

ESTTA Tracking number: **ESTTA238660**

Filing date: **09/24/2008**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Franklin Loufrani
Granted to Date of previous extension	09/24/2008
Address	35-37 Grosvenor GardensSW1 WOBS London, UNITED KINGDOM

Attorney information	Steven L. Baron Mandell Menkes LLC 333 West Wacker Drive, Suite 300 Chicago, IL 60606 UNITED STATES sbaron@mandellmenkes.com Phone:312-251-1000
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Applicant Information

Application No	77347604	Publication date	05/27/2008
Opposition Filing Date	09/24/2008	Opposition Period Ends	09/24/2008
Applicant	Harvey Ball Smile Limited #832Minamimeguroen Blg 4-6-16 Kamiosaki Shinagawa-ku, 141-0021 JAPAN		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Coats; Sweaters; Pants; Shirts; Trousers; Skirts; Shorts; T-shirts; Pyjamas; Swimsuits; Underwear; Socks and stockings; Scarves; Neckties; Gloves; Footwear; Hats; Caps
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The mark is a ubiquitous icon and in the public domain.

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2747618	Application Date	10/20/1999
Registration Date	08/05/2003	Foreign Priority Date	NONE

Word Mark	SMILEY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2001/02/26 First Use In Commerce: 2001/02/26 non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waxing lotions, artificial eyelashes, shoe care products, namely, shoe wax, shoe polish, and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely, polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, namely, shampoos, drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely, hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, depilatory creams, stains removers, paint removers, rust and mineral removing cleaning preparations, laundry detergents, toilet water, anti-static dryers sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, windscreen cleaning preparations, essentials oils for personal use, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, adhesives for cosmetic use, namely, adhesives for use in connection with artificial hair, shaving preparations, varnish-removing preparations

U.S. Registration No.	2970055	Application Date	10/31/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2001/02/26 First Use In Commerce: 2001/02/26 Soaps, bath gels, makeup, perfumes, body lotions, nail care preparations, cosmetic preparations for skin renewal, hair shampoos, hair gel		

U.S. Registration No.	2801529	Application Date	05/10/2000
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 Clothing, namely, pullovers, trousers and shirts		

U.S. Registration No.	2566529	Application Date	02/15/2000
Registration Date	05/07/2002	Foreign Priority	NONE

		Date	
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1988/05/16 First Use In Commerce: 1988/05/16 Protective sporting helmets</p> <p>Class 028. First use: First Use: 1988/05/16 First Use In Commerce: 1988/05/16 Toys, namely plush stuffed toys and plastic balls, latex balls and squeezable balls; sporting goods, namely knee pads</p>		

U.S. Application No.	75302439	Application Date	06/03/1997
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use:</p> <p>adhesive tapes for stationery or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketchbooks, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, dairies, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modelling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper</p>		

envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads, paper or plastic transparencies

Class 025. First use:

clothing, namely suits, dresses, T-shirts, sweaters, sweatshirts, coats, jackets, raincoats, shorts, shirts, trousers, bathing trunks, socks, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, clothing belts, hats, babies pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes, slippers, inner soles, underwear, aprons, sportswear, namely jogging suits, training suits

Class 028. First use:

games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, parlor games

Class 029. First use:

meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurts, meat, fish or vegetables, crystallized fruit, fruit toppings

Class 030. First use:

sugar, rice, tapioca, saga, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than essential oils, seasonings, cocoa-based food beverages not being dairy-based or vegetable-based, coffee-based food beverages not being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, corn chips, edible decorations for cakes, chewing gum, honey, prepared entrees consisting primarily of pasta or rice, processed herbs

Class 041. First use:

Computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by a musical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; theatrical booking agencies

Class 042. First use:

	<p>providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening, licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and recyclable material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions</p>
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U.S. Registration No.	3016430	Application Date	02/23/2004
Registration Date	11/15/2005	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Downloadable computer software program for use in attaching, icons or other symbols, in e-mail correspondence and instant messaging		

U.S. Registration No.	3102995	Application Date	02/23/2004
Registration Date	06/13/2006	Foreign Priority Date	NONE
Word Mark	SMILEY WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/07/00 First Use In Commerce: 2001/07/00		

	Downloadable computer software program for use in attaching icons or other symbols, in e-mail correspondence, and instant messaging
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U.S. Application No.	75977376	Application Date	06/03/1997
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: skin soaps, facial soaps, bath soaps, non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, bath gels, bubble baths, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, artificial eyelashes, shoe care products, namely shoe wax, shoe polish and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely, polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, cosmetics for animals, namely shampoos, fur cleaners, drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, dentifrices, depilatory creams, deodorants for personal use, stain removers, paint remover, rust and mineral removing cleaning preparations, laundry detergents, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, make-up, perfumes, windscreen cleaning preparations, essential oils for personal use, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, body lotions, after-shave lotions, denture polishes, preparations for cleaning dentures, nail care preparations, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, shaving preparations, shampoos, varnish-removing preparations, non-medicated mouth washes</p> <p>Class 005. First use: hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sorethroat, additives for nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for dental prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lens cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, vitamin supplements</p>		

Class 008. First use:

non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords, whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bits for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabres, hand tools, namely, saws, carpenters or coopers clamps, fire irons, hand tools, namely, screwdrivers and drills

Class 009. First use:

nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, gun sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely, bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, pre-recorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, contact lens cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bullet-proof waistcoats, loudspeakers, printers for use with computer, data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules,

microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, bells and electric doorbells, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical or electric egg timers

Class 014. First use:

precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues, statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, urns of precious metal

Class 018. First use:

trunks for travelling, travelling bags, umbrellas, parasols and walking sticks, whips and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel, purses, school bags, business card cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, horse blankets, dog coats, cat coats, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

Class 021. First use:

combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travellers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty, corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers,

earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns, not of precious metal, drinking glasses

Class 024. First use:

lingerie fabric, upholstery fabrics, bath linen, canvas for tapestry or embroidery, oilcloth to be used as tablecloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hangings of textile, curtains of textile or plastic, table mats, not of paper

Class 031. First use:

agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient or filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, decorative dried plants

Class 032. First use:

beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices, fruit juices and soft drinks

Class 033. First use:

alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, aperitifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, barley

Class 034. First use:

tobacco, matches, match boxes, not of precious metal, cigar and cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, tobacco pouches

Class 035. First use:

advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services, providing statistical information, business investigations

Class 036. First use:

guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travellers's check issuance, saving bank services, appraisals for insurance claims of others' property, real estate management, financial management

	<p>Class 038. First use: telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, cellular telephone services</p> <p>Class 039. First use: transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasure boat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, guarded transportation of valuables and money by truck</p>
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U.S. Application No.	78433858	Application Date	06/11/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: trunks for traveling, traveling bags, umbrellas, parasols and walking sticks, hat boxes for travel, purses, school bags, business card cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, and traveling leather sets consisting of traveling bags</p> <p>Class 024. First use: lingerie fabric, upholstery fabrics, bath linen, canvas for tapestry or embroidery, oilcloth to be used as tablecloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hangings of textile, curtains of textile or plastic, and table mats, not of paper</p>		

U.S. Application No.	76599965	Application Date	06/30/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: bubble baths, dentifrices, deodorants for personal use, after-shave lotions, denture polishes, preparations for cleaning dentures, false nails, non-medicated mouth washes</p> <p>Class 004. First use: candles</p>		

Class 005. First use:

hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sore throat, additive for nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for denture prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lense cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, and vitamin supplements

Class 006. First use:

metal keys

Class 008. First use:

non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords, whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bites for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabers, hand tools, namely, saws, carpenters or coppers clamps, fire irons, hand tools, namely, screwdrivers and drills

Class 009. First use:

Nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, guns sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely,

bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, prerecorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bulletproof waistcoats, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules, microphones microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, vegetable juices, fruit juices and soft drinks, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, and mechanical or electric egg timers, video games and computer games

Class 010. First use:

condoms

Class 014. First use:

precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, and urns of precious metal

Class 016. First use:

adhesive tapes for stationary or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art

reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketch books, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, diaries, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads, and paper or plastic transparencies

Class 021. First use:

combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travelers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty, corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, no of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots,;gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, and drinking glasses

Class 025. First use:

clothing, namely suits, dresses, t-shirts, sweatshirts, raincoats, shorts, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, hats, babies pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes, slippers, inner soles, aprons, sportswear, namely jogging suits, and training suits

Class 026. First use:

hair accessories

Class 027. First use:

carpets

Class 028. First use:

games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, and parlor games

Class 029. First use:

meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurt, meat, fish or vegetables, crystallized fruit, and fruit toppings

Class 030. First use:

sugar, rice, tapioca, saga, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than essential oils, seasonings, cocoa-based food beverages not being dairy-based or vegetable based, coffee-based food beverages not being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, corn chips, edible decorations for cakes, chewing gum, confectionery, candies, mints, honey, prepared entrees consisting primarily of pasta or rice, and processed herbs

Class 031. First use:

agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient for filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, and decorative dried plants

Class 032. First use:

beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices fruit juices and soft drinks

Class 033. First use:

alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, aperitifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, and barley

Class 034. First use:

tobacco, matches, match boxes, not of precious metal, cigar and cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, and tobacco pouches

Class 035. First use:

advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services, providing statistical information, and business investigations

Class 036. First use:

guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travelers check issuance, saving bank services, appraisals for insurance claims of others property, real estate management, and financial management

Class 038. First use:

telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, and cellular telephone services

Class 039. First use:

transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasure boat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, and guarded transportation of valuables and money by truck

Class 041. First use:

computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by a musical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in

	<p>self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; and theatrical booking agencies</p> <p>Class 042. First use:</p> <p>providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening, licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and recyclable material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions</p>
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U.S. Application No.	75720333	Application Date	06/28/1999
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OFFICIAL LICENSED MERCHANDISE SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 020. First use:</p> <p>Furniture, mirrors, picture frames; goods (not included in other classes)of wood, cork reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics</p> <p>Class 026. First use:</p> <p>Lace and embroidery, ribbons and braid; buttons, hooks, and eyes, pins and needles; artificial flowers.</p>		

U.S. Application	75550943	Application Date	09/10/1998
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY JEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: denim bags, handbags and backpacks Class 025. First use: clothing, namely jeanswear, shirts, outerwear, jackets, trousers, pants, blue jeans, t-shirts, sweaters		

U.S. Application No.	75514593	Application Date	07/07/1998
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY BABIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: toiletries, namely, bath gels, bubble baths, perfumes, hair lotions, baby oil, baby shampoo, baby powder, soaps and body lotions, hair care preparations, perfumes, cosmetics, namely, eyelash pencils, eyelid pencils, lipstick, skin creams, non-medicated sun care preparations, namely, sun tanning lotion, dentifrices, non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, shoe care products, namely, shoe wax, shoe polish, shoe cream, parquet floor wax, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, nail care preparations, cotton balls for cosmetic purposes, wallpaper cleaning preparations Class 005. First use: vitamin supplementss, hygienic preparations for medicine and personal hygiene, namely, hygiene, namely, feminine hygiene, cleansing towelettes and medicated mouth washes, disinfectants for hygiene purposes, namely antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesive bandages, room deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely medicated bath gels, medicated bath salts, adhesive bandages, medicated candy for use on sorethroat, medicated compresses, cotton for medical purposes, insecticides for domestic use, mineral supplements, vitamin supplements Class 006. First use: metal key rings, gift and novelty items made of metal, namely, key chains, figurines, wind chimes, key fobs, piggy banks, novelty license plated, ornamental badges and pins and decorative boxes Class 008. First use: non-electric cutlery, namely non-electric choppers, forks and spoons,		

instruments for punching tickets, namely punches, non-electric can openers, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, hand operated choppers for use on meat and vegetables, nail files, manicure sets, pedicure sets, sugar tongs

Class 009. First use:

computer hardware and computer software and peripherals used to design and customize printed materials such as greeting cards and stickers, interactive games and story telling software for educational and entertainment purposes, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, bells, sound amplifiers, radio-controlled miniature aerial targets, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, burglar alarms, scales, safety equipment, namely beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, photographic cameras, motion picture cameras, video cameras, debit cards magnetically encoded and pre-paid telephone calling cards magnetically encoded, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, computer keyboards, bar code readers, pre-recorded compact disks featuring music, optical compact discs, photographic slide transparencies, optical discs, blank floppy disks for computers, joysticks and video game interactive remote control units, blank magnetic data carriers, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglasses, eyeglass cases, magnets, fire extinguisher, electric and flat irons, life nets, exposed camera film, photographic flash-bulb, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules, microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, radios, audio-receivers, video-receivers, electric light dimmers, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical and electric egg timers

Class 014. First use:

precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely statues, statuettes, figurines of precious metal, jewelry, boxes of precious metal, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, servicing platters of precious metal, urns of precious metal

Class 016. First use:

adhesive tapes for stationery or household purposes, playing cards, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, writing pads, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags

for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers, decalcomanias, drawing instruments, graphics art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, pens, pencils, markers and crayons, rubber erasers, office requisites, namely rubber bands, wrapping paper, writing ink, duplicating ink, pencils, pens, writing instruments, paper place mats, paper and cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, letter files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely, lithographs, bookmarkers, bags for microwave cooking, table linen of paper, embroidery design, patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen cases, pen and pencil trays, penholders, pencil holders, portraits, prospectuses, printed publications, namely. magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, and games, thumbtacks, ledger books, drawing rulers, bookbinders, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, shopping bags, and pouches for merchandise packaging, bookends, writing pads, fountain pens, pencil sharpeners, inking pads, paper or plastic transparencies, general purpose plastic bags, disposable diapers, debit cards without magnetic coding and telephone calling cards, not magnetically encoded

Class 018. First use:

trunks and travelling bags, bags, diaper bags, handbags, umbrellas, parasols and walking sticks, whips, and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel purses, school bags, business cards cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, horse blankets, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

Class 020. First use:

furniture mirrors, furniture, picture frames, bedding, namely, sheets, comforters, quilts, pillow cases and shams, non-metal key rings, window blinds, non-metal pegs

Class 021. First use:

portable beverage dispensers, kitchen utensils, namely, knives, forks, spoons, ladles, ice cream scoops, not of precious metal, hair combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, works of art made of porcelain, terracotta and glass, namely, statues, statuettes and figurines, table plates not of precious metal, brooms, portable baby bath tubs, drinking flasks for travelers, drinking vessels, mugs, glass jars for jams and jellies, plastic coasters, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes, corkscrews, non-electric kettle, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap

dispensers, signboards for porcelain or glass, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely, strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice buckets, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottlegourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, table ware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, drinking glasses

Class 024. First use:

lingerie fabric, upholstery fabrics, bath linen, canvas wall hangings for tapestry or embroidery, oilcloth to be used as table cloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins, of textile, unfitted fabric furniture covers, mosquito nets, wall hanging of textile, curtains of textile or plastic, table mats, not of paper

Class 025. First use:

dog coats and cat coats, clothing, namely, footwear, bathing suits, bath robes, bathing trunks, bibs, not of paper, berets, hosiery socks, boots, suspenders, pants, cap, sports shoes, masquerade clothing, belts, clothing, hats, babies' pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes clothing, slippers, inner soles, underwear, aprons clothing, sportswear, cloth diapers

Class 027. First use:

rugs, carpets, mats, non-textile wall-hangings

Class 028. First use:

games, namely, chess, checkers, computer and video games, playthings, namely, toy flying disks, skipping ropes, gymnastic and sporting articles, namely, baseball bats, baseball gloves, balls, balloons, golf clubs, boxing gloves, toys, namely, dolls, jigsaw puzzles, bean bags, ornaments for Christmas trees (except illumination articles and confectionery), toys for domestic pets, practical jokes novelties, toy masks, kites, exercise machines, namely, treadmills, stationery bicycles, rowing machines, party favors in the nature of small toys, fish hooks, fishing tackle, play swimming pools, protective padding for playing baseball, ice hockey and in line skating, parlor games

Class 029. First use:

meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk and milk products, edible oils and fats, dairy based beverages, bouillon, charcuterie, frosted fruits, chicken, meat and fish croquettes, crustaceans, cheese, preserved, mussels, soup mixes, soups, salted foods, namely, smoked herrings and smoked sausages, yogurt, prepared meals consisting primarily of meat, poultry, fish or vegetables

Class 030. First use:

processed herbs, coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes grain or chicory based, flour and confectionery for decorating baked goods, yeast, mustard, vinegar, sauces, spices, ice, flavored ices, alimentary pastes, pasta, confectionery for decorating Christmas trees, non-essential oil food flavorings, seasonings, cookies, cocoa-based beverages, coffee-based beverages, chocolate-based beverages, grain-based chips, chocolate, condiments, namely, salt, vinegar, mustard and pepper, edible decorations for cakes, prepared entrees consisting primarily of pasta or rice, dietary supplements, namely, food substance comprised of fresh royal jelly, chewing gum, honey, sandwiches, pre-cooked dishes based on paste, pasta, rice or

	<p>cereals</p> <p>Class 032. First use: mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice, syrups for making soft drinks, isotonic beverages, vegetable juices, preparations for making fruit drinks, sodas, iced tea, energy drinks</p> <p>Class 035. First use: advertising services, advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, computerized database management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services providing statistical information, business investigations</p> <p>Class 038. First use: radio broadcasting and subscription television broadcasting, telecommunication services, namely personal communication services, paging services, communication by radio, telephone and telegram, electronic transmission of documents and data via a computer terminal; rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, cellular telephone services</p>
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U.S. Application No.	75512770	Application Date	07/02/1998
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY FOR KIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: toiletries, namely, bath gels, bubble baths, perfumes, hair lotions, baby oil, baby shampoo, baby powder, soaps and body lotions, hair care preparations, perfumes, cosmetics, namely, eyelash pencils, eyelid pencils, lipstick, skin creams, non-medicated sun care preparations, namely sun tanning lotion, dentifrices, non-medicated cosmetic preparations for slimming purposes, namely skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, shoe care products, namely, shoe wax, shoe polish, shoe cream, parquet floor wax, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, nail care preparations, cotton balls for cosmetic purposes, wallpaper cleaning preparations</p> <p>Class 005. First use:</p>		

vitamin supplements, hygienic preparations for medicine and personal hygiene, namely, hygiene, namely feminine hygiene, cleansing towelettes and medicated mouth washes, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesive bandages, room deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, medicated candy for use on sorethroat, medicated compresses, cotton for medical purposes, insecticides for domestic use, mineral supplements, vitamin supplements

Class 006. First use:

metal key rings, gift and novelty items made of metal, namely, key chains, figurines, wind chimes, key fobs, piggy banks, novelty license plates, ornamental badges and pins and decorative boxes

Class 008. First use:

non-electric cutlery, namely non-electric choppers, forks and spoons, instruments for punching tickets, namely punches, non-electric can openers, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, hand operated choppers for use on meat and vegetables, nail files, manicure sets, pedicure sets, sugar tongs

Class 009. First use:

Computer hardware and computer software and peripherals used to design and customize printed materials such as greeting cards and stickers, interactive games and story telling software for educational and entertainment purposes, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, bells, sound amplifiers, radio-controlled miniature aerial targets, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, burglar alarms, scales, safety equipment, namely beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, photographic cameras, motion picture cameras, video cameras, debit cards magnetically encoded and pre-paid telephone calling cards magnetically encoded, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, computer keyboards, bar code readers, pre-recorded compact disks featuring music, optical compact discs, photographic slide transparencies, optical discs, blank floppy disks for computers, joysticks and video game interactive remote control units, blank magnetic data carriers, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglasses, eyeglass cases, magnets, fire extinguisher, electric and flat irons, life nets, exposed camera film, photographic flash-bulb, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders. scuba diving masks, computer memories, slide rules, microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, radios, audio-receivers, video-receivers, electric light dimmers, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical and electric egg timers

Class 014. First use:

precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues, statuettes, figurines of precious metal, jewelry, boxes of precious metal, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, servicing platters of precious metal, urns of precious metal

Class 016. First use:

Adhesive tapes for stationery or household purposes, playing cards, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, writing pads, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers, decalcomanias, drawing instruments, graphics art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, pens, pencils, markers and crayons, rubber erasers, office requisites, namely rubber bands, wrapping paper, writing ink, duplicating ink, pencils, pens, writing instruments, paper place mats, paper and cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, letter files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely, lithographs, bookmarkers, bags for microwave cooking, table linen of paper, embroidery design, patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen cases, pen and pencil trays, penholders, pencil holders, portraits, prospectuses, printed publications, namely, magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, and games, thumbtacks, ledger books, drawing rulers, bookbinders, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, shopping bags, and pouches for merchandise packaging, bookends, writing pads, fountain pens, pencil sharpeners, inking pads, paper or plastic transparencies, general purpose plastic bags, disposable diapers, debit cards without magnetic coding and telephone calling cards, not magnetically encoded

Class 018. First use:

trunks and travelling bags, bags, diaper bags, handbags, umbrellas, parasols and walking sticks, whips and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel purses, school bags, business cards cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, horse blankets, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

Class 020. First use:

furniture mirrors, furniture, picture frames, bedding, namely, sheets, comforters, quilts, pillow cases and shams, non-metal key rings, window blinds, non-metal pegs

Class 021. First use:

Portable beverage dispensers, kitchen utensils, namely, knives, forks, spoons, ladles, ice cream scoops, not of precious metal, hair combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, works of art made of porcelain, terracotta and glass, namely, statues, statuettes and figurines, table plates not of precious metal, brooms, portable baby bath tubs, drinking flasks for travelers, drinking vessels, mugs, glass jars for jams and jellies, plastic coasters, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes, corkscrews, non-electric kettle, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, signboards for porcelain or glass, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely, strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice buckets, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottlegourds. not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, table ware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, drinking glasses

Class 024. First use:

lingerie fabric, upholstery fabrics, bath linen, canvas wall hangings for tapestry or embroidery, oilcloth to be used as table cloths, cloth flags, cloth labels, bed linen, household linens, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hanging of textile, curtains of textile or plastic, table mats, not of paper

Class 025. First use:

dog coats and cat coats, clothing, namely, footwear, bathing suits, bath robes, bathing trunks, bibs, not of paper, berets, hosiery, socks, boots, suspenders, pants, caps, sports shoes, masquerade clothing, belts, clothing, hats, babies' pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes clothing, slippers, inner soles, underwear, aprons clothing, sportswear, cloth diapers

Class 027. First use:

rugs, carpets, mats, non-textile wall-hangings

Class 028. First use:

Games, namely, chess, checkers, computer and video games, playthings, namely, toy flying disks, skipping ropes, gymnastic and sporting articles, namely, baseball bats, baseball gloves, balls, balloons, golf clubs, boxing gloves, toys, namely, dolls, jigsaw puzzles, bean bags, ornaments for Christmas trees (except illumination articles and confectionery), toys for domestic pets, practical jokes novelties, toy masks, kites, exercise machines, namely, treadmills, stationery bicycles, rowing machines, party favors in the nature of small toys, fish hooks, fishing tackle, play swimming pools, protective padding for playing baseball, ice hockey and in line skating, parlor games

Class 029. First use:

meat, fish, poultry and game, meat extracts, preserved, frozen, dried and

	<p>cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk and milk products, edible oils and fats, dairy based beverages, bouillon, charcuterie, frosted fruits, chicken, meat and fish croquettes, crustaceans, cheese, preserved, mussels, soup mixes, soups, salted foods, namely, smoked herrings and smoked sausages, yogurt, prepared meals consisting primarily of meat, poultry, fish or vegetables</p> <p>Class 030. First use: processed herbs, coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes grain or chicory based, flour and confectionery for decorating baked goods, yeast, mustard, vinegar, sauces, spices, ice, flavored ices, alimentary paste, pasta, confectionery for decorating Christmas trees, non-essential oil food flavorings, seasonings, cookies, cocoa-based beverages, coffee-based beverages, chocolate-based beverages, grain-based chips, chocolate, condiments, namely, salt, vinegar, mustard and pepper, edible decorations for cakes, prepared entrees consisting primarily of pasta or rice, dietary supplements, namely, food substance comprised of fresh royal jelly, chewing gum, honey, sandwiches, pre-cooked dishes based on paste, pasta, rice or cereals</p> <p>Class 032. First use: Mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice, syrups for making soft drinks, isotonic beverages, vegetable juices, preparations for making fruit drinks, sodas, iced tea, energy drinks</p> <p>Class 035. First use: advertising services, advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, computerized database management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services providing statistical information, business investigations</p> <p>Class 038. First use: radio broadcasting and subscription television broadcasting, telecommunication services, namely personal communication services, paging services communication by radio, telephone and telegram, electronic transmission of documents and data via a computer terminal; rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, cellular telephone services</p>
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U.S. Application No.	79051946	Application Date	10/16/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of	Name mark "SMILEY".		

Mark	
Goods/Services	Class 045. First use: Intellectual property consultancy; copyright management; domain name registration (legal services); legal research; computer software licensing; granting of intellectual property licenses; domain name registration; intellectual property monitoring services

Related Proceedings	Filed a Notice of Opposition against serial number 77286544 filed 7/23/2008; see also opposition numbers 91152145, 91185409, 91186510, and 91150278.
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Attachments	75810328#TMSN.gif (1 page)(bytes) 78975125#TMSN.gif (1 page)(bytes) 75919141#TMSN.gif (1 page)(bytes) 75302439#TMSN.gif (1 page)(bytes) 78372264#TMSN.jpeg (1 page)(bytes) 78372321#TMSN.jpeg (1 page)(bytes) 75977376#TMSN.gif (1 page)(bytes) 78433858#TMSN.jpeg (1 page)(bytes) 76599965#TMSN.gif (1 page)(bytes) 75720333#TMSN.gif (1 page)(bytes) 79051946#TMSN.jpeg (1 page)(bytes) Loufrani Notice of Opposition 77347604.pdf (8 pages)(25429 bytes) Exhibits for app. 77347604.pdf (45 pages)(3724075 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Steven L. Baron/
Name	Steven L. Baron
Date	09/24/2008

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

In the Matter of U.S. Application No. 77/347,604
For: Design featuring two eyes and a smiley mouth
Filed: December 9, 2007
Date of Publication: May 27, 2008

FRANKLIN LOUFRANI)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
HARVEY BALL SMILE LTD.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of Trademark Application No. 77/347,604, published for opposition on May 27, 2008, for the design mark featuring two eyes and a smiley mouth in International Class 25 by applicant Harvey Ball Smile Ltd. (“Applicant”); Opposer Franklin Loufrani, an individual French citizen with a principal place of business at SmileyWorld, 35-37 Grosvenor Gardens, London, SW1 WOBS United Kingdom (“Opposer”), believes he is or will be damaged by the registration of mark 77/347,604 and hereby opposes the same, in accordance with Section 13 of the Trademark (Lanham) Act of 1946, 15 U.S.C. § 1063.

As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Applicant is a Japanese corporation with a principal place of business at 832 Minamimeguroen Bldg. 4-6-16, Kamiosaki Shinagawa-ku Japan, 141-0021.
2. Applicant seeks to register the design in Serial No. 77/347,604 for Coats; Sweaters; Pants; Shirts; Trousers; Skirts; Shorts; T-shirts; Pyjamas; Swimsuits; Underwear;

Socks and stockings; Scarves; Neckties; Gloves; Footwear; Hats; and Caps in International Class 25, as evidenced by the publication of the mark in the *Official Gazette* of May 27, 2008 (the “Application”). The general type of design element shown in the Application, a line drawing representation of two eyes and a smile, shall be referred to herein as the “Happy Face Design Element.” A true and correct copy of the Trademark Applications and Registrations Retrieval (“TARR”) record for Applicant’s Trademark Application No. 77/347,604 is attached hereto as Exhibit A.

3. Upon information and belief, Applicant has filed its application under Section 1(b) of the Trademark Act [15 U.S.C. §1051(b)], alleging an intent to use the design for the goods and/or services within International Class 25.

4. Opposer is the owner of U.S. Trademark Registration No. 2,747,618 for “SMILEY” for goods in International Class 3, claiming a first use ever date of February 26, 2001 and a first use date in commerce of February 26, 2001; U.S. Trademark Registration No. 2,970,055 for “SMILEY” for goods in International Class 3 and a first use date in commerce of February 26, 2001; U.S. Trademark Registration No. 2,801,529 “SMILEY” for goods in International Class 25, claiming a first use ever date of 1970 and a first use date in commerce of 1970; and U.S. Trademark Registration No. 2,566,529 for “SMILEY” for goods in International Classes 9 and 28, claiming a first use ever date of May 16, 1988. True and correct copies of the applicable Trademark Electronic Search System (“TESS”) records are attached hereto as Exhibits B, C, D and E, respectively.

5. Opposer also is the owner of U.S. Trademark Application Serial No. 75/302,439, with a filing date of June 3, 1997, and for “SMILEY and Happy Face Design” for goods in

International Classes 16, 25, 28, 29, 30, 41, and 42. A true and correct copy of the applicable TESS record is attached hereto as Exhibit F.

6. Opposer also is the owner of U.S. Trademark Registration No. 3016430 for “SMILEY” for goods in International Class 9; claiming a first use ever and first use in commerce date of December 2000; U.S. Trademark Application Serial No. 78/372,321, with a filing date of February 23, 2004, for “SMILEY WORLD” for goods in International Class 9; and U.S. Trademark Application No. 75/977,376, with a filing date of June 3, 1997, for “SMILEY and Happy Face Design” for goods in International Classes 3, 5, 8, 9, 14, 18, 21, 24, 31, 32, 33, 34, 35, 36, 38, and 39. True and correct copies of the applicable TESS records are attached hereto as Exhibits G, H, and I, respectively.

7. Opposer is the owner of U.S. Trademark Application Serial No. 78/433,858 for “SMILEY” for goods in International Classes 18 and 24, with a filing date of June 11, 2004; U.S. Trademark Application No. 76/599,965 for “SMILEY” for goods in International Classes 3, 4, 5, 6, 8, 9, 10, 14, 16, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41 and 42, with a filing date of June 30, 2004; U.S. Trademark Application No. 75/720,333 for “OFFICIAL LICENSED MERCHANDISE SMILEY” mark and design for goods in International Classes 20 and 26, with a filing date of June 28, 1999; U.S. Trademark Application No. 75/550,943 for “SMILEY JEANS” for goods in International Classes 18 and 25, with a filing date of September 10, 1998; U.S. Trademark Application No. 75/514,593 for “SMILEY BABIES” for goods in International Classes 3, 5, 6, 8, 9, 14, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 32, 35 and 38, with a filing date of July 7, 1998; U.S. Trademark Application No. 75/512,770 for “SMILEY FOR KIDS” for goods in International Classes 3, 5, 6, 8, 9, 14, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30,

32, 35 and 38, with a filing date of July 2, 1998. True and correct copies of the applicable TESS records are attached hereto as Exhibits J, K, L, M, N and O, respectively.

8. Opposer is the owner of U.S. Trademark Application Serial No. 79/051,946 for “SMILEY” for goods in International Class 45, with a filing date of October 16, 2007 and claiming priority under 66(a). A true and correct copy of the applicable TESS record is attached hereto as Exhibit P.

9. Applicant is the owner of U.S. Trademark Application No. 77/256,475, against which Opposer has filed a Notice of Opposition (opposition no. 91185409) dated July 23, 2008.

10. Applicant is the owner of U.S. Trademark Application No. 77/286,544, against which Opposer has filed a Notice of Opposition dated July 23, 2008.

11. Applicant is also the owner of U.S. Trademark Application No.79/045,616, against which Opposer has filed a Notice of Opposition (opposition no. 91186510) dated September 17, 2008.

12. The filing dates of Opposer’s U.S. Trademark Application Registration Numbers and U.S. Trademark Application Serial Numbers identified above in paragraphs four (4) through eight (8) above are earlier than the filing date of Applicant’s Serial No. 77/347,604.

The Happy Face Design Element Is A Ubiquitous Icon

13. In the context of a prior application for trademark registration filed by Opposer (Serial No. 75/977,376), the U.S. Patent and Trademark Office determined that the Happy Face Design Element does not serve any trademark function under Trademark Act Sections 1, 2, and 45, 15 U.S.C. Sections 1051, 1052, and 1127 (the “Registrability Provisions”), and required Opposer to disclaim such element in order to procure a valid registration. *See* Office Action at Exhibit Q.

14. The examiner, referring to the “universal design” of the Happy Face Design Element, wrote: “the personified smiley face design, in various forms, has become ... widely recognized as a generic, cultural symbol of goodwill...” Moreover, the examiner noted, “...the smiley or happy face is a design that has been so widely recognized in our culture that it has become a universal symbol of good will and the desire that anyone who views it should ‘have a nice day.’” Thus, the U.S. Patent and Trademark Office concluded that the Happy Face Design Element is irretrievably in the public domain.

15. Applicant’s Happy Face Design Element in Serial No. 77/347,604 is synonymous or substantially similar to Opposer’s disclaimed Happy Face Design Element in Opposer’s Registrations and Applications.

16. Accordingly, Applicant’s Happy Face Design Element in Serial No. 77/347,604 does not and cannot serve any trademark function pursuant to the Registrability Provisions of the Trademark Act.

17. Applicant’s Happy Face Design Element in Serial No. 77/347,604 should not be allowed to register on the Principal Register because such registration would grant Applicant the exclusive right to use a design that cannot serve any trademark function under the Registrability Provisions of the Trademark Act.

18. Similarly, registration on the Principal Register of Applicant’s Happy Face Design Element in Serial No. 77/347,604 would improperly allow Applicant to rely on its registered rights to challenge or contest Opposer’s use or registration of a Happy Face Design Element, even though (a) the U.S. Patent and Trademark Office determined that the Happy Face Design Element (in Opposer’s Serial No. 75/977,376) does not serve any trademark function under the Registrability Provisions of the Trademark Act; and (b) Applicant’s Happy Face

Design Element in Serial No. 77/347,604 similarly cannot serve any trademark function under the Registrability Provisions of the Trademark Act.

19. By reason of all the forgoing, Opposer will be damaged by the registration of Applicant's Happy Face Design Element in Serial No. 77/347,604: registration would entitle Applicant to own and enforce registered rights for a design that cannot be retrieved from the public domain and cannot serve any trademark function under Registrability Provisions of the Trademark Act.

Registration Would Create A Likelihood of Confusion

20. Opposer maintains that to the extent that the Happy Face Design Element is capable of functioning as a trademark, the rights to the same belong to Opposer.

21. Opposer would be damaged by the registration of Applicant's proposed mark. Applicant's proposed mark closely resembles Opposer's "SMILEY" mark and other marks that contain the Happy Face Design Element, the word "SMILEY" or a similar variation thereof. Applicant has applied for similar types of goods as those offered for sale by Opposer. As a result, when used on or in connection with Applicant's goods and/or services, the proposed mark is likely to cause confusion or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d).

Opposer Has Prior Use Of The Mark In The United States

22. Applicant filed the Application as an intent to use the mark under 15 U.S.C. § 1051(b) for use with goods within International Class 25. Accordingly, for priority purposes, Applicant may rely on the filing date of the Application, which is December 9, 2007.

23. Opposer offered sweaters bearing an identical or substantially similar mark for sale in the United States prior to December 9, 2007.

24. Such use establishes Opposer's priority over Applicant in the United States.

WHEREFORE, Franklin Loufrani prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 77/347,604 be denied registration. Opposer submits herewith a copy of this Notice of Opposition, along with a filing fee of \$300.00, as required by 37 C.F.R. § 2.6(a)(17).

Respectfully Submitted,

FRANKLIN LOUFRANI

Date: September 24, 2008

By: /Steven L. Baron/
Attorney for Franklin Loufrani

Steven L. Baron
Natalie A. Harris
Mandell Menkes LLC
333 West Wacker Drive, Suite 300
Chicago, IL 60606
(312) 251-1000

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I caused a copy of the foregoing *Notice of Opposition* to be served on:

Mr. Steven M. Rabin
Attorney of Record for Harvey Ball Smile Ltd. Corp.
Rabin and Berdo, P.C.
1101 14th Street, NW, Suite 500
Washington, D.C. 20005

via e-mail and First Class Mail, by causing a copy to be placed in a sealed, postage pre-paid envelope, properly addressed as above, and causing said envelope to be deposited at 333 W. Wacker Drive, Chicago, Illinois 60606, this 24th day of September, 2008.

By: /Steven L. Baron/
Attorney for Franklin Loufrani

172218

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

This page was generated by the TARR system on 2008-09-23 13:40:56 ET

Serial Number: 77347604 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



Standard Character claim: No

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2008-06-25

Filing Date: 2007-12-09

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

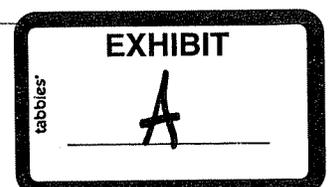
Attorney Assigned:
ORNDORFF LINDA B

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-04-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Harvey Ball Smile Limited



Address:

Harvey Ball Smile Limited
#832Minamimeguroen Blg 4-6-16 Kamiosaki
Shinagawa-ku 141-0021
Japan

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Japan

Phone Number: 81-3-5721-1437

Fax Number: 81-3-5721-1422

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Coats; Sweaters; Pants; Shirts; Trousers; Skirts; Shorts; T-shirts; Pyjamas; Swimsuits; Underwear;
Socks and stockings; Scarves; Neckties; Gloves; Footwear; Hats; Caps

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

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

Design Search Code(s):

02.01.31 - Men, stylized, including men depicted in caricature form

02.11.16 - Faces, smiley; Smiley faces

Prior Registration Number(s):

3242722

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-25 - Extension Of Time To Oppose Received

2008-05-27 - Published for opposition

2008-05-07 - Notice of publication

2008-04-18 - Law Office Publication Review Completed

2008-04-18 - Assigned To LIE
2008-04-14 - Approved for Pub - Principal Register (Initial exam)
2008-04-10 - Teas/Email Correspondence Entered
2008-04-10 - Communication received from applicant
2008-04-10 - TEAS Response to Office Action Received
2008-03-19 - Notification Of Non-Final Action E-Mailed
2008-03-19 - Non-final action e-mailed
2008-03-19 - Non-Final Action Written
2008-03-18 - Assigned To Examiner
2007-12-13 - Notice Of Design Search Code Mailed
2007-12-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

HARVEY BALL SMILE L; HARVEY BALL SMILE L
#832MINAMIMEGUROEN BLG 4-6-16 KAMIOSAKI
SHINAGAWA-KU; TOKYO
141-0021
JAPAN
Phone Number: 81-3-5721-1437
Fax Number: 81-3-5721-1422



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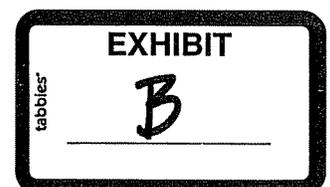
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Typed Drawing

Word Mark SMILEY
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waxing lotions, artificial eyelashes, shoe care products, namely, shoe wax, shoe polish, and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely, polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, namely, shampoos, drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely, hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, depilatory creams, stains removers, paint removers, rust and mineral removing cleaning preparations, laundry detergents, toilet water, anti-static dryers sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, windscreen cleaning preparations, essentials oils for personal use, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, adhesives for cosmetic use, namely, adhesives for use in connection with artificial hair, shaving preparations, varnish-removing preparations. FIRST USE: 20010226. FIRST USE IN COMMERCE: 20010226

Mark Drawing Code (1) TYPED DRAWING
Serial Number 75810328
Filing Date October 20, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 11, 2000
Registration Number 2747618



Registration Date August 5, 2003
Owner (REGISTRANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1 W9AA
Attorney of Record Peter E. Nussbaum, Esq.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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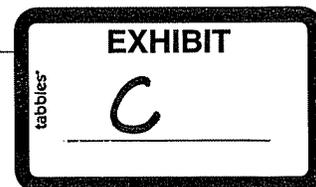
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Typed Drawing

Word Mark	SMILEY
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Soaps, bath gels, makeup, perfumes, body lotions, nail care preparations, cosmetic preparations for skin renewal, hair shampoos, hair gel. FIRST USE: 20010226. FIRST USE IN COMMERCE: 20010226
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78321611
Filing Date	October 31, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 26, 2005
Registration Number	2970055
Registration Date	July 19, 2005
Owner	(REGISTRANT) Loufrani, Franklin Alphonse INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA
Attorney of Record	Mary Catherine Merz
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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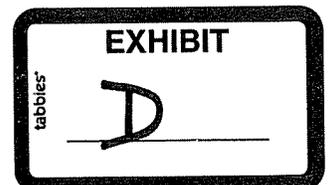
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Typed Drawing

Word Mark SMILEY
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, pullovers, trousers and shirts. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78975125
Filing Date May 10, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition August 21, 2001
Registration Number 2801529
Registration Date December 30, 2003
Owner (REGISTRANT) Loufrani, Franklin Alphonse INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA
Attorney of Record JANET DORE
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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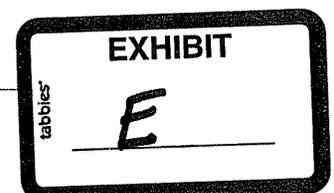
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Typed Drawing

Word Mark	SMILEY
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Protective sporting helmets. FIRST USE: 19880516. FIRST USE IN COMMERCE: 19880516
	IC 028. US 022 023 038 050. G & S: Toys, namely plush stuffed toys and plastic balls, latex balls and squeezable balls; sporting goods, namely knee pads. FIRST USE: 19880516. FIRST USE IN COMMERCE: 19880516
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75919141
Filing Date	February 15, 2000
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 12, 2002
Registration Number	2566529
Registration Date	May 7, 2002
Owner	(REGISTRANT) LOUFRANI, FRANKLIN INDIVIDUAL FRANCE 114 Eaton Square London ENGLAND SW1, W9AA
Attorney of Record	Alfred L. Haffner, Jr
Prior Registrations	0957363;1148450;1154955
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE





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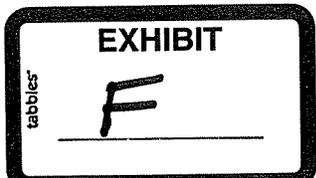
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SMILEY

Word Mark
Goods and Services

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IC 016. US 002 005 022 023 029 037 038 050. G & S: adhesive tapes for stationery or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketchbooks, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, dairies, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modelling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads,



paper or plastic transparencies

IC 025. US 022 039. G & S: clothing, namely suits, dresses, T-shirts, sweaters, sweatshirts, coats, jackets, raincoats, shorts, shirts, trousers, bathing trunks, socks, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, clothing belts, hats, babies pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes, slippers, inner soles, underwear, aprons, sportswear, namely jogging suits, training suits

IC 028. US 022 023 038 050. G & S: games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, parlor games

IC 029. US 046. G & S: meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurts, meat, fish or vegetables, crystallized fruit, fruit toppings

IC 030. US 046. G & S: sugar, rice, tapioca, saga, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than essential oils, seasonings, cocoa-based food beverages not being dairy-based or vegetable-based, coffee-based food beverages not being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, corn chips, edible decorations for cakes, chewing gum, honey, prepared entrees consisting primarily of pasta or rice, processed herbs

IC 041. US 100 101 107. G & S: Computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by a musical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; theatrical booking agencies

IC 042. US 100 101. G & S: providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening,

licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and recyclable material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 02.01.31 - Men, stylized, including men depicted in caricature form

Search Code 02.11.16 - Faces, smiley; Smiley faces

Serial Number 75302439

Filing Date June 3, 1997

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition December 10, 2002

Owner (APPLICANT) LOUFRANI, Franklin INDIVIDUAL FRANCE 17 Chaussee de la Mulette 75016 PARIS FRANCE

Attorney of Record JANET DORE

Prior Registrations 0957363;1148450

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Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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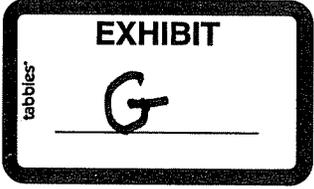
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SMILEY

Word Mark	SMILEY
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable computer software program for use in attaching, icons or other symbols, in e-mail correspondence and instant messaging. FIRST USE: 20001200. FIRST USE IN COMMERCE: 20001200
Standard Characters Claimed	.
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78372264
Filing Date	February 23, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	September 19, 2005
Registration Number	3016430
Registration Date	November 15, 2005
Owner	(REGISTRANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA
Attorney of Record	Mary Catherine Merz
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead	



Indicator LIVE

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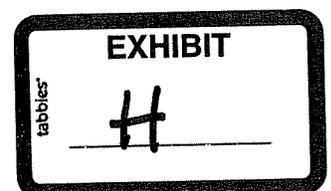
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SMILEY WORLD

Word Mark	SMILEY WORLD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable computer software program for use in attaching icons or other symbols, in e-mail correspondence, and instant messaging. FIRST USE: 20010700. FIRST USE IN COMMERCE: 20010700
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78372321
Filing Date	February 23, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 29, 2005
Registration Number	3102995
Registration Date	June 13, 2006
Owner	(REGISTRANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA
Attorney of Record	Mary Catherine Merz
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMILEY" APART FROM THE MARK AS SHOWN



Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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SMILEY

Word Mark SMILEY

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: skin soaps, facial soaps, bath soaps, non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, bath gels, bubble baths, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, artificial eyelashes, shoe care products, namely shoe wax, shoe polish and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely, polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, cosmetics for animals, namely shampoos, fur cleaners, drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, dentifrices, depilatory creams, deodorants for personal use, stain removers, paint remover, rust and mineral removing cleaning preparations, laundry detergents, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, make-up, perfumes, windscreen cleaning preparations, essential oils for personal use, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, body lotions, after-shave lotions, denture polishes, preparations for cleaning dentures, nail care preparations, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, shaving preparations, shampoos, varnish-removing preparations, non-medicated mouth washes

IC 005. US 006 018 044 046 051 052. G & S: hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sorethroat, additives for



nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for dental prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lens cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, vitamin supplements

IC 008. US 023 028 044. G & S: non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords, whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bits for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabres, hand tools, namely, saws, carpenters or coopers clamps, fire irons, hand tools, namely, screwdrivers and drills

IC 009. US 021 023 026 036 038. G & S: nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, gun sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely, bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, pre-recorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, contact lens cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bullet-proof waistcoats, loudspeakers, printers for use with computer, data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules, microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, bells and electric doorbells, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical or electric egg timers

IC 014. US 002 027 028 050. G & S: precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues, statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, urns of precious metal

IC 018. US 001 002 003 022 041. G & S: trunks for travelling, travelling bags, umbrellas, parasols and walking sticks, whips and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel, purses, school bags, business card cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mash bags for shopping, horse blankets, dog coats, cat coats, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

IC 021. US 002 013 023 029 030 033 040 050. G & S: combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statues, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travellers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty, corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes. soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns, not of precious metal, drinking glasses

IC 024. US 042 050. G & S: lingerie fabric, upholstery fabrics, bath linen, canvas for tapestry or embroidery, oilcloth to be used as tablecloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hangings of textile, curtains of textile or plastic, table mats, not of paper

IC 031. US 001 046. G & S: agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient or filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, decorative dried plants

IC 032. US 045 046 048. G & S: beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices, fruit juices and soft drinks

IC 033. US 047 049. G & S: alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, apertifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, barley

IC 034. US 002 008 009 017. G & S: tobacco, matches, match boxes, not of precious metal, cigar and

cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, tobacco pouches

IC 035. US 100 101 102. G & S: advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services, providing statistical information, business investigations

IC 036. US 100 101 102. G & S: guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travellers's check issuance, saving bank services, appraisals for insurance claims of others' property, real estate management, financial management

IC 038. US 100 101 104. G & S: telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, cellular telephone services

IC 039. US 100 105. G & S: transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasure boat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, guarded transportation of valuables and money by truck

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.31 - Men, stylized, including men depicted in caricature form
02.11.16 - Faces, smiley; Smiley faces

Serial Number 75977376

Filing Date June 3, 1997

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition May 22, 2001

Owner (APPLICANT) LOUFRANI, Franklin INDIVIDUAL FRANCE 17 Chaussee de la Muette 75016 PARIS FRANCE

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Register PRINCIPAL
Live/Dead Indicator LIVE

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SMILEY

Word Mark SMILEY
Goods and Services IC 018. US 001 002 003 022 041. G & S: trunks for traveling, traveling bags, umbrellas, parasols and walking sticks, hat boxes for travel, purses, school bags, business card cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, and traveling leather sets consisting of traveling bags

IC 024. US 042 050. G & S: lingerie fabric, upholstery fabrics, bath linen, canvas for tapestry or embroidery, oilcloth to be used as tablecloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hangings of textile, curtains of textile or plastic, and table mats, not of paper

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78433858

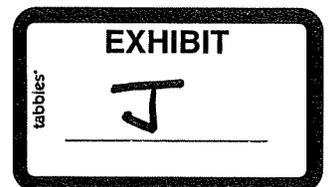
Filing Date June 11, 2004

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition September 13, 2005

Owner (APPLICANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London SW1W9AA UNITED KINGDOM



Attorney of Record Mary Catherine Merz
Prior Registrations 2566529;2747618;2801529;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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SMILEY

Word Mark

SMILEY

Goods and Services

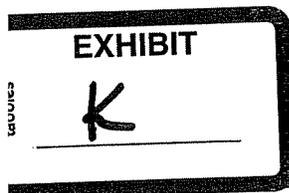
IC 003. US 001 004 006 050 051 052. G & S: bubble baths, dentifrices, deodorants for personal use, after-shave lotions, denture polishes, preparations for cleaning dentures, false nails, non-medicated mouth washes

IC 004. US 001 006 015. G & S: candles

IC 005. US 006 018 044 046 051 052. G & S: hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sore throat, additive for nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for denture prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lense cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, and vitamin supplements

IC 006. US 002 012 013 014 023 025 050. G & S: metal keys

IC 008. US 023 028 044. G & S: non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords,



whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bites for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabers, hand tools, namely, saws, carpenters or coppers clamps, fire irons, hand tools, namely, screwdrivers and drills

IC 009. US 021 023 026 036 038. G & S: Nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, guns sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely, bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, prerecorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bulletproof waistcoats, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules, microphones microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, vegetable juices, fruit juices and soft drinks, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, and mechanical or electric egg timers, video games and computer games

IC 010. US 026 039 044. G & S: condoms

IC 014. US 002 027 028 050. G & S: precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues, statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, and urns of precious metal

IC 016. US 002 005 022 023 029 037 038 050. G & S: adhesive tapes for stationary or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketch books, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, diaries, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms. school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads, and paper or plastic transparencies

IC 021. US 002 013 023 029 030 033 040 050. G & S: combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statutes, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travelers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty, corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, no of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots,;gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders. sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, and drinking glasses

IC 025. US 022 039. G & S: clothing, namely suits, dresses, t-shirts, sweatshirts, raincoats, shorts, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, hats, babies pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes, slippers, inner soles, aprons, sportswear, namely jogging suits, and training suits

IC 026. US 037 039 040 042 050. G & S: hair accessories

IC 027. US 019 020 037 042 050. G & S: carpets

IC 028. US 022 023 038 050. G & S: games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, and parlor games

IC 029. US 046. G & S: meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurt, meat, fish or vegetables, crystallized fruit, and fruit toppings

IC 030. US 046. G & S: sugar, rice, tapioca, saga, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than essential oils, seasonings, cocoa-based food beverages not being dairy-based or vegetable based, coffee-based food beverages not being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, corn chips, edible decorations for cakes, chewing gum, confectionery, candies, mints, honey, prepared entrees consisting primarily of pasta or rice, and processed herbs

IC 031. US 001 046. G & S: agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient for filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, and decorative dried plants

IC 032. US 045 046 048. G & S: beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices fruit juices and soft drinks

IC 033. US 047 049. G & S: alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, aperitifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, and barley

IC 034. US 002 008 009 017. G & S: tobacco, matches, match boxes, not of precious metal, cigar and cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, and tobacco pouches

IC 035. US 100 101 102. G & S: advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services, providing statistical information, and business investigations

IC 036. US 100 101 102. G & S: guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travelers check issuance, saving bank services, appraisals for insurance claims of others property, real estate management, and financial management

IC 038. US 100 101 104. G & S: telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, and cellular telephone services

IC 039. US 100 105. G & S: transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasure boat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, and guarded transportation of valuables and money by truck

IC 041. US 100 101 107. G & S: computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by a musical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; and theatrical booking agencies

IC 042. US 100 101. G & S: providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening, licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and recyclable material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions

Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76599965
Filing Date	June 30, 2004
Current	

Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA

Attorney of Record Mary Catherine Merz

Type of Mark TRADEMARK. SERVICE MARK

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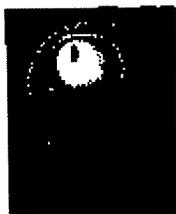
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Word Mark OFFICIAL LICENSED MERCHANDISE SMILEY

Goods and Services IC 020. US 002 013 022 025 032 050. G & S: Furniture, mirrors, picture frames; goods (not included in other classes)of wood, cork reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics

IC 026. US 037 039 040 042 050. G & S: Lace and embroidery, ribbons and braid; buttons, hooks, and eyes, pins and needles; artificial flowers.

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.02 - Eyes, human; Human eyes; Iris (eye)
02.11.04 - Human lips or mouths
26.01.21 - Circles that are totally or partially shaded.

Serial Number 75720333

Filing Date June 28, 1999

Current Filing Basis 1B

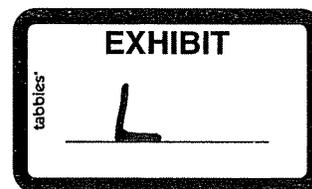
Original Filing Basis 1B

Owner (APPLICANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1 W9AA

Attorney of Record JANET DORE, ESQ

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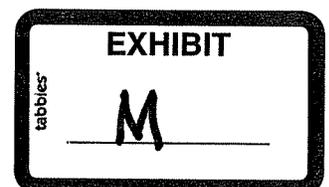
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Typed Drawing

Word Mark	SMILEY JEANS
Goods and Services	IC 018. US 001 002 003 022 041. G & S: denim bags, handbags and backpacks IC 025. US 022 039. G & S: clothing, namely jeanswear, shirts, outerwear, jackets, trousers, pants, blue jeans, t-shirts, sweaters
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75550943
Filing Date	September 10, 1998
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London, SWI UNITED KINGDOM
Attorney of Record	JANET DORE
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "JEANS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark SMILEY BABIES

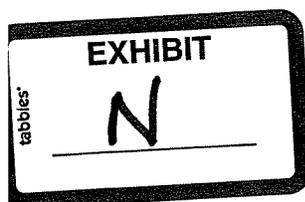
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: toiletries, namely, bath gels, bubble baths, perfumes, hair lotions, baby oil, baby shampoo, baby powder, soaps and body lotions, hair care preparations, perfumes, cosmetics, namely, eyelash pencils, eyelid pencils, lipstick, skin creams, non-medicated sun care preparations, namely, sun tanning lotion, dentifrices, non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, shoe care products, namely, shoe wax, shoe polish, shoe cream, parquet floor wax, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, nail care preparations, cotton balls for cosmetic purposes, wallpaper cleaning preparations

IC 005. US 006 018 044 046 051 052. G & S: vitamin supplementss, hygienic preparations for medicine and personal hygiene, namely, hygiene, namely, feminine hygiene, cleansing towelettes and medicated mouth washes, disinfectants for hygiene purposes, namely antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesive bandages, room deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely medicated bath gels, medicated bath salts, adhesive bandages, medicated candy for use on sorethroat, medicated compresses, cotton for medical purposes, insecticides for domestic use, mineral supplements, vitamin supplements

IC 006. US 002 012 013 014 023 025 050. G & S: metal key rings, gift and novelty items made of metal, namely, key chains, figurines, wind chimes, key fobs, piggy banks, novelty license plated, ornamental badges and pins and decorative boxes

IC 008. US 023 028 044. G & S: non-electric cutlery, namely non-electric choppers, forks and spoons, instruments for punching tickets, namely punches, non-electric can openers, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, hand operated choppers for use on meat and vegetables, nail files, manicure sets, pedicure sets, sugar tongs

IC 009. US 021 023 026 036 038. G & S: computer hardware and computer software and peripherals used to design and customize printed materials such as greeting cards and stickers, interactive games and story telling software for educational and entertainment purposes, automatic vending machines,



calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, bells, sound amplifiers, radio-controlled miniature aerial targets, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, burglar alarms, scales, safety equipment, namely beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, photographic cameras, motion picture cameras, video cameras, debit cards magnetically encoded and pre-paid telephone calling cards magnetically encoded, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, computer keyboards, bar code readers, pre-recorded compact disks featuring music, optical compact discs, photographic slide transparencies, optical discs, blank floppy disks for computers, joysticks and video game interactive remote control units, blank magnetic data carriers, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglasses, eyeglass cases, magnets, fire extinguisher, electric and flat irons, life nets, exposed camera film, photographic flash-bulb, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules, microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, radios, audio-receivers, video-receivers, electric light dimmers, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical and electric egg timers

IC 014. US 002 027 028 050. G & S: precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely statues, statuettes, figurines of precious metal, jewelry, boxes of precious metal, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, servicing platters of precious metal, urns of precious metal

IC 016. US 002 005 022 023 029 037 038 050. G & S: adhesive tapes for stationery or household purposes, playing cards, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, writing pads, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers, decalcomanias, drawing instruments, graphics art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, pens, pencils, markers and crayons, rubber erasers, office requisites, namely rubber bands, wrapping paper, writing ink, duplicating ink, pencils, pens, writing instruments, paper place mats, paper and cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, letter files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely, lithographs, bookmarkers, bags for microwave cooking, table linen of paper, embroidery design, patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen cases, pen and pencil trays, penholders, pencil holders, portraits, prospectuses, printed publications, namely, magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, and games, thumbtacks, ledger books, drawing rulers, bookbinders, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, shopping bags, and pouches for merchandise packaging, bookends, writing pads, fountain pens, pencil sharpeners, inking pads, paper or plastic transparencies, general purpose plastic bags, disposable diapers, debit cards without magnetic coding and telephone calling cards, not magnetically encoded

IC 018. US 001 002 003 022 041. G & S: trunks and travelling bags, bags, diaper bags, handbags,

umbrellas, parasols and walking sticks, whips, and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel purses, school bags, business cards cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, horse blankets, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

IC 020. US 002 013 022 025 032 050. G & S: furniture mirrors, furniture, picture frames, bedding, namely, sheets, comforters, quilts, pillow cases and shams, non-metal key rings, window blinds, non-metal pegs

IC 021. US 002 013 023 029 030 033 040 050. G & S: portable beverage dispensers, kitchen utensils, namely, knives, forks, spoons, ladles, ice cream scoops, not of precious metal, hair combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, works of art made of porcelain, terracotta and glass, namely, statues, statuettes and figurines, table plates not of precious metal, brooms, portable baby bath tubs, drinking flasks for travelers, drinking vessels, mugs, glass jars for jams and jellies, plastic coasters, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes, corkscrews, non-electric kettle, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, signboards for porcelain or glass, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely, strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice buckets, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottlegourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, table ware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, drinking glasses

IC 024. US 042 050. G & S: lingerie fabric, upholstery fabrics, bath linen, canvas wall hangings for tapestry or embroidery, oilcloth to be used as table cloths, cloth flags, cloth labels, bed linen, household linen, table linen, table napkins, of textile, unfitted fabric furniture covers, mosquito nets, wall hanging of textile, curtains of textile or plastic, table mats, not of paper

IC 025. US 022 039. G & S: dog coats and cat coats, clothing, namely, footwear, bathing suits, bath robes, bathing trunks, bibs, not of paper, berets, hosiery socks, boots, suspenders, pants, cap, sports shoes, masquerade clothing, belts, clothing, hats, babies' pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes clothing, slippers, inner soles, underwear, aprons clothing, sportswear, cloth diapers

IC 027. US 019 020 037 042 050. G & S: rugs, carpets, mats, non-textile wall-hangings

IC 028. US 022 023 038 050. G & S: games, namely, chess, checkers, computer and video games, playthings, namely, toy flying disks, skipping ropes, gymnastic and sporting articles, namely, baseball bats, baseball gloves, balls, balloons, golf clubs, boxing gloves, toys, namely, dolls, jigsaw puzzles, bean bags, ornaments for Christmas trees (except illumination articles and confectionery), toys for domestic pets, practical jokes novelties, toy masks, kites, exercise machines, namely, treadmills, stationery bicycles, rowing machines, party favors in the nature of small toys, fish hooks, fishing tackle, play swimming pools, protective padding for playing baseball, ice hockey and in line skating, parlor games

IC 029. US 046. G & S: meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk and milk products, edible oils and fats, dairy based beverages, bouillon, charcuterie, frosted fruits, chicken, meat and fish croquettes, crustaceans, cheese, preserved, mussels, soup mixes, soups, salted foods, namely, smoked herrings and smoked sausages, yogurt, prepared meals consisting primarily of meat, poultry, fish or vegetables

IC 030. US 046. G & S: processed herbs, coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes grain or chicory based, flour and confectionery for decorating baked goods, yeast, mustard, vinegar, sauces, spices, ice, flavored ices, alimentary pastes, pasta, confectionery for decorating Christmas trees, non-essential oil food flavorings, seasonings, cookies, cocoa-based beverages, coffee-based beverages, chocolate-based beverages, grain-based chips, chocolate, condiments, namely, salt, vinegar, mustard and pepper, edible decorations for cakes, prepared entrees consisting primarily of pasta or rice, dietary supplements, namely, food substance comprised of fresh royal jelly, chewing gum, honey, sandwiches, pre-cooked dishes based on paste, pasta, rice or cereals

IC 032. US 045 046 048. G & S: mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice, syrups for making soft drinks, isotonic beverages, vegetable juices, preparations for making fruit drinks, sodas, iced tea, energy drinks

IC 035. US 100 101 102. G & S: advertising services, advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, computerized database management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely promoting the services of computers, fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services providing statistical information, business investigations

IC 038. US 100 101 104. G & S: radio broadcasting and subscription television broadcasting, telecommunication services, namely personal communication services, paging services, communication by radio, telephone and telegram, electronic transmission of documents and data via a computer terminal; rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, cellular telephone services

Mark Drawing Code (1) TYPED DRAWING
Serial Number 75514593
Filing Date July 7, 1998
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London, SW1 UNITED KINGDOM
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Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark SMILEY FOR KIDS

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: toiletries, namely, bath gels, bubble baths, perfumes, hair lotions, baby oil, baby shampoo, baby powder, soaps and body lotions, hair care preparations, perfumes, cosmetics, namely, eyelash pencils, eyelid pencils, lipstick, skin creams, non-medicated sun care preparations, namely sun tanning lotion, dentifrices, non-medicated cosmetic preparations for slimming purposes, namely skin creams, skin lotions, skin pomades, rust removing preparations, sun-tanning preparations for cosmetic purposes, fabric softeners for laundry use, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waving lotions, shoe care products, namely, shoe wax, shoe polish, shoe cream, parquet floor wax, toilet water, anti-static dryer sheets, emery paper, emery cloth, emery boards, nail care preparations, cotton balls for cosmetic purposes, wallpaper cleaning preparations

IC 005. US 006 018 044 046 051 052. G & S: vitamin supplements, hygienic preparations for medicine and personal hygiene, namely, hygiene, namely feminine hygiene, cleansing towelettes and medicated mouth washes, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesive bandages, room deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, medicated candy for use on sorethroat, medicated compresses, cotton for medical purposes, insecticides for domestic use, mineral supplements, vitamin supplements

IC 006. US 002 012 013 014 023 025 050. G & S: metal key rings, gift and novelty items made of metal, namely, key chains, figurines, wind chimes, key fobs, piggy banks, novelty license plates, ornamental badges and pins and decorative boxes

IC 008. US 023 028 044. G & S: non-electric cutlery, namely non-electric choppers, forks and spoons, instruments for punching tickets, namely punches, non-electric can openers, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, hand operated choppers for use on meat and vegetables, nail files, manicure sets, pedicure sets, sugar tongs

IC 009. US 021 023 026 036 038. G & S: Computer hardware and computer software and peripherals used to design and customize printed materials such as greeting cards and stickers, interactive games and story telling software for educational and entertainment purposes, automatic vending machines,

EXHIBIT

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calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, bells, sound amplifiers, radio-controlled miniature aerial targets, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, burglar alarms, scales, safety equipment, namely beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, photographic cameras, motion picture cameras, video cameras, debit cards magnetically encoded and pre-paid telephone calling cards magnetically encoded, magnetic encoded identity cards, cartridges for video games, protective helmets, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, computer keyboards, bar code readers, pre-recorded compact disks featuring music, optical compact discs, photographic slide transparencies, optical discs, blank floppy disks for computers, joysticks and video game interactive remote control units, blank magnetic data carriers, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglasses, eyeglass cases, magnets, fire extinguisher, electric and flat irons, life nets, exposed camera film, photographic flash-bulb, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules, microphones, microprocessors, microscopes, computer monitors, computer peripheral mouse pads, radios, audio-receivers, video-receivers, electric light dimmers, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, mechanical and electric egg timers

IC 014. US 002 027 028 050. G & S: precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues, statuettes, figurines of precious metal, jewelry, boxes of precious metal, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal, chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, servicing platters of precious metal, urns of precious metal

IC 016. US 002 005 022 023 029 037 038 050. G & S: Adhesive tapes for stationery or household purposes, playing cards, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, writing pads, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers, decalcomanias, drawing instruments, graphics art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, pens, pencils, markers and crayons, rubber erasers, office requisites, namely rubber bands, wrapping paper, writing ink, duplicating ink, pencils, pens, writing instruments, paper place mats, paper and cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, letter files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely, lithographs, bookmarkers, bags for microwave cooking, table linen of paper, embroidery design, patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen cases, pen and pencil trays, penholders, pencil holders, portraits, prospectuses, printed publications, namely, magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, and games, thumbtacks, ledger books, drawing rulers, bookbinders, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, shopping bags, and pouches for merchandise packaging, bookends, writing pads, fountain pens, pencil sharpeners, inking pads, paper or plastic transparencies, general purpose plastic bags, disposable diapers, debit cards without magnetic coding and telephone calling cards, not magnetically encoded

IC 018. US 001 002 003 022 041. G & S: trunks and travelling bags, bags, diaper bags, handbags,

umbrellas, parasols and walking sticks, whips and saddlery, dog collars, cat collars, leashes for animals, hat boxes for travel purses, school bags, business cards cases, school satchels, document cases, key cases, vanity cases sold empty, briefcases, mesh bags for shopping, horse blankets, attache cases, suitcases, pocket wallets, infants carriers worn on the body, backpacks, rucksacks, handbags, beach bags, leather envelopes and pouches bags for merchandise packaging, garment bags for travel, travelling leather sets consisting of travelling bags

IC 020. US 002 013 022 025 032 050. G & S: furniture mirrors, furniture, picture frames, bedding, namely, sheets, comforters, quilts, pillow cases and shams, non-metal key rings, window blinds, non-metal pegs

IC 021. US 002 013 023 029 030 033 040 050. G & S: Portable beverage dispensers, kitchen utensils, namely, knives, forks, spoons, ladles, ice cream scoops, not of precious metal, hair combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, works of art made of porcelain, terracotta and glass, namely, statues, statuettes and figurines, table plates not of precious metal, brooms, portable baby bath tubs, drinking flasks for travelers, drinking vessels, mugs, glass jars for jams and jellies, plastic coasters, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes, corkscrews, non-electric kettle, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, signboards for porcelain or glass, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely, strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice buckets, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottlegourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, table ware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, drinking glasses

IC 024. US 042 050. G & S: lingerie fabric, upholstery fabrics, bath linen, canvas wall hangings for tapestry or embroidery, oilcloth to be used as table cloths, cloth flags, cloth labels, bed linen, household linens, table linen, table napkins of textile, unfitted fabric furniture covers, mosquito nets, wall hanging of textile, curtains of textile or plastic, table mats, not of paper

IC 025. US 022 039. G & S: dog coats and cat coats, clothing, namely, footwear, bathing suits, bath robes, bathing trunks, bibs, not of paper, berets, hosiery, socks, boots, suspenders, pants, caps, sports shoes, masquerade clothing, belts, clothing, hats, babies' pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes clothing, slippers, inner soles, underwear, aprons clothing, sportswear, cloth diapers

IC 027. US 019 020 037 042 050. G & S: rugs, carpets, mats, non-textile wall-hangings

IC 028. US 022 023 038 050. G & S: Games, namely, chess, checkers, computer and video games, playthings, namely, toy flying disks, skipping ropes, gymnastic and sporting articles, namely, baseball bats, baseball gloves, balls, balloons, golf clubs, boxing gloves, toys, namely, dolls, jigsaw puzzles, bean bags, ornaments for Christmas trees (except illumination articles and confectionery), toys for domestic pets, practical jokes novelties, toy masks, kites, exercise machines, namely, treadmills, stationery bicycles, rowing machines, party favors in the nature of small toys, fish hooks, fishing tackle, play swimming pools, protective padding for playing baseball, ice hockey and in line skating, parlor games

IC 029. US 046. G & S: meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk and milk products, edible oils and fats, dairy based beverages, bouillon, charcuterie, frosted fruits, chicken, meat and fish croquettes, crustaceans, cheese, preserved, mussels, soup mixes, soups, salted foods, namely, smoked herrings and smoked sausages, yogurt, prepared meals consisting primarily of meat, poultry, fish or vegetables

IC 030. US 046. G & S: processed herbs, coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes grain or chicory based, flour and confectionery for decorating baked goods, yeast, mustard, vinegar, sauces, spices, ice, flavored ices, alimentary paste, pasta, confectionery for decorating Christmas trees, non-essential oil food flavorings, seasonings, cookies, cocoa-based beverages, coffee-based beverages, chocolate-based beverages, grain-based chips, chocolate, condiments, namely, salt, vinegar, mustard and pepper, edible decorations for cakes, prepared entrees consisting primarily of pasta or rice, dietary supplements, namely, food substance comprised of fresh royal jelly, chewing gum, honey, sandwiches, pre-cooked dishes based on paste, pasta, rice or cereals

IC 032. US 045 046 048. G & S: Mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice, syrups for making soft drinks, isotonic beverages, vegetable juices, preparations for making fruit drinks, sodas, iced tea, energy drinks

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Mark Drawing Code (1) TYPED DRAWING

Serial Number 75512770

Filing Date July 2, 1998

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Loufrani, Franklin INDIVIDUAL UNITED KINGDOM 114 Eaton Square London, SW1 UNITED KINGDOM

Attorney of Record JANET DORE

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOR KIDS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

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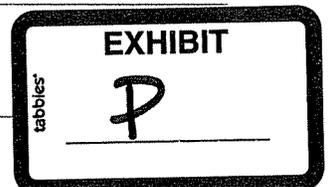
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SMILEY

Word Mark	SMILEY
Goods and Services	IC 045. US 100 101. G & S: Intellectual property consultancy; copyright management; domain name registration (legal services); legal research; computer software licensing; granting of intellectual property licenses; domain name registration; intellectual property monitoring services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79051946
Filing Date	October 16, 2007
Current Filing Basis	66A
Original Filing Basis	66A
International Registration Number	0958887
Owner	(APPLICANT) The SMILEY COMPANY SPRL Société privée à responsabilité limitée (SPRL) BELGIUM Rue des Trois Arbres 16 B-1180 Bruxelles BELGIUM
Description of Mark	Name mark "SMILEY".
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 75/977376 APPLICANT LOUFRANI, Franklin		PAPER NO.
MARK SMILEY AND DESIGN		ADDRESS: Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov <small>If no fees are enclosed, the address should include the words "Box Response - No Fee."</small>
ADDRESS: M NICOLAS LOUFRANI SMILEY LICENSING CORP 138 SPRING ST NEW YORK NY 10012-3854	ACTION NO. 02	
FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE	MAILING DATE 06/12/00 REF. NO. 	

Please provide in all correspondence:

1. Filing Date, serial number, mark and Applicant's name.
2. Mailing date of this Office action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and ZIP code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/977376 SMILEY and smiley face design

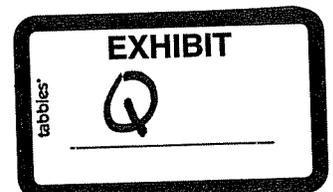
INTRODUCTION

The Office has reassigned this application to the undersigned examining attorney. This letter responds to the applicant's letter of January 8, 1999 in response to a final refusal issued July 6, 1998 in which the previous examining attorney required further amendments to the identification/classification of goods/services.

The applicant has divided certain classes out from the original application. For purposes of clarity, this application now covers only the goods/services in Classes 3, 5, 8, 9, 14, 18, 21, 24, 31, 32, 33, 34, 35, 36, 38 and 39.

Since the time in which the application has been approved for publication, prosecution of this application has been interrupted due to a procedural process initiated by a third party. In light of this, please note that a Letter of Protest has been received and granted in this application. See TMEP section 1116. A copy of the evidence presented in the Letter of Protest and the memorandum from the Office of the Director, Trademark Examining Groups, that accompanied the evidence, is attached hereto.

As stated above, this application has been reassigned to the examining attorney noted below in order the reevaluate the application. The undersigned apologizes for any delay in the prosecution



of this application. The new examining attorney has carefully reviewed the applicant's response and the information provided with the Letter of Protest, and has determined that the design of the smiley face (not the wording) must be disclaimed as this design element does not have trademark significance under Sections 1, 2 and 45 of the Trademark Act.

Thus, the examining attorney requires further amendments to the identification and classification of goods/services, and the new disclaimer. Since the Letter of Protest requires the Office to raise a new issue at this stage regarding the disclaimer, these refusals are not final in nature.

DISCLAIMER OF SMILEY FACE DESIGN ELEMENT REQUIRED

The applicant must insert a disclaimer of the design of the smiley face in the application. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.09(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use the design of a smiley face apart from the mark as shown.

This requirement is necessitated because this design element does not serve any trademark function under Trademark Act Sections 1, 2 and 45, 15 U.S.C. Sections 1051, 1052 and 1127. The design portion of the mark neither identifies nor distinguishes the goods of the applicant from those of others nor indicates their source. *In Re Remington Products Inc.*, 3 USPQ2d 1714 (TTAB 1987).

To determine whether a term or design is being used as a trademark, the examining attorney must consider the specimen of record, together with any other evidence submitted with the application. *In re Bose Corp.*, 546 F.2d 893, 192 USPQ 213 (C.C.P.A. 1976); *In re Restonic Corp.*, 189 USPQ 248 (TTAB 1975). Not all words, designs, symbols or slogans used in the sale or advertising of goods or services function as trademarks, regardless of the applicant's intent. A term does not function as a trademark unless it is used in a manner which clearly projects to purchasers a single source of the goods or services. *In re Morganroth*, 208 USPQ 284 (TTAB 1980).

In this case, since the application has been filed on an intent-to-use basis, the examining attorney must consider the evidence available to her during prosecution of this application. The TEMP states that "to the fullest extent possible, the examining attorney will examine the intent-to-use application for registrability under Trademark Act Sections 1... according to the same procedures and standards which apply to any other application... First and foremost, the examining attorney must develop evidence during the initial examination from sources other than the applicant." TMEP section 1105.01(a)(iv).

The evidence submitted with the above-referenced Letter of Protest, as well as the other evidence attached hereto, show that the proposed design is incapable of functioning as a trademark because members of the public would not perceive this element as serving as a sole source identifier for the applicant. See, e.g., *In re Remington Products, Inc.*, 3 USPQ2d 1714 (TTAB 1987) (PROUDLY MADE IN THE USA held unregistrable as a trademark because the overall commercial impression of the wording is merely informational); *Ex parte Zucker*, 442 USPQ 111 (Comm'r Pats, 1956) (BOSS and SLAVE embossed on different towels not registrable as trademarks for towels because they are merely common monograms). The Board in *Remington*, noted that "the mere fact that the applicant's slogan appears on the specimens, even separate and apart from any other indicia which appear on them, does not make it a trademark. To be a mark, the term... must be used in a manner

calculated to project to purchasers or potential purchasers a single source or origin for the goods in question. Mere intent that a term function as a trademark is not enough...." 3 USPO2d 1715.

Here, the applicant seeks registration of the common, universal design of a smiling face with the word SMILEY underneath, for a wide variety of goods/services, including various cosmetic items, novelties, jewelry, and various household items, all of which are commonly emblazoned with decorative or ornamental designs. The enclosed evidence shows that the smiley or happy face is a design that has been so widely recognized in our culture that it has become a universal symbol of good will and the desire that anyone who views it should "have a nice day." As such a widely used, decorative symbol, it is simply incapable of serving to distinguish the applicant as the sole source of goods bearing this design, even with some sort of embellishment, such as a hat or bow on its head, or with various facial expressions. See TMEP section 1202.04(a).

The examining attorney has attached excerpts from three websites featuring party and novelty items. See attached excerpts from iparty.com, orientaltrading.com and birthdayexpress.com (the actual websites are listed on the top right corner of each website excerpt), as well as excerpts from the Oriental Trading Company mail order catalog and the retail store Party City's mailed advertisement. These excerpts show how widely recognized the smiley face is as a decorative element for a wide variety of goods and services. Indeed, these attached excerpts also show the wide use of smiley faces wearing different hats or costumes for different occasions, including Santa hats for use with Christmas-themed goods, party hats for birthday party-themed goods, top hats with stars and stripes for Fourth of July-themed goods, etc.

The personified smiley face design, in various forms, has become so widely recognized as a generic, cultural symbol of goodwill that a museum has dedicated an entire exhibit to displaying the wide variety of memorabilia that has born the design through the years. See *"His Face Launched a Sensation; Smile Artist Harvey Ball Celebrates 75th Birthday," Worcester Telegram & Gazette*, July 10, 1996 (attached). One author even discusses the smiley face's evolution as a cultural symbol from the 1960's to the present. See *"All Smiles," Sacramento Bee*, May 11, 1999 (attached). The smiley face appears on everything from magazine renewal mail-in cards, to all manner of party novelties (see attached excerpts from Oriental Trading mail-order catalog), to keychains, to self-help books. See attached evidence. Additionally, the symbol is so widely recognized and used that the examining attorney is able to insert it into this letter as a common symbol simply by typing in the abbreviated computer symbol, "colon, close parenthesis." © The attached evidence submitted with the Letter of Protest reinforces the fact that this symbol is so universally used as a purely decorative, informational element on a wide variety of goods and services, with or without embellishments such as a mortarboard or other costume element, that no consumer would perceive the applicant as the sole source of goods bearing this proposed mark.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issues.

IDENTIFICATION OF GOODS/SERVICES

The identification of goods/services requires further amendments, as provided below. Moreover, in the identification of goods/services in general, many items are mentioned more than once. The applicant should review its entire identification of goods/services and remove the duplicative items.

The examining attorney has made some suggestions below, however, these suggestions may not cover all duplicative items.

As to Class 3, the applicant must amend "soaps" to indicate the type of soap, e.g., skin soaps, facial soaps, bath soaps, laundry soaps, etc., all in Class 3.

The applicant should note that "adhesives for cosmetic purposes" belongs in Class 3, while "tape for fixing wigs" belongs in Class 26. If by "adhesives for use in connection with artificial hair" the applicant means wig tape, then these goods belong in Class 26. If by "adhesives for use in connection with artificial hair" the applicant means things like eyelash glue, then the goods belong in Class 3. The applicant should clarify this identification of goods accordingly.

As to Class 5, vitamin supplements is listed twice. The applicant should delete one instance of this wording.

As to Class 8, the applicant must delete "(hand tools)" after "rakes."

As to Class 9, the applicant must amend "bells" to indicate the type, e.g., warning devices, namely, bells, in Class 9; non-electric metal doorbells, in Class 6; electric doorbells, in Class 9, etc.

As to Class 32, the applicant must either delete the lone word "beverages," or amend it to indicate the particular type of beverage, and classify it accordingly. The wording "vegetable juices" or "vegetable juice beverages" would be acceptable, but "vegetable juices, beverages" is unacceptable.

CLASSIFICATION

If the applicant prosecutes this application as a combined, or multiple-class, application, and additional classes are required, then the applicant must comply with each of the following.

- (1) The applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP section 1113.01.
- (2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01. Effective January 10, 2000, the fee for filing a trademark application is \$325 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney. For convenience, the applicant may contact the undersigned at the telephone number listed below, or via e-mail, if desired, at elissagarber.kon@uspto.gov.

Effective January 10, 2000, the following trademark filing fees will increase:

37 C.F.R. Section	Description of Paper Filed	Old Fee Amount	New Fee Amount (effective 1/10/2000)
2.6(a)(1)	Application for Registration, per	\$245	\$325

	class		
2.6(a)(4)	Request for Extension of time for filing Statement of Use, per class	\$100	\$150
2.6(a)(5)	Application for Renewal, per class	\$300	\$400
2.6(a)(13)	Filing Section 15 Affidavit, per class	\$100	\$200
2.6(a)(16)	Petition for Cancellation, per class	\$200	\$300
2.6(a)(17)	Notice of Opposition, per class	\$200	\$300

See notices at 64 FR 67774 (Dec. 3, 1999) and 1229 TMOG 12 (Dec. 7, 1999).



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