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November 12, 2009

VIA EXPRESS MAIL

BOX RESPONSES - NO FEE
COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Filing Request for Reconsideration for Serial No. 77/525441

Mark: 

Dear Sir:

Enclosed please find the Request for Reconsideration for the mark  in the name of **LS&S Retail, Inc.** Applicant notes that it is simultaneously filing a Notice of Appeal with the Trademark Trial and Appeal Board in connection with this application.

Any fees associated with this filing should be charged to Deposit Account No. 500977.

Respectfully submitted,

BUCHALTER NEMER
A Professional Corporation

By 
Farah P. Bhatti
Attorney for Applicant

Enclosures

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on November 12, 2009.


Farah P. Bhatti



11-16-2009

BN 4768912v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LS&S RETAIL, INC.

Serial No.: **77/525441**

Filed: **July 17, 2008**

LAGUNA
SURE SPORT

Mark:

International Classes: **25 and 35**

Law Office: **105**

Examining Attorney:
Marlene D. Bell

REQUEST FOR RECONSIDERATION

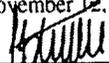
BOX RESPONSES – NO FEE
COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

The final office action dated May 11, 2009 for the above-referenced application has been received and its contents carefully noted. Because Applicant disagrees with the Examining Attorney's findings that the subject mark is likely to be confused with the marks in U.S. Registration Nos. 0606116, 1050106, 1214052, 1278096 and 1541125, Applicant respectfully requests reconsideration by the Examining Attorney pursuant to 37 C.F.R. 2.64(b); TMEP §715.03. With the filing of this Request for Reconsideration, Applicant is also simultaneously filing a Notice of Appeal with the Trademark Trial and Appeal Board.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on November 12, 2009.



Farah P. Bhatti

I. Likelihood of Confusion

In the Final Office Action, after considering the Applicant's arguments in response to the previous office action, the Examining Attorney maintained the refusal to register the subject mark based on a likelihood of confusion with the marks in U.S. Registration Nos. 0606116, 1050106, 1214052, 1278096 and 1541125 ("Cited Registrations"). The Examining Attorney argues that because the marks share the term LAGUNA and because the goods are related, regardless of the distinctive stylization of the respective marks, confusion is likely. To support her assertion that a likelihood of confusion exists between the respective marks, the Examining Attorney has attached as evidence copies of the search results of the X-Search Database conducted on May 11, 2009.

Based on all of the evidence, Applicant respectfully submits, however, that the Examining Attorney has failed to meet her burden in demonstrating that  is likely to be confused with the Cited Registrations in connection with the goods and services provided under these respective marks. Therefore,  should be registerable on the Principal Register.

As set forth in *In re E.I. DuPont de Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973), there are numerous factors to consider when assessing whether a likelihood of confusion exists. Although there is "no litmus rule which can provide a ready guide to all cases," the realities of use in the marketplace are to be considered. *Id.* at 567, 569. In assessing the likelihood of confusion between Applicant's Mark and that of the Cited Registrations, the relevant factors to be considered in this case are:

1. the similarity or dissimilarity and nature of the marks in their entireties as to appearance, sound, connotation and commercial impression;
2. the similarity or dissimilarity and nature of the goods and services as described in the application or registration;
3. the conditions under which and buyers to whom sales are made.

Id. at 567.

A. Applicant's Mark and the Cited Registrations are Dissimilar

As noted above, one of the factors in evaluating a likelihood of confusion is the similarity or the dissimilarity of the respective marks. As previously argued by Applicant in the prior office action, Applicant's Mark is substantially different from the Cited Registrations. Where the conflicting marks consist of both words and pictures or symbols, the marks must be compared in their entireties to determine whether a likelihood of confusion exists. *Columbian Steel Tank Co., v. Union Tank & Supply Co.*, 277 F.2d 192, 125 USPQ 406 (CCPA 1960); *King of the Mountain Sports, Inc. v. Chrysler Corp.*, 185 F.3d 1084, 51 USPQ2d 1349 (10th Cir. 1999) (Because marks are to be compared in their entireties, even if the "dominant" parts of the conflicting word-

design marks are the identical words, the marks as a whole are not confusingly similar). Based on the above, as well as the arguments below, Applicant does not believe that there is a likelihood of confusion in the instant case.

i. Marks Contain Different Visual Elements and Are Distinguishable

The Examining Attorney has concluded that the respective marks are confusingly similar as they all feature the term "LAGUNA." For purposes of visualization, Applicant again sets forth the marks at issue below for a side by side comparison:

Reg. No. 606116	
Reg. No. 1,050,106	
Reg. No. 1,214,052	
Reg. No. 1,278,096	

Appn. No. 77/525441	
---------------------	--

The refusal to register is respectfully traversed. There is no reasonable confusion between Registrant's LAGUNA registrations and applicant's  application,

notwithstanding the fact that each may be used in connection with clothing, and also because Applicant's Mark is used in connection with retail store services, which services are not covered by the Cited Registrations.

The predicate for the position of the Examining Attorney is the statement that "the Applicant's Mark and the Registrant's marks share the same term, LAGUNA, to identify various clothing items and related accessories. Applicant submits that what the Examining Attorney has done is to dissect the respective marks and focus only on the use of the term LAGUNA, failing to give appropriate weight to:

LAGUNA

1. the marked differences between  and "LAGUNA"; and
2. the marked differences between Applicant's design elements and the design format in which Registrant presents "LAGUNA"

The marks of the parties must be properly viewed in their entireties. TMEP 1207.01. The design elements of each of the marks are highly distinctive and can serve to distinguish the marks and as such, should not be ignored. Registrant's and Applicant's marks are highly stylized and the term LAGUNA is but a part of the overall commercial impression conveyed. The nature of such stylized marks is that "they partake of both visual and oral indicia, and *both* must be weighed *in the context in which they occur.*" (emphasis added). *In re Electrolyte Laboratories, Inc.*, 913 F.2d 930, 16 USPQ2d 1239 (Fed. Cir. 1990).

Even accepting that the marks can be verbalized and a part of each mark as verbalized is "LAGUNA," such is not the end of the inquiry. The verbalization must be considered in context. *See Georgia-Pacific Corp. v. Great Plains Bag Co.*, 204 USPQ 697, 699 (CCPA 1980). In instances where the marks at issue both incorporate a stylization or design element, the courts have found that the design element can be used to differentiate the marks, even where they incorporate a common term. For instance, in *Private Eyes Sunglass Corp. v. Private Eye Vision Center*, 25 USPQ2d 1709, the court stated that notwithstanding the similarity of the terms in the respective marks, "the print design and the logotype reduce the potential for confusion that would otherwise be inherent given the similar wording." *Citing McGregor-Doniger, Inc.*, 599 F.2d at 1133. In addition, in *C.L.A.S.S. Promotions, Inc.*, 753 F.2d at 18, the court "carefully contrasted the size, layout, design and logotype of the two titles and found that the differing presentations of the marks reduced the potential for confusion."

In addition, in many instances, a design element can be considered more dominant if it is more conspicuous than the accompanying words. *In re Computer Communications, Inc.*, 484 F.2d 1392, 179 USPQ 51 (CCPA 1973); *Association of Co-operative Members, Inc. v. Farmland Industries, Inc.*, 684 F.2d 1134, 216 USPQ 361 (5th Cir. 1982), cert. denied, 460 US 1038, 75 L.Ed.2d 788, 103 S.Ct. 1428 (1983). In this instance, the design elements are so unique and distinctive that they can be considered more dominant than the wording LAGUNA. In fact, given the common use of the wording LAGUNA (as discussed below), one can argue that confusion is prevented through the distinctive

design incorporated by Applicant. *First Sav. Bank F.S.B. v. First Bank System, Inc.*, 101 F.3d 645, 40 USPQ2d 1865 (10th Cir. 1996) (Because FIRST BANK was held to be relatively weak, defendant's display of the word in a different visual format was found not to be likely to cause confusion. "When the primary term is weakly protected to begin with, minor alterations may effectively negate any confusing similarity between the two marks."). See *Pharmacia & Upjohn Co. v. Generation Health*, 44 USPQ2d 1091, 1997 WL 750605 (W.D. Mich. 1997) (any likelihood of confusion between COLESTID and CHOLESTIN drugs is reduced by different packaging and trade dress; preliminary injunction denied).

While the respective marks all include the wording LAGUNA, the design elements must be considered and cannot be ignored as such designs can serve to distinguish the marks. Applicant notes that in *Larsen v. Ortega*, No. N-89-302 (JGM), slip-op, at 21-22 (D. Conn. Feb. 10, 1992), the court stated that "the fact that both parties' marks use the word "Dinghy" is not dispositive of the similarity factor. The contrast in size, layout, design and logo type of the marks is relevant to determining similarity." In this same manner, Applicant notes that respective LAGUNA marks can be distinguished based on the distinctive stylizations of each mark.

Lastly, Applicant notes that the Trademark Board has often found that where a common geographically suggestive element is used in a mark, no likelihood of confusion exists. *Ariola-Eurodisc Gesellschaft v. Eurotone International, Ltd.*, 175 USPQ 250 (TTAB 1972) (no likely confusion between EUROTONE and EURODISC for records); *In re Texas Trading & Milling Corp.*, 178 USPQ 319 (TTAB 1973); (TEXAS and TEXAS PRIDE); *In re Philip Morris, Inc.*, 179 USPQ 60 (TTAB 1973) (RICHMOND PREFERRED and RICHMOND BEST); *Penn Dairies, Inc. v. Pennsylvania Agricultural Cooperative Marketing Ass'n*, 200 USPQ 462 (TTAB 1978) (PENSU-PREME and PENN BEST).

Therefore, based on the fact that the respective marks contain a common geographically suggestive element, and because the respective marks feature distinctive and dominant stylizations, no likelihood of confusion should be found.

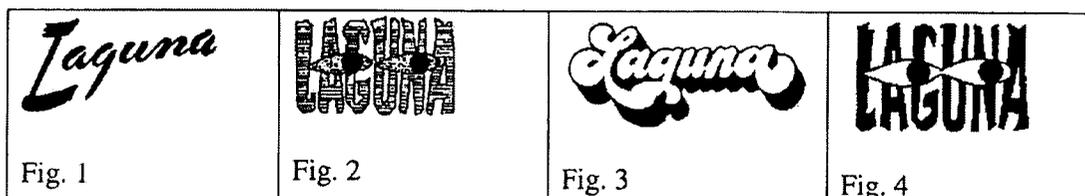
ii. **The Respective Marks, When Considered In Their Entireties, Point to A Finding of No Likelihood of Confusion Given Differences in Appearance and Commercial Impression**

Under the Lanham Act, the mere similarity between two marks can never alone be decisive of a likelihood of confusion. In this case, the differences in the marks themselves unquestionably lead to a finding of no likelihood of confusion.

In *Jacobs v. Int'l Multifoods Corp.*, the Court stated that "[t]o establish likelihood of confusion a party must show something more than that similar or even identical marks are used..." *Jacobs v. Int'l Multifoods Corp.*, 212 USPQ 641, 642 (CCPA 1982) (footnote omitted). See also *Merritt Foods Co. v. Americana Submarine*, 209 USPQ 591, 599 (TTAB 1980).

When the marks of the parties are viewed in their entireties, Applicant's Mark significantly differs from the Cited Registrations in appearance, sound and commercial impression such that confusion would not be likely. In analyzing the similarity of the marks, it is not proper to dissect the marks of the parties and to discard or ignore all other non-similar elements. As discussed in length above, visual comparison of the Cited Registrations immediately imparts the visual differences between the marks.

Applicant's Mark is . While one of Registrant's mark comprises the term LAGUNA as a typed mark, it does not include the visual stylization of Applicant's Mark, nor does it include the wording SURF SPORT as does Applicant's Mark. The design marks in the Cited Registrations are depicted in the following manner:



The Cited Registrations contain only the wording LAGUNA. Registrant's Marks do not contain the wording SURF SPORT. Furthermore, Registrant's Marks contain distinctive stylization elements, as does Applicant's Mark. These stylizations are in no manner similar to each other. In this regard, Applicant's Mark and the Cited Registrations do not look alike or sound alike. Significant differences exist between Applicant's Mark and the Cited Registrations so as to create completely separate commercial impressions that avoid a likelihood of confusion between the marks by prospective consumers.

Applicant's position is further supported by several analogous cases featuring similarly constructed marks. For example, in *Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 167 USPQ 529 (CCPA 1970), the mark "PEAK PERIOD" for personal deodorants was found not to be confusingly similar to the mark "PEAK" for dentifrices. The Court specifically noted that the determination of a likelihood of confusion "[m]ust arise from a consideration of the respective marks in their entireties." The Court stated:

The differences in appearance and sound of the marks in issue are too obvious to render detailed discussion necessary. In their entireties neither looks nor sounds alike.

Id. at 530. See also *Gruner + Jahr USA Publishing v. Meredith Corp.*, 26 USPQ2d 1583 (2d Cir. 1993) ("PARENTS" and "PARENTS DIGEST" for the same type of magazines determined not to be confusingly similar); *In re Ferraro*, 178 USPQ 167 (CCPA 1973) ("TIC TAC" for candy not held to be confusingly similar to "TIC TAC DOE" for ice cream); *In re Hearst Corp.*, 25 USPQ2d 1238 (Fed. Cir. 1992) ("VARGAS" and "VARGA GIRL," both for calendars, were sufficiently different so that there was no

likelihood of confusion); *Paco Sport Ltd. v. Paco Rabanne Parfums*, 54 USPQ2d 1205 (“PACO” was not confusingly similar to “PACO RABANNE”).

Of particular interest is *Bell Laboratories v. Colonial Products*, 231 USPQ 569 (S.D. Fla. 1986), in which the Court emphasized the differences in sight and sound between “FINAL” and “FINAL FLIP” both for pesticides. In considering the totality of the marks, the Court stated:

The appearance of the marks in the instant case is quite different. Plaintiff’s mark boldly highlights the word “FINAL” in black against the white background with other black print. The letter “F” is capitalized and the other letters are lower case. The printing is stylized. There is little other ornamentation on the “FINAL” package...

Id. at 572. The foregoing case highlights the importance of not only considering the marks in their entirety, but also the importance of recognizing the significant differences in the overall appearance and the stylization elements. Similarly, Applicant’s Mark features stylization elements not present in the Cited Registrations such as the lightening bold in between the terms SURF and SPORT and the distinctive lettering used by Applicant. Accordingly, Applicant respectfully asserts that the differences in appearance and commercial impression between the marks are sufficient such that confusion would not be likely.

B. The Term LAGUNA Appears in Other Co-Existing Registrations and Published Applications for Goods Similar to Those Identified in the Cited Registrations

The mere fact that the marks contain the term LAGUNA is an insufficient basis for finding a likelihood of confusion pursuant to Trademark Act Section 2(d), 15 U.S.C. 1052(d). Applicant notes that there are numerous co-existing registrations and published applications for marks containing the term LAGUNA on the Federal Register, covering goods similar to those of Registrant. This co-existence on the Federal Register evidences that the U.S. Patent and Trademark Office believes that consumers can and do distinguish between the sources of the goods sold under the respective marks, even when the marks are similar. In this respect, Applicant includes below an illustrative chart of various marks featuring the term LAGUNA. Attached as Exhibit A are the corresponding registration and application records from an online trademark database of the Federal Register¹:

¹ Although some of the references may comprise registrations cancelled under Section 8 of the Trademark Act, and applications that were abandoned after being approved for publication, Applicant submits that these references are still relevant in that the assigned Examining Attorneys determined the marks to be registerable despite the Cited Registrations.

<u>Mark</u>	<u>Reg./Serial No.</u>	<u>Reg./Pubn. Date</u>	<u>Goods</u>
LAGUNA BEACH COUNTRY CLUB	78/833488	Oct. 31, 2006	Belts; Caps; Coats; Coats for men and women; Dress shirts; Gloves; Golf shirts; Hats; Hoods; Jackets; Jerseys; Knit shirts; Leather belts; Night shirts; Open-necked shirts; Pants; Polo shirts; Scarves; Shirts; Shirts for suits; Shoes; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Shoulder wraps; Sleep shirts; Socks; Sport shirts; Sports shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts; Ties; Tops; Wind shirts; Wraps
CLUB LAGUNA BEACH	78/833243	Oct. 31, 2006	Belts; Caps; Coats; Coats for men and women; Dress shirts; Gloves; Golf shirts; Hats; Hoods; Jackets; Jerseys; Knit shirts; Leather belts; Men and women jackets, coats, trousers, vests; Night shirts; Open-necked shirts; Pants; Polo shirts; Scarves; Shirts; Shirts for suits; Shoes; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Shoulder wraps; Sleep shirts; Socks; Sport shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts; Ties; Tops; Wind shirts; Wraps
LOLA IN LAGUNA	78/923960	Aug. 14, 2007	Aprons; Athletic footwear; Baby bibs not of paper; Baby doll pyjamas; Bandanas; Baseball caps; Beanies; Belts; Caps; Children's and infants' cloth bibs; Children's headwear; Footwear; Halloween costumes; Hats; Head wear; Nightwear; Pajamas; Plastic baby bibs;

			Pullovers; Shirts; Sleep shirts; Sleepwear; Slippers; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; T-shirts; Tank tops; Tennis shoes; Underwear
LAGUNA BEACH LIFEGUARD ASSOCIATION	78/964431	March 13, 2007	clothing namely sweatshirts, bathing suits, jackets, shorts, shirts; headwear and footwear
	78/486761	Sept. 27, 2005	clothing, namely, bathing suits, belts, halloween costumes, coats, socks, clothing belts, footwear, bandannas, dresses, gloves, gym shorts, ear muffs, neck wear, jackets, pajamas, pants, shirts, shorts, ski wear, slacks, sun visors, suspenders, sweaters, turtlenecks, underclothes, vests, warm-up suits, headwear, bathrobes, beachwear
OCEAN LAGUNA	78/469346	July 12, 2005	Clothing, namely, T-shirts, shirts, jackets, pants, sweatshirts, headwear, hats, swimsuits, surf trunks, wetsuits
WEST FROM LAGUNA BEACH	77/134788	Sept. 18, 2007	Shirts, tank tops, T shirts, jackets, hooded sweat shirts, pants, leggings, shoes, caps, and belts
	73/633597	Nov. 28, 1989	Men's and ladies' clothing, namely shirts, sports trousers, polo shirts, tee shirts, sweaters, jackets, sweatsuits and warm-up jackets, boots, shoes and slippers
BAYLINE BY LAGUNA	73/569798	Jan. 6, 1987	Clothing, namely, swimsuits, swimsuit ensembles, sportshirts, warm-up jackets, jackets, warm-up shirts, shirts, warm-up trousers, trousers, t-shirts, and shorts

Each of the foregoing registrations and applications features the term LAGUNA. Although the past practice of prior Examining Attorneys is not binding on the examination of the subject application, the registration record is clear that Examining Attorneys and prospective consumers can and do distinguish between marks containing LAGUNA or variations thereof for clothing. Therefore, just as no confusion was considered likely between the previously registered and approved marks in the chart above and the Cited Registrations, Applicant submits that no confusion is likely between the use of its mark and the marks in the Cited Registrations.

In addition, Applicant notes that the Examining Attorney had concluded that "the other marks are not confusingly similar because they convey a different commercial impression and/or they identify unrelated goods and/or services." Applicant respectfully disagrees with the Examining Attorney's conclusion as many of the above-mentioned marks, unlike Applicant's Mark, are typed marks. In addition, much like Applicant's Mark, the above-mentioned marks include other wording which serves to distinguish the marks and convey a separate commercial impression. In this same manner, Applicant's Mark should also be viewed as conveying a different commercial impression such that no confusion is likely between Applicant's Mark and the Cited Registrations.

C. Applicant's Services are Sufficiently Dissimilar from the Goods Identified in the Cited Registrations

In the first office action, the Examining Attorney states that the goods and services are similar as "consumers are likely to be confused by the use of similar marks on or in connection with goods and with services featuring or related to those goods." While the Examining Attorney provided Internet evidence which allegedly shows that "the clothing offered by the parties...travel in the same channels of trade and are sold by the same source," Applicant notes that the Examining Attorney does not specifically include any evidence which relates directly to Applicant or Registrant.

Given the lack of supporting explanation or evidence which relates directly to the goods and services of Applicant and the goods of Registrant, it appears that the Examining Attorney has based the refusal to register on nothing more than the mere *possibility* that the goods and services of the parties "*might*" be encountered by the same end users. Applicant respectfully disagrees with such a broad interpretation of the likelihood of confusion analysis. Under the Lanham Act, a refusal to register grounded on a likelihood of confusion requires that such confusion as to the source of the goods or services is not merely possible, but *likely*. A mere possibility of confusion is an insufficient basis for rejection under Section 2(d). *In re Massey-Ferguson, Inc.*, 222 USPQ 367 (TTAB 1983).

In addition, it is well settled that the issue of likelihood of confusion between marks must be determined on the basis of the goods and/or services as they are identified in the application and registration. *Canada Imperial Bank of Commerce v. Wells Fargo Bank Nat'l Assoc.*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Paula Payne Prod. Co. v. Johnson Pul'g Co.*, 473 F.2d 901, 177 USPQ 76 (CCPA 1973). Applicant's services are different from the goods in the Cited Registrations. As discussed in detail in Applicant's

response to the initial office action, the conditions surrounding the marketing of Applicant's services and Registrant's goods are clearly not such that they would be encountered by the same consuming public under circumstances that could give rise to the mistaken belief that the goods and services emanate from the same source. This is especially true given the highly stylized nature of Applicant's Mark which clearly distinguishes it from the Cited Registrations. For this reason, the Examining Attorney should withdraw the likelihood of confusion.

D. Allegations of Potential Confusion are Theoretical and Not Grounds for Refusal to Register

The possibility, either theoretical or *de minimis* that confusion may occur is not a sufficient basis for refusal to register Applicant's Mark. *Whitco Chem. Co. v. Whitfield Chem. Co.*, 418 F.2d 1403, 1405, 164 USPQ 43, 44-45 (CCPA 1969) ("*Whitco*"). Rather, a *likelihood* of confusion must exist. *Id.* While Applicant realizes that actual confusion is not necessary, Applicant notes that more than a mere theoretical possibility of confusion must be present. In *Whitco*, the court stated:

We are not concerned with the mere theoretical possibilities of confusion, deception or mistake or with the *de minimis* situations but with the practicalities of the commercial world, with which the trademark laws deal.

In the present case, the possibility of confusion as to the source of the respective parties' goods is merely theoretical or at most, *de minimis*. There is no proof that consumers will be actually confused by the respective uses of the marks, especially in light of the fact that Applicant provides retail store services which Registrant does not provide, and due to the fact that there are many other LAGUNA marks which co-exist on the Register. In addition, Applicant notes that its mark has co-existed with the Cited Registrations for many years without any confusion. Under these circumstances, Applicant submits that no confusion as to the source of the goods and services will occur.

II. Conclusion

The Examining Attorney is to act as an impartial judge when evaluating an application and should include facts that not only support his/her conclusion but which also directly contradict his/her conclusion. JAMES E. DAWES AND AMANDA V. DWIGHT, PRACTITIONER'S TRADEMARK MANUAL OF EXAMINING PROCEDURE, §1209.02 (5th ed. 2009). Here, the Examining Attorney must consider the other relevant, co-existing LAGUNA registrations, as well as the highly stylized nature of the marks at issue to render a decision as an impartial judge.

In light of the foregoing comments and information, and having complied with all of the outstanding requirements of the Examining Attorney's Final Office Action, Applicant respectfully requests that the Examining Attorney withdraw the Section 2(d) rejection and promptly pass the subject Application to publication.

Dated: November 12, 2009

Respectfully Submitted,

LS&S Retail, Inc.



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EXHIBIT A



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Laguna Beach Country Club

Word Mark	LAGUNA BEACH COUNTRY CLUB
Goods and Services	(ABANDONED) IC 025. US 022 039. G & S: Belts; Caps; Coats; Coats for men and women; Dress shirts; Gloves; Golf shirts; Hats; Hoods; Jackets; Jerseys; Knit shirts; Leather belts; Night shirts; Open-necked shirts; Pants; Polo shirts; Scarves; Shirts; Shirts for suits; Shoes; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Shoulder wraps; Sleep shirts; Socks; Sport shirts; Sports shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts; Ties; Tops; Wind shirts; Wraps
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78833488
Filing Date	March 9, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 31, 2006
Owner	(APPLICANT) Laguna Beach Country Club, Inc. CORPORATION DELAWARE 383 Crescent Bay Dr. Laguna Beach CALIFORNIA 92651
Attorney of Record	Douglas Hand
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAGUNA BEACH" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK

Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date July 24, 2008

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Club Laguna Beach

Word Mark	CLUB LAGUNA BEACH
Goods and Services	(ABANDONED) IC 025, US 022 039. G & S: Belts; Caps; Coats; Coats for men and women; Dress shirts; Gloves; Golf shirts; Hats; Hoods; Jackets; Jerseys; Knit shirts; Leather belts; Men and women jackets, coats, trousers, vests; Night shirts; Open-necked shirts; Pants; Polo shirts; Scarves; Shirts; Shirts for suits; Shoes; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Shoulder wraps; Sleep shirts; Socks; Sport shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts; Ties; Tops; Wind shirts; Wraps
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78833243
Filing Date	March 9, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 31, 2006
Owner	(APPLICANT) Laguna Beach Coutry Club, Inc. CORPORATION DELAWARE 383 Crescent Bay Dr. Laguna Beach CALIFORNIA 92651
Attorney of Record	Douglas Hand
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAGUNA BEACH" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK

Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date July 24, 2008

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LOLA IN LAGUNA

Word Mark LOLA IN LAGUNA
Goods and Services

(ABANDONED) IC 016. US 002 005 022 023 029 037 038 050. G & S: Address books; Address labels; Adhesive labels; Adhesive note pads; Adhesive tape dispensers for household or stationery use; Albums for stickers; Anniversary books; Announcement cards; Appointment books; Art pads; Autograph books; Baby books; Ball point pens; Bank checks; Bathroom tissue; Binders; Birthday books; Blank cards; Blank journal books; Blank or partially printed paper labels; Blank or partially printed postcards; Book covers; Brag books; Bumper stickers; Business cards; Calendar desk pads; Calendars; Cards, namely, greeting cards, note cards; Cartoon strips; Catalogs in the field of pet supplies; Check books; Checkbook covers; Checkbook holders; Children's activity books; Children's books; Children's interactive educational books; Children's storybooks; Christmas cards; Coasters made of paper; Coloring books; Comic books; Comic strips; Cook books; Crossword puzzles; Daily planners; Decals; Decorative paper centerpieces; Desk calendars; Diaries; Disposable napkins; Envelopes for stationery use; Event albums; Gift cards; Gift wrap paper; Greeting cards; Guest books; Illustrated notepads; Invitation cards; Lunch bags; Memo pads; Motivational cards; Murals; Musical greeting cards; Napkin paper; Newspaper cartoons; Newspaper comic strips; Note books; Note pad holders; Organizers for stationery use; Paper; Paper bags; Paper banners; Paper folders; Paper gift bags; Paper gift tags; Paper party bags; Paper party decorations; Paper party favors; Paper party hats; Paper pet crate mats; Paper picture mounts; Paper place mats; Paper table cloths; Paper take-out cartons for food; Paper towels; Paperweights; Party ornaments of paper; Pen and pencil cases and boxes; Photograph albums; Photographs; Pictorial prints; Picture books; Pictures; Place cards; Plastic gift wrap; Pocket calendars; Postcards; Posters. Printed award certificates; Printed calendars; Printed greeting cards with electronic information stored therein; Printed holograms; Printed invitations; Prints; Rubber erasers; Rubber stamps; School supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighters, folders, notebooks, paper, graduated rulers, protractors, paper clips, pencil sharpeners, writing grips, glue and book marks; Scrapbook albums; Sketch books; Stamp albums; Stationery; Stationery writing paper and envelopes; Stencils; Stickers; Story books; Table napkins of paper; Talking children's books; Wall calendars

(ABANDONED) IC 025. US 022 039. G & S: Aprons; Athletic footwear; Baby bibs not of paper; Baby doll pyjamas; Bandanas; Baseball caps; Beanies; Belts; Caps; Children's and infants' cloth bibs; Children's headwear; Footwear; Halloween costumes; Hats; Head wear; Nightwear; Pajamas; Plastic baby bibs; Pullovers; Shirts; Sleep shirts; Sleepwear; Slippers; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; T-shirts; Tank tops; Tennis shoes; Underwear

(ABANDONED) IC 028. US 022 023 038 050. G & S: Arcade games; Baby rattles; Bath toys; Beach balls; Bean bag dolls; Blow-outs; Board games; Bubble making wand and solution sets; Card games; Carnival masks; Children's multiple activity toys; Collectable toy figures; Crib toys; Dart boards; Darts; Decorative wind socks ; Dice games; Dog toys; Doll accessories; Doll clothing; Doll house furnishings; Doll houses; Equipment sold as a unit for playing a memory game; Equipment sold as a unit for playing board games; Equipment sold as a unit for playing card games; Flying saucers; Hand puppets; Head covers for golf clubs; Jigsaw puzzles; Kick board flotation devices for recreational use; Kites; Mechanical toys; Modeled plastic toy figurines; Outdoor activity games in the nature of pet ball fetching games; Party favors in the nature of small toys; Party games; Pet toys; Playing cards; Plush toys; Positionable toy figures; Puppets; Puzzles; Rubber balls; Sandbox toys; Squeezable squeaking toys; Squeeze toys; Stuffed dolls and animals; Toy water globes; Trading card games; Water squirting toys; Yo-yos

(ABANDONED) IC 041. US 100 101 107. G & S: Animal training; Dog shows; Entertainment in the nature of on-going television programs in the field of reality TV dog show; Entertainment in the nature of reality dog show; Entertainment, namely a continuing variety show broadcast over television, satellite, audio, and video media; Fan clubs; Online journals, namely, blogs featuring information about dogs

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78923960

Filing Date July 6, 2006

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition August 14, 2007

Owner (APPLICANT) Hudson, Ron L. INDIVIDUAL UNITED STATES 1232 E. Orangethorpe Fullerton CALIFORNIA 92831

Attorney of Record Eric J. Goodman

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAGUNA" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Other Data "The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual."

Live/Dead Indicator DEAD

Abandonment Date May 7, 2008

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LAGUNA BEACH LIFEGUARD ASSOCIATION

Word Mark LAGUNA BEACH LIFEGUARD ASSOCIATION
Goods and Services (ABANDONED) IC 025. US 022 039. G & S: clothing namely sweatshirts, bathing suits, jackets, shorts, shirts; headwear and footwear
Standard Characters Claimed
Mark-Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78964431
Filing Date August 30, 2006
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition March 13, 2007
Owner (APPLICANT) Laguna Beach Lifeguard Association, Inc. CHARITABLE, NON-PROFIT CORPORATION CALIFORNIA 21 Cinnamon Teal Aliso Viejo CALIFORNIA 92656
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE LAGUNA BEACH APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date December 6, 2007

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LAGUNA BEACH
THE REAL ORANGE COUNTY

Word Mark LAGUNA BEACH THE REAL ORANGE COUNTY
Goods and Services (ABANDONED) IC 025. US 022 039. G & S: clothing, namely, bathing suits, belts, halloween costumes, coats, socks, clothing belts, footwear, bandannas, dresses, gloves, gym shorts, ear muffs, neck wear, jackets, pajamas, pants, shirts, shorts, ski wear, slacks, sun visors, suspenders, sweaters, turtle necks, underclothes, vests, warm-up suits, headwear, bathrobes, beachwear
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number 78486761
Filing Date September 21, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition September 27, 2005
Owner (APPLICANT) VIACOM INTERNATIONAL INC. CORPORATION DELAWARE 1515 BROADWAY NEW YORK NEW YORK 10036
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Lavatus Powell
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date December 21, 2006

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Ocean Laguna

Word Mark	OCEAN LAGUNA
Translations	The foreign wording in the mark translates into English as lagoon.
Goods and Services	(ABANDONED) IC 025. US 022 039. G & S: Clothing, namely, T-shirts, shirts, jackets, pants; sweatshirts, headwear, hats, swimsuits, surf trunks, wetsuits
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78469346
Filing Date	August 18, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	July 12, 2005
Owner	(APPLICANT) Porter, Laurie INDIVIDUAL UNITED STATES 1278 Glenneyre Street, Suite 203 Laguna Beach CALIFORNIA 92651
Prior Registrations	2852036
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Abandonment Date	January 26, 2008

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West from Laguna Beach

Word Mark	WEST FROM LAGUNA BEACH
Goods and Services	(ABANDONED) IC 025. US 022 039. G & S: Shirts, tank tops, T shirts, jackets, hooded sweat shirts, pants, leggings, shoes, caps, and belts
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77134788
Filing Date	March 19, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 18, 2007
Owner	(APPLICANT) Laguna Beach Country Club CORPORATION DELAWARE 383 Crescent Bay Dr. Laguna Beach CALIFORNIA 92651
Attorney of Record	James Conkey
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAGUNA BEACH" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Abandonment Date	January 12, 2009

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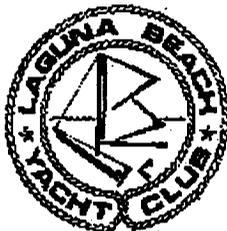
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Word Mark LAGUNA BEACH YACHT CLUB
Goods and Services (CANCELLED) IC 025. US 039. G & S: MEN'S AND LADIES' CLOTHING, NAMELY SHIRTS, SPORTS TROUSERS, POLO SHIRTS, TEE SHIRTS, SWEATERS, JACKETS, SWEATSUITS AND WARM-UP JACKETS, BOOTS, SHOES AND SLIPPERS. FIRST USE: 19850610. FIRST USE IN COMMERCE: 19850910

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

Design Search Code 09.01.13 - Braids; Clotheslines; Rope; Shoe laces; String; Tightropes
18.07.05 - Boats, sail; Catamarans
18.11.06 - Jackets, life; Life jackets; Life preservers; Vests, life; Water wings
18.11.25 - Battery carrier trays for automobiles; Belts, safety, vehicle; Brakes (automobile); Car seats, baby; Clutches, vehicles; Gear shifts, vehicle; Grills (automobile); Head lights, vehicle; Hitches, (trailers); Horns (vehicular); Jacks (vehicle); Kick stands (bicycle); License plates; Lights, auto; Lights, bicycle; Mirrors, vehicle; Pedals (vehicular); Porthole; Racks, (automobile); Radiators, vehicle; Sails; Seat belts, vehicle; Stick shifts (automobile); Windshields (vehicular)
24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
26.01.09 - Circles having animals as a border; Circles having geometric figures as a border; Circles having humans as a border; Circles having objects as a border; Circles having plants as a border; Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.

Serial Number 73633597
Filing Date December 4, 1986
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 9, 1987

Registration Number 1568461
Registration Date November 28, 1989
Owner (REGISTRANT) R. JOSEPHS SPORTSWEAR, INC. CORPORATION PENNSYLVANIA 3218 S. MAIN STREET LOS ANGELES CALIFORNIA 90007
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record GORDON L. PETERSON
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Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Cancellation Date June 3, 1996

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Typed Drawing

Word Mark	BAYLINE BY LAGUNA
Goods and Services	(CANCELLED) IC 025. US 039. G & S: CLOTHING, NAMELY, SWIMSUITS, SWIMSUIT ENSEMBLES, SPORTSHIRTS, WARM-UP JACKETS, JACKETS, WARM-UP SHIRTS, SHIRTS, WARM-UP TROUSERS, TROUSERS, T-SHIRTS, AND SHORTS. FIRST USE: 19840917. FIRST USE IN COMMERCE: 19840917
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73569798
Filing Date	November 22, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 29, 1986
Registration Number	1423975
Registration Date	January 6, 1987
Owner	(REGISTRANT) LAGUNA SPORTSWEAR, INC. CORPORATION DELAWARE 19032 SOUTH VERMONT AVENUE GARDENA CALIFORNIA 90247
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ROBERT DOUGLAS LYON
Prior Registrations	0606116;1050106
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD

**Cancellation
Date** July 12, 1993

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