

ESTTA Tracking number: **ESTTA337278**

Filing date: **03/15/2010**

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

Proceeding	77541687
Applicant	The LETCO Group, LLC
Applied for Mark	LIVING EARTH
Correspondence Address	Karla S. Lambert FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE STE 2400 AUSTIN, TX 78701-3271 UNITED STATES aotrademark@fulbright.com, klambert@fulbright.com
Submission	Appeal Brief
Attachments	LETC Appeal.pdf ( 18 pages )(614362 bytes ) Exhibit A.pdf ( 3 pages )(813555 bytes ) Exhibit B.pdf ( 26 pages )(7812129 bytes ) Exhibit C.pdf ( 3 pages )(18790 bytes ) Exhibit D1.pdf ( 20 pages )(5930924 bytes ) Exhibit D2.pdf ( 25 pages )(1307572 bytes )
Filer's Name	Karla Lambert
Filer's e-mail	aotrademark@fulbright.com, mmetteauer@fulbright.com, klambert@fulbright.com, kpfertner@fulbright.com
Signature	/Karla Lambert/
Date	03/15/2010

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

Applicant:	The LETCO Group, LLC	§	Examiner: Odessa Bibbins
Serial No.:	77/541,687	§	
Filed:	August 7, 2008	§	Law Office: 105
Mark:	LIVING EARTH	§	

**APPLICANT'S APPEAL BRIEF**

**I. INTRODUCTION**

Pursuant to a Notice of Appeal filed with the Trademark Trial and Appeal Board on December 9, 2009, Applicant hereby appeals from the Examining Attorney's final refusal to register the mark LIVING EARTH ("Applicant's Mark") and requirement to disclaim "EARTH" and respectfully requests that the Trademark Trial and Appeal Board reverse the Examining Attorney's decision.

**II. STATEMENT OF FACTS**

Applicant is applying for registration of the mark LIVING EARTH for the following goods:

Soil amendments; potting soil; planting soil, in International Class 01;

Sand; gravel, in International Class 19;

Mulch; natural recycled wood fiber mulch for use as a playground ground cover, in International Class 31

Registration on the Principal Register has been finally refused with regard to the Class 01 goods on the basis of a likelihood of confusion with cited U.S. Registration No. 3,289,351 for the mark LIVING SOIL (the "Cited Mark," and collectively with Applicant's Mark, "the Marks")

for "Planting soil, namely, planting mix," in International Class 01. Additionally, the Examining Attorney has made final the requirement to disclaim "EARTH" in Applicant's Mark on the basis that "EARTH" is a generic term for the Class 01 goods.

Applicant's application was filed on August 7, 2008 and received U.S. Trademark Application Serial No. 77/541,687. The Examining Attorney initially refused registration with regard to Class 01 in an Office Action dated November 18, 2008, contending that the Cited Mark barred registration of Applicant's Mark under Section 2(d). In Applicant's response to the initial refusal to register, filed on May 15, 2009, Applicant argued principally that (i) the Marks differ in sound, appearance and meaning and thus give rise to commercial impressions sufficiently distinguishable to preclude a likelihood of confusion, and (ii) there are a number of coexisting third party registrations or published applications for marks incorporating the term "LIVING" for similar or related goods, and thus the Cited Mark is entitled to only a narrow scope of protection. The Examining Attorney also required disclaimer of "EARTH" in Applicant's Mark with regard to Class 01 on the grounds that it is generic for the covered goods. In Applicant's response, Applicant argued that its Mark is entitled to registration on the Principal Register without disclaimer of "EARTH" because (i) "EARTH" is at most suggestive of the goods offered under Applicant's Mark and (ii) there are a number of registrations and published applications on the Principal Register for marks containing "EARTH" for the same or similar goods without disclaimer.

On June 9, 2009, the Examining Attorney issued a final refusal to register Applicant's Mark on the Principal Register and made final the requirement to disclaim "EARTH" in Applicant's Mark. In issuing the final refusal and continuing the disclaimer requirement, the Examining Attorney did not give sufficient consideration to Applicant's evidence that the term

“EARTH” may convey a wide range of meanings and therefore that Applicant’s Mark gives rise to a sufficiently distinguishable commercial impression. The Examining Attorney asserted that “[a]lthough the terms EARTH and SOIL look different, in relation to the goods in International Class 001, these terms convey the same overall meaning for ‘dirt.’” Further, the Examining Attorney did not give sufficient consideration to the evidence submitted by Applicant demonstrating the coexistence of a number of marks on the Principal Register for similar or related goods incorporating the “LIVING” element.

In response thereto, on December 9, 2009, Applicant filed a Notice of Appeal and a Request for Reconsideration. The Request for Reconsideration was supported by additional arguments supporting Applicant’s position that the relevant purchasing public does not primarily understand “EARTH” to mean “soil” or “dirt,” and therefore, that the commercial impressions created by the Marks as a whole are meaningfully different, and the element “EARTH” in Applicant’s Mark is not generic vis-à-vis the covered Class 001 goods.

On December 9, 2009, the Board suspended action on the appeal and remanded this application to the Examining Attorney for consideration of the Request for Reconsideration. The Examining Attorney issued a Reconsideration Letter dated December 28, 2009 maintaining the refusal to register the mark and the requirement for disclaimer of “EARTH.” In the letter, the Examining Attorney denied Applicant’s Request for Reconsideration, stating summarily that “[n]o new issue has been raised and no new compelling evidence has been presented with regard to the outstanding issue(s) in the final Office [A]ction.” In view of the December 28, 2009 decision of the Examining Attorney, on January 13, 2010, the Board issued an order resuming the appeal.

### III. APPLICANT'S ARGUMENT

#### A. Summary of Applicant's Argument

Applicant submits that there is no likelihood of confusion between its mark and the Cited Mark for the following reasons: (i) the Marks give rise to commercial impressions sufficiently distinguishable to preclude a likelihood of confusion, and (ii) the Cited Mark is weak and entitled to only a narrow scope of protection. Applicant further submits that disclaimer of "EARTH" should not be required because (i) "EARTH" is not generic vis-à-vis the Class 01 goods, (ii) alternately, the combination of "LIVING" and "EARTH" in Applicant's Mark gives rise to an incongruity and the mark is therefore unitary and no disclaimer is necessary, and (iii) the U.S. Patent and Trademark Office has recognized that "EARTH" may be suggestive for goods identical or similar to Applicant's goods.

#### B. The Different Commercial Impressions Generated by the Marks Preclude a Likelihood of Confusion

In an application for trademark registration, the determination of likelihood of confusion typically revolves around the similarity or dissimilarity of the goods or services, and the similarity or dissimilarity of the marks. *In re E.I. Dupont DeNemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973); Trademark Manual of Examining Procedure ("TMEP") §1207.01. In the present case, Applicant's Mark and the Cited Mark differ in sound, appearance, connotation and commercial impression. When the Marks are considered in their entirety, Applicant respectfully asserts that the resulting dissimilarity between the Marks precludes a likelihood of confusion.

It is well established that in assessing the likelihood of confusion between two marks, the overriding principle is that "marks must be compared in their entirety" and that "likelihood of

confusion cannot be predicated on dissection of a mark.” *In re National Data Corp.*, 753 F.2d 1056, 1058, 224 U.S.P.Q. 749, 750-51 (Fed. Cir. 1985). Applicant respectfully submits that the Examining Attorney erred in analyzing the similarity of the Marks by dissecting the Marks to focus solely on the shared element “LIVING” and by dismissing the significant differences in sound, appearance, connotation and commercial impression imparted to Applicant’s Mark by the non-shared element “EARTH.”

As an initial matter, there is a clear difference in sound and appearance between the Marks as a result of the non-shared elements “EARTH” and “SOIL” that is sufficient to distinguish the Marks. More significant, however, is the difference in connotation between “EARTH” and “SOIL.” The Examining Attorney’s analysis of the element “EARTH” in Applicant’s Mark failed to take into consideration the wide range of different meanings that “EARTH” may convey. Although Applicant agrees that one meaning of “EARTH” is “dirt” or “soil,” “EARTH” has a broad semantic range, and in common usage, the most prominent of the various meanings of the term “EARTH” is the proper name of the planet we inhabit. As evidence of this broad semantic range, Applicant submitted a printout of a dictionary entry for “earth” from *The American Heritage Dictionary of the English Language* (4<sup>th</sup> ed. 2000). Response Filed May 15, 2009, Exhibit A. When used in combination with “LIVING,” the term “EARTH” in Applicant’s Mark therefore impresses upon consumers the image of a vibrant, fertile planet and suggests that the goods covered by Applicant’s Mark are conducive to fostering the ecological and environmental health of planet Earth. In contrast, the element “SOIL” in the Cited Mark conveys a much narrower range of meanings, most of which focus squarely on the physical substance of dirt.

Thus, while the commercial impression of LIVING EARTH focuses consumers' thoughts on the life and health of our planet, the commercial impression of LIVING SOIL focuses consumers' thoughts squarely on the characteristics of the goods offered by the registrant of the Cited Mark, that is, dirt. In this case, when the Marks are compared in their entireties, there is a material difference in the commercial impressions created by the Marks.

C. The Limited Protection Accorded to Weak Marks Precludes Confusion Between Applicant's Mark and the Cited Mark

It is well settled that a weak mark is only entitled to a narrow scope of trademark protection. *Sure-Fit Products, Co.*, 117 U.S.P.Q. 295 (CCPA 1958). A mark is weak if it is a term commonly used by sellers in the market place. *Colgate Palmolive Co.*, 432 F.2d 1400, 167 U.S.P.Q. 529 (CCPA 1970). As part of the likelihood of confusion analysis, descriptive, weak, or diluted portions of marks may be given less weight. *See In re National Data Corp.*, 753 F.2d 1056, 224 U.S.P.Q. 749 (Fed. Cir. 1985). If the common element of two marks is descriptive of the goods or services and/or is widely used by third parties in the industry, then the likelihood of confusion between the marks is reduced. *See e.g., In re Hamilton Bank*, 222 U.S.P.Q. 174 (T.T.A.B. 1984)(finding that the term "KEY" was commonly used in the banking industry and therefore weak, and thus there was no likelihood of confusion between KEY for banking services and other marks incorporating the term "KEY" for similar banking services). Different connotations assigned to the remaining parts of the mark by those in the field can obviate any remaining likelihood of confusion. J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION, § 23:48 (4th ed. 2007) (hereinafter "MCCARTHY").

In the present case, the term "LIVING" is a common term used by third parties in the industry in connection with soil amendments, potting soil, fertilizers and related goods and

services. As evidence that “LIVING” is a common term and that a number of marks peacefully coexist on the Principal Register that incorporate the term “LIVING” or analogous terms for soil amendments, potting soil, fertilizers and related goods and services, Applicant has submitted fifteen printouts from the U.S. Patent and Trademark Office web site showing registrations and published applications for marks for such goods and services. Response Filed May 15, 2009, Exhibit B. This large number of registrations and published applications indicates that “LIVING” is a common term applied to soil amendments, potting soil, fertilizers and related goods and is therefore entitled to only a narrow scope of protection. Table 1 summarizes these registrations and published applications.

**TABLE 1**

Mark	App/Reg No.	Goods/Services	Owner
DR. SUBLER'S LIVING SOIL (Disclaims "LIVING SOIL")	2,912,899	Natural, organic and synthetic soil additives; plant food supplements; soil amendments; soil conditioners; and fertilizers, all for domestic and commercial plant care, gardening, landscaping, horticultural and agricultural use (IC 01)	Pacific Garden Company
LIVING MULCH (Disclaims "MULCH")	3,456,111	Growing media and potting soil for plants, namely, earthworm castings compost and compost (IC 01)	EarthSweet, Inc.
LIVE EARTH	3,638,713	Soil amendments and fertilizers (CI 01)	Live Earth Products, Inc.
LIV-E-ARTH	2,189,793	Soil amendments and fertilizers for agricultural and horticultural use (CI 01)  Mineral supplements (CI 05)	Live Earth Products, Inc.
SOILS ALIVE (Disclaims "SOILS")	3,493,184	Fertilizers; soil amendments (CI 01)	Soils Alive, LLC
COMPOST ALIVE! (Disclaims "COMPOST")	1,972,632	Materials useful in the production of gardening mulch, namely compost (CI 01)	Gardens Alive, Inc.

Mark	App/Reg No.	Goods/Services	Owner
ORGANICS ALIVE (Disclaims "Organics")	3,363,134	Biological fertilizer in the nature of dry worm castings and dry worm castings with composts mixes and aerobically activated worm castings tea which may be comprised of worm castings only and may also contain basic organic products such as molasses, seaweed extract, rock mineral, and other products to make a complete mix or liquid (CI 01)	California Vermiculture, LLC
BRINGING SOIL TO LIFE	3,080,064	Fertilizers, soil conditioners, and plant growth regulators for agricultural and domestic use; surfactants and adjuvants for use in connection with agricultural pesticides and herbicides (CI 01)	Wilbur-Ellis Company
LAND LIFE	3,234,033	Soil conditioners for agricultural and horticultural use (CI 01)	I & OC of Japan Co., Ltd.
MEADOW-LIFE	1,806,638	Liming agents, synthetic soil substitute, soil conditioner and fertilizer for agricultural use (CI 01)	Middlesex County Utilities Authority
LIVING DESIGNS (Disclaims "DESIGNS")	2,633,606	Landscape design (CI 42)	Robert E. Jones
LANDSCAPES FOR LIVING	3,267,921	Retail lawn, garden and nursery stores (CI 35) Landscape construction (CI 37) Landscape gardening design for others (CI 44)	Mickman Brothers
LIVE 4 NATURE (Stylized)	77/352,590	Fertilizers; Humus; Compost; Potting soil; Soil conditioning preparations; Fertilizing preparations; Horticulture chemicals, except fungicides, herbicides, insecticides, and parasiticides; Salts for fertilizer, namely, sodium nitrate; Plant hormones for hastening the ripening of fruit; Flower preservatives; Germination inhibitors, namely, anti-sprouting preparations for vegetables; Peat pots for horticulture; Guano; Allyl alcohol; Kaolin; Grafting mastic for trees; Paper Pulp; and Distilled water (IC 01)  [Goods identifications for other classes omitted]	Test Rite Products Corporation

Widespread third-party use of the same or similar terms for similar goods or services militates against a finding of confusing similarity. *In re Bed & Breakfast Registry*, 791 F.2d 157, 159 (Fed. Cir. 1986)(finding no likelihood of confusion between BED AND BREAKFAST REGISTRY and BED AND BREAKFAST INTERNATIONAL as “bed and breakfast” was held to be weak and descriptive); *see also Armstrong Cork Co. v. World Carpets, Inc.*, 597 F.2d 496, 505 (5th Cir. 1979)(eighty-five carpet companies using the word “WORLD” in their businesses “militates against the finding of confusion”); *Loctite Corp. v. Tubbs Cordage Co.*, 175 U.S.P.Q. 663, 665–66 (T.T.A.B. 1972) (fifteen similar third-party registrations, some for hardware items, is evidence that can help narrow the scope of protection afforded a mark for specialty household and industrial goods); *Pabst Brewing Co. v. Decatur Brewing Co.*, 284 F. 110, 112 (7th Cir. 1922) (over sixty different registrations for “BLUE RIBBON,” including registrations for whiskey and wine, “indicate that the Patent Office did not recognize a large measure of inclusiveness in the name.”).

In this case, the widespread use of the term “LIVING” results in a very narrow scope of protection for the Cited Mark sufficient to preclude a likelihood of confusion. Purchasers of goods such as Applicant’s and Registrant’s are clearly accustomed to distinguishing among the numerous marks incorporating the term “LIVING,” or closely analogous terms, in the marketplace today and would therefore not assume a connection between Applicant and the owner of the Cited Mark simply because the marks at issue contain the term “LIVING.” Rather, in view of the common use of the term “LIVING,” purchasers would be expected to focus on the differentiating characteristics of the marks, namely, the differences in sound, appearance, connotation and commercial impression imparted by the “SOIL” and “EARTH” elements.

D. “EARTH” is Not Generic vis-à-vis Applicant’s Class 01 Goods

The test for determining whether a term is generic in connection with certain goods or services is whether the term’s principal significance to the purchasing public is the name of an article. MCCARTHY, § 12:6 (4th ed., 2007) (“The standard most often applied to determine whether a term is generic is not whether it has *some* significance to the public as the name of an article, but whether that is its *principal* significance.”); *Ty Inc. v. Softbelly’s, Inc.*, 353 F.3d 528, 69 U.S.P.Q.2d 1213 (7th Cir. 2003)(The “primary significance” of the term is the legal test of genericness.)

Applicant submits that because the principal significance of the term “EARTH” to the purchasing public is the proper name for our planet, the term is not generic for the goods covered in Class 01 of the Application, but is rather suggestive. As support for this position, Applicant provided the Examining Attorney with a number of examples from current English usage. Response filed December 9, 2009, Exhibit C. Specifically, Applicant noted that it would be a stretch of current American English usage to suggest that a consumer interested in purchasing supplies for gardening, landscaping, planting or related uses would inquire at a store for “earth,” because “EARTH” is most commonly understood as the proper name of our planet. Rather, and much more naturally, the consumer would likely inquire about and purchase “soil,” “dirt,” “mulch,” “peat moss,” etc. Further, Applicant identified a number of phrases and sayings incorporating the term “EARTH,” including but not limited to, “Mother Earth,” “Earth Day,” “down to Earth,” “peace on Earth,” “what on Earth?” and “salt of the Earth, all of which turn on the primary significance of “EARTH” as a reference to our planet. In the Reconsideration Letter, the Examining Attorney failed to consider or comment on Applicant’s argument as to the primary significance of the term “EARTH” and the implications for

genericness. Because “EARTH” does not principally signify “dirt” or “soil” to the purchasing public, it is not generic vis-à-vis Applicant’s Class 01 goods, but suggestive.

E. Applicant’s Mark is an Incongruous, Unitary Mark for which No Disclaimer is Necessary

The U.S. Patent and Trademark Office has recognized that a mark comprised of two or more terms that result in an incongruity is a unitary mark for which no disclaimer is required. T.M.E.P. §1213.05(d) (“If two or more terms are combined in a mark to create an incongruity (e.g., URBAN SAFARI, MR. MICROWAVE, and DR. GRAMMAR), the mark is unitary and no disclaimer of nondistinctive individual elements is necessary.”). Applicant submits that if, despite its contention that the primary significance of “EARTH” is as the name of our planet, “EARTH” is understood to mean “dirt,” or “soil,” Applicant’s Mark is unitary, and no disclaimer of the “EARTH” element should be required. This is because “dirt” or “soil” cannot be said to be “living,” and the combination of “LIVING” and “EARTH” in Applicant’s Mark is therefore incongruous. In the Reconsideration Letter, the Examining Attorney failed to acknowledge or address this argument against disclaimer of “EARTH.”

F. The U.S. Patent and Trademark Office Has Recognized that “EARTH” is Suggestive for the Same or Similar Goods

As evidence that “EARTH” is suggestive for soil amendments, potting soil, fertilizers and related goods and services, Applicant has submitted twenty-six printouts from the U.S. Patent and Trademark Office web site showing registrations and published applications for marks incorporating “EARTH” or analogous elements for identical, similar or related goods and services, all of which have been published or granted registration on the Principal Register, apparently without a disclaimer of these terms. Response Filed May 15, 2009, Exhibit D. This large number of registrations and published applications indicates that the U.S. Patent and

Trademark Office has recognized that "EARTH" is a suggestive term in connection with such goods and services. Table 2 summarizes these registrations and published applications.

**TABLE 2**

Mark	App/Reg. No.	Goods/ Services	Owner
EARTH'S FINEST	3,586,968	Soil amendments; potting soil; planting soil (CI 01) Sand; gravel (CI 19) Mulch; natural recycled wood fiber mulch for use as a playground ground cover (CI 31)	The Letco Group, LLC
LIVE EARTH	3,638,713	Soil amendments and fertilizers (CI 01)	Live Earth Products, Inc.
LIV-E-ARTH	2,189,793	Soil amendments and fertilizers for agricultural and horticultural use (CI 01) Mineral supplements (CI 05)	Live Earth Products, Inc.
PURE EARTH	3,712,551	Soil-based plant nutrients (CI 01)	American Agritech, L.L.C.
ERTH FOOD (Disclaims "FOOD")	3,515,633	Natural organic compost (CI 01)	Erth Products, LLC
BE GOOD TO YOUR EARTH	3,456,109	Growing media and potting soil for plants, namely, earthworm castings compost and compost (CI 01)	EarthSweet, Inc.
POWER TO RENEW THE EARTH	3,413,579	Fertilizer and soil amendments for agricultural, domestic and reclamation use (CI 01)	Earthrenew, Inc.
FRIEND OF THE EARTH	3,261,954	Fertilizer (CI 01) Plastic or paper pulp-based protective covers for plants (CI 20) Flower bulbs and live flowers (CI 31)	Holland Beauty Flower & Bulb Corp.

Mark	App/Reg. No.	Goods/ Services	Owner
MOTHER EARTH	3,252,545	Organic potting soil (CI 01)	IP Holdings, LLC
WE MAKE THE GOOD EARTH BETTER	2,846,830	Compost and soil conditioner (CI 01) Organic top dressing materials, namely, topsoil and mulch (CI 31)	Kurtz Bros., Inc.
EARTH MOTHERS FOR MOTHER EARTH	2,370,087	Inoculants for soil to supplement micronutrients for domestic and agricultural use (CI 01)	Tommie Wellmaker d/b/a Earth Mothers for Mother Earth
REPLENISH THE EARTH	2,336,968	Soil amendments and fertilizers for domestic use, compost (CI 01) Mulch, wood chips for use as ground cover (CI 31)	Connie D. Cannon and James E. Cannon
DR. EARTH	2,313,736	Fertilizers for domestic use; and soil conditioners, namely, soil amendments and biological soil inoculates (CI 01)	Milad Lou Shammas d/b/a Dr. Earth Company
EARTH WORKS	2,236,658	Fertilizer for agricultural, domestic, and commercial use (CI 01)	United Plant Products, LLC
RENEWED EARTH	2,171,316	Compost; and recycled organic material for use as a soil conditioner for domestic and horticultural use (CI 01) Seed, namely, grass seed (CI 31)	Renewed Earth, Inc.
EARTH JUICE CATALYST	2,119,065	Liquid organic fertilizers for agricultural and domestic use in soil and soil-less and hydro-organic medium (CI 01)	Thomas M. Shelsky
EARTH BLEND (Disclaims "BLEND")	2,051,061	Compost (CI 01)	Kurtz Bros., Inc.
EARTH PERFECT	1,932,992	Compost (CI 01)	Earth Perfect, Inc.
MAGIC EARTH	1,821,942	Gardening mixture comprised of soil nutrients and organic matter for household and home gardening use (CI 01)	Loblaws Inc.

Mark	App/Reg. No.	Goods/ Services	Owner
CLEAN EARTH	1,740,437	<p>Remediated soils for use as cover material for landfills, mine reclamation, earth works, and erosion control; remediated soils for use as construction materials for road base fill, asphalt mix, concrete mix and brick making (CI 01 - cancelled)</p> <p>Remediation of hydrocarbon soils, including sand and gravel (CI 40)</p> <p>Consulting services relating to contaminated soils (CI 42)</p>	U.S. Plastic Lumber IP Corporation
EARTH SAFE	77/503,494	<p>Soil amendments; water amendments, namely, preparations to digest organic matter in hydroponic systems; fertilizers, namely, organic fertilizers, organic-based fertilizers, natural fertilizers; supplements, namely, hormone supplements for plants; (Based on Intent to Use) Enzyme preparations for plants and soil; potting soil; growing medium for plants; composts, namely, bat guano, vermicompost, bird guano, composted vegetable matter, animal manure; fertilizer/insecticide combination, namely, fertilizer with added insecticides; fertilizer/herbicide combinations, namely, fertilizer with added herbicides (CI 01)</p> <p>Water antimicrobials, namely, preparations for inhibiting microbial growth of fungal, bacterial and viral plant pathogens in hydroponic systems;(Based on Intent to Use) Insecticides, namely, organic insecticides, organic-based insecticides, natural insecticides, food grade insecticides; mineral supplements (CI 05)</p> <p>Hand gardening tools, namely, trowels, hand weeders, transplanters, cultivators, saws, spades, rakes, pruners, shears, hoes, digging forks (CI 08)</p> <p>Hydroponics and soil growing systems, namely, hydroponic grow box in the nature of a closed environment equipped with lights, hydroponics growing container, and irrigation (CI 11)</p>	Greenstar Plant Products, Inc.

Mark	App/Reg. No.	Goods/ Services	Owner
MIRACLE EARTH	77,381,102	Fertilizers, plant foods; plant growth regulatory preparations and substances, plant growth stimulants and enhancers; soil conditioners for agricultural, domestic or horticultural use, soil amendments, soil additives, soil wetting agents; growing media for plants, garden soils, planting soils, potting mixes and soils, compost, humus, loam, manure and peat (Cl 01)	OMS Investments, Inc.

Mark	App/Reg. No.	Goods/ Services	Owner
CLUB EARTH	77/472,070	<p>Fertilizers; fertilizers for soil and potting soil; planting soil; and potting soil (CI 01)</p> <p>Lawn and garden non-power hand tools, namely, cultivators; hand operated gardening tools, namely, trowels, weeding forks, spades, hoes, rakes, nippers, lawn aerators, pruners, loppers, transplanters, shovels, scrapers, weeders, hand saws, gardening shears and scissors, edgers, mulchers, fertilizer spreaders, pruning shears, spacers, tool sharpeners, tool sheaths, pruning knives, fertilizer scoops, and knives; tool belts; and tool holders (CI 08)</p> <p>Live plants; flower seeds; grass seeds; plant seeds; and seeds for vegetables (CI 31)</p> <p>Retail store and online retail store services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; wholesale stores and wholesale distributorships featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; wholesale ordering services in the fields of live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; catalog ordering services and online catalog services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; and mail ordering catalog services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes (CI 35)</p> <p>[Goods identifications for Classes 20, 21 and 25 omitted]</p>	Plug Connection, Inc.
SOLID EARTH	77/428,288	Soil solidifiers, soil stabilizers, soil erosion control preparations, soil dust control preparations (CI 01)	Hadar Rahav

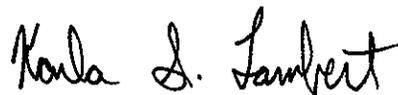
Applicant submits that "EARTH" in its Mark is at least as suggestive as applied to Applicant's goods as the same or analogous elements of the above marks are of their respective goods and services. If these marks for identical or nearly identical goods and services were published or registered on the Principal Register without disclaimer of the relevant element(s), Applicant's Mark should also be allowed to register on the Principal Register without disclaimer of "EARTH."

#### **IV. CONCLUSION**

For the foregoing reasons, Applicant submits that its mark LIVING EARTH is entitled to registration on the Principal Register, and that disclaimer of "EARTH" should not be required. Based on the Board's established practice of resolving any doubt in the applicant's favor, Applicant respectfully requests that the Board reverse the Examining Attorney's decision refusing registration of Applicant's Mark and requiring disclaimer of "EARTH."

Respectfully submitted,

Date: March 15, 2010



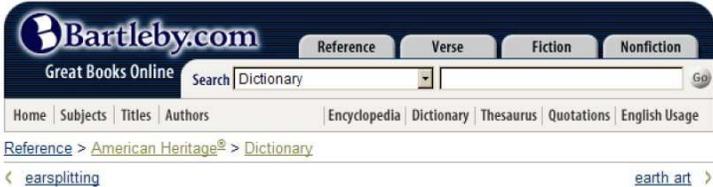
---

Michael S. Metteauer  
Karla S. Lambert  
Fulbright & Jaworski L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512-474-5201  
Facsimile: 512-536-4598

ATTORNEYS FOR APPLICANT



And we're starting by lowering our prices up to 10% **SIGN UP NOW**



**Bartleby.com**  
Great Books Online  
Reference Verse Fiction Nonfiction  
Search Dictionary

Home | Subjects | Titles | Authors | Encyclopedia | Dictionary | Thesaurus | Quotations | English Usage

Reference > American Heritage® > Dictionary

< earsplitting earth art >

[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## earth



**PRONUNCIATION:**  **ərth**

**NOUN:** **1a.** The land surface of the world. **b.** The softer, friable part of land; soil, especially productive soil. **2.** often **Earth** The third planet from the sun, having a sidereal period of revolution about the sun of 365.26 days at a mean distance of approximately 149 million kilometers (92.96 million miles), an axial rotation period of 23 hours 56.07 minutes, an average radius of 6,378 kilometers (3,963 miles), and a mass of approximately  $5.974 \times 10^{24}$  kilograms ( $1.317 \times 10^{25}$  pounds). **3.** The realm of mortal existence; the temporal world. **4.** The human inhabitants of the world: *The earth received the news with joy.* **5a.** Worldly affairs and pursuits. **b.** Everyday life; reality: *was brought back to earth from his daydreams of wealth and fame.* **6.** The substance of the human body; clay. **7.** The lair of a burrowing animal. **8.** *Chiefly British* The ground of an electrical circuit. **9.** *Chemistry* Any of several metallic oxides, such as alumina or zirconia, that are difficult to reduce and were formerly regarded as elements.

**VERB:** Inflected forms: **earthed**, **earth-ing**, **earth-s**

**TRANSITIVE VERB:** **1.** To cover or heap (plants) with soil for protection. **2.** To chase (an animal) into an underground hiding place.

**INTRANSITIVE VERB:** To burrow or hide in the ground. Used of a hunted animal.

**IDIOM:** **on earth** Among all the possibilities: *Why on earth did you put on that outfit?*

**ETYMOLOGY:** Middle English *erthe*, from Old English *eorthe*. See [er-3](#) in Appendix I.

The American Heritage® Dictionary of the English Language, Fourth Edition. Copyright © 2000 by Houghton Mifflin Company. Published by the Houghton Mifflin Company. All rights reserved.

[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

< earsplitting earth art >

Google

Click [here](#) to shop the [Bartleby Bookstore](#).

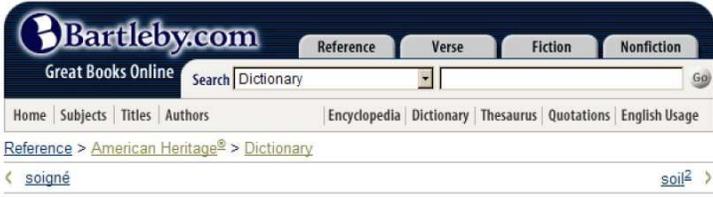
[Welcome](#) · [Press](#) · [Advertising](#) · [Linking](#) · [Terms of Use](#) · © 2009 Bartleby.com




And we're starting by lowering our prices up to 10% **SIGN UP NOW**



And we're starting by lowering our prices up to 10% **SIGN UP NOW** Reliant Energy



Bartleby.com Great Books Online Reference Verse Fiction Nonfiction  
 Search Dictionary [ ] Go  
 Home | Subjects | Titles | Authors | Encyclopedia | Dictionary | Thesaurus | Quotations | English Usage  
 Reference > American Heritage® > Dictionary  
 < soigné soil² >



The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

soil<sup>1</sup>

PRONUNCIATION:  soil

NOUN: 1. The top layer of the earth's surface, consisting of rock and mineral particles mixed with organic matter. 2. A particular kind of earth or ground: *sandy soil*. 3. Country; land: *native soil*. 4. The agricultural life: *a man of the soil*. 5. A place or condition favorable to growth; a breeding ground.

ETYMOLOGY: Middle English, from Anglo-Norman, a piece of ground (influenced in meaning by Latin *solum*, soil), from Latin *solium*, seat. See sed- in Appendix I.

**QUIT for your FAMILY and your HEALTH.**

Calling a quitline is proven to help double your chances of quitting smoking for good.

The American Heritage® Dictionary of the English Language, Fourth Edition. Copyright © 2000 by Houghton Mifflin Company. Published by the Houghton Mifflin Company. All rights reserved.

CONTENTS · INDEX · ILLUSTRATIONS · BIBLIOGRAPHIC RECORD  
 < soigné soil² >

**877 YES QUIT**  
 American Cancer Society Quitline®

Google:  Search

Click [here](#) to shop the [Bartleby Bookstore](#).

Welcome · Press · Advertising · Linking · Terms of Use · © 2009 Bartleby.com



amazon kindle  
 amazon.com/kindle  
 See Kindle Now  
 Price Information



**Bartleby.com**  
Great Books Online

Reference Verse Fiction Nonfiction

Search

Home | Subjects | Titles | Authors | Encyclopedia | Dictionary | Thesaurus | Quotations | English Usage

Reference > American Heritage® > Dictionary

< soil<sup>1</sup>

soil<sup>2</sup> >

[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## soil<sup>2</sup>

**PRONUNCIATION:** soil

**VERB:** Inflected forms: **soiled, soiling, soils**

**TRANSITIVE VERB:** **1.** To make dirty, particularly on the surface. **2.** To disgrace; tarnish: *a reputation soiled by scandal*. **3.** To corrupt; defile. **4.** To dirty with excrement.

**INTRANSITIVE VERB:** To become dirty, stained, or tarnished.

**NOUN:** **1a.** The state of being soiled. **b.** A stain. **2.** Filth, sewage, or refuse. **3.** Manure, especially human excrement, used as fertilizer.

**ETYMOLOGY:** Middle English *soilen*, from Old French *souiller*, from Vulgar Latin *\*suculāre* (from Late Latin *suculus*, diminutive of Latin *sūs*, pig; see *sū-* in Appendix I) or from *souil*, pigsty, wallow (from Latin *solium*, seat; see *soil<sup>1</sup>*).

The American Heritage® Dictionary of the English Language, Fourth Edition. Copyright © 2000 by Houghton Mifflin Company. Published by the Houghton Mifflin Company. All rights reserved.

[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

< soil<sup>1</sup>

soil<sup>2</sup> >

Google

Click [here](#) to shop the [Bartleby Bookstore](#).

[Welcome](#) · [Press](#) · [Advertising](#) · [Linking](#) · [Terms of Use](#) · © 2009 [Bartleby.com](#)



**Enter Daily**  
for a Chance  
to Win

Grand Prize Worth  
**\$750,000**





United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

**Typed Drawing**

**Word Mark** LIV-E-ARTH  
**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: soil amendments and fertilizers for agricultural and horticultural use. FIRST USE: 19980300. FIRST USE IN COMMERCE: 19980300  
 IC 005. US 006 018 044 046 051 052. G & S: mineral supplements. FIRST USE: 19980300. FIRST USE IN COMMERCE: 19980300  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75158877  
**Filing Date** August 30, 1996  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** October 14, 1997  
**Registration Number** 2189793  
**Registration Date** September 15, 1998  
**Owner** (REGISTRANT) Live Earth Products, Inc. CORPORATION UTAH 400 S 200 E Emery UTAH 84522  
**Attorney of Record** Robert S. Rap  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090328.  
**Renewal** 1ST RENEWAL 20090328  
**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Trademarks](#) > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	DR. SUBLER'S LIVING SOIL
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Natural, organic and synthetic soil additives; plant food supplements; soil amendments; soil conditioners; and fertilizers, all for domestic and commercial plant care, gardening, landscaping, horticultural and agricultural use. FIRST USE: 20010701. FIRST USE IN COMMERCE: 20010901
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78273610
<b>Filing Date</b>	July 13, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 28, 2004
<b>Registration Number</b>	<b>2912899</b>
<b>Registration Date</b>	December 21, 2004
<b>Owner</b>	(REGISTRANT) Pacific Garden Company CORPORATION WASHINGTON 104 Mill St Millheim PENNSYLVANIA 16854
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LIVING SOIL" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Other Data</b>	The name Scott Subler identifies a living individual whose consent is of record.
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## LIVING MULCH

**Word Mark** LIVING MULCH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Growing media and potting soil for plants, namely, earthworm castings compost and compost. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20070101

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 76676413

**Filing Date** May 4, 2007

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 15, 2008

**Registration Number** 3456111

**Registration Date** July 1, 2008

**Owner** (REGISTRANT) EarthSweet, Inc. CORPORATION TEXAS 2 Sierra Way Georgetown TEXAS 78626

**Attorney of Record** Justin M. Welch

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

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the Internet

*Browser to return to TESS)*



<b>Word Mark</b>	SOILS ALIVE
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Fertilizers; Soil amendments. FIRST USE: 20010100. FIRST USE IN COMMERCE: 20080408
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.05.25 - Daffodils; Iris (flower); Other flowers 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 27.03.04 - Plants forming letters or numerals 27.03.05 - Objects forming letters or numerals
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-MISC Miscellaneous shaped designs VEG Plant life such as trees, flowers, fruits, grains, nuts, wreaths, and leaves
<b>Serial Number</b>	77038722
<b>Filing Date</b>	November 7, 2006
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 17, 2007
<b>Registration Number</b>	<b>3493184</b>
<b>Registration Date</b>	August 26, 2008
<b>Owner</b>	(REGISTRANT) Soils Alive, LLC LIMITED LIABILITY COMPANY TEXAS 2705 Industrial Lane Dallas TEXAS 75041
<b>Attorney of Record</b>	M. Fletcher Reynolds

<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOILS" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of The words "Soils Alive" in stylized fonts with a flower substituting for the letter O.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	COMPOST ALIVE!
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: materials useful in the production of gardening mulch, namely compost. FIRST USE: 19860300. FIRST USE IN COMMERCE: 19860300
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74646627
<b>Filing Date</b>	March 14, 1995
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 13, 1996
<b>Registration Number</b>	<b>1972632</b>
<b>Registration Date</b>	May 7, 1996
<b>Owner</b>	(REGISTRANT) GARDENS ALIVE, INC. CORPORATION DELAWARE 5100 Schenley Place Lawrenceburg INDIANA 47025
<b>Attorney of Record</b>	CANDACE LYNN BELL
<b>Prior Registrations</b>	0156021;1735889;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COMPOST" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060807.
<b>Renewal</b>	1ST RENEWAL 20060807
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Organics Alive

<b>Word Mark</b>	ORGANICS ALIVE
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Biological fertilizer in the nature of dry worm castings and dry worm castings with composts mixes and aerobically activated worm castings tea which may be comprised of worm castings only and may also contain basic organic products such as molasses, seaweed extract, rock mineral, and other products to make a complete mix or liquid. FIRST USE: 20051001. FIRST USE IN COMMERCE: 20051201
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78462755
<b>Filing Date</b>	August 5, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 13, 2005
<b>Registration Number</b>	<b>3363134</b>
<b>Registration Date</b>	January 1, 2008
<b>Owner</b>	(REGISTRANT) California Vermiculture, LLC CORPORATION CALIFORNIA 205 Liszt Ave P.O. Box 95 Cardiff CALIFORNIA 92007
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANICS" APART FROM THE MARK AS SHOWN
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL

Live/Dead  
Indicator

LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	BRINGING SOIL TO LIFE
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: FERTILIZERS, SOIL CONDITIONERS, AND PLANT GROWTH REGULATORS FOR AGRICULTURAL AND DOMESTIC USE; SURFACTANTS AND ADJUVANTS FOR USE IN CONNECTION WITH AGRICULTURAL PESTICIDES AND HERBICIDES. FIRST USE: 20040624. FIRST USE IN COMMERCE: 20040624
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76394395
<b>Filing Date</b>	April 10, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 22, 2002
<b>Registration Number</b>	3080064
<b>Registration Date</b>	April 11, 2006
<b>Owner</b>	(REGISTRANT) Wilbur-Ellis Company CORPORATION CALIFORNIA 345 California Street, 27th Floor San Francisco CALIFORNIA 94104
<b>Attorney of Record</b>	Randy Troxel,
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	PUT LIFE BACK INTO YOUR SOIL
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: LIQUID INOCULANTS IN THE NATURE OF FERTILIZER AND SOIL SUPPLEMENTS, USED IN AGRICULTURE, HORTICULTURE, TURF, AND BIOREMEDIATION INDUSTRIES. FIRST USE: 20010514. FIRST USE IN COMMERCE: 20010514
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76270710
<b>Filing Date</b>	June 14, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 25, 2001
<b>Registration Number</b>	<b>2637157</b>
<b>Registration Date</b>	October 15, 2002
<b>Owner</b>	(REGISTRANT) Biologically Integrated Organics, Inc. CORPORATION WASHINGTON 1720 Moon Mountain Drive Sonoma CALIFORNIA 95476
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Robert P. Henley
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[|.HOME](#) | [| SITE INDEX](#) | [| SEARCH](#) | [| eBUSINESS](#) | [| HELP](#) | [| PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Trademarks](#) > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**LAND LIFE**

<b>Word Mark</b>	LAND LIFE
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Soil Conditioners for agricultural and horticultural use. FIRST USE: 20060526. FIRST USE IN COMMERCE: 20060526
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	76635273
<b>Filing Date</b>	April 6, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 18, 2006
<b>Registration Number</b>	<b>3234033</b>
<b>Registration Date</b>	April 24, 2007
<b>Owner</b>	(REGISTRANT) I & OC of Japan Co., Ltd. CORPORATION JAPAN 405, 12-16, 4-Chome Hongoh, Bunkyo-ku Tokyo 113-0033 JAPAN
<b>Attorney of Record</b>	Kenneth S. Klarquist
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** MEADOW-LIFE

**Goods and Services** IC 001. US 001 010. G & S: liming agents, synthetic soil substitute, soil conditioner and fertilizer for agricultural use. FIRST USE: 19910600. FIRST USE IN COMMERCE: 19910600

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 74159371

**Filing Date** April 22, 1991

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** October 27, 1992

**Registration Number** **1806638**

**Registration Date** November 23, 1993

**Owner** (REGISTRANT) MIDDLESEX COUNTY UTILITIES AUTHORITY CORPORATION NEW JERSEY Main Street Extension P.O. Box 159 Sayreville NEW JERSEY 08872

**Attorney of Record** Ezra Sutton

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040421.

**Renewal** 1ST RENEWAL 20040421

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Trademarks](#) > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# Living Designs

<b>Word Mark</b>	LIVING DESIGNS
<b>Goods and Services</b>	IC 042. US 100 101. G & S: Landscape Design. FIRST USE: 20010501. FIRST USE IN COMMERCE: 20010501
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	76264226
<b>Filing Date</b>	May 31, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Supplemental Register Date</b>	May 8, 2002
<b>Registration Number</b>	<b>2633606</b>
<b>Registration Date</b>	October 8, 2002
<b>Owner</b>	(REGISTRANT) Jones, Robert E. INDIVIDUAL UNITED STATES 4435 Portola Drive Santa Cruz CALIFORNIA 95062
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DESIGNS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	SUPPLEMENTAL
<b>Affidavit Text</b>	SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**LANDSCAPES FOR LIVING**

**Word Mark** LANDSCAPES FOR LIVING

**Goods and Services** IC 035. US 100 101 102. G & S: retail lawn, garden and nursery stores. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

IC 037. US 100 103 106. G & S: landscape construction. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

IC 044. US 100 101. G & S: landscape gardening design for others. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78836352

**Filing Date** March 14, 2006

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 8, 2007

**Registration Number** **3267921**

**Registration Date** July 24, 2007

**Owner** (REGISTRANT) Mickman Brothers CORPORATION MINNESOTA 14630 Highway 65 Anoka MINNESOTA 55304

**Attorney of Record** John Roeser

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# LIVE EARTH

<b>Word Mark</b>	LIVE EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Soil Amendments and Fertilizers. FIRST USE: 19890101. FIRST USE IN COMMERCE: 19890101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77611274
<b>Filing Date</b>	November 10, 2008
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 31, 2009
<b>Owner</b>	(APPLICANT) Live Earth Products, Inc. CORPORATION UTAH 400 South 200 East Emery UTAH 84522
<b>Attorney of Record</b>	Robert S. Rapp
<b>Prior Registrations</b>	2189793
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the Internet

*Browser to return to TESS)*

**Word Mark** LIVE 4 NATURE

**Goods and Services**

IC 001. US 001 005 006 010 026 046. G & S: Fertilizers; Humus; Compost; Potting soil; Soil conditioning preparations; Fertilizing preparations; Horticulture chemicals, except fungicides, herbicides, insecticides, and parasiticides; Salts for fertilizer, namely, sodium nitrate; Plant hormones for hastening the ripening of fruit; Flower preservatives; Germination inhibitors, namely, anti-sprouting preparations for vegetables; Peat pots for horticulture; Guano; Allyl alcohol; Kaolin; Grafting mastic for trees; Paper Pulp; and Distilled water

IC 006. US 002 012 013 014 023 025 050. G & S: Building material of metal, namely, angle irons, soffits and fascia; Ladders of metal; Hooks of metal for clothes; Nails; Metal hardware, namely, metal hooks; Metal chains; Metal window fittings; Metal runners for sliding doors; Metal fittings for furniture; Metal door fittings; Window sash fasteners of metal; Metal non-electric door openers and closers, namely, door knobs and handles; Metal tool boxes; Metal hardware, namely, washers; Vice benches of metal; Metal furniture casters; General purpose metal storage containers; Metal padlocks; Locks of metal; Pipe works of metal, namely, metal drain pipes, metal penstock pipes, metal gutter pipes and metal pipe collars; Metal valves not being parts of machines; Horticultural frames, namely, metal arbors and trellises; Partitions of metal; Transportable greenhouses of metal for household use; Cabanas of metal; Metal chain link fences; Metal floor tiles

IC 007. US 013 019 021 023 031 034 035. G & S: Hydraulic and power-operated lifting jacks; Machine parts, namely, grindstones; Electric vegetable choppers; Electric fruit presses

IC 008. US 023 028 044. G & S: Hand hooks; Roll-up fabric containers for hand tools; Hand tools, namely, hammers, pliers, saws, files, pikes, picks, spanners, planes, shovels, screwdrivers, riveters, foundry ladles, punch pliers, hand drills, post-hole diggers, rammers, nail drawers, spades, hoes, weeding forks, scissors, tweezers, axes, garden hand tools, namely, pitch forks and trowels, engraving tools, namely, engraving needles, hand-operated wall scrapers for removing wallpaper and hand-operated lifting jacks; Manually-operated grindstones; Leather strops; Sugar tongs; Cutters, namely, bolt cutters and wire cutters; Hand-operated vegetable choppers; Non-electric can openers; Table cutlery, namely, knives, forks, and spoons; Nail files; Nail clippers Tableware, namely, knives, forks and spoons

IC 009. US 021 023 026 036 038. G & S: Safety equipment, namely, fire escape ladders; Chains for spectacles; Electronic locks; Automatic valves not being parts of machines; Electric fences

IC 018. US 001 002 003 022 041. G & S: Toilet cases sold empty

IC 019. US 001 012 033 050. G & S: Non-metal runners for sliding doors; Non-metal door fittings; Pipe works, namely, non-metal sewer pipes, non-metal water pipes, clay pipes and conduits and cement mortar pipes; Non-

metal runners for sliding doors; Non-metal door fittings; Pipe works, namely, non-metal sewer pipes, non-metal water pipes, clay pipes and conduits and cement mortar pipes; Sand, except foundry sand; Building materials, namely, clay, concrete, cement, terra cotta, fireclay, calcareous marl; Bricks; Gypsum; Non-agricultural lime for use in construction; Cement for blast furnaces, namely, Portland blast-furnace slag cement; Busts of stone, concrete and marble; Works of art of stone, concrete and marble; Stone; Artificial stone; Asphalt; Lumber; Non-metal slabs comprised of cement, concrete, clay and slate; Slate; Wood, semi-worked; Horticultural frames, namely, arbors and trellises made of wood; Japanese style indoor sliding partitions; Plywood; Transportable modular greenhouses; Non-metal fences; Non-metal and rubber floor tiles; Boards for floors; Building glass; Staircases; Non-metal water-pipes; Joists

IC 020. US 002 013 022 025 032 050. G & S: Non-metal ladders; Non-metal clothes hooks; Non-metal hooks; Curtain hooks; Non-metal chains; Plastic key chains; Window fittings, not of metal; Non-metal fittings for furniture; Non-metal tool boxes; Plastic furniture casters; Non-metal furniture casters; Non-metal locks; Packaging containers of plastic; Non-metal valves for containers not being parts of machines; Furniture partitions; Reeds; Towel racks

IC 021. US 002 013 023 029 030 033 040 050. G & S: Household containers for foods; Ladles for kitchen use; Serving ladles; Greenhouse syringes, namely, syringes for spraying insecticides; Plant syringes, namely, syringes for spraying insecticides; Sculptures of terra cotta; Plaques of terra cotta; Pots; Cooking pot sets; Cooking utensils, namely, wire baskets, grill covers and batter dispensers; Drinking vessels; Basins and bowls; Cruets; Ceramics for household purposes, namely, ceramic grinding beads for use in wet millings, ceramic tissue box covers and knobs of ceramic; Kitchen utensils, namely, strainers and turners; Household utensils, namely, graters, spatulas and sieves; Kitchen containers; Non-electric fruit presses; Heat-insulated containers for food and beverages; Portable coolers; Ice pails; Gridirons for use on barbecue grills; Ironing boards; Cleaning instruments, namely, cloths for cleaning, dustbins, mops and buckets; Toilet utensils, namely, toilet paper holders; Sponges for household purposes; Combs; Brush goods, namely, brushes for pets; Clothes pegs; Drying racks for laundry; Sprinkling devices, namely, empty spray bottles; wash tubs

IC 022. US 001 002 007 019 022 042 050. G & S: Fabric cabanas; Bags or nets for washing clothes, namely, mesh lingerie bags and net bags for washing hosiery

IC 031. US 001 046. G & S: Top soil; Live plants; Seedlings; Seed germ for botanical purposes; Fresh garden herbs; Fresh live trees; Flower bulbs; Natural Turf; Flowers; Dried flowers for decoration; Dried plants for decoration; Wreathes of natural flowers; Cut Christmas trees; Plant seeds; Sod; Fresh vegetables; Fresh fruit; Undressed timber; Animal feed, namely, fodder; and Pet food

IC 035. US 100 101 102. G & S: Sales promotion for others, namely, publicity and sales promotion services; Import-export agencies; Procurement services for others, namely, purchasing goods and services for other businesses; Shop window dressing; Organization of trade fairs for commercial and advertising purposes; Organization of exhibitions for commercial and advertising purposes; Advertising agencies; Advertising by mail order; Advertising services, namely, providing television advertising for others by the production of television commercials; On-line advertising on a computer network; Data search in computer files for others, namely, searches of human resources data provided in person and via a global computer network; Commercial information agencies; Commercial and industrial management assistance; Business management and organization consultancy; Marketing research; Economic forecasting; Office machines and equipment rental; Rental of vending machines; Auctioneering; Public relations; and Personnel recruitment

<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.01.21 - Circles that are totally or partially shaded.
<b>Serial Number</b>	77352590
<b>Filing Date</b>	December 14, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 9, 2008

**Owner** (APPLICANT) Test Rite Products Corporation CORPORATION CALIFORNIA 1900 South Burgundy Place  
Ontario CALIFORNIA 91761

**Attorney of Record** Tawnya R Wojciechowski

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# LIFE4SOIL

<b>Word Mark</b>	LIFE4SOIL
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: SOIL CONDITIONERS FOR DOMESTIC AND HORTICULTURE USE
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77461558
<b>Filing Date</b>	April 30, 2008
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 16, 2008
<b>Owner</b>	(APPLICANT) PROFILE PRODUCTS LLC LIMITED LIABILITY COMPANY DELAWARE 750 Lake Cook Road, Suite 440 Buffalo Grove ILLINOIS 60089
<b>Attorney of Record</b>	Anessa Owen Kramer
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



In the Office Action, the Examining Attorney states that the Marks “create the same overall impression.” Applicant respectfully disagrees and directs the Examining Attorney’s attention to the evidence set forth on this point at length in Applicant’s first Response to Office Action. Specifically, in addition to differing both aurally and visually, the Marks differ significantly in view of the wide range of different meanings that are conveyed by the element “EARTH” in Applicant’s Mark and the comparatively narrower range of meanings conveyed by “SOIL” in the Cited Mark. As discussed further herein, the primary significance of “EARTH” as the proper name of the planet we inhabit results in a commercial impression of Applicant’s Mark that is vastly different from that of the Cited Mark. While the broad semantic range of “EARTH” in conjunction with “LIVING” in Applicant’s Mark suggests to consumers a vibrant, fertile planet and that Applicant’s goods are beneficial to the health of our planet, the Cited Mark at most leads consumers to think only of the goods offered under the mark, namely, dirt.

Accordingly, for the reasons set forth above and in its first Response to Office Action, Applicant respectfully reiterates its position that the Cited Mark should not serve as an obstacle to registration of Applicant’s Mark.

### **III. DISCLAIMER**

In the Office Action, the Examining Attorney dismissed the evidence submitted by Applicant in its first Response to Office Action demonstrating that the term “EARTH” is used to convey a wide range of meanings and reiterated her position that although “EARTH” and “SOIL” differ visually, both are generic and “convey the same overall meaning for ‘dirt.’” Applicant respectfully disagrees with this position. Rather, as noted above, Applicant submits that the term “EARTH” differs significantly from the term “SOIL” in that it simultaneously conveys multiple meanings, whereas “SOIL” at most conveys two meanings, namely, “dirt” and “to make dirty.” Moreover, Applicant asserts that in common usage, the most prominent of the various meanings of the term “EARTH” is the proper name of the planet we inhabit. This is especially true today, as the current focus on protecting and improving the environment that is the core of the green movement keeps the concept of our planet in the forefront

of consumers' minds. A well-respected legal treatise notes that "[t]he standard most often applied to determine whether a term is generic is not whether it has *some* significance to the public as the name of an article, but whether that is its *principal* significance." That is, the majority usage of a term is controlling. J. Thomas McCarthy, *McCarthy On Trademarks and Unfair Competition* § 12:6 (4th ed., 2007); see *Ty Inc. v. Softbelly's, Inc.*, 353 F.3d 528, 69 U.S.P.Q.2d 1213 (7th Cir. 2003) (The "primary significance" of the term is the legal test of genericness.) Thus, Applicant submits that because the principal significance of the term "EARTH" is the proper name for our planet, the term is not generic for the goods covered in Class 001 of the Application, but is rather suggestive.

In support of this position, Applicant notes that it would be a considerable stretch of current American English usage to suggest that a consumer interested in purchasing supplies for gardening, landscaping, planting or related uses would inquire at a store for "earth." Rather, and much more naturally, the consumer would likely inquire about and purchase "soil," "dirt," "mulch," "peat moss," etc. If a consumer were to inquire about "earth," at best the question would likely identify that consumer as a non-native speaker of English; at worst, the salesperson would fail to understand the question, or would be forced to re-phrase it to say, "Oh, you mean, you're looking for soil?" Moreover, the English language is replete with phrases and sayings incorporating the term "EARTH" that support Applicant's position that the most prominent meaning of "EARTH" is the name of our planet. These include, but are not limited to, "Mother Earth," "Earth Day," "down to Earth," "peace on Earth," "what on Earth?" and "salt of the Earth." None of these phrases or sayings makes any sense if one reads the meaning "dirt" into them. Rather, they all turn on the common understanding that "EARTH" refers most prominently and most significantly to the planet. Further, if "SOIL" and "EARTH" were essentially interchangeable, as the Examining Attorney suggests, then one would expect there to be parallel formatives of these terms. Applicant notes, however, that although a child can get its clothes "soiled" by playing in the dirt, it is ungrammatical and nonsensical to say that the child's clothes got "earthed."

For the reasons set forth above, Applicant respectfully asserts that the relevant purchasing public does not primarily understand "EARTH" to mean "soil" or "dirt," and therefore, the element "EARTH" in Applicant's Mark is not generic vis-à-vis the covered Class 001 goods. However, if the Examining

Attorney is not persuaded, Applicant also submits that the disclaimer requirement for "EARTH" is unwarranted because the combination of "LIVING" and "EARTH" in Applicant's Mark gives rise to an incongruity, and the Mark is therefore unitary and no disclaimer is necessary. *See* T.M.E.P. §1213.05(d) ("If two or more terms are combined in a mark to create an incongruity (e.g., URBAN SAFARI, MR. MICROWAVE, and DR. GRAMMAR), the mark is unitary and no disclaimer of nondistinctive individual elements is necessary.). If the Examining Attorney maintains that "EARTH" in Applicant's Mark conveys only "dirt" or "soil," then it is incongruous for "dirt" or "soil" to be "living." Dirt and soil may be the media in which living plants and animals grow and thrive, but dirt and soil themselves are made up of inert elements and minerals and cannot be said to be "living." The combination of "LIVING" and "EARTH" in Applicant's Mark is therefore incongruous, Applicant's Mark is unitary, and no disclaimer of the "EARTH" element should be required. This incongruity giving rise to a mark in which no disclaimer is required is evidenced by two existing registrations on the Principal Register previously discussed by Applicant in its first Response to Office Action, as set forth below:

Mark	Goods/ Services	App/Reg. No.	Owner
LIVE EARTH	Soil amendments and fertilizers (CI 01)	3,638,713	Live Earth Products, Inc.
LIV-E-ARTH	Soil amendments and fertilizers for agricultural and horticultural use (CI 01) Mineral supplements (CI 05)	2,189,793	Live Earth Products, Inc.

These marks for identical or nearly identical goods were registered on the Principal Register without disclaimer of the element "EARTH." Applicant's Mark is at least as incongruous and unitary as LIVE EARTH and LIVE-E-ARTH and should also be allowed to register on the Principal Register without disclaimer of "EARTH."

Additionally, Applicant points to the nearly thirty marks published or granted registration on the Principal Register without disclaimer of "EARTH" or analogous elements that were cited in support of its position in the first Response to Office Action. These applications and registrations demonstrate that the term "EARTH" has been found in many instances by the U.S. Patent and Trademark Office to be at least suggestive in connection with identical, similar or related goods and services. Accordingly,



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# EARTH'S FINEST

<b>Word Mark</b>	EARTH'S FINEST
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Soil amendments; potting soil; planting soil. FIRST USE: 19980200. FIRST USE IN COMMERCE: 19980200
	IC 019. US 001 012 033 050. G & S: Sand; gravel. FIRST USE: 19980200. FIRST USE IN COMMERCE: 19980200
	IC 031. US 001 046. G & S: Mulch; natural recycled wood fiber mulch for use as a playground ground cover. FIRST USE: 19980200. FIRST USE IN COMMERCE: 19980200
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	77541693
<b>Filing Date</b>	August 7, 2008
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 23, 2008
<b>Registration Number</b>	<b>3586968</b>
<b>Registration</b>	March 10, 2009

**Date**  
**Owner** (REGISTRANT) The LETCO Group,LLC LIMITED LIABILITY COMPANY DELAWARE 1900 North Akard Street Dallas TEXAS 752012300  
**Attorney of Record** Shannon T. Vale  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# LIVE EARTH

<b>Word Mark</b>	LIVE EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Soil Amendments and Fertilizers. FIRST USE: 19890101. FIRST USE IN COMMERCE: 19890101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77611274
<b>Filing Date</b>	November 10, 2008
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 31, 2009
<b>Owner</b>	(APPLICANT) Live Earth Products, Inc. CORPORATION UTAH 400 South 200 East Emery UTAH 84522
<b>Attorney of Record</b>	Robert S. Rapp
<b>Prior Registrations</b>	2189793
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks** > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** LIV-E-ARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: soil amendments and fertilizers for agricultural and horticultural use. FIRST USE: 19980300. FIRST USE IN COMMERCE: 19980300

IC 005. US 006 018 044 046 051 052. G & S: mineral supplements. FIRST USE: 19980300. FIRST USE IN COMMERCE: 19980300

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75158877

**Filing Date** August 30, 1996

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** October 14, 1997

**Registration Number** **2189793**

**Registration Date** September 15, 1998

**Owner** (REGISTRANT) Live Earth Products, Inc. CORPORATION UTAH 400 S 200 E Emery UTAH 84522

**Attorney of Record** Robert S. Rap

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090328.

**Renewal** 1ST RENEWAL 20090328

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## POWER TO RENEW THE EARTH

<b>Word Mark</b>	POWER TO RENEW THE EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Fertilizer and soil amendments for agricultural, domestic and reclamation use. FIRST USE: 20070509. FIRST USE IN COMMERCE: 20071116
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78979864
<b>Filing Date</b>	June 20, 2006
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 23, 2007
<b>Registration Number</b>	<b>3413579</b>
<b>International Registration Number</b>	0978345
<b>Registration Date</b>	April 15, 2008
<b>Owner</b>	(REGISTRANT) EARTHRENEW, INC. CORPORATION CALIFORNIA 504 AVENUE ALHAMBRA #203 HALF MOON BAY CALIFORNIA 940193148
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Michael K. Bosworth
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



**Word Mark** MOTHER EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: organic potting soil. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050101

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

**Design** 01.07.01 - Globes with outlines of continents

**Search Code** 05.05.25 - Daffodils; Iris (flower); Other flowers

**Serial Number** 78800338

**Filing Date** January 26, 2006

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** August 1, 2006

**Registration Number** **3252545**

**Registration Date** June 12, 2007

**Owner** (REGISTRANT) IP Holdings, LLC LTD LIAB CO WASHINGTON 5408 NE 88th Street #A101 Vancouver WASHINGTON 98665

**Description of Mark** The colors red, orange, yellow, green, blue, purple and black are claimed as a feature of the mark. The color red appears in the wording MOTHER EARTH and in the flowers. The color orange appears in the flowers. The color yellow appears in the highlighting surrounding the wording MOTHER EARTH and in the flowers. The color green appears in the continents on the globe. The color blue appears in the oceans on the globe. The color black appears in the highlighting of the continents, the highlighting of the flowers, and the highlighting of the wording MOTHER EARTH. The mark consists of the words "mother earth" over a drawn globe with flowers growing out of the continents.

**Type of Mark** TRADEMARK

Register PRINCIPAL  
Live/Dead Indicator LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** WE MAKE THE GOOD EARTH BETTER

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: COMPOST AND SOIL CONDITIONER. FIRST USE: 20021101. FIRST USE IN COMMERCE: 20021101

IC 031. US 001 046. G & S: ORGANIC TOP DRESSING MATERIALS, NAMELY, TOPSOIL AND MULCH. FIRST USE: 20021101. FIRST USE IN COMMERCE: 20021101

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 78212958

**Filing Date** February 10, 2003

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** October 21, 2003

**Registration Number** **2846830**

**Registration Date** May 25, 2004

**Owner** (REGISTRANT) Kurtz Bros., Inc. CORPORATION OHIO 6415 Granger Road Independence OHIO 44131

**Attorney of Record** Sandra M. Koenig

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
*( Use the "Back" button of the Internet Browser to return to TESS)*

# FRIEND OF THE EARTH

**Word Mark** FRIEND OF THE EARTH  
**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizer. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20070101  
 IC 020. US 002 013 022 025 032 050. G & S: (Based on Use in Commerce) Plastic or paper pulp-based protective covers for plants. FIRST USE: 19940901. FIRST USE IN COMMERCE: 19940901  
 IC 031. US 001 046. G & S: Flower bulbs and live flowers. FIRST USE: 20060901. FIRST USE IN COMMERCE: 20060901  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78418831  
**Filing Date** May 14, 2004  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A;1B  
**Published for Opposition** April 26, 2005  
**Registration Number** **3261954**  
**Registration Date** July 10, 2007  
**Owner** (REGISTRANT) Holland Beauty Flower & Bulb Corp. CORPORATION WISCONSIN 7611 N. 73rd Street Milwaukee WISCONSIN 53223  
**Attorney of Record** Joseph S. Heino  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** EARTH FRIENDLY

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizer with herbicide for agricultural and domestic use. FIRST USE: 19970518. FIRST USE IN COMMERCE: 19970518

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 78262317

**Filing Date** June 13, 2003

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 3, 2004

**Registration Number** 2897246

**Registration Date** October 26, 2004

**Owner** (REGISTRANT) Cereal Byproducts Company CORPORATION ILLINOIS Suite 410 55 East Euclid Mt. Prospect ILLINOIS 60056

**Attorney of Record** Kenneth K. Dort

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the Internet

Browser to return to TESS)

# EARTH SAFE

**Word Mark** EARTH SAFE

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: (Based on Use in Commerce) soil amendments; water amendments, namely, preparations to digest organic matter in hydroponic systems; fertilizers, namely, organic fertilizers, organic-based fertilizers, natural fertilizers; supplements, namely, hormone supplements for plants; (Based on Intent to Use) Enzyme preparations for plants and soil; potting soil; growing medium for plants; composts, namely, bat guano, vermicompost, bird guano, composted vegetable matter, animal manure; fertilizer/insecticide combination, namely, fertilizer with added insecticides; fertilizer/herbicide combinations, namely, fertilizer with added herbicides. FIRST USE: 20010904. FIRST USE IN COMMERCE: 20020321

IC 005. US 006 018 044 046 051 052. G & S: (Based on Use in Commerce) water antimicrobials, namely, preparations for inhibiting microbial growth of fungal, bacterial and viral plant pathogens in hydroponic systems;(Based on Intent to Use) Insecticides, namely, organic insecticides, organic-based insecticides, natural insecticides, food grade insecticides; mineral supplements. FIRST USE: 20040727. FIRST USE IN COMMERCE: 20051128

IC 008. US 023 028 044. G & S: Hand gardening tools, namely, trowels, hand weeders, transplanters, cultivators, saws, spades, rakes, pruners, shears, hoes, digging forks

IC 011. US 013 021 023 031 034. G & S: hydroponics and soil growing systems, namely, hydroponic grow box in the nature of a closed environment equipped with lights, hydroponics growing container, and irrigation

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77503494

**Filing Date** June 19, 2008

**Current Filing Basis** 1A;1B

**Original Filing Basis** 1A;1B  
**Published for Opposition** May 19, 2009  
**Owner** (APPLICANT) Greenstar Plant Products Inc. CORPORATION CANADA #284-505-8840-210th Street Langley CANADA V1M2Y2  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# PURE EARTH

<b>Word Mark</b>	PURE EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Soil-based plant nutrients. FIRST USE: 20080531. FIRST USE IN COMMERCE: 20080531
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77258043
<b>Filing Date</b>	August 17, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 15, 2008
<b>Owner</b>	(APPLICANT) American Agritech, L.L.C. LIMITED LIABILITY COMPANY ARIZONA 6858 West Chicago Street, #3 Chandler ARIZONA 85226
<b>Attorney of Record</b>	Jamie Sullivan
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) (*Use the "Back" button of the Internet Browser to return to TESS*)

# MIRACLE EARTH

**Word Mark** MIRACLE EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizers, plant foods; plant growth regulatory preparations and substances, plant growth stimulants and enhancers; soil conditioners for agricultural, domestic or horticultural use, soil amendments, soil additives, soil wetting agents; growing media for plants, garden soils, planting soils, potting mixes and soils, compost, humus, loam, manure and peat

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77381102

**Filing Date** January 25, 2008

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** December 9, 2008

**Owner** (APPLICANT) OMS Investments, Inc. CORPORATION DELAWARE 10250 Constellation Blvd., Suite 2800 Los Angeles CALIFORNIA 90067

**Attorney of Record** Susan E. Hollander

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# CLUB EARTH

**Word Mark** CLUB EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizers; fertilizers for soil and potting soil; planting soil; and potting soil

IC 008. US 023 028 044. G & S: Lawn and garden non-power hand tools, namely, cultivators; hand operated gardening tools, namely, trowels, weeding forks, spades, hoes, rakes, nippers, lawn aerators, pruners, loppers, transplanters, shovels, scrapers, weeders, hand saws, gardening shears and scissors, edgers, mulchers, fertilizer spreaders, pruning shears, spacers, tool sharpeners, tool sheaths, pruning knives, fertilizer scoops, and knives; tool belts; and tool holders

IC 020. US 002 013 022 025 032 050. G & S: Non-metal garden stakes

IC 021. US 002 013 023 029 030 033 040 050. G & S: Garden hose sprayers; sprayer wands for garden hoses; garden syringes; flower pots; flower pot holders; planters for flowers and plants; and pots

IC 025. US 022 039. G & S: Clothing, namely, caps, hats, t-shirts, visors, capris, cardigans, coats, footwear, coveralls, overalls, gloves, headbands, headwear, hooded pullovers, hooded sweat shirts, sweat pants, sweat shirts, jackets, skorts, shirts, blouses, neckerchiefs, raincoats, skirts, pants, shorts, shortalls, vests, and socks

IC 031. US 001 046. G & S: Live plants; flower seeds; grass seeds; plant seeds; and seeds for vegetables

IC 035. US 100 101 102. G & S: Retail store and online retail store services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; wholesale stores and wholesale distributorships featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; wholesale ordering services in the fields of live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; catalog ordering services and online catalog services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes; and mail ordering catalog services featuring live plants, power and hand-operated garden tools, seeds, clothing, soil, fertilizer, garden accessories, garden pots, planters, hoses, and tool boxes

**Standard  
Characters  
Claimed****Mark****Drawing  
Code** (4) STANDARD CHARACTER MARK**Serial  
Number** 77472070**Filing Date** May 12, 2008**Current  
Filing Basis** 1B**Original  
Filing Basis** 1B**Published  
for  
Opposition** October 14, 2008**Owner** (APPLICANT) Plug Connection, Inc., The CORPORATION CALIFORNIA 2627 Ramona Drive Vista CALIFORNIA 92084**Attorney of  
Record** Jennifer L. Whitelaw**Type of  
Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Live/Dead  
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# ERTH FOOD

<b>Word Mark</b>	ERTH FOOD
<b>Goods and Services</b>	IC 001, US 001 005 006 010 026 046. G & S: Natural organic compost. FIRST USE: 19940106. FIRST USE IN COMMERCE: 19940106
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	LETTER-3-OR-MORE ERTH Combination of three or more letters as part of the mark
<b>Serial Number</b>	77416495
<b>Filing Date</b>	March 7, 2008
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 29, 2008
<b>Registration Number</b>	<b>3515633</b>
<b>Registration Date</b>	October 14, 2008
<b>Owner</b>	(REGISTRANT) Erth Products, LLC CORPORATION GEORGIA 402 Line Creek Drive Peachtree City GEORGIA 30269
<b>Attorney of Record</b>	Jason A. Bernstein
<b>Prior</b>	2032426;2901491

**Registrations**

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

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

---

[TESS Home](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [Top](#) [HELP](#)

---

[} HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# SOLID EARTH

<b>Word Mark</b>	SOLID EARTH
<b>Goods and Services</b>	IC 001, US 001 005 006 010 026 046. G & S: Soil solidifiers, soil stabilizers, soil erosion control preparations, soil dust control preparations
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77428288
<b>Filing Date</b>	March 21, 2008
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 5, 2008
<b>Owner</b>	(APPLICANT) Rahav, Hadar INDIVIDUAL UNITED STATES 6320 E. Bar Z Lane Paradise Valley ARIZONA 85253
<b>Attorney of Record</b>	Ira M. Schwartz
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH Q&A](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**BE GOOD TO YOUR EARTH**

<b>Word Mark</b>	BE GOOD TO YOUR EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Growing media and potting soil for plants, namely, earthworm castings compost and compost. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20070101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	76676230
<b>Filing Date</b>	April 30, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 15, 2008
<b>Registration Number</b>	<b>3456109</b>
<b>Registration Date</b>	July 1, 2008
<b>Owner</b>	(REGISTRANT) EarthSweet, Inc. CORPORATION TEXAS 2 Sierra Way Georgetown TEXAS 78626
<b>Attorney of Record</b>	Justin M. Welch
<b>Type of Mark</b>	TRADEMARK

Register PRINCIPAL  
Live/Dead Indicator LIVE



---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH Q&A](#) [BOTTOM](#) [HELP](#)

[Logout](#)

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the Internet

Browser to return to TESS)



**Word Mark** WHOLE EARTH NATURAL SOLUTIONS

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizers and soil conditioners for agricultural, horticultural, or domestic use; growing media for plants, namely, water-absorbing polymers for conserving water and germinating seeds. FIRST USE: 20000228. FIRST USE IN COMMERCE: 20000628

IC 005. US 006 018 044 046 051 052. G & S: Natural insecticides for agricultural, horticultural or domestic use. FIRST USE: 20000228. FIRST USE IN COMMERCE: 20000628

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

**Design Search Code** 01.07.01 - Globes with outlines of continents  
26.03.02 - Ovals, plain single line; Plain single line ovals  
26.11.20 - Rectangles inside one another

**Serial Number** 76096068

**Filing Date** July 25, 2000

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 21, 2002

**Registration Number** 2606665

**Registration Date** August 13, 2002

**Owner** (REGISTRANT) OVATION GROUP, INC. CORPORATION GEORGIA 1225 Old Alpharetta Road, Suite 200 Alpharetta GEORGIA 30005

(LAST LISTED OWNER) TEST RITE PRODUCTS CORPORATION CORPORATION CALIFORNIA 1900 SOUTH BURGUNDY PLACE ONTARIO CALIFORNIA 91761

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	William H. Needle
Type of Mark Register	TRADEMARK PRINCIPAL
Live/Dead Indicator	LIVE

---

<a href="#">TESS Home</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">Browse Dict</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>
---------------------------	--------------------------	----------------------------	---------------------------	-----------------------------	---------------------------	---------------------	----------------------

---

[\[ HOME \]](#) [SITE INDEX](#) | [SEARCH](#) | [BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#) | [New User](#) | [STRUCTURED](#) | [FREE FORM](#) | [SHOWS LIST](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TABB Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	EARTH MOTHERS FOR MOTHER EARTH
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Inoculants for soil to supplement micronutrients for domestic and agricultural use. FIRST USE: 19981007. FIRST USE IN COMMERCE: 19981007
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75571500
<b>Filing Date</b>	October 16, 1998
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 2, 2000
<b>Registration Number</b>	<b>2370087</b>
<b>Registration Date</b>	July 25, 2000
<b>Owner</b>	(REGISTRANT) Wellmaker, Tommie DBA Earth Mothers for Mother Earth INDIVIDUAL UNITED STATES P. O. Box 605 Hawkins TEXAS 75765
<b>Attorney of Record</b>	Michael R. Schulman
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

[TESS Home](#) | [New User](#) | [STRUCTURED](#) | [FREE FORM](#) | [SHOWS LIST](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browser Dict](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** DR. EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Fertilizers for domestic use; and soil conditioners, namely, soil amendments and biological soil inoculates. FIRST USE: 19891220. FIRST USE IN COMMERCE: 19891220

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75568917

**Filing Date** October 13, 1998

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 9, 1999

**Registration Number** **2313736**

**Registration Date** February 1, 2000

**Owner** (REGISTRANT) Shammas, Milad Lou DBA Dr. Earth Company INDIVIDUAL UNITED STATES 4215 PUTAH CREEK ROAD WINTERS CALIFORNIA 95694

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

[TESS Home](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browser Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** EARTH WORKS  
**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: fertilizer for agricultural, domestic, and commercial use. FIRST USE: 19910100. FIRST USE IN COMMERCE: 19910100  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75412565  
**Filing Date** December 30, 1997  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** January 12, 1999  
**Registration Number** 2236658  
**Registration Date** April 6, 1999  
**Owner** (REGISTRANT) Earth Works Natural Lawn & Garden Care, Inc. CORPORATION NEW JERSEY P.O. Box 278K Martins Creek PENNSYLVANIA 18063  
  
(LAST LISTED OWNER) UNITED PLANT PRODUCTS, LLC LIMITED LIABILITY COMPANY PENNSYLVANIA THE CENTURY BUILDING, 130 7TH STREET SUITE 400 PITTSBURGH PENNSYLVANIA 15222  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** LEWIS F. GOULD, JR.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090413.  
**Renewal** 1ST RENEWAL 20090413  
**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [SHOW DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** RENEWED EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: compost; and recycled organic material for use as a soil conditioner for domestic and horticultural use. FIRST USE: 19950531. FIRST USE IN COMMERCE: 19960331

IC 031. US 001 046. G & S: seed, namely, grass seed. FIRST USE: 19960430. FIRST USE IN COMMERCE: 19970616

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75311192

**Filing Date** June 18, 1997

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 14, 1998

**Registration Number** 2171316

**Registration Date** July 7, 1998

**Owner** (REGISTRANT) Renewed Earth, Inc. CORPORATION MICHIGAN 5111 S. 9th Street Kalamazoo MICHIGAN 49009

**Attorney of Record** David G. Boutell

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080719.

**Renewal** 1ST RENEWAL 20080719

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [SHOW DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browser Dict](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark** REPLENISH THE EARTH

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: soil amendmets and fertilizers for domestic use, compost. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960200

IC 031. US 001 046. G & S: mulch, wood chips for use as ground cover. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75171739

**Filing Date** September 25, 1996

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 11, 2000

**Registration Number** 2336968

**Registration Date** April 4, 2000

**Owner** (REGISTRANT) Cannon, Connie D. INDIVIDUAL UNITED STATES 2550 Lynwood Drive Salt Lake City UTAH 84109

(REGISTRANT) Cannon, James E. INDIVIDUAL UNITED STATES 2550 Lynwood Drive Salt Lake City UTAH 84109

**Attorney of Record** JOHN C STRINGHAM

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browser Dict](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)





United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE LIST](#) | [SEARCH Q&A](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**EARTH JUICE****CATALYST**

<b>Word Mark</b>	EARTH JUICE CATALYST
<b>Goods and Services</b>	IC 001, US 001 005 006 010 026 046, G & S: liquid organic fertilizers for agricultural and domestic use in soil and soil-less and hydro-organic medium. FIRST USE: 1990101, FIRST USE IN COMMERCE: 19901201
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	01.07.02 - Globes with meridians and parallels only 01.15.18 - More than one drop including teardrops or raindrops; multiple drops (rain, tear, etc.); Raindrops (more than a single drop); Teardrops (more than a single drop)
<b>Serial Number</b>	75115391
<b>Filing Date</b>	June 6, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 16, 1997
<b>Registration Number</b>	<b>2119065</b>
<b>Registration Date</b>	December 9, 1997
<b>Owner</b>	(REGISTRANT) Shelsky, Thomas M. INDIVIDUAL UNITED STATES P. O. BOX 3442 Chico CALIFORNIA 959273442
<b>Prior Registrations</b>	1746646
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL
<b>Affidavit Text Renewal</b>	SECT 8 (6-YR), SECTION 8(10-YR) 20070716. 1ST RENEWAL 20070716

Live/Dead  
Indicator

LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICTIONARY](#) [SEARCH OIG](#) [TOP](#) [HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#)
[New User](#)
[Structured](#)
[Free Form](#)
[Browse Doc](#)
[SEARCH OC](#)
[Bottom](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[First Doc](#)  
[PREV Doc](#)
[NEXT Doc](#)
[Last Doc](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 16 out of 17**

[TAM Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

**Word Mark** EARTH BLEND  
**Goods and Services** IC 001, US 001 005 006 010 026 046. G & S: compost. FIRST USE: 19930517. FIRST USE IN COMMERCE: 19940429  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74376537  
**Filing Date** April 6, 1993  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** August 29, 1995  
**Registration Number** 2051081  
**Registration Date** April 8, 1997  
**Owner** (REGISTRANT) KURTZ BROS., INC. CORPORATION OHIO 6415 GRANGER ROAD CLEVELAND OHIO 441311413  
**Attorney of Record** SANDRA M KOENIG  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLEND" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060916.  
**Renewal** 1ST RENEWAL 20060916  
**Live/Dead Indicator** LIVE

[TESS Home](#)
[New User](#)
[Structured](#)
[Free Form](#)
[Browse Doc](#)
[SEARCH OC](#)
[Top](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[First Doc](#)  
[PREV Doc](#)
[NEXT Doc](#)
[Last Doc](#)

[[HOME](#)] [[SITE INDEX](#)] [[SEARCH](#)] [[eBUSINESS](#)] [[HELP](#)] [[PRIVACY POLICY](#)]



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eSiz alerts | News | Help

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#) | [Prev List](#) | [CURR LIST](#) | [Next List](#)  
[First Doc](#) | [Prev Doc](#) | [Next Doc](#) | [Last Doc](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 3 out of 5**

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

**Word Mark**                    **EARTH PERFECT**  
**Goods and Services**        IC 001, US 001 005 006 010 026 046, G & S: compost. FIRST USE: 19931002. FIRST USE IN COMMERCE: 19940831  
**Mark Drawing Code**        (1) TYPED DRAWING  
**Serial Number**                74586209  
**Filing Date**                    October 17, 1994  
**Current Filing Basis**        1A  
**Original Filing Basis**        1A  
**Published for Opposition**    August 15, 1995  
**Registration Number**        1932992  
**Registration Date**            November 7, 1995  
**Owner**                            (REGISTRANT) Earth Perfect, Inc. CORPORATION TEXAS 1101 West Morton Street Denison TEXAS 75020  
**Attorney of Record**        PHILANA S. HANDLER  
**Type of Mark**                    TRADEMARK  
**Register**                        PRINCIPAL  
**Affidavit Text**                SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20051220.  
**Renewal**                         1ST RENEWAL 20051220  
**Live/Dead Indicator**        LIVE

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#) | [Prev List](#) | [CURR LIST](#) | [Next List](#)  
[First Doc](#) | [Prev Doc](#) | [Next Doc](#) | [Last Doc](#)

[ HOME ] [ SITE INDEX ] [ SEARCH ] [ eBUSINESS ] [ HELP ] [ PRIVACY POLICY ]





United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Bottom](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

**Word Mark**           MAGIC EARTH  
**Goods and Services**   IC 001. US 001 005 006 010 026 046. G & S: gardening mixture comprised of soil nutrients and organic matter for household and home gardening use. FIRST USE: 19911215. FIRST USE IN COMMERCE: 19911215  
**Mark Drawing Code**   (1) TYPED DRAWING  
**Serial Number**       74217687  
**Filing Date**         October 1, 1991  
**Current Filing Basis**   1A  
**Original Filing Basis**   1B  
**Published for Opposition**   August 4, 1992  
**Change In Registration**   CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number**     1821942  
**Registration Date**   February 15, 1994  
**Owner**                (REGISTRANT) LOBLAWS INC. CORPORATION CANADA 22 St. Clair Avenue Toronto, Ontario M4T 2S7 CANADA  
**Attorney of Record**     PAUL F. KILMER  
**Type of Mark**         TRADEMARK  
**Register**             PRINCIPAL  
**Affidavit Text**       SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050517.  
**Renewal**             1ST RENEWAL 20050517  
**Live/Dead Indicator**   LIVE

[TESS Home](#) | [New User](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)





United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 15 04:03:27 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH Q&A](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*( Use the "Back" button of the Internet**Browser to return to TESS)***Typed Drawing**

<b>Word Mark</b>	CLEAN EARTH
<b>Goods and Services</b>	IC 001. US 001 006. G & S: remediated soils for use as cover material for landfills, mine reclamation, earth works, and erosion control; remediated soils for use as construction materials for road base fill, asphalt mix, concrete mix and brick making. FIRST USE: 19910909. FIRST USE IN COMMERCE: 19910909
	IC 040. US 106. G & S: remediation of hydrocarbon soils, including sand and gravel. FIRST USE: 19910909. FIRST USE IN COMMERCE: 19910909
	IC 042. US 100. G & S: consulting services relating to contaminated soils. FIRST USE: 19910909. FIRST USE IN COMMERCE: 19910909
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74042514
<b>Filing Date</b>	March 26, 1990
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 12, 1992
<b>Registration Number</b>	<b>1740437</b>
<b>Registration Date</b>	December 15, 1992
<b>Owner</b>	(REGISTRANT) Clean Earth, Inc. CORPORATION PENNSYLVANIA 1604 N. Second St. Harrisburg PENNSYLVANIA 17102
	(LAST LISTED OWNER) U.S. PLASTIC LUMBER IP CORPORATION CORPORATION BY ASSIGNMENT DELAWARE 103 Foulk Road, Suite 200 Wilmington DELAWARE 19803
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	DAVID M. PERRY
<b>Type of Mark Register</b>	TRADEMARK. SERVICE MARK PRINCIPAL

**Affidavit Text**    SECT 8 (6-YR). SECTION 8(10-YR) 20020308.  
**Renewal**            1ST RENEWAL 20020308  
**Live/Dead  
Indicator**            LIVE

---

[TESS Home](#) | [New Uses](#) | [Structured](#) | [Free Form](#) | [Browser Dict](#) | [SEARCH OG](#) | [Top](#) | [HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)