

ESTTA Tracking number: **ESTTA674612**

Filing date: **05/27/2015**

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

Proceeding	91204122
Party	Defendant Michael Liang
Correspondence Address	DAVID YAN LAW OFFICES OF DAVID YAN 136-20 38TH AVENUE, SUITE 11E FLUSHING, NY 11354-4232 UNITED STATES davidyanlawfirm@yahoo.com
Submission	Defendant's Notice of Reliance
Filer's Name	David Yan
Filer's e-mail	davidyanlawfirm@yahoo.com
Signature	/s/ David Yan
Date	05/27/2015
Attachments	Applicant's First Notice of Reliance Upon Official Records.pdf(2245438 bytes)

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

-----X
EMPIRE STATE BUILDING COMPANY L.L.C., : Opposition No.: 91204122
: :
Opposer, : :
: :
v. : :
: :
MICHAEL LIANG, : :
: :
Applicant. : :
-----X

Commissioner for Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S FIRST NOTICE OF RELIANCE UPON OFFICIAL RECORDS
PURSUANT TO TRADEMARK RULE 2.122(E) AND 704.07**

Pursuant to Trademark Rule 37 CFR § 2.122(e) and TBMP 704.07, Applicant Michael Liang hereby gives notice of its reliance upon the following official records:

a. The United States federal trademark application and Petition to Revive Abandoned Application from the Trademark Status & Document Retrieval records for, Application Serial No. 85/213,453 (the "Application") for the mark NYC BEER LAGER (and Design) ("Applicant's Mark") filed by Michael Liang ("Applicant") attached hereto as Exhibit A. This official record is offered as evidence to show that the Applicant's Mark will not

cause any false suggestion of a connection, priority and likelihood of confusion, or dilution to the Opposer's Mark.

b. Notice of Opposition filed by Opposer in the United States Patent and Trademark Office Before the Trademark Trial and Appeal Board (ESTTA Tracking Number: ESTTA459494) attached hereto as Exhibit B. This official record is offered as evidence to show that the Applicant's Mark will not cause any false suggestion of a connection, priority and likelihood of confusion, or dilution to the Opposer's Mark.

c. Trademark with Trademark Registration Number 1247058 in the United States Patent and Trademark Office (<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4807:pk2843.2.1> and <http://tmsearch.uspto.gov/bin/showfield?f=doc&state=4805:p32dmk.5.2>) attached hereto as Exhibit C. This official record is offered as evidence to show that the Mark used for the first time by New York Envelope Corp., registered by New York Envelope Corp. on August 23, 1982 and used continuously until non-renewal recently had not caused any false suggestion of a connection, priority and likelihood of confusion, or dilution to the Opposer's Mark.

Dated: Flushing, New York
May 27, 2015

Law Offices of David Yan
Attorney for Applicant

By: /s/David Yan 
David Yan, Esq.

136-20 38th Avenue, Suite 11E
Flushing, New York 11354
Telephone: (718) 888-7788

Exhibit A

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85213453

Filing Date: 01/08/2011

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>\\TICRS\EXPORT11\IMAGEOUT 11\852\134\85213453\xml1\FTK0002.JPG</u>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NYC Beer Lager
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	480 x 480
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Michael Liang
*STREET	

*STREET	55-25 98th Place, Apt. 3C
*CITY	Corona
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11368
PHONE	2129660100
EMAIL ADDRESS	davidyanlawfirm@yahoo.com
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	032
IDENTIFICATION	Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as

STIPPLING AS A FEATURE OF THE MARK	shown. The stippling is a feature of the mark and does not indicate color.
SIGNIFICANCE OF MARK	Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.
STIPPLING FOR SHADING	The stippling is for shading purposes only.
ATTORNEY INFORMATION	
NAME	David Yan, Esq.
ATTORNEY DOCKET NUMBER	2011-006
FIRM NAME	Law Offices of David Yan
STREET	136-20, 38th Avenue, Suite 11E
CITY	Flushing
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11354
PHONE	(718) 888-7788
FAX	(718) 888-0870
EMAIL ADDRESS	davidyanlawfirm@yahoo.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	David Yan, Esq.
FIRM NAME	Law Offices of David Yan
*STREET	136-20, 38th Avenue, Suite 11E
*CITY	Flushing
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE	11354
PHONE	(718) 888-7788
FAX	(718) 888-0870
*EMAIL ADDRESS	davidyanlawfirm@yahoo.com

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85213453

Filing Date: 01/08/2011

To the Commissioner for Trademarks:

MARK: NYC Beer Lager (stylized and/or with design, see mark)

The literal element of the mark consists of NYC Beer Lager.

The applicant is not claiming color as a feature of the mark. The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.

The applicant, Michael Liang, a citizen of United States, having an address of

55-25 98th Place, Apt. 3C

Corona, New York 11368

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as shown.

The stippling is a feature of the mark and does not indicate color.

Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.

The stippling is for shading purposes only.

The applicant's current Attorney Information:



Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85213453
LAW OFFICE ASSIGNED	LAW OFFICE 102
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "NYC BEER" and "LAGER" apart from the mark as shown.
MISCELLANEOUS STATEMENT	Please delete the stippling statements currently of record.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a building resembling the Empire State Building surrounded by three concentric circles. The middle circle is wide and contains the wording "NYC BEER" in the interior. The circles are surrounded by a wreath with a wheat patten. At the bottom is a banner with the term "LAGER" inside.
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
PETITION SIGNATURE	/David Yan/
SIGNATORY'S NAME	David Yan
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	10/02/2011
RESPONSE SIGNATURE	

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Signature: /David Yan/ Date: 10/02/2011

Signatory's Name: David Yan

Signatory's Position: Attorney of Record

Response Signature

Signature: /David Yan/ Date: 10/02/2011

Signatory's Name: David Yan

Signatory's Position: Attorney of Record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 10739

RAM Accounting Date: 10/03/2011

Serial Number: 85213453

Internet Transmission Date: Sun Oct 02 17:15:39 EDT 2011

TEAS Stamp: USPTO/POA-72.89.117.16-20111002171539859

802-85213453-480ee436c5b4a0569ee3ef38340

ea8969-CC-10739-20111002164359888936

RAM SALE NUMBER: 10739
RAM ACCOUNTING DATE: 20111003

INTERNET TRANSMISSION DATE:
2011/10/02

SERIAL NUMBER:
85/213453

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2011/10/02	100

Exhibit B

ESTTA Tracking number: **ESTTA459494**

Filing date: **03/01/2012**

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	Empire State Building Company L.L.C.
Granted to Date of previous extension	04/04/2012
Address	c/o Malkin Holdings, LLC 60 East 42nd St New York, NY 10165 UNITED STATES

Attorney information	Maya L. Tarr Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, wmb@cll.com, mxt@cll.com Phone:212-790-9200
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Applicant Information

Application No	85213453	Publication date	12/06/2011
Opposition Filing Date	03/01/2012	Opposition Period Ends	04/04/2012
Applicant	Liang, Michael 55-25 98th Place, Apt. 3C Corona, NY 11368 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

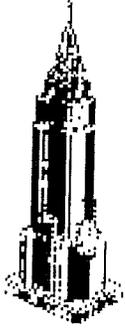
Marks Cited by Opposer as Basis for Opposition

U.S. Registration	2411972	Application Date	05/13/1999
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No.			
Registration Date	12/12/2000	Foreign Priority Date	NONE
Word Mark	EMPIRE STATE BUILDING		
Design Mark	EMPIRE STATE BUILDING		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1931/05/01 First Use In Commerce: 1931/05/01 entertainment services, namely, providing observation decks in a skyscraper for purposes of sightseeing		

U.S. Registration No.	2413667	Application Date	05/13/1999
Registration Date	12/19/2000	Foreign Priority Date	NONE
Word Mark	EMPIRE STATE BUILDING		
Design Mark	EMPIRE STATE BUILDING		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1931/05/01 First Use In Commerce: 1931/05/01 REAL ESTATE SERVICES, NAMELY THE MANAGEMENT AND LEASING OF REAL ESTATE		

U.S. Registration No.	2429297	Application Date	05/13/1999
Registration Date	02/20/2001	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of	The mark consists of the shape of the exterior of a skyscraper with a pointed,		

Mark	spindled top.		
Goods/Services	Class 036. First use: First Use: 1931/05/01 First Use In Commerce: 1931/05/01 REAL ESTATE SERVICES, NAMELY THE MANAGEMENT AND LEASING OF REAL ESTATE		
U.S. Registration No.	2430828	Application Date	05/13/1999
Registration Date	02/27/2001	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the shape of the exterior of a skyscraper with a pointed, spindled top.		
Goods/Services	Class 041. First use: First Use: 1931/05/01 First Use In Commerce: 1931/05/01 ENTERTAINMENT SERVICES, NAMELY, PROVIDING OBSERVATION DECKS IN A SKYSCRAPER FOR PURPOSES OF SIGHTSEEING		

Attachments	75705741#TMSN.gif (1 page)(bytes) 75705740#TMSN.gif (1 page)(bytes) 75705772#TMSN.gif (1 page)(bytes) 75705756#TMSN.gif (1 page)(bytes) NYC BEER LAGER NOO.pdf (6 pages)(69284 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	/Maya L. Tarr/
Name	Maya L. Tarr
Date	03/01/2012

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

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EMPIRE STATE BUILDING COMPANY L.L.C.,	:
	:
Opposer,	:
	:
v.	:
	:
MICHAEL LIANG,	:
	:
Applicant.	:
-----	X

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Empire State Building Company L.L.C. ("Opposer"), a New York limited liability company with offices at c/o Malkin Holdings, 60 East 42nd Street, New York, New York 10165, believes that it will be damaged by registration of the following NYC BEER LAGER and Design mark:

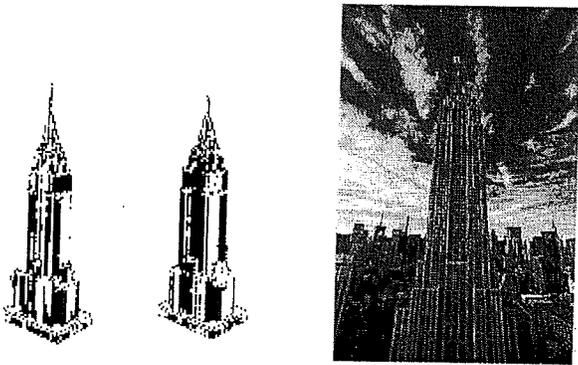


("Applicant's Mark") for "Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer;

Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter” in International Class 32 (“Applicant’s Goods”), as shown in intent to use Application Serial No. 85/213,453 (the “Application”), and having been granted extensions of time to oppose up to and including April 4, 2012, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since long prior to January 8, 2011, Applicant’s filing date and constructive first use date, Opposer, its predecessors, and its affiliated and related entities, and/or licensees have used the word mark EMPIRE STATE BUILDING and various marks depicting the visual equivalent of the world-renowned Empire State Building, which is located in New York City, including, without limitation, the following distinctive stylizations:



, alone or with other word, letter and/or design elements (“Opposer’s Empire State Building Marks”), in connection with entertainment services, real estate services and a wide variety of goods and services, including, but not limited to, restaurant services and alcoholic beverages.

2. Opposer owns U.S. federal registrations for Opposer’s Empire State Building Marks in International Classes 36 and 41, namely, Registration Nos. 2411972, 2413667, 2429297 and 2430828, which are all incontestable.

3. Since long prior to January 8, 2011, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, and/or licensees have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Empire State Building Marks, including, but not limited to, entertainment services, real estate services and a wide variety of goods and services, including, but not limited to, restaurant services and alcoholic beverages, and have offered such goods and rendered such services in commerce.

4. Opposer has built up highly valuable goodwill in Opposer's Empire State Building Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On January 8, 2011, Applicant filed the Application for Applicant's Mark for Applicant's Goods, based on an intent to use.

6. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce for any of Applicant's Goods covered in the Application prior to its constructive first use date of January 8, 2011.

7. The description of Applicant's Mark in the Application indicates that "The mark consists of a building resembling the Empire State Building surrounded by three concentric circles." Moreover, the word elements of Applicant's Mark include only the descriptive or generic terms "NYC," "BEER," and "LAGER," which Applicant has disclaimed in the Application. Upon information and belief, Applicant intends to trade on the enormous good will of Opposer by using a design of the "Empire State Building" in combination with the geographic term "NYC," which is the abbreviation for New York City, in Applicant's Mark.

8. The dominant feature of Applicant's Mark is the image of the Empire State Building.

9. The goods covered by the Application are closely related to the goods offered and services rendered in connection with Opposer's Empire State Building Marks.

10. Applicant's Mark so resembles Opposer's Empire State Building Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

11. Opposer's Empire State Building Marks are distinctive and famous and were so prior to January 8, 2011, Applicant's constructive first use date of Applicant's Mark for Applicant's Goods. Registration of Applicant's Mark will also injure Opposer by causing a likelihood of dilution by blurring of the distinctive quality of Opposer's Empire State Building Marks.

12. Applicant's Mark violates Section 2(a) of the Lanham Act in that it would falsely suggest a connection between Applicant and Opposer. More specifically, Applicant's Mark violates Section 2(a) of the Lanham Act because (a) Applicant's Mark contains as an important element of its mark a design of Opposer's famous Empire State Building previously used by Opposer; (b) Applicant's Mark would be recognized as being associated with the Empire State Building in that Applicant's Mark points uniquely and unmistakably to that building; (c) Opposer is not connected with the activities performed by Applicant under Applicant's Mark;

and (4) Opposer's identity is of sufficient fame or reputation that a connection with Opposer would be presumed when Applicant's Mark is used with Applicant's Goods.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding William M. Borchard, Mary L. Kevlin, and Maya L. Tarr (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
March 1, 2012

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Maya L. Tarr/

William M. Borchard
Mary L. Kevlin
Maya L. Tarr

1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 1, 2012, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney of Record, David Yan, Esq., Law Offices of David Yan, 13620 38th Avenue Suite 11E, Flushing, New York 11354-4232.

/Maya L. Tarr/
Maya L. Tarr

Exhibit C



United States Patent and Trademark Office

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Record 1 out of 1

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Word Mark	NY
Goods and Services	IC 016. US 037. G & S: Envelopes. FIRST USE: 19680327. FIRST USE IN COMMERCE: 19680327
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	06.07.01 - Skylines 07.09.25 - Gravestones; Leaning Tower of Pisa; Space needle; Tombstones; Totem poles 20.03.03 - Envelopes 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
Serial Number	73381231
Filing Date	August 23, 1982
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 10, 1983
Registration Number	1247058
Registration Date	August 2, 1983
Owner	(REGISTRANT) New York Envelope Corp. CORPORATION NEW YORK 29-10 Hunterspoint Ave. Long Island City NEW YORK 11101 (LAST LISTED OWNER) NE OPCO, INC. CORPORATION DELAWARE 3211 INTERNET BOULEVARD, SUITE 200 FRISCO TEXAS 75034
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	MARK N MUTTERPERL

Disclaimer No claim is made to the exclusive right to use the illustration of the goods, envelopes, or the geographic abbreviation "NY", apart from the mark as shown.

Description of Mark The mark shows a fanciful design of the Empire State Building surrounded by smaller buildings and envelopes and the letters "N" and "Y" in a rectangle.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20031112.

Renewal 1ST RENEWAL 20031112

Live/Dead Indicator LIVE

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(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	NY
Goods and Services	(EXPIRED) IC 016. US 037. G & S: Envelopes. FIRST USE: 19680327. FIRST USE IN COMMERCE: 19680327
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	06.07.01 - Skylines 07.09.25 - Gravestones; Leaning Tower of Pisa; Space needle; Tombstones; Totem poles 20.03.03 - Envelopes 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
Serial Number	73381231
Filing Date	August 23, 1982
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 10, 1983
Registration Number	1247058
Registration Date	August 2, 1983
Owner	(REGISTRANT) New York Envelope Corp. CORPORATION NEW YORK 29-10 Hunterspoint Ave. Long Island City NEW YORK 11101 (LAST LISTED OWNER) NE OPCO, INC. CORPORATION DELAWARE 3211 INTERNET BOULEVARD, SUITE 200 FRISCO TEXAS 75034

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Gene S. Winter
Disclaimer No claim is made to the exclusive right to use the illustration of the goods, envelopes, or the geographic abbreviation "NY", apart from the mark as shown.
Description of Mark The mark shows a fanciful design of the Empire State Building surrounded by smaller buildings and envelopes and the letters "N" and "Y" in a rectangle.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20031112.
Renewal 1ST RENEWAL 20031112
Live/Dead Indicator DEAD

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Applicant's First Notice Of Reliance Upon Official Records Pursuant to Trademark Rule 2.122(e) and 704.07* or fee is being deposited with the United States Postal Services "Priority Mail Express Post Office to Addressee", "Priority Mail Express" Mailing Label Number 9470103699300013918151 service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on ~~March 30~~^{May 27}, 2015.

Dated: Flushing, New York
May 27, 2015

Law Offices of David Yan
Attorney for Applicant

By: /s/David Yan 
David Yan, Esq.

136-20 38th Avenue, Suite 11E
Flushing, New York 11354
Telephone: (718) 888-7788

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Applicant's First Notice Of Reliance Upon Official Records Pursuant to Trademark Rule 2.122(e) and 704.07* has been served on the Opposer's Attorney of Record, Eric J. Shimanoff, COWAN, LIEBOWITZ & LATMAN, P.C., by mailing said copy on May 27, 2015, via First Class Mail, postage prepaid to: Eric J. Shimanoff, Esq., COWAN, LIEBOWITZ & LATMAN, P.C., 1133 Avenue of the Americas, New York, NY 10036.

Dated: Flushing, New York
May 27, 2015

Law Offices of David Yan
Attorney for Applicant

By: /s/David Yan 
David Yan, Esq.

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