

ESTTA Tracking number: **ESTTA466884**

Filing date: **04/12/2012**

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	The Frank Lloyd Wright Foundation		
Entity	Corporation	Citizenship	Arizona
Address	Licensing Dept. P.O. Box 4430 Scottsdale, AZ 85261 UNITED STATES		

Attorney information	Donna H. Catalfio Ballard Spahr LLP 1 East Washington Street, Suite 2300 Phoenix, AZ 85004-2555 UNITED STATES catalfiod@ballardspahr.com,wimmerk@ballardspahr.com,camposcruzl@ballardspahr.com,phila_tmddocketing@ballardspahr.com Phone:602.798.5453		
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Applicant Information

Application No	85438319	Publication date	03/13/2012
Opposition Filing Date	04/12/2012	Opposition Period Ends	04/12/2012
Applicant	Mancini, Derrick 91 Lawton Road Riverside, IL 60546 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Spirits
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Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2978749	Application Date	04/28/2003
Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	TALIESIN STUDIO		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 006. First use: First Use: 2005/03/18 First Use In Commerce: 2005/03/18 sculptures made of non-precious metal

U.S. Registration No.	3917340	Application Date	03/28/2007
Registration Date	02/08/2011	Foreign Priority Date	NONE

Word Mark	TALIESIN DESIGN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1998/01/01 First Use In Commerce: 2008/11/30 On-line retail store services, retail store services, and mail, telephone and facsimile order catalog services in the field of afghans, throws, architectural hardware, clothing, coasters, coverlets, crystal, mobiles, neckties, objects of interior design, ornaments, sculptures, t shirts, wall art, wall panels, wood screens, and wooden architectural elements
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U.S. Registration No.	870490	Application Date	01/02/1968
Registration Date	06/03/1969	Foreign Priority Date	NONE

Word Mark	TALIESIN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U036 (International Class 015). First use: First Use: 1966/09/01 First Use In Commerce: 1966/09/01 [MUSIC BOXES] Class U038 (International Class 016). First use: First Use: 1966/03/01 First Use In Commerce: 1966/03/01 POST CARDS, BOOKS AND PAMPHLETS
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U.S. Registration No.	1932276	Application Date	02/22/1994
Registration Date	10/31/1995	Foreign Priority Date	NONE

Word Mark	TALIESIN
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Design Mark	
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Description of	NONE
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Mark	
Goods/Services	Class 011. First use: First Use: 1994/02/11 First Use In Commerce: 1994/02/11 lighting fixtures; namely, lamps, shades, bases for lamps; outdoor and indoor lighting fixtures; and lamps which hang from ceilings and walls

U.S. Registration No.	853377	Application Date	05/10/1966
Registration Date	07/23/1968	Foreign Priority Date	NONE

Word Mark	TALIESIN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U100 (International Class 042). First use: First Use: 1911/12/31 First Use In Commerce: 1913/12/31 ADVISE AND CONSULTATION SERVICES IN THE ARCHITECTURAL FIELD, AND PREPARATION OF ARCHITECTURAL AND ARTISTIC DESIGNS Class U107 (International Class 041). First use: First Use: 1932/10/25 First Use In Commerce: 1932/10/25 EDUCATIONAL SERVICES-NAMELY, INSTRUCTION IN ARCHITECTURE, [AND PREPARATION OF MUSICAL AND DANCE COMPOSITIONS]
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Attachments	77143123#TMSN.jpeg (1 page)(bytes) 72245364#TMSN.gif (1 page)(bytes) Notice of Opposition for Taliesin_85438319.pdf (30 pages)(1156370 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	/Donna H. Catalfio/
Name	Donna H. Catalfio
Date	04/12/2012

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

THE FRANK LLOYD WRIGHT FOUNDATION,

Opposer,

v.

Opposition No. _____

DERRICK MANCINI,

Applicant.

NOTICE OF OPPOSITION

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

In the matter of the Application of Derrick Mancini (“Applicant”) for registration of the mark TALIESIN, Application Serial No. 85/438,319 (the “Application”), filed October 4, 2011, and published for opposition in the *Official Gazette* on March 13, 2012, The Frank Lloyd Wright Foundation (“The Foundation”) believes that it will be damaged by the registration of the mark shown in the Application and hereby opposes the same. The grounds for opposition are as follows:

1. Opposer, The Foundation, is an Arizona nonprofit corporation with its principal place of business at Taliesin West, 12621 North Frank Lloyd Wright Boulevard, Scottsdale, Arizona 85259.
2. Established in 1940, The Foundation manages and protects the archives of Mr. Wright’s works of art, as well as numerous U.S. and international trademarks and copyrights associated with Mr. Wright’s historical work.
3. Frank Lloyd Wright first adopted and used the TALIESIN mark in or about 1911 when he named his home in Spring Green, Wisconsin “Taliesin.”

4. Thereafter, when Mr. Wright established his winter home and school in the desert of Arizona, he christened it "Taliesin West."

5. In or about 1940, Frank Lloyd Wright assigned all right, title and interest in and to the TALIESIN mark to The Foundation.

6. Due to the close association between the TALIESIN mark and Mr. Wright, The Foundation has since made prominent and recurring use of the mark on a variety of goods and services associated with and sponsored by The Foundation.

7. Today, The Foundation owns the following U.S. Trademark Registrations that make up the TALIESIN family of marks:

Trademark	Goods	Registration No.
TALIESIN	Lighting fixtures, namely, lamps, shades, bases for lamps; outdoor and indoor lighting fixtures; and lamps which hang from ceilings and walls in Class 11	1,932,276
TALIESIN	Post cards, books and pamphlets in Class 16	870,490
TALIESIN	Educational services - namely, instruction in architecture in Class 41 Advice and consultation services in the architectural field, and preparation of architectural and artistic designs in Class 42	853,377
TALIESIN DESIGN	On-line retail store services, retail store services, and mail, telephone and facsimile order catalog services in the field of afghans, throws, architectural hardware, clothing, coasters, coverlets, crystal, mobiles, neckties, objects of interior design, ornaments, sculptures, t shirts, wall art, wall panels, wood screens, and wooden architectural elements in Class 35	3,917,340
TALIESIN STUDIO	Sculptures made of non-precious metal in Class 6	2,978,749

8. The registrations for the TALIESIN family of marks are valid and subsisting. U.S. Trademark Registration Nos. 1,932,276 and 2,978,749 are incontestable. Copies of the TSDR records for the registrations of the TALIESIN family of marks are attached hereto as *Exhibit A*.

9. The TALIESIN family of marks are inherently distinctive as used in connection with the variety of goods and services represented above.

10. The Foundation's use of the TALIESIN family of marks has been continuous, exclusive, and commercially significant for many years in connection with its retail store services, retail products, and architectural education and consultation services.

11. The Foundation has substantial federal and common law rights in the TALIESIN family of marks.

12. Applicant seeks to register the word mark TALIESIN for "spirits" in Class 33, as evidenced by the publication of this mark in the *Official Gazette* on March 13, 2012.

13. The Application was filed on October 4, 2011.

14. The deadline to oppose the Application is April 12, 2012. This opposition is timely filed.

15. The Foundation has, since long prior to Applicant's filing date, or any other date of priority Applicant can claim, used the TALIESIN family of marks in connection with its retail store services, retail products, and architectural education and consultation services.

16. All of The Foundation's pleaded registrations were registered prior to Applicant's filing date, and any other date of priority Applicant can claim in the Application herein opposed.

17. Because of The Foundation's substantial investment of time and resources nationally to promote, advertise, and enforce its TALIESIN family of marks, consumers have come to associate the TALIESIN mark exclusively with The Foundation.

18. Because of The Foundation's substantial investment of time and resources nationally to promote, advertise, and enforce its TALIESIN family of marks, the TALIESIN mark has become famous.

19. The Foundation's TALIESIN family of marks are valid, and have been valid and in continuous use since at least the dates of first use and have not been abandoned.

20. Applicant's proposed TALIESIN mark for use in connection with "spirits" is identical to The Foundation's TALIESIN mark.

21. Accordingly, Applicant's proposed mark is likely to cause confusion, mistake, and/or deception in the marketplace.

22. Moreover, Applicant's proposed mark will dilute The Foundation's TALIESIN mark by blurring the distinctive nature of the mark.

23. The Foundation has consistently used the TALIESIN family of marks in connection with sophisticated goods and services in the fields of art, architecture and higher learning. Spirits, on the other hand, have a negative connotation for many consumers. Thus, Applicant's proposed mark will also tarnish the substantial goodwill associated with The Foundation's family of TALIESIN marks. Consumers may perceive The Foundation as endorsing the sale of spirits, which it does not.

24. Recognizing the damage that would be caused by Applicant's registration, by letter dated November 29, 2011, The Foundation notified the Applicant of The Foundation's rights in the TALIESIN family of marks and requested that the Applicant withdraw the

Application and abandon any plans to use the TALIESIN mark or any other confusingly similar mark to avoid confusion. A copy of this letter is attached hereto as *Exhibit B*.

25. The Foundation received no response to its November 29, 2011 letter.

26. If Applicant were permitted to register the proposed mark for spirits, as set forth in the Application, The Foundation and its rights in the TALIESIN family of marks will be substantially damaged.

WHEREFORE, The Frank Lloyd Wright Foundation prays that registration of the mark of Application Serial No. 85/438,319 in International Class 33 be refused and that this Opposition be sustained.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Dated: April 12, 2012

Respectfully submitted,

By: 

Donna H. Catalfio
Andrea L. Stone
BALLARD SPAHR LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
Phone: 602.798.5453
E-mail: catalfiod@ballardspahr.com

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I, Kia Holifield Wimmer, hereby certify that on today's date, I caused copies of the foregoing Notice of Opposition to be served by United States First Class Mail, postage prepaid, on the Applicant's Attorney of Record as set forth below:

Benjamin Ashurov
Raj Abhyanker P.C.
1580 W. El Camino Real, Suite 8
Mountain View, CA 94040-2462

DATED: April 12, 2012

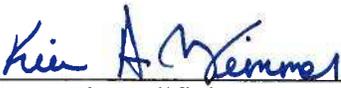
By 
Kia Holifield Wimmer

Exhibit A

Generated on: This page was generated by TSDR on 2012-04-10 17:54:30 EST

Mark: TALIESIN STUDIO

US Serial Number: 78242857

Application Filing Date: Apr. 28, 2003

US Registration Number: 2978749

Registration Date: Jul. 26, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 22, 2010

Publication Date: Jan. 06, 2004

Mark Information

Mark Literal Elements: TALIESIN STUDIO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "STUDIO"

Related Properties Information

Claimed Ownership of US Registrations: [0853377,0870490,1932276](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: sculptures made of non-precious metal

International Class: 006 - Primary Class **U.S Class:** 002, 012, 013, 014, 023, 025, 050
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 18, 2005 **Use in Commerce:** Mar. 18, 2005

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: The Frank Lloyd Wright Foundation
P.O. Box 4430
Owner Address: Scottsdale, ARIZONA 85261
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna H. Catalfio

Correspondent

Correspondent Name/Address: Donna H. Catalfio
Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
UNITED STATES

Phone 602.798.5453 **Fax** 602.798.5595

Correspondent e- Yes

mail Authorized

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 22, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Nov. 18, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Nov. 04, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jan. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 15, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 26, 2005	REGISTERED-PRINCIPAL REGISTER	
May 06, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	77975
Apr. 25, 2005	ASSIGNED TO LIE	77975
Apr. 14, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 18, 2005	STATEMENT OF USE PROCESSING COMPLETE	74192
Mar. 18, 2005	USE AMENDMENT FILED	74192
Mar. 18, 2005	TEAS STATEMENT OF USE RECEIVED	
Oct. 06, 2004	EXTENSION 1 GRANTED	
Sep. 27, 2004	EXTENSION 1 FILED	
Sep. 27, 2004	TEAS EXTENSION RECEIVED	
May 06, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 30, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 06, 2004	PUBLISHED FOR OPPOSITION	
Dec. 17, 2003	NOTICE OF PUBLICATION	
Nov. 03, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2003	EXAMINERS AMENDMENT E-MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

Current Location: TMO LAW OFFICE 113

Date in Location: Nov. 22, 2010

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Mark: TALIESIN DESIGN

TALIESIN DESIGN

US Serial Number:	77143123	Application Filing Date:	Mar. 28, 2007
US Registration Number:	3917340	Registration Date:	Feb. 08, 2011
Register:	Principal		
Mark Type:	Service Mark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Feb. 08, 2011		
Publication Date:	Sep. 25, 2007		

Mark Information

Mark Literal Elements:	TALIESIN DESIGN
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"DESIGN"

Related Properties Information

Claimed Ownership of US Registrations: [0853377,0870490,1932276](#), and others

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of

- incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: On-line retail store services, retail store services, and mail, telephone and facsimile order catalog services in the field of afghans, throws, architectural hardware, clothing, coasters, coverlets, crystal, mobiles, neckties, objects of interior design, ornaments, sculptures, t shirts, wall art, wall panels, wood screens, and wooden architectural elements

International Class: 035 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 01, 1998 **Use in Commerce:** Nov. 30, 2008

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: The Frank Lloyd Wright Foundation
P.O. Box 4430
Owner Address: Scottsdale, ARIZONA 85261
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION **State or Country Where Organized:** ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna H. Catalfo

Correspondent

Correspondent Name/Address: Donna H. Catalfo
Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
UNITED STATES

Phone 602.798.5453 **Fax** 602.798.5595

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 08, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jan. 05, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2011	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 16, 2010	USE AMENDMENT FILED	66530
Dec. 16, 2010	TEAS STATEMENT OF USE RECEIVED	
Jun. 22, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 21, 2010	EXTENSION 5 GRANTED	66530
Jun. 17, 2010	EXTENSION 5 FILED	66530
Jun. 17, 2010	TEAS EXTENSION RECEIVED	
Jan. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 24, 2009	EXTENSION 4 GRANTED	66530
Aug. 18, 2009	EXTENSION 4 FILED	66530
Aug. 18, 2009	TEAS EXTENSION RECEIVED	
Jul. 10, 2009	EXTENSION 3 GRANTED	66530

Jun. 16, 2009	EXTENSION 3 FILED	66530
Jul. 10, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jun. 16, 2009	TEAS EXTENSION RECEIVED	
Dec. 03, 2008	EXTENSION 2 GRANTED	98765
Dec. 03, 2008	EXTENSION 2 FILED	98765
Dec. 03, 2008	TEAS EXTENSION RECEIVED	
May 30, 2008	EXTENSION 1 GRANTED	98765
May 30, 2008	EXTENSION 1 FILED	98765
May 30, 2008	TEAS EXTENSION RECEIVED	
May 15, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 18, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 25, 2007	PUBLISHED FOR OPPOSITION	
Sep. 05, 2007	NOTICE OF PUBLICATION	
Aug. 22, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Aug. 22, 2007	ASSIGNED TO LIE	68171
Jul. 10, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 10, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 10, 2007	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 10, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 10, 2007	EXAMINERS AMENDMENT -WRITTEN	76079
Jul. 10, 2007	ASSIGNED TO EXAMINER	76079
Apr. 02, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2011

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Mark: TALIESIN

US Serial Number: 72287850

Application Filing Date: Jan. 02, 1968

US Registration Number: 870490

Registration Date: Jun. 03, 1969

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 25, 2008

Mark Information

Mark Literal Elements: TALIESIN

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0853377

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: [MUSIC BOXES]

International Class: 015

U.S Class: 036 - Primary Class

Class Status: EXPIRED

Basis: 1(a)
First Use: Sep. 01, 1966 **Use in Commerce:** Sep. 01, 1966

For: POST CARDS, BOOKS AND PAMPHLETS
International Class: 016 **U.S Class:** 038 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 01, 1966 **Use in Commerce:** Mar. 01, 1966

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: FRANK LLOYD WRIGHT FOUNDATION, THE
P.O. BOX 157
Owner Address: SCOTTSDALE, ARIZONA 85261
UNITED STATES
Legal Entity Type: NON-PROFIT CORPORATION **State or Country Where Organized:** ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna H. Catalfio

Correspondent

Donna H. Catalfio
Ballard Spahr LLP

Correspondent Name/Address: 1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
UNITED STATES

Phone 602.798.5453 **Fax** 602.798.5595

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 13, 2008	CASE FILE IN TICRS	
Sep. 25, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Sep. 25, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 19, 2008	ASSIGNED TO PARALEGAL	66607
Sep. 17, 2008	TEAS SECTION 8 & 9 RECEIVED	
May 16, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 06, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 03, 1989	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
May 22, 1989	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 03, 2009

TM Staff and Location Information

Current Location: SCANNING ON DEMAND

Date in Location: Nov. 13, 2008

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Mark: TALIESIN

US Serial Number: 74493260

Application Filing Date: Feb. 22, 1994

US Registration Number: 1932276

Registration Date: Oct. 31, 1995

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 03, 2005

Publication Date: Sep. 20, 1994

Mark Information

Mark Literal Elements: TALIESIN

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: [0853377,0870490](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: lighting fixtures; namely, lamps, shades, bases for lamps; outdoor and indoor lighting fixtures; and lamps which hang from ceilings and walls

International Class: 011 - Primary Class

U.S Class: 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 1994

Use in Commerce: Feb. 11, 1994

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: FRANK LLOYD WRIGHT FOUNDATION, THE
TALIESIN WEST
Owner Address: P O BOX 4430
SCOTTSDALE, ARIZONA 852614430
UNITED STATES

Legal Entity Type: NOT-FOR-PROFIT CORPORATION
State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna H. Catalfio

Correspondent

Correspondent Name/Address: Donna H. Catalfio
Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
UNITED STATES

Phone 602.798.5453

Fax 602.798.5595

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 16, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 21, 2007	CASE FILE IN TICRS	
Feb. 03, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Feb. 03, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 04, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 04, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 04, 2004	TEAS SECTION 8 & 9 RECEIVED	
May 06, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 18, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 02, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 31, 1995	REGISTERED-PRINCIPAL REGISTER	
Aug. 09, 1995	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 09, 1995	ASSIGNED TO EXAMINER	72149
Aug. 01, 1995	STATEMENT OF USE PROCESSING COMPLETE	
May 31, 1995	USE AMENDMENT FILED	
Dec. 13, 1994	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 20, 1994	PUBLISHED FOR OPPOSITION	
Aug. 19, 1994	NOTICE OF PUBLICATION	
Jun. 06, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	

Jun. 06, 1994 ASSIGNED TO EXAMINER

72149

Maintenance Filings or Post Registration Information

**Affidavit of
Continued Use:** Section 8 - Accepted

**Affidavit of
Incontestability:** Section 15 - Accepted

Renewal Date: Oct. 31, 2005

TM Staff and Location Information

Current Location: SCANNING ON DEMAND **Date in Location:** Jun. 21, 2007

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Mark: TALIESIN

TALIESIN

US Serial Number: 72245364

Application Filing Date: May 10, 1966

US Registration Number: 853377

Registration Date: Jul. 23, 1968

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Aug. 08, 2008

Mark Information

Mark Literal Elements: TALIESIN

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ADVICE AND CONSULTATION SERVICES IN THE ARCHITECTURAL FIELD, AND PREPARATION OF ARCHITECTURAL AND ARTISTIC DESIGNS

International Class: 042

U.S Class: 100 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1911

Use in Commerce: Dec. 31, 1913

For: EDUCATIONAL SERVICES-NAMELY, INSTRUCTION IN ARCHITECTURE, [AND PREPARATION OF MUSICAL AND DANCE COMPOSITIONS]

International Class: 041

U.S Class: 107 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 25, 1932

Use in Commerce: Oct. 25, 1932

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: FRANK LLOYD WRIGHT FOUNDATION, THE

Owner Address: P.O. BOX 157
TALIESIN WEST
SCOTTSDALE, ARIZONA 85252
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna H. Catalfio

Correspondent

Donna H. Catalfio

Correspondent Name/Address: Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
UNITED STATES

Phone 602.798.5453 **Fax** 602.798.5595

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 03, 2009	CASE FILE IN TICRS	
Aug. 08, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Aug. 08, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 04, 2008	ASSIGNED TO PARALEGAL	67603
Jul. 23, 2008	TEAS SECTION 8 & 9 RECEIVED	
May 16, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 06, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 15, 1989	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Nov. 06, 1989	PETITION TO DIRECTOR - GRANTED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Jul. 23, 2008

TM Staff and Location Information

Current Location: SCANNING ON DEMAND

Date in Location: Feb. 03, 2009

Exhibit B

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FAX 602.798.5595
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catalfiod@ballardspahr.com

November 29, 2011

By Federal Express

Mancini Derrick
c/o Benjamin Ashurov
Raj Abhyanker P.C.
1580 W. El Camino Real, Suite 8
Mountain View, CA 94040-2462

Re: Trademark Application Serial No. 85/38,319 (TALIESIN)

Mr. Derrick:

This law firm represents The Frank Lloyd Wright Foundation (the "Foundation"), a nonprofit organization established in 1940 by the world-famous architect Frank Lloyd Wright. The Foundation manages and protects the archives of Mr. Wright's works of art, as well as numerous U.S. and international trademarks and copyrights associated with Mr. Wright's historical works.

Mr. Wright first adopted and used the trademark TALIESIN in the early 1900s when he graced his home with the moniker. Since that time, the Foundation has used the mark on a variety of goods and services, including everything from light fixtures to sculptures to architectural design services. Today, the Foundation owns the following federal trademark registrations that make up the TALIESIN family of marks:

- TALIESIN for lighting fixtures, namely, lamps, shades, bases for lamps; outdoor and indoor lighting fixtures; and lamps which hang from ceilings and walls (Reg. No. 1,932,276);
- TALIESIN for post cards, books and pamphlets (Reg. No. 870,490);
- TALIESIN for educational services, namely, instruction in architecture (Reg. No. 853,377);
- TALIESIN for advice and consultation services in the architectural field, and preparation of architectural and artistic designs (Reg. No. 853,377);
- TALIESIN DESIGN for on-line retail store services, retail stores services, and mail, telephone and facsimile order catalog services in the field of afghans, throws, architectural hardware, clothing, coasters, coverlets, crystal, mobiles, neckties,

DMWEST #8641995 v1

Benjamin Ashurov
November 29, 2011
Page 2

objects of interior design, ornaments, sculptures, t shirts, wall art, wall panels, wood screens, and wooden architectural elements (Reg. No. 3,917,340);

- TALIESIN STUDIO for sculptures made of non-precious metal (Reg. No. 2,978,749); and
- TALIESIN STUDIO for CDs, DVDs, and audio recordings featuring chamber music, classical music, ambient music and jazz (Reg. No. 3,013,831).

As a result of the continuous and extensive use of the TALIESIN mark by Mr. Wright and the Foundation for over one hundred years, the mark has become famous. The public immediately associates the mark with Mr. Wright and his architectural works.

It has recently come to the Foundation's attention that you have filed an application with the United States Patent and Trademark Office ("USPTO") to register the mark TALIESIN in connection with spirits, Serial No. 85/438,319. The Foundation objects to this application. Your use of the mark in connection with liquor is likely to cause confusion in the marketplace in violation of federal trademark law. 15 U.S.C. §§ 1114 & 1125(a). At a minimum, your use of the mark on these types of goods is prohibited because it will tarnish the substantial goodwill associated with the TALIESIN family of marks. 15 U.S.C. § 1125(c).

Accordingly, the Foundation requests that you immediately withdraw the pending application and abandon all plans to use the TALIESIN mark or any confusingly similar mark in connection with spirits. If we do not receive confirmation that you intend to cooperate fully in this matter on or before December 16, 2011, we will advise the Foundation to take the next necessary steps to protect its rights.

This letter is not intended to be a full statement of the facts in this matter, nor is it an exhaustive list of all potential claims and remedies. Nothing in this letter constitutes a waiver of any of the Foundation's rights or remedies.

Very truly yours,



Donna H. Catalfo

DHC/