

ESTTA Tracking number: **ESTTA377188**

Filing date: **11/05/2010**

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	JIMLAR CORPORATION
Granted to Date of previous extension	11/17/2010
Address	160 Great Neck Road Great Neck, NY 11021 UNITED STATES

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com
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Applicant Information

Application No	77938265	Publication date	07/20/2010
Opposition Filing Date	11/05/2010	Opposition Period Ends	11/17/2010
Applicant	The Fry Girl Inc. 2052 W. 146th Street Gardena, CA 90249 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2008/02/01 First Use In Commerce: 2008/02/01
All goods and services in the class are opposed, namely: Catering of food and drinks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2191093	Application Date	01/08/1998
Registration Date	09/22/1998	Foreign Priority Date	NONE
Word Mark	FRYE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1952/01/01 First Use In Commerce: 1952/01/01 boots and shoes of leather and/or synthetic materials		
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U.S. Registration No.	1093784	Application Date	09/08/1976
Registration Date	06/20/1978	Foreign Priority Date	NONE
Word Mark	FRYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1976/08/27 First Use In Commerce: 1976/08/27 HANDBAGS		

U.S. Registration No.	1244640	Application Date	07/19/1982
Registration Date	07/05/1983	Foreign Priority Date	NONE
Word Mark	FRYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 Footwear and Vests		

Attachments	73375583#TMSN.gif (1 page)(bytes) DOC110610fry.pdf (32 pages)(637954 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	/Robert L. Epstein/
Name	Robert L. Epstein
Date	11/05/2010

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

In the Matter of Trademark Application for THE FRY GIRL INC and Design,
Ser. No. 77/938,265, in the name of The Fry Girl Inc.

_____)	
)	
JIMLAR CORPORATION,)	
)	
Opposer,)	Opp. No. _____
)	
)	
v.)	
)	
THE FRY GIRL INC. ,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Jimlar Corporation, a New York corporation, having a place of business at 160 Great Neck Road, Great Neck, New York 11021 (hereinafter "Opposer") believes that it is or will be damaged by the issuance of a trademark registration based on Application Serial No. 77/938,265 for the trademark THE FRY GIRL INC and Design for "catering of food and drinks", and hereby opposes same.

As grounds therefor, it is alleged that:

1. Opposer, Jimlar Corporation, is a corporation organized and existing under the laws of the State of New York, located and doing business at 160 Great Neck Road, Great Neck, New York 11021.
2. Opposer is a supplier and distributor of footwear, wearing apparel, and handbags.

3. Opposer is the owner of the entire right, title and interest in and to the trademarks FRYE for footwear, wearing apparel, and handbags, and FRYE & FF Design for footwear (hereinafter the “FRYE Trademarks”).

4. Opposer acquired The Frye Company, including the rights to the FRYE Trademarks, and currently does business under the name The Frye Company, which is a division of Opposer. Opposer’s The Frye Company division currently supplies and distributes footwear products in interstate commerce under the FRYE Trademarks.

5. The Frye Company is the oldest continuously operated shoe company in the United States.

6. The trademark FRYE has been in continuous use in commerce in the United States on footwear products since 1863 when The Frye Company was founded by John A. Frye.

7. Soldiers in the American Civil War, Teddy Roosevelt and his Rough Riders, Bruce Springstein, Jacqueline Kennedy, Bing Crosby, Liza Minelli, Bette Midler and Ann Margaret, among others, have all worn FRYE footwear.

8. A pair of FRYE boots is on display at the Smithsonian Institute as an item that represents 1960s America.

9. By virtue of the long, continuous, and extensive use of the FRYE Trademarks, the trademark FRYE has become and is a famous trademark with respect to footwear products.

10. For many years and long prior to Applicant’s filing date, Opposer and Opposer’s predecessors-in-interest have continuously used the FRYE Trademarks in interstate commerce throughout the United States for the purpose

of identifying Opposer's and Opposer's predecessors-in-interest's products and to distinguish those products from the products of other manufacturers.

11. Ever since the adoption and use of the FRYE Trademarks as aforesaid, Opposer, Opposer's predecessors-in-interest, and Opposer's former licensees have widely and extensively supplied, distributed marketed and sold footwear, wearing apparel, and handbags bearing the FRYE Trademarks. As a consequence of same, the consuming public and trade have come to recognize and do recognize the FRYE Trademarks as being used by Opposer, and having been used by Opposer's predecessors-in-interest and by Opposer's former licensees, or by a single source, and to associate and identify the FRYE Trademarks and The Frye Company name with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

12. Opposer is the owner of the following U.S. Trademark registrations:

- (a) U.S. Registration No. 2,191,093 of the trademark FRYE issued September 22, 1998 for boots and shoes of leather and/or synthetic materials;
- (b) U.S. Registration No. 1,093,784 of the trademark FRYE issued June 20, 1978 for handbags;
- (c) U.S. Registration No. 1,244,640 issued July 5, 1983 of the trademark FRYE & FF Design for footwear and vests.

13. All of the above registrations are valid and subsisting. All of these

registrations have become incontestable. Current printouts from the electronic database records of the United States Patent and Trademark Office of the aforementioned registrations, are attached hereto as Exhibit A.

14. On February 17, 2010, Applicant filed a used based application to register the trademark THE FRY GIRL INC and Design, Serial No. 77/938,265, for “catering of food and drinks”. The mark, as reflected in Serial No. 77/938,265, not only includes the term FRY, but also prominently displays a caricature of a woman prominently wearing a pair of boots, which are the very same goods that Opposer markets and sells under its famous FRYE trademark.

15. Opposer’s FRYE Trademarks, and Applicant’s trademark THE FRY GIRL INC and Design, are confusingly similar in appearance, sound and meaning, and create confusingly similar commercial impressions, and are therefore likely to cause confusion, to cause mistake or to deceive potential purchasers as to the source of Applicant’s products and/or likely to cause potential purchasers to mistakenly believe that Applicant or Applicant’s products are affiliated with, sponsored by or associated with Opposer or Opposer’s products.

**GROUND I – LIKELIHOOD OF CONFUSION
WITH FRYE TRADEMARKS**

16. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1 through 15 as if fully set forth herein.

17. Opposer acquired rights in the FRYE Trademarks prior to any date on which Applicant can rely in connection with its trademark THE FRY GIRL INC and Design.

18. Opposer’s FRYE Trademarks are famous and entitled to the broadest scope of protection.

19. The trademark THE FRY GIRL INC and Design is the same as or similar to the Opposer's FRYE Trademarks, individually and collectively, in appearance, sound, connotation and commercial impression. These similarities are enforced and exaggerated by Applicant's use of the term FRY with a caricature of a woman wearing the very goods, i.e. boots, that Opposer markets and sells under its famous FRYE trademark.

20. The goods and services of the respective parties are similar and/or related in some manner, and/or the conditions and activities surrounding the marketing of the goods/services are such that they would or could be encountered by the same persons under circumstances that could give rise to the mistaken belief that they originate from the same source.

21. As a result, the trademark THE FRY GIRL INC and Design, when used in connection with "catering of food and drinks", is likely to cause confusion or mistake or to deceive and mislead the trade and the purchasing public into believing that Applicant's services are the services of Opposer, or that Applicant or its services are authorized, licensed or controlled by Opposer, or that Applicant is affiliated with or in some way related to Opposer. Accordingly, any such use or registration of the trademark THE FRY GIRL INC and Design, Serial No. 77/938,265, would violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

22. By reason of the foregoing, Opposer will be damaged by the registration of the trademark THE FRY GIRL INC and Design, Serial No. 77/938,265.

**GROUND II – DILUTION OF THE FAMOUS
FRYE TRADEMARKS**

23. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 22 as if fully set forth herein.

24. Because of the high degree of distinctiveness of the FRYE Trademarks, the length of time and extent to which Opposer, Opposer's predecessors-in-interest and Opposer's former licensees have used the FRYE Trademarks, the vast publicity the FRYE Trademarks have received, the nationwide trading area in which the FRYE Trademarks are used, and the high degree of consumer recognition of the FRYE Trademarks, the FRYE Trademarks are and have become famous pursuant to 15 U.S.C. §1125 (c)(1).

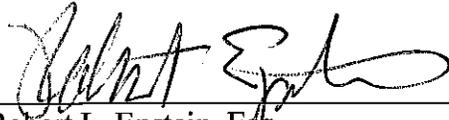
25. Registration of Applicant's trademark THE FRY GIRL INC and Design, Ser. No. 77/938,265, for "catering of food and drinks" would lessen the capacity of Opposer's famous FRYE Trademarks to identify and distinguish Opposer's products sold thereunder.

26. Opposer believes that it will be damaged if the trademark application for THE FRY GIRL INC and Design, Ser. No. 77/938,265, issues to registration, as Opposer's FRYE Trademarks are famous and the use and registration of THE FRY GIRL INC and Design by Applicant will and/or is likely to cause dilution of the distinctive quality of Opposer's famous FRYE Trademarks and, as such, would cause dilution of the FRYE Trademarks in violation of 15 U.S.C. §1052, as amended by the Trademark Amendments Act of 1999, Pub. L. 106-43, 113 Stat. 218 (the "Act"), and 15 U.S.C. §§1125(c) and 1127.

WHEREFORE, Opposer requests that this opposition against the trademark application for THE FRY GIRL INC and Design, Ser. No. 77/938,265, be sustained.

Respectfully submitted,
EPSTEIN DRANGEL LLP
Attorneys for Opposer

Dated: November 4, 2010 BY:



Robert L. Epstein, Esq.
William C. Wright, Esq.
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292 5390
Fax. No.: (212) 292-5391

EXHIBIT A

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TARR Status	ASSIGN Status	TDR	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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Typed Drawing

Word Mark	FRYE
Goods and Services	IC 025. US 022 039. G & S: boots and shoes of leather and/or synthetic materials. FIRST USE: 19520101. FIRST USE IN COMMERCE: 19520101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75415454
Filing Date	January 8, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 30, 1998
Registration Number	2191093
Registration Date	September 22, 1998
Owner	(REGISTRANT) Philip's Group, Inc. CORPORATION MASSACHUSETTS One Elm Square Andover MASSACHUSETTS 01810 (LAST LISTED OWNER) Jimlar Corporation CORPORATION NEW YORK 160 Great Neck Road Great Neck NEW YORK 11021
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Robert L. Epstein
Prior Registrations	1084873;1093784;1110961;1244640;1990286;1994452;AND OTHERS
Type of Mark	TRADEMARK

Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080912.
Renewal 1ST RENEWAL 20080912
Live/Dead Indicator LIVE

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Serial Number: 75415454 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2191093

Mark (words only): FRYE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2008-09-12

Filing Date: 1998-01-08

Transformed into a National Application: No

Registration Date: 1998-09-22

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-09-12

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

1. Jimlar Corporation

Address:

Jimlar Corporation
160 Great Neck Road
Great Neck, NY 11021
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active
boots and shoes of leather and/or synthetic materials
Basis: 1(a)
First Use Date: 1952-01-01
First Use in Commerce Date: 1952-01-01

ADDITIONAL INFORMATION

Section 2(f)

Prior Registration Number(s):

1084873
1093784
1110961
1244640
1990286
1994452

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0012041
International Registration Number: (NOT AVAILABLE)
International Registration Date: (DATE NOT AVAILABLE)
Original Filing Date with USPTO: 2008-04-11
International Registration Status: Response To Irregularity Received From Applicant
Date of International Registration Status: 2008-07-23
International Registration Renewal Date: (DATE NOT AVAILABLE)
Irregularity Reply by Date: 2008-07-25

Madrid History:

07-24-2008 - 21:02:20 - Irregularity Response Sent To IB
07-24-2008 - 10:51:37 - Response To Irregularity Reviewed And Accepted
07-23-2008 - 16:56:43 - Irregularity Response Received From Applicant
04-28-2008 - 09:14:09 - Irregularity Notice Received From IB (Response Required)
04-11-2008 - 21:00:46 - IR Certified And Sent To IB
04-11-2008 - 16:09:11 - Manually Certified
04-11-2008 - 11:51:53 - New Application For IR Received

PROSECUTION HISTORY

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

2008-09-12 - First renewal 10 year

2008-09-12 - Section 8 (10-year) accepted/ Section 9 granted
2008-09-04 - Assigned To Paralegal
2008-08-29 - TEAS Section 8 & 9 Received
2007-08-03 - Case File In TICRS
2003-12-08 - Section 8 (6-year) accepted & Section 15 acknowledged
2003-10-14 - Section 8 (6-year) and Section 15 Filed
1998-09-22 - Registered - Principal Register
1998-06-30 - Published for opposition
1998-05-29 - Notice of publication
1998-04-28 - Approved for Pub - Principal Register (Initial exam)
1998-04-22 - Examiner's amendment mailed
1998-04-20 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Epstein

Correspondent

Robert L. Epstein

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP

60 East 42nd Street, Suite 820

New York NY 10165

Phone Number: 212-292-5390

Fax Number: 212-292-5391



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GREAT NECK, NEW YORK 11021**Correspondent:** JAMES & FRANKLIN
ROBERT L. EPSTEIN, ESQ.
60 EAST 42ND STREET, SUITE 1217
NEW YORK, NEW YORK 10165

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark FRYE
Goods and Services IC 018. US 003. G & S: HANDBAGS. FIRST USE: 19760827. FIRST USE IN COMMERCE: 19760827
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73099229
Filing Date September 8, 1976
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 1093784
Registration Date June 20, 1978
Owner (REGISTRANT) JOHN A. FRYE SHOE COMPANY, INC. CORPORATION MASSACHUSETTS 84 CHESTNUT ST. MARLBORO MASSACHUSETTS 01752
 (LAST LISTED OWNER) JIMLAR CORPORATION CORPORATION NEW YORK 160 GREAT NECK ROAD GREAT NECK NEW YORK 11021
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Robert L. Epstein
Prior Registrations 1039722
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090331.
Renewal 1ST RENEWAL 20090331
**Live/Dead
Indicator** LIVE

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Serial Number: 73099229 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1093784

Mark (words only): FRYE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-03-31

Filing Date: 1976-09-08

Transformed into a National Application: No

Registration Date: 1978-06-20

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-03-31

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

1. JIMLAR CORPORATION

Address:

JIMLAR CORPORATION
160 GREAT NECK ROAD
GREAT NECK, NY 11021
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 018
Class Status: Active
HANDBAGS
Basis: 1(a)
First Use Date: 1976-08-27
First Use in Commerce Date: 1976-08-27

ADDITIONAL INFORMATION

Section 2(f)

Prior Registration Number(s):
1039722

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0012041
International Registration Number: (NOT AVAILABLE)
International Registration Date: (DATE NOT AVAILABLE)
Original Filing Date with USPTO: 2008-04-11
International Registration Status: Response To Irregularity Received From Applicant
Date of International Registration Status: 2008-07-23
International Registration Renewal Date: (DATE NOT AVAILABLE)
Irregularity Reply by Date: 2008-07-25

Madrid History:

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04-11-2008 - 21:00:46 - IR Certified And Sent To IB
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04-11-2008 - 11:51:53 - New Application For IR Received

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2009-03-31 - Section 8 (10-year) accepted/ Section 9 granted

2009-03-31 - Assigned To Paralegal

2008-12-18 - Assigned To Paralegal

2008-12-15 - TEAS Section 8 & 9 Received

2007-12-19 - Case File In TICRS

1998-03-05 - First renewal 10 year

1998-01-30 - Section 9 filed/check record for Section 8

1984-04-10 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Epstein

Correspondent

Robert L. Epstein

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP

60 East 42nd Street, Suite 820

New York NY 10165

Phone Number: 212-292-5390

Fax Number: 212-292-5391



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Filing Dt: 09/08/1976

Reg #: 1093784

Reg. Dt: 06/20/1978

Registrant: JOHN A. FRYE SHOE COMPANY, INC.

Mark: FRYE

Assignment: 1Reel/Frame: 0500/0455

Received:

Recorded: 07/08/1985

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: JOHN A. FRYE SHOE COMPANY, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Assignee: MASD, INC.

MARLBORO, MASSACHUSETTS

Correspondent: LAWRENCE, KAMIN, ET AL.

SUITE 1750

208 SOUTH LA SALLE ST.

CHICAGO, IL 60604

Assignment: 2Reel/Frame: 0500/0459

Received:

Recorded: 07/08/1985

Pages: 7

Conveyance: SECURITY INTEREST

Assignor: MASD, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignees: ALBERTO-CULVER COMPANYJOHN A. FRYER SHOE COMPANY, INC.

Correspondent: LAWRENCE, KAMIN, SAUNDERS ET AL.

STE. 1750

208 SOUTH LA SALLE ST.

CHICAGO, IL 60604

007

Assignment: 3Reel/Frame: 0500/0466

Received:

Recorded: 07/08/1985

Pages: 12

Conveyance: SECURITY INTEREST

Assignor: MASD, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: BANCAMERICA COMMERCIAL CORPORATION

Correspondent: LAWRENCE, KAMIN ET AL.

SUITE 1750

208 SOUTH LASALLE ST.

CHICAGO, IL 60604

Assignment: 4Reel/Frame: 0641/0208

Received:

Recorded: 03/07/1989

Pages: 0

Conveyance: RELEASE BY SECURED PARTY OF THE SECURITY AGREEMENT RECORDED ON JULY 8, 1985, AT REEL 0500, FRAME 466-477.

Assignor: BANCAMERICA COMMERCIAL CORPORATION**Exec Dt:** 07/20/1987**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** JOHN A. FRYE COMPANY, INC.84 CHESTNUT STREET
MARLBOROUGH, MASSACHUSETTS 01752**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Correspondent:** LEWIN & LAYTIN
250 WEST 57TH STREET
NEW YORK, NY 10107**Assignment: 5****Reel/Frame:** 0644/0917 **Received:** **Recorded:** 03/29/1989 **Pages:** 0**Conveyance:** RELEASE BY SECURED PARTY OF THE SECURITY AGREEMENT RECORDED ON JULY 8, 1985 AT REEL 500, FRAME 459-465.**Assignors:** ALBERTO-CULVER COMPANY**Exec Dt:** 03/08/1989**Entity Type:** CORPORATION**Citizenship:** DELAWAREFRUMP, INC.**Exec Dt:** 00/00/0000**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Formerly:** FORMERLY JOHN A. FRYE SHOE COMPANY, INC.**Assignee:** JOHN A. FRYE COMPANY, INC.72 HOWE STREET
MARLBORO, MASSACHUSETTS**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Correspondent:** LEWIN & LAYTIN, P.C.
250 WEST 57TH STREET
NEW YORK, NY 10107**Assignment: 6****Reel/Frame:** 0646/0519 **Received:** **Recorded:** 04/10/1989 **Pages:** 0**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** JOHN A. FRYE COMPANY, INC.**Formerly:** FORMERLY MASD, INC.**Exec Dt:** 03/17/1989**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** ENDICOTT JOHNSON CORPORATION1100 EAST MAIN ST.
ENDICOTT, NEW YORK**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Correspondent:** MALINA & WOLSON
60 EAST 42ND STREET
NEW YORK, NY 10165**Assignment: 7****Reel/Frame:** 0929/0084 **Received:** **Recorded:** 12/21/1992 **Pages:** 5**Conveyance:** SECURITY INTEREST**Assignor:** PHILIP'S GROUP, INC.**Exec Dt:** 12/18/1992**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** SHAWMUT BANK N. A.1 FEDERAL STREET
BOSTON, MASSACHUSETTS 02211**Entity Type:** UNKNOWN**Citizenship:** NONE**Correspondent:** HARLEY I. LEWIN
LEWIN & LAYTIN, P.C.
1776 BROADWAY
NEW YORK, NY 10019**Assignment: 8****Reel/Frame:** 0929/0089 **Received:** **Recorded:** 12/21/1992 **Pages:** 5**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** ENDICOTT JOHNSON CORPORATION**Exec Dt:** 12/18/1992**Entity Type:** CORPORATION**Citizenship:** NEW YORK

Assignee: PHILIP'S GROUP, INC.
ONE ELM SQUARE
ANDOVER, MASSACHUSETTS 01810

Entity Type: CORPORATION
Citizenship: MASSACHUSETTS

Correspondent: HARLEY I. LEWIN
LEWIN & LAYTIN, P.C.
1776 BROADWAY
NEW YORK, NY 10019

Assignment: 9

Reel/Frame: 1699/0705 **Received:** 03/12/1998

Recorded: 02/25/1998

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: PHILIP'S GROUP, INC.

Exec Dt: 01/28/1998

Entity Type: CORPORATION

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: JIMLAR CORPORATION
160 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021

Correspondent: JAMES & FRANKLIN
ROBERT L. EPSTEIN, ESQ.
60 EAST 42ND STREET, SUITE 1217
NEW YORK, NY 10165

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	FRYE
Goods and Services	IC 025. US 039. G & S: Footwear and Vests. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19780000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.13.02 - Bones (animals, four-footed mammals); Skeletons (animals, four-footed mammals); Skulls (animals, four-footed mammals) 26.09.02 - Plain single line squares; Squares, plain single line 26.09.09 - Squares made of geometric figures, objects, humans, plants or animals 26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	73375583
Filing Date	July 19, 1982
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 12, 1983
Registration Number	1244640
International Registration Number	1004250
Registration Date	July 5, 1983
Owner	(REGISTRANT) John A. Frye Shoe Company, Inc. CORPORATION MASSACHUSETTS 84 Chestnut St. Marlboro MASSACHUSETTS 01752

(LAST LISTED OWNER) JIMLAR CORPORATION CORPORATION NEW YORK 160
GREAT NECK ROAD GREAT NECK NEW YORK 11021

Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 1039722;1110961;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040402.
Renewal 1ST RENEWAL 20040402
Live/Dead Indicator LIVE

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Serial Number: 73375583 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1244640

Mark



(words only): FRYE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-04-02

Filing Date: 1982-07-19

Transformed into a National Application: No

Registration Date: 1983-07-05

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-21

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

1. JIMLAR CORPORATION

Address:

JIMLAR CORPORATION
160 GREAT NECK ROAD
GREAT NECK, NY 11021
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** New York

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Footwear and Vests

Basis: 1(a)**First Use Date:** 1978-00-00**First Use in Commerce Date:** 1978-00-00

ADDITIONAL INFORMATION

Design Search Code(s):

03.13.02 - Bones (animals, four-footed mammals); Skeletons (animals, four-footed mammals); Skulls (animals, four-footed mammals)

26.09.02 - Plain single line squares; Squares, plain single line

26.09.09 - Squares made of geometric figures, objects, humans, plants or animals

26.11.02 - Plain single line rectangles; Rectangles (single line)

26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):

1039722

1110961

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0014767**International Registration Number:** 1004250**International Registration Date:** 2008-12-17**Original Filing Date with USPTO:** 2008-12-17**International Registration Status:** Application For IR Registered By IB**Date of International Registration Status:** 2009-07-09**International Registration Renewal Date:** 2018-12-17**Irregularity Reply by Date:** 2010-09-28**Madrid History:**

11-01-2010 - 14:29:09 - Partial Ceasing Of Effect Processed By IB

06-29-2010 - 09:03:32 - Irregularity On Ceasing Of Effect Received From IB

05-04-2010 - 21:00:55 - Partial Ceasing Of Effect Notice Sent To IB

05-04-2010 - 11:21:27 - Ceasing Of Effect Processed

03-15-2010 - 08:00:15 - Partial Ceasing Of Effect To Be Processed
07-09-2009 - 13:53:33 - Application For IR Registered By IB
05-11-2009 - 21:07:57 - Irregularity Response Sent To IB
05-11-2009 - 09:17:04 - Response To Irregularity Reviewed And Accepted
05-08-2009 - 12:10:22 - Irregularity Response Received From Applicant
02-10-2009 - 09:08:11 - Irregularity Notice Received From IB (Response Required)
12-18-2008 - 21:02:08 - IR Certified And Sent To IB
12-18-2008 - 10:16:14 - Manually Certified
12-17-2008 - 14:56:51 - New Application For IR Received

PROSECUTION HISTORY

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

2008-04-21 - Case File In TICRS
2004-04-02 - First renewal 10 year
2004-04-02 - Section 8 (10-year) accepted/ Section 9 granted
2003-12-09 - FAX RECEIVED
2003-04-10 - Combined Section 8 (10-year)/Section 9 filed
2003-04-10 - PAPER RECEIVED
1989-08-28 - Section 8 (6-year) accepted & Section 15 acknowledged
1989-06-19 - Section 8 (6-year) and Section 15 Filed
1983-07-05 - Registered - Principal Register
1983-04-12 - Published for opposition
1983-07-05 - Registered - Principal Register
1983-04-12 - Published for opposition
1983-02-24 - Approved for Pub - Principal Register (Initial exam)
1983-02-03 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

HAROLD JAMES
JAMES AND FRANKLIN, LLP

60 EAST 42ND STREET, SUITE 1217
NEW YORK CITY, NY 10165



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 11Serial #: 73375583

Filing Dt: 07/19/1982

Reg #: 1244640

Reg. Dt: 07/05/1983

Registrant: John A. Frye Shoe Company, Inc.

Mark: FRYE

Assignment: 1Reel/Frame: 0500/0455

Received:

Recorded: 07/08/1985

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: JOHN A. FRYE SHOE COMPANY, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Assignee: MASD, INC.

MARLBORO, MASSACHUSETTS

Correspondent: LAWRENCE, KAMIN, ET AL.

SUITE 1750

208 SOUTH LA SALLE ST.

CHICAGO, IL 60604

Assignment: 2Reel/Frame: 0500/0459

Received:

Recorded: 07/08/1985

Pages: 7

Conveyance: SECURITY INTEREST

Assignor: MASD, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignees: ALBERTO-CULVER COMPANYJOHN A. FRYER SHOE COMPANY, INC.

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Correspondent: LAWRENCE, KAMIN, SAUNDERS ET AL.

STE. 1750

208 SOUTH LA SALLE ST.

CHICAGO, IL 60604

007

Assignment: 3Reel/Frame: 0500/0466

Received:

Recorded: 07/08/1985

Pages: 12

Conveyance: SECURITY INTEREST

Assignor: MASD, INC.

Exec Dt: 07/01/1985

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Assignee: BANCAMERICA COMMERCIAL CORPORATION

Entity Type: UNKNOWN

Citizenship: NONE

Correspondent: LAWRENCE, KAMIN ET AL.

SUITE 1750

208 SOUTH LASALLE ST.

CHICAGO, IL 60604

Assignment: 4Reel/Frame: 0641/0208

Received:

Recorded: 03/07/1989

Pages: 0

Conveyance: RELEASE BY SECURED PARTY OF THE SECURITY AGREEMENT RECORDED ON JULY 8, 1985, AT REEL 0500, FRAME 466-477.

Assignor: BANCAMERICA COMMERCIAL CORPORATION**Exec Dt:** 07/20/1987**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** JOHN A. FRYE COMPANY, INC.84 CHESTNUT STREET
MARLBOROUGH, MASSACHUSETTS 01752**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Correspondent:** LEWIN & LAYTIN250 WEST 57TH STREET
NEW YORK, NY 10107**Assignment: 5****Reel/Frame:** 0644/0917**Received:****Recorded:** 03/29/1989**Pages:** 0**Conveyance:** RELEASE BY SECURED PARTY OF THE SECURITY AGREEMENT RECORDED ON JULY 8, 1985 AT REEL 500, FRAME 459-465.**Assignors:** ALBERTO-CULVER COMPANY**Exec Dt:** 03/08/1989**Entity Type:** CORPORATION**Citizenship:** DELAWAREFRUMP, INC.**Exec Dt:** 00/00/0000**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Formerly:** FORMERLY JOHN A. FRYE SHOE COMPANY, INC.**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** JOHN A. FRYE COMPANY, INC.72 HOWE STREET
MARLBORO, MASSACHUSETTS**Correspondent:** LEWIN & LAYTIN, P.C.250 WEST 57TH STREET
NEW YORK, NY 10107**Assignment: 6****Reel/Frame:** 0646/0519**Received:****Recorded:** 04/10/1989**Pages:** 0**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** JOHN A. FRYE COMPANY, INC.**Formerly:** FORMERLY MASD, INC.**Exec Dt:** 03/17/1989**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** ENDICOTT JOHNSON CORPORATION1100 EAST MAIN ST.
ENDICOTT, NEW YORK**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Correspondent:** MALINA & WOLSON60 EAST 42ND STREET
NEW YORK, NY 10165**Assignment: 7****Reel/Frame:** 0929/0084**Received:****Recorded:** 12/21/1992**Pages:** 5**Conveyance:** SECURITY INTEREST**Assignor:** PHILIP'S GROUP, INC.**Exec Dt:** 12/18/1992**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** SHAWMUT BANK N. A.1 FEDERAL STREET
BOSTON, MASSACHUSETTS 02211**Entity Type:** UNKNOWN**Citizenship:** NONE**Correspondent:** HARLEY I. LEWINLEWIN & LAYTIN, P.C.
1776 BROADWAY
NEW YORK, NY 10019**Assignment: 8****Reel/Frame:** 0929/0089**Received:****Recorded:** 12/21/1992**Pages:** 5**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** ENDICOTT JOHNSON CORPORATION**Exec Dt:** 12/18/1992**Entity Type:** CORPORATION**Citizenship:** NEW YORK

Assignee: PHILIP'S GROUP, INC.
ONE ELM SQUARE
ANDOVER, MASSACHUSETTS 01810

Entity Type: CORPORATION
Citizenship: MASSACHUSETTS

Correspondent: HARLEY I. LEWIN
LEWIN & LAYTIN, P.C.
1776 BROADWAY
NEW YORK, NY 10019

Assignment: 9

Reel/Frame: 1502/0466 **Received:** 09/16/1996

Recorded: 09/12/1996

Pages: 8

Conveyance: SECURITY AGREEMENT

Assignor: PHILIP'S GROUP, INC.

Exec Dt: 09/04/1996

Entity Type: CORP.

Citizenship: NONE

Entity Type: CORP.

Citizenship: NONE

Assignee: FIRST ESSEX BANK, FSB
296 ESSEX STREET
LAWRENCE, MASSACHUSETTS 01840

Correspondent: LAW OFFICE OF PETER SHAHEEN
MEGAN J. TAYLOR
565 TURNPIKE STREET
SUITE 81
NORTH ANDOVER, MA 01845

Assignment: 10

Reel/Frame: 1699/0705 **Received:** 03/12/1998

Recorded: 02/25/1998

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: PHILIP'S GROUP, INC.

Exec Dt: 01/28/1998

Entity Type: CORPORATION

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: JIMLAR CORPORATION
160 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021

Correspondent: JAMES & FRANKLIN
ROBERT L. EPSTEIN, ESQ.
60 EAST 42ND STREET, SUITE 1217
NEW YORK, NY 10165

Assignment: 11

Reel/Frame: 1693/0956 **Received:** 03/05/1998

Recorded: 02/17/1998

Pages: 2

Conveyance: TERMINATION OF SECURITY AGREEMENT OF SEPTEMBER 4, 1996

Assignor: FIRST ESSEX BANK, FSB

Exec Dt: 02/06/1998

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Assignee: PHILLIP'S GROUP, INC.
1 ELM SQUARE
ANDOVER, MASSACHUSETTS 01810

Correspondent: JAMES & FRANKLIN, LLP
ROBERT L. EPSTEIN, ESQ.
60 EAST 42ND STREET
SUITE 1217
NEW YORK, NY 10165

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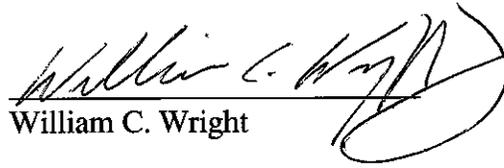
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition was served by First Class Mail, with sufficient postage prepaid, on this 5th day of November, 20010, upon *pro se* Applicant:

SHELLEY BEALS
THE FRY GIRL INC.
2052 W 146TH ST
GARDENA, CA 90249-3228

BY:


William C. Wright
