

ESTTA Tracking number: **ESTTA455879**

Filing date: **02/10/2012**

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	DEI Headquarters, Inc.		
Entity	Corporation	Citizenship	Florida
Address	One Viper Way Vista, CA 92081 UNITED STATES		

Attorney information	Crystal Biggs DEI Headquarters, Inc. One Viper Way Vista, CA 92081 UNITED STATES christie.biggs@directed.com Phone:760-598-6200 ex11298		
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### Applicant Information

Application No	85278140	Publication date	01/24/2012
Opposition Filing Date	02/10/2012	Opposition Period Ends	02/23/2012
Applicant	James A. Williams, Sr. 296 6590 Glacier Highway Juneau, AK 99801 UNITED STATES		

### Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Bumper stickers, decals, stickers
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### Grounds for Opposition

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

U.S. Registration No.	1954475	Application Date	09/26/1994
Registration Date	02/06/1996	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 1992/11/19 First Use In Commerce: 1992/11/19 metal license plate frames Class 014. First use: First Use: 1991/03/28 First Use In Commerce: 1991/03/28 watches, costume jewelry and lapel pins Class 021. First use: First Use: 1990/04/20 First Use In Commerce: 1990/04/20 coffee cups, coffee mugs, thermal insulated sleeves for beverage bottles, cans and the like, bottles sold empty Class 025. First use: First Use: 1990/02/21 First Use In Commerce: 1990/02/21 T-shirts, golf shirts, jackets, sport caps and visors

U.S. Registration No.	1822608	Application Date	05/03/1993
Registration Date	02/22/1994	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 1988/06/08 First Use In Commerce: 1988/06/08 automotive anti-theft systems comprising electronic sensors, electronic pain generators, electronic sirens, remote control transmitters remote control receivers, sold as a unit, and sold through mail order, retail stores and by automotive security installers

U.S. Registration No.	1756693	Application Date	01/23/1989
Registration Date	03/09/1993	Foreign Priority Date	NONE

Word Mark	VIPER
Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 1984/11/09 First Use In Commerce: 1984/11/09 VEHICULAR ANTI-THEFT AND SECURITY SYSTEMS; NAMELY, REMOTELY ACTUATED, ELECTRONICALLY-ENERGIZED SECURITY HARDWARE COMPRISING DOOR LOCKS, ACTUATORS, AUDIBLE ALARMS AND PARTS THEREFOR

U.S. Registration No.	1382152	Application Date	07/03/1985
Registration Date	02/11/1986	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1985/04/01 First Use In Commerce: 1985/05/01 CAR STEREO RECEIVERS, EQUALIZERS, AMPLIFIERS AND SPEAKERS		

U.S. Registration No.	1961709	Application Date	01/17/1995
Registration Date	03/12/1996	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1987/09/30 First Use In Commerce: 1987/09/30 anti-theft automotive devices, namely automotive anti-theft alarms, electronic sensors, electronic sirens, remote control transmitters and receivers and parts for the alarms and the sirens sold as a unit and sold through automotive security installers		

U.S. Registration No.	2362498	Application Date	06/25/1996
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	VIPER		

Design Mark	<b>VIPER</b>
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 1996/02/15 First Use In Commerce: 1996/02/15 ceiling fans and electric lighting fixtures

U.S. Registration No.	1983683	Application Date	02/08/1995
Registration Date	07/02/1996	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1990/12/30 First Use In Commerce: 1990/12/30 computers, microprocessors and electronic voice modules for use with vehicle security systems		

U.S. Registration No.	1755228	Application Date	07/20/1992
Registration Date	03/02/1993	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1991/03/28 First Use In Commerce: 1991/03/28 wrist watches Class 021. First use: First Use: 1990/04/20 First Use In Commerce: 1990/04/20 coffee cups Class 025. First use: First Use: 1990/02/21 First Use In Commerce: 1990/02/21 T-shirts and sweat shirts		

U.S. Registration No.	2139385	Application Date	06/16/1995
Registration Date	02/24/1998	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 1997/09/09 First Use In Commerce: 1997/09/09 electronic pagers

U.S. Registration No.	2889487	Application Date	06/23/2000
Registration Date	09/28/2004	Foreign Priority Date	NONE

Word Mark	VIPER
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Design Mark	<b>VIPER</b>
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2000/12/01 First Use In Commerce: 2000/12/01 valve diagnostic system comprised of a variety of sensors, a data acquisition module that collects and conditions signals, and a computer with computer software for monitoring and analyzing valve performance in the nuclear, pulp and paper, chemical processing, petrochemical processing, oil and gas refining, oil and gas pipeline transportation, off-shore oil production, power production, water treatment, and brewery and distillery Class 042. First use: First Use: 2003/04/22 First Use In Commerce: 2003/04/22 valve and actuator testing services in the pulp and paper, chemical processing, petrochemical processing, oil and gas refining, oil and gas pipeline transportation, off-shore oil production, power production, water treatment, wastewater treatment, brewery and distillery industries
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U.S. Registration No.	1816396	Application Date	07/13/1992
Registration Date	01/11/1994	Foreign Priority Date	NONE

Word Mark	VIPER
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 014. First use: First Use: 1989/12/08 First Use In Commerce: 1989/12/08 costume jewelry
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U.S. Registration No.	3000663	Application Date	05/16/2003
Registration Date	09/27/2005	Foreign Priority Date	NONE

Word Mark	VIPER
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/04/15 First Use In Commerce: 2003/04/15 Vehicle tracking devices comprised of cellular radio modules, computer software and computer hardware, sensors, transmitters, receivers and global positioning satellite receivers, all for use in connection with vehicle tracking, vehicle monitoring and anti-theft vehicle alarms  Class 035. First use: First Use: 2003/04/15 First Use In Commerce: 2003/04/15 Wireless tracking, locating and monitoring of vehicles for purposes of roadside assistance, speed notification and vehicle usage monitoring

U.S. Registration No.	3276251	Application Date	06/22/2004
Registration Date	08/07/2007	Foreign Priority Date	NONE

Word Mark	VIPER
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2005/07/14 First Use In Commerce: 2005/07/14 WELDING HELMETS
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U.S. Registration No.	3086979	Application Date	07/07/2003
Registration Date	05/02/2006	Foreign Priority Date	NONE

Word Mark	VIPER
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Design Mark	
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Description of Mark	The mark consists of stylized font of the word "VIPER" and snake head.
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Goods/Services	Class 009. First use: First Use: 2003/06/17 First Use In Commerce: 2003/06/17 Electrical controllers and power units comprised of touch screen controls for user interface, motor power unit containing the controller board stack and power supply and associated electrical cables needed for communications, all for use with engraving tables		
U.S. Registration No.	2300806	Application Date	03/24/1998
Registration Date	12/14/1999	Foreign Priority Date	NONE
Word Mark	VIPER		
Design Mark	<b>VIPER</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/07/18 First Use In Commerce: 1999/07/18 COMPUTER SOFTWARE FOR USE IN VEHICLE SECURITY SYSTEMS TO BE USED BY MANUFACTURERS, DISTRIBUTORS, RETAILERS, REPAIR PERSONS AND INSTALLERS OF SUCH SYSTEMS		

Attachments	74578596#TMSN.gif ( 1 page )( bytes ) 74385813#TMSN.gif ( 1 page )( bytes ) 74622208#TMSN.gif ( 1 page )( bytes ) 75125165#TMSN.gif ( 1 page )( bytes ) 76076478#TMSN.gif ( 1 page )( bytes ) 78439600#TMSN.jpeg ( 1 page )( bytes ) 76528057#TMSN.jpeg ( 1 page )( bytes ) 75455751#TMSN.gif ( 1 page )( bytes ) Notice of Opposition.pdf ( 3 pages )(15351 bytes ) Viper Snake Head copyright cert image.pdf ( 3 pages )(235473 bytes ) 74385813[1].pdf ( 1 page )(29285 bytes ) 74578596[1].pdf ( 2 pages )(67196 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	//CRYSTAL BIGGS//
Name	Crystal Biggs
Date	02/10/2012

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

DEI HEADQUARTERS, INC.	)	
	)	
Opposer,	)	
	)	Opposition No.:
vs.	)	
	)	Serial No.: 85-278,140
JAMES A. WILLIAMS SR.	)	Mark: DEADLY WITH A GUN PINK
	)	VIPER
	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 85-278,140 for registration of the design of a snake image and the mark DEADLY WITH A GUN PINK VIPER (herein “the Mark”) in International Classes 16 by James A. Williams Sr., (herein “Applicant”), which was published in the Official Gazette of January 24, 2012, DEI Headquarters, Inc., a corporation having a principal place of business at 1 Viper Way, Vista, California 92081 (herein “Opposer”), believes it will be damaged by the registration and therefore opposes on the following grounds:

- 1.) Applicant seeks to register the Mark in connection with “Bumper stickers, decals, stickers” in International Class 016.
  
- 2.) The opposed application, Serial No. 85-278,140, was filed on March 27, 2011.
  
- 3.) Opposer is informed and believes and thereon alleges that Applicant has commenced use of the Mark or intends imminently to do so.

4.) Opposer has superior rights to the Mark based on its original creation of the Snake Design image (see attached copyright), and its prior use of the VIPER mark, which use has afforded Opposer superior rights in said mark.

5.) Opposer has been using the snake design at least as early as 1988, and Opposer has registered the snake design as early as 1994 (see attached Registration Nos. 1,954,475 and 1,822,608). The snake design is Opposer's original creation and Applicant's use of the mark is a blatant infringement of Opposer's trademarks and copyright.

6.) Opposer is the owner of U.S. Trademark Registrations for the mark VIPER and the Snake Design including U.S. Trademark Registration Nos. 1,756,693; 1,382,152; 1,961,709; 2,362,498; 1,983,683; 1,755,228; 2,139,385; 2,889,487; 1,816,396; 3,000,663; 3,276,251; 3,086,979, 1,954,475, 1,822,608, and 2,300,806, which are valid and subsisting.

7.) Opposer has been and is now using, itself or through a licensee, the mark VIPER and the Snake Design on said goods, including but not limited to, the sale of auto security products for vehicles, vehicle remote start products, pagers, transmitters, tracking devices, valve diagnostic systems, data controllers, electric lighting fixtures, accessories, cables, LED lights for vehicles, t-shirts, beverages, mugs, point of purchase materials, literature, brochures, sweatshirts, hats, polo shirts, cups and computer software. Said use has been valid and continuous since said date of first use and has not been abandoned. Opposer's VIPER mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of financial contribution, time and effort in advertising and promotion.

8.) Opposer alleges that the applied-for mark is a copy of Opposer's Snake Design, and is confusing with Opposer's VIPER mark, which will cause damage to Opposer as described in Section 2(d) of the Lanham Act.

Wherefore, Opposer prays that this opposition be sustained, that Application Serial No. 85-278, 140 be rejected and the mark applied-for therein refused registration.

A fee in the amount of \$300.00 is due in connection with this Notice of Opposition. Please charge my deposit account, #041160 with the requisite amount.

Respectfully Submitted,

DEI HEADQUARTERS, INC.

*Crystal Biggs*

Date: February 10, 2012

Crystal Biggs  
Attorney for Opposer  
One Viper Way  
Vista, CA 92081  
Telephone: (760) 598-6200 ext #11298  
Facsimile: (760) 599-1389

# CERTIFICATE OF REGISTRATION

# FORM TX

UNITED STATES COPYRIGHT OFFICE



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
REGISTER OF COPYRIGHTS  
United States of America

REGISTRAR



TXU  
EFFECTIVE DATE OF REGISTRATION  
9 26 94  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

### TITLE OF THIS WORK

Portrait of VIPER snake head

### PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

### NAME OF AUTHOR

a DIRECTED ELECTRONICS, INC.

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work a "work made for hire"?  
 Yes  
 No  
AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR { Citizen of USA  
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No  
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.  
advertising material

### NAME OF AUTHOR

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work a "work made for hire"?  
 Yes  
 No  
AUTHOR'S NATIONALITY OR DOMICILE  
Name of country  
OR { Citizen of  
Domiciled in

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Pseudonymous?  Yes  No  
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

### NAME OF AUTHOR

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work a "work made for hire"?  
 Yes  
 No  
AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR { Citizen of  
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No  
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases.  
1984 Year

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
Complete this information ONLY if this work has been published.  
Month Day Year Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Directed Electronics, Inc.  
2560 Progress Street  
Vista, CA 92083

DO NOT WRITE HERE OFFICE USE ONLY  
APPLICATION RECEIVED SEP 26 1994  
ONE DEPOSIT RECEIVED  
TWO DEPOSITS RECEIVED SEP 26 1994  
REMITTANCE NUMBER AND DATE

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

1

2

NOTE

068902257

3

4

See instructions before completing this space

ASSIGNMENT OF COPYRIGHT

WHEREAS, MICK MCGINTY an individual  
("Assignor"), having an address of 9909 RANCHO CABALLO ST.  
SUNLAND CA 91040, has created and developed certain copyrightable  
items set forth on Schedule I hereto; and

WHEREAS, Directed Electronics, Inc., a California corporation ("Assignee"), having an  
address of 2560 Progress Street, Vista, California 92083, is desirous of acquiring all the right,  
title and interest in and to such items; and

WHEREAS, Assignor has agreed to assign to Assignee all right, title and interest in and  
to such items;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of  
which are hereby acknowledged, Assignor does hereby assign and transfer to Assignee, its  
successors and assigns, for the territory of the United States of America and throughout the  
world, the entire right, title and interest in and to the items set forth as Schedule I attached hereto,  
including, but not limited to, any legal, equitable or "moral rights", and any Copyright  
Registrations issued therefor, the same to be held and enjoyed by the Assignee for its own use  
and for its successors and assigns, as fully and entirely as the same would have been held by  
Assignor had this assignment not been made. To the extent any such rights cannot be assigned  
under applicable laws, and to the extent the following is allowed under such laws, Assignor does  
hereby waive any such legal, equitable or "moral rights".



By: MICK MCGINTY.

Title: \_\_\_\_\_



ACKNOWLEDGED AND AGREED TO  
BY DIRECTED ELECTRONICS, INC.

By: DARROIL EISSA

Its: President



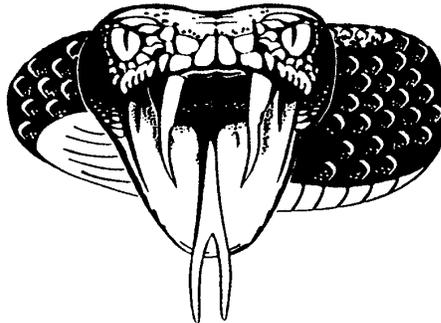
Int. Cl.: 12

Prior U.S. Cls.: 19 and 21

Reg. No. 1,822,608

**United States Patent and Trademark Office** Registered Feb. 22, 1994

**TRADEMARK  
PRINCIPAL REGISTER**



DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: AUTOMOTIVE ANTI-THEFT SYSTEMS COMPRISING ELECTRONIC SENSORS, ELECTRONIC PAIN GENERATORS, ELECTRONIC SIRENS, REMOTE CONTROL TRANSMITTERS REMOTE CONTROL RECEIVERS, SOLD AS A UNIT, AND SOLD THROUGH MAIL ORDER,

RETAIL STORES AND BY AUTOMOTIVE SECURITY INSTALLERS, IN CLASS 12 (U.S. CLS. 19 AND 21).

FIRST USE 6-8-1988; IN COMMERCE 6-8-1988.

SER. NO. 74-385,813, FILED 5-3-1993.

RICHARD A. STRASER, EXAMINING ATTORNEY

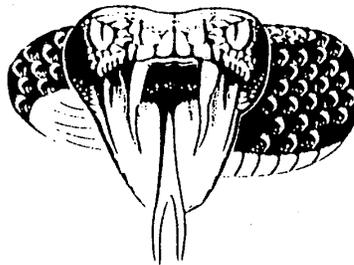
Int. Cls.: 6, 14, 21 and 25

Prior U.S. Cls.: 2, 12, 13, 14, 22, 23, 25, 27, 28, 29,  
30, 33, 39, 40 and 50

**United States Patent and Trademark Office**

Reg. No. 1,954,475  
Registered Feb. 6, 1996

**TRADEMARK  
PRINCIPAL REGISTER**



DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: METAL LICENSE PLATE FRAMES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).  
FIRST USE 11-19-1992; IN COMMERCE 11-19-1992.

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

FIRST USE 3-28-1991; IN COMMERCE 3-28-1991.

FOR: COFFEE CUPS, COFFEE MUGS, THERMAL INSULATED SLEEVES FOR BEVERAGE BOTTLES, CANS AND THE LIKE, BOTTLES

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

FIRST USE 4-20-1990; IN COMMERCE 4-20-1990.

FOR: T-SHIRTS, GOLF SHIRTS, JACKETS, SPORT CAPS AND VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-21-1990; IN COMMERCE 2-21-1990.

THE STIPPLING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

SER. NO. 74-578,596, FILED 9-26-1994.

RANDY RICARDO, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 21 and 25

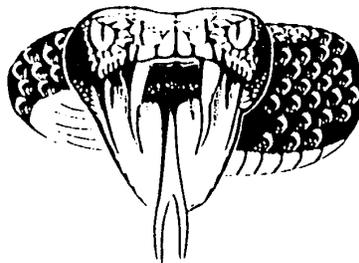
Prior U.S. Cls.: 2, 12, 13, 14, 22, 23, 25, 27, 28, 29,  
30, 33, 39, 40 and 50

**United States Patent and Trademark Office**

**Reg. No. 1,954,475**

Registered Feb. 6, 1996

**TRADEMARK  
PRINCIPAL REGISTER**



DIRECTED ELECTRONICS, INC. (CALIFORNIA CORPORATION)  
2560 PROGRESS STREET  
VISTA, CA 92083

FOR: METAL LICENSE PLATE FRAMES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).  
FIRST USE 11-19-1992; IN COMMERCE 11-19-1992.

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

FIRST USE 3-28-1991; IN COMMERCE 3-28-1991.

FOR: COFFEE CUPS, COFFEE MUGS, THERMAL INSULATED SLEEVES FOR BEVERAGE BOTTLES, CANS AND THE LIKE, BOTTLES

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

FIRST USE 4-20-1990; IN COMMERCE 4-20-1990.

FOR: T-SHIRTS, GOLF SHIRTS, JACKETS, SPORT CAPS AND VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-21-1990; IN COMMERCE 2-21-1990.

THE STIPPLING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

SER. NO. 74-578,596, FILED 9-26-1994.

RANDY RICARDO, EXAMINING ATTORNEY