

ESTTA Tracking number: **ESTTA562387**

Filing date: **10/01/2013**

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	Tytex A/S
Granted to Date of previous extension	10/02/2013
Address	Industrivej 21 Ikast, DK-7430 DENMARK

Attorney information	Lew Hansen & Pamela N. Hirschman Sheridan Ross P.C. 1560 Broadway, Suite 1200 Denver, CO 80202 UNITED STATES lhansen@sheridanross.com, phirschman@sheridanross.com, rbrunelli@sheridanross.com Phone:303-863-9700
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Applicant Information

Application No	85223078	Publication date	06/04/2013
Opposition Filing Date	10/01/2013	Opposition Period Ends	10/02/2013
Applicant	TyTek Industries Inc. 4700 Ashwood Drive, Suite 445 Cincinnati, OH 45241 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: Medical devices, namely, resuscitators, intubation equipment, chest decompression kit comprised of needle and catheter, compression bandages, pharyngeal suction devices, stretchers

Grounds for Opposition

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

U.S. Registration No.	3035886	Application Date	02/18/2004
Registration Date	12/27/2005	Foreign Priority Date	08/20/2003
Word Mark	TYTEX		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: MEDICAL PLASTERS, BURN DRESSINGS, GAUZE FOR DRESSINGS, SELF ADHESIVE DRESSINGS, SURGICAL DRESSINGS, WOUND DRESSINGS</p> <p>Class 010. First use: ORTHOAEDIC ARTICLES, NAMELY ORTHOPAEDIC BELTS, ORTHOPAEDIC BRACES, ORTHOPAEDIC FOOTWEAR, ORTHOPAEDIC JOINT IMPLANTS, ORTHOPAEDIC SOLES, ORTHOPAEDIC SUPPORT BANDAGES, ORTHOPAEDIC SUPPORT TUBES AND SUPPORT PANTS, PADDING FOR ORTHOPAEDIC CASTS, PLASTER CASTS FOR ORTHOPAEDIC PURPOSES, TEMPLATES FOR ORTHOPAEDIC PURPOSES, ORTHOPAEDIC SUPPORTS IN THE NATURE OF HIP PROTECTORS, ELASTIC STOCKING FOR SURGICAL PURPOSES, ELASTIC SUPPORT STOCKING FOR MEDICAL PURPOSES</p> <p>Class 024. First use: TEXTILE AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES, NAMELY, FABRIC USED FOR THE MANUFACTURE OF WOUND CARE DRESSINGS AND BANDAGES; ELASTIC YARN MIXED FABRICS</p> <p>Class 025. First use: CLOTHING, NAMELY, UNDERSHIRTS, UNDERPANTS, PANTIES AND PANTS, T-SHIRTS, STOCKINGS AND TIGHTS</p>

Attachments	Notice of Opposition.pdf(4739926 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	/Pamela N. Hirschman/
Name	Lew Hansen & Pamela N. Hirschman
Date	10/01/2013

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

In the Matter of Trademark Application
Serial No. 85/223,078
Filed January 21, 2011
For the mark TYTEK MEDICAL & Design
Published in the *Official Gazette* on June 4, 2013

TYTEK A/S,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
TYTEK INDUSTRIES INC.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Tytek A/S, (“Opposer”), a Danish corporation, having an address of Industrivej 21 DK-7430 Ikast, Denmark, believes it will be damaged by registration on the Principal Register of the mark “TYTEK MEDICAL & Design” for “medical devices, namely, resuscitators, intubation equipment, chest decompression kit comprised of needle and catheter, compression bandages, pharyngeal suction devices, stretchers” in Class 10, which is the subject of U.S. Trademark Application Serial No. 85/223,078, filed in the name of Tytek Industries Inc. (“Applicant”), and hereby opposes the registration of said application:

As grounds for this Opposition, Opposer alleges:

1. Opposer’s filing of this Notice of Opposition is timely. Applicant’s U.S. Trademark Application Serial No. 85/223,078 for “TYTEK MEDICAL & Design” published for opposition in the June 24, 2013 U.S. Patent and Trademark Office’s Official Gazette, and on July 1, 2013, Opposer filed a 90 Day Request for Extension of Time to Oppose for Good Cause,

which was granted until October 2, 2013. This document is being filed by the October 2, 2013 deadline.

2. Opposer is the owner of U.S. Trademark Registration No. 3,035,886 for the mark “TYTEX” covering the following goods:

Class 10: orthopaedic articles, namely orthopaedic belts, orthopaedic braces, orthopaedic footwear, orthopaedic joint implants, orthopaedic soles, orthopaedic support bandages, orthopaedic support tubes and support pants, padding for orthopaedic casts, plaster casts for orthopaedic purposes, templates for orthopaedic purposes, orthopaedic supports in the nature of hip protectors, elastic stocking for surgical purposes, elastic support stocking for medical purposes

Class 24: textile and textile goods, not included in other classes, namely, fabric used for the manufacture of wound care dressings and bandages; elastic yarn mixed fabrics

Class 25: clothing, namely, undershirts, underpants, panties and pants, t-shirts, stockings and tights

3. U.S. Registration No. 3,035,886 for the mark “TYTEX” was filed on February 18, 2004 under Section 66(a) of the Trademark Act, claiming priority from Danish Registration No. VR 2003 04107 for the identical mark, which was filed on August 20, 2003. Accordingly, Opposer’s constructive first use date of the mark “TYTEX” for the goods identified U.S. Registration No. 3,035,886 is August 20, 2003. *See* 15 U.S.C. § 1141f(b)(3). U.S. Trademark Registration No. 3,035,886 registered on December 27, 2005. (U.S. Registration Certificate and TSDR status printout are attached at Exhibit 1.)

4. Opposer has used and is using in commerce, by itself or a related company, the mark “TYTEX” on goods in Class 10 described in U.S. Registration No. 3,035,886.

5. On December 22, 2011, Opposer filed a Combined Declaration of Continued Use in Commerce and Incontestibility under Sections 71 and 15 in connection with U.S. Registration

No. 3,035,886 for the mark “TYTEX”, and the Combined Declaration was accepted and acknowledged on July 17, 2013. (*See Exhibit 2.*)

6. Opposer and its U.S. subsidiary have devoted substantial time, money, and effort in establishing and maintaining a high standard of quality for all goods provided under its mark “TYTEX”. As a result, Opposer’s mark “TYTEX” has become widely and favorably known to the public. In view of this public recognition, Opposer has developed substantial goodwill and name recognition in its “TYTEX” mark.

7. Upon information and belief, Applicant is the owner of U.S. Trademark Application Serial No. 85/223,078 for “TYTEK MEDICAL & Design” filed on January 21, 2011 on the basis of an intent-to-use the mark in connection with “medical devices, namely, resuscitators, intubation equipment, chest decompression kit comprised of needle and catheter, compression bandages, pharyngeal suction devices, stretchers” in Class 10.

8. The filing and constructive first use dates for Opposer’s U.S. Registration No. 3,035,886 for the mark “TYTEX” in Classes 10, 24 and 25 are earlier than Applicant’s filing date for U.S. Trademark Application Serial No. 85/223,078 for “TYTEK MEDICAL & Design”. Upon information and belief, Opposer’s use of the mark “TYTEX” for goods in Class 10 described in U.S. Registration No. 3,035,886 is prior to any use in commerce by Applicant of the “TYTEK MEDICAL & Design” mark as shown in U.S. Trademark Application Serial No. 85/223,078 for goods in Class 10.

9. As a result of the public’s association of the mark “TYTEX” with Opposer, as well as Opposer’s prior rights in the nature of an earlier U.S. trademark filing date for its Registration No. 3,035,886, and earlier constructive first use in commerce dates in the “TYTEX” mark, Applicant’s use and registration of the confusingly similar mark “TYTEK MEDICAL &

Design” in Class 10 is likely to cause confusion, mistake or deception as to the source, origin or affiliation of Applicant’s goods in view of the similar nature of the marks, similar nature of goods, similar nature of customers, similar, if not identical channels of trade, and other factors.

10. If U.S. Trademark Application Serial No. 85/223,078 for “TYTEK MEDICAL & Design” is permitted to issue in Class 10 despite this likelihood of confusion, Opposer’s right to the use of its mark “TYTEX” in connection with Opposer’s goods, will be impaired and Opposer will be damaged.

WHEREFORE, Opposer prays that this Opposition be sustained and that the application for registration of Application Serial No. 85/223,078 for the mark “TYTEK MEDICAL & Design” in Class 10 be denied and refused. The filing fee of \$300 is being submitted herewith.

Dated: 10/1/2013

Respectfully submitted,

By: 

Lew Hansen
Robert R. Brunelli
Pamela N. Hirschman
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, CO 80202
303-863-9700
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Attorneys for Tytex A/S

CERTIFICATE OF SERVICE

I, Brenda Carpenter, do hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on this 1st day of October 2013, upon Applicant's Attorney of Record:

LOUIS K. EBLING
THOMPSON HINE LLP
312 WALNUT ST, STE 1400
CINCINNATI, OH 45202-4029

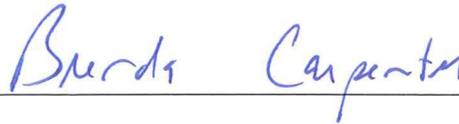


EXHIBIT 1

Generated on: This page was generated by TSDR on 2013-09-30 14:25:55 EDT

Mark: TYTEX

TYTEX

US Serial Number: 79001288

Application Filing Date: Feb. 18, 2004

US Registration Number: 3035886

Registration Date: Dec. 27, 2005

Register: Principal

Mark Type: Trademark

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: Jul. 17, 2013

Publication Date: Oct. 04, 2005

Mark Information

Mark Literal Elements: TYTEX

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

International Registration Number: 0820167

International Registration Date: Feb. 18, 2004

Claimed Ownership of US Registrations: 1295542

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: MEDICAL PLASTERS, BURN DRESSINGS, GAUZE FOR DRESSINGS, SELF ADHESIVE DRESSINGS, SURGICAL DRESSINGS, WOUND DRESSINGS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: SECTION 18 - CANCELLED

Basis: 66(a)

For: ORTHOPAEDIC ARTICLES, NAMELY ORTHOPAEDIC BELTS, ORTHOPAEDIC BRACES, ORTHOPAEDIC FOOTWEAR, ORTHOPAEDIC JOINT IMPLANTS, ORTHOPAEDIC SOLES, ORTHOPAEDIC SUPPORT BANDAGES, ORTHOPAEDIC SUPPORT TUBES AND SUPPORT PANTS, PADDING FOR ORTHOPAEDIC CASTS, PLASTER CASTS FOR ORTHOPAEDIC PURPOSES, TEMPLATES FOR ORTHOPAEDIC PURPOSES, ORTHOPAEDIC SUPPORTS IN THE NATURE OF HIP PROTECTORS, ELASTIC STOCKING FOR SURGICAL PURPOSES, ELASTIC SUPPORT STOCKING FOR MEDICAL PURPOSES

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

For: TEXTILE AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES, NAMELY, FABRIC USED FOR THE MANUFACTURE OF WOUND CARE DRESSINGS AND BANDAGES; ELASTIC YARN MIXED FABRICS

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 66(a)

For: CLOTHING, NAMELY, UNDERSHIRTS, UNDERPANTS, PANTIES AND PANTS, T-SHIRTS, STOCKINGS AND TIGHTS

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

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: TYTEX A/S
 Owner Address: Industrivej 21
 DK-7430 Ikast
 DENMARK
 Legal Entity Type: CORPORATION State or Country Where Organized: DENMARK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lew Hansen	Docket Number: 6140TT-6
Attorney Primary Email Address: lhansen@sheridanross.com	Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lew Hansen Sheridan Ross P.C. 1560 Broadway, Suite 1200 Denver, COLORADO 80202 UNITED STATES	Phone: 303-863-9700 Fax: 303-863-0223
Correspondent e-mail: lhansen@sheridanross.com	Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Lew Hansen	Phone: 303-863-9700
Fax: 303-863-0223	
Domestic Representative e-mail: lhansen@sheridanross.com	Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 27, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
Jul. 17, 2013	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	76533
Dec. 22, 2011	REGISTERED - SEC. 71 & SEC. 15 FILED	76533
Jul. 17, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Feb. 27, 2013	TTAB RELEASE CASE TO TRADEMARKS	55542
Feb. 27, 2013	CANCELLATION TERMINATED NO. 999999	55542
Feb. 07, 2013	CANCELLED SECTION 18-PARTIAL	55542
Feb. 04, 2013	CANCELLATION GRANTED NO. 999999	55542
Apr. 30, 2012	CANCELLATION INSTITUTED NO. 999999	55542
Dec. 22, 2011	TEAS SECTION 71 & 15 RECEIVED	
Sep. 28, 2007	FINAL DECISION TRANSACTION PROCESSED BY IB	
Aug. 15, 2006	FINAL DISPOSITION NOTICE SENT TO IB	
Aug. 15, 2006	FINAL DISPOSITION PROCESSED	74217
Aug. 03, 2006	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Dec. 27, 2005	REGISTERED-PRINCIPAL REGISTER	

Oct. 04, 2005	PUBLISHED FOR OPPOSITION	
Sep. 14, 2005	NOTICE OF PUBLICATION	
Aug. 24, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Aug. 24, 2005	ASSIGNED TO LIE	78289
Aug. 15, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 10, 2005	EXAMINER'S AMENDMENT ENTERED	78289
Aug. 10, 2005	EXAMINERS AMENDMENT MAILED	
Aug. 09, 2005	EXAMINERS AMENDMENT -WRITTEN	76520
Jul. 20, 2005	AMENDMENT FROM APPLICANT ENTERED	76869
Jul. 12, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76869
Jul. 12, 2005	PAPER RECEIVED	
Apr. 13, 2005	FINAL REFUSAL MAILED	
Apr. 13, 2005	FINAL REFUSAL WRITTEN	76520
Apr. 13, 2005	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 13, 2005	EXAMINERS AMENDMENT -WRITTEN	76520
Apr. 07, 2005	AMENDMENT FROM APPLICANT ENTERED	76532
Mar. 14, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
Mar. 14, 2005	PAPER RECEIVED	
Oct. 07, 2004	REFUSAL PROCESSED BY IB	
Sep. 14, 2004	NON-FINAL ACTION MAILED	
Sep. 09, 2004	NON-FINAL ACTION WRITTEN	76520
Sep. 08, 2004	ASSIGNED TO EXAMINER	76520
Apr. 13, 2004	NEW APPLICATION ENTERED IN TRAM	
Apr. 08, 2004	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0820167	International Registration Date: Feb. 18, 2004
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Aug. 20, 2003
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Apr. 08, 2004
Notification of Designation Date: Apr. 01, 2004	Date of Automatic Protection: Oct. 01, 2005
International Registration Renewal Date: Feb. 18, 2014	
First Refusal Flag: Yes	

Maintenance Filings or Post Registration Information

Affidavit of Incontestability:	Section 15 - Accepted
Affidavit of Continued Use:	Section 71 - Accepted

TM Staff and Location Information

TM Attorney: HELLA, AMY E	TM Staff Information
	Law Office Assigned: LAW OFFICE 110
Current Location: Not Found	File Location
	Date in Location: Jul. 17, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92055542

Filing Date: Apr 27, 2012

Status: Terminated

Status Date: Feb 27, 2013

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Tytex A/S

Correspondent Address: LEW HANSEN
SHERIDAN ROSS PC
1560 BROADWAY, SUITE 1200
DENVER CO , 80202
UNITED STATES

Correspondent e-mail: lhansen@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TYTEX	739	<u>79001288</u>	<u>3035886</u>

Plaintiff(s)

Name: TyTek Industries, Inc.

Correspondent Address: LOUIS K EBLING
THOMPSON HINE LLP
312 WALNUT STREET, FOURTEENTH FLOOR
CINCINNATI OH , 45202
UNITED STATES

Correspondent e-mail: lou.ebling@thompsonhine.com , carrie.shufflebarger@thompsonhine.com , sharon.bella@thompsonhine.com , ipdocket@thompsonhine.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TYTEK MEDICAL	Request For Extension of Time to File Opposition	<u>85223078</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 27, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 30, 2012	Jun 09, 2012
3	PENDING, INSTITUTED	Apr 30, 2012	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jun 08, 2012	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 08, 2012	
6	EXTENSION OF TIME GRANTED	Jun 08, 2012	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 03, 2012	
8	EXTENSION OF TIME GRANTED	Jul 03, 2012	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 31, 2012	
10	EXTENSION OF TIME GRANTED	Aug 31, 2012	
11	NOTICE OF DEFAULT	Dec 12, 2012	
12	BOARD'S DECISION: GRANTED	Feb 04, 2013	
13	COMMR'S ORDER CANCELLING REGISTRATION	Feb 07, 2013	
14	TERMINATED	Feb 27, 2013	

Int. Cls.: 5, 10, 24 and 25

Prior U.S. Cls.: 6, 18, 22, 26, 39, 42, 44, 46, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,035,886

Registered Dec. 27, 2005

TRADEMARK
PRINCIPAL REGISTER

TYTEX

TYTEX A/S (DENMARK CORPORATION)
INDUSTRIVEJ 21
DK-7430 IKAST, DENMARK

FOR: MEDICAL PLASTERS, BURN DRESSINGS, GAUZE FOR DRESSINGS, SELF ADHESIVE DRESSINGS, SURGICAL DRESSINGS, WOUND DRESSINGS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: ORTHOPAEDIC ARTICLES, NAMELY ORTHOPAEDIC BELTS, ORTHOPAEDIC BRACES, ORTHOPAEDIC FOOTWEAR, ORTHOPAEDIC JOINT IMPLANTS, ORTHOPAEDIC SOLES, ORTHOPAEDIC SUPPORT BANDAGES, ORTHOPAEDIC SUPPORT TUBES AND SUPPORT PANTS, PADDING FOR ORTHOPAEDIC CASTS, PLASTER CASTS FOR ORTHOPAEDIC PURPOSES, TEMPLATES FOR ORTHOPAEDIC PURPOSES, ORTHOPAEDIC SUPPORTS IN THE NATURE OF HIP PROTECTORS, ELASTIC STOCKING FOR SURGICAL PURPOSES, ELASTIC SUPPORT STOCKING FOR MEDICAL PURPOSES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FOR: TEXTILE AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES, NAMELY, FABRIC USED FOR THE MANUFACTURE OF WOUND

CARE DRESSINGS AND BANDAGES; ELASTIC YARN MIXED FABRICS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: CLOTHING, NAMELY, UNDERSHIRTS, UNDERPANTS, PANTIES AND PANTS, T-SHIRTS, STOCKINGS AND TIGHTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

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

PRIORITY DATE OF 8-20-2003 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0820167 DATED 2-18-2004, EXPIRES 2-18-2014.

OWNER OF U.S. REG. NO. 1,295,542.

SER. NO. 79-001,288, FILED 2-18-2004.

AMY HELLA, EXAMINING ATTORNEY

EXHIBIT 2

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, July 17, 2013 11:00 PM
To: IPMAIL@DYKEMA.COM
Subject: Trademark RN 3035886: Official Notice of Acceptance and Acknowledgement under Sections 71 and 15 of the Trademark Act

U.S. Registration Number: 3035886 **U.S. Serial Number:** 79001288
U.S. Registration Date: Dec 27, 2005 **International Reg. No.:** 0820167
Mark: TYTEX(STANDARD CHARACTER MARK)
U.S. Registration Holder/Owner: TYTEX A/S

3

NOTICE OF ACCEPTANCE UNDER SECTION 71

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 71 of the Trademark Act, 15 U.S.C. §1141k. **The Section 71 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The U.S. registration will remain in force for the term of the international registration upon which it is based for the following class(es).

Class(es):
010, 024, 025

MCMILLAN, MICHAEL D
TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

ADDITIONAL REQUIREMENTS FOR MAINTAINING A U.S. TRADEMARK REGISTRATION EXTENDING PROTECTION OF AN INTERNATIONAL REGISTRATION

WARNING: In addition to filing renewals of your international registration with the International Bureau of the World Intellectual Property Organization (WIPO) as required under the Madrid Protocol, your registered extension of protection will be canceled if you do not file the documents below during the specified time periods.

I) SECTION 71 DECLARATION OF USE

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) between the 9th and 10th years after the date of issuance of the U.S. registration extending protection. 15 U.S.C. §1141k(a)(2).

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) between every 9th and 10th-year period, calculated from the date of issuance of the U.S. registration extending protection. 15 U.S.C. §1141k(a)(2).

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee. 15 U.S.C. §1141k(a)(3).

Failure to file the Section 71 declaration will result in the cancellation of the U.S. registration and invalidation of the protection of the international registration in the United States.

II) RENEWAL OF INTERNATIONAL REGISTRATION

The international registration remains in force for 10 years, with the possibility of renewal. Madrid Protocol, Article 6(1). **Failure to renew the international registration with the International Bureau of WIPO will result in the expiration of the U.S. registration even if the Section 71 declaration of use has been accepted.**

Any international registration may be renewed for a period of ten years from the expiry of the preceding period, by the mere payment of the required fee to the International Bureau. Madrid Protocol, Article 7(1). The deadlines for renewing the international registration are calculated from the international registration date. If the international registration is not renewed, the corresponding U.S. registration will cease to be valid as of the date of the expiration of the international registration. 15 U.S.C. §1141j(b). Renewal applications must be filed with the International Bureau in accordance with Article 7 of the Madrid Protocol, 37 C.F.R. §7.41(a). The USPTO will not process or forward any requests to renew an international registration or extension of protection to the United States if mistakenly submitted to the USPTO. 37 C.F.R. §7.41(b).

***** THE USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE HOLDER/OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=79001288>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.