

ESTTA Tracking number: **ESTTA378176**

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

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	Rain Bird Corporation		
Entity	Corporation	Citizenship	California
Address	1000 West Sierra Madre Avenue Azusa, CA 91702 UNITED STATES		

Attorney information	Joseph T. Nabor Fitch Even Tabin & Flannery 120 South LaSalle Street, Suite 1600 Chicago, IL 60603 UNITED STATES trademark@fitcheven.com Phone:312.577.7000		
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Applicant Information

Application No	85037990	Publication date	10/12/2010
Opposition Filing Date	11/11/2010	Opposition Period Ends	11/11/2010
Applicant	Stephen Platcow 222 South Morgan Street RPM Advertising Chicago, IL 60607 UNITED STATES		

Goods/Services Affected by Opposition

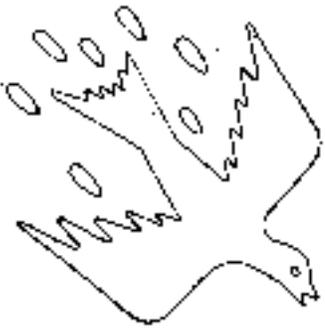
Class 021. All goods and services in the class are opposed, namely: Portable coolers; Portable ice chests for food and beverages
Class 025. All goods and services in the class are opposed, namely: Fishing shirts; Hats; Jackets; Pants; Rain coats; Raincoats; Shirts; Short-sleeved or long-sleeved t-shirts; Shorts; Sport shirts; Sweat shirts; T-shirts; Tee shirts; Visors
Class 028. All goods and services in the class are opposed, namely: Animal hunting decoys; Fishing lures

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1157940	Application Date	01/12/1979
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Registration Date	06/23/1981	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1959/02/09 First Use In Commerce: 1959/02/09 Sprinklers and Sprinkler Systems for Watering or Irrigation of Agricultural Crops, Lawns, Horticultural and Ornamental Plants		

U.S. Registration No.	1638034	Application Date	01/23/1989
Registration Date	03/19/1991	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1970/12/00 First Use In Commerce: 1970/12/00 [ADHESIVES FOR PVC PIPE]</p> <p>Class 003. First use: First Use: 1985/12/00 First Use In Commerce: 1985/12/00 [SHAMPOO STICKS FOR USE WITH BRUSHES FOR WASHING CARS]</p> <p>Class 006. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 METAL MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; METAL HOSE HANGERS; AND METAL PIPES</p> <p>Class 007. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 HYDRAULICALLY OPERATED REMOTE CONTROL VALVES</p> <p>Class 008. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 [HAND TOOLS, namely, SAWS AND BLADES THEREFOR; WRENCHES; CHUCKS; SCREW DRIVERS; KNIVES; KEYS; PUNCHES; AND SHEARS, namely, LOPPING SHEARS, PRUNING SHEARS, HEDGE SHEARS, GRASS SHEARS, TRIMMING SHEARS, AND FLOWER SHEARS;] PIPE CUTTERS; AND DRIPPER INSTALLATION TOOLS</p>		

Class 009. First use: First Use: 1963/12/00 First Use In Commerce: 1963/12/00
AUTOMATIC CONTROLS FOR IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS, NAMELY MECHANICAL CONTROLLERS, ELECTROMECHANICAL CONTROLLERS, ELECTRICAL CONTROLLERS, COMPUTER CONTROLLERS, CLOCK TIMERS, WATER TIMERS, TEMPERATURE RESPONSIVE CONTROLLERS, MOISTURE RESPONSIVE CONTROLLERS; ELECTRIC SWITCHES; ELECTRIC SOLENOIDS, ELECTRIC RELAYS; ELECTRICAL CONNECTORS; ELECTRIC WIRE; PHOTO CELLS; WEATHER STATIONS, COMPRISING A RAIN GAUGE, SOLAR RADIATION SENSOR, WIND SPEED AND RELATIVE HUMIDITY SENSOR COMBINED AS A UNIT; FLUID METERS AND GAUGES, NAMELY WATER METERS, PILOT TUBES, PRESSURE GAUGES, AND RAIN GAUGES; SOLENOID AND ELECTRICALLY OPERATED REMOTE CONTROL VALVES; AUDIO RECORDINGS AND AUDIO VIDEO TAPE, NAMELY AUDIO CASSETTE TAPES AND VIDEO TAPES CONCERNING SPRINKLER SYSTEMS AND IRRIGATION; AND COMPUTERS AND COMPUTER PROGRAMS FOR IRRIGATION CONTROL; COMPUTERS; RADIO CONTROL TRANSCEIVERS; SURGE PROTECTORS; TRANSFORMERS; THERMOMETERS

Class 011. First use: First Use: 1963/12/00 First Use In Commerce: 1963/12/00
SPRINKLER SYSTEMS AND SPRINKLERS THEREFOR, NAMELY IMPACT AND IMPULSE DRIVE SPINKLERS, POP-UP SPRINKLERS, BALL DRIVE SPRINKLERS, TURBINE DRIVE SPRINKLERS, REACTION DRIVE SPRINKLERS; OSCILLATORS; SPRAY HEADS; BUBBLERS; SPRINKLER NOZZLES; SPRINKLER SUPPORTS AND BASES; DRIPPERS; EMITTERS; SOAKERS; SPINNER SEPARATORS, SPRINKLER SYSTEM FILTERS AND FILTER SCREENS; [ELECTRIC OUTDOOR LIGHTS;] AND FAUCET ADAPTERS

Class 014. First use: First Use: 1982/12/00 First Use In Commerce: 1982/12/00
TIE TACKS; WATCHES AND CLOCKS

Class 016. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00
MAINTENANCE AND OPERATIONAL MANUALS RELATED TO IRRIGATION EQUIPMENT AND SYSTEMS; INSTALLATION MANUALS RELATED TO IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS; IRRIGATION DESIGN MANUALS AND BOOKS; MAGAZINES AND NEWSLETTERS RELATED TO IRRIGATION; NOTE PAPER AND PADS; PAPER BANNERS; BINDERS; PAPER BOXES; BUMPER STICKERS; CALENDARS; DECALS; STATIONERY FOLDERS; LABELS; PAPER NAME BADGES; NAPKINS; PLAYING CARDS; SIGNS; POSTERS; PAPER FLAGS; LUGGAGE TAGS; PAPER SHOPPING BAGS; PENS; PENCILS; PAPER CLIP HOLDERS; CLIP BOARDS; LETTER OPENERS

Class 017. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00
LAWN AND GARDEN EQUIPMENT COMPRISING NON-METALLIC HOSE, TUBING, PIPE, PIPE JOINT AND COUPLINGS, HOSE CONNECTORS, HOSE QUICK COUPLING CONNECTORS, HOSE REPAIR COUPLINGS, RISER PIPES, PIPE ADAPTERS; FITTINGS, NAMELY DRIP FITTINGS, BARB FITTINGS; COMPRESSION FITTINGS; RUBBER VALVE MARKERS; BALLOONS; HOSE AND VALVE WASHERS; SPRINKLER COLLARS

Class 020. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00
CABINETS AND HOUSINGS FOR VALVES AND IRRIGATION CONTROLLERS; COUNTER STOOLS; LITERATURE AND CORRESPONDENCE RACKS; STADIUM CUSHIONS; PLASTIC MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR-VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; PLASTIC HOSE HANGERS, AND PLASTIC SIGNS

	<p>Class 021. First use: First Use: 1978/12/00 First Use In Commerce: 1978/12/00 [BRUSHES, NAMELY CAR WASH BRUSHES AND PATIO AND DECK BRUSHES;] INSULATED CUPS; MUGS; CORK SCREWS; LAWN SPRINKLER NOZZLES; HOSE END NOZZLES AND HOSE NOZZLES</p> <p>Class 025. First use: First Use: 1977/12/00 First Use In Commerce: 1977/12/00 CLOTHING, NAMELY COVERALLS, JACKETS, SCARFS, SWEATERS, SWEATSHIRTS, SHIRTS, NECKTIES, T-SHIRTS, VESTS, CAPS, PANTS</p> <p>Class 028. First use: First Use: 1978/12/00 First Use In Commerce: 1978/12/00 SPORTS EQUIPMENT, NAMELY GOLF BALLS AND GOLF TEES</p> <p>Class 037. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 IRRIGATION EQUIPMENT REPAIR SERVICES, NAMELY SPRINKLER REPAIR, VALVE REPAIR AND CONTROLLER REPAIR; AND IRRIGATION SYSTEM INSTALLATION SERVICES</p>
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Attachments	73199833#TMSN.gif (1 page)(bytes) 73776298#TMSN.gif (1 page)(bytes) Notice of Opposition against Platcow_1.PDF (25 pages)(2027262 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	/Joseph T. Nabor/
Name	Joseph T. Nabor
Date	11/11/2010

8473-98791

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

Rain Bird Corporation,)	
Opposer,)	
)	Opposition No.
v.)	
)	
Stephen Platcow,)	
Applicant.)	
)	
)	
Serial No.)	85/037,990
Filed:)	May 13, 2010
Mark:)	Bird Design
Published:)	October 12, 2010

NOTICE OF OPPOSITION

Rain Bird Corporation, having a principal place of business at 1000 West Sierra Madre Avenue, Azusa, California 91702 (hereafter, "Rain Bird") believes that it will be damaged by registration of the Bird Design mark, Application No. 85/037,990 by Stephen Platcow (hereafter, "Applicant") and hereby opposes the same upon the following grounds.

1. Applicant seeks registration on the Principal Registers for the Bird Design mark, Application No. 85/037,990, filed May 13, 2010 and published for opposition October 12, 2010, based on an intent to use the Bird Design mark in connection with "Portable coolers; Portable ice chests for food and beverages" in International Class 21; "Fishing shirts; Hats; Jackets; Pants; Rain coats; Raincoats; Shirts; Short-sleeved or long-sleeved t-shirts; Shorts; Sport shirts; Sweat shirts; T-shirts; Tee shirts; Visors" in International Class 25; and "Animal hunting decoys; Fishing lures".
2. On information and belief, the earliest date of actual or constructive use for the goods specified in the subject application upon which the Applicant can rely is May 13, 2010, the filing date of Application No. 85/037,990.

3. On information and belief, the Applicant has not used the mark Bird Design in interstate commerce on the goods specified in the Application.

4. For decades, Rain Bird has distributed a wide variety of goods and services throughout the world which have used Rain Bird's Bird Design trademark.

5. Long prior to the Applicant's intended adoption of the Bird Design mark for the goods specified in the subject application, Rain Bird was actively distributing many of the products identified in this application using its RAIN BIRD and its Bird Design trademark.

6. Based on Rain Bird's longstanding, continuous, and extensive use of the Bird Design mark in commerce, Rain Bird filed an application on January 12, 1979, for which the U.S. Patent and Trademark Office issued Registration No. 1157940 on June 23, 1981, for the Bird Design mark covering "*Sprinklers and Sprinkler Systems for Watering or Irrigation of Agricultural Crops, Lawns, Horticultural and Ornamental Plants*" in International Class 11. Rain Bird's Registration No. 1157940 is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use the Bird Design mark in commerce in connection with those goods. Rain Bird's Registration No. 1157940 is incontestable under the provisions of 15 U.S.C. § 1065. A printout of Registration No. 1157940 from the records of the U.S. Patent and Trademark Office is attached as Exhibit A to this Notice of Opposition.

7. Based on Rain Bird's longstanding, continuous, and extensive use of the mark RAIN BIRD & Bird Design in commerce, Rain Bird filed an application on January 23, 1989, for which the U.S. Patent and Trademark Office issued Registration No. 1638034 on March 19, 1991, for the RAIN BIRD & Bird Design mark covering "*metal manually operated valves, namely y valves, shut-off valves, anti-siphon valves, air vent valves,*

vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, globe valves, ball valves, gate valves, and check valves; metal hose hangers; and metal pipes” in International Class 6; *“hydraulically operated remote control valves*” in International Class 7; *“pipe cutters; and dripper installation tools*” in International Class 8; *“automatic controls for irrigation sprinklers and sprinkler systems, namely mechanical controllers, electromechanical controllers, electrical controllers, computer controllers, clock timers, water timers, temperature responsive controllers, moisture responsive controllers; electric switches; electric solenoids, electric relays; electrical connectors; electric wire; photo cells; weather stations, comprising a rain gauge, solar radiation sensor, wind speed and relative humidity sensor combined as a unit; fluid meters and gauges, namely water meters, pilot tubes, pressure gauges, and rain gauges; solenoid and electrically operated remote control valves; audio recordings and audio video tape, namely audio cassette tapes and video tapes concerning sprinkler systems and irrigation; and computers and computer programs for irrigation control; computers; radio control transceivers; surge protectors; transformers; thermometers*” in International Class 9; *“sprinkler systems and sprinklers therefor, namely impact and impulse drive sprinklers, pop-up sprinklers, ball drive sprinklers, turbine drive sprinklers, reaction drive sprinklers; oscillators; spray heads; bubblers; sprinkler nozzles; sprinkler supports and bases; drippers; emitters; soakers; spinner separators, sprinkler system filters and filter screens; and faucet adapters*” in International Class 11; *“tie tacks; watches and clocks*” in International Class 14; *“maintenance and operational manuals related to irrigation equipment and systems; installation manuals related to irrigation sprinklers and sprinkler systems; irrigation design manuals and books; magazines and newsletters related to irrigation; note paper and pads; paper banners; binders; paper*

boxes; bumper stickers; calendars; decals; stationery folders; labels; paper name badges; napkins; playing cards; signs; posters; paper flags; luggage tags; paper shopping bags; pens; pencils; paper clip holders; clip boards; letter openers” in International Class 16; “*lawn and garden equipment comprising non-metallic hose, tubing, pipe, pipe joint and couplings, hose connectors, hose quick coupling connectors, hose repair couplings, riser pipes, pipe adapters; fittings, namely drip fittings, barb fittings; compression fittings; rubber valve markers; balloons; hose and valve washers; sprinkler collars*” in International Class 17; “*cabinets and housings for valves and irrigation controllers; counter stools; literature and correspondence racks; stadium cushions; plastic manually operated valves, namely y valves, shut-off valves, anti-siphon valves, air-vent valves, vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, globe valves, ball valves, gate valves, and check valves; plastic hose hangers, and plastic signs*” in International Class 20; “*insulated cups; mugs; cork screws; lawn sprinkler nozzles; hose end nozzles and hose nozzles*” in International Class 21; “*clothing, namely coveralls, jackets, scarfs, sweaters, sweatshirts, shirts, neckties, t-shirts, vests, caps, pants*” in International Class 25; “*sports equipment, namely golf balls and golf tees*” in International Class 28; and “*irrigation equipment repair services, namely sprinkler repair, valve repair and controller repair; and irrigation system installation services*” in International Class 37. Rain Bird’s Registration No. 1638034 is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird’s exclusive right to use the RAIN BIRD & Bird Design mark in commerce in connection with those goods. Rain Bird’s Registration No. 1638034 is incontestable under the provisions of 15 U.S.C. § 1065. A printout of

Registration No. 1638034 with status and title information from the records of the U.S. Patent and Trademark Office is attached as Exhibit B to this Notice of Opposition.

8. Rain Bird is the owner of the aforementioned active registrations currently on the Principal Register.

9. Each of Rain Bird's marks set forth in paragraphs 6-7 has been in continuous use and is currently in use in the United States in connection with Rain Bird's specified goods and services. Rain Bird's marks, including common-law rights and rights by registration, are collectively referred to herein as the "RAIN BIRD Design Marks."

10. Rain Bird has expended substantial monies in marketing, advertising, and promoting its RAIN BIRD Design Marks in connection with its numerous goods and services in the United States.

11. Rain Bird has enjoyed continuous and substantial sales of its goods and services in connection with the RAIN BIRD Design Marks and trade name in the United States.

12. By reason of Rain Bird's longstanding and extensive marketing, advertising, promotion, and resulting sales of its goods and services in connection with the RAIN BIRD Design Marks and trade name and the high quality of those goods and services, the RAIN BIRD Design Marks have acquired distinctiveness, recognition, and fame among purchasers and the public long before Applicant can claim any priority in its Bird Design mark.

13. By reason of the extensive marketing, advertising, promotion, and resulting sales and public recognition of Rain Bird's goods and services in connection with the RAIN BIRD Design Marks and the high quality of those goods and services, the RAIN BIRD Design Marks and trade name have come to represent extremely valuable goodwill to Rain Bird.

14. Applicant's adoption and alleged use of the Bird Design mark has been without the consent or permission of Rain Bird.
15. Upon information and belief the Applicant's adoption and use of its Bird Design mark has been with actual or constructive knowledge of the prior use of, application for, and registration of the RAIN BIRD Design Marks in connection with Rain Bird's goods and services.
16. The specified goods for which the Applicant seeks registration of the Bird Design mark are similar and/or closely related to many of the goods and services Rain Bird provides in connection with its RAIN BIRD Design Marks.
17. The goods for which the Applicant seeks registration of the Bird Design mark are likely to be sold to the same customers and through the same channels of trade in which Rain Bird provides its goods and services with its RAIN BIRD Design Marks.
18. The Applicant's Bird Design mark is substantially and confusingly similar to Rain Bird's RAIN BIRD Design Marks.
19. Upon information and belief the Applicant has never used the Bird Design mark in United States commerce in connection with any of the goods identified in Application No. 85/037,990.
20. The Applicant's Bird Design mark and use thereof by the Applicant on the goods specified in Application No. 85/037,990 is likely to cause confusion, mistake, or deception that Applicant's goods are those of Rain Bird's or are otherwise endorsed, sponsored, or approved by Rain Bird, whereby Rain Bird will be damaged by the registration of Applicant's Bird Design mark on the Principal Register of the United States Patent and Trademark Office.

21. If the Applicant is granted registration of its Bird Design mark as set forth in Application No. 85/037,990, the Applicant will thereby obtain the *prima facie* exclusive right to use such mark, and such registration will damage, impair, diminish, and dilute Rain Bird's goodwill and rights in its RAIN BIRD Design Marks causing irreparable injury to Rain Bird.

COUNT I - Likelihood of Confusion

22. Rain Bird hereby incorporates the allegations contained in paragraph nos. 1-21 by reference herein.

23. The use or registration of the Applicant's Bird Design mark is likely to cause confusion, mistake, or deception that Applicant's goods are those of Rain Bird or are otherwise endorsed, sponsored, or approved by Rain Bird, whereby Rain Bird will be damaged by the registration of Applicant's mark on the Principal Register of the United States Patent and Trademark Office.

COUNT II - Dilution By Blurring

24. Rain Bird hereby incorporates the allegations contained in paragraph nos. 1-23 by reference herein.

25. Rain Bird's RAIN BIRD Design Marks are widely recognized by the general consuming public of the United States as a designation of source of Rain Bird's goods and services.

26. Rain Bird's RAIN BIRD Design Marks are famous as the term is defined in 15 U.S.C § 1125(c).

27. Applicant's Bird Design mark is likely to cause dilution by blurring and impair the distinctiveness of Rain Bird's famous RAIN BIRD Design Marks, whereby Rain Bird

will be damaged by the registration of Applicant's mark on the Principal Register of the United States Patent and Trademark Office.

PRAYER FOR RELIEF

WHEREFORE, Rain Bird prays that Application No. 85/037,990 be rejected, that registration of the mark Bird Design mark be refused, and that Rain Bird be awarded such further relief as this Board deems just and proper.

Respectfully submitted,

November 11, 2010



Joseph T. Nabor
Mark W. Hetzler
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603

Telephone 312.577.7000
Facsimile 312.577.7007

Attorneys for Opposer

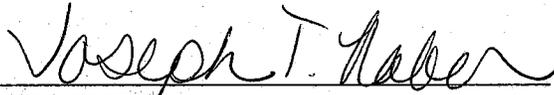
CERTIFICATE OF SERVICE

I, Joseph T. Nabor, Attorney for Opposer, hereby certify that a copy of the foregoing
NOTICE OF OPPOSITION was served by first class mail, postage prepaid, upon:

KURT W. ROHDE
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S WACKER DR STE 3200
CHICAGO, IL 60606-6709

on this 11th day of November 2010.

FITCH, EVEN, TABIN & FLANNERY



Joseph T. Nabor
Mark W. Hetzler
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603

Telephone 312.577.7000
Facsimile 312.577.7007

Attorneys for Opposer

EXHIBIT A

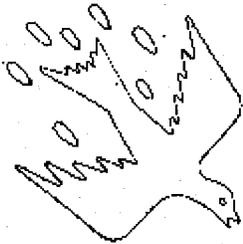
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-11 16:23:52 ET

Serial Number: 73199833 Assignment Information Trademark Document Retrieval

Registration Number: 1157940

Mark



Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-06-26

Filing Date: 1979-01-12

Transformed into a National Application: No

Registration Date: 1981-06-23

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: 2008-02-28

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

1. Rain Bird Sprinkler Mfg. Corp.

Address:

Rain Bird Sprinkler Mfg. Corp.
1000 W. Sierra Madre Avenue

Azusa, CA 91702

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

Sprinklers and Sprinkler Systems for Watering or Irrigation of Agricultural Crops, Lawns, Horticultural and Ornamental Plants

Basis: 1(a)

First Use Date: 1959-02-09

First Use in Commerce Date: 1959-02-09

ADDITIONAL INFORMATION

Design Search Code(s):

03.15.19 - Birds or bats in flight or with outspread wings

03.15.24 - Stylized birds and bats

03.15.25 - Cardinals; Crows; Doves; Other birds; Pigeons; Ravens; Robins; Woodpeckers

Prior Registration Number(s):

1038012

5674420

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.

2008-04-07 - Applicant/Correspondence Changes (Non-Responsive) Entered

2008-04-07 - TEAS Change Of Owner Address Received

2008-02-28 - Case File In TICRS

2001-06-26 - First renewal 10 year

2001-06-26 - Section 8 (10-year) accepted/ Section 9 granted

2001-03-22 - Combined Section 8 (10-year)/Section 9 filed

1999-10-18 - Combined Section 8 (10-year)/Section 9 filed
1988-02-13 - Section 8 (6-year) accepted & Section 15 acknowledged
1987-06-23 - Section 8 (6-year) and Section 15 Filed
1981-06-23 - Registered - Principal Register
1981-03-31 - Published for opposition
1981-03-31 - Published for opposition
1981-02-10 - Notice of publication
1980-09-17 - Approved for Pub - Principal Register (Initial exam)
1980-01-03 - Non-final action mailed
1979-07-06 - Assigned To Examiner
1979-04-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

John D. Bauersfeld

Correspondent

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120 South LaSalle Street
Chicago IL 60603
Phone Number: 312-577-7000
Fax Number: 312-577-7007



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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [73199833](#)

Filing Dt: 01/12/1979

Reg #: [1157940](#)

Reg. Dt: 06/23/1981

Registrant: Rain Bird Sprinkler Mfg. Corp.

Mark:

Assignment: 1

Reel/Frame: [2412/0468](#)

Received: 12/26/2001

Recorded: 12/18/2001

Pages: 21

Conveyance: CHANGE OF NAME

Assignor: [RAIN BIRD SPRINKLER MFG. CORP](#)

Exec Dt: 12/03/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [RAIN BIRD CORPORATION](#)145 NORTH GRAND AVENUE
GLEN DORA, CALIFORNIA 91741

Correspondent: KELLY BAUERSFELD LOWRY & KELLY, LLP

JOHN D. BAUERSFELD, ESQ.
6320 CANOGA AVENUE, SUITE 1650
WOODLAND HILLS, CA 91367

Search Results as of: 11/11/2010 04:23 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1
Web interface last modified: Apr 30, 2009 v.2.1

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Int. Cl.: 11

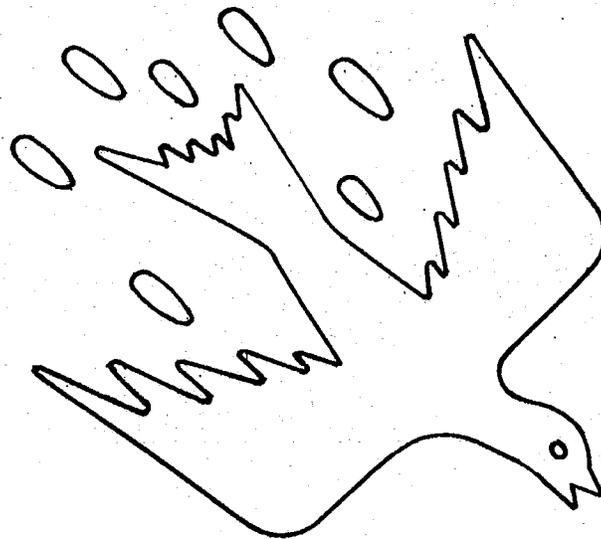
Prior U.S. Cl.: 13

United States Patent and Trademark Office

Reg. No. 1,157,940

Registered Jun. 23, 1981

TRADEMARK
Principal Register



Rain Bird Sprinkler Mfg. Corp. (California
corporation)
7045 N. Grand Ave.
Glendora, Calif. 91740

For: SPRINKLERS AND SPRINKLER SYSTEMS FOR WATERING OR IRRIGATION OF AGRICULTURAL CROPS, LAWNS, HORTICULTURAL AND ORNAMENTAL PLANTS, in CLASS 11 (U.S. Cl. 13).

First use Feb. 9, 1959; in commerce Feb. 9, 1959.
Owner of U.S. Reg. Nos. 567,442, 1,038,012 and others.

Ser. No. 199,833, filed Jan. 12, 1979.

M. E. BODSON, Primary Examiner

PAUL E. FAHRENKOPF, Examiner

EXHIBIT B

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

This page was generated by the TARR system on 2010-11-11 16:24:37 ET

Serial Number: 73776298 Assignment Information Trademark Document Retrieval

Registration Number: 1638034

Mark



(words only): RAIN BIRD

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-04-16

Filing Date: 1989-01-23

Transformed into a National Application: No

Registration Date: 1991-03-19

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: 2007-10-23

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

1. RAIN BIRD SPRINKLER MFG. CORP.

Address:

RAIN BIRD SPRINKLER MFG. CORP.
1000 W. Sierra Madre Avenue
Azusa, CA 91702
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 001
Class Status: Section 8 - Cancelled
Basis: 1(a)
First Use Date: 1970-12-00
First Use in Commerce Date: 1970-12-00

International Class: 003
Class Status: Section 8 - Cancelled
Basis: 1(a)
First Use Date: 1985-12-00
First Use in Commerce Date: 1985-12-00

International Class: 006
Class Status: Active
METAL MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; METAL HOSE HANGERS; AND METAL PIPES
Basis: 1(a)
First Use Date: 1965-12-00
First Use in Commerce Date: 1965-12-00

International Class: 007
Class Status: Active
HYDRAULICALLY OPERATED REMOTE CONTROL VALVES
Basis: 1(a)
First Use Date: 1965-12-00
First Use in Commerce Date: 1965-12-00

International Class: 008
Class Status: Active
PIPE CUTTERS; AND DRIPPER INSTALLATION TOOLS
Basis: 1(a)
First Use Date: 1965-12-00
First Use in Commerce Date: 1965-12-00

International Class: 009
Class Status: Active
AUTOMATIC CONTROLS FOR IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS, NAMELY MECHANICAL CONTROLLERS, ELECTROMECHANICAL CONTROLLERS,

ELECTRICAL CONTROLLERS, COMPUTER CONTROLLERS, CLOCK TIMERS, WATER TIMERS, TEMPERATURE RESPONSIVE CONTROLLERS, MOISTURE RESPONSIVE CONTROLLERS; ELECTRIC SWITCHES; ELECTRIC SOLENOIDS, ELECTRIC RELAYS; ELECTRICAL CONNECTORS; ELECTRIC WIRE; PHOTO CELLS; WEATHER STATIONS, COMPRISING A RAIN GAUGE, SOLAR RADIATION SENSOR, WIND SPEED AND RELATIVE HUMIDITY SENSOR COMBINED AS A UNIT; FLUID METERS AND GAUGES, NAMELY WATER METERS, PILOT TUBES, PRESSURE GAUGES, AND RAIN GAUGES; SOLENOID AND ELECTRICALLY OPERATED REMOTE CONTROL VALVES; AUDIO RECORDINGS AND AUDIO VIDEO TAPE, NAMELY AUDIO CASSETTE TAPES AND VIDEO TAPES CONCERNING SPRINKLER SYSTEMS AND IRRIGATION; AND COMPUTERS AND COMPUTER PROGRAMS FOR IRRIGATION CONTROL; COMPUTERS; RADIO CONTROL TRANSCEIVERS; SURGE PROTECTORS; TRANSFORMERS; THERMOMETERS

Basis: 1(a)

First Use Date: 1963-12-00

First Use in Commerce Date: 1963-12-00

International Class: 011

Class Status: Active

SPRINKLER SYSTEMS AND SPRINKLERS THEREFOR, NAMELY IMPACT AND IMPULSE DRIVE SPINKLERS, POP-UP SPRINKLERS, BALL DRIVE SPRINKLERS, TURBINE DRIVE SPRINKLERS, REACTION DRIVE SPRINKLERS; OSCILLATORS; SPRAY HEADS; BUBBLERS; SPRINKLER NOZZLES; SPRINKLER SUPPORTS AND BASES; DRIPPERS; EMITTERS; SOAKERS; SPINNER SEPARATORS, SPRINKLER SYSTEM FILTERS AND FILTER SCREENS; AND FAUCET ADAPTERS

Basis: 1(a)

First Use Date: 1963-12-00

First Use in Commerce Date: 1963-12-00

International Class: 014

Class Status: Active

TIE TACKS; WATCHES AND CLOCKS

Basis: 1(a)

First Use Date: 1982-12-00

First Use in Commerce Date: 1982-12-00

International Class: 016

Class Status: Active

MAINTENANCE AND OPERATIONAL MANUALS RELATED TO IRRIGATION EQUIPMENT AND SYSTEMS; INSTALLATION MANUALS RELATED TO IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS; IRRIGATION DESIGN MANUALS AND BOOKS; MAGAZINES AND NEWSLETTERS RELATED TO IRRIGATION; NOTE PAPER AND PADS; PAPER BANNERS; BINDERS; PAPER BOXES; BUMPER STICKERS; CALENDARS; DÉCALS; STATIONERY FOLDERS; LABELS; PAPER NAME BADGES; NAPKINS; PLAYING CARDS; SIGNS; POSTERS; PAPER FLAGS; LUGGAGE TAGS; PAPER SHOPPING BAGS; PENS; PENCILS; PAPER CLIP HOLDERS; CLIP BOARDS; LETTER OPENERS

Basis: 1(a)

First Use Date: 1965-12-00

First Use in Commerce Date: 1965-12-00

International Class: 017

Class Status: Active

LAWN AND GARDEN EQUIPMENT COMPRISING NON-METALLIC HOSE, TUBING, PIPE, PIPE JOINT AND COUPLINGS, HOSE CONNECTORS, HOSE QUICK COUPLING CONNECTORS, HOSE REPAIR COUPLINGS, RISER PIPES, PIPE ADAPTERS; FITTINGS, NAMELY DRIP FITTINGS, BARB FITTINGS; COMPRESSION FITTINGS; RUBBER VALVE MARKERS; BALLOONS; HOSE AND VALVE WASHERS; SPRINKLER COLLARS

Basis: 1(a)

First Use Date: 1965-12-00

First Use in Commerce Date: 1965-12-00

International Class: 020

Class Status: Active

CABINETS AND HOUSINGS FOR VALVES AND IRRIGATION CONTROLLERS; COUNTER STOOLS; LITERATURE AND CORRESPONDENCE RACKS; STADIUM CUSHIONS; PLASTIC MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR-VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; PLASTIC HOSE HANGERS, AND PLASTIC SIGNS

Basis: 1(a)

First Use Date: 1965-12-00

First Use in Commerce Date: 1965-12-00

International Class: 021

Class Status: Active

INSULATED CUPS; MUGS; CORK SCREWS; LAWN SPRINKLER NOZZLES; HOSE END NOZZLES AND HOSE NOZZLES

Basis: 1(a)

First Use Date: 1978-12-00

First Use in Commerce Date: 1978-12-00

International Class: 025

Class Status: Active

CLOTHING, NAMELY COVERALLS, JACKETS, SCARFS, SWEATERS, SWEATSHIRTS, SHIRTS, NECKTIES, T-SHIRTS, VESTS, CAPS, PANTS

Basis: 1(a)

First Use Date: 1977-12-00

First Use in Commerce Date: 1977-12-00

International Class: 028

Class Status: Active

SPORTS EQUIPMENT, NAMELY GOLF BALLS AND GOLF TEES

Basis: 1(a)

First Use Date: 1978-12-00

First Use in Commerce Date: 1978-12-00

International Class: 037

Class Status: Active

IRRIGATION EQUIPMENT REPAIR SERVICES, NAMELY SPRINKLER REPAIR, VALVE REPAIR AND CONTROLLER REPAIR; AND IRRIGATION SYSTEM INSTALLATION SERVICES

Basis: 1(a)

First Use Date: 1965-12-00

First Use in Commerce Date: 1965-12-00

ADDITIONAL INFORMATION

Design Search Code(s):

03.15.19 - Birds or bats in flight or with outspread wings

03.15.25 - Cardinals; Crows; Doves; Other birds; Pigeons; Ravens; Robins; Woodpeckers

Prior Registration Number(s):

567442

1038012

1157940

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.

2008-04-07 - Applicant/Correspondence Changes (Non-Responsive) Entered

2008-04-07 - TEAS Change Of Owner Address Received

2007-10-23 - Case File In TICRS

2001-04-16 - First renewal 10 year

2001-04-16 - Section 8 (10-year) accepted/ Section 9 granted

2001-03-19 - Post Registration action correction

2000-11-20 - Combined Section 8 (10-year)/Section 9 filed

1998-02-23 - Response received for Post Registration action

1998-03-02 - Partial Section 8 (6-year) accepted & Section 15 acknowledged

1997-10-21 - Response received for Post Registration action

1997-05-06 - Post Registration action mailed Section 8 & 15

1997-02-18 - Post Registration action correction

1997-02-18 - Section 8 (6-year) and Section 15 Filed

1997-02-18 - Section 8 (6-year) and Section 15 Filed
1991-03-19 - Registered - Principal Register
1990-12-25 - Published for opposition
1990-11-24 - Notice of publication
1990-07-11 - Approved for Pub - Principal Register (Initial exam)
1990-06-27 - Examiner's amendment mailed
1990-06-26 - Allowance/count withdrawn
1990-06-07 - Examiner's amendment mailed
1990-06-06 - Allowance/count withdrawn
1990-03-05 - Communication received from applicant
1990-02-08 - Final refusal mailed
1989-10-27 - Communication received from applicant
1989-04-24 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

JOHN D. BAUERSFELD, ESQ.

Correspondent

John E. Bauersfeld
Fitch Even Tabin & Flannery
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120 South LaSalle Street
Chicago IL 60603
Phone Number: 312-577-7000
Fax Number: 312-577-7007



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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [73776298](#)

Filing Dt: 01/23/1989

Reg #: [1638034](#)

Reg. Dt: 03/19/1991

Registrant: RAIN BIRD SPRINKLER MFG. CORP.

Mark: RAIN BIRD

Assignment: 1

Reel/Frame: [2412/0468](#)

Received: 12/26/2001

Recorded: 12/18/2001

Pages: 21

Conveyance: CHANGE OF NAME

Assignor: [RAIN BIRD SPRINKLER MFG. CORP](#)

Exec Dt: 12/03/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [RAIN BIRD CORPORATION](#)145 NORTH GRAND AVENUE
GLEN DORA, CALIFORNIA 91741

Correspondent: KELLY BAUERSFELD LOWRY & KELLY, LLP

JOHN D. BAUERSFELD, ESQ.
6320 CANOGA AVENUE, SUITE 1650
WOODLAND HILLS, CA 91367

Search Results as of: 11/11/2010 04:24 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1
Web interface last modified: Apr 30, 2009 v.2.1

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Int. Cls.: 1, 3, 6, 7, 8, 9, 11, 14, 16, 17, 20,
21, 25, 28 and 37

Prior U.S. Cls.: 2, 5, 13, 21, 22, 23, 26, 27,
28, 29, 31, 32, 37, 38, 39, 50, 52 and 103

United States Patent and Trademark Office Reg. No. 1,638,034
Registered Mar. 19, 1991

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

RAIN BIRD

RAIN BIRD SPRINKLER MFG. CORP. (CALI-
FORNIA CORPORATION)
633 EAST FOOTHILL BOULEVARD
GLEN DORA, CA 91740

FOR: ADHESIVES FOR PVC PIPE, IN CLASS
1 (U.S. CL. 5).

FIRST USE 12-0-1970; IN COMMERCE
12-0-1970.

FOR: SHAMPOO STICKS FOR USE WITH
BRUSHES FOR WASHING CARS, IN CLASS 3
(U.S. CL. 52).

FIRST USE 12-0-1985; IN COMMERCE
12-0-1985.

FOR: METAL MANUALLY OPERATED
VALVES, NAMELY Y VALVES, SHUT-OFF
VALVES, ANTI-SIPHON VALVES, AIR VENT
VALVES, VACUUM RELIEF VALVES, PRES-
SURE REGULATING VALVES, QUICK COU-
PLING VALVES, DRAIN VALVES, ANGLE
VALVES, GLOBE VALVES, BALL VALVES,
GATE VALVES, AND CHECK VALVES;
METAL HOSE HANGERS; AND METAL PIPES,
IN CLASS 6 (U.S. CL. 13).

FIRST USE 12-0-1965; IN COMMERCE
12-0-1965.

FOR: HYDRAULICALLY OPERATED
REMOTE CONTROL VALVES, IN CLASS 7
(U.S. CLS. 13 AND 23).

FIRST USE 12-0-1965; IN COMMERCE
12-0-1965.

FOR: HAND TOOLS, NAMELY SAWS AND
BLADES THEREFOR; WRENCHES; CHUCKS;
SCREW DRIVERS; KNIVES; KEYS; PUNCHES;
AND SHEARS, NAMELY LOPPING SHEARS,

PRUNING SHEARS, HEDGE SHEARS, GRASS
SHEARS, TRIMMING SHEARS, AND FLOWER
SHEARS; PIPE CUTTERS; DRIPPER INSTAL-
LATION TOOLS, IN CLASS 8 (U.S. CL. 23).

FIRST USE 12-0-1965; IN COMMERCE
12-0-1965.

FOR: AUTOMATIC CONTROLS FOR IRRI-
GATION SPRINKLERS AND SPRINKLER SYS-
TEMS, NAMELY MECHANICAL CONTROL-
LERS, ELECTROMECHANICAL CONTROL-
LERS, ELECTRICAL CONTROLLERS, COM-
PUTER CONTROLLERS, CLOCK TIMERS,
WATER TIMERS, TEMPERATURE RESPON-
SIVE CONTROLLERS, MOISTURE RESPON-
SIVE CONTROLLERS; ELECTRIC SWITCHES;
ELECTRIC SOLENOIDS, ELECTRIC RELAYS;
ELECTRICAL CONNECTORS; ELECTRIC
WIRE; PHOTO CELLS; WEATHER STATIONS,
COMPRISING A RAIN GAUGE, SOLAR RADI-
ATION SENSOR, WIND SPEED AND RELA-
TIVE HUMIDITY SENSOR COMBINED AS A
UNIT; FLUID METERS AND GAUGES,
NAMELY WATER METERS, PILOT TUBES,
PRESSURE GAUGES, AND RAIN GAUGES;
SOLENOID AND ELECTRICALLY OPERATED
REMOTE CONTROL VALVES; AUDIO RE-
CORDINGS AND AUDIO VIDEO TAPE,
NAMELY AUDIO CASSETTE TAPES AND
VIDEO TAPES CONCERNING SPRINKLER
SYSTEMS AND IRRIGATION; AND COMPUT-
ERS AND COMPUTER PROGRAMS FOR IRRI-
GATION CONTROL; COMPUTERS; RADIO
CONTROL TRANSCEIVERS; SURGE PROTEC-

TORS; TRANSFORMERS; THERMOMETERS, IN CLASS 9 (U.S. CLS. 21, 26 AND 38).

FIRST USE 12-0-1963; IN COMMERCE 12-0-1963.

FOR: SPRINKLER SYSTEMS AND SPRINKLERS THEREFOR, NAMELY IMPACT AND IMPULSE DRIVE SPRINKLERS, POP-UP SPRINKLERS, BALL DRIVE SPRINKLERS, TURBINE DRIVE SPRINKLERS, REACTION DRIVE SPRINKLERS; OSCILLATORS; SPRAY HEADS; BUBBLERS; SPRINKLER NOZZLES; SPRINKLER SUPPORTS AND BASES; DRIPPERS; EMITTERS; SOAKERS; SPINNER SEPARATORS, SPRINKLER SYSTEM FILTERS AND FILTER SCREENS; ELECTRIC OUTDOOR LIGHTS; AND FAUCET ADAPTERS, IN CLASS 11 (U.S. CLS. 13, 21 AND 31).

FIRST USE 12-0-1963; IN COMMERCE 12-0-1963.

FOR: TIE TACKS; WATCHES AND CLOCKS, IN CLASS 14 (U.S. CLS. 27 AND 28).

FIRST USE 12-0-1982; IN COMMERCE 12-0-1982.

FOR: MAINTENANCE AND OPERATIONAL MANUALS RELATED TO IRRIGATION EQUIPMENT AND SYSTEMS; INSTALLATION MANUALS RELATED TO IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS; IRRIGATION DESIGN MANUALS AND BOOKS; MAGAZINES AND NEWSLETTERS RELATED TO IRRIGATION; NOTE PAPER AND PADS; PAPER BANNERS; BINDERS; PAPER BOXES; BUMPER STICKERS; CALENDARS; DECALS; STATIONERY FOLDERS; LABELS; PAPER NAME BADGES; NAPKINS; PLAYING CARDS; SIGNS; POSTERS; PAPER FLAGS; LUGGAGE TAGS; PAPER SHOPPING BAGS; PENS; PENCILS; PAPER CLIP HOLDERS; CLIP BOARDS; LETTER OPENERS, IN CLASS 16 (U.S. CLS. 37, 38 AND 50).

FIRST USE 12-0-1965; IN COMMERCE 12-0-1965.

FOR: LAWN AND GARDEN EQUIPMENT COMPRISING NON-METALLIC HOSE, TUBING, PIPE, PIPE JOINT AND COUPLINGS, HOSE CONNECTORS, HOSE QUICK COUPLING CONNECTORS, HOSE REPAIR COUPLINGS, RISER PIPES, PIPE ADAPTERS; FITTINGS, NAMELY DRIP FITTINGS, BARB FITTINGS; COMPRESSION FITTINGS; RUBBER VALVE MARKERS; BALLOONS; HOSE AND VALVE WASHERS; SPRINKLER COLLARS, IN CLASS 17 (U.S. CL. 13).

FIRST USE 12-0-1965; IN COMMERCE 12-0-1965.

FOR: CABINETS AND HOUSINGS FOR VALVES AND IRRIGATION CONTROLLERS; COUNTER STOOLS; LITERATURE AND CORRESPONDENCE RACKS; STADIUM CUSHIONS; PLASTIC MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR-VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; PLASTIC HOSE HANGERS, AND PLASTIC SIGNS, IN CLASS 20 (U.S. CLS. 13 AND 32).

FIRST USE 12-0-1965; IN COMMERCE 12-0-1965.

FOR: BRUSHES, NAMELY CAR WASH BRUSHES AND PATIO AND DECK BRUSHES; INSULATED CUPS; MUGS; CORK SCREWS; LAWN SPRINKLER NOZZLES; HOSE END NOZZLES AND HOSE NOZZLES, IN CLASS 21 (U.S. CLS. 2, 23 AND 29).

FIRST USE 12-0-1978; IN COMMERCE 12-0-1978.

FOR: CLOTHING, NAMELY COVERALLS, JACKETS, SCARFS, SWEATERS, SWEATSHIRTS, SHIRTS, NECKTIES, T-SHIRTS, VESTS, CAPS, PANTS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 12-0-1977; IN COMMERCE 12-0-1977.

FOR: SPORTS EQUIPMENT, NAMELY GOLF BALLS AND GOLF TEES, IN CLASS 28 (U.S. CL. 22).

FIRST USE 12-0-1978; IN COMMERCE 12-0-1978.

FOR: IRRIGATION EQUIPMENT REPAIR SERVICES, NAMELY SPRINKLER REPAIR, VALVE REPAIR AND CONTROLLER REPAIR, AND IRRIGATION SYSTEM INSTALLATION SERVICES, IN CLASS 37 (U.S. CL. 103).

FIRST USE 12-0-1965; IN COMMERCE 12-0-1965.

OWNER OF U.S. REG. NOS. 567,442, 1,157,940 AND OTHERS.

SER. NO. 73-776,298, FILED 1-23-1989.

J. TINGLEY, EXAMINING ATTORNEY