PLAINTIFF'S EXHIBIT

PLI-126

#4.

UNITED STATES PATENT OFFICE

TO THE COMMISSIONER OF PATENTS:

Combined Affidavit Under Sections 8 and 15 of the Trade-Mark Act of 1946

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

W. A. SCHAEFER, being duly sworn, deposes and says:

That he is President of Plibrico Company (formerly named Plibrico Jointless Firebrick Company, but the same corporation), a corporation duly organized and existing under the laws of the State of Illinois, located and doing business at 1800 Kingsbury Street, Chicago 14, Illinois; that he believes that said corporation is the owner of trade-mark registration No. 515,120, covering the trade-mark "PLISULATE", dated September 13, 1949, as evidenced by the accompanying title report; that the mark described in said registration has been in continuous use in commerce among the several States of the United States for five consecutive years, from September 14, 1949 to September 14, 1954, subsequent to the date of registration, and subsequently from September 14, 1954, up to the present time, on or in connection with the following goods stated in the registration: PLASTIC AND NON-PLASTIC HEAT INSULATING MATERIAL, COMPRISING INSULATING CEMENT; INSULATING BLOCK COMPRISING MINERAL WOOL, ASBESTOS FIBRE, AND COLLOIDAL CLAY; INSULATING FELT; INSULATING BLANKETS; AND INSULATING WOOL; and that said mark has been used during said period of five consecutive years on or in connection with said goods, to the extent of total sales of said goods

bearing the mark, in commerce among the several States, in excess of 225,000 dollars, the sales of said goods in the first, third and fifth year of said five year period having been in excess of 40,000 dollars each year; the sales of said goods in the second year of said five year period having been in excess of 35,000 dollars; and the sales of said goods in the fourth year of said five year period having been in excess of 70,000 dollars.

That said mark is still in use in commerce among the several States of the United States in the form shown on, and as evidenced by, the photograph affixed to the sheet attached hereto, marked "Exhibit A", and made a part hereof; and that said "Exhibit A" is a photograph truly showing the manner of packaging the goods and displaying the mark on the containers for the goods, which containers the aforesaid corporation is currently using in connection with the above specified goods sold in interstate commerce.

That there has been no final decision adverse to the aforesaid corporation's claim of ownership to the said mark for the aforesaid goods, or adverse to its right to register the same or to keep the same on the Register, and that there is no proceeding involving said rights pending in the Patent Office, or in a Court, and not finally disposed of.

W. A. Schaefer

Before me personally appeared W. A. Schaefer, to me known to be the person described in the foregoing Affidavit, who signed the said Affidavit, in my presence, and made oath

before me as to the allegations set forth therein, on the _15_ day of February, 1955.

G John Matzer
Notary Public

My Commission expires: Jan. 24, 1957

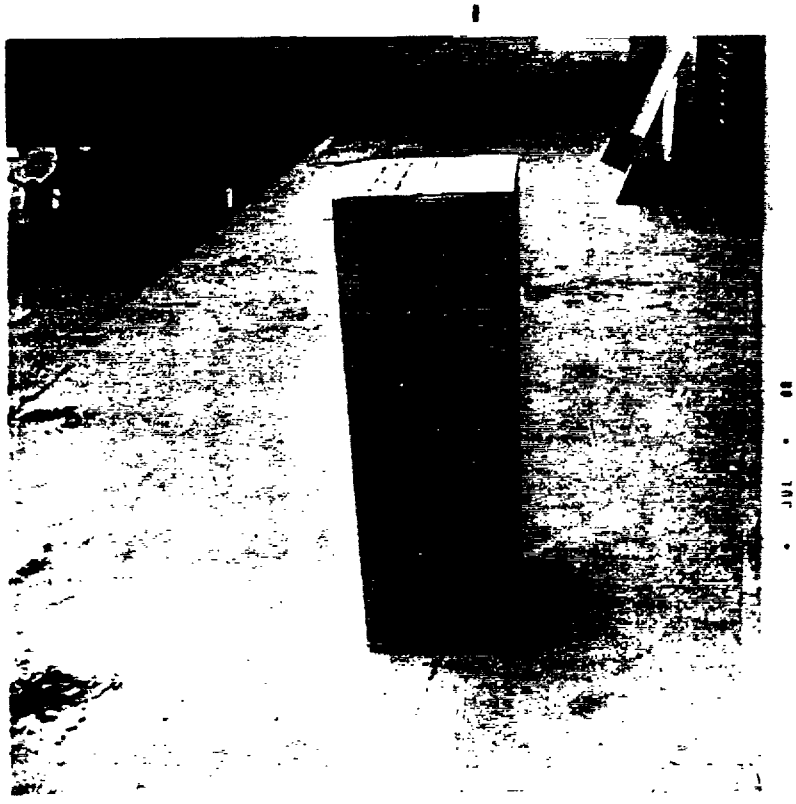
POWER OF ATTORNEY

The undersigned hereby appoints the members of the firm of Brown, Jackson, Boettcher & Dienner (Reg. No. 3183) of 53 W. Jackson Boulevard, Chicago 4, Illinois, its attorneys, with full power of substitution and revocation, to file this Affidavit, and to transact all business in the Patent Office connected therewith.

PLIBRICO COMPANY

By [signature]
President

"EXHIBIT A"



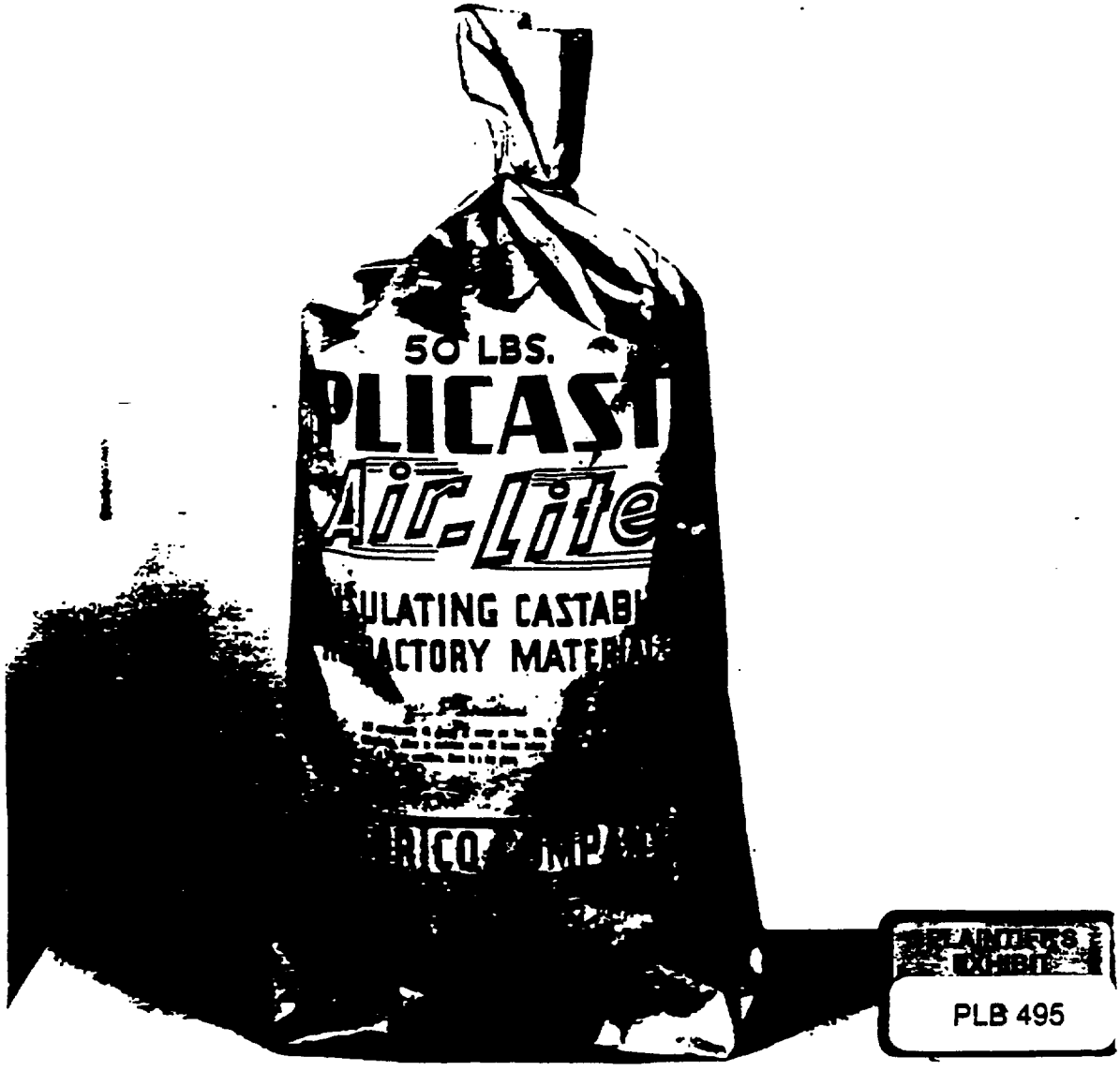
ROOM



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"EXHIBIT B"



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