

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86499368
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86499368/large
LITERAL ELEMENT	SIMON MILLS
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_2091366966-20160421185148263663_Req_for_Rec_FINAL.pdf
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ORIGINAL PDF FILE	evi_2091366966-20160421185148263663_SIMON_MILLS_Evidence_w_Exh_Pages_FINAL.pdf
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DESCRIPTION OF EVIDENCE FILE	(1) the argument text and (2) in a separate PDF, evidence rebutting the alleged descriptiveness of the term "MILLS" and evidence regarding the proposed amendments to the identifications of goods and services
GOODS AND/OR SERVICES SECTION (009)(no change)	
GOODS AND/OR SERVICES SECTION (016)(no change)	
GOODS AND/OR SERVICES SECTION (035)(no change)	
GOODS AND/OR SERVICES SECTION (036)(current)	
INTERNATIONAL CLASS	036
DESCRIPTION	
Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (036)(proposed)	
INTERNATIONAL CLASS	036
TRACKED TEXT DESCRIPTION	
Management and leasing of retail shopping center space ; Management and leasing of retail shopping center property ; retail shopping center services, namely, rental of shopping center space	
FINAL DESCRIPTION	
Management and leasing of retail shopping center property; retail shopping center services, namely, rental of shopping center space	
FILING BASIS	

FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (037)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues; Entertainment services, namely, the hosting and conducting of entertainment events at retail shopping venues, namely, fashion showcases, concerts, social gatherings and activities for children	
FINAL DESCRIPTION	
Entertainment services, namely, the hosting and conducting of entertainment events at retail shopping venues, namely, fashion showcases, concerts, social gatherings and activities for children	
FILING BASIS	Section 1(b)
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	DANIEL L. BOOTS BINGHAM GREENEBAUM DOLL LLP 10 W MARKET ST STE 2700 INDIANAPOLIS Indiana US 46204-4900
NEW CORRESPONDENCE SECTION	
NAME	DANIEL L. BOOTS
FIRM NAME	BINGHAM GREENEBAUM DOLL LLP
DOCKET/REFERENCE NUMBER	608901100103
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CITY	INDIANAPOLIS
STATE	Indiana
ZIP/POSTAL CODE	46204-4900
COUNTRY	United States
PHONE	317-968-5361
FAX	317-236-9907
EMAIL	ptodocket@bgdlegal.com;dboots@bgdlegal.com;mmcgee@bgdlegal.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Daniel L. Boots/
SIGNATORY'S NAME	Daniel L. Boots

SIGNATORY'S POSITION	Attorney of Record, Indiana Bar Member
SIGNATORY'S PHONE NUMBER	3179685361
DATE SIGNED	04/21/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Apr 21 19:15:18 EDT 2016
TEAS STAMP	USPTO/RFR-XXX.XXX.XX.XX-2 0160421191518009353-86499 368-550611d79b3ea21b9c07f 0d842555934cbaf52e7abe54c 01adb4c8a4b4287e3-N/A-N/A -20160421185148263663

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OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86499368** SIMON MILLS (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86499368/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of (1) the argument text and (2) in a separate PDF, evidence rebutting the alleged descriptiveness of the term "MILLS" and evidence regarding the proposed amendments to the identifications of goods and services has been attached.

Original PDF file:

[evi_2091366966-20160421185148263663_.Req_for_Rec_FINAL.pdf](#)

Converted PDF file(s) (8 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

Original PDF file:

[evi_2091366966-20160421185148263663_.SIMON_MILLS_Evidence_w_Exh_Pages_FINAL.pdf](#)

Converted PDF file(s) (65 pages)

[Evidence-1](#)

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[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)
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[Evidence-64](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 036 for Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Management and leasing of retail shopping center space;~~ [Management and leasing of retail shopping center property;](#) retail shopping center services, namely, rental of shopping center space

Class 036 for Management and leasing of retail shopping center property; retail shopping center services, namely, rental of shopping center space

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues;~~ [Entertainment services, namely, the hosting and conducting of entertainment events at retail shopping venues, namely, fashion showcases, concerts, social gatherings and activities for children](#)

Class 041 for Entertainment services, namely, the hosting and conducting of entertainment events at retail shopping venues, namely, fashion showcases, concerts, social gatherings and activities for children

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

DANIEL L. BOOTS
BINGHAM GREENEBAUM DOLL LLP
10 W MARKET ST STE 2700
INDIANAPOLIS
Indiana
US
46204-4900

Proposed:

DANIEL L. BOOTS of BINGHAM GREENEBAUM DOLL LLP, having an address of
10 W MARKET ST STE 2700 INDIANAPOLIS, Indiana 46204-4900
United States
ptodocket@bgdlegal.com;dboots@bgdlegal.com;mmcgee@bgdlegal.com
317-968-5361
317-236-9907
The docket/reference number is 608901100103 .

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Daniel L. Boots/ Date: 04/21/2016
Signatory's Name: Daniel L. Boots
Signatory's Position: Attorney of Record, Indiana Bar Member

Signatory's Phone Number: 3179685361

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: DANIEL L. BOOTS
BINGHAM GREENEBAUM DOLL LLP
10 W MARKET ST STE 2700
INDIANAPOLIS, Indiana 46204-4900

Serial Number: 86499368
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9353-86499368-550611d79b3ea21b9c07f0d842
555934cbaf52e7abe54c01adb4c8a4b4287e3-N/
A-N/A-20160421185148263663

In the latest Action, dated October 21, 2015, the U.S. Patent and Trademark Office (USPTO) maintains its refusal to register the mark **SIMON MILLS & Design** owned by Simon Property Group, L.P. (Applicant). Specifically, the Examining Attorney raises two issues. First, the Examining Attorney maintains the requirement that Applicant disclaim the word “MILLS” on the ground that it is unregistrable as a common term of art. Second, the Examining Attorney requests amendments to certain identifications of services on the basis that the as-filed identifications are indefinite. In consideration of the following arguments and the evidence submitted herewith, Applicant respectfully requests the Examining Attorney to withdraw such requirements and allow the mark to proceed to publication.

I. Disclaimer of “MILLS”

The Examining Attorney maintains the requirement that Applicant disclaim the word “MILLS” on the alleged basis that “‘MILLS’ is a common term of art in the industry indicating the type of business and services offered, namely, shopping malls, retail outlets and/or discount super-stores, and, thus, is an unregistrable component of the mark.” Applicant respectfully traverses this requirement on the grounds set forth below.

In the aforementioned Action, a handful of third-party uses of the word “MILLS” is cited to support the contention that “MILLS” is a “common term of art in the industry.” Upon further inspection, the vast majority of those cited uses are inconclusive and unpersuasive based on the following analysis:

A. Uses cited in the initial Action of March 11, 2015:

1. **OWINGS MILLS MALL**: Owings Mills is an unincorporated community located near Baltimore, Maryland. See enclosed evidence presented in **Exhibit A**. Thus, this use of “MILLS” is part of the unitary term “Owings Mills” and refers to a named geographic place, and is not used to describe a retail shopping center. Indeed, it appears the full name of this retail shopping facility is **OWINGS MILLS MALL** (see **Exhibit A**, p. 10), meaning “MALL” is the generic term used to refer to a retail shopping facility, not “MILLS.” Therefore, this cited use does not show “MILLS” used as a descriptive term of art for a mall.
2. **VAUGHAN MILLS** and **CROSSIRON MILLS**: Applicant, through its various subsidiary and affiliated entities, has licensed use of the mark **MILLS®** in Canada to Ivanhoe Cambridge II Inc. (located in Ontario, Canada) in connection with the operation of the retail properties known as **CROSSIRON MILLS**, located in Calgary, Alberta, Canada, and **VAUGHAN MILLS**, one of the largest retail shopping properties in Canada located in Vaughan, Ontario, Canada. See Declaration enclosed herewith as **Exhibit B**. It is well settled that rights in a mark may be maintained through the use of the mark by a licensee. See TMEP § 1201.03(e). Because these particular uses are trademark uses of “MILLS” that

inure to Applicant's benefit by way of the relevant license agreements, they do not support that "MILLS" is descriptive or a common term of art in the industry.

3. **SUGARLOAF MILLS® SHOPPING CENTER:** This facility, through Applicant's various subsidiary and related entities, is managed and partly owned by Applicant. See Declaration enclosed herewith as **Exhibit B** and evidence presented in **Exhibit C**. Thus, this use is not probative of the alleged descriptiveness of "MILLS."
4. **TYNWALD MILLS:** As noted by the Trademark Trial and Appeal Board (TTAB), the credence given to Internet evidence must be carefully limited. TMEP 710.01(b) (citing *In re Total Quality Group, Inc.*, 51 U.S.P.Q.2d 1474, 1475-76 (TTAB 1999)). This is especially true when information originates from foreign websites – even if the information happens to be in the English language (in this case, the evidence cited by the examining attorney comes from a website emanating from the Isle of Man). See TMEP 710.01(b).

Even so, a closer review of the website for the **TYNWALD MILLS** facility reveals that use of "MILLS" in this instance is in its ordinary sense, *i.e.*, "a factory for certain kinds of manufacture, as paper, steel, or textiles." See definition of "MILL" enclosed herein as **Exhibit D**. See also enclosed evidence, which reads, in relevant part: "*Having started as a 19th Century mill that manufactured cloth until the 1970s*, the mill underwent a change of ownership and direction. Its setting, location and heritage create a quality shopping experience for The Isle of Man's growing affluent, sophisticated customer base." See enclosed evidence presented in **Exhibit E**, p. 3. The evidence indicates that "MILLS" in this case is a descriptive reference to the history of this particular property as a former textile mill rather than a term of art for a shopping mall.

B. Uses cited in the final Action of October 21, 2015:

1. **SHOPPES OF BURNT MILLS:** Based on the evidence supplied by the Examining Attorney, the facility known as "Shoppes of Burnt Mills" is located in Silver Spring, Maryland. The evidence enclosed herein demonstrates that Burnt Mills is a geographic designation used for a neighborhood located in Silver Spring, Maryland. See enclosed evidence presented in **Exhibit F**. Thus, this particular use of "MILLS" does not refer to, or serves as a common name for, a shopping facility, but rather refers simply to a geographic area or place near Silver Spring, Maryland. Accordingly, this use has no probative value as to the alleged descriptiveness of the word "MILLS" as a term of art for a shopping mall.
2. **BRIGHTON MILLS SHOPPING CENTER:** Again, the generic name used here is "SHOPPING CENTER." The name "Brighton Mills" apparently is a reference to a former cordage factory – with multiple mill buildings – that previously existed on

the site of the shopping center. See enclosed evidence presented in **Exhibit G**. Thus, this use likewise does not support the proposition that “MILLS” is a commonly used term in the industry to refer to shopping centers.

3. **PENDLETON WOOLEN MILLS**: This is another use of “MILLS” referring to its commonly understood definition, *i.e.*, “a factory for certain kinds of manufacture, as paper, steel, or textiles.” “MILLS” is used in this instance to refer to this user’s primary line of business, *i.e.* the production of woolen clothing. See enclosed evidence presented in **Exhibit H**. Accordingly, the probative value of this cited use on the issue of descriptiveness is minimal.
4. **BRANDYWINE MILLS SHOPPING CENTER**: Again, the generic name used here is “SHOPPING CENTER.” The term “mills” is apparently a reference to the fact that it is located in Glen Mills, Pennsylvania. See enclosed evidence presented in **Exhibit I**. Consequently, this use does not support the proposition that “MILLS” is a term commonly used in the industry to refer to shopping centers.

All things considered, the Examining Attorney has, at best, demonstrated that the term “MILLS” has a variety of meanings. The mere fact that a few, isolated third-party uses suggest “MILLS” is sometimes used in a tangential manner in connection with retail services, does not mean that “MILLS” is *merely descriptive* of or a term commonly used for, shopping center facilities.

In connection with an application for the mark **PINE CRAFTS** used for household furniture, the U.S. Trademark Trial and Appeal Board (Board) has previously held:

The fact that the term “craft” may be used in an article about furniture does not mean that “craft” or, more particularly, PINE CRAFTS, is a merely descriptive term for furniture. The bulk of the references are to Arts and Crafts furniture (also called Arts and Crafts period furniture and Arts and Crafts Movement furniture), which is a style of furniture. Since “Arts and Crafts,” and not “crafts” *per se*, is the name of a particular style, we cannot regard these references as demonstrating that “crafts” is a descriptive term for furniture.

Other references are to “craft” in connection with its dictionary definition of “an occupation, trade, or pursuit requiring manual dexterity for the application of artistic skill,” . . . for example, “Hunter devoted himself to a couple of new crafts: making furniture and clothing,” . . . ; “continuous demonstrations of such crafts as weaving, furniture making, gourd engraving and native American beading” . . . ; “they craft unpretentious furniture” . . . ; “a new generation of New England artisans has revived the craft of hand-produced furniture.” . . . While furniture making may be

considered a craft, this does not make PINE CRAFTS merely descriptive of furniture.

In re Vaughan Furniture, 24 U.S.P.Q.2d 1068, 1069 (TTAB 1992). That a notable portion of the references cited by the Examining Attorney in Applicant's case are references to "MILLS" in connection with its common dictionary definition of "a factory for certain kinds of manufacture, as paper, steel, or textiles" leads to the conclusion that "MILLS" is not a "common term of art" used in the industry to refer to retail shopping facilities. The balance of the evidence in the record is inconclusive and unpersuasive on the issue of descriptiveness of the term "MILLS." Thus, the disclaimer requirement should be withdrawn. See *id.* ("Thus, after a close examination of what was apparently meant to appear as overwhelming evidence of the descriptiveness of CRAFTS or PINE CRAFTS for furniture, there is really only one article that supports the Examining Attorney's position. In view of the large number of articles which are of record, we cannot conclude from this one reference (or this reference as well as the other three references mentioned above), that CRAFTS or PINE CRAFTS is merely descriptive as applied to household furniture.")).

Based on the foregoing arguments and the evidence presented herein, Applicant respectfully requests the Examining Attorney to withdraw the disclaimer requirement.

II. Identification of Goods/Services

The application, as filed, covers the following goods and services:

IC 009: Magnetically encoded gift cards; magnetically encoded stored value cards

IC 016: Non-magnetically encoded gift cards; non-magnetically encoded stored value cards

IC 035: Business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating retail shopping centers; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing and selling gift cards; promoting the goods and services of others by means of sponsorship relationships and strategic alliances; on-line retail store services in the field of gift cards

IC 036: Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

IC 037: Real estate development of retail shopping centers, namely, the planning and management of the construction of retail shopping venues; construction project management services; construction, maintenance and renovation of property

IC 041: Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

The initial Action, dated March 11, 2015, required, in addition to a disclaimer of the word "MILLS," several amendments to the identification of goods and services, as follows (deletions in **bold and strikethrough font**; additions in **bold and underlined font**):

IC 009: [no amendment required]

IC 016: [no amendment required]

IC 035: Business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating **on-line** retail shopping ~~centers~~ **malls with links to the retail websites of others**; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing **and selling** gift cards **of others**; promoting the goods and services of others by means of sponsorship **of** _____ specify type of non-monetary sponsorship} ~~relationships and strategic alliances~~; promoting the goods and services of others by means of sponsorship ~~relationships and strategic alliances~~ **namely, arranging for businesses to affiliate their goods and services with the goods and services of third parties by means of sponsorship relationships**; on-line retail store services in the field of gift cards; **business management of shops in retail shopping center space**

IC 036: ~~Management and~~ leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

IC 037: [no amendment required]

IC 041: ~~Retail shopping center~~ **Entertainment** services, namely, the hosting and conducting of entertainment events at retail shopping venues, **namely,** _____ {specify type of events, e.g., "concerts", "live clown shows", etc.}

Applicant responded to the initial action on September 11, 2015. This requirement was made FINAL in the subsequent October 2015 Action, with a few changes from the amendments originally requested in the initial March 2015 action:

IC 009: [no amendment required]

IC 016: [no amendment required]

- IC 035: Business management services in connection with retail shopping centers; ~~promoting the goods and services of others by means of operating retail shopping centers~~; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing ~~and selling~~ gift cards of others; promoting the goods and services of others by ~~means of~~ arranging sponsorship relationships and strategic alliances among third parties; on-line retail store services in the field of gift cards; business management of shops in retail shopping center space
- IC 036: Management and leasing of retail shopping center space property; retail shopping center services, namely, rental of shopping center space
- IC 037: [no amendment required]
- IC 041: Retail shopping center Entertainment services, namely, the hosting and conducting of entertainment events at retail shopping venues, namely, _____ {specify type of events, e.g., “concerts”, “live clown shows”, etc.}

In this Request for Reconsideration filed on April 21, 2016, Applicant hereby accepts the Examining Attorney’s proposed amendments to the identifications of services for International Classes 36 and 41. Accordingly, the identification of services for International Class 35 is the sole identification that remains at issue.

The October 2015 Action repeats the contention that the wording “promoting the goods and services of others by means of operating retail shopping centers” is “indefinite and must be clarified because operating shopping centers is too far removed from the promotion of other’s goods and services to qualify as a service (the ‘promotion’ of third party businesses is tangential to the operation of the mall).” The Action further contends that Applicant’s proposed description is not analogous to the description proposed by the Examining Attorney (i.e. “promoting the goods and services of others by operating on-line retail shopping malls with links to the retail websites of others”). However, Applicant respectfully submits the Examining Attorney has failed to sufficiently explain why “operating retail shopping centers” is any less of a promotional service than providing links to the retail websites for others. In either case, the trademark user is operating a venue that allows consumers to access (and patronize) the businesses of others — it is of no import whether that venue is virtual (“clicks ‘n mortar”) or reality (“bricks ‘n mortar”). The key inquiry is indeed whether Applicant’s activity is for the primary benefit of someone *other than Applicant*. TMEP § 1301.01(a)(ii). Applicant respectfully submits the Examining Attorney has not offered persuasive evidence to support the contention that

“operating shopping centers is too far removed from the promotion of other’s goods and services to qualify as a service”

The October 2015 Action further contends that “selling” is not a service rendered for the benefit of others. Applicant is not aware of any bright-line rule stating that “selling” is not a service rendered for the benefit of others. The sale of *one’s own goods* is certainly not recognized as a service within the meaning of the Trademark Act, *In re Reichhold Chems., Inc.*, 167 U.S.P.Q. 376, 377 (TTAB 1970) (“It is well settled that promoting the sale and use of one’s goods is not, per se, a service within the meaning of the statute.”), but the key inquiry remains whether the activity in question is primarily for the benefit of someone other than the applicant. TMEP § 1301.01(a)(ii). To that end, Applicant maintains (and the Examining Attorney acknowledges) that the gift cards that Applicant offers can be (and are intended to be) used in the retail stores of others (*i.e.*, not all of the third-party retailers whose gift cards are offered by Applicant are necessarily tenants at the particular Applicant-owned or -managed property where those certain gift cards are offered and sold), meaning the primary beneficiary of the sale of gift cards by Applicant is indeed a third party. The Examining Attorney too readily discards this fact and instead states: “However, any such feature does not render the sale of gift cards into a promotional service, which is a required component of the service in light of the original wording of “promoting the goods and services of others by means of marketing and selling gift cards”. No support is offered for the conclusion that the sale of gift cards intended to be used in third-party retail stores does not constitute a “promotional” service. Applicant respectfully maintains that the sale of gift cards *to be used in the stores of third parties* and *to purchase the goods and services of others* does indeed constitute the promotion of the goods and services of others.

Finally, the October 2015 Action requests an amendment to the language “promoting the goods and services of others by means of sponsorship relationships and strategic alliances” on the basis that the current language is unclear. Applicant again respectfully submits that the description “promoting the goods and services of others” — by itself, with no further clarifying language — is an acceptable identification of services under the U.S. Acceptable Identification of Goods and Services Manual (“Manual”). The Action contends the language “by means of sponsorship relationships and strategic alliances” renders the description indefinite. Applicant reiterates that the very inclusion of the language “by means of sponsorship relationships and strategic alliances” only has the effect of clarifying the more general identification of “promoting the goods and services of others,” which is a description already approved in the Manual. As Applicant’s description only further serves to specify or clarify the means by which Applicant performs the already-approved description of “promoting the goods and services of others,” Applicant respectfully submits that no further amendment is required.

An identification of services must be specific, definite, clear, accurate, and concise. TMEP § 1402.01. No one is in a better position to set forth such an identification than the

applicant. Indeed, it is the applicant's prerogative to identify its goods and services, TMEP § 1402.01(e), and examining attorneys are required to defer to the language set forth by the applicant in the original application. TMEP § 1402.01.

Applicant reiterates that the foregoing arguments are further supported by the fact that Applicant is the owner of four (4) additional U.S applications allowed by the USPTO with identical or at least substantially similar identifications of goods and services as the instant '368 application, namely, Applications Ser. Nos. 86/173,703; 86/173,708; 86/173,721; and 86/173,737 (copies enclosed herein in **Exhibit J**). The USPTO has allowed all four of these applications with generally the same class descriptions as the present case. It is a stated objective of the USPTO to strive for consistency in its examination of trademark applications, particularly in examining and approving identifications of goods and services, as evidenced by the USPTO's Consistency Initiative. Given the allowance of these substantially related cases, Applicant respectfully submits that the Class 35 identification of services in the instant case is not indefinite and accurately describes the type and nature of the Class 35 services offered by Applicant.

III. Conclusion

Based on the foregoing arguments, the amendments made herein, and the evidence submitted herewith, Applicant respectfully requests the Examining Attorney withdraw the aforementioned outstanding requirements and allow the mark to proceed to publication. To further preserve its rights with respect to the descriptions requirement discussed above, Applicant has concurrently herewith submitted a Petition to the USPTO Director pursuant to Trademark Rule 2.146, while also submitting a Request to the USPTO under the USPTO Consistency Initiative. Prompt and favorable action is respectfully requested.

17407980.v2

Exhibit A
(See attached)

Owings Mills, Maryland

From Wikipedia, the free encyclopedia

Owings Mills is an unincorporated community and census-designated place in Baltimore County, Maryland, United States. It is a suburb of Baltimore. The population was 30,622 at the 2010 census.^[1] Owings Mills is home to the northern terminus of the Baltimore Metro Subway and to Owings Mills Mall. It is also home to the Baltimore Ravens' headquarters facility. In 2008, CNNMoney.com named Owings Mills number 49 of the "100 Best Places to Live and Launch."^[2]

Contents

- 1 Geography
- 2 Demographics
- 3 Education
- 4 Transportation
 - 4.1 Roads
 - 4.2 Public transportation
- 5 Attractions
- 6 See also
- 7 References
- 8 External links

Geography

Owings Mills is located at 39°24′44″N 76°47′35″W﻿ / ﻿39.412282, -76.793065﻿ / 39.412282; -76.793065.^[3]

According to the United States Census Bureau, the CDP has a total area of 9.6 square miles (25 km²), all of it land.

Demographics

As of the census^[4] of 2010, there were 30,622 people and 12,525 households in the CDP. The population density was 3,189.8 people per square mile (1,229.8/km²). There were 13,282 housing units, at an average density of 1,383.5 per square mile (533.4/km²). The racial makeup of the CDP was 34.3% White, 51.0%

Owings Mills, Maryland	
Census-designated place	
<div><div><div><div><div></div></div></div><div><div><div></div></div><div><div></div></div></div><div><div><div></div></div><div><div></div></div></div><div><div><div></div></div><div><div></div></div></div></div></div> <div>Location of Owings Mills, Maryland</div> <div>Coordinates: 39°24′44″N 76°47′35″W﻿ / ﻿39.412282°N 76.793065°W﻿ / 39.412282; -76.793065</div>	
Country	 United States of America
State	 Maryland
County	 Baltimore
Area	
• Total	9.6 sq mi (24.9 km ²)
• Land	9.6 sq mi (24.9 km ²)
• Water	0.0 sq mi (0.0 km ²)
Elevation	499 ft (152 m)
Population (2010)	
• Total	30,622
• Density	3,200/sq mi (1,200/km ²)
Time zone	Eastern (EST) (UTC-5)
• Summer (DST)	EDT (UTC-4)
ZIP code	21117
Area code(s)	410
FIPS code	24-59425
GNIS feature ID	0586371

African American, 0.3% Native American, 7.8% Asian, 0.1% Native Hawaiian or other Pacific Islander, 3.3% some other race, and 3.3% from two or more races. Hispanic or Latino of any race were 7.0% of the population.

There were 12,525 households, out of which 29.0% had children under the age of 18 living with them, 37.5% were headed by married couples living together, 16.1% had a female householder with no husband present, and 42.1% were non-families. 33.2% of all households were made up of individuals, and 7.1% were someone living alone who was 65 years of age or older. The average household size was 2.34, and the average family size was 3.01.

In the CDP the population was spread out with 21.9% under the age of 18, 12.5% from 18 to 24, 35.7% from 25 to 44, 22.0% from 45 to 64, and 8.0% who were 65 years of age or older. The median age was 32.6 years. For every 100 females there were 81.6 males. For every 100 females age 18 and over, there were 77.2 males.^[1]

At the 2000 census, the median income for a household in the CDP was \$53,424, and the median income for a family was \$61,079. Males had a median income of \$41,135 versus \$33,359 for females. The per capita income for the CDP was \$27,107. About 4.6% of families and 5.9% of the population were below the poverty line, including 6.8% of those under age 18 and 9.2% of those age 65 or over.

Education

Owings Mills is served by the Baltimore County Public Schools system. Schools include New Town Elementary, Owings Mills Elementary, Timber Grove Elementary in adjacent Reisterstown, Deer Park Middle Magnet, Owings Mills High, and New Town High. There are also several private schools in the area, including McDonogh School, a Pre-K-12 school and Garrison Forest School, also a Pre-K-12 school. McDonogh School is co-ed while Garrison Forest is all girls.

Owings Mills is home to a new satellite branch of the three campuses of the Community College of Baltimore County system (CCBC) (Dundalk, Essex and Catonsville) and a branch of the ITT Technical Institute. Stevenson University (formerly Villa Julie College), recently opened its Owings Mills campus in 2004, an addition to its original Stevenson campus nearby to the east.

Transportation

Roads

Some of the major roads in the Owings Mills area are:

- Bonita Avenue
- Caves Road
- Dolfield Road
- Garrison Forest Road (MD-129 on most northern block)
- Greenspring Avenue (formerly MD-519)
- Gwynnbrook Avenue
- Greenspring Valley Road (MD-130)
- Lakeside Boulevard
- Lyons Mill Road

- Marriottsville Road
- McDonogh Road
- Northwest Expressway (I-795)
- Owings Mills Boulevard (MD-940 near I-795 interchange)
- Reisterstown Road (MD-140)
- Painters Mill Road
- Park Heights Avenue (MD-129)
- Red Run Boulevard
- Rosewood Lane

Public transportation

The northwestern terminus for the Baltimore Metro Subway is located in Owings Mills on Painters Mills Road, very close to the mall. There is also public bus service available on Maryland Transit Administration bus route nos. 56 and 59. Both routes operate on Painters Mill Road, to the mall and the Metro, and on different portions of Reisterstown Road.

Attractions

Owings Mills is home to around a dozen major shopping centers and numerous office buildings. In the center of Owings Mills is Owings Mills Town Center, an enclosed shopping mall. The mall, which opened in 1986, once featured about 200 stores; however, only anchor store J. C. Penney remains. The rest of the mall has since been closed.

The Owings Mills Town Center is located less than one mile from the Baltimore Metro Subway station. Later construction on a plot of land between the mall and the station included a parking garage for the actual metro subway station to replace former surface lots.

Many nationally-known organizations and businesses call Owings Mills home. CareFirst, T. Rowe Price, Lion Brothers, The Baltimore Life Companies, Talbot Settlement & Escrow, Black & Decker, and the Baltimore Ravens team headquarters facility. Maryland Public Television studios (formerly the Maryland Center for Public Broadcasting) are located here. A large manufacturing complex, dating back to 1926 as the site of Maryland Baking Company,^[5] and then starting in 1957 the business succession of Maryland Cup (see Sweetheart Cup Company), the Fort Howard Paper Corporation (see Georgia-Pacific), and finally ending with Solo Cup Company, which closed the plant in 2011. As of 2015, the property is being redeveloped into a shopping complex.

The TV program *Wall Street Week* with Louis Rukeyser was produced by Maryland Public Television at its studios in Owings Mills; many viewers became familiar with the town as the mailing address of the program. Many people have also become familiar with the town as the mailing address of the weekly automotive series *MotorWeek*. Local roads can often be seen on the program.

The Irvine Nature Center moved to a property here, in the Caves Valley Historic District, in 2008.

See also

- On Nature's Trail

References

1. "Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data (DP-1): Owings Mills CDP, Maryland". U.S. Census Bureau, American Factfinder. Retrieved February 29, 2012.
2. http://money.cnn.com/galleries/2008/fsb/0803/gallery.best_places_to_launch.fsb/49.html CNNMoney.com
3. "US Gazetteer files: 2010, 2000, and 1990". United States Census Bureau. 2011-02-12. Retrieved 2011-04-23.
4. "American FactFinder". United States Census Bureau. Retrieved 2008-01-31.
5. Pyles, Alexander (November 9, 2011). "Historic Look Back: The Maryland Cup Corporation". Patch Media. Retrieved 16 December 2015.

External links

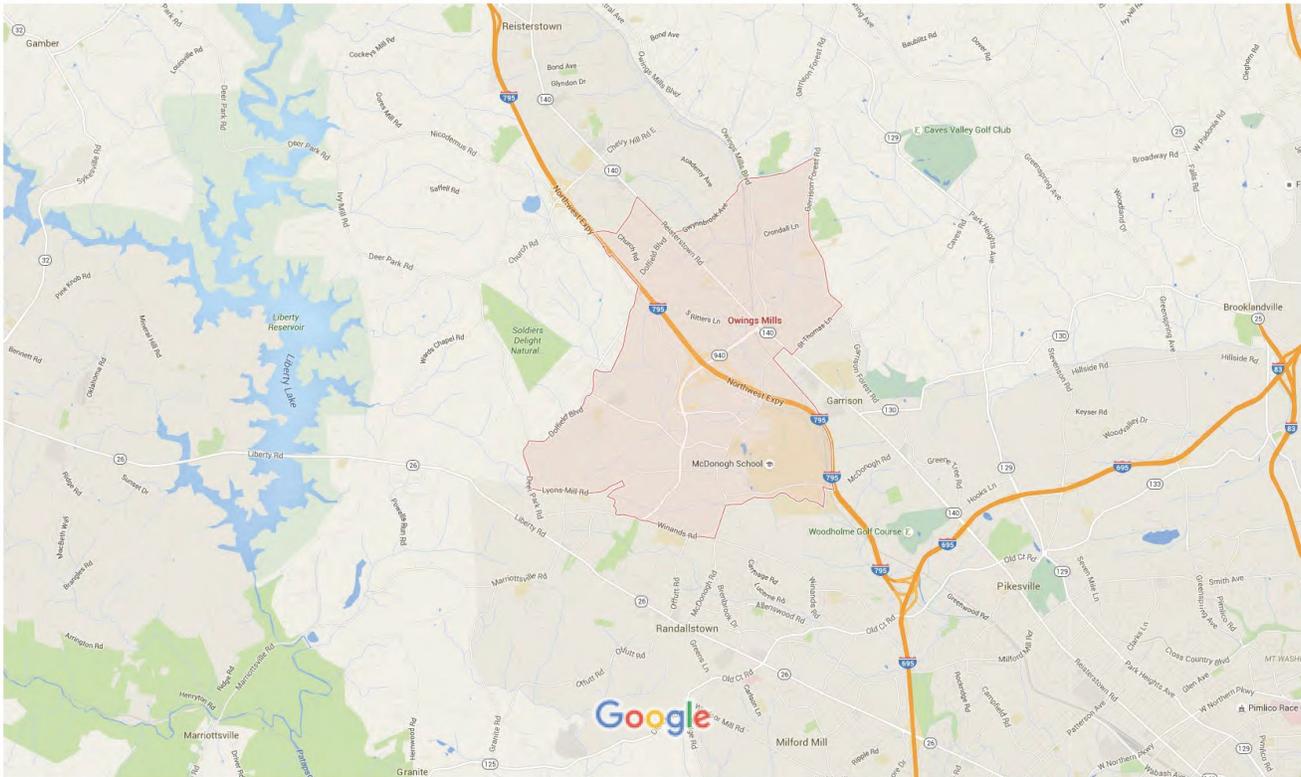
- University Project: Visions for a sustainable city: Owings Mills (<http://www3.iath.virginia.edu/stern/>) (mainly pictures)
- Owings Mills Volunteer Fire Department (<http://omfire.org>), incorporated 1921
- [1] (<http://quickfacts.census.gov/qfd/states/24/2459425.html>)

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Categories: Census-designated places in Baltimore County, Maryland | Census-designated places in Maryland | Owings Mills, Maryland

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Google Maps Owings Mills



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Owings Mills
Maryland



Quick facts

Owings Mills is an unincorporated community and census-designated place in Baltimore County, Maryland, United States. It is a suburb of Baltimore. The population was 30,622 at the 2010 census. [Wikipedia](#)

Zip code: 21117

Population: 30,622 (2010)

Elevation: 499'

Google Maps



[/www.census.gov/en.html](http://www.census.gov/en.html))

U.S. Department of Commerce (<http://www.commerce.gov/>) | Blogs (http://www.census.gov/about/contact-us/social_media.html) | Index A-Z (<http://www.census.gov/about/index.html>) | Glossa (<http://www.census.gov/glossary/>) | FAQs (<http://ask.census.gov>)

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U.S. Census Quick Facts

QuickFacts

Owings Mills CDP, Maryland

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

All Topics	OWINGS MILLS CDP, MARYLAND
People	
Population	
Population estimates, July 1, 2015, (V2015)	X
Population estimates, July 1, 2014, (V2014)	X
Population estimates base, April 1, 2010, (V2015)	X
Population estimates base, April 1, 2010, (V2014)	X
Population, percent change - April 1, 2010 (estimates base) to July 1, 2015, (V2015)	X
Population, percent change - April 1, 2010 (estimates base) to July 1, 2014, (V2014)	X
Population, Census, April 1, 2010	30,622
Age and Sex	
Persons under 5 years, percent, July 1, 2014, (V2014)	X
Persons under 5 years, percent, April 1, 2010	7.4%
Persons under 18 years, percent, July 1, 2014, (V2014)	X
Persons under 18 years, percent, April 1, 2010	21.9%
Persons 65 years and over, percent, July 1, 2014, (V2014)	X
Persons 65 years and over, percent, April 1, 2010	8.0%
Female persons, percent, July 1, 2014, (V2014)	X
Female persons, percent, April 1, 2010	55.1%
Race and Hispanic Origin	
White alone, percent, July 1, 2014, (V2014) (a)	X
White alone, percent, April 1, 2010 (a)	34.3%
Black or African American alone, percent, July 1, 2014, (V2014) (a)	X
Black or African American alone, percent, April 1, 2010 (a)	51.0%
American Indian and Alaska Native alone, percent, July 1, 2014, (V2014) (a)	X
American Indian and Alaska Native alone, percent, April 1, 2010 (a)	0.3%
Asian alone, percent, July 1, 2014, (V2014) (a)	X
Asian alone, percent, April 1, 2010 (a)	7.8%
Native Hawaiian and Other Pacific Islander alone, percent, July 1, 2014, (V2014) (a)	X
Native Hawaiian and Other Pacific Islander alone, percent, April 1, 2010 (a)	0.1%
Two or More Races, percent, July 1, 2014, (V2014)	X
Two or More Races, percent, April 1, 2010	3.3%
Hispanic or Latino, percent, July 1, 2014, (V2014) (b)	X
Hispanic or Latino, percent, April 1, 2010 (b)	7.0%
White alone, not Hispanic or Latino, percent, July 1, 2014, (V2014)	X
White alone, not Hispanic or Latino, percent, April 1, 2010	31.9%
Population Characteristics	
Veterans, 2010-2014	1,693
Foreign born persons, percent, 2010-2014	19.1%
Housing	
Housing units, July 1, 2014, (V2014)	X
Housing units, April 1, 2010	13,282
Owner-occupied housing unit rate, 2010-2014	44.3%
Median value of owner-occupied housing units, 2010-2014	\$250,900
Median selected monthly owner costs --with a mortgage, 2010-2014	\$1,987
Median selected monthly owner costs --without a mortgage, 2010-2014	\$578
Median gross rent, 2010-2014	\$1,342
Building permits, 2014	X
Families and Living Arrangements	
Households, 2010-2014	12,898
Persons per household, 2010-2014	2.45
Living in same house 1 year ago, percent of persons age 1 year+, 2010-2014	81.5%
Language other than English spoken at home, percent of persons age 5 years+, 2010-2014	19.9%
Education	
High school graduate or higher, percent of persons age 25 years+, 2010-2014	94.3%
Bachelor's degree or higher, percent of persons age 25 years+, 2010-2014	49.1%

Health	
With a disability, under age 65 years, percent, 2010-2014	5.0%
Persons without health insurance, under age 65 years, percent	▲ 10.1%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2010-2014	74.4%
In civilian labor force, female, percent of population age 16 years+, 2010-2014	72.5%
Total accommodation and food services sales, 2012 (\$1,000)	D
Total health care and social assistance receipts/revenue, 2012 (\$1,000)	141,567
Total manufacturers shipments, 2012 (\$1,000)	179,769
Total merchant wholesaler sales, 2012 (\$1,000)	409,515
Total retail sales, 2012 (\$1,000)	553,148
Total retail sales per capita, 2012	NA
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2010-2014	33.3
Income and Poverty	
Median household income (in 2014 dollars), 2010-2014	\$71,153
Per capita income in past 12 months (in 2014 dollars), 2010-2014	\$34,577
Persons in poverty, percent	▲ 7.1%
Businesses	
Total employer establishments, 2014	X
Total employment, 2014	X
Total annual payroll, 2014	X
Total employment, percent change, 2013-2014	X
Total nonemployer establishments, 2013	X
All firms, 2012	3,345
Men-owned firms, 2012	1,797
Women-owned firms, 2012	1,143
Minority-owned firms, 2012	1,796
Nonminority-owned firms, 2012	1,343
Veteran-owned firms, 2012	326
Nonveteran-owned firms, 2012	2,798
Geography	
Population per square mile, 2010	3,210.5
Land area in square miles, 2010	9.54
FIPS Code	2459425

▲ This geographic level of poverty and health estimates are not comparable to other geographic levels of these estimates

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2015) refers to the final year of the series (2010 thru 2015). Different vintage years of estimates are not comparable.

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

D Suppressed to avoid disclosure of confidential information
 F Fewer than 25 firms
 FN Footnote on this item in place of data
 NA Not available
 S Suppressed; does not meet publication standards
 X Not applicable
 Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

ABOUT US Are You in a Survey? (/www.census.gov/programs-surveys/are-you-in-a-survey.html) FAQs (/ask.census.gov) Director's Corner (/www.census.gov/about/leadership.html) Regional Offices (/www.census.gov/regions/) History (/www.census.gov/history/) Research (/www.census.gov/research/) Scientific Integrity (/www.census.gov/about/policies/quality/scientific_integrity.html) Census Careers (/www.census.gov/about/census-careers.html) Diversity @ Census (/www.census.gov/about/diversity-networks.html) Business Opportunities	FIND DATA QuickFacts (/www.census.gov/quickfacts/) American FactFinder (/factfinder2.census.gov) Easy Stats (/www.census.gov/easystats/) Population Finder (/www.census.gov/popfinder/) 2010 Census (/www.census.gov/2010census/) Economic Census (/www.census.gov/econ/census/) Interactive Maps (/www.census.gov/geography/international/scientific_integrity.html) Training & Workshops (/www.census.gov/mso/www/training/) Data Tools (/www.census.gov/data/data-tools.html) Developers (/www.census.gov/developers/)	BUSINESS & INDUSTRY Help With Your Forms (/bhs.econ.census.gov/bhs/) Economic Indicators (/www.census.gov/economic-indicators/) Economic Census (/www.census.gov/econ/census/) E-Stats (/www.census.gov/econ/estats/) International Trade (/www.census.gov/foreign-trade/) Export Codes (/www.census.gov/foreign-trade/schedules/b/) NAICS (/www.census.gov/eos/www/naics/) Governments (/www.census.gov/govs/) Local Employment Dynamics (/lehd.ces.census.gov)	PEOPLE & HOUSEHOLDS 2020 Census (/www.census.gov/2020census/) 2010 Census (/www.census.gov/2010census/) American Community Survey (/www.census.gov/programs-surveys/acs/) Income (/www.census.gov/hhes/www/income/) Poverty (/www.census.gov/hhes/www/poverty/) Population Estimates (/www.census.gov/popest/) Population Projections (/www.census.gov/topics/population/projections.html) Health Insurance (/www.census.gov/hhes/www/health-insurance/) Housing (/www.census.gov/topics/housing/) International	SPECIAL TOPICS Advisors, Centers and Research Programs (/www.census.gov/about/partners.html) Statistics in Schools (/www.census.gov/schools/) Tribal Resources (AIAN) (/www.census.gov/aian/) Emergency Preparedness (/www.census.gov/topics/preparedness.html) Statistical Abstract (/www.census.gov/library/publications/titles/statistical_abstracts.html) Special Census Program (/www.census.gov/programs-surveys/specialcensus.html) Fraudulent Activity & Scams (/www.census.gov/programs-surveys/are-you-in-a-survey/fraudulent-activity-and-scams.html) Recovery Act (/www.census.gov/recovery/)	NEWSROOM News Releases (/www.census.gov/newsroom/press-releases.html) Release Schedule (/www.calendarwiz.com/calendars/calendar-cens1sample&cid=31793) Facts for Features (/www.census.gov/newsroom/facts-for-features.html) Stats for Stories (/www.census.gov/newsroom/stories.htm) Blogs (/www.census.gov/about/contact-us/social_media.html) CONNECT WITH US (/www.census.gov/about/contact-us/social_media.html) /twitter.com/usensusbureau
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4/21/2016

Owings Mills CDP Maryland QuickFacts from the US Census Bureau

<http://www.census.gov/about/business-opportunities.html> Catalogs <http://www.census.gov/mp/www/cat/> Survey of Business Owners <http://www.census.gov/econ/sbo/> <http://www.census.gov/population/international/data/> <http://www.usa.gov/> 

Congressional and Intergovernmental <http://www.census.gov/about/cong-gov-affairs.html> Publications <http://www.census.gov/library/publications.html> Genealogy <http://www.census.gov/topics/population/genealogy/> <http://www.census.gov/data/tables/> <http://business.usa.gov/>

Contact Us <http://www.census.gov/about/contact-us.html> <http://www.facebook.com/uscensusbureau>  <http://www.youtube.com/user/uscensusbureau> 

<http://www.census.gov/about/contact-us.html> Accessibility http://www.census.gov/about/policies/privacy/privacy-policy.html#par_textimage_1 | Information Quality <http://www.census.gov/quality/> | FOIA <http://www.census.gov/foia/> | Data Protection and Privacy Policy <http://www.census.gov/privacy/> | U.S. Department of Commerce <http://www.commerce.gov/>

Owings Mills Mall, Owings Mills, MD



Good things are coming! Stay tuned.

Owings Mills Mall is currently under redevelopment.

About the Shopping Center

As part of the redevelopment of the **Owings Mills Mall**, Kimco has recently consolidated our full ownership of the Owings Mills Property which was a natural and planned progression in the redevelopment of this site.

Businesses that are open and operating at the site include the AMC movie theater, JCPenney, The Greene Turtle, Olive Garden, Red Lobster and Red Robin.

To date, no formal redevelopment plans have been finalized as we continue to evaluate the various redevelopment options for **Owings Mills Mall** including several open-air shopping center concepts. More details will be provided once a decision has been finalized. In the meantime, please do not hesitate to contact us to discuss leasing opportunities.

4/21/2016

Owings Mills Mall, Owings Mills, MD

10300 Mill Run Circle
Owings Mills, MD

Exhibit B
(See attached)

DECLARATION

I, Wendy Rothrock, hereby declare as follows:

1. I am a Senior Litigation Paralegal at Simon Property Group, L.P., a Delaware limited partnership ("Applicant" in pending U.S. Trademark Application Ser. No. 86/499,368).
2. I have personal knowledge of Applicant's intellectual property matters, including the matters discussed herein.
3. Applicant, through its various subsidiary and affiliated entities, is the part-owner and manager of the **SUGARLOAF MILLS®** retail shopping property located in Lawrenceville, GA (USA).
4. Applicant, through its various subsidiary and affiliated entities, has licensed use of the mark **MILLS®** in Canada to Ivanhoe Cambridge II Inc. (located in Ontario, Canada) in connection with the operation of the retail properties known as **CROSSIRON MILLS**, located in Calgary, Alberta, Canada, and **VAUGHAN MILLS**, one of the largest retail shopping properties in Canada located in Vaughan, Ontario, Canada.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission of any registration resulting therefrom, declares that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: Wendy Rothrock
Printed Name: Wendy Rothrock
Date: 4/21/16

Exhibit C
(See attached)

OPEN TUESDAY FROM 10AM TO 9PM

[ABOUT \(/MALL/SUGARLOAF-MILLS/ABOUT\)](#) [STORE DIRECTORY \(/MALL/SUGARLOAF-MILLS/STORES\)](#)

[MALL MAP \(/MALL/SUGARLOAF-MILLS/MAP\)](#) [DEALS \(/MALL/SUGARLOAF-MILLS/DEALS\)](#)

[NEWS & EVENTS \(/MALL/SUGARLOAF-MILLS/NEWS-AND-EVENTS\)](#) [FASHION \(/MALL/SUGARLOAF-MILLS/FASHION\)](#)

[SOCIAL \(/MALL/SUGARLOAF-MILLS/SOCIAL\)](#)

SUGARLOAF MILLS®

5900 Sugarloaf Pkwy, Lawrenceville, GA 30043-7848

Welcome to Sugarloaf Mills, Georgia's largest value shopping, entertainment & dining destination.

Sugarloaf Mills is a wonderful climate controlled indoor mall with over 180 stores ranging from children's apparel to shoes to sporting goods. Find the best deals for what you need at stores including Saks Fifth Avenue OFF 5TH, Neiman Marcus Last Call, NikeFactoryStore, LEGO Outlet, and Bass Pro Shops. Also, we have many exciting dining options from sit down places such as Shoney's to grab and go choices like Subway and to top it all off, consider making it dinner and a movie at our 18 screen AMC Theatres. The hottest entertainment destinations can be found at Medieval Times Dinner & Tournament and Atlanta's largest Dave & Buster's. Nestled between Duluth and Lawrenceville, Sugarloaf Mills is located at the junction of I-85 and Sugarloaf Parkway, just 30 minutes from downtown Atlanta. From the team at Sugarloaf Mills, we hope you will come and visit us soon!

FEATURED STORES

Neiman Marcus Last Call, Saks Fifth Avenue OFF 5TH, NikeFactoryStore, Tommy Hilfiger Company Store, Kenneth Cole Outlet Store, Forever 21, LEGO Outlet Store, Bass Pro Shops Outdoor World, Medieval Times Dinner & Tournament, Levi's Outlet Store

MALL HOURS

Monday to Saturday 10am - 9pm
Sunday 12pm - 6pm

CONTACT US

Mall Office:
(678) 847-5000
Mall Security:
(678) 847-5202

Leasing Opportunities

<http://business.simon.com/leasing-opportunities-at-sugarloaf-mills>

Driving Directions

[https://maps.google.com/maps?daddr=5900 Sugarloaf Pkwy,+Lawrenceville,+GA+30043-7848](https://maps.google.com/maps?daddr=5900+Sugarloaf+Pkwy,+Lawrenceville,+GA+30043-7848)

Mall Map

<http://www.simon.com/mall/sugarloaf-mills/map>

Mall Jobs

<http://careers.simon.com/openjobs.aspx?keyword=&city=lawrenceville&state=ga>



OUR LOCATION





<https://maps.google.com/maps?ll=33.981054,-84.080858&z=15&t=m&hl=en-US&gl=US&mapclient=embed> a map error (<https://www.google.com/maps/@33.981054,-84.080858,15z/data=!0m1!1e1!1!2b1?source=hp&aj=33.981054,-84.080858>)
(<https://www.google.com/maps/place/sugarloaf+mills/@33.981054,-84.080858,15z/>)

DIRECTIONS & TRANSPORTATION



BY CAR

From Hartsfield-Jackson Atlanta International Airport: Take I-85 North. It will merge with I-75 North. Go through downtown Atlanta. When the interstate splits, take I-85 North to the left. Go to Exit #108 (Sugarloaf Parkway). Turn left on Sugarloaf Parkway, then right on North Brown Road.

From Downtown Atlanta: Take I-85 North to Exit #108 (Sugarloaf Parkway). Turn left on Sugarloaf Parkway, then turn right on North Brown Road.

From West Atlanta: Take I-75 to I-285 East. Then take I-85 North to Exit #108 (Sugarloaf Parkway). Turn left on Sugarloaf Parkway, then turn right on North Brown Road.

From North of Gwinnett: Take I-85 South to Exit #109 (Old Peachtree & Sugarloaf Parkway). Take exit to Sugarloaf Parkway. Turn left on Sugarloaf Parkway and then turn right on North Brown Road.

SERVICES & AMENITIES



Accessible Parking

Handicapped accessible parking is available.

GALLERY





BECOME A MALL INSIDER TODAY AND GET DEALS FOR YOUR FAVORITE SIMON MALL.

(/mall-insider?mallid=1241)

(h (t h t (t p h t (s t p h : t (s t / p h : t / : t / p / t / a / p / c w s w / e w i w b v t v o / t v o i e k r o

FIND ANOTHER MALL
(http://www.simon.com/search)

Learn More

About Simon
(http://business.simon.com/about)
See All Properties
(http://www.simon.com/mall)
Travel & Tourism
(http://www.simon.com/travel)
Brands
(http://www.simon.com/brands)

More From Simon

#foundatsimon
(http://www.simon.com/foundation)
Simon SAID
(http://said.simon.com)
Simon Kidgits®
(http://kidgits.simon.com)
Simon Youth
Foundation
(http://syf.org/)

Simon Giftcards®

Purchase a Giftcard
(http://www.simon.com/giftcards)
Register Your Card
(https://www.simon.com/giftcards/register.aspx)
Check Your Balance
(https://www.simon.com/giftcards/balance)
Corporate Sales
(https://www.simon.com/volume)

Business Opportunities

Advertising
(http://business.simon.com/advertising)
Leasing
(https://www.simon.com/leasing)
Property Services
(http://business.simon.com/property-services)
Retailer Marketing
(http://business.simon.com/retailer-marketing)

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Exhibit D
(See attached)



Dictionary.com (<http://www.dictionary.com/>)



Word of the Day (<http://www.dictionary.com/wordoftheday/>)

Word of the Day

Translate (<http://translate.reference.com/>)

Games (<http://www.dictionary.com/fun>)

Blog (<http://blog.dictionary.com/>)

<http://www.dictionary.com/>

definitions ▾



mill¹

(<http://static.sfdict.com/staticrep/dictaudio/M04/M0434000.mp3>)

[mil]

Synonyms Examples Word Origin

See more synonyms on Thesaurus.com (<http://www.thesaurus.com/browse/mill>)

<http://www.dictionary.com/browse/mill>

1. a factory for certain kinds of manufacture, as paper, steel, or textiles.
2. a building equipped with machinery for grinding grain into flour and other cereal products.
3. a machine for grinding, crushing, or pulverizing any solid substance:
a coffee mill.
4. any of various machines that modify the shape or size of a workpiece by rotating tools or the work:
rolling mill.

5. any of various other apparatuses for shaping materials or performing other mechanical operations.
 6. a business or institution that dispenses products or services in an impersonal or mechanical manner, as if produced in a factory:
a divorce mill; a diploma mill.
 7. Machinery. a cutter on a milling machine (<http://www.dictionary.com/browse/milling-machine>).
-

verb (used with object)

11. to grind, work, treat, or shape in or with a mill.
12. Coining.
 - a. to make a raised edge on (a coin or the like).
 - b. to make narrow, radial grooves on the raised edge of (a coin or the like).
13. to beat or stir, as to a froth:
to mill chocolate.
14. Slang. to beat or strike; fight; overcome.

verb (used without object)

15. to move around aimlessly, slowly, or confusedly, as a herd of cattle (often followed by about or around).
16. Slang. to fight or box.

Idioms

17. through the mill, Informal. undergoing or having undergone severe difficulties, trials, etc., especially with an effect on one's health, personality, or character:

He's really been through the mill since his wife's death.

Origin of mill¹

Middle English
(<http://www.dictionary.com/browse/middle-english>)

Old English (<http://www.dictionary.com/browse/old-english>) Latin
(<http://www.dictionary.com/browse/late-latin>)

950

before 950; Middle English milne, mille (noun), Old English myl (e) n < Late Latin molīna, noun use of feminine of molīnus of a mill, equivalent to Latin mol (a) mill + -īnus -ine (<http://www.dictionary.com/browse/-ine>)¹

Synonyms

See more synonyms on Thesaurus.com (<http://www.thesaurus.com/browse/mill>)

15. crowd, wander, roam, teem.

mill² (<http://static.sfdict.com/staticrep/dictaudio/M04/M0434100.mp3>)

[mil]

noun

1. a unit of monetary value equal to 0.001 of a U.S. dollar; one tenth of a cent: used at various times and places in the U.S. as a money of account, especially in certain tax rates.

Origin

1785-95, Americanism; short for Latin millēsimus thousandth; see mil (<http://www.dictionary.com/browse/mil>)¹

Mill (<http://static.sfdict.com/staticrep/dictaudio/M04/M0434200.mp3>)

[mil]

noun

1. James, 1773–1836, English philosopher, historian, and economist, born in Scotland.
2. his son, John Stuart, 1806–73, English philosopher and economist.

mill.

1. million (<http://www.dictionary.com/browse/million>).

Dictionary.com Unabridged

Based on the Random House Dictionary, © Random House, Inc. 2016.

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=luna>)

Examples from the Web for mill

Contemporary Examples

Otero grew up in nearby mill Basin, but has spent the last decade working at a beach club in Belle Harbor.

(<http://www.thedailybeast.com/articles/2012/11/21/for-sandy-victims-this-could-be-the-coldest-thanksgiving-ever.html?source=dictionary>)

Eliza Shapiro (<http://www.thedailybeast.com/contributors/eliza-shapiro.html?source=dictionary>)

November 20, 2012

Taybeh is a West Bank village that houses Palestine's only beer brewery and every year hosts a run of the mill Oktoberfest.

(<http://www.thedailybeast.com/articles/2013/07/17/if-you-build-it-they-will-skate.html?source=dictionary>)

Maysoon Zayid (<http://www.thedailybeast.com/contributors/maysoon-zayid.html?source=dictionary>)

July 16, 2013

So I return to mill today, because the more I think about it, the harm principle is the limiting principle.

(<http://www.thedailybeast.com/articles/2012/03/29/michael-tomasky-asks-did-liberals-screw-obamacare.html?source=dictionary>)

British Dictionary definitions for mill

mill¹

/mɪl/

noun

1. a building in which grain is crushed and ground to make flour
 2. a factory, esp one which processes raw materials: a steel mill
-

mill²

/mɪl/

noun

1. a US and Canadian monetary unit used in calculations, esp for property taxes, equal to one thousandth of a dollar

Word Origin

C18: short for Latin millēsimum a thousandth (part)

Mill

/mɪl/

noun

1. James. 1773–1836, Scottish philosopher, historian, and economist. He expounded Bentham's utilitarian philosophy in *Elements of Political Economy* (1821) and *Analysis of the Phenomena of the Human Mind* (1829) and also wrote a *History of British India* (1817–18)
2. his son, John Stuart. 1806–73, English philosopher and economist. He modified Bentham's utilitarian philosophy in *Utilitarianism* (1861) and in his treatise *On Liberty* (1859) he defended the rights and freedom of the individual. Other works include *A System of Logic* (1843) and *Principles of Political Economy* (1848)

Collins English Dictionary - Complete & Unabridged 2012 Digital Edition

© William Collins Sons & Co. Ltd. 1979, 1986 © HarperCollins

Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009, 2012

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=ced2>)

Word Origin and History for mill

n.

"building fitted to grind grain," Old English mylen "a mill" (10c.), an early Germanic borrowing from Late Latin molina, molinum "mill" (source of French moulin, Spanish molino), originally fem. and neuter of molinus "pertaining to a mill," from Latin mola "mill, millstone," related to molere "to grind," from PIE *mele-, *mel- "to crush, grind," with derivatives referring to ground material and tools for grinding (cf. Greek myle "mill;" see mallet (/browse/mallet)).

Also from Late Latin molina, directly or indirectly, are German Mühle, Old Saxon mulin, Old Norse mylna, Danish mølle, Old Church Slavonic mulinu. Broader sense of "grinding machine" is attested from 1550s. Other types of manufacturing machines driven by wind or water, whether for grinding or not, began to be called mills by early 15c. Sense of "building fitted with industrial machinery" is from c.1500.

"one-tenth cent," 1786, an original U.S. currency unit but now used only for tax calculation purposes, shortening of Latin millesimum "one-thousandth," from mille "a thousand" (see million (/browse/million)). Formed on the analogy of cent (/browse/cent), which is short for Latin centesimus "one hundredth" (of a dollar).

v.

"to grind," 1550s, from mill (/browse/mill) (n.1). Related: milled; milling.

"to keep moving round and round in a mass," 1874 (implied in milling), originally of cattle, from mill (/browse/mill) (n.1) on resemblance to the action of a mill wheel. Related: Milled.

Online Etymology Dictionary, © 2010 Douglas Harper

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=etymon2>)

Slang definitions & phrases for mill

mill ¹

noun

A million dollars: That'll cost the government a cool six mill (1955+)

mill ²

noun

1. A prizefight: the night of the KO Kelly mill (1842+ Prizefighting)
2. A military prison or guardhouse (WWI armed forces)
3. A car or motorcycle engine: Has it got the magnum mill?/ They both chuckled and fired up their mills (1918+)

The Dictionary of American Slang, Fourth Edition by Barbara Ann Kipfer, Ph.D. and Robert L. Chapman, Ph.D.

Copyright (C) 2007 by HarperCollins Publishers.

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=das>)

mill in Technology

Arithmetic and Logic Unit (<http://www.dictionary.com/browse/arithmetic-and-logic-unit>)

The Free On-line Dictionary of Computing, © Denis Howe 2010 <http://foldoc.org> (<http://foldoc.org>)

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=foldoc>)

mill in the Bible

for grinding corn, mentioned as used in the time of Abraham (Gen. 18:6). That used by the Hebrews consisted of two circular stones, each 2 feet in diameter and half a foot thick, the lower of which was called the "nether millstone" (Job 41:24) and the upper the "rider." The upper stone was turned round by a stick fixed in it as a handle. There were then no public mills, and thus each family required to be provided with a hand-mill. The corn was ground daily, generally by the women of the house (Isa. 47:1, 2; Matt. 24:41). It was with the

upper stone of a hand-mill that "a certain woman" at Thebez broke Abimelech's skull (Judg. 9:53, "a piece of a millstone;" literally, "a millstone rider", i.e., the "runner," the stone which revolves. Comp. 2 Sam. 11:21). Millstones could not be pledged (Deut. 24:6), as they were necessary in every family.

Easton's 1897 Bible Dictionary

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=easton>)

Idioms and Phrases with mill

mill

see:

grist for the mill (/browse/grist-for-the-mill)

mills of the gods grind slowly (/browse/mills-of-the-gods-grind-slowly)

run of the mill (/browse/run--of--the--mill)

through the mill (/browse/through--the--mill)

tilt at windmills (/browse/tilt--at--windmills)

The American Heritage® Idioms Dictionary

Copyright © 2002, 2001, 1995 by Houghton Mifflin Company. Published by Houghton Mifflin Company.

Cite This Source (<http://www.dictionary.com/cite.html?qh=mill&ia=ahdi2>)

An orange banner for Lootcrate. On the left is the Lootcrate logo, a square with horizontal lines. Next to it is the text "LOOTCRATE" in large white letters, and below it "PROMO CODE: LOOTR3". In the center is a black silhouette of a bear wearing a backpack. To the right of the bear is the text "A MYSTERY BOX EVERY MONTH". On the far right is a white rectangular button with the text "JOIN NOW" in black.

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Privacy (<http://www.dictionary.com/privacy>) Careers (<http://content.dictionary.com/about/careers>)
Apps (<http://www.dictionary.com/apps>) Contact Us (<http://content.dictionary.com/about/contact>)

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Exhibit E
(See attached)



CONTACT US
01624 801213
info@tynwaldmills.com

OPENING HOURS
Mon - Sat: 10am - 5.30pm
Sunday: 1pm - 5.30pm

- [Home](#)
- [Shopping](#)
 - [Ladieswear - Fashion, footwear & accessories](#)
 - [Menswear fashion - Formal, casual, outdoor, luggage](#)
 - [Room and garden - bath and bedding, cookshop, garden centre, offers](#)
 - [Gifts - cards, games, books](#)
 - [Nevermeyer land - toys, childrens, clothes, furniture](#)
 - [Peter Luis formal hire at tynwald mills](#)
- [Eat](#)
- [Events](#)
- [Reward card](#)
- [The Flower Studio](#)
- [Accessibility](#)





THE BEST SHOPPING DESTINATION ON THE ISLE OF MAN

Great Brands, fun shopping

Established over 30 years, Tynwald Mills is the only department store on The Isle of Man. Incorporating a historical mill, and bringing many brands together under one roof, we are renowned for our ability to evolve and provide a great shopping experience.

Visit us today and see why we are such a popular destination.

[ALL YOU NEED UNDER ONE ROOF](#)



Easter Opening Hours

We are open normal hours Good Friday and Easter Monday 10-5.30pm.
Closed Easter Sunday. All other hours as normal. Happy Easter.



OUR REWARDS

We value our customers, and as such reward them for their loyalty with a fantastic reward card. Sign up today, and enjoy the benefits of being a regular shopper at The Isle of Man's Tynwald Mills. You can use your card to get great deals and special offers, and each time you shop with us, or visit our restaurant or cafe, you build your points further!



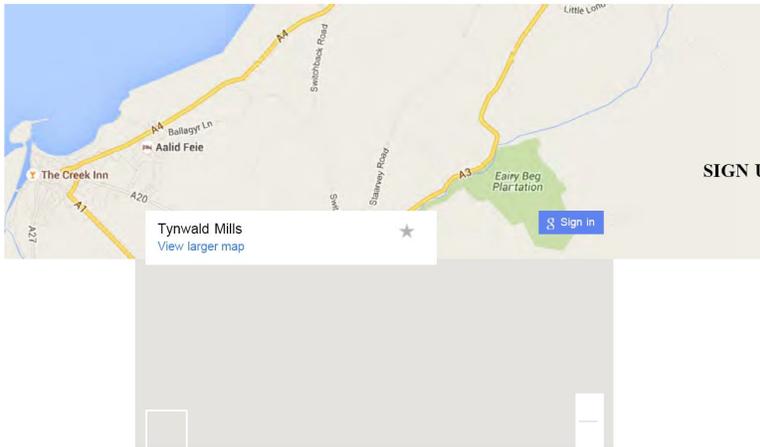
Will the Rain stop

Tynwald Mills have a great selection of outdoor brands. We stock The North Face, Berghaus and Jack Wolfskin. Keep dry and warm this winter.

-
-
-
-
-
-
-
-
-
-

OUR BRANDS

- Oasis
- Gant
- Ted Baker
- Barbour
- Hackett
- Tommy Hilfiger
- Crew
- French Connection
- Jones
- Superdry
- And many more...



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Name

Email



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- [PETER LUIS FORMAL HIRE](#)
- [EAT](#)
- [EVENTS](#)
- [REWARD CARD](#)

CONTACT INFORMATION

Tynwald Mills
St. Johns
The Isle of Man
IM4 3AD
01624 801213
info@tynwaldmills.com

OPENING HOURS

Monday: 10am - 5.30pm
Tuesday: 10am - 5.30pm
Wednesday: 10am - 5.30pm
Thursday: 10am - 5.30pm
Friday: 10am - 5.30pm
Saturday: 10am - 5.30pm
Sunday: 1pm - 5.30pm



Having started as a 19th Century mill that manufactured cloth until the 1970s, the mill underwent a change of ownership and direction. Its setting, location and heritage create a quality shopping experience for The Isle of Man's growing affluent, sophisticated customer base. Our business has grown significantly over the last ten years. Independently owned, we represent many front line brands, and offer a premium brand portfolio in line with John Lewis and Fenwick. Trading on 50000 sqft, we work in partnership with world leading brands through concession, franchise and wholesale arrangements.

[Powered by Digital Kitbag](#)

Exhibit F
(See attached)

Google search bar with the text "burnt mills, silver spring, md" and a search icon.

Back to web results for burnt mills, silver spring, md

Burnt Mills Elementary School
4.2 ★★★★★ (6) Elementary...
11211 Childs St
(301) 649-8192



Horizon Child Care-Burnt Mills
1 review · Day Care Center
11211 Childs St
(301) 593-6056



Burnt Mills Crossing
No reviews · Mill
10701 Venetia Mill Cir
(301) 681-9001



Burnt Mills Auto Body
4.3 ★★★★★ (8) · Auto Body ...
10753 Columbia Pike
(301) 593-8828
Open until 6:00 PM



Burnt Mills Seventh-day Adventist Church
No reviews · Church
10915 Lockwood Dr
(301) 593-8496



Shoppes of Burnt Mills
1 review · Shopping Mall
10741 Columbia Pike
(703) 442-4331
Open until 11:00 PM



Sunoco Gas Station
1 review · \$5 - Gas Station
10810 Columbia Pike
(301) 593-1200



Burnt Mills Fact

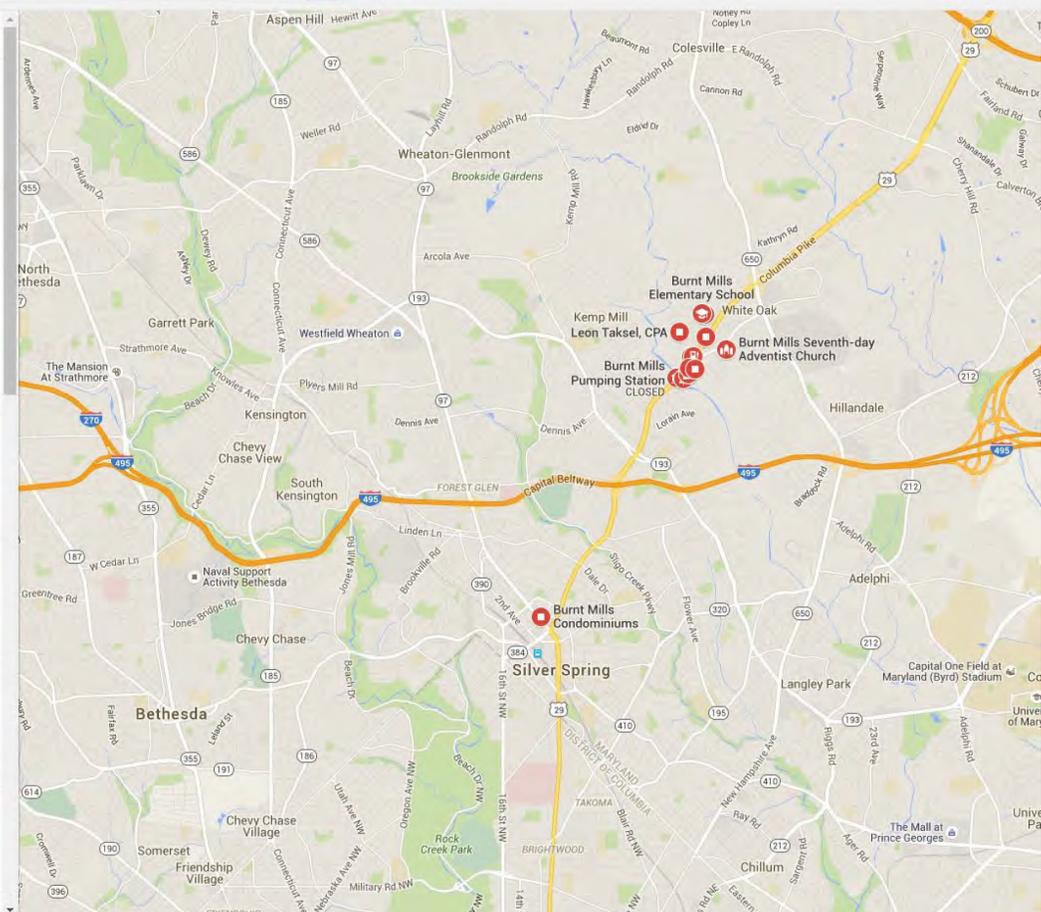


Exhibit G
(See attached)

CHARLESVIEW RESIDENCES

BRIGHTON | BOSTON

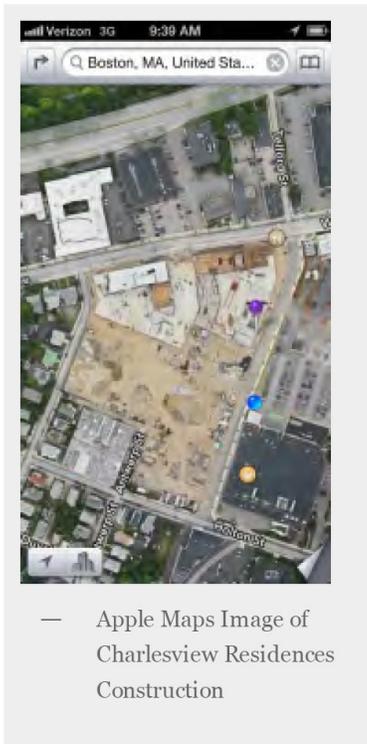
Ghosts of Brighton Mills Past

Posted on [March 22, 2013](#) by [jmaddentcb](#)



— Google Maps image of Brighton Mills Shopping Center

With construction so far along, we can see how dramatically the new Charlesview Residences has changed the Brighton Mills site over the last two years. Most people in the neighborhood can still remember the shopping center with Frugal Fannies and K-Mart ,an old McDonalds, and a tremendously large parking lot.



In fact, if you look at Google Maps you can still see a satellite image of the old shopping center. Apple Maps has recently released the first mapping service satellite image of the new Charlesview Residences, showing the prepared site, the topped off underground garage, and the beginnings of the mid-rises on Western Ave.

But, what was there before all of our construction and before the suburban style box store shopping center?

This excerpt from a 1909 map shows what has and hasn't changed a lot in the last century. A large cordage (rope) factory operated on what remains the Brighton Mills Shopping Center and a portion of what is now the Charlesview Residences. Most of the Charlesview Residences site, highlighted in blue on the historic map, was laid out for residential development in 1909. This part of the city at the time was both a rapidly growing "streetcar suburb" and a center of industrial jobs itself. The small lot, single and 2- and 3-family homes that we love were built quickly along side streets like Antwerp and Litchfield. You can see many plots on this map that still lack the yellow square that denote the houses. Just across the railroad tracks (now the MassPike and tracks) were the massive Brighton Stock Yards, which provided meat to the city and beyond. Today, that site is being redeveloped by New Balance into a major mixed-use center.



Cities and neighborhoods always change and evolve. We'd like to think that bringing homes back to the neighborhood continues the work of building a Boston neighborhood urban fabric that was underway when this 1909 map was made.

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“CHARLESVIEW
RESIDENCES”**

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4/21/2016

Ghosts of Brighton Mills Past | CHARLESVIEW RESIDENCES

This entry was posted in **Uncategorized** by **jmaddentcb**. Bookmark the permalink. [\[https://charlesviewresidences.wordpress.com/2013/03/22/ghosts-of-brighton-mills-past/\]](https://charlesviewresidences.wordpress.com/2013/03/22/ghosts-of-brighton-mills-past/) .

↵

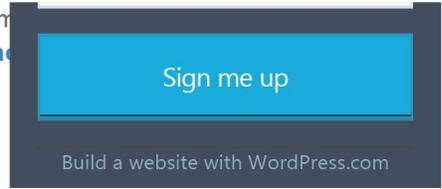


Exhibit H
(See attached)

keyword or item #

PENDLETON

- WOMEN
- MEN
- BLANKETS & THROWS
- BAGS & ACCESSORIES
- HOME
- NATIONAL PARKS
- GIFTS
- SALE

PENDLETON HERITAGE

Pendleton Heritage > Company History

 PRINT THIS PAGE

- Company History
- Centennial Video
- Indian Trading Blanket History
- The Making of A Pendleton
- The Men's Wool Plaid Shirt
- The Legendary Blankets
- All The Wools We Weave
- Mill Tours
- Pendleton Educational Materials
- Surf History
- Making of a Surfboard
- The Original Westerley
- Fabric Innovations

COMPANY HISTORY

FOR MORE THAN 153 YEARS, PENDLETON HAS SET THE STANDARD FOR AMERICAN STYLE. WITH SIX GENERATIONS OF FAMILY OWNERSHIP, THE COMPANY REMAINS DEDICATED TO ITS AMERICAN HERITAGE, AUTHENTICITY AND FABRIC CRAFTSMANSHIP.

1863 - 1909

THOMAS KAY

In 1863, traveling down the Atlantic seaboard, crossing the Isthmus of Panama on a burro, and sailing up the Pacific coast was a grueling four-month passage. Yet for Thomas Kay, a young English weaver, it was a dream come true. An old hand at sea voyages, he had already crossed the Atlantic years earlier to work at east coast textile mills. With skills honed, he headed to a region with ideal conditions for raising sheep and producing wool. A place with moderate weather and plentiful water - America's newest state, Oregon.

Kay helped organize Oregon's second woolen mill in Brownsville, where he oversaw the weaving operation. Soon he was made a superintendent of the company. In 1889, Kay opened his own mill in Salem, Oregon. From these humble beginnings rose a dyed-in-the-wool American success story.

Thomas Kay's eldest daughter, Fannie, learned the mill business and assisted her father in mill operation and management. When she married retail merchant C.P. Bishop, a complementary combination of merchandising and manufacturing expertise emerged - a solid foundation for what was to become Pendleton Woolen Mills.

PENDLETON MILL 1909

This dual textile-retail heritage was passed on to the three Bishop sons, Clarence, Roy and Chauncey. In 1909, with family and town backing, the Bishop sons started up an idle mill in Pendleton, Oregon.



A major railhead serving the Columbia Plateau, the town of Pendleton was a wool shipping center for sheep growers of the region. The mill, originally built in 1893, began as a wool scouring plant, which washed raw wool before shipping. Due to increased freight tariffs on the shipment of scoured wool, the business soon became unprofitable.

In 1895, the scouring plant was enlarged and converted into a woolen mill which made bed blankets and robes for Native Americans. This venture also failed and the mill went idle. In 1909, the Bishops opened the facility and constructed a new, more efficient mill with aid of a local bond issue. In September of that year, the first products emerged from the new finishing department and the tradition of Pendleton Woolen Mills began.



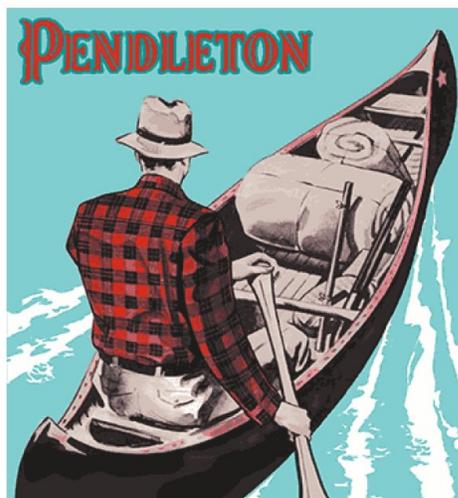
INDIAN TRADING BLANKET

The production of Indian blankets resumed as the Bishops applied intuitive business concepts for quality products and distinctive styling. A study of the color and design preferences of local and Southwest Native Americans resulted in vivid colors and intricate patterns. Trade expanded from the Nez Perce nation near Pendleton to the Navajo, Hopi and Zuni nations. These Pendleton blankets were used as basic wearing apparel and as a standard of value for trading and credit among Native Americans. The blankets also became prized for ceremonial use.



SHOP BLANKETS

1912 - 1949



MEN'S APPAREL

Under the direction of the Bishop family, Pendleton expanded into other areas of woolen manufacturing. In 1912, the addition of a weaving mill in Washougal, Washington, broadened its capability for fabric variety, including suiting fabric.

Wool shirts for men were largely utility items in the early 20th century. Drab in design and color, they were worn for warmth and protection from the elements by those who worked outdoors. Clarence Morton (C.M.) Bishop had a vision for wool shirts in vivid colors and intricate patterns. The production of woolen shirting material was a natural extension of the mill's capabilities. In 1924, the legendary Pendleton virgin wool men's shirt was born. By 1929, Pendleton was making a full line of men's virgin wool sportswear.

SHOP MEN'S APPAREL



WOMEN'S APPAREL

A new thread was woven into the Pendleton corporate cloth in 1949 - womenswear manufacturing. Market research identified a need and an opportunity for branded virgin wool classic sportswear for women. Nevertheless, no one could have predicted the enormous success of a single garment introduced with the Pendleton womenswear line that year. The '49er jacket gained instant popularity. Its simple, casual styling and intrinsic value were a perfect match for the emerging suburban lifestyle of postwar America.

As the apparel division thrived, Pendleton responded to consumer need for non-wool garments to complement its fine woolens coordinated within the fall and winter lines. Yet brand loyal customers wanted the same classic Pendleton look for all seasons. In 1972, Pendleton became a year-round sportswear resource, introducing distinctively styled, non-wool menswear and womenswear for spring and summer wear.

[SHOP WOMEN'S APPAREL](#)

TODAY

Pendleton has thrived under the direction of the Bishop family. Today the company owns and operates 5 facilities, manages 50 Pendleton retail and outlet stores, and publishes apparel and home direct mail catalogs. For many years, Clarence's sons, C.M. Bishop, Jr. (Mort) and Broughton (Brot) Bishop, acted as co-executive officers.

Today, their sons have assumed management roles in the company. C.M. Bishop III is president, John Bishop is chairman, and Charles and Peter Bishop are executive vice presidents. This family thread has continued to produce Pendleton leadership with a legacy of hands-on management for six generations – "Warranted To Be A Pendleton."



[SHOP NOW](#)



Your Email [Sign Up](#)

Customer Service Request A Catalog Gift Cards About Us Pendleton Heritage Blog
 Call 1-800-649-1512 for questions related to an existing order | Call 1-800-760-4844 for store locations and other inquiries

PENDLETON

WOMEN MEN BLANKETS & THROWS BAGS & ACCESSORIES HOME NATIONAL PARKS GIFTS SALE

ABOUT US

Company Fact Sheet
 Social Responsibility
 Collaborations
 Media / Press Center
 As Seen In
 Careers
 Pendleton Retail Stores
 Pendleton Outlet Stores
 Pendleton Home Store
 The Woolen Mill Store
 Store Locator

About Us > Company Fact Sheet

 PRINT THIS PAGE

PENDLETON FACT SHEET

HEADQUARTERS

Pendleton Woolen Mills
 220 NW Broadway, PO Box 3030
 Portland, OR 97208-3030
 (503) 226-4801
 (877) 996-6599
 pendleton-usa.com

OWNERSHIP

Pendleton is a privately held, sixth-generation family-owned business.

MANAGEMENT

President:

C.M. (Mort) Bishop III

Exec. VP Finance/Operations & Chairman of the Board:

John Bishop

Exec. VP Manufacturing:

Charles Bishop

Exec. VP Apparel Design/Merchandising:

Peter Bishop

Chief Financial Officer:

Dennis Simmonds

FOUNDERS

1863: Thomas Kay, an English weaver, began making woolen products in Oregon.

1876: Marriage of Kay's daughter Fannie to C.P. Bishop combines experience in both woolen manufacturing and specialty retailing.

1895: Pendleton Woolen Mills begins weaving Native American trade blankets.

1909: Company expands with new mill in Pendleton, Oregon, still in operation today.

1912: Company acquires weaving mill in Washougal, Washington, still in operation today.

DISTRIBUTION

Pendleton products are available at traditional specialty stores, department stores, over 60 Pendleton stores in the United States, Pendleton catalogs and Internet at www.pendleton-usa.com. Pendleton products are also sold in Europe, Japan, Korea, Canada and Australia.

United Kingdom
 Aron Sharpe
 +44 776 886 4287

Italy

For general europe inquiries, please call:

Michael Sloan
 +49 151 2567 6844

Japan
 A&F Corporation
 81-3-3209-7669

Korea
 Super Agency
 070 8729 8801

Western Canada

Giuliano Ceccarelli +39 0543 473729	Chad Gibson 604-988-4599
France, Belgium, Benelux Michael Sloan +49 151 2567 6844	Eastern Canada Paul Brodie 416-410-1106
Germany Felix Engelmann +49 171 56 56 559	Australia Nick Denton +61 2 8096 2989
Scandinavia, Baltics Bjorn Edlund +46 832 1904	

FACILITIES

Pendleton owns and operates seven operational facilities.

Pendleton Woolen Mill

Washougal, Washington
Mill built in 1910

Makes woolen apparel, upholstery and fabric Store located at mill site

Pendleton Woolen Mill

Pendleton, Oregon
Mill built in 1895

Makes all jacquard Native American blankets and fabric Store located at mill site

Columbia Wool

Portland, Oregon

Pendleton Distribution Center

Bellevue, Nebraska

Pendleton Distribution Center

Portland, Oregon

Pendleton Corporate Headquarters

Portland, Oregon

Additionally, the company owns and operates more than 60 Pendleton stores across the United States.

MANUFACTURING FACTS

The foundation of Pendleton Woolen Mills is its vertical manufacturing—controlling wool manufacturing from wool purchase to finished product. Wool processing occurs in Pendleton-owned mills and much of the manufacturing takes place in Pendleton-owned facilities.



Your Email Sign Up

Exhibit I
(See attached)

Brandywine Shopping Center in Glen Mills to Include 140,000 Sq. Ft. Wegmans Store

- by Veronica Grecu

Aug
06
2014

The recent sale of a large parcel of land on Route 202 and the Route 1 loop and southwest of the intersection of Routes 1 and 202 in Glen Mills, Pa. unveiled Wegmans' big plans for Delaware County.

Share

The recent sale of a large parcel of land on Route 202 and the Route 1 loop and southwest of the intersection of Routes 1 and 202 in Glen Mills, Pa. unveiled Wegmans' big plans for Delaware County.

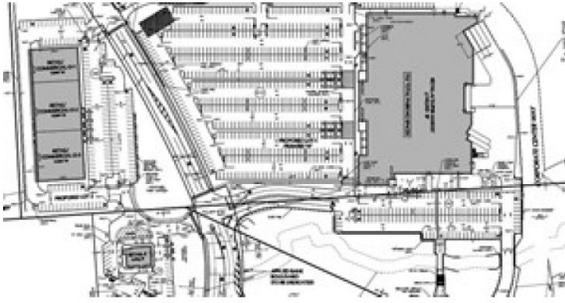
According to the [Philadelphia Business Journal](#), the nearly 30-acre parcel was sold for an undisclosed amount by D.O.H. Family, LP to Carlino Development, which went under the name Chadds Ford Investors, LP in the acquisition. KarMar Realty Group represented both parties in the transaction.



Shortly after the deal was concluded, the Rochester, NY-based supermarket chain signed a long-term ground lease for a portion of the land with plans to build a new store at the site.

Scheduled to open in the fall of 2015, the 140,000-square-foot store will be developed by Carlino and will be Wegmans' seventh store in the region and the 17th in Pennsylvania. Once functional, the store is expected to draw shoppers from north Wilmington, Chester County and the rich suburbs of Delaware County, the [Inquirer](#) predicts.

The new Wegmans store is part of a massive construction project that Carlino Development has envisaged for the intersection of Routes 1 and 202. According to the [Delaware County Daily Times](#), the 30-acre site will be replaced by an upscale shopping center made of stone and glass that will enliven the now-underdeveloped area. The project received final approvals from the Delaware Planning Commission in December 2013.



Called **Brandywine Mills**, the new shopping center will also include 40,000 to 50,000 square feet of [retail](#) space available for lease to around 15 tenants, as well as around 750 parking spaces. When completed in September next year, the mega retail center is expected to generate more than 1,000 jobs in the area.

“When the new Wegmans is completed it will be 16 miles from the store in Malvern and is ideally placed to serve Delaware County, southern Chester County and northern Delaware,” said Justin Soss, executive vice president of KarMar Realty Group, Inc. “When the new extension of the loop road is completed the property will have easy ingress and egress from both Routes 1 and 202,” he added.

[Click here](#) for more market data on **Philadelphia**.

Images courtesy of Carlino Development and Catalyst Commercial Development

Exhibit J
(See attached)

Generated on: This page was generated by TSDR on 2016-04-21 11:42:03 EDT

Mark: S



US Serial Number: 86173703

Application Filing Date: Jan. 23, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 07, 2015

Publication Date: Feb. 10, 2015

Notice of Allowance Date: Apr. 07, 2015

Mark Information

Mark Literal Elements: S

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a double-diamond design with one interlocking line and one broken line connecting the diamonds, resembling a stylized S lying on its side.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.07.03 - Diamonds, incomplete or divided in the middle; Incomplete diamonds or divided in the middle
26.07.13 - Diamonds, exactly two diamonds; Two diamonds

Related Properties Information

International Registration Number: 1273277

International Application(s)/Registration(s) Based on this Property: A0043964/1273277

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Magnetically encoded gift cards; magnetically encoded stored value cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Non-magnetically encoded gift cards; non-magnetically encoded stored value cards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating retail shopping centers; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing and selling gift cards; promoting the goods and services of others by means of sponsorship relationships and strategic alliances; on-line retail store services in the field of gift cards

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: real estate development of retail shopping centers, namely, the planning and management of the construction of retail shopping venues

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

For: retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Simon Property Group, L.P.

Composed of: Simon Property Group, Inc., a Delaware corporation

Owner Address: 225 West Washington Street
Indianapolis, INDIANA 46204
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel L. Boots

Docket Number: 8901.028611A

Attorney Primary Email Address: ptodocket@bgdlegal.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Daniel L. Boots
Bingham Greenebaum Doll LLP
10 West Market Street
2700 Market Tower
Indianapolis, INDIANA 46204
UNITED STATES

Phone: 317-968-5361

Fax: 317-236-9907

Correspondent e-mail: ptodocket@bgdlegal.com dboots@bgdlegal.com
mail: mmcghee@bgdlegal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 07, 2016	TEAS EXTENSION RECEIVED	
Oct. 09, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 07, 2015	EXTENSION 1 GRANTED	98765
Oct. 07, 2015	EXTENSION 1 FILED	98765
Oct. 07, 2015	TEAS EXTENSION RECEIVED	
Oct. 07, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 07, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 10, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 10, 2015	PUBLISHED FOR OPPOSITION	
Jan. 21, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 03, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Dec. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 29, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 29, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 29, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 29, 2014	EXAMINERS AMENDMENT -WRITTEN	86336
Dec. 15, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 25, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Nov. 07, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Oct. 31, 2014	ASSIGNED TO LIE	70884
Oct. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 24, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 24, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 24, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 24, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION WRITTEN	86336
Mar. 17, 2014	ASSIGNED TO EXAMINER	86336
Feb. 05, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 04, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 27, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office LAW OFFICE 117
Assigned:

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Apr. 07, 2015

Generated on: This page was generated by TSDR on 2016-04-21 11:42:49 EDT

Mark: SIMON MALLS



US Serial Number: 86173708

Application Filing Date: Jan. 23, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Nov. 12, 2015

Publication Date: Mar. 17, 2015

Notice of Allowance Date: May 12, 2015

Mark Information

Mark Literal Elements: SIMON MALLS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a double-diamond design with one interlocking line and one broken line connecting the diamonds, resembling a stylized "S" lying on its side; centered below this design is the word "SIMON" in all caps, and centered below "SIMON" is the word "MALLS" in smaller font.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "MALLS"

Design Search Code(s): 26.07.03 - Diamonds, incomplete or divided in the middle; Incomplete diamonds or divided in the middle
26.07.13 - Diamonds, exactly two diamonds; Two diamonds

Related Properties Information

International Registration Number: 1273276

International Application(s)/Registration(s) Based on this Property: A0043979/1273276

Claimed Ownership of US Registrations: 2969024, 3038604, 3273205

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Magnetically encoded gift cards; magnetically encoded stored value cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Non-magnetically encoded gift cards; non-magnetically encoded stored value cards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating retail shopping centers; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing and selling gift cards; promoting the goods and services of others by means of sponsorship relationships and strategic alliances; on-line retail store services in the field of gift cards

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: real estate development of retail shopping centers, namely, the planning and management of the construction of retail shopping venues

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

For: retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Simon Property Group, L.P.

Composed of: Simon Property Group, Inc., a Delaware corporation

Owner Address: 225 West Washington Street
Indianapolis, INDIANA UNITED STATES 46204

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel L. Boots

Docket Number: 8901.028611C

Attorney Primary Email Address: ptodocket@bgdlegal.com

Attorney Email Authorized: Yes

Correspondent

Correspondent DANIEL L. BOOTS
Name/Address: Bingham Greenebaum Doll LLP
10 West Market Street
2700 Market Tower
Indianapolis, INDIANA UNITED STATES 46204

Phone: 317-968-5361

Fax: 317-236-9907

Correspondent e-mail: ptodocket@bgdlegal.com dboots@bgdlegal.com
mmcghee@bgdlegal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 12, 2015	EXTENSION 1 GRANTED	98765
Nov. 12, 2015	EXTENSION 1 FILED	98765
Nov. 12, 2015	TEAS EXTENSION RECEIVED	
Nov. 12, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 12, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 17, 2015	PUBLISHED FOR OPPOSITION	
Feb. 25, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 10, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Feb. 09, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 03, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 03, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 03, 2015	EXAMINERS AMENDMENT -WRITTEN	86336
Feb. 03, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 18, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Nov. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Oct. 31, 2014	ASSIGNED TO LIE	70884
Oct. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 24, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 24, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 24, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 24, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION WRITTEN	86336
Mar. 17, 2014	ASSIGNED TO EXAMINER	86336
Feb. 05, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 04, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 27, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: INTENT TO USE SECTION

Date in Location: May 12, 2015

Generated on: This page was generated by TSDR on 2016-04-21 11:43:14 EDT

Mark: S SIMON PREMIUM OUTLETS



US Serial Number: 86173721

Application Filing Date: Jan. 23, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Sep. 30, 2015

Publication Date: Feb. 03, 2015

Notice of Allowance Date: Mar. 31, 2015

Mark Information

Mark Literal Elements: S SIMON PREMIUM OUTLETS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a double-diamond design with one interlocking line and one broken line connecting the diamonds, resembling a stylized "S" lying on its side; centered below that design is the word "SIMON" in all caps, and centered below "SIMON" are the words "PREMIUM OUTLETS" in all caps and in smaller font.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "OUTLETS"

Acquired Distinctiveness Claim: In part

Distinctiveness Limitation Statement: as to "PREMIUM OUTLETS"

Design Search Code(s): 26.07.03 - Diamonds, incomplete or divided in the middle; Incomplete diamonds or divided in the middle
26.07.13 - Diamonds, exactly two diamonds; Two diamonds

Related Properties Information

International Registration Number: 1273274

International Application(s)/Registration(s) Based on this Property: A0043976/1273274

Claimed Ownership of US Registrations: 2969024, 3038604, 3273205

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Magnetically encoded gift cards; magnetically encoded stored value cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Non-magnetically encoded gift cards; non-magnetically encoded stored value cards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating retail shopping centers; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing and selling gift cards; promoting the goods and services of others by means of sponsorship relationships and strategic alliances; on-line retail store services in the field of gift cards

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Real estate development of retail shopping centers, namely, the planning and management of the construction of retail shopping venues

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

For: Retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Simon Property Group, L.P.

Composed of: Simon Property Group, Inc., a Delaware corporation

Owner Address: 225 West Washington Street
Indianapolis, INDIANA 46204
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel L. Boots

Docket Number: 8901.028611D

Attorney Primary Email Address: ptodocket@bgdlegal.com

Attorney Email Authorized: Yes

CorrespondentCorrespondent Name/Address: DANIEL L. BOOTS
Bingham Greenebaum Doll LLP
10 West Market Street
2700 Market Tower
Indianapolis, INDIANA 46204
UNITED STATES

Phone: 317-968-5361

Fax: 317-236-9907

Correspondent e-mail: ptodocket@bgdlegal.com dboots@bgdlegal.com
mmcgee@bgdlegal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Mar. 22, 2016	TEAS EXTENSION RECEIVED	
Oct. 02, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 30, 2015	EXTENSION 1 GRANTED	98765
Sep. 30, 2015	EXTENSION 1 FILED	98765
Sep. 30, 2015	TEAS EXTENSION RECEIVED	
Sep. 30, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 31, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 03, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 03, 2015	PUBLISHED FOR OPPOSITION	
Jan. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 01, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Dec. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 29, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 29, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 29, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 29, 2014	EXAMINERS AMENDMENT -WRITTEN	86336
Dec. 15, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 02, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Nov. 18, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Nov. 17, 2014	ASSIGNED TO LIE	69712
Oct. 30, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 30, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 30, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 30, 2014	EXAMINERS AMENDMENT -WRITTEN	86336
Sep. 25, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 24, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 24, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 24, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION WRITTEN	86336
Mar. 17, 2014	ASSIGNED TO EXAMINER	86336
Feb. 05, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 04, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 27, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Mar. 31, 2015

Generated on: This page was generated by TSDR on 2016-04-21 11:43:34 EDT

Mark: SIMON



US Serial Number: 86173737

Application Filing Date: Jan. 23, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Nov. 12, 2015

Publication Date: Mar. 17, 2015

Notice of Allowance Date: May 12, 2015

Mark Information

Mark Literal Elements: SIMON

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a double-diamond design with one interlocking line and one broken line connecting the diamonds, resembling a stylized "S" lying on its side, with the word "SIMON" in all caps centered below the design.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.07.02 - Diamonds with decorative borders
26.07.13 - Two diamonds; Diamonds, exactly two diamonds

Related Properties Information

International Registration Number: 1273275

International Application(s)/Registration(s) Based on this Property: A0043977/1273275

Claimed Ownership of US Registrations: 2969024, 3038604, 3273205 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Magnetically encoded gift cards; magnetically encoded stored value cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Non-magnetically encoded gift cards; non-magnetically encoded stored value cards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: business management services in connection with retail shopping centers; promoting the goods and services of others by means of operating retail shopping centers; advertising and marketing services; digital marketing services; promoting the goods and services of others by means of marketing and selling gift cards; promoting the goods and services of others by means of sponsorship relationships and strategic alliances; on-line retail store services in the field of gift cards

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Management and leasing of retail shopping center space; retail shopping center services, namely, rental of shopping center space

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: real estate development of retail shopping centers, namely, the planning and management of the construction of retail shopping venues

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

For: retail shopping center services, namely, the hosting and conducting of entertainment events at retail shopping venues

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Simon Property Group, L.P.

Composed of: Simon Property Group, Inc., a Delaware corporation

Owner Address: 225 West Washington Street
Indianapolis, INDIANA 46204
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel L. Boots

Docket Number: 8901.028611B

Attorney Primary Email Address: ptodocket@bgdlegal.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DANIEL L. BOOTS
Bingham Greenebaum Doll LLP
10 West Market Street

2700 Market Tower
Indianapolis, INDIANA 46204
UNITED STATES

Phone: 317-968-5361

Fax: 317-236-9907

Correspondent e-mail: ptodocket@bgdlegal.com dboots@bgdlegal.com
mmcghee@bgdlegal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 12, 2015	EXTENSION 1 GRANTED	98765
Nov. 12, 2015	EXTENSION 1 FILED	98765
Nov. 12, 2015	TEAS EXTENSION RECEIVED	
Nov. 12, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 12, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 17, 2015	PUBLISHED FOR OPPOSITION	
Feb. 25, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 10, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Feb. 09, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 03, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 03, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 03, 2015	EXAMINERS AMENDMENT -WRITTEN	86336
Feb. 03, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 18, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Nov. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Oct. 31, 2014	ASSIGNED TO LIE	70884
Oct. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 25, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
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Sep. 24, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 24, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 24, 2014	NON-FINAL ACTION WRITTEN	86336
Mar. 17, 2014	ASSIGNED TO EXAMINER	86336
Feb. 05, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 04, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 27, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office: LAW OFFICE 117
Assigned:

File Location

Current Location: INTENT TO USE SECTION

Date in Location: May 12, 2015