

ESTTA Tracking number: **ESTTA820338**

Filing date: **05/11/2017**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Cascade Earth Sciences, Ltd.		
Entity	Corporation	Citizenship	Oregon
Address	3511 Pacific Blvd. SW Albany, OR 97321 UNITED STATES		

Attorney information	Tracy L. Deutmeyer McGrath North Mullin & Kratz, PC LLO 1601 Dodge Street, Suite 3700 Omaha, NE 68102 UNITED STATES trademark@mcgrathnorth.com Phone:402-341-3070		
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**Registration Subject to Cancellation**

Registration No	4141619	Registration date	05/15/2012
Registrant	Pipeline Media Relations, Inc. 777 Lake Zurich Road, Suite 110 Barrington, IL 60010 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2011/07/01 First Use In Commerce: 2011/07/20 All goods and services in the class are cancelled, namely: Business consulting and information services; Business marketing consulting services; Business services, namely, consumer research and consulting related thereto; Media monitoring services, namely, monitoring print media, television, radio, and other media for customer-specified topics, gathering relevant content on those topics, and providing documentation and analysis of that media content to others for business purposes
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Related Proceedings	none
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**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Application No.	87377431	Application Date	03/20/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CES
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 0 First Use In Commerce: 0  economic analysis for business purposes; business consultation in the field of environmental audits; statistical analysis for business purposes in the field of groundwater and soil data; business consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection for business purposes; business environmental consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection for business purposes</p> <p>Class 040. First use: First Use: 1985/09/18 First Use In Commerce: 1985/09/18  environmental remediation services, namely, treatment of soil, waste and water and consulting related thereto; consulting services in the fields of recycling of water used by municipalities, food-processing plants, mines, power-generating facilities and industrial and agricultural facilities</p> <p>Class 042. First use: First Use: 1985/09/18 First Use In Commerce: 1985/09/18  environmental consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection, and water reuse and application of water on land; environmental audit, investigation, and process control services, namely, testing of equipment and facilities to assure compliance with industry and governmental standards; contaminant investigation in the nature of detection of contaminants in soil and water; scientific research, namely, statistical analysis of groundwater and soil data for environmental purposes; environmental monitoring of groundwater and soil; environmental consulting services, namely, environmental site assessment services; environmental engineering and consulting services; providing on-line, non-downloadable software for use in database management in the fields of water, wastewater, irrigation, environmental and agricultural management; engineering and hydrological design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; consulting services related to the design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; conducting biological surveys in the field of water quality</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0  permitting, namely, obtaining environmental permits for development projects and for existing agricultural facilities, industrial facilities, municipality facilities, mines, power-generating facilities and other facilities discharging into surface or ground waters</p>

Attachments	87377431#TMSN.png( bytes )
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	CES-Petition_for_Cancellation.pdf(58535 bytes ) CES Ex A Status Search SN 4141619.pdf(120663 bytes ) CES Ex B Status Search SN 87377431.pdf(102154 bytes )
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Signature	/Tracy L. Deutmeyer/
Name	Tracy L. Deutmeyer
Date	05/11/2017

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

IN THE MATTER OF REGISTRATION NO. 4,141,619  
REGISTERED ON MAY 15, 2012

Cascade Earth Sciences, Ltd.,	)	PROCEEDING NO.:	_____
	)		
Plaintiff,	)		
v.	)		
	)		
Pipeline Media Relations, Inc.,	)		
	)		
Defendant.	)		

**PETITION FOR CANCELLATION**

TO THE COMMISSIONER OF TRADEMARKS:

Plaintiff, Cascade Earth Sciences, Ltd., a corporation of Oregon, with a principal office address of 3511 Pacific Blvd. SW, Albany, Oregon 97321, is being damaged and will continue to be damaged by U.S. Registration No. 4,141,619 ("the Registration"), in the name of Pipeline Media Relations, Inc. ("Defendant"), and hereby petitions to cancel the same pursuant to Section 2(d) and Section 14(3) of the Trademark Act of 1946, as amended. As grounds for cancellation, it is alleged that:

1. Plaintiff is a corporation organized and existing under the laws of the State of Oregon, with a principal office address of 3511 Pacific Blvd. SW, Albany, Oregon 97321.

**Defendant and the Registered Mark**

2. Upon information and belief, Defendant is a corporation which was incorporated under the laws of the State of Illinois, with a principal office address of 777 Lake Zurich Road, Suite 110, Barrington, Illinois 60010.
3. According to the on-line records of the United States Patent and Trademark Office ("the Office"), Defendant is the owner of record of the Registration for the mark

depicted below for use in connection with “[b]usiness consulting and information services; [b]usiness marketing consulting services; business services, namely, consumer research and consulting related thereto; media monitoring services, namely, monitoring print media, television, radio, and other media for customer-specified topics, gathering relevant content on those topics, and providing documentation and analysis of that media content to others for business purposes” in International Class 35 (the “Registered Services”) issued on the Principal Register on May 15, 2012:

#### CES

(“Registered Mark”). See the attached Exhibit A, which is a current printout of information from the electronic database records of the Office showing the current status and title of this Reg. No. 4,141,619.

4. According to the on-line records of the Office, the Registration issued by way of Application Serial No. 85/376,316 filed on July 20, 2011.
5. Also according to the on-line records of the Office, Defendant alleged in its Application Serial No. 85/376,316 a date of first use of the Registered Mark of July 1, 2011 and a date of first use in commerce of July 20, 2011.

#### **Plaintiff and Plaintiff’s Mark**

6. By way of pending application Serial No. 87/377,431 filed on March 20, 2017, Plaintiff seeks to register the mark, CES (the “Pending Application”) for use in connection with “[e]conomic analysis for business purposes; business consultation in the field of environmental audits; statistical analysis for business purposes in the field of groundwater and soil data; business consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection for business purposes; business environmental consulting in the field of environmental management, namely, advising businesses and individuals on

issues of environmental impact, conservation, preservation and protection for business purposes” in International Class 35; “[e]nvironmental remediation services, namely, treatment of soil, waste and water and consulting related thereto; consulting services in the fields of recycling of water used by municipalities, food-processing plants, mines, power-generating facilities and industrial and agricultural facilities” in International Class 40; “[e]nvironmental consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection, and water reuse and application of water on land; environmental audit, investigation, and process control services, namely, testing of equipment and facilities to assure compliance with industry and governmental standards; contaminant investigation in the nature of detection of contaminants in soil and water; scientific research, namely, statistical analysis of groundwater and soil data for environmental purposes; environmental monitoring of groundwater and soil; environmental consulting services, namely, environmental site assessment services; environmental engineering and consulting services; providing on-line, non-downloadable software for use in database management in the fields of water, wastewater, irrigation, environmental and agricultural management; engineering and hydrological design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; consulting services related to the design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; conducting biological surveys in the field of water quality” in International Class 42; and “[p]ermitting, namely, obtaining environmental permits for development projects and for existing agricultural facilities, industrial facilities, municipality facilities, mines, power-generating facilities and other facilities discharging into surface or ground waters” in International

Class 45 ("Cascade Earth's Services"). See the attached Exhibit B, which is a current printout of information of the Pending Application from the electronic database records of the Office.

7. Plaintiff has used its CES mark in connection with business consulting services and other services in Classes 35, 40 and 42 since at least as early as August 26, 1983, and used the CES mark in interstate commerce in connection with business consulting services and other services in Classes 35, 40 and 42 since at least as early as September 18, 1985.

**Count I-Priority/Likelihood of Confusion**

8. Plaintiff restates and incorporates by reference each and every allegation set forth in Paragraphs 1-7 of this Petition for Cancellation.
9. Plaintiff, for many years and since long prior to any date of first use or date of constructive use upon which Defendant can rely, has adopted and continuously used the distinctive CES service mark in commerce in connection with Cascade Earth Science's Services.
10. There is no issue as to priority. Plaintiff's date of first use in commerce for its mark is well prior to the dates of first use set forth in the Registration and the filing date of the application that resulted in the Registration.
11. Plaintiff's CES mark and the Registered Mark are identical in sight, sound and commercial impression, and as such, a likelihood of confusion exists between Plaintiff's mark and the Registered Mark.
12. Cascade Earth's Services and the Registered Services are related. Cascade Earth's Services and the Registered Services both include "business consulting services" in International Class 35.

13. Defendant's use of the mark, CES, in connection with the Registered Services so resembles Plaintiff's mark, CES, for Cascade Earth's Sciences, as to be likely to cause confusion, or to cause mistake, or to deceive.
14. Plaintiff has been and will continue to be damaged by the continued registration of the Registered Mark, including, but not limited to the fact that Plaintiff may be refused registration of the mark in the Pending Application on the Principal Register, and therefore not obtain the procedural and evidentiary advantages and presumptions to which Plaintiff would be entitled from a registration on the Principal Register.

**Count II—Abandonment**

15. Plaintiff restates and incorporates by reference each and every allegation set forth in Paragraphs 1-14 of this Petition for Cancellation.
16. Upon information and belief, Defendant has abandoned the Registered Mark by discontinuing use of said mark with no intent to resume use.
17. Plaintiff has been and will continue to be damaged by the continued registration of the Registered Mark in that Plaintiff may be refused registration of the mark in the Pending Application on the Principal Register, and therefore not obtain the procedural and evidentiary advantages and presumptions to which it is entitled from a registration on the Principal Register.



WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that the Trademark Trial and Appeal Board cancel U.S. Registration No. 4,141,619.

Dated: May 11, 2017

RESPECTFULLY SUBMITTED,

Cascade Earth Sciences, Ltd., Plaintiff

By /Tracy L. Deutmeyer/  
Tracy L. Deutmeyer (NE #23262)  
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trademark@mcgrathnorth.com  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the above and foregoing PETITION FOR CANCELLATION is being filed electronically with the United States Patent and Trademark Office utilizing the *Electronic System for Trademark Trials and Appeals* this 11th day of May, 2017.

/Tracy L. Deutmeyer/  
TRACY L. DEUTMEYER


TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

**Trademark Status & Document Retrieval (TSDR)**

SEARCH MULTI-SEARCH ?

US Serial, Registration, or Reference No.  [Status](#) [Documents](#)

Status results found

<b>STATUS</b>	<b>DOCUMENTS</b>	<b>MAINTENANCE</b> ?	Download ▲	Print Preview	
Generated on: This page was generated by TSDR on 2017-05-11 10:04:16 EDT					
Mark: CES		<b>CES</b>			
US Serial Number:	85376316	Application Filing Date:	Jul. 20, 2011		
US Registration Number:	4141619	Registration Date:	May 15, 2012		
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes		
Register:	Principal				
Mark Type:	Service Mark				
TM5 Common Status Descriptor:	 LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.				
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.				
Status Date:	May 15, 2012				
Publication Date:	Feb. 28, 2012				
<b>▼ Mark Information</b> <span style="float: right;">▲ Collapse All</span>					
Mark Literal Elements:	CES				
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				
<b>▼ Goods and Services</b>					
Note:	The following symbols indicate that the registrant/owner has amended the goods/services:				
	<ul style="list-style-type: none"> <li>Brackets [...] indicate deleted goods/services;</li> <li>Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>				
For:	Business consulting and information services; Business marketing consulting services; Business services, namely, consumer research and consulting related thereto; Media monitoring services, namely, monitoring print media, television, radio, and other media for customer-specified topics, gathering relevant content on those topics, and providing documentation and analysis of that media content to others for business purposes				
International Class(es):	035 - Primary Class	U.S Class(es):	100, 101, 102		
Class Status:	ACTIVE				
Basis:	1(a)				
First Use:	Jul. 01, 2011	Use in Commerce:	Jul. 20, 2011		
<b>▼ Basis Information (Case Level)</b>					
Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No

Filed 44E: No      Currently 44E: No      Amended 44E: No

Filed 66A: No      Currently 66A: No

Filed No Basis: No      Currently No Basis: No

▼ **Current Owner(s) Information**

Owner Name: Pipeline Media Relations, Inc.

Owner Address: 777 Lake Zurich Road, Suite 110  
Barrington, ILLINOIS UNITED STATES 60010

Legal Entity Type: CORPORATION

State or Country Where  
Organized: ILLINOIS▼ **Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Scott A. Andresen

Docket Number: BATT-002

Attorney Primary Email  
Address: [Scott@AndresenLawFirm.com](mailto:Scott@AndresenLawFirm.com)

Attorney Email Authorized: No

**Correspondent**Correspondent Name/Address: SCOTT A. ANDRESEN  
ANDRESEN & ASSOCIATES, P.C.  
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Phone: (773) 572-6049

Fax: (773) 572-6048

Correspondent e-mail: [scott@andresenlawfirm.com](mailto:scott@andresenlawfirm.com)Correspondent e-mail  
Authorized: Yes**Domestic Representative - Not Found**▼ **Prosecution History**

Date	Description	Proceeding Number
Apr. 12, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 15, 2012	REGISTERED-PRINCIPAL REGISTER	
Feb. 28, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 28, 2012	PUBLISHED FOR OPPOSITION	
Feb. 08, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E- MAILED	
Jan. 23, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jan. 23, 2012	ASSIGNED TO LIE	66213
Jan. 04, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 11, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 11, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 10, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 10, 2011	NON-FINAL ACTION E-MAILED	6325
Nov. 10, 2011	NON-FINAL ACTION WRITTEN	76583
Nov. 09, 2011	ASSIGNED TO EXAMINER	76583
Jul. 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 23, 2011	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: May 15, 2012

▲ **Assignment Abstract Of Title Information - None recorded**▲ **Proceedings - None recorded**[Download Adobe Reader](#)If you are the applicant or the applicant's attorney and have questions about this file, please contact the [Trademark Assistance Center](#)UNITED STATES  
PATENT AND TRADEMARK OFFICE


TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

**Trademark Status & Document Retrieval (TSDR)**

SEARCH MULTI-SEARCH ?

US Serial, Registration, or Reference No. 87377431 **Status Documents**

Status results found

STATUS	DOCUMENTS	Download	Print Preview
Generated on: This page was generated by TSDR on 2017-05-11 10:09:04 EDT			
Mark:	CES	<b>CES</b>	
US Serial Number:	87377431	Application Filing Date:	Mar. 20, 2017
Filed as TEAS RF:	Yes	Currently TEAS RF:	Yes
Register:	Principal		
Mark Type:	Service Mark		
TM5 Common Status Descriptor:		LIVE/APPLICATION/Awaiting Examination	The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.
Status:	New application will be assigned to an examining attorney approximately 3 months after filing date.		
Status Date:	Mar. 23, 2017		
<b>▼ Mark Information</b> <span style="float: right;">▲ Collapse All</span>			
Mark Literal Elements:	CES		
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		
<b>▼ Goods and Services</b>			
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services:			
<ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>			
For:	economic analysis for business purposes; business consultation in the field of environmental audits; statistical analysis for business purposes in the field of groundwater and soil data; business consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection for business purposes; business environmental consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection for business purposes		
International Class(es):	035 - Primary Class	U.S Class(es):	100, 101, 102
Class Status:	ACTIVE		
Basis:	1(a)		
For:	environmental remediation services, namely, treatment of soil, waste and water and consulting related thereto; consulting services in the fields of recycling of water used by municipalities, food-processing plants, mines, power-generating facilities and industrial and agricultural facilities		
International Class(es):	040 - Primary Class	U.S Class(es):	100, 103, 106
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Sep. 18, 1985	Use in Commerce:	Sep. 18, 1985

**For:** environmental consulting in the field of environmental management, namely, advising businesses and individuals on issues of environmental impact, conservation, preservation and protection, and water reuse and application of water on land; environmental audit, investigation, and process control services, namely, testing of equipment and facilities to assure compliance with industry and governmental standards; contaminant investigation in the nature of detection of contaminants in soil and water; scientific research, namely, statistical analysis of groundwater and soil data for environmental purposes; environmental monitoring of groundwater and soil; environmental consulting services, namely, environmental site assessment services; environmental engineering and consulting services; providing on-line, non-downloadable software for use in database management in the fields of water, wastewater, irrigation, environmental and agricultural management; engineering and hydrological design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; consulting services related to the design of stream restoration plans, waste water treatment systems, irrigation and pumping systems, earthen or concrete dams and other water control structures, and fish screening systems, all for others; conducting biological surveys in the field of water quality

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 18, 1985

**Use in Commerce:** Sep. 18, 1985

**For:** permitting, namely, obtaining environmental permits for development projects and for existing agricultural facilities, industrial facilities, municipality facilities, mines, power-generating facilities and other facilities discharging into surface or ground waters

**International Class(es):** 045 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

#### ▼ Basis Information (Case Level)

<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		

#### ▼ Current Owner(s) Information

**Owner Name:** Cascade Earth Sciences, Ltd.

**Owner Address:** 3511 Pacific Blvd. SW  
Albany, OREGON UNITED STATES 97321

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** OREGON

#### ▼ Attorney/Correspondence Information

##### Attorney of Record

**Attorney Name:** Tracy L. Deutmeyer

**Attorney Primary Email Address:** [trademark@mcgrathnorth.com](mailto:trademark@mcgrathnorth.com)

**Attorney Email Authorized:** Yes

##### Correspondent

**Correspondent Name/Address:** TRACY L. DEUTMEYER  
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**Phone:** (402) 341-3070

**Correspondent e-mail:** [trademark@mcgrathnorth.com](mailto:trademark@mcgrathnorth.com)

**Correspondent e-mail Authorized:** Yes

##### Domestic Representative - Not Found

#### ▼ Prosecution History

Date	Description	Proceeding Number
Mar. 24, 2017	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 23, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 23, 2017	NEW APPLICATION ENTERED IN TRAM	

#### ▼ TM Staff and Location Information

##### TM Staff Information - None

##### File Location

**Current Location:** NEW APPLICATION PROCESSING

**Date in Location:** Mar. 23, 2017

#### ▼ Assignment Abstract Of Title Information - None recorded

#### ▼ Proceedings - None recorded