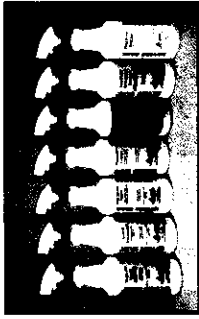
### Safety

- No mixing
- No cross over of chemicals
- Color-coded bottles with safety chart
- Bilingual and numbered labels with safety chart
- No chemical contact



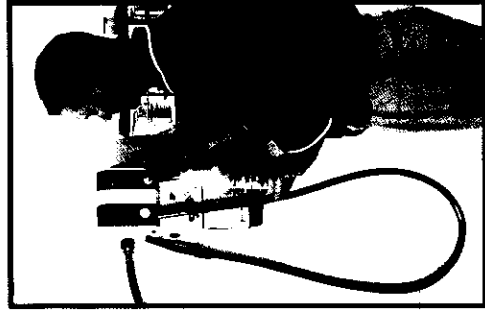
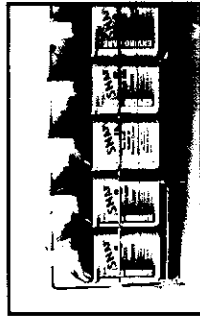
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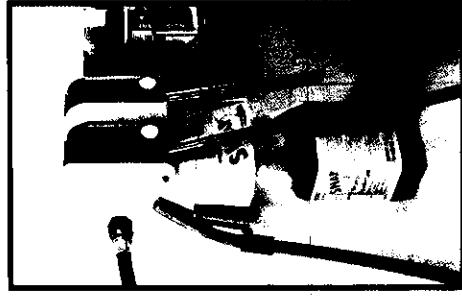
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Get SNAP! installed in your locations now! Call 800-836-1627, extension 422 or, go to [rochestermidland.com](http://rochestermidland.com) and get Snapping!



Task Icon	Description	Product Name & Number	How to Use
	Window cleaning, mirrors, any shiny surface	SNAP! Glass Cleaner	Hand Cleaning: Spray onto surface and polish dry using a clean lint-free cloth. For mirrors, use a soft cloth. For chrome, use a soft cloth. For stainless steel, use a soft cloth. For glass, use a soft cloth. For mirrors, use a soft cloth. For chrome, use a soft cloth. For stainless steel, use a soft cloth. For glass, use a soft cloth.
	Wall cleaning, ceiling, and ceiling fans	SNAP! Ceiling Degreaser	Spray & Wipe cleaning - with counter top or other heavy soiled surfaces. Cleaning glossy or shiny floors or other items requiring effective degreasing action.
	General cleaning, floors, tile, grout, and other hard surfaces	SNAP! General Purpose Cleaner	Heavy duty cleaning where degreasing is not required. For use on all hard surfaces. For polished floors, use a soft cloth. For tile and grout, use a soft cloth. For other hard surfaces, use a soft cloth.
	Carpet cleaning, tile, grout, and other hard surfaces	SNAP! Carpet Care	Clean carpets per normal procedures using hot water extraction or spin bonnet methods.
	Air freshening and odor removal	SNAP! Fresh Air Deodorizer	To freshen air, mist into room walls. May be sprayed onto drapes or curtains for longer lasting fragrance. For use on all hard surfaces. For polished floors, use a soft cloth. For tile and grout, use a soft cloth. For other hard surfaces, use a soft cloth.
	Cleaning, mirrors, chrome, stainless steel, brass, copper, etc.	SNAP! Neutral Disinfectant	Use with mop, bucket & wringer process or through automatic scrubbers. Neutral cleanser for all hard surfaces. For polished floors, use a soft cloth. For tile and grout, use a soft cloth. For other hard surfaces, use a soft cloth.
	General cleaning, tile, grout, and other hard surfaces	SNAP! Heavy-Duty Washroom Cleaner	Use to remove scale, soap, toothpaste, and other hard deposits from chrome, brass, and stainless steel. Apply using hand bucket or spray bottle and abrasive pads as needed.

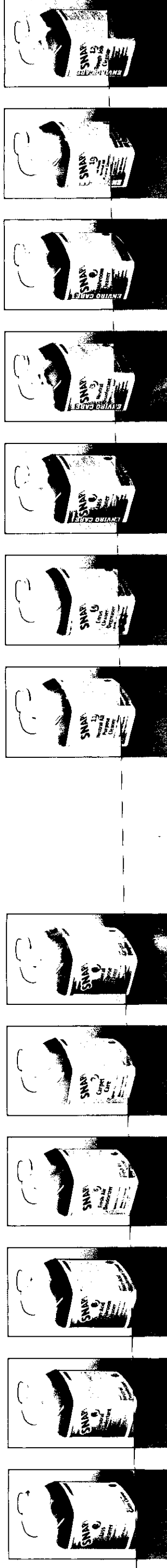
For more information, go to: [www.rochestermidland.com](http://www.rochestermidland.com)

### RMC Chemizer SNAP! ... a Complete and Comprehensive Chemical Management System!

Each SNAP! product is color coded, numbered, and includes bilingual English/Spanish labeling to help make cleaning straightforward and easy to understand.

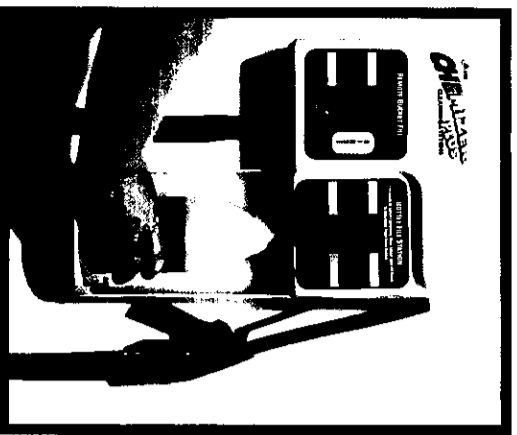
- ② Glass Cleaner
- ③ Neutral Disinfectant
- ④ Non-Acid Washroom Cleaner
- ⑤ Fresh Air Deodorizer
- ⑥ Carpet Care
- ⑦ General Purpose Cleaner
- ⑧ Citrus Cleaner Degreaser
- ⑨ All Purpose Cleaner
- ⑩ Enviro Care Glass Cleaner
- ⑪ Enviro Care Neutral Disinfectant
- ⑫ Enviro Care Washroom Cleaner
- ⑬ Enviro Care Low Foam All Purpose Cleaner
- ⑭ Enviro Care Tough Job Cleaner

### The SNAP! System Includes Our Enviro Care Products!



# Exhibit A

If You Dispense from Large Containers, Check Out Chemizer PLUS, a Versatile Chemical Management System



You can dispense up to six different products from the compact Chemizer PLUS. Easy push button operation eliminates complicated dilution ratios, pumps, measuring cups.

- Proper dilution control insures safe use
- Color-coded labeling system helps prevent misuse
- Built-in back flow prevention
- Two flow rates to fill mop bucket/cleaning equipment or spray bottles

Ask for publication 3318

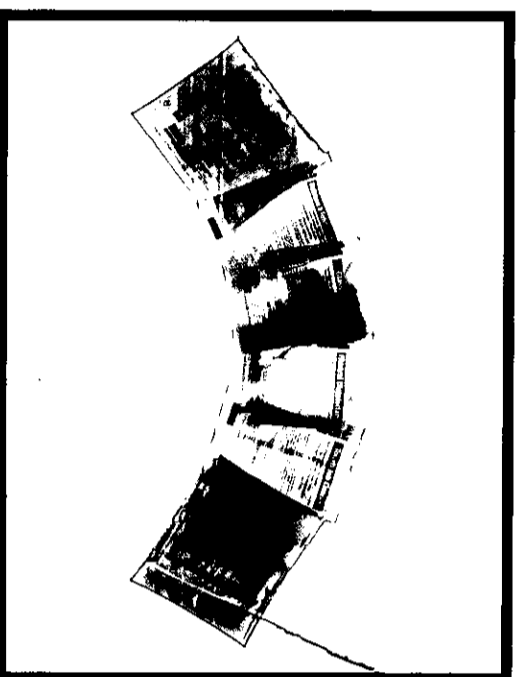
For more information, contact:



Corporate Headquarters  
333 Hollenbeck Street  
Rochester, New York 14621

Telephone: 800-836-1627, extension 422  
www.rochestermidland.com

If You Need to Delegate Portions, Try Our Enviro Paks, a Pre-Measured, Portable Chemical Management System

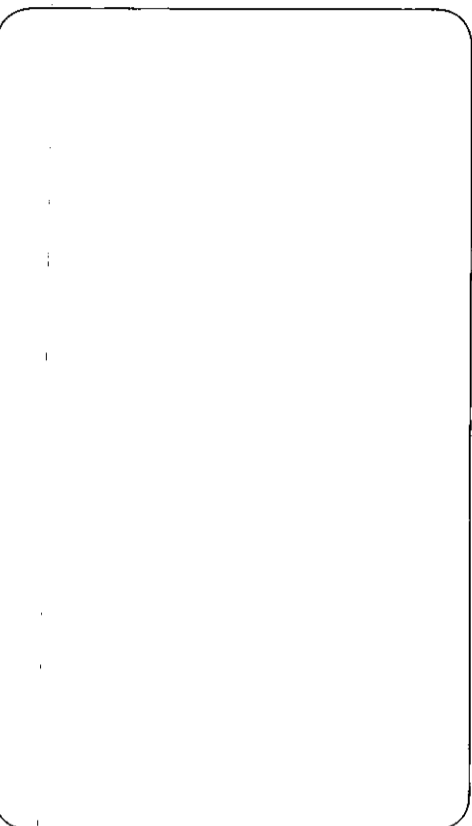


If your chemical volume is lower, or you work in a decentralized setting, such as a campus or multi-story office building, then try Enviro Paks.

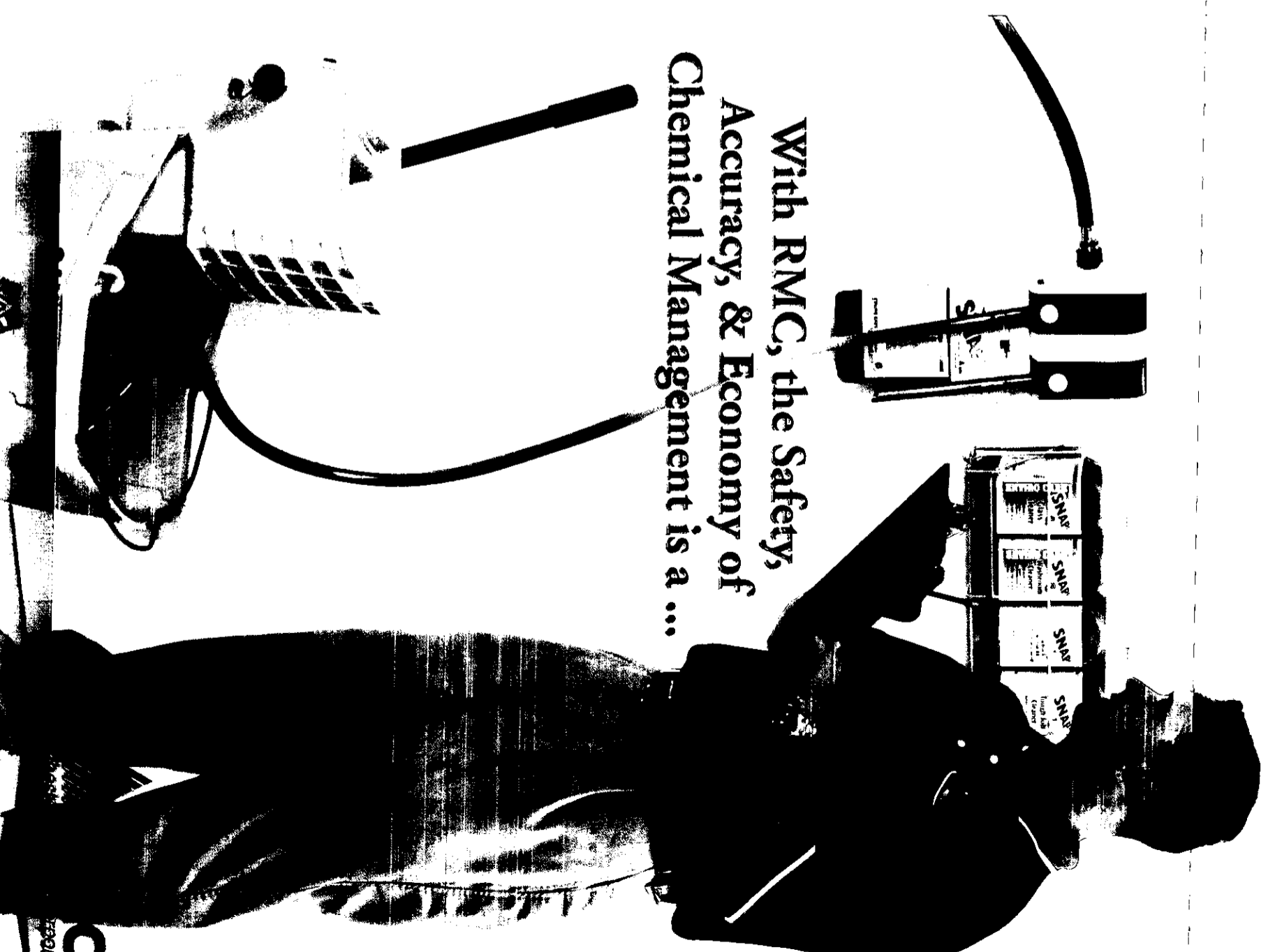
- No wasted chemicals
- No return trips to mixing stations or storage areas
- Great inventory management
- Simplifies new employee training
- Minimizes space requirements

Ask for publication 4352

Distributed By:



With RMC, the Safety, Accuracy, & Economy of Chemical Management is a ...



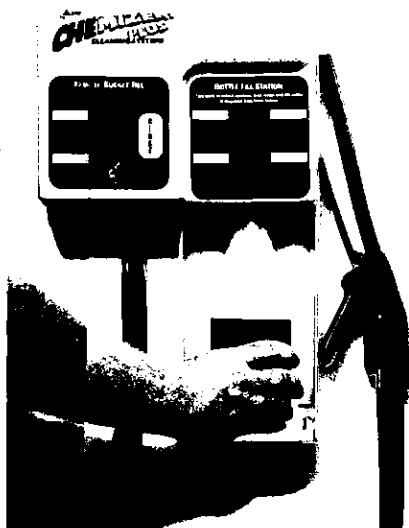
Rochester Midland Corporation



# Exhibit C

## Chemizer™ PLUS Chemical Management System

Chemizer™ PLUS! It's a complete program that manages the mixing of your chemical cleaning solutions with accurate dilution every time. A system that gives you new versatility, ease and durability. New ways to save time, labor and money.



### Chemizer PLUS Manages To Make It Simple!

- Dispenses up to 6 products from one unit
- Select from a wide variety of products
- Compact size fits into the smallest areas
- Can be used with Chemizer gallons, pails or drums

### Chemizer PLUS Manages To Be Safe!

- Minimizes contact with concentrated chemicals
- Color-coded labeling system helps prevent misuse
- Proper dilution control insures safe use

### Chemizer PLUS Manages To Be Environmentally Sensible!

- Concentrates reduce solid waste disposal requirements
- Recyclable packaging
- Built in back flow prevention protects potable water

### Chemizer PLUS Manages To Make Training Easier!







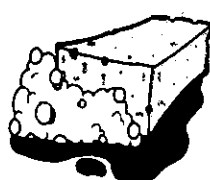











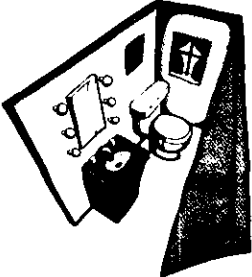


- Eliminates complicated dilution ratios, pumps, measuring cups
- Color coded product & label makes identification easy
- Just push the button

### Chemizer PLUS Manages To Be Smart!

- Saves money – reduces product consumption by up to 65%
- Provides a simpler and less complicated working environment
- Improves inventory control and space utilization
- Dispenses 4 items at low fill rates (1 gpm) for spray bottles, and 2 products at high fill rates (5gpm) ( for buckets and automated cleaning equipment)
- Ensures consistent dilutions and product performance



333 Hollenbeck Street, Rochester, NY 14621 USA • 585-336-2200 • Fax: 585-336-2357 • [www.rochestermidland.com](http://www.rochestermidland.com)

Task Icon	Task Description	Product Name & Number		How to Use
	Cleaning windows, mirrors, any shiny surface		<b>SNAP! Glass Cleaner</b>	Hand Cleaning: Spray onto surface and polish dry using a clean lint-free cloth. Squeegee Cleaning: Apply with brush, cloth, sponge or strip washer. Remove using squeegee. Hand detail edges and sills
			<b>Enviro Care Glass Cleaner</b>	
	Spot cleaning, spray & wipe cleaning and degreasing		<b>SNAP! Citrus Degreaser</b>	Spray & Wipe cleaning – walls, counter tops other heavily soiled surfaces. Cleaning greasy or oily floors or other items requiring effective degreasing action.
			<b>Enviro Care Tough Job Cleaner</b>	
	General cleaning, floors, walls any washable surface		<b>SNAP! General Purpose Cleaner</b>	Heavy duty cleaning where degreasing is not required. Also used as deep scrub for polished floors prior to floor finish re-coating.
	Carpet cleaning – extraction or spin bonnet		<b>SNAP! Carpet Care</b>	Clean carpets per normal procedures using hot water extraction or spin bonnet methods.
	Air freshening and surface deodorizing		<b>SNAP! Fresh Air Deodorizer</b>	To freshen air, mist into room area. May be sprayed onto drapes or carpeting for longer-lasting effects. May also be combined with diluted cleaning products to clean and deodorize at the same time.
	Cleaning resilient tile floors and other polished floors, such as marble, stone, terrazzo		<b>Enviro Care Low Foam Neutral All Purpose Cleaner</b>	Use with mop, bucket & wringer process or through automatic scrubbers. Neutral detergent dries film-free with no streaking. Rinsing is typically not required.
			<b>SNAP! Neutral All Purpose Cleaner</b>	
	Hard surface disinfection – bathrooms, floors, health care, etc.		<b>Enviro Care Neutral Disinfectant</b>	Use with spray bottle, sponge, brush, bucket & wringer or automatic scrubber. Cleans, disinfects and deodorizes any washable hard surface. No rinsing required
			<b>SNAP! Neutral Disinfectant</b>	
	Cleaning bathrooms – toilets, urinals, sinks, showers		<b>Enviro Care Washroom Cleaner</b>	Use to remove scale, soap film, body oils and other organic deposits from china, porcelain, tile or fiberglass surfaces. Apply using hand bucket or spray bottle and abrasive pads as needed.
			<b>SNAP! Non-Acid Washroom Cleaner</b>	