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

Proceeding	91201666
Party	Defendant Desalla Trading Company
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE WEST, STE 151 VIENNA, VA 22180-5612 UNITED STATES admin@thetrademarkcompany.com, mswyers@thetrademarkcompany.com
Submission	Opposition/Response to Motion
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	06/21/2013
Attachments	Opposition to Summary Jdmt.pdf(1744380 bytes)

5. Accordingly, on May 22, 2013 Opposer filed the instant *Motion for Summary Judgment* seeking an order from the Board that there are no genuine issues of material fact remaining in this matter and, accordingly, Opposer is entitled to judgment as a matter of law.

6. As is set forth more clearly below, however, genuine issues of material fact exist as to, at a minimum, whether the marks are similar given the distinctions therein as well as the diluted nature of Opposer's mark.

ARGUMENT

The burden is on the party moving for summary judgment to demonstrate the absence of any genuine issue of material fact, and that it is therefore entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). *See also Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). The evidence of record and any inferences which may be drawn from the underlying undisputed facts must be viewed in the light most favorable to the non-moving party. *See Olde Tyme Foods Inc. vs. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542 (Fed. Cir. 1992). In considering the propriety of summary judgment, the Board may not resolve issues of material fact against the non-moving party; it may only ascertain whether such issues are present. *See Opryland USA, Inc. v. Great American Music Show, Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1993). In the instant case, we need look no further than the first consideration under the *DuPont* factors to determine genuine issues of material fact exist in regard to the instant matter.

In the instant case, Opposer relies upon one federal registration and two pending applications to allege the likelihood of confusion for which it seeks redress. Specifically, Opposer relies upon:¹

¹ As a threshold issue, it is noted that the two pending applications having filing dates that are junior to that of the opposed application by Applicant. As such, at least to these two applications, genuine issues of material fact would exist in regard to priority of use of these applications vis-à-vis the opposed trademark application as evidence has yet to be adduced at trial concerning these applications' alleged priority of use.

CUTLERYANDMORE.COM

U.S. Reg. No. 3954102

CUTLERYANDMORE

U.S. Application No. 85345038

CUTLERYAND

U.S. Application No. 85345016

Applicant has applied to register the trademark CUTLERYANDBEYOND. As such, there can be no doubt that the marks for the Opposer and the mark of the Applicant are not identical.

As such, in order for the Opposer to prevail on the instant motion it must establish that there are no genuine issues of material fact in regard to the similarity of the marks at issue. This is a burden they simply cannot meet.

Examining the marks as a whole, both parties have combined descriptive if not generic words with inherently distinctive components to create trademarks that are registerable upon the Principle Register of the U.S. Patent and trademark Office.² The only overlapping terms as between the marks are the generic or highly descriptive terms used therein, namely, CUTLERY and/or CUTLAERY/AND. But that is where the similarity ends.

What creates a genuine issue of material fact in the instant case is the question of how consumers will view these admittedly generic terms when combined with inherently distinctive components MORE and/or BEYOND. There can be little doubt that the record is full of other like marks registered for the goods and services using the term CUTLERY. For the Board's consideration, Applicant attaches a sample of the same showing the diluted nature of the descriptive term CUTLERY on the register. A thorough examination of registered marks on the Principal Register reveals that many other marks containing the term "CUTLERY", and used

² It is noted that the Opposer's trademarks are all unitary in nature thus not requiring disclaimers for the descriptive and/or generic elements therein.

with similar goods and services with that of the Applicant and Opposer have been allowed to register as evidenced in the table below. *See also* Exhibit A.

Mark	Reg No.	Goods
WHETSTONE CUTLERY	4,316,176	Class 8: Chef knives; Hatchets; Household knives; Hunting knives; Japanese chopping kitchen knives; Knife bags; Knife sharpeners; Machetes; Pocket knives; Side arms, not including firearms, namely, hunting knives; Sport knives; Swords; Thin-bladed kitchen knives; Throwing knives
BRADFORDCUTLERY	4,276,434	Class 8: Knives and Cutlery
KIDDY CUTLERY	4,018,289	Class 8: Tableware, namely, Knives, Forks, Spoons
CASTLEROCK PREMIUM CUTLERY	4,283,792	Class 8: Biodegradable cutlery, namely, knives, forks and spoons; Boxes specially adapted for the storage of cutlery and flatware; Compostable and biodegradable cutlery, namely, knives, spoons, forks; Cutlery; Cutlery, namely, scalers; Cutlery, namely, forks, spoons, and knives; Forks; Plastic cutlery, namely, knives, forks, and spoons
BEAR & SON CUTLERY	4,190,024	Class 8: Hand tools, namely, pocket knives, cutlery, sporting knives, collectible knives, military knives, kitchen knives, hunting knives
SCHMID BROTHERS CUTLERY	4,007,800	Class 8: Cutlery
KING CUTLERY	3,446,638	Class 8: Knives used for hunting, sport, military, law enforcement, food preparation and household use; hand tools for emergency services, namely, knives
TIDIOUTE CUTLERY	3,243,158	Class 8: Folding knives; Household knives; Hunting knives; Pocket knives
INNOVATIVE CUTLERY	4,136,024	Class 8: Cutlery, namely, forks, knives and spoons; Disposable tableware, namely, knives, forks and spoons; Disposable tableware, namely, spoons; Forks
WHITETAIL CUTLERY	4,089,882	Class 8: knives, namely, hunting, folding, fixed, fishing, kitchen, sport, collectors', combat and survivor knives
CUTLERY CORNER NETWORK	3,090,996	Class 35: providing home shopping services in the field of cutlery by means of television and over the internet
USA DEXTER RUSSELL AMERICA'S FIRST PROFESSIONAL CUTLERY SINCE 1818	2,881,661	Class 8: boning knives, slitting knives, angled knives, poultry knives, skinning knives, paring knives, steak knives, filleting knives, cook's knives, bread knives, sandwich knives, butcher knives, fish splitters, chuck knives, cheese knives, clam knives, oyster knives, scallop knives, manually-operated slicing knives, pizza slicers and cheese slicers, utility knives, pie knives, vegetable and produce knives, ribbing knives, trimming knives, heading knives, sandwich spreaders with a serrated cutting edge and slicer knives Class 21: commercial and professional kitchen utensils, namely, pizza servers, turners, spatulas, scrapers, dough

		cutters/scrapers, pot forks and cook's forks
LAGUNA CUTLERY	3,808,710	Class 8: Cutlery, namely, knives; Knife sharpeners; Non-electric vegetable peelers; Knife protectors made of plastic; Vegetable slicers
KENNESAW CUTLERY	3,764,762	Class 35: Retail distributorships in the field of knives and cutlery
THE NEW SHAPE OF CUTLERY	3,615,611	Class 8: Cutlery
NEW ENGLAND CUTLERY	3,675,469	Class 8: Cutlery, namely, chef knives, bread knives, hand-operated slicers, carver knives, utility knives, vegetable knives, paring knives and steak knives
COLORADO CUTLERY	3,677,106	Class 8: Cutlery, namely Knives
WJ CUTLERY	3,467,545	Class 8: Japanese swords; Sabres; Swords; Hunting knives; Japanese chopping kitchen knives; Pen knives; Pocket knives; Throwing knives; Daggers; Machetes
CHICAGO CUTLERY	3,790,548	Class 8: Cutlery, namely, peeling knives, paring knives, utility knives, boning knives, bread knives, chef's knives, carving knives, slicing knives, steak knives, santoku knives, kitchen shears, blade sharpening steel, knife sharpeners Class 21: Wooden knife storage blocks; cutting boards
ALASKA CUTLERY	3,364,861	Class 8: Cutlery, namely, ulu knives; Fish slicing kitchen knives; Household knives; Hunting knives; Stainless steel table knives, forks and spoons; Butcher knives Class 21: Chopping boards for kitchen use; Wood chopping blocks; Wood chopping boards for kitchen use
PROFESSIONAL CUTLERY DIRECT	3,371,711	Class 35: Mail order catalog, retail store services and online retail store services in the field of kitchenware, novelty and gift items
GOLDEN EAGLE CUTLERY	1,223,970	Class 8: Kitchen Utility Knives and Knife Accessories- Namely, Carving, Paring, Fillet, Roast Slicer, Chef's, Steak, and Sharpening Steels, Sold Separately or in Sets
HOFFRITZ FOR CUTLERY	1,369,528	Class 42: retail store services and mail order services in the field of hand tools and cutlery, electrical and optical equipment, small domestic utensils and gifts
PCD PROFESSIONAL CUTLERY DIRECT	1,946,519	Class 42: mail order catalog services in the field of kitchenware, novelty and gift items
SUPREME CUTLERY	1,781,126	Class 8: stainless steel flatware; namely, knives, forks and spoons
PINNACLE CUTLERY	2,350,740	Class 8: Kitchen knives Class 21: Kitchen utensils, namely, butcher blocks, cutting boards, and meat forks
CUTLERY WORLD	1,170,683	Class 42: Retail store services featuring the sale of cutlery, electric shavers, personal grooming products and novelties

Moreover, the Applicant attaches an additional sample of registered marks that use identical descriptive terms accompanied by the term “MORE” or “BEYOND”. See the table below as well as the attached exhibits B-H

“BEYOND” MARK	“MORE” MARK
SLEEP & BEYOND Reg. No. 4,304,070	SLEEP N’MORE Reg. No. 3,610,283
KITCHEN & BEYOND Reg. No. 3,312,015	KITCHEN AND MUCH MORE Reg. No. 2,956,427
CR KIDS & BEYOND Reg. No. 3,915,126	KIDS & MORE Reg. No. 3,030,669
BASKETS-N-BEYOND Reg. No. 4,224,859	BASKET O’ BOOKS AND MORE Reg. No. 3,050,211
BED BATH & BEYOND Reg. No. 2,831,986	WALLBEDS & MORE Reg. No. 3,864,095
PAINT, DECORATE & BEYOND Reg. No. 3,586,264	DESIGN, DÉCOR & MORE Reg. No. 3,526,935
BIRDS AND BEYOND Reg. No. 2,488,442	MORE BIRDS Reg. No. 4,102,892

The above table and attached evidence shows that the terms “MORE” and “BEYOND” are treated as inherently distinctive apart from descriptive terms. The listed marks are coexisting in interstate commerce without consumer confusion.

As such, for the Opposer to prevail in this case, let alone the instant motion for summary judgment, it must establish that no genuine issues of material fact exist in regard to the similarity of their trademarks and that of the Applicant wherein the only overlapping term among the same is generic for the services provided and highly diluted in the industry in which they exist.

It is therefore submitted that genuine issues of material fact clearly exist in regard to the strength of Opposer’s relied upon marks, and the similarities or dissimilarities of Applicant’s CUTLERYANDBEYOND mark as it relates to Opposer’s CUTLERYANDMORE.COM marks sufficient that the instant motion for summary judgment, when viewing the evidence in the light most favorable to the Applicant, must be denied. See *Celotex Corp. v. Catrett*, 477 U.S. 317; *Olde Tyme Foods Inc. vs. Roundy’s Inc.*, 961 F.2d 200, 22 USPQ2d 1542.

CONCLUSION

WHEREFORE for the premises considered, Applicant Desalla Trading Company respectfully requests that the Board deny the requested relief and reschedule this matter for trial upon the merits.

Respectfully submitted this 21st day of June, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626 x100
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Applicant

United States of America
United States Patent and Trademark Office

W **Whetstone**
CUTLERY

Reg. No. 4,316,176

Registered Apr. 9, 2013

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

TRADEMARK GAMES, INC (OHIO CORPORATION)
5401 BAUMHART ROAD, STE #1
LORAIN, OH 44053

FOR: CHEF KNIVES; HATCHETS; HOUSEHOLD KNIVES; HUNTING KNIVES; JAPANESE CHOPPING KITCHEN KNIVES; KNIFE BAGS; KNIFE SHARPENERS; MACHETES; POCKET KNIVES; SIDEARMS, NOT INCLUDING FIREARMS, NAMELY, HUNTING KNIVES; SPORT KNIVES; SWORDS; THIN-BLADED KITCHEN KNIVES; THROWING KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 11-16-2010; IN COMMERCE 1-11-2011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUTLERY" AS TO CHEF KNIVES; HATCHETS; HOUSEHOLD KNIVES; HUNTING KNIVES; JAPANESE CHOPPING KITCHEN KNIVES; KNIFE BAGS; MACHETES; POCKET KNIVES; SIDE ARMS, NOT INCLUDING FIREARMS, NAMELY, HUNTING KNIVES; SPORT KNIVES; SWORDS; THIN-BLADED KITCHEN KNIVES; THROWING KNIVES AND "WHETSTONE CUTLERY" AS TO KNIFE SHARPENERS, APART FROM THE MARK AS SHOWN.

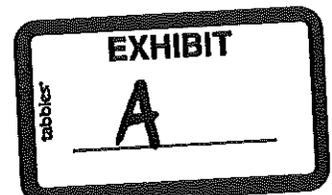
THE MARK CONSISTS OF THE UNDERLINED AND STYLIZED WORD "WHETSTONE" ABOVE THE STYLIZED WORD "CUTLERY" ALL NEXT TO A STYLIZED LETTER "W".

SER. NO. 85-667,231, FILED 7-2-2012.

MAUREEN DALL, EXAMINING ATTORNEY



Lisa Street Lee
Acting Director of the United States Patent and Trademark Office



United States of America

United States Patent and Trademark Office

BRADFORD CUTLERY

Reg. No. 4,276,434

Registered Jan. 15, 2013

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

CASEMARK, INC. (DELAWARE CORPORATION)
1105 NORTH MARKET STREET, SUITE 1300
WILMINGTON, DE 19801

FOR: KNIVES AND CUTLERY, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 10-16-2012; IN COMMERCE 10-16-2012.

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

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

SN 85-307,564, FILED 4-28-2011.

MATTHEW MCDOWELL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

KIDDY CUTLERY

Reg. No. 4,018,289
Registered Aug. 30, 2011
Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

NUK USA LLC (DELAWARE LIMITED LIABILITY COMPANY)
CORPORATION TRUST CO., CORP TRUST CTR.
1209 ORANGE STREET
WILMINGTON, DE 19801

FOR: TABLEWARE, NAMELY, KNIVES, FORKS, SPOONS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 1-0-2007; IN COMMERCE 1-0-2007.

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

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

SEC. 2(F).

SER. NO. 85-105,944, FILED 8-12-2010.

DAWN FELDMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Castlerock Premium Cutlery

Reg. No. 4,283,792

Registered Jan. 29, 2013

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

RAPHAEL MARKETING GROUP, LLC (MICHIGAN LIMITED LIABILITY COMPANY)
1585 FORD COURT
GROSSE POINTE WOODS, MI 08540

FOR: BIODEGRADABLE CUTLERY, NAMELY, KNIVES, FORKS AND SPOONS; BOXES SPECIALLY ADAPTED FOR THE STORAGE OF CUTLERY AND FLATWARE; COMPOSTABLE AND BIODEGRADABLE CUTLERY, NAMELY, KNIVES, SPOONS, FORKS; CUTLERY; CUTLERY, NAMELY, SCALERS; CUTLERY, NAMELY, FORKS, SPOONS, AND KNIVES; FORKS; PLASTIC CUTLERY, NAMELY, KNIVES, FORKS, AND SPOONS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 7-24-2012; IN COMMERCE 7-24-2012.

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

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

SN 85-461,851, FILED 11-1-2011.

DAVID COLLIER, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BAREFOOT CUTLERY

Reg. No. 4,238,852

Registered Nov. 6, 2012

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

FROST CUTLERY COMPANY LLC (TENNESSEE LIMITED LIABILITY COMPANY)
6861 MOUNTAIN VIEW ROAD
OOLTEWAH, TN 37363

FOR: CUTLERY, NAMELY, POCKET KNIVES, BOOT KNIVES, HUNTING KNIVES AND COLLECTOR'S KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 7-31-2012; IN COMMERCE 7-31-2012.

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

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

SN 85-400,265, FILED 8-17-2011.

MATTHEW KLINE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BEAR & SON CUTLERY

Reg. No. 4,190,024

Registered Aug. 14, 2012

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

BEAR & SON, INC. (ALABAMA CORPORATION)

1111 BEAR BLVD.

JACKSONVILLE, AL 36265

FOR: HAND TOOLS, NAMELY, POCKET KNIVES, CUTLERY, SPORTING KNIVES, COLLECTIBLE KNIVES, MILITARY KNIVES, KITCHEN KNIVES, HUNTING KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 12-10-2003; IN COMMERCE 1-10-2004.

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

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

SER. NO. 85-498,915, FILED 12-19-2011.

JENNIFER WILLISTON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

SCHMIDT BROTHERS CUTLERY

Reg. No. 4,007,800

Registered Aug. 2, 2011

Int. Cl.: 8

TRADEMARK

SUPPLEMENTAL REGISTER

BROTHER BRANDS, INC. (NEW JERSEY CORPORATION)
15 PARK AVENUE
WESTWOOD, NJ 07675

FOR: CUTLERY, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 9-1-2010; IN COMMERCE 9-1-2010.

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

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

SER. NO. 85-165,804, FILED P.R. 11-1-2010; AM. S.R. 5-24-2011.

KHANH LE, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

Int. Cl.: 8

Prior U.S. Cls.: 23, 28, and 44

United States Patent and Trademark Office

Reg. No. 3,446,638

Registered June 10, 2008

TRADEMARK
PRINCIPAL REGISTER

KING CUTLERY

THE ONTARIO KNIFE COMPANY (NEW YORK
CORPORATION)
P.O. BOX 145
FRANKLINVILLE, NY 14737

FOR: KNIVES USED FOR HUNTING, SPORT,
MILITARY, LAW ENFORCEMENT, FOOD PRE-
PARATION AND HOUSEHOLD USE; HAND TOOLS
FOR EMERGENCY SERVICES, NAMELY, KNIVES,
IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 6-5-2007; IN COMMERCE 6-5-2007.

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

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

SN 78-723,132, FILED 9-29-2005.

DAVID YONTBF, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28, and 44

United States Patent and Trademark Office

Reg. No. 3,243,158

Registered May 15, 2007

TRADEMARK
SUPPLEMENTAL REGISTER

TIDIOUTE CUTLERY

HOWARD, WILLIAM L. (UNITED STATES INDIVIDUAL)

16998 STATE HIGHWAY 8

CENTERVILLE, PA 16404

FOR: FOLDING KNIVES; HOUSEHOLD KNIVES; HUNTING KNIVES; POCKET KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 12-8-2006; IN COMMERCE 12-8-2006.

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

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

SER. NO. 78-790,727, FILED P.R. 1-12-2006; AM. S.R. 3-28-2007.

MARIAM MAHMOUDI, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Innovative Cutlery

Reg. No. 4,136,024

Registered May 1, 2012

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

MYTYM CO. (COLORADO CORPORATION), DBA ORADINE,
PO BOX 3155
GILLETTE, WY 82717

FOR: CUTLERY, NAMELY, FORKS, KNIVES AND SPOONS; DISPOSABLE TABLEWARE,
NAMELY, KNIVES, FORKS AND SPOONS; DISPOSABLE TABLEWARE, NAMELY, SPOONS;
FORKS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 7-18-2011; IN COMMERCE 7-18-2011.

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

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

SN 85-010,518, FILED 4-9-2010.

COLLEEN DOMBROW, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,089,882

Registered Jan. 24, 2012

Int. Cl.: 8

TRADEMARK

PRINCIPAL REGISTER

FROST CUTLERY COMPANY LLC (TENNESSEE LIMITED LIABILITY COMPANY)
6861 MOUNTAIN VIEW ROAD
COLETAH, TN 37363

FOR: KNIVES, NAMELY, HUNTING, FOLDING, FIXED, FISHING, KITCHEN, SPORT, COLLECTORS', COMBAT AND SURVIVOR KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 10-4-2005; IN COMMERCE 10-4-2005.

OWNER OF U.S. REG. NO. 3,078,483.

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

THE MARK CONSISTS OF THE WORDS "WHITETAIL CUTLERY" INSIDE A CIRCLE WITH THE IMAGE OF A DEER HEAD APPEARING IN THE CENTER WITH THE WORD "WHITETAIL" POSITIONED ABOVE THE DEER HEAD AND THE WORD "CUTLERY" BELOW.

SER. NO. 85-199,832, FILED 12-16-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 35 and 41

Prior U.S. Cls.: 100, 101, 102, and 107

United States Patent and Trademark Office

Reg. No. 3,090,996

Registered May 9, 2006

SERVICE MARK
PRINCIPAL REGISTER

CUTLERY CORNER
NETWORK

FROST, JAMES A. (UNITED STATES INDIVIDUAL), DBA FROST CUTLERY,
6861 MOUNTAIN VIEW ROAD
OOLTEWAH, TN 37363

FOR: PROVIDING HOME SHOPPING SERVICES IN THE FIELD OF CUTLERY BY MEANS OF TELEVISION AND OVER THE INTERNET, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

FOR: ENTERTAINMENT SERVICES, NAMELY ON GOING TELEVISION PROGRAMS IN THE FIELD OF CUTLERY PRODUCTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

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

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

SN 78-322,342, FILED 11-3-2003.

JEFF DEFORD, EXAMINING ATTORNEY

Int. Cls.: 8 and 21

Prior U.S. Cls.: 2, 13, 23, 28, 29, 30, 33, 40, 44 and 50

United States Patent and Trademark Office

Reg. No. 2,881,661

Registered Sep. 7, 2004

TRADEMARK
PRINCIPAL REGISTER



DEXTER-RUSSELL, INC. (MASSACHUSETTS CORPORATION)
44 RIVER STREET
SOUTHBRIDGE, MA 10550

FOR: BONING KNIVES, SLITTING KNIVES, ANGLED KNIVES, POULTRY KNIVES, SKINNING KNIVES, PARING KNIVES, STEAK KNIVES, FILLETING KNIVES, COOK'S KNIVES, BREAD KNIVES, SANDWICH KNIVES, BUTCHER KNIVES, FISH SPLITTERS, CHUCK KNIVES, CHEESE KNIVES, CLAM KNIVES, OYSTER KNIVES, SCALLOP KNIVES, MANUALLY-OPERATED SLICING KNIVES, PIZZA SLICERS AND CHEESE SLICERS, UTILITY KNIVES, PIE KNIVES, VEGETABLE AND PRODUCE KNIVES, RIBBING KNIVES, TRIMMING KNIVES, HEADING KNIVES, SANDWICH SPREADERS WITH A SERRATED CUTTING EDGE AND SLICER KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 9-5-2001; IN COMMERCE 9-5-2001.

FOR: COMMERCIAL AND PROFESSIONAL KITCHEN UTENSILS, NAMELY, PIZZA SERVERS, TURNERS, SPATULAS, SCRAPERS, DOUGH CUTTERS/SCRAPERS, POT FORKS AND COOK'S FORKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-5-2001; IN COMMERCE 9-5-2001.

OWNER OF U.S. REG. NOS. 1,493,916, 2,676,181 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "U.S.A.", "AMERICA'S FIRST", "PROFESSIONAL CUTLERY SINCE 1818" AND THE PICTORIAL REPRESENTATION OF A KNIFE, APART FROM THE MARK AS SHOWN.

SER. NO. 78-281,844, FILED 8-1-2003.

LINDA POWELL, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Laguna Cutlery

Reg. No. 3,808,710

Registered June 22, 2010

Int. Cl.: 8

TRADEMARK

SUPPLEMENTAL REGISTER

MARKET OF AMERICA, INC. (CALIFORNIA CORPORATION)
16200 SCIENTIFIC WAY
IRVINE, CA 92618

FOR: CUTLERY, NAMELY, KNIVES; KNIFE SHARPENERS; NON-ELECTRIC VEGETABLE PEELERS; KNIFE PROTECTORS MADE OF PLASTIC; VEGETABLE SLICERS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 9-2-2009, IN COMMERCE 9-2-2009.

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

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

SER. NO. 77-793,862, FILED P.R. 7-30-2009; AM. S.R. 4-29-2010.

LINDA ESTRADA, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

KENNESAW CUTLERY

Reg. No. 3,764,762 BUD K WORLD WIDE, INC. (GEORGIA CORPORATION)
Registered Mar. 23, 2010 475 US HIGHWAY 319 S
MOULTRIE, GA 317680508

Int. Cl.: 35 FOR: RETAIL DISTRIBUTORSHIPS IN THE FIELD OF KNIVES AND CUTLERY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK FIRST USE 12-0-2008; IN COMMERCE 12-0-2008.
PRINCIPAL REGISTER

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

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

SN 77-621,273, FILED 11-25-2008.

JERI J. FICKES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,615,611

Registered May 5, 2009

**TRADEMARK
PRINCIPAL REGISTER**

THE NEW SHAPE OF CUTLERY

ERGO CHEF, LLC (CONNECTICUT LIMITED
LIABILITY COMPANY)
35 EAGLE ROAD
DANBURY, CT 06810

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

FOR: CUTLERY, IN CLASS 8 (U.S. CLS. 23, 28 AND
44).

SER. NO. 77-580,157, FILED 9-26-2008.

FIRST USE 2-1-2006; IN COMMERCE 2-2-2006.

HOWARD B. LEVINE, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,675,469

Registered Sep. 1, 2009

TRADEMARK
PRINCIPAL REGISTER

New England Cutlery

F.N.T., INC. (NEW JERSEY CORPORATION),
DBA CULINARY EDGE
503 CHANCELLOR AVENUE
IRVINGTON, NJ 07111

FOR: CUTLERY, NAMELY, CHEF KNIVES,
BREAD KNIVES, HAND-OPERATED SLICERS,
CARVER KNIVES, UTILITY KNIVES, VEGETABLE
KNIVES, PARING KNIVES AND STEAK KNIVES,
IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 6-1-1996; IN COMMERCE 6-1-1996.

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

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

SEC. 2(F).

SER. NO. 77-556,961, FILED 8-27-2008.

GIANCARLO CASTRO, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28, and 44

United States Patent and Trademark Office

Reg. No. 3,677,106

Registered Sep. 1, 2009

**TRADEMARK
PRINCIPAL REGISTER**

COLORADO CUTLERY

THE ONTARIO KNIFE COMPANY (NEW YORK
CORPORATION)

26 EMPIRE STREET

FRANKLINVILLE, NY 14737

FOR: CUTLERY, NAMELY, KNIVES, IN CLASS 8
(U.S. CLS. 23, 28 AND 44).

FIRST USE 5-30-2009; IN COMMERCE 5-30-2009.

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

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

SN 77-286,021, FILED 9-21-2007.

JORDAN BAKER, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,467,545

Registered July 15, 2008

TRADEMARK
PRINCIPAL REGISTER



CHAO, JOY (OKLAHOMA CORPORATION), DBA
WUU JAU CO., INC.
2600 SOUTH KELLY AVENUE
EDMOND, OK 73013

FOR: JAPANESE SWORDS; SABRES; SWORDS;
HUNTING KNIVES; JAPANESE CHOPPING KITCH-
EN KNIVES; PEN KNIVES; POCKET KNIVES;
THROWING KNIVES; DAGGERS; MACHETES, IN
CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

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

THE COLOR(S) WHITE AND BLUE IS/ARE
CLAIMED AS A FEATURE OF THE MARK.

THE MERGED "WJ" LETTERS AND LINES IN
THE MARK ARE WHITE; THE BACKGROUND OF
THE "WJ" DESIGN IS BLUE; THE WORDING
"CUTLERY" IS BLUE.

SER. NO. 77-341,200, FILED 11-30-2007.

DANIEL CAPSHAW, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,790,548

Registered May 18, 2010

Int. Cls.: 8 and 21

TRADEMARK

PRINCIPAL REGISTER

WKI HOLDING COMPANY, INC. (DELAWARE CORPORATION)
5500 N PEARL, SUITE 400
ROSEMONT, IL 60018

FOR: CUTLERY, NAMELY, PEELING KNIVES, PARING KNIVES, UTILITY KNIVES, BONING KNIVES, BREAD KNIVES, CHEF'S KNIVES, CARVING KNIVES, SLICING KNIVES, STEAK KNIVES, SANTOKU KNIVES, KITCHEN SHEARS, BLADE SHARPENING STEEL, KNIFE SHARPENERS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 9-13-2007; IN COMMERCE 10-25-2007.

FOR: WOODEN KNIFE STORAGE BLOCKS; CUTTING BOARDS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-27-2007; IN COMMERCE 9-27-2007.

OWNER OF U.S. REG. NOS. 1,220,606, 2,971,868, AND OTHERS.

SEC. 2(F) AS TO "CHICAGO".

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

THE MARK CONSISTS OF A RECTANGULAR DESIGN WITH THE OUTLINE OF A FANCIFUL KNIFE DESIGN PLACED ABOVE THE WORDS "CHICAGO CUTLERY".

SN 77-173,199, FILED 5-4-2007.

DAVID C. REIHNER, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

Int. Cls.: 8 and 21

Prior U.S. Cls.: 2, 13, 23, 28, 29, 30, 33, 40, 44 and 50

Reg. No. 3,364,861

United States Patent and Trademark Office

Registered Jan. 8, 2008

TRADEMARK
PRINCIPAL REGISTER



THE ULU FACTORY, INC. (ALASKA CORPORATION)
211 W. SHIP CREEK AVENUE
ANCHORAGE, AK 99501 AND
GRANSBURY, DAVID E. (UNITED STATES INDIVIDUAL)
211 W. SHIP CREEK AVENUE
ANCHORAGE, AK 99501

FOR: CUTLERY, NAMELY, ULU KNIVES; FISH SLICING KITCHEN KNIVES; HOUSEHOLD KNIVES; HUNTING KNIVES; STAINLESS STEEL TABLE KNIVES, FORKS AND SPOONS; BUTCHER KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 1-19-1995; IN COMMERCE 1-19-1995.

FOR: CHOPPING BOARDS FOR KITCHEN USE; WOOD CHOPPING BLOCKS; WOOD CHOPPING

BOARDS FOR KITCHEN USE, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-19-1995; IN COMMERCE 1-19-1995.

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

THE MARK CONSISTS OF SNOW CAPPED MOUNTAINS ENCIRCLED WITH THE LETTERING ALASKA CUTLERY.

SER. NO. 77-161,801, FILED 4-20-2007.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 3,371,711

Registered Jan. 22, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

PROFESSIONAL CUTLERY DIRECT

ALPERT, TERRI S. (UNITED STATES INDIVIDUAL)
214 BARTLETT DRIVE
MADISON, CT 06443

OWNER OF U.S. REG. NO. 1,946,519.

FOR: MAIL ORDER CATALOG, RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES IN THE FIELD OF KITCHENWARE, NOVELTY AND GIFT ITEMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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

SEC. 2(F).

FIRST USE 3-15-1993; IN COMMERCE 3-15-1993.

SER. NO. 77-122,198, FILED 3-5-2007.

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

DEIRDRE ROBERTSON, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cls.: 4 and 23

United States Patent and Trademark Office

Reg. No. 1,223,970

Registered Jan. 18, 1983

TRADEMARK
Principal Register



Ginkgo International Ltd. (Illinois corporation)
Downers Grove, Ill. 60515

For: KITCHEN UTILITY KNIVES AND
KNIFE ACCESSORIES—NAMELY, CARVING,
PARING, FILLET, ROAST SLICER, CHEF'S,
STEAK, AND SHARPENING STEELS, SOLD
SEPARATELY OR IN SETS, in CLASS 8 (U.S.
Cls. 4 and 23).

First use Mar. 1, 1981; in commerce Mar. 1, 1981.

No claim is made to the exclusive right to use

"Cutlery", apart from the mark as shown.

The drawing is lined to indicate the color yellow
or gold.

Ser. No. 322,243, filed Aug. 31, 1981.

ABRAM I. SACHS, Examining Attorney

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office **Reg. No. 1,369,528**
Registered Nov. 5, 1985

**SERVICE MARK
PRINCIPAL REGISTER**

HOFFRITZ FOR CUTLERY

HOFFRITZ FOR CUTLERY, INC. (NEW YORK
CORPORATION)
515 WEST 24TH STREET
NEW YORK, NY 10011

FOR: RETAIL STORE SERVICES AND MAIL
ORDER SERVICES IN THE FIELD OF HAND
TOOLS AND CUTLERY, ELECTRICAL AND
OPTICAL EQUIPMENT, SMALL DOMESTIC
UTENSILS AND GIFTS, IN CLASS 42 (U.S. CL.
101).

FIRST USE 0-0-1932; IN COMMERCE
0-0-1932.

OWNER OF U.S. REG. NOS. 733,057, 1,297,064
AND OTHERS.

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

SEC. 2(F).

SER. NO. 464,509, FILED 2-6-1984.

TERRY ELLEN HOLTZMAN, EXAMINING AT-
TORNEY

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,946,519

Registered Jan. 9, 1996

**SERVICE MARK
PRINCIPAL REGISTER**



ALPERT, TERRI S. (UNITED STATES CITIZEN)
214 BARTLETT DRIVE
MADISON, CT 06443

FOR: MAIL ORDER CATALOG SERVICES IN THE FIELD OF KITCHENWARE, NOVELTY AND GIFT ITEMS, IN CLASS 42 (U.S. CL. 101).

FIRST USE 3-15-1993; IN COMMERCE 3-15-1993.

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

THE STIPPLING IN THE DRAWING IS FOR SHADING PURPOSES ONLY AND DOES NOT INDICATE COLOR.

SER. NO. 74-573,717, FILED 8-24-1994.

CINDI GREENBAUM, EXAMINING ATTORNEY

Int. Cl.: 8

Prior U.S. Cl.: 23

United States Patent and Trademark Office

Reg. No. 1,781,126

Registered July 13, 1993

**TRADEMARK
PRINCIPAL REGISTER**

SUPREME CUTLERY

TOWLE MANUFACTURING COMPANY
(DELAWARE CORPORATION)
175 MCCLELLAN HIGHWAY
EAST BOSTON, MA 02128

FOR: STAINLESS STEEL FLATWARE;
NAMELY, KNIVES, FORKS AND SPOONS, IN
CLASS 8 (U.S. CL. 23).

FIRST USE 12-31-1978; IN COMMERCE
12-31-1978.

OWNER OF U.S. REG. NO. 1,405,534.

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

SER. NO. 74-314,459, FILED 9-16-1992.

SARAH LEE, EXAMINING ATTORNEY

Int. Cls.: 8 and 21

Prior U.S. Cls.: 2, 13, 23, 28, 29, 30, 33, 40, 44,
and 50

Reg. No. 2,350,740

United States Patent and Trademark Office

Registered May 16, 2000

**TRADEMARK
PRINCIPAL REGISTER**

PINNACLE CUTLERY

HERITAGE MINT, LTD. (ARIZONA CORPORATION)
9419 E. SAN SALVADOR, SUITE 104
SCOTTSDALE, AZ 85258

FOR: KITCHEN KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 5-1-1998; IN COMMERCE 5-1-1998.

FOR: KITCHEN UTENSILS, NAMELY, BUTCHER BLOCKS, CUTTING BOARDS, AND

MEAT FORKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-1-1998; IN COMMERCE 5-1-1998.

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

SN 75-475,431, FILED 4-27-1998.

JILL C. ALT, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,170,683

Registered Sep. 22, 1981

SERVICE MARK
Principal Register

CUTLERY WORLD

Shaver Corporation of America (California
corporation)
2190 Meridian Park Blvd.
Concord, Calif. 94520

For: RETAIL STORE SERVICES FEATUR-
ING THE SALE OF CUTLERY, ELECTRIC
SHAVERS, PERSONAL GROOMING PROD-
UCTS AND NOVELTIES, in CLASS 42 (U.S. Cl.
101).

First use Jun. 1975; in commerce Jun. 1975.

Owner of U.S. Reg. No. 1,071,649.

Applicant disclaims the word "Cutlery" apart from
the mark as shown.

Ser. No. 235,561, filed Oct. 17, 1979.

J. C. DEMOS, Deputy Director

G. MAYERSCHOFF, Examiner

United States of America

United States Patent and Trademark Office

Sleep & Beyond

Reg. No. 4,304,070

Registered Mar. 19, 2013

Int. Cls.: 20 and 24

TRADEMARK

PRINCIPAL REGISTER

ABDULLAEVA INTERNATIONAL TRADE COMPANY (CALIFORNIA CORPORATION),
DBA SLEEP & BEYOND
12351 MERITAGE CT
RANCHO CUCAMONGA, CA 91739

FOR: ACCENT PILLOWS; BATH PILLOWS; BED PILLOWS; BEDS, MATTRESSES, PILLOWS AND BOLSTERS; HEAD SUPPORTING PILLOWS; MATERNITY PILLOWS; MATTRESS TOPPERS; MATTRESSES AND PILLOWS; NECK-SUPPORTING PILLOWS; NURSING PILLOWS; PILLOWS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

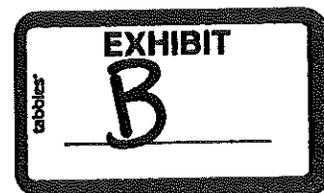
FIRST USE 1-1-2007, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/01/2007; IN COMMERCE 1-1-2007, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/01/2007.

FOR: BABY BEDDING, NAMELY, BUNDLE BAGS, SWADDLING BLANKETS, CRIB BUMPERS, FITTED CRIB SHEETS, CRIB SKIRTS, CRIB BLANKETS, AND DIAPER CHANGING PAD COVERS NOT OF PAPER; BATH SHEETS; BED BLANKETS; BED SHEETS; BED SHEETS OF PAPER; BED SHEETS, FITTED BED SHEET COVERS, BED FLAT SHEETS, AND PILLOW CASES USED IN THE BEDDING, HEALTH CARE, HOME-HEALTH CARE AND NURSING HOME INDUSTRIES MADE OF BIODEGRADABLE FILM CREATED FROM RENEWABLE BIO-POLYMER RESOURCES; BLANKET TROWS; BLANKETS FOR OUTDOOR USE; CASHMERE BLANKETS; CONTOUR SHEETS; CONTOURED MATTRESS COVERS; CRIB SHEETS; FITTED BED SHEETS; FITTED BED SHEETS FOR PETS; FLAT BED SHEETS; MATTRESS COVERS; MATTRESS PADS; PILLOW CASES; PILLOW COVERS; PILLOW SHAMS; PILLOW-TOP, LOW-PROFILE BED SKIRTS; PILLOWCASES; RECEIVING BLANKETS; SHAMS; SHEET SETS; TOWEL SETS; TOWEL SHEET; TRAVELLING BLANKETS; WOOLLEN BLANKETS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 1-1-2007, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/01/2007; IN COMMERCE 1-1-2007, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/01/2007.



Kevin Starnes
Acting Director of the United States Patent and Trademark Office



Reg. No. 4,304,070 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,773,875.

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

SER. NO. 85-562,167, FILED 3-6-2012.

DANIEL CAPSHAW, EXAMINING ATTORNEY

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

United States Patent and Trademark Office

Reg. No. 3,610,283

Registered Apr. 21, 2009

TRADEMARK
PRINCIPAL REGISTER

SLEEP 'N MORE

DREAMWELL, LTD (NEVADA LIMITED LIABILITY COMPANY)

2215-B RENAISSANCE DRIVE, SUITE 12

LAS VEGAS, NV 89119

FOR: MATTRESSES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-31-2008; IN COMMERCE 1-31-2008.

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

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

SN 78-343,486, FILED 12-19-2003.

SUE LAWRENCE, EXAMINING ATTORNEY

Int. Cls.: 6 and 16

Prior U.S. Cls.: 2, 5, 12, 13, 14, 22, 23, 25, 29, 37, 38
and 50

United States Patent and Trademark Office

Reg. No. 3,312,015

Registered Oct. 16, 2007

**TRADEMARK
PRINCIPAL REGISTER**

Kitchen & Beyond

HBL IMPORTS, CORP (CALIFORNIA CORPORATION)
SUITE 13
9041 DICE ROAD.
SANTA FE SPRINGS, CA 90670

FOR: ALUMINUM FOIL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 3-31-2006; IN COMMERCE 3-31-2006.

FOR: PLASTIC FOOD WRAP FOR HOUSEHOLD PURPOSES; PLASTIC FOOD STORAGE BAGS FOR

HOUSEHOLD USE FEATURING LOCKS THAT ZIP, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-31-2006; IN COMMERCE 3-31-2006.

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

SER. NO. 78-851,762, FILED 3-31-2006.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY



Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,956,427

Registered May 31, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

KITCHEN AND MUCH MORE

TAYLOR GIFTS, INC. (PENNSYLVANIA COR-
PORATION)
600 CEDAR HOLLOW ROAD
PAOLI, PA 19301

FOR: MAIL ORDER CATALOG SERVICES FEATURING KITCHEN SUPPLIES AND HOMEWARES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

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

SER. NO. 76-302,225, FILED 8-17-2001.

ANN LINNEHAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,915,126
Registered Feb. 1, 2011
Int. Cl.: 20

CHROMCRAFT REVINGTON, INC. (DELAWARE CORPORATION)
1330 WIN HENTSCHEL BLVD.
WEST LAFAYETTE, IN 47906

TRADEMARK

FOR: YOUTH BEDROOM FURNITURE, NAMELY, TWIN AND FULL SIZE BED HEAD-BOARDS, FOOT BOARDS AND RAILS; BUNK BEDS, TRUNDLE BEDS, DRESSERS, MIRRORS, DESKS, CHAIRS, MEDIA CHESTS, VANITY MIRRORS, AND NIGHTSTANDS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

PRINCIPAL REGISTER

FIRST USE 2-1-2010; IN COMMERCE 2-1-2010.

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

THE COLOR(S) BLUE, WHITE, RED, ORANGE, PURPLE AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WHITE LETTERS "CR" ON A BLUE RECTANGULAR BACKGROUND FOLLOWED BY THE STYLIZED WORD "KIDS" IN WHICH THE "K" IS RED, THE "I" IS A STYLIZED YOUTH FIGURE IN ORANGE, THE "D" IS PURPLE AND THE "S" IS GREEN, BELOW WHICH ARE AN "&" AND THE WORD "BEYOND" BOTH IN BLUE, AND BELOW THEM IS A STYLIZED UNDERSCORE IN BLUE.

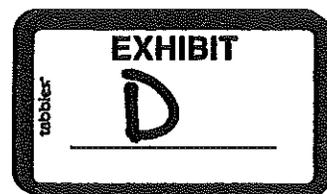
SN 77-907,181, FILED 1-7-2010.

BARBARA BROWN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 3,030,669

Registered Dec. 13, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

Kids & more

W. S. BADCOCK CORPORATION (FLORIDA
CORPORATION)

P.O. BOX 232

MULBERRY, FL 33860

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

FIRST USE 7-0-2004; IN COMMERCE 7-0-2004.

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

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

SN 78-442,048, FILED 6-28-2004.

TRACY WHITAKER-BOWN, EXAMINING ATTOR-
NEY

United States of America

United States Patent and Trademark Office

BASKETS-N-BEYOND

Reg. No. 4,224,859

Registered Oct. 16, 2012

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

MICHELE A. PETRILLO (NEW JERSEY SOLE PROPRIETORSHIP), DBA
BASKETS-N-BEYOND
103 B WASHINGTON AVE.
DUMONT, NJ 07628

FOR: RETAIL STORE SERVICES AND COMPUTERIZED, ONLINE AND TELEPHONE ORDERING SERVICES FEATURING GIFT BASKETS FOR ALL OCCASIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-22-1993; IN COMMERCE 1-17-1994.

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

SER. NO. 85-540,616, FILED 2-13-2012.

TAMARA FRAZIER, EXAMINING ATTORNEY



David J. Kyffos

Director of the United States Patent and Trademark Office



Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,050,211

Registered Jan. 24, 2006

SERVICE MARK
PRINCIPAL REGISTER

BASKET O' BOOKS
AND MORE

WEISHAUS, AMY (UNITED STATES INDIVIDUAL)
155 GRANTHAM E
DEERFIELD BEACH, FL 33442

FOR: PREPARATION OF CUSTOMIZED GIFT BASKETS FOR ANY AND ALL OCCASIONS AND PURPOSES, BOTH BUSINESS AND PERSONAL, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 9-12-1992; IN COMMERCE 9-12-1992.

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

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

SER. NO. 78-541,324, FILED 1-3-2005.

HEATHER THOMPSON, EXAMINING ATTORNEY

Int. Cl.: 35

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

Reg. No. 2,831,986

United States Patent and Trademark Office

Registered Apr. 13, 2004

**SERVICE MARK
PRINCIPAL REGISTER**



BED BATH & BEYOND PROCUREMENT CO.
INC. (NEW YORK CORPORATION)
110 BI-COUNTY BLVD.
FARMINGDALE, NY 11735

FOR: RETAIL STORE, MAIL ORDER AND COM-
PUTER ON-LINE RETAIL SERVICES FEATURING
LINEN PRODUCTS, HOME FURNISHINGS, TOYS,
BOOKS, FURNITURE, HOUSEWARES, HOUSE
PLANTS, KITCHEN APPLIANCES, OFFICE SUP-
PLIES, KNAPSACKS, LUGGAGE, LAMPS, SOAPS,
LOTIONS, TOOTHBRUSHES, KITCHEN ACCES-
SORIES, BATHROOM ACCESSORIES, NOVELTY
ITEMS, PICTURE FRAMES, CANDLES, AROMA-

THERAPY PRODUCTS, POTPOURRI, DESKTOP
ELECTRONICS, UMBRELLAS, AND APPAREL, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-6-1993; IN COMMERCE 11-6-1993.

OWNER OF U.S. REG. NOS. 1,712,392, 2,510,262
AND OTHERS.

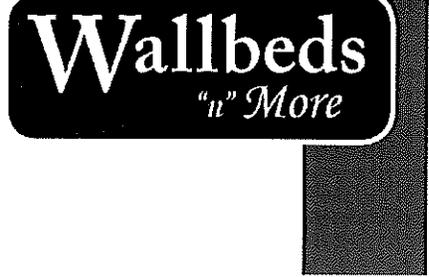
SER. NO. 78-214,032, FILED 2-12-2003.

ANNE MADDEN, EXAMINING ATTORNEY



United States of America

United States Patent and Trademark Office



Wallbeds
"n" More

Reg. No. 3,864,095

Registered Oct. 19, 2010

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

WALLBEDS N MORE, INC. (CALIFORNIA CORPORATION)
1064 SERPENTINE LANE, STE. B
PLEASANTON, CA 94566

FOR: RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF CONSUMER GOODS OF OTHERS; RETAIL STORE SERVICES FEATURING WALLBEDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-25-2007; IN COMMERCE 1-25-2007.

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

THE COLOR(S) BLACK, WHITE AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A BLACK, HORIZONTAL, RECTANGULAR SHAPE WITH THE WORDS "WALLBEDS "N" MORE" INSIDE, IN WHITE WRITING. A RED, VERTICAL RECTANGULAR SHAPE IS BEHIND A PART OF THE BLACK RECTANGULAR SHAPE.

SER. NO. 77-960,409, FILED 3-16-2010.

RICHARD WHITE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 3,586,264

Registered Mar. 10, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

PAINT, DECORATE & BEYOND

BED BATH & BEYOND PROCUREMENT CO.
INC. (NEW YORK CORPORATION)
110 BI-COUNTY BLVD.
FARMINGDALE, NY 11735

FOR: PROMOTING THE SALE OF GOODS AND
SERVICES OF OTHERS THROUGH THE DISTRIBUTION
OF PRINTED MATERIAL AND PROMOTIONAL
CONTESTS, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 5-23-2008; IN COMMERCE 5-23-2008.

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

OWNER OF U.S. REG. NOS. 2,510,262, 2,831,985,
AND 2,831,986.

SER. NO. 77-524,859, FILED 7-17-2008.

IRA J. GOODSID, EXAMINING ATTORNEY



Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,526,935

Registered Nov. 4, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

DESIGN, DECOR & MORE

WILLIAMS-SONOMA, INC. (CALIFORNIA COR-
PORATION)
3250 VAN NESS AVE.
SAN FRANCISCO, CA 94109

FOR: ENTERTAINMENT IN THE NATURE OF
ON-GOING SEGMENTS OF TELEVISION PRO-
GRAMS IN THE FIELD OF HOME DESIGN AND
DECORATION, IN CLASS 41 (U.S. CLS. 100, 101 AND
107).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

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

SER. NO. 77-405,626, FILED 2-25-2008.

JAMES MACFARLANE, EXAMINING ATTORNEY

Int. Cls.: 6, 20, 21, and 31

Prior U.S. Cls.: 1, 2, 12, 13, 14, 22, 23, 25, 29, 30, 32,
33, 40, 46, and 50

United States Patent and Trademark Office

Reg. No. 2,488,442

Registered Sep. 11, 2001

**TRADEMARK
PRINCIPAL REGISTER**

BIRDS AND BEYOND

TIERRA INTERNATIONAL, L.L.C. (INDIANA CORPORATION)
1000 ST., CHARLES STREET
P.O. BOX 710
JASPER, IN 475470710

FOR: HOUSES AND FEEDERS FOR BIRDS AND OTHER BACKYARD ANIMALS; ORNAMENTAL LAWN DECORATIONS, NAMELY, BIRD BATHS, STATUES, STATUETTES AND PLANTERS, ALL MADE OF NON-PRECIOUS METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 1-26-2001; IN COMMERCE 1-26-2001.

FOR: ORNAMENTAL LAWN DECORATIONS, NAMELY, STATUES AND STATUETTES MADE OF BONE, IVORY, PLASTER, PLASTIC, WAX, AND WOOD, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-26-2001; IN COMMERCE 1-26-2001.

FOR: BIRD HOUSES, BIRD FEEDERS, ANIMAL ACTIVATED FEEDERS; PLANTERS OF BONE, IVORY, PLASTIC, WAX, AND WOOD, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-26-2001; IN COMMERCE 1-26-2001.

FOR: BIRD SEED AND ANIMAL FEED, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-26-2001; IN COMMERCE 1-26-2001.

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

SN 75-683,258, FILED 4-14-1999.

RICHARD A. STRASER, EXAMINING ATTORNEY



United States of America
United States Patent and Trademark Office

MORE BIRDS

Reg. No. 4,102,892

Registered Feb. 21, 2012

Int. Cls.: 21 and 31

TRADEMARK

PRINCIPAL REGISTER

CLASSIC BRANDS, LLC (COLORADO LIMITED LIABILITY COMPANY)
5251 LEHIGH LANE
SEDALIA, CO 80135

FOR: BIRD FEEDERS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 4-20-2010; IN COMMERCE 4-20-2010.

FOR: BIRD FOOD, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 4-20-2010; IN COMMERCE 4-20-2010.

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

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

SN 85-012,294, FILED 4-12-2010.

YAT SYE, LEE, EXAMINING ATTORNEY



David J. Kyffos

Director of the United States Patent and Trademark Office