



13
7 Warrenton Drive
Silver Spring, Maryland 20904
August 11, 1969

Honorable Commissioner of Patents
Washington, D. C. 20231

Re: Trademark Application
Applicant: American Carnival
Glass Association, Inc.
Mark: "N" enclosed within a circle
Class: 33

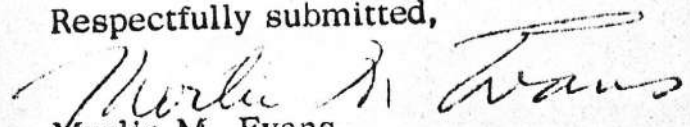
Sir:

Presented herewith, for filing, is a formal application for
Federal Trademark Registration.

Photographs are being filed in lieu of actual specimens of the
goods bearing the mark.

The necessary filing fee of \$35.00 is attached herewith.

Respectfully submitted,


Merlin M. Evans
Attorney for Applicant

MME:ke
Encls.

Phone - 301-622-0857

335114

APPLICATION FOR TRADEMARK REGISTRATION
ON PRINCIPAL REGISTER

Mark: " N " enclosed within a
circle

Class: 33

TO THE COMMISSIONER OF PATENTS:

AMERICAN CARNIVAL GLASS ASSOCIATION, INC., a corporation
duly organized under the laws of the District of Columbia, located at
Washington, District of Columbia, and doing business at 730 - 24th Street,
Northwest, Washington, D. C., has adopted and is using the trademark
namely, tableware, vases, bowls and pitchers
shown in the accompanying drawing on glassware and request that said
mark be registered in the United States Patent Office on the Principal
Register established by the Act of 1946.

The trademark was first used on May 16, 1969; was first used in inter-
state commerce on May 16, 1969; and is now in use in said commerce.

The mark is used by moulding same in the glass, and five specimens
showing the mark as actually used are presented herewith in the form of
photographs.

E. WARD RUSSELL, being duly sworn, states that he is president of
applicant corporation and is authorized to execute this affidavit on behalf
of said corporation; that he believes said corporation to be the owner of
said 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 the
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.

AUTHORIZATION

Please recognize Merlin M. Evans, Patent Office Registration No. 12, 633, whose address is 7 Warrenton Drive, Silver Spring, Maryland 20904, to prosecute this application, to transact all business in connection therewith, and to receive the Certificate.

AMERICAN CARNIVAL GLASS ASSOCIATION, INC.

By E. Ward Russell, President
E. Ward Russell, President

State of MARYLAND

County of MONTGOMERY

Subscribed and sworn to before me this 14th day of

August, 1969 at SILVER SPRING MD.

Francis C. Mudd, Notary Public
Park Dr. Sherwood Manor
Montgomery, Maryland
My Commission Expires 7/1/70

Francis C. Mudd
Notary Public

(SEAL)

REG. NO. 901814		MARK N AND CIRCLE DESIGN		SER. NO. 335114	
Registered (date) NOV 3 1970		Type of Mark		Examiner 33 R. W. L.	
Class 33	Filed Complete AUG. 12, 1969		Serial No. 335,114		PRINCIPAL REGISTER
Applicant and Post Office AMERICAN CARNIVAL GLASS ASSOCIATION, INC. 730 24TH ST., N. W., WASHINGTON, D. C.				Amended.....	
				Parts Filed { Application..... Verification..... Specimens..... Drawings..... Fee.....	
Mark N AND CIRCLE DESIGN				SUPERVISORY EXAMINER	
Send Correspondence to MERLIN M. EVANS 7 WARRENTON DR. SILVER SPRING, MD. 20904				EXAMINER	
Representative					
Attorney MERLIN M. EVANS				Passed for Publication <i>[Signature]</i>	
Associate Attorney				Passed for Registration	
Other Data				A F F I D A V I T	
Claims Ownership of Registration				Sec. 8	
Goods—Services				Sec. 15	
				Sec. 12c	
				Passed for Renewal	

335114

AMERICAN CARNIVAL GLASS ASSOCIATION, INC.

APPLICANT'S NAME

730- 24th Street, N. W., Washington, D. C. 20037

APPLICANT'S POST OFFICE ADDRESS

May 16, 1969

DATE OF FIRST USE

May 16, 1969

DATE OF FIRST USE IN COMMERCE

Glassware

GOODS OR SERVICES RECITED IN THE APPLICATION

C 175



3
901814

REGISTERED IN U. S.

1970

REGISTERED

NOV 2 1970

United States Patent Office

901,814

Registered Nov. 3, 1970

PRINCIPAL REGISTER Trademark

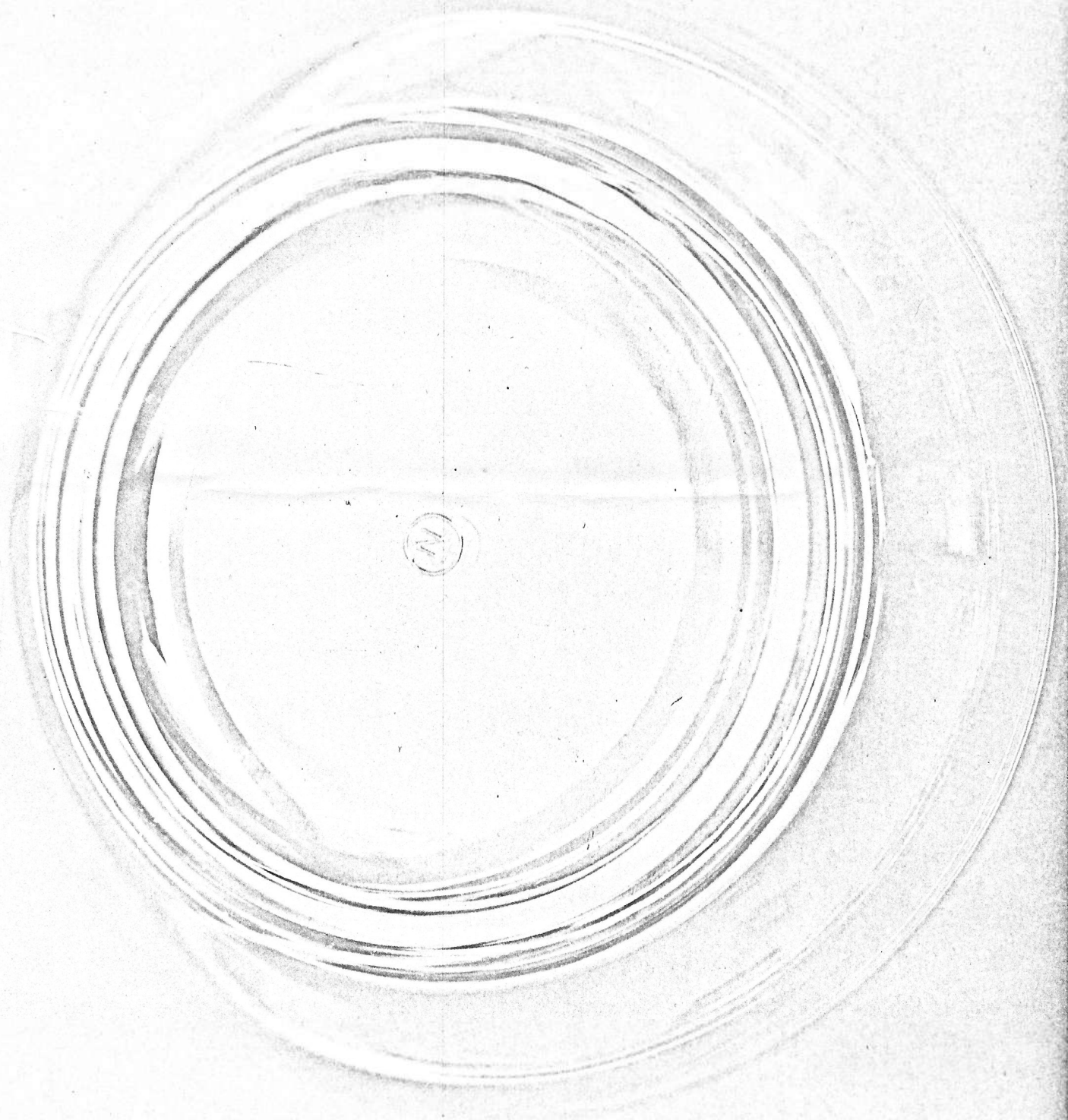
Ser. No. 335,114, filed Aug. 12, 1969



American Carnival Glass Association, Inc. (District of
Columbia corporation)
730 24th St. NW,
Washington, D.C.

For: GLASSWARE—NAMELY, TABLEWARE,
VASES, BOWLS AND PITCHERS—in CLASS 33 (INT.
CL. 21).

First use May 16, 1969; in commerce May 16, 1969.





U.S. DEPARTMENT OF COMMERCE
PATENT OFFICE
WASHINGTON, D.C. 20231

ADDRESS ONLY
THE COMMISSIONER OF PATENTS
TRADEMARK EXAMINING OPERATION
WASHINGTON, D.C. 20231

Warrenton Dr.
Silver Spring, Md. 20904

Paper No.
1

IN REPLY PLEASE REFER TO:

Serial No.

335114

Mailed

18 MAR 1970

Mark

N AND CIRCLE DESIGN

Applicant

American Carnival Glass
Association, Inc.

(Please Furnish Your Zip Code In All Correspondence)

Upon examination, registration is refused because the mark as applied to the goods of the applicant so resembles the marks cited below as to be likely to cause confusion, or to cause mistake, or to deceive:

Reg. Nos. 500666
558405 See attached copies

The term "glassware" in the identification of goods is indefinite. Applicant is requested to specify the type of glassware on which it is using the mark. For example, "glass tableware", "glass stemware," or "glassware, namely, tableware, vases, bowls, and pitchers" would all be acceptable identifications.

Examiner Div I

JERice:smj (557-3273)

Registered May 6, 1952

Registration No. 558,405

AFFIDAVIT SEC. 8
ACCEPTED

PRINCIPAL REGISTER
Trade-Mark

AFFIDAVIT SEC. 15
RECEIVED 6 19 57

UNITED STATES PATENT OFFICE

F. H. Noble & Co., Chicago, Ill.

Act of 1946

Application August 5, 1947, Serial No. 530,554



STATEMENT

F. H. Noble & Co., a corporation duly organized and existing under the laws of the State of Illinois and located and doing business at 535 to 539 West 59th Street, in the city of Chicago and State of Illinois, has adopted and used the trade-mark comprising the letter "N" surrounded by a circle as shown in the accompanying drawing, for ORNAMENTAL BOXES AND CASES OF BASE METAL, WOOD, PLASTIC, FABRIC, CELLULOSIC MATERIAL, AND LEATHER FOR PACKAGING AND DISPLAYING VARIOUS ARTICLES OF MERCHANDISE, in Class 2, Receptacles, and presents herewith five facsimilies showing the trade-mark as actually used in connection with such goods, the trade-mark being applied or affixed to the goods by stamping, printing, or impressing the said trade-mark directly in or upon the said goods, 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.

Applicant is the owner of Registrations Nos. 339,472, 340,385 and 350,137, granted to it on October 6, 1936, November 10, 1936, and September 14, 1937, respectively, under the act of February 20, 1905, covering the same or similar trade-marks.

The trade-mark was first used by applicant in January, 1919, and was first used by applicant in commerce among the several States which may lawfully be regulated by Congress, in January, 1919.

F. H. NOBLE & CO.,
By L. NOBLE KEENE,
President.

TRADE-MARK
Class 33 Int. Cl. 2/
Registered June 15, 1948

EXAMINER'S COPY

Registration No. 500,666

TRADE-MARK SEC. 8
REGISTERED

PRINCIPAL REGISTER
Trade-Mark

AFFIDAVIT SEC. 15
RECEIVED 11-11-53

RECEIVED
Obear - Nester Glass Company
East St. Louis, Ill.

UNITED STATES PATENT OFFICE

Obear-Nester Glass Co., East St. Louis, Ill.

Act of 1946

Application August 1, 1947, Serial No. 530,242



(Statement)

Obear-Nester Glass Co., a corporation duly organized under the laws of the State of Missouri, located at East St. Louis, Illinois, and doing business at East St. Louis, Illinois, has adopted and used the trade-mark shown in the accompanying drawing, for GLASS BOTTLES, in Class 33, Glassware, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods by printing it on cartons containing the same and by imprinting the trade-mark in the glass of the bottles, 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 February 1895, and first used in commerce among the several States which may lawfully be regulated by Congress on February 1895.

(Declaration)

William A. Nester, being duly sworn, deposes and says that he is the vice-president of Obear-

Nester Glass Co., the applicant named in the foregoing statement, that he believes that said corporation is the owner of the trade-mark which is in use in commerce between the States, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark 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 trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

OBEAR-NESTER GLASS CO.,
By WILLIAM A. NESTER,
Vice-President.

26
1970

IN THE UNITED STATES PATENT OFFICE

2a

Applicant: American Carnival Glass
Association, Inc.

Serial No: 335,114 ✓

Filed: August 12, 1969

Mark: N AND CIRCLE DESIGN

Class: 33

AMENDMENT

Honorable Commissioner of Patents
Washington, D. C. 20231

Sir:

Responsive to the Official Action of March 8, 1970, please amend the above entitled application as follows:-

In the application wherein the term "glassware" is used to identify the goods please change as follows: ✓ glassware, namely tableware, vases, bowls and pitchers -

The citations listed in the action have been duly noted and in the instance of Registration # 500,666 and notwithstanding the fact that the goods were classified for registration in Class 33 "Glassware", the fact remains that the goods of applicant are dissimilar and therefor the class should be split in view of the diversity of the goods and type of businesses involved.

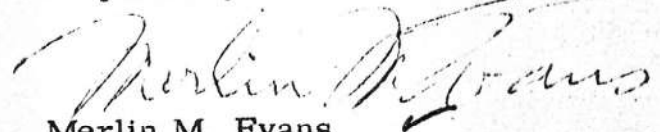
With reference to applicant's mark, the character or style employed for the letter plus the bar beneath the letter N enclosed in a circle distinguishes the mark from the marks of the prior registrants to a degree that no confusion is caused such as would resemble the marks of the prior registrants, deceive or bring about a mistake in judgment in the selection of goods desired.

Aside from the above, the main reason for the filing of the application by the American Carnival Glass Association, Inc., was to maintain the quality and standard of the original Northwood Glass products which has been shown

by cheap imitations and as such extenuating circumstances have resulted and which should be considered a mitigating factor to be weighed in the equation before a final decision is rendered by the Examiner.

Reconsideration is therefor requested for the reasons stated and a favorable opinion is solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Merlin M. Evans", is written over a horizontal line.

Merlin M. Evans
Attorney for Applicant

7 Warrenton Drive
Silver Spring, Md. 20904
Phone - 622-0857



Nº 901814

THE UNITED STATES OF AMERICA

This is to certify that from the records of the Patent Office it appears that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent Office on the

PRINCIPAL REGISTER

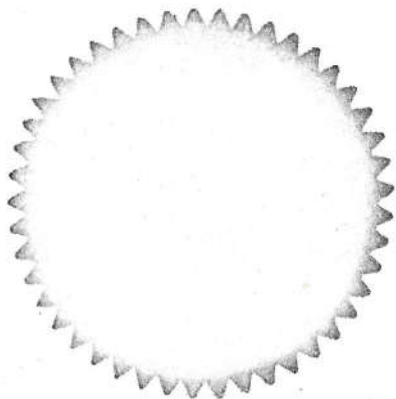
to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.

In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed this third day of November, 1970.

William S. Schuyler, Jr.

COMMISSIONER OF PATENTS



United States Patent Office

901,814
Registered Nov. 3, 1970

PRINCIPAL REGISTER Trademark

Ser. No. 335,114, filed Aug. 12, 1969



American Carnival Glass Association, Inc. (District of
Columbia corporation)
730 24th St. NW.
Washington, D.C.

For: GLASSWARE—NAMELY, TABLEWARE,
VASES, BOWLS AND PITCHERS—in CLASS 33 (INT.
CL. 21).

First use May 16, 1969; in commerce May 16, 1969.



Nº 1033923

THE UNITED STATES OF AMERICA

This is to certify that from the records of the Patent and Trademark Office it appears that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

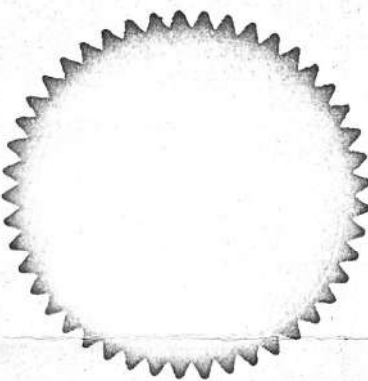
Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.

In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this seventeenth day of February, 1976.



C. Marshall Dann

COMMISSIONER OF PATENTS AND TRADEMARKS



*I, JOHN D. ROCKEFELLER, IV Secretary of State of the
State of West Virginia, hereby certify that*

WHEREAS, The stipulations and conditions of Chapter 47, Article 2, Sections
1 and 2 of the Official Code of West Virginia, 1931, as amended, having been fully
complied with the

TRADE-MARK

consisting of

**the letter "N" underlined
and enclosed in a circle**

General class of goods to which appropriated: **Glassware, particularly
glassware for ornamental and utilitarian use,**

has this day been duly registered in my office in the name of

AMERICAN CARNIVAL GLASS ASSN.,

**located and doing business at 730 - 24th Street, N. W.,
Washington, D. C.**

*Given under my hand and the
Great Seal of the said State at
the City of Charleston, this*

TWENTY-SECOND

day of

MAY,

19 69.

John D. Rockefeller

Secretary of State.

TRADEMARKS

*January 1971 Issue
Vol 6 - no 1*

On May 26, 1969 all four trademarks used by NORTHWOOD were registered in the name of the American Carnival Glass Association in the State of West Virginia.

Another milestone was passed on November 3, 1970 when the NORTHWOOD trademarks were registered in the U.S. Patent Office to the A.C.G.A.

Shown below is our Certificate of Registration.

United States Patent Office

901,814

Registered Nov. 3, 1970

**PRINCIPAL REGISTER
Trademark**

Ser. No. 335,114, filed Aug. 12, 1969



American Carnival Glass Association, Inc. (District of
Columbia corporation)
730 24th St. NW.
Washington, D.C.

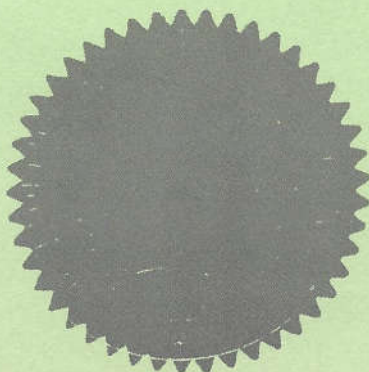
For: GLASSWARE—NAMELY, TABLEWARE,
VASES, BOWLS AND PITCHERS—in CLASS 33 (INT.
CL. 21).
First use May 16, 1969; in commerce May 16, 1969.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.

In Testimony Whereof I have hereunto
set my hand and caused the seal of
the Patent Office to be affixed this
third day of November, 1970.

William E. Schuyler, Jr.

COMMISSIONER OF PATENTS





REGISTERED
TRADEMARK
OF THE A.C.G.A.

AMERICAN CARNIVAL GLASS ASSOCIATION

(Incorporated Under the Laws of the District of Columbia)

President
CARLTON SCHLEEDE
975 Gallup Road
Spencerport, NY 14559

Vice President
GRETTA CLARK
1327 Pine Grove
Port Huron, MI 48060

Secretary
WILY P. ADDIS
P.O. BOX 2629
Lakewood, OH 44107

Treasurer
RICHARD LOECHINGER
562 W. Whipp Road
Dayton, OH 45459

February 20, 1975

Mr. Wily P. Addis
P. O. Box 2629
Lakewood, Ohio 44107

Dear Wily,

I am sending you under separate cover following items:

1. (N) trademark labels
2. N trademark labels
3. (N) rubber stamp
4. N rubber stamp

Please use one of each of the labels on souvenir glass sold. Also stamp outside of boxes with both stamps if possible, as we have to show usage of the trademarks in order for the registration patent to be legal.

I have assigned Power of Attorney to Mr. George W. Shaw, Cumpston & Shaw, 1010 Crossroads Building, Rochester, New York, 14614, as patent attorney for the American Carnival Glass Assn. We also notified Mr. Shaw that your address was to be considered as the address of the Association.

I have also authorized Mr. Shaw to file an affidavit with the U. S. Patent Office to register the plain N trademark for the American Carnival Glass Association.

Let me stress again, please use both labels and stamps whenever and wherever possible.

Please let me know if you have any questions.

Sincerely,


Carlton E. Schleede

CES:rrs



Int. Cl.: 21

Prior U.S. Cl.: 33

United States Patent Office

Reg. No. 1,033,923

Registered Feb. 17, 1976

TRADEMARK

Principal Register

N

American Carnival Glass Association, Inc. (District of
Columbia corporation)
1555 Blossom Park, P.O. Box 2629
Lakewood, Ohio 44107

For: GLASSWARE—N A M E L Y, TABLEWARE,
VASES, BOWLS AND PITCHERS—in CLASS 21
(U.S. CL. 33).


First use at least as early as Feb. 27, 1975; in com-
merce at least as early as Feb. 27, 1975.

Owner of Reg. No. 901,814.

Ser. No. 47,285, filed Mar. 21, 1975.

L. STRICKMAN, Examiner

NOTICE

 This Registration will be canceled by the Commissioner of Patents and Trademarks at the end of six years following the date of registration, unless within one year next preceding the expiration of such six years, the registrant files in the Patent and Trademark 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. A fee of \$10.00 for each class must accompany the affidavit.

GEORGE W. SHAW

LAW OFFICES
CUMPSTON & SHAW
PATENT, TRADEMARK AND COPYRIGHT CAUSES
850 CROSSROADS OFFICE BUILDING
ROCHESTER, NEW YORK 14614
(716) 325-5553

EDWARD H. CUMPSTON
1884-1974

August 11, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert McCaslin, President
American Carnival Glass Association,
Inc.
1121 Indiana Avenue
New Castle, Indiana 47362

Re: Trademark Registration
Mark: N
No. 1,033,923

Dear Mr. McCaslin:

Mrs. Carlton Schleede has informed us that you are the new President of American Carnival Glass Association, Inc. and that anything pertaining to your trademark registration should be addressed to you. If you are not aware, the trademark law requires that a declaration of current use of a registered trademark must be filed between five and six years after the date of registration of the same. If such a declaration is not filed, the registration will be canceled. In addition, the law provides that if a second declaration is filed alleging that there is no controversy relative to the ownership of the trademark and that the mark has been in continuous use for five consecutive years, the registration will become incontestable.

We suggest that in connection with the above mark we file a declaration of current use and, if possible, a combined declaration satisfying all the above requirements. In this connection, we will need the following information:

1. Is the mark still in use in interstate commerce?
2. Has the mark been in substantially continuous use for the past five years? Generally, some use of the mark in

Mr. Robert McCaslin
Page 2

August 11, 1981

each of the past five years would satisfy this requirement.

3. Our records show that the mark is used by applying it to labels affixed to the goods and by applying it to the containers for the goods. Has there been any change in the nature of the goods?

4. The registration was obtained in the name of American Carnival Glass Association, Inc. Has there been any change in the name of the owner or the ownership of the mark?

If you wish us to prepare and file either of the above declarations, please let us know and please let us have your answers to the above questions. Please send us two specimens showing the mark as currently used.

Please let us know if you have any questions in connection with this matter.

Sincerely,

CUMPSTON & SHAW

George W. Shaw
George W. Shaw

GWS/sm