

ESTTA Tracking number: **ESTTA36487**

Filing date: **06/22/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76190823
Applicant	ASICS Corporation
Correspondence Address	MICHAEL R. FRISCIA MCCARTER & ENGLISH, LLP FOUR GATEWAY CENTER 100 MULBERRY STREET NEWARK, NJ 07102 UNITED STATES mikez@asicsamerica.com
Submission	Appeal Brief
Attachments	AppealBrief.pdf (10 pages) Ex_A.pdf (5 pages) Ex_B.pdf (82 pages) Ex_C.pdf (13 pages)
Filer's Name	Adam Thurston
Filer's e-mail	ajthurston@bryancave.com
Signature	/adam thurston/
Date	06/22/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ASICS CORPORATION

Serial No.: 76/190,823

Filed: January 8, 2001

For: KEEP RUNNING

Trademark Attorney: Tricia McDermott Thompkins

Law Office: 114

BRIEF ON APPEAL

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attn: Box TTAB
No Fee

I. Introduction

Applicant, ASICS Corporation (“Applicant” or “ASICS”) submits this Brief on Appeal pursuant to 37 CFR 2.141 and 2.142, from the Final Office action dated March 16, 2004. Applicant filed a Notice of Appeal on August 18, 2004. Thereafter, Applicant filed a Request for Reconsideration requesting that the Board suspend the appeal and remand the application to the Trademark Office. This Request for Reconsideration was denied on February 23, 2005, but the amendment of the identification of goods to “athletic shoes in Class 25” was accepted. By notice dated March 24, 2005 the time for filing this Appeal Brief was rescheduled to May 23, 2005. A Request for Extension of Time was filed and granted extending the date for filing the appeal brief to June 22, 2005.

Applicant submits that there is no likelihood of confusion between its mark KEEP

RUNNING for athletic shoes and the cited registrations.

The Trademark Office has taken the position that a likelihood of confusion exists between the subject mark KEEP RUNNING for footwear (athletic shoes) and Reg. Nos. 2,682,152 for the mark KEEP WALKING and 2,616,316 for the mark KEEP WALKING and design, with each registration covering certain goods in Class 25. The cited marks are owned by Diageo Brands, B.V. (“Registrant”), a world famous manufacturer and seller of whisky under the brand JOHNNIE WALKER.

The subject application is owned by ASICS, a world famous manufacturer and seller of athletic shoes and apparel.

Applicant respectfully submits that no likelihood of confusion exists between the respective marks and that an analysis using the Du Pont likelihood of confusion factors clearly bears this conclusion out.

II. There Is No Likelihood of Confusion

The Trademark Trial and Appeal Board utilizes the following set of factors in analyzing whether a likelihood of confusion exists: (1) The similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression; (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) The similarity or dissimilarity of established, likely-to-continue trade channels; (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing; (5) The fame of the prior mark (sales, advertising, length of use); (6) The number and nature of similar marks in use on similar goods; (7) The nature and extent of any actual confusion; (8) The length of time during and

conditions under which there has been concurrent use without evidence of actual confusion; (9) The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark); (10) The market interface between applicant and the owner of a prior mark; (11) The extent to which applicant has a right to exclude others from use of its mark on its goods; (12) The extent of potential confusion, i.e., whether de minimis or substantial; (13) Any other established fact probative of the effect of use. See In re E.I. Du Pont DeNemours & Co., 177 U.S.P.Q. 563 (C.C.P.A. 1973). The TMEP sets forth that certain of the Du Pont factors are usually the most relevant in an ex parte case, namely, (1) the similarity of the marks; (2) the relatedness of the goods/services; (3) the similarity of the trade channels; (4) the conditions under which buyers make purchases; (4) the number of similar marks in use on similar goods; and (5) the existence of a consent agreement between the parties. See TMEP § 1207.01.

A. Reg. No. 2,682,152 – KEEP WALKING

The subject mark KEEP RUNNING and the cited mark KEEP WALKING are entirely different marks, that differ in appearance, sound, connotation and commercial impression. The terms “Running” and “Walking” are entirely different in meaning, sound and certainly connote drastically different ideas. These differing connotations are emphasized in the context in which the respective marks are used by their respective owners. Based on Applicant’s careful review of the Registrant’s web site, located at www.johnniewalker.com, the cited mark KEEP WALKING is utilized by the Registrant as the primary tag line, or marketing theme, to promote the Registrant’s line of whiskeys. The following text is found on the home page of the “KEEP WALKING” section of the Registrant’s web site:

In 1820, in Kilmarnock, Scotland, a young man named John Walker dreamed of blending the perfect whisky. Today the spirit that carries his name is the world's most popular whisky. *Keep Walking*[™] is the symbol of progress, reflecting the fact that often *Johnnie Walker*[®] has been consumed when reflecting on pivotal moments within our lives, moments of our own real personal progress.

Printouts from the Registrant's web site demonstrating Registrant's use of the mark KEEP WALKING in connection with this marketing theme are attached hereto as Exhibit A. Moreover, Registrant's web site also features a collection of video advertisements for its line of whiskeys based on these KEEP WALKING marketing themes focusing on personal stories of perseverance. In keeping with this theme, Applicant notes that both of the cited registrations also include goods in Class 33, namely, alcoholic beverages, namely whisky. As a result of the fame and notoriety of the Registrant's JOHNNIE WALKER brand whiskeys, and the extensive use of the KEEP WALKING marketing theme to promote the same, consumers will undoubtedly be familiar with the Registrant's use of the mark in connection with whiskeys.

In contrast, Applicant's KEEP RUNNING mark is always used in connection with Applicant's world famous line of ASICS' athletic shoes, in particular running shoes. As a result, consumers who encounter the subject mark being used with Applicant's ASICS' athletic shoes will clearly understand the connotation of running and physical exercise that is suggested by Applicant's mark. This connotation and commercial impression is decidedly different than the commercial impression created by the cited mark used in connection with whisky, as the connotation of running and exercise stands in direct contrast to the connotation associated with the consumption of whisky. As such, consumers will easily be able to distinguish the respective marks themselves on this

basis.

In addition, the goods of the respective parties are substantially different. It is important to note that while Reg. No. 2,682,152 does cover certain goods in Class 25, it does not cover shoes, whereas the subject application covers only athletic shoes. Moreover, there are substantial differences between the types of goods in connection with which both parties use (or may use) the respective marks, as well as substantial differences between the respective trade channels through which the respective goods will travel. As set forth above, Registrant is a world famous supplier of whisky under the brand JOHNNIE WALKER. After a careful review of the Registrant's web site, Applicant respectfully submits that it could not find any use whatsoever of the mark KEEP WALKING in connection with any of the goods in Class 25 set forth in the cited registration. This is perhaps because the Registrant has made no use of the cited mark in connection with clothing goods of any kind, as the cited Registration is a Sec. 44(e) registration, where no demonstration of use is required in order to obtain a U.S. registration. See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce, 223 U.S.P.Q. 909 (T.T.A.B. 1984). In any event, it is logical to presume that even if the Registrant, a world famous whisky manufacturer who has built up substantial amount of good will in the mark KEEP WALKING in connection with whisky, were to use this mark in connection with clothing, these goods would be promotional in nature and provided in order to promote the Registrant's primary goods, namely, whisky. As such, these goods would likely be provided exclusively through trade channels where whisky is sold or promoted.

In contrast, Applicant is a world famous manufacturer of high performance

athletic shoes under the name and mark ASICS as well as the subject mark KEEP RUNNING. Applicant's goods are sold to athletes and people interested in running or fitness. Applicant's ASICS athletic shoes that bear the mark KEEP RUNNING are sold exclusively through trade channels where athletic shoes are sold. There can be no argument that the trade channels where whisky is sold and the trade channels where athletic shoes are sold are drastically different. As such, the substantial differences between the types of goods sold by the respective parties as well as the differences in the respective trade channels through which these goods are sold weigh heavily against a likelihood of confusion.

In addition, the respective classes of purchasers of each party's goods are sophisticated buyers who will be able to differentiate between the respective marks. Purchasers who purchase or receive clothing goods bearing the mark KEEP WALKING, to the extent such goods exist, from the Registrant will understand that these goods are promoting the Registrant's famous line of JOHNNIE WALKER whiskeys. In contrast, purchasers of ASICS' athletic shoes are sophisticated purchasers willing to spend up to \$130 for high performance athletic shoes. These consumers will easily be able to distinguish between Applicant's athletic shoes and the promotional goods provided by the Registrant.

Moreover, Applicant respectfully submits the existence of numerous active third party registrations and pending applications for marks that include the term "KEEP" for goods in Class 25, including several for footwear, as well as several marks that consist of the term "KEEP" along with additional wording followed by the suffix "ING" for goods in Class 25. Attached hereto as Exhibit B are printouts from TESS of 37 registrations or

pending applications (that have been approved by the USPTO) for marks that include the term “KEEP” for goods in Class 25, including several that cover footwear. Attached hereto as Exhibit C are printouts from TESS of several active registrations or pending applications for marks that include the terms “KEEP ___ING” as a portion of the mark for goods in Class 25. Applicant respectfully submits that these registrations and pending applications show that the terms “KEEP” and “KEEP ___ING” are commonly used terms in connection with clothing goods, and to demonstrate that the cited marks are relatively weak for these types of goods. As a result, consumers will be able to distinguish between the various “KEEP” marks and “KEEP ___ING” marks currently in use and will therefore not be confused between the subject mark and either of the cited marks.

It is also important to note that there is no evidence of any instances of actual confusion between the respective marks. This factor also weighs against a finding of a likelihood of confusion.

For all of the reasons set forth above, Applicant respectfully submits that no likelihood of confusion exists between the cited mark and the subject mark.

B. Reg. No. 2,616,316 – KEEP WALKING and design

While many of the arguments set forth above also apply to the analysis of the second cited registration, and Applicant hereby incorporates each of those arguments to demonstrate that no likelihood of confusion exists with this second cited mark. Applicant respectfully submits that there are additional factors specific to this registration that further demonstrate that no confusion will exist.

To begin, this registration also contains a distinctive design element of a walking man (depicted below) superimposed within the words “KEEP WALKING.”



Based upon Applicant’s review of the Registrant’s web site, this design is referred to as the “Striding Man” and is a major component of the KEEP WALKING marketing theme used by the Registrant to promote its line of whiskeys that is fully described above. Registrant describes the role of “Striding Man” man in its marketing campaign as follows on the home page of the “KEEP WALKING” section of the Registrant’s web site: “The *Striding Man* was introduced to create a brand logo that would epitomize his family’s belief that through commitment and perseverance, any dream can be achieved, any obstacle overcome.” In addition, Registrant offers what is known as the “Striding Man Society,” a secondary marketing campaign designed to assist consumers in purchasing JOHNNIE WALKER whisky, including offering customized whisky labels and assistance in choosing the right variety of whisky for certain occasions. It should be noted that the “Striding Man” is also featured prominently on Registrant’s whisky bottles. As a result of prominent role played by the “Striding Man” design in Registrant’s marketing and promotion of its world famous line of whiskeys sold under the JOHNNIE WALKER brand, consumers who encounter the design will instantly associate the design with Registrant’s brand of whiskeys. As such, even if a consumer were to encounter clothing goods or footwear bearing the KEEP WALKING and design mark, they would associate these goods with the Registrant’s line of whiskeys. As such, the use of the

“Striding Man” design in the cited registration serves to substantially distinguish the cited mark from Applicant’s KEEP RUNNING mark.

In addition, while this second cited registration does cover shoes, as set forth above, Attorney for Applicant was unable to uncover any use whatsoever of either of the KEEP WALKING marks on the Registrant’s web site. Notwithstanding the same, in the event that Registrant were to use the KEEP WALKING and design mark in connection with shoes, it can certainly be presumed that based on the substantial amount of good will built up by the Registrant in the marks KEEP WALKING and the “Striding Man” in connection with whisky, such goods would be promotional in nature and provided in order to promote the Registrant’s primary goods, namely, whisky. As such, these shoes would likely be provided exclusively through trade channels where whisky is sold or promoted, and not through the same channels through which Applicant’s athletic shoes would be provided. Even assuming there were shoes bearing the KEEP WALKING and design mark, the substantial differences between the types of shoes sold by the respective parties as well as the differences in the respective trade channels through which these shoes are sold would weigh heavily against a likelihood of confusion.

III. Conclusion

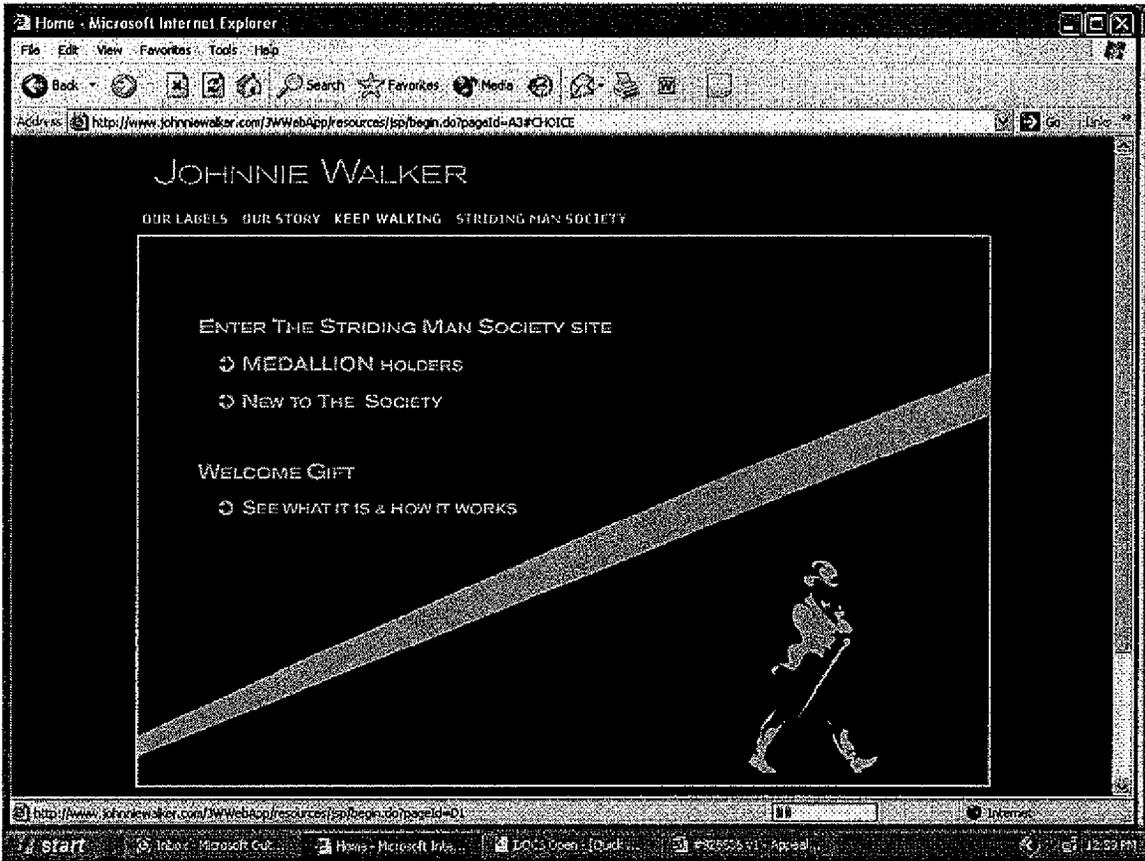
For all of the reasons set forth above, Applicant respectfully submits that no likelihood of confusion exists between the subject mark and this second cited registration.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. S. Lee" or similar, written in a cursive style.

Attorney for Applicant

Dated: June 22, 2005



Johnnie Walker® - Keep Walking® - Introduction - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print

Address http://www.johnniewalker.com/JWWebApp/resources/isp/beqn.do?pageid=01

SEARCH

OUR LABELS | OUR STORY | KEEP WALKING | EXTENDING HUMAN SOCIETY
THE ADS | PERSONAL JOURNEYS | KEEP WALKING.TV

WHY KEEP WALKING™?

SEARCH

"I am a slow walker,
but I never walk
backwards."
— Abraham Lincoln

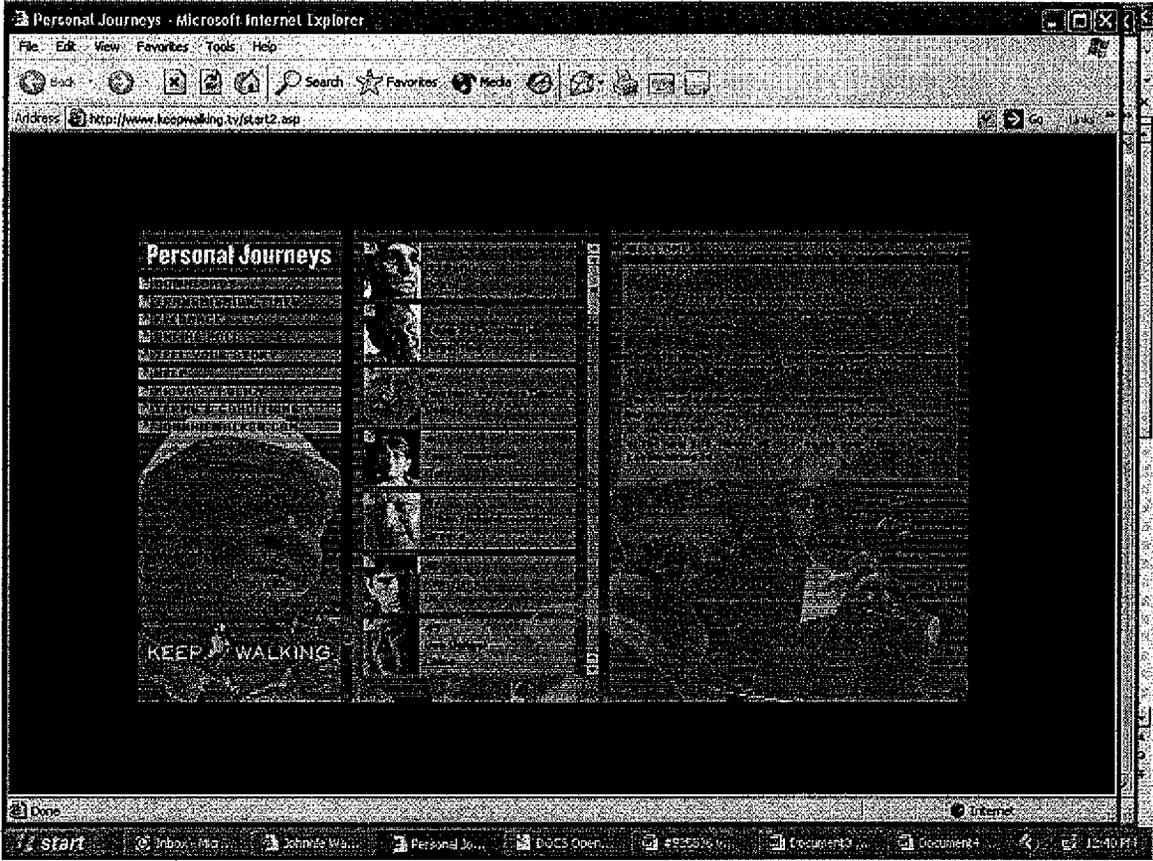
STOP

THE ADS
TAM
OR HIBBY
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PERSONAL JOURNEYS

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start Inboxes: Microsoft Cu... Johnnie Walker® - I... D:\CS Open - [Cu... 20050614 - Appl... Documents - Micros... 1:09 PM



Johnnie Walker - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media

Address: http://stridingman.johnniewalker.com/JWSStatic/sms.htm?reknowin=true&qatLang=en&qatCo=US&qatCk=47&qatC...

JOHNNIE WALKER

HOME | TABLE OF CONTENTS

Log in | Register



CLICK ON THE STRIDING MAN

start | 2 Internet | Document2 | Document1 | Document5 | 12:42:19

Detailed description: This is a screenshot of a Microsoft Internet Explorer browser window displaying the Johnnie Walker website. The browser's title bar reads "Johnnie Walker - Microsoft Internet Explorer". The address bar shows a URL: "http://stridingman.johnniewalker.com/JWSStatic/sms.htm?reknowin=true&qatLang=en&qatCo=US&qatCk=47&qatC...". The main content area features the "JOHNNIE WALKER" logo at the top left, with "HOME | TABLE OF CONTENTS" and "Log in | Register" links to its right. The central focus is a large, dark rectangular area containing a white silhouette of the Striding Man logo, a man in a top hat and boots walking with a cane. Below the logo, the text "CLICK ON THE STRIDING MAN" is displayed. The browser's taskbar at the bottom shows the "start" button and several open windows, including "2 Internet", "Document2", "Document1", and "Document5". The system clock in the bottom right corner shows "12:42:19".

Johnnie Walker - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Home Search Favorites Media

Address: <http://stridingman.johnniewalker.com/JWStalkJms.htm?trk=known=true&gclid=US&gclid=4756h6>

JOHNNIE WALKER

HOME | TABLE OF CONTENTS

LOG IN | REGISTER

THE KEEP™

HERITAGE

LABELS

CIVIC

CUSTOM LABELS

EVENTS

BENEFITS

CLICK A WORD

Done

start | Index - Microsoft Out... | Johnnie Walker - 1857... | Personal Journeys | Docs Open - 10.44 | Microsoft Word | 12:45 PM



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KEEP IT WILD

Word Mark KEEP IT WILD
Goods and Services IC 025. US 022 039. G & S: Clothing, namely hats, bandanas, visors, swim cover-ups, shirts, pants, shorts, skirts, wraps, and pareos
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78387667
Filing Date March 19, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Susan Swigart INDIVIDUAL UNITED STATES 6721 Brants Lane Fort Worth TEXAS 76116
Attorney of Record Kenneth C. Hill
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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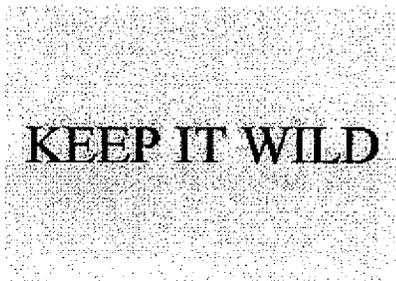
Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 78387667

Registration Number: (NOT AVAILABLE)

Mark



(words only): KEEP IT WILD

Standard Character claim: Yes

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2004-09-29

Filing Date: 2004-03-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:
LEVINE HOWARD B Employee Location

Current Location: M6D -TMO Law Office 115 - Docket Clerk

Date In Location: 2004-10-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Susan Swigart

Address:

Susan Swigart
6721 Brants Lane
Fort Worth, TX 76116
United States

Legal Entity Type: Individual
Country of Citizenship: United States
Phone Number: 817-569-6996

GOODS AND/OR SERVICES

International Class: 025

Clothing, namely hats, bandanas, visors, swim cover-ups, shirts, pants, shorts, skirts, wraps, and pareos

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-10-05 - Assigned To LIE

2004-10-05 - Assigned To LIE

2004-09-29 - Approved for Pub - Principal Register (Initial exam)

2004-09-29 - Case file assigned to examining attorney

2004-03-31 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Kenneth C. Hill (Attorney of record)

Kenneth C. Hill
Hill & Hunn LLP
201 Main Street Suite 1440
Fort Worth, TX 76102

Phone Number: 817-332-2113

Fax Number: 817-332-2114



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Typed Drawing

Word Mark	KEEP AUSTIN WEIRD
Goods and Services	IC 025. US 022 039. G & S: caps and shirts, namely, t-shirts, polos, sweatshirts. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78128466
Filing Date	May 14, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 5, 2002
Registration Number	2775504
Registration Date	October 21, 2003
Owner	(REGISTRANT) NOBONZ, INC CORPORATION TEXAS 3710 Judson Road Austin TEXAS 78744
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Word Mark	GUARANTEED TO KEEP YOU DRY GORE-TEX
Goods and Services	IC 025. US 022 039. G & S: OUTERWEAR, NAMELY CAPS, FOOTWEAR, GLOVES, HATS, JACKETS, MITTENS, OVERCOATS, AND PANTS. FIRST USE: 20001201. FIRST USE IN COMMERCE: 20001201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260713 260721
Serial Number	78167357
Filing Date	September 24, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) W. L. Gore & Associates, Inc. CORPORATION DELAWARE 555 Paper Mill Road P. O. Box 9329 Newark DELAWARE 19714
Prior Registrations	1597498;1648207;1648885;1648886;1648900;2040706;AND OTHERS
Type of Mark	TRADEMARK

Register PRINCIPAL-2(F)-IN PART
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to GUARANTEED TO KEEP YOU DRY

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Dict	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Serial Number: 78167357

Registration Number: (NOT AVAILABLE)

Mark



(words only): GUARANTEED TO KEEP YOU DRY GORE-TEX

Standard Character claim: No

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2004-09-08

Filing Date: 2002-09-24

The Information will be/was published in the Official Gazette on 2004-10-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
CHOSID ROBIN S Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

I. W. L. Gore & Associates, Inc.

Address:

W. L. Gore & Associates, Inc.
555 Paper Mill Road P. O. Box 9329
Newark, DE 19714
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware**Phone Number:** (302) 738-4880**Fax Number:** (302) 731-9098

GOODS AND/OR SERVICES

International Class: 025

OUTERWEAR, NAMELY CAPS, FOOTWEAR, GLOVES, HATS, JACKETS, MITTENS,
OVERCOATS, AND PANTS

First Use Date: 2000-12-01**First Use in Commerce Date:** 2000-12-01**Basis:** 1(a)

ADDITIONAL INFORMATION

Section 2(f), in part, as to GUARANTEED TO KEEP YOU DRY**Prior Registration Number(s):**

1597498

1648207

1648885

1648886

1648900

2040706

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-09-29 - Notice of publication

2004-08-20 - Law Office Publication Review Completed

2004-08-18 - Assigned To LIE

2004-08-10 - Approved for Pub - Principal Register (Initial exam)

2004-06-21 - Amendment From Applicant Entered

2004-06-21 - Communication received from applicant

2004-06-23 - PAPER RECEIVED

2003-12-19 - Final refusal e-mailed

2003-08-25 - Communication received from applicant

2003-09-25 - Case File in TICRS

2003-08-28 - PAPER RECEIVED

2003-02-24 - Non-final action e-mailed

2003-02-24 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

W. L. Gore & Associates, Inc.

555 Paper Mill Road

P. O. Box 9329

Newark DE 19714

Phone Number: (302) 738-4880

Fax Number: (302) 731-9098



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Word Mark	KEEP 'EM UP
Goods and Services	IC 025. US 022 039. G & S: Caps, jackets, sweatpants, warm-up suits, athletic shorts, socks, shirts. FIRST USE: 19820315. FIRST USE IN COMMERCE: 20030501
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	250305 260317 260321
Serial Number	78042499
Filing Date	January 10, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 3, 2002
Registration Number	2839138
Registration Date	May 4, 2004

Owner (REGISTRANT) Elson, Ray J. INDIVIDUAL UNITED STATES 3871 Sedgwick,
Apt. 6-D Bronx NEW YORK 10463

Attorney of Record MICHAEL G. VOORHEES

Description of Mark The mark consists of the wording "KEEP 'EM UP" and the designs of two boxing gloves. The stippling is for shading purposes only.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark KEEP TAHOE BLUE

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Publications, namely, books, maps, posters, newsletters, brochures, pamphlets and calendars in environmental protection and conservation of natural resources; bumper stickers; paper banners. FIRST USE: 19660100. FIRST USE IN COMMERCE: 19660100

IC 025. US 022 039. G & S: Clothing, namely, hats, visors, sweatshirts, t-shirts, aprons and shirts. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100

IC 035. US 100 101 102. G & S: Retail stores, mail order catalog services and online retailing of books, watches, maps, posters, clothing, towels, key chains, plates, mugs and screen savers; promoting public awareness of the need for environmental protection and conservation of natural resources. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100

IC 036. US 100 101 102. G & S: Charitable fund raising for environmental protection and conservation. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 060304 090102 260321 260328

Serial Number 78175177
Filing Date October 16, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 20, 2004
Registration Number 2831888
Registration Date April 13, 2004
Owner (REGISTRANT) League To Save Lake Tahoe CORPORATION CALIFORNIA 955 Emerald Bay Road South Lake Tahoe CALIFORNIA 96150
Attorney of Record Rochelle D. Alpert
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP YOUR EYE ON THE BALL

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, shirts, hats, caps, visors, sweaters, pants, gloves, ties, headbands, wrist bands

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76505101

Filing Date April 9, 2003

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition October 21, 2003

Owner (APPLICANT) AHTEs, WILLIAM J. INDIVIDUAL UNITED STATES 227 Canal Park Dr Unit 401 SALISBURY MARYLAND 21804

Prior Registrations 2336783

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP CHRIST IN CHRISTMAS'
Goods and Services IC 025. US 022 039. G & S: T-Shirts, hats, and sweat shirts
Mark Drawing Code (1) TYPED DRAWING
Serial Number 76547606
Filing Date September 25, 2003
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition May 18, 2004
Owner (APPLICANT) Zylla, Victory A. INDIVIDUAL UNITED STATES 128 Willoughby Oaks Drive Saltillo MISSISSIPPI 38866
 (APPLICANT) Zylla, Glenn P. INDIVIDUAL UNITED STATES 128 Willoughby Oaks Drive Saltillo MISSISSIPPI 38866
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 76547606

Registration Number: (NOT AVAILABLE)

Mark (words only): KEEP CHRIST IN CHRISTMAS'

Standard Character claim: No

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2004-08-10

Filing Date: 2003-09-25

The Notice of Allowance Date is: 2004-08-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
SUAREZ MARIA VICTORIA Employee Location

Current Location: 710 -Divisional Unit

Date In Location: 2004-08-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Zylla, Glenn P.

Address:

Zylla, Glenn P.
128 Willoughby Oaks Drive
Saltillo, MS 38866
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: 662-869-1242

Fax Number: 601-949-7575

2. Zylla, Victory A.

Address:

Zylla, Victory A.
128 Willoughby Oaks Drive
Saltillo, MS 38866
United States

Legal Entity Type: Individual**Country of Citizenship:** United States**Phone Number:** 662-869-1242**Fax Number:** 601-949-7575

GOODS AND/OR SERVICES

International Class: 025

T-Shirts, hats, and sweat shirts

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-10-06 - TEAS Statement of Use Received

2004-08-10 - Notice of allowance - mailed

2004-05-18 - Published for opposition

2004-04-28 - Notice of publication

2004-03-07 - Approved for Pub - Principal Register (Initial exam)

2004-03-06 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

GLENN P. ZYLLA
128 WILLOUGHBY OAKS DRIVE

SALTILLO MS 38866

Phone Number: 662-869-1242

Fax Number: 601-949-7575



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Typed Drawing

Word Mark KEEP YOUR MIND ON THE WORD

Goods and Services IC 025. US 022 039. G & S: CLOTHING, NAMELY, PANTS, SHIRTS, JACKETS, COATS, SNEAKERS, BOOTS, HATS, SCARVES, SHORTS, ROBES, SOCKS, HEADBANDS, UNDERGARMENTS, FOOTWEAR, HEADWEAR, T-SHIRTS, SWEATSHIRTS, JOGGING SUITS, SWEAT PANTS, SUSPENDERS, TENNIS SHOES, SWEATERS, TIES, BOLO TIES, WRIST BANDS, CAPS, AND VISORS. FIRST USE: 20020610. FIRST USE IN COMMERCE: 20020610

IC 021. US 002 013 023 029 030 033 040 050. G & S: CUPS, NAMELY, COFFEE CUPS, PAPER CUPS, AND PLASTIC CUPS. FIRST USE: 20020610. FIRST USE IN COMMERCE: 20020610

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76108526

Filing Date August 14, 2000

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 29, 2002

Registration Number 2676204

Registration Date January 21, 2003

Owner (REGISTRANT) Hughes, Gaynelle INDIVIDUAL UNITED STATES 4925 W. 20th Street Los Angeles CALIFORNIA 90016

Attorney of Record ANNE WANG

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP YOUR HEAD IN THE GAME

Goods and Services IC 025. US 022 039. G & S: Goods of clothing, namely, t-shirts, sweaters, shirts, pants, blouses, coats, ties, socks. FIRST USE: 19970801. FIRST USE IN COMMERCE: 19970801

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75369066

Filing Date October 6, 1997

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition July 13, 1999

Registration Number 2282572

Registration Date October 5, 1999

Owner (REGISTRANT) LOMBARDO, LISA INDIVIDUAL UNITED STATES 29A Orchard Street MARLBOROUGH MASSACHUSETTS 01752

(REGISTRANT) MARSHALL, SUE INDIVIDUAL UNITED STATES 316 PONAKIN ROAD LANCASTER MASSACHUSETTS 01523

Type of Mark TRADEMARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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KCD
KEEP COOL DEPT.

Word Mark KCD KEEP COOL DEPT.
Goods and Services (CANCELLED) IC 025. US 022 039. G & S: clothing, namely, trousers, shirts, sweaters and sport jackets; and footwear
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 210112 260921
Serial Number 75032925
Filing Date December 15, 1995
Current Filing Basis 44E
Original Filing Basis 1B;44D
Published for Opposition November 19, 1996
Registration Number 2036824
Registration Date February 11, 1997
Owner (REGISTRANT) Newjacket HandelsgmbH CORPORATION AUSTRIA
 Colingasse 3 A-6020 Innsbruck AUSTRIA

Attorney of Record THOMAS R BOLAND
Priority Date September 18, 1995
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Cancellation Date November 15, 2003

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Word Mark KEEP UR EYE ON THE BALL

Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry and watches. FIRST USE: 19990718. FIRST USE IN COMMERCE: 19990718

IC 025. US 022 039. G & S: Clothing, namely, shirts, hats, sweaters, pants, gloves, ties, head bands, wrist bands. FIRST USE: 19990718. FIRST USE IN COMMERCE: 19990718

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 021102 210301

Serial Number 75544321

Filing Date August 28, 1998

Current Filing Basis UNKNOWN

Original Filing Basis 1B

Published for Opposition April 27, 1999

Registration Number 2336783
Registration Date March 28, 2000
Owner (REGISTRANT) Ahtes, William J. INDIVIDUAL UNITED STATES 1116
Riverside Dr Salisbury MARYLAND 21801
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	K.I.S. KEEP IT SIMPLE
Goods and Services	IC 025. US 022 039. G & S: Men's and Women's Footwear, namely, shoes, dress shoes, sandals, and slippers. FIRST USE: 19980701. FIRST USE IN COMMERCE: 19980701
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	261101 261121
Serial Number	75892463
Filing Date	January 7, 2000
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 8, 2000
Registration Number	2400321
Registration	October 31, 2000

Date**Owner** (REGISTRANT) G.O. MAX INTERNATIONAL, INC. CORPORATION
CALIFORNIA 1177 S. Jellick Ave. City of Industry CALIFORNIA 91748**Attorney of Record** DAVID W. LEE**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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Typed Drawing

Word Mark	KEEP DRY "N" SCORE
Goods and Services	IC 025. US 022 039. G & S: Wrist bands for absorbing sweat and marking tennis scores. FIRST USE: 19991104. FIRST USE IN COMMERCE: 19991127
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75844041
Filing Date	November 9, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 15, 2000
Registration Number	2462776
Registration Date	June 19, 2001
Owner	(REGISTRANT) GABRIEL, WENDELL J. INDIVIDUAL UNITED STATES 530 N.E. 119th Street BISCAYNE PARK FLORIDA 33161
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark KEEP YOUR MIND IN THE BOOKS AND YOUR HEART IN THE GAME
Goods and Services IC 025. US 022 039. G & S: Clothing, Namely, Shirts, T-Shirts, Sweatshirts, Shorts, Caps, Hats, Bathing Suits and Beachwear. FIRST USE: 20000524. FIRST USE IN COMMERCE: 20000524
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75747196
Filing Date July 9, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 11, 2000
Registration Number 2434250
Registration Date March 6, 2001
Owner (REGISTRANT) Cruz, Richard INDIVIDUAL UNITED STATES 2104 Community Circle Pine Hill NEW JERSEY 08021
Attorney of Record Norman E. Lehrer
Type of Mark TRADEMARK
Register PRINCIPAL

**Live/Dead
Indicator**

LIVE

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Typed Drawing

Word Mark KEEP IT REAL
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, T-shirts, shirts, sweat shirts, sweaters, jeans, hats, pants, shorts, jackets, sweat suits, coats, footwear and headwear. FIRST USE: 20001016. FIRST USE IN COMMERCE: 20001016
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75669056
Filing Date March 26, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 11, 2000
Registration Number 2491222
Registration Date September 18, 2001
Owner (REGISTRANT) HASH, JAMES C., JR. INDIVIDUAL UNITED STATES 2312 Barnsley Ct Winston-Salem NORTH CAROLINA 27106
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark	KEEP SHOES ODOR FREE ONLY POLIYOU INSOLES
Goods and Services	IC 025. US 022 039. G & S: FOOTWEAR, NAMELY, SPORTING SHOES, SHOE-PADS, SHOE-INSOLES, SHOE-SOLES, AND ALL SOLD AS COMPONENTS OF SHOES. FIRST USE: 19960128. FIRST USE IN COMMERCE: 19990130
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75627837
Filing Date	January 25, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 27, 2001
Registration Number	2567824
Registration Date	May 7, 2002
Owner	(REGISTRANT) KUN CHYANG ENTERPRISE CO., LTD. CORPORATION TAIWAN 10-3, CHANG SHU, CHANG SHU TSUN TUNG LO HSIANG MTAO LI HSIEN TAIWAN
Attorney of Record	SHERIDAN NEIMARK
Prior	

Registrations 1453193
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	KEEP A COOL HEAD! HEADSWEATS.COM
Goods and Services	IC 025. US 022 039. G & S: Head wear that absorbs perspiration. FIRST USE: 19990201. FIRST USE IN COMMERCE: 19990301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	020133 260513 260521
Serial Number	75619397
Filing Date	January 13, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	April 25, 2000
Registration Number	2527946
Registration Date	January 8, 2002
Owner	(REGISTRANT) ROMICK, ALAN INDIVIDUAL UNITED STATES 3845

CHIMNEY HILL DR. CINCINNATI OHIO 45241

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP IN SHAPE
Goods and Services IC 025. US 022 039. G & S: Active wear, namely, bras, bra tops, leggings, unitards, leotards and bicycle shorts. FIRST USE: 19970414. FIRST USE IN COMMERCE: 19970414
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75450980
Filing Date March 16, 1998
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 8, 1998
Registration Number 2299457
Registration Date December 14, 1999
Owner (REGISTRANT) Proman Manufacturing Co., Inc. CORPORATION
 MASSACHUSETTS 322 Summer Street Boston MASSACHUSETTS 02210
Attorney of Record THOMAS P STORER
Type of Mark Register TRADEMARK
 PRINCIPAL

**Live/Dead
Indicator**

LIVE

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Typed Drawing

Word Mark	KEEP ON CHARGIN
Goods and Services	IC 025. US 022 039. G & S: hats, shirts, sweaters, pants and undergarments. FIRST USE: 19990325. FIRST USE IN COMMERCE: 19990325
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75342353
Filing Date	August 18, 1997
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 7, 1998
Supplemental Register Date	September 17, 1999
Registration Number	2306677
Registration Date	January 4, 2000
Owner	(REGISTRANT) Trendwell Trademarks, LLC CORPORATION MICHIGAN 309 1/2 S. Lafayette, Suite 201 P.O. Box 667 Greenville MICHIGAN 48838
Attorney of Record	CARL S CLARK
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP IN TOUCH

Goods and Services IC 025. US 022 039. G & S: men, women and childrens clothing made in fabric and hide, namely, trousers, jacket made in fabric, hide and jackets, womens skirts and trousers made with jeans fabric, coats, skirts, overalls, greatcoats, cloaks, raincoats, shoes for men, women and children, sport shoes, robes, swimwear, underwear for men, women and children, blouses, stockings and socks, shirts, blouses, sock and stocking suspenders, pocket squares, brassieres, petticoats

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75333132

Filing Date July 30, 1997

Current Filing Basis 44E

Original Filing Basis 1B;44D

Published for Opposition November 10, 1998

Registration Number 2242494

Registration Date May 4, 1999

Owner (REGISTRANT) FERLISI, MATTEO INDIVIDUAL ITALY Via Conte Rosso 5

00185 Rome ITALY

**Attorney of
Record** JOSEPH J ORLANDO**Priority Date** March 17, 1997**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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Typed Drawing

Word Mark KEEP IT PURE

Goods and Services IC 018. US 001 002 003 022 041. G & S: bags made of leather, plastic or textiles, namely, traveling bags, gym bags for carrying sports shoes, duffel bags, shoulder bags, athletic bags, backpacks, and all purpose sport bags

IC 025. US 022 039. G & S: clothing, namely, boots, shoes, shirts, pants, sweaters, jackets, socks, shorts, sweatpants, sweatshirts, head wear, head bands, gloves, and scarves; ski boots and snowboard boots, and parts therefore

IC 028. US 022 023 038 050. G & S: roller skates, in-line skates, skis, snowboards, bobsleds, snow sleds for recreational use, ski poles, ski and snow board bindings, and parts therefore for all of the above goods; portable carriers for skis, snowboards, and ski poles; ski wax; ski scrapers

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75303631

Filing Date June 5, 1997

Current Filing Basis 44E

Original Filing Basis 1B;44D

Published for Opposition October 13, 1998

Registration Number 2215911

Registration Date January 5, 1999
Owner (REGISTRANT) Atomic Austria GmbH CORPORATION AUSTRIA Lackengasse
301 A-5541 Altenmarkt AUSTRIA
Attorney of Record LAWRENCE E ABELMAN
Priority Date December 13, 1996
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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KEEP



RIGHT

Word Mark KEEP RIGHT

Goods and Services IC 025. US 022 039. G & S: shoes, sneakers, boots, socks, sandals, booties, stockings, sweatpants, leggings, shorts, pants, skirts, dresses, blouses, T-shirts, sweatshirts, bras, slippers, lingerie, underwear, hats, caps, bandannas, handkerchiefs, cloth belts, vests, jackets, robes, tank tops, bathing suits, bathing caps, slippers, coats, shirts, ties, pajamas, jumpsuits, wetsuits and cloth gloves. FIRST USE: 19970815. FIRST USE IN COMMERCE: 19970815

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 241525

Serial Number 75253207

Filing Date March 6, 1997

Current Filing Basis 1A

Original Filing Basis 1B

Published for

Opposition January 13, 1998
Registration Number 2215261
Registration Date December 29, 1998
Owner (REGISTRANT) 138 International, Inc. CORPORATION FLORIDA 2637 North Miami Avenue Miami FLORIDA 33127
Attorney of Record JORGE ESPINOSA
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP RIGHT

Goods and Services IC 025. US 022 039. G & S: shoes, sneakers, boots, socks, sandals, booties, stockings, sweatpants, leggings, shorts, pants, skirts, dresses, blouses, T-shirts, sweatshirts, bras, slips, lingerie, underwear, hats, caps, bandannas, handkerchiefs, cloth belts, vests, jackets, robes, tank tops, bathing suits, bathing caps, slippers, coats, shirts, ties, pajamas, jumpsuits, wetsuits and cloth gloves. FIRST USE: 19970815. FIRST USE IN COMMERCE: 19970815

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75253074

Filing Date March 6, 1997

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition January 6, 1998

Registration Number 2207591

Registration Date December 1, 1998

Owner (REGISTRANT) 138 International, Inc. CORPORATION FLORIDA 2637 North

Miami Avenue Miami FLORIDA 33127

**Attorney of
Record** JORGE ESPINOSA

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Word Mark	FITNESS IS RELIGION KEEP THE FAITH
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, T-shirts, and sweatshirts. FIRST USE: 19950731. FIRST USE IN COMMERCE: 19950731
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	261512 261520 261521
Serial Number	75137152
Filing Date	July 22, 1996
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 22, 1998
Registration Number	2209996
Registration Date	December 15, 1998
Owner	(REGISTRANT) Kybartas, Ray INDIVIDUAL UNITED STATES 326

Swarthmore Ave. Pacific Palisades CALIFORNIA 90272

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark GUARANTEED TO KEEP YOU DRY
Goods and Services IC 025. US 022 039. G & S: clothing, namely, gloves and footwear. FIRST USE: 19890310. FIRST USE IN COMMERCE: 19890310
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75095087
Filing Date March 14, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 3, 1996
Registration Number 2040706
Registration Date February 25, 1997
Owner (REGISTRANT) W. L. Gore & Associates, Inc. CORPORATION DELAWARE
 555 Paper Mill Road P. O. Box 9329 Newark DELAWARE 19714
Prior Registrations 1597498;1648207;1648885;1648886;1648900;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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DREAM MAKER GOALS:

Keep The Vision
Make The Sacrifice



Career Planning Sportswear

Word Mark DREAM MAKER GOALS: KEEP THE VISION MAKE THE SACRIFICE
 CAREER PLANNING SPORTSWEAR
Goods and Services IC 025. US 022 039. G & S: sportswear, namely, pants, dresses, skirts, T-shirts, shirts, shorts, sweat pants, sweat shirts, jerseys, blouses, tank-tops, muscle shirts, swim suit tops and bottoms, swimming trunks, socks, body suits, stockings, shoes, tennis shoes, thongs, sweaters, brassieres, halter-tops, baby rompers, baby creepers, headbands, hats, caps, visors, underwear, jackets, coats, belts, scarves, gloves, and mittens.
 FIRST USE: 19920815. FIRST USE IN COMMERCE: 19960110
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 241325
Serial Number 75052321
Filing Date February 2, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Supplemental Register Date September 3, 1996

Registration Number 2042535
Registration Date March 4, 1997
Owner (REGISTRANT) Griggs, Delores M. INDIVIDUAL UNITED STATES 8591 LA RIVIERE DRIVE SACRAMENTO CALIFORNIA 95826
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPORTSWEAR" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register SUPPLEMENTAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark "KEEP YOUR SOCKS ON"
Goods and Services IC 025. US 022 039. G & S: clothing items, namely socks. FIRST USE: 19960625. FIRST USE IN COMMERCE: 19960625
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74730916
Filing Date September 18, 1995
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition May 21, 1996
Registration Number 2067864
Registration Date June 3, 1997
Owner (REGISTRANT) DML MARKETING GROUP, INC. CORPORATION
 CALIFORNIA 12701 Encinitas Avenue Sylmar CALIFORNIA 91342
 (LAST LISTED OWNER) DML MARKETING GROUP, LTD. CORPORATION
 BY ASSIGNMENT CALIFORNIA 12701 ENCINITAS AVENUE SYLMAR
 CALIFORNIA 91342

Assignment

Recorded ASSIGNMENT RECORDED
Attorney of Record NEILL A. LEVY
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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KIDS
Keep It Digital Stupid

Word Mark KIDS KEEP IT DIGITAL STUPID

Goods and Services IC 025. US 022 039. G & S: clothing, namely caps, hats, T-shirts, and shirts.
FIRST USE: 19950900. FIRST USE IN COMMERCE: 19950900

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 261103

Serial Number 74718728

Filing Date August 22, 1995

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition March 26, 1996

Supplemental Register Date April 6, 1998

Registration Number 2175788

Registration Date July 21, 1998

Owner (REGISTRANT) Ponzio, Frank INDIVIDUAL UNITED STATES 216
Buccaneery Way Mantoloking NEW JERSEY 08738

Attorney of Record Peter Brown

Description of Mark The mark consists of the word "KIDS" having each letter separated by a line which weaves around each letter extending from one end of the word to the other.

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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Word Mark D.A.R.E TO KEEP KIDS OFF DRUGS
Goods and Services IC 025. US 022 039. G & S: clothing, namely, T-shirts and caps. FIRST USE: 19950900. FIRST USE IN COMMERCE: 19950900
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 030101 030126 260118 260121 260502
Serial Number 74715516
Filing Date August 14, 1995
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition May 7, 1996
Registration Number 2063952
Registration Date May 20, 1997
Owner (REGISTRANT) D.A.R.E. AMERICA CORPORATION CALIFORNIA 9800 La

Cienega Boulevard, Suite 401 Inglewood CALIFORNIA 90301

Attorney of Record Marvin Jubas
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark	KEEP IT DIGITAL STUPID
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, caps, hats, T-shirts and shirts. FIRST USE: 19950900. FIRST USE IN COMMERCE: 19950900
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74706827
Filing Date	July 27, 1995
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 17, 1996
Registration Number	2149634
Registration Date	April 7, 1998
Owner	(REGISTRANT) Ponzio, Frank INDIVIDUAL UNITED STATES 216 Buccaneery Way Mantoloking NEW JERSEY 08738
Attorney of Record	Peter Brown
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

Indicator

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Typed Drawing

Word Mark	KEEP IT UP
Goods and Services	IC 025. US 022 039. G & S: T-shirts, warm up suits, sweat pants, caps, athletic shorts, shirts, and socks. FIRST USE: 19970428. FIRST USE IN COMMERCE: 19970603
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74687215
Filing Date	June 12, 1995
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 17, 1996
Registration Number	2141246
Registration Date	March 3, 1998
Owner	(REGISTRANT) Layton, Marcus K. INDIVIDUAL UNITED STATES 201 Amistad Corpus Christi TEXAS 78404
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark KC AND THE KEEP WELL KID'S CLUB

Goods and Services IC 025. US 022 039. G & S: clothing, namely T-shirts, jeans, caps, shirts, pants, hats, gloves, sleepwear, sweatbands, blouses, sweaters, vests, skirts, dresses, jackets, jumpers, scarves, socks, ties, masquerade costumes, ponchos, shorts, coats, swimsuits, athletic footwear, workpants, sunsuits, cover-alls, overalls, tights, pajamas, baby bibs, slippers, sweatshirts, tank tops, wind-resistant jackets, jerseys, robes, wristbands, sun visors, nightshirts; sleepwear, namely blanket sleepers; knitted outerwear, namely jackets vests and sweaters, booties, caps, mittens, pram suits, boots, bandannas, sweatpants, golf shirts, short pants, leg warmers, knickers, rain boots, sandals, aprons, jogging suits, sweatband wristlets, rain ponchos, parkas, gym shorts, headwear, warm-up suits, tennis shirts, sports caps, ski jackets, infants' and children's hosiery, trousers, ski pants, capes, raincoats, dressing gowns, rainwear, storm suits, storm coats, running shoes, running suits, smocks, jumpsuits and bath wraps, namely bathrobes. FIRST USE: 19980909. FIRST USE IN COMMERCE: 19980909

Mark Drawing Code (1) TYPED DRAWING
Serial Number 74580487
Filing Date September 30, 1994
Current Filing Basis 1A
Original Filing Basis 1B
Published

**for
Opposition** July 18, 1995
**Registration
Number** 2283451
**Registration
Date** October 5, 1999
Owner (REGISTRANT) Ziebell, Joan M. INDIVIDUAL UNITED STATES 8000 Highway 29
Kelseyville CALIFORNIA 95451
**Attorney of
Record** Charles W. Grimes
**Type of
Mark** TRADEMARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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Typed Drawing

Word Mark KEEP YOUR OCEAN BLUE

Goods and Services IC 016. US 038. G & S: stickers. FIRST USE: 19700101. FIRST USE IN COMMERCE: 19700101

IC 020. US 032. G & S: license plate frames. FIRST USE: 19820101. FIRST USE IN COMMERCE: 19820101

IC 025. US 022 039. G & S: clothing; namely, outer wear; namely, T-shirt, [gloves, coats,] jackets, jerseys, caps, hats, [suits], swimsuits, dresses, skirts, blouses, shoes and wet suits. FIRST USE: 19700101. FIRST USE IN COMMERCE: 19700101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74278131

Filing Date May 26, 1992

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 26, 1994

Registration Number 1845560

Registration Date July 19, 1994

Owner (REGISTRANT) DIVE N' SURF, INC. CORPORATION CALIFORNIA 201
HERONDO ST SUITE 200 REDONDO BEACH CALIFORNIA 90277

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Affidavit Text SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Word Mark GORE-TEX GUARANTEED TO KEEP YOU DRY

Goods and Services IC 025, US 039, G & S: outerwear and sportswear garments, namely, jackets, parkas, coats, pants, jumpsuits, raincoats, hats, gloves, footwear. FIRST USE: 19890310. FIRST USE IN COMMERCE: 19890310

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260102 260721

Serial Number 74073716

Filing Date June 28, 1990

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 26, 1991

Registration Number 1648207

Registration June 18, 1991

Date**Owner** (REGISTRANT) W. L. Gore & Associates, Inc. CORPORATION DELAWARE P.O.
Box 9329 555 Paper Mill Road Newark DELAWARE 19711**Attorney of
Record** A. HOLLIDAY WILLIAMS**Prior
Registrations** 1498692;1498744;1499622;1523625;1585746;1587968;1587969;1595560;1597498;
AND OTHERS**Type of Mark** TRADEMARK**Register** PRINCIPAL-2(F)-IN PART**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010914.**Renewal** 1ST RENEWAL 20010914**Live/Dead
Indicator** LIVE**Distinctiveness****Limitation
Statement** as to "Guaranteed to Keep You Dry"

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Word Mark GORE-TEX GUARANTEED TO KEEP YOU DRY

Goods and Services IC 025. US 039. G & S: outerwear and sportswear garments, namely, jackets, parkas, coats, pants, jumpsuits, raincoats, hats, gloves, footwear. FIRST USE: 19890310. FIRST USE IN COMMERCE: 19890310

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 250325 260121 260721

Serial Number 74073715

Filing Date June 28, 1990

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 2, 1991

Registration Number 1648900

Registration June 25, 1991

Date**Owner** (REGISTRANT) W. L. Gore & Associates, Inc. CORPORATION DELAWARE P.O.
Box 9329 555 Paper Mill Road Newark DELAWARE 19711**Attorney of
Record** A. HOLLIDAY WILLIAMS**Prior
Registrations** 1498692;1498744;1499622;1523625;1585746;1587968;1587969;1595560;1597498;
AND OTHERS**Description of
Mark** The drawing is lined for the color gold and the portions too small for lining,
specifically the words "GUARANTEED TO KEEP YOU DRY", and the border shall
also be considered gold.**Type of Mark** TRADEMARK**Register** PRINCIPAL-2(F)-IN PART**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010914.**Renewal** 1ST RENEWAL 20010914**Live/Dead
Indicator** LIVE**Distinctiveness
Limitation
Statement** as to "GUARANTEED TO KEEP YOU DRY"

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Typed Drawing

Word Mark TOP SECRET, KEEP IT UNDER YOUR HAT!

Goods and Services IC 025, US 039, G & S: Sport Caps for Men and Boys. FIRST USE: 19810415. FIRST USE IN COMMERCE: 19810415

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73476009

Filing Date April 18, 1984

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 23, 1985

Registration Number 1346342

Registration Date July 2, 1985

Owner (REGISTRANT) Foshier; Donald H. INDIVIDUAL UNITED STATES 7266 Creveling St. Louis MISSOURI 63130

Attorney of Record Jerome A. Gross

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15, SECT 8 (6-YR).

Live/Dead LIVE

Indicator

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Typed Drawing

Word Mark KEEP ME IN STYLE
Goods and Services IC 025. US 039. G & S: FOUNDATION GARMENTS AND LINGERIE. FIRST USE: 19730824. FIRST USE IN COMMERCE: 19730824
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73002148
Filing Date September 27, 1973
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0994367
Registration Date October 1, 1974
Owner (REGISTRANT) MAIDENFORM, INC. CORPORATION NEW YORK 90 PARK AVE. NEW YORK NEW YORK 10016
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record STEVEN N. MASKET
Disclaimer APPLICANT DISCLAIMS THE WORD "STYLE" APART FROM THE MARK AS SHOWN.
Type of Mark TRADEMARK



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Word Mark KEEP TRI-ING
Goods and Services IC 025. US 022 039. G & S: SHIRTS, HATS, PANTS, JACKETS, GLOVES, VISORS, SHORTS AND IMPRINTABLE SPORTS ACCESSORIES. FIRST USE: 20030208. FIRST USE IN COMMERCE: 20040329
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 090702 140105 260507
Serial Number 78198372
Filing Date December 28, 2002
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition October 28, 2003
Owner (APPLICANT) DEBBY B. MALIVUK DBA Keep Tri-ing INDIVIDUAL UNITED STATES 10795 nw 26 th st SUNRISE FLORIDA 33322
Type of Mark TRADEMARK

Register PRINCIPAL
Live/Dead
Indicator LIVE

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Serial Number: 78198372

Registration Number: (NOT AVAILABLE)

Mark



(words only): KEEP TRI-ING

Standard Character claim: No

Current Status: The final review before registration has been completed for this Intent to Use application and it will register in due course.

Date of Status: 2004-09-13

Filing Date: 2002-12-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
DEJESUS YSA Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DEBBY B. MALIVUK

Address:
DEBBY B. MALIVUK

10795 nw 26 th st
SUNRISE, FL 33322
United States

Legal Entity Type: Individual
Country of Citizenship: United States
Phone Number: 954-990-8813

GOODS AND/OR SERVICES

International Class: 025

SHIRTS, HATS, PANTS, JACKETS, GLOVES, VISORS, SHORTS AND IMPRINTABLE SPORTS ACCESSORIES

First Use Date: 2003-02-08

First Use in Commerce Date: 2004-03-29

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-09-13 - Law Office Registration Review Completed
2004-08-20 - Assigned To LIE
2004-08-10 - Allowed for Registration - Principal Register (SOU accepted)
2004-07-30 - Case file assigned to examining attorney
2004-07-28 - Statement of use processing complete
2004-07-19 - Amendment to Use filed
2004-07-19 - TEAS Statement of Use Received
2004-01-20 - Notice of allowance - mailed
2003-10-28 - Published for opposition
2003-10-08 - Notice of publication
2003-08-22 - Approved for Pub - Principal Register (Initial exam)

2003-08-12 - FAX RECEIVED

2003-08-09 - Communication received from applicant

2003-08-11 - Email Received

2003-07-31 - NON-FINAL ACTION E-MAILED

2003-07-07 - Communication received from applicant

2003-07-21 - Case File in TICRS

2003-07-07 - TEAS Response to Office Action Received

2003-06-02 - Non-final action e-mailed

2003-05-19 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

DEBBY B. MALIVUK, (dba Keep Tri-ing)
10795 NW 26TH ST
SUNRISE FL 33322-2553

Phone Number: 954-990-8813



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Typed Drawing

Word Mark TO KEEP YOU WALKING
Goods and Services IC 042. US 101. G & S: retail shop services in the field of custom manufacturing shoes for the public. FIRST USE: 19870406. FIRST USE IN COMMERCE: 19870406
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74264816
Filing Date April 10, 1992
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 22, 1992
Registration Number 1765108
Registration Date April 13, 1993
Owner (REGISTRANT) M.J. Benjamin, Inc. CORPORATION CALIFORNIA 1332 Wilshire Blvd. Los Angeles CALIFORNIA 90017

 (LAST LISTED OWNER) KOLMAN PROSTHETICS & ORTHOTICS, INC. CORPORATION BY ASSIGNMENT CALIFORNIA 7633 GREENLEAF AVE. WHITTIER CALIFORNIA 906021626

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DANIEL R. KIMBALL
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20031005.
Renewal 1ST RENEWAL 20031005
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark KEEP HUSTLIN
Goods and Services IC 025. US 022 039. G & S: CLOTHING, NAMELY; CAPS, HATS, JACKETS, T-SHIRTS, SWEATSHIRTS, LINGERIE, SLEEPWEAR
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78242676
Filing Date April 28, 2003
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition November 11, 2003
Owner (APPLICANT) Hargain, Anthony M. INDIVIDUAL UNITED STATES P.O. Box 116 Fair Oaks CALIFORNIA 95628
Attorney of Record Daniel N. Ballard
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78242676

Registration Number: (NOT AVAILABLE)

Mark (words only): KEEP HUSTLIN

Standard Character claim: No

Current Status: A request for the first extension of time to file a statement of use has been granted.

Date of Status: 2004-08-24

Filing Date: 2003-04-28

The Notice of Allowance Date is: 2004-02-03

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
PERKINS KARLA M Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2004-08-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hargain, Anthony M.

Address:

Hargain, Anthony M.
P.O. Box 116
Fair Oaks, CA 95628
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: 916-712-8689

GOODS AND/OR SERVICES

International Class: 025

CLOTHING, NAMELY; CAPS, HATS, JACKETS, T-SHIRTS, SWEATSHIRTS, LINGERIE, SLEEPWEAR

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-08-24 - Extension 1 granted

2004-08-03 - Extension 1 filed

2004-08-03 - TEAS Extension Received

2004-02-03 - Notice of allowance - mailed

2003-11-11 - Published for opposition

2003-10-22 - Notice of publication

2003-09-16 - Approved for Pub - Principal Register (Initial exam)

2003-09-15 - Examiners amendment e-mailed

2003-09-13 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION**Correspondent**

Daniel N. Ballard (Attorney of record)

Daniel N. Ballard
McDonough, Holland & Allen
555 Capitol Mall, 9th Floor
Sacramento, CA 95814**Phone Number:** 916-444-3900



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Keep Diggin

Word Mark	KEEP DIGGIN
Goods and Services	IC 025. US 022 039. G & S: men's and women's clothing namely, t-shirts, sweatshirts, hats, headwear, jackets, jeans and pants. FIRST USE: 19950612. FIRST USE IN COMMERCE: 19970507
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	020102 160105 190505
Serial Number	76207525
Filing Date	February 12, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 16, 2002
Registration Number	2732848
Registration	July 1, 2003

Date**Owner** (REGISTRANT) keep diggin DBA Milkcrate Athletics INC. CORPORATION
NEW YORK 151 first ave suite #01 New York NEW YORK 10003**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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