



R. Steinmetz

J. W. Mills

February 25, 1977

Trademark BRAKE KING

This is in response to your inquiry whether Maremont has the right to use the trademark BRAKE KING.

The trademark BRAKE KING was originally registered by Pratt Industries, Inc. in 1946 in connection with brake lining. On October 22, 1960 the trademark was renewed for a period of 20 years or until October 22, 1980.

Pratt Industries was a wholly-owned Maremont subsidiary and was merged into Universal Friction Materials Co. on September 29, 1962. Universal was liquidated into Maremont on June 30, 1964 and dissolved September 28, 1964. Thus, it appears that Maremont is the successor to the rights of Pratt Industries in the trademark.

Trademark registrations may be renewed for additional 20 year periods. Renewal applications require evidence of continued use of the registered mark in interstate commerce or an explanation for non-use resulting from special circumstances and not from any intention to abandon the mark.

If the BRAKE KING mark has not been used by Maremont for two consecutive years, an argument could be made that the mark has been abandoned. However, Maremont might be able to demonstrate that there was no intent to abandon the mark. It would be helpful to document the period of time the mark has been used by Maremont.

In view of the above, Maremont appears to have the right to use the name BRAKE KING in connection with brake linings. However, if the mark has not been used for more than two consecutive years and if you plan to undertake substantial advertising and promotional expenses in connection with the mark, I believe it would be advisable to review the matter further.

If you wish to have any further steps taken in this matter, please let me know.

JWM:slp

MAR 007180