FILE COPY
LETTEREX T.M. Reg.

August 19, 1963

Mr. C. Willard Hayes
Cushman, Darby & Cushman
American Security Building
730 Fifteenth Street, N.W.
Washington 5, D. C.

Re: Trademark Application
Serial No. 141,857
LELAND

Dear Mr. Hayes:

Referring to your letter dated August 1, 1963, concerning the above matter, we would appreciate your following the course of transferring the application to one for registration on the Supplemental Register and following through after November 1, 1964, as suggested by you.

Very truly yours,

MAREMONT CORPORATION

Lewis R. Ginsberg
Corporate Attorney

LRG:tp

PLAINTIFF'S EXHIBIT
MAR-436

RECEIVED
MAR-25 1963
PATENT OFFICE

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
G. LLOYD KNIGHT
CARL G. LOVE

LAWRENCE A. HYMO
AKIN T. DAVIS

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

ARLON V. CUSHMAN (1882-1950)
JOHN J. DARBY (1880-1957)
RODGER D. GESS (1932-1957)

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

March
Twenty-two
1963

Maremont Corporation
168 North Michigan Avenue
Chicago 1, Illinois

Attention: Mrs. Jean Allard

Subject: Statement of Trademark Position

Dear Mrs. Allard:

In reply to Mr. Weaver's letter of March 7, we have checked the statement enclosed therewith, and wish to comment as follows:

Reg. No. 741,186, Mar Pro, Inc., November 27, 1962, covering TRU-GUARD for brake linings and brake shoes is not on the list.

Reg. No. 571,003, Pratt Industries, Inc., February 24, 1953, covering SPIRAL for exhaust mufflers, etc., listed as an active trademark under "IV Pratt Industries Inc.", has been canceled for failure to file an affidavit under Section 8, By letter of January 26, 1959, we were advised that the mark was not in use and that no affidavit was to be filed.

Reg. No. 521,270, Muskegon Motor Specialties Company (assigned to Muskegon Cam Shaft Company, a

wholly-owned subsidiary of Accurate Cam Shaft Company) may or may not be in good standing, depending upon whether an Affidavit under Section 8 was filed on or before February 21, 1956. We have no record of the filing of such an affidavit, but are checking the records in the Patent Office and will communicate with you further.

On the list of expired trademarks, the number of the SPIRAL registration, referred to above, should be 571,003. The registration did not expire, but was canceled.

Trademark 293,271, The Pratt Chuck Company, April 12, 1932, endorsed on our copy "Owned by Pratt Industries, Inc." is not listed under expired or active trademarks. Our copy does not indicate that it was renewed, but we are checking this registration in the Patent Office also.

With the exception of the above, your list seems to be entirely accurate.

Yours very truly,

CUSHMAN, DARBY & CUSHMAN

By C. Willard Hayes

CWH:E

FILE COPY
LETTEREX
TM Reg

March 7, 1963

Mr. Raymond F. Lippitt
Cushman, Darby and Cushman
American Security Building
700 Fifteenth Street, N.W.
Washington 5, D.C.

Re: Neil Parts Rebuilders
Leland Registration
Assignment of Pratt Trademarks to
Universal Friction Materials Co.
Statement of Trademark Position

Dear Mr. Lippitt:

As you can readily see, I have a number of small problems to bring to your attention. In order to facilitate your filing, I shall discuss several of these problems on separate pages.

I have included an assignment of several trademarks from Pratt Industries, Inc., to Universal Friction Materials Co. Pratt and Universal have been merged, and all of these trademarks are for products of the Grizzly Brake Division, a division of Pratt. At some later date, we intend to assign some additional Pratt trademarks to a name-holding corporation as the successor corporation is using the name Universal Friction Materials Company. The assignment is sent for recording purposes.

I have also included a statement which, according to our files, is as current, accurate recital of the position of Maremont Corp. and its subsidiaries (with the exceptions of Saco-Lowell and Gabriel) with respect to trademarks. I would appreciate your review of this statement so that I may be assured the data is correct. Many thanks.

Yours very truly,

MAREMONT CORPORATION

By_____

WNW:ss

FILE COPY
LETTEREX
TM Reg

Leland Registration

An attempt to register the mark LELAND, serial No. 141,857, was refused on the grounds that the mark appeared primarily to be a surname. Mr. Louis, in his letter to us of November 19, 1962 indicated that registration is still possible if we can establish proof of a secondary significance of the mark. He had intended, on his next trip to Chicago, to discuss the method of establishing this significance, namely, by presenting letters to the Patent Office from satisfied customers who identified the name Leland with the goods which the registration was intended to cover. His untimely death precluded this discussion. Perhaps you might suggest the most appropriate form for these letters.

FILE COPY

LETTEREX T.M. Reg.

April 6, 1962

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

Re: Trademark - Leland

Dear Max:

Enclosed you will find the application papers for the registration of the above trademark which has been signed and notarized.

The date of the first intrastate use of the trademark was on November 1, 1959 and the date of the first interstate use of the trademark was also on November 1, 1959.

Enclosed are the six specimen labels showing how the merchandise shipped is identified.

Very truly yours,

MAREMONT CORPORATION

Chester C. Levine
Secretary

CCL:fs
Encls.

MAR 003289

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. SOOLEY
ALVIN GUTTAG
RAYMOND F. LIPPITT
G. LLOYD KNIGHT
RICHARD G. KLINE
CARL G. LOVE

LAWRENCE A. HYMO
AKIN T. DAVIS

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

MARCH
Twenty-two
1962

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

CABLE
MYCUSHRA FAX WASHINGTON

TELEPHONE
NATIONAL 8-3460

RECEIVED
MAR 26 1962
SECRETARY'S
OFFICE

Maremont Corporation
168 North Michigan Avenue
Chicago, Illinois

Attention of Mr. Chester C. Levine

Subject: Trademark Leland

Dear Chester:

Enclosed herewith are application papers to register the above trademark. I wish you would check up on the goods, and, of course, the first date of use in interstate commerce of the trademark Leland.

We have indicated that the trademark is applied by tags, labels, etc., and I would like to have six specimens of how the trademark is used upon the goods.

With kind regards.

Sincerely yours,

CUSHMAN, DARBY & CUSHMAN

By _____

Enclosure

MCL/jaw

FILE COPY
LETTEREX T.M. Reg

Date: March 27, 1962

To: S. N. Brenner

From: Chester C. Levine

Trademark Registration - Leland

Confirming our telephone conversation of March 26th, it will be necessary to have the following information before the application papers to register the above trademark can be completed.

1. Six Specimen labels of how the trademark is used upon the goods.
2. Date of the first intrastate use of the trademark.
3. Date of the first interstate use of the trademark.

Your cooperation in submitting the above as soon as possible will be greatly appreciated.

Frances Sadler
Secretary to Mr. Levine

fs

LELAND Corporation

Inter-Office Correspondence

March 29, 1962

To: C. C. Levine CC: A. D. Goldstein

Subject: Trademark Registration - Leland

RECEIVED
APR 2 19E
SEC. IRY'S
OFFICE

Although the corporate structure goes back to 1946 the present name which is being registered - Leland Corporation - came into being in November of 1959.

Therefore, the date of the first intrastate use of the trademark should be set at November 1, 1959, and the date of the first date of interstate use of the trademark should be set at the same date.

Enclosed please find six specimen labels of how the merchandise shipped is identified in cartons.

S. N. Brenner

SNB/cp
Encs.

Form 1987

Mark: LELAND

Class 19, Vehicles

TO THE COMMISSIONER OF PATENTS

Maremont Corporation
An Illinois Corporation

Business address and situs:

168 North Michigan Avenue
Chicago, Illinois

STATEMENT

The above-identified applicant has adopted and is using the trademark shown in the accompanying for AIR BRAKE COMPONENTS AND HEAVY DUTY AXLE PARTS, and requests that said mark be registered in the United States Patent Office on the Principal Register established by the Act of July 5, 1946.

The trademark was first used on the goods on November 1,1959 was first used in interstate commerce on November 1, 1959, and is now in use in such commerce.

The mark is used by applying it to tags, labels, and to containers for the goods, and five specimens showing the mark as actually used are presented herewith.

DECLARATION

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

Chester C. Levine, being sworn, states that he is Secretary of the applicant corporation and is

authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the mark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as might be calculated to deceive; and the facts set forth in this application are true.

POWER OF ATTORNEY

Applicant 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, David E. Varner, Lloyd J. Street, George T. Mobille, James L. Dooley, Alvin Guttag, Raymond F. Lippitt, G. Lloyd Knight, Richard G. Kline, and Carl G. Love, of 730 Fifteenth Street, N.W., Washington 5, D. C., each of said partners being a member of the Bar of the District of Columbia, to prosecute this application to register, and to transact all business in the Patent Office in connection therewith, and to receive the Certificate of Registration.

MAREMONT CORPORATION

By _____
Chester C. Levine, Secretary

Subscribed and sworn to before me this 5th day of April, 1962.

_____
NOTARY PUBLIC

((SEAL)

MAR 003294

Maremont Corporation
168 North Michigan Avenue
Chicago, Illinois

First Use: November 1, 1959

First Use in Commerce: November 1, 1959

Goods: AIR BRAKE COMPONENTS AND
HEAVY DUTY AXLE PARTS

LELAND

IN THE UNITED STATES PATENT OFFICE

Maremont Corporation

TRADEMARK

Filed April 9, 1962

Serial No. 141,857 T.M. Div. I

* * *

May 8, 1963

Hon. Commissioner of Patents
Washington, D. C.

Sir:

In response to the Official Action of November 15, kindly amend the above application as follows:

IN THE STATEMENT

Lines 3 and 4, cancel "AIR BRAKE COMPONENTS AND HEAVY DUTY AXLE PARTS", and substitute "PARTS FOR BRAKES AND AXLES FOR TRUCKS, TRACTORS, TRAILERS, BUSES, NAMELY, BRAKE SHOES, BRAKE SHOE ADAPTERS, BRAKE SHOE REPAIR KITS, BRAKE CAM SHAFTS, BRAKE SPIDER ASSEMBLIES, BRAKE SPIDERS AND FLANGE MOUNTING KITS, BRAKE FLANGES, CAM SHAFT BUSHINGS AND BEARINGS FOR BRAKE SPIDERS AND SUPPORTING BRACKETS, WHEEL BEARING GREASE AND OIL SEALS, BRAKE SHOE ROLLER PIN AND ANCHOR PIN LOCKS, BRAKE CAM SHAFT FELTS, BRAKE SHOE ANCHOR PINS, BRAKE SHOE WEAR PLATES, BRAKE SHOE ROLLERS, BRAKE SHOE BUSHINGS, BRAKE SHOE SLACK ADJUSTERS, BRAKE SHOE RETURN SPRINGS, AXLE AND ECCENTRIC ANCHOR PIN NUTS, AXLE WASHERS, TRAILMOBILE ROD PARTS, RADIUS ROD BUSHINGS, TRUNNION SHAFT BUSHINGS FOR TRAILMOBILES, TORQUE ARM BUSHINGS,

EQUALIZER BEARINGS, FIFTH WHEEL PARTS, TRAILER KING PINS, AND DUST SHIELDS, LANDING GEAR WHEELS, AND LANDING GEAR CRANKS.--

R E M A R K S

By the foregoing amendment, we have included a fairly complete list of the parts sold by the applicant under the trademark LELAND. We enclose a catalog No. B-361 of March, 1961 of Leland Corporation, applicant's predecessor, showing the line of parts for brakes and axles used on trucks, tractors, trailers, and buses put out by the applicant and sold under the LELAND name. From the list of parts in the table of contents in the catalog, we have derived the definition of the goods in the amendment to the Statement. All of these parts are for use on vehicles and, therefore, should go in Class 19, Brake linings, which may go in Class 35 are not included, only brake shoes and related parts.

Reconsideration of the refusal on the ground that the mark is primarily merely a surname is respectfully requested, as the word LELAND has other meanings and is not subject to rejection under Section 2(e)(3).

Approval for publication is solicited.

Respectfully,

CUSHMAN, DARBY & CUSHMAN

By (Sgd.) C. WILLARD HAYES

CWH:E

MAR 003297

FORM PO-100 (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 registration of the TRADEMARK identified at right.

Commissioner of patents

(Over)

CLASS	FILING DATE	SERIAL NO. (SERIES OF 1946)
19	APR. 9, 1962	141 857

MAREMONT CORPORATION, ILL. CORP.
168 NORTH MICHIGAN AVE.
CHICAGO, ILL.

APPLICANT

MARK
LELAND

CUSHMAN, DARBY & CUSHMAN
730 15TH ST. 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

RECEIVED
MAY 15 1962
SECRETARY'S OFFICE

OK to file

Maremont Corporation,
168 North Michigan Avenue,
Chicago 1, Illinois

Attention of Mr. Chester C. Levine

Subject: Maremont Corporation,
Trade Mark Application,
Serial No. 141,857 - LELAND

Dear Chester:

We enclose herewith Official Filing Receipt for the above application, together with two copies of the case as filed.

Yours very truly,

CUSHMAN, DARBY & CUSHMAN

By Max C Levine

MCL:AB
Encs.

MAR 003298