

ESTTA Tracking number: **ESTTA499151**

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

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	MHO, LLC
Granted to Date of previous extension	10/10/2012
Address	4343 Anchor Plaza Suite 200 Tampa, FL 33634-6329 UNITED STATES

Attorney information	Cory M. Amron Vorys, Sater, Seymour and Pease LLP PO Box 2255 IPLaw@Vorys Columbus, OH 43216 UNITED STATES iplaw@vorys.com Phone:202.467.8800
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### Applicant Information

Application No	85522763	Publication date	06/12/2012
Opposition Filing Date	10/10/2012	Opposition Period Ends	10/10/2012
Applicant	PEARLS MIIHOME IP PTY LTD ACN 124 991 368 1/79 DOVER DRIVE BURLEIGH HEADS QLD, 4220 AUSTRALIA		

### Goods/Services Affected by Opposition

Class 019. All goods and services in the class are opposed, namely: Building materials, namely, composite panels composed primarily of an expanded polystyrene core encased in a steel lining
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### Grounds for Opposition

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

U.S. Registration No.	1436709	Application Date	08/21/1986
Registration Date	04/14/1987	Foreign Priority Date	NONE
Word Mark	M/I HOMES		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 037. First use: First Use: 1976/07/01 First Use In Commerce: 1981/08/04 HOME CONSTRUCTION SERVICES AND PLANNING, LAYOUT AND CONSTRUCTION OF RESIDENTIAL COMMUNITIES

U.S. Registration No.	1441476	Application Date	08/21/1986
Registration Date	06/02/1987	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	THE MARK CONSISTS OF THE LETTERS "MI" RENDERED IN STYLIZED FORM TO RESEMBLE A HOUSE.
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Goods/Services	Class 037. First use: First Use: 1976/07/01 First Use In Commerce: 1981/08/04 HOME CONSTRUCTION SERVICES AND PLANNING, LAYOUT AND CONSTRUCTION OF RESIDENTIAL COMMUNITIES
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U.S. Registration No.	3861222	Application Date	07/02/2007
Registration Date	10/12/2010	Foreign Priority Date	NONE

Word Mark	MI HOMES
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 037. First use: First Use: 1976/07/01 First Use In Commerce: 1981/08/04 Construction services, namely, planning, laying out and custom construction of residential homes and communities
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U.S. Registration No.	3687147	Application Date	06/24/2008
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Registration Date	09/22/2009	Foreign Priority Date	NONE
Word Mark	M/I HOMES MOVE UP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 2009/01/01 First Use In Commerce: 2009/01/01 Construction services, namely, planning, laying out and custom construction of residential homes and communities		

Attachments	73615922#TMSN.gif ( 1 page )( bytes ) 77220607#TMSN.jpeg ( 1 page )( bytes ) 77506879#TMSN.jpeg ( 1 page )( bytes ) Opposition- MIIHOME app 85522763.PDF ( 24 pages )(546599 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Chris Ott/
Name	Christopher M. Ott
Date	10/10/2012

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

MHO, LLC,

Opposer,

v.

PEARLS MIIHOME IP PTY LTD ACN 124  
991 368,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

MHO, LLC (“Opposer”) is a Florida limited liability company located at 4343 Anchor Plaza, Suite 200, Tampa, Florida 33634.

To the best of Opposer’s knowledge, Pearls Miihome IP Pty Ltd ACN 124 991 368 (“Applicant”) is an Australia Proprietary Limited Company located at 1/79 Dover Drive, Burleigh Heads QLD Australia 4220 and purports to own U.S. Trademark Application Serial No. 85/522763 (the “Application”).

Opposer believes that it is and will continue to be damaged should the Application register and opposes it as set forth below.

**FACTUAL BACKGROUND**

1. Opposer’s affiliate and licensee, M/I Homes, Inc., is one of the nation’s leading home builders, offering homes throughout the country, including in North Carolina, Illinois, Ohio, Indiana, Maryland, Virginia, Texas, and Florida.

2. Since at least as early as August 4, 1981, the affiliated licensees of Opposer and its predecessor-in-title have continuously used the marks MI, M/I HOMES, and MI HOMES (collectively, “Opposer’s Marks”) in connection with designing and

building homes and residential communities and related services (collectively, “Opposer’s Services”).

3. Over 25 years ago, on August 21, 1986, Opposer’s affiliate and predecessor-in-title filed U.S. trademark applications for M/I HOMES and MI, each for use in connection with *home construction services and planning, layout and construction of residential communities*, which on April 14, 1987 and June 2, 1987, respectively, matured to the now-incontestable Registration Nos. 1,436,709 and 1,441,476. (Status and title copies attached as Exhibits A and B.)

4. Opposer has registered at least 2 other similar marks: MI HOMES, Registration No. 3,861,222 (application filed on July 2, 2007) and M/I HOMES MOVE UP, Registration No. 3,687,147 (application filed on June 24, 2008) for use in connection with Opposer’s Services. (Status and title copies attached as Exhibits C and D.) Collectively, Registration Nos. 1,436,709, 1,441,476, 3,687,147, and 3,861,222 are “Opposer’s Registrations.”

5. The public recognizes Opposer’s Marks as exclusively identifying Opposer’s Services and Opposer’s Marks embody the goodwill and reputation that Opposer and its affiliate licensees have developed by using Opposer’s Marks for more than 30 years.

6. On January 23, 2012, well after the filing dates of the applications that became Opposer’s Registrations, Applicant’s predecessor-in-interest filed the Application for MIHOME (“Applicant’s Mark”) for use in connection with *building materials, namely, composite panels composed primarily of an expanded polystyrene core encased in a steel lining*, based on an intent to use that mark in commerce.

7. On July 17, 2012, Applicant's predecessor-in-interest assigned the Application to Applicant.
8. The Application was published for opposition on June 12, 2012.
9. Opposer filed for and was granted an extension of time to oppose the Application through October 10, 2012.

### **LIKELIHOOD OF CONFUSION**

10. Applicant's Mark and Opposer's Marks are nearly identical and would be pronounced identically, with each prominently featuring the phonetically equivalent MI or MII and ending with the nearly identical words HOME and HOMES.
11. Applicant's Goods are closely related to Opposer's Services.
12. Applicant's Goods and Opposer's Services could be marketed to the same consumers through the same trade channels.
13. Opposer has priority over the adoption, after August 21, 1986, of marks that are the same as or similar to Opposer's Marks and are used with goods or services that are the same as, or are related to, Opposer's Services.
14. Opposer and its affiliated licensees have used Opposer's Marks in connection with Opposer's Services for over 30 years before January 23, 2012, the date Applicant's predecessor-in-interest filed the Application.
15. Opposer filed its first federal application for Opposer's Marks over 20 years before January 23, 2012, the date Applicant's predecessor-in-interest filed the Application.

16. Allowing the Application to register would damage Opposer by interfering with Opposer's exclusive right to use Opposer's Marks in connection with Opposer's Services.

17. Because of the similarity between Opposer's Marks and Applicant's Mark, and the relatedness of Opposer's Services and Applicant's Goods, Applicant's Mark is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe, incorrectly, that Applicant's Goods emanate from, are authorized or endorsed by, or are otherwise connected with Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d)..

\* \* \*

WHEREFORE, Opposer prays that the Trademark Trial and Appeal Board sustain this Notice of Opposition to Application Serial Nos. 85/522763 for MIIHOME.

The required fee accompanies this Notice. Please charge any additional fees to Deposit Account No. 22-0585.

Please recognize Cory M. Amron, William H. Oldach III, and Christopher M. Ott, all members of the bar of the District of Columbia, and the firm of Vorys, Sater, Seymour and Pease, LLP, as Opposer's attorneys to prosecute this Notice of Opposition and to transact all related business in the Patent and Trademark Office.

Respectfully submitted,



10.9.2012  
Date: \_\_\_\_\_

\_\_\_\_\_  
Cory M. Amron  
William H. Oldach III  
Christopher M. Ott  
VORYS, SATER, SEYMOUR & PEASE LLP  
1909 K Street, NW  
Ninth Floor  
Washington, DC 20006  
Telephone: 202.467.8800  
Facsimile: 202.533.9099  
E-Mail: [iplaw@vorys.com](mailto:iplaw@vorys.com)

Attorneys for Opposer  
MHO, LLC

**EXHIBIT A**

STATUS		DOCUMENTS		<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2012-10-08 17:49:44 EST					
<b>Mark:</b> M/I HOMES					
<b>US Serial Number:</b>	73615923	<b>Application Filing Date:</b>	Aug. 21, 1986		
<b>US Registration Number:</b>	1436709	<b>Registration Date:</b>	Apr. 14, 1987		
<b>Register:</b>	Principal				
<b>Mark Type:</b>	Service Mark				
<b>Status:</b>	The registration has been renewed.				
<b>Status Date:</b>	Apr. 30, 2007				
<b>Publication Date:</b>	Jan. 20, 1987				
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>					
<b>Mark Literal Elements:</b>	M/I HOMES				
<b>Standard Character Claim:</b>	No				
<b>Mark Drawing Type:</b>	1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)				
<b>Disclaimer:</b>	"HOMES"				
<b>▼ Goods and Services</b>					
<b>Note:</b>					
The following symbols indicate that the registrant/owner has amended the goods/services:					
<ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *.* identify additional (new) wording in the goods/services.</li> </ul>					
<b>For:</b>	HOME CONSTRUCTION SERVICES AND PLANNING, LAYOUT AND CONSTRUCTION OF RESIDENTIAL COMMUNITIES				
<b>International Class:</b>	037 - Primary Class	<b>U.S Class:</b>	103		
<b>Class Status:</b>	ACTIVE				
<b>Basis:</b>	1(a)				
<b>First Use:</b>	Jul. 01, 1976	<b>Use in Commerce:</b>	Aug. 04, 1981		
<b>▼ Basis Information (Case Level)</b>					
<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		
<b>▼ Current Owner(s) Information</b>					
<b>Owner Name:</b>	MHO, LLC				
<b>Owner Address:</b>	SUITE 200 4343 ANCHOR PLAZA TAMPA, FLORIDA 33634 UNITED STATES				
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA		
<b>▼ Attorney/Correspondence Information</b>					

<b>Attorney of Record</b>		
<b>Attorney Name:</b>	CORY M. AMRON	<b>Docket Number:</b> 48531-2
<b>Correspondent</b>		
<b>Correspondent Name/Address:</b>	CORY M. AMRON Vorys Sater Seymour and Pease LLP P.O. Box 2255 IPLAW@VORYS Columbus, OHIO 43216-2255 UNITED STATES	
<b>Phone:</b>	(202) 467-8800	<b>Fax:</b> (202) 533-9099
<b>Correspondent e-mail:</b>	<a href="mailto:iplaw@vorys.com">iplaw@vorys.com</a>	<b>Correspondent e-mail Authorized:</b> Yes
<b>Domestic Representative - Not Found</b>		
<b>▼ Prosecution History</b>		
<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Apr. 08, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 30, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Apr. 30, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 18, 2007	ASSIGNED TO PARALEGAL	61619
Mar. 02, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 02, 2007	TEAS SECTION 8 & 9 RECEIVED	
Oct. 30, 2006	CASE FILE IN TICRS	
Aug. 05, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 15, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 14, 1987	REGISTERED-PRINCIPAL REGISTER	
Jan. 20, 1987	PUBLISHED FOR OPPOSITION	
Dec. 18, 1986	NOTICE OF PUBLICATION	
Nov. 13, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 03, 1986	EXAMINER'S AMENDMENT MAILED	
Oct. 28, 1986	ASSIGNED TO EXAMINER	59851
<b>▼ Maintenance Filings or Post Registration Information</b>		
<b>Affidavit of Continued Use:</b>	Section 8 - Accepted	
<b>Affidavit of Incontestability:</b>	Section 15 - Accepted	
<b>Renewal Date:</b>	Apr. 14, 2007	
<b>▼ TM Staff and Location Information</b>		
<b>TM Staff Information - None</b>		
<b>File Location</b>		
<b>Current Location:</b>	POST REGISTRATION	<b>Date in Location:</b> Apr. 30, 2007
<b>▼ Assignment Abstract of Title Information</b>		
<b>▼ Conveyance Filter</b>		
<b>Summary</b>		
<b>Total Assignments:</b>	4	<b>Registrant:</b> M/I SCHOTTENSTEIN HOMES, INC.
<b>Assignment 1 of 4</b>		
<b>Conveyance:</b>	ASSIGNS THE ENTIRE INTEREST	
<b>Reel/Frame:</b>	<a href="#">1842/0514</a>	<b>Pages:</b> 5
<b>Date Recorded:</b>	Jan. 05, 1999	
<b>Supporting Documents:</b>	<a href="#">assignment-tm-1842-0514.pdf</a>	
<b>Assignor</b>		
<b>Name:</b>	<a href="#">M/I SCHOTTENSTEIN HOMES, INC.</a>	<b>Execution Date:</b> Jan. 01, 1999

<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	OHIO
<b>Assignee</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>		
<b>Legal Entity Type:</b>	ARIZONA LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	ARIZONA
<b>Address:</b>	14505 NORTH HAYDEN ROAD, SUITE 341 SCOTTSDALE, ARIZONA 85260		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	VORYS, SATER, SEYMOUR AND PEASE LLP		
<b>Correspondent Address:</b>	JEAN-MARC BRUN 1828 L STREET N.W., SUITE 1111 WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>Assignment 2 of 4</b>			
<b>Conveyance:</b>	MERGER		
<b>Reel/Frame:</b>	<a href="#">2819/0657</a>	<b>Pages:</b>	6
<b>Date Recorded:</b>	Sep. 05, 2003		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-2819-0657.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>	<b>Execution Date:</b>	Jul. 01, 2003
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	ARIZONA
<b>Assignee</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA
<b>Address:</b>	4904 EISENHOWER BOULEVARD SUITE 150 TAMPA, FLORIDA 33634		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	VORYS SATER SEYMOUR AND PEASE LLP		
<b>Correspondent Address:</b>	CORY M. AMRON, ESQUIRE 1828 L STREET, N.W. 11TH FLOOR WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>Assignment 3 of 4</b>			
<b>Conveyance:</b>	SECURITY INTEREST		
<b>Reel/Frame:</b>	<a href="#">3920/0009</a>	<b>Pages:</b>	9
<b>Date Recorded:</b>	Jan. 15, 2009		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-3920-0009.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>	<b>Execution Date:</b>	Jan. 15, 2009
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA
<b>Assignee</b>			
<b>Name:</b>	<a href="#">PNC BANK, NATIONAL ASSOCIATION</a>		
<b>Legal Entity Type:</b>	BANK	<b>State or Country Where Organized:</b>	No Place Where Organized Found
<b>Address:</b>	2 TOWER CENTER 18TH FLOOR EAST BRUNSWICK, NEW JERSEY 08816		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	DUANE A. STEWART, III		
<b>Correspondent Address:</b>			

	301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219	
<b>Domestic Representative - Not Found</b>		
<b>Assignment 4 of 4</b>		
Conveyance:	SECURITY INTEREST	
Reel/Frame:	<a href="#">4237/0071</a>	Pages: 9
Date Recorded:	Jul. 06, 2010	
Supporting Documents:	<a href="#">assignment-tm-4237-0071.pdf</a>	
<b>Assignor</b>		
Name:	<a href="#">MHO, LLC</a>	Execution Date: Jun. 07, 2010
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized: FLORIDA
<b>Assignee</b>		
Name:	<a href="#">PNC BANK, NATIONAL ASSOCIATION</a>	
Legal Entity Type:	BANK	State or Country Where Organized: UNITED STATES
Address:	249 FIFTH AVENUE PITTSBURGH, PENNSYLVANIA 15222	
<b>Correspondent</b>		
Correspondent Name:	MICHAEL L. DEVER	
Correspondent Address:	301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219	
<b>Domestic Representative - Not Found</b>		

**EXHIBIT B**

STATUS		DOCUMENTS		<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2012-10-09 13:18:46 EST					
<b>Mark:</b>					
					
<b>US Serial Number:</b>	73615922	<b>Application Filing Date:</b>	Aug. 21, 1986		
<b>US Registration Number:</b>	1441476	<b>Registration Date:</b>	Jun. 02, 1987		
<b>Register:</b>	Principal				
<b>Mark Type:</b>	Service Mark				
<b>Status:</b>	The registration has been renewed.				
<b>Status Date:</b>	Apr. 27, 2007				
<b>Publication Date:</b>	Mar. 10, 1987				
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>					
<b>Mark Literal Elements:</b>	None				
<b>Standard Character Claim:</b>	No				
<b>Mark Drawing Type:</b>	2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)				
<b>Description of Mark:</b>	THE MARK CONSISTS OF THE LETTERS "MI" RENDERED IN STYLIZED FORM TO RESEMBLE A HOUSE.				
<b>Design Search Code(s):</b>	07.01.04 - Detached house 27.01.04 - Punctuation forming objects;Objects composed of letters or numerals;Letters forming objects;Numbers forming objects				
<b>▼ Goods and Services</b>					
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [...] indicate deleted goods/services; • Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks "*" identify additional (new) wording in the goods/services.					
<b>For:</b>	HOME CONSTRUCTION SERVICES AND PLANNING, LAYOUT AND CONSTRUCTION OF RESIDENTIAL COMMUNITIES				
<b>International Class:</b>	037 - Primary Class	<b>U.S. Class:</b>	103		
<b>Class Status:</b>	ACTIVE				
<b>Basis:</b>	1(a)				
<b>First Use:</b>	Jul. 01, 1976	<b>Use in Commerce:</b>	Aug. 04, 1981		
<b>▼ Basis Information (Case Level)</b>					
<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		
<b>▼ Current Owner(s) Information</b>					
<b>Owner Name:</b>	MHO, LLC				
<b>Owner Address:</b>	SUITE 200 4343 ANCHOR PLAZA TAMPA, FLORIDA 33634 UNITED STATES				
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA		

<b>Attorney/Correspondence Information</b>		
<b>Attorney of Record</b>		
<b>Attorney Name:</b>	CORY M. AMRON	<b>Docket Number:</b> 48531-2
<b>Correspondent</b>		
<b>Correspondent Name/Address:</b>	Cory M. Amron Vorys, Sater, Seymour and Pease LLP P.O. Box 2255 IPLaw@Vorys Columbus, OHIO 43216-2255 UNITED STATES	
<b>Phone:</b>	(202) 467-8800	<b>Fax:</b> (202) 533-9099
<b>Correspondent e-mail:</b>	<a href="mailto:iplaw@vorys.com">iplaw@vorys.com</a>	<b>Correspondent e-mail Authorized:</b> Yes
<b>Domestic Representative - Not Found</b>		
<b>Prosecution History</b>		
Date	Description	Proceeding Number
Mar. 08, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 27, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Apr. 27, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 02, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 02, 2007	TEAS SECTION 8 & 9 RECEIVED	
Oct. 30, 2006	CASE FILE IN TICRS	
Sep. 17, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 29, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 02, 1987	REGISTERED-PRINCIPAL REGISTER	
Mar. 10, 1987	PUBLISHED FOR OPPOSITION	
Feb. 09, 1987	NOTICE OF PUBLICATION	
Dec. 18, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 26, 1986	EXAMINER'S AMENDMENT MAILED	
Oct. 28, 1986	ASSIGNED TO EXAMINER	59851
<b>Maintenance Filings or Post Registration Information</b>		
<b>Affidavit of Continued Use:</b>	Section 8 - Accepted	
<b>Affidavit of Incontestability:</b>	Section 15 - Accepted	
<b>Renewal Date:</b>	Jun. 02, 2007	
<b>TM Staff and Location Information</b>		
<b>TM Staff Information - None</b>		
<b>File Location</b>		
<b>Current Location:</b>	POST REGISTRATION	<b>Date in Location:</b> Apr. 27, 2007
<b>Assignment Abstract of Title Information</b>		
<b>Conveyance Filter</b>		
<b>Summary</b>		
<b>Total Assignments:</b>	4	<b>Registrant:</b> M/I SCHOTTENSTEIN HOMES, INC.
<b>Assignment 1 of 4</b>		
<b>Conveyance:</b>	ASSIGNS THE ENTIRE INTEREST	
<b>Reel/Frame:</b>	<a href="#">1842/0514</a>	<b>Pages:</b> 5
<b>Date Recorded:</b>	Jan. 05, 1999	
<b>Supporting Documents:</b>	<a href="#">assignment-tm-1842-0514.pdf</a>	
<b>Assignor</b>		
<b>Name:</b>	<a href="#">M/I SCHOTTENSTEIN HOMES, INC.</a>	<b>Execution Date:</b> Jan. 01, 1999

<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	OHIO
<b>Assignee</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>		
<b>Legal Entity Type:</b>	ARIZONA LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	ARIZONA
<b>Address:</b>	14505 NORTH HAYDEN ROAD, SUITE 341 SCOTTSDALE, ARIZONA 85260		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	VORYS, SATER, SEYMOUR AND PEASE LLP		
<b>Correspondent Address:</b>	JEAN-MARC BRUN 1828 L STREET N.W., SUITE 1111 WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>Assignment 2 of 4</b>			
<b>Conveyance:</b>	MERGER		
<b>Reel/Frame:</b>	<a href="#">2819/0657</a>	<b>Pages:</b>	6
<b>Date Recorded:</b>	Sep. 05, 2003		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-2819-0657.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>	<b>Execution Date:</b>	Jul. 01, 2003
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	ARIZONA
<b>Assignee</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA
<b>Address:</b>	4904 EISENHOWER BOULEVARD SUITE 150 TAMPA, FLORIDA 33634		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	VORYS SATER SEYMOUR AND PEASE LLP		
<b>Correspondent Address:</b>	CORY M. AMRON, ESQUIRE 1828 L STREET, N.W. 11TH FLOOR WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>Assignment 3 of 4</b>			
<b>Conveyance:</b>	SECURITY INTEREST		
<b>Reel/Frame:</b>	<a href="#">3920/0009</a>	<b>Pages:</b>	9
<b>Date Recorded:</b>	Jan. 15, 2009		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-3920-0009.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">MHO, LLC</a>	<b>Execution Date:</b>	Jan. 15, 2009
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA
<b>Assignee</b>			
<b>Name:</b>	<a href="#">PNC BANK, NATIONAL ASSOCIATION</a>		
<b>Legal Entity Type:</b>	BANK	<b>State or Country Where Organized:</b>	No Place Where Organized Found
<b>Address:</b>	2 TOWER CENTER 18TH FLOOR EAST BRUNSWICK, NEW JERSEY 08816		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	DUANE A. STEWART, III		
<b>Correspondent Address:</b>			

	301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219	
<b>Domestic Representative - Not Found</b>		
<b>Assignment 4 of 4</b>		
Conveyance:	SECURITY INTEREST	
Reel/Frame:	<a href="#">4237/0071</a>	Pages: 9
Date Recorded:	Jul. 06, 2010	
Supporting Documents:	<a href="#">assignment-tm-4237-0071.pdf</a>	
<b>Assignor</b>		
Name:	<a href="#">MHO, LLC</a>	Execution Date: Jun. 07, 2010
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized: FLORIDA
<b>Assignee</b>		
Name:	<a href="#">PNC BANK, NATIONAL ASSOCIATION</a>	
Legal Entity Type:	BANK	State or Country Where Organized: UNITED STATES
Address:	249 FIFTH AVENUE PITTSBURGH, PENNSYLVANIA 15222	
<b>Correspondent</b>		
Correspondent Name:	MICHAEL L. DEVER	
Correspondent Address:	301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219	
<b>Domestic Representative - Not Found</b>		

EXHIBIT C

STATUS		DOCUMENTS		<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2012-10-08 18:26:11 EST					
<b>Mark:</b> MI HOMES					
<b>MI HOMES</b>					
<b>US Serial Number:</b>	77220607	<b>Application Filing Date:</b>	Jul. 02, 2007		
<b>US Registration Number:</b>	3861222	<b>Registration Date:</b>	Oct. 12, 2010		
<b>Register:</b>	Principal				
<b>Mark Type:</b>	Service Mark				
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.				
<b>Status Date:</b>	Oct. 12, 2010				
<b>Publication Date:</b>	May 13, 2008	<b>Notice of Allowance Date:</b>	Aug. 05, 2008		
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>					
<b>Mark Literal Elements:</b>	MI HOMES				
<b>Standard Character Claim:</b>	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.				
<b>Mark Drawing Type:</b>	4 - STANDARD CHARACTER MARK				
<b>Disclaimer:</b>	"HOMES"				
<b>▼ Related Properties Information</b>					
<b>Claimed Ownership of US Registrations:</b>	<a href="#">1436709</a> , <a href="#">1441476</a> , <a href="#">2950978</a> , and others				
<b>▼ Goods and Services</b>					
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>					
<b>For:</b>	Construction services, namely, planning, laying out and custom construction of residential homes and communities				
<b>International Class:</b>	037 - Primary Class	<b>U.S Class:</b>	100, 103, 106		
<b>Class Status:</b>	ACTIVE				
<b>Basis:</b>	1(a)				
<b>First Use:</b>	Jul. 01, 1976	<b>Use in Commerce:</b>	Aug. 04, 1981		
<b>▼ Basis Information (Case Level)</b>					
<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		
<b>▼ Current Owner(s) Information</b>					
<b>Owner Name:</b>	MHO, LLC				
<b>Owner Address:</b>	Suite 200 4343 Anchor Plaza Tampa, FLORIDA 33634 UNITED STATES				
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA		

▼ Attorney/Correspondence Information		
<b>Attorney of Record</b>		
<b>Attorney Name:</b> Cory M. Amron	<b>Docket Number:</b> 048531-00000	
<b>Correspondent</b>		
<b>Correspondent Name/Address:</b>	Cory M. Amron Vorys, Sater, Seymour and Pease LLP P.O. Box 2255 IPLaw@Vorys Columbus, OHIO 43216-2255 UNITED STATES	
<b>Phone:</b> (202) 467-8800	<b>Fax:</b> (202) 533-9099	
<b>Correspondent e-mail:</b> <a href="mailto:iplaw@vorys.com">iplaw@vorys.com</a>	<b>Correspondent e-mail Authorized:</b> No	
<b>Domestic Representative - Not Found</b>		
▼ Prosecution History		
Date	Description	Proceeding Number
Oct. 12, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 09, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 08, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	66121
Sep. 08, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 20, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Aug. 20, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Aug. 13, 2010	TEAS VOLUNTARY AMENDMENT RECEIVED	
Aug. 11, 2010	STATEMENT OF USE PROCESSING COMPLETE	66530
Aug. 05, 2010	USE AMENDMENT FILED	66530
Aug. 05, 2010	PAPER RECEIVED	
Mar. 08, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 19, 2010	EXTENSION 3 GRANTED	66530
Jan. 13, 2010	EXTENSION 3 FILED	66530
Jan. 13, 2010	TEAS EXTENSION RECEIVED	
Dec. 08, 2009	ASSIGNED TO EXAMINER	76843
Aug. 31, 2009	EXTENSION 2 GRANTED	66530
Aug. 04, 2009	EXTENSION 2 FILED	66530
Aug. 31, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Aug. 04, 2009	TEAS EXTENSION RECEIVED	
Feb. 03, 2009	EXTENSION 1 GRANTED	98765
Feb. 03, 2009	EXTENSION 1 FILED	98765
Feb. 03, 2009	TEAS EXTENSION RECEIVED	
Aug. 05, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 13, 2008	PUBLISHED FOR OPPOSITION	
Apr. 23, 2008	NOTICE OF PUBLICATION	
Apr. 08, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Apr. 08, 2008	ASSIGNED TO LIE	66121
Mar. 28, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 27, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 27, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 27, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 02, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 02, 2007	NON-FINAL ACTION E-MAILED	6325
Oct. 02, 2007	NON-FINAL ACTION WRITTEN	61700
Oct. 02, 2007	ASSIGNED TO EXAMINER	61700

Jul. 06, 2007	NOTICE OF PSEUDO MARK MAILED
Jul. 05, 2007	NEW APPLICATION ENTERED IN TRAM
<b>▼ TM Staff and Location Information</b>	
<b>TM Staff Information - None</b>	
<b>File Location</b>	
<b>Current Location:</b>	PUBLICATION AND ISSUE SECTION
<b>Date in Location:</b>	Sep. 08, 2010

EXHIBIT D

STATUS		DOCUMENTS		<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2012-10-08 18:26:51 EST					
<b>Mark:</b> M/I HOMES MOVE UP					
				M/I HOMES MOVE UP	
<b>US Serial Number:</b>	77506879	<b>Application Filing Date:</b>	Jun. 24, 2008		
<b>US Registration Number:</b>	3687147	<b>Registration Date:</b>	Sep. 22, 2009		
<b>Register:</b>	Principal				
<b>Mark Type:</b>	Service Mark				
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.				
<b>Status Date:</b>	Sep. 22, 2009				
<b>Publication Date:</b>	Jan. 20, 2009	<b>Notice of Allowance Date:</b>	Apr. 14, 2009		
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>					
<b>Mark Literal Elements:</b>	M/I HOMES MOVE UP				
<b>Standard Character Claim:</b>	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.				
<b>Mark Drawing Type:</b>	4 - STANDARD CHARACTER MARK				
<b>Disclaimer:</b>	"HOMES"				
<b>▼ Related Properties Information</b>					
<b>Claimed Ownership of US Registrations:</b>	<a href="#">1436709</a> , <a href="#">1441476</a> , <a href="#">2950978</a>				
<b>▼ Goods and Services</b>					
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>					
<b>For:</b>	Construction services, namely, planning, laying out and custom construction of residential homes and communities				
<b>International Class:</b>	037 - Primary Class	<b>U.S Class:</b>	100, 103, 106		
<b>Class Status:</b>	ACTIVE				
<b>Basis:</b>	1(a)				
<b>First Use:</b>	Jan. 01, 2009	<b>Use in Commerce:</b>	Jan. 01, 2009		
<b>▼ Basis Information (Case Level)</b>					
<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		
<b>▼ Current Owner(s) Information</b>					
<b>Owner Name:</b>	MHO, LLC				
<b>Owner Address:</b>	Suite 200 4343 Anchor Plaza Tampa, FLORIDA 33634 UNITED STATES				
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	FLORIDA		

▼ Attorney/Correspondence Information		
<b>Attorney of Record</b>		
<b>Attorney Name:</b> Cory M. Amron	<b>Docket Number:</b> 48531-2	
<b>Correspondent</b>		
<b>Correspondent Name/Address:</b>	Cory M. Amron Vorys, Sater, Seymour and Pease LLP P.O. Box 2255 IPLaw@Vorys Columbus, OHIO 43216-2255 UNITED STATES	
<b>Phone:</b> (202) 467-8800	<b>Fax:</b> (202) 533-9099	
<b>Correspondent e-mail:</b> <a href="mailto:iplaw@vorys.com">iplaw@vorys.com</a>	<b>Correspondent e-mail Authorized:</b> Yes	
<b>Domestic Representative - Not Found</b>		
▼ Prosecution History		
Date	Description	Proceeding Number
Mar. 08, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 22, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 20, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	71441
Aug. 18, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 16, 2009	STATEMENT OF USE PROCESSING COMPLETE	69302
Jun. 22, 2009	USE AMENDMENT FILED	69302
Jul. 16, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jun. 22, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 14, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 20, 2009	PUBLISHED FOR OPPOSITION	
Dec. 31, 2008	NOTICE OF PUBLICATION	
Dec. 18, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Dec. 17, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 25, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 25, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 25, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 25, 2008	EXAMINERS AMENDMENT -WRITTEN	78428
Nov. 24, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 03, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Oct. 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Oct. 21, 2008	ASSIGNED TO LIE	71441
Oct. 07, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2008	ASSIGNED TO EXAMINER	78428
Jun. 27, 2008	NEW APPLICATION ENTERED IN TRAM	
▼ TM Staff and Location Information		
<b>TM Staff Information - None</b>		
<b>File Location</b>		
<b>Current Location:</b> PUBLICATION AND ISSUE SECTION	<b>Date in Location:</b> Aug. 20, 2009	
▼ Assignment Abstract of Title Information		
<b>▼ Conveyance Filter</b>		
<b>Summary</b>		
<b>Total Assignments:</b> 1	<b>Registrant:</b> MHO, LLC	
<b>Assignment 1 of 1</b>		

<b>Conveyance:</b>	SECURITY INTEREST	
<b>Reel/Frame:</b>	<a href="#">4237/0071</a>	<b>Pages:</b> 9
<b>Date Recorded:</b>	Jul. 06, 2010	
<b>Supporting Documents:</b>	<a href="#">assignment-tm-4237-0071.pdf</a>	
<b>Assignor</b>		
<b>Name:</b>	<a href="#">MHO, LLC</a>	<b>Execution Date:</b> Jun. 07, 2010
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b> FLORIDA
<b>Assignee</b>		
<b>Name:</b>	<a href="#">PNC BANK, NATIONAL ASSOCIATION</a>	
<b>Legal Entity Type:</b>	BANK	<b>State or Country Where Organized:</b> UNITED STATES
<b>Address:</b>	249 FIFTH AVENUE PITTSBURGH, PENNSYLVANIA 15222	
<b>Correspondent</b>		
<b>Correspondent Name:</b>	MICHAEL L. DEVER	
<b>Correspondent Address:</b>	301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219	
<b>Domestic Representative - Not Found</b>		

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Opposition was served on October 10, 2012, by first-class United States Mail, postage prepaid, on:

Patchen M. Haggerty, Esq.  
Dorsey & Whitney LLP  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104

A handwritten signature in black ink, appearing to read "Christopher M. Ott", is written above a horizontal line.

Christopher M. Ott