

November 2, 1971.

The name of the registrant was
changed from

NATIONAL LEAD COMPANY

TO

N L INDUSTRIES, INC.

and said name change was recorded in the
U. S. Patent Office on November 2, 1971
on Reel 212, Frames 569 - 571 (Trademark).

0007-SWP-000005336 3

N14251

P. D. 2

SERIAL 570,611
INVENTOR DUTCH BOY
FILED

Affidavit under Section 8, Authorization of Agents

Stamp of the Patent Office
affixed hereto will be accepted

as evidence of receipt of amendatory paper in the above identified application.

RECEIVED
NATIONAL LEAD CO

JAN 12 1959

PATENT. DEPT.



REGISTRATION NO.
570,611

ISSUED
FEB. 17, 1953

RECEIPT IS HEREBY ACKNOWLEDGED OF THE AFFIDAVIT FILED
BY NATIONAL LEAD COMPANY

ON JAN. 7, 1959

☒ SEC. 8. AFFIDAVIT ACCEPTED
☐ SEC. 15. AFFIDAVIT FILED

BY DIRECTION OF THE COMMISSIONER

JAN 28 1959

DIRECTOR, TRADEMARK EXAMINING OPERATION

Stmerbant

FORM POL-125 B
7-57
AFFIDAVIT
ACKNOWLEDGMENT

CHARLES F. KASCHEN AND
ROBERT L. LEHMAN
111 BROADWAY
NEW YORK 6, N. Y.

U. S. DEPARTMENT OF COMMERCE - PATENT OFFICE

D6

0007-SWP-000005337

N14251.01

BEFORE THE UNITED STATES PATENT OFFICE
AFFIDAVIT UNDER SECTION 8

MARK : DUTCH BOY
REG. NO.: 570,611
CLASS NO.: 6

State of New York)
County of New York) ss.

JOHN J. LAWLER, being sworn, states that
NATIONAL LEAD COMPANY owns Registration No. 570,611, issued
February 17, 1953 as evidenced by the accompanying title
report; and that the mark shown therein is still in use as
evidenced by the attached labels and photographs showing the
mark as currently used.

(s) John J. Lawler
Assistant Secretary
NATIONAL LEAD COMPANY

State of New York)
County of New York:) ss.

Subscribed and sworn to before me this 5th
day of January, 1954.

(s) Thomas A. Meier
Notary Public

0007-SWP-000005338

N14251.02

AUTHORIZATION OF AGENTS

The undersigned hereby appoints Charles F. Kaegebehn
Patent Office Registration No. 14,161 and Robert L. Lehman,
Patent Office Registration No. 17,300, both of 111 Broadway,
New York 6, New York, to file this affidavit, with full
power of substitution and revocation, and to transact all
business in the Patent Office in connection therewith.

NATIONAL LEAD COMPANY

By: John F. Lister
Attorney-in-Fact

Dated: January 5, 1957

0007-SWP-000005339

N14251.03

IN THE UNITED STATES PATENT OFFICE

The Honorable.

The Commissioner of Patents

Washington 25, D. C.

Sir:

ORDER FOR TITLE REPORT

Please take whatever steps are necessary to provide a title report for Patent Office use in connection with the attached affidavit under section eight of the Trademark Act of July 5, 1946, in the matter of Registration No. 570,611.

Charge the cost of same to Account No. 14-314,
Patent Department, National Lead Company.

Robert L. Lamm (a)
Robert L. Lamm
Patent Department

Dated: Jan. 5, 1959

0007-SWP-000005340

N14251.04

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THE COMMISSIONER OF PATENTS
TRADEMARK EXAMINING OPERATION
WASHINGTON 25, D. C.

U. S. DEPARTMENT OF COMMERCE
PATENT OFFICE
WASHINGTON

PAPER No.

All communications respecting
this registration should give the
registration number and date
of registration.

dg

National Lead Company
111 Broadway
New York 6, N. Y.

RECEIVED
NATIONAL LEAD CO

MAILED: December 19, 1958

Reg. No.: 570,611

Dated: Feb. 17, 1953

L Att.: Legal Counsel

DEC 22 1958

Sec. 12 (c) pub.:

PATENT. DEPT.

Mark: Dutch Boy

NOTICE

Notice is hereby given that the above-identified registration will be canceled by the Commissioner at the end of the sixth year following the date of registration or publication under section 12 (c), as the case may be, unless the owner files in the Patent Office the affidavit of use or excusable nonuse required by section 8 of the Trademark Act of 1946.

The affidavit should contain facts showing that the mark is still in use, such as, the annual sales volume under the mark, or other appropriate statements supported by specimen labels showing the mark as used, or if the mark is not actually being used, the affidavit should recite facts to show that the nonuse is excusable and not due to any intention to abandon the mark.

There also must be submitted \$1.00 for a title report for Office use.

If the affidavit has been filed, please disregard this notice.

(Office copy to be signed if affidavit is not filed within sixth year.)

CANCELED

Date:

By direction of the Commissioner.

Affidavits Section.

L. McClaren

Check in file

Director, Trademark Examining Operation.

USCOM-DC

0007-SWP-000005341

N14251.05

Registered Feb. 17, 1953

Registration No. 570,611

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

National Lead Company, Sayreville, N. J., and
New York, N. Y.

Act of 1946

Application September 12, 1951, Serial No. 613,710

Dutch Boy

STATEMENT

National Lead Company, a corporation duly organized under the laws of the State of New Jersey, located at Sayreville, New Jersey, and doing business at 111 Broadway, New York 6, New York, has adopted and used the trade-mark shown in the accompanying drawing, for LEAD OXIDE, MIXTURES OF LEAD OXIDE WITH LEAD CHROMATE, LEAD SULPHATE, MIXTURES OF LEAD SULPHATE WITH LEAD SILICATE, MIXTURES OF LEAD SILICATE WITH SILICA, LEAD SALICYLATE, LEAD STEARATE, LEAD PHOSPHITE, LEAD PHTHALATE, LEAD 2-ETHYL HEXOATE, LEAD MALEATE, BARIUM RICINOLEATE, MIXTURES OF BARIUM RICINOLEATE WITH SODIUM PHOSPHITE AND ORGANIC DERIVATIVES OF BENTONITE, in Class 6, Chemicals and chemical compositions, and presents here-

with five facsimiles showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the containers for the goods or labels attached thereto by printing, stencilling or in any other convenient manner, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on June 1, 1945, and first used in commerce among the several States of the United States which may lawfully be regulated by Congress on June 1, 1945.

Applicant claims ownership of Registrations Nos. 351,264; 377,423; 382,508; 383,848; 390,603.

NATIONAL LEAD COMPANY,
By H. T. WARSHOW,
Vice President.

0007-SWP-000005342

N14251.06

FOL-49

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WASHINGTON 25, D. C.

mf

DEPARTMENT OF COMMERCE
UNITED STATES PATENT OFFICE
WASHINGTON

Sub wrapper
618,710
RECEIVED
NATIONAL LEAD COMPANY
JAN 21 1953

PATENT. DEPT.

Charles F. Kaegebehn
111 Broadway,
New York 6, N. Y.

Notice of Allowance -

The issuance of a CERTIFICATE OF REGISTRATION has been approved
in the matter of the following application:

APPLICANT National Lead Company

SERIAL NO. 618,710 FILED Sep 12, 1951 CLASS 6

FOR MARK DUTCH BOY

The Certificate of Registration will be issued and mailed to you
on Feb 17, 1953
By direction of the Commissioner.

Examiner.

U. S. GOVERNMENT PRINTING OFFICE 16-56825-4

0007-SWP-000005343

N14251.07

POL-47
(1-48)

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WASHINGTON 25, D. C.

spf

DEPARTMENT OF COMMERCE
UNITED STATES PATENT OFFICE
WASHINGTON

PAPER No. 3

All communications respecting
this application should give the
serial number, date of filing,
and name of the applicant.

CHARLES F. KAESEBEHN,
111 BROADWAY,
NEW YORK 6, N.Y.

RECEIVED
NATIONAL LEAD
OCT 15 1952

U. S. PATENT OFFICE

PATENT. DEPT.

OCT 14 1952

MAILED

NOTICE OF PUBLICATION

The application for the Registration of a Trade-Mark filed by

NATIONAL LEAD COMPANY

ser. no. 618,710

filed Sep 12, 1951 cl. 6

DUTCH BOY

has been examined and passed for publication in compliance with section 12 (a) of the Trade-Mark Act of 1946 which authorizes the registration of trade-marks.

The mark will be published in the Official Gazette of

NOV 4 1952

Any person who believes he would be damaged by the registration of this mark upon the Principal Register may, upon payment of the required fee, oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within 30 days after the publication thereof, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section 11 of the Trade-Mark Act of 1946.

If no notice of opposition is filed within the time specified by rules 20.1 and 20.2 of the Rules of Practice in Trade-Mark Cases, the Commissioner of Patents may issue a Certificate of Registration.

Copies of the Trade-Mark portion of the Official Gazette containing the publication of the mark may be obtained as soon as published at 30 cents each from the Superintendent of Documents, Government Printing Office.

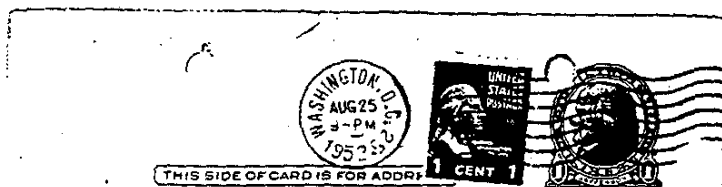
By direction of the Commissioner.

Examiner.

one 10-5000-1

0007-SWP-000005344

N14251.08

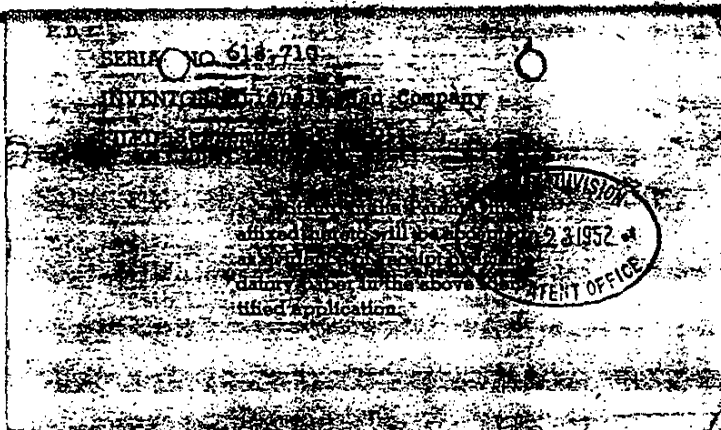


CHARLES F. KAEGEBEHN, Esq.

111 Broadway

Suite 1815

New York, N. Y.



0007-SWP-000005345

IN THE UNITED STATES PATENT OFFICE

Applicant: National Lead Company

Serial No. 618,710

Filed: September 12, 1951

For: TRADEMARK - DUTCH BOY

Trademark Division I

*Filed
August 27,
1952.*

The Commissioner of Patents
Trademark Operations
Washington 25, D. C.

Sir:

In response to Patent Office action of August 29,
1952, please amend as follows:

IN THE STATEMENT:

Line 10	after Class 6 insert <u>Chemicals and Chemical Compositions</u>
Line 17 and Line 19	after "used" after "Congress" insert <u>on</u>

IN THE DECLARATION:

Line 9	delete "photographs" and insert <u>facsimiles</u>
--------	--

R E M A R K S

Patent Office action of February 29, 1952, has
been carefully considered. The formal amendments with re-
spect to defining Class 6, changing "photographs" to "facsimiles",
and the insertion of "on" before the dates given in the Decla-
ration are hereinabove directed to be made.

0007-SWP-000005346

N14251.09

Reconsideration is requested of the requirement to disclaim the word "Dutch" as being geographical and of the requirement to cancel the reference to applicant's prior registrations No. 383,849 and No. 390,603 as having no bearing on this case. In connection with this request reference is made to the interview kindly accorded applicant's attorney on August twentieth by Supervisory Examiner Mr. Clarence Kalk and Executive Examiner Mr. John Merchant. The reasons for this request are:

As to the requirement to disclaim the word "Dutch" as being geographical:

It was pointed out at the interview that applicant had met and disposed of the question of the geographical nature of the word "Dutch" some twelve years in the course of the prosecution of its application for registration of its trademark "DUTCH BOY" issued as No. 377,422 on May 7, 1940. In that case also the Examiner entered a requirement to disclaim the word "Dutch" as being geographical but that this was withdrawn on the showing that the word "Dutch" in applicant's trademark was not merely geographical but an arbitrary and fanciful use of the word.

Reference was made in the interview to Ex parte The Glidden Company 501 O. G. 872 which held that a limited geographical significance of a word did not preclude its registration as a trademark. Reference was also made to the "AMERICAN GIRL" case, Hamilton-Brown Shoe Co. v. Walz, Breakhays and Co., 240 U. S. 251, wherein it was held that the phrase as applied

to women's shoes was not geographical or descriptive but was, in fact, an arbitrary, fanciful designation and as such was subject to appropriation as a trademark. The sharp parallel between "AMERICAN GIRL" and "DUTCH BOY" as trademarks was emphasized.

It was also brought to the attention of Messrs. Kalk and Merchant that since May 7, 1940, the date upon which applicant's registration No. 377,422 was issued, applicant has secured three additional registrations for the words "DUTCH BOY" as follows:

No. 382,508 issued June 14, 1940

No. 383,848 issued December 24, 1940 and

No. 390,603 issued September 30, 1941.

In none of these registrations had applicant disclaimed the word "Dutch", as being geographical, nor had it been required to do so and had, therefore, concluded that considerations above recited, put forth in the prosecution of registration No. 377,422 had settled the right of applicant to register its trademark "DUTCH BOY" without being required to disclaim the word "Dutch".

Messrs. Kalk and Merchant agreed that if applicant would make statements above set forth of record in this application, the requirement to disclaim the word "Dutch" would be withdrawn.

As to the requirement to cancel the reference to applicant's prior registrations No. 383,849 and No. 390,603:

Reference in the present application to these prior registrations is thought to be entirely proper since they cover.

like the present application, the words "DUTCH BOY" as a trademark in which no disclaimer of the word "Dutch" was made.

Reconsideration and the passing of the mark for publication are respectfully requested.

Attorney for Applicant

0007-SWP-000005349

POL-88

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WASHINGTON 25, D. C.

RECEIVED
DEPARTMENT OF COMMERCE
UNITED STATES PATENT OFFICE
WASHINGTON
MAR 3 1952

PAPER No. 2

ALL communications respecting
this application should give the
serial number, date of filing,
and name of applicant.

Please find below a communication from the EXAMINER in
charge of this application.

PATENT DEPT. FEB 29 1952

John A. Margall T. M. DIV. I

CHARLES F. KAEGERBEHN
111 BROADWAY
NEW YORK 6, NEW YORK

Commissioner of Patents.
Applicant: NATIONAL LEAD COMPANY

Serial No. 618,710
Filed SEPT 12, 1951
For TRADE MARK

2-10-52-2

Charles
The title for Class should be inserted as follows:

"Chemicals and Chemical Compositions" in accordance

✓ with the Official Gazette of November 15, 1949, Volume 628,
page 605. An amendment if required.

→ The word "Dutch" is considered to be geographical.
Suitable disclaimer thereof is required.

✓ The word "photographs" in the Statement should read
"facsimiles" to agree with those on file.

The last two registrations to which Applicant claims
ownership have no bearing on this case and therefore
Nos. 383,849 and 390,605 should be cancelled.

✓ In paragraph two/the Statement the word "and" should
precede both dates shown therein.

A search of the Office records fails to show that this
mark, when applied to applicant's goods, is confusingly
similar to any registered mark.

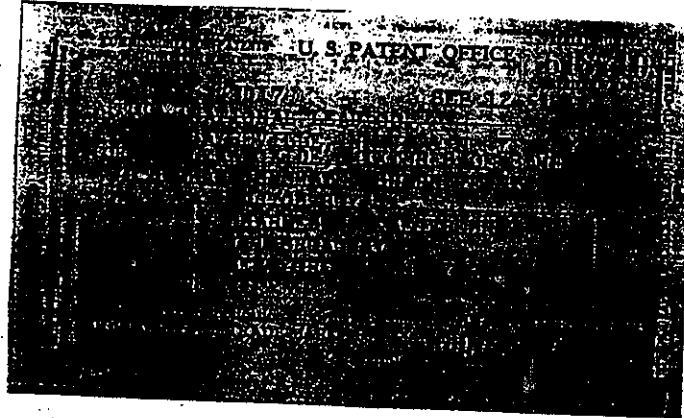
EXAMINER

(DUTCH BOY)
AKF/dg

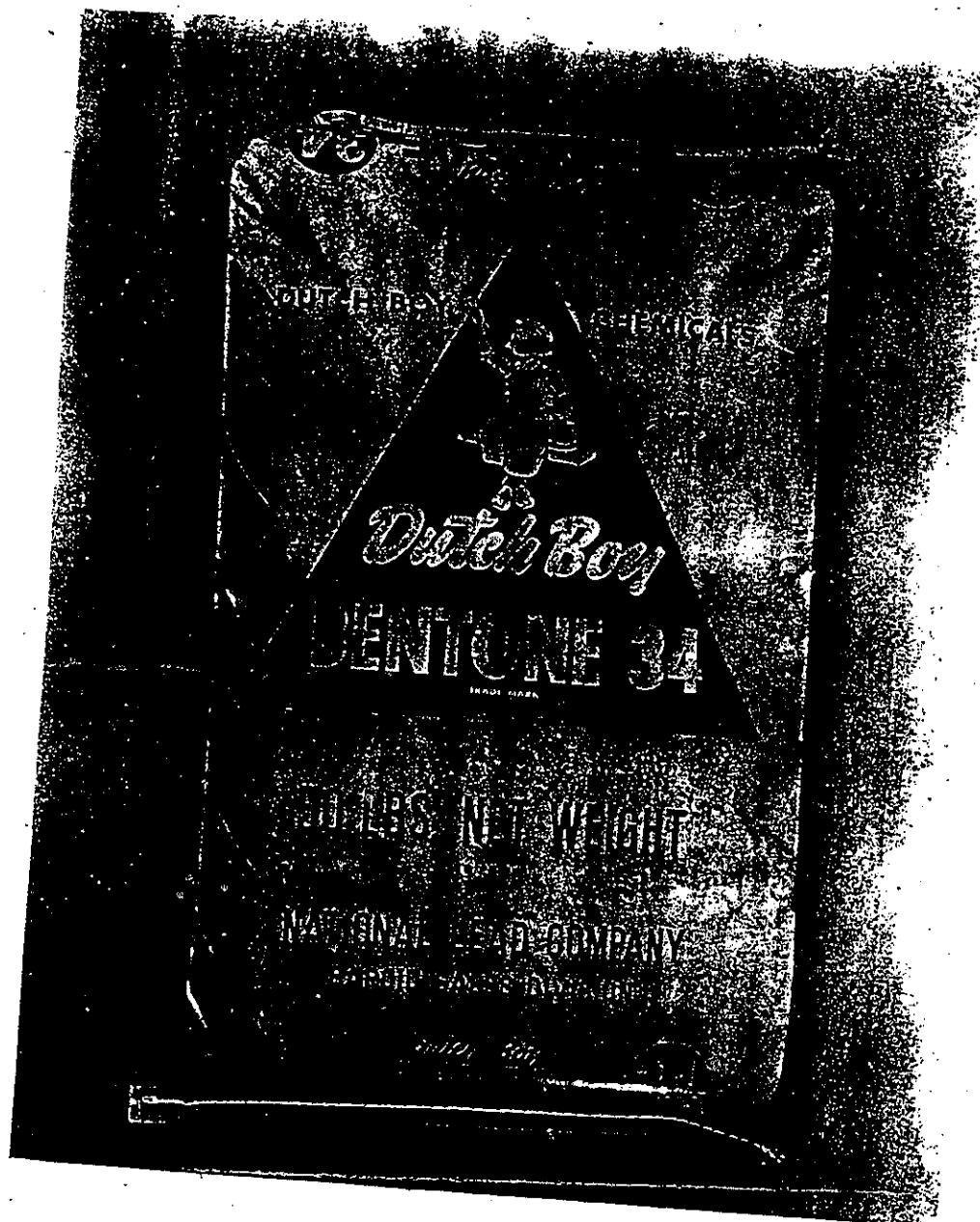
A proper response to this Office action must be received within 6 months from the date of this action
in order to avoid abandonment.

0007-SWP-000005350 2

N14251.1



0007-SWP-000005351



0007-SWP-000005352

N14251.11

TO THE COMMISSIONER OF PATENTS

Words

STATEMENT

National Lead Company, a corporation duly organized under the laws of the State of New Jersey located at Sayreville, New Jersey and doing business at 111 Broadway, New York 4, New York, has adopted and used the trademark shown in the accompanying drawing for lead oxide, mixtures of lead oxide with lead chromate, lead sulphate, mixtures of lead sulphate with lead silicate, mixtures of lead silicate with silica, lead salicylate, lead stearate, lead phosphite, lead phthalate, lead 2-ethyl hexoate, lead maleate, barium ricinoleate, mixtures of barium ricinoleate with sodium phosphite and organic derivatives of bentonite

in Class No. 6 Chemicals and chemical compositions and presents herewith five photographs showing the trademark as actually used in connection with such goods, the trademark being applied to the containers for the goods or labels attached thereto by printing, stencilling or in any other convenient manner

and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the Act of July 5, 1944.

The trademark was first used June 1, 1945 and first used in commerce among the several states of the United States which may lawfully be regulated by Congress June 1, 1945

Applicant claims ownership of Registrations Nos. 351,264; 377,422; 382,508; 383,848; 390,603.

DECLARATION

H. T. Warshaw being duly sworn, deposes and says that he is the Vice President of the National Lead Company, the applicant named in the foregoing statement; that he believes said corporation is the owner of the trademark which is in use in commerce among the several states of the United States and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trademark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trademark sought to be registered, that the photographs show the trademark as actually used in connection with the goods, and that the facts set forth in the statement are true.

POWER OF ATTORNEY

The undersigned hereby appoints Charles F. Kaeghebb, Register No. 14,181, John B. Henrich, Jr. Register No. 14,884, and Clement H. Allen, Register No. 16,920, all of 111 Broadway, New York 4, New York, its attorneys, or agents, to prosecute this application for registration, with full power of substitution and revocation, and to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith, such power to be exercised either separately or collectively by said attorneys or agents as they shall from time to time elect. Please address all communications to Charles F. Kaeghebb.

NATIONAL LEAD COMPANY

By /s/ H. T. Warshaw
Vice President

STATE OF NEW YORK)

SS

COUNTY OF NEW YORK)

Before me personally appeared H. T. Warshaw to me known to be the person described in the above application for registration who signed the foregoing instrument in my presence and made oath before me to the allegations set forth therein on the 6th day of September 1945.

John J. Lawlor
Notary Public

0007-SWP-000005353

N14251.12

Dutch Boy

PROPRIETOR.
NATIONAL LEAD COMPANY

0007-SWP-000005354

N14251.13