

ESTTA Tracking number: **ESTTA409613**

Filing date: **05/18/2011**

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	Express, LLC
Granted to Date of previous extension	05/18/2011
Address	1 Express Drive Columbus, OH 43230 UNITED STATES

Correspondence information	Frank J. Colucci Colucci & Umans 218 East 50th Street New York, NY 10022 UNITED STATES scarsdale@colucci-umans.com
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Applicant Information

Application No	85095702	Publication date	01/18/2011
Opposition Filing Date	05/18/2011	Opposition Period Ends	05/18/2011
Applicant	EXP613, LLC 1835 NE Miami Gardens Drive, Suite 250 Miami, FL 33179 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: Purses, backpacks, handbags, duffel bags, briefcases, wallets, business card cases; leather and imitations of leather, and goods made of these materials, namely, purses, backpacks, handbags, duffel bags, business card cases and wallets; canes and walking sticks
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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.	1120073	Application Date	08/22/1977
Registration Date	06/12/1979	Foreign Priority Date	NONE

Word Mark	EXPRESS
Design Mark	EXPRESS
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1972/02/22 First Use In Commerce: 1972/02/22 SWEATERS, KNIT TOPS, BLOUSES, PANTS, SPORT JACKETS, SHIRTS, AND SKIRTS

U.S. Registration No.	2290570	Application Date	03/12/1998
Registration Date	11/02/1999	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark	EXPRESS		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/02/02 First Use In Commerce: 1998/02/02 shorts, tank tops and t-shirts		

U.S. Registration No.	2484122	Application Date	03/13/1998
Registration Date	09/04/2001	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark	EXPRESS		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00		

	<p>sunglasses Class 014. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 jewelry Class 018. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 purses and handbags Class 025. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 hosiery, tights and socks Class 026. First use: First Use: 1997/12/00 First Use In Commerce: 1997/12/00 hair clips</p>
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U.S. Registration No.	3222813	Application Date	06/01/2006
Registration Date	03/27/2007	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1996/05/31 First Use In Commerce: 1996/05/31 jewelry		

U.S. Registration No.	3797700	Application Date	06/01/2006
Registration Date	06/01/2010	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2009/10/01 First Use In Commerce: 2009/10/01 hair accessories, namely, hair ornaments, hair slides, hair bands, hair bows, and		

	hair grips Class 035. First use: First Use: 1997/12/00 First Use In Commerce: 1997/12/00 retail store services featuring jewelry and hair accessories
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U.S. Application No.	77592856	Application Date	10/15/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services, mail order catalog services, and on-line retail store services all featuring clothing, clothing accessories, fashion accessories, men's accessories, namely, bags, small leather goods, jewelry, and eyewear, lingerie, undergarments, hosiery, personal care products, and footwear		

U.S. Application No.	77366608	Application Date	01/08/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: personal care products, namely, aftershave gels, aftershave lotion, antiperspirant, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, body balm, body glitter, body mist, body oil, body polish, body scrub, body wash, bubble bath, cologne,		

	body cream, eye cream, face cream, non-medicated foot cream, hand cream, deodorants for personal use, essential oils for personal use, exfoliating preparations for the skin, eye gels, eyeliner eye makeup pencils, eye gel masks, eye shadow, cosmetic facial highlighting cream, cosmetic facial highlighting powder, face masks cream, face mist, facial scrub, non-medicated foot soaks, face toners, foot scrubs, foundation, fragrant body splash, fragrant body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage lotion, massage oil, nail polish, nail polish remover, non-medicated cosmetic blemish stick, non-medicated cleanser for the face, cosmetic facial blotting papers, perfume, body powder, face powder, foot powder, non-medicated salt scrubs for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, skin toners, body soap, face soap, hand soap, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, sunless tanning lotion for the body, self-tanning lotion for the face, pre-suntanning lotion for the body, pre-suntanning lotion for the face, post-suntanning lotion for the body, post-suntanning lotion for the face, talcum powder, wrinkle removing skin care preparations
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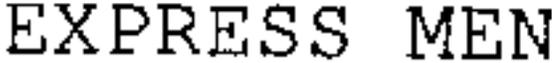
U.S. Application No.	77654117	Application Date	01/22/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EXPRESS RESERVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use:</p> <p>Personal care products, namely, aftershave preparations, namely, gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the</p>		

	hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for he skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, non-medicated body polish and body balm, skin toners, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, suntan lotion for the body, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations
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U.S. Registration No.	3829646	Application Date	01/22/2009
Registration Date	08/03/2010	Foreign Priority Date	NONE
Word Mark	EXPRESS RESERVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/07/06 First Use In Commerce: 2009/07/06 Personal care products, namely, cologne		

U.S. Application No.	77916079	Application Date	01/20/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LOVE EXPRESS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 003. First use:</p> <p>Personal care products, namely, aftershave preparations in the form of gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush; non-medicated skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, cologne, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream, non-medicated skin care preparations, namely, non-medicated body polish and body balm, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations</p>

U.S. Registration No.	2754311	Application Date	03/08/2001
Registration Date	08/19/2003	Foreign Priority Date	NONE
Word Mark	EXPRESS MEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2001/03/01 First Use In Commerce: 2001/03/01 RETAIL STORE SERVICES [AND MAIL ORDER CATALOG SERVICES] FEATURING PERSONAL CARE PRODUCTS AND CLOTHING</p>		

U.S. Registration No.	3269599	Application Date	06/03/2005
Registration Date	07/24/2007	Foreign Priority	NONE

		Date	
Word Mark	EXPRESS MEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/08/01 First Use In Commerce: 2006/08/01 clothing, namely, belts, blazers, boxer shorts, coats, gloves, hats, jackets, jeans, pants, scarves, shirts, shorts, socks, suits, sweaters, sweat shirts, sweat pants, t-shirts, ties and underwear		

U.S. Registration No.	2961016	Application Date	06/11/2003
Registration Date	06/07/2005	Foreign Priority Date	NONE
Word Mark	EXPRESS DESIGN STUDIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2004/02/28 First Use In Commerce: 2004/02/28 clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, blouses, body shapers, body suits, boxer shorts, bras, bustiers, camisoles, caps, coats, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, hats, headbands, hosiery, jackets, jeans, jogging suits, knee highs, knit shirts, knit tops, leotards, lingerie, loungewear, mittens, negligees, night gowns, night shirts, pajamas, panties, pants, pantyhose, sarongs, scarves, shirts, shorts, skirts, slacks, sleepwear, slippers, socks, stockings, suits, sweat pants, sweat shirts, sweat shorts, sweat suits, sweaters, swim wear, t-shirts, tank tops, tap pants, teddies, ties, tights, underpants, undershirts, underwear and vests</p> <p>Class 035. First use: First Use: 2004/02/28 First Use In Commerce: 2004/02/28 retail store services, mail order catalog services and on-line retail services featuring clothing</p>		

Related Proceedings	91,194,918 91,198,762
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Attachments	73138519#TMSN.gif (1 page)(bytes) 75449351#TMSN.gif (1 page)(bytes) 75449593#TMSN.gif (1 page)(bytes) 78897749#TMSN.jpeg (1 page)(bytes) 78897740#TMSN.jpeg (1 page)(bytes) 77592856#TMSN.jpeg (1 page)(bytes) 77366608#TMSN.jpeg (1 page)(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	/frank j. colucci/
Name	Frank J. Colucci
Date	05/18/2011

EXHIBIT A

	Mark: EDITOR PANT			
19	Serial #: <u>78441217</u> Mark: CLUB EXPRESS	Filing Dt: 06/25/2004	Reg #: NONE	Reg. Dt:
20	Serial #: <u>78643372</u> Mark: EXPRESS MEN	Filing Dt: 06/03/2005	Reg #: <u>3269599</u>	Reg. Dt: 07/24/2007
21	Serial #: <u>78657490</u> Mark: EXPRESSDESIGN STUDIO NEWYORK	Filing Dt: 06/24/2005	Reg #: NONE	Reg. Dt:
22	Serial #: <u>78776780</u> Mark: EXPRESS FASHION	Filing Dt: 12/20/2005	Reg #: NONE	Reg. Dt:
23	Serial #: <u>78897740</u> Mark: EXPRESS	Filing Dt: 06/01/2006	Reg #: <u>3797700</u>	Reg. Dt: 06/01/2010
24	Serial #: <u>78897749</u> Mark: EXPRESS	Filing Dt: 06/01/2006	Reg #: <u>3222813</u>	Reg. Dt: 03/27/2007

Assignor1 EXPRESSCO, INC.**Exec Dt:** 05/11/2007**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee**1 EXPRESS, LLC
ONE LIMITED PARKWAY
COLUMBUS, OHIO 43230**Entity Type:** LIMITED LIABILITY
COMPANY**Citizenship:** DELAWARE**Correspondence name and address**EXPRESS, LLC
ONE LIMITED PARKWAY
COLUMBUS, OH 43230

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 Web interface last modified: Apr 30, 2009 v.2.1

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EXHIBIT B

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,120,073
Registered June 12, 1979

TRADEMARK
Principal Register

EXPRESS

The May Department Stores Company (New York corporation)
6th and Olive Sts.
St. Louis, Mo. 63101

For: SWEATERS, KNIT TOPS, BLOUSES, PANTS, SPORT JACKETS, SHIRTS, AND SKIRTS, in CLASS 25 (U.S. CL. 39).

First use at least as early as Feb. 22, 1972; in commerce at least as early as Feb. 22, 1972.

Ser. No. 138,519, filed Aug. 22, 1977.

JOHN C. DEMOS, Supervisory Examiner
M. MERCHANT, Examiner

Document Description: **Notice-Acceptance-Renewal**
 Mail / Create Date: **02-Jun-2009**

Side - 1



**NOTICE OF ACCEPTANCE OF §8
 DECLARATION AND §9 RENEWAL**
MAILING DATE: Jun 2, 2009

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1120073
MARK: EXPRESS
OWNER: EXPRESS, LLC

Side - 2

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 COMMISSIONER FOR TRADEMARKS
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 ALEXANDRIA, VA 22313-1451

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 COLUCCI & UMANS
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 NEW YORK, NY 10022-7681

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Trademark Assignment Abstract of Title

Total Assignments: 4Serial #: [73138519](#)

Filing Dt: 08/22/1977

Reg #: [1120073](#)

Reg. Dt: 06/12/1979

Registrant: MAY DEPARTMENT STORES COMPANY, THE

Mark: EXPRESS

Assignment: 1Reel/Frame: [0597/0038](#)

Received:

Recorded: 03/28/1988

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [MAY DEPARTMENT STORES COMPANY, THE](#)

Exec Dt: 03/16/1988

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [EXPRESSCO, INC.](#)

SUITE 102

1409 FOULK ROAD

WILMINGTON, DELAWARE 19803

Correspondent: FRANK J. COLUCCI, P.C.

101 EAST 52ND STREET

NEW YORK, NY 10022

Assignment: 2Reel/Frame: [3551/0178](#)

Received: 05/30/2007

Recorded: 05/30/2007

Pages: 4

Conveyance: MERGER

Assignor: [EXPRESSCO, INC.](#)

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Assignee: [EXPRESS, LLC](#)

ONE LIMITED PARKWAY

COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC

ONE LIMITED PARKWAY

COLUMBUS, OH 43230

Assignment: 3Reel/Frame: [3587/0342](#)

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: [EXPRESS, LLC](#)

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

[EXPRESS HOLDING, LLC](#)[EXPRESS_GC, LLC](#)[RETAIL FACTORING, LLC](#)

Assignee: MORGAN STANLEY & CO. INCORPORATED
ONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Assignment: 4

Reel/Frame: 3587/0379 **Received:** 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC
ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

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Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,290,570

Registered Nov. 2, 1999

**TRADEMARK
PRINCIPAL REGISTER**

EXPRESS

**EXPRESSCO, INC. (DELAWARE CORPORATION)
1105 NORTH MARKET STREET
WILMINGTON, DE 19801**

**FOR: SHORTS, TANK TOPS AND T-SHIRTS,
IN CLASS 25 (U.S. CLS. 22 AND 39).**

**FIRST USE 2-2-1998; IN COMMERCE
2-2-1998.**

OWNER OF U.S. REG. NO. 1,120,073.

SN 75-449,351, FILED 3-12-1998.

LESLEY LAMOTHE, EXAMINING ATTORNEY

Document Description: **Notice-Acceptance-Renewal**
 Mail / Create Date: **23-Sep-2009**

Side - 1



**NOTICE OF ACCEPTANCE OF §8
 DECLARATION AND §9 RENEWAL**
MAILING DATE: Sep 23, 2009

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2290570
MARK: EXPRESS
OWNER: EXPRESS, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
 COMMISSIONER FOR TRADEMARKS
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 ALEXANDRIA, VA 22313-1451

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Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: 75449351

Filing Dt: 03/12/1998

Reg #: 2290570

Reg. Dt: 11/02/1999

Registrant: Expressco, Inc.

Mark: EXPRESS

Assignment: 1Reel/Frame: 3551/0178

Received: 05/30/2007

Recorded: 05/30/2007

Pages: 4

Conveyance: MERGER

Assignor: EXPRESSCO, INC.

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Assignee: EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC

ONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2**Reel/Frame: 3587/0342

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

EXPRESS HOLDING, LLCEXPRESS GC, LLCRETAIL FACTORING, LLCAssignee: MORGAN STANLEY & CO. INCORPORATEDONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3**Reel/Frame: 3587/0379

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC

ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE

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Web interface last modified: Apr 30, 2009 v.2.1

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Int. Cls.: 9, 14, 18, 25 and 26

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 27, 28, 36, 37, 38,
39, 40, 41, 42 and 50

United States Patent and Trademark Office

Reg. No. 2,484,122

Registered Sep. 4, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EXPRESS

EXPRESSCO, INC. (DELAWARE CORPORATION)
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: SUNGLASSES, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28
AND 50).

FIRST USE 5-0-1996; IN COMMERCE 5-0-1996.

FOR: PURSES AND HANDBAGS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-0-1997; IN COMMERCE 5-0-1997.

FOR: HOSE, TIGHTS AND SOCKS, IN CLASS
25 (U.S. CLS. 22 AND 39).

FIRST USE 5-0-1997; IN COMMERCE 5-0-1997.

FOR: HAIR CLIPS, IN CLASS 26 (U.S. CLS. 37, 39,
40, 42 AND 50).

FIRST USE 12-0-1997; IN COMMERCE 12-0-1997.

OWNER OF U.S. REG. NOS. 1,120,073, 2,102,188
AND OTHERS.

SER. NO. 75-449,593, FILED 3-13-1998.

LORETTA C. BECK, EXAMINING ATTORNEY

Document Description: Notice of Acceptance Acknowledgement
Mail / Create Date: 18-Sep-2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2484122 SERIAL NO: 75/449593 MAILING DATE: 09/18/2007
REGISTRATION DATE: 09/04/2001
MARK: EXPRESS
REGISTRATION OWNER: EXPRESS, LLC

CORRESPONDENCE ADDRESS:

KATHY HAMILTON
EXPRESS, LLC
ONE LIMITED PARKWAY
COLUMBUS, OH 43230

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009, 014, 018, 025, 026.

HENSON, EVERETT J
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

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United States Patent and Trademark Office

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Assignments on the Web > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 3**Serial #:** [75449593](#)**Filing Dt:** 03/13/1998**Reg #:** [2484122](#)**Reg. Dt:** 09/04/2001**Registrant:** Expressco, Inc.**Mark:** EXPRESS**Assignment: 1****Reel/Frame:** [3551/0178](#)**Received:** 05/30/2007**Recorded:** 05/30/2007**Pages:** 4**Conveyance:** MERGER**Assignor:** [EXPRESSCO, INC.](#)**Exec Dt:** 05/11/2007**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [EXPRESS, LLC](#)ONE LIMITED PARKWAY
COLUMBUS, OHIO 43230**Correspondent:** EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2****Reel/Frame:** [3587/0342](#)**Received:** 07/24/2007**Recorded:** 07/24/2007**Pages:** 37**Conveyance:** SECURITY INTEREST**Assignors:** [EXPRESS, LLC](#)**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** NONE[EXPRESS HOLDING, LLC](#)[EXPRESS GC, LLC](#)[RETAIL FACTORING, LLC](#)**Assignee:** [MORGAN STANLEY & CO. INCORPORATED](#)ONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201**Correspondent:** LUCIA GUH-SIESELSHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3****Reel/Frame:** [3587/0379](#)**Received:** 07/24/2007**Recorded:** 07/24/2007**Pages:** 37**Conveyance:** SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC
ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

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Web interface last modified: Apr 30, 2009 v.2.1

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Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 3,222,813

Registered Mar. 27, 2007

**TRADEMARK
PRINCIPAL REGISTER**

EXPRESS

EXPRESSCO, INC. (DELAWARE CORPORATION)

1105 NORTH MARKET STREET

WILMINGTON, DE 19801

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 5-31-1996; IN COMMERCE 5-31-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,484,122.

SER. NO. 78-897,749, FILED 6-1-2006.

PAM WILLIS, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: 78897749

Filing Dt: 06/01/2006

Reg #: 3222813

Reg. Dt: 03/27/2007

Registrant: Expressco, Inc.

Mark: EXPRESS

Assignment: 1Reel/Frame: 3551/0178

Received: 05/30/2007

Recorded: 05/30/2007

Pages: 4

Conveyance: MERGER

Assignor: EXPRESSCO, INC.

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC

ONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2**Reel/Frame: 3587/0342

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

EXPRESS HOLDING, LLCEXPRESS GC, LLCRETAIL FACTORING, LLCAssignee: MORGAN STANLEY & CO. INCORPORATEDONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3**Reel/Frame: 3587/0379

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC

ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

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United States of America

United States Patent and Trademark Office

EXPRESS

Reg. No. 3,797,700

Registered June 1, 2010

Int. Cls.: 26 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

EXPRESS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
ONE LIMITED PARKWAY
ATTN: KATHY HAMILTON
COLUMBUS, OH 43230

FOR: HAIR ACCESSORIES, NAMELY, HAIR ORNAMENTS, HAIR SLIDES, HAIR BANDS, HAIR BOWS, AND HAIR GRIPS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 10-1-2009; IN COMMERCE 10-1-2009.

FOR: RETAIL STORE SERVICES FEATURING JEWELRY AND HAIR ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-1997; IN COMMERCE 12-0-1997.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,120,073, 2,484,122, AND 2,607,818.

SN 78-897,740, FILED 6-1-2006.

PAM WILLIS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: [78897740](#)

Filing Dt: 06/01/2006

Reg #: [3797700](#)

Reg. Dt: 06/01/2010

Registrant: EXPRESS, LLC

Mark: EXPRESS

Assignment: 1Reel/Frame: [3551/0178](#)

Received: 05/30/2007

Recorded: 05/30/2007

Pages: 4

Conveyance: MERGER

Assignor: [EXPRESSCO, INC.](#)

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [EXPRESS, LLC](#)ONE LIMITED PARKWAY
COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC

ONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2**Reel/Frame: [3587/0342](#)

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: [EXPRESS, LLC](#)

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

[EXPRESS HOLDING, LLC](#)[EXPRESS GC, LLC](#)[RETAIL FACTORING, LLC](#)Assignee: [MORGAN STANLEY & CO. INCORPORATED](#)ONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3**Reel/Frame: [3587/0379](#)

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC
ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCTA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

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Serial Number: 77592856 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

EXPRESS

(words only): EXPRESS

Standard Character claim: Yes

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

Date of Status: 2010-12-07

Filing Date: 2008-10-15

The Notice of Allowance Date is: 2009-06-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 104

Attorney Assigned:
BOONE JOHN C

Current Location: 700 -Intent To Use Section

Date In Location: 2009-12-11

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

1. Express, LLC

Address:

Express, LLC
Attn: Kathy Hamilton One Express Drive
Columbus, OH 43230
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

Phone Number: 614/415-4103

Fax Number: 614/4743103

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Retail store services, mail order catalog services, and on-line retail store services all featuring clothing, clothing accessories, fashion accessories, men's accessories, namely, bags, small leather goods, jewelry, and eyewear, lingerie, undergarments, hosiery, personal care products, and footwear

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1120073
2484122
2607818
2754311
3222813

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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2010-12-08 - Notice Of Approval Of Extension Request Mailed

2010-12-07 - Extension 3 granted

2010-11-19 - Extension 3 filed

2010-11-19 - TEAS Extension Received

2010-05-11 - Notice Of Approval Of Extension Request Mailed
2010-05-10 - Extension 2 granted
2010-05-06 - Extension 2 filed
2010-05-06 - TEAS Extension Received
2009-12-11 - Extension 1 granted
2009-11-10 - Extension 1 filed
2009-12-11 - Case Assigned To Intent To Use Paralegal
2009-11-10 - TEAS Extension Received
2009-06-09 - NOA Mailed - SOU Required From Applicant
2009-03-17 - Published for opposition
2009-02-25 - Notice of publication
2009-02-09 - Law Office Publication Review Completed
2009-02-09 - Assigned To LIE
2009-01-29 - Approved For Pub - Principal Register
2009-01-27 - Examiner's amendment mailed
2009-01-27 - Examiner's Amendment Entered
2009-01-27 - Examiners Amendment -Written
2009-01-15 - Assigned To Examiner
2008-10-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

EXPRESS, LLC

EXPRESS, LLC

1 LIMITED PKWY

COLUMBUS, OH 43230-1467

Phone Number: 614/415-4103

Fax Number: 614/577-3791

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Serial Number: 77366608 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

EXPRESS

(words only): EXPRESS

Standard Character claim: Yes

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

Date of Status: 2011-02-04

Filing Date: 2008-01-08

The Notice of Allowance Date is: 2010-02-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUONGIORNO CHRISTOPHER L

Current Location: 700 -Intent To Use Section

Date In Location: 2010-07-08

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

1. Express, LLC

Address:

Express, LLC
Attn: Kathy Hamilton One Express Drive
Columbus, OH 43230
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

Phone Number: 614/415-4103

Fax Number: 614/4743103

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

personal care products, namely, aftershave gels, aftershave lotion, antiperspirant, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, body balm, body glitter, body mist, body oil, body polish, body scrub, body wash, bubble bath, cologne, body cream, eye cream, face cream, non-medicated foot cream, hand cream, deodorants for personal use, essential oils for personal use, exfoliating preparations for the skin, eye gels, eyeliner eye makeup pencils, eye gel masks, eye shadow, cosmetic facial highlighting cream, cosmetic facial highlighting powder, face masks cream, face mist, facial scrub, non-medicated foot soaks, face toners, foot scrubs, foundation, fragrant body splash, fragrant body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage lotion, massage oil, nail polish, nail polish remover, non-medicated cosmetic blemish stick, non-medicated cleanser for the face, cosmetic facial blotting papers, perfume, body powder, face powder, foot powder, non-medicated salt scrubs for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, skin toners, body soap, face soap, hand soap, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, sunless tanning lotion for the body, self-tanning lotion for the face, pre-suntanning lotion for the body, pre-suntanning lotion for the face, post-suntanning lotion for the body, post-suntanning lotion for the face, talcum powder, wrinkle removing skin care preparations

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0022897

International Registration Number: 1074395

International Registration Date: 2011-01-20

Original Filing Date with USPTO: 2011-01-20

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2011-05-12

International Registration Renewal Date: 2021-01-20

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

05-12-2011 - 21:21:10 - Application For IR Registered By IB

01-21-2011 - 21:05:40 - IR Certified And Sent To IB

01-21-2011 - 10:41:20 - Manually Certified

01-20-2011 - 15:41:27 - 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.

2011-02-05 - Notice Of Approval Of Extension Request Mailed

2011-02-04 - Extension 2 granted

2011-02-02 - Extension 2 filed

2011-02-02 - TEAS Extension Received

2010-07-09 - Notice Of Approval Of Extension Request Mailed

2010-07-08 - Extension 1 granted

2010-06-10 - Extension 1 filed

2010-07-08 - Case Assigned To Intent To Use Paralegal

2010-06-10 - TEAS Extension Received

2010-02-02 - NOA Mailed - SOU Required From Applicant

2009-12-22 - Extension Of Time To Oppose Process - Terminated

2009-06-11 - Extension Of Time To Oppose Received

2009-06-09 - Published for opposition

2009-05-20 - Notice of publication

2009-05-01 - Law Office Publication Review Completed

2009-04-30 - Approved For Pub - Principal Register

2009-04-30 - Examiner's amendment mailed

2009-04-29 - Examiner's Amendment Entered
2009-04-29 - Examiners Amendment -Written
2009-04-22 - Teas/Email Correspondence Entered
2009-04-22 - Communication received from applicant
2009-04-22 - Assigned To LIE
2009-04-22 - TEAS Request For Reconsideration Received
2009-04-07 - Letter Of Protest Accepted
2008-10-27 - Final refusal mailed
2008-10-27 - Final Refusal Written
2008-10-08 - Teas/Email Correspondence Entered
2008-10-07 - Communication received from applicant
2008-10-07 - TEAS Response to Office Action Received
2008-04-09 - Priority Action Mailed
2008-04-08 - Priority Action Written
2008-04-07 - Assigned To Examiner
2008-01-11 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

EXPRESS, LLC

EXPRESS, LLC

ONE LIMITED PARKWAY

ATTN: KATHY HAMILTON

COLUMBUS, OH 43230

Phone Number: 614/415-4103

Fax Number: 614/577-3791

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

This page was generated by the TARR system on 2011-05-16 10:50:54 ET

Serial Number: 77654117 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

EXPRESS RESERVE

(words only): EXPRESS RESERVE

Standard Character claim: Yes

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

Date of Status: 2010-11-22

Filing Date: 2009-01-22

The Notice of Allowance Date is: 2009-12-01

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 104

Attorney Assigned:
FINNEGAN TIMOTHY J

Current Location: 710 -Divisional Unit

Date In Location: 2010-06-15

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

1. Express, LLC

Address:

Express, LLC
Attn: Kathy Hamilton 1 Express Drive
Columbus, OH 43230
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

Phone Number: 614/474-4103

Fax Number: 614/474-3103

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Personal care products, namely, aftershave preparations, namely, gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for he skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, non-medicated body polish and body balm, skin toners, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, suntan lotion for the body, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1120073

2484122

3222813

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.

2010-11-23 - Notice Of Approval Of Extension Request Mailed

2010-11-22 - Extension 2 granted

2010-11-19 - Extension 2 filed

2010-11-19 - TEAS Extension Received

2010-06-18 - NOA Mailed - SOU Required From Applicant

2010-06-16 - Notice Of Approval Of Extension Request Mailed

2010-06-15 - Extension 1 granted

2010-05-21 - Extension 1 filed

2010-06-15 - Divisional processing completed

2010-05-21 - Divisional request received

2010-06-08 - Case Assigned To Intent To Use Paralegal

2010-05-21 - TEAS Request To Divide Received

2010-05-21 - TEAS Extension Received

2009-12-01 - NOA Mailed - SOU Required From Applicant

2009-09-08 - Published for opposition

2009-08-19 - Notice of publication

2009-08-04 - Law Office Publication Review Completed

2009-08-04 - Assigned To LIE

2009-07-27 - Approved For Pub - Principal Register

2009-07-08 - Teas/Email Correspondence Entered

2009-07-08 - Communication received from applicant

2009-07-08 - TEAS Response to Office Action Received

2009-03-23 - Non-final action mailed

2009-03-20 - Non-Final Action Written

2009-03-14 - Assigned To Examiner

2009-01-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Frank J. Colucci

Correspondent

Frank J. Colucci

COLUCCI & UMANS

218 East 50th Street

New York NY 10022

Phone Number: 212 935 5700

Fax Number: 212 935 5728

United States of America

United States Patent and Trademark Office

EXPRESS RESERVE

Reg. No. 3,829,646

Registered Aug. 3, 2010

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

EXPRESS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
ATTN: KATHY HAMILTON
ONE LIMITED PARKWAY
COLUMBUS, OH 43230

FOR: PERSONAL CARE PRODUCTS, NAMELY, COLOGNE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 7-6-2009; IN COMMERCE 7-6-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,120,073, 3,222,813, AND OTHERS.

SN 77-979,799, FILED 1-22-2009.

TIMOTHY FINNEGAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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This page was generated by the TARR system on 2011-05-16 10:53:34 ET

Serial Number: 77916079 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

LOVE EXPRESS

(words only): LOVE EXPRESS

Standard Character claim: Yes

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

Date of Status: 2011-02-17

Filing Date: 2010-01-20

The Notice of Allowance Date is: 2010-07-27

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
LOVELACE JAMES B

Current Location: 700 -Intent To Use Section

Date In Location: 2011-02-15

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

1. Express, LLC

Address:

Express, LLC
Attn: Kathy Hamilton One Limited Parkway
Columbus, OH 43230
United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware**Phone Number:** 614/415-4103**Fax Number:** 614/474-3103

GOODS AND/OR SERVICES

International Class: 003**Class Status:** Active

Personal care products, namely, aftershave preparations in the form of gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush; non-medicated skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, cologne, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream, non-medicated skin care preparations, namely, non-medicated body polish and body balm, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1120073

2484122

3222813

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.

2011-02-18 - Notice Of Approval Of Extension Request Mailed

2011-02-17 - Extension 1 granted

2011-01-26 - Extension 1 filed

2011-02-15 - Case Assigned To Intent To Use Paralegal

2011-01-26 - TEAS Extension Received

2010-07-27 - NOA Mailed - SOU Required From Applicant

2010-06-01 - Published for opposition

2010-05-12 - Notice of publication

2010-04-29 - Law Office Publication Review Completed

2010-04-29 - Assigned To LIE

2010-04-20 - Examiner's amendment mailed

2010-04-19 - Approved For Pub - Principal Register

2010-04-19 - Examiner's Amendment Entered

2010-04-19 - Examiners Amendment -Written

2010-04-16 - Assigned To Examiner

2010-01-26 - New Application Office Supplied Data Entered In Tram

2010-01-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
EXPRESS, LLC
1 LIMITED PKWY
COLUMBUS, OH 43230-1467
Phone Number: 614/415-4103

Fax Number: 614/577-3791

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,754,311

Registered Aug. 19, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

EXPRESS MEN

EXPRESSCO, INC. (DELAWARE CORPORATION)
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: RETAIL STORE SERVICES AND MAIL
ORDER CATALOG SERVICES FEATURING PERSONAL
CARE PRODUCTS AND CLOTHING, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-2001; IN COMMERCE 3-1-2001.

OWNER OF U.S. REG. NOS. 1,120,073 AND
2,290,570.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MEN", APART FROM THE MARK
AS SHOWN.

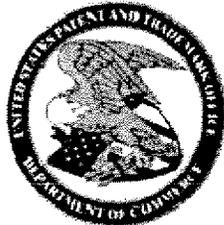
SN 76-975,362, FILED 3-8-2001.

WILLIAM VERHOSEK, EXAMINING ATTORNEY

Document Description: **Notice of Acceptance Acknowledgement**
 Mail / Create Date: **31-Jul-2009**



Side - 1



**NOTICE OF ACCEPTANCE AND
 ACKNOWLEDGEMENT OF §§8 & 15
 DECLARATION
 MAILING DATE: Jul 31, 2009**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2754311
MARK: EXPRESS MEN
OWNER: EXPRESS, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
 COMMISSIONER FOR TRADEMARKS
 P.O. BOX 1451
 ALEXANDRIA, VA 22313-1451

FIRST-CLASS
 MAIL
 U.S. POSTAGE
 PAID

Attn: Kathy Hamilton
 EXPRESS, LLC
 ONE LIMITED PARKWAY
 COLUMBUS, OH 43230

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- **Technical help:** For instructions on how to use TDR, or help in resolving **technical** glitches, please e-mail TDR@uspto.gov. If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](#).

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- *Some filings made through the Trademark Electronic Application System (TEAS) are not uploaded immediately into TDR. Instead, it may take approximately seven (7) calendar days for the upload. If that amount of time has passed and your filing is still not appearing, please e-mail TDR@uspto.gov.*



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: 76975362

Filing Dt: 03/08/2001

Reg #: 2754311

Reg. Dt: 08/19/2003

Registrant: Expressco, Inc.

Mark: EXPRESS MEN

Assignment: 1Reel/Frame: 3551/0178

Received: 05/30/2007

Recorded: 05/30/2007

Pages: 4

Conveyance: MERGER

Assignor: EXPRESSCO, INC.

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC

ONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2**Reel/Frame: 3587/0342

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

EXPRESS HOLDING, LLCEXPRESS GC, LLCRETAIL FACTORING, LLCAssignee: MORGAN STANLEY & CO. INCORPORATEDONE PIERREPOINT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL

SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3**Reel/Frame: 3587/0379

Received: 07/24/2007

Recorded: 07/24/2007

Pages: 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC

ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Search Results as of: 02/28/2011 09:57 AM
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.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,269,599

Registered July 24, 2007

**TRADEMARK
PRINCIPAL REGISTER**

EXPRESS MEN

EXPRESSCO, INC. (DELAWARE CORPORATION)
ONE LIMITED PARKWAY
COLUMBUS, OH 43230

FOR: CLOTHING, NAMELY, BELTS, BLAZERS, BOXER SHORTS, COATS, GLOVES, HATS, JACKETS, JEANS, PANTS, SCARVES, SHIRTS, SHORTS, SOCKS, SUITS, SWEATERS, SWEAT SHIRTS, SWEAT PANTS, T-SHIRTS, TIES AND UNDERWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2006; IN COMMERCE 8-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,120,073, 2,754,311, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEN", APART FROM THE MARK AS SHOWN.

SN 78-643,372, FILED 6-3-2005.

KEVIN CORWIN, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 78643372 **Filing Dt:** 06/03/2005 **Reg #:** 3269599 **Reg. Dt:** 07/24/2007

Registrant: Expressco, Inc.

Mark: EXPRESS MEN

Assignment: 1

Reel/Frame: 3551/0178 **Received:** 05/30/2007 **Recorded:** 05/30/2007 **Pages:** 4

Conveyance: MERGER

Assignor: EXPRESSCO, INC.

Exec Dt: 05/11/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: EXPRESS, LLC
ONE LIMITED PARKWAY
COLUMBUS, OHIO 43230

Correspondent: EXPRESS, LLC
ONE LIMITED PARKWAY
COLUMBUS, OH 43230

Assignment: 2

Reel/Frame: 3587/0342 **Received:** 07/24/2007 **Recorded:** 07/24/2007 **Pages:** 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: MORGAN STANLEY & CO. INCORPORATED
ONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Assignment: 3

Reel/Frame: 3587/0379 **Received:** 07/24/2007 **Recorded:** 07/24/2007 **Pages:** 37

Conveyance: SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC
ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE
Exec Dt: 07/06/2007
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE

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

Search Results as of: 02/28/2011 10:03 AM

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Int. Cls.: 25 and 35

Prior U.S. Cls.: 22, 39, 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,961,016

Registered June 7, 2005

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

EXPRESS DESIGN STUDIO

EXPRESSCO, INC. (DELAWARE CORPORATION)
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, BATHROBES, BEACH COVER-UPS, BEACHWEAR, BELTS, BLAZERS, BLOUSES, BODY SHAPERS, BODY SUITS, BOXER SHORTS, BRAS, BUSTIERS, CAMISOLES, CAPS, COATS, DRESSES, FOOTWEAR, FOUNDATION GARMENTS, GARTER BELTS, GIRDLES, GLOVES, GOWNS, HALTER TOPS, HATS, HEADBANDS, HOSIERY, JACKETS, JEANS, JOGGING SUITS, KNEE HIGHS, KNIT SHIRTS, KNIT TOPS, LEOTARDS, LINGERIE, LOUNGEWEAR, MITTENS, NEGLIGEES, NIGHT GOWNS, NIGHT SHIRTS, PAJAMAS, PANTIES, PANTS, PANTYHOSE, SARONGS, SCARVES, SHIRTS, SHORTS, SKIRTS, SLACKS, SLEEPWEAR, SLIPS, SOCKS, STOCKINGS, SUITS, SWEAT PANTS, SWEAT SHIRTS, SWEAT SHORTS, SWEAT SUITS, SWEATERS, SWIM WEAR, T-SHIRTS, TANK TOPS, TAP PANTS, TEDDIES, TIES, TIGHTS, UNDERPANTS,

UNDERSHIRTS, UNDERWEAR AND VESTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: RETAIL STORE SERVICES, MAIL ORDER CATALOG SERVICES AND ON-LINE RETAIL SERVICES FEATURING CLOTHING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

OWNER OF U.S. REG. NOS. 1,120,073, 2,290,570, AND 2,484,122.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DESIGN STUDIO", APART FROM THE MARK AS SHOWN.

SN 78-260,874, FILED 6-11-2003.

PAM WILLIS, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3**Serial #:** 78260874**Filing Dt:** 06/11/2003**Reg #:** 2961016**Reg. Dt:** 06/07/2005**Registrant:** Expressco, Inc.**Mark:** EXPRESS DESIGN STUDIO**Assignment: 1****Reel/Frame:** 3551/0178**Received:** 05/30/2007**Recorded:** 05/30/2007**Pages:** 4**Conveyance:** MERGER**Assignor:** EXPRESSCO, INC.**Exec Dt:** 05/11/2007**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OHIO 43230**Correspondent:** EXPRESS, LLCONE LIMITED PARKWAY
COLUMBUS, OH 43230**Assignment: 2****Reel/Frame:** 3587/0342**Received:** 07/24/2007**Recorded:** 07/24/2007**Pages:** 37**Conveyance:** SECURITY INTEREST**Assignors:** EXPRESS, LLC**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Exec Dt:** 07/06/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** NONE**Assignee:** MORGAN STANLEY & CO. INCORPORATEDONE PIERREPONT PLAZA, 7TH FLOOR, 300 CADMAN PLAZA WEST
ATTN: ERMA DEL'AQUILA
BROOKLYN, NEW YORK 11201**Correspondent:** LUCIA GUH-SIESELSHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025**Assignment: 3****Reel/Frame:** 3587/0379**Received:** 07/24/2007**Recorded:** 07/24/2007**Pages:** 37**Conveyance:** SECURITY INTEREST

Assignors: EXPRESS, LLC

EXPRESS HOLDING, LLC

EXPRESS GC, LLC

RETAIL FACTORING, LLC

Assignee: WELLS FARGO RETAIL FINANCE, LLC

ONE BOSTON PLACE, 18TH FLOOR
ATTN: FELICIA TYLER
BOSTON, MASSACHUSETTS 02108

Correspondent: LUCIA GUH-SIESEL
SHEARMAN & STERLING LLP
1080 MARSH RD.
MENLO PARK, CA 94025

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Exec Dt: 07/06/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Search Results as of: 02/28/2011 10:05 AM
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Web interface last modified: Apr 30, 2009 v.2.1

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

In the Matter of Application Serial No. 85/095,702
For the Mark EXP
Published in the *Official Gazette* on January 18, 2011

----- X
EXPRESS, LLC, :
Opposer, : Opposition No.
v. :
EXP613, LLC, :
Applicant. :
----- X

NOTICE OF OPPOSITION

EXPRESS, LLC, a Delaware Limited Liability Company, having its principal office and place of business at 1 Express Drive, Columbus, Ohio 43230 (herein "Opposer"), believes that it will be damaged by registration of the application of EXP613, LLC, a Florida Limited Liability Company, located at 1835 NE Miami Gardens Drive, Suite 250, Miami, Florida 33179 (herein "Applicant"), namely, United States Application Serial No. 85/095,702 to register the mark EXP for purses, backpacks, handbags, duffel bags, briefcases, wallets, business card cases; leather and imitations of leather, and goods made of these materials, namely, purses, backpacks, handbags, duffel bags, business card cases and wallets; canes and walking sticks in International Class 18 which was filed on July 29, 2010, published at page

TM 555 of the *Official Gazette* of January 18, 2011 (Vol. 1362, No. 1) and hereby opposes the same. As grounds of opposition, Opposer avers:

1. Applicant is not now and never was entitled to register as a trademark the designation EXP for which it seeks registration in its United States Application Serial No. 85/095,702 filed on July 29, 2010, published at page TM 555 of the *Official Gazette* of January 18, 2011 (Vol. 1362, No. 1) for the goods set forth therein and listed above.

2. Applicant is not entitled to use or register as a trademark the designation EXP for which it seeks registration in its United States Application Serial No. 85/095,702, either on July 29, 2010 the date of filing of said application, or on January 18, 2011, the date of publication thereof in the *Official Gazette*.

3. Opposer, Express, LLC, through a merger with Expressco, Inc., is the record owner and is the exclusive user of, *inter alia*, the EXPRESS trademarks and service marks, which are the subject of the following application and registrations:

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
EXPRESS SN: 73/138,519 RN: 1,120,073	Registered June 12, 1979 Second renewal §8 And §9 June 2, 2009	Int'l Class 25: Sweaters, knit tops, blouses, pants, sport jackets, shirts, and skirts	February 22, 1972
EXPRESS SN: 75/449,351 RN: 2,290,570	Registered November 2, 1999 Renewed §8 & §9 September 23, 2009	Int'l Class 25: Shorts, tank tops and t-shirts	February 2, 1998

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
EXPRESS SN: 75/449,593 RN: 2,484,122	Registered September 4, 2001 §8 & §15 September 18, 2007	<u>Int'l Class 9:</u> Sunglasses <u>Int'l Class 14:</u> Jewelry <u>Int'l Class 18:</u> Purses and handbags <u>Int'l Class 25:</u> Hosiery, tights and socks <u>Int'l Class 26:</u> Hair clips	<u>Int'l Class 14:</u> May, 1996 <u>Int'l Classes 18, 25:</u> May, 1997 <u>Int'l Class 9:</u> July, 1997 <u>Int'l Class 26:</u> December, 1997
EXPRESS SN: 78/897,749 RN: 3,222,813	Registered March 27, 2007	<u>Int'l Class 14:</u> Jewelry	May 31, 1996
EXPRESS SN: 78/897,740 RN: 3,797,700	Registered June 1, 2010	<u>Int'l Class 26:</u> Hair accessories, namely, hair ornaments, hair slides, hair bands, hair bows, and hair grips <u>Int'l Class 35:</u> Retail stores services featuring jewelry and hair accessories	December, 1997
EXPRESS SN: 77/592,856	Filed October 15, 2008 Allowed – Intent to use	<u>Int'l Class 35:</u> Retail store services, mail order catalog services, and on-line retail store services all featuring clothing, clothing accessories, fashion accessories, men's accessories, namely, bags, small leather goods, jewelry, and eyewear, lingerie, undergarments, hosiery, personal care products, and footwear	

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
<p>EXPRESS SN: 77/366,608</p>	<p>Filed January 8, 2008 Allowed – February 2, 2010</p>	<p>Int'l Class 3: personal care products, namely, aftershave gels, aftershave lotion, antiperspirant, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, body balm, body glitter, body mist, body oil, body polish, body scrub, body wash, bubble bath, cologne, body cream, eye cream, face cream, non-medicated foot cream, hand cream, deodorants for personal use, essential oils for personal use, exfoliating preparations for the skin, eye gels, eyeliner eye makeup pencils, eye gel masks, eye shadow, cosmetic facial highlighting cream, cosmetic facial highlighting powder, face masks cream, face mist, facial scrub, non-medicated foot soaks, face toners, foot scrubs, foundation, fragrant body splash, fragrant body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage lotion, massage oil, nail polish, nail polish remover, non-medicated cosmetic blemish stick, non-medicated cleanser for the face, cosmetic facial blotting papers, perfume, body powder, face powder, foot powder, non-medicated salt scrubs for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, skin toners, body soap, face soap, hand soap, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, sunless tanning lotion for the body, self-tanning lotion for the face, pre-suntanning lotion for the body, pre-suntanning lotion for the face, post-suntanning lotion for the body, post-suntanning lotion for the face, talcum powder, wrinkle removing skin care preparations</p>	

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
<p>EXPRESS RESERVE</p> <p>SN: 77/654117</p>	<p>Filed January 22, 2009 Allowed – December 1, 2009</p>	<p>Int'l Class 3: Personal care products, namely, aftershave preparations, namely, gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush, skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, body mist, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream; skin care preparation, namely, non-medicated body polish and body balm, skin toners, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, suntan lotion for the body, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations</p>	
<p>EXPRESS RESERVE</p> <p>SN: 77/979799 RN: 3,829,646</p>	<p>Registered August 3, 2010</p>	<p>Int'l Class 3: Personal care products, namely cologne</p>	<p>July 6, 2009</p>

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
<p>LOVE EXPRESS SN: 77/916,079</p>	<p>Filed January 20, 2010 Allowed – July 27, 2010</p>	<p>Personal care products, namely, aftershave preparations in the form of gels and lotions, antiperspirants, cosmetic astringent for the face, cosmetic astringent for the skin, bath beads, bath cream, bath crystals, bath fizzies, bath foam, bath gels, bath herbs, bath lotion, bath milks, bath oil, bath salts, blush; non-medicated skin care preparations, namely, body balm, body cream, body glitter, body mist, body oil, body polish, body powder, soaps for body care, body scrub, body washes, bubble bath, cologne, deodorants for personal use, essential oils for personal use, exfoliants for the skin, eye cream, eye gels, eyeliner, eyeliner pencils, gel eye masks, eye shadow, face cream, face paint, facial beauty masks, face powder, face soap, facial scrub, non-medicated foot soaks, skin toners, foot powder, foot scrubs, foundation, body splash, hair conditioner, hair pomade, hair rinses, hair removing creams, hair shampoo, hair spray, hair straightening preparations, hair styling gel, hair styling mousse, hand cream, hand soap, lotion for the body, lotion for the face, non-medicated lotion for the feet, lotion for the hands, lip balm, lip gloss, lip liner, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, massage cream, massage oil, body lotion, namely, massage lotion, nail polish, nail polish remover, non-medicated cosmetic makeup pencils for blemishes, non-medicated cleanser for the face, non-medicated foot cream, non-medicated lip balm, cosmetic facial blotting papers, perfume, non-medicated bath salt for the skin, shaving cream, shaving gels, shea butter for cosmetic purposes, shower cream, shower gel, skin bronzing cream, non-medicated skin care preparations, namely, non-medicated body polish and body balm, sun block for the body, sun block for the face, suntan lotion for the body, suntan lotion for the face, indoor tanning lotion for the body, self-tanning suntan creams for the face, pre-sunning suntan lotion for the face, post-sunning suntan lotion for the body, post-suntan lotion for the face, talcum powder, wrinkle removing skin care preparations</p>	
<p>EXPRESS MEN SN: 76/975,362 RN: 2,754,311</p>	<p>Registered August 19, 2003 §8 and §15 July 31, 2009</p>	<p>Int'l Class 35: Retail store services and mail order catalog services featuring personal care products and clothing</p>	<p>March 1, 2001</p>

Trademark/ Serial No./Reg. No.	Status/ Status Date	Goods/Services	Date of First Use
EXPRESS MEN SN: 78/643,372 RN: 3,269,599	Registered July 24, 2007	<u>Int'l Class 25:</u> Clothing, namely, belts, blazers, boxer shorts, coats, gloves, hats, jackets, jeans, pants, scarves, shirts, shorts, socks, suits, sweaters, sweat shirts, sweat pants, t-shirts, ties and underwear	August 1, 2006
EXPRESS DESIGN STUDIO SN: 78/260,874 RN: 2,961,016	Registered June 7, 2005	<u>Int'l Class 25:</u> Clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, blouses, body shapers, body suits, boxer shorts, bras, bustiers, camisoles, caps, coats, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, hats, headbands, hosiery, jackets, jeans, jogging suits, knee highs, knit shirts, knit tops, leotards, lingerie, loungewear, mittens, negligees, night gowns, night shirts, pajamas, panties, pants, pantyhose, sarongs, scarves, shirts, shorts, skirts, slacks, sleepwear, slippers, socks, stockings, suits, sweat pants, sweat shirts, sweat shorts, sweat suits, sweaters, swim wear, t-shirts, tank tops, tap pants, teddies, ties, tights, underpants, undershirts, underwear and vests <u>Int'l Class 35:</u> Retail store services, mail order catalog services and on-line retail services featuring clothing	<u>Int'l Classes 25, 35:</u> February 28, 2004

A printout from the United States Trademark Application and Registration Retrieval System (TARR), Assignments on the Web, showing recordation of documents of the merger between Expressco, Inc. and Express, LLC for the aforesaid registrations is attached as Exhibit A. True and accurate print-outs of the aforesaid registrations from the TARR database are attached hereto as Exhibit B. Said registrations are valid, subsisting and Registration Nos. 2,290,570 and 2,484,122 are incontestable.

4. Opposer's use and registration of the above EXPRESS trademarks and service marks (herein the "EXPRESS Marks"), which rights date back to 1972 by assignment of U.S. Registration No. 1,120,073 (which issued to registration on June 12,

1979), pre-date Applicant's filing date of August 7, 2009. Therefore, Opposer's EXPRESS Marks have priority over Applicant's claim to the designation EXP.

5. Opposer has been and now is the owner and operator of a nationwide chain of 589 EXPRESS specialty retail stores located throughout the United States, which sell, *inter alia*, a wide range of both women's and men's high quality fashionable clothing and accessories, including, dresses, jumpsuits, tops, blouses, shirts, cardigans, sweaters, jackets, vests, intimates, outerwear, pants, leggings, shorts, jeans, shirts, polos, tees, knits, suits, track jackets, hoodies, underwear, ties, jewelry, handbags, and accessories under the above EXPRESS Marks (herein "Opposer's Goods"). In addition, Opposer is the owner and operator of the Internet website, www.express.com, which also sells Opposer's Goods under the EXPRESS Marks.

6. Opposer has been continuously and now is advertising, offering for sale and selling in interstate commerce throughout the United States Opposer's Goods, bearing the EXPRESS Marks, and offering throughout the United States the aforesaid services, under the EXPRESS Marks. The marketplace success and desirability of Opposer's Goods is evidenced by consumer purchases. Since at least as early as 1991, sales of Opposer's Goods bearing the EXPRESS Marks have exceeded \$1 billion annually, as set forth below, and since 1994 sales have been approximately \$2 billion per year.

<u>YEAR</u>	<u>AMOUNT</u>
1981	\$ 2,500,000
1982	\$ 8,000,000
1983	\$ 27,700,000
1984	\$ 71,200,000
1985	\$ 139,900,000

1986	\$ 228,900,000
1987	\$ 316,100,000
1988	\$ 457,615,000
1989	\$ 599,370,000
1990	\$ 746,914,000
1991	\$ 1,000,405,000
1992	\$ 1,311,735,000
1993	\$ 1,420,911,000
1994	\$ 1,942,609,000
1995	\$ 2,021,556,000
1996	\$ 2,045,493,000
1997	\$ 1,848,695,000
1998	\$ 1,966,078,000
1999	\$ 2,015,812,000
2000	\$ 2,208,756,000
2001	\$ 2,091,139,000
2002	\$ 2,120,261,000
2003	\$ 2,109,330,000
2004	\$ 1,941,584,000
2005	\$ 1,807,584,000
2006	\$ 1,773,472,000
2007	\$ 1,819,834,000
2008	\$ 1,753,013,000
2009	\$ 1,726,774,000
Total	<u>\$37,273,940,000</u>

7. Opposer has used and advertised its EXPRESS Marks continuously and extensively since 1983 in order to educate the public as to the origin of Opposer's Goods bearing the EXPRESS Marks and to identify those goods with Opposer and its EXPRESS stores. Such efforts include the use of print advertising, window displays and in-store signage, visual merchandising, direct mail, brochures and coupons, samples, public relations and customer affinity clubs, as well as advertising and promotion of Opposer's Goods on its Internet website located at www.express.com and sponsoring and participating in Model.live and the television show, *The Bachelor*. As evidence of Opposer's commitment to advertising and promotion of its brand during the past twenty-seven years, Opposer's annual expenditures have been as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1983	\$ 825,000
1984	\$ 646,000
1985	\$ 1,462,000
1986	\$ 2,789,000
1987	\$ 3,062,000
1988	\$ 3,668,000
1989	\$ 4,087,000
1990	\$ 6,800,000
1991	\$ 12,696,000
1992	\$ 8,069,000
1993	\$ 20,521,000
1994	\$ 18,668,000
1995	\$ 14,905,000
1996	\$ 24,354,000
1997	\$ 21,219,000
1998	\$ 24,819,000
1999	\$ 32,763,000
2000	\$ 29,275,000
2001	\$ 51,505,000
2002	\$ 56,526,000
2003	\$ 61,119,000
2004	\$ 52,247,000
2005	\$ 51,228,000
2006	\$ 52,051,000
2007	\$ 47,741,000
2008	\$ 60,109,000
2009	\$ 55,122,000
Total	<u>\$718,276,000</u>

8. In addition, Opposer has recently gone public. Opposer's Express shares now trade on the New York Stock Exchange under the ticker symbol EXPR.

9. Upon the introduction of Opposer's EXPRESS Marks into the market in connection with the aforesaid goods and services and continuous use thereafter, said EXPRESS Marks became and are now widely known and recognized

by the public and the trade as the means by which Opposer's Goods and/or services are distinguished, and their source and origin identified, and are an important and valuable asset of Opposer.

10. Applicant's adoption and use of the designation EXP is without license, permission or authorization of Opposer.

Count I - Likelihood of Confusion

11. Opposer repeats and reavers the averments set forth in paragraphs 1 through 10 inclusive of this Notice of Opposition as if more fully set forth herein again.

12. The designation EXP is an abbreviation of Opposer's mark EXPRESS. Opposer has used the mark EXP since 1986 and has over the years used the mark at various different times and was the owner of Registration No. 1,539,267 of the mark EXP and Design (the "EXP Mark"). A substantive Office Action was issued against the Applicant's application 77/286,020 citing Opposer's Registration No. 1,539,267 of the mark EXP and Design on the basis of likelihood of confusion. Registration No. 1,539,267 lapsed in 2009, and it was refiled under Application Serial No: 77/733,938. The Examining Attorney has suspended Opposer's Application Serial No. 77/733,938 of the mark EXP and Design pending disposition of the Applicant's Application Serial No. 77/286,020 which Opposer is also opposing on the grounds that, if and when the Applicant's application 77/286,020 matures to registration, it could become the basis of a citation against Opposer's Application Serial No. 77/733,938 and lead to the ultimate refusal to register Opposer's application on the basis of likelihood of

confusion.

13. There are no restrictions on Applicant's Goods and Services and/or the trade channels through which they may be sold. Applicant's Goods and Services are closely related to Opposer's Goods and Services, will be sold to the same class of purchasers and will be offered for sale through the same or similar channels of trade. Consumers in the marketplace are already familiar with the mark EXP in connection with Opposer's Goods and Services and EXPRESS Marks.

14. The designation Applicant seeks to register, namely, EXP, so resembles Opposer's EXPRESS Marks and EXP Mark, as to be likely, when applied to Applicant's Goods and Services, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's Goods and Services originate with, or come from the same source as, Opposer's Goods and/or services, or are endorsed by, or are sponsored by, or are connected in some way with Opposer, and the registration thereof would be injurious to Opposer.

Count II - Dilution

15. Opposer repeats and reavers the averments set forth in paragraphs 1 through 10 inclusive of this Notice of Opposition as if more fully set forth herein again.

16. In addition to the substantial sales of and paid advertising and promotion of Opposer's Goods and Services under the EXPRESS Marks as set forth above, Express has also received extensive media coverage or "free publicity" in fashion magazines and the trade press. The success of Opposer's Goods and

Services bearing the EXPRESS Marks, its EXPRESS stores and brand has been frequently covered by major magazines and publications that are widely circulated throughout the world. Articles about Opposer, and Opposer's Goods and Services bearing the EXPRESS Marks have been featured in publications such as *The New York Times*, *The Los Angeles Times*, *USA Today*, *The Wall Street Journal*, *The New York Post*, *The New York Daily News*, *Fortune* and *Forbes*. Opposer's Goods bearing the EXPRESS Marks have recently been featured in the following magazines and publications, which have international circulation: *Allure*; *Cosmopolitan*; *Cargo*; *Elle*; *Family Circle*; *Glamour*; *Good Housekeeping*; *GQ*; *Harper's Bazaar*; *In Style*; *Jane*; *Lucky*; *Marie Claire*; *Maxim*; *Men's Health*; *The New York Times*; *Nylon*; *People*; *Self*; *Seventeen*; *Shop, Etc.*; *Vogue*; *YM*; *Details*; *Shape*; *People Style Watch*; *Us Weekly*; *Life & Style*; *In Touch*; *Star*; and *OK!*. Opposer's Goods and Services bearing the EXPRESS Marks have also been featured on numerous national and local television programs, including: *CBS Early Show*; *Good Morning America*; *The Today Show*; *The View*; *Access Hollywood*; *Extra*; and *E! News*.

17. As a result of the extensive sales, advertising and promotion of Opposer's Goods and Services bearing the EXPRESS Marks nationwide and because of the superior quality of such merchandise, the trademark, trade name and service mark EXPRESS has become a well-known and famous mark, representing goodwill of inestimable value to Opposer.

18. Applicant's proposed use and registration of the designation EXP is likely to, and will dilute, blur and erode the distinctiveness of Opposer's famous

EXPRESS mark, and/or damage the goodwill associated with the EXPRESS mark.

WHEREFORE, Opposer, Express, LLC, prays that said Application Serial No. 85/095,702 be rejected and registration of the designation EXP as a trademark to Applicant be refused and denied, and that its Opposition be sustained and/or that the Board grant to Opposer such other and/or further relief as the Board may deem just and proper under the circumstances.

Dated: New York, New York
May 18, 2011

Respectfully submitted,

COLUCCI & UMANS

By: Frank J. Colucci
Frank J. Colucci
Attorneys for Opposer
218 East 50th Street
New York, NY 10022
(212) 935-5700

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Notice of Opposition" has been forwarded via First Class Mail, Postage Prepaid, to Applicant, EXP613, LLC, 1835 NE Miami Gardens Drive, Suite 250, Miami, FL 33179 as well as to Applicant's attorney, C. Andrew Im, Esq., Im Law PLLC, P.O. Box 355, Scarsdale, NY this 18th day of May, 2011.

Gurpreet K. Collopyan