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

Proceeding	91205483
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Attachments	2014-05-14-Motion for Summary Judgment (final).pdf(75669 bytes ) 2014-05-14-Exhibit List.pdf(7385 bytes ) Exhibit 1 - Mclvor Declaration (final).pdf(1349742 bytes ) Exhibit 2 - Opposition.pdf(369461 bytes ) Exhibit 3 - Answer.pdf(203186 bytes ) Exhibit 4 - theBabaSling File Wrapper.pdf(192356 bytes ) Exhibit 5 - Baba Slings File Wrapper.pdf(652475 bytes ) Exhibit 6 - Portions of Interrogatories.pdf(135285 bytes ) Exhibit 7 - Requests for Production.pdf(277677 bytes ) Exhibit 8 - Marketing.pdf(5596102 bytes ) Exhibit 9 - Website Traffic.pdf(339514 bytes ) Exhibit 10 - Customer Confusion.pdf(26365 bytes )

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

**In the Matter of Trademark Application No.: 79/103197**

**Mark: theBabaSling**

**Filed on: September 6, 2011**

Baba Slings Pty Ltd,	)	
	)	
Opposer,	)	Opposition No: 91205483
	)	
vs.	)	
	)	
BabaSlings Limited,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S MOTION FOR SUMMARY JUDGMENT  
AND REQUEST TO SUSPEND PROCEEDINGS**

Opposer, Baba Slings Pty Ltd, an Australian proprietary limited company (“Opposer”) moves pursuant to Fed. R. Civ. P. 56 and Rule 2.127(b) of the Trademark Rules of Practice for summary judgment denying the application of Applicant BabaSlings Limited, a United Kingdom private limited company (“Applicant”) to register the mark theBabaSling (stylized and/or with design) (“theBabaSling Mark”), Application No. 79/103197 (“theBabaSling Application”).

Opposer also requests that, pursuant to Rule 2.127(d), 37 C.F.R. § 2.127(d), the Board suspend this proceeding pending determination of this Motion for Summary Judgment.

The facts and grounds for Opposer’s Motion for Summary Judgment are set forth in the Memorandum of Law In Support of Motion For Summary Judgment submitted herein. This Motion is also based on the undisputed facts within the declaration and exhibits attached hereto.

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## **MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Opposer, Baba Slings Pty Ltd, an Australian proprietary limited company (“Opposer”), seeks summary judgment denying Applicant BabaSlings Limited, a United Kingdom private limited company (“Applicant”) registration of theBabaSling Mark.

Discovery is now closed. This matter is ripe for resolution on summary judgment because Opposer’s use in commerce in the United States is more than ten (10) years prior to Applicant’s effective application date and the marks will easily be confused.

### **I. STATEMENT OF FACTS**

#### **A. Background of Opposer and Applicant**

Opposer is the company behind the popular sling baby carriers sold under the mark Baba Slings and variations thereof (*See* Exhibit 1, Declaration of Shanti McIvor at ¶ 3). Opposer’s products are sold in numerous countries around the world including the United States (*Id.*)

Opposer is the owner of international trademark registrations and applications in twenty six (26) countries for the mark Baba Slings and variations thereof (“Baba Slings Mark”), including an application for the word mark Baba Slings pending before the United States Trademark Office, Application No. 85/633700 for goods in Class 018, namely, “Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies’ accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants.” (McIvor Decl., at ¶ 4).

Opposer was founded by Shanti McIvor, the creator of the Baba Slings baby carrier (McIvor Decl., at ¶ 2). Ms. McIvor first began business in Australia as a “sole trader” (the Australian equivalent of a sole proprietorship) in 1999 (McIvor Decl., at ¶ 6). Ms. McIvor formed Baba Slings Pty Ltd. on April 4, 2008 and transferred her business, including all of her right, title and interest in the Baba Slings Mark, to Opposer (McIvor Decl., at ¶¶ 6-9; *see also* Exhibit 8, BABA 0036 – 0037 showing Opposer as owner of the Australian trademark for Baba

Slings registered in 2005). Ms. McIvor is the sole owner of Opposer (McIvor Decl., at ¶ 2).

Applicant is a rouge licensee of Opposer which previously had a license agreement from Ms. McIvor in 2005 to sell Opposer's baby carrier products in Europe under various Baba Slings Marks, including the mark theBabaSling appearing in theBabaSling Application (*See* Exhibit 11, Shareholder's agreement of Babaslings limited at Section 2.2 and McIvor Decl., at ¶¶ 13-16).

To the extent Applicant still claims a license from Opposer (the successor in interest to Ms. McIvor's rights) such license has never included the right to register the design mark appearing in theBabaSling Application in the United States (*See* Exhibit 11 at Section 2.02 and McIvor Decl., at ¶¶ 16-20). Moreover, Applicant has inferior rights to Opposer in theBabaSling Mark itself or is at best a geographically limited licensee of the theBabaSling Mark (*See* Exhibit 11 at Section 2.02 and McIvor Decl., at ¶¶ 13-20).

### **B. Opposer's Baba Slings Mark**

Opposer's predecessor in interest, Ms. McIvor, first acquired rights to the Baba Slings Mark in the United States at least as early as October 2002 (and most likely beginning in 2000) through the sale and transportation in commerce of baby carrier sling bags bearing the Baba Slings Mark (McIvor Decl., at ¶¶ 23-31; *see also* Confidential Exhibit 12, select emails regarding early U.S. sales). *U.S. v. Steffens*, 100 U.S. 82, 92 (1879) (common law rights are established by use of the mark in commerce). Opposer's predecessor in interest, and then Opposer beginning in 2008, have continuously used the Baba Slings Mark in commerce in the United States in connection with baby carrier sling bags which can hold an infant and small baby accessories (*Id.*). Opposer has more than ten (10) years of strong common law rights in the United States (*Id.*). Opposer's products have been promoted to customers in the United States on the internet beginning in 2000, through Facebook and Google advertising beginning in 2008, and through United States trade shows and United States distributors beginning in 2009 (McIvor Decl., at ¶¶

32-43; *see also* Exhibit 9, Exhibit 8 at BABA 0024 and Confidential Exhibit 13 at BABA 0224, and BABA 0711 - 0712). Opposer has spent tens of thousands of dollars promoting its products to United States customers (*Id.* at ¶ 38). Opposer has had consistent sales of its products to United States customers since at least as early as October 2002. Beginning in 2009, 2010 and 2011 dramatically increased sales from approximately \$10,000 to nearly \$70,000 in 2010 and nearly \$50,000 in 2011 through United States based distributors (McIvor Decl., at ¶ 23-31).

**C. Applicant’s Priority Date for theBabaSlings Mark**

Applicant filed theBabaSling Mark pursuant to Section 66(a) of the Trademark Act, 15 U.S.C. §1141f. The request for extension of protection to the United States was made in a subsequent designation on September 6, 2011. Applicant therefore has an effective priority date of September 6, 2011 in the United States. *See* 37 C.F.R. §7.25(b).

**D. Other Evidence Concerning Applicant’s Priority Date**

The undisputed facts of this case are that Opposer has priority over Applicant. Opposer and its predecessor in interest has been selling Baba Slings brand products in United States commerce for years prior to Applicant even being formed as an entity (McIvor Decl., at ¶ 13, 23-31). Moreover, after Applicant was formed it was merely a licensee of Opposer (*See* Exhibit 11 at Section 2.02 and McIvor Decl., at ¶ 13-16).

Furthermore, based on Applicant’s discovery responses – and the fact that discovery is now closed -- Applicant is barred in this proceeding from submitting any evidence regarding U.S. sales or submitting any other documents regarding any priority other than its application priority date of September 6, 2011.

In Interrogatories and requests for Production of Documents, Opposer requested from Applicant all sales information to U.S. customers, all contracts with U.S. customers, all information concerning shipping of products to U.S. costumers, and all documents of any kind

supporting Applicant's affirmative defense that it had priority over Opposer. In Applicant's response to these discovery requests, Applicant did not identify any United States sales or provide any documents regarding sales, shipping, or priority. These responses were never updated during discovery. In fact, Applicant produced no documents at all during discovery. Should Applicant attempt to introduce new evidence now, after discovery has closed, such evidence should be stricken.

The undisputed fact of this case, based on evidence admissible in this case, is that the earliest priority date Applicant can claim for theBabaSling Mark is September 6, 2011, the priority date of theBabaSling Application.

The relevant affirmative defenses, discovery requests, and responses are set out below (See Exhibits 3, 6, and 7):

**1. Opposer's Interrogatories to Applicant**

**Interrogatory No.1**

Identify and describe all of your sales to customers located in the United States from 2002 to the present.

**Answer:**

Applicant objects to this Interrogatory as overly broad and unduly burdensome. To the extent not otherwise objected to, Applicant will provide only that information in its possession which is sufficient to meet the needs of the Interrogatory.

Applicant further objects to this Interrogatory as it is unclear by its use of the phrase "your sales," as Applicant was formed by Shanti McIvor, Daniel G. Lucas and Heath O'Connor in 2005. Further, Applicant objects to Opposer's use of the phrase "all of your sales" and the request to "describe" same as vague and

ambiguous, and susceptible of a reading that is overly broad and unduly burdensome.

Subject to, and without waiver of the foregoing objections, and to the extent that this Interrogatory is understood, Applicant respectfully refers, pursuant to Rule 33(d), to the documents produced in connection with its answers to Opposer's request for production of documents.

**Interrogatory No. 6**

Describe in detail your basis for your denial of the allegation that "Applicant has never sold any products in the United States under the design mark "theBabaSling" in Paragraph 6 of your Answer, including all facts which allegedly support this denial and identifying all documents and witnesses allegedly supporting this denial.

**Answer:**

See Applicant's answer to Interrogatory No. 1.

**3. Opposer's Request for Production of Documents to Applicant**

**1. Produce all communications between Applicant and any of Applicant's customers located in the United States from 2002 to the present.**

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all communications." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or

defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

**2. Produce all contracts between Applicant and persons or entities located in the United States from 2002 to the present.**

RESPONSE:

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all contracts." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

**3. Produce all documents related to products sold by Applicant which were shipped to the United States from 2002 to the present.**

RESPONSE:

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass “all documents.” Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant’s custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

**8. Produce all documents which support any of your affirmative defenses set out in your Answer.**

RESPONSE:

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass “all documents.” Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the defense in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant’s custody, possession or control. Applicant objects to this

Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

**3. Applicant's Answer**

**FIFTH AFFIRMATIVE DEFENSE**

Applicant has priority over any rights Opposer may have in its mark covered by the '700 Application, and as a result any rights that Opposer does have in the mark covered by the '700 Application are inferior to Applicant's rights.

**II. ARGUMENT**

Opposer has superior rights to the Baba Slings Mark based on its first use of the mark in commerce prior to Applicant's earliest priority date, September 6, 2011. Based on the fact that the dominant features of the marks, namely the words Baba Slings and the words theBabaSling are nearly identical and cover highly related, if not identical products, theBabaSling Mark creates a likelihood of confusion with the Baba Slings mark. Accordingly, Opposer requests that the Board grant its motion for summary judgment.

**A. The Summary Judgment Standard**

Summary judgment is appropriate where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S.

574, 585-87 (1996). The opposing party's mere allegation of factual issues will not defeat a properly supported motion for summary judgment. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986); *BellSouth Telecomms., Inc. v. W.R. Grace & Co.*, 77 F.3d 603, 615 (2d Cir. 1996). Rather, to create a material issue for trial, there must be sufficient evidence in the record to support a verdict in the non-moving party's favor. *Tullo v. City of Mt. Vernon*, 237 F. Supp. 2d 493 (S.D.N.Y. 2002).

Summary judgment is appropriate here because there is no genuine issue as to any material fact concerning Opposer's prior rights to the Baba Slings Mark and the likelihood of confusion between the Baba Slings Mark and theBabaSling Mark marks. Fed. R. Cir. P. 56; *Celotex Corp. v. Cartrett*, 477 U.S. 317 (1986); *BellSouth Corp. v. DataNational Corp.*, 60 F.3d 1565, 1569 (Fed. Cir. 1995); *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 223 U.S.P.Q 909, 911 (T.T.A.B. 1984). As a result, the Board should rule as a matter of law that theBabaSling Mark is not entitled to registration.

The purpose of summary judgment is to avoid unnecessary trials and to save the time and expense of litigation where there is no genuine issue of material fact that exists and where no evidence beyond the evidence submitted with respect to the summary judgment motion could reasonably change the outcome. *Pure Gold v. Syntax (U.S.A.) Inc.*, 739 F.2d 624, 222 U.S.P.Q 741, 743 (Fed. Cir. 1984); *Nature's Way Prods., Inc. v. Nature's Herbs, Inc.*, 9 U.S.P.Q.2d 2077, 2080 (T.T.A.B. 1989).

Here, the declaration, discovery responses, and evidence submitted in this action provide abundant support for Opposer's claims of priority as a matter of law. Indeed, Applicant has failed to offer any evidence that it can predate Opposer's priority date, and in fact it cannot make such a showing now that discovery has closed.

Applicant's theBabaSling Application, along with its answer and discovery responses,

clearly and irrefutably establish that the earliest priority date that Applicant may claim is September 6, 2011, which is after Opposer and its predecessor in interest, Ms. McIvor first used the Baba Slings Mark in commerce in the United States.

Applicant cannot sustain its burden of showing any genuine factual issue, and summary judgment should be granted in favor of Opposer with respect to priority and the likelihood of confusion. *See Celotex Corp. v. Cartrett*, 477 U.S. 317, 325 (1986) (holding that the movant may carry its burden by demonstrating the absence of evidence to support the non-movant's claims).

For summary judgment under Section 2(d), "opposer must establish that there is no genuine dispute that: (1) it has standing to maintain this proceeding; (2) it is the prior user of its pleaded mark; and (3) contemporaneous use of the parties' respective marks on their respective services would be likely to cause confusion, mistake or to deceive consumers." *Nat'l Academy of Recording Arts & Scis., Inc.*, Opposition No. 91196507, at 4 (T.T.A.B. 2012) (citing *Hornblower & Weeks, Inc. v. Hornblower & Weeks, Inc.*, 60 U.S.P.Q.2d 1733, 1735 (T.T.A.B. 2001)).

As set out above, discovery is now closed. This matter is ripe for resolution on summary judgment because Opposer's use in commerce is more than ten (10) years prior to Applicant's effective application date and the marks will easily be confused.

#### **B. Opposer has Standing**

Standing to file an opposition exists for "[a]ny person who believes he would be damaged by the registration of a mark upon the principal register . . . ." 15 U.S.C. § 1063(a). "To establish standing in an opposition, an opposer must show that it has a 'real interest' in the outcome of the proceeding; that is, it has a direct and personal stake in the outcome of the opposition." *Corporacion Habanos, S.A. v. Anncas, Inc.*, 88, U.S.P.Q.2d 1785, 1790 (T.T.A.B. 2008). Opposer has standing to oppose Applicant's application because Opposer will be damaged should Applicant's application for theBabaSling Mark mature into a registration formed (McIvor Decl.,

at ¶ 56). Additionally, Opposer has been and will continue to be precluded from registering the Baba Slings Mark as a result of Applicant's application as reflected in the attached Office Action and Letter of Suspension (*See* Exhibit 5, BABA 0406-0413 and BABA 0398-0401)

Opposer has been selling baby carrying slings bearing the Baba Slings Mark in the United States since at least October 2002 (and most likely since 2000) has spent tens of thousands of dollars promoting the Baba Slings brand in the United States, and has had United States distributors for its Baba Slings branded baby slings since 2009 (McIvor Decl., at ¶¶ 23-43). Because the dominant features of the marks are nearly identical and the goods are highly related, if not identical, Opposer's application will be refused if the BabaSling Application matures into registration. For these reasons, Opposer clearly has standing.

### **C. Opposer Has Priority Over Applicant's Mark**

Priority can be established by first use of a mark in commerce or by filing a trademark application first. Lanham Trademark Act § 2(d), 15 U.S.C. § 1052(d). Thus, an opposer can establish prior trademark rights by relying on common law or registered trademark rights.

Common law rights are established by use of the mark in commerce. *U.S. v. Steffens*, 100 U.S. 82, 92 (1879). The "opposer must prove by preponderance of the evidence that its common law rights were acquired before any date upon which applicant may rely." *Embarcadero Techs. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825, 1834 (T.T.A.B. 2013) (*citing* Trademark Act Section 2, 15 U.S.C. § 1052; *Hydro-Dynamics Inc. v. George Putnam & Company Inc.*, 811 F.2d 1470, 1 U.S.P.Q.2d 1772, 1773 (Fed. Cir. 1987)). Opposer's Baba Slings Mark has priority over Applicant's mark because Opposer first used its Baba Slings Mark in commerce prior to Applicant's priority date of September 6, 2011.

Opposer is the successor in interest to Shanti McIvor (McIvor Decl., at ¶¶ 7-9) and therefore "stands in the shoes" of Ms. McIvor and has all rights of Ms. McIvor. *Educational*

*Development Corp. v. Educational Dimensions Corp.*, 183 USPQ 492, 495 (TTAB 1974); *see also Morgan Services Inc. v. Morgan Linen Services Inc.*, 12 USPQ2d 1841, 1842 (TTAB 1989) (assignee “stands in the shoes” of assignor); *Transamerica Financial Corp. v. Trans-American Collections, Inc.*, 197 USPQ 43, 50 (TTAB 1977) (successor in interest succeeds to all rights in a particular designation acquired by its predecessor).

Opposer’s rights in the Baba Slings Mark go back to Ms. McIvor’s first use of the mark in the United States, that is, her first sale or shipment of goods in the United States. “For trademarks, the ‘use in commerce’ requirement is met when the mark is (1) placed on the goods or container, or on documents associated with the goods if the nature of the goods make placement on the good or container impracticable; and (2) that good is then ‘sold or transported in commerce.’” *Aycock Eng’g, Inc. v. Airflite, Inc.*, 560 F.3d 1350, 1357 (Fed. Cir. 2009) (quoting 15 U.S.C. § 1127 (2006)).

Thus, in order to have prior rights, Applicant’s would need to show that it used the mark in commerce prior to at least October 2002 (or possibly 2000), Opposer’s first use in commerce date (McIvor Decl., at ¶¶ 23-31).

Applicant’s cannot satisfy this requirement. As a preliminary matter, Applicant was not formed as an entity until 2005 (McIvor Decl., at ¶¶ 13), several years after Ms. McIvor’s first use of the Baba Slings mark in United States commerce. In addition, based on the evidence in this case, in 2005 Applicant was at best a licensee of Ms. McIvor (McIvor Decl., at ¶¶ 13-20) and therefore did not obtain any priority rights in theBabaSling Mark through its use as a licensee. Furthermore, assuming that Applicant is still claiming it is authorized to use theBabaSlings mark, such authorization is still (at best) as a licensee. Thus, theBabaSlings Application which is the subject of this Opposition was not filed in the name of the owner of the mark is therefore void. 37 C.F.R. §2.71(d). *Huang v. Tzu Wei Chen Food Co.*, 849 F.2d 1458, 7 USPQ2d 1335 (Fed. Cir.

1988); *Great Seats, Ltd. v. Great Seats, Inc.*, 84 USPQ2d 1235, 1244 (TTAB 2007).

Moreover, even assuming arguendo that the BabaSlings Application is not void, as set out above, based on the discovery responses of Applicant, (and thus pursuant to the admissible evidence in this case), Applicant's earliest priority date is the effective date of said application, namely September 6, 2011, which is nearly ten (10) years (or more) after Opposer's first use in commerce date.

Opposer's first use in commerce date clearly predates Applicant Applicant's priority date. Therefore, Opposer has priority over Applicant's as a matter of law. There are no genuine issues of material facts regarding Opposer's priority, thus, Opposer is entitled to judgment as a matter of law on priority.

#### **D. The Baba Slings Mark and theBabaSling Mark are Likely to be Confused**

A review of the most relevant *DuPont* factors traditionally analyzed by the Board in trademark opposition proceedings readily leads to the conclusion that Applicant's theBabaSling Application for baby carriers and other related goods in Class 18 is likely to cause confusion with Opposer's Baba Slings mark in the market place under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). *In re E.I. DuPont de Nemours & Co.* 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). In analyzing whether a mark creates a likelihood of confusion, the following factors are considered: "the fame of [the] mark; the similarity of the goods, the channels of trade and purchasers; the conditions of sale; the similarity of the marks; and [applicant's] intent." *Midwestern Pet Foods, Inc. v. Societe Des Produits Nestle S.A.*, 685 F.3d 1046, 1052 (Fed. Cir. 2012) (citing *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973)). "[N]ot all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record." *Embarcadero Techs. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825, 1835 (T.T.A.B. 2013) (citing *Citigroup Inc. v. Capitol City Bank Grp.*, 637 F.3d 1344, 98

U.S.P.Q.2d 1253, 1260 (Fed. Cir. 2011)). However, two considerations are key in the likelihood of confusion analysis: (1) the similarities between the marks and (2) the similarities between the goods and/or services. *In re Dixie Restaurants, Inc.*, 105 F.3d 1405, 1407 (Fed. Cir. 1997).

**1. Similarity of the Marks**

First, in addressing the similarity or dissimilarity of the marks, the marks are “viewed in their entirety in terms of appearance, sound, connotation and commercial impression.” *Embarcadero Techs. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825, 1835 (T.T.A.B. 2013) (citing *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 73 U.S.P.Q.2d 1689 (Fed. Cir. 2005)).

In the present opposition proceeding, the respective marks of the parties, Baba Slings and theBabaSling (stylized with design), are highly similar in sound, appearance, connotation and commercial impression in the context of baby carriers and related goods in Class 18. Although Applicant’s mark includes a design, wording is often given greater weight, because consumers will use the wording when referring to or requesting a particular product. *See, e.g., In re Viterra Inc.*, 671 F.3d 1358, 1366, 101 USPQ2d 1905, 1911 (Fed. Cir. 2012); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1247 (TTAB 2010); *In re Appetito Provisions Co. Inc.*, 3 USPQ2d 1553, 1554 (TTAB 1987). The parties marks are set out below:

**Baba Sling**



While Applicant's theBabaSling Mark includes a design, the dominant feature of each mark are the words Baba Slings and theBabaSling. Thus, Opposer and Applicant have virtually identical trademarks. Accordingly, this factor weighs in favor of Opposer.

## **2. Similarity of the Goods**

Second, in comparing the goods and services, "we consider whether 'the respective products are related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that they emanate from the same source.'" *Embarcadero Techs. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825, 1837 (T.T.A.B. 2013) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 U.S.P.Q.2d 1713, 1722 (Fed. Cir. 2012)).

For the determination of this prong of the likelihood of confusion analysis, it must be "confined to the identification of goods set forth in the applications and pleaded registration, in addition to any prior common law rights established by opposer." *Embarcadero Techs. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825, 1830 (T.T.A.B. 2013) (citing *J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460 (Fed. Cir. 1991)). Here, both marks are for the same or highly related goods—baby carriers and other related products in Class 18. Opposer has common law rights in the United States using the mark Baba Slings for baby carriers worn on the body, namely sling bags that can be used for carrying babies and small baby accessories, such as a pacifier (McIvor Decl., at ¶¶ 46, 10, 23-43). Applicant has filed for the following goods, many of which are identical or nearly identical to the goods Opposer sells in the United States :

Bags, namely, all-purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care

bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

(See Exhibit 4, BABA 0342). Both Opposer and Applicant have applied to register nearly identical marks for overlapping and highly related products in International Class 18. Given these similarities between the parties' respective marks and goods, a strong likelihood of confusion exists. Accordingly, this factor weighs in favor of Opposer.

### **3. Similarity of Marketing Channels Used**

In instances where the parties have not set restrictions on channels of trade in their applications and/or registrations, "goods and services are presumed to travel in the same channels of trade to the same class of purchasers." *Hewlett Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268 (Fed. Cir. 2002). The Board should assume that use of the mark will include "all normal and usual channels of trade and methods of distribution" for the types of products at issue. *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1042-43 (Fed. Cir. 1983). In particular, where the products are closely related or overlap, the Board should assume that they would be sold in the same channels of trade to the same ordinary consumers. See *Venture Out Props. LLC v. Wynn Resorts Holdings LLC*, 81 USPQ2d 1887, 1894 (TTAB 2007) ("Because the services are clearly related, they would be offered in the same channels of trade and offered to the same classes of consumers . . . ."); see also *Interstate Brands Corp. v. McKee Foods Corp.*, 53 USPQ2d 1910, 1913 (TTAB 2000) ("Because the goods are legally identical, they must also be deemed to be sold in the same channels of trade to the same classes of customers."). In addition, in light of the fact that both parties use or intend to use the BabaSling Mark and Baba Slings Mark on the same types of goods, the Board should assume that the parties' products will be sold in the same channels of trade to the same types of consumers. Accordingly, this factor weighs in Opposer's favor.

#### 4. Evidence of Actual Confusion

It is well settled that Opposer need not show actual confusion to establish that there is a likelihood of confusion. *Herbko International, supra, Weiss Assocs., Inc. v. HRL Assocs. Inc.*, 902 F.2d 1546, 1549, 14 USPQ2d 1840, 1842-1843 (Fed. Cir. 1990). Nonetheless, there is evidence of actual confusion in this case (*See Exhibit 10; see also McIvor Decl.*, at ¶ 48).

In view of the above, there are no genuine issues of material facts regarding the similarity of the parties' marks or the products offered under these marks or the other likelihood of confusion factors, thus, Opposer is entitled to judgment as a matter of law regarding a likelihood of confusion between the marks.

#### IV. CONCLUSION

For all of the foregoing reasons, Opposer has established that there are no genuine issues of material fact regarding the standing of Opposer, Opposer's priority over Applicant's mark, or a likelihood of confusion between the Baba Slings Mark and theBabaSling Mark. Consequently, Opposer respectfully requests that the Board grant its motion for summary judgment and refuse registration of theBabaSling Application Serial No. 79/103197.

Respectfully submitted,

Dated: May 14, 2014

By: 

Mark Borghese, Esq.  
Borghese Legal, Ltd.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
Tel: (702) 382-0200  
Fax: (702) 382-0212  
Email: [mark@borgheselegal.com](mailto:mark@borgheselegal.com)  
*Attorney for Opposer Baba Slings Pty Ltd*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S MOTION FOR SUMMARY JUDGMENT AND REQUEST TO SUSPEND PROCEEDINGS** has been served on Michael M. Ballard, the attorney of record for the Applicant, by mailing said copy on May 14, 2014, via First Class Mail, postage prepaid, to the attorney's correspondence address of record:

Brian A. Coleman  
**Drinker Biddle & Reath LLP**  
1500 K Street, N.W.  
Washington, DC 20005-1209  
Brian.Coleman@dbr.com

  
\_\_\_\_\_  
Mark Borghese



# **EXHIBIT 1**

# **EXHIBIT 1**

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

**In the Matter of Trademark Application No.: 79/103197**

**Mark: theBabaSling**

**Filed on: September 6, 2011**

Baba Slings Pty Ltd,	)	
	)	
Opposer,	)	Opposition No: 91205483
	)	
vs.	)	
	)	
BabaSlings Limited,	)	
	)	
Applicant.	)	
_____	)	

**DECLARATION OF SHANTI MCIVOR**

I, Shanti McIvor, declare as follows:

1. I am over the age of eighteen (18), this declaration is made on personal knowledge, and I am competent to testify to the matters stated herein.

**Background of the Opposer, Baba Slings Pty Ltd.**

2. I am the sole owner, founder, and sole director of Opposer, Baba Slings Pty Ltd., an Australian Company.

3. Opposer is the company behind the popular sling baby carriers sold under the mark Baba Slings. Opposer's products are sold in numerous countries around the world including the United States.

4. Opposer is the owner of international trademark registrations and applications in twenty six (26) countries for the mark Baba Slings and variations thereof ("Baba Slings Mark"), including an application for the word mark Baba Slings pending before the United States Trademark Office, Application No. 85/633700 for goods in Class 018, namely, "Baby carriers

worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants.”

5. Attached as Exhibit 5 is a true and correct copy of the file wrapper for Opposer's Baba Slings Application, Application Serial No. 85/633700.

6. I originally started the company that would become Baba Slings Pty Ltd. in 1999 in Australia as a “sole trader” under the name Baba Slings. Upon information and belief a “sole trader” is substantially equivalent to a “sole proprietorship” in the United States. As a sole trader in Australia, business income is treated as the individual's income and you use your individual tax file number when you lodge your income tax return. Upon information and belief an “individual tax file number” in Australia is equivalent to a social security number in the United States for tax purposes.

7. As a sole trader in Australia, I personally owned all of the assets of Baba Slings, including the trademark Baba Slings.

8. On or about April 4, 2008, I formed Baba Slings Pty Ltd., an Australian proprietary limited company. I transferred all of the assets related to Baba Slings into Baba Slings Pty Ltd., including all worldwide right title and interest, including all United States common law rights, in the mark Baba Slings.

9. Since forming Baba Slings Pty Ltd., all operations of the business, including, sales, marketing, and all use of the trademark Baba Slings have been conducted by Opposer, Baba Slings Pty Ltd.

### **The Baba Slings Baby Carrier**

10. I designed the Baba Slings baby carrier in 1999 while I was pregnant with my second child. After looking at upright carriers, asymmetrical style slings, wrap arounds, baby back packs and other baby carrying devices, I created a practical, easy to use baby carrier that

could hold a baby and a few baby accessories, such as a pacifier.

11. The name Baba Slings came to me after traveling to different parts of the world. The word “baba” is often one of the first sounds every infant makes regardless of the language spoken by the baby’s parents. In different parts of the world, the word has evolved into different connotations. In Russia, it often a nickname or a term of endearment for grandmother, in India, grandfather or teacher, in Africa, father. Because of all of the connections to a family in many parts of the world, Baba Slings was the perfect name for my baby carrier.

12. Since I started selling baby carriers, the Baba Slings trademark has been used on the baby carriers themselves, as well as in marketing the baby carriers. In or about 2000, I created the website BabaSlings.com and began promoting and selling the baby carriers over the internet. Attached as Exhibit 8 are true and correct copies of portions of the BabaSlings.com website as well as other marketing material available in the United States showing the baby carrier marketed as Baba Slings.

### **Background on Applicant**

13. Applicant Babaslings Limited was originally formed by me, Daniel George Lucas, and Heath O’Conner on or about July 6, 2005. The company was formed to be a distributor of my baby carriers in the United Kingdom.

14. As part of my agreement with the new company, I provided Applicant a license to use the trade name Babaslings and associated trademarks.

15. Attached hereto as Exhibit 11 is a true and correct copy of the Shareholders’ Agreement of Babaslings Limited. As set out in that agreement, I, Shanti McIvor, am defined as “SM” on page 1 of the agreement, the Territory is defined as the UK and the EU and the Extended Territory is defined as the rest of the world, except Australia and New Zealand.

16. Section 2.2 of Exhibit 11 states,

SM grants to Babaslings and Babaslings shall have:

- (a) the exclusive licence to manufacture, supply, market and distribute the Sling in the Territory; and
- (b) the non-exclusive licence to manufacture, supply, market and distribute the Sling in the Extended Territory.

Which rights shall, for the avoidance of doubt, include the right to use the trade name “Babaslings” and all associated trademarks both now and in the future.

17. Despite being a mere licensee of mine, the other directors of Applicant apparently filed a trademark in the United Kingdom in the name of Applicant rather than in my name. When I questioned them about this I was told that because I was not a citizen of the U.K. I could not a file a trademark there. Later I learned this was inaccurate.

18. There were disputes regarding the company and the other directors later removed me as a director of the company. My relationship with the Applicant remains in dispute and unresolved.

19. Regardless of the status of the Shareholders’ Agreement attached as Exhibit 11, the validity of the Applicant’s underlying U.K. application, and other disputes between myself, and the directors and Applicant, at best, at one time Applicant was a licensee of mine, not the owner of the Baba Slings mark or any variations thereof.

20. Moreover, at no time did I or Opposer authorize Applicant to file a trademark application in the United States for Baba Slings, theBabaSling or any variation thereof.

21. The logo (“theBabaSling Mark”), appearing below, which is the subject of U.S. Application No. 79/103197 (“Applicant’s theBabaSling Application”) was designed while I was a director of Applicant:



22. For a brief period of time, approximately during 2005 – 2006, this logo was also used by me as the logo for some of my baby carrying products alongside the Baba Slings name as two words which I continued using.

**Opposer’s Use of the trademark Baba Slings in the United States**

23. I began shipping and selling baby sling carriers into the United States almost immediately after beginning operations in 1999. Much of the earliest sales documents prior to 2008 have been lost due changes in our accounting systems, email systems, and electronic records.

24. While I believe the earliest sales into the U.S. were as early as 2000, the earliest records of sales I have are from emails I was able to recover from October 2002. In my company’s current U.S. trademark application, we conservatively put the date of first use in commerce as at least as early as October 2002. Attached as Exhibit 12 are a handful of some of the early records of sales made to United States customers.

25. Our selling and shipping product into the United States has been consistent and growing. Based upon the records which could be located, as well as my personal recollection, from 2000 until approximately 2005 we were selling and shipping approximately one baby carrier a month to the United States. From 2006 – 2007 we were selling and shipping approximately two baby carriers a month to the United States. These early sales were through the website

BabaSlings.com and through email contact with individual U.S. buyers.

26. By 2009 sales increased to more than 16 baby carriers a month sold and shipped into the United States. Sales were through website and telephone and email contact with U.S. individual buyers as well as U.S. wholesale buyers.

27. In 2010 sales increased to more than 133 baby carriers a month sold and shipped into the United States with a total of AUD \$69,675.45 in U.S. sales. Sales were through the website and telephone and email contact with U.S. wholesale and U.S. individual buyers.

28. In 2011 sales were more than 87 baby carriers a month sold and shipped into the United States with a total of AUD \$47,339.28 in U.S. sales. Sales were through the website and telephone and email contact with U.S. wholesale and U.S. individual buyers.

29. Unfortunately, after Applicant filed its mark in the United States in 2011 and this opposition proceeding was filed in 2012, the U.S. wholesalers who had been responsible for increased sales became concerned about the trademark issues and stopped taking new orders pending the outcome of this proceeding. Nonetheless, Opposer is still consistently selling and shipping products to the United States every month, but in smaller numbers.

30. In addition, Opposer's Baba Slings brand carrier has been available on Amazon.com for several years through Opposer's wholesaler ElephantEarsOnline. Attached as Exhibit 8, BABA 0442-0445, is a true and correct copy of the Baba Slings brand baby carriers available for sale on Amazon.com.

31. Attached as Exhibit 13 are true and correct copies of representative sales records showing some of Opposer's U.S. sales activity.

### **Opposer's Marketing of the trademark Baba Slings in the United States**

32. Since I put up the babaslings.com website in 2000, I have been consistently marketing the Baba Slings brand name in the United States. When Opposer took over operations

in 2008, that marketing was further expanded.

33. Visitors from the United States have consistently been the one of the top countries to access Opposer’s BabaSlings.com website. In fact, in 2007 and 2008, Opposer had more page views from the United States than any other country in the world.

34. Attached hereto as Exhibit 9 is a true and correct copy of summaries of the log files for the BabaSlings.com website. As can be seen in Exhibit 9, the number of page views from users in the United States compared to Australia is as follows:

<u>Year</u>	<u>Australia (page views)</u>	<u>United States (page views)</u>
2006	3,443	1,579
2007	27,710	52,046
2008	36,242	130,771
2009	548,482	40,045
2010	232,829	38,980
2011	173,337	57,709
2012	115,436	58,715

35. In addition to Opposer’s website, beginning in 2008, Opposer began using Facebook and Google advertising to promote its products to individuals in the United States. Attached as Exhibit 13, BABA 0711 – 0712 are true and correct copies of some advertising expenditures directed at the U.S. in 2008.

36. Moreover, in 2009, 2010, 2011 and 2012 Opposer traveled to the United States and met with U.S. customers and wholesalers to promote its Baba Slings brand baby carrier. Attached as Exhibit 13, BABA 0726 is a true and correct copy of a list of select in-person meetings in the United States from 2009.

37. In addition in both 2011 and 2012 Opposer attended tradeshow in the United States promoting its product to U.S. customers and wholesalers.

38. Since 2000, Opposer and its predecessor in interest have spent tens of thousands of dollars (AUD) promoting Baba Slings brand products to United States customers and wholesalers.

39. In addition, Attached as Exhibit 8 are true and correct copies of representative examples of certain marketing material directed toward U.S. customers.

40. Opposer has worked with “Operation Military Shower” which benefits United States military families who are expecting a baby during time of deployment by donating Baba Slings brand baby carriers (See Exhibit 9, BABA 0440)

41. In addition, since May 22, 2009, Opposer has maintained an active Facebook page at facebook.com/BabaSlings. A U.S. specific Facebook page was created October 3, 2011 (See Exhibit 8, BABA 0493, 0493 and BABA 0499).

42. In addition, Opposer’s Baba Slings brand product has received numerous write-ups in United States internet publications, including *ourbeachbaby.com* and *jenloveskev.com* in 2011 (See Exhibit 8, BABA 0446-0457 and BABA 0496 – 0498).

43. In addition since 2009, Baba Slings baby carriers have been featured in ten (10) separate videos on the popular U.S. based website and YouTube channel MomAndBabyShop (*momandbabyshop.com* and *youtube.com/user/momandbabyshop*) (See, e.g., Exhibit 8, BABA 0501) The Baba Slings videos have amassed more than 90,000 views.

### **Likelihood of Confusion**

44. Opposer Opposer’s standard character Baba Slings mark, and the stylized version of theBabaSling filed by Applicant are highly similar and partially identical.

45. In addition, the goods sold under Opposer’s Baba Slings mark in the United States are identical or nearly identical to many of the goods identified in Applicant’s theBabaSling Application.

46. Since at least as early as October 2002, Opposer has been selling in United States

commerce baby carriers worn on the body, namely a sling bags that can be used for carrying babies and small baby accessories, such as a pacifier.

47. Applicant's theBabaSling Application was filed for the following goods, many of which are identical or nearly identical to the goods Opposer sells in the United States under its Baba Slings mark:

Bags, namely, all-purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

48. There has also been ample consumer confusion with consumers believing that Applicant's goods are related to Opposer. Attached as Exhibit 10 are true and correct copies of a handful of recent inquiries received by Opposer where Applicant's products are believed to originate with Opposer.

### **Standing**

49. As set out in Exhibit 5, (BABA 0406-0413) Opposer received an Office Action dated September 12, 2012 initially refusing Opposer's Baba Slings mark based on a likelihood of confusion with the mark appearing in Applicant's theBabaSling Application. On January 14, 2013, (Exhibit 12, BABA 0398-0401) Opposer's Baba Slings Application was suspended pending the resolution of this Opposition.

### **Concluding Matters**

50. Attached as Exhibit 2 is a true and correct copy of Opposer's Opposition filed in this action.

51. Attached as Exhibit 3 is a true and correct copy of Applicant's Answer filed in this action.

52. Attached as Exhibit 6 is a true and correct copy of portions of Applicant's Responses to Opposer's First set of Interrogatories.

53. Attached as Exhibit 7 is a true and correct copy of Applicant's Responses to Opposer's First Request for Production of Documents.

54. Attached as Exhibit 4 is a true and correct copy of the file wrapper for Applicant's theBabaSling Application.

55. When I state herein that copies of Exhibits are "attached" I mean that I understand that a pdf copy of this declaration and pdf copies of these exhibits are being electronically filed on the same date in the USPTO in connection with the above captioned Opposition No. 91205483.

56. As set out herein, due to the likelihood of confusion between Opposer's Baba Slings mark and theBabaSlings Mark, Opposer will be damaged should theBabaSlings Mark mature into a registration.

57. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

  
SHANTI MCIVOR

Dated: 12.5.2014  
(may)

# **EXHIBIT 2**

# **EXHIBIT 2**



Sling bags for carrying infants; Slings for carrying infants.”

3. Applicant is a rouge licensee of Opposer which previously had authority to sell Opposer’s baby carrier products in Europe under the derivative design mark theBabaSling appearing in the Application.

4. To the extent Applicant still claims a license from Opposer, such license has never included the right to sell any products in the United States under the BABA SLINGS mark or under the derivative design mark theBabaSling.

5. Moreover, Applicant has no rights in the BABA SLINGS mark itself and is at best a geographically limited licensee of the derivative design mark theBabaSling appearing in the Application.

6. Upon information and belief, Applicant has never sold any products in the United States under the design mark theBabaSling.

7. In contrast, Opposer has nearly ten (10) years of strong common law rights in the United States with product sales using the BABA SLINGS Marks beginning at least as early as October 2002 in United States commerce.

8. By virtue of Opposer’s continuous and extensive use and advertising in connection with Opposer’s goods, the BABA SLINGS Marks are widely and favorable known by the relevant public in the United States and are symbols of the substantial goodwill and recognition established by Opposer for its BABA SLINGS Marks.

9. On September 6, 2011, Applicant filed an application to register theBabaSlings mark for goods in Class 018 including, “baby carrying bags, and bags for carrying babies' accessories; carriers for babies and children worn on the body; slings for carrying babies and children; sling bags for carrying babies and children” (“Applicant’s Mark”).

10. Applicant’s Mark is highly similar in sight, sound, appearance, and commercial

impression to Opposer's BABA SLINGS Marks.

11. Applicant had actual knowledge of Opposer's BABA SLINGS Marks prior to filing the Application.

12. Opposer will be damaged by registration of Applicant's Mark, because the mark so resembles Opposer's BABA SLINGS Marks as to be likely to cause confusion, mistake, and/or deception, particularly because the parties' goods are identical or nearly identical.

13. Persons familiar with Opposer's BABA SLINGS Marks and the goods offered by Opposer under its BABA SLINGS Marks would be likely to believe erroneously that Applicant's goods are the goods of Opposer or are authorized, endorsed, sponsored, or licensed by Opposer for sale in the United States.

14. Thus, registration of Applicant's Mark on the Principal Register would be inconsistent with Opposer's prior rights in its BABA SLINGS Marks and in violation of Section 2(a) and Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(a) and 15 U.S.C. § 1052(d).

FOR THESE REASONS, Opposer requests that the Board sustain this proceeding in Opposer's favor by refusing registration of theBabaSlings mark underlying Application Serial No. 79/103197. Please direct all notices, pleadings, and correspondence in this matter to the undersigned counsel for Opposer Baba Slings Pty Ltd.

Respectfully submitted,

Dated: June 5, 2012

By: 

Mark Borghese, Esq.  
Borghese Legal, Ltd.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
Tel: (702) 382-0200  
Fax: (702) 382-0212  
Email: [mark@borgheselegal.com](mailto:mark@borgheselegal.com)  
*Attorney for Opposer Baba Slings Pty Ltd*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Michael M. Ballard, the attorney of record for the Applicant, by mailing said copy on June 5, 2012, via First Class Mail, postage prepaid, to the attorney's correspondence address of record:

Michael M. Ballard  
**Workman Nydegger**  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City UT 84111

  
\_\_\_\_\_  
Mark Borghese



**Electronic System for Trademark Trials and Appeals**

**Receipt**

Your submission has been received by the USPTO.  
The content of your submission is listed below.  
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA476217**

Filing date: **06/05/2012**

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**

<b>Name</b>	Baba Slings Pty Ltd
<b>Granted to Date of previous extension</b>	06/09/2012
<b>Address</b>	486 Hunchy Rd Hunchy, 4555 AUSTRALIA

<b>Attorney information</b>	Mark Borghese Borghese Legal, Ltd. 10161 Park Run Drive, Suite 150 Las Vegas, NV 89145 UNITED STATES mark@borgheselegal.com Phone:(702) 382-0200
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**Applicant Information**

<b>Application No</b>	79103197	<b>Publication date</b>	04/10/2012
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<b>Opposition Filing Date</b>	06/05/2012	<b>Opposition Period Ends</b>	06/09/2012
<b>International Registration No.</b>	1088031	<b>International Registration Date</b>	07/07/2011
<b>Applicant</b>	BabaSlings Limited 1 Amber House, 22b St John's Road Hove, BN3 2EZ UNITED KINGDOM		

### Goods/Services Affected by Opposition

<p>Class 018.</p> <p>All goods and services in the class are opposed, namely: Bags, namely, all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods</p>
--

### Grounds for Opposition

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

### Mark Cited by Opposer as Basis for Opposition

<b>U.S. Application No.</b>	85633700	<b>Application Date</b>	05/23/2012
<b>Registration Date</b>	NONE	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	BABA SLINGS		
<b>Design Mark</b>	85633700#TMSN.jpeg		
<b>Description of Mark</b>	NONE		

<b>Goods/Services</b>	Class 018. First use: First Use: 1999/00/00 First Use In Commerce: 2002/10/00 (Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants(Based on 44(e)) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants
-----------------------	---

<b>Attachments</b>	85633700#TMSN.jpeg ( 1 page )( bytes ) 2012-06-05-Opposition.pdf ( 4 pages )(153340 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.

<b>Signature</b>	/MB/
<b>Name</b>	Mark Borghese
<b>Date</b>	06/05/2012

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# **EXHIBIT 3**

# **EXHIBIT 3**

ESTTA Tracking number: **ESTTA485307**

Filing date: **07/24/2012**

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

Proceeding	91205483
Party	Defendant Baba Slings Limited
Correspondence Address	ROBYN L PHILLIPS WORKMAN NYDEGGER 1000 EAGLE GATE TOWER , 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111 UNITED STATES mballard@wnlaw.com, docketing@wnlaw.com, rphillips@wnlaw.com
Submission	Answer
Filer's Name	Robyn L. Phillips
Filer's e-mail	rphillips@wnlaw.com, docketing@wnlaw.com
Signature	/Robyn L. Phillips/
Date	07/24/2012
Attachments	15584_53_1 Answer.pdf ( 6 pages )(224384 bytes )

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

In the matter of Trademark Serial No. 79/103,197  
Filing Date: September 6, 2011  
For the Mark: **theBabaSling**

---

BABA SLINGS PTY LTD,	)	
	)	
Opposer,	)	Opposition No. 91205483
	)	
v.	)	<b>APPLICANT'S ANSWER TO NOTICE</b>
	)	<b>OF OPPOSITION</b>
BABASLINGS LIMITED,	)	
	)	
Applicant.	)	

---

In response to the Notice of Opposition, dated June 5, 2012, Applicant Babaslings Limited ("Applicant") hereby responds and answers the Notice of Opposition filed by Opposer Baba Slings Pty Ltd. ("Opposer") follows:

**ANSWER TO NOTICE OF OPPOSITION**

Applicant admits that it is a United Kingdom company. Applicant lacks knowledge or information sufficient to form a basis to admit or deny that Opposer is an Australian proprietary limited company. Applicant admits that the records of the Trademark Trial and Appeal Board ("TTAB") appear to show that Opposer filed an extension of time to oppose Applicant's mark before the deadline. Applicant denies any and all remaining allegations of the opening paragraph of the Notice of Opposition.

Applicant hereby answers Opposer's grounds for opposition as follows:

1. Applicant denies that "Opposer is the company behind the popular sling baby carriers" sold under the name or mark BABA SLINGS and variations thereof. Applicant lacks

knowledge or information sufficient to form a basis to admit or deny any and all remaining allegations set forth in paragraph 1 of the Notice of Opposition, and, therefore, denies such allegations.

2. Applicant admits that a review of the Trademark Electronic Search System (“TESS”) database of the United States Patent and Trademark Office (“PTO”) reveals that Opposer is listed as the owner of United States Trademark Application Serial No. 85/633,700 (“the ‘700 Application’”) for goods in International Class 18 identified as “Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies’ accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants” as identified in paragraph 2 of the Notice of Opposition. Applicant lacks knowledge or information sufficient to form a basis to admit or deny whether Opposer is currently the owner of this application, and therefore, denies the same. Applicant denies any and all remaining allegations set forth in paragraph 2 of the Notice of Opposition.

3. Denied.

4. Denied.

5. Denied.

6. Denied.

7. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 7 of the Notice of Opposition, and, therefore, denies such allegations.

8. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 8 of the Notice of Opposition, and, therefore, denies such allegations.

9. Applicant admits that on September 6, 2011, Applicant filed a trademark application with the PTO, United States Trademark Application Serial No. 79/103,197 (“the ‘197 Application’”) for the mark “theBabaSling with design” for use on goods in International Class 18 identified as “Bags, namely, all purpose carrying bags, baby carrying bags, and bags for

carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods." Applicant denies any and all remaining allegations set forth in paragraph 9 of the Notice of Opposition.

10. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 10 of the Notice of Opposition, and, therefore, denies such allegations.

11. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 11 of the Notice of Opposition, and, therefore, denies such allegations.

12. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 12 of the Notice of Opposition, and, therefore, denies such allegations.

13. Applicant lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 13 of the Notice of Opposition, and, therefore, denies such allegations.

14. Denied.

Applicant denies any and all remaining allegations set forth in the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

By way of defense to the allegations set forth in the Notice of Opposition, Applicant asserts the following:

#### **FIRST AFFIRMATIVE DEFENSE**

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

## **SECOND AFFIRMATIVE DEFENSE**

Opposer's claims are barred by the doctrine of laches, estoppel, acquiescence, and/or waiver.

## **THIRD AFFIRMATIVE DEFENSE**

Opposer is not likely to be damaged by registration of the '197 Application, and therefore, lacks standing to oppose the same.

## **FOURTH AFFIRMATIVE DEFENSE**

Any rights Opposer may have in its asserted mark are limited and narrow in scope of protection and, therefore, no likelihood of confusion exists between Opposer's mark in the '700 Application as applied to Opposer's services and goods and Applicant's mark covered by the '197 Application as applied to Applicant's goods.

## **FIFTH AFFIRMATIVE DEFENSE**

Applicant has priority over any rights Opposer may have in its mark covered by the '700 Application, and as a result any rights that Opposer does have in the mark covered by the '700 Application are inferior to Applicant's rights.

## **RELIEF REQUESTED**

In view of the foregoing, Applicant respectfully requests that the relief requested by Opposer be denied, that the Notice of Opposition be dismissed with prejudice, and that the registration of Applicant's '197 Application be granted.

All correspondence and telephonic communications should be directed to:

Robyn L. Phillips, Reg. No. 39,330  
WORKMAN NYDEGGER  
60 East South Temple Street, Ste. 1000  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
rphillips@wnlaw.com

DATED this 24th day of July, 2012.

Respectfully submitted,

/Robyn L. Phillips/  
Robyn L. Phillips, Reg. No. 39,330

**WORKMAN | NYDEGGER**  
60 East South Temple,  
Suite 1000  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

Attorneys for Applicant  
BABASLINGS LIMITED

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was served on Opposer by mailing a true copy thereof to its attorney of record by First Class Mail, postage prepaid this 24th day of July, 2012, in an envelope addressed as follows:

Mark Borghese, Esq.  
Borghese Legal, Ltd.  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

/Robyn L. Phillips/

# **EXHIBIT 4**

# **EXHIBIT 4**

Generated on: This page was generated by TSDR on 2013-05-15 13:47:58 EDT

Mark: THEBABASLING



US Serial Number: 79103197

Application Filing Date: Sep. 06, 2011

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 07, 2012

Publication Date: Apr. 10, 2012

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## Mark Information

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Mark Literal Elements: THEBABASLING

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.11.02 - Moons, crescent; Partial moons, including half moons and crescent moons (not a moon with craters); Moons, half  
02.05.01 - Children, heads, portraiture, busts; Heads of children; Busts of children  
02.05.02 - Children depicted in silhouettes or profiles of children; Silhouettes of children  
02.05.06 - Baby; Children, baby or babies

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## Related Properties Information

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International Registration Number: 1088031

International Registration Date: Jul. 07, 2011

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## Goods and Services

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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
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Bags, namely, all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 66(a)

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## Basis Information (Case Level)

---

Filed Use: No

Currently Use: No

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: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** BabaSlings Limited

**Owner Address:** 1 Amber House, 22b St John's Road  
Hove BN3 2EZ  
UNITED KINGDOM

**Legal Entity Type:** Private Limited Company

**State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Michael M. Ballard

**Docket Number:** 15584.53

**Attorney Primary Email Address:** [mballard@wnlaw.com](mailto:mballard@wnlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** ROBERT L STOLL  
DRINKER BIDDLE & REATH LLP  
1500 K STREET NW  
SUITE 1100  
WASHINGTON, DISTRICT OF COLUMBIA 20005-1209  
UNITED STATES

**Phone:** 801 533-9800

**Fax:** 801 328-1707

**Correspondent e-mail:** [mballard@wnlaw.com](mailto:mballard@wnlaw.com) [docketing@wnlaw.com](mailto:docketing@wnlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2012	NOTIFICATION PROCESSED BY IB	
Jul. 28, 2012	REFUSAL PROCESSED BY IB	
Jun. 07, 2012	OPPOSITION INSTITUTED NO. 999999	205483
Jun. 06, 2012	OPPOSITION NOTICE (IB REFUSAL) SENT TO IB	
Jun. 06, 2012	OPPOSITION NOTICE (IB REFUSAL) CREATED	
Apr. 27, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 10, 2012	PUBLISHED FOR OPPOSITION	
Apr. 04, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 04, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Mar. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 05, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Mar. 01, 2012	ASSIGNED TO LIE	73787
Feb. 14, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 02, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 02, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 19, 2012	REFUSAL PROCESSED BY IB	
Dec. 29, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Dec. 29, 2011	REFUSAL PROCESSED BY MPU	67442
Dec. 28, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Dec. 27, 2011	NON-FINAL ACTION WRITTEN	82103
Dec. 22, 2011	ASSIGNED TO EXAMINER	82103
Oct. 21, 2011	APPLICATION FILING RECEIPT MAILED	
Oct. 17, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 14, 2011	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

## International Registration Information (Section 66a)

<b>International Registration Number:</b> 1088031  <b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED  <b>Notification of Designation Date:</b> Oct. 13, 2011  <b>International Registration Renewal Date:</b> Jul. 07, 2021  <b>First Refusal Flag:</b> Yes	<b>International Registration Date:</b> Jul. 07, 2011  <b>Date of International Registration Status:</b> Oct. 14, 2011  <b>Date of Automatic Protection:</b> Apr. 13, 2013
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### TM Staff and Location Information

#### TM Staff Information

**TM Attorney:** HALMEN, KATHERINE E      **Law Office Assigned:** LAW OFFICE 109

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION      **Date in Location:** Mar. 05, 2012

### Proceedings

#### Summary

**Number of Proceedings:** 2

#### Type of Proceeding: Opposition

<b>Proceeding Number:</b> <a href="#">91205483</a>	<b>Filing Date:</b> Jun 05, 2012
<b>Status:</b> Pending	<b>Status Date:</b> Jun 05, 2012
<b>Interlocutory Attorney:</b> JENNIFER KRISP	

#### Defendant

**Name:** Baba Slings Limited

**Correspondent Address:** ROBERT L STOLL  
DRINKER BIDDLE & REATH LLP  
1500 K STREET NW, SUITE 1100  
WASHINGTON DC , 20005-1209  
UNITED STATES

**Correspondent e-mail:** [dctrademarks@dbr.com](mailto:dctrademarks@dbr.com) , [brian.coleman@dbr.com](mailto:brian.coleman@dbr.com) , [anthony.palumbo@dbr.com](mailto:anthony.palumbo@dbr.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
THEBABASLING	Opposition Pending	<a href="#">79103197</a>	

#### Plaintiff(s)

**Name:** Baba Slings Pty Ltd

**Correspondent Address:** MARK BORGHESE  
BORGHESE LEGAL LTD  
10161 PARK RUM DRIVE , SUITE 150  
LAS VEGAS NV , 89145  
UNITED STATES

**Correspondent e-mail:** [mark@borghesellegal.com](mailto:mark@borghesellegal.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
BABA SLINGS	Suspension Letter - Mailed	<a href="#">85633700</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 07, 2012	Jul 17, 2012
3	PENDING, INSTITUTED	Jun 07, 2012	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 17, 2012	
5	EXTENSION OF TIME GRANTED	Jul 19, 2012	
6	ANSWER	Jul 24, 2012	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Sep 24, 2012	

8 STIP TO SUSPEND PEND SETTLEMENT NEGOTNS Jan 30, 2013  
 9 SUSPENDED Jan 30, 2013

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [79103197](#) **Filing Date:** Apr 27, 2012  
**Status:** Terminated **Status Date:** Jun 09, 2012

**Interlocutory Attorney:**

**Defendant**

**Name:** BabaSlings Limited

**Correspondent Address:** Michael M. Ballard  
 Workman Nydegger  
 1000 Eagle Gate Tower 60 East South Temple  
 Salt Lake City UT , 84111

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THEBABASLING	Opposition Pending	<a href="#">79103197</a>	
<b>Potential Opposer(s)</b>			

**Name:** Baba Slings Pty Ltd

**Correspondent Address:** Mark Borghese  
 Borghese Legal, Ltd.  
 10161 Park Run Drive, Suite 150  
 Las Vegas NV , 89145  
 UNITED STATES

**Correspondent e-mail:** [mark@borgheselegal.com](mailto:mark@borgheselegal.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 27, 2012	
2	EXTENSION OF TIME GRANTED	Apr 27, 2012	

**NOTICE THAT TRANSACTION HAS BEEN PROCESSED BY IB**

**SERIAL NUMBER: 79103197**

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**The table below presents the data as entered.**

<b>Input Field</b>	<b>Entered</b>
INTERNATIONAL REGISTRATION NUMBER	1088031
EFFECTIVE DATE OF MODIFICATION	04/04/2012
IB DOCUMENT ID	662254101
OFFICE REFERENCE	79103197
TRANSACTION TYPE	GPN - Grant of Protection

**NOTICE THAT TRANSACTION HAS BEEN PROCESSED BY IB**

**SERIAL NUMBER: 79103197**

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**The table below presents the data as entered.**

Input Field	Entered
INTERNATIONAL REGISTRATION NUMBER	1088031
EFFECTIVE DATE OF MODIFICATION	06/06/2012
IB DOCUMENT ID	673279801
OFFICE REFERENCE	79103197
TRANSACTION TYPE	RFNP - Partial Refusal

## OPPOSITION FILED

The table below presents the data as entered.

Input Field	Entered
<b>IDENTIFICATION SECTION</b>	
INTERNATIONAL REGISTRATION NUMBER	1088031
OFFICE REFERENCE	79103197
ORIGINAL LANGUAGE CODE	ENGLISH
<b>GOODS AND SERVICES SECTION</b>	
NICE CLASS NUMBER	18
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Bags, namely, all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods
<b>INSTRUCTIONS SECTION</b>	
FREE TEXT PROCESSING INSTRUCTIONS	U. S. designated on 20110906; Opposition filed
MAIL DATE	06/06/2012

---

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, April 10, 2012 00:28 AM  
**To:** mballard@wnlaw.com  
**Cc:** docketing@wnlaw.com  
**Subject:** 15584.53 Official USPTO Notification: OG Publication Confirmation for Serial Number 79103197

---

## OFFICIAL GAZETTE PUBLICATION CONFIRMATION

**Serial Number:** 79-103,197  
**Mark:** THEBABASLING(STYLIZED/DESIGN)  
**International Class(es):** 018  
**Applicant:** BabaSlings Limited  
**Docket/Reference Number:** 15584.53

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Apr 10, 2012. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:  
[http://www.uspto.gov/web/trademarks/tmog/20120410\\_OG.pdf#page=1](http://www.uspto.gov/web/trademarks/tmog/20120410_OG.pdf#page=1)
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 79-103,197, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=79103197>.  
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

# NOTICE OF POSSIBLE OPPOSITION SENT TO INTERNATIONAL BUREAU

The table below presents the data as entered.

Input Field	Entered
<b>IDENTIFICATION SECTION</b>	
INTERNATIONAL REGISTRATION NUMBER	1088031
OFFICE REFERENCE NUMBER	79103197
ORIGINAL LANGUAGE CODE	ENGLISH
<b>NAME AND ADDRESS SECTION</b>	
NAME AND ADDRESS TYPE	Applicant/Holder
NAME	BabaSlings Limited
ADDRESS	1 Amber House, 22b St John's Road Hove BN3 2EZ
<b>OPPOSITION PERIOD SECTION</b>	
OPPOSITION PERIOD START DATE	04/10/2012
<b>INSTRUCTIONS SECTION</b>	
FREE TEXT PROCESSING INSTRUCTIONS	U. S. designated on 20110906, Opposition period is starting 20120410 Type 4





Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

### Notification of Opposition Possible

Statement sent to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with **Rule 18bis(1)(b)** of the Common Regulations under the Madrid Agreement and Protocol.

**International Registration No.:** 1088031  
**Holder:** BabaSlings Limited

By this notification, the United States Patent and Trademark Office (USPTO) hereby informs the International Bureau (IB) that the *ex officio* examination has been completed and the USPTO no longer has grounds for refusal. However, the protection of the mark is still subject to opposition or observations by third parties. The opposition or observations period is scheduled to begin on April 10, 2012, the date of publication by the USPTO.

An opposition must be filed within thirty (30) days after publication. Upon request, the opposition period is extendable, but shall not exceed 180 days after publication. 37 C.F.R. §§2.101(c), 2.102.

Sincerely,

Madrid Processing Unit  
United States Patent & Trademark Office  
(571) 272-8910

**\*\* STATUS AND INFORMATION CHECK \*\***

For questions about this notification or the referenced international registration, email the USPTO Madrid Processing Unit at [MPU@uspto.gov](mailto:MPU@uspto.gov) or visit their website at <http://www.uspto.gov/web/trademarks/madrid/madridindex.htm>.

To check the status of the application, use the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. To view and download documents in pending

applications and registrations, please access the Trademark Document Retrieval (TDR) website at <http://tdr.uspto.gov/>.

To view any notice of publication for opposition published in the Official Gazette, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/>.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mar 21, 2012

**NOTICE OF PUBLICATION**

- |                                      |   |
|--------------------------------------|---|
| 1. Serial No.:<br>79-103,197         | 2. Mark:<br>THEBABASLING<br>(STYLIZED/DESIGN) |
| 3. International Class(es):<br>18    |   |
| 4. Publication Date:<br>Apr 10, 2012 | 5. Applicant:<br>BabaSlings Limited           |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

mballard@wnlaw.com  
docketing@wnlaw.com

---

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, March 21, 2012 03:26 AM  
**To:** mballard@wnlaw.com  
**Cc:** docketing@wnlaw.com  
**Subject:** 15584.53 Official USPTO Notification: Issuance of Notice of Publication for Serial Number 79103197

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### NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 79103197) is scheduled to publish in the *Official Gazette* on Apr 10, 2012. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=79103197>. If you have difficulty accessing the Notice of Publication, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPPostPubQuery@uspto.gov](mailto:TMPPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication & Issue Review Stylesheet**  
(Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	79103197	FILING DATE	09/06/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	1088031	INTL REG DATE	07/07/2011
TM ATTORNEY	HALMEN, KATHERINE E	L.O. ASSIGNED	109

**PUB INFORMATION**

RUN DATE	03/06/2012		
PUB DATE	04/10/2012		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	03/05/2012		
LITERAL MARK ELEMENT	THEBABASLING		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	THEBABASLING

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BabaSlings Limited
ADDRESS	1 Amber House, 22b St John's Road Hove, BN3 2EZ
ENTITY	99-Private Limited Company
CITIZENSHIP	United Kingdom

### GOODS AND SERVICES

INTERNATIONAL CLASS	018
DESCRIPTION TEXT	Bags, namely, all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	018	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.
PSEUDO MARK	THE BABA SLING

### SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	1088031
INTL REG DATE	07/07/2011
PRIORITY CLMD	NO

PRIOR CLMD DATE	N/A
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/14/2011
AUTO PROTECTION DATE	04/13/2013
INTL RENEWAL DATE	07/07/2021
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/05/2012	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	015
03/01/2012	ALIE	A	ASSIGNED TO LIE	014
02/14/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	013
02/03/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
02/02/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
02/02/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
01/19/2012	RFNT	P	REFUSAL PROCESSED BY IB	009
12/29/2011	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	008
12/29/2011	RFRR	P	REFUSAL PROCESSED BY MPU	007
12/28/2011	RFGR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	006
12/27/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
12/22/2011	DOCK	D	ASSIGNED TO EXAMINER	004
10/21/2011	MAFR	O	APPLICATION FILING RECEIPT MAILED	003
10/17/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
10/14/2011	SDRC	M	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michael M. Ballard
CORRESPONDENCE ADDRESS	Michael M. Ballard Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City UT 84111
DOMESTIC REPRESENTATIVE	NONE



theBabaSling

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	79103197	FILING DATE	09/06/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	1088031	INTL REG DATE	07/07/2011
TM ATTORNEY	HALMEN, KATHERINE E	L.O. ASSIGNED	109

**PUB INFORMATION**

RUN DATE	02/15/2012		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	02/14/2012		
LITERAL MARK ELEMENT	THEBABASLING		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	THEBABASLING

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BabaSlings Limited
ADDRESS	1 Amber House, 22b St John's Road Hove BN3 2EZ
ENTITY	99-Private Limited Company
CITIZENSHIP	United Kingdom

### GOODS AND SERVICES

INTERNATIONAL CLASS	018
DESCRIPTION TEXT	Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and travelling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	018	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.
PSEUDO MARK	THE BABA SLING

### SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	1088031
INTL REG DATE	07/07/2011
PRIORITY CLMD	NO

PRIOR CLMD DATE	N/A
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/14/2011
AUTO PROTECTION DATE	04/13/2013
INTL RENEWAL DATE	07/07/2021
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/14/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	013
02/03/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
02/02/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
02/02/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
01/19/2012	RFNT	P	REFUSAL PROCESSED BY IB	009
12/29/2011	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	008
12/29/2011	RFRR	P	REFUSAL PROCESSED BY MPU	007
12/28/2011	RFCR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	006
12/27/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
12/22/2011	DOCK	D	ASSIGNED TO EXAMINER	004
10/21/2011	MAFR	O	APPLICATION FILING RECEIPT MAILED	003
10/17/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
10/14/2011	SDRC	M	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michael M. Ballard
CORRESPONDENCE ADDRESS	Michael M. Ballard Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City UT 84111
DOMESTIC REPRESENTATIVE	NONE



theBabaSling

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	79103197	FILING DATE	09/06/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	1088031	INTL REG DATE	07/07/2011
TM ATTORNEY	HALMEN, KATHERINE E	L.O. ASSIGNED	109

**PUB INFORMATION**

RUN DATE	02/04/2012		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	02/03/2012		
LITERAL MARK ELEMENT	THEBABASLING		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	THEBABASLING

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BabaSlings Limited
ADDRESS	1 Amber House, 22b St John's Road Hove BN3 2EZ
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CITIZENSHIP	United Kingdom

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DESCRIPTION TEXT	Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and travelling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	018	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.
PSEUDO MARK	THE BABA SLING

### SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	1088031
INTL REG DATE	07/07/2011
PRIORITY CLMD	NO

PRIOR CLMD DATE	N/A
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/14/2011
AUTO PROTECTION DATE	04/13/2013
INTL RENEWAL DATE	07/07/2021
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/03/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
02/02/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
02/02/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
01/19/2012	RFNT	P	REFUSAL PROCESSED BY IB	009
12/29/2011	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	008
12/29/2011	RFRR	P	REFUSAL PROCESSED BY MPU	007
12/28/2011	RFCR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	006
12/27/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
12/22/2011	DOCK	D	ASSIGNED TO EXAMINER	004
10/21/2011	MAFR	O	APPLICATION FILING RECEIPT MAILED	003
10/17/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
10/14/2011	SDRC	M	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michael M. Ballard
CORRESPONDENCE ADDRESS	Michael M. Ballard Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City UT 84111
DOMESTIC REPRESENTATIVE	NONE



theBabaSling

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	79103197
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 109
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	018
<b>DESCRIPTION</b>	
<p>Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods</p>	
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	018
<b>TRACKED TEXT DESCRIPTION</b>	
<p><u>Bags</u>; <u>Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories</u>; trunks and travelling bags; <del>carriers for babies and children</del>; <u>carriers for babies and children worn on the body</u>; <del>harnesses for babies and children</del>; <u>slings for carrying babies and children</u>; <del>slings for babies and children</del>; <u>back frames for carrying babies and children</u>; sling bags for carrying babies and children; <del>frames for carrying babies and children</del>; <u>baby changing bags in the nature of bags for carrying babies' accessories</u>; <del>backpacks for carrying babies and children</del>; <u>nappy bags in the nature of diaper bags</u>; <del>baby changing bags</del>; <u>baby care bags in the nature of bags for carrying babies' accessories sold empty</u>; <del>nappy bags</del>; travel bags; <del>baby care bags (empty)</del>; backpacks; suitcases; <u>reusable shopping bags</u>; <u>reusable shopping bags in frames on wheels</u>; <del>shopping bags</del>; umbrellas; <del>shopping bags in frames on wheels</del>; parasols; <u>structural parts and fittings for all the aforementioned goods</u>; <del>parasols for strollers and for buggies</del>; <del>parts and fittings for all the aforementioned goods</del></p>	
<b>FINAL DESCRIPTION</b>	
<p>Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and travelling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of</p>	

diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

#### ADDITIONAL STATEMENTS SECTION

<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.
--	---

#### NEW ATTORNEY SECTION

<b>NAME</b>	Michael M. Ballard
<b>FIRM NAME</b>	Workman Nydegger
<b>INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER</b>	15584.53
<b>INTERNAL ADDRESS</b>	1000 Eagle Gate Tower
<b>STREET</b>	60 East South Temple
<b>CITY</b>	Salt Lake City
<b>STATE</b>	Utah
<b>ZIP/POSTAL CODE</b>	84111
<b>COUNTRY</b>	United States
<b>PHONE</b>	801 533-9800
<b>FAX</b>	801 328-1707
<b>EMAIL</b>	mballard@wnlaw.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes

#### CORRESPONDENCE SECTION

<b>ORIGINAL ADDRESS</b>	MURGITROYD & COMPANY SCOTLAND HOUSE, 165-169 SCOTLAND STREET GLASGOW G5 8PL GB
-------------------------	--

#### NEW CORRESPONDENCE SECTION

<b>NAME</b>	Michael M. Ballard
<b>FIRM NAME</b>	Workman Nydegger
<b>INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER</b>	15584.53
<b>INTERNAL ADDRESS</b>	1000 Eagle Gate Tower
<b>STREET</b>	60 East South Temple
<b>CITY</b>	

<b>CITY</b>	Salt Lake City
<b>STATE</b>	Utah
<b>ZIP/POSTAL CODE</b>	84111
<b>COUNTRY</b>	United States
<b>PHONE</b>	801 533-9800
<b>FAX</b>	801 328-1707
<b>EMAIL</b>	mballard@wnlaw.com;docketing@wnlaw.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Michael M. Ballard/
<b>SIGNATORY'S NAME</b>	Michael M. Ballard
<b>SIGNATORY'S POSITION</b>	Attorney, Utah bar member
<b>SIGNATORY'S PHONE NUMBER</b>	801 533-9800
<b>DATE SIGNED</b>	02/02/2012
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Feb 02 22:25:53 EST 2012
<b>TEAS STAMP</b>	USPTO/ROA-209.180.88.130- 20120202222553287375-7910 3197-4909231bee83ddfcab79 9b28bd38b7efc2-N/A-N/A-20 120202221739507949

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. **79103197** has been amended as follows:

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 018 for Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for

carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods

Original Filing Basis:

**Filing Basis Section 66(a)**, Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Bags;~~ Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and travelling bags; ~~carriers for babies and children;~~ carriers for babies and children worn on the body; ~~harnesses for babies and children;~~ slings for carrying babies and children; ~~slings for babies and children;~~ back frames for carrying babies and children; sling bags for carrying babies and children; ~~frames for carrying babies and children;~~ baby changing bags in the nature of bags for carrying babies' accessories; ~~backpacks for carrying babies and children;~~ nappy bags in the nature of diaper bags; ~~baby changing bags;~~ baby care bags in the nature of bags for carrying babies' accessories sold empty; ~~nappy bags;~~ travel bags; ~~baby care bags (empty);~~ backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; ~~shopping bags;~~ umbrellas; ~~shopping bags in frames on wheels;~~ parasols; structural parts and fittings for all the aforementioned goods; ~~parasols for strollers and for buggies;~~ ~~parts and fittings for all the aforementioned goods~~

Class 018 for Bags, namely all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and travelling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods

**Filing Basis Section 66(a)**, Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

#### **ATTORNEY ADDRESS**

Applicant proposes to amend the following:

**Proposed:**

Michael M. Ballard of Workman Nydegger, having an address of  
1000 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111

United States

mballard@wnlaw.com

801 533-9800

801 328-1707

The attorney docket/reference number is 15584.53.

#### **CORRESPONDENCE ADDRESS CHANGE**

Applicant proposes to amend the following:

**Current:**

MURGITROYD & COMPANY

SCOTLAND HOUSE,

165-169 SCOTLAND STREET  
GLASGOW G5 8PL  
GB

**Proposed:**

Michael M. Ballard of Workman Nydegger, having an address of  
1000 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111  
United States  
mballard@wnlaw.com;docketing@wnlaw.com  
801 533-9800  
801 328-1707  
The attorney docket/reference number is 15584.53.

**ADDITIONAL STATEMENTS**

**Description of mark**

The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.

**SIGNATURE(S)**

**Response Signature**

Signature: /Michael M. Ballard/ Date: 02/02/2012  
Signatory's Name: Michael M. Ballard  
Signatory's Position: Attorney, Utah bar member

Signatory's Phone Number: 801 533-9800

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.

Mailing Address: Michael M. Ballard  
Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111

Serial Number: 79103197

Internet Transmission Date: Thu Feb 02 22:25:53 EST 2012  
TEAS Stamp: USPTO/ROA-209.180.88.130-201202022225532  
87375-79103197-4909231bee83ddfcab799b28b  
d38b7efc2-N/A-N/A-20120202221739507949

**NOTICE THAT TRANSACTION HAS BEEN PROCESSED BY IB**

**SERIAL NUMBER: 79103197**

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**The table below presents the data as entered.**

Input Field	Entered
INTERNATIONAL REGISTRATION NUMBER	1088031
EFFECTIVE DATE OF MODIFICATION	12/29/2011
IB DOCUMENT ID	644093001
OFFICE REFERENCE	79103197
TRANSACTION TYPE	RFNT - Total Refusal

## PROVISIONAL REFUSAL OF PROTECTION

The table below presents the data as entered.

Input Field	Entered
<b>IDENTIFICATION SECTION</b>	
INTERNATIONAL REGISTRATION NUMBER	1088031
OFFICE REFERENCE	79103197
ORIGINAL LANGUAGE CODE	ENGLISH
<b>FILE SECTION</b>	
FILE SPECIFICATION OF THE DOCUMENT	<a href="\\TICRS\EXPORT11\IMAGEOUT11\791\031\79103197\xml5\MOC0002.xml">\\TICRS\EXPORT11\IMAGEOUT11\791\031\79103197\xml5\MOC0002.xml</a>
<b>GOODS AND SERVICES SECTION</b>	
ALL GOODS AND SERVICES INDICATOR	Protection has been refused for all the goods and services.
<b>INSTRUCTIONS SECTION</b>	
FREE TEXT PROCESSING INSTRUCTIONS	U. S. designated on 20110906; Non-final examiner action
MAIL DATE	12/29/2011

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 79103197

MARK: THEBABASLING

**\*79103197\***

**CORRESPONDENT ADDRESS:**

MURGITROYD & COMPANY  
Scotland House,  
165-169 Scotland Street  
Glasgow G5 8PL  
UNITED KINGDOM

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** BabaSlings Limited

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:**

**INTERNATIONAL REGISTRATION NO. 1088031**

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:**

Applicant may respond directly to this provisional refusal Office action if applicant is not represented by an authorized attorney. *See* 37 C.F.R. §2.193(e)(2)(ii). Otherwise, applicant's authorized attorney must respond on applicant's behalf. *See* 37 C.F.R. §2.193(e)(2)(i). However, **the only attorneys who are authorized to sign responses and practice before the USPTO** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and
- (2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

See 37 C.F.R. §§2.17(e), 2.62(b), 11.1, 11.5(b)(2), 11.14(a), (c); TMEP §§602, 712.03.

Foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO. See 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(b). That is, foreign attorneys may not file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal, among other things. See 37 C.F.R. §11.5(b)(2); TMEP §§602.03(c), 608.01. If applicant is represented by such a foreign attorney, applicant must respond directly to this provisional refusal Office action. See 37 C.F.R. §2.193(e)(2)(ii).

#### **DESIGNATION OF DOMESTIC REPRESENTATIVE:**

The USPTO encourages applicants who do not reside in the U.S. to designate a domestic representative upon whom notices or process may be served. 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2); see TMEP §610. Such designations may be filed online at <http://www.uspto.gov/teas/index.html>.

#### **THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### **SEARCH OF OFFICE'S DATABASE OF MARKS**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

#### **IDENTIFICATION OF GOODS**

The goods/services are:

Class 18: Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods

The identification of goods and/or services is indefinite and must be clarified. In particular, the applicant must specify the common commercial names and/or clarify the exact nature of the specific goods intended. See TMEP §1402.01. Applicant may adopt the following identification, if accurate:

Class 18: Bags, NAMELY, {*specify common commercial names of specific Class 18 goods intended, e.g., athletic bags, barrel bags, belt bags*}; trunks and travelling bags; carriers for babies and children WORN ON THE BODY; {"*harnesses for babies and children*" is indefinite and appears to be

*improperly classified. Applicant must either delete this wording or replace it with acceptable Class 18 wording that is within the scope of the original identification.*}; slings for CARRYING babies and children; sling bags for carrying babies and children; BACK frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags IN THE NATURE OF DIAPER BAGS; nappy bags IN THE NATURE OF DIAPER BAGS; baby care bags IN THE NATURE OF DIAPER BAGS SOLD EMPTY; travel bags; backpacks; suitcases; REUSABLE shopping bags; REUSABLE shopping bags in frames on wheels; umbrellas; parasols; {"*parasols for strollers and for buggies*" is indefinite and appears to be improperly classified. Applicant must either delete this wording or amend the wording such that it clearly falls in Class 18 and is within the scope of the original identification.}; STRUCTURAL parts and fittings for all the aforementioned goods

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>. See TMEP §1402.04.

In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); see TMEP §§1402.07(a), 1904.02(c).

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

## **DESCRIPTION OF MARK REQUIRED**

Applicant must submit an accurate and concise description of the literal and design elements in the mark. 37 C.F.R. §2.37; see TMEP §§808.01, 808.02. The following is suggested, if accurate:

**The mark consists of the wording “THEBABASLING” appearing below the design of a crescent moon holding a baby.**

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. See TMEP §§705.02, 709.06.

/Katy Halmen/  
Trademark Examining Attorney  
Law Office 109  
Phone: (571) 272-8911

Email: [katy.halmen@uspto.gov](mailto:katy.halmen@uspto.gov)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 79103197

MARK: THEBABASLING

**\*79103197\***

**CORRESPONDENT ADDRESS:**

MURGITROYD & COMPANY  
Scotland House,  
165-169 Scotland Street  
Glasgow G5 8PL  
UNITED KINGDOM

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** BabaSlings Limited

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:**

**INTERNATIONAL REGISTRATION NO. 1088031**

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:**

Applicant may respond directly to this provisional refusal Office action if applicant is not represented by an authorized attorney. *See* 37 C.F.R. §2.193(e)(2)(ii). Otherwise, applicant's authorized attorney must respond on applicant's behalf. *See* 37 C.F.R. §2.193(e)(2)(i). However, **the only attorneys who are authorized to sign responses and practice before the USPTO** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and
- (2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

See 37 C.F.R. §§2.17(e), 2.62(b), 11.1, 11.5(b)(2), 11.14(a), (c); TMEP §§602, 712.03.

Foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO. See 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(b). That is, foreign attorneys may not file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal, among other things. See 37 C.F.R. §11.5(b)(2); TMEP §§602.03(c), 608.01. If applicant is represented by such a foreign attorney, applicant must respond directly to this provisional refusal Office action. See 37 C.F.R. §2.193(e)(2)(ii).

#### **DESIGNATION OF DOMESTIC REPRESENTATIVE:**

The USPTO encourages applicants who do not reside in the U.S. to designate a domestic representative upon whom notices or process may be served. 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2); see TMEP §610. Such designations may be filed online at <http://www.uspto.gov/teas/index.html>.

#### **THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### **SEARCH OF OFFICE'S DATABASE OF MARKS**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

#### **IDENTIFICATION OF GOODS**

The goods/services are:

Class 18: Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods

The identification of goods and/or services is indefinite and must be clarified. In particular, the applicant must specify the common commercial names and/or clarify the exact nature of the specific goods intended. See TMEP §1402.01. Applicant may adopt the following identification, if accurate:

Class 18: Bags, NAMELY, {*specify common commercial names of specific Class 18 goods intended, e.g., athletic bags, barrel bags, belt bags*}; trunks and travelling bags; carriers for babies and children WORN ON THE BODY; {"*harnesses for babies and children*" is indefinite and appears to be

*improperly classified. Applicant must either delete this wording or replace it with acceptable Class 18 wording that is within the scope of the original identification.*}; slings for CARRYING babies and children; sling bags for carrying babies and children; BACK frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags IN THE NATURE OF DIAPER BAGS; nappy bags IN THE NATURE OF DIAPER BAGS; baby care bags IN THE NATURE OF DIAPER BAGS SOLD EMPTY; travel bags; backpacks; suitcases; REUSABLE shopping bags; REUSABLE shopping bags in frames on wheels; umbrellas; parasols; {"*parasols for strollers and for buggies*" is indefinite and appears to be improperly classified. Applicant must either delete this wording or amend the wording such that it clearly falls in Class 18 and is within the scope of the original identification.}; STRUCTURAL parts and fittings for all the aforementioned goods

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>. See TMEP §1402.04.

In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); see TMEP §§1402.07(a), 1904.02(c).

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

## **DESCRIPTION OF MARK REQUIRED**

Applicant must submit an accurate and concise description of the literal and design elements in the mark. 37 C.F.R. §2.37; see TMEP §§808.01, 808.02. The following is suggested, if accurate:

**The mark consists of the wording “THEBABASLING” appearing below the design of a crescent moon holding a baby.**

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. See TMEP §§705.02, 709.06.

/Katy Halmen/  
Trademark Examining Attorney  
Law Office 109  
Phone: (571) 272-8911

Email: [katy.halmen@uspto.gov](mailto:katy.halmen@uspto.gov)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

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**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

\*\*\* User:khalmen \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	BABASLINGS[ON]
02	139	0	139	120	0:03	*baba*[bi,ti] not dead[lid]
03	1183	N/A	0	0	0:03	*{"scz"}l{v}ng*[bi,ti] not dead[lid]
04	1	0	1	1	0:01	2 and 3
05	4	0	4	3	0:02	2 and "018"[ic]
06	5683	N/A	0	0	0:03	*b{v}b{v}*[bi,ti] not dead[lid]
07	8	0	8	7	0:01	3 and 6
08	2009	N/A	0	0	0:03	011102[dc] not dead[lid]
09	1178	N/A	0	0	0:03	020501[dc] not dead[lid]
10	1669	N/A	0	0	0:04	020502[dc] not dead[lid]
11	900	N/A	0	0	0:03	020506[dc] not dead[lid]
12	40	0	3	40	0:01	8 and (9 10 11)

Session started 12/27/2011 6:27:02 PM

Session finished 12/27/2011 6:33:36 PM

Total search duration 0 minutes 28 seconds

Session duration 6 minutes 34 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 79103197

## FILING RECEIPT FOR TRADEMARK APPLICATION

Oct 21, 2011

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

MURGITROYD & COMPANY  
Scotland House,  
165-169 Scotland Street  
Glasgow G5 8PL  
UNITED KINGDOM

**ATTORNEY  
REFERENCE NUMBER**

### PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to [tmfiling\\_receipt@uspto.gov](mailto:tmfiling_receipt@uspto.gov). The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 79/103197  
FILING DATE: Sep 6, 2011  
REGISTER: Principal  
MARK: THEBABASLING  
MARK TYPE(S): Trademark  
DRAWING TYPE: Words, letters, or numbers and design  
FILING BASIS: Sect. 66(a)(Madrid Protocol)

OWNER: BabaSlings Limited (UNITED KINGDOM, Private Limited Company  
1 Amber House, 22b St John's Road  
Hove BN3 2EZ  
, UNITED KINGDOM

FOR: Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods  
INT. CLASS: 018  
FIRST USE: NONE USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

### OTHER DATA

COLOR(S) CLAIMED: Color is not claimed as a feature of the mark.

Pseudo Mark: THE BABA SLING

Design Search Codes:

01.11.02 - Moons, crescent; Moons, half; Partial moons, including half moons and crescent moons (not a moon with craters)

BABA 0383

02.05.01 - Busts of children; Children, heads, portraiture, busts; Heads of children

02.05.02 - Children depicted in silhouettes or profiles of children; Silhouettes of children

02.05.06 - Baby; Children, baby or babies

Warning: You may receive unsolicited communications from companies requesting fees for trademark related services, such as monitoring and document filing. Although solicitations from these companies frequently display customer-specific information, including USPTO serial number or registration number and owner name, companies who offer these services are not affiliated or associated with the USPTO or any other federal agency. The USPTO does not provide trademark monitoring or any similar services.

For document filing, such companies typically charge a service fee in addition to applicable USPTO fees. You can electronically file directly with the USPTO using forms available through the Trademark Electronic Application System (TEAS), accessible via the USPTO website at [www.uspto.gov](http://www.uspto.gov) <<http://www.uspto.gov/>>. Only applicable fees required by law, and no service fees, are charged. Status can be monitored directly at no cost through Trademark Application Registration Retrieval (TARR). For general information on filing and maintenance requirements for U.S. trademark applications and registrations, including required fees, please consult the USPTO website.

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#### INTERNATIONAL OR FOREIGN REGISTRATION DATA

INTERNATIONAL REG. NUMBER: 1088031

Note on representation: An attorney who is a member in good standing of the bar of the highest court of any U.S. state may practice before the USPTO in trademark matters. See [http://tess2.uspto.gov/tmdb/tmep/0600.htm#\\_T60206](http://tess2.uspto.gov/tmdb/tmep/0600.htm#_T60206) for more information on foreign attorneys and persons who may practice before the Office.

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ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

# REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79103197

FILING DATE: 09/06/2011

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
IMAGE	<a href="\\TICRS\EXPORT11\IMAGEOUT11\791\031\79103197\xml1\APP0002.JPG">\\TICRS\EXPORT11\IMAGEOUT11\791\031\79103197\xml1\APP0002.JPG</a>
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	NO
MARK IN COLOR	NO
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
TM IMAGE: COLOR	Grey Scale
IMAGE FILE NAME	\\TICRS\EXPORT11\IMAGEOUT11\791\031\79103197\xml1\APP0002.JPG
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	theBabaSling
<b>HOLDER DETAILS</b>	
CLIENT IDENTIFIER	781170
NOTIFICATION LANGUAGE	ENGLISH
NAME	BabaSlings Limited
ADDRESS	1 Amber House, 22b St John's Road Hove BN3 2EZ
COUNTRY	United Kingdom
ENTITLEMENT NATIONALITY OF APPLICANT/	United Kingdom

TRANSFEREE/  
HOLDER

LEGAL NATURE Private Limited Company

LEGAL NATURE:  
PLACE United Kingdom  
INCORPORATED

CORRESPONDENCE  
INDICATOR YES

## BASIC GOODS AND SERVICES

VERSION OF NICE  
CLASSIFICATION USED 9

NICE  
CLASSIFICATION 18

GOODS AND  
SERVICES

Bags; trunks and travelling bags; carriers for babies and children; harnesses for babies and children; slings for babies and children; sling bags for carrying babies and children; frames for carrying babies and children; backpacks for carrying babies and children; baby changing bags; nappy bags; baby care bags (empty); travel bags; backpacks; suitcases; shopping bags; shopping bags in frames on wheels; umbrellas; parasols; parasols for strollers and for buggies; parts and fittings for all the aforementioned goods.

## BASE REGISTRATION DETAILS

BASE REGISTRATION  
NUMBER 008109563

BASE REGISTRATION  
DATE 11/11/2009

BASE APPLICATION  
NUMBER 008109563

BASE APPLICATION  
DATE 02/17/2009

## REPRESENTATIVE DETAILS

CLIENT IDENTIFIER 559392

NAME MURGITROYD & COMPANY

ADDRESS Scotland House,  
165-169 Scotland Street  
Glasgow G5 8PL

COUNTRY United Kingdom

## INTENT TO USE GROUP

CONTRACTING PARTY CODE United States of America

## DESIGNATIONS

DESIGNATIONS UNDER THE PROTOCOL United States of America

## INTERNATIONAL REGISTRATION DETAILS

INTERNATIONAL REGISTRATION NUMBER 1088031

INTERNATIONAL REGISTRATION DATE OF MARK 07/07/2011

INTERNATIONAL REGISTRATION EXPIRY DATE 07/07/2021

EFFECTIVE DATE OF MODIFICATION 09/06/2011

NOTIFICATION DATE 10/13/2011

DATE OF RECORDAL IN INTERNATIONAL REGISTER 09/26/2011

IB DOCUMENT ID 626940201

OFFICE OF ORIGIN CODE Office for Harmonization in the Internal Market ( Trade Marks and Designs) (OHIM)

OFFICE REFERENCE 79103197

TRANSACTION TYPE VALUES Subsequent Designation

ORIGINAL LANGUAGE ENGLISH

INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED Protocol

DURATION OF MARK (YEARS) 10

VIENNA CLASSIFICATION VERSION USED 6

VIENNA CLASS	0107
VIENNA CLASS	0205
VIENNA CLASS	2705

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theBabaSling



theBabaSling

# **EXHIBIT 5**

# **EXHIBIT 5**

Generated on: This page was generated by TSDR on 2013-05-15 13:47:32 EDT

Mark: BABA SLINGS

# Baba Slings

US Serial Number: 85633700

Application Filing Date: May 23, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 14, 2013

---

## Mark Information

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Mark Literal Elements: BABA SLINGS

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: "SLINGS"

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## Foreign Information

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Foreign Registration Number: 1021631

Foreign Registration Date: May 23, 2005

Foreign Application/Registration Country: AUSTRALIA

Foreign Expiration Date: Sep. 22, 2014

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## Goods and Services

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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
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: (Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants (Based on 44(e)) Sling bags for carrying infants; Slings for carrying infants

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: 1999

Use in Commerce: Oct. 2002

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## 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: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

---

## Current Owner(s) Information

---

Owner Name: Baba Slings Pty Ltd

Owner Address: 486 Hunchy Rd  
Hunchy, Qld 4555  
AUSTRALIA

Legal Entity Type: proprietary limited company (p/l or pty. ltd.)

State or Country Where Organized: AUSTRALIA

---

## Attorney/Correspondence Information

---

**Attorney of Record**

**Attorney Name:** Mark Borghese **Docket Number:** BABAS.0002T  
**Attorney Primary Email Address:** [mark@borgheselegal.com](mailto:mark@borgheselegal.com) **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** MARK BORGHESE  
 BORGHESE LEGAL, LTD.  
 10161 PARK RUN DR STE 150  
 LAS VEGAS, NEVADA 89145-8872  
 UNITED STATES  
**Phone:** (702) 382-0200 **Fax:** (702) 382-0212  
**Correspondent e-mail:** [mark@borgheselegal.com](mailto:mark@borgheselegal.com) [doctet@borgheselegal.com](mailto:doctet@borgheselegal.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jan. 14, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 14, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jan. 14, 2013	SUSPENSION LETTER WRITTEN	88579
Jan. 12, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 11, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 19, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 19, 2012	NON-FINAL ACTION E-MAILED	6325
Sep. 19, 2012	NON-FINAL ACTION WRITTEN	88579
Sep. 12, 2012	ASSIGNED TO EXAMINER	88579
May 31, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 26, 2012	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information**

**TM Attorney:** CANTONE, KERI H **Law Office Assigned:** LAW OFFICE 104

**File Location**

**Current Location:** TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 14, 2013

**Proceedings****Summary**

**Number of Proceedings:** 1

**Type of Proceeding: Opposition**

**Proceeding Number:** [91205483](#) **Filing Date:** Jun 05, 2012  
**Status:** Pending **Status Date:** Jun 05, 2012  
**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** Baba Slings Limited  
**Correspondent Address:** ROBERT L STOLL  
 DRINKER BIDDLE & REATH LLP  
 1500 K STREET NW, SUITE 1100  
 WASHINGTON DC , 20005-1209  
 UNITED STATES  
**Correspondent e-mail:** [dctrademarks@dbr.com](mailto:dctrademarks@dbr.com) , [brian.coleman@dbr.com](mailto:brian.coleman@dbr.com) , [anthony.palumbo@dbr.com](mailto:anthony.palumbo@dbr.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THEBABASLING	Opposition Pending	<a href="#">79103197</a>	

**Plaintiff(s)**

**Name:** Baba Slings Pty Ltd

**Correspondent Address:** MARK BORGHESE  
BORGHESE LEGAL LTD  
10161 PARK RUM DRIVE , SUITE 150  
LAS VEGAS NV , 89145  
UNITED STATES

**Correspondent e-mail:** [mark@borgheselegal.com](mailto:mark@borgheselegal.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BABA SLINGS	Suspension Letter - Mailed	<a href="#">85633700</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 07, 2012	Jul 17, 2012
3	PENDING, INSTITUTED	Jun 07, 2012	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 17, 2012	
5	EXTENSION OF TIME GRANTED	Jul 19, 2012	
6	ANSWER	Jul 24, 2012	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Sep 24, 2012	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jan 30, 2013	
9	SUSPENDED	Jan 30, 2013	

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	85633700	FILING DATE	05/23/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CANTONE, KERI H	L.O. ASSIGNED	104

**PUB INFORMATION**

RUN DATE	01/15/2013		
PUB DATE	N/A		
STATUS	653-SUSPENSION LETTER - MAILED		
STATUS DATE	01/14/2013		
LITERAL MARK ELEMENT	BABA SLINGS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	YES	44E	YES	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BABA SLINGS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Baba Slings Pty Ltd
ADDRESS	486 Hunchy Rd Hunchy, Qld, 4555
ENTITY	99-proprietary limited company (p/l or pty. ltd.)
CITIZENSHIP	Australia

### GOODS AND SERVICES

INTERNATIONAL CLASS	018
DESCRIPTION TEXT	(Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants (Based on 44(e)) Sling bags for carrying infants; Slings for carrying infants

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	018	FIRST USE DATE	00/00/1999	FIRST USE IN COMMERCE DATE	10/00/2002	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"SLINGS"

### FOREIGN INFORMATION

PRIORITY CLAIMED	N/A
APPLICATION NO.	N/A
APPLICATION FILING DATE	N/A
FOREIGN REG NO.	1021631
FOREIGN REG DATE	05/23/2005
FOREIGN RNWL NUM	N/A
DATE OF FOREIGN RNWL	N/A
FOREIGN EXPIRATION	09/22/2014
FOREIGN RNWL EXPIRATION	N/A

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/14/2013	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	012
01/14/2013	GNSL	S	LETTER OF SUSPENSION E-MAILED	011
01/14/2013	CNSL	R	SUSPENSION LETTER WRITTEN	010
01/12/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
01/11/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
01/11/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/19/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/19/2012	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/19/2012	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/12/2012	DOCK	D	ASSIGNED TO EXAMINER	003
05/31/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/26/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Mark Borghese
CORRESPONDENCE ADDRESS	MARK BORGHESE BORGHESE LEGAL, LTD. 10161 PARK RUN DR STE 150 LAS VEGAS, NV 89145-8872
DOMESTIC REPRESENTATIVE	NONE

# Baba Slings

**To:** Baba Slings Pty Ltd ([mark@borgheselegal.com](mailto:mark@borgheselegal.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85633700 - BABA SLINGS - BABAS.0002T  
**Sent:** 1/14/2013 12:22:20 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85633700

**MARK:** BABA SLINGS

**\*85633700\***

**CORRESPONDENT ADDRESS:**  
MARK BORGHESE  
BORGHESE LEGAL, LTD.  
10161 PARK RUN DR STE 150  
LAS VEGAS, NV 89145-8872

**GENERAL TRADEMARK IN**  
<http://www.uspto.gov/trademark>

**APPLICANT:** Baba Slings Pty Ltd

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
BABAS.0002T  
**CORRESPONDENT E-MAIL ADDRESS:**  
[mark@borgheselegal.com](mailto:mark@borgheselegal.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 1/14/2013

Applicant's communication of January 11, 2013 is acknowledged. The amendment to the identification of goods is acceptable and the requirement has been satisfied. TMEP §§713.02, 714.04.

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 79103197

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant's mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Opposition No(s). 91205483

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Keri-Marie Cantone/  
Examining Attorney - Law Office 104  
(571) 272-6069  
Keri.Cantone@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Baba Slings Pty Ltd ([mark@borgheselegal.com](mailto:mark@borgheselegal.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85633700 - BABA SLINGS - BABAS.0002T  
**Sent:** 1/14/2013 12:22:21 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **1/14/2013** FOR U.S. APPLICATION SERIAL NO.85633700

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see

[http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85633700
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>The prior filed application (Application Serial No. 79103197) cited by Examining Attorney is currently the subject of an opposition proceeding filed by the Applicant (Opposition No. 91205483). It is requested that this application be suspended pending the resolution of that opposition proceeding.</p> <p>In response to the Examining Attorney's inquiry regarding the identification of goods based on the foreign registration, Applicant has elected to limit the Trademark Act Section 44 basis to the scope of goods in the foreign application.</p>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	018
<b>DESCRIPTION</b>	
(Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants(Based on 44(e)) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1999
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/00/2002
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	1021631
<b>FOREIGN REGISTRATION COUNTRY</b>	Australia
<b>FOREIGN REGISTRATION DATE</b>	05/23/2005
<b>FOREIGN EXPIRATION DATE</b>	09/22/2014
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	

<b>INTERNATIONAL CLASS</b>	018
<b>TRACKED TEXT DESCRIPTION</b>	
(Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; <del>Slings for carrying infants</del> (Based on 44(e)) <del>Baby carriers worn on the body</del> ; <u>Slings for carrying infants (Based on 44(e))</u> <u>Sling bags for carrying infants</u> ; <del>Baby carrying bags</del> ; Slings for carrying infants; <del>Bags for carrying babies' accessories</del> ; <del>Sling bags</del> ; <del>Sling bags for carrying infants</del>	
<b>FINAL DESCRIPTION</b>	
(Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants (Based on 44(e)) Sling bags for carrying infants; Slings for carrying infants	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1999
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/00/2002
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	1021631
<b>FOREIGN REGISTRATION COUNTRY</b>	Australia
<b>FOREIGN REGISTRATION DATE</b>	05/23/2005
<b>FOREIGN EXPIRATION DATE</b>	09/22/2014
<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/MB/
<b>SIGNATORY'S NAME</b>	Mark Borghese
<b>SIGNATORY'S POSITION</b>	Attorney of record, Nevada bar member
<b>SIGNATORY'S PHONE NUMBER</b>	(702) 382-0200
<b>DATE SIGNED</b>	01/11/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Jan 11 19:21:29 EST 2013
<b>TEAS STAMP</b>	USPTO/ROA-68.108.59.126-2 0130111192129379494-85633 700-490f528352d436cf08aac 1d26ec653cb16b-N/A-N/A-20

## **Response to Office Action To the Commissioner for Trademarks:**

Application serial no. **85633700** has been amended as follows:

### **ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

The prior filed application (Application Serial No. 79103197) cited by Examining Attorney is currently the subject of an opposition proceeding filed by the Applicant (Opposition No. 91205483). It is requested that this application be suspended pending the resolution of that opposition proceeding.

In response to the Examining Attorney's inquiry regarding the identification of goods based on the foreign registration, Applicant has elected to limit the Trademark Act Section 44 basis to the scope of goods in the foreign application.

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 018 for (Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants (Based on 44(e)) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1999 and first used in commerce at least as early as 10/00/2002, and is now in use in such commerce.

**Filing Basis: Section 44(e), Based on Foreign Registration:** Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [ Australia registration number 1021631 registered 05/23/2005 with a renewal date of \_\_\_\_\_ and an expiration date of 09/22/2014 ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

### **Proposed:**

**Tracked Text Description:** (Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; ~~Slings for carrying infants~~ (Based on 44(e)) ~~Baby carriers worn on the body~~; Slings for carrying infants (Based on 44(e)) Sling

bags for carrying infants; ~~Baby carrying bags~~; Slings for carrying infants; ~~Bags for carrying babies' accessories~~; ~~Sling bags~~; ~~Sling bags for carrying infants~~

Class 018 for (Based on Use in Commerce) Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants (Based on 44(e)) Sling bags for carrying infants; Slings for carrying infants

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1999 and first used in commerce at least as early as 10/00/2002, and is now in use in such commerce.

**Filing Basis: Section 44(e), Based on Foreign Registration:** Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [ Australia registration number 1021631 registered 05/23/2005 with a renewal date of \_\_\_\_\_ and an expiration date of 09/22/2014 ], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

#### **SIGNATURE(S)**

##### **Response Signature**

Signature: /MB/ Date: 01/11/2013

Signatory's Name: Mark Borghese

Signatory's Position: Attorney of record, Nevada bar member

Signatory's Phone Number: (702) 382-0200

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.

Serial Number: 85633700

Internet Transmission Date: Fri Jan 11 19:21:29 EST 2013

TEAS Stamp: USPTO/ROA-68.108.59.126-2013011119212937

9494-85633700-490f528352d436cf08aac1d26e

c653cb16b-N/A-N/A-20130111190719679685

**To:** Baba Slings Pty Ltd ([mark@borgheselegal.com](mailto:mark@borgheselegal.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85633700 - BABA SLINGS - BABAS.0002T  
**Sent:** 9/19/2012 7:22:25 AM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85633700

**MARK:** BABA SLINGS

**\*85633700\***

**CORRESPONDENT ADDRESS:**

MARK BORGHESE  
BORGHESE LEGAL, LTD.  
10161 PARK RUN DR STE 150  
LAS VEGAS, NV 89145-8872

**CLICK HERE TO RESPOND**  
<http://www.uspto.gov/trademarks/te>

**APPLICANT:** Baba Slings Pty Ltd

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

BABAS.0002T

**CORRESPONDENT E-MAIL ADDRESS:**

[mark@borgheselegal.com](mailto:mark@borgheselegal.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 9/19/2012**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS:**

- Prior-Filed Application
- Identification of Goods Exceeds Scope of Foreign Registration

## **PRIOR-FILED APPLICATION**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no similar registered mark that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending U.S. Application Serial No. 79103197 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

## **IDENTIFICATION OF GOODS EXCEEDS SCOPE OF FOREIGN REGISTRATION**

The following wording in the identification of goods in the U.S. application is unacceptable because it exceeds the scope of the goods in the foreign application or registration: "baby carriers worn on the body; baby carrying bags; bags for carrying babies' accessories." *See* 37 C.F.R. §2.32(a)(6); TMEP §1012.

Therefore, applicant must satisfy one of the following:

- (1) Amend the identification of goods in the U.S. application to correspond to the goods identified in the foreign application or registration, ensuring that all goods beyond the scope of the foreign application or registration are deleted from the U.S. application; or
- (2) Delete the Trademark Act Section 44 basis for the goods beyond the scope of the foreign application or registration and rely solely on the Section 1 basis for those goods.

*See* 15 U.S.C. §§1051, 1126(d)-(e); 37 C.F.R. §§2.32(a)(6), 2.34(b); *Marmark Ltd. v. Nutrexp S.A.*, 12 USPQ2d 1843, 1845 (TTAB 1989); TMEP §§806.02, 806.04, 1012, 1402.01(b).

Please note, the following identified goods are within the scope of the foreign application, "sling bags; sling bags for carrying infants; slings for carrying infants."

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and/or services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

## RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

## ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Keri-Marie Cantone/  
Examining Attorney - Law Office 104  
(571) 272-6069  
Keri.Cantone@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail**

**communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

**DESIGN MARK**

**Serial Number**

79103197

**Status**

OPPOSITION PENDING

**Word Mark**

THEBABASLING

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

BabaSlings Limited Private Limited Company UNITED KINGDOM 1 Amber House, 22b St John's Road Hove UNITED KINGDOM BN3 2EZ

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: Bags, namely, all purpose carrying bags, baby carrying bags, and bags for carrying babies' accessories; trunks and traveling bags; carriers for babies and children worn on the body; slings for carrying babies and children; back frames for carrying babies and children; sling bags for carrying babies and children; baby changing bags in the nature of bags for carrying babies' accessories; nappy bags in the nature of diaper bags; baby care bags in the nature of bags for carrying babies' accessories sold empty; travel bags; backpacks; suitcases; reusable shopping bags; reusable shopping bags in frames on wheels; umbrellas; parasols; structural parts and fittings for all the aforementioned goods.

**Description of Mark**

The mark consists of the wording "THEBABASLING" below a design of a crescent moon holding a baby.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2011/09/06

**Print: Sep 12, 2012**

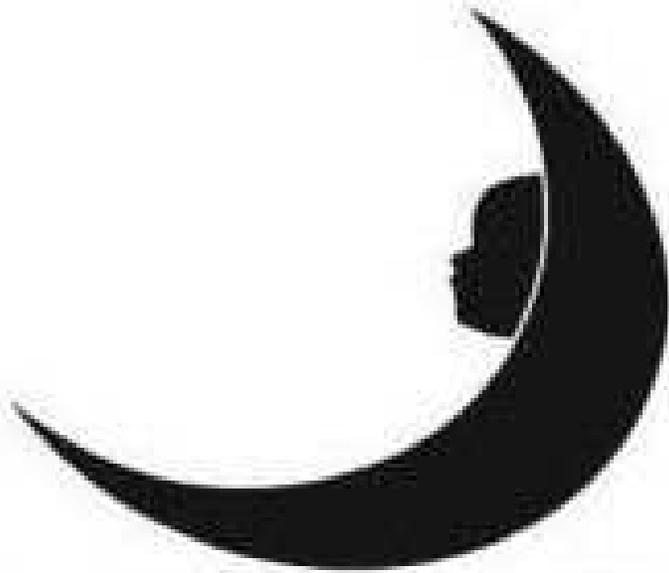
**79103197**

**Examining Attorney**

HALMEN, KATHERINE E.

**Attorney of Record**

Michael M. Ballard



theBabaSling

**To:** Baba Slings Pty Ltd ([mark@borgheselegal.com](mailto:mark@borgheselegal.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85633700 - BABA SLINGS - BABAS.0002T  
**Sent:** 9/19/2012 7:22:26 AM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION

**USPTO OFFICE ACTION HAS ISSUED ON 9/19/2012 FOR  
SERIAL NO. 85633700**

Please follow the instructions below to continue the prosecution of your application:

**TO READ OFFICE ACTION:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **9/19/2012** (or sooner if specified in the office action).

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

**Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

\*\*\* User:kcantone \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	703	N/A	0	0	0:02	*b{"eah":2}b{"eah":2}*[bi,ti] not dead[lid]
02	1177	N/A	0	0	0:03	*{"scz"}l{"iy"}ng*[bi,ti] not dead[lid]
03	2	0	2	2	0:01	1 and 2
04	315	0	315	301	0:03	1 and "018"[cc]
05	0	0	0	0	0:01	*sling&[bi,ti] not dead[lid]
06	438	N/A	0	0	0:03	*sling*[bi,ti] not dead[lid]
07	107	0	107	99	0:03	6 and "018"[cc]

Session started 9/12/2012 2:44:11 PM

Session finished 9/12/2012 3:04:29 PM

Total search duration 0 minutes 16 seconds

Session duration 20 minutes 18 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85633700

# Baba Slings



# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85633700

Filing Date: 05/23/2012

*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
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">Baba Slings</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Baba Slings
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Baba Slings Pty Ltd
*STREET	486 Hunchy Rd
*CITY	Hunchy, Qld
*COUNTRY	Australia
*ZIP/POSTAL CODE (Required for U.S. applicants only)	4555
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	proprietary limited company (p/l or Pty. Ltd.)
*STATE/COUNTRY WHERE LEGALLY ORGANIZED	Australia

<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	018
<b>*IDENTIFICATION</b>	Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1999
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/00/2002
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT\16\856\337\85633700\xml1\FTK0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Photograph of Applicant's product.
<b>*FILING BASIS</b>	SECTION 44(e)
<b>*FOREIGN REGISTRATION COUNTRY</b>	Australia
<b>*FOREIGN REGISTRATION NUMBER</b>	1021631
<b>*FOREIGN REGISTRATION DATE</b>	05/23/2005
<b>FOREIGN REGISTRATION EXPIRATION DATE</b>	09/22/2014
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT\16\856\337\85633700\xml1\FTK0003.JPG</a>
<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use slings apart from the mark as shown.

<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Mark Borghese
<b>ATTORNEY DOCKET NUMBER</b>	BABAS.0002T
<b>FIRM NAME</b>	Borghese Legal, Ltd.
<b>STREET</b>	10161 Park Run Drive, Suite 150
<b>CITY</b>	Las Vegas
<b>STATE</b>	Nevada
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	89145
<b>PHONE</b>	(702) 382-0200
<b>FAX</b>	(702) 382-0212
<b>EMAIL ADDRESS</b>	mark@borgheselegal.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Mark Borghese
<b>FIRM NAME</b>	Borghese Legal, Ltd.
<b>*STREET</b>	10161 Park Run Drive, Suite 150
<b>*CITY</b>	Las Vegas
<b>*STATE (Required for U.S. applicants)</b>	Nevada
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	89145
<b>PHONE</b>	(702) 382-0200
<b>FAX</b>	(702) 382-0212
<b>*EMAIL ADDRESS</b>	mark@borgheselegal.com;docket@borgheselegal.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275

<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MB/
<b>* SIGNATORY'S NAME</b>	Mark Borghese
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Nevada bar member
<b>SIGNATORY'S PHONE NUMBER</b>	(702) 382-0200
<b>* DATE SIGNED</b>	05/23/2012

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85633700**

**Filing Date: 05/23/2012**

#### To the Commissioner for Trademarks:

**MARK:** Baba Slings (Standard Characters, see [mark](#))

The literal element of the mark consists of Baba Slings.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Baba Slings Pty Ltd, a proprietary limited company (p/l or pty. ltd.) legally organized under the laws of Australia, having an address of

486 Hunchy Rd  
Hunchy, Qld 4555  
Australia

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 018: Baby carriers worn on the body; Baby carrying bags; Bags for carrying babies' accessories; Sling bags; Sling bags for carrying infants; Slings for carrying infants

In International Class 018, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1999, and first used in commerce at least as early as 10/00/2002, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Photograph of Applicant's product..

[Specimen File 1](#)

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of Australia registration number 1021631, registered 05/23/2005 with a renewal date of \_\_\_\_\_ and an expiration date of 09/22/2014, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

[Foreign Registration-1](#)

The foreign registration that is the basis of the U.S. application under Section 44(e) of the Trademark Act (15 U.S.C. Section 1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

No claim is made to the exclusive right to use slings apart from the mark as shown.

The applicant's current Attorney Information:

Mark Borghese of Borghese Legal, Ltd.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
United States

The attorney docket/reference number is BABAS.0002T.

The applicant's current Correspondence Information:

Mark Borghese  
Borghese Legal, Ltd.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
(702) 382-0200(phone)  
(702) 382-0212(fax)  
mark@borgheselegal.com;docket@borgheselegal.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /MB/ Date Signed: 05/23/2012

Signatory's Name: Mark Borghese

Signatory's Position: Attorney of record, Nevada bar member

RAM Sale Number: 8405

RAM Accounting Date: 05/24/2012

Serial Number: 85633700

Internet Transmission Date: Wed May 23 20:41:24 EDT 2012

TEAS Stamp: USPTO/FTK-68.108.71.149-2012052320412487

9403-85633700-490712a25682e6763a228a333b

fb33bcbcd-CC-8405-20120523201726506912

# Baba Slings

Commonwealth  
of Australia

# Certificate of registration of trade mark

No. 1021631

Trade Marks Act 1995

I, **RUTH NAOMI MACKAY**, Registrar of Trade Marks. hereby certify -

that the trade mark represented on this certificate has been registered as a Trade Mark, No. 1021631 in the Register of Trade Marks for a period of ten years commencing **22 September 2004** and that **Baba Slings of 599 Hunchy Road HUNCHY QLD 4555 AUSTRALIA** has been entered in the Register of Trade Marks as the owner of the trade mark.

The trade mark is registered for the following goods and/or services:

**A hammocking style baby sling being goods in class 18**

THE SCHEDULE

**Baba Slings**



*Given under my hand and the seal of the  
Trade Marks Office on 23 May 2005*

*Ruth Naomi Mackay*  
**RUTH NAOMI MACKAY  
REGISTRAR OF TRADE MARKS**



# **EXHIBIT 6**

# **EXHIBIT 6**

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

<hr/> BABA SLINGS PTY LTD.,	:	
Opposer,	:	
v.	:	Opp. No. 91-205,483
		Serial No. 79/103,197
BABASLINGS LIMITED,	:	
Applicant.	:	
<hr/>		

**APPLICANT'S OBJECTIONS AND ANSWERS TO  
OPPOSER'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120, Applicant Babaslings Limited ("Applicant") provides the following objections and answers to Opposer's First Set of Interrogatories ("Opposer's Interrogatories").

These objections and answers are based upon the best relevant information presently available to Applicant and are made without prejudice to its right to provide additional or modified objections and answers should better or further information or belief subsequently become available to Applicant. These answers also are provided without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence or admissibility of any ground of any evidence or witness offered by Applicant; and these answers do not constitute an admission of competence, or admissibility of evidence, or a waiver of objection on any grounds.

**GENERAL OBJECTIONS**

Applicant objects to the Definitions and Instructions forming a part of Opposer's Interrogatories as overly broad, harassing, burdensome and as imposing greater obligations than those required by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

**OBJECTIONS AND ANSWERS TO INTERROGATORIES**

**Interrogatory No. 1**

Identify and describe all of your sales to customers located in the United States from 2002 to the present.

**Answer:**

Applicant objects to this Interrogatory as overly broad and unduly burdensome. To the extent not otherwise objected to, Applicant will provide only that information in its possession which is sufficient to meet the needs of the Interrogatory.

Applicant further objects to this Interrogatory as it is unclear by its use of the phrase "your sales," as Applicant was formed by Shanti McIvor, Daniel G. Lucas and Heath O'Connor in 2005. Further, Applicant objects to Opposer's use of the phrase "all of your sales" and the request to "describe" same as vague and ambiguous, and susceptible of a reading that is overly broad and unduly burdensome.

Subject to, and without waiver of the foregoing objections, and to the extent that this Interrogatory is understood, Applicant respectfully refers, pursuant to Rule 33(d), to the documents produced in connection with its answers to Opposer's request for production of documents.

**Interrogatory No. 2**

Describe in detail your basis for your denial of the allegation that "Opposer is the company behind the popular sling baby carriers sold under the mark BABA SLINGS and variations thereof," in Paragraph 1 of your Answer, including all facts which allegedly support this denial and identifying all documents and witnesses allegedly supporting this denial.

**Answer:**

Applicant objects to this Interrogatory as overly broad and unduly burdensome, particularly to the extent it seeks the identification of "all facts" and "all documents and witnesses." To the extent not otherwise objected to, Applicant will provide only that information in its possession which is sufficient to meet the needs of the Interrogatory.

Applicant further objects to this Interrogatory to the extent that it calls for the production of attorney-client communications and/or materials subject to attorney work product immunity. Such items will not be produced. Applicant further objects to this Interrogatory as calling for information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant respectfully refers, pursuant to Rule 33(d), to the documents produced in connection with its answers to

**Interrogatory No. 6**

Describe in detail your basis for your denial of the allegation that “Applicant has never sold any products in the United States under the design mark “theBabaSling” in Paragraph 6 of your Answer, including all facts which allegedly support this denial and identifying all documents and witnesses allegedly supporting this denial.

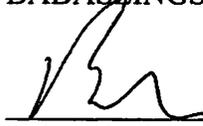
**Answer:**

See Applicant’s answer to Interrogatory No. 1.

Respectfully submitted,

BABASLINGS LIMITED

By:



---

Robert Stoll  
Brian A. Coleman  
Anthony J. Palumbo  
DRINKER BIDDLE & REATH LLP  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
Tel: (202) 842-8800  
Fax: (202) 842-8465

*Counsel for Applicant Babaslings Limited*

**VERIFICATION**

I, Daniel G. Lucas, state that I am a Director of Applicant Babaslings Limited, that I have read the foregoing responses to Opposer's First Set of Interrogatories to Applicant, and that the responses are true and accurate to the best of my own knowledge, information and belief.

By: DANIEL G. LUCAS

**CERTIFICATE OF SERVICE**

# **EXHIBIT 7**

# **EXHIBIT 7**

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

<hr/>	:	
BABA SLINGS PTY LTD.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opp. No. 91-205,483
	:	Serial No. 79/103,197
	:	
BABASLINGS LIMITED,	:	
	:	
Applicant.	:	
<hr/>		

**APPLICANT’S OBJECTIONS AND RESPONSES TO  
OPPOSER’S REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120, Applicant Babaslings Limited (“Applicant”) makes the following objections and responses to Opposer’s Request for Production of Documents (“Opposer’s Requests”).

These objections and responses are based upon the best documents and information presently available to Applicant and are made without prejudice to the rights of Applicant to make additional or modified objections and responses should better or further documentation or information subsequently become available to Applicant. These responses also are made without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence, or admissibility on any ground of any evidence or witness offered by Applicant, and these responses do not constitute an admission of competence or admissibility of evidence of evidence or a waiver of objection on any grounds.

**DEFINITIONS AND INSTRUCTIONS**

Applicant objects to the Instructions and Definition forming a part of Opposer’s Request for Production of Documents as overly broad, harassing, unduly burdensome and as imposing greater obligations than those required by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

## OBJECTIONS AND RESPONSES TO REQUESTS

1. Produce all communications between Applicant and any of Applicant's customers located in the United States from 2002 to the present.

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all communications." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

2. Produce all contracts between Applicant and persons or entities located in the United States from 2002 to the present.

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all contracts." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

3. Produce all documents related to products sold by Applicant which were shipped to the United States from 2002 to the present.

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects

to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

4. Produce all documents which support your denial in paragraph 1 of your Answer that Opposer is the company behind the popular sling baby carriers sold under the name or mark BABA SLINGS.

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the claims or defenses in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control. Applicant objects to this Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

5. Produce all documents in support of your denial in paragraph 3 of your Answer that Applicant "had authority to sell Opposer's baby carrier products in Europe under the derivative design mark theBabaSling appearing in the Application."

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is

irrelevant to the defense in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control. Applicant objects to this Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

6. Produce all documents in support of your denial in paragraph 4 of your Answer that Applicant's "licenses has never included the right to sell any products in the United States under the BABA SLINGS mark or under the derivative design mark theBabaSling."

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the defense in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control. Applicant objects to this Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

7. Produce all documents in support of your denial in paragraph 5 of your Answer that "Applicant has no rights in the BABA SLINGS mark itself and is at best a geographically limited licensee of the derivative design mark theBabaSling appearing in the Application."

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects

to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the defense in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control. Applicant objects to this Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

8. Produce all documents which support any of your affirmative defenses set out in your Answer.

**RESPONSE:**

Applicant objects on the basis that this request is overly broad, harassing and unduly burdensome, particularly insofar as it purports to encompass "all documents." Applicant objects to this Request to the extent that it is beyond the scope of the pleadings, and as such this Request is irrelevant to the defense in this proceeding and as not reasonably calculated to lead to the discovery of admissible evidence. Applicant objects to this Request as calling for documents/information outside of Applicant's custody, possession or control. Applicant objects to this Request as Applicant is not required to disclose the entirety of its proposed evidence in support of its case during discovery.

Subject to, and without waiver of the foregoing objections, Applicant shall produce representative, responsive, non-privileged documents to the extent the same exist and are in the possession or control of Applicant.

Respectfully submitted,

BABASLINGS LIMITED

By:  \_\_\_\_\_

Robert Stoll

Brian A. Coleman

Anthony J. Palumbo

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465

*Counsel for Applicant Babaslings Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Applicant's Objections and Responses to Opposer's Request for Production of Documents was served on the following address of record by first-class mail, postage prepaid, this 27th day of November 2012:

Mark Borghese  
BORGHESE LEGAL LTD  
10161 Park Rum Drive, Suite 150  
Las Vegas, NV 89145  
mark@borgheselegal.com



---

# **EXHIBIT 8**

# **EXHIBIT 8**

*A wee baby sling that came a long way! Baba Sling's moments in the spotlight! 2nd place in Japan's leading baby Magazine, Practical Parenting's Mumpreneurs article & more*



### Baba Slings in the Media



As seen on November's 2008 edition of Practical Parenting

Please click on magazine cover image to read full article



Baba Slings make it to first place in Japan's leading baby magazine.

Baba Slings Ranked #2:

Baba Slings continue to be ranked highly in Japan's most popular baby magazines.

Find out where you can meet with us to get a live demonstration, view stock and get valuable baby sling wearing tips and advice



## Expos and Tradeshows



## Upcoming Events and Expo's

Come and see us for demos and info



**2012 ABC KIDS EXPO**

**Louisville, Kentucky,  
USA**

14-17 October 2012











Baba Slings is a registered trademark.  
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[terms and conditions](#)

*Want to know more about how the Baba Slings baby carrier was conceived? The gestation period, birth, hiccups and teething issues along the way. Find out about our mission, branding, name and company? And Baba Slings unique features.*

Like

## about baba slings



[Our Story](#)



[Our Name](#)



[Our Logo](#)



[Our Company](#)



[Mission Statement](#)



[Baba Sling Features](#)





Baba Slings were designed by Mother of 5, Shanti McIvor, who whilst pregnant with her second child, did a lot of research on the subject of "attachment parenting" and "baby wearing". After learning of the immense benefits of carrying Baby, she started working on a design for a baby sling. And carried her own baby in the very first Baba Sling, and then after much interest from the general public she decided to start selling them at the local Eumundi Markets. Who would have thought that 13 years on Baba Slings is now the Top Selling baby sling in Japan and sought after the world over.

Baba Slings allow you several different comfortable positions to cater for your baby's changing moods and needs throughout the day . With discreet hands free breast feeding, you can have the life you want and remain connected to your little one as you go. They are fantastic for jet setters, public transport and parents at home with a family to run.

Baba Slings are for easy wearing with a specially imported Buckle and comfortable padding, + a safety strap & buckle. They are fully adjustable for both Mum and Dad, and have a double strapping system, for greater security. By putting no stress on baby's developing hips & spine you can have peace of mind that you are doing the very best for your Baby.

And not only that, they come in a range of colourful patterns and funky designs to suit all tastes, no wonder a mother recently said that she found her husband sexy when he wore the Baba Sling!



Baba Slings are Fully Adjustable, this is a very important point when looking at purchasing a Baby Sling or Baby Carrier. It means that not only can both Mum and Dad use it without having to purchase 2 different Slings, but also as Baby grows into Toddlerhood, the Baba Sling can be adjusted out to fit. Another important point is that Baba Slings can be tweaked to find the most comfortable fit whilst wearing baby.



## Our Story

“Necessity is the Mother of all Inventions”, well so the saying goes. However in the case of Baba Slings, “Invention” may not be quite the right word, as slings and baby carriers have been used for centuries. In fact for almost as long as humans have had to carry their young. In the case of Baba Slings, its conception began in 1999 whilst pregnant with my second child, Sai.

After looking at upright carriers, asymmetrical style slings, wrap arounds, backpacks, etc, I wanted to create a unique sling that was practical, easy to use, comfortable, multi-positioning, with a touch of style, and an extensive range of different fabrics for people to express their individuality. I wanted to create something that I would personally be able use, which I have done so with my subsequent 3 other children. With Breastfeeding in mind, I set out on my mission to provide people with high quality baby slings.

## Our Name

The name Baba Slings came to me after travelling to different parts of the world and noticing how universal the word Baba was! Of course there is the obvious-- 'baba' is one of very first sounds every infant makes regardless of the language spoken by the baby's parents. In different parts of the world the word has evolved into different meanings. In Russia it means Grandmother, in India, Grandfather, father or even teacher, father in parts of Africa, and the list goes on. What a perfect name for a Baby Sling, a word that has so many connections to family in many cultures around the world.



## Our Logo

The Baba Slings logo today is our 3rd attempt. And this one, we are very happy with! Designed by close friend Jacqui Rayner. It was inspired by a photo taken on the beach of a Mother bending down to kiss her baby in the Baba Sling. With the sweep of her hair, and the Baba Sling, it almost looked like a yin and yang symbol. The little straps at the top of the Sling, look similar to leaves. We wanted the nurturing nature of Baba Slings to be evident in the logo.

## Our Company

Baba Slings is very much a friend/family operated Company. For example all the photos on our website and promotional material were taken by a friend, of family and friends. We like to keep it in the family!!

The response to Baba Slings has been immense! With people contacting us from all over the globe daily we are very excited about the future developments!!



## Mission Statement

Our Mission is to provide families with comfortable, high quality and beautiful Baby Slings to aid in the very important transition from Birth to Toddlerhood.

Wherever in the world there is a need for a baby to be held close, Baba Slings want to be able to meet and embrace that need. We believe that it is therefore our highest obligation to do this environmentally and ethically.

We see it as our only choice and our absolute responsibility to tread as softly as possible on this

Great Mother Earth. To cause as little harm to all Earths children, whether they be human, animal, plant, material, sea or air.

All products and ranges stocked by Baba Slings, are made in No Sweat/ Fair Trade operations, using Organic materials wherever possible, and aiming to go entirely organic in the near future.

Our Mission is to supply Baba Slings and other product ranges designed, made, and owned by Baba Slings Pty Ltd Australia and to distribute exciting and ethically made and minded products from Companies within Australia and abroad.

Maybe as more babies experience the sweet connection of being carried, a whole new generation may emerge, one that is more balanced and in touch with their feelings and compassion for all beings on Earth.

### Features:

- Easy to adjust (both dad and mum can wear)
- In built safety strap and buckle
- Specially imported high quality side release ski buckle with divider for straps
- Double adjustable strapping system
- Comfortable foam shoulder padding
- 100% cotton
- Funky colours and patterns and plain colours
- Pocket
- Padded railings, greater comfort for baby
- Australian made (Some boutique are made overseas)
- Machine washable
- Meets highest quality control
- Extended use dependant upon comfortable weight bearing capability of parent
- Brilliant for sleeping and breast feeding babies
- Easy to put on, even easier to take off (don't have to wake up bub!)
- many different positions
- Increase the intimacy between you and little one
- Puts no pressure on baby's developing hips and spine.
- Supports neck and head
- Enhances prolactin flows, which aids in breast feeding
- Cuts down on crying and fussing, reduces reflux and colic
- Helps to complete baby's extero-gestation period

Baba Slings is a registered trademark.  
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[terms and conditions](#)

## Trade Mark Details

## Trade Mark : 1231258

**Word:** BABA SLINGS.COM  
**Image:** WOMAN & BABY IN SLING FORM DISC,DIVIDED  
**Lodgement Date:** 25-MAR-2008  
**Registered From:** 25-MAR-2008  
**Date of Acceptance:** 22-AUG-2008  
**Acceptance Advertised:** 11-SEP-2008  
**Registration Advertised:** 21-MAY-2009  
**Entered on Register:** 01-MAY-2009  
**Renewal Due:** 25-MAR-2018  
**Class/ es:** 18, 20  
**Status:** Registered/ Protected  
**Kind:** n/a  
**Type of Mark:** Composite



**Owner/ s:** **Baba Slings Pty Ltd**  
**ACN:** 130477075  
 484 Summervilles Road  
 THORA NSW 2454  
 AUSTRALIA

**Address for Service: Shanti Mcl vor**  
 484 Summervilles Road  
 THORA NSW 2454  
 AUSTRALIA

## Goods &amp; Services

**Class: 18** Baby carriers (slings or harnesses); baby slings

**Class: 20** Baby nests in the nature of padded baby carriers

## Indexing Details - Word Constituents

.COM	BABA
SLINGS	SLINGSCOM

## Indexing Details - Image Constituents

BABY	BABY-CARRIER
BOW	CLOTH
DISC	DIVIDED
LEAF+	PERSON
ROUND	STRIPE

STYLI SED  
WOMAN

WAVY

## Trade Mark Details

## Trade Mark : 1021631

**Word:** Baba Slings  
**Image:**  
**Lodgement Date:** 22-SEP-2004  
**Registered From:** 22-SEP-2004  
**Date of Acceptance:** 21-JAN-2005  
**Acceptance Advertised:** 10-FEB-2005  
**Registration Advertised:** 09-JUN-2005  
**Entered on Register:** 23-MAY-2005  
**Renewal Due:** 22-SEP-2014  
**Class/ es:** 18  
**Status:** Registered/Protected  
**Kind:** n/a  
**Type of Mark:** Word

**Owner/ s:** **Baba Slings Pty Ltd**  
**ACN:** 130477075  
484 Summervilles Road  
THORA NSW 2454  
AUSTRALIA

**Address for Service: Baba Slings Pty Ltd**  
486 Hunchy Road  
HUNCHY QLD 4555  
AUSTRALIA

**Goods & Services**

**Class: 18** A hammocking style baby sling

**Indexing Details - Word Constituents**  
BABA SLINGS

**Indexing Details - Image Constituents**

# Certificate of registration of trade mark

No. 1021631

Trade Marks Act 1995

I, **RUTH NAOMI MACKAY**, Registrar of Trade Marks, hereby certify -

that the trade mark represented on this certificate has been registered as a Trade Mark, No. 1021631 in the Register of Trade Marks for a period of ten years commencing **22 September 2004** and that **Baba Slings of 599 Hunchy Road HUNCHY QLD 4555 AUSTRALIA** has been entered in the Register of Trade Marks as the owner of the trade mark.

The trade mark is registered for the following goods and/or services:  
**A hammocking style baby sling** being goods in class 18

THE SCHEDULE

**Baba Slings**

*Given under my hand and the seal of the  
Trade Marks Office on 23 May 2005*

*Ruth Naomi Mackay*

**RUTH NAOMI MACKAY  
REGISTRAR OF TRADE MARKS**



BABA 0037

“He relaxes in his Baba Sling straight away, even if he has been crying to the max. And when I take it off, he likes to stay in it and remains asleep.”

Kind Regards, Bindi, Nigel and Sam

“Dear Shanti and all at the Baba Slings gang, Just wanted to let you know that I have used your Baba Sling for the past four years with my three babes. My daughter needed to have surgery three times before she was one and for each surgery I rocked her to sleep in the sling close to me and then she was given the anaesthetic while she was snug. In the post op recovery she spent hours on me healing. Thank you for the comfort and closeness that your slings have brought us.”

Cheers, Amy

“We are really happy with our sling, and Jaylen our baby boy absolutely loves it, he is so peaceful whilst being worn in the sling. It beats the traditional baby carriers by far, much more comfortable for both parent and child.”

Thanks, Chris



Baba Slings are Proud to announce that we are ranked in the top 3 Baby Slings, in Japan's most popular Baby Magazine!!



486 Hunchy Rd, Hunchy  
Qld 4555, Australia

1300 66 9992

Phone: (61) 7 5442 9597

Fax: (61) 7 5478 555 3

email: [mail@babaslings.com](mailto:mail@babaslings.com)

Go to:

[www.babaslings.com](http://www.babaslings.com)

to order online or to find  
your closest stockist





**Features:**

- Easy to adjust (both dad and mum can wear)
- In built safety strap and buckle
- Specially imported high quality side release ski buckle with divider for straps
- Double adjustable strapping system
- Comfortable foam shoulder padding
- 100% cotton
- Funky colours and patterns and plain colours
- Pocket
- Padded railings, greater comfort for baby
- Australian made. (Some boutique are made overseas)
- Machine washable
- Meets highest quality control
- Extended use; from birth – 2 years +
- Brilliant for sleeping and breast feeding babies
- Easy to put on, even easier to take off (don't have to wake up bub!)
- 7 different positions
- Increase the intimacy between you and little one
- Puts no pressure on baby's developing hips and spine.
- Supports neck and head
- Enhances prolaction flows, which aids in breast feeding
- Cuts down on crying and fussing, reduces reflux and colic
- Assists premature babe's in catching up on valuable womb time



Instructional Video available on our website!



**The Original – Since 1999**

Today we are realising the magnitude of carrying our children in baby slings and baby carriers. Something, which is both practical for parent and comforting to baby. This was a cherished part of our culture's before modernisation, practiced for centuries by our ancestors with little exception as to which gene pool we spring from. This is a very important point that many people are unaware of. We think back to the quite recent days of austere parenting, and believe that to be our origins in parenting, but essentially, we belong, as a humanity to a much kinder and more nurturing gene pool than that. Why, even looking at the way that primates (our very distant relations) interact with their young, a baby is either constantly attached to it's mother, or not far from her, though usually attached.

Animals naturally carry their young (if they are able to do so), it is a way of ensuring their survival. In todays society, being natural is something that we seem to keep moving away from, however everything about mothering and parenting is, natural - carrying our babe in our wombs, the act of giving birth, of breast feeding, tired eyes and unkept hair. Much of what we once thought to be important falls away when holding our newborn for the first time. Nothing can be more natural than carrying your baby in a way that simulates the womb, such as in a Baba Sling.

**New!!  
Organic Baba Slings  
now available**



Beautiful embroidered Mexican style Baba Slings



BABA 0040



Shanti with partner Ezra and their inspiration (L-R) Vyasa, Sharmila, Phoenix, Zach and Sai

# Highly slung

Wanting to keep her baby close inspired Shanti McIvor to design her own sling – now an international success

**WHO:** Shanti McIvor, 31, mum of Zach 15, Sai 9, Sharmila 6, Vyasa 2, and Phoenix, 7 months.

**WAS:** Student and home maker.

**NOW:** Inventor/owner of Babaslings.

Carrying your baby is really important. I tried a few carriers but they were cumbersome with lots of straps and buckles. I've modernised the hammock sling. You strap in your baby and off you go.

## When did the big idea strike?

After having my second child, I was looking at ways of bonding. With my eldest it'd been about four-hourly feeds and separate sleeping, but when Sai was a baby the thinking was changing.

## Starting out

After formulating the idea and a pattern, I put an ad in the paper to find some sewers. We started at a local hall. I borrowed \$1600 through a government local enterprise program, which I had to pay back. It took a while to find the right foam, buckles and wadding, and the sling has continued to evolve over the past nine years.

## Spreading the word

I grew up at the Eumundi markets and vowed I wasn't going to sell the slings there, but I did. I also attended baby expos and sold through mail and online.

## And now?

I thought it'd be great pocket money, but I started drawing an income soon. My sales have doubled every year. We now also have retailers and we'll expand into other products soon. Our Japanese

## Lessons learnt

- Be cautious about going into any partnership.
- Take time to develop a business plan.
- Make sure you have very good legal advice.
- Invest more money back into the business.
- Try to produce locally for products to be sold here in Australia.
- If you are lacking skills in an area, delegate to someone with expertise.



sales are booming. I'd love to get into a US chain store – the sky is the limit.

## How do the kids fit in?

I try to put five hours a day into the business. I have a part-time nanny and full-time cleaner, who help me with the cooking and the children. I have to travel to trade shows regularly. My eldest son is very helpful and comes to trade shows with me.

## The hardest part

I've had to spend quite a lot of money protecting my product from copycat businesses. I've had people selling their own slings on eBay but using photos of mine. These are things I didn't think about when starting the business. I probably need a full-time solicitor.

## The best bits

One of the highlights was when my Japanese distributors came through our door. They've been wonderful for the business. Our sling has been ranked as the third most popular in Japan. It's exciting travelling Australia and the world and attending expos. I also love getting emails from customers who have found the sling invaluable.

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## Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarter is on Facebook.

To connect with Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters, sign up fo

[Sign Up](#)

[Log In](#)



## Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters

65 likes · 17 talking about this

### Community

I am a volunteer who is reaching out to my fellow military families who are expecting a baby during time of deployment or are facing financial hardships.



65

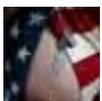
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[E](#)

Highlights ▾



**Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters** shared a link.

21 hours ago

Thank you [Baby Wingz](#) for sending your adorable baby booties for the October shower! These are adorable! Visit their couture line @<http://www.babywingz.com/Default.asp>

changing helpers for me to raffle off at the event! These things are amazing! Please visit them @<http://hulabye.com/>

Like · Comment

 Christy Marshall Gant likes this.



**Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters** shared a link.

September 28

Thank you [Dry Mama](#) for sending your amazing nursing pads for our mummies at the October shower! I am a nursing mom and I can honestly say I have tried them all and these are my favorite! Please visit their site @<http://drymama.com/>



Home - Dry Mama  
drymama.com

Like · Comment · Share

 Jeff Harrell likes this.



**Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters** created an event.

September 25



**Volunteer meeting**

October 2 at 6:00pm in EDT  
Shoneys Family Restaurant in Sumter, South Carolina

3 people went

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aden + anais carries a full line of baby products made of breathable, natural muslin. Shop our collection of pr

Like · Comment · Share

 Jessica Nill Ford likes this.



**Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters** shared a link.

September 28

Thank you so much [Baba Slings](#) for sending our baby slings for me to raffle off at the October event! We have discounts for all our mummies. All the love all the way from Australia! Please visit their amazing products at <http://babaslings.com/>



**Baba Slings Baby Sling Official website Worldwide**  
babaslings.com

Baba Slings - our baby sling gives you and baby the freedom of movement to go about your day. It provides both you and baby the freedom of movement to go about your day in positions some of which are hands free & allow for comfortable Breastfeeding. 100% cotton

Like · Comment · Share



**Operation Military Shower Shaw Air Force Base/ 3rd Army Headquarters** created an event.

September 25



**Volunteer meeting**

October 2 at 6:00pm in EDT  
Shoneys Family Restaurant in Sumter, South Carolina

3 people went

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Baby Registry Best Sellers Amazon Mom Nursery Strollers Car Seats Feeding Toys Health & Safety Activity & Gear Clothing Sales & Specials



### Baba Slings Embroidered Baby Carrier, Khaki

by [Baba Slings](#)

[Be the first to review this item.](#)

Price: **\$109.00**

**Only 1 left in stock.**

Ships from and sold by [ELEPHANTEARSONLINE](#). Gift-wrap available.

- Adjustable, 7 different positions, head and neck support
- Padded shoulder, safety strap and buckle with divider
- Easy to use, reduces reflux and colic, reduces crying and fussing
- Extended use from birth to 2+ years old
- 100% cotton, machine washable

[See more product details](#)

**\$109.00** + Free Shipping  
In Stock. Sold by **ELEPHANTEARSONLINE**

[Add to Cart](#)

or

[Sign in](#) to turn on 1-Click ordering.

[Add to Wish List](#)

[Add to Baby Registry](#)

**More Buying Choices**

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#### Win \$500 in the Baby Registry Sweepstakes Brought to You by AVENT



Enter for a chance to win the weekly giveaway of a \$500 Amazon.com Gift Card in the [Amazon Baby Registry Sweepstakes](#). NO PURCHASE NECESSARY. Ends 3/15/2014.

### Product Information

#### Technical Details

Item Weight	1 pounds
Product Dimensions	63 x 33 x 1 inches
UPC	609722424943

#### Additional Information

ASIN	B007RZP35S
Customer Reviews	<a href="#">Be the first to review this product</a>
Best Sellers Rank	#215,272 in Baby (See top 100)
Shipping Weight	2 pounds (View shipping rates and policies)

#### Feedback

Did we miss any relevant features for this product? [Tell us what we missed.](#)  
Would you like to [give feedback on images](#) or [tell us about a lower price?](#)

### Customers Who Viewed This Item Also Viewed

<



Babasling Original 100% Cotton Baby Carrier,



Babasling Lite 100% Cotton Baby Carrier,



Baba Slings Boutique Baby Carrier, Navy / Pink Batik



Hotslings Adjustable Pouch Baby Sling, Overcast,

>



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Department

Baby Products

Gear (5)

Price

\$50 to \$100 (1)

\$100 to \$200 (4)

\$ to \$



Seller

Clear

ELEPHANTEARSONLINE (5)

Baba Slings (2)

Availability

Include Out of Stock (5)

Baby Products > Baba Slings > ELEPHANTEARSONLINE

Showing 5 Results

Sort by Ne



**Baba Slings Boutique Baby Carrier, Navy/Pink Batik**

**\$119.00**

Only 1 left in stock - order soon.



**Baba Slings Embroidered Baby Carrier, Purple**

**\$139.00**

Only 1 left in stock - order soon.



**Baba Slings 2-Tone Baby Carrier, Navy/Turquoise**

**\$109.00**

Only 1 left in stock - order soon.



**Baba Slings Baby Carrier, Maroon**

**\$99.99**

Only 1 left in stock - order soon.



**Baba Slings Embroidered Baby Carrier, Khaki**

**\$109.00**

Only 1 left in stock - order soon.

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[Baba Sling Giveaway!!!](#)

Posted: 04.11.11



Kev and I are always on the go, so a good baby carrier is a must. We have a lot it seems like, but we are always on the look out for something better. Then we got the [Baba Sling](#). We LOVE this sling! It is super simple to use, adjustable, and has the most comfy shoulder strap and padding around the edges. Rowan loves sitting in it and it comes in so many wonderful colors!!

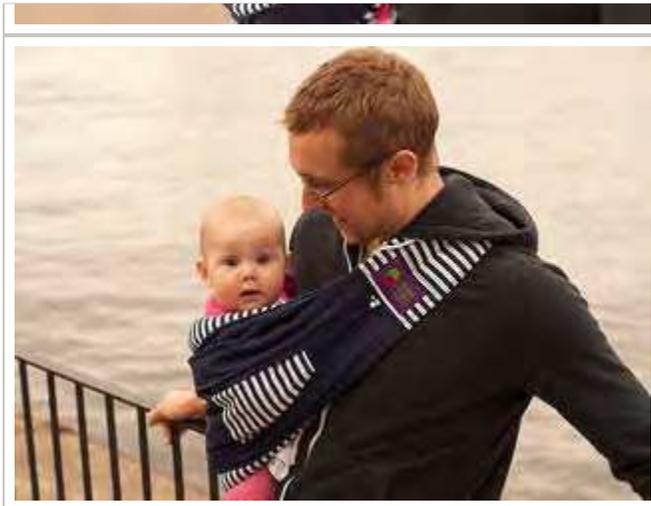




The lovely people at [Baba Slings](#) would like to give away 1 sling to 2 lucky readers. That doubles your chances of winning!! You may not have a baby yourself, but chances are you know someone who has one. This would make the best present for a shower, a birthday, or even for mother's day!







All you have to do is...

1. Visit [Baba Slings](#) and tell us what color you would chose from the [standard slings](#) in a comment below.
2. Bonus entry for visiting them on [facebook](#) and liking their page, then just leave a second comment letting us know you did so.

Trust me you will LOVE this awesome sling.



Comments (373)



[Vanessa](#)

04.11.11

My brother and wonderful sister-in-law just had a beautiful boy, and I would love to gift this to her for Mother's Day! I really love the khaki color, and it fits the theme of his nursery.



[Kristin](#)

04.11.11

We are expecting our second baby this fall and the orange one is what i would choose 😊



NatalieW

04.11.11

I have a 4.5 month old baby boy that loves to be held and snuggled all the time. I'd love to have a comfy sling like that for him. I'd pick Khaki.



Carly

04.11.11

I love the Jade color!



Carly

04.11.11

I also "liked" them on facebook.



Katrina

04.11.11

Orange! I really really hope I win this one for my 5 month old babe!!



hannah

04.11.11

Ugh, our sling is so awful. . .I have been looking for a new one. I love the lime!



[Tara](#)

04.11.11

I like the black sling! This would be perfect for baby #2!



[Lindsey](#)

04.11.11

Our baby will be here in September and the teal sling would go just perfect with the rest of his/her nursery theme!



[Tara](#)

04.11.11

like them on facebook



Marni

04.11.11

My closest friends just started a little family 😊 They plan on having more beautiful babies in the future, so I would pick the black one. Simple and easy to clean!



[Lindsey](#)

04.11.11

I also liked them on Facebook! 😊



[Jennifer H.](#)

04.11.11

I love the red one. That way, daddy could also wear it, but mommy could have a fun pop of color (way better than a bland ol' khaki one).



Katrina

04.11.11

I liked them on facebook.



[pamela](#)

04.11.11

i am loving the mocha! i am experiencing labor pains as we speak (not joking) so i would keep it for me! 😊



Leslie

04.11.11

We are having our second “only child” in November – 16 years from the first. Baby carriers have progressed a long way in 16 years. I’d choose the gold – I love the vibrant color!



Mrs. K

04.11.11

I would def go with yellow !



Stefanie

04.11.11

This sling looks great! I would choose black



[Rebekah](#)

04.11.11

We’ve been looking for a good baby carrier. I’ve used the Moby Wrap, but it’s just so much work to actually wrap. This looks great! I would choose the gold sling.



gillian

04.11.11

Oooh! I have been looking for a sling—I love the burnt orange color. Crossing my fingers!



[Rebekah](#)

04.11.11

I also liked them on Facebook.



[Jessica Marie](#)

04.11.11

I really like the gold sling! This would definitely come in handy in the future! Thanks for the giveaway!



Stefanie

04.11.11

I liked them on facebook!



[Kristin](#)

04.11.11

My good friends Emily and Danny just had their first baby on Saturday, and I would love to gift them the bright red one! Adorable!



[deni](#)

04.11.11

omg! I almost cry. this pictures are so adorable!  
ps. I would like to invite you to the first giveaway on my blog.  
xx  
Deni.



Marie

04.11.11

I like cream or navy, but I would chose probably black – universal colour....



Erica

04.11.11

I would have to pick black (probably the only one my husband would carry) This carrier looks fantastic, my 6 month old is 19lbs!!



Ashley

04.11.11

My fiance's sister is due in May and the Turquoise sling would be perfect for her! I also liked them on Facebook 😊



Erica

04.11.11

Liked them on Facebook too 😊



Ali

04.11.11

What a great sling! I have been looking for a good carrier. I like the khaki.



Amelia

04.11.11

great giveaway!

love your sunglasses in these pics 😊 super cute.

wow – so many colours to choose from! what a great surprise. I've narrowed it down to 3: navy, mocha, and purple. 3 colours I know my husband wouldn't mind wearing 😊



Meg Annan

04.11.11

I have a baby due in November & would LOVE the mocha-colored sling! Looks awesome!



Tess

04.11.11

Loving the pics of Rowan in the sling, she is a cutie. Would love to tote my 7 mo old in the jade sling!



kaitlyn

04.11.11

oh my! my sister recently had a baby and would love this! although I like the bright colors, I think my sister would like the black or brown ones 😊 easy to match any outfit with!



[Marta](#)

04.11.11

Looks like a comfy sling! I like the Orange one!



[Kara](#)

04.11.11

I love the mocha one! It looks so comfy! Our sling we have now stinks.



Ali

04.11.11

I liked them on facebook too!



[Kara](#)

04.11.11

Also liked on fb!



[Shayna](#)

04.11.11

Awesome! We don't have children yet, but would love love love to win it for the future. 😊 I would choose the black sling.



[Shayna](#)

04.11.11

I also liked them on facebook. 😊



Shelley J

04.11.11

ohhhhhhhhhh LOVE!! I like the brown one best.



Jessica

04.11.11

The Baba Slings site isn't working, otherwise I'd let you know what color I like...but for now I liked them on FB!



Jessi

04.11.11

how adorable!

i've been WANTING one of those bad boys... 😊

thanks so much and i hope i win! (i'd have to go with the army green... my hubby would rock that color well...)

jessi

[finnpuppy@gmail.com](mailto:finnpuppy@gmail.com)



[Shilah Will](#)

04.11.11

I love how they have SO MANY COLORS! I think I'd have to go with the red =]



[Shilah Will](#)

04.11.11

Andandand I liked them on facebook!



Lin

04.11.11

I love it and am due in September. I would choose black.



Maria

04.11.11

I would love the mustard yellow, BUT I don't think my hubby would.... or maybe he would... hm? It would be a hard decision between that one and the army green.

I think I am leaning more towards the army green!

Wish me luck!

[mvelis@aol.com](mailto:mvelis@aol.com)



Lin

04.11.11

Also liked on fb!



Claire J

04.11.11

Going for gold! I'm due to September and would love this sling. -c



[Pilar](#)

04.11.11

ooh! i would love to give this as a gift! the brown one is my favorite!



[Desiree](#)

04.11.11

I'd choose black, or maybe khaki! Both are so cute!!!



[Michelle](#)

04.11.11

Wonderful giveaway! I would probably go for the black or khaki!



[Desiree](#)

04.11.11

I liked them on Facebook as well through my personal page, Desiree Contin :fingers crossed: I'm due in October and having one of these would be AWESOME!



[Rhea](#)

04.11.11

Black or cream. 😊



[Rhea](#)

04.11.11

Liked them on Facebook too!



[Alix](#)

04.11.11

Oh my gosh! Great pictures, love the sling. My friend Chris and his wife Lauren are having a baby in about a month and I would love to give them the dark blue sling — it would match their son Jude's sailing-themed nursery so well!



[Caitlin](#)

04.11.11

Navy blue!!



[zzipper](#)

04.11.11

These looks so comfy.. definately one in black.. and I might have to get a second in orange..



[Caitlin](#)

04.11.11

Such a cute carrier! I like the black one



[lauren](#)

04.11.11

one of my good friends is having a baby, and i would love to give her a lovely sling as a shower gift. i think the teal one would suit her just fine.



[zzipper](#)

04.11.11

I "liked" them on FB!



[Brooke](#)

04.11.11

We're cooking up our first baby now and I've been on the lookout for a good carrier. I'd go with the black one. Thanks!



sophie  
04.11.11

I LOVE the orange one! This would be wonderful for our upcoming second!



Cayla  
04.11.11

The jade green one is awesome and would look great on my soon-to-be a mommy friend!



[Laura J.](#)  
04.11.11

So tough to choose....I'd probably go with the cream!



Elisabet  
04.11.11

I'd love the one in black, would be perfect for my 3 month old.-)



casey  
04.11.11

Turquoise! yay



Rachael  
04.11.11

I love the first yellow one...it will match my Jen-knitted tunnel scarf! Our first baby is about 11 weeks in the oven!



kathy  
04.11.11

Love the mustard!



Elisabet  
04.11.11

..and i "liked" them on facebook too:-)



Deb  
04.11.11

I have a three month old and would love the orange embroidered one for her!



Mary Beth  
04.11.11

My good friend is due in June, and I would love to surprise her with the Navy/lime 2-tone version! BTW-Your blog is great!



[Pineapple](#)

04.11.11

Kelly green!



Teresa

04.11.11

What a great way to tote my 2 month old around while chasing after her big brother! I would choose the orange . . . or the khaki . . . or the maroon.



[kelsey](#)

04.11.11

Awesome! I love the mocha color.



Bonnie

04.11.11

I really like the khaki.... my hubby and I would both look great sling'n our babes around!



Bonnie

04.11.11

I also 'liked' them on FB! Woo Hoo!



Katie

04.11.11

I would go with khaki since I don't know if I'm having a boy or a girl!



Natasha

04.11.11

I love the Lime! So bright and colorful.



Heather from the bar

04.11.11

The gold! My husband and I would both rock that while walking around with our little boy Declan!



Deb

04.11.11

I liked them on Facebook!



Kimberly

04.11.11

I'd love to have the brown sling. I have another sling, but it's super girly so my husband won't use it. He'd have no excuse with this!



Christine

04.11.11

I would go for the red!

facebook

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### Cover Photos

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**Baba Slings** with [Joanne Schenach Ludwick](#).

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ABOUT ME SPONSOR FAVORITE BABY GEAR ARCHIVES ASK ME ANYTHING

FAVORITES GO-TO ITEMS 2 MONTH OLD I CAN'T LIVE WITHOUT ANY OF THIS STUFF WINTER BABY IT'S COLD OUTSIDE

ON TWITTER

This. <http://t.co/UUKK0hVkJDo>

— @OurBeachBaby, a day ago

### A few of our favorite things {2 months old}:

#NaBloPoMo



10 MONTHS AGO

SHARE / LIKE

12 NOTES

2 COMMENTS

FOLLOW



ABOUT

Hi! I'm Tessa.

Questions? Email me ~ [tessa.ourbeachbaby@gmail.com](mailto:tessa.ourbeachbaby@gmail.com)

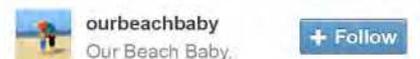


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3) **Pottery Barn Chamois Stroller Blanket:** Our dear friends gave us a green blanket when Drew was born, and it's become our go-to blanket. We use it 24/7! The baby sleeps with it tucked tightly over his swaddle blanket, it goes with us on walks, and when I feeding him. It's so warm and cozy, I often think we should get a second one!

4) **Baba Sling:** This has been a lifesaver for me since McCoy doesn't want to be put down, and won't sleep unless he's on top of me. I honestly have both the sling and the Bjorn with me at all times. After about an hour, it starts to hurt my shoulder, but then you just switch sides! He'll fall asleep in minutes when you tuck him into it.

5) **Padalily ~ Jungle Fever:** If you don't have a Padalily, you should get one. Super practical when lugging around the heavy car seat. Recently, McCoy has decided he LOVES the print of ours, and spends most of the time cooing at the animals. An added bonus that it can entertain the baby.

6) **Zutano Pagoda Cozie Newborn Jacket:** This jacket is great for when we bundle up for walks. It's not too thick, and keeps him nice and toasty in the car.

7) **JJ Cole Bundle Me:** I don't know what we would do without the Bundle Me. It's honestly the one "must have" winter item. We used it all the time with Drew in the stroller last winter on our chilly walks to the beach. I like it so much that I just ordered a bigger toddler size for Drew's stroller.

8) **Fisher Price My Little Lamb Cradle & Swing:** McCoy just started to like being in the swing. Super helpful when I'm cooking dinner or getting Drew organized. He even fell asleep in it today {hooray!}. I wish it had a plug instead of using extra large batteries...

9) **RoSK Cold Weather Pouch:** I purchased this a few weeks ago because of **Jennifer's** glowing recommendations. I couldn't be more thrilled that I did! We use it almost every day; over top of the Bjorn during our time at the freezing playground and it's also come in real handy over the bassinet stroller when we're out walking.

{And, we still use all the stuff from **last month's favorite things!**}



 mybrainexplode likes this

 lepetitbeetl likes this

 asimpledad likes this

 sesigsss said: You can find universal wall adapters instead of using up batteries for the swing! I usually have luck at Radio Shack but Best Buy or even Amazon should have them too.

 oneofourown likes this

 dagsemnott likes this

 definitelyjennifer said: so glad you love the pouch! don't you wish there was one in your size?

 altogetherbeautiful likes this



Contact

[Send email](#)

 akt11 likes this

 oursarah likes this

 ourtwolittlemonkeys likes this

 ourbeachbaby posted this

2 comments



Leave a message...

Best

Share 



Avatar

**Heather Hogan Correa** · 11 months ago

We're so glad you love ourRoSK Pouch!! Perfect for winter beach babies. Thank you for including us.

| Reply Share ›

Avatar

**TessaHD** Mod → **Heather Hogan Correa** · 11 months ago

Of course! Thanks for keeping our beach baby warm :)

| Reply Share ›

ALSO ON OUR BEACH BABY.

WHAT'S THIS?

**Have any moms done Baby Led Weaning with their ...**

2 comments · 8 months ago

Avatar **TessaHD** —Awesome! I'm going to email you when I have a minute. What did ...

**Buddies.**

1 comment · 6 months ago

Avatar **GreteI VS** —  
Xoxoxoxoxoxoo

**"My car is going too fast!!!!"**

1 comment · 2 months ago

Avatar **Laura Scimeca** —Drew: What's that?Sim: That's my pinkyDrew: Whats ...

**Lax bro.**

1 comment · 6 months ago

Avatar **GreteI von Schnauzer** —that is not a baby. that is a LITTLE BOY. Adorable!

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**Baba Slings**

Baba Slings ~ Ease of use, practicality and comfort combined with Stunning Designs means that you will not only be bonding with your little one, and providing everything that he or she needs, but it will be done in style! Your Style! No Compromise is needed, Baba Slings offer slings with attitude, let your Mama Lion roar with pride, or your inner Rock chic shine with Rockabilly, we have Tribal prints, Flower power or soft and subtle tones... Baba Slings have a sling for Everyone, including you Dad! x

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Naturally Family, Dollie Freddy, Debra Gaye Avery and 13 others like this.

**Debra Gaye Avery** I can't find this one on the online store?  
July 29 at 5:11am

**Baba Slings** Debra Gaye Avery we have a special shipment coming in soon, stay posted for more details! x  
July 29 at 6:36pm · Edited

**Debra Gaye Avery** Thankyou  
July 29 at 6:46pm via mobile · 1



# Baba Slings Instructions 1 Getting Started



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# **EXHIBIT 9**

# **EXHIBIT 9**

**Statistics for:**  
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**Last Update:** 16 May 2013 - 11:04



**Reported period:** - Year - 2006 OK

- Summary
- When:**
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- Days of month
- Days of week
- Hours

**Who:**

- Countries
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- Hosts
  - Full list
  - Last visit
  - Unresolved IP Address
- Authenticated users
  - Full list
  - Last visit
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  - Full list
  - Last visit

**Navigation:**

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- File type
- Downloads
  - Full list
- Viewed
  - Full list
  - Entry
  - Exit

**Operating Systems**

- Versions
- Unknown

**Browsers**

- Versions
- Unknown

**Referrers:**

- Origin
  - Referring search engines
  - Referring sites

**Search**

- Search Keyphrases
- Search Keywords

**Others:**

- Miscellaneous
- HTTP Status codes
  - Pages not found

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Countries					
	Countries	Pages	Hits	Bandwidth	
	Australia	au 3,443	7,989	338.42 MB	
	United States	us 1,579	1,830	355.17 MB	
	European country	eu 56	56	24.71 MB	
	China	cn 52	52	13.42 MB	
	Japan	jp 45	45	20.36 MB	
	Great Britain	gb 44	44	16.30 MB	
	Hong Kong	hk 38	38	14.55 MB	
	Hungary	hu 33	33	2.79 MB	
	Unknown	ip 19	19	993.71 KB	
	Canada	ca 17	17	3.26 MB	
	Philippines	ph 11	11	1.42 MB	
	Germany	de 9	9	2.68 MB	
	Singapore	sg 7	7	2.77 MB	
	Denmark	dk 3	3	1.33 MB	
	New Zealand	nz 3	3	561.42 KB	
	Taiwan	tw 2	2	1.20 MB	
	Yugoslavia	yu 2	2	1.33 MB	
	Saudi Arabia	sa 2	2	1.33 MB	
	Italy	it 2	2	1.33 MB	
	United Arab Emirates	ae 2	2	1.33 MB	
	Turkey	tr 1	1	18.69 KB	
	Russian Federation	ru 1	1	1.40 KB	
	India	in 1	1	18.69 KB	
	Switzerland	ch 1	1	1.40 KB	
	Thailand	th 1	1	1.40 KB	
	Others	0	0	0	

**Advanced Web Statistics 7.0 (build 1.971) - Created by awstats (plugins: geioipfree)**

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**Reported period:** - Year - 2007 OK

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Countries						
	Countries		Pages	Hits	Bandwidth	
	United States	us	52,046	126,826	12.81 GB	
	Australia	au	27,710	77,948	8.24 GB	
	Japan	jp	1,748	4,155	491.30 MB	
	China	cn	1,560	4,605	467.29 MB	
	European country	eu	1,475	3,054	431.99 MB	
	Great Britain	gb	1,200	2,095	400.94 MB	
	Hong Kong	hk	954	2,580	315.64 MB	
	Unknown	ip	689	1,115	123.90 MB	
	Hungary	hu	531	629	64.99 MB	
	Singapore	sg	376	1,210	94.63 MB	
	Germany	de	311	478	82.25 MB	
	Canada	ca	248	691	93.51 MB	
	New Zealand	nz	239	501	82.52 MB	
	Ireland	ie	230	429	51.58 MB	
	Spain	es	117	245	38.31 MB	
	Finland	fi	110	180	36.18 MB	
	Denmark	dk	99	131	37.26 MB	
	Netherlands	nl	98	184	31.70 MB	
	Sweden	se	88	450	8.29 MB	
	Italy	it	85	180	12.45 MB	
	Brazil	br	71	134	21.95 MB	
	Philippines	ph	71	242	22.42 MB	
	France	fr	70	113	22.27 MB	
	Slovenia	si	59	151	7.84 MB	
	Norway	no	54	110	15.65 MB	
	Switzerland	ch	53	171	11.41 MB	
	United Arab Emirates	ae	48	149	11.08 MB	
	Greece	gr	47	214	12.16 MB	
	India	in	38	74	16.14 MB	
	Austria	at	27	29	7.28 MB	
	South Africa	za	26	26	10.60 MB	
	South Korea	kr	26	92	6.28 MB	
	Thailand	th	26	117	8.24 MB	
	Indonesia	id	21	58	7.85 MB	
	Taiwan	tw	18	20	8.17 MB	
	Iceland	is	17	17	6.55 MB	
	Poland	pl	11	11	2.24 MB	
	Belgium	be	11	11	5.90 MB	
	Turkey	tr	10	10	5.56 MB	
	Latvia	lv	10	10	3.90 MB	

BABA 0428

**Statistics for:**  
babaslings.com

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**Reported period:** - Year - 2008 OK

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	Australia	au	36,242	163,312	10.97 GB
	Japan	jp	4,117	18,301	942.95 MB
	European country	eu	2,476	8,705	936.27 MB
	Hong Kong	hk	1,893	8,148	579.47 MB
	Unknown	ip	1,725	3,665	262.95 MB
	Great Britain	gb	1,707	5,568	603.46 MB
	China	cn	1,333	5,175	454.90 MB
	Hungary	hu	845	1,958	298.63 MB
	Slovenia	si	563	1,960	182.92 MB
	Singapore	sg	485	1,941	134.24 MB
	Spain	es	417	1,617	113.39 MB
	Netherlands	nl	350	1,050	87.30 MB
	New Zealand	nz	320	1,210	122.09 MB
	Ireland	ie	283	1,280	92.23 MB
	Norway	no	268	1,263	97.19 MB
	Canada	ca	267	946	104.29 MB
	Germany	de	265	1,135	94.75 MB
	Switzerland	ch	210	982	61.43 MB
	Italy	it	193	798	49.21 MB
	Philippines	ph	150	439	60.11 MB
	Russian Federation	ru	146	201	25.26 MB
	Denmark	dk	129	649	45.34 MB
	India	in	122	640	44.61 MB
	United Arab Emirates	ae	105	323	20.25 MB
	Brazil	br	102	431	33.49 MB
	Bosnia-Herzegovina	ba	93	614	16.05 MB
	Taiwan	tw	93	419	32.97 MB
	Sweden	se	88	307	21.13 MB
	South Africa	za	85	281	29.87 MB
	Greece	gr	79	358	20.05 MB
	Portugal	pt	77	294	27.44 MB
	Israel	il	74	179	8.43 MB
	France	fr	67	254	25.17 MB
	Estonia	ee	62	253	15.43 MB

BABA 0429

**Statistics for:**  
babaslings.com

**Last Update:** 16 May 2013 - 11:04



**Reported period:** - Year - 2009 OK

- Summary
- When:**
- Monthly history
- Days of month
- Days of week
- Hours

**Who:**

- Countries
  - Full list
- Hosts
  - Full list
  - Last visit
  - Unresolved IP Address

Authenticated users

- Full list
- Last visit

Robots/Spiders visitors

- Full list
- Last visit

**Navigation:**

Visits duration

File type

Downloads

- Full list

Viewed

- Full list
- Entry
- Exit

Operating Systems

- Versions
- Unknown

Browsers

- Versions
- Unknown

**Referrers:**

Origin

- Referring search engines
- Referring sites

Search

- Search Keyphrases
- Search Keywords

**Others:**

Miscellaneous

HTTP Status codes

- Pages not found

[Back to main page](#)

Countries						
	Countries		Pages	Hits	Bandwidth	
	Australia	au	548,482	2,135,461	95.18 GB	
	Great Britain	gb	59,618	309,944	21.91 GB	
	Japan	jp	43,451	239,946	9.09 GB	
	United States	us	40,045	159,759	6.41 GB	
	New Zealand	nz	9,221	62,169	3.38 GB	
	Spain	es	8,071	43,743	3.22 GB	
	Hungary	hu	7,066	39,570	2.90 GB	
	Greece	gr	6,983	39,723	2.77 GB	
	Ireland	ie	6,978	39,544	2.28 GB	
	Canada	ca	6,477	39,196	1.89 GB	
	Slovenia	si	6,221	35,579	2.35 GB	
	Germany	de	5,159	27,935	1.69 GB	
	Turkey	tr	4,803	28,236	2.35 GB	
	Portugal	pt	3,903	23,311	1.48 GB	
	France	fr	3,620	18,966	1.38 GB	
	European country	eu	3,568	17,116	1.08 GB	
	Norway	no	3,480	19,775	1.28 GB	
	Hong Kong	hk	3,317	19,827	1006.02 MB	
	Singapore	sg	3,256	20,620	843.57 MB	
	Netherlands	nl	3,093	11,158	604.78 MB	
	Italy	it	2,478	14,703	925.76 MB	
	Russian Federation	ru	2,038	10,706	445.85 MB	
	China	cn	1,975	9,184	492.79 MB	
	Latvia	lv	1,911	9,822	719.29 MB	
	Denmark	dk	1,898	10,083	676.71 MB	
	Czech Republic	cz	1,844	9,773	543.59 MB	
	Switzerland	ch	1,677	9,249	544.43 MB	
	Philippines	ph	1,576	10,026	403.09 MB	
	Poland	pl	1,553	7,352	822.09 MB	
	Brazil	br	1,396	8,364	409.87 MB	
	Malaysia	my	1,184	6,868	478.66 MB	
	India	in	1,142	6,391	309.50 MB	
	South Korea	kr	1,064	7,347	251.96 MB	

BABA 0430

**Statistics for:**  
babaslings.com

**Last Update:** 16 May 2013 - 11:04



**Reported period:** - Year - 2010 OK

- Summary
- When:**
- Monthly history
- Days of month
- Days of week
- Hours

**Who:**

- Countries
  - Full list
- Hosts
  - Full list
  - Last visit
  - Unresolved IP Address

Authenticated users

- Full list
- Last visit

Robots/Spiders visitors

- Full list
- Last visit

**Navigation:**

Visits duration

File type

Downloads

- Full list

Viewed

- Full list
- Entry
- Exit

Operating Systems

- Versions
- Unknown

Browsers

- Versions
- Unknown

**Referrers:**

Origin

- Referring search engines
- Referring sites

Search

- Search Keyphrases
- Search Keywords

**Others:**

Miscellaneous

- HTTP Status codes
  - Pages not found

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Countries					
	Countries		Pages	Hits	Bandwidth
	Australia	au	232,829	1,546,300	114.49 GB
	Great Britain	gb	61,632	336,732	33.19 GB
	Japan	jp	61,432	213,939	10.33 GB
	United States	us	38,980	176,162	9.71 GB
	Spain	es	21,105	124,138	11.86 GB
	Turkey	tr	14,177	78,070	7.59 GB
	Greece	gr	12,189	71,076	6.52 GB
	Germany	de	12,034	70,227	5.68 GB
	New Zealand	nz	10,166	69,286	4.89 GB
	Slovenia	si	8,947	48,850	4.89 GB
	Portugal	pt	8,810	53,230	4.79 GB
	Ireland	ie	8,334	49,386	4.34 GB
	Russian Federation	ru	7,367	15,715	787.51 MB
	France	fr	5,241	29,698	2.41 GB
	Norway	no	4,974	27,056	2.95 GB
	Hungary	hu	4,776	28,824	2.73 GB
	Italy	it	4,748	28,341	2.47 GB
	Hong Kong	hk	4,530	29,131	2.25 GB
	Canada	ca	4,317	28,359	2.24 GB
	Bulgaria	bg	3,987	25,152	1.92 GB
	European country	eu	3,568	19,679	1.45 GB
	Netherlands	nl	3,167	22,715	2.74 GB
	Poland	pl	2,894	18,021	1.36 GB
	Singapore	sg	2,795	18,017	1.35 GB
	Slovak Republic	sk	2,526	14,297	1.50 GB
	China	cn	2,472	10,939	776.53 MB
	Czech Republic	cz	1,878	11,382	947.81 MB
	Romania	ro	1,811	9,161	768.76 MB
	Indonesia	id	1,622	9,958	725.10 MB
	Malaysia	my	1,589	9,603	801.89 MB
	Thailand	th	1,587	8,721	699.94 MB
	Lithuania	lt	1,556	9,340	660.59 MB
	Switzerland	ch	1,538	9,366	806.18 MB
	Sweden	se	1,472	9,351	700.12 MB
	Denmark	dk	1,433	8,083	820.39 MB
	India	in	1,207	8,100	416.29 MB

BABA 0431

**Statistics for:**  
babaslings.com

**Last Update:**

16 May 2013 - 11:04



**Reported period:**

- Year - 2011 OK

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[Summary](#)

**When:**

[Monthly history](#)

[Days of month](#)

[Days of week](#)

[Hours](#)

**Who:**

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Full list

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Full list

Last visit

Unresolved IP Address

[Authenticated users](#)

Full list

Last visit

[Robots/Spiders visitors](#)

Full list

Last visit

**Navigation:**

[Visits duration](#)

[File type](#)

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Full list

[Viewed](#)

Full list

Entry

Exit

[Operating Systems](#)

Versions

Unknown

[Browsers](#)

Versions

Unknown

**Referrers:**

[Origin](#)

Referring search engines

Referring sites

[Search](#)

Search Keyphrases

Search Keywords

**Others:**

[Miscellaneous](#)

[HTTP Status codes](#)

Pages not found

**Countries**

	Countries	Pages	Hits	Bandwidth	
	Australia	au	173,337	1,268,146	85.54 GB
	Great Britain	gb	64,003	429,951	37.73 GB
	United States	us	57,709	318,749	17.79 GB
	Japan	jp	55,688	236,429	10.44 GB
	Spain	es	25,477	178,098	15.90 GB
	Germany	de	15,254	83,067	7.42 GB
	Italy	it	14,565	99,877	8.77 GB
	Turkey	tr	14,445	98,659	8.00 GB
	Portugal	pt	12,890	83,584	7.43 GB
	Greece	gr	12,349	85,100	8.09 GB
	France	fr	11,765	61,241	4.89 GB
	Hungary	hu	8,199	51,480	4.37 GB
	Ireland	ie	7,680	53,549	4.36 GB
	Canada	ca	7,071	43,962	2.85 GB
	Slovenia	si	6,973	47,523	4.21 GB
	European country	eu	6,637	39,365	2.83 GB
	Ukraine	ua	5,411	15,851	1.03 GB
	Norway	no	5,319	36,952	3.31 GB
	Hong Kong	hk	4,991	34,093	2.32 GB
	Bulgaria	bg	4,884	37,201	2.44 GB
	New Zealand	nz	4,741	33,487	2.36 GB
	South Korea	kr	4,361	27,693	972.29 MB
	Poland	pl	4,066	23,898	1.89 GB
	Netherlands	nl	3,896	20,273	1.44 GB
	Singapore	sg	3,504	24,930	1.54 GB
	Russian Federation	ru	3,312	15,322	922.29 MB
	Indonesia	id	3,232	22,080	1.25 GB
	China	cn	3,055	11,277	574.87 MB
	Switzerland	ch	2,629	17,424	1.28 GB
	Slovak Republic	sk	2,516	14,973	1.77 GB
	India	in	2,459	15,779	799.82 MB
	Czech Republic	cz	2,090	12,516	1.12 GB
	Malaysia	my	2,020	16,476	990.66 MB
	Sweden	se	1,765	12,224	774.50 MB
	Brazil	br	1,651	8,108	462.52 MB
	Romania	ro	1,596	6,915	516.99 MB
	Vietnam	vn	1,565	6,020	283.25 MB
					759.23 MB

BABA 0432

**Statistics for:**  
babaslings.com

**Last Update:** 16 May 2013 - 11:04



**Reported period:** - Year - 2012 OK

- [Summary](#)
- When:**
- [Monthly history](#)
- [Days of month](#)
- [Days of week](#)
- [Hours](#)

**Who:**

- [Countries](#)
- Full list
- [Hosts](#)
- Full list
- Last visit
- Unresolved IP Address

[Authenticated users](#)

- Full list
- Last visit

[Robots/Spiders visitors](#)

- Full list
- Last visit

**Navigation:**

[Visits duration](#)

[File type](#)

[Downloads](#)

- Full list

[Viewed](#)

- Full list
- Entry
- Exit

[Operating Systems](#)

- Versions
- Unknown

[Browsers](#)

- Versions
- Unknown

**Referrers:**

[Origin](#)

- Referring search engines
- Referring sites

[Search](#)

- Search Keyphrases
- Search Keywords

**Others:**

[Miscellaneous](#)

[HTTP Status codes](#)

- Pages not found

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Countries					
	Countries		Pages	Hits	Bandwidth
	Australia	au	115,436	911,713	60.57 GB
	United States	us	58,715	357,689	21.88 GB
	Great Britain	gb	50,515	388,829	29.12 GB
	Italy	it	33,115	254,612	21.78 GB
	Japan	jp	28,412	117,500	6.43 GB
	Spain	es	23,893	184,402	15.04 GB
	Turkey	tr	21,486	157,464	12.81 GB
	Greece	gr	13,712	106,299	9.59 GB
	Portugal	pt	12,934	96,727	8.24 GB
	Germany	de	11,997	82,088	7.05 GB
	France	fr	11,689	81,539	7.30 GB
	Hong Kong	hk	8,489	63,624	4.19 GB
	Ireland	ie	7,769	63,343	4.47 GB
	Canada	ca	6,548	46,990	2.84 GB
	European country	eu	5,453	33,826	2.98 GB
	China	cn	5,335	16,035	826.78 MB
	Hungary	hu	5,088	35,928	2.80 GB
	Slovenia	si	4,486	31,892	3.32 GB
	Singapore	sg	4,360	33,095	2.15 GB
	Bulgaria	bg	4,201	31,887	2.61 GB
	Switzerland	ch	3,614	26,251	1.95 GB
	Netherlands	nl	3,611	19,036	1.38 GB
	India	in	3,359	24,199	1.29 GB
	Poland	pl	3,323	24,691	2.17 GB
	Slovak Republic	sk	3,309	23,081	2.57 GB
	Norway	no	3,294	26,110	1.95 GB
	Russian Federation	ru	3,288	15,565	914.85 MB
	Czech Republic	cz	3,260	15,375	1.42 GB
	New Zealand	nz	3,055	24,801	1.50 GB
	Ukraine	ua	3,012	10,267	712.79 MB
	Indonesia	id	2,969	22,271	1.34 GB
	Malaysia	my	2,916	23,125	1.36 GB
	Romania	ro	2,038	13,503	1010.49 MB
	Cyprus	cy	1,771	12,618	1.24 GB
	Taiwan	tw	1,744	12,939	838.62 MB
	Austria	at	1,703	12,475	1.01 GB
	Philippines	ph	1,626	12,478	768.97 MB
	Sweden	se	1,567	11,649	732.43 MB

BABA 0433

**Statistics for:**  
babaslings.com

**Last Update:** 16 May 2013 - 11:04



**Reported period:** - Year - 2013 OK

- Summary
- When:**
- Monthly history
- Days of month
- Days of week
- Hours

**Who:**

- Countries
  - Full list
- Hosts
  - Full list
  - Last visit
  - Unresolved IP Address
- Authenticated users
  - Full list
  - Last visit
- Robots/Spiders visitors
  - Full list
  - Last visit

**Navigation:**

- Visits duration
- File type
- Downloads
  - Full list
- Viewed
  - Full list
  - Entry
  - Exit

**Operating Systems**

- Versions
- Unknown

**Browsers**

- Versions
- Unknown

**Referrers:**

- Origin
  - Referring search engines
  - Referring sites

**Search**

- Search Keyphrases
- Search Keywords

**Others:**

- Miscellaneous
- HTTP Status codes
  - Pages not found

[Back to main page](#)

Countries						
	Countries		Pages	Hits	Bandwidth	
	Australia	au	36,854	302,780	19.48 GB	
	United States	us	30,685	161,499	9.59 GB	
	Great Britain	gb	14,868	124,012	6.59 GB	
	Italy	it	12,186	96,081	5.58 GB	
	Spain	es	9,421	74,479	4.60 GB	
	Japan	jp	9,165	33,142	2.84 GB	
	Turkey	tr	7,472	56,847	3.37 GB	
	Greece	gr	5,282	41,731	2.77 GB	
	Germany	de	4,713	31,813	1.76 GB	
	France	fr	4,216	28,225	1.71 GB	
	Portugal	pt	3,859	30,099	1.95 GB	
	China	cn	3,667	12,337	727.63 MB	
	Ireland	ie	3,645	30,926	1.75 GB	
	Ukraine	ua	3,101	7,686	367.04 MB	
	Hong Kong	hk	2,790	21,699	1.49 GB	
	Canada	ca	2,677	19,159	1.18 GB	
	Israel	il	2,186	4,017	196.28 MB	
	Malaysia	my	1,891	14,545	962.10 MB	
	Poland	pl	1,712	14,429	775.89 MB	
	Singapore	sg	1,583	13,030	1003.83 MB	
	Russian Federation	ru	1,576	6,577	521.99 MB	
	Switzerland	ch	1,572	12,022	825.58 MB	
	New Zealand	nz	1,523	11,618	725.55 MB	
	Hungary	hu	1,445	10,516	572.89 MB	
	Bulgaria	bg	1,248	9,406	489.98 MB	
	India	in	1,237	9,558	397.94 MB	
	Romania	ro	1,111	7,765	513.53 MB	
	Slovak Republic	sk	1,097	8,635	522.85 MB	
	Slovenia	si	1,086	8,017	497.21 MB	
	Norway	no	899	7,457	380.32 MB	
	Taiwan	tw	883	6,221	438.84 MB	
	Philippines	ph	862	4,727	345.24 MB	

# **EXHIBIT 10**

# **EXHIBIT 10**

----- Forwarded message -----

From: **Laura** <[nobody@babaslings.com](mailto:nobody@babaslings.com)>

Date: Saturday, 8 February 2014

Subject: Babaslings Enquiry from Laura

To: [mail@babaslings.com](mailto:mail@babaslings.com)

Enquiry from 'contact us' form:

Name :

Laura

Email :

[lauradyas14@hotmail.com](mailto:lauradyas14@hotmail.com)

Phone :

01935 709280

Message :

Hello there, I work for Mothercare in Yeovil (uk) & we are holding an expectant parent event instore on Wed 26th Feb 6-8pm. I was wondering if you had anyone you could send to discuss your slings or possibly some leaflets we could hand out on your behalf.

Many thanks

Laura

Submit :

Submit

----- Forwarded message -----

From: Reziana Romy <[nobody@babaslings.com](mailto:nobody@babaslings.com)>

Date: 24 January 2014 02:37

Subject: Babaslings Enquiry from Reziana Romy

To: [mail@babaslings.com](mailto:mail@babaslings.com)

Enquiry from 'contact us' form:

Name :

Reziana Romy

Email :

[Rezromy@gmail.com](mailto:Rezromy@gmail.com)

Phone :

Message :

I purchased my lite babasling and was informed to register warranty online. Wondering how do i do that.

Submit :

Submit

----- Forwarded message -----

From: **Amanda Bozaslan** <[nobody@babaslings.com](mailto:nobody@babaslings.com)>

Date: 18 January 2014 01:21

Subject: Babaslings Enquiry from Amanda Bozaslan

To: [mail@babaslings.com](mailto:mail@babaslings.com)

Enquiry from 'contact us' form:

Name :

Amanda Bozaslan

Email :

[Amanda.bozaslan@gmail.com](mailto:Amanda.bozaslan@gmail.com)

Phone :

Message :

Dear Baba Slings,

I found a "babasling" available where I live in Istanbul, Turkey. However, your website has a video warning regarding imitations of your product. Can you confirm if this website or product is one of yours? <http://www.thebabasling.com/>

Submit :

Submit

----- Forwarded message -----

From: sara mansola <nobody@babaslings.com>

Date: 12 December 2013 20:55

Subject: Babaslings Enquiry from sara mansola

To: mail@babaslings.com

Enquiry from 'contact us' form:

Name :

sara mansola

Email :

sara.mansola@gmail.com

Phone :

Message :

Hello,

I was fortunate to get your babasling as a gift and i am extremely pleased with it,its perfect indoors and out! But i have a question, i live in Athens,Greece and came across another company called the Babaslings ltd apparently its from the UK, what exactly is the difference between the two besides the price??

Thank you in advance,

Sara

Submit :

Submit

---

IP address of the submitter:

2.86.131.109

Ariela Shapira  
3 Nov

to mail

Enquiry from 'contact us' form:

Name :

Ariela Shapira

Email :

ellabella4ever@gmail.com

Phone :

Message :

I am looking at slings. I came across the babasling. I found it on two different website. I am curious to know if thebabasling is the same as babasling. This is were I found it first,<http://www.thebabasling.com>.

As you can see the logos are not the same although are similar.

Thank you

Submit :

Submit

Talia Hunninghake <nobody@babaslings.com>

23 Oct

to mail

Enquiry from 'contact us' form:

Name :

Talia Hunninghake

Email :

taliaryan@gmail.com

Phone :

Message :

Today on Zulily.com they are selling "TheBabaSling". The logo looks different. Are these imitation slings? Are they allowed to title them as real, if they are not?

Thank you!

Submit :

Submit

Aaron Baff <nobody@babaslings.com>

17 Oct

to mail

Enquiry from 'contact us' form:

Name :

Aaron Baff

Email :

drizzt321@gmail.com

Phone :

Message :

While doing a bit of Google searching to see if there were any locations in the USA I could purchase one of these to avoid the international shipping times, I came across another website which is named remarkably similar, and looks like pretty much the same thing. Don't know if you're aware of it, but it looks pretty suspicious. Thought you'd like to know. The website is:

<http://www.thebabasling.com>

Submit :

Submit