

ESTTA Tracking number: **ESTTA646773**

Filing date: **12/23/2014**

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

Proceeding	91212768
Party	Defendant Disidual Clothing, LLC
Correspondence Address	CRAIG A. BEAKER MARSHALL GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE6300 WILLIS TOWER CHICAGO, IL 60606-6357 UNITED STATES gchinlund@marshallip.com, cbeaker@marshallip.com, kking@marshallip.com
Submission	Other Motions/Papers
Filer's Name	Craig A. Beaker
Filer's e-mail	gchinlund@marshallip.com, cbeaker@marshallip.com, kking@marshallip.com
Signature	/Craig Beaker/
Date	12/23/2014
Attachments	141223 Petition to Disqualify Egbert Part 1.pdf(1579263 bytes ) 141223 Petition to Disqualify Egbert Part 2.pdf(2710413 bytes )

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

INTS It Is Not The Same, GmbH,

Opposer,

v.

Disidual Clothing, LLC,

Applicant.

Serial No. 85/836,544

Opposition No. 91212768

Mark: DISIDUAL

**DISIDUAL CLOTHING'S PETITION TO  
DISQUALIFY JOHN S. EGBERT**

Pursuant to the provisions of 37 C.F.R. §§ 2.127 and 11.307 and Trademark Trial and Appeal Board §§ 115.03 and 513.02, Applicant Disidual Clothing, LLC (“Disidual”), through its counsel, Marshall, Gerstein & Borun LLP, hereby petitions to disqualify John S. Egbert from serving as counsel for Opposer INTS It Is Not The Same, GmbH (“Opposer”).

**I. INTRODUCTION**

Disidual seeks to disqualify Mr. Egbert from serving as Opposer’s counsel in this proceeding. Pursuant to 37 C.F.R. § 11.307(a), Mr. Egbert is likely to be a necessary witness in this case because Mr. Egbert personally signed Opposer’s applications, statements of use, renewals, and/or declarations of use and incontestability for four of the five registrations that Opposer alleged in its Notice of Opposition. Applicant also filed a counterclaim against one of these registrations (U.S. Reg. No. 2,088,319).

Additionally, Opposer cannot show that an exception to 37 C.F.R. § 11.307(a) should apply, which would permit Mr. Egbert’s continued representation of Opposer in this proceeding. The matters upon which Mr. Egbert would be called to testify do not relate to an uncontested matter or the nature and value of the legal services rendered. Opposer also cannot carry its

burden of establishing that it would suffer substantial hardship if it were required to hire new counsel because it is very early in the proceeding, no discovery has been conducted, and Opposer knew that Mr. Egbert could be called to testify and still chose to allow Mr. Egbert to represent it in this proceeding.

Disidual therefore requests that Mr. Egbert be disqualified from serving as Opposer's counsel in this proceeding.

## II. ARGUMENT

### **a. Mr. Egbert should be disqualified from representing Opposer in this proceeding because he is a necessary fact witness on several disputed issues.**

Mr. Egbert personally signed Opposer's applications, statements of use, renewals, and/or declarations of use and incontestability for four of the five registrations that Opposer alleged in its Notice of Opposition. Mr. Egbert is a necessary fact witness in this proceeding and ought to be called to testify. As a result, Mr. Egbert should be disqualified from serving as Opposer's counsel.

The rules governing practice before the U.S. Patent and Trademark Office state that an attorney shall not continue his representation when the attorney is likely to be a necessary witness. Specifically, 37 C.F.R. § 11.307(a) reads, in pertinent part:

A practitioner shall not act as advocate at a proceeding before a tribunal in which the practitioner is likely to be a necessary witness unless: (1) the testimony relates to an uncontested issue; (2) the testimony relates to the nature and value of legal services rendered in this case; or (3) disqualification of the practitioner would work substantial hardship on the client.

To establish that an attorney is a necessary witness, the moving party must show that the client's counsel is aware of acts making it obligatory to testify in order to advance the client's case. *See Norac, Inc. v. Elementis Specialties, Inc.*, Opposition Nos. 91124364 & 91154897, Dkt. No. 48,

11-12 (TTAB Aug. 31, 2004) (citing *Brotherhood of Railway Carmen of the U.S. & Canada v. Delpro Co.*, 549 F. Supp. 780, 788 (D. Del. 1982)).<sup>1</sup>

In *Norac, Inc. v. Elementis Specialties, Inc.*, the opposer moved to disqualify applicant’s co-counsel, Michael Cronin, because he signed the applicant’s amendment to allege use and interrogatory answers as well as submitted a declaration in opposition to the opposer’s motion for summary judgment. *See Norac, Inc.*, Dkt. No. 48 at 4. The Director of the U.S. Patent and Trademark Office concluded that Mr. Cronin ought to be called to testify on his client’s behalf because he provided a declaration and attested to facts based on his personal knowledge that were used to overcome the applicant’s motion for summary judgment. *Id.* at 11-12.

Here, Mr. Egbert signed the applications, statements of use, renewals, and/or declarations of use and incontestability set forth in the chart below and attached hereto as Exhibit A.

<b>Federal Trademarks</b>	<b>Documents Signed by Egbert</b>
U.S. Registration No. 2,088,319	1) Declaration of Use & Incontestability (Feb. 3, 2003) 2) Declaration of Use & Trademark Renewal (Oct. 25, 2006)
U.S. Registration No. 3,737,499	1) Application (Oct. 25, 2007) 2) Statement of Use (Oct. 20, 2009)
U.S. Registration No. 3,982,329	1) Application (Feb. 12, 2010) 2) Statement of Use (April 26, 2011)
U.S. Registration No. 4,269,396	1) Application (Oct. 17, 2011) 2) Statement of Use (Nov. 16, 2012)

Opposer relies on these registrations to establish its prior rights in the marks DESIGUAL, DESIGUAL (Stylized), and DESIGUAL & Design identified in U.S. Trademark Registration Nos. 2,088,319, 3,737,499, 3,982,329, and 4,269,396 (collectively, the “DESIGUAL Marks”), as well as its likelihood of confusion allegation. (Notice of Opposition, Dkt. No. 1, ¶¶ 4, 6, 7.) In addition, Disidual requests cancellation of one of these registrations (Reg. No. 2,088,319),

<sup>1</sup> 37 C.F.R. § 11.307(a) became effective on May 3, 2013. The prior section relating to counsel as a witness was codified at 37 CFR § 10.63. Although the case law on this issue applies § 10.63, instead of the newly-codified § 11.307(a), it is still relevant in addressing the issues in this proceeding.

alleging that Opposer's specimens submitted in support of its declaration of use and incontestability and renewal were improper. (Answer and Counterclaim, Dkt. No. 8, ¶¶ 2-5, 8.) Mr. Egbert personally signed the declaration of use and incontestability and renewal for Registration No. 2,088,319, declaring on penalty of perjury that the DESIGUAL & Design mark was in use in commerce on or in connection with "clothing, namely footwear and headwear." See Exhibit A. Because Opposer relied on Mr. Egbert's declaration and knowledge of the relevant facts regarding Opposer's use of the DESIGUAL & Design mark when filing the declarations of use and incontestability and the renewal, it stands to reason that Mr. Egbert would be a necessary witness in this proceeding. Disidual's position is also supported by the fact that Opposer identified Mr. Egbert as one of two people likely to have discoverable information in its Initial Disclosures. See Opposer's Initial Disclosures, attached hereto as Exhibit B; see also *J.M. Smucker Co. v. Weston Firm, P.C.*, Case No. 5:13 CV 0448, 2013 WL 3713457, at \*1 (N.D. Ohio July 15, 2013) (granting motion to disqualify where counsel identified himself as a person likely to have discoverable information in the party's initial disclosures).

In light of the above facts, Disidual has established that Mr. Egbert is a necessary witness in accordance with 37 C.F.R. § 11.307(a).

**b. None of the exceptions set forth in 37 CFR § 11.307(a) apply.**

The exceptions set forth in 37 C.F.R. § 11.307(a) do not apply in this proceeding. According to 37 C.F.R. § 11.307(a), an attorney may continue to represent his client if one of the following three exceptions applies: (1) the testimony will relate solely to an uncontested matter; (2) the testimony will relate solely to the nature and value of legal services rendered; or (3) disqualification of the practitioner would work substantial hardship on the client. As set forth in detail below, these exceptions do not apply.

- i. Exception Nos. 1 and 2 do not apply given the disputed facts upon which Mr. Egbert would be called to testify.

There can be no argument that the first two exceptions enumerated in 37 C.F.R. § 11.307(a) do not apply in this case. Mr. Egbert will likely be called to testify regarding the validity of Opposer's registrations for the DESIGUAL Marks, which form the basis for its opposition against the DISIDUAL mark, as well as the declarations and specimens Mr. Egbert submitted in support of U.S. Registration No. 2,088,319. These issues are contested, as evidenced by Opposer's answer to Disidual's counterclaim. (Answer to Counterclaim (Dkt. No. 20).) Further, Mr. Egbert's testimony has no connection or relation to the nature and value of legal services that Mr. Egbert has rendered. Instead, it will relate to the validity of Opposer's registrations for the DESIGUAL Marks as well as the specimen and declaration submitted in support of U.S. Registration No. 2,088,319.

- ii. Exception No. 3 does not apply because Opposer will not suffer a substantial hardship if Mr. Egbert is disqualified.

The Board previously stated that “[w]hen a party claims that, under the circumstances, disqualification will result in a substantial hardship, ‘the burden of establishing their existence must fall upon the party opposing disqualification.’” *Norac, Inc.*, Dkt. No. 48 at 13 (citing *MacArthur v. Bank of New York*, 524 F. Supp. 1205, 1211 (S.D.N.Y. 1981)). Opposer cannot satisfy its burden in this case for several reasons.

First, Disidual filed this petition at a very early stage in the proceedings. Discovery opened on October 25, 2014, and neither party has served discovery requests at this point. Discovery is not set to close until April 23, 2015. (TTAB Order dated Aug. 28, 2014 (Dkt. No. 19).)

Second, to reduce any “perceived” hardship on Opposer, Disidual will agree to extend discovery deadlines for a reasonable period of time, subject to the Board’s approval.

Third, Opposer knew that Mr. Egbert could be called to testify in this proceeding. Opposer identified Mr. Egbert as a person that would have discoverable information regarding “Opposer’s knowledge of Opposer’s registrations” in its Initial Disclosures. *See* Opposer’s Initial Disclosures, attached hereto as Exhibit B. The Board previously stated that a “substantial hardship” can only be shown where “the lawyer-client team come unexpectedly upon a disqualification situation, against which they neither actually did nor could have safeguarded themselves. We do not think it was meant for a case where a possible disqualification dilemma was visible for years before it arose, yet the parties went right on increasing the helpless dependence of client upon lawyer.” *Norac, Inc.*, Dkt. No. 48 at 14 (citing *General Mills Supply Co. v. SCA Servs., Inc.*, 697 F.2d 704, 713 (6<sup>th</sup> Cir. 1982)). Opposer’s disqualification dilemma was visible to Opposer at least as early as February 3, 2003 when Mr. Egbert personally signed Opposer’s declaration of use and incontestability for U.S. Registration No. 2,088,319. Rather than correct the situation, Opposer allowed Mr. Egbert to continue to sign its applications, statements of use, renewals, and declarations of use for the DESIGUAL Marks for the last 10 years.

Fourth, the Board previously warned that signing allegations of use, declarations, and other similar documents could expose an attorney to disqualification. *See Allstate Ins. Co. v. Healthy America Inc.*, 9 U.S.P.Q.2d 1663, 1988 WL 252333, \*3, n.4 (TTAB 1988) (“It is generally not prudent for an attorney to verify answers to interrogatories since it could expose him or her to additional discovery and even disqualification.”).

Therefore, the third exception does not apply in this proceeding.

### III. CONCLUSION

For the reasons set forth above, Disidual respectfully requests that the Board grant Disidual's Petition to Disqualify John S. Egbert.

Respectfully submitted,

DISIDUAL CLOTHING, LLC

Dated: December 23, 2014

/Craig Beaker/

Gregory J. Chinlund

Craig A. Beaker

MARSHALL, GERSTEIN & BORUN LLP

6300 Willis Tower

233 South Wacker Drive

Chicago, Illinois 60606

(312) 474-6300

Attorneys for

DISIDUAL CLOTHING, LLC

**CERTIFICATE OF FILING**

The undersigned affirms that DISIDUAL CLOTHING’S PETITION TO DISQUALIFY JOHN S. EGBERT was filed with the Trademark Trial and Appeal Board via the ESTTA electronic filing system on the date below.

Dated: December 23, 2014

/Craig Beaker/  
Craig A. Beaker

**CERTIFICATE OF SERVICE**

The undersigned affirms that DISIDUAL CLOTHING’S PETITION TO DISQUALIFY JOHN S. EGBERT was served by first class mail on the date below upon the following:

John S. Egbert  
Egbert Law Offices, PLLC  
1314 Texas, 21st Floor  
Houston, TX 77002

Dated: December 23, 2014

/Craig Beaker/  
Craig A. Beaker

# **EXHIBIT A**

## Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2088319
<b>REGISTRATION DATE</b>	08/12/1997
<b>SERIAL NUMBER</b>	75047585
<b>MARK SECTION</b>	
MARK	DESIGUAL (stylized and/or with design)
<b>OWNER SECTION (no change)</b>	
<b>ATTORNEY SECTION (current)</b>	
NAME	John S. Egbert
DOCKET NUMBER	1433.1
<b>ATTORNEY SECTION (proposed)</b>	
NAME	John S. Egbert
DOCKET NUMBER	1433-1
<b>DOMESTIC REPRESENTATIVE SECTION</b>	
NAME	John S. Egbert
STREET	412 Main St., 7th Floor
CITY	Houston
STATE	Texas
ZIP CODE	77002
COUNTRY	United States
PHONE	713-224-8080
FAX	713-223-4873
EMAIL	mail@egbertlawoffices.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes

DESIGN MARK FILE NAME(S)	<a href="http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=75047585">http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=75047585</a>
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	025
USE ON ALL GOODS OR SERVICES OR EXCUSABLE NON-USE FOR ENTIRE CLASS	YES
SPECIMEN FILE NAME(S)	<a href="\\TICRS\EXPORT2\IMAGEOUT2\750\475\75047585.xml1\S8 90002.JPG">\\TICRS\EXPORT2\IMAGEOUT2\750\475\75047585.xml1\S8 90002.JPG</a>
SPECIMEN DESCRIPTION	digital image of the mark affixed to the goods
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL AMOUNT	500
<b>SIGNATURE SECTION</b>	
SIGNATURE	/1433-1/
SIGNATORY'S NAME	John S. Egbert
SIGNATORY'S POSITION	Attorney for Registrant
DATE SIGNED	10/25/2006
PAYMENT METHOD	CC
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Oct 25 12:02:46 EDT 2006
TEAS STAMP	USPTO/S08N09-70.246.0.33-20061025120246615696-2088 319-350f07faa041831e145dd 8b5c177476871-CC-1433-20061025115657490606

## Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

**To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2088319

**REGISTRATION DATE:** 08/12/1997

**MARK:** DESIGUAL (stylized and/or with design)

The owner, Meyer, Thomas Andreas, having an address of Via Layetana, num. 9, 7o 1a, 08003 Barcelona, ES is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 025, the owner, or its related company, is using the mark in commerce on or in connection with all goods or services listed in the existing registration for this class; or, the owner is claiming excusable non-use for this entire class.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) digital image of the mark affixed to the goods.

[Specimen-1](#)

The registrant hereby appoints John S. Egbert to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 1433-1.

The registrant hereby appoints John S. Egbert, 412 Main St., 7th Floor, Houston, Texas United States 77002 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### Declaration

#### Section 8: Declaration of Use in Commerce

*Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

#### Section 9: Application for Renewal

*The registrant requests that the registration be renewed for the goods and/or services identified above.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or

imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /1433-1/ Date: 10/25/2006

Signatory's Name: John S. Egbert

Signatory's Position: Attorney for Registrant

Serial Number: 75047585

Internet Transmission Date: Wed Oct 25 12:02:46 EDT 2006

TEAS Stamp: USPTO/S08N09-70.246.0.33-200610251202466

15696-2088319-350f07faa041831e145dd8b5c1

77476871-CC-1433-20061025115657490606



**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2088319



**Serial Number:** 75047585



**RAM Sale Number:** 1433

**RAM Accounting Date:** 20061025

**Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	20061025	\$100	1	\$100
Application for Renewal (§9)	7201	20061025	\$400	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): False

**Transaction Date:** 20061025



**FEE RECORD SHEET**

**Registration Number:** 2088319

**Serial Number:** 75047585



**RAM Sale Number:** 337

**Total Fees:** \$300

**RAM Accounting Date:** 02/04/2003

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	02/03/2003	\$100	1	\$100
§15 affidavit	7208	02/03/2003	\$200	1	\$200

PTO Form 1583 (Rev 4/2000)

OMB Control #0651-0009 (Exp. 08/31/2004)

**~COMBINED DECLARATION OF USE & INCOMTESTABILITY UNDER §§ 8 & 15~**

**\* To the Commissioner for Trademarks \***

**<DOCUMENT INFORMATION>**

<COMBINED DECLARATION OF USE AND INCONTESTABILITY UNDER SECTIONS 8 and 15>

<VERSION 1.24>

**<TRADEMARK/SERVICEMARK INFORMATION>**

<MARK> DESIGUAL

<TYPED FORM> No

<REGISTRATION NUMBER> 2088319

<SERIAL NUMBER> 75047585

<REGISTRATION DATE> 08/12/1997

**<OWNER INFORMATION>**

<NAME> Meyer, Thomas Andreas

<STREET> Via Layetana, num. 9, 7o 1a

<CITY> 08003 Barcelona

<COUNTRY> ES

**<GOODS AND SERVICES INFORMATION>**

<ALL GOODS AND/OR SERVICES IN EXISTING REGISTRATION> Yes

~ The owner has used the mark in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

~

**<ATTORNEY INFORMATION>**

<NAME> John S. Egbert

<STREET> 412 Main St., 7th Floor

<CITY> Houston

<STATE> TX

<COUNTRY> USA

<ZIP/POSTAL CODE> 77002

<E-MAIL ADDRESS> harrisonnegbert@yahoo.com

<AUTHORIZE E-MAIL COMMUNICATION> Yes

<FIRM NAME> Harrison & Egbert

<TELEPHONE NUMBER> 713-224-8080

<FAX NUMBER> 713-223-4873

<ATTORNEY DOCKET NUMBER> 1433-1

<OTHER APPOINTED ATTORNEY(S)> Jeremy Craft

**<DOMESTIC REPRESENTATIVE>**

<NAME> John S. Egbert and Jeremy Craft

<STREET> 412 Main St., 7th Floor

<CITY> Houston  
<STATE> TX  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 77002  
<TELEPHONE NUMBER> 713-224-8080  
<FAX NUMBER> 713-223-4873  
<E-MAIL ADDRESS> harrisonnegbert@yahoo.com  
<AUTHORIZE E-MAIL COMMUNICATION> Yes  
~ is hereby appointed applicant's representative upon whom notice or process in the proceedings affecting the mark may be served ~

<FEE INFORMATION>  
<COMBINED SECTIONS 8 and 15 FILING FEE AMOUNT> 300  
<NUMBER OF CLASSES> 1  
<TOTAL FEES PAID> 300  
<NUMBER OF CLASSES PAID> 1

<USE INFORMATION>  
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<SPECIMEN> Yes  
<SPECIMEN DESCRIPTION> a scanned image of a tag

<LAW OFFICE INFORMATION>  
~ The USPTO is authorized to communicate with the applicant, attorney or representative at the below e-mail address ~  
<E-MAIL ADDRESS FOR CORRESPONDENCE> harrisonnegbert@yahoo.com  
<E-MAIL ADDRESS FOR CORRESPONDENCE> harrisonnegbert@yahoo.com

<SIGNATURE AND OTHER INFORMATION>  
~ Declaration: The owner is using or is using through a related company the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts. ~  
~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~  
<SIGNATURE> /1433-1/  
<DATE> 02/03/2003  
<NAME> John S. Egbert  
<TITLE> Attorney for Registrant

<RAM INFORMATION>

<RAM SALE NUMBER> 337

<RAM ACCOUNTING DATE> 02/04/2003

<INTERNET TRANSMISSION DATE> Mon Feb 03 20:00:20 EST 2003

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<E-MAIL ADDRESS FOR ACKNOWLEDGMENT> harrisonnegbert@yahoo.com

The information collected on this form allows the USPTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated 13 minutes (depending if the application is based on an intent to use the mark in commerce, use of the mark in commerce, or a foreign application or registration). Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

**~COMBINED DECLARATION OF USE & INCOMTESTABILITY UNDER §§ 8 & 15~**

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

Input Field	Entered
MARK	DESIGUAL
TYPED FORM	No
REGISTRATION NUMBER	2088319
SERIAL NUMBER	75047585
REGISTRATION DATE	08/12/1997
NAME	Meyer, Thomas Andreas
STREET	Via Layetana, num. 9, 7o 1a
CITY	08003 Barcelona
COUNTRY	ES
ALL GOODS AND/OR SERVICES IN EXISTING REGISTRATION	Yes
NAME	John S. Egbert
STREET	412 Main St., 7th Floor
CITY	Houston
STATE	TX
COUNTRY	USA
ZIP/POSTAL CODE	77002
E-MAIL ADDRESS	harrison <span>egbert@yahoo.com</span>
AUTHORIZE E-MAIL COMMUNICATION	Yes
FIRM NAME	Harrison & Egbert
TELEPHONE NUMBER	713-224-8080
FAX NUMBER	713-223-4873
ATTORNEY DOCKET NUMBER	1433-1
OTHER APPOINTED	

ATTORNEY(S)	Jeremy Craft
NAME	John S. Egbert and Jeremy Craft
STREET	412 Main St., 7th Floor
CITY	Houston
STATE	TX
COUNTRY	USA
ZIP/POSTAL CODE	77002
TELEPHONE NUMBER	713-224-8080
FAX NUMBER	713-223-4873
E-MAIL ADDRESS	harrisionegbert@yahoo.com
AUTHORIZE E-MAIL COMMUNICATION	Yes
COMBINED SECTIONS 8 and 15 FILING FEE AMOUNT	300
NUMBER OF CLASSES	1
TOTAL FEES PAID	300
NUMBER OF CLASSES PAID	1
INTERNATIONAL CLASS NUMBER	025
SPECIMEN	Yes
SPECIMEN DESCRIPTION	a scanned image of a tag
E-MAIL ADDRESS FOR CORRESPONDENCE	harrisionegbert@yahoo.com
E-MAIL ADDRESS FOR CORRESPONDENCE	harrisionegbert@yahoo.com
SIGNATURE	/1433-1/
DATE	02/03/2003
NAME	John S. Egbert
TITLE	Attorney for Registrant
RAM SALE NUMBER	337
RAM ACCOUNTING DATE	02/04/2003
INTERNET TRANSMISSION DATE	Mon Feb 03 20:00:20 EST 2003

TEAS STAMP

USPTO/S08N15-6764184210-20030203200020525046-  
2088319-200aad2e4e3825450b18ef0889f55c0229-RAM-337-  
20030203195744032028

E-MAIL ADDRESS FOR  
ACKNOWLEDGMENT

[harrisonegbert@yahoo.com](mailto:harrisonegbert@yahoo.com)

[Go Back](#)

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

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

Input Field	Entered
<b>SERIAL NUMBER</b>	77313234
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>OWNER SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	003
<b>CURRENT IDENTIFICATION</b>	Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	10/14/2009
<b>FIRST USE IN COMMERCE DATE</b>	10/14/2009
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\773\132\77313234.xml1\SO U0002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label for affixing the mark to a container of the goods
<b>INTERNATIONAL CLASS</b>	009
	Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and

<b>CURRENT IDENTIFICATION</b>	instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	10/14/2009
<b>FIRST USE IN COMMERCE DATE</b>	10/14/2009
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\773\132\77313234.xml1\SO U0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label for affixing the mark to a container of the goods
<b>INTERNATIONAL CLASS</b>	018
<b>CURRENT IDENTIFICATION</b>	Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	10/14/2009
<b>FIRST USE IN COMMERCE DATE</b>	10/14/2009
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\773\132\77313234.xml1\SO U0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label for affixing the mark to a container of the goods
<b>INTERNATIONAL CLASS</b>	025
<b>CURRENT IDENTIFICATION</b>	Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	10/14/2009
<b>FIRST USE IN COMMERCE DATE</b>	10/14/2009

<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\773\132\77313234\xml1\SO U0005.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label for affixing the mark to a container of the goods
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	4
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	400
<b>TOTAL AMOUNT</b>	400
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/1433-28/
<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney of record, Texas bar member
<b>DATE SIGNED</b>	10/20/2009
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Oct 20 14:13:27 EDT 2009
<b>TEAS STAMP</b>	USPTO/SOU-70.246.0.33-200 91020141327429411-7731323 4-460b9fe3cbefe5ffec0f2c e86f27b5519-CC-377-200910 20140858578893

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## **Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design)  
**SERIAL NUMBER:** 77313234

The applicant, INTS IT IS NOT THE SAME, GmbH, having an address of  
Baarerstrasse 112  
Zug, CH-6302  
Switzerland

is submitting the following allegation of use information:

For International Class 003:

Current identification: Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/14/2009, and first used in commerce at least as early as 10/14/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label for affixing the mark to a container of the goods.

[Specimen File 1](#)

For International Class 009:

Current identification: Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/14/2009, and first used in commerce at least as early as 10/14/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label for affixing the mark to a container of the goods.

[Specimen File 1](#)

For International Class 018:

Current identification: Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/14/2009, and first used in commerce at least as early as 10/14/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label for affixing the mark to a container of the goods.

[Specimen File 1](#)

For International Class 025:

Current identification: Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/14/2009, and first used in commerce at least as early as 10/14/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label for affixing the mark to a container of the goods.

[Specimen File 1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for the allegation of use for 4 classes.

## Declaration

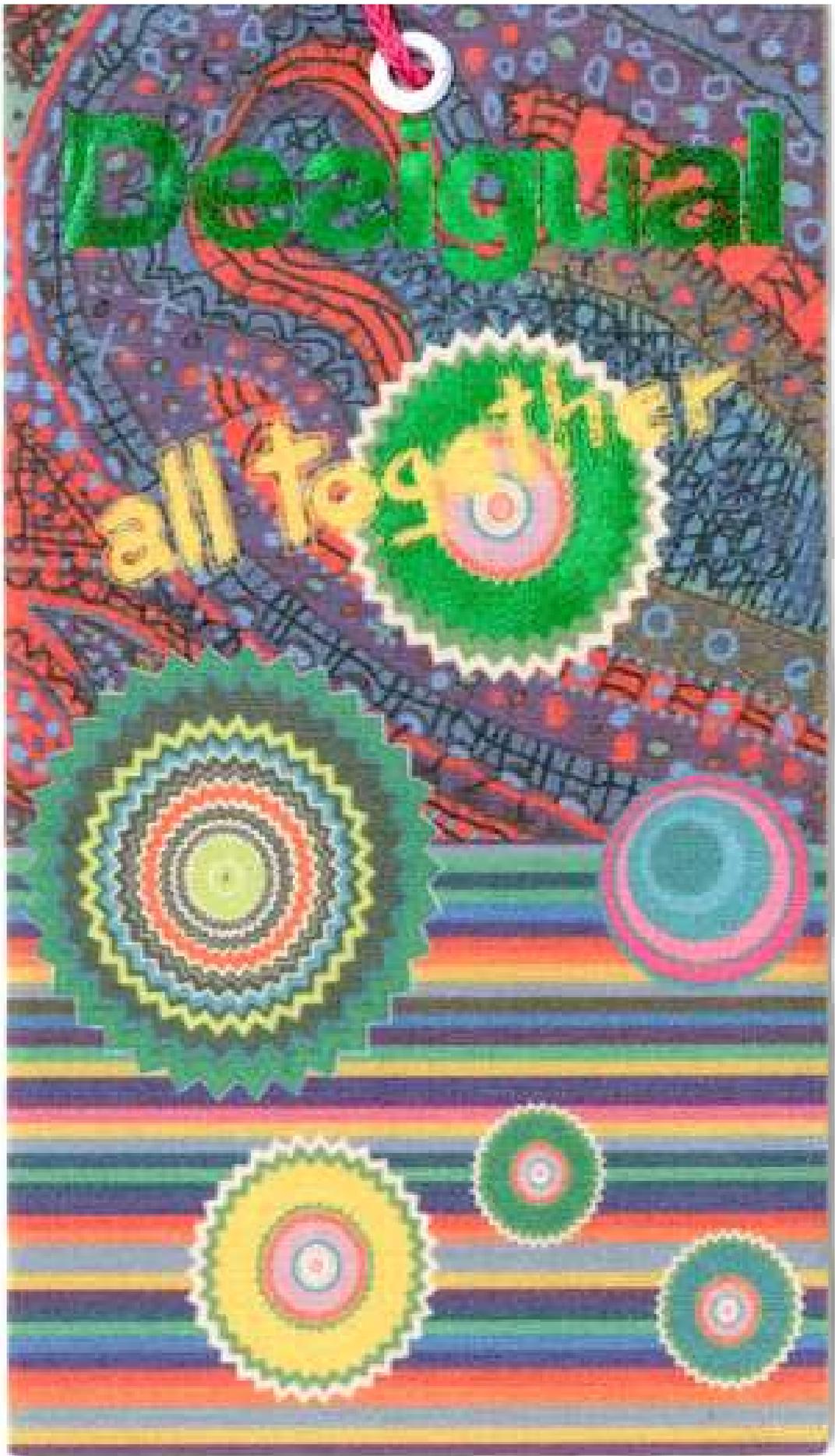
Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

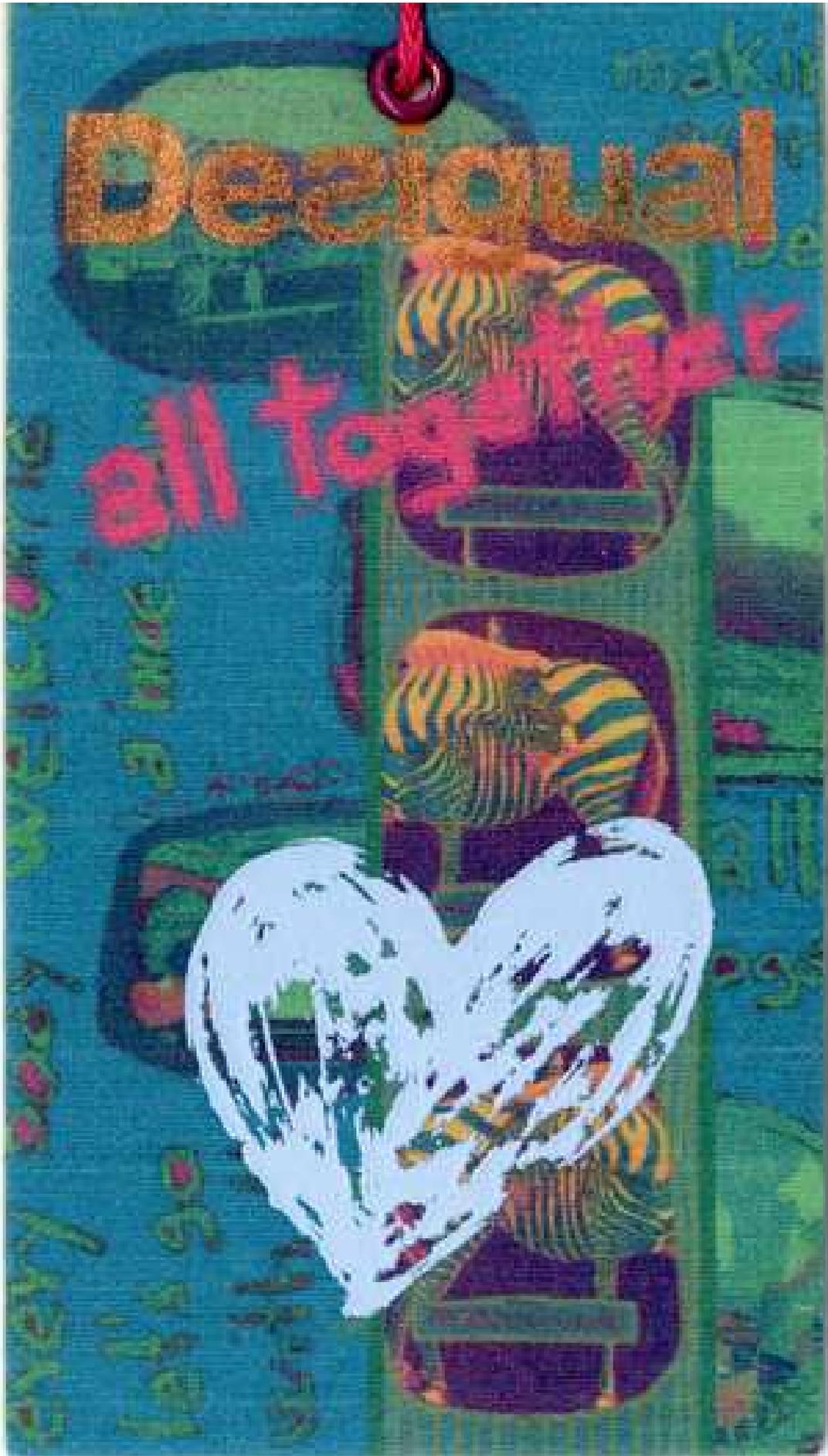
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

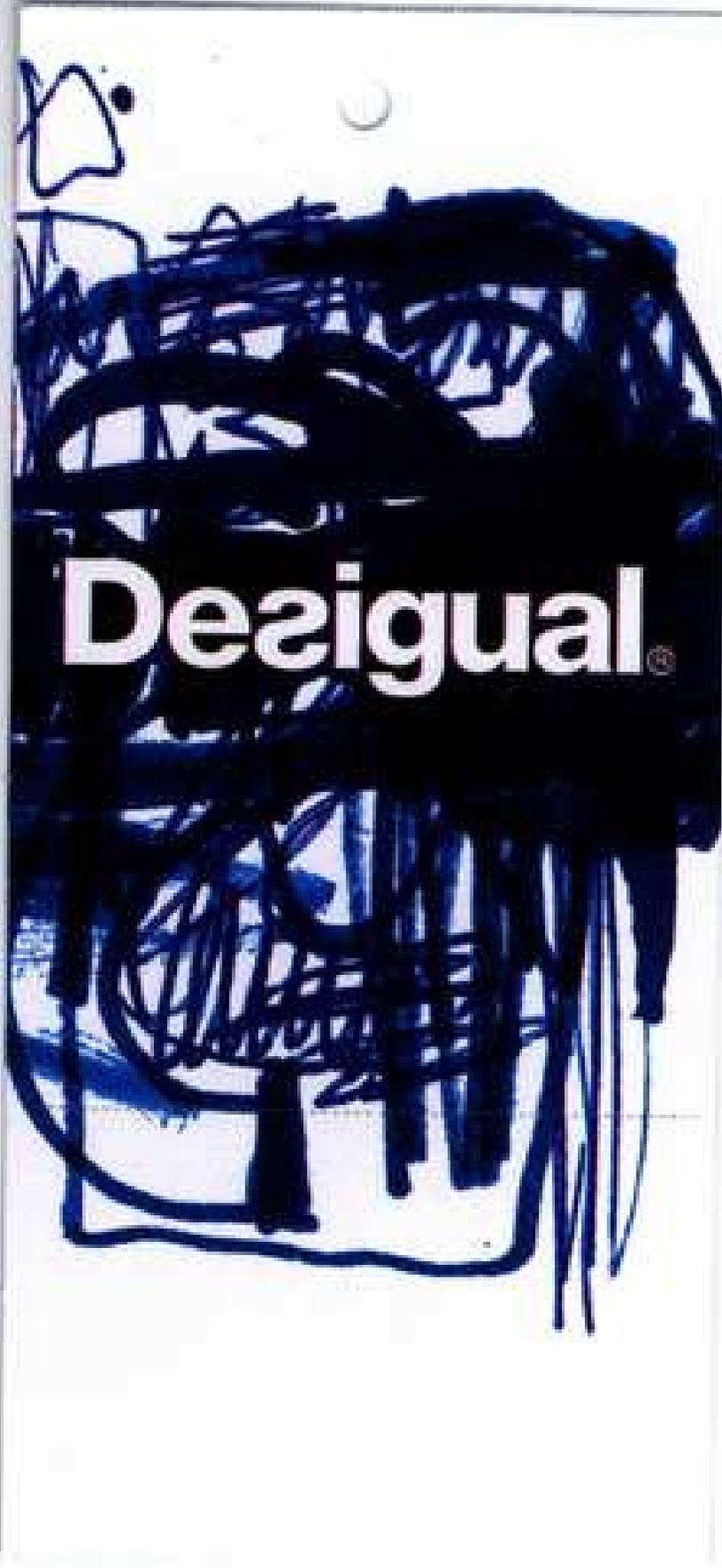
Signature: /1433-28/    Date Signed: 10/20/2009  
Signatory's Name: John S. Egbert  
Signatory's Position: Attorney of record, Texas bar member

RAM Sale Number: 377  
RAM Accounting Date: 10/21/2009

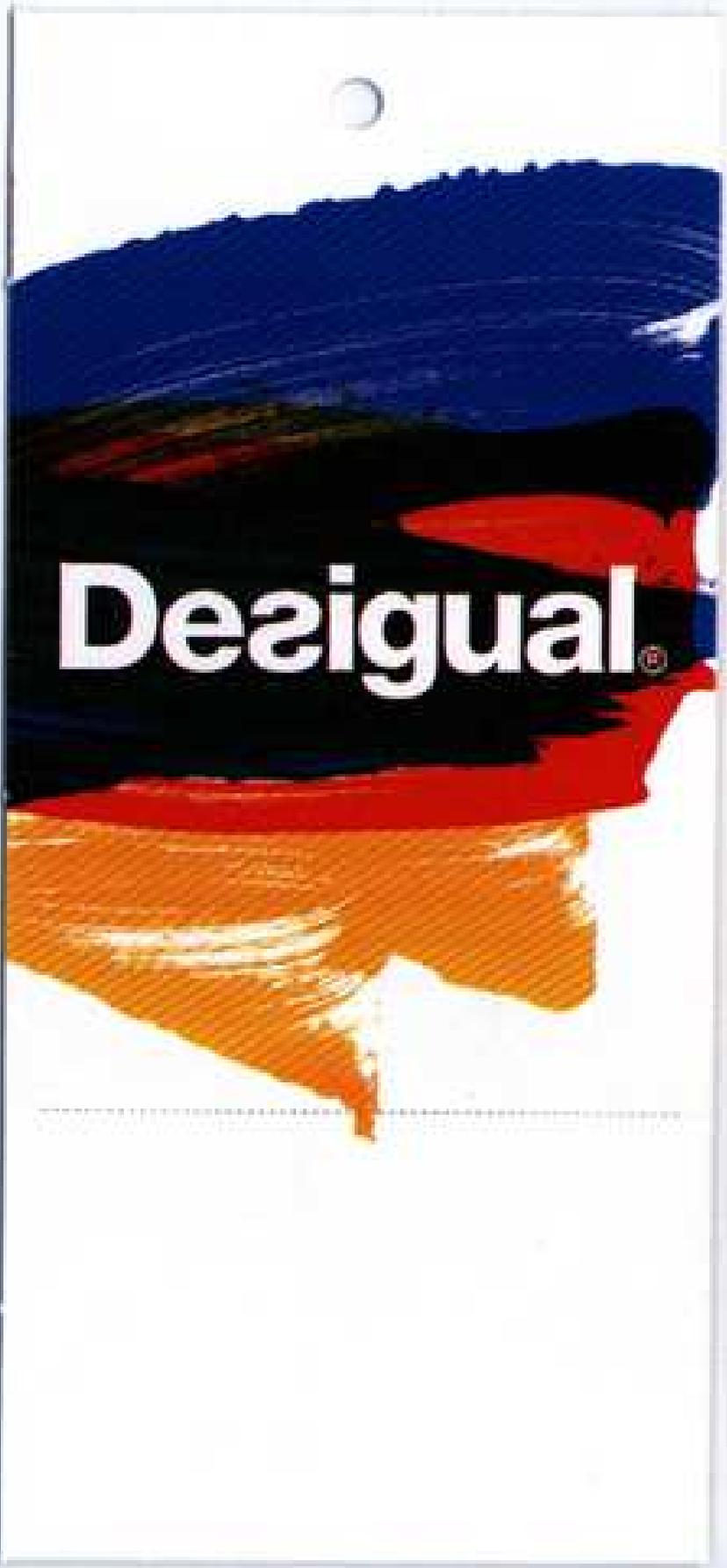
Serial Number: 77313234  
Internet Transmission Date: Tue Oct 20 14:13:27 EDT 2009  
TEAS Stamp: USPTO/SOU-70.246.0.33-200910201413274294  
11-77313234-460b9fe3cbefe5ffec0f2ce86f2  
7b5519-CC-377-20091020140858578893







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**FEE RECORD SHEET**

**Serial Number:** 77313234



**RAM Sale Number:** 377

**Total Fees:** \$400

**RAM Accounting Date:** 20091021

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20091020	\$100	4	\$400

**Transaction Date:** 20091020



# Trademark/Service Mark Application, Principal Register

Serial Number: 77313234

Filing Date: 10/25/2007

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77313234
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS2\EXPORT14\773\132\77313234\xml1\APP0002.JP G">\\TICRS2\EXPORT14\773\132\77313234\xml1\APP0002.JP G</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	DESIGUAL
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	709 x 255
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	INTS IT IS NOT THE SAME, GmbH
*STREET	Baarerstrasse 112
*CITY	Zug
*COUNTRY	Switzerland
*ZIP/POSTAL CODE (Required for U.S. applicants only)	CH-6302
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Switzerland
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

<b>*INTERNATIONAL CLASS</b>	003
<b>*IDENTIFICATION</b>	Bleaching preparations and other substances for laundry use; Cleaning-, polishing, scouring- and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2769646
<b>FOREIGN APPLICATION COUNTRY</b>	Spain
<b>FOREIGN FILING DATE</b>	04/27/2007
<b>*INTERNATIONAL CLASS</b>	009
<b>*IDENTIFICATION</b>	Sunglasses, spectacle cases, instruments for spectacles, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses (pince-nez); Electronic publications (electronically-downloadable); scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2769646
<b>FOREIGN APPLICATION COUNTRY</b>	Spain
<b>FOREIGN FILING DATE</b>	04/27/2007
<b>*INTERNATIONAL CLASS</b>	018
	Handbags. Purses. Travelling bags.

<b>*IDENTIFICATION</b>	Backpacks. Haversacks. Travelling sets ( leatherware ). Trunks and travelling backs; umbrellas; parasols and walking sticks; purses ( leatherware ); whips, harness and saddlery. Pocket wallets; wallets ( leatherware )
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2769646
<b>FOREIGN APPLICATION COUNTRY</b>	Spain
<b>FOREIGN FILING DATE</b>	04/27/2007
<b>*INTERNATIONAL CLASS</b>	025
<b>*IDENTIFICATION</b>	Ready-made clothing for women, men and children; footwear; headgear
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2769646
<b>FOREIGN APPLICATION COUNTRY</b>	Spain
<b>FOREIGN FILING DATE</b>	04/27/2007
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>ATTORNEY DOCKET NUMBER</b>	1433-28
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

<b>OTHER APPOINTED ATTORNEY</b>	Jeremy Craft
<b>DOMESTIC REPRESENTATIVE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	4
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	1300
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	

<b>SIGNATURE</b>	/1433-28/
<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant
<b>DATE SIGNED</b>	10/25/2007

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 77313234**

**Filing Date: 10/25/2007**

### To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design, see [mark](#))

The literal element of the mark consists of DESIGUAL.

The applicant, INTS IT IS NOT THE SAME, GmbH, a corporation of Switzerland, having an address of  
Baarerstrasse 112  
Zug CH-6302  
Switzerland

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 003: Bleaching preparations and other substances for laundry use; Cleaning-, polishing, scouring- and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Spain application number 2769646, filed 04/27/2007. 15 U.S.C. Section 1126(d), as amended.

International Class 009: Sunglasses, spectacle cases, instruments for spectacles, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses (pince-nez); Electronic publications (electronically-downloadable); scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in

connection with the identified goods and/or services and asserts a claim of priority based on Spain application number 2769646, filed 04/27/2007. 15 U.S.C. Section 1126(d), as amended.

International Class 018: Handbags. Purses. Travelling bags. Backpacks. Haversacks. Travelling sets ( leatherware ). Trunks and travelling backs; umbrellas; parasols and walking sticks; purses ( leatherware ); whips, harness and saddlery. Pocket wallets; wallets ( leatherware )

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Spain application number 2769646, filed 04/27/2007. 15 U.S.C. Section 1126(d), as amended.

International Class 025: Ready-made clothing for women, men and children; footwear; headgear  
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Spain application number 2769646, filed 04/27/2007. 15 U.S.C. Section 1126(d), as amended.

The applicant hereby appoints John S. Egbert and Jeremy Craft of Egbert Law Offices, PLLC  
412 Main St., 7th Floor  
Houston, Texas 77002  
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 1433-28.

The applicant hereby appoints John S. Egbert of Egbert Law Offices, PLLC

412 Main St., 7th Floor  
Houston Texas 77002  
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

Correspondence Information: John S. Egbert

412 Main St., 7th Floor  
Houston, Texas 77002  
713-224-8080(phone)  
713-223-4873(fax)  
mail@egbertlawoffices.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1

class(es).

### **Declaration**

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

Signature: /1433-28/ Date Signed: 10/25/2007

Signatory's Name: John S. Egbert

Signatory's Position: Attorney for Applicant

RAM Sale Number: 6864

RAM Accounting Date: 10/25/2007

Serial Number: 77313234

Internet Transmission Date: Thu Oct 25 13:07:04 EDT 2007

TEAS Stamp: USPTO/BAS-70.246.0.33-200710251307046584

34-77313234-400e285ae6e820a78fb8f4302eb2

8d352a-CC-6864-20071025124411462764

**Dezigual**

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

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

Input Field	Entered
<b>SERIAL NUMBER</b>	77935125
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 107
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>OWNER SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	003
<b>CURRENT IDENTIFICATION</b>	Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN0-70246033-132739458 . CLASS 03.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0002.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0003.JPG</a>

<b>SPECIMEN DESCRIPTION</b>	application of the mark directly onto the goods
<b>INTERNATIONAL CLASS</b>	009
<b>CURRENT IDENTIFICATION</b>	Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN1-70246033-132739458 . CLASS_09.pdf</a>
<b>CONVERTED PDF FILE(S) (4 pages)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0004.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0005.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0006.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0007.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	application of the mark directly onto the goods
<b>INTERNATIONAL CLASS</b>	018
<b>CURRENT IDENTIFICATION</b>	Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED

<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN2-70246033-132739458 . CLASS 18.pdf</a>
<b>CONVERTED PDF FILE(S) (4 pages)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0008.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0009.JPG</a>
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	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0011.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label affixing the mark directly onto the goods
<b>INTERNATIONAL CLASS</b>	025
<b>CURRENT IDENTIFICATION</b>	Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN3-70246033-132739458 . CLASS 25.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0012.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	label for affixing the mark directly onto the goods
<b>INTERNATIONAL CLASS</b>	035
<b>CURRENT IDENTIFICATION</b>	Retail shops for clothing, fashion and home design accessories of all kinds; dissemination of advertisements; modelling for advertising or sales promotion; organisation of trade fairs for commercial or advertising purposes;

	advertising services; direct mail advertising
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN4-70246033-132739458 . CLASS 35.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0013.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	advertisement for the services
<b>INTERNATIONAL CLASS</b>	039
<b>CURRENT IDENTIFICATION</b>	Distribution services, namely, delivery of clothing, fashion and home design accessories
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	11/22/2010
<b>FIRST USE IN COMMERCE DATE</b>	11/22/2010
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN5-70246033-132739458 . CLASS 39.pdf</a>
<b>CONVERTED PDF FILE(S) (6 pages)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0014.JPG</a>
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	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0016.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0017.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0018.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\779\351\77935125\xml7\SOU0019.JPG</a>
<b>SPECIMEN</b>	advertisement for the services

<b>DESCRIPTION</b>	
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	6
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	600
<b>TOTAL AMOUNT</b>	600
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/1433-38/
<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney of record, Texas bar member
<b>DATE SIGNED</b>	04/26/2011
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Apr 26 13:42:11 EDT 2011
<b>TEAS STAMP</b>	USPTO/SOU-70.246.0.33-201 10426134211383745-7793512 5-480458968f35e859ed4db4e 0a08b5f8f46-CC-61-2011042 6132739458895

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**Trademark/Service Mark Statement of Use  
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design)  
**SERIAL NUMBER:** 77935125

The applicant, INTS IT IS NOT THE SAME, GmbH, having an address of  
Baarerstrasse 98  
Zug CH-6302,  
Switzerland  
is submitting the following allegation of use information:

For International Class 003:

Current identification: Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) application of the mark directly onto the goods.

**Original PDF file:**

[SPN0-70246033-132739458 . CLASS\\_03.pdf](#)

**Converted PDF file(s)** (2 pages)

[Specimen File1](#)

[Specimen File2](#)

For International Class 009:

Current identification: Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission

or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) application of the mark directly onto the goods.

**Original PDF file:**

[SPN1-70246033-132739458 . CLASS 09.pdf](#)

**Converted PDF file(s)** (4 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

For International Class 018:

Current identification: Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label affixing the mark directly onto the goods.

**Original PDF file:**

[SPN2-70246033-132739458 . CLASS 18.pdf](#)

**Converted PDF file(s)** (4 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

For International Class 025:

Current identification: Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) label for affixing the mark directly onto the goods.

**Original PDF file:**

[SPN3-70246033-132739458 . CLASS 25.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File 1](#)

For International Class 035:

Current identification: Retail shops for clothing, fashion and home design accessories of all kinds; dissemination of advertisements; modelling for advertising or sales promotion; organisation of trade fairs for commercial or advertising purposes; advertising services; direct mail advertising

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertisement for the services.

**Original PDF file:**

[SPN4-70246033-132739458 . CLASS 35.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File 1](#)

For International Class 039:

Current identification: Distribution services, namely, delivery of clothing, fashion and home design accessories

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/22/2010, and first used in commerce at least as early as 11/22/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertisement for the services.

**Original PDF file:**

[SPN5-70246033-132739458 . CLASS 39.pdf](#)

**Converted PDF file(s)** (6 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for the allegation of use for 6 classes.

### **Declaration**

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /1433-38/      Date Signed: 04/26/2011

Signatory's Name: John S. Egbert

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

RAM Sale Number: 61

RAM Accounting Date: 04/27/2011

Serial Number: 77935125

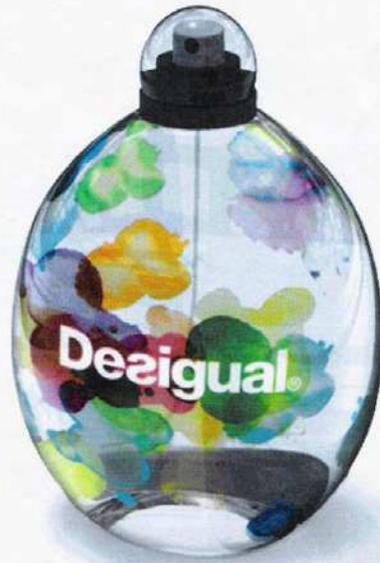
Internet Transmission Date: Tue Apr 26 13:42:11 EDT 2011

TEAS Stamp: USPTO/SOU-70.246.0.33-201104261342113837

45-77935125-480458968f35e859ed4db4e0a08b

5f8f46-CC-61-20110426132739458895



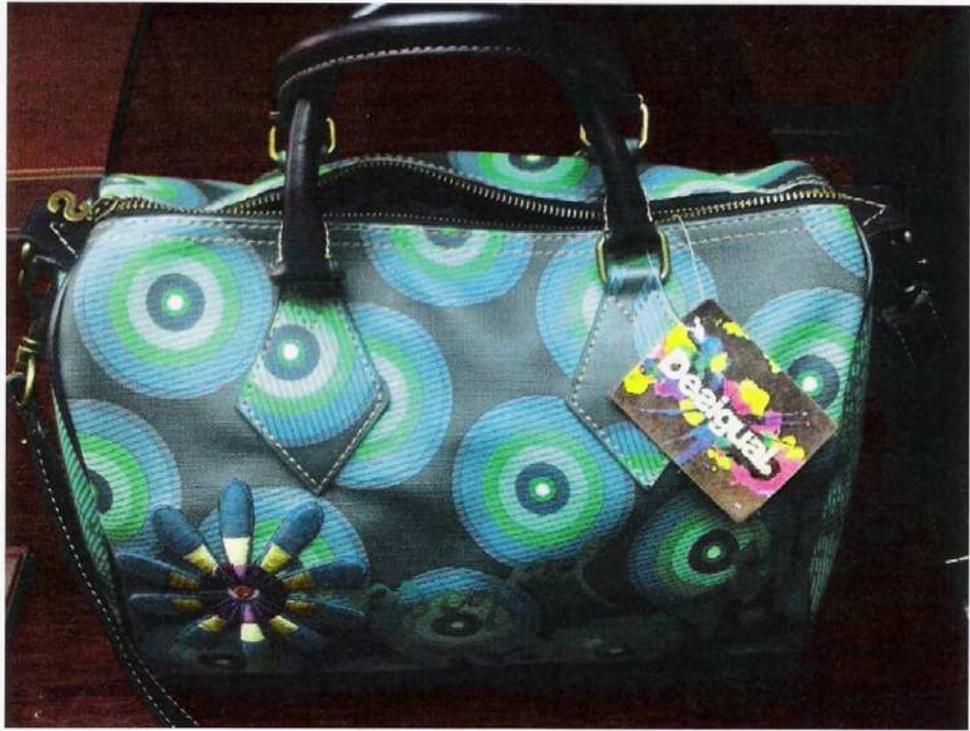


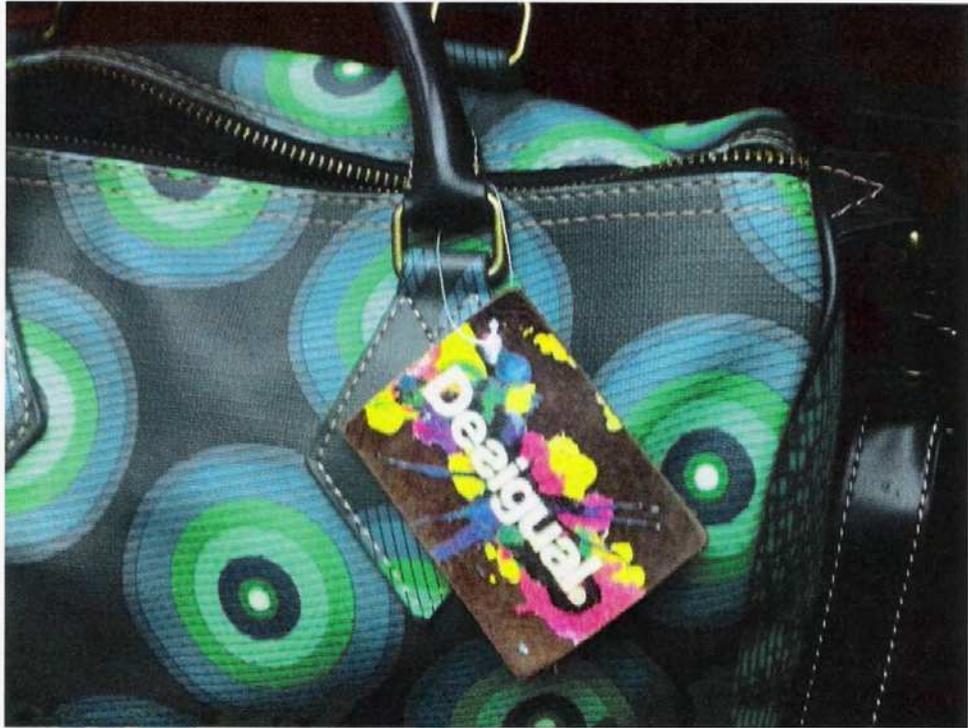


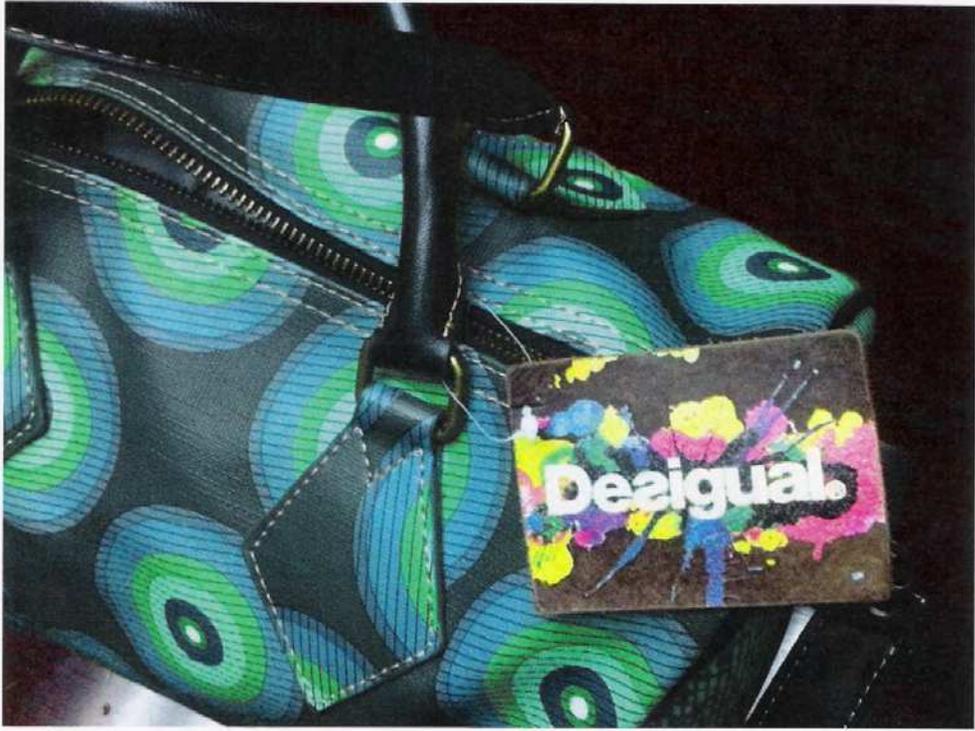




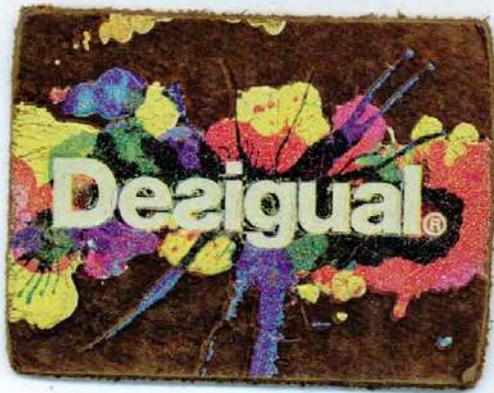








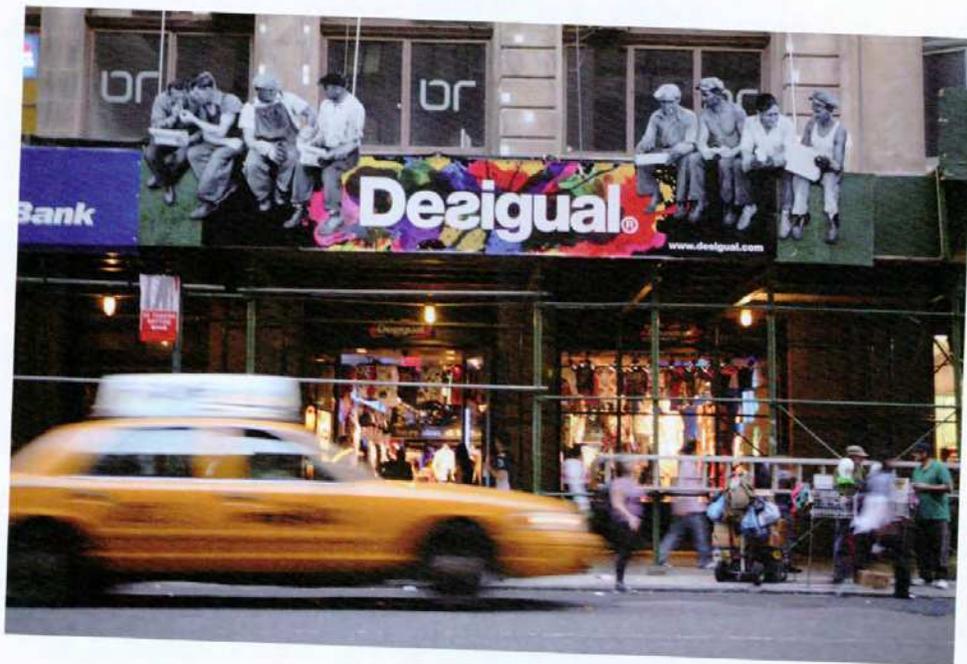




The MAPIC EG RETAIL AWARD, or Retail Trade Oscars, has distinguished us with the International Brand with the BEST CONCEPT of 2008 Award. For our form of selling, for the imagination we use to attract new clients, for our innovative use of space and material, for our design process, for our history and for our financial health and our plans for the future. For which we feel most proud.

# INTERNATIONAL RECOGNITION

**We are creative mavericks**









**NUEVA APERTURA  
MADRID NO ES LO MISMO**

**Deigual®**

**B·4788·DT**







**FEE RECORD SHEET**

**Serial Number:** 77935125



**RAM Sale Number:** 61

**Total Fees:** \$600

**RAM Accounting Date:** 20110427

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20110426	\$100	6	\$600

**Transaction Date:** 20110426



# Trademark/Service Mark Application, Principal Register

Serial Number: 77935125

Filing Date: 02/12/2010

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77935125
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="\\TICRS\EXPORT9\IMAGEOUT9\779\351\77935125\xml1\AP P0002.JPG">\\TICRS\EXPORT9\IMAGEOUT9\779\351\77935125\xml1\AP P0002.JPG</a>
<b>SPECIAL FORM</b>	YES
<b>USPTO-GENERATED IMAGE</b>	NO
<b>LITERAL ELEMENT</b>	DESIGUAL
<b>COLOR MARK</b>	YES
<b>COLOR(S) CLAIMED (If applicable)</b>	The color(s) blue, white, purple, pink, light pink, red, light red, orange, yellow, green, and lime green is/are claimed as a feature of the mark.
<b>*DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of an abstract splatter paint design with the term "DESIGUAL" in white, stylized font. The splatter paint design has the color orange at the top portion of the mark, red on the central and right portion of the mark, blue in the central portion of the mark, purple on the center left portion of the mark, pink on the left portion and right portion of the mark, light pink on the left portion of the mark, light red on the right portion of the mark, yellow randomly dispersed throughout the mark, green on the central portion of the mark, and lime green randomly dispersed throughout the mark.
<b>PIXEL COUNT ACCEPTABLE</b>	YES
<b>PIXEL COUNT</b>	900 x 670
<b>REGISTER</b>	Principal

<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	INTS IT IS NOT THE SAME, GmbH
<b>*STREET</b>	Baarerstrasse 98
<b>*CITY</b>	Zug CH-6302
<b>*COUNTRY</b>	Switzerland
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Switzerland
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	003
<b>*IDENTIFICATION</b>	Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	009
<b>*IDENTIFICATION</b>	Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing

	apparatus.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	018
<b>*IDENTIFICATION</b>	Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	025
<b>*IDENTIFICATION</b>	Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	035
<b>*IDENTIFICATION</b>	Retail shops for clothing, fashion and design accessories of all kinds; dissemination of advertisements; modelling for advertising or sales promotion; organisation of trade fairs for commercial or advertising purposes; advertising services; direct mail advertising.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	039
<b>*IDENTIFICATION</b>	Distribution services, namely, delivery of clothing, fashion and design accessories.
<b>FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>PRIOR REGISTRATION(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 2088319 and 3737499.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>ATTORNEY DOCKET NUMBER</b>	1433-38
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor

<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Kevin S. Wilson
<b>DOMESTIC REPRESENTATIVE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080

<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	6
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	1950
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/1433-38/
<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney of record, Texas bar member
<b>DATE SIGNED</b>	02/12/2010

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 77935125**

**Filing Date: 02/12/2010**

### To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design, see [mark](#))

The literal element of the mark consists of DESIGUAL.

The color(s) blue, white, purple, pink, light pink, red, light red, orange, yellow, green, and lime green is/are claimed as a feature of the mark. The mark consists of an abstract splatter paint design with the term "DESIGUAL" in white, stylized font. The splatter paint design has the color orange at the top portion of the mark, red on the central and right portion of the mark, blue in the central portion of the mark, purple on the center left portion of the mark, pink on the left portion and right portion of the mark, light pink on the left portion of the mark, light red on the right portion of the mark, yellow randomly dispersed throughout the mark, green on the central portion of the mark, and lime green randomly dispersed throughout the mark.

The applicant, INTS IT IS NOT THE SAME, GmbH, a corporation of Switzerland, having an address of  
Baarerstrasse 98  
Zug CH-6302  
Switzerland

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Bleaching preparations for household use and other substances, namely, laundry detergent for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 009: Sunglasses, spectacle cases, spectacle frames, sports glasses, contact lenses, cases for contact lenses, chains and cords for glasses, namely, pince-nez; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, splices for electrical transmission lines, power-line transmission machines and apparatus; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank record discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15

U.S.C. Section 1051(b)).

International Class 018: Handbags, purses, traveling bags, backpacks, haversacks, traveling sets made of leather, namely, suitcases; trunks; umbrellas; parasols and walking sticks; purses made of leather; whips, harnesses and saddlery; wallets made of leather.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 025: Ready-made clothing for women, men and children, namely, pants, shorts, shirts, T-shirts, jackets, blouses, skirts, dresses; footwear; headgear, namely, hats and caps.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 035: Retail shops for clothing, fashion and design accessories of all kinds; dissemination of advertisements; modelling for advertising or sales promotion; organisation of trade fairs for commercial or advertising purposes; advertising services; direct mail advertising.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 039: Distribution services, namely, delivery of clothing, fashion and design accessories.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 2088319 and 3737499.

The applicant's current Attorney Information:

John S. Egbert and Kevin S. Wilson of Egbert Law Offices, PLLC

412 Main St., 7th Floor

Houston, Texas 77002

United States

The attorney docket/reference number is 1433-38.

The applicant hereby appoints John S. Egbert of Egbert Law Offices, PLLC

412 Main St., 7th Floor

Houston Texas 77002

United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

John S. Egbert

Egbert Law Offices, PLLC

412 Main St., 7th Floor

Houston, Texas 77002  
713-224-8080(phone)  
713-223-4873(fax)  
mail@egbertlawoffices.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /1433-38/ Date Signed: 02/12/2010  
Signatory's Name: John S. Egbert  
Signatory's Position: Attorney of record, Texas bar member

RAM Sale Number: 7466  
RAM Accounting Date: 02/16/2010

Serial Number: 77935125  
Internet Transmission Date: Fri Feb 12 20:28:38 EST 2010  
TEAS Stamp: USPTO/BAS-70.246.0.33-201002122028382792  
00-77935125-460fb45d2ede8157f202b2b4c2f6  
351c4d-CC-7466-20100212195844826989



**Dezigual**

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

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

Input Fieldsssssss	Entered
<b>SERIAL NUMBER</b>	85449056
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 103
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>MARK</b>	DESIGUAL (stylized and/or with design)
<b>OWNER SECTION</b>	
<b>NAME</b>	INTS IT IS NOT THE SAME, GmbH
<b>STREET</b>	Baarerstrasse 98
<b>CITY</b>	Zug
<b>ZIP/POSTAL CODE</b>	CH-6302
<b>COUNTRY</b>	Switzerland
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	014
<b>CURRENT IDENTIFICATION</b>	Precious metals and their alloys; goods of precious metals or coated therewith, not included in other classes, namely, rings, bracelets, necklaces and watches; jewelry, precious stones; horological and chronometric instruments
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	02/20/2012
<b>FIRST USE IN COMMERCE DATE</b>	02/20/2012
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\854\490\85449056.xml3\ SOU0002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	electronic display which is associated with the goods
<b>INTERNATIONAL CLASS</b>	020

<b>CURRENT IDENTIFICATION</b>	Furniture mirrors, picture frames; goods, not included in other classes, of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials or of plastics, namely, chairs, poufs, pillows, armchairs, stools, umbrella stands, tables
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	02/20/2012
<b>FIRST USE IN COMMERCE DATE</b>	02/20/2012
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\854\490\85449056.xml3\SOU0003.JPG">\\TICRS\EXPORT16\IMAGEOUT16\854\490\85449056.xml3\SOU0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	electronic display which is associated with the goods
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	2
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	200
<b>TOTAL AMOUNT</b>	200
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/1433-42/
<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney of record, Texas bar member
<b>DATE SIGNED</b>	11/16/2012
<b>SIGNATORY'S PHONE NUMBER</b>	713-224-8080
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Fri Nov 16 17:10:34 EST 2012
<b>TEAS STAMP</b>	USPTO/SOU-108.193.93.249-20121116171034214370-85449056-49022d4b4ff61bf8db0ce37b68661441528-CC-4859-20121116170508169251

**Trademark/Service Mark Statement of Use**  
**(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design)  
**SERIAL NUMBER:** 85449056

The applicant, INTS IT IS NOT THE SAME, GmbH, having an address of  
Baarerstrasse 98  
Zug, CH-6302  
Switzerland

is submitting the following allegation of use information:

For International Class 014:

Current identification: Precious metals and their alloys; goods of precious metals or coated therewith, not included in other classes, namely, rings, bracelets, necklaces and watches; jewelry, precious stones; horological and chronometric instruments

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 02/20/2012, and first used in commerce at least as early as 02/20/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) electronic display which is associated with the goods.

[Specimen File 1](#)

For International Class 020:

Current identification: Furniture mirrors, picture frames; goods, not included in other classes, of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials or of plastics, namely, chairs, poufs, pillows, armchairs, stools, umbrella stands, tables

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 02/20/2012, and first used in commerce at least as early as 02/20/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) electronic display

which is associated with the goods.

[Specimen File 1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

### **Declaration**

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /1433-42/    Date Signed: 11/16/2012  
Signatory's Name: John S. Egbert  
Signatory's Position: Attorney of record, Texas bar member  
Signatory's Phone: 713-224-8080

RAM Sale Number: 4859  
RAM Accounting Date: 11/19/2012

Serial Number: 85449056  
Internet Transmission Date: Fri Nov 16 17:10:34 EST 2012  
TEAS Stamp: USPTO/SOU-108.193.93.249-201211161710342  
14370-85449056-49022d4b4ff61bf8db0ce37b6  
8661441528-CC-4859-20121116170508169251



Accessories/Woman/Desigual Women's Jewelry

BACK TO THE LIST

Woman

- Bags
- Wallets
- Scarves
- Belts
- Jewelry
- Bodywear
- Accessories
- Shoes
- See all

Man

- Bags
- Bodywear
- Accessories
- See all

- Gifts for Woman
- Gifts up to \$49
- Gifts up to \$79
- Gifts up to \$149
- Stocking fillers
- Mid Season Sale
- Desigual by L
- Cirque du Soleil
- Bestsellers
- Lookbook Accessories



IVANNA

27W5521

\$49.00

Please, select a size

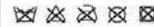
U

Please, choose quantity

1

Composition and washing instructions

80% RESIN 20% BRASS



BUY



Check out these items! You might also like



Desigual Shop

- Woman
- Man
- Accessories
- Shoes

Amig@ Card

Your account  
Recibe Amig@ y consigue un 10% de descuento

Help

- FAQs
- Order status
- Shipping
- Returns

More about us

- Stores
- Work with us
- Corporate info
- Press releases

Love is all around

- Blog
- Facebook
- Twitter
- Instagram

You are currently in United States of America

Change Country



Accessories/Desigual Living BACK TO THE LIST

- Woman
  - Bags
  - Wallets
  - Scarves
  - Belts
  - Jewelry
  - Swimwear
  - Accessories
  - Shoes
  - See all
- Man
  - Bags
  - Swimwear
  - See all
- Final Sales
- Living
- Desigual by L
- Cirque du Soleil
- Bestsellers
- Lookbook Accessories



**FLOWER POP**  
09H2000  
**\$54.00- \$37.80**  
Choose size [Size guide](#)  
U  
Choose quantity  
1  
**Composition and washing instructions**  
Inner fabric composition  
100% POLYESTER. Outer fabric composition  
40% POLYESTER 20% COTTON 15% WOOL 15% RAYON 10% CV



**BUY**  
[Twitter](#) [+1](#) [Like](#)

**FEE RECORD SHEET**

**Serial Number:** 85449056



**RAM Sale Number:** 4859

**Total Fees:** \$200

**RAM Accounting Date:** 20121119

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20121116	\$100	2	\$200

**Transaction Date:** 20121116



# Trademark/Service Mark Application, Principal Register

Serial Number: 85449056

Filing Date: 10/17/2011

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85449056
<b>MARK INFORMATION</b>	
*MARK	<a href="file:///TICRS/EXPORT11/IMAGEOUT/11/854/490/85449056/xml1/APP0002.JPG">\\TICRS\EXPORT11\IMAGEOUT 11\854\490\85449056\xml1\ APP0002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	DESIGUAL
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the term "DESIGUAL" in stylized lettering.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	832 x 250
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	INTS IT IS NOT THE SAME, GmbH
*STREET	Baarerstrasse 98
*CITY	Zug
*COUNTRY	Switzerland
*ZIP/POSTAL CODE (Required for U.S. applicants only)	CH-6302
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Switzerland
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

<b>INTERNATIONAL CLASS</b>	014
<b>*IDENTIFICATION</b>	Precious metals and their alloys; goods of precious metals or coated therewith, not included in other classes, namely, rings, bracelets, necklaces and watches; jewelry, precious stones; horological and chronometric instruments.
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	020
<b>*IDENTIFICATION</b>	Furniture mirrors, picture frames; goods, not included in other classes, of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials or of plastics, namely, chairs, poufs, pillows, armchairs, stools, umbrella stands, tables.
<b>FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>PRIOR REGISTRATION(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 3982329, 3737499, and 2088319.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>ATTORNEY DOCKET NUMBER</b>	1433-42
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Kevin S. Wilson

<b>DOMESTIC REPRESENTATIVE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	John S. Egbert
<b>FIRM NAME</b>	Egbert Law Offices, PLLC
<b>STREET</b>	412 Main St., 7th Floor
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77002
<b>PHONE</b>	713-224-8080
<b>FAX</b>	713-223-4873
<b>EMAIL ADDRESS</b>	mail@egbertlawoffices.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	650
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/1433-42/

<b>SIGNATORY'S NAME</b>	John S. Egbert
<b>SIGNATORY'S POSITION</b>	Attorney of record, Texas bar member
<b>DATE SIGNED</b>	10/17/2011

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 85449056**

**Filing Date: 10/17/2011**

### To the Commissioner for Trademarks:

**MARK:** DESIGUAL (stylized and/or with design, see [mark](#))

The literal element of the mark consists of DESIGUAL.

The mark consists of the term "DESIGUAL" in stylized lettering.

The applicant, INTS IT IS NOT THE SAME, GmbH, a corporation of Switzerland, having an address of

Baarerstrasse 98

Zug CH-6302

Switzerland

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 014: Precious metals and their alloys; goods of precious metals or coated therewith, not included in other classes, namely, rings, bracelets, necklaces and watches; jewelry, precious stones; horological and chronometric instruments.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 020: Furniture mirrors, picture frames; goods, not included in other classes, of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials or of plastics, namely, chairs, poufs, pillows, armchairs, stools, umbrella stands, tables.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 3982329, 3737499, and 2088319.

The applicant's current Attorney Information:

John S. Egbert and Kevin S. Wilson of Egbert Law Offices, PLLC

412 Main St., 7th Floor

Houston, Texas 77002

United States

The attorney docket/reference number is 1433-42.

The applicant hereby appoints John S. Egbert of Egbert Law Offices, PLLC

412 Main St., 7th Floor  
Houston Texas 77002  
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

John S. Egbert  
Egbert Law Offices, PLLC  
412 Main St., 7th Floor  
Houston, Texas 77002  
713-224-8080(phone)  
713-223-4873(fax)  
mail@egbertlawoffices.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /1433-42/ Date Signed: 10/17/2011  
Signatory's Name: John S. Egbert  
Signatory's Position: Attorney of record, Texas bar member

RAM Sale Number: 3149  
RAM Accounting Date: 10/18/2011

Serial Number: 85449056  
Internet Transmission Date: Mon Oct 17 16:32:48 EDT 2011  
TEAS Stamp: USPTO/BAS-70.246.0.33-201110171632485986  
68-85449056-480287f204f87eb86dfc11bc5c95  
c224c3-CC-3149-20111017162348863761

# Dezigual

# **EXHIBIT B**

**EGBERT LAW OFFICES, PLLC**

GREAT SOUTHWEST BUILDING

1314 TEXAS, 21<sup>st</sup> FLOOR

HOUSTON, TEXAS 77002

TELEPHONE (713) 224-8080

FACSIMILE (713) 223-4873

mail@egbertlawoffices.com

PATENT, TRADEMARK,

COPYRIGHT &

TECHNOLOGY-RELATED MATTERS

November 19, 2014

Gregory Chinlund, Esq.  
Matthew Cieseilski, Esq.  
Craig A. Beaker, Esq.  
Marshall Gerstein & Borun LLP  
233 South Wacker Drive, 6300 Willis Tower  
Chicago, IL 60606

VIA REGULAR MAIL

Re: Our File: 1433-55  
For: Trademark "DISIDUAL"  
Opposition No. 91212768  
INTS It Is Not The Same, GmbH v. Disidual Clothing, LLC

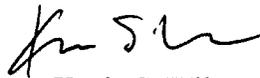
Dear Mr. Chinlund:

Please find the following document, which is being served on this day in the above-mentioned Opposition:

- Opposer's Initial Disclosures

If you have any questions or concerns regarding this matter, please feel free to contact us at any time.

Sincerely,



Kevin S. Wilson

KSW:mfs  
Enclosure

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

In the Matter of Application Serial No. 85/836,544  
Published in the Official Gazette on August 27, 2013

INTS It Is Not The Same, GmbH,

Opposer,

v.

Disidual Clothing, LLC,

Applicant.

§  
§  
§  
§  
§  
§  
§  
§

Opposition No. 91212768

**OPPOSER'S INITIAL DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, INTS It Is Not The Same, GmbH (hereinafter "Opposer"), a Corporation of Switzerland, hereby makes the following initial disclosures.

These disclosures are based on information reasonably available to Opposer as of this date and represent a good-faith effort to identify information Opposer reasonably believes is discoverable and relevant to the factual dispute alleged with the particularity required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. Continuing investigation and discovery may alter these disclosures. Therefore, in making these disclosures, Opposer does not represent that it is identifying every document, tangible thing or witness possibly relevant to this opposition proceeding. Nor does the Opposer waive any right to object to the production of any document or tangible thing disclosed herein on the basis of any privilege, work-product doctrine, irrelevance, undue burden or any other objection.

A. Persons Likely to Have Discoverable Information

In addition to the persons named in Disidual Clothing, LLC's (hereinafter "Applicant") Initial Disclosures or identified in any answer to an interrogatory in this matter, Opposer believes the following persons are likely to have discoverable information:

Name and Address	Subjects
Mr. Thomas Andreas Meyer INTS It Is Not The Same, GmbH Baarerstrasse , 98 6302 ZUG Switzerland	Opposer's use of its pleaded registrations in the past, in the present and any intended uses for Opposer's pleaded registrations in the future; Opposer's decision to choose Opposer's marks; the goods and services promoted, or to be promoted, through the use of Opposer's marks; Opposer's first knowledge of Applicant's application at issue in this proceeding; Opposer's decision to file this Notice of Opposition; the geographical scope of Opposer's use of Opposer's marks; Opposer's advertisements, showing the use of Opposer's marks and any intentions of Opposer to advertise under Opposer's mark in the future; Opposer's expenditures in connection with promotions of goods using Opposer's marks or any intended promotions thereof; existence of any actual confusion, if applicable; description of products sold under Opposer's marks and any samples related thereto; channels of trade for products sold under Opposer's marks; any evidence or knowledge regarding Applicant's knowledge of Opposer.
Mr. John S. Egbert, Esq. Egbert Law Offices, PLLC 1314 Texas, 21 <sup>st</sup> Floor Houston, TX 77002	Opposer's knowledge of Opposer's registrations; matters related to the filing of Opposer's Notice of Opposition against Applicant's application; information related to the current opposition proceeding.

Opposer expressly reserves the right to identify and/or rely on all other persons identified in Applicant's Initial Disclosures or identified in an answer to any interrogatory in this matter. In addition, Opposer reserves the right to identify additional persons if, during the course of discovery

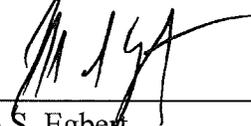
and investigation relating to this case, Opposer learns that such additional persons are relevant to its claims and/or defenses.

B. Relevant Documents

In addition to the categories to be set forth in Opposer's requests for production of documents and things, Opposer may use the following categories of documents that are in its custody, possession or control to support its defenses in this matter, unless used solely for impeachment:

1. Documents related to Opposer's use, or intended future use, of Opposer's marks, including U.S. Registration No. 2,088,319 for the mark "DESIGUAL AND DESIGN", U.S. Registration No. 3,737,499 for the mark "DESIGUAL (Stylized)", U.S. Registration No. 3,982,329 for the mark "DESIGUAL AND DESIGN", U.S. Registration No. 4,113,640 for the mark "DESIGUAL (Stylized)", and U.S. Registration No. 4,269,396 for the mark "DESIGUAL (Stylized)".
2. Documents related to the channels of trade and classes of consumers for goods sold, or intended to be sold, under Opposer's marks.
3. Documents evidencing the first use, continued use and current use of Opposer's marks on the goods cited in Opposer's Notice of Opposition.
4. Applicant's U.S. Serial No. 85/836,544, and any documents or declarations contained therein.

Respectfully submitted,



November 19, 2014  
Date

John S. Egbert  
Reg. No. 30,627  
Kevin S. Wilson  
Michael F. Swartz

Egbert Law Offices, PLLC  
1314 Texas, 21st Floor  
Houston, Texas 77002  
(713)224-8080  
(713)223-4873 (Fax)

ATTORNEYS FOR OPPOSER  
INTS It Is Not The Same, GmbH

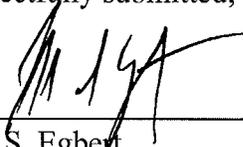
**CERTIFICATE OF SERVICE**

I hereby certify that Opposer's Initial Disclosures is being sent by first class mail on November 19, 2014, to the attorney of record for Applicant at the following address:

Gregory Chinlund, Esq.  
Matthew Cieseilski, Esq.  
Craig A. Baker, Esq.  
Marshall Gerstein & Borun LLP  
233 South Wacker Drive, 6300 Willis Tower  
Chicago, IL 60606

ATTORNEYS FOR APPLICANT  
Disidual Clothing, LLC

Respectfully submitted,



---

John S. Egbert  
Reg. No. 30,627  
Kevin S. Wilson  
Michael F. Swartz

Egbert Law Offices, PLLC  
1314 Texas, 21st Floor  
Houston, Texas 77002  
(713)224-8080  
(713)223-4873 (Fax)

ATTORNEYS FOR OPPOSER  
INTS It Is Not The Same, GmbH

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