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

Proceeding	85554445
Applicant	All-Ways Forwarding Int'l Inc.
Applied for Mark	ALL-WAYS
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Submission	Reply Brief
Attachments	ReplyBrief.pdf(26487 bytes) 3148671.pdf(33420 bytes) 3159349.pdf(14480 bytes) 3415280.pdf(17062 bytes) 3415286.pdf(29275 bytes) 3547463.pdf(37452 bytes) 3634334.pdf(22882 bytes) 3675665.pdf(17226 bytes) 3717248.pdf(912143 bytes) 3739794.pdf(574170 bytes) 3779029.pdf(543314 bytes) 3983173.pdf(26835 bytes) 4180138.pdf(96474 bytes) 4180139.pdf(1861800 bytes) 4213520.pdf(90334 bytes)
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Signature	/Dara L. Onofrio/
Date	09/05/2013

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

In re:)
)
Serial No. 85/554,445)
)
Applicant: ALL-WAYS FORWARDING)
 INT'L INC.)
)
Filed: February 28, 2012)
)
ALL-WAYS)
_____)

APPLICANT’S REPLY BRIEF

Applicant, All-Ways Forwarding Int’l Inc., is filing this Reply Brief in response to the Examining Attorney’s Appeal Brief dated August 18, 2013. This brief is being timely filed within 20 days.

This Reply Brief only addresses points raised in the Examining Attorney’s Appeal Brief.

OBJECTION TO UNTIMELY EVIDENCE

The Examiner has objected to Applicant’s list of fourteen third party registrations for marks containing the wording ALL-WAYS or ALL-WAYS for goods and services in assorted international classes, stating that the Board should disregard this evidence as untimely. Applicant respectfully disagrees and herein submits copies of these registrations with this response.

Examiner in her denial of Applicant’s request for reconsideration on April 14, 2013 stated the following

Applicant’s assorted freight and shipping-related services are related to the registrant’s broadly-identified “moving company services” because “moving company services” may

encompass storage, forwarding, transportation, warehousing and delivery services for others. See evidence attached to the final refusal dated September 28, 2012, and incorporated herein by reference; see also the attached evidence from the USPTO's X-Search database, consisting of a number of third-party marks registered for use in connection with the same or similar services as those of both applicant and registrant in this case. This evidence shows that the services listed therein, namely "moving company services" and air freight shipping services, freight transportation services, supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck, packing, storage and warehouse services and/or freight forwarding the goods of others, are of a kind that may emanate from a single source under a single mark. See *In re Anderson*, 101USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

The Examiner provided 20 pages of attachments in her denial supporting her position. Applicant's presentation of the fourteen third party registrations for marks containing the wording ALL-WAYS or ALL-WAYS is rebuttal evidence to refute the Examiner's position and should properly be considered by the Board.

SIMILARITY OF THE MARKS

The Examiner argues that the term ALL WAYS in the Registrant's mark should be given more weight in determining its overall impression, since the remaining words MOVING & STORAGE have been disclaimed.

Applicant disagrees and has argued that even though these terms are disclaimed they are still part of the mark which must be looked at in its entirety. Consumers are not aware that the Registrant has disclaimed the terms "moving and storage" and only recognize the Registrant's mark in its entirety as ALL WAYS MOVING & STORAGE.

Examiner further argues that both the Applicants mark ALL-WAYS and the Registrant's mark ALL WAYS MOVING & STORAGE "could" be pronounced that same. Applicant respectfully disagrees.

Applicant's mark contains a hyphen which changes the emphasis and pronunciation of the terms. Because of the hyphen the term is pronounced with two syllables. As previously stated in Applicant's Brief, this change in emphasis also changes the meaning of the term and suggests Applicant's services which are freight forwarding services "all" "ways" via ship, truck, rail and air.

In contrast, Registrant's mark is ALL WAYS MOVING & STORAGE. There is no hyphen between ALL and WAYS, thus the terms are pronounced as only one syllable, not two as in Applicants mark. When spoken these terms sound like "always."

Therefore, the Applicants mark and the Registrants mark are not pronounced that same and the Examiner's assertion that they "could" be pronounced the same is unsubstantiated.

SIMILARITY OF SERVICES

The Examiner states that the "evidence of record clearly establishes that the registrant's broadly-identified moving company services are related to the storage, forwarding, transportation, warehousing and delivery services in applicant's more narrow identification of services because moving company services encompass storage, forwarding transportation, warehousing and delivery services for others." She further provides evidence from three moving company websites describing their services.

This third party evidence does not support broadening the Registrants services which merely state they are for "moving company services." The Examiner has no basis to presume that the Registrants' moving company services would encompass the narrow identification of services recited in Applicant's application which are described as "Air freight shipping services; Airline and shipping services; Freight forwarding services; Freight loading services; Global transportation of freight for others by all available means; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Warehousing services, namely, storage, distribution, pick-up, packing, and shipping of gourmet food and spirits, fresh fruits and vegetables, garments, textiles and other general merchandise."

The Registrants mark is limited to the services described in the registration which is merely "moving company services." The service description cannot be expanded to

include additional services, especially if it was not the intention of the owner, which is apparent in the present case. If the Registrant had meant its services to cover anything other than “moving services” it would have, or should have been included in their description of services. Just because it may be so in the examples the Examiner presented doesn’t make it so in this case.

An ordinary person hearing the term “moving company services” would assume these services to be related to moving ones home or business, and not Applicants specialized freight forwarding services. In fact “moving company services” is not even recited in Applicant’s recitation of services.

As stated in Applicant’s Appeal Brief, Applicant has had a global presence for over three decades. Their services are highly specialized and directed to a class of consumers who need these specific services. The consumer that utilizes the Applicants services need a full service customs clearance and freight forwarding company that can deliver seamless freight forwarding logistic services. These services are not provided by the Registrant.

Applicant’s consumers also typically have special needs to ship, transport or distribute gourmet food, fresh fruit and vegetables, spirits, garments and textiles. Consumers of Applicant’s services look to them to provided import and customs clearance, export and international freight forwarding, air and ocean transport, online freight tracking, international cargo insurance, custom bonds. As one of the largest regional customs brokers in the New York metro area, Applicant has a large consumer base.

In contrast, Registrant’s consumers are believed to be typically either individuals or businesses that are relocating and seeking “moving services.” It is clear that the services between the companies are distinct and that the class of respective consumers is different.

CONCLUSION

WHEREFORE, Applicant respectfully requests that the Examiner's refusal of registration be reversed and that the registration be granted on the Principal Register.

Submitted on September 5, 2013

By: *Dara L. Onofrio*

Dara L. Onofrio
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Onofrio Law
24 West Main Street
Suite 329
Clinton, Connecticut 06413
(860) 552-0770

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,148,671

Registered Sep. 26, 2006

**SERVICE MARK
PRINCIPAL REGISTER**



**ALL WAY
REALTY, INC.**

GHAEENZADEH, MEHRAN (UNITED STATES
INDIVIDUAL)
1704 AURORA ROAD, #1
MELBOURNE, FL 32935

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "REALTY, INC.", APART FROM
THE MARK AS SHOWN.

FOR: REAL ESTATE AGENCIES; REAL ESTATE
BROKERAGE; REAL ESTATE CONSULTATION;
REAL ESTATE LISTING SERVICES, IN CLASS 36
(U.S. CLS. 100, 101 AND 102).

SER. NO. 78-745,092, FILED 11-2-2005.

FIRST USE 9-28-2005; IN COMMERCE 9-28-2005.

MICHAEL KEATING, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 3,159,349

United States Patent and Trademark Office

Registered Oct. 17, 2006

**TRADEMARK
PRINCIPAL REGISTER**

ALL WAYS PAYS

MIAMI TRIBE OF OKLAHOMA BUSINESS DE-
VELOPMENT AUTHORITY (UNITED STATES
FEDERAL TRIBAL CORPORATION)
3410 P STREET NW
MIAMI, OK 74355

FIRST USE 6-5-2006; IN COMMERCE 6-5-2006.

SN 76-518,727, FILED 5-12-2003.

FOR: GAMING MACHINES, INCLUDING BIN-
GO-RELATED GAMES AND SLOT MACHINES, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SCOTT BALDWIN, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

United States Patent and Trademark Office

Reg. No. 3,415,280

Registered Apr. 22, 2008

**TRADEMARK
PRINCIPAL REGISTER**

ALL-WAYS SQUARE

USAI, LLC (NEW YORK LTD LIAB CO)
1126 RIVER ROAD
NEW WINDSOR, NY 12553

FOR: LIGHTING FIXTURES, IN CLASS 11 (U.S.
CLS. 13, 21, 23, 31 AND 34).

FIRST USE 5-6-2007; IN COMMERCE 5-6-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SQUARE", APART FROM THE
MARK AS SHOWN.

SN 77-105,967, FILED 2-13-2007.

ZACHARY BELLO, EXAMINING ATTORNEY

Int. Cls.: 35, 40, and 42

Prior U.S. Cls.: 100, 101, 102, 103, and 106

Reg. No. 3,415,286

United States Patent and Trademark Office

Registered Apr. 22, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

ALL WAYS GRAPHICS

CRS/LAS INC. (NORTH CAROLINA CORPORATION)
102 SOUND VIEW DRIVE
HAMPSTEAD, NC 28443

FOR: BUSINESS MARKETING AND DIRECT MAIL CONSULTING SERVICES; COPYING OF DOCUMENTS; COPYING OF DOCUMENTS FOR OTHERS; DIRECT MAIL ADVERTISING; DOCUMENT COPYING TASKS; PHOTOCOPYING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-26-2007; IN COMMERCE 2-26-2007.

FOR: ELECTRONIC IMAGING, SCANNING, DIGITIZING, ALTERATION AND/OR RETOUCHING OF VISUAL MATERIAL; PRINTING, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 2-26-2007; IN COMMERCE 2-26-2007.

FOR: DESIGN OF HOMEPAGES AND WEBSITES; GRAPHIC DESIGN SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-26-2007; IN COMMERCE 2-26-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRAPHICS", APART FROM THE MARK AS SHOWN.

SN 77-108,976, FILED 2-16-2007.

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cls.: 9 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, and 107

Reg. No. 3,547,463

United States Patent and Trademark Office

Registered Dec. 16, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

ALLWAYS ZEN

ALL WAYS ZEN (TEXAS LIMITED LIABILITY COMPANY)
5000 BEE CAVES RD STE 210
AUSTIN, TX 78746

FOR: PRE-RECORDED CDS, AND DVDS FEATURING MIND-BODY-SPIRIT WELLNESS, NAMELY, TAI CHI, QIGONG, MARTIAL ARTS, NATURAL HEALING ARTS, YOGA, MEDITATION, METAPHYSICS, PHILOSOPHY, MIND-BODY SCIENCE, SELF HELP AND STRESS MANAGEMENT; ELECTRONIC PUBLICATIONS, NAMELY, BOOKS FEATURING MIND-BODY-SPIRIT WELLNESS, NAMELY, TAI CHI, QIGONG, MARTIAL ARTS, NATURAL HEALING ARTS, YOGA, MEDITATION, METAPHYSICS, PHILOSOPHY, MIND-BODY SCIENCE, SELF HELP AND STRESS MANAGEMENT, RECORDED ON COMPUTER MEDIA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-15-2007; IN COMMERCE 1-15-2007.

FOR: HEALTH AND FITNESS EDUCATIONAL SERVICES, NAMELY, CONDUCTING WORK-

SHOPS AND RETREATS IN THE FIELD OF MIND-BODY-SPIRIT WELLNESS, NAMELY, TAI CHI, QIGONG, MARTIAL ARTS, NATURAL HEALING ARTS, YOGA, MEDITATION, METAPHYSICS, PHILOSOPHY, MIND-BODY SCIENCE, SELF HELP AND STRESS MANAGEMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-15-2007; IN COMMERCE 1-15-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ZEN" , APART FROM THE MARK AS SHOWN.

SN 77-117,894, FILED 2-28-2007.

SCOTT BIBB, EXAMINING ATTORNEY

Int. Cls.: 35 and 37

Prior U.S. Cls.: 100, 101, 102, 103 and 106

Reg. No. 3,634,334

United States Patent and Trademark Office

Registered June 9, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

All-Ways Accessible

ALL-WAYS ACCESSIBLE, INC. (NEW HAMPSHIRE CORPORATION)
SUITE F
128 HALL STREET
CONCORD, NH 03301

FOR: RETAIL STORE SERVICES FEATURING ELEVATORS, LIFTS, DUMBWAITERS, TOILET RAISERS, GRAB BARS, AND WHEELCHAIR RAMPS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-1996; IN COMMERCE 4-30-1996.

FOR: INSTALLATION AND REPAIR OF ELEVATORS, LIFTS, DUMBWAITERS, TOILET RAISERS,

GRAB BARS, AND WHEELCHAIR RAMPS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-30-1996; IN COMMERCE 4-30-1996.

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

SER. NO. 77-562,953, FILED 9-5-2008.

SHAUNIA CARLYLE, EXAMINING ATTORNEY

Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

Reg. No. 3,675,665

United States Patent and Trademark Office

Registered Sep. 1, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

NISCAYAH SERVICE ALL-WAYS

NISCAYAH, INC. (DELAWARE CORPORATION)
BUILDING 1100, SUITE 500
2400 COMMERCE AVENUE
DULUTH, GA 30096

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

FOR: INSTALLATION, REPAIR, AND MAINTENANCE OF COMMERCIAL SECURITY SYSTEMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

SER. NO. 77-617,582, FILED 11-19-2008.

FIRST USE 7-1-2008; IN COMMERCE 7-1-2008.

GINA HAYES, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,717,248 DIRECCIÓN GENERAL DE RELACIONES ECONÓMICAS INTERNACIONALES (CHILE CORPORATION)
Registered Dec. 1, 2009 TEATINOS 180, PISO 12
SANTIAGO, CHILE

Int. Cls.: 9, 16, 35 and 41

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

FOR: APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; VIDEO RECORDINGS ON TRADE, BUSINESS, INVESTMENT, CULTURE AND TOURISM IN CHILE; MUSICAL SOUND RECORDINGS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRINTED MATTER FOR PUBLICITY AND PROMOTIONAL PURPOSES, NAMELY, PERIODICALS, BOOKS AND MAGAZINES, ALL FEATURING INFORMATION REGARDING CHILE; PUBLICATIONS, NAMELY, NEWSLETTERS, PAMPHLETS AND BROCHURES, ALL FEATURING INFORMATION REGARDING CHILE, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ADVERTISING AND PROMOTIONAL SERVICES FOR ALL TYPES OF GOODS AND SERVICES FROM CHILE; ADVICE FOR BUSINESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: ORGANIZATION OF EXHIBITIONS TO EDUCATE OTHERS ABOUT THE CULTURE, ECONOMY, GEOGRAPHY AND SOCIETY OF CHILE; PROVIDING INFORMATION ABOUT ENTERTAINMENT PERFORMANCES AND RECREATIONAL FACILITIES; ARRANGING AND CONDUCTING EDUCATIONAL CONFERENCES, COLLOQUIUMS AND CONGRESSES; ARRANGING AND CONDUCTING SEMINARS, WORKSHOPS AND SYMPOSIUMS FOR DEBATE, CULTURAL, EDUCATIONAL AND PROMOTIONAL PURPOSES IN THE FIELD OF CHILEAN TRAVEL AND BUSINESS DEVELOPMENT, AND THE GEOGRAPHY, CULTURE, ECONOMY AND SOCIETY OF CHILE, ALL FOR EDUCATIONAL PURPOSES; ELECTRONIC DESKTOP PUBLISHING FOR OTHERS; ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLICATION OF TEXT AND GRAPHIC WORKS OF OTHERS ON-LINE FEATURING CHILEAN CULTURAL, ECONOMIC, GEOGRAPHIC, AND SOCIAL INFORMATION; EDITORIAL CONSULTATION SERVICES; EDITORIAL REPORTING SERVICES; PUBLICATION OF BOOKS; PUBLICATION OF TEXTS IN GENERAL, AND ELECTRONIC BOOKS; AUDIO RECORDING AND PRODUCTION OF COMPACT DISCS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).



David J. Kyffers

Director of the United States Patent and Trademark Office

PRIORITY CLAIMED UNDER SEC. 44(D) ON CHILE APPLICATION NO. 749.352, FILED 10-26-2006, REG. NO. 793.017, DATED 7-25-2007, EXPIRES 7-25-2017.

Reg. No. 3,717,248 THE COLOR(S) BLUE, TAN, PURPLE, RED AND ORANGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

PRIORITY CLAIMED UNDER SEC. 44(D) ON CHILE APPLICATION NO. 749.351, FILED 10-26-2006, REG. NO. 787.282, DATED 5-15-2007, EXPIRES 5-15-2017.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHILE", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF BLUE IN THE WORD "CHILE", THE COLOR ORANGE IN THE WORDS "ALL WAYS SURPRISING" AND IN SOME STARS COMPRISING THE TOP HALF OF THE MARK, AND THE COLORS TAN, PURPLE AND RED IN SOME STARS COMPRISING THE TOP HALF OF THE MARK.

SER. NO. 77-125,955, FILED 3-8-2007.

DANIEL BRODY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

ALL WAYS IN TOUCH

Reg. No. 3,739,794 LINK-U COMMUNICATIONS LTD. (ISRAEL CORPORATION)
Registered Jan. 19, 2010 1 SAPIR STREET
HERZLIYA, ISRAEL 46852

Int. Cls.: 9 and 38 FOR: SUBSCRIBER IDENTITY MODULE (SIM) CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK SERVICE MARK FIRST USE 12-31-2008; IN COMMERCE 12-31-2008.
PRINCIPAL REGISTER FOR: TELECOMMUNICATIONS, NAMELY, ELECTRONIC, ELECTRIC AND DIGITAL DATA TRANSMISSION OF DATA; TELECOMMUNICATIONS SERVICES, NAMELY, TRANSMISSION OF VOICE, SOUND, DATA, IMAGES, AUDIO, VIDEO AND INFORMATION VIA A MOBILE TELEPHONE; TELECOMMUNICATION SERVICES, NAMELY, WIRELESS ROAMING SERVICES; MOBILE TELEPHONE COMMUNICATION SERVICES; TELECOMMUNICATION ACCESS SERVICES, NAMELY, VOICE OVER INTERNET PROTOCOL (VOIP) SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 12-31-2008; IN COMMERCE 12-31-2008.

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

SER. NO. 77-763,177, FILED 6-18-2009.

BRIAN NEVILLE, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ALLWAYS DOGZ

Reg. No. 3,779,029

Registered Apr. 20, 2010

Int. Cls.: 41 and 44

SERVICE MARK

PRINCIPAL REGISTER

ALLWAYS DOGZ LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
806 AVENIDA PICO
SUITE I-291
SAN CLEMENTE, CA 92673

FOR: EDUCATION SERVICES, NAMELY, CONDUCTING WORKSHOPS AND TRAINING ON ANIMAL FIRST-AID, CPR, PET NUTRITION, ANIMAL MASSAGE, ACUPRESSURE AND LASER TREATMENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-5-2008; IN COMMERCE 11-12-2008.

FOR: PROVIDING THERAPEUTIC SERVICES FOR ANIMALS, NAMELY, MASSAGE, ACUPRESSURE AND LASER TREATMENTS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 8-5-2008; IN COMMERCE 11-12-2008.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DOGS", APART FROM THE MARK AS SHOWN.

SN 77-613,650, FILED 11-13-2008.

LINDA MICKLEBURGH, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ALL WAYS GREEN

Reg. No. 3,983,173

Registered June 28, 2011

Int. Cl.: 1

TRADEMARK

PRINCIPAL REGISTER

OSTARA NUTRIENT RECOVERY TECHNOLOGIES INC. (CANADA CORPORATION)
SUITE 690
1199 WEST PENDER STREET
VANCOUVER, BC, CANADA V6E2R1

FOR: FERTILIZER, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 5-26-2009; IN COMMERCE 7-23-2009.

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1454544, FILED 10-7-2009.

SER. NO. 77-845,872, FILED 10-9-2009.

JUDITH HELFMAN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ALL WAYS GREEN

Reg. No. 4,180,138

Registered July 24, 2012

Int. Cls.: 41 and 44

SERVICE MARK

PRINCIPAL REGISTER

SHARP HEALTHCARE (CALIFORNIA CORPORATION)
8695 SPECTRUM CENTER BLVD
SAN DIEGO, CA 92123

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, SYMPOSIUMS AND WORKSHOPS IN THE FIELD OF HEALTH AND WELL-BEING AND DISTRIBUTION OF COURSE AND EDUCATIONAL MATERIALS IN CONNECTION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-15-2011; IN COMMERCE 4-20-2012.

FOR: HEALTH CARE; MEDICAL SCREENING, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-2011; IN COMMERCE 4-20-2012.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN", APART FROM THE MARK AS SHOWN.

SN 85-170,254, FILED 11-5-2010.

SEAN CROWLEY, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,180,139

Registered July 24, 2012

Int. Cls.: 41 and 44

SERVICE MARK

PRINCIPAL REGISTER

SHARP HEALTHCARE (CALIFORNIA CORPORATION)
8695 SPECTRUM CENTER BLVD
SAN DIEGO, CA 92123

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, SYMPOSIUMS AND WORKSHOPS IN THE FIELD OF HEALTH AND WELL-BEING AND DISTRIBUTION OF COURSE AND EDUCATIONAL MATERIALS IN CONNECTION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-15-2011; IN COMMERCE 4-20-2012.

FOR: HEALTH CARE; MEDICAL SCREENING, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-2011; IN COMMERCE 4-20-2012.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "ALL WAYS GREEN" OVER A STYLIZED TREE STUMP.

SN 85-170,271, FILED 11-5-2010.

SEAN CROWLEY, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

LOVE ALL WAYS

Reg. No. 4,213,520

Registered Sep. 25, 2012

Int. Cl.: 20

TRADEMARK

PRINCIPAL REGISTER

ONEUP INNOVATIONS, INC. (GEORGIA CORPORATION)
2745 BANKERS INDUSTRIAL DRIVE
ATLANTA, GA 30360

FOR: ADULT SEXUAL AIDS, NAMELY, CUSHIONS FOR SEXUAL ENHANCEMENT, AIDING IN COPULATION, FOREPLAY AND IMPROVING THE LIKELIHOOD OF FERTILIZATION, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

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

SER. NO. 85-534,737, FILED 2-6-2012.

HEATHER THOMPSON, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

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See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

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