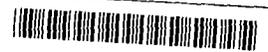


TAB



08-29-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

BY Registered MAIL

**SECOND RESPONSE
TO
OPPOSITION NO. 91151757 COLUMBIA INSURANCE COMPANY
&
H.H. BROWN SHOE COMPANY, INC.
VS.
LENWORTH ALEXANDER HYATT**

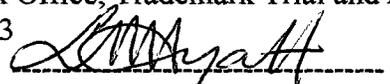
Here comes Respondent :

1. Respondent disagrees with **Claim 1** of Opposition, based on a limited knowledge about Opposers, and a lack of convincing evidence.
2. Respondent disagrees with **Claim 2** of Opposition based on correspondence from Opposers, alleging owner, and licensee of Opposers mark (**See Exhibit A , Page 1, Lines 9 ,10, and 17**).
3. Respondent disagrees with **Claim 3** of Opposition based on a limited knowledge about Opposers.
4. Respondent disagrees with **Claim 4** of Opposition based on **Exhibit B, "Allege date of first use"**.
5. Respondent disagrees with **Claim 5** of opposition based on The Filing Receipt for Serial No. 76/242,606, "**Drawing Type**" (**See Exhibit C**).
6. Respondent disagrees with **Claim 6** of Opposition based on a lack of convincing evidence.
7. Respondent disagrees with **Claim 7** of Opposition based on a lack of convincing evidence.
8. Respondent disagrees with **Claim 8** of Opposition based on the fact that Serial No. 76/242,606 is the use of the top-half of Registered No. 2,588,737 (**See Exhibit D**).

02 SEP 04 PM 8:44
TRADEMARK TRIAL AND
APPEAL BOARD

Certificate of Mailing

I Lenworth Alexander Hyatt hereby certified, that on this day **August 26, 2002** , I deposited by Registered Mail this Second Response to Notice Of Opposition No. 91151757 addressed to The U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington VA.22202 - 3513



Lenworth Alexander Hyatt

Certificate of Service

I Lenworth Alexander Hyatt hereby certify that a True Copy of this Second Response to Opposition No.91151757 was concurrently mailed on this the day **August 26, 2002** ,by Priority Mail to Fish & Richardson, 225 Franklin Street, Boston, MA. 02110- 2804.



Lenworth Alexander Hyatt

EXHIBIT

A

FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

Telephone
617 542-5070

Facsimile
617 542-8906

Web Site
www.fr.com

Frederick P. Fish
1855-1950

W.K. Richardson
1869-1951

December 10, 2001

By Certified Mail

Lenworth Alexander Hyatt
P.O. Box 4864
Hollywood, Florida 33083

Re: Crown Design trademark application
Our file: 10294-602PP1

08-29-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70



Dear Mr. Hyatt:

We represent Columbia Insurance Company ("Columbia Insurance") and its licensee, H.H. Brown Shoe Company, Inc. ("H.H. Brown") and are writing to you on their behalf. It has come to our attention that you have applied to register the trademark Crown Design in Int'l Class 25 for a number of goods, including "footwear." As explained below, we believe that use of your Crown Design in this manner is likely to create confusion among consumers with respect to our clients' trademark H and Crown Design.

H.H. Brown has been manufacturer and distributor of shoes and boots since 1883. Columbia Insurance is the owner, and H.H. Brown is its licensee, of numerous trademark registrations and applications, including for the trademark H and Crown Design. A copy of U.S. Registration No. 1,981,495 for this trademark is enclosed for your reference. H.H. Brown has used the trademark H and Crown Design since March 5, 1994, and through extensive use and promotion of H and Crown Design, Columbia Insurance and H.H. Brown have established valuable goodwill in H and Crown Design in the footwear market.

As we are sure you appreciate, it is important to avoid any likelihood of confusion between our clients' H and Crown Design products and your Crown Design goods. We are concerned that the use of Crown Design in connection with footwear may result in consumer confusion, mistake or deception as to the association of your goods and our client's goods. In order to avoid such mutually undesirable confusion, we ask that you amend your application and delete footwear from the identification of goods and assure us that you will not market any footwear under the Crown Design mark.

We hope that alerting you to this potential problem will resolve this issue. Columbia Insurance and H.H. Brown are hopeful that the parties will make diligent efforts to avoid any likelihood of consumer confusion between the respective marks and in connection with the respective goods. In accordance with this hope, we have filed for

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

FISH & RICHARDSON P.C.

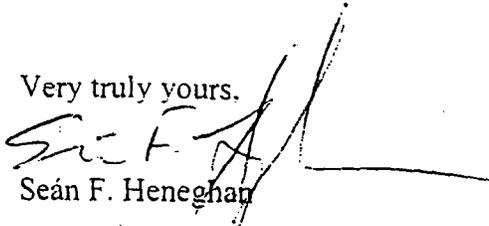
December 10, 2001
Lenworth Alexander Hyatt
Page 2

an extension of time to oppose your application. A copy of our most recent request is enclosed for your reference.

To ensure appropriate time to analyze this matter and give it the attention it deserves, we ask that you respond to this letter no later than **January 10, 2002**.

Thank you in advance of your attention to this matter and we look forward to your response. Should you have any questions in the meantime, please feel free to call me at (617) 542-5070.

Very truly yours,



Seán F. Heneghan

SFH/nlb

20341798.doc

U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Dec 8 04:15:18 EST 2001

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Record 1 out of 1

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: footwear. FIRST USE: 19940305. FIRST USE IN COMMERCE: 19940305
Int. Drawing Class	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	241101
Serial Number	74505576
Filing Date	March 28, 1994
Class IFU	FILED AS ITU
Established for Opposition	August 1, 1995
Registration Number	1981495
Registration Date	June 18, 1996
Registrant	(REGISTRANT) H.H. Brown Shoe Company, Inc. CORPORATION DELAWARE 124 West Putnam Avenue Greenwich CONNECTICUT 06830
Assignment Recorded	ASSIGNMENT RECORDED
Agency of Record	Timothy A. French
Legal Character of Mark	TRADEMARK
Legal Status	PRINCIPAL

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

Applicant : Lenworth Alexander Hyatt
Serial No. : 76/242,606
Filed : April 17, 2001
Mark : Crown Design
Published : October 16, 2001 at TM 380



08-29-2002
U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70

BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITION

Columbia Insurance Company, a Nebraska corporation, having its principal place of business at 4016 Farnam Street, Omaha, Nebraska 68131, and H.H. Brown Shoe Company, Inc., a Delaware corporation, having its principal place of business at 124 West Putnam Avenue, Greenwich, Connecticut 06830, requests a thirty (30)-day extension of time up to and including December 15, 2001, within which to file an opposition against the above-identified trademark application. This request is being submitted in triplicate in accordance with 37 C.F.R. § 2.102(d).

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

November 5, 2001
Date of Deposit
[Signature]
Signature
Timothy A. French
Typed or Printed Name of Person Signing Certificate

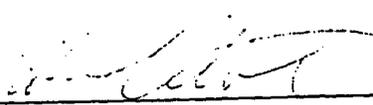
Applicant : Lenworth Alexander Hyatt
Serial No. : 76/242,606
Filed : April 17, 2001
Mark : Crown Design
Page : 2

Attorney's Docket No.: 10294-602PP1

This is the first requested extension of time.

Respectfully submitted,

Date: Monday 05, 2001



Timothy A. French
Sean F. Heneghan
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Attorneys for Potential Opposer,
COLUMBIA INSURANCE COMPANY and
H.H. BROWN SHOE COMPANY, INC.

EXHIBIT

B

U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Sat Dec 8 04:15:18 EST 2001

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Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: footwear. FIRST USE: 19940305. FIRST USE IN COMMERCE: 19940305
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	241101
Serial Number	74505576
Filing Date	March 28, 1994
Filed ITU	FILED AS ITU
Published for Opposition	August 1, 1995
Registration Number	1981495
Registration Date	June 18, 1996
Owner	(REGISTRANT) H.H. Brown Shoe Company, Inc. CORPORATION DELAWARE 124 West Putnam Avenue Greenwich CONNECTICUT 06830
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Timothy A. French
Type of Mark Register	TRADEMARK PRINCIPAL

EXHIBIT

C

FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 01

May 1, 2001

DATE OF FILING of the application for registration and filing fees is acknowledged for the mark identified below. The DATE OF FILING is the date of collection of any payment made by check or draft. Your application will be considered in the order in which it was received and will be subject to the examination thereof. Action on the merits should be expected from the Patent and Trademark Office in approximately 06 months. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME, and MARK.

LENWORTH ALEXANDER NYATT
PO BOX 4864
HOLLYWOOD FL 33083-4864

ATTORNEY
REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

The filing receipt should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 1000 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of the Filing Receipt Section. Or fax a request to 703-308-9096. The Patent and Trademark Office will review the request and make corrections as appropriate.

SERIAL NUMBER: 76/242606
FILING DATE: Apr 17, 2001
OFFICER: Principal
EXAM OFFICE: 109
MARK TYPE(S): Trademark
DRAWING TYPE: Miscellaneous design
FILING BASIS: Sect. 1(b) (Intent to Use)

OWNER: NYATT, LENWORTH ALEXANDER (JAMAICA, Individual)
PO BOX 4684
HOLLYWOOD, FLORIDA 33083

GOODS: CLOTHING FOR MEN, WOMEN, CHILDREN AND INFANTS, NAMELY; FOOTWEAR, PANTS, HEADWEAR, UNDERWEAR, SWIMWEAR, LINGERIE, SHIRTS, JACKETS, SOCKS, DRESSES, BLOUSES, STOCKINGS, SWEATERS, BLAZERS, PAJAMAS, ROBES, TRENCH COATS, SPORTS JERSEYS, OVERALL, SKIRTS, JUMP-SUITS, LEOTARDS, TANK-TOPS, NECK-TIES, BOW-TIES, SHORTS, SUITS, SCARVES, HANKERCHIEFS, VEST, SHOWLS, BLAZERS
INTL. CLASS: 025

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

EXHIBIT

D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 07/08/2002 15:38:03 ET

Serial Number: 75456127

Registration Number: 2588737

Mark



Words only): CHUMMY

Current Status: Registered.

Date of Status: 2002-07-02

Filing Date: 1998-03-24

Registration Date: 2002-07-02

Law Office Assigned: TMEG Law Office 109

CURRENT APPLICANT(S)/OWNER(S)

I. HYATT, LENWORTH ALEXANDER

Address:

HYATT, LENWORTH ALEXANDER

P.O. BOX 4864

HOLLYWOOD, FL 330834864

United States

Country of Citizenship: Jamaica

Legal Entity Type: Individual

GOODS AND/OR SERVICES

Cosmetics, namely, cologne, blushes, lipsticks, loose powder, eye makeup, eye pencils, face make up, perfume, shadows

International Class: 003

First Use Date: 19940701

First Use in Commerce Date: 19961031

Basis: 1(a)

Eyewear, namely, eyeglass frames lenses, and sunglasses

International Class: 009

First Use Date: 19940701

First Use in Commerce Date: 19961031

Basis: 1(a)

Bracelets, broaches, earrings, finger rings, nose rings, pendants, watches

International Class: 014

First Use Date: 19940701

First Use in Commerce Date: 19961031

Basis: 1(a)

All purpose athletic bags, beach bags, duffel bags, and purses

International Class: 018

First Use Date: 19940701

First Use in Commerce Date: 19961031

Basis: 1(a)

Clothing; namely, footwear, headwear, lingerie, socks, stockings, underwear

International Class: 025

First Use Date: 19940701

First Use in Commerce Date: 19961031

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-07-02 - Registered - Principal Register

2002-02-23 - Allowed for Registration - Principal Register (SOU accepted)

2002-02-15 - Statement of use processing complete

2002-01-17 - Amendment to Use filed

2001-08-14 - Notice of allowance - mailed

2001-03-30 - Opposition terminated for Proceeding