PLAINTIFF'S EXHIBIT

MAR-549

23-1 TRADEMARKS
BRAKE-KING
USA

Imperial®

Reorder No. 9151/1

The United States of America



CERTIFICATE OF RENEWAL

Reg. No. 382,332

Application to renew the above identified registration having been duly filed in the Patent Office by Pratt Industries, Inc., of Chicago, Illinois, a corporation of New York,

and the requirements of the law and regulations having been met,

This is to certify that said Registration has been renewed for a further period of twenty years from October 22, 1960,

In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed this twelfth day of July, 1960.

Robert C Watson

COMMISSIONER OF PATENTS

ATTEST:

Lydia Goebenbach

ATTESTING OFFICER

PO—134

MAR 003872

Registered Oct. 22, 1940

Trade-Mark 382,332

Published, under the Act of 1946, Oct. 26, 1954, by Pratt Industries, Inc., Chicago, Ill.

UNITED STATES PATENT OFFICE

E. M. Smith Co., Los Angeles, Calif.

Act of February 20, 1905

Application July 2, 1940, Serial No. 433,638

BRAKE-KING

STATEMENT

To the Commissioner of Patents:

Be it known that E. M. Smith Co., a corporation duly organized and existing under the laws of the State of California, located and doing business at 614 S. Clarence Street, Los Angeles, California, has adopted and used the trade-mark shown in the accompanying drawing, for BRAKE LINING, in Class 35, Belting, hose, machinery packing, and nonmetallic tires, and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905, as amended.

The trade-mark has been continuously used and applied to said goods in applicant's business since May 18, 1940.

The trade-mark is applied or affixed to the goods, or to the packages containing the same, by means of a label bearing the mark or by printing or impressing the same thereon in divers other ways.

The undersigned hereby appoints Minier & Fihe, composed of Chester M. Minier and Albert J. Fihe, 756 South Broadway, Los Angeles, Calif., registry No. 12,402, attorneys with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

E. M. SMITH CO.,
By L. M. HERSPERGER,
Secretary.

MAR 003873

REGISTRATION NO. 382,332 ISSUED 12-C PUB OCT. 26, 1954

RECEIPT IS HEREBY ACKNOWLEDGED OF THE AFFIDAVIT FILED BY PRATT INDUSTRIES, INC. MRN CAN

ON SEPT. 28, 1960

[X] SEC. 8 - AFFIDAVIT ACCEPTED
[X] SEC. 15 - AFFIDAVIT FILED
BY DIRECTION OF THE COMMISSIONER

OCT 18 1960

DIRECTOR, TRADEMARK EXAMINING OPERATION

FORM POL-136 B 2-60

AFFIDAVIT ACKNOWLEDGMENT

CUSHMAN, DARBY & CUSHMAN
AMERICAN SECURITY BUILDING
WASHINGTON 5, D. C.

U. S. DEPARTMENT OF COMMERCE - PATENT OFFICE

ARLON V. CUSHMAN (1882-1950)
JOHN J. DARBY (1920-1950)
RODGER O. GESSFORD (1932-1967)

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

Maremont Automotive Products, Inc.,
Maremont Building,
168 North Michigan Avenue,
Chicago 1, Illinois.

Attention of Mr. Chester C. Levine

Subject: Pratt Industries, Inc.
Trademark Reg. No. 382,332,
BRAKE-KING

Dear Mr. Levine:-

We enclose herewith receipt from the Patent Office dated October 18, 1960, acknowledging the filing of the combined affidavit relating to the above registration, under the provisions of Sections 8 and 15 of the Trademark Act of 1946.

You will note that the affidavit required by Section 8 is acceptable, and, therefore, the registration will not be automatically cancelled, as would have been the case, had not this affidavit been filed.

The Patent Office at this time does not rule upon the sufficiency of the portion of the combined affidavit relating to Section 15 of the Act. This section provides that, upon the filing of such an affidavit, your right to use the registered mark and your right to maintain the registration in force shall be incontestable, except under certain unusual circumstances. The Patent Office will rule on the sufficiency of this portion of the affidavit only if it is challenged in a contested case in the Patent Office.

Yours very truly,
CUSHMAN, DARBY & CUSHMAN

By

MCL:L
Enc.

Mark: BRAKE-KING
Reg. No. 382,332
Class No. 35

COMBINED AFFIDAVIT
SECTIONS 8 and 15

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

Chester C. Levine, being sworn, states that he is Secretary of Pratt Industries, Inc., a corporation organized and existing under the laws of the State of New York, having an office and place of business at 168 North Michigan Avenue, Chicago 1, Illinois, owner of Registration No. 382,332, issued October 22, 1940, and published under Section 12(c) on October 26, 1954, as evidenced by the accompanying title report; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from October 26, 1954 to the present on the following goods recited in the registration: BRAKE LINING; that said mark is still in use in interstate commerce as shown by the specimen label attached hereto showing the mark described in said registration as currently used; that there has been no final decision adverse to the claim of ownership of Pratt Industries, Inc. of said mark, to its right to register the same or maintain it on the register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent Office or in the courts.

Pratt Industries, Inc. hereby appoints Cushman, Darby & Cushman, a firm composed of William M. Cushman, Max C. Louis, C. Willard Hayes, John W. Malley, Paul N. Kokulis, Irvin H. Rimel, Allen Kirkpatrick and David E. Varner, of American Security Building, 730 - 15th Street, N. W., Washington 5, D. C., all of said members having been admitted to the Bar of the District of Columbia, to file this affidavit, and to transact allbusiness in the Patent Office connected therewith.

/s/ Chester C. Levine

Subscribed and sworn to before me, a Notary Public, this 26th day of September , 1960.

/s/ Regina Kay Kamfner
Notary Public

(SEAL)

Mark: BRAKE-KING
Reg. No. 382,332
Class No. 35

COMBINED AFFIDAVIT

SECTIONS 8 and 15

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

Chester C. Levine, being sworn, states that he is Secretary of Pratt Industries, Inc., a corporation organized and existing under the laws of the State of New York, having an office and place of business at 168 North Michigan Avenue, Chicago 1, Illinois, owner of Registration No. 382,332, issued October 22, 1940, and published under Section 12(c) on October 26, 1954, as evidenced by the accompanying title report; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from October 26, 1954 to the present on the following goods recited in the registration: BRAKE LINING; that said mark is still in use in interstate commerce as shown by the specimen label attached hereto showing the mark described in said registration as currently used; that there has been no final decision adverse to the claim of ownership of Pratt Industries, Inc. of said mark, to its right to register the same or maintain it on the register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent Office or in the courts.

Pratt Industries, Inc. hereby appoints Cushman, Darby & Cushman, a firm composed of William M. Cushman, Max C. Louis, C. Willard Hayes, John W. Malley, Paul N. Kokulis, Irvin H. Rimel, Allen Kirkpatrick and David E. Varner, of American Security Building, 730 - 15th Street, N. W., Washington 5, D. C., all of said members having been admitted to the Bar of the District of Columbia, to file this affidavit, and to transact allbusiness in the Patent Office connected therewith.

/s/ Chester C. Levine

Subscribed and sworn to before me, a Notary Public, this 26th day of September , 1960.

/s/ Regina Kay Kamfner
Notary Public

(SEAL)

STANDARD
BRAKE-KING
BRAKE SHOES

FILE COPY
LETTEREX T.M. Reg

Form 1874 EQUAL ORIGINAL EQUIPMENT Printed in U.S.A.

Mr. Max C. Louis
Cushman, Darby & Cushman
American Security Bldg.
730 Fifteenth Street, N. W.
Washington, D. C. (5)

SUBJECT: PRATT INDUSTRIES, INC. - Trade Mark BRAK KING
Reg. #382,332

Dear Max:

With reference to our recent correspondence regarding the renewal of the above Trade Mark registration I am enclosing two specimen labels of each of the labels used on this product.

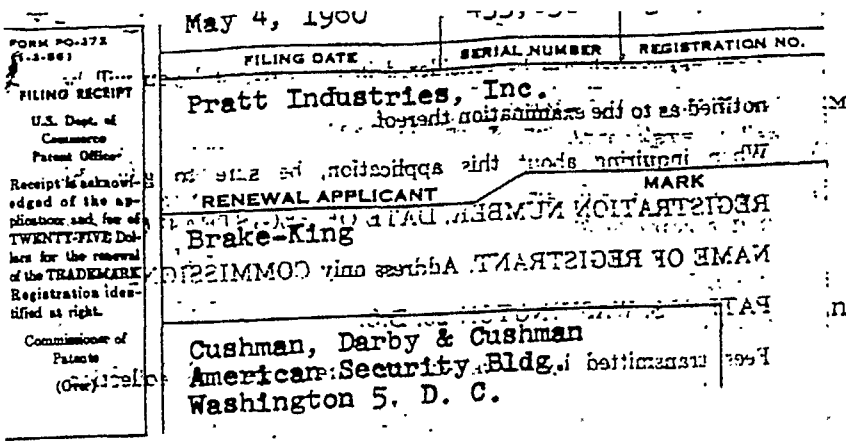
With reference to the executed Affidavit of Use, my records indicate that this Affidavit was sent to you on April 28, 1960. For reference purposes I am enclosing a copy for your files.

Very truly yours,

MARMONT AUTOMOTIVE
PRODUCTS, INC.

DOUBLE DUTY
BRAKE-KING
BRAKE SHOES

Form 1973D EXCEL ORIGINAL EQUIPMENT Printed in U.S.A.



May 4, 1960

FILING DATE | SERIAL NUMBER | REGISTRATION NO.

Pratt Industries, Inc.

RENEWAL APPLICANT | MARK

Brake-King

Cushman, Darby & Cushman
American Security Bldg.
Washington 5, D. C.

FORM PO-373 (1-1-56)

FILING RECEIPT

U.S. Dept. of Commerce
Patent Office

Receipt is acknowledged of the application and fee of TWENTY-FIVE Dollars for the renewal of the TRADEMARK Registration identified at right.

Commissioner of Patents
(Over)

ARLON V. CUSHMAN (1892--1950)
JOHN J. DARBY (1920--1950)
ROGER D. GESSFORD (1932--1957)

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

Marpro, Incorporated,
Maremont Building,
168 North Michigan Avenue,
Chicago 1, Illinois

Attention of Mr. M. Robert Wolfson

Subject: Pratt Industries, Inc.
Reg. No. 382,332, BRAKE-KING

Dear Mr. Wolfson:-

We enclose herewith the Official receipt of filing of the application for renewal of the above trademark registration, together with copies of the papers as filed.

We will advise you upon receipt of any Official action.

Yours very truly,

CUSHMAN, DARBY & CUSHMAN

By

MCL:L
Enc.

FILE COPY

6/23/ klm

April 29, 1960

Mr. Max C. Louis
CUSHMAN, DARBY & CUSHMAN
American Security Building
730 Fifteenth Street, N. W.
Washington 5, D. C.

Dear Max: RE: YOUR LETTERS OF APRIL 22.

Enclosed you will find copies of two applications for renewal of registration: one is for Trademark Reg. No. 382,332, and the other is for Trademark Reg. No. 382, 014.

The situs of Pratt Industries, Inc., which you requested in order that you can complete the heading on the enclosed applications, is as follows:

609 West 51st Street
New York, New York

Also, Max, I would appreciate your correcting the business address as it appears on both of the enclosed applications to read as follows:

168 North Michigan Avenue
Chicago 1, Illinois

The business address now reads 1601 West 16th Street, and should be corrected. Thank you.

I am holding the affidavit of use for Trademark Reg. No. 382,332 until I am able to forward 2 specimen labels.

Sincerely,

M. Robert Wolfson
Advertising Manager

MCE/me
Encls/2

CUSHMAN, DARBY & CUSHMAN
ATTORNEYS AT LAW
AMERICAN SECURITY BUILDING
730 FIFTEENTH STREET, N. W.
WASHINGTON 5, D. C.

WILLIAM M. CUSHMAN
MAX C. LOUIS
C. WILLARD HAYES
JOHN W. MALLEY
PAUL N. KOKULIS
IRVIN H. RIMEL
ALLEN KIRKPATRICK
DAVID E. VARNER
LLOYD J. STREET
GEORGE T. MOBILLE
JAMES L. DOOLEY
ALVIN GUTTAG
RAYMOND F. LIPPITT
GEORGE M. SIRILLA
G. LLOYD KNIGHT
RICHARD G. KLINE
CARL G. LOVE

JOSEPH M. HEARD
LAWRENCE A. HYMO
THOMAS D. WILCOX

ARLON V. CUSHMAN (1882-1950)
JOHN J. DARBY (1920-1950)
ROGGER D. GESSFORD (1932-1957)

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

April
Twenty-two
1960

Marpro, Incorporated,
Maremont Building,
168 North Michigan Avenue,
Chicago 1, Illinois

Attention of Mr. M. Robert Wolfson

Subject: Trademark Reg. No. 382,332,
BRAKE-KING, Oct. 22, 1940
Pratt Industries, Inc.

Dear Mr. Wolfson:-

Referring to your letter of March 31, 1960, we enclose herewith application for renewal of the above registration.

In order to complete the heading on the papers, will you please advise us as to the situs of Pratt Industries, Inc., that is, the address in the State of New York where papers may be served on the company. The Patent Office now requires this, as well as the business address.

We request that you have the papers signed and executed by Mr. Levine, where indicated, and return the same to us for filing in the Patent Office.

Should you have any questions in this connection, do not hesitate to advise.

Yours very truly,
CUSHMAN, DARBY & CUSHMAN

By

MCL:L
Enc.

CUSHMAN, DARBY & CUSHMAN
ATTORNEYS AT LAW
AMERICAN SECURITY BUILDING
730 FIFTEENTH STREET, N. W.
WASHINGTON 5, D. C.

ARLON V. CUSHMAN (1892-1950)
JOHN J. DARBY (1920-1950)
ROGGER D. GESSFORD (1932-1957)

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

WILLIAM M. CUSHMAN
MAX C. LOUIS
C. WILLARD HAYES
JOHN W. MALLEY
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IRVIN M. RIMEL
ALLEN KIRKPATRICK
DAVID E. VARNER
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RAYMOND F. LIPPITT
GEORGE M. SIRILLA
G. LLOYD KNIGHT
RICHARD G. KLINE
CARL G. LOVE

JOSEPH M. HEARD
LAWRENCE A. HYMO
THOMAS O. WILCOX

April
Twenty-two
1960

MarPro, Incorporated,
Maremont Building,
168 North Michigan Avenue,
Chicago 1, Illinois

Attention of Mr. M. Robert Wolfson

Subject: Pratt Industries, Inc.
Trademark Reg. No. 382,332,
BRAKE=KING.

Dear Mr. Wolfson:-

In addition to the necessity for renewing the above registration on or before October 22, 1960, we must also file an affidavit of use on or before October 26, 1960, in order to prevent automatic cancellation.

By separate letter we are forwarding the renewal petition, and enclosed herewith you will find combined affidavit under Sections 8 and 15 of theTrademark Act of 1946.

We request that you have the papers signed and executed where indicated, by Mr. Levine, and return the same to us, together with two specimen labels showing the mark as used. These will be required in order to complete the papers for filing.

Should you have any questions in this connection, do not hesitate to advise.

Yours very truly,
CUSHMAN, DARBY & CUSHMAN

By

MCL:L
enc.

Mark: BRAKE-KING
Reg. No. 382,332
Class No. 35

COMBINED AFFIDAVIT
SECTIONS 8 AND 15.

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

Chester C. Levine, being sworn, states that he is Secretary of Pratt Industries, Inc., a corporation organized and existing under the laws of the State of New York, having an office and place of business at 1601 West Sixteenth Street, Chicago 8, Illinois, owner of Registration No. 382,332, issued October 22,1940, and published under Section 12(c) on October 26, 1954, as evidenced by the accompanying title report; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from October 26, 1954 to the present on the following goods recited in the registration: BRAKE LINING; that said mark is still in use in interstate commerce as shown by the specimen label attached hereto showing the mark described in said registration as currently used; that there has been no final decision adverse to the claim of ownership of Pratt Industries, Inc.of said mark, to its right to register the same or maintain it on the register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent Office or in the courts.

Pratt Industries, Inc. hereby appoints Cushman, Darby & Cushman, a firm composed of William M. Cushman, Max C. Louis, C. Willard Hayes, John W. Malley, PaulN. Kokulis, Irvin H. Rimel, Allen Kirkpatrick and David E. Varner, of American Security Building, 730 - 15th Street, N. W., Washington 5, D. C., all of said members having been admitted to the Bar of the District of Columbia, to file this affidavit, and to transact all business in the Patent Office connected therewith.

Chester C Lewis

Subscribed and sworn to before me, a Notary Public, this 28th day of April, 1960.

Joseph Goldweig
Notary Public

My Commission Expires April 3, 1961

(SEAL)

MAR 003885

ARLON V. CUSHMAN (1892-1950)
JOHN J. DARBY (1920-1950)
WILLIAM M. CUSHMAN
MAX C. LOUIS
C. WILLARD HAYES
RODGER D. GESSFORD
JOHN W. MALLEY
PAUL N. KOKULIS
IRVIN H. RIMEL
ALLEN KIRKPATRICK
DAVID E. VARNER

CARROLL J. MCGUIRE
LLOYD J. STREET
GEORGE T. MOBILLE
ARNOLD G. GULKO
JAMES L. DOOLEY
ALVIN GUTTAG
RAYMOND F. LIPPITT

CUSHMAN, DARBY & CUSHMAN
ATTORNEYS AT LAW
AMERICAN SECURITY BUILDING
730 FIFTEENTH STREET, N. W.
WASHINGTON 5, D. C.

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

November
Eight
1954

Maremont Automotive Products, Inc.,
1600 South Ashland Avenue,
Chicago, Illinois

Attention of Mr. Robert Wolfson

Subject: Pratt Industries, Incorporated
Appln. for Republication of
Trade Mark Reg. No. 433,638,
BRAKE-KING.

Dear Mr. Wolfson:-

Enclosed herewith you will find notice of republication of the above registration, the application for which was filed May 27, 1954.

You will note that the mark was republished in the Patent Office Official Gazette of October 26, 1954, and we quote from the notice as follows:-

> "This registration will be canceled by the Commissioner after the end of 6 years following the date of republication, unless within 1 year next preceding the expiration of such 6 years, the registrant shall file in the Patent Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark."

We will call to your attention prior to one year preceding the expiration of six years that an affidavit must be filed.

Should there be any questions as to the above, kindly advise.

Yours very truly,

CUSHMAN, DARBY & CUSHMAN

By

MCL:L
Enc.

Address only
COMMISSIONER OF PATENTS
WASHINGTON 25, D. C.

U. S. PATENT OFFICE

Registration No. 382332

Filing date of affidavit MAY 27-54

Registrant PRATT INDUSTRIES INC
CHICAGO ILL

For

CUSHMAN, DARBY &
CUSHMAN
730 15TH ST N W
WASHINGTON 5 D C

BE SURE TO GIVE THE REGISTRATION NUMBER, REGISTRATION DATE, AND NAME OF REGISTRANT WHEN INQUIRING ABOUT THIS AFFIDAVIT

The affidavit and fee of TEN DOLLARS for republication of your Trade-Mark, above identified, under Sec. 12 (c) of the Act of 1946, are received. 433638

CREDITS ON DRAFTS OR CHECKS ARE SUBJECT TO COLLECTION

Respectfully [redacted],
Commissioner of Patents.

PO-120A 16—45043-2 (SEE OTHER SIDE)

AN

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

Maremont Automotive Products, Inc.
1600 South Ashland Avenue
Chicago, Illinois

Attention: Mr. M. Robert Wolfson

Subject: Pratt Industries, Incorporated
Application for Republication of
Reg. 382,332, Oct. 22, 1944,
BRAKE-KING - Serial No. 433,638

Dear Mr. Wolfson:

We enclose herewith the Official receipt of filing of the application for republication of the above mark on May 27, 1954, together with copies of the papers as filed.

We will advise you of any action taken by the Patent Office.

Very truly yours,

CUSHMAN, DARBY & CUSHMAN

By

MCL:ivs

Encs.

MAR 003890

TO THE COMMISSIONER OF PATENTS:-

Registration No. 382,332,
Dated October 22, 1940,
Act of 1905,
To: E. M. Smith Co.

- - - -

J. M. Comar , being duly sworn, deposes and says that he is the Vice President of Pratt Industries, Inc., a corporation duly organized under the laws of the State of New York, located at Chicago, Illinois, and doing business at 1601 West Sixteenth Street, Chicago 8, Illinois; that said corporation is the owner of Registration No. 382,332, above identified, as evidenced by the accompanying title report; that the trade mark described therein is in use in commerce among the several States on brake lining, stating in the registration, and claims the benefit of the Trade Mark Act of 1946 for said trade mark.

The undersigned hereby appoints Cushman, Darby & Cushman, a firm composed of William M. Cushman, Max C. Louis, C. Willard Hayes, Rodger D. Gessford, and John W. Malley, of American Security Building, 730 - 15th Street, N. W., Washington 5, D. C., Registration No. 7196, its attorneys, to file this affidavit, with full power of substitution and revocation, and to transact all business in the Patent

Office connected therewith.

PRATT INDUSTRIES, INC.

By /s/ J. M. Comar
Vice President

(CORPORATE SEAL)

Attest:-

/s/ J. C. Grace
Secretary

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

Before me personally appeared J. M. Comar 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 to the allegations set forth therein on the 17th day of May, 1954.

/s/Chester C. Levine
Notary Public

(SEAL)

My Commission Expires May 22, 1956

MAR 003892