

ESTTA Tracking number: **ESTTA534069**

Filing date: **04/24/2013**

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	Heidi Klum Company LLC
Granted to Date of previous extension	04/24/2013
Address	568 Broadway, Suite 603 New York, NY 10012 UNITED STATES
Attorney information	Edwin Komen Sheppard Mullin Richter & Hampton LLP 1300 I Street, NW, 11th Floor East Washington, DC 20005-3314 UNITED STATES ekomen@sheppardmullin.com

Applicant Information

Application No	85683416	Publication date	12/25/2012
Opposition Filing Date	04/24/2013	Opposition Period Ends	04/24/2013
Applicant	Ruggiero, Bethney C. 26 Railroad Avenue #141 Babylon, NY 11702 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 021. All goods and services in the class are opposed, namely: Candy boxes; Chocolate molds; Cookie cutters; Cookie jars; Cookie sheets; Cup cake molds; Decorative plates; Dessert plates</p>
<p>Class 029. All goods and services in the class are opposed, namely: Candied fruit; Candied fruit snacks; Candied nuts; Chocolate milk; Chocolate nut butter; Dairy-based chocolate food beverages; Dip mixes; Dips; Fruit-based filling for cakes and pies; Jams; Jams and marmalades; Jellies and jams; Jellies, jams; Milk-based beverages with chocolate; Snack dips; Snack food dips; Snack mix consisting of primarily of processed nuts, seeds, dried fruit and also including chocolate; Trail mix consisting primarily of processed nuts, seeds, dried fruit and also including chocolate; Vegetable-based chocolate food beverages</p>
<p>Class 030. All goods and services in the class are opposed, namely: Beverages with a chocolate base; Bubble gum; Cake doughs; Cake frosting; Cake icing; Cake mixes; Cake mixes, namely, cake bases; Cakes; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy decorations for cakes; Candy for food; Candy mints; Candy sprinkles; Candy with caramel; Candy with cocoa; Candy,</p>

namely, dragA@es; Chewing gum; Chewing gum with vitamins; Chewing gum, not for medical purposes; Chewing gums; Chocolate; Chocolate and chocolates; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate candies; Chocolate chips; Chocolate confections; Chocolate covered cocoa nibs; Chocolate covered cookies; Chocolate covered fruit; Chocolate covered nuts; Chocolate covered popcorn; Chocolate covered pretzels; Chocolate covered raisins; Chocolate covered roasted coffee beans; Chocolate fondue; Chocolate food beverages not being dairy-based or vegetable based; Chocolate for confectionery and bread; Chocolate for toppings; Chocolate mousse; Chocolate pastes; Chocolate powder; Chocolate sauce; Chocolate syrup; Chocolate topped pretzels; Chocolate topping; Chocolate truffles; Chocolate-based beverages; Chocolate-based beverages with milk; Chocolate-based fillings for cakes and pies; Chocolate-based meal replacement bars; Chocolate-based ready-to-eat food bars; Chocolate-covered potato chips; Chocolates and chocolate based ready to eat candies and snacks; Chocolates containing nutrients; Confectioneries, namely, snack foods, namely, chocolate; Cookie dough; Cookie mixes; Cookie pies; Cookies; Cookies and crackers; Cotton candy; Cup cakes; Custard-based fillings for cakes and pies; Edible cake decorations; Edible decorations for cakes; Filled chocolate; Food package combinations consisting primarily of bread, crackers and/or cookies; Fresh fruits cut into flower shapes and at least partially coated with chocolate; Fried dough cookies (karintoh); Frozen cookie dough; Frozen cookie, brownie and biscotti dough; Frozen yogurt pies and cakes; Fruit cakes; Fruit jelly candy; Gift baskets containing candy; Gum sweets; Gummy candies; Hot chocolate; Ice candies; Ice-cream cakes; Mexican candy; Milk chocolate; Mixes for candy making; Peppermint candy; Petits fours; Snack cakes; Snack foods, namely, chocolate-based snack foods; Sponge cakes; Spread containing chocolate and nuts; Spreads consisting of emulsified biscuits or cookies; Starch-based candies (ame); Sugar-free chewing gum; Sugarfree chewing gum; Sugarless candies; Sugarless chewing gum; Sweets; Vegan cakes; Vegan cookies; Vegan cup cakes

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.	4273531	Application Date	04/30/2010
Registration Date	01/08/2013	Foreign Priority Date	NONE
Word Mark	TRULY SCRUMPTIOUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Strollers, canopies for baby strollers, covers for baby strollers, children's car seats</p> <p>Class 018. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Bags, namely, diaper bags and tote bags</p> <p>Class 020. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Beds and cribs</p> <p>Class 024. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Bedding, namely, comforters, quilts, bed spreads, bed skirts, blankets, sheets, crib bumper pads, crib bumpers and crib canopies</p> <p>Class 025. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Clothing for infants, toddlers and children, namely, cloth and plastic baby bibs, diaper pants for holding diapers for infants, diaper covers, body suits, booties, cardigans, caps, hats, bonnets, coats, dresses, T-shirts, overalls, pants, polo shirts, shirts, shorts, skirts, sport shirts, infant sleepers, sleepwear, pajamas, loungewear, warm-up suits, sweaters, sweatshirts, jackets, jeans, jumpers, fleece tops, fleece jackets, mittens, gloves, socks, tights, leggings, slippers,</p>		

	shoes and footwear Class 026. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Hair accessories, namely, barrettes, hair pins, hair bands and hair ornaments Class 028. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Toys, games and playthings, namely, baby multiple activity toys, rattles for babies, toy mobiles and crib mobiles, teddy bears, soft toys, namely, soft sculpture toys, plush toys, dolls and puppets
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U.S. Application No.	85977784	Application Date	11/08/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRULY SCRUMPTIOUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Lamps Class 020. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Baby changing tables; Furniture, namely, dressers Class 021. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Baskets for domestic use, not of metal; Laundry hampers for domestic or household use Class 027. First use: First Use: 2012/09/15 First Use In Commerce: 2012/09/15 Rugs		

U.S. Application No.	85027335	Application Date	04/30/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRULY SCRUMPTIOUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Optical goods, namely, glasses, frames, sunglasses Class 012. First use: Umbrellas to be affixed to baby stroller and booster seats for use in vehicles Class 014. First use: Watches, jewelry, namely, necklaces, earrings, bracelets, rings, brooches, anklets, charms, pendants and chains Class 018. First use: Bags, namely, backpacks and umbrellas Class 020. First use: Picture frames Class 024. First use: Bedding, namely, duvets, comforter covers, mattress pads, pillow cases and pillow shams, featherbeds, towels and shower curtains Class 025. First use:		

	<p>Clothing for infants, toddlers and children, namely, robes, smocks, underwear, snow suits, scarves, mufflers, swimwear and leotards</p> <p>Class 028. First use:</p> <p>Toys, games and playthings, namely, infant swings, doll beds, doll bottles, doll houses, doll clothing, doll rooms in the form of doll houses, toy action figures, rocking horses, toy model train sets, toy masks, toy vehicles in the nature of push cars, scooters, pedal cars, kaleidoscopes, board games, action skill games, card games, playing cards, puzzles, chess sets, balls for games, building sets comprised of building blocks as toys and novelties for parties and dances, namely, party favors in the nature of poppers and noise makers</p>
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U.S. Application No.	85467151	Application Date	11/08/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRULY SCRUMPTIOUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: Baby books; Framed art pictures; Photograph albums		

Attachments	Truly Scrumptious NotOfOppn.PDF (28 pages)(422570 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	/Susan Hwang/
Name	Susan Hwang
Date	04/24/2013

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

HEIDI KLUM COMPANY LLC

Opposer,

v.

BETHNEY C. RUGGIERO

Applicant.

Opposition No. _____

Serial No. 85/683,416

Mark: TRULY SCRUMPTIOUS

Filed: July 21, 2012

Published: December 25, 2012

NOTICE OF OPPOSITION

Opposer, Heidi Klum Company LLC, a limited liability company organized and existing under the laws of the State of New York, having a place of business at 568 Broadway New York, New York 10012 (“HKC”), believes that it will be damaged by registration of the mark TRULY SCRUMPTIOUS shown in Application Serial No. 85/683,416 for the goods in International Classes 21, 29 and 30, filed July 21, 2012 by Applicant Bethney C. Ruggiero, upon information and belief an individual of U.S. citizenship residing at 26 Railroad Ave # 141, Babylon, New York 11702-2204 (“Ruggiero”), and hereby opposes the same.

As grounds for opposition, Opposer HKC alleges that:

1. Opposer HKC is engaged, among other things, in the business of making and selling various consumer products, including clothing, hair accessories, toys, furniture, lamps, bags, strollers, car seats and bedding.
2. Opposer HKC is the owner of U.S. Trademark Registration No. 4,273,531 for the mark TRULY SCRUMPTIOUS, filed on April 30, 2010 and registered on January 8,

2013 in connection with “Strollers, canopies for baby strollers, covers for baby strollers, children's car seats,” in International Class 12, “Bags, namely, diaper bags and tote bags,” in International Class 18, “Beds and cribs,” in International Class 20, “Bedding, namely, comforters, quilts, bed spreads, bed skirts, blankets, sheets, crib bumper pads, crib bumpers and crib canopies,” in International Class 24, “Clothing for infants, toddlers and children, namely, cloth and plastic baby bibs, diaper pants for holding diapers for infants, diaper covers, body suits, booties, cardigans, caps, hats, bonnets, coats, dresses, T-shirts, overalls, pants, polo shirts, shirts, shorts, skirts, sport shirts, infant sleepers, sleepwear, pajamas, loungewear, warm-up suits, sweaters, sweatshirts, jackets, jeans, jumpers, fleece tops, fleece jackets, mittens, gloves, socks, tights, leggings, slippers, shoes and footwear,” in International Class 25, “Hair accessories, namely, barrettes, hair pins, hair bands and hair ornaments,” in International Class 26, and “Toys, games and playthings, namely, baby multiple activity toys, rattles for babies, toy mobiles and crib mobiles, teddy bears, soft toys, namely, soft sculpture toys, plush toys, dolls and puppets,” in International Class 28. A copy of the registration certificate for U.S. Trademark Reg. No. 4,273,531 is attached hereto as **Exhibit A**.

3. Opposer’s Registration No. 4,273,531 is valid, subsisting and in full force and effect.

4. Opposer HKC has continuously used the mark TRULY SCRUMPTIOUS in interstate commerce, throughout the United States, since at least as early as September 15, 2012, in connection with the goods recited in Registration No. 4,273,531, and intends to continue so using the mark TRULY SCRUMPTIOUS in the future.

5. Opposer HKC is the owner of U.S. Trademark Application Serial No. 85/977,784 for the mark TRULY SCRUMPTIOUS, filed on November 8, 2011 for “Lamps,” in

International Class 11, “Baby changing tables; Furniture, namely, dressers,” in International Class 20, “Baskets for domestic use, not of metal; Laundry hampers for domestic or household use,” in International Class 21 and “Rugs,” in International Class 27. A copy of the TSDR printout for U.S. Trademark Application Serial No. 85/977,784 is attached hereto as **Exhibit B**.

6. Opposer HKC has continuously used the mark TRULY SCRUMPTIOUS in interstate commerce, throughout the United States, since at least as early as September 15, 2012, in connection with the goods recited in Application Serial No. 85/977,784, and intends to continue so using the mark TRULY SCRUMPTIOUS in the future.

7. Opposer HKC is the owner of U.S. Trademark Application Serial No. 85/027,335 for the mark TRULY SCRUMPTIOUS, filed on an intent-to-use basis on April 30, 2010 for “Optical goods, namely, glasses, frames, sunglasses,” in International Class 9, “Umbrellas to be affixed to baby stroller and booster seats for use in vehicles,” in International Class 12, “Watches, jewelry, namely, necklaces, earrings, bracelets, rings, brooches, anklets, charms, pendants and chains,” in International Class 14, “Bags, namely, backpacks and umbrellas,” in International Class 18, “Picture frames,” in International Class 20, “Bedding, namely, duvets, comforter covers, mattress pads, pillow cases and pillow shams, featherbeds, towels and shower curtains,” in International Class 24, “Clothing for infants, toddlers and children, namely, robes, smocks, underwear, snow suits, scarves, mufflers, swimwear and leotards,” in International Class 25 and “Toys, games and playthings, namely, infant swings, doll beds, doll bottles, doll houses, doll clothing, doll rooms in the form of doll houses, toy action figures, rocking horses, toy model train sets, toy masks, toy vehicles in the nature of push cars, scooters, pedal cars, kaleidoscopes, board games, action skill games, card games, playing cards, puzzles, chess sets, balls for games, building sets comprised of building blocks as toys and

novelties for parties and dances, namely, party favors in the nature of poppers and noise makers,” in International Class 28. A copy of the TSDR printout for U.S. Trademark Application Serial No. 85/027,335 is attached hereto as **Exhibit C**.

8. Opposer HKC is the owner of U.S. Trademark Application Serial No. 85/467,151 for the mark TRULY SCRUMPTIOUS, filed on an intent-to-use basis on November 8, 2011 for “Baby books; Framed art pictures; Photograph albums,” in International Class 16. A copy of the TSDR printout for U.S. Trademark Application Serial No. 85/467,151 is attached hereto as **Exhibit D**.

9. On July 21, 2012, Applicant Ruggiero filed an application, Serial No. 85/683,416, with the U.S. Patent and Trademark Office to register TRULY SCRUMPTIOUS in connection with “Candy boxes; Chocolate molds; Cookie cutters; Cookie jars; Cookie sheets; Cup cake molds; Decorative plates; Dessert plates,” in International Class 21; “Candied fruit; Candied fruit snacks; Candied nuts; Chocolate milk; Chocolate nut butter; Dairy-based chocolate food beverages; Dip mixes; Dips; Fruit-based filling for cakes and pies; Jams; Jams and marmalades; Jellies and jams; Jellies, jams; Milk-based beverages with chocolate; Snack dips; Snack food dips; Snack mix consisting of primarily of processed nuts, seeds, dried fruit and also including chocolate; Trail mix consisting primarily of processed nuts, seeds, dried fruit and also including chocolate; Vegetable-based chocolate food beverages,” in International Class 29; and “Beverages with a chocolate base; Bubble gum; Cake doughs; Cake frosting; Cake icing; Cake mixes; Cake mixes, namely, cake bases; Cakes; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy decorations for cakes; Candy for food; Candy mints; Candy sprinkles; Candy with caramel; Candy with cocoa; Candy, namely, dragées;

Chewing gum; Chewing gum with vitamins; Chewing gum, not for medical purposes; Chewing gums; Chocolate; Chocolate and chocolates; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate candies; Chocolate chips; Chocolate confections; Chocolate covered cocoa nibs; Chocolate covered cookies; Chocolate covered fruit; Chocolate covered nuts; Chocolate covered popcorn; Chocolate covered pretzels; Chocolate covered raisins; Chocolate covered roasted coffee beans; Chocolate fondue; Chocolate food beverages not being dairy-based or vegetable based; Chocolate for confectionery and bread; Chocolate for toppings; Chocolate mousse; Chocolate pastes; Chocolate powder; Chocolate sauce; Chocolate syrup; Chocolate topped pretzels; Chocolate topping; Chocolate truffles; Chocolate-based beverages; Chocolate-based beverages with milk; Chocolate-based fillings for cakes and pies; Chocolate-based meal replacement bars; Chocolate-based ready-to-eat food bars; Chocolate-covered potato chips; Chocolates and chocolate based ready to eat candies and snacks; Chocolates containing nutrients; Confectioneries, namely, snack foods, namely, chocolate; Cookie dough; Cookie mixes; Cookie pies; Cookies; Cookies and crackers; Cotton candy; Cup cakes; Custard-based fillings for cakes and pies; Edible cake decorations; Edible decorations for cakes; Filled chocolate; Food package combinations consisting primarily of bread, crackers and/or cookies. Fresh fruits cut into flower shapes and at least partially coated with chocolate; Fried dough cookies (karintoh); Frozen cookie dough; Frozen cookie, brownie and biscotti dough; Frozen yogurt pies and cakes; Fruit cakes; Fruit jelly candy; Gift baskets containing candy; Gum sweets; Gummy candies; Hot chocolate; Ice candies; Ice-cream cakes; Mexican candy; Milk chocolate; Mixes for candy making; Peppermint candy; Petits fours; Snack cakes; Snack foods, namely, chocolate-based snack foods; Sponge cakes; Spread containing chocolate and nuts; Spreads consisting of emulsified biscuits or cookies; Starch-based candies (ame); Sugar-free chewing

gum; Sugarfree chewing gum; Sugarless candies; Sugarless chewing gum; Sweets; Vegan cakes; Vegan cookies; Vegan cup cakes,” in International Class 30. Application Serial No. 85/683,416 asserts an intent-to-use filing basis under Section 1(b) of the Trademark Act.

10. Applicant Ruggiero’s application Serial No. 85/683,416 was published for opposition on December 25, 2012.

11. Opposer HKC, through the use and promotion of its mark TRULY SCRUMPTIOUS, and by virtue of the quality of Opposer HKC’s goods, has built up a valuable goodwill and reputation in connection with its mark TRULY SCRUMPTIOUS.

12. Opposer HKC’s constructive use rights in its mark TRULY SCRUMPTIOUS are prior in time to Applicant Ruggiero’s filing of its application to register the mark TRULY SCRUMPTIOUS.

13. Opposer HKC’s mark TRULY SCRUMPTIOUS is an inherently distinctive and strong mark, serving to distinguish the source of Opposer’s goods.

14. Applicant Ruggiero’s proposed mark TRULY SCRUMPTIOUS is identical in appearance, sound, connotation, and commercial impression to Opposer HKC’s mark TRULY SCRUMPTIOUS.

15. Applicant Ruggiero and Opposer HKC’s respective goods under their respective marks are similar in that they both comprise consumer products, are distributed and sold through the same or similar channels of trade, and are marketed to the same or similar customers and end users.

16. Opposer HKC believes that it will be damaged by the registration of Applicant Ruggiero’s proposed mark TRULY SCRUMPTIOUS and opposes application Serial No. 85/683,416 because Applicant Ruggiero’s registration and use of its proposed mark TRULY

SCRUMPTIOUS in connection with the goods set forth in application Serial No. 85/683,416 is likely to cause confusion, to cause mistake, and to deceive customers, potential customers and others, thereby injuring Opposer HKC and the consuming public and jeopardizing the valuable goodwill and reputation Opposer HKC has built up in connection with its mark TRULY SCRUMPTIOUS.

17. Accordingly, for each and every reason stated above, Opposer HKC believes that it will be damaged by the registration of Applicant Ruggiero's mark TRULY SCRUMPTIOUS and opposes application Serial No. 85/683,416.

WHEREFORE, Opposer HKC prays that this opposition be sustained and that the registration of Applicant Ruggiero's mark TRULY SCRUMPTIOUS in application Serial No. 85/683,416 be refused. The filing fee under 37 C.F.R. § 2.6(a)(17) is submitted concurrently herewith.

Dated: April 23, 2013



Edwin Komen, Esq.
Sheppard, Mullin, Richter & Hampton LLP
1300 I Street, NW
11th Floor East
Washington, DC 20005-3314
Tel.: (202) 218-0000
Fax: (202) 218-0020

Attorneys for Opposer
HEIDI KLUM COMPANY LLC

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on April 24, 2013 upon Applicant Bethney C. Ruggiero at the following address:

BETHNEY C. RUGGIERO

26 RAILROAD AVE # 141

BABYLON, NY 11702-2204


BETTY I. RODRIGUEZ

EXHIBIT A

United States of America

United States Patent and Trademark Office

TRULY SCRUMPTIOUS

Reg. No. 4,273,531

Registered Jan. 8, 2013

**Int. Cls.: 12, 18, 20, 24,
25, 26, and 28**

TRADEMARK

PRINCIPAL REGISTER

HEIDI KLUM COMPANY LLC (NEW YORK LIMITED LIABILITY COMPANY)
568 BROADWAY
NEW YORK, NY 10012

FOR: STROLLERS, CANOPIES FOR BABY STROLLERS, COVERS FOR BABY STROLLERS,
CHILDREN'S CAR SEATS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: BAGS, NAMELY, DIAPER BAGS AND TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: BEDS AND CRIBS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: BEDDING, NAMELY, COMFORTERS, QUILTS, BED SPREADS, BED SKIRTS,
BLANKETS, SHEETS, CRIB BUMPER PADS, CRIB BUMPERS AND CRIB CANOPIES, IN
CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: CLOTHING FOR INFANTS, TODDLERS AND CHILDREN, NAMELY, CLOTH AND
PLASTIC BABY BIBS, DIAPER PANTS FOR HOLDING DIAPERS FOR INFANTS, DIAPER
COVERS, BODY SUITS, BOOTIES, CARDIGANS, CAPS, HATS, BONNETS, COATS,
DRESSES, T-SHIRTS, OVERALLS, PANTS, POLO SHIRTS, SHIRTS, SHORTS, SKIRTS,
SPORT SHIRTS, INFANT SLEEPERS, SLEEPWEAR, PAJAMAS, LOUNGEWEAR, WARM-
UP SUITS, SWEATERS, SWEATSHIRTS, JACKETS, JEANS, JUMPERS, FLEECE TOPS,
FLEECE JACKETS, MITTENS, GLOVES, SOCKS, TIGHTS, LEGGINGS, SLIPPERS, SHOES
AND FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: HAIR ACCESSORIES, NAMELY, BARRETTES, HAIR PINS, HAIR BANDS AND HAIR
ORNAMENTS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).



David J. Kybas

Director of the United States Patent and Trademark Office

Reg. No. 4,273,531 FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, BABY MULTIPLE ACTIVITY TOYS, RATTLES FOR BABIES, TOY MOBILES AND CRIB MOBILES, TEDDY BEARS, SOFT TOYS, NAMELY, SOFT SCULPTURE TOYS, PLUSH TOYS, DOLLS AND PUPPETS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-977,849, FILED 4-30-2010.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT B

On March 7, 2013, the USPTO released version 2.1 of Trademark Status and Document Retrieval (TSDR). Please send any TSDR related questions or comments to TSDR@USPTO.GOV. Additional information about the TSDR 2.1 deployment is available here: [TSDR 2.1](#).

STATUS

DOCUMENTS

[Back to Search](#)

Print

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Mark: TRULY SCRUMPTIOUS

TRULY SCRUMPTIOUS

US Serial Number: 85977784

Application Filing Date: Nov. 08, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Applicant's response has been entered to a non-final Office action issued after review of the Statement of Use. The application is being returned to the examining attorney for further review. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 04, 2013

Publication Date: Apr. 17, 2012

Notice of Allowance Date: Jun. 12, 2012

Mark Information

Mark Literal Elements: TRULY SCRUMPTIOUS

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

Related Properties Information

Claimed Ownership of [85467151](#)

US Registrations:

Child Of: [85467151](#)

Goods and Services

Note:

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

- Brackets [...] indicate deleted goods/services;

- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Lamps

International Class: 011 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

First Use: Sep. 15, 2012

Use in Commerce: Sep. 15, 2012

For: Baby changing tables; Furniture, namely, dressers

International Class: 020 - Primary Class

U.S Class: 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(b)

First Use: Sep. 15, 2012

Use in Commerce: Sep. 15, 2012

For: Baskets for domestic use, not of metal; Laundry hampers for domestic or household use

International Class: 021 - Primary Class

U.S Class: 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(b)

First Use: Sep. 15, 2012

Use in Commerce: Sep. 15, 2012

For: Rugs

International Class: 027 - Primary Class

U.S Class: 019, 020, 037, 042, 050

Class Status: ACTIVE

Basis: 1(b)

First Use: Sep. 15, 2012

Use in Commerce: Sep. 15, 2012

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Heidi Klum Company LLC

Owner Address: 568 Broadway, Room 603
 New York, NEW YORK 100123260
 UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country NEW YORK
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edwin Komen, Esq.

Docket Number: 20VV-146154

Attorney Primary Email Address: ekomen@sheppardmullin.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: EDWIN KOMEN, ESQ.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 1300 I ST NW
 WASHINGTON, DISTRICT OF COLUMBIA 20005-3314
 UNITED STATES

Phone: (202) 218-0000

Fax: (202) 218-0020

Correspondent e-mail: ekomen@sheppardmullin.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Nov. 12, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 06, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Nov. 06, 2012	NON-FINAL ACTION E-MAILED	
Nov. 06, 2012	SU - NON-FINAL ACTION - WRITTEN	86336
Oct. 16, 2012	STATEMENT OF USE PROCESSING COMPLETE	66230
Oct. 12, 2012	USE AMENDMENT FILED	66230
Oct. 16, 2012	DIVISIONAL PROCESSING COMPLETE	
Oct. 12, 2012	DIVISIONAL REQUEST RECEIVED	

Oct. 15, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Oct. 12, 2012	TEAS REQUEST TO DIVIDE RECEIVED	
Oct. 12, 2012	TEAS STATEMENT OF USE RECEIVED	
Jun. 12, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 17, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 17, 2012	PUBLISHED FOR OPPOSITION	
Mar. 28, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 13, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Mar. 12, 2012	ASSIGNED TO LIE	66213
Feb. 27, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 24, 2012	ASSIGNED TO EXAMINER	86336
Nov. 14, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office Assigned: LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: Apr. 04, 2013

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EXHIBIT C

On March 7, 2013, the USPTO released version 2.1 of Trademark Status and Document Retrieval (TSDR). Please send any TSDR related questions or comments to TSDR@USPTO.GOV. Additional information about the TSDR 2.1 deployment is available here: [TSDR 2.1](#).

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Mark: TRULY SCRUMPTIOUS

TRULY SCRUMPTIOUS

US Serial Number: 85027335

Application Filing Date: Apr. 30, 2010

Date:

Register: Principal

Mark Type: Trademark

Status: A fourth request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 18, 2012

Publication Date: Oct. 19, 2010

Notice of Allowance Date: Dec. 14, 2010

Date:

Mark Information

Mark Literal Elements: TRULY SCRUMPTIOUS

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

Related Properties Information

Claimed Ownership of [85977849](#)

US Registrations:

Parent Of: [85977849](#)

Goods and Services

Note:

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

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

For: Optical goods, namely, glasses, frames, sunglasses

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Umbrellas to be affixed to baby stroller and booster seats for use in vehicles

International Class: 012 - Primary Class

U.S Class: 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(b)

For: Watches, jewelry, namely, necklaces, earrings, bracelets, rings, brooches, anklets, charms, pendants and chains

International Class: 014 - Primary Class

U.S Class: 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(b)

For: Bags, namely, backpacks and umbrellas

International Class: 018 - Primary Class

U.S Class: 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Picture frames

International Class: 020 - Primary Class

U.S Class: 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(b)

For: Bedding, namely, duvets, comforter covers, mattress pads, pillow cases and pillow shams, featherbeds, towels and shower curtains

International Class: 024 - Primary Class

U.S Class: 042, 050

Class Status: ACTIVE

Basis: 1(b)

For: Clothing for infants, toddlers and children, namely, robes, smocks, underwear, snow suits, scarves, mufflers, swimwear and leotards

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Toys, games and playthings, namely, infant swings, doll beds, doll bottles, doll houses, doll clothing, doll rooms in the form of doll houses, toy action figures, rocking horses, toy model train sets, toy masks, toy vehicles in the nature of push cars, scooters, pedal cars, kaleidoscopes, board games, action skill games, card games, playing cards, puzzles, chess sets, balls for games, building sets comprised of building blocks as toys and novelties for parties and dances, namely, party favors in the nature of poppers and noise makers

International Class: 028 - Primary Class

U.S Class: 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Heidi Klum Company LLC

Owner Address: 568 Broadway
New York, NEW YORK 10012
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country NEW YORK
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edwin Komen, Esq.

Docket Number: 20VV-146154

Attorney Primary ekomen@sheppardmullin.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent EDWIN KOMEN, ESQ.
Name/Address: SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I ST NW
WASHINGTON, DISTRICT OF COLUMBIA 20005-3314
UNITED STATES

Phone: (202) 218-0000

Fax: (202) 218-0020

Correspondent e-mail: ekomen@sheppardmullin.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 20, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 18, 2012	EXTENSION 4 GRANTED	98765
Oct. 18, 2012	EXTENSION 4 FILED	98765
Oct. 18, 2012	TEAS EXTENSION RECEIVED	
Oct. 18, 2012	CORRECTED NOA E-MAILED	
Oct. 17, 2012	DIVISIONAL PROCESSING COMPLETE	
Oct. 12, 2012	DIVISIONAL REQUEST RECEIVED	
Oct. 12, 2012	TEAS REQUEST TO DIVIDE RECEIVED	
Apr. 04, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 02, 2012	EXTENSION 3 GRANTED	98765
Apr. 02, 2012	EXTENSION 3 FILED	98765
Apr. 02, 2012	TEAS EXTENSION RECEIVED	
Nov. 10, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 08, 2011	EXTENSION 2 GRANTED	98765
Nov. 08, 2011	EXTENSION 2 FILED	98765
Nov. 08, 2011	TEAS EXTENSION RECEIVED	
Jul. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 13, 2011	EXTENSION 1 GRANTED	65362
Jun. 14, 2011	EXTENSION 1 FILED	65362
Jul. 11, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jul. 08, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 08, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 08, 2011	EXTENSION RECEIVED WITH TEAS PETITION	
Jul. 08, 2011	PETITION TO REVIVE-GRANTED	88889
Jul. 08, 2011	TEAS PETITION TO REVIVE RECEIVED	
Dec. 14, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Oct. 19, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 19, 2010	PUBLISHED FOR OPPOSITION	
Sep. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
Sep. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 10, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 10, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 10, 2010	EXAMINERS AMENDMENT -WRITTEN	69940
Sep. 09, 2010	ASSIGNED TO EXAMINER	69940
Sep. 09, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 03, 2010	WITHDRAWN FROM PUB - OG REVIEW QUERY	60756
Aug. 26, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
Aug. 26, 2010	ASSIGNED TO LIE	74193
Aug. 11, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 11, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 11, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 11, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 11, 2010	EXAMINERS AMENDMENT -WRITTEN	69940
Aug. 11, 2010	ASSIGNED TO EXAMINER	69940
May 05, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 04, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: FERRAIUOLO, DOMINIC J

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Oct. 17, 2012

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EXHIBIT D

On March 7, 2013, the USPTO released version 2.1 of Trademark Status and Document Retrieval (TSDR). Please send any TSDR related questions or comments to TSDR@USPTO.GOV. Additional information about the TSDR 2.1 deployment is available here: [TSDR 2.1](#).

STATUS

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Mark: TRULY SCRUMPTIOUS

TRULY SCRUMPTIOUS

US Serial Number: 85467151

Application Filing Date: Nov. 08, 2011

Date:

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 23, 2012

Publication Date: Apr. 17, 2012

Notice of Allowance Date: Jun. 12, 2012

Date:

Mark Information

Mark Literal Elements: TRULY SCRUMPTIOUS

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

Related Properties Information

Claimed Ownership of [85977784](#)

US Registrations:

Parent Of: [85977784](#)

Goods and Services

Note:

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

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

For: Baby books; Framed art pictures; Photograph albums

International Class: 016 - Primary Class

U.S Class: 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Heidi Klum Company LLC

Owner Address: 568 Broadway, Room 603
New York, NEW YORK 100123260
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edwin Komen, Esq.

Docket Number: 20VV-146154

Attorney Primary Email Address: ekomen@sheppardmullin.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: EDWIN KOMEN, ESQ.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I ST NW
WASHINGTON, DISTRICT OF COLUMBIA 20005-3314
UNITED STATES

Phone: (202) 218-0000

Fax: (202) 218-0020

Correspondent e-mail: ekomen@sheppardmullin.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 23, 2012	EXTENSION 1 GRANTED	66230
Oct. 18, 2012	EXTENSION 1 FILED	66230
Oct. 18, 2012	TEAS EXTENSION RECEIVED	
Oct. 17, 2012	CORRECTED NOA E-MAILED	
Oct. 16, 2012	DIVISIONAL PROCESSING COMPLETE	
Oct. 12, 2012	DIVISIONAL REQUEST RECEIVED	
Oct. 15, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Oct. 12, 2012	TEAS REQUEST TO DIVIDE RECEIVED	
Jun. 12, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 17, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 17, 2012	PUBLISHED FOR OPPOSITION	
Mar. 28, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 13, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Mar. 12, 2012	ASSIGNED TO LIE	66213
Feb. 27, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 24, 2012	ASSIGNED TO EXAMINER	86336
Nov. 14, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HSU, FONG

Law Office Assigned: LAW OFFICE 115

File Location

Current Location: DIVISIONAL UNIT

Date in Location: Oct. 16, 2012

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