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

|                        |                      |
|------------------------|----------------------|
| Application Serial No. | 79137363             |
| Applicant              | TESCO STORES LIMITED |

## Notice of Appeal

Notice is hereby given that TESCO STORES LIMITED appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79137363.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 009. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, supervision, life-saving and teaching apparatus and instruments, namely, cameras, sonar equipment, optical frames, optical glasses, surveying instruments, cinematographic projectors, photographic projectors, weighing balances; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrical controllers, electric control panels, electronicspeed controllers, electricity conduits, electric switches; apparatus for recording, transmission or reproduction of sound or images; pre-recorded magnetic data carriers featuring fashion; pre-recorded recording discs featuring music and spoken word; automatic vending machines and mechanisms for coin operated apparatus; cash registers; calculating machines, data processing equipment and computers; fire-extinguishing apparatus; recorded media, namely, computer software on recorded media for use in electronic storage of data in the field of fashion, computer hardware and firmware, namely, for use in electronic storage of data in the field of fashion; computer software for use in electronic storage of data in the field of fashion; software downloadable from the Internet for use as a spreadsheet in the field of fashion; downloadable electronic publications, namely, magazines, brochures and catalogues in the field of fashion; compact discs featuring audio recordings in the field of fashion; digital music, downloadable from the Internet; telecommunications apparatus, namely, telecommunications cables, exchangers and switches; computer game equipment adapted for use with an external display screen or monitor, namely, computer joysticks and computer game discs; mouse mats; mobile phone accessories, namely, cases for mobile phones, keyboards for mobile phones, armbands specially adapted for mobile phones, headsets for mobile phones, mobile phone straps; contact lenses, spectacles and sunglasses; clothing for protection against injury, accident, irradiation or fire; furniture adapted for laboratory use; digital thermometers; batteries; household electrical apparatus, namely, distribution boxes for electrical power, electrical controllers; smoke detectors and smoke alarms; electrically operated lighters in the nature of light switches, light dimmers; plastic guards for covering electric wall sockets; magnets; fire blankets and extinguishers
- Class 014. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Watches; jewelry and costume jewelry; articles made of precious and semi-precious stones and alloys, namely, hat ornaments, shoe ornaments, tie pins, tie clips, necklaces, cufflinks, rings, bracelets, ear rings
- Class 018. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Leather and imitations of leather, and goods made of these materials, namely, leather key cases, hat boxes of leather; suitcases, athletic bags, beach bags, shopping bags, duffle bags, tote bags, clutch bags; attaché cases, haversacks, hatboxes for travel not of paper or cardboard; briefcases, belts for leather handbags, namely, handbag straps of leather, straps for carrying cases, key cases, leather laces, music cases, namely, document cases; wallets and purses, satchels; wheeled shopping bags; trunks; animal and hunter's game bags; harnesses, collars for animals, leads for animals and muzzles; artificial fur and articles made from fur, namely, fur pelts; umbrellas; parasols; walking sticks

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are appealed, namely: Retail services in the nature of retail store services and online retail electronic store services all featuring paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, mordents, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, emulsions, dyes, enamels, painters' colors, dyes, japan, paint and varnish driers, wood preservatives, wood stains, anti-corrosive and anti-fouling compositions, anti-corrosive oils, preservatives against rust, shoe dyes, leather stains, wallpaper removing preparations, food colorants and food dyes, ink toners for photocopiers, printing inks, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, deodorants for personal use, waxing substances and preparations, non-medicated toiletries, cosmetic preparations' skin care preparations, non-medicated preparations for the application of conditioning and care of hair, scalp, skin and nails, make-up preparations, antiperspirants, perfumes, body sprays and eau de Cologne, potpourri, face and body masks, face and body scrubs, facial washes, skin cleansers and hydrators, skin-toners, skin moisturizers, depilatory preparations, toiletries, shampoos, sun-tanning preparations, after-shave lotions, shaving preparations, bath salts, beauty masks, bleaching preparations for cosmetic purposes, pumice stone, cotton wool and sticks for cosmetic purposes, non-medicated talcum powder for toilet purposes, emery, false eyelashes, false nails, nail care preparations, nail varnish, colorants, dyes, lotions, waving, styling preparations and spray for hair, incense, tissues impregnated with cosmetic lotions, cosmetic wipes, cosmetic preparations for slimming purposes, cosmetic preparations for the care of babies' and infants' bodies, paint stripping preparations, sandpaper, shoe polish and wax, toothpastes, potpourri, incense cones, incense spray, incense sachets, incense sticks, essential oils for use in air fresheners, industrial oils and greases, motor oils, fuels, lubricants, fire lighters, candles, wicks, tapers, night lights, illuminators, dust absorbing, wetting and binding compositions, charcoal, coke, coal, wood for burning, briquettes, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic substances adapted for medical use in the nature of dietetic foods and beverages, food for babies, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, foods and beverages which are adapted for medical purposes, air deodorizing preparations, adhesive for dentures, analgesics, antiseptics, medicated bath preparations and salts, medicated massage oils, contact lens cleaning preparations and solutions, medicated confectionery, corn remedies in the nature of pads, plasters and creams, chemical preparations for the prediction of ovulation and diagnosis of pregnancy, eye washes, filled first-aid boxes, herb teas and infusions for medical purposes, napkins and pants for incontinence, medicinal infusions, tissues impregnated with pharmaceutical lotions, sanitary preparations, menstruation pads and tampons, medical preparations for slimming purposes, sunburn ointment and preparations for pharmaceutical purposes, contraceptive preparations, vitamins, vitamin preparations, nutritional supplements, patches incorporating a pharmaceutical preparation, animal washes, anti-parasitic preparations and collars for animals, insecticides, air freshening and purifying preparations, air fresheners, air freshening preparations, air purifying preparations, room air fresheners, fragrant preparations contained in ceramic diffusers for deodorizing the air, deodorants, preparations for neutralizing odors, parasiticides, insect repellents, fungicides, first aid kits, common metals and their alloys, metal building materials, transportable buildings of metal, materials' of metal for railway tracks, non-electric cables and wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, safes, goods of common metal, ores, unwrought and partly wrought common metals, metallic windows and doors, metallic framed conservatories, door and window furnishings made of metal or made wholly or substantially of metal, door knockers, metal gates, gravestones of metal, climbing iron, metal number plates, spurs, metal stirrups, tent pegs of metal, nuts, bolts, screws, barrels, nails, locks, keys, metal letter boxes, ladders of metal, shelving, greenhouses, cloches, portable sheds and frames all being of metal or wholly or substantially of metal, bins, boxes, articles for use as plumbing fittings, materials' for use in plumbing, metallic foil, chains for animals, animal traps, cutlery, razors and razor blades, pen knives, palette knives, hand operated hand tools and implements, vegetable shredders and slicers, non-electric can openers, irons, cuticle tweezers and nippers, depilation appliances, electric and non-electric, hair-removing tweezers, beard clippers, crimping irons, curling tongs, pedicure sets, nail files, needle-threaders, scissors, harpoons for fishing, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, supervision, life-saving and teaching apparatus and instruments in the nature of cameras, sonar equipment, optical frames, optical glasses, surveying instruments, cinematographic projectors, photographic projectors, weighing balances, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity in the nature of, electrical controllers, electric control panels, electronic speed controllers, electricity conduits, electric switches, apparatus for recording, transmission or reproduction of sound or images, prerecorded and blank magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin operated apparatus, cash registers, calculating machines, data pro-

cessing equipment and computers, fire-extinguishing apparatus, recorded media in the nature of digital media, computer hardware and firmware in the nature of downloadable prerecorded software, computer software, prerecorded software downloadable from the Internet, downloadable electronic publications in the nature of books, magazines, brochures and magazines, compact discs, downloadable prerecorded digital music, telecommunications apparatus, computer games equipment adapted for use with an external display screen or monitor, mouse mats, mobile phone accessories, contact lenses, spectacles and sunglasses, clothing for protection against injury, accident, irradiation or fire, furniture adapted for laboratory use, digital thermometers, batteries, household electrical apparatus, smoke detectors and smoke alarms, electrically operated lighters, guards for electric sockets, magnets, fire blankets and extinguishers, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, air conditioning apparatus, electric kettles, gas and electric cookers, vehicle lights and vehicle air conditioning units, installations, equipment and apparatus for cooling, sanitizing, filtering, purifying, deodorizing, evaporating and sterilizing in the nature of kitchen appliances, general consumer merchandise, consumer electronics, coffee machines, bathroom installations and fittings, air conditioners for vehicles, lamp fittings for vehicles, aquaria apparatus, electric lights for Christmas trees, hair dryers, domestic fireplaces, torches, foot warmers, hot water bottles, ornamental fountains, electric blankets, ice boxes, freezers, ice making machines, water softeners, air conditioning units and humidifiers, vehicles, apparatus for locomotion by land, air or water, wheelchairs, motors and engines for land vehicles, vehicle body parts and transmissions, mopeds, scooters, motor cycles, bicycles, tires and wheels for vehicles and bicycles, perambulators, prams, pushchairs, baby carriages, wheelbarrows, trolleys, anti-theft alarms and devices for vehicles, vehicle safety restraint apparatus and equipment, child restraints, seat belts and harnesses, baby walkers, accessories for perambulators and baby carriages, chair lifts, boats, rubber dinghies, seat covers, windshields, luggage nets and luggage carriers, watches, jewelry and costume jewelry, articles made of precious and semi-precious stones and alloys in the nature of general consumer merchandise, paper, cardboard and goods made from these materials in the nature of stationery, cards, general consumer merchandise, printed matter in the nature of books, magazines, brochures and catalogues, book binding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters, packaging materials, printers' type, printing blocks, disposable nappies of paper for babies, printed publications, paint boxes for children, cheque book holders; copying and recording paper, greeting cards, catalogues, cardboard, cardboard articles in the nature of boxes and packaging containers, periodical publications, namely, journal, books, magazines, newspapers, adhesive materials and tapes, office requisites, teaching materials, drawing and painting instruments and requisites, easels, modeling materials, paintings, posters, postcards, bookends, bubble packs for wrapping, chalk, blackboards, writing slates and tablets, erasing articles, fountain pens and nibs, paperweights, table linen of paper, bags for microwave cooking, paper replacement bags for vacuum cleaners, bags of paper or of plastic, plastic cling film, toilet paper, albums and almanacs, babies' diapers and napkin-pants, blinds of paper, terrestrial globes, tickets and timetables, paper tissues for removing makeup, paper towels, wrapping paper, printed plastic cards, printed cards, bank cards, cash cards, debit cards, credit cards, cheque cards, cheques, cheque books, address stamps and machines, paper place mats, paper coffee filters, calendars, writing instruments, leather and imitations of leather, and goods made of these materials in the nature of key cases and hat boxes, suitcases, bags, attaché cases, haversacks, hat boxes, briefcases, belts, handbags, key cases, leather laces, music cases, wallets and purses, satchels, wheeled shopping bags, trunks, game bags, harnesses, collars, leads and muzzles, fur and clothing and goods made from fur, umbrellas, parasols, walking sticks, furniture, mirrors, picture frames, drinking straws, works of art and ornaments made of wood, wax, bamboo, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, plaster and substitutes for all these materials or of plastics, sleeping bags, ladders, barrels, air mattresses, cushions and pillows, curtains, beds, bedding except linen, non-metallic bed fittings, display boards, cots and cradles, cushions, non-metallic door and window fittings, kennels for household pets, animal and pet carriers, slatted indoor blinds, coat hangers and coat hooks, non-metallic infant walkers, inflatable publicity objects in the nature of signs and banners, non-metallic jewellery cases, plastic key cards, non-metallic number plates, playpens for babies, household or kitchen utensils and containers, combs and sponges, brushes except paintbrushes, articles for cleaning purposes in the nature of all-purpose cleaning preparations, mops and brooms, glass, glassware, porcelain and earthenware, baby baths, portable baths, candlesticks, gloves for household purposes, non-electric whisks, blenders, presses, grinders, polishers, pressure cookers, mills for household purposes, shoe appliances, toothbrushes, presses and stretchers, vanity cases, watering devices in the nature of watering cans, non-metallic piggy banks, cash boxes, animal and pet cages, animal and pet litter trays and boxes, containers for household pets, animal and pet accessories, indoor terraria, textiles and textile goods, bed and table covers, plastic coverings for furniture, pillow or cushion covers, plastic or textile or net curtains, upholstery fabrics, woolen fabric, eiderdowns, clothing, footwear, headgear, lace and embroidery, ribbons

and braid, buttons, hooks and eyes, pins and needles, artificial flowers, hair ornaments, false hair, badges to wear, zip fasteners for bags, hat ornaments, hair bands, knitting needles, needle cases, pin cushions, sewing boxes and sewing needles, sewing thimbles, shoe fasteners, shoe laces, shoe ornaments, shoulder pads for clothing, tapes for curtain headings, trouser clips for cyclists, toupees, wigs, zippers, floor coverings, carpets, carpets for vehicles, bath mats, rugs, mats, matting, linoleum, wall hangings of non-textile materials, wallpaper, artificial turf, games and playthings in the nature of toys, playing cards, gymnastic and sporting articles, decorations for Christmas trees, children's toy bicycles, toys and dolls, artificial snow for Christmas marionettes, confetti, sports equipment, toy scooters, in-line skates and roller skates

Respectfully submitted,

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**David A. W. Wong**

**Barnes & Thornburg LLP**

**11 S. Meridian St**

**Indianapolis, IN 46204-3535**

**UNITED STATES**

**dwong@btlaw.com**

**3172361313**