

ESTTA Tracking number: **ESTTA655629**

Filing date: **02/12/2015**

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

|                        |                                                                                                                               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Proceeding             | 77820105                                                                                                                      |
| Applicant              | Ripples Group Limited                                                                                                         |
| Applied for Mark       | ULTRA CASE                                                                                                                    |
| Correspondence Address | SERGEI OREL<br>MISKIN & TSUI-YIP LLP<br>1350 BROADWAY , STE 802<br>NEW YORK, NY 10018<br>UNITED STATES<br>sergie@mt-iplaw.com |
| Submission             | Exhibits to Applicant's Brief                                                                                                 |
| Attachments            | Exhibits 1-copy.compressed.pdf(3247757 bytes )                                                                                |
| Filer's Name           | Sergei Orel                                                                                                                   |
| Filer's e-mail         | sergeiorel@yahoo.com                                                                                                          |
| Signature              | /Sergei Orel/                                                                                                                 |
| Date                   | 02/12/2015                                                                                                                    |

ESTTA Tracking number: **ESTTA437784**

Filing date: **10/26/2011**

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

|                        |                                                                                                                                                                                 |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding             | 77820105                                                                                                                                                                        |
| Applicant              | Ripples Group Limited                                                                                                                                                           |
| Applied for Mark       | ULTRA CASE                                                                                                                                                                      |
| Correspondence Address | SERGEI OREL<br>LAW OFFICE OF SERGEI OREL LLC<br>7000 J F KENNEDY BOULEVARD EAST, SUITE M 21D LOWER LEVEL MALL<br>GUTTENBERG, NJ 07093<br>UNITED STATES<br>sorel@sergei-orel.com |
| Submission             | Exhibits to Applicant's Brief                                                                                                                                                   |
| Attachments            | Exhibits for Appeal.pdf ( 30 pages )(10730774 bytes )                                                                                                                           |
| Filer's Name           | Sergei Orel                                                                                                                                                                     |
| Filer's e-mail         | sorel@sergei-orel.com                                                                                                                                                           |
| Signature              | /Sergei Orel/                                                                                                                                                                   |
| Date                   | 10/26/2011                                                                                                                                                                      |

# EXHIBIT A

App. No. 78/318898  
Mark: ULTRACASE  
Class: 009  
Examiner: Vivian Micznik First  
Law Office 114

EXHIBIT 1

*Substitute Specimen*



# EXHIBIT B

Celebrate to

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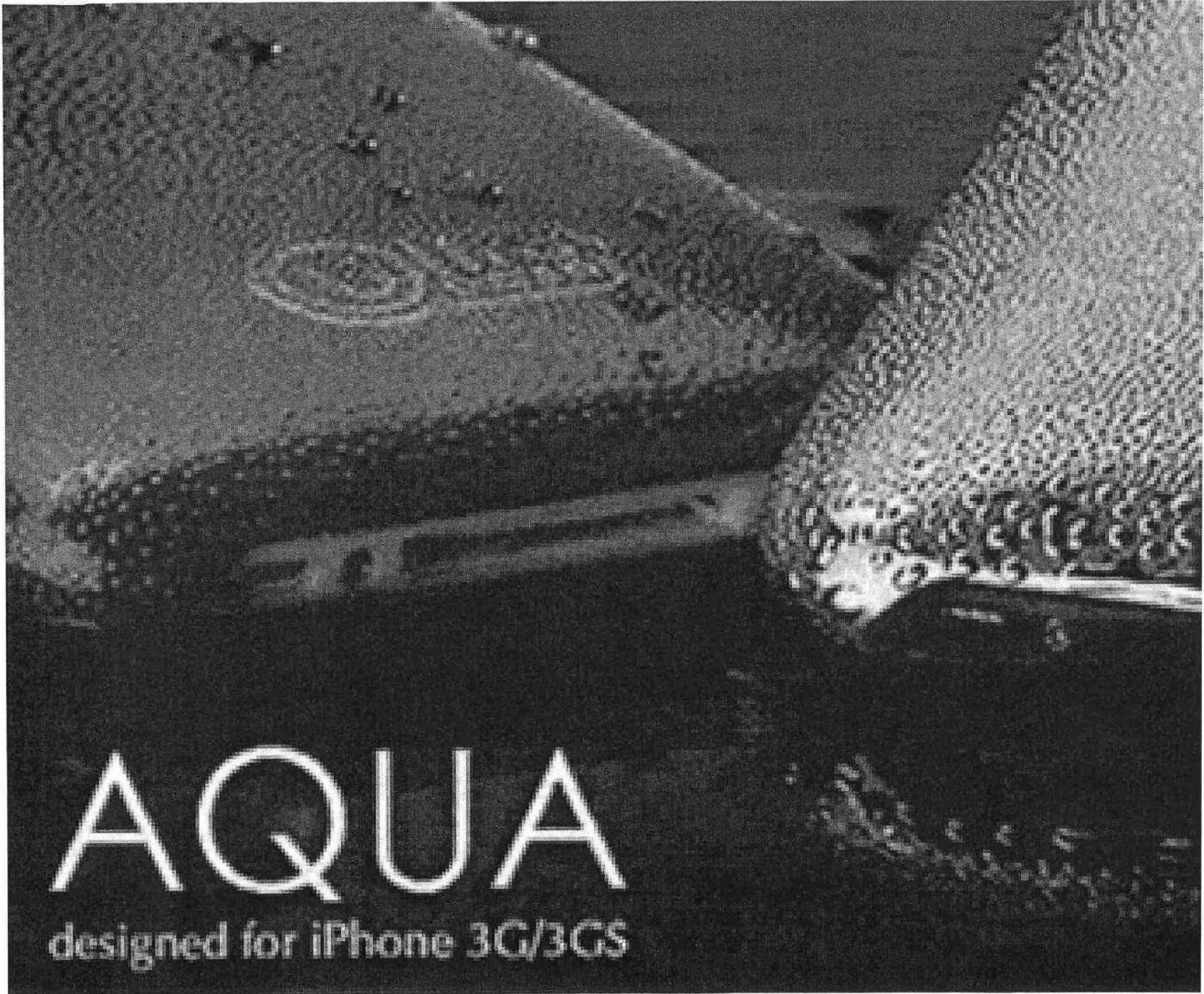
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iPod is a trademark of Apple Inc., registered in the U.S. and other countries. iPhone is a trademark of Apple Inc.





# AQUA

designed for iPhone 3G/3GS





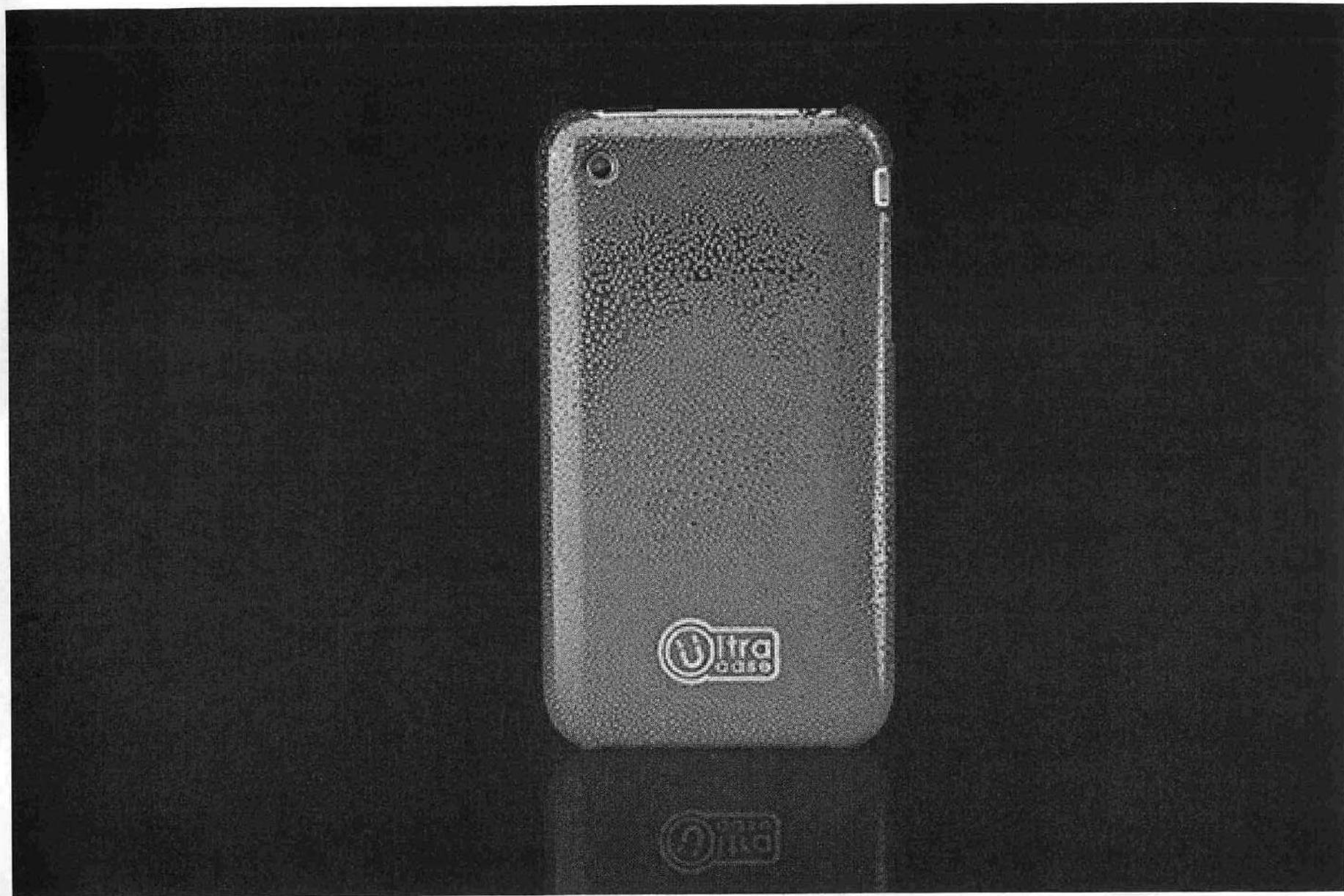
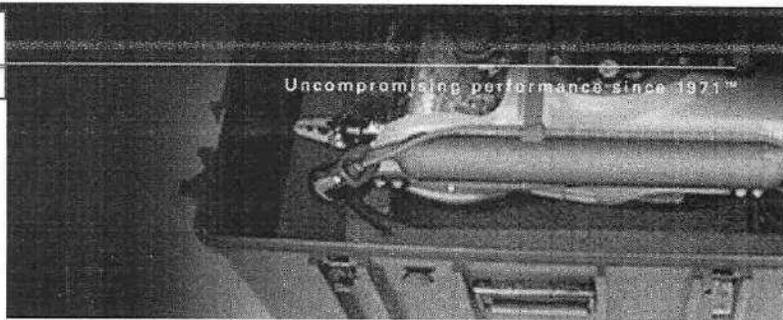




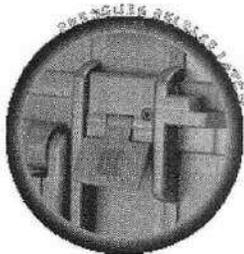
EXHIBIT C



- Home
- Lights
- Cases
- Dry Box
- UltraBox™
- Transit™ Case
- UltraCase®
- Loadout™ Case
- Case Comparison Chart
- Knives, Helmet Clips, Hangers, Accessories
- Custom Programs
- UK Technology
- Service Center
- Dealer Locator
- International Distributors
- About
- BLOG

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English



Ultra Cases™ feature pressure release latches for easy opening and secure storage >

## ULTRACASE®



**613**  
**UltraCase®**

The 613 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



**416**  
**UltraCase®**

The 416 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



**716**  
**UltraCase®**

The 716 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



**916**  
**UltraCase®**

The 916 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



**518**  
**UltraCase®**

The 518 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

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**718**  
**UltraCase®**

The 718 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

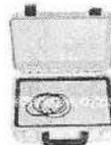
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### 821 UltraCase®

The 821 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



### UltraCase® with Panel Rings

Tough, injection molded, o-ring sealed carrying case which protects contents from dust and water with instrument panel mounting rings.

[MORE INFO](#)

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**EXHIBIT D**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,199,331**

Registered Jan. 16, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**ULTRACASE**

UNDERWATER KINETICS (CALIFORNIA LIMITED PARTNERSHIP)  
13400 DANIELSON STREET  
POWAY, CA 92064

FIRST USE 11-11-2005; IN COMMERCE 11-11-2005.

SN 78-318,898, FILED 10-27-2003.

FOR: WATERPROOF, ALL-ENVIRONMENT CARRYING AND TRANSIT CASES FOR ELECTRONIC AND FIELD INSTRUMENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 2,980,999**

**United States Patent and Trademark Office**

**Registered Aug. 2, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**ULTRA**

SERIOUS MAGIC, INC. (CALIFORNIA CORPORATION)  
2870-B GOLD TAILINGS CT.  
RANCHO CORDOVA, CA 95670

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: COMPUTER SOFTWARE, NAMELY CHROMA KEYING AND VIRTUAL SETS SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-386,539, FILED 3-18-2004.

FIRST USE 12-7-2003; IN COMMERCE 12-7-2003.

STANLEY I. OSBORNE, EXAMINING ATTORNEY

Int. Cls.: 8 and 9

Prior U.S. Cls.: 21, 23, 26, 28, 36, 38 and 44

Reg. No. 3,310,425

United States Patent and Trademark Office

Registered Oct. 16, 2007

TRADEMARK  
PRINCIPAL REGISTER

**ULTRA**

SYSTEMAX, INC. (DELAWARE CORPORATION)  
11 HARBOR PARK DRIVE  
PORT WASHINGTON, NY 11050

FOR: COMPUTER REPAIR TOOL KITS CONSISTING OF PLIERS, SCREWDRIVERS, WRENCHES AND TWEEZERS, AND HAND-OPERATED COMPUTER SOCKET SETS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

FOR: ANTI-STATIC MATS FOR COMPUTERS; ROUTERS FOR WIRELESS COMMUNICATIONS; COMPUTER CARRYING CASES; DESKTOP COMPUTERS; COMPUTER KEYBOARDS; COMPUTER MONITORS; HEADPHONES; LAPTOP COMPUTER MOUSE; PLASMA TELEVISION SETS; POWER SUPPLIES; COMPUTER ENCLOSURES; COMPUTER HEADPHONES; VGA SPLITTER/EXTENDERS; DIGITAL CAMERAS; WIRELESS COMPUTER KEYBOARDS AND WIRELESS MOUSE; VOLTAGE

SURGE SUPPRESSORS; USB PORT REPLICATORS; COMPUTER NETWORK HUBS; INTERNAL COMPUTER FANS/COOLERS; COMPUTER CATHODE LIGHT KITS CONSISTING OF LIGHTS AND SWITCHES; COMPUTER DATA STORAGE DEVICES, NAMELY PORTABLE HARD DRIVES; HARD DRIVE ENCLOSURES; INTERNAL COMPUTER LIGHT AND COOLING FAN KITS CONSISTING OF LIGHTS AND FANS; SMART CARD READERS; COMPUTER FLASH DRIVES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-978,267, FILED 7-30-2004.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

Int. Cls.: 9, 16, 20, 35, 36, 37, 38, 39, 40, 41, 42 and 43

Prior U.S. Cls.: 2, 5, 13, 21, 22, 23, 25, 26, 29, 32, 36,  
37, 38, 50, 100, 101, 102, 103, 104, 105, 106 and 107

Reg. No. 3,122,296

United States Patent and Trademark Office

Registered Aug. 1, 2006

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



ULTRA D.O.O. PROIZVODNJA ELEKTRONSKIH  
NAPRAV (SLOVENIA CORPORATION)  
CESTA OTONA ZUPANCICA 23A  
ZAGORJE OB SAVI, SLOVENIA 1410

FOR: SCIENTIFIC, NAUTICAL, SURVEYING, MEASURING, SIGNALING, CONTROLLING LIFE-SAVING, AND TEACHING APPARATUS AND INSTRUMENTS, NAMELY, VEHICLE SURVEYING DEVICES, ELECTRICITY METERS, HUMIDITY METERS, OIL AND GAS MEASURING PROBES, AUTOMATIC TANK GAUGES; AUTOMATIC VENDING MACHINES AND MECHANISMS THEREFOR; CASH REGISTERS, CALCULATING MACHINES; FIRE-EXTINGUISHING APPARATUS, NAMELY, FIRE EXTINGUISHERS; ELECTRICITY MEASURING DEVICES, NAMELY, ELECTRICITY METERS OR ELECTRICITY METER READERS; PAYING DEVICES, NAMELY, PAYING TERMINALS (POS, VENDING TERMINALS); IDENTIFICATION SYSTEMS COMPRISED OF RADIO FREQUENCY CARDS TAGS AND READERS; COMPUTER SOFTWARE FOR COMPLETE SUPPLY CHAIN MANAGEMENT IN OIL COMPANIES, REMOTE MONITORING OF FUEL LEVELS, ORDER AND TRANSPORTATION MANAGEMENT, AUTOMATIC STOCK REPLENISHMENT, FOR MONITORING AND CONTROLLING REMOTE LOCATIONS, INCLUDING SOFTWARE FOR GEOGRAPHICAL REPRESENTATION OF REMOTE LOCATION AND DATA, FOR FLEET MANAGEMENT, INCLUDING LOCATING VEHICLES, OPTIMIZING ROUTES, MANAGING COSTS, MANAGING DRIVERS, OPTIMIZING VEHICLE DEPLOYMENT, AND FOR MANAGING PAYMENTS AND ENABLING PAYMENT TRANSACTIONS; AND PRINTED INSTRUCTIONS AND USERS' MANUALS SOLD IN CONNECTION THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PHOTOGRAPHS; STATIONARY; ADHESIVES FOR STATIONARY OR HOUSEHOLD PUR-

POSES; TYPEWRITERS AND OFFICE REQUISITES, NAMELY, DESK CALENDARS, DESK STANDS AND HOLDERS FOR PENS, PENCILS, AND INK; PLASTIC MATERIAL, NAMELY, PLASTIC BAGS OR PLASTIC BUBBLE PACKS FOR PACKAGING; PRINTERS' TYPE; PRINTING BLOCKS; BOOKS ON THE SUBJECTS OF PAYMENT SYSTEMS, BANKING, PROJECT MANAGEMENT, FLEET CONTROL MANAGEMENT AND SUPPLY CHAIN MANAGEMENT, INFORMATION SYSTEMS, AND ON PROVIDING SERVICES RELATING TO THE SAME; MAGAZINES ON THE SUBJECT OF PAYMENT SYSTEMS, BANKING, PROJECT MANAGEMENT, FLEET CONTROL MANAGEMENT AND SUPPLY CHAIN MANAGEMENT, INFORMATION SYSTEMS, AND ON PROVIDING SERVICES RELATING TO THE SAME; PRINTED FORMS, MANUALS AND OPERATION INSTRUCTIONS FOR USE WITH PERSONAL COMPUTERS USERS MANUALS AND WITH INSTRUCTIONS; PRINTED BROCHURES AND FLYERS WITH MAINTENANCE ADVICE AND CONTAINING SPECIFICATIONS OF THE ELECTRONIC DATA BASE AND THE USE THEREOF, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: FURNITURE FOR PETROL SERVICE STATIONS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FOR: ADVERTISING SERVICES, NAMELY, PROVIDING TELEVISION ADVERTISING FOR OTHERS, ELECTRONIC BILLBOARD ADVERTISING, DISSEMINATION OF ADVERTISING MATTER; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION, NAMELY, ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS, ADMINISTRATION OF VEHICLE DEPLOYMENT FOR OTHERS; ADVISORY SERVICES, NAMELY, CONSULTING SERVICES FOR ADVERTISING AND MARKETING; ARRANGING AND CONDUCTING TRADE-EXHIBITIONS AND TRADE-FAIRS FOR COMMERCIAL

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 3,310,244**

**United States Patent and Trademark Office**

**Registered Oct. 16, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**ULTRA**

**SYSTEMAX, INC. (DELAWARE CORPORATION)  
11 HARBOR PARK DRIVE  
PORT WASHINGTON, NY 11050**

**FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.**

**FOR: RETRACTABLE COMPUTER CABLES; DIGITAL CAMERA BATTERIES; CAMERA BATTERY RECHARGERS; NOTEBOOK COMPUTER BATTERIES; COMPUTER CABLES; AUDIO GAMING SPEAKERS; SURROUND SOUND SYSTEMS CONSISTING OF AMPLIFIERS AND SPEAKERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.**

**SER. NO. 76-604,917, FILED 7-30-2004.**

**VIVIAN MICZNIK FIRST. EXAMINING ATTORNEY**









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[Ultra Cases™ feature pressure release latches for easy opening and secure storage >](#)

## ULTRACASE®



**613**  
**UltraCase®**

The 613 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

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**416**  
**UltraCase®**

The 416 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



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The 716 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



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[MORE INFO](#)



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**718**  
**UltraCase®**

The 718 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



### **821 UltraCase®**

The 821 UltraCase® is a tough, injection molded, o-ring sealed carrying case which protects contents from dust and water.

[MORE INFO](#)



### **UltraCase® with Panel Rings**

Tough, injection molded, o-ring sealed carrying case which protects contents from dust and water with instrument panel mounting rings.

[MORE INFO](#)



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\*\*of Response to Office Action ONLY.\*\*

Examining Attorney: FIRST, VIVIAN MICZNIK  
Serial Number: 78/318898



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re application of*

Applicant: Underwater Kinetics  
Trademark: ULTRACASE  
Serial No.: 78/318898  
Filing Date: October 27, 2003  
Class: 009

Vivian Micznik First  
Trademark Attorney  
Law Office 114

**RESPONSE TO OFFICE ACTION**

Response Filing Date: November 3, 2006

Our Reference: 50300120-7

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451



11-07-2006

U.S. Patent & TM Office Mail Rept DL #72

This is in timely reply to the office action issued on May 19, 2006. The application has been refused on the basis that the specimen submitted with the Statement of Use in Class 9 is unacceptable. Applicant submits the following remarks without prejudice.

**REMARKS**

On March 24, 2006, Applicant submitted a Statement of Use with a specimen as evidence of use of the mark in the form of an Internet website printout displaying the mark, a photograph of the goods, and a description of the goods. The Examining Attorney has refused such specimen on the basis that it does not include information or an Internet link providing the means for a consumer to purchase the goods. Specifically, the Examiner states, "The specimen submitted does not show proper trademark use because the mark as it appears in the catalog or website display does not include the necessary ordering information or link to ordering

App. No. 78/318898  
Mark: ULTRACASE  
Class: 009  
Examiner: Vivian Micznik First  
Law Office 114

information.” (See Office Action dated May 19, 2006, Page 1.) The Examining Attorney has required Applicant to submit a substitute specimen and supporting declaration under 37 C.F.R. §2.20.

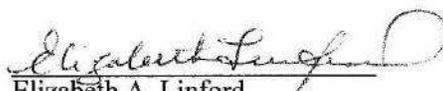
In compliance with the foregoing requirement and attached hereto as Exhibit 1, Applicant submits a substitute specimen in the form of a product label, which is applied to the goods in the ordinary course of business. The attached substitute specimen was in use in commerce by Applicant at least as early as the filing date of the Statement of Use. Applicant submits as Exhibit 2, a copy of Applicant’s Declaration in accordance with 37 C.F.R. §2.20 to support and verify the foregoing statement.

**CONCLUSION**

Applicant has addressed all outstanding issues and provided sufficient information to comply with all outstanding informalities. Accordingly, Applicant respectfully requests that the refusal be withdrawn and the application be approved for registration. Should the Examiner have any questions regarding this response, the Examining Attorney is encouraged to telephone the undersigned attorney at 323-934-2300.

|                                                                                                                                                                              |                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>CERTIFICATE OF MAILING</b>                                                                                                                                                |                                       |
| I hereby certify that this correspondence is being deposited with the United States Postal Services with sufficient postage as First-class mail in an envelope addressed to: |                                       |
| Commissioner for Trademarks<br>P.O. Box 1451<br>Alexandria, Virginia 22313-1451                                                                                              |                                       |
| On                                                                                                                                                                           | <u>Nov 5, 2006</u><br>Date            |
|                                                                                                                                                                              | <u>Elizabeth Linford</u><br>Signature |
| ELIZABETH A. LINFORD<br><hr/> (Typed or Printed Name of Person Signing Certificate)                                                                                          |                                       |

Respectfully submitted,

  
Elizabeth A. Linford  
Attorney for Applicant  
LADAS & PARRY LLP  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, CA 90036  
Tel.: 323-934-2300  
Fax: 323-934-0202

App. No. 78/318898  
Mark: ULTRACASE  
Class: 009  
Examiner: Vivian Micznik First  
Law Office 114

EXHIBIT 1

*Substitute Specimen*



**UltraCase™**

*All Environment Protection*

[www.ukinternational.com](http://www.ukinternational.com)

App. No. 78/318898  
Mark: ULTRACASE  
Class: 009  
Examiner: Vivian Micznik First  
Law Office 114

**EXHIBIT 2**

*Declaration in Support of Substitute Specimen  
Under 37 C.F.R. §2.20*

**DECLARATION**

IN THE MATTER OF:

Application No. 78/318898  
Trademark: **ULTRACASE** in Class 9  
in the name of  
**Underwater Kinetics**  
a California Limited Partnership

I, Alan Uke, hereby declare that I am  
General Partner [enter position] of Underwater Kinetics, the  
applicant of the above-referenced trademark, and that I am authorized to execute  
this Declaration on its behalf.

I declare that the attached specimen demonstrating use of the mark in  
Class 9 was in use in commerce prior to the expiration of the time allowed to  
Applicant for filing a Statement of Use.

I declare that the attached specimen demonstrating use of the mark in  
Class 10 was in use in commerce prior to the expiration of the time allowed to  
Applicant for filing a Statement of Use.

The undersigned, being hereby warned that willful false statements and  
the like so made are punishable by fine or imprisonment, or both, under 18  
U.S.C. 1001, and that such willful false statements may jeopardize the validity of  
the application or any resulting registration, declares that the facts set forth in this  
declaration are true; all statements made of his/her own knowledge are true; and  
all statements made on information and belief are believed to be true.



(Signature)

Alan Uke General Partner

(Print or Type Name and Position)

10/19/2006

(Date)