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

Proceeding	91212768
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**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 BRIEF IN OPPOSITION TO OPPOSER'S MOTION FOR  
SUMMARY JUDGMENT AND IN SUPPORT OF DISIDUAL CLOTHING'S  
CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") § 528, Applicant Disidual Clothing, LLC ("Disidual") hereby submits its brief in opposition to Opposer INTS It Is Not The Same, GmbH's ("Opposer") Motion for Summary Judgment filed on November 11, 2015 ("Motion"), and in support of Disidual's Cross-Motion for Summary Judgment ("Cross Motion"). Disidual submits that as a matter of law and fact, there is no likelihood of confusion between Disidual's applied-for DISIDUAL mark and Opposer's DE2IGUAL marks.<sup>1</sup>

**I. INTRODUCTION**

On January 30, 2013, Disidual filed its application for the mark DISIDUAL for various apparel items in Class 25. The Patent and Trademark Office did not cite any prior registrations or applications against Disidual's application, and it was allowed for publication. On October 2, 2013, Opposer filed its Notice of Opposition against Disidual's DISIDUAL mark on the grounds of an alleged likelihood of confusion with Opposer's DE2IGUAL marks.

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<sup>1</sup> When used in commerce, Opposer's DE2IGUAL marks are presented with an inverted "S," and Disidual adheres to that presentation. In its brief, Opposer refers to its marks as the DESIGUAL Marks or Opposer's Marks.

As set forth in detail below, Disidual coined the term DISIDUAL as a combination of “distinct” and “individual.” In doing so, Disidual sought to conjure up the idea of a distinct, individual lifestyle characterized by a person who seeks adventure and outdoor pursuits. On the other hand, the term “desigual” in Opposer’s DEZIGUAL marks is a common Spanish word meaning unequal or uneven. In considering the overall appearance, sound, and meaning of the parties’ marks, it becomes apparent that the DISIDUAL mark imparts a completely separate and distinct commercial impression from Opposer’s DEZIGUAL marks. Thus, consumers are not likely to believe that products offered under the parties’ marks emanate from the same source.

Moreover, Opposer opposes registration of the DISIDUAL mark despite the coexistence of the parties’ marks in the marketplace for more than five years without a single instance of actual confusion. The total absence of actual confusion strongly indicates that the parties’ marks are not confusingly similar. Also, the fact that the parties’ products are marketed towards different types of consumers reduces any potential consumer confusion, though after five years without any actual confusion the potential for confusion appears to be nil. Finally, Opposer’s evidence of record does not establish that its DEZIGUAL marks are well known.

Disidual therefore respectfully requests that the Trademark Trial and Appeal Board (the “Board”) deny Opposer’s Motion and grant Disidual’s Cross-Motion for Summary Judgment.

## **II. STATEMENT OF FACTS**

### **a. Disidual and its DISIDUAL mark.**

Disidual is a small apparel company located in Bellingham, Washington. Declaration of Brendan Pape (hereinafter “Pape Decl.”), Annex 1, ¶ 2. The company was founded in April 2010, and it started using the DISIDUAL mark in connection with various apparel products on or about June 1, 2010. *Id.* at ¶¶ 2, 4; U.S. Serial No. 85/836,544. Disidual caters to the “distinct

individual” that gets outside and enjoys the outdoors. *Id.* at ¶ 5; Declaration of Craig A. Beaker (hereinafter “Beaker Decl.”), Annex 2, Exhibit A: Disidual’s Facebook page. In particular, Disidual’s customers include recreational outdoor and extreme sports enthusiasts, adventure-seeking individuals, and people interested in outdoor physical fitness. *See* Beaker Decl. Exhibit B, Interrogatory No. 5: Disidual Clothing’s Responses and Objections to Opposer’s First Set of Interrogatories to Applicant; Pape Decl. ¶ 6.

The DISIDUAL mark was created by the owners of Disidual, Brendan Pape and Christian Harkson. Beaker Decl. Exhibit B, Interrogatory No. 2; Pape Decl. ¶ 3. A coined term with no commonly-understood meaning, DISIDUAL is a combination of “distinct” and “individual.” *Id.* Through the promotion of the DISIDUAL mark, Disidual sought to “spread the idea of the ‘distinct individual’ lifestyle.” *See* Beaker Decl. Exhibit A. Disidual defines the “distinct individual” as:

[T]he type of person who follows their own path. It is the type of person who lives in their camper van for months at a time in order to seek their passion for adventure, the individual who hikes in the snow all day for one epic run down the mountain, it is even the guy who rides his razor scooter around town in his cut off capri sweats not giving a damn what other people think.

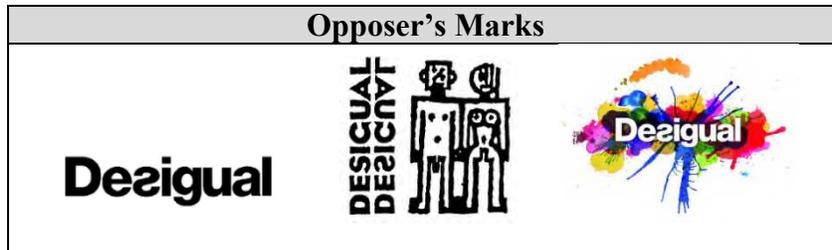
*Id.*

On January 30, 2013, Disidual filed U.S. Serial No. 85/836,544 for the mark DISIDUAL for “Apparel, namely, t-shirts, tank-tops, shorts, hats, jackets, sweatshirts, hooded sweatshirts, beanies, socks, pants, dresses, swimsuits, knit face masks, gloves, belts” in Class 25, alleging a first use date of June 1, 2010 (hereinafter, the “DISIDUAL Mark”). The application was approved for publication by the U.S. Patent and Trademark Office, and it published for opposition on August 27, 2013.

**b. Opposer and its DE2IGUAL marks.**

Opposer is a fashion company based in Barcelona, Spain. *See* Beaker Decl. Exhibit C, Request for Production No. 1: Documents submitted with Opposer’s Answers to Applicant’s First Set of Requests for Production. The company sells apparel, accessories, and other products that feature vibrant patterns, graffiti art, contrasting textures, and colorful pieces in stark contrast to Disidual. *See* Beaker Decl. Exhibit D: Articles describing Opposer’s apparel products. Opposer’s products are sold through its stores, as well as department stores, franchises, participating retailers, and Opposer’s website at [www.desigual.com](http://www.desigual.com). *See* Beaker Decl. Exhibit C, Request for Production No. 1. Opposer purports to be known for its “atypical marketing,” which includes color runs, underwear parties, kiss tours, and other similar unconventional marketing campaigns. *See id.*; Beaker Decl. Exhibit E: Articles describing Opposer’s marketing campaigns.

Opposer owns federal registrations for marks incorporating DE2IGUAL for apparel, jewelry, eyewear, and other related fashion products and home goods. *See* U.S. Registration Nos. 2,088,319; 3,737,499; 3,982,329; 4,113,640; 4,269,396 (collectively, “Opposer’s Marks”).<sup>2</sup> An important characteristic of Opposer’s Marks is the inverted “S” in DE2IGUAL, as shown below:



Some of Opposer’s registrations also incorporate a brightly-colored abstract splatter design or two naked figures that appear side by side.

<sup>2</sup> Opposer’s federal registrations were made of record in Opposer’s Notice of Opposition. *See* TBMP § 528.05(d).

Disidual had no knowledge of Opposer or any of its marks until after Opposer filed its Notice of Opposition in this proceeding. Beaker Decl. Exhibit B, Interrogatory No. 10; Pape Decl. ¶ 7.

### **III. ARGUMENT**

#### **a. Summary judgment standard.**

Summary judgment is appropriate when the movant establishes that there are no genuine issues of material fact in dispute, such that the case can be resolved as a matter of law. Fed. R. Civ. P. 56(c). The Federal Circuit has consistently held that the issue of likelihood of confusion is one of law, and therefore, the Board may resolve the issues in this case on summary judgment. *See Keebler Co. v. Murray Bakery Prods., Inc.*, 866 F.2d 1386, 9 U.S.P.Q.2d 1736 (Fed. Cir. 1989); *Sweat Fashions Inc. v. Pannill Knitting Co., Inc.*, 833 F.2d 1560, 1565, 4 U.S.P.Q.2d 1793 (Fed. Cir. 1987).

Where the movant's motion is supported by sufficient evidence to demonstrate that there is no genuine issue of material fact, the burden shifts to the non-movant to demonstrate what specific evidence could be offered at trial that shows there is a genuine issue of material fact to be tried. *Id.* at 1562-63; *Hachette Filipacchi Presse v. Elle Belle LLC*, 85 U.S.P.Q.2d 1090, 2007 WL 1144946, \*3 (TTAB 2007). The non-movant cannot rest on denials or conclusory assertions, but rather must provide specific evidence showing the existence of a genuine issue of material fact. *Hachette Filipacchi Presse*, 85 U.S.P.Q.2d 1090, 2007 WL 1144946 at \*3. As shown below, there are no genuine issues of material fact in this case and the uncontested facts show that confusion is *not* likely to occur if the DISIDUAL Mark is allowed registration. Accordingly, summary judgment in favor of Disidual, instead of Opposer, is appropriate.

**b. There can be no likelihood of confusion between the DISIDUAL Mark and Opposer’s Marks.**

In determining likelihood of confusion between the DISIDUAL Mark and Opposer’s Marks, the Board must consider the factors laid out in *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 U.S.P.Q. 563 (CCPA 1973). The Board may conclude that there is no likelihood of confusion based on a determination of one or two of the *DuPont* factors. See *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1374-75, 47 U.S.P.Q.2d 1459 (Fed. Cir. 1998) (affirming dismissal of opposition and concluding that the dissimilarity of the marks alone precluded any reasonable likelihood of confusion); *Kellogg Co. v. Pack’em Enters., Inc.*, 951 F.2d 330, 21 U.S.P.Q.2d 1142 (Fed. Cir. 1991) (affirming finding of no likelihood of confusion based on dissimilarity of the marks FROOT LOOPS and FROOTEE ICE & Design). As set forth below, the first *DuPont* factor – “[t]he similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression” – by itself is dispositive of this case. *In re E.I. DuPont DeNemours & Co.*, 476 F.2d at 1361. Adding to that, the following factors strongly support a finding of no likelihood of confusion: the coexistence of the parties’ marks without any instances of actual confusion for more than five years, the different consumers of the parties’ products, and the lack of evidence to support the claim that Opposer’s Marks are well known.

i. The DISIDUAL Mark and Opposer’s Marks are dissimilar in appearance, sound, and meaning.

The first and most significant factor to be considered in determining likelihood of confusion is the examination of the “similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation, and commercial impression.” *Id.* Opposer claims that “the marks are highly similar, because Applicant’s Mark bears a strong resemblance to Opposer’s

Marks in terms of appearance, sound, and commercial impression.” Opposer’s Motion, p. 8. In light of the dissimilarities in the appearance, sound, and meaning of the parties’ marks, as set forth below, Disidual respectfully disagrees with Opposer’s argument which, when closely considered, actually demonstrates that there is no likelihood of confusion arising from use of the parties’ respective marks.

1. *Appearance.*

The parties’ marks are patently dissimilar in appearance. Indeed, no common words are shared between the parties’ marks. Disidual’s mark consists of the coined term DISIDUAL whereas Opposer’s Marks incorporate DE2IGUAL in a bolded or thick font with an inverted “S” and, in some instances, displayed vertically next to a mirror image of DE2IGUAL and two naked figures or a brightly-colored paint splatter design. As shown below, a side-by-side comparison underscores the differences in appearance between the parties’ marks.

Disidual’s Mark	Opposer’s Marks
<p>DISIDUAL</p>	<p><b>De2igual</b></p> 

Despite the fact that both parties’ marks share the same –UAL ending and the same number of letters, the beginning and middle portions of the marks are completely different in appearance. The inverted “S” in DE2IGUAL and the accompanying design elements, including a depiction of a naked man and woman and an abstract splatter paint design, create a distinct commercial impression. The difference between the first syllables “DIS” versus “DE2” also is vital to the likelihood of confusion analysis because the letters placed at the beginning of a mark are more prominent, have a greater impact, and are more likely to be impressed in the minds of

the consumers. *See Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 U.S.P.Q.2d 1895, 1988 WL 252340, \*3 (TTAB 1988) (“[I]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered”).

For example, in *Autozone, Inc. v. Tandy Corp.*, the court concluded that the marks AUTOZONE and POWERZONE were sufficiently dissimilar to make confusion unlikely. 373 F.3d 786, 796-97, 71 U.S.P.Q.2d 1385 (6th Cir. 2004); *see also The Wet Seal Inc. v. FD Management Inc.*, 82 U.S.P.Q.2d 1629, 2007 WL 458529, \*9 (TTAB 2007) (stating the first word purchasers will see is more likely to have a greater impact on purchasers and be remembered by them). The court’s “similarity of the marks” analysis in the *Autozone* case is applicable here. Like AUTO- and POWER-, the dissimilar portions of the parties’ marks in this case appear at the beginning and in the middle (*i.e.*, DISID vs. DEZIG). It is this portion of the parties’ marks that is most likely to be impressed on the mind of the consumer.

In addition, although both parties’ marks end in -UAL, this ending is commonly found in brand names in the apparel industry and on registered marks in Class 25 on the U.S. Patent and Trademark Office Principal Register. *See* Beaker Decl. Exhibit F: Chart and registration certificates and status pages for representative marks ending in -UAL. Some examples of registered marks in Class 25 include: SIDUAL (Reg. No. 3,986,499); V/SUAL (Reg. No. 4,430,048); UNEQUAL (Reg. No. 4,162,517); AQUADUAL & Design (Reg. No. 3,648,696); INDIVIDUAL (Reg. No. 3,623,362); and MANNUAL (Reg. No. 3,066,728). The number and nature of similar marks in use on identical or similar goods indicates that consumers are used to seeing marks ending in -UAL used in connection with apparel. Consequently, consumers are more likely to focus on the beginning and middle portions of the parties’ marks, as opposed to the end, when determining whether the parties’ marks originate from the same source. *See*

*Missiontrek Ltd. Co. v. Onfolio, Inc.*, 80 U.S.P.Q.2d 1381, 2005 WL 3395187 (TTAB 2005) (granting defendant's motion for summary judgment based on dissimilarity of the marks ONFOLIO (stylized) and CARTAGIO for computer software).

Finally, Opposer's contention that Google search results returning references relating to Opposer's Marks when DISIDUAL is typed into the search engine constitutes strong evidence of the similarity of the marks is baseless and wholly without merit. Opposer's Motion, p. 9. Opposer ignores the fact that the search results that appear when searching "disidual" in the Google search engine are all related to Disidual, and Disidual objects to the admissibility of this evidence for the purposes of supporting Opposer's contention. See Opposer's Motion, Declaration of Kevin S. Wilson, Exhibit K; TBMP § 517. The fact that Google provides a list of "Searches related to disidual" does not provide any indication as to consumer perception of the similarities of the parties' marks. The "Searches related to disidual" also included other search strings wholly unrelated to Opposer, such as "disidual meaning," "casual industrees," "decidual definition," and "disidual instagram." *Id.* The Board has routinely held that printouts of Google search results are of little probative value because they fail to show the context in which the term or phrase is used on the listed web pages. See, e.g., *Hale v. Go Pro Workouts, LLC*, Opposition No. 91211810, 2014 WL 7172042, \*7 (TTAB Nov. 18, 2014) ("Generally, search result summaries generated by Internet search engines have limited probative value...").

In sum, the immediately apparent differences in appearance between the DISIDUAL Mark and Opposer's Marks support the conclusion that the marks are dissimilar.

## 2. *Sound.*

The pronunciation of Opposer's Marks by Opposer and the relevant consumers and media also underscores the differences between the parties' marks, which generate different sounds and are phonetically distinct.

The DISIDUAL Mark is pronounced de-SI-jew-ul. Normal pronunciation puts the emphasis in the DISIDUAL mark on the second syllable.

Opposer's DEZIGUAL mark, on the other hand, is pronounced by Opposer in its advertising and marketing materials as DES-ee-GWAL, as it would be in the Spanish language. *See* Beaker Decl. Exhibit G, Request for Production No. 11: Opposer's Answers to Applicant's First Set of Requests for Production & Exhibit H: Opposer's YouTube videos. Consumers and the relevant media pronounce the mark as DES-ee-GWAL as well. *See* Beaker Decl. Exhibit I: Third-party websites describing the pronunciation of Opposer's Marks.

In contrast to the DISIDUAL Mark, the emphasis in Opposer's Marks is on the first syllable with a secondary emphasis on the third and final syllable. Moreover, when the parties' marks are pronounced, the pronunciation of jew-ul in the DISIDUAL mark creates a markedly different acoustic sound than ee-gwal in Opposer's Marks. *See, e.g., Signetics Corp. v. Sigona*, 212 U.S.P.Q. 318, 1981 WL 40454, \*2 (TTAB 1981) ("Normal pronunciation puts the emphasis in each mark on the second or middle syllables 'NET' and 'TRON' and these syllables are easily distinguishable.").

Accordingly, the parties' marks are acoustically different and the DISIDUAL Mark does not sound the same as Opposer's Marks.

### 3. *Meaning.*

Opposer contends that the parties' marks impart similar commercial impressions because each fails to convey a specific meaning to consumers. Opposer's Motion, p. 9. However,

Opposer ignores the fact that the term “desigual” in Opposer’s Marks has a commonly understood meaning. In fact, Opposer admits that the term “desigual” means “unequal” in Spanish. *Id.*; *see also* Mark information set forth in Registration Nos. 2,088,319; 3,737,499; 3,982,329; and 4,113,640; Beaker Decl. Exhibit J, Interrogatory No. 3: Opposer’s Answers to Applicant’s Second Set of Interrogatories. The DISIDUAL Mark, on the other hand, is a coined term that includes a combination of the words “distinct” and “individual.” *See* Beaker Decl. Exhibit B, Interrogatory No. 2; Pape Decl. ¶ 3.

In determining the meaning and connotation of the marks at issue, foreign words from common languages are typically translated into English under the doctrine of foreign equivalents. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 U.S.P.Q.2d 1689 (Fed. Cir. 2005). “The doctrine should be applied only when it is likely that the ordinary American purchaser would ‘stop and translate [the term] into its English equivalent.’” *Id.* (quoting *In re Pan Tex Hotel Corp.*, 190 U.S.P.Q. 109, 110 (TTAB 1976)). The “ordinary American purchaser” includes “all American purchasers, including those proficient in a non-English language who would ordinarily be expected to translate words into English.” *In re Spirits Int’l N.V.*, 563 F.3d 1347, 1351-52, 90 U.S.P.Q.2d 1489 (Fed. Cir. 2009). Further, the Board “presume[s] that a word in one of the common, modern languages of the world will be spoken or understood by an appreciable number of U.S. consumers for the goods at issue.” *In re La Peregrina Ltd.*, 86 U.S.P.Q.2d 1645, 2008 WL 695794, \*4 (TTAB 2008).

Here, Opposer argues that “the term ‘DESIGUAL’ is not likely to be recognized by most U.S. consumers as a Spanish word that translates into English as ‘unequal,’” but Opposer provides no support whatsoever for its argument. Opposer’s Motion, p. 9. Contrary to Opposer’s position, the Board routinely finds that Spanish is a common, modern language. *See*

*In re Eisner*, U.S. Serial No. 85/593,854 (TTAB Oct. 2, 2015) (applying doctrine of foreign equivalents and translating “su abogado”); *In re La Peregrina Ltd.*, 86 U.S.P.Q.2d 1645, 2008 WL 695794 at \*4 (“[T]here is no question that Spanish is a common, modern language.”); *In re Amer. Safety Razor Co.*, 2 U.S.P.Q.2d 1459, 1987 WL 123818, \*2 (TTAB 1987) (concluding that relevant consumers would be likely to translate BUENOS DIAS into its English equivalent, GOOD MORNING). As a result, the relevant consumers would stop and translate “desigual” into its English equivalent because the terms have the same meaning (*i.e.*, desigual stands for unequal) and there is no evidence to suggest that “desigual” is an obscure term. *See In re La Peregrina Ltd.*, 86 U.S.P.Q.2d 1645, 2008 WL 695794 at \*4 (stating that “la peregrina” would be translated into its English equivalent based, in part, on the fact that there is an exact translation of the word in English and it is not an obscure term); Mark information set forth in Registration Nos. 2,088,319; 3,737,499; 3,982,329; and 4,113,640; Beaker Decl. Exhibit J, Interrogatory No. 3 & Exhibit K: Third-party websites providing dictionary translations of “desigual.” Moreover, because Opposer is a Spanish company, there is no doubt that its use of the term “desigual” in Opposer’s Marks refers to the term’s meaning in the Spanish language. When the term “desigual” in Opposer’s Marks is translated into its English equivalent, it is clear that the parties’ marks have different meanings. The term “desigual” means unequal or uneven whereas the DISIDUAL Mark is a coined term that combines the words “distinct” and “individual,” and Disidual’s marketing makes it clear that the term was created to convey the idea of the distinct individual. *See id.*; Beaker Decl. Exhibit B, Interrogatory No. 2; Pape Decl. ¶¶ 3.

As an additional matter, when consumers are confronted with familiar and unfamiliar words, consumers tend to distinguish between the two words. *See Jacobs v. Int’l Multifoods*

*Corp.*, 668 F.2d 1234, 1236, 212 U.S.P.Q. 641 (CCPA 1982) (holding that the familiar BOSTON TEA PARTY mark was distinguishable from the unfamiliar BOSTON SEA PARTY mark); *Nat'l Distillers & Chem. Corp. v. William Grant & Sons, Inc.*, 505 F.2d 719, 721, 184 U.S.P.Q. 34 (CCPA 1974) (“...the familiar is readily distinguishable from the unfamiliar. DUET is a familiar word. DUVET is not.”). It follows that consumers will distinguish between the familiar term “desigual” in Opposer’s Marks and the unfamiliar DISIDUAL Mark.

Disidual agrees with Opposer’s statement that “no further analysis is required” in this case, as the foregoing arguments and evidence demonstrates that the parties’ marks are sufficiently dissimilar in sight, sound, and meaning such that they impart different overall commercial impressions.

ii. There is no actual confusion between the parties’ marks.

The DISIDUAL Mark and Opposer’s Marks have coexisted in the marketplace without any instances of actual confusion since at least as early as June 2010 when Disidual first started using the DISIDUAL Mark. Opposer admits that it is not aware of any instances of actual confusion among the relevant consumers. *See* Beaker Decl. Exhibit L, Interrogatory No. 7: Opposer’s Answers to Applicant’s First Set of Interrogatories (“Opposer responds that it is not aware of any instances of actual confusion.”).

There was also ample opportunity for confusion to occur. *See Citigroup Inc. v. Capital City Bank Group, Inc.*, 94 U.S.P.Q.2d 1645, 2010 WL 595586, \*17 (TTAB 2010), *aff’d*, 637 F.3d 1344, 98 U.S.P.Q.2d 1253 (Fed. Cir. 2011) (“[F]or the absence of actual confusion to be probative, there must have been a reasonable opportunity for confusion to have occurred.”). Although Opposer and Disidual target distinct market segments, the parties do operate in the same general industry (*i.e.*, apparel), they sell products to retailers and consumers in the same

geographic areas, and Opposer operates a DEZIGUAL-branded store in the same geographic area as that in which Disidual sells its goods. *See* Pape Decl. ¶ 8; Beaker Decl. Exhibit C, Request for Production No. 3; Exhibit M: Printouts from Opposer’s website at www.desigual.com; & Exhibit N, Request for Production No. 4: Documents submitted with Disidual Clothing’s Responses and Objections to Opposer’s First Set of Requests for Production of Documents to Applicant. Of note, the parties’ invoices demonstrate that both Disidual and Opposer sell to consumers or retailers in many of the same cities, including, for example: San Francisco, California; Los Angeles, California; Truckee, California; Portland, Oregon; and Seattle, Washington. *See* Beaker Decl. Exhibit C, Request for Production No. 3 & Exhibit N, Request for Production No. 4; Pape Decl. ¶ 8, Exhibit A.

Disidual recognizes that evidence of actual confusion is not necessary to establish a likelihood of confusion. That said, the concurrent use of the parties’ marks for more than five years in cities with large populations without any reported instances of confusion is a powerful indication that confusion is not likely. *See Citigroup Inc.*, 94 U.S.P.Q.2d 1645, 2010 WL 595586 at \*17 (“...the concurrent use of applicant’s logo marks and opposer’s CITIBANK marks has presented a reasonable opportunity for confusion to have occurred.”); *Elvis Presley Enters., Inc. v. Capece*, 141 F.3d 188, 204, 46 U.S.P.Q.2d 1737 (5th Cir. 1998) (“An absence of, or minimal, actual confusion, however, over an extended period of time of concurrent sales weighs against a likelihood of confusion.”); *Oreck Corp. v. U.S. Floor Systems, Inc.*, 803 F.2d 166, 173, 231 U.S.P.Q. 634 (5th Cir. 1986) (lack of actual confusion was “highly significant” where parties’ marks concurrently used for 17 months).

As a result, this factor weighs in Disidual’s favor.

- iii. Consumers encountering the parties’ marks are not likely to believe that they emanate from the same source.

The relevant consumers are not likely to believe that the parties' products emanate from the same source because the products are marketed to different consumers. The parties' claims and marketing demonstrate that each party has a distinct consumer that it targets. Disidual's products are marketed towards recreational outdoor and extreme sports enthusiasts, adventure-seeking individuals, and people interested in outdoor physical fitness. *See* Beaker Decl. Exhibit B, Interrogatory No. 5; Pape Decl. ¶ 6. In contrast, Opposer's products include vibrant patterns, graffiti art, contrasting textures, and colorful pieces, and they are featured in fashion shows and cater to fashion-conscious consumers. *See* Beaker Decl. Exhibit E. Because the parties' products are marketed to different consumers and reflect a completely different fashion and lifestyle, the parties operate in different specific trade channels. Thus, this factor weighs against any potential consumer confusion. *See Elec. Design & Sales, Inc. v. Elec. Data Sys. Corp.*, 954 F.2d 713, 717, 21 U.S.P.Q.2d 1388 (Fed. Cir. 1992) (stating that where the parties' purchasers are different, their channels of trade and advertising are likely to be different).

iv. Opposer's Marks are not well known.

The evidence of record does not support Opposer's contention that its marks are well known to consumers. *See* Opposer's Motion, p. 13. The fifth *DuPont* factor relates to the fame or strength of the prior mark. *See In re E.I. DuPont DeNemours & Co.*, 476 F.2d at 1361. In order to establish that Opposer's Marks are well known or strong, Opposer must present clear and definitive evidence. *See, e.g., L'Oreal S.A. & L'Oreal USA, Inc. v. Marcon*, 102 U.S.P.Q.2d 1434, 2012 WL 1267956, \*3 (TTAB 2012) ("...it is the duty of the party asserting fame to clearly prove it."). *Leading Jewelers Guild, Inc. v. LJOW Holdings, LLC*, 82 U.S.P.Q.2d 1901, 2007 WL 749713, \*5 (TTAB 2007) ("It is the duty of a party asserting that its mark is famous to clearly prove it.").

Here, Opposer asserts that Opposer's Marks are well known because it has used the marks in the U.S. for 20 years, it sells its products in retail stores located in five U.S. cities, and in 2010, its annual turnover was 450 million Euros and it sold over 15,000,000 garments in 72 countries. Opposer's Motion, p. 13. Opposer's figures regarding its annual turnover and product sales in 2010 are misleading. They do not provide any indication as to what fraction of those sales occurred in the U.S. According to Ana Cabanas, a marketing manager for Opposer, approximately 90 percent of Opposer's business is based in Europe. *See* Beaker Decl. Exhibit O: Article from Retail & Leisure International describing Opposer's brand. Opposer also only provides sales information for a single year, and "[s]uch figures for a single year are not meaningful." *Leading Jewelers Guild, Inc.*, 82 U.S.P.Q.2d 1901, 2007 WL 749713 at \*5. In addition, Opposer does not provide any evidence of market share or product-category leadership position, consumer survey evidence, advertising expenditures directed to the U.S., marketing or promotional efforts, or any other evidence that would indicate consumer awareness of Opposer's Marks in the U.S.

The Federal Circuit has previously stated, "[r]aw numbers of product sales and advertising expenses may have sufficed in the past to prove fame of a mark, but raw numbers alone in today's world may be misleading...Consequently, some context in which to place raw statistics is reasonable." *Bose Corp. v. QSC Audio Prods.*, 293 F.3d 1367, 1375, 63 U.S.P.Q.2d 1303 (Fed. Cir. 2002). Moreover, use of Opposer's Marks in the U.S. for 20 years and in five U.S. cities does not meet the threshold necessary to establish that Opposer's Marks are well known. *See, e.g., Shen Mfg. Co., Inc. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1241, 73 U.S.P.Q.2d 1350 (Fed. Cir. 2004) (evidence of use since 1892, \$5 million in annual sales, and hundreds of thousands of dollars in advertising did not establish fame of RITZ mark).

In light of the foregoing, Opposer cannot establish that Opposer's Marks are well known, and this factor is at most neutral.

#### **IV. CONCLUSION**

There is no genuine issue of material fact that requires this case to proceed to trial. Simply put, there is no likelihood of confusion between the DISIDUAL Mark and Opposer's Marks in view of the significant dissimilarities between the parties' marks, the lack of any actual confusion during the five-year period over which the parties' marks have coexisted in the marketplace, and the fact that the parties' products are marketed to different consumers. Accordingly, Disidual respectfully requests that the Board deny Opposer's Motion, grant Disidual's Cross-Motion, dismiss Opposer's Notice of Opposition, and grant such further relief as this Honorable Board deems appropriate.

Respectfully submitted,

Dated: December 15, 2015

/Craig A. 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 SERVICE**

The undersigned affirms that DISIDUAL CLOTHING'S BRIEF IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF DISIDUAL CLOTHING'S CROSS-MOTION FOR SUMMARY JUDGMENT was served by first class mail, postage prepaid, on the date set forth below upon the following:

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

Dated: December 15, 2015

/Craig A. Beaker/  
Craig A. Beaker

# **ANNEX 1**

**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

**DECLARATION OF BRENDAN PAPE**

The undersigned, Brendan Pape, hereby declares and makes the following statements in support of Applicant Disidual Clothing, LLC's ("Disidual") Brief in Opposition to Opposer's Motion for Summary Judgment and in Support of Disidual's Cross-Motion for Summary Judgment.

1. My name is Brendan Pape. I am an owner of Disidual, which is located at 4208 Meridian Street, Bellingham, Washington 98226. I have personal knowledge of the matters contained in this declaration, and if called upon to testify, I could and would testify competently thereto.
2. Disidual is a small apparel company founded in April 2010 in Bellingham, Washington, and the company is currently located there.
3. The mark DISIDUAL is a coined term that is a combination of "distinct" and "individual." The term was created by me and Christian Harkson, the owners of Disidual.
4. Disidual first started offering apparel products under the DISIDUAL mark on or about June 1, 2010.
5. Disidual and its DISIDUAL products cater to the "distinct individual," which is a person that gets outside and enjoys the outdoors.
6. Disidual's customers generally include recreational outdoor and extreme sports enthusiasts, adventure-seeking individuals, and people interested in outdoor physical fitness.
7. Disidual did not become aware of Opposer INTS It Is Not The Same, GmbH ("Opposer") or its DEZIGUAL marks until after Opposer filed its Notice of Opposition on October 2, 2013.
8. Disidual's apparel products are sold in Washington, Oregon, California, and throughout the Pacific Northwest. Disidual has sold its apparel products in numerous cities in the Pacific Northwest, including, but not limited to: San Francisco, California; Los Angeles, California; Truckee, California; Portland, Oregon; and Seattle, Washington. Attached hereto as Exhibit A are true copies of order details to customers in the aforementioned cities.

I declare under the penalty of perjury under the laws of the United States of America, and under 18 U.S.C. § 1001, that all statements made of my own knowledge are true and all statements made on information or belief are believed to be true.

B. Pape  
Signature

Brendan Pape  
Name

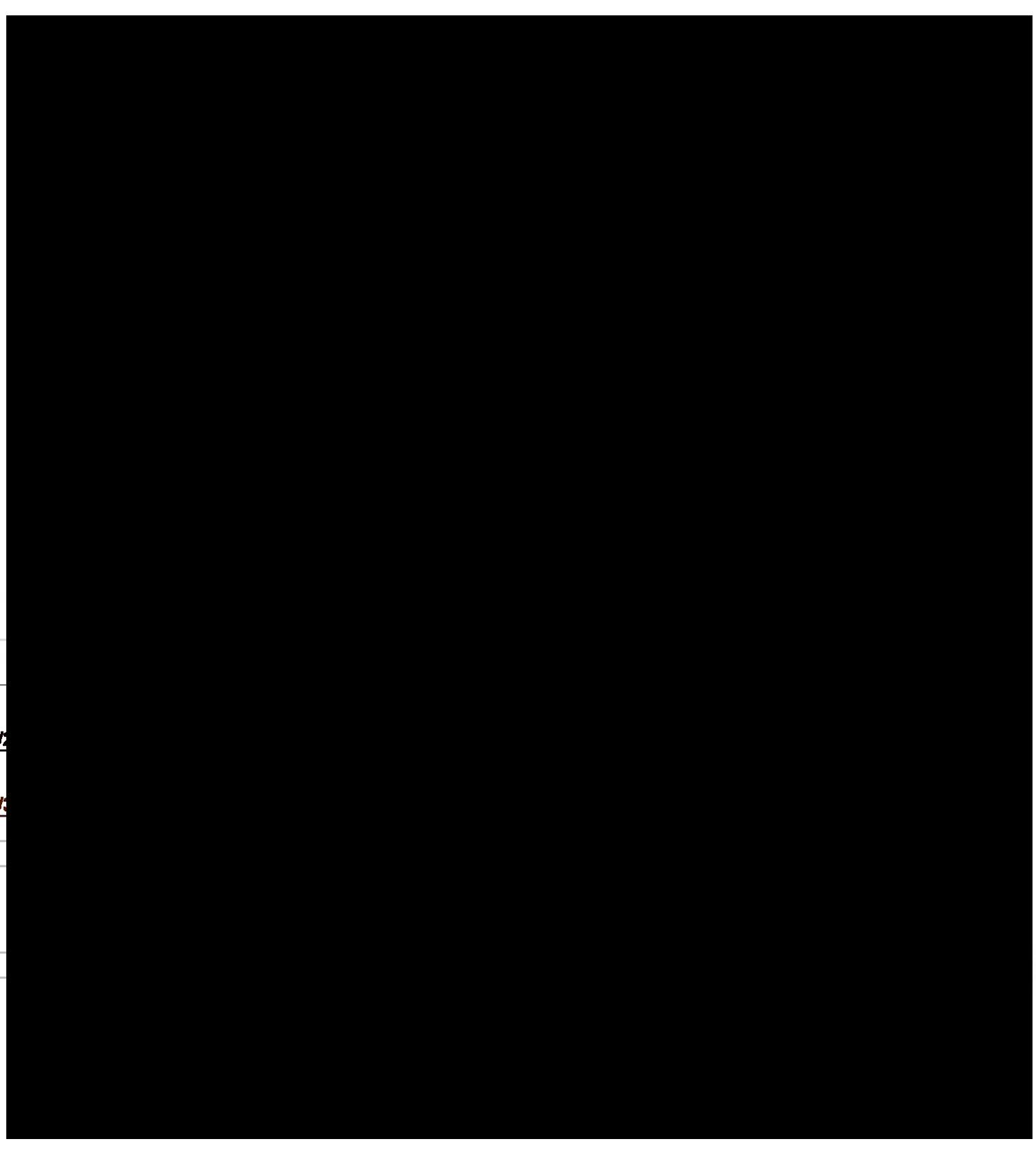
12/14/2015  
Date

# **EXHIBIT A**













# **ANNEX 2**

**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

**DECLARATION OF CRAIG A. BEAKER**

The undersigned, Craig A. Beaker, hereby declares and makes the following statements in support of Applicant Disidual Clothing, LLC's ("Disidual") Brief in Opposition to Opposer's Motion for Summary Judgment and in Support of Disidual's Cross-Motion for Summary Judgment.

1. My name is Craig Beaker. I am an attorney with the office of Marshall, Gerstein and Borun LLP, attorneys for Disidual, in the matter of *INTS It Is Not The Same GMBH v. Disidual Clothing, LLC*, assigned Opposition No. 91212768. I have personal knowledge of the matters contained in this declaration, and if called upon to testify, I could and would testify competently thereto.
2. Attached hereto as Exhibit A are true and correct copies of printouts from Disidual's Facebook page at [www.facebook.com/disidual](http://www.facebook.com/disidual).
3. Attached hereto as Exhibit B is a true and correct copy of Disidual's Responses and Objections to Opposer's First Set of Interrogatories to Applicant dated August 11, 2015.
4. Attached hereto as Exhibit C are true and correct copies of documents submitted with Opposer INTS It Is Not The Same, GmbH's ("Opposer") Answers to Applicant's First Set of Requests for Production dated June 26, 2015.
5. Attached hereto as Exhibit D are true and correct copies of printouts from third-party websites describing Opposer's apparel products.
6. Attached hereto as Exhibit E are true and correct copies of printouts from third-party websites describing Opposer's marketing campaigns.
7. Attached hereto as Exhibit F is a chart containing third-party registrations for marks ending in -UAL along with true and correct copies of the United States Patent and Trademark Office ("USPTO") registration certificates issued for the third-party registrations and true and correct copies of printouts from the USPTO's Trademark Status

and Document Retrieval website showing the relevant information and status of the third-party registrations.

8. Attached hereto as Exhibit G is a true and correct copy of Opposer's Answers to Applicant's First Set of Requests for Production dated June 26, 2015.
9. Attached hereto as Exhibit H are true and correct copies of printouts from the website at [www.youtube.com](http://www.youtube.com) showing videos produced by or for Opposer. Opposer's videos are also available at the following links:  
[www.youtube.com/watch?v=WtWClqQgbrg](http://www.youtube.com/watch?v=WtWClqQgbrg);  
[https://www.youtube.com/watch?v=aBgprtWL\\_9Q](https://www.youtube.com/watch?v=aBgprtWL_9Q); and  
[www.youtube.com/watch?v=C69dC5wv2rA](http://www.youtube.com/watch?v=C69dC5wv2rA).
10. Attached hereto as Exhibit I are true and correct copies of printouts from third-party websites pronouncing DESIGUAL. These videos are also available at the following links:  
<http://blog.zalora.com/news/desigual-coming-zalora/#.VkDwxtKrTRY>;  
[http://myemail.constantcontact.com/Difficult-to-pronounce--easy-to-wear-.html?soid=1102498794556&aid=a\\_1MVI3d-io](http://myemail.constantcontact.com/Difficult-to-pronounce--easy-to-wear-.html?soid=1102498794556&aid=a_1MVI3d-io); and  
<http://observer.com/2014/02/the-complete-n-y-fashion-week-pronunciation-guide>.
11. Attached hereto as Exhibit J is a true and correct copy of Opposer's Answers to Applicant's Second Set of Interrogatories dated October 15, 2015.
12. Attached hereto as Exhibit K are true and correct copies of third-party websites showing dictionary translations of the term "desigual."
13. Attached hereto as Exhibit L is a true and correct copy of Opposer's Answers to Applicant's First Set of Interrogatories dated June 26, 2015.
14. Attached hereto as Exhibit M are true and correct copies of printouts from Opposer's website at [www.desigual.com](http://www.desigual.com).
15. Attached hereto as Exhibit N are true and correct copies of documents submitted with Disidual Clothing's Responses and Objections to Opposer's First Set of Requests for Production of Documents to Applicant dated July 28, 2015.
16. Attached hereto as Exhibit O is a true and correct copy of a printout from the website at [www.rli.uk.com](http://www.rli.uk.com) describing the DESIGUAL brand.

I declare under the penalty of perjury under the laws of the United States of America, and under 18 U.S.C. § 1001, that all statements made of my own knowledge are true and all statements made on information or belief are believed to be true.

  
\_\_\_\_\_  
Signature

Craig A. Beaker  
\_\_\_\_\_  
Name

12/15/2015  
\_\_\_\_\_  
Date

# **EXHIBIT A**



# DISIDUAL CLOTHING

Clothing

[Shop Now](#) [Like](#) [Message](#)

[Timeline](#) [About](#) [Photos](#) [Likes](#) [More ▾](#)

## About DISIDUAL CLOTHING

### Page Info

#### PAGE INFO

Start Date **Founded in April 2010**

Short Description **Creating quality clothing and accessories tailored for your next outdoor adventure.**

Craig Home 20+

1 from Matt

Disidual was created by two broke college students in the spring of 2010. After making a few "risky" craigslist investments on some small scale printing equipment, they began their company in a small bedroom. The creators of Disidual wanted to spread the idea of the "distinct individual" lifestyle. What is this you ask? A distinct individual is the type of person who follows their own path. It is the type of person who lives in their camper van for months at a time in order to seek their passion for adventure, the individual who hikes in the snow all day for one epic run down the mountain, it is even the guy who rides his razor scooter around town in his cut off capri sweats not giving a damn what other people think. We feel that everyone has a "distinct individual" within them and should express it in their own unique way.

Disidual began and remains rooted in Bellingham, Washington. We are a rapidly expanding producer of fashionable and casual apparel. Disidual strives to manufacture products that cater to the active and free-spirited lifestyle that inspired us in the first place. Our product line was created by a group of individuals who spent more time in the great outdoors than anywhere else. We aim to inspire other to see every change in the season as an opportunity to embrace the world around them. From this love for outdoor adventure, a dream was born. This dream was to produce clothing that is functional, fashionable, and provides creative expression.

Living the "distinct individual" lifestyle and inspiring our customers to get outside and enjoy the outdoors is not our only cause. As a business we want to lead by example in efforts to preserve the world and its environment. We have worked hard to become a more sustainable company. Using 100% environmentally friendly inks, eliminating polyurethane packaging, and

(7) DISIDUAL CLOTHING

developing hang tags from recycled paper are just a few of the many steps we have taken. After all, if we do not take care of this awesome place we call home, who will?

---

Phone (Brendan Pape) 952-484-5384 (Christian Harkson) 253-232-6050

---

Email [contact@disidual.com](mailto:contact@disidual.com)

Chat (18)

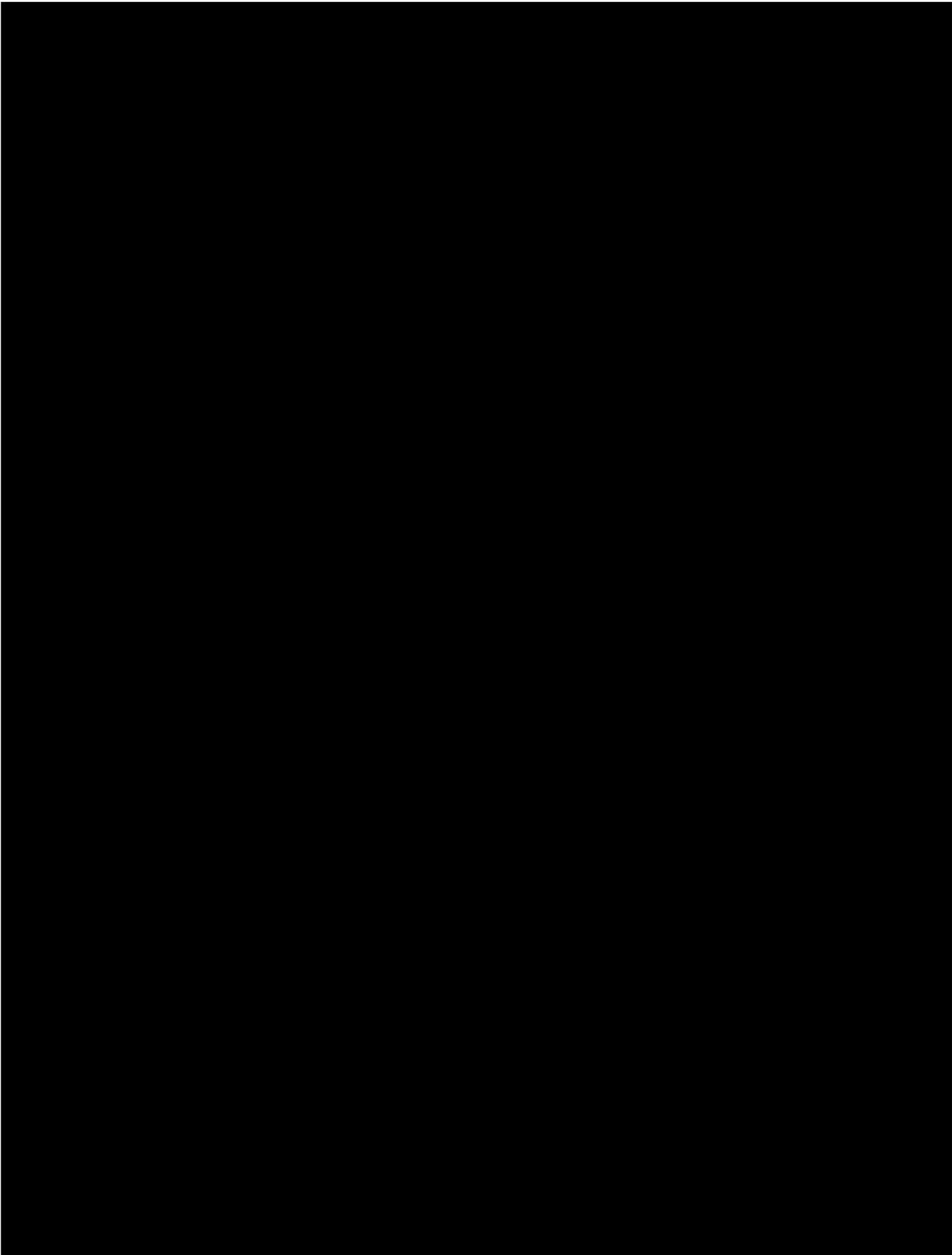
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Website [WWW.DISIDUAL.COM](http://WWW.DISIDUAL.COM)

# **EXHIBIT B**

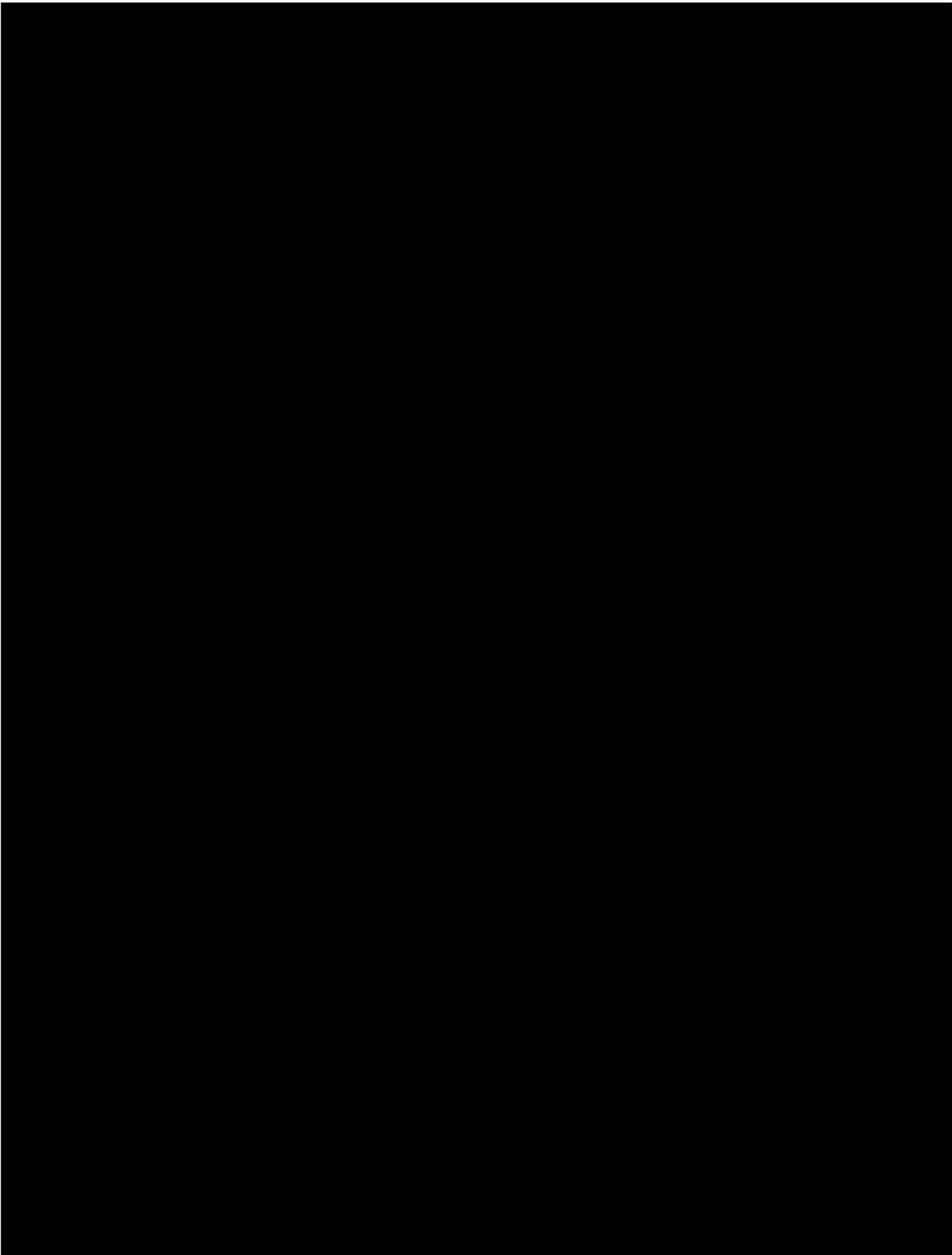


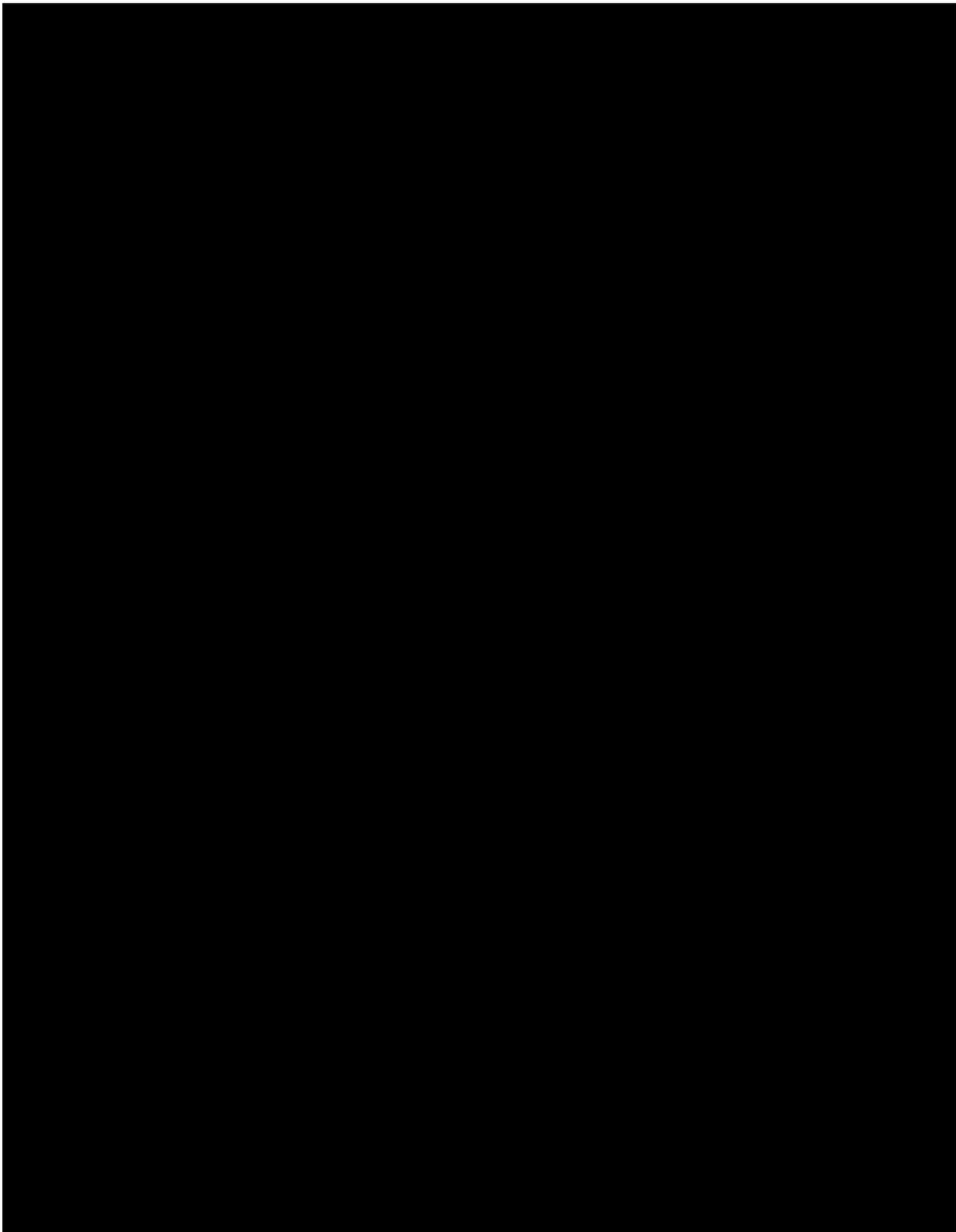


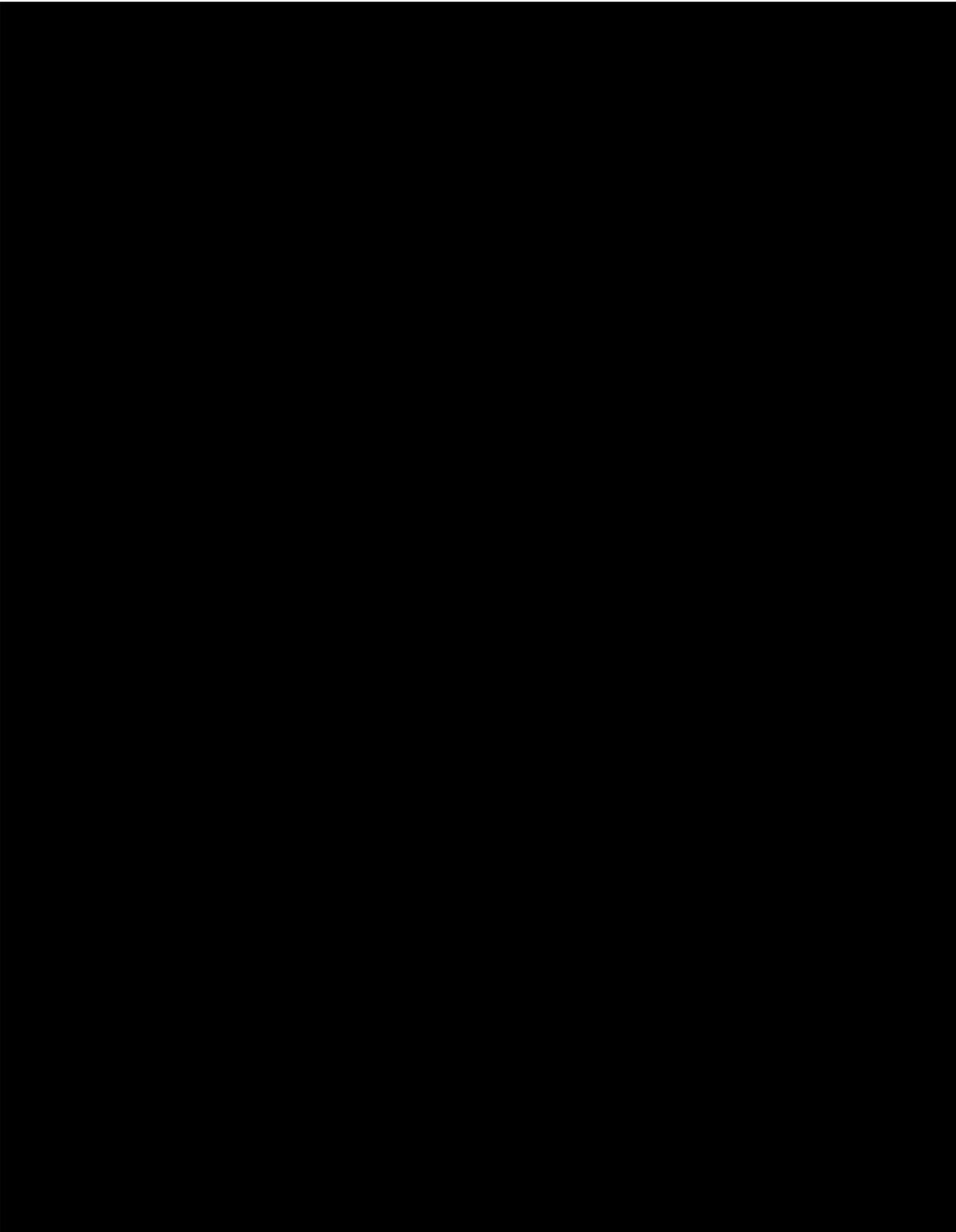


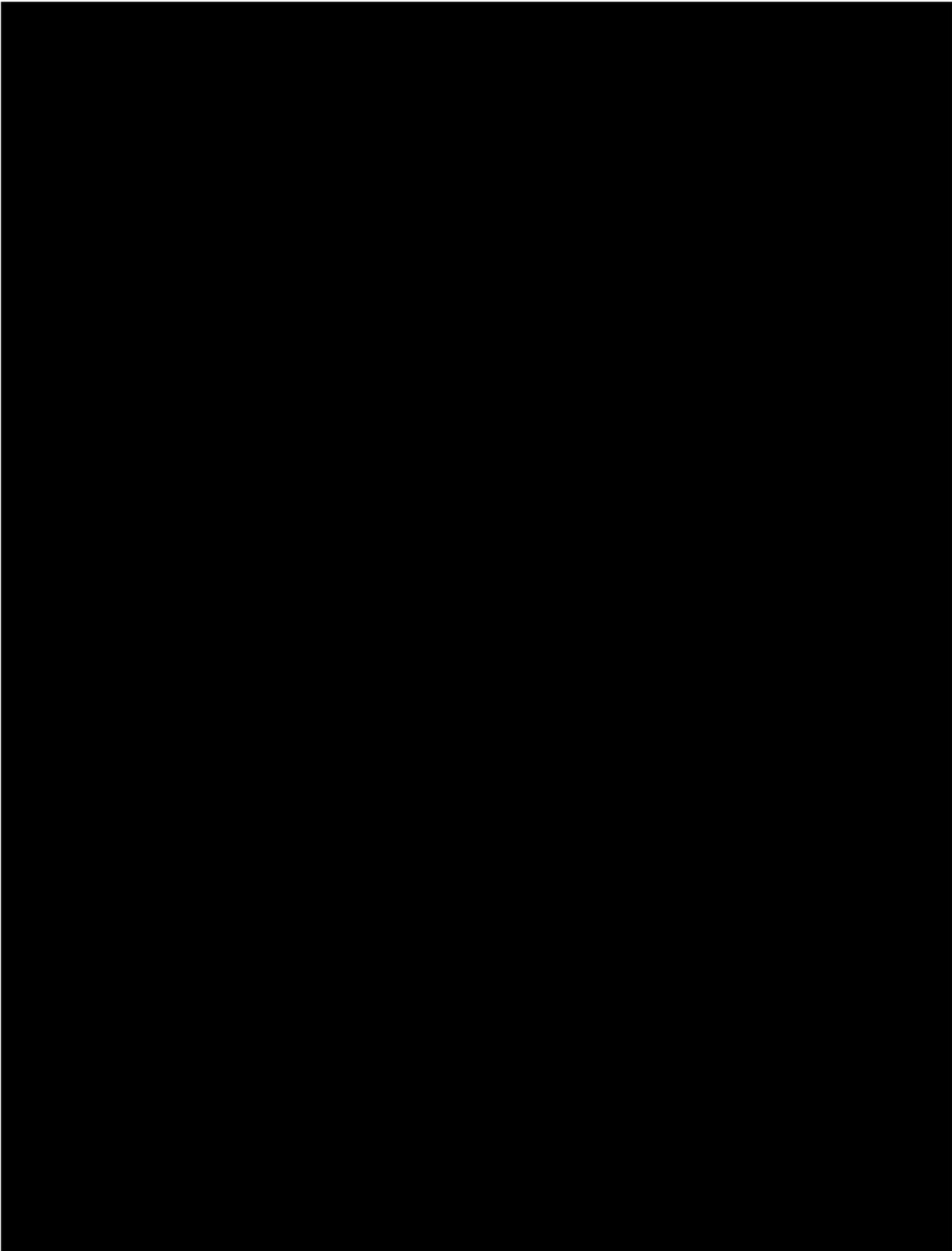


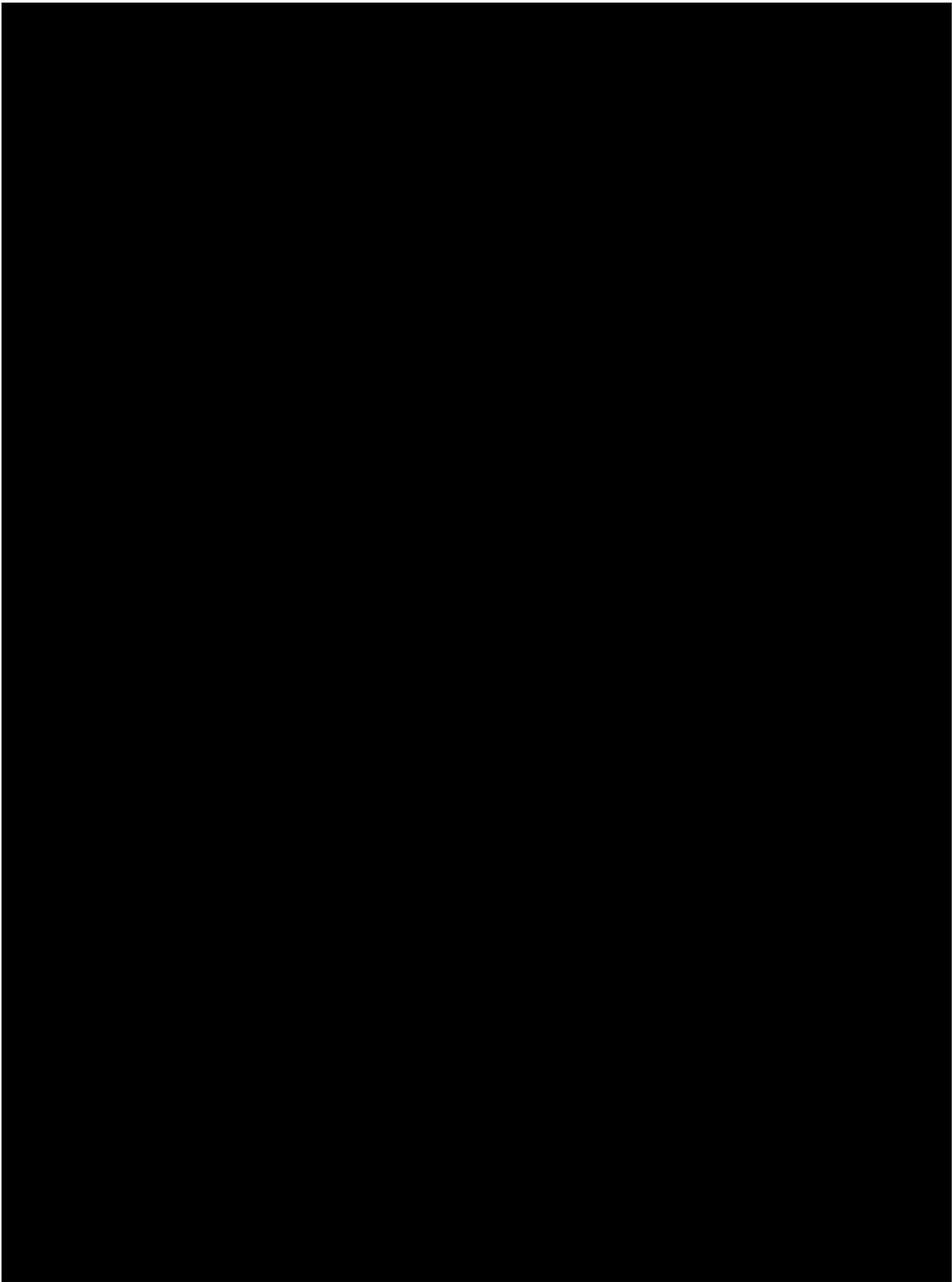


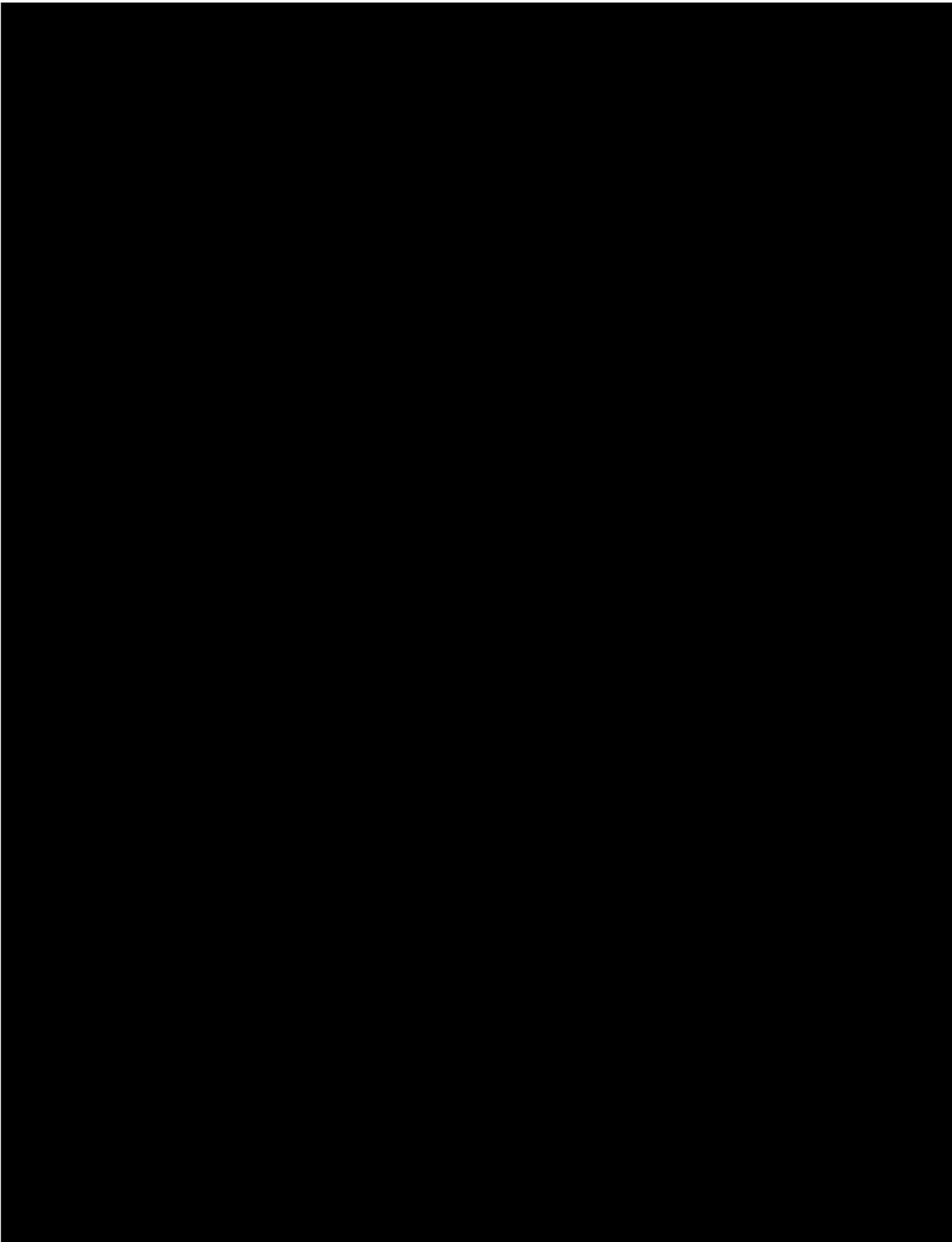


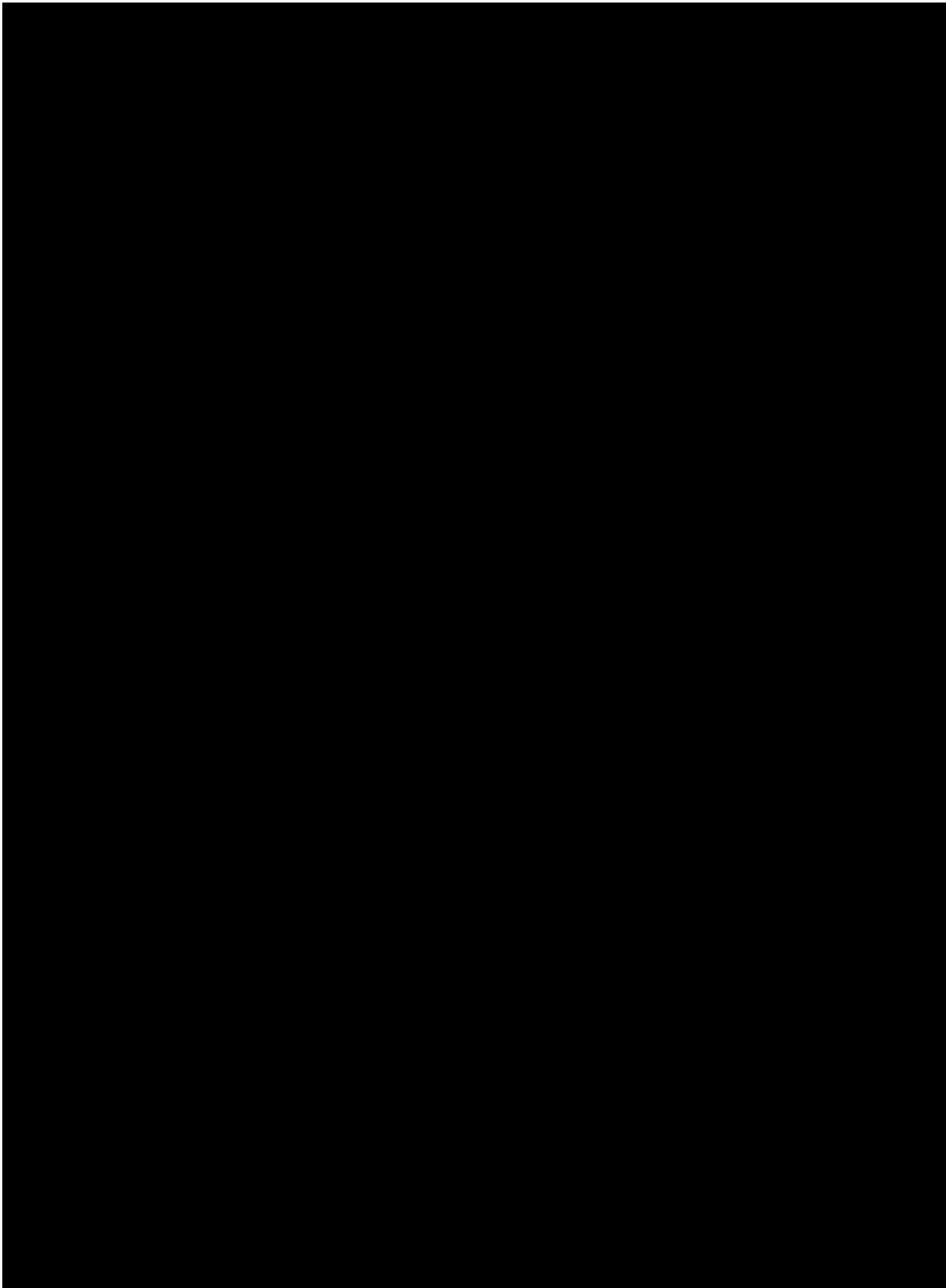


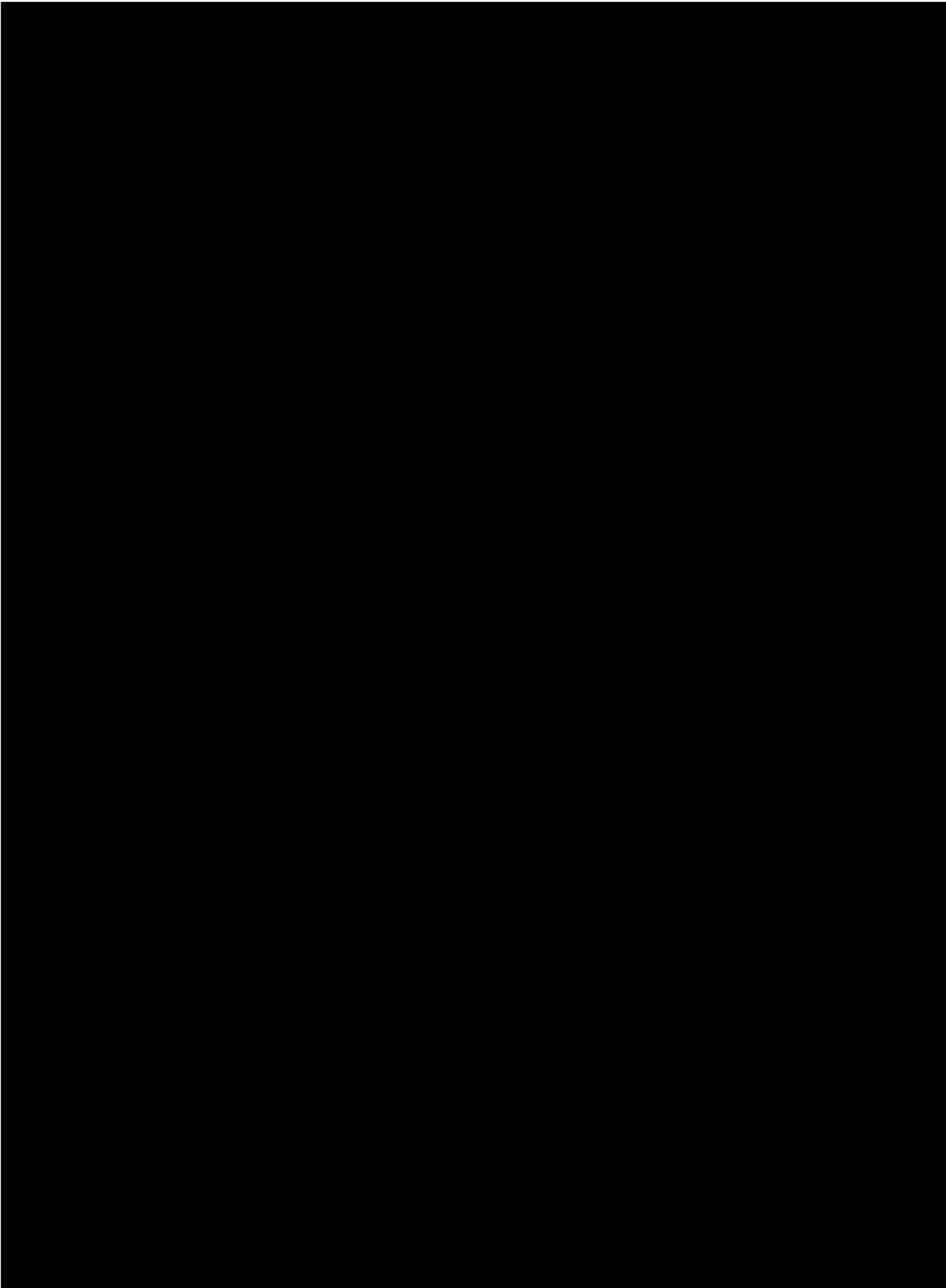


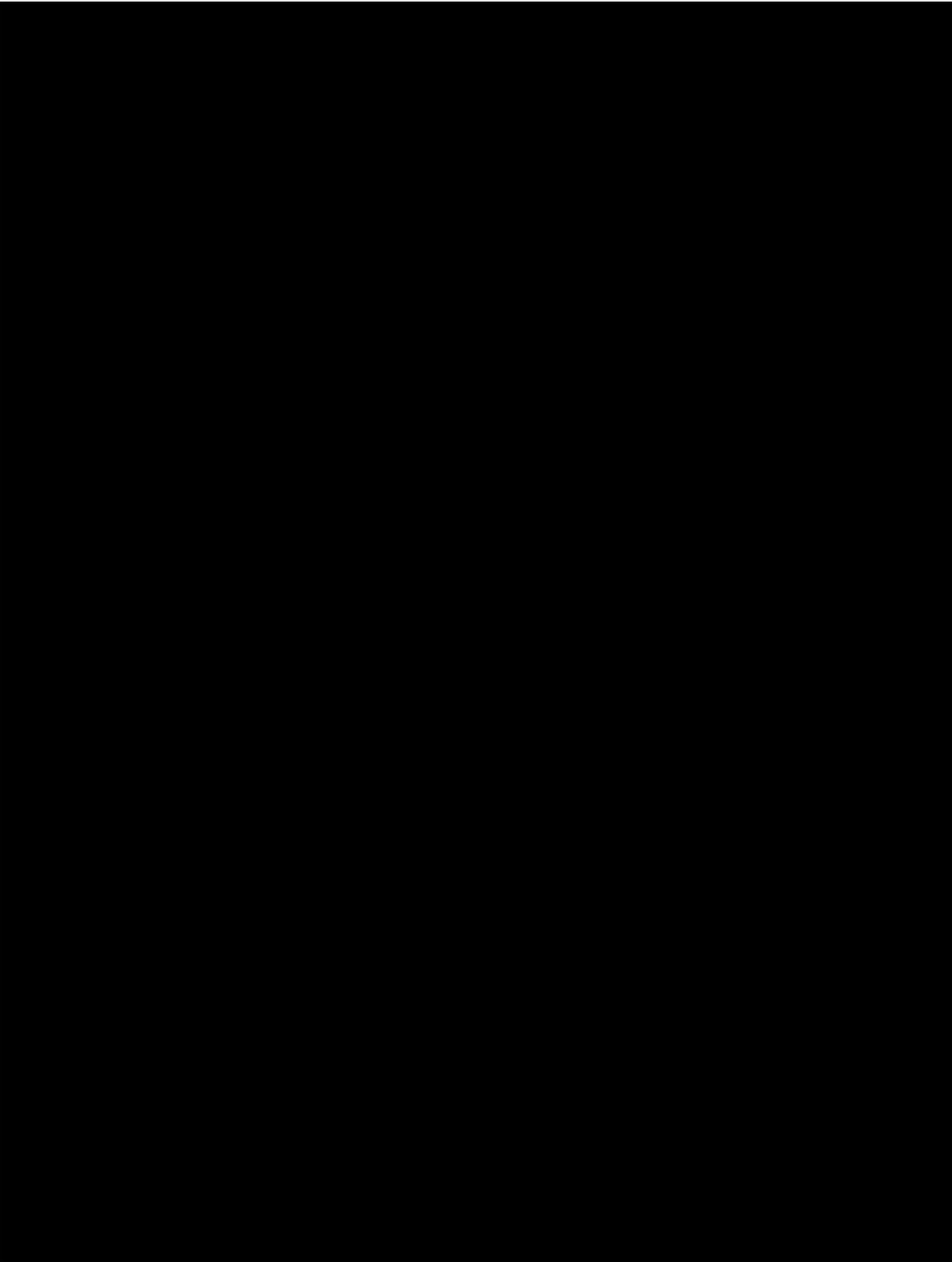


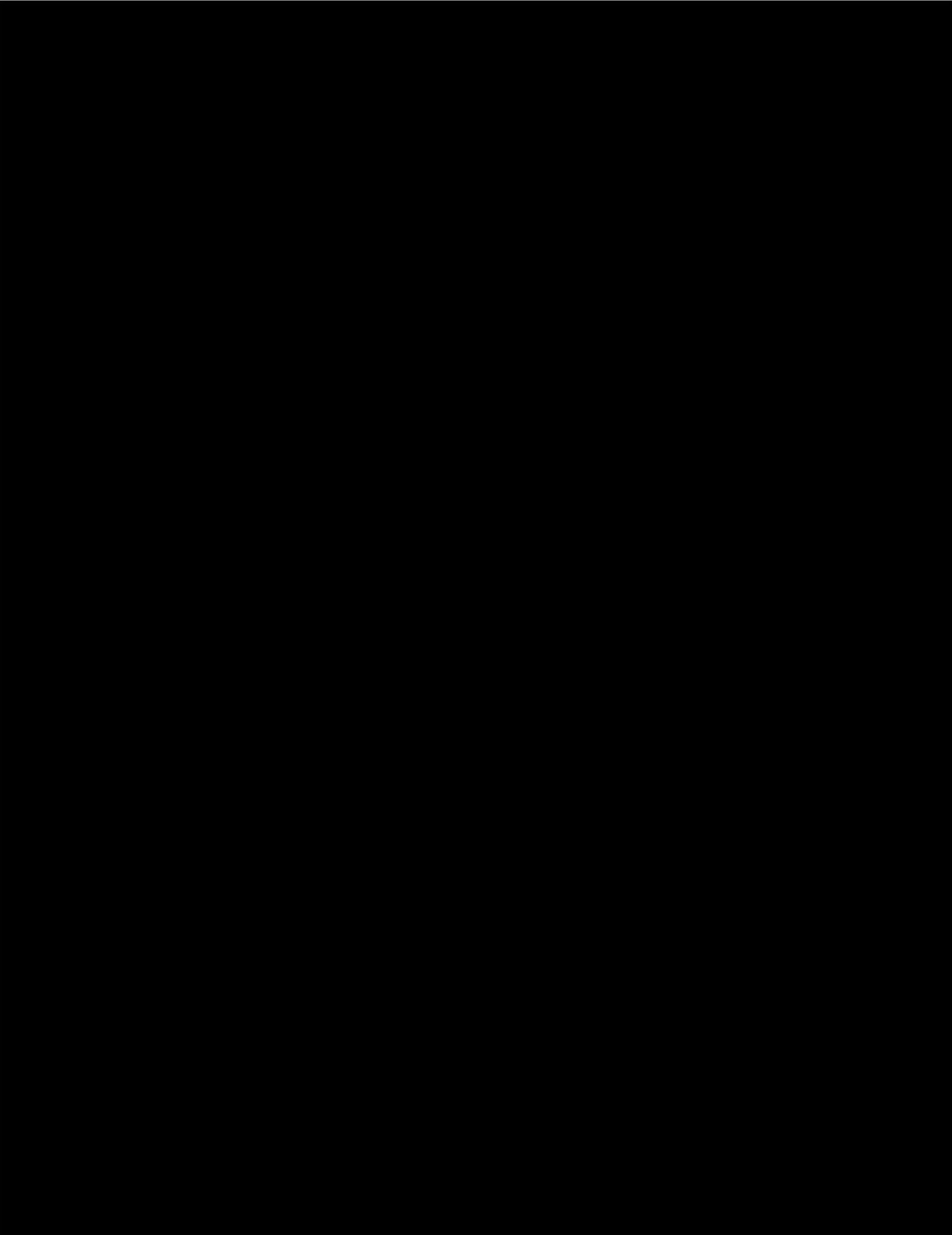


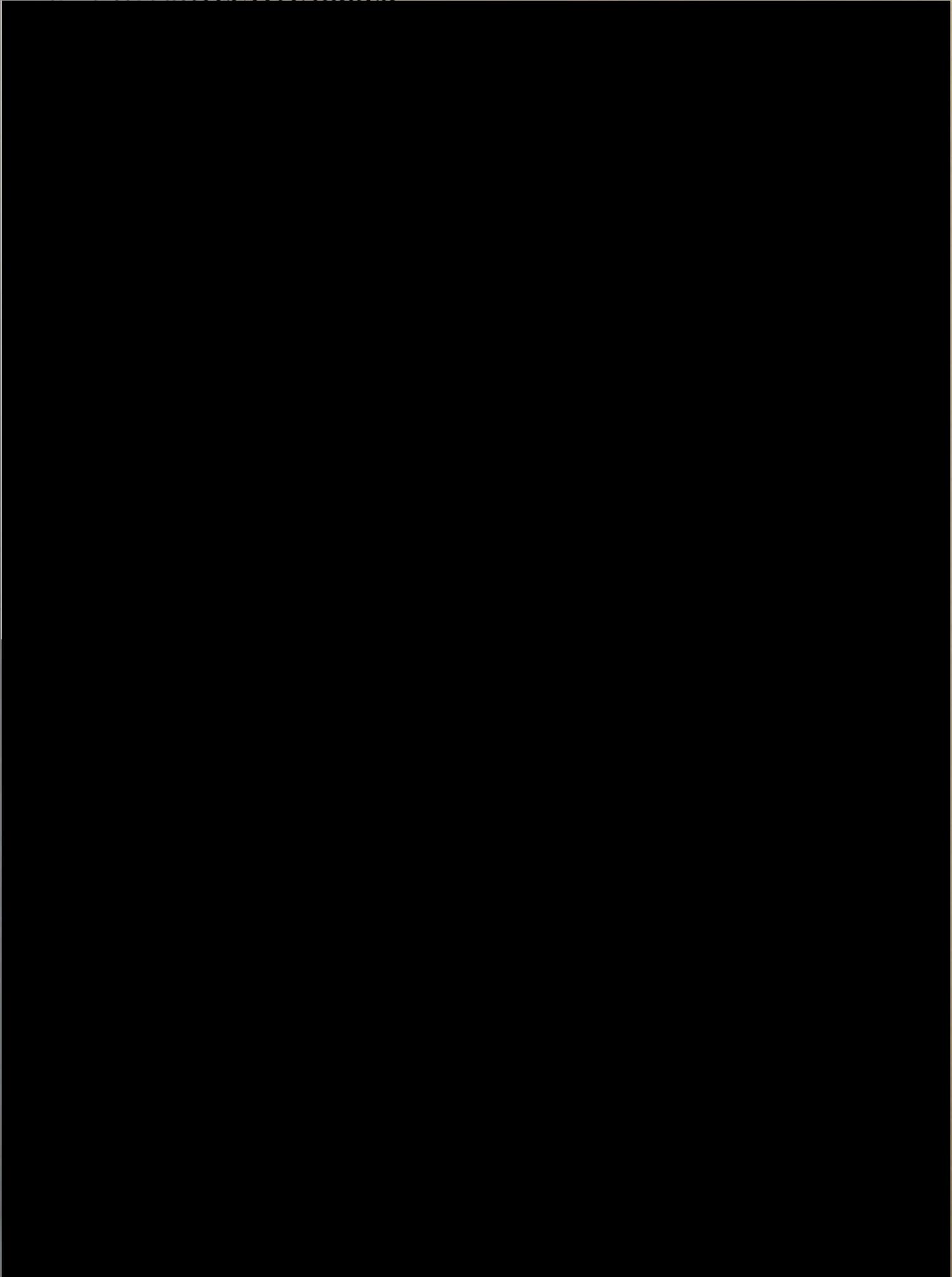


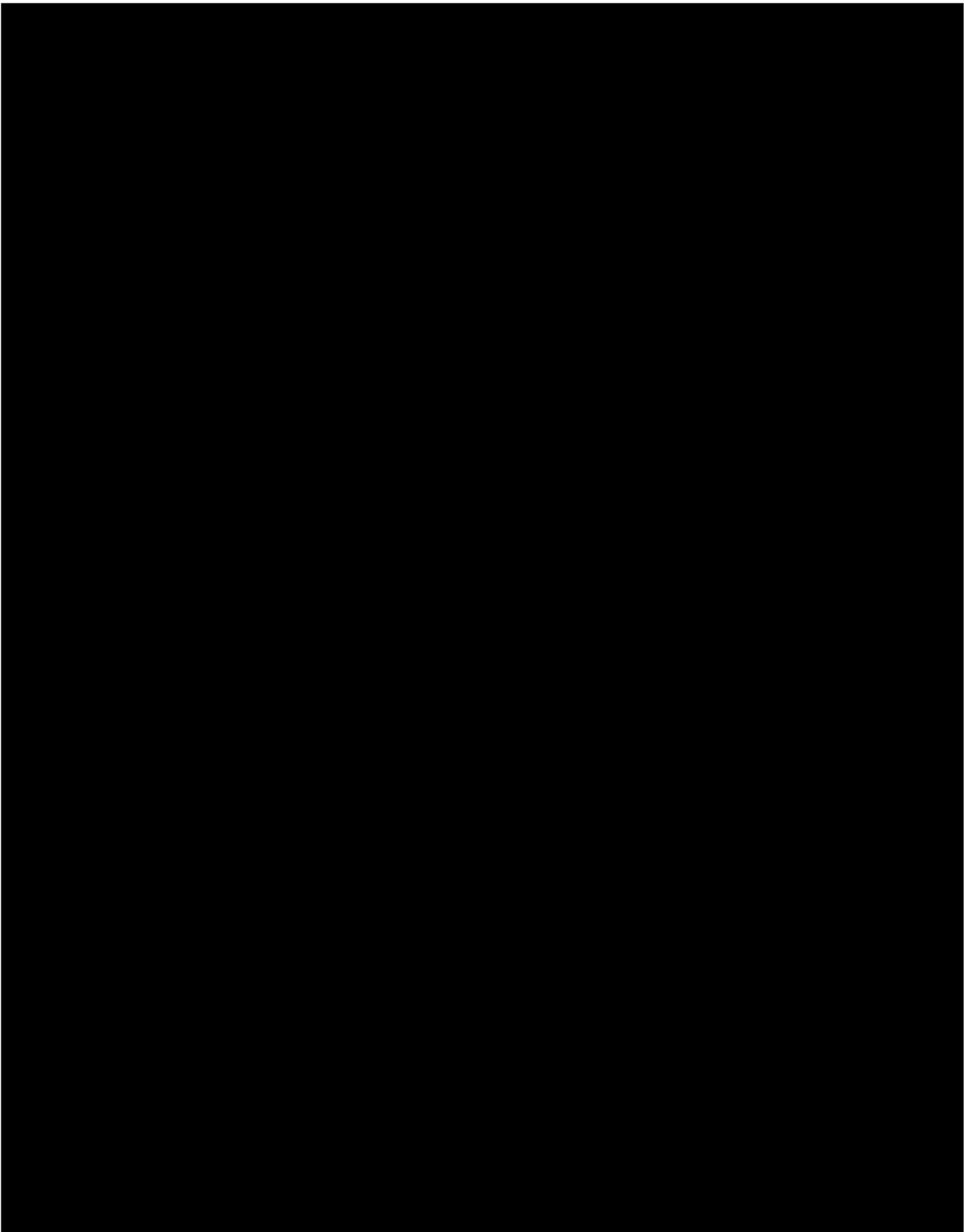












# **EXHIBIT C**

# Request for Production No. 1

for internal use only



# Dezigual®

**la vida es chula!**

**English  
Company profile**

March 2014

La

VIDA

es

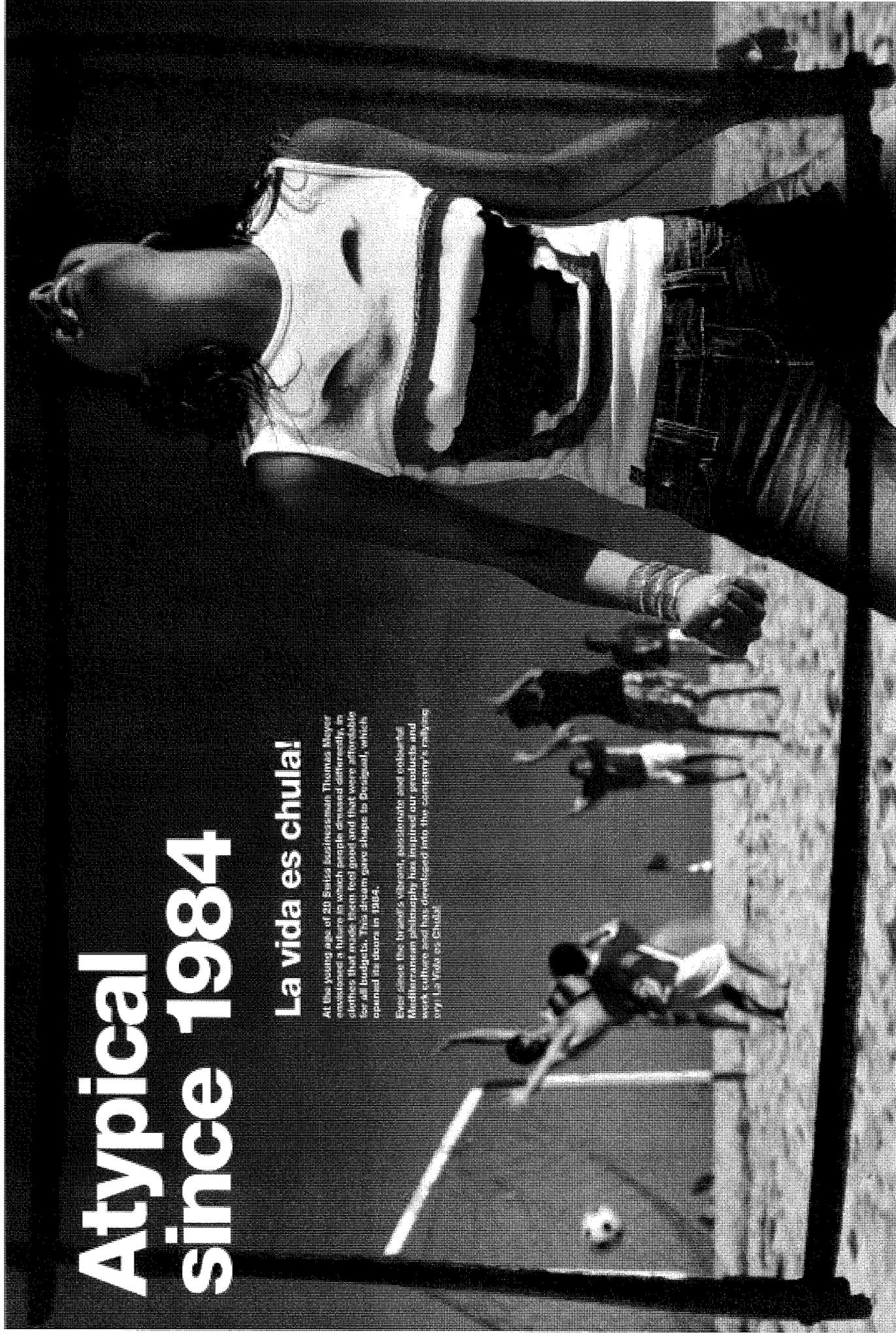
CHULA

# Atypical since 1984

**La vida es chula!**

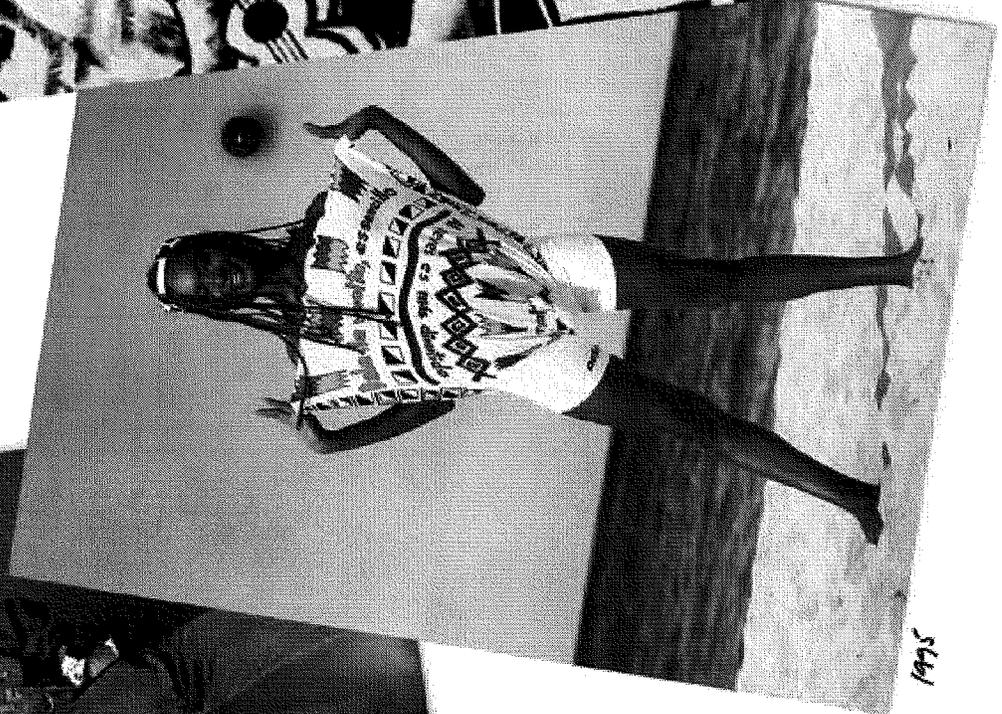
At the young age of 20 Swiss businessman Thomas Meyer succeeded in taking a brand in which people dressed differently in clothes that made them feel good and that were affordable for all budgets. This dream gave shape to Desigual, which opened its doors in 1984.

Ever since the brand's vibrant, exuberant and rebellious Mediterranean philosophy has inspired our products and each culture and has developed into the company's rallying cry: La Vida es Chula!

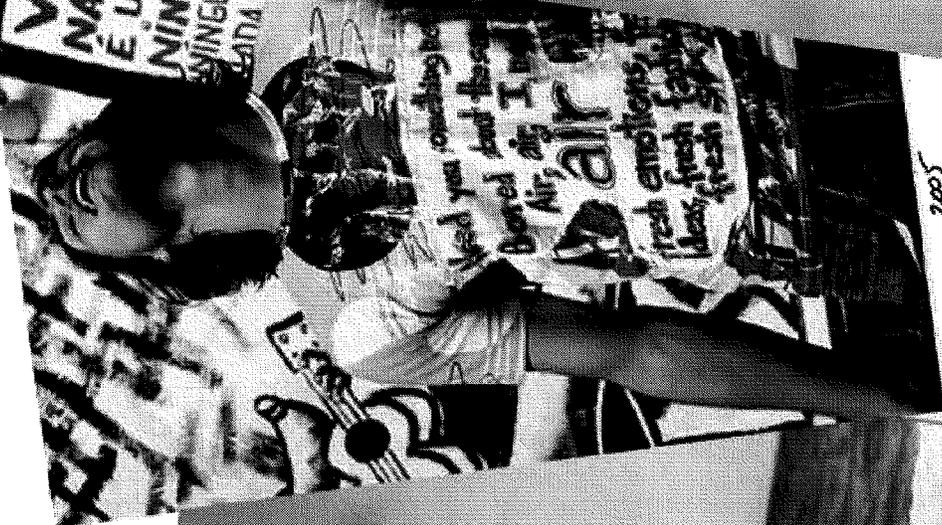




1985



1995



2002



2000



2009

91 nationalities

# 4,200 crew

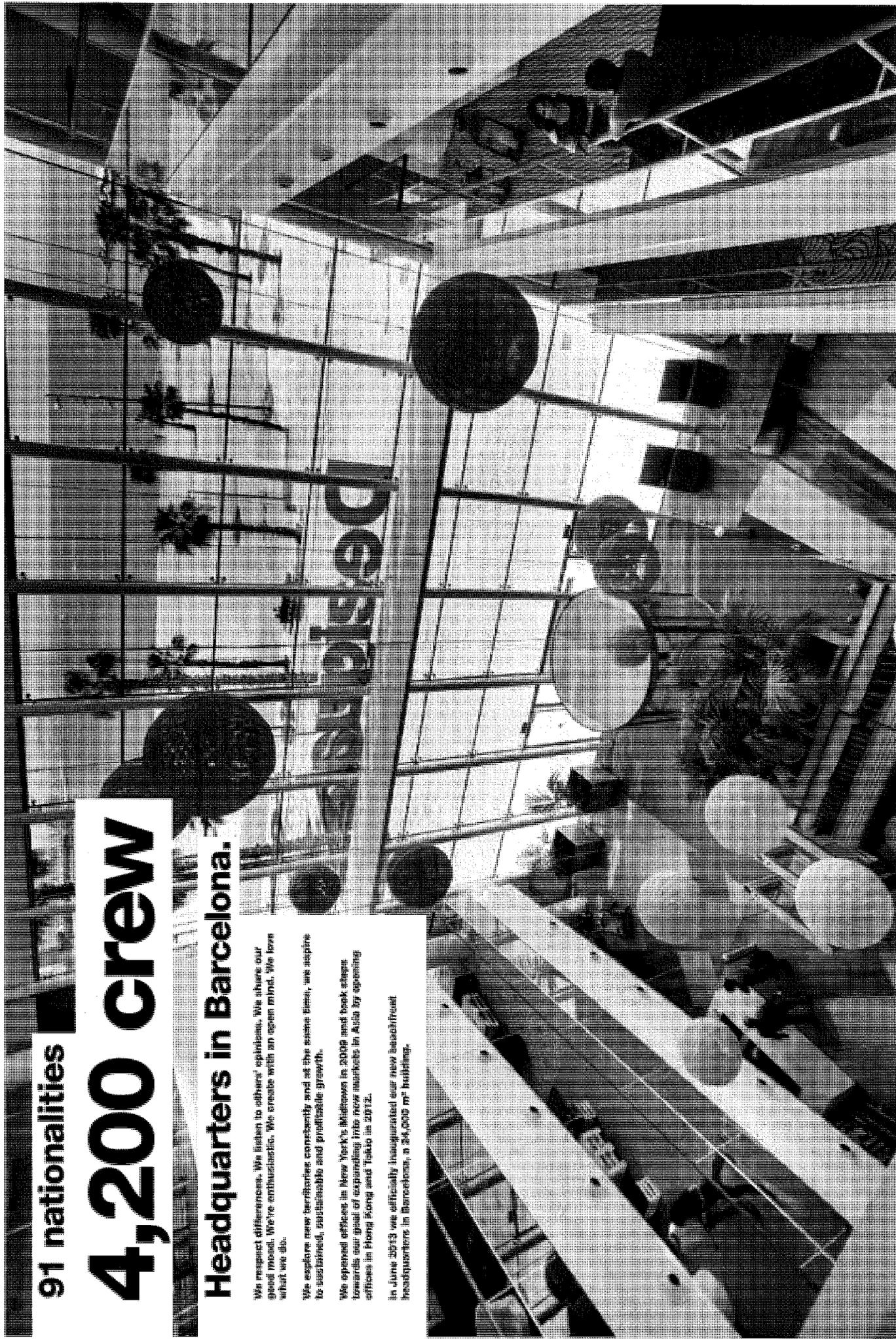
## Headquarters in Barcelona.

We respect differences. We listen to others' opinions. We share our good mood. We're enthusiastic. We create with an open mind. We love what we do.

We explore new territories constantly and at the same time, we aspire to sustained, sustainable and predictable growth.

We opened offices in New York's Midtown in 2009 and took steps towards our goal of expanding into new markets in Asia by opening offices in Hong Kong and Tokyo in 2012.

In June 2013 we officially inaugurated our new beachfront headquarters in Barcelona, a 24,000 m<sup>2</sup> building.



# A good environment

And we're not just talking about work. We believe in sustained and sustainable growth, in doing what we can to make a positive impact on our environment and the people with whom we interact.



Headquarters.  
We are ISO14001 certified.

We have a smart energy consumption monitoring system. We have an integrated waste management system. We treat water. We promote sustainable transport for our employees. We are almost entirely paperless.



Stores. Nova Bocana,  
Leed Platinum certified.

This is our first "beach bar" concept store in 2013. Only 14 retail stores in Europe carry this distinction. And we're the first in Spain. Wow!



Sustainable fabrics.  
First initiatives.

Since SS14 garments made from organic cotton have been incorporated into our Baby collection.



Logistics Centres.  
Environmental Management System, ISO14001 certified.

Our centre in Gava was certified in 2012. We have significantly reduced energy consumption and increased waste recycling. We aim for LEED certification for our new logistics centre in Viladecans, under construction.



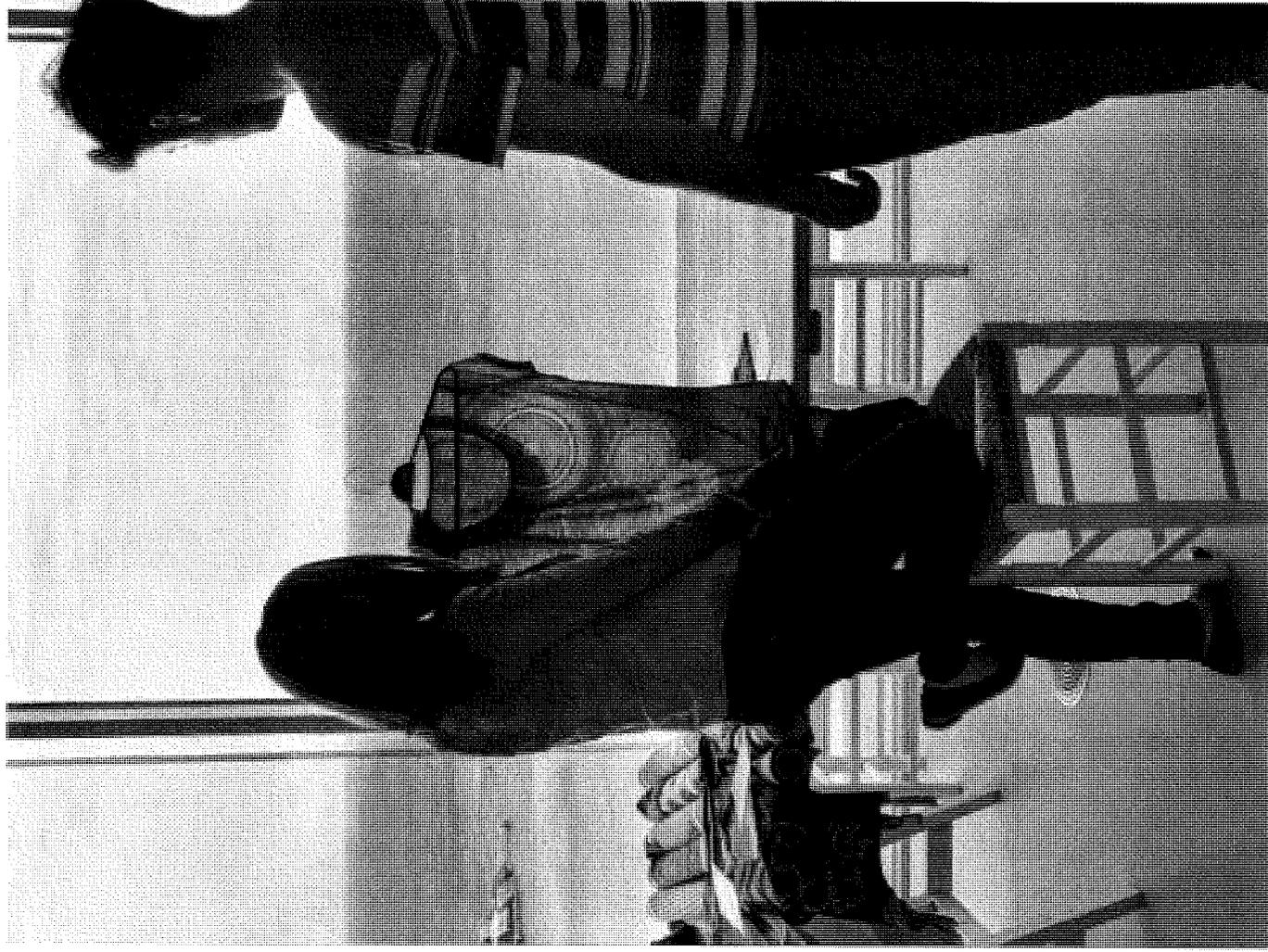
Sustainable packaging.  
Less paper.  
Less plastic.

Shopping bags are made from FSC-certified paper and we have reduced their size and weight. The bags online orders are sent in are made from recycled polypropylene and 15% natural plastic substitute.



Partnerships and benchmarking.

We belong to the Sustainable Apparel Coalition and Textile Exchange.





080 Fashion Fashion Show

# A global company

325 Desigual Stores  
80 Franchises  
11,000 Retailers / Wholesale  
2,500 Department Stores  
20 countries with E-commerce  
147 E-Tailers  
81 PoS Travel Retail

Our multi-channel distribution system enables us to work as a global company. Internationalisation and innovation are our two main paths of growth.

We reach out to people in more than 100 countries. We have Desigual stores in Barcelona, Madrid, London, New York, Amsterdam, Seoul, Los Angeles, Zurich, Dubai, Saudi Arabia, Singapore, Athens, Moscow, Moscow, Cairo, Tokyo, São Paulo...

We're in the most sophisticated shopping windows in Japan, the UK, Hong Kong, South Korea, Australia, Germany, France, Italy, Scandinavia...

They love us at El Corte Inglés, Coim, Galeries Lafayette, Indesat, Takashimaya, Kaufhof, Macy's, The Bay, Palacio del Hierro, and Janger... the most prestigious department stores in the world.

*Desigual, siempre fuera en Barcelona*

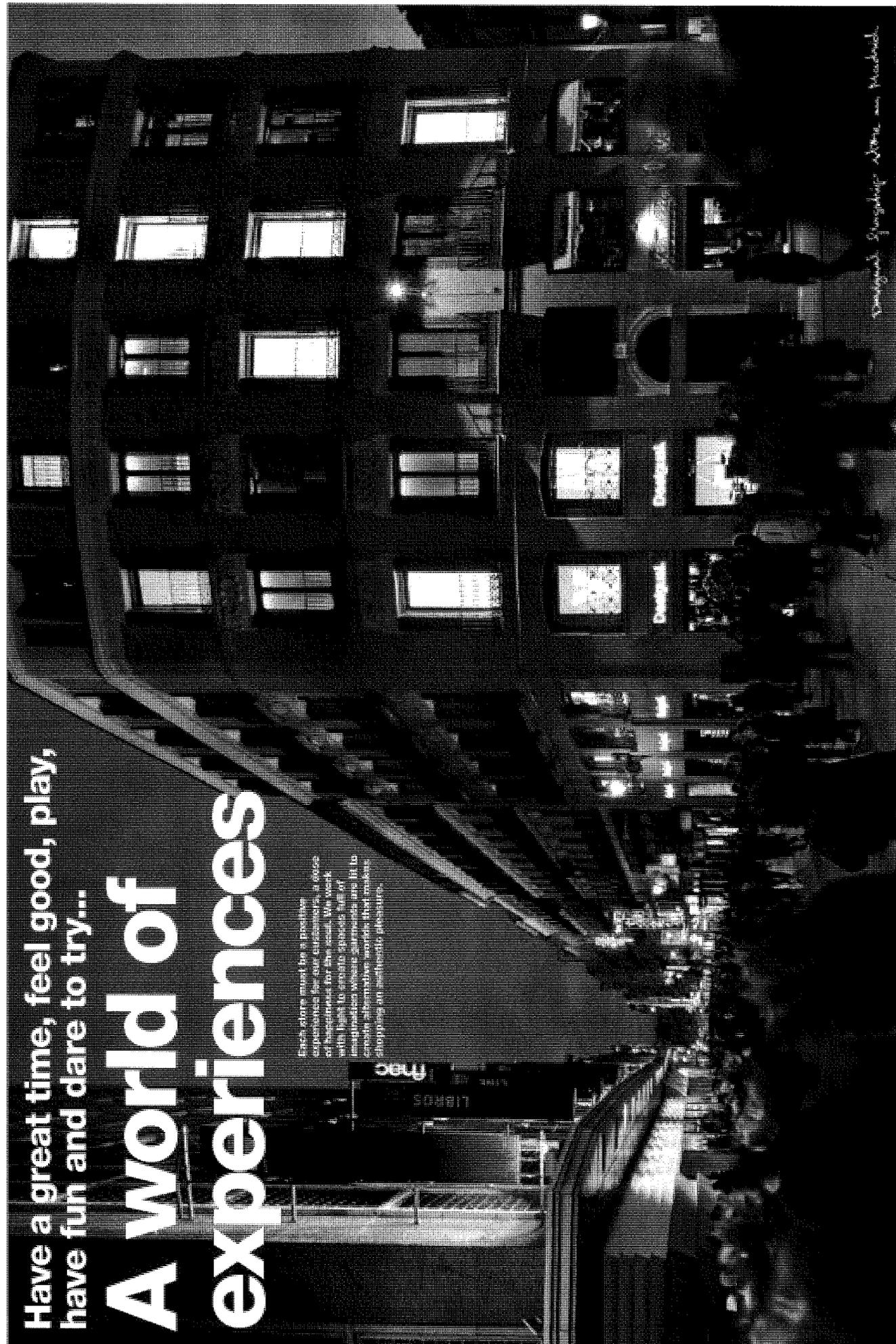


Have a great time, feel good, play,  
have fun and dare to try...

# A world of experiences

Each store must be a positive  
experience for our customers, a place  
of inspiration for the senses. The best  
with light to create spaces full of  
inspiration where garments are fit to  
create alternative worlds that make  
shopping an authentic pleasure.

Handwritten signature: *Handwritten signature*



# For everybody

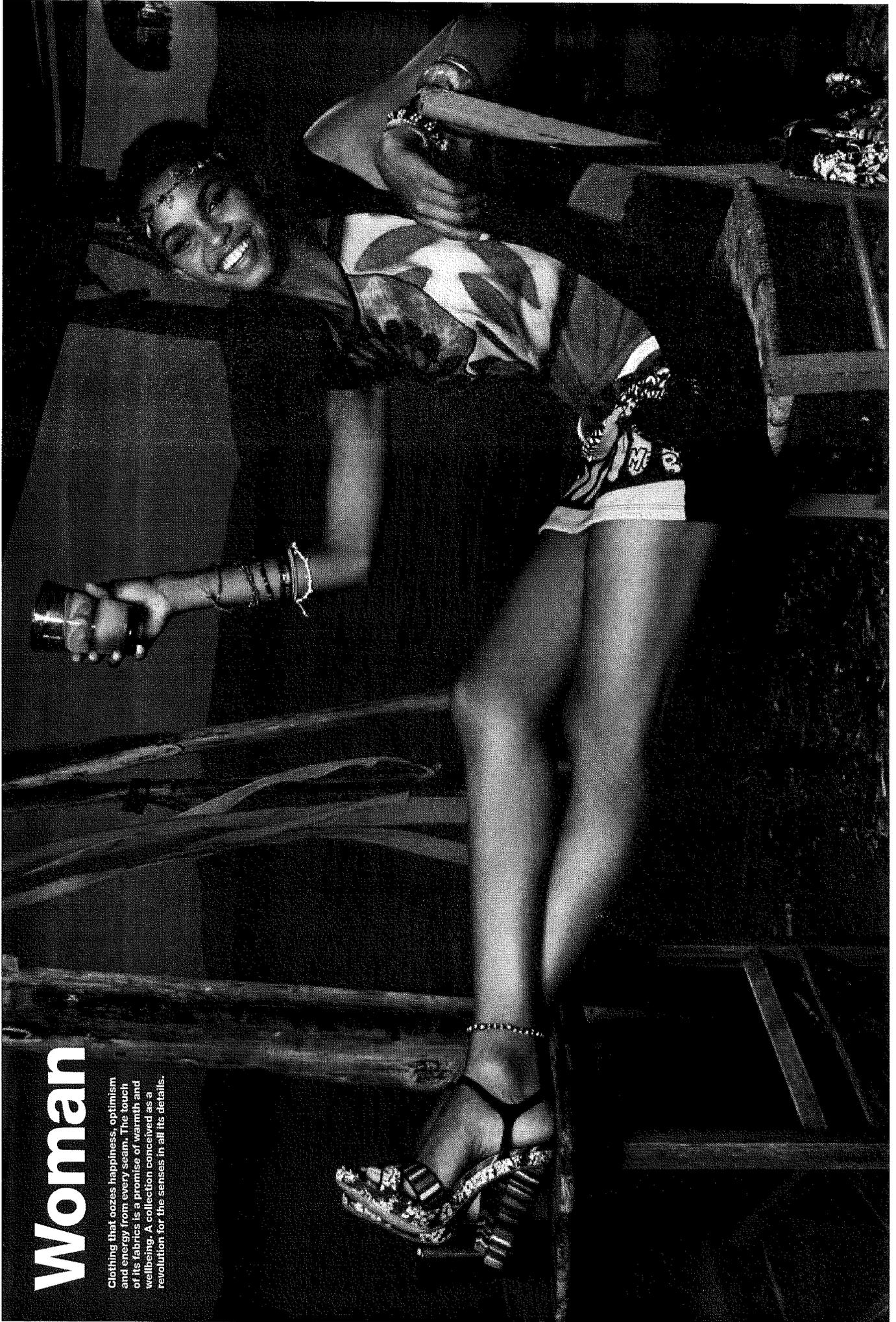
## A garment in every wardrobe

You. A word that means everything to us. You are the beginning and the end of everything we do. You, just as you are. And just like the lovers of differences that we are, we enjoy creating products for all types of people with the dream of putting at least one Designal item into every wardrobe in the world.



# Woman

Clothing that oozes happiness, optimism and energy from every seam. The touch of its fabrics is a promise of warmth and wellbeing. A collection conceived as a revolution for the senses in all its details.







# Kids

Part of the same radically happy crew as the rest of the collection, but popping the colour and graphics elsewhere even more. The result is scowly-labbi, hard-wearing clothing.



# Man

Irregularly, commercial collection designed to honour the general spirit. Advice to a man: if you have a business investment in a company, and a



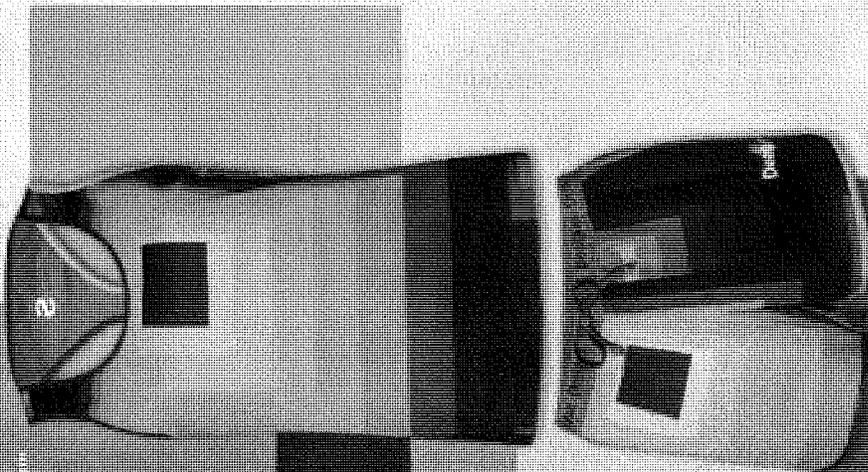
# Living

'Designatize' your house, 'designatize' your life. Duvet covers, cushions, bath robes, towels, blankets, bathrobes, even gloves and much more are all part of the Designat Living universe, the brand's new life-changing line for the better customer.



# Sport

Feeling good and having fun working out? It's time to refresh your level of fitness with the official launch of our sporty line. The combination of technical fabrics and carefully selected colors, patterns, and details will keep you and your body looking like you're having fun. [www.lorenzobianchi.com](http://www.lorenzobianchi.com)



# Beauty

We captured and bottled the essence of Lu Yi in China in 2013 and surprised the world with the successful launch of our first collection of perfumes, available in three different fragrances: Not So, Fun and Love was just the beginning!



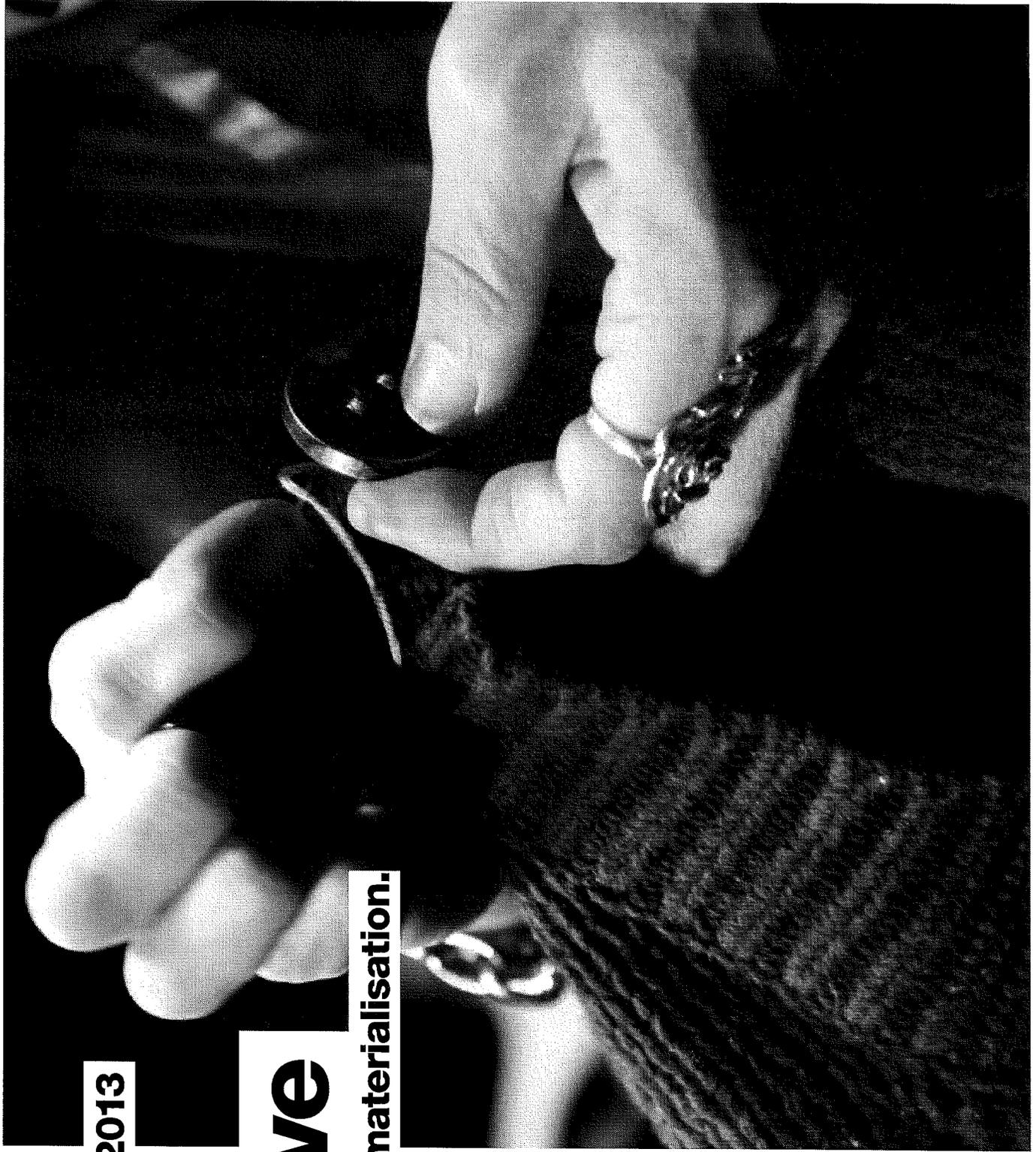
**28 million units  
manufactured in 2013**

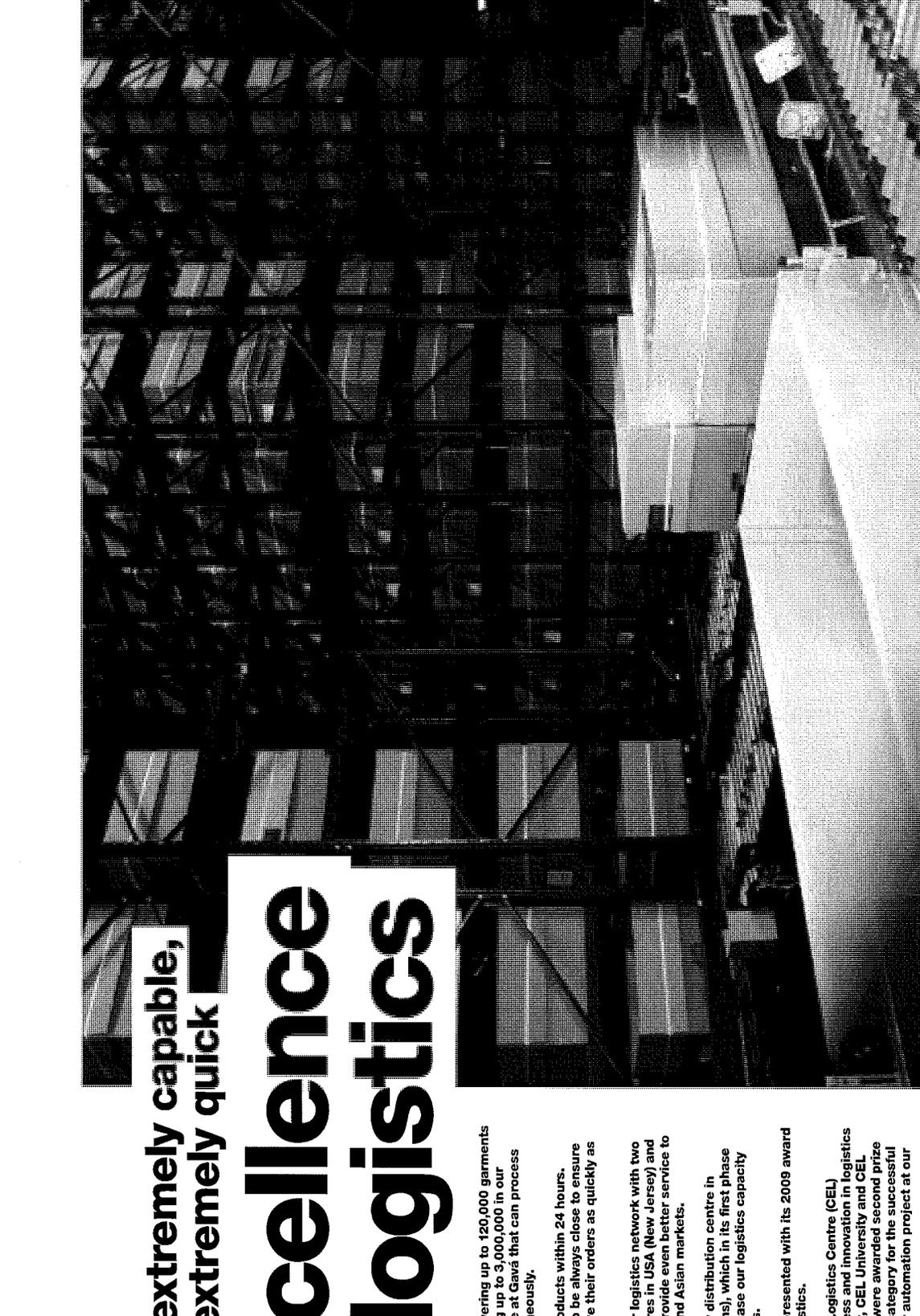
# Made with love

**From concept to materialisation.**

Made with Love means scouring the jungle for flowers to print on a dress; it means to try, try and try again until finding that perfect pattern that enhances a woman's hips; it means stamping "Made in Spain" on every single one of our shoes...

Made with Love means taking care every detail and each of the manufacturing processes used to make our garments, relying on the latest technologies and the best suppliers in India, China and Europe.





**We're extremely capable,  
we're extremely quick**

# **Excellence in logistics**

We're capable of delivering up to 120,000 garments in a day and managing up to 3,000,000 in our automated warehouse at Gavà that can process 5,000 orders simultaneously.

We can deliver our products within 24 hours. Everything we need to be always close to ensure that customers receive their orders as quickly as possible.

We have extended our logistics network with two new distribution centres in USA (New Jersey) and Asia (Hong Kong) to provide even better service to the North American and Asian markets.

We are building a new distribution centre in Barcelona (Viladecans), which in its first phase will enable us to increase our logistics capacity to 55 million garments.

The ICL Foundation presented with its 2009 award for Excellence in Logistics.

In 2010, the Spanish Logistics Centre (CEL) recognised our progress and innovation in logistics with its CEL Company, CEL University and CEL Manager awards. We were awarded second prize in the CEL Company category for the successful implementation of our automation project at our Gavà logistics plant.

# We grow and improve

Our evolution is ongoing and our international expansion is unstoppable. The company has seen a steady annual growth of over 50% over the past decade. Desigual sold more than 28 million garments through its various worldwide sales channels in 2013.

2010  
440M ▶



2011  
566M ▶



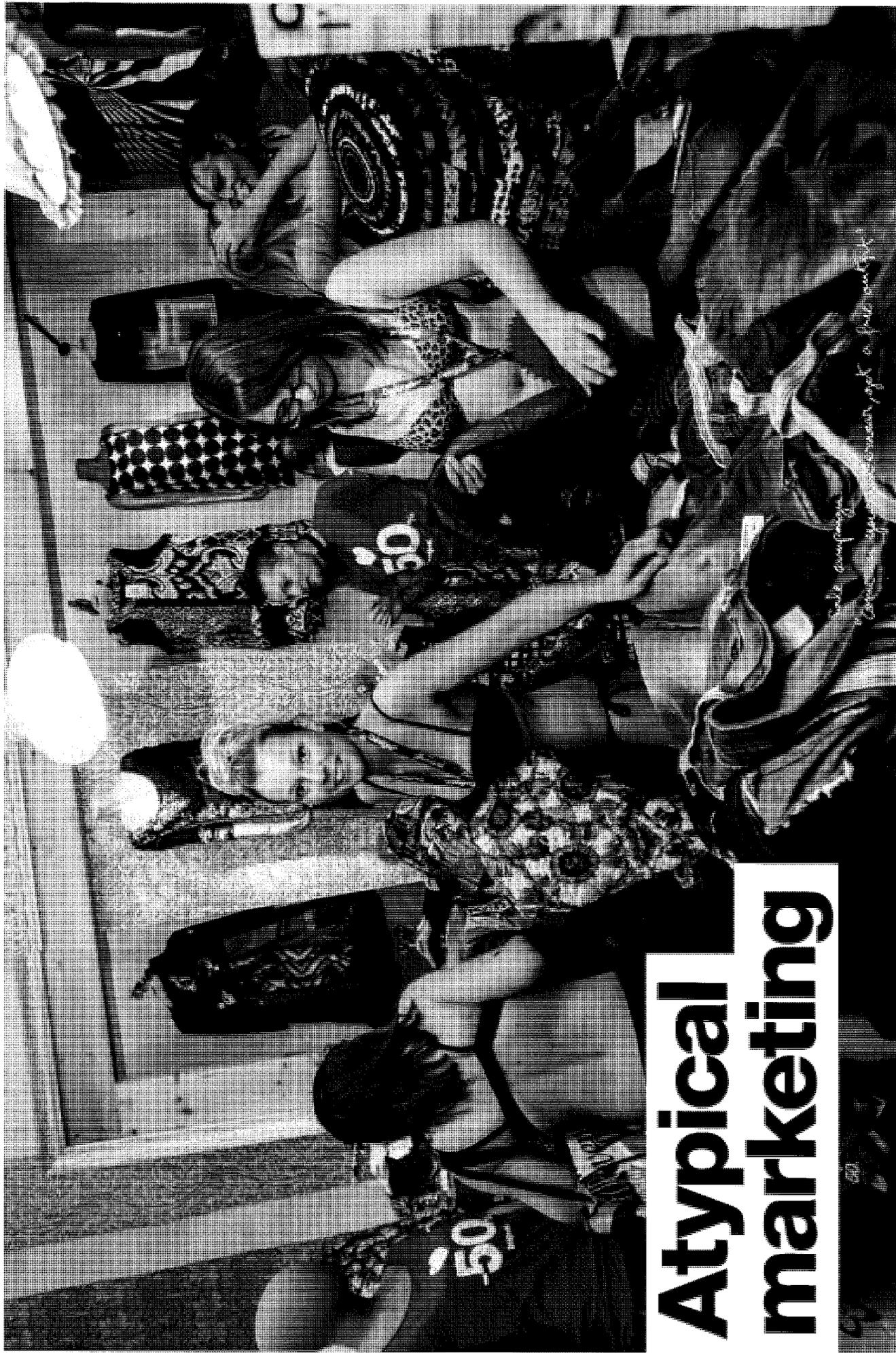
2012  
701M ▶



2013  
828M ▶



*Always up!*



# Atypical marketing

# We love creating feelings!



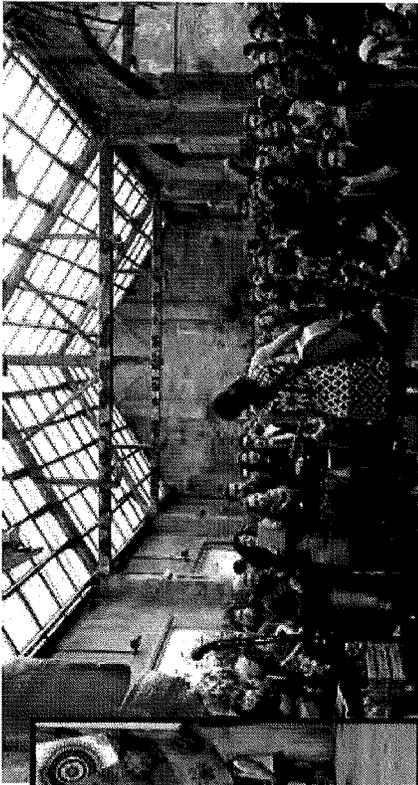
We communicate with kisses, with music, with film. More than anything else, our customers are our partners.

We love that they participate in the evolution of our brand, bringing them fun, organising parties, giving them surprises.

We want them to be excited and tell the whole world.



*Deaigual store in New York*



*Google Glass + Deaigual at Mobile World Capital, Barcelona*

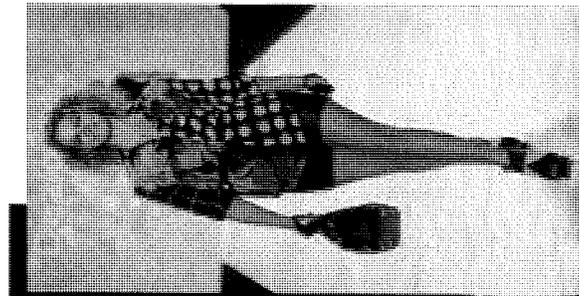


*Grassroots marketing in Madrid*

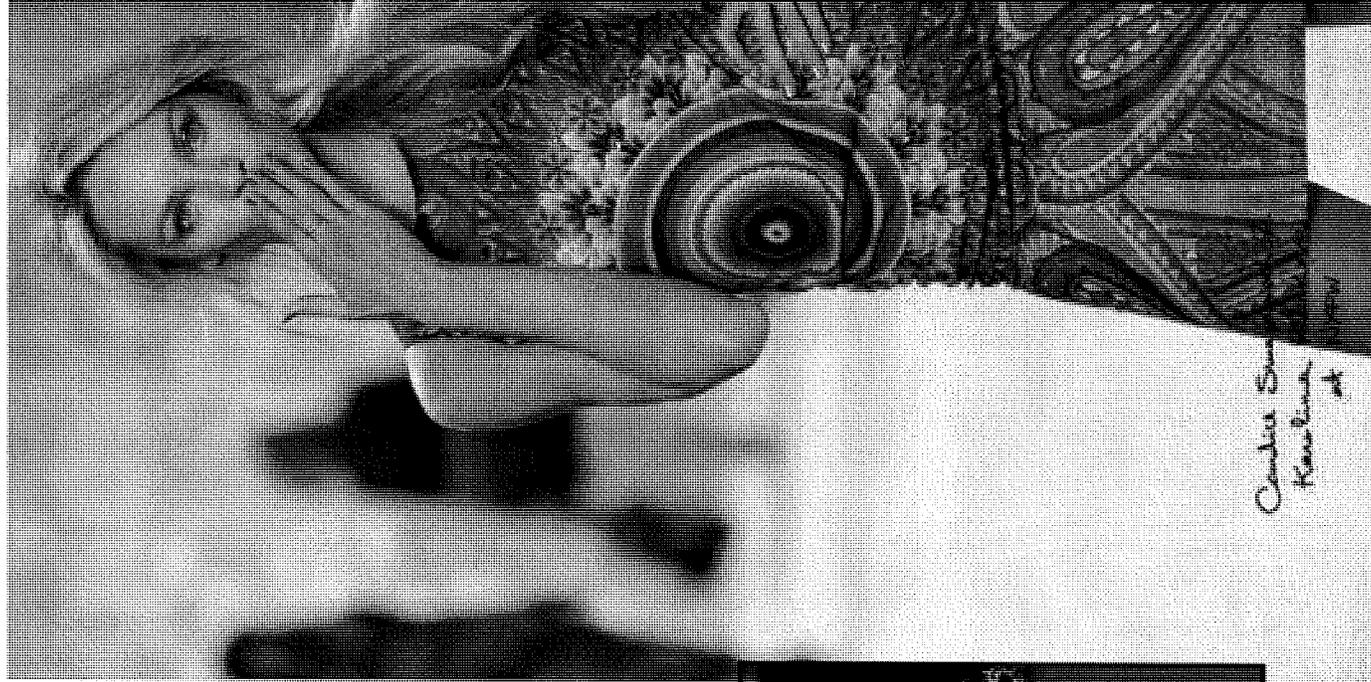
# International smiles

Nothing shines more on the runway than a smile.

This is something else we're experts in. Adriana Lima, Bar Refaeli, Irina Shvayk and Candice Swanepoel gave us their brightest at the top runway shows.



*Emin Hattat*



*Candice Swanepoel  
Kerline at*



*Bar Refaeli*



*Adriana Lima*

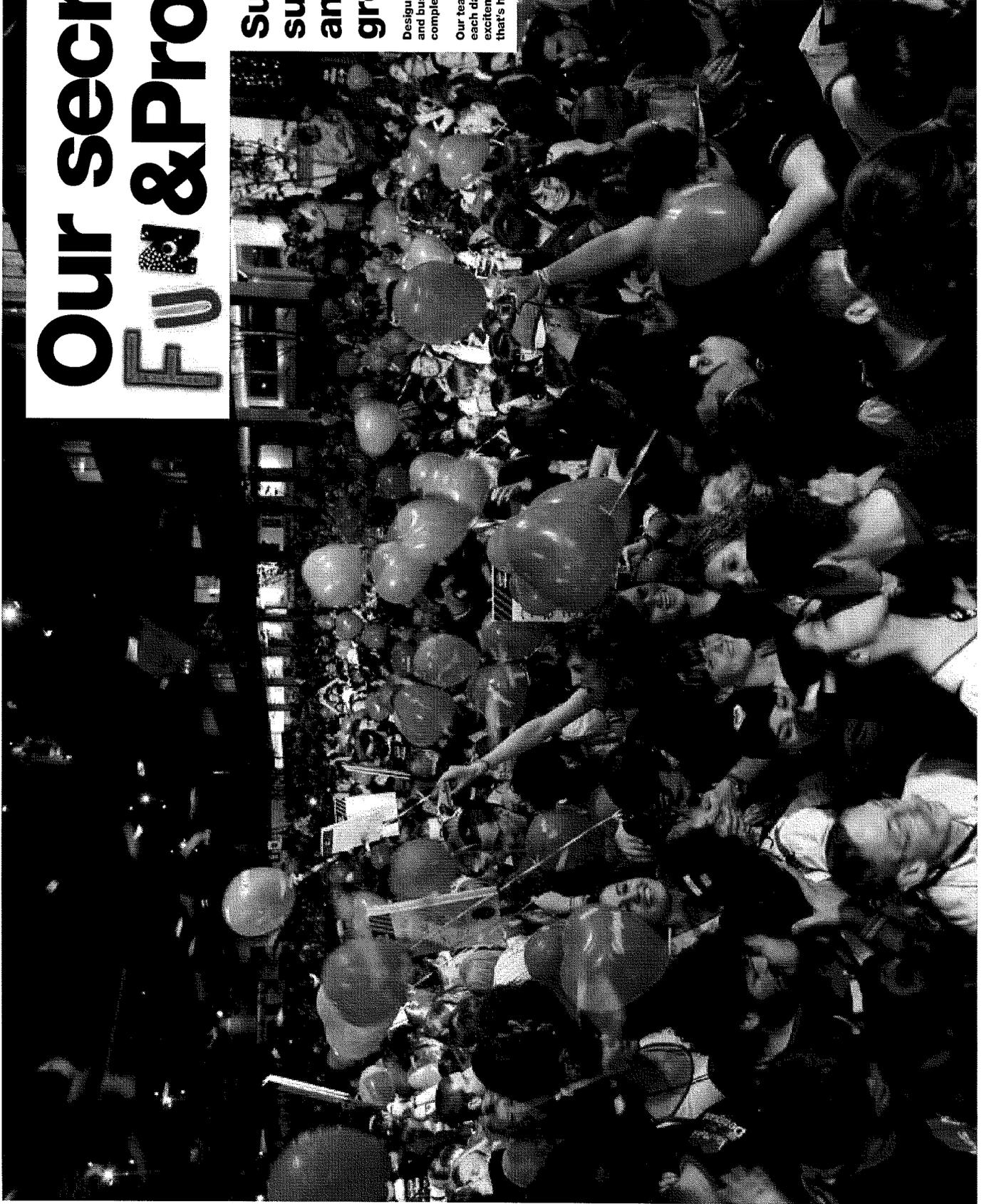
# Our secret: FUN & Profit

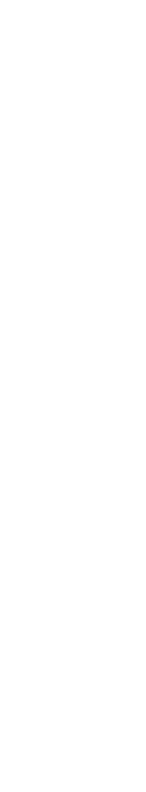
**Sustained,  
sustainable  
and profitable  
growth**

Designal was built on the idea that fun and business are not only compatible and complementary, but also necessary.

Our team is built from working together each day, learning together and sharing the excitement. Work and fun have to be fused, that's how we see it.

*Mr. Madrid, kissed  
7000 people, kissed*





# History

**1983** Thomas Meyer, a twenty-year-old Spaniard, conceived a future in which people could stress in a fun, inspiring and affordable way. His first project was a jacket made from outsize foam used jeans.

**1984** The project was a complete success and we sought a brand that would identify us. From one of Madrid's Coach's class, we chose "Desigual" and accompanied it with a slogan that defined us: "It's not the same".

**1985** In September that year, we presented our first collection, not in prints and colours, the precursor to the happy vitality that has always characterised our work.

**1986** We opened our first store in Paris and launched the logo, designed by Peret, which has accompanied us on our journey ever since. We started to grow and expanded our team to 40 people.

**1987** Our sales underwent major growth, but we also made a number of wrong decisions that endangered our future.

**1988** We became financially unmanageable and had to suspend payments. That particularly difficult situation gave us an opportunity to rethink Desigual and channel its future.

**1989** and **1990** We crossed the desert looking for water on the other side. Faced with the option of rebuilding the company or disappearing, we opted for the former and launched the "Styled by Rebel" collection.

**1991** Our "Real 'N' Sexy" collection became a major sales hit. We presented the first prints designed by Thomas Meyer. We started our commercial and financial restructuring.

**1992** Thomas Meyer and Manuel Aguil met for the first time. They created the Adidas Coast 11 jacket with 11 other people. The foundations for firm friendships were laid that would lead to the incorporation of Manuel in Desigual 10 years later.

**1993 - 1995** Desigual consolidated itself on the Spanish market and started to export to France and Portugal, passing up many opportunities but also giving us the opportunity to learn. The basis of a notebook of brand ideas was devised.

**1996** We opened our brand stores in Eskou, Uster de Mar and Plaza de las Ovejas. These locations, already linked with tourism that represented the necessity of a network of brand stores.

**1997** Desigual returned to the Sanofi Barcelona Canal and our design department expanded in line with the company size and the goals for the future.

**1998** We narrowed our first website, Desigual 1.0. We opened a second store in El Triángulo, a shopping gallery in the heart of Barcelona.

**1999 - 2001** During these years, we reflected on how our relationship with our customers had been consolidated. Our goal was to improve constantly, increase the quality of our products and optimise our processes.

**2002** Manuel Aguil joined Desigual, first as an advisor and then as partner and managing director. He repaired the doors of our first counter outside Barcelona in Vallescoba.

**2003** Together with Mafel Gilvel, we developed the Party-Party strategy: we described our vision thanks to the creativity of our friends, team and customers. Meanwhile, Desigual continued to win firm all over the world.

**2004** The Spring/Summer season saw us present our first full collection for kids. The challenge to work in a sector as specific as children's clothes was set.

**2005** We announced the opening of 60 new stores and we started a new marketing action: Naked, better naked and being dressed. Naked was a bipolar success that even the most optimistic could have imagined.

**2006** In October, we opened our store in Singapore, the first to be opened outside Spain. The rhythm of our growth was astounding and we managed to improve our business results across the board.

**2007** We presented our first "Style" code, a garment that brought costs down in fabric for thousands of metres around the world, and which has become an emblem of our work. Desigual touched down in London with a store on Regent Street.

**2008** Desigual 2.0-Code was implemented: first to give us launched the first "Style" zones on the market, coinciding with above-expected figures of growth: 80%.

**2009** Our American year, we opened a store in New York, a corner in Macy's and our clothing was now present in 500 multi-brand stores in the US.

We received the design of the original jacket that characterised Desigual in its first years and international sales exceeded sales in Spain for the first time ever.



*Thomas Meyer in 1984 with the first Desigual garment (jean jacket)*

**2010** We opened the world's biggest store in the centre of Madrid, covering more than 2,000 m<sup>2</sup>, in a 7-story building on Calle Preciados, on the corner with Plaza Callao, as well as two spectacular flagship stores in Paris (Place de la Opéra) and San Francisco (Powell Street). USA and Asia became key markets.

We launched our online store.  
The Desigual Kiss Tour handed out kisses in Paris, London and Berlin. In New York, our customers stripped off to participate in the "Enter half-naked, leave fully dressed" at our Broadway store.  
We started to implement Social Responsibility practices to reflect on and prioritise our values.

**2011** We signed a worldwide collaboration agreement with Cirque du Soleil, an alliance that would join the worlds of art, performance and design with the launch of a magical collection.

The collaboration between Desigual and Monsieur Lacroix reached a higher level of maturity with its second collection.  
In Asia, we strengthened our position with the opening of our seventh store on the continent.

Our new corporate headquarters in Port Vell, Barcelona is slowly taking shape. Next year, we'll move into buildings covering more than 24,000 m<sup>2</sup> specially built for the company.

**2012** It was a big moment for digital expansion and we launched desigual.com in several European countries: Cyprus, Denmark, Finland, Ireland, Malta, Poland and Portugal. We introduce our way of understanding life with spring/summer and fall/winter 2012 collections in a new product category: Living. We also launched our first TV advertising campaign with the slogan "stengouplan", a resounding success. We opened our first office in Hong Kong and a spectacular flagship store in downtown Tokyo (Haraejuku) as well this year.

We're going to the beach! The company's new headquarters becomes a reality and Desigual moves into a spectacular 24,000 m<sup>2</sup> beachfront building.  
Manel Jadracue is appointed general manager and kicked off the year with new targets to position the brand at the top of the industry.

**2013** Desigual stepped onto the runway for the first time in September at New York Fashion Week, coinciding with the opening of our flagship store on 5th Avenue. In late October we celebrated our arrival in Brazil with the opening of our first store in São Paulo. The start a beautiful love story between Desigual and Latin America.

**2014**

The Sports line comes to life while Beauty keeps on growing! We continue working hard towards being a real "Olympic Love Brand".  
Supermodel Irina Shayk presented our FW14 collection at Barcelona's 080 Fashion Show while top model Candice Swanepoel opened our second show at New York Fashion Week.

To be continued...

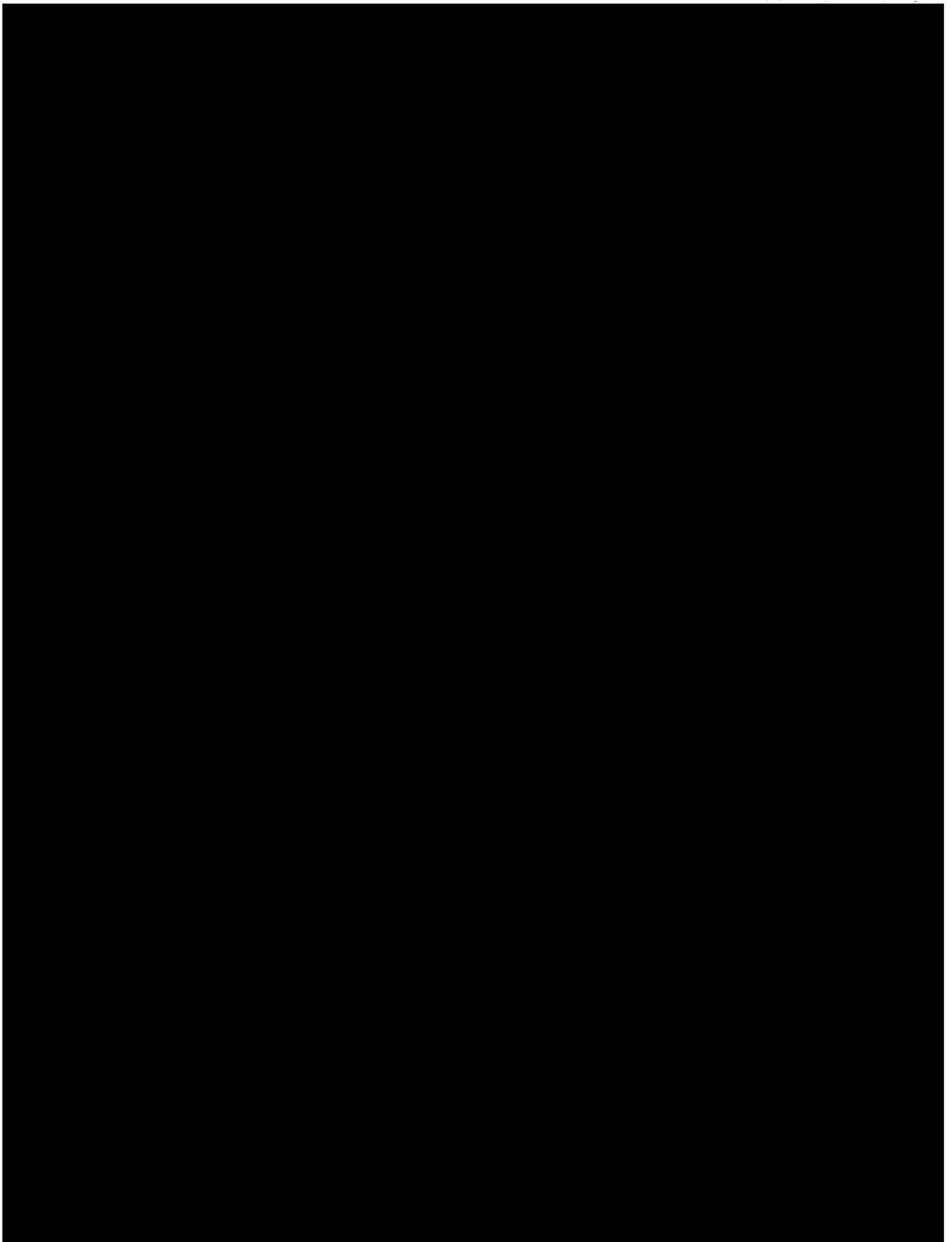


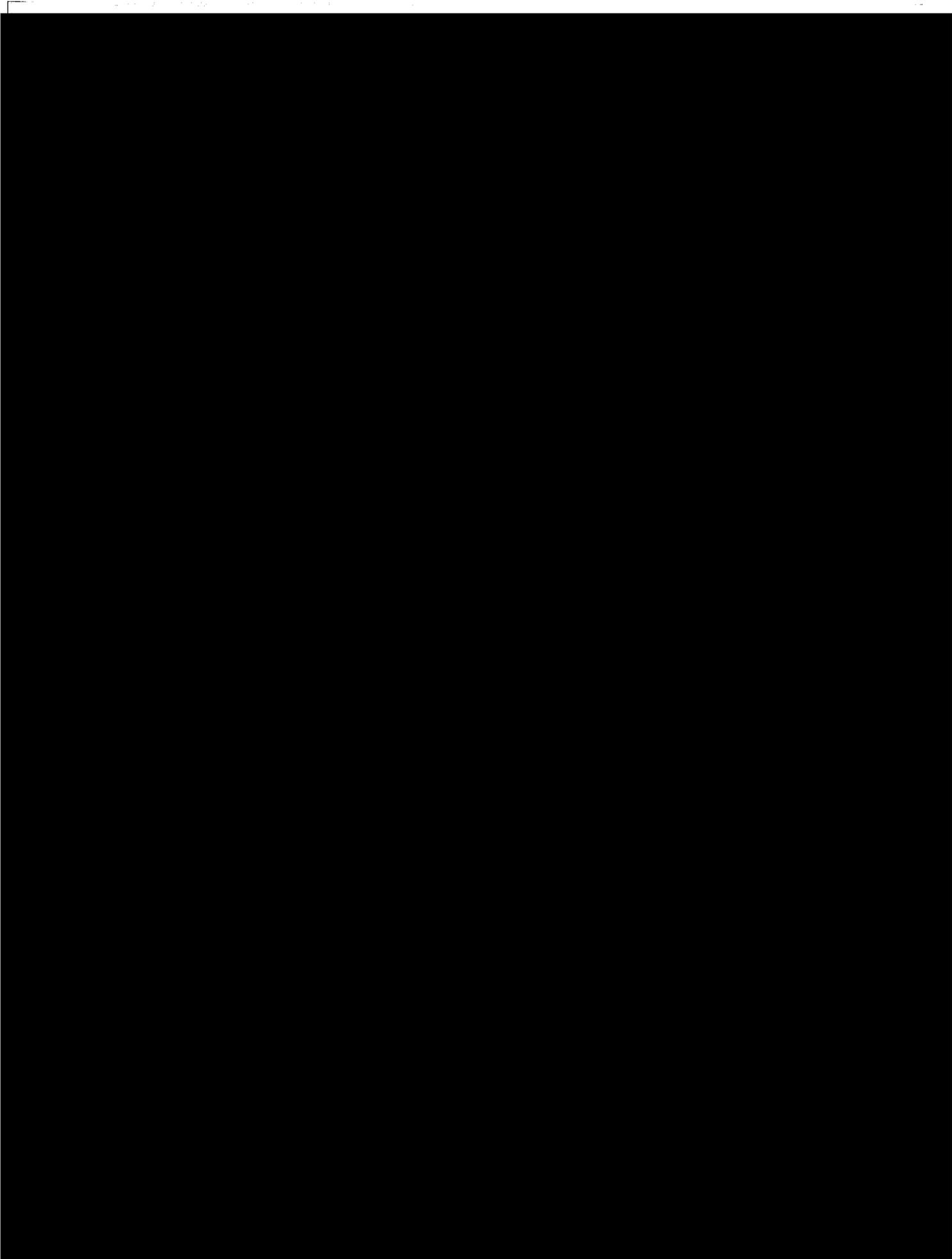
Re-edition of the first Desigual garment (faded). 2010

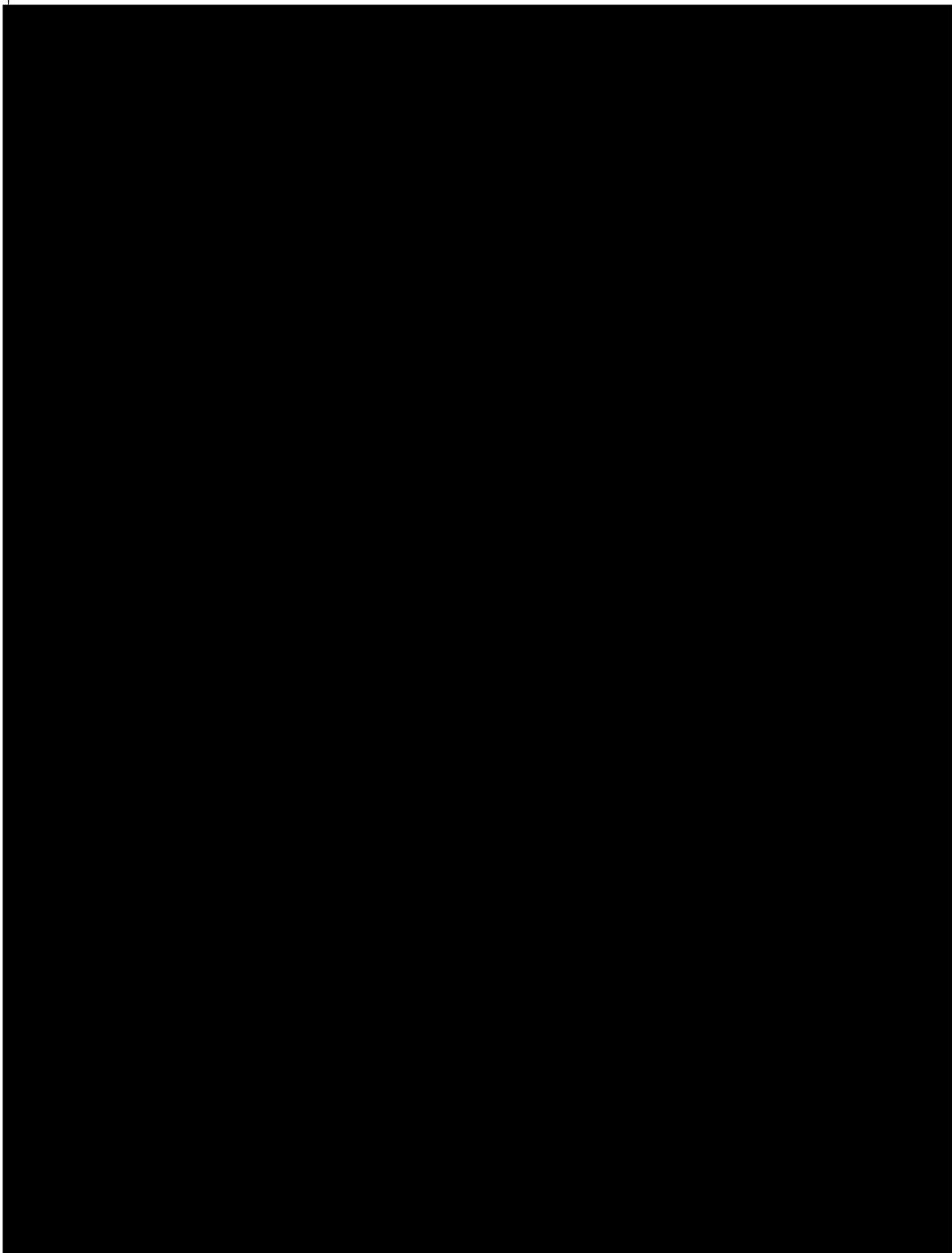
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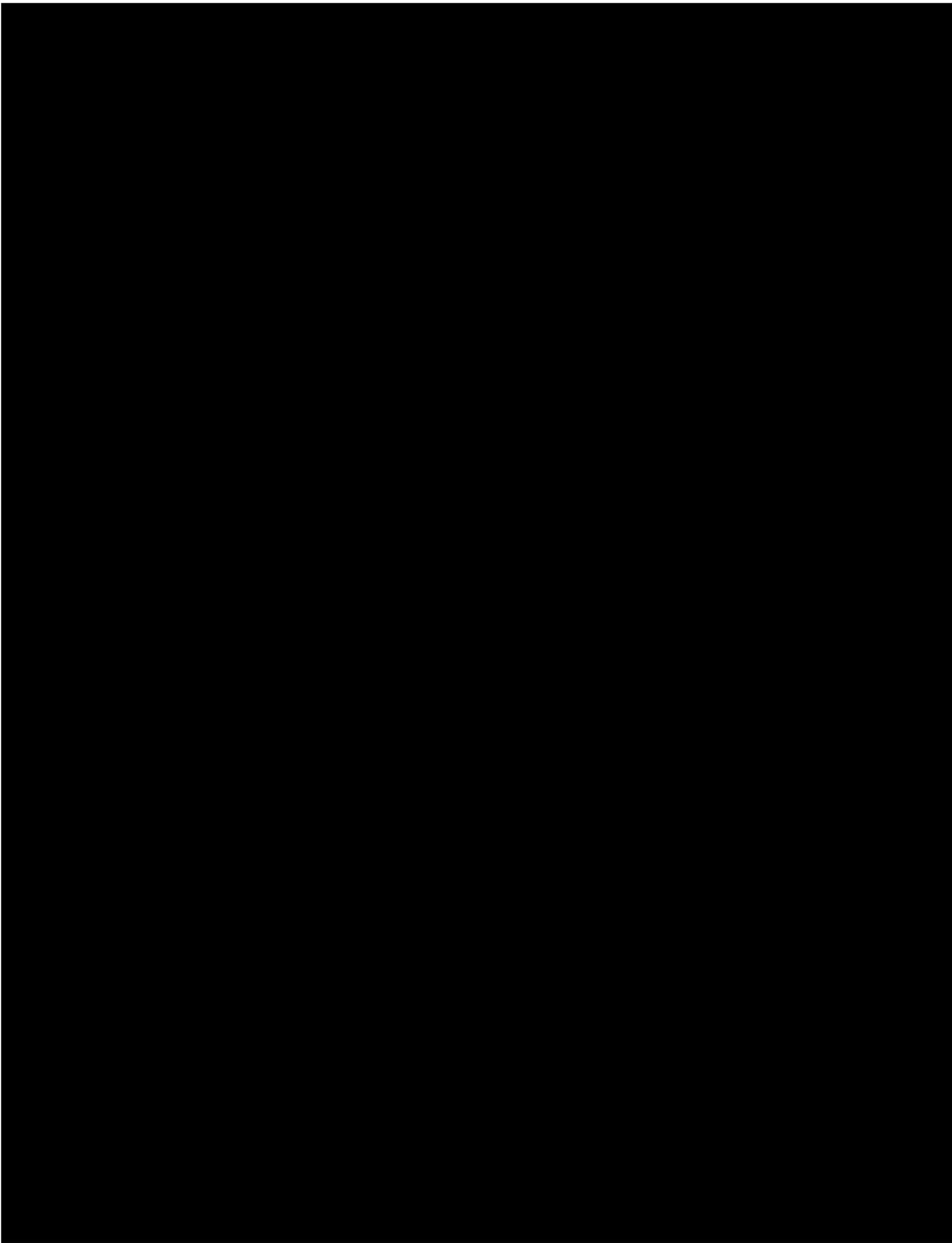
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Berlin, Dubai, Lisboa,  
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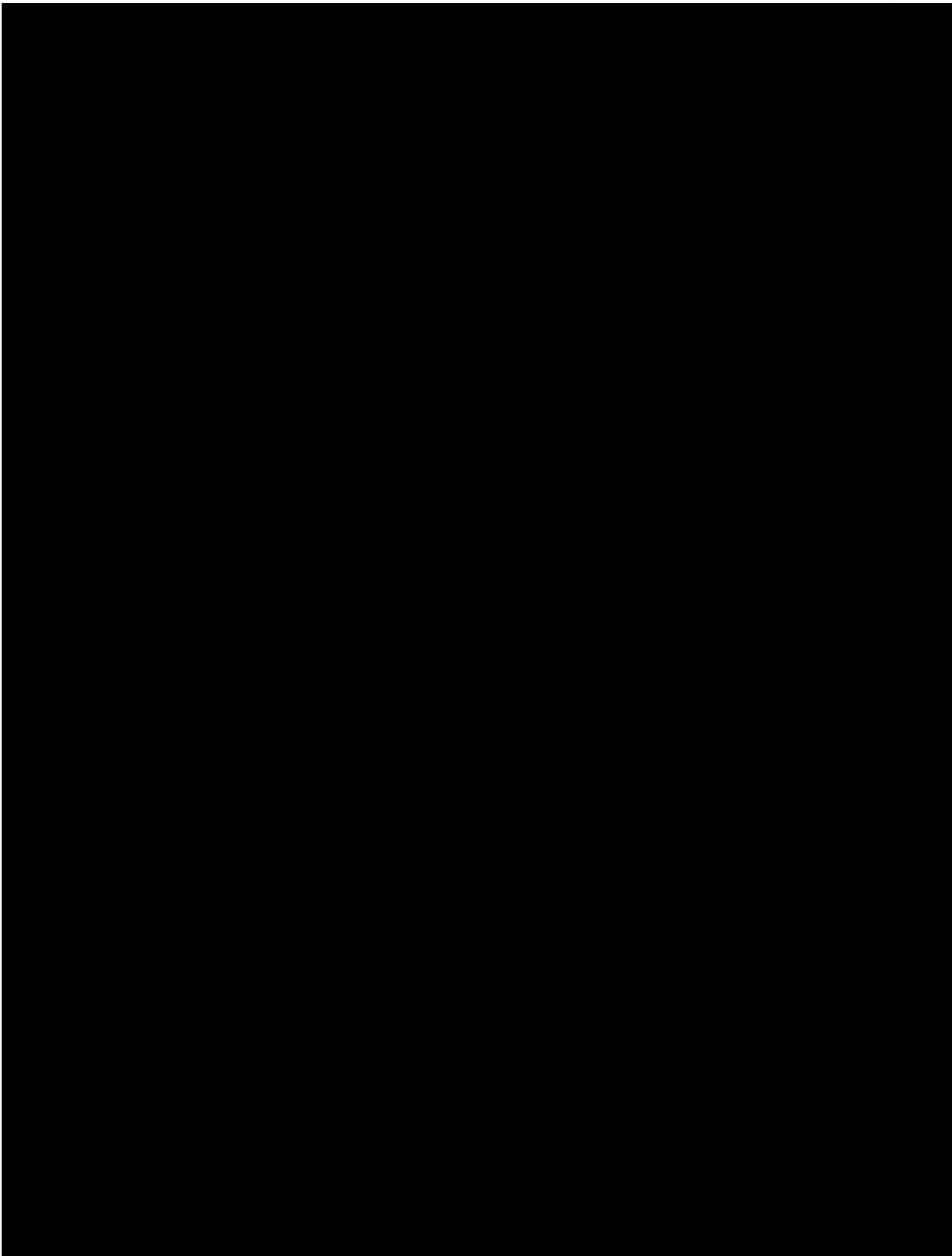
BRAND.

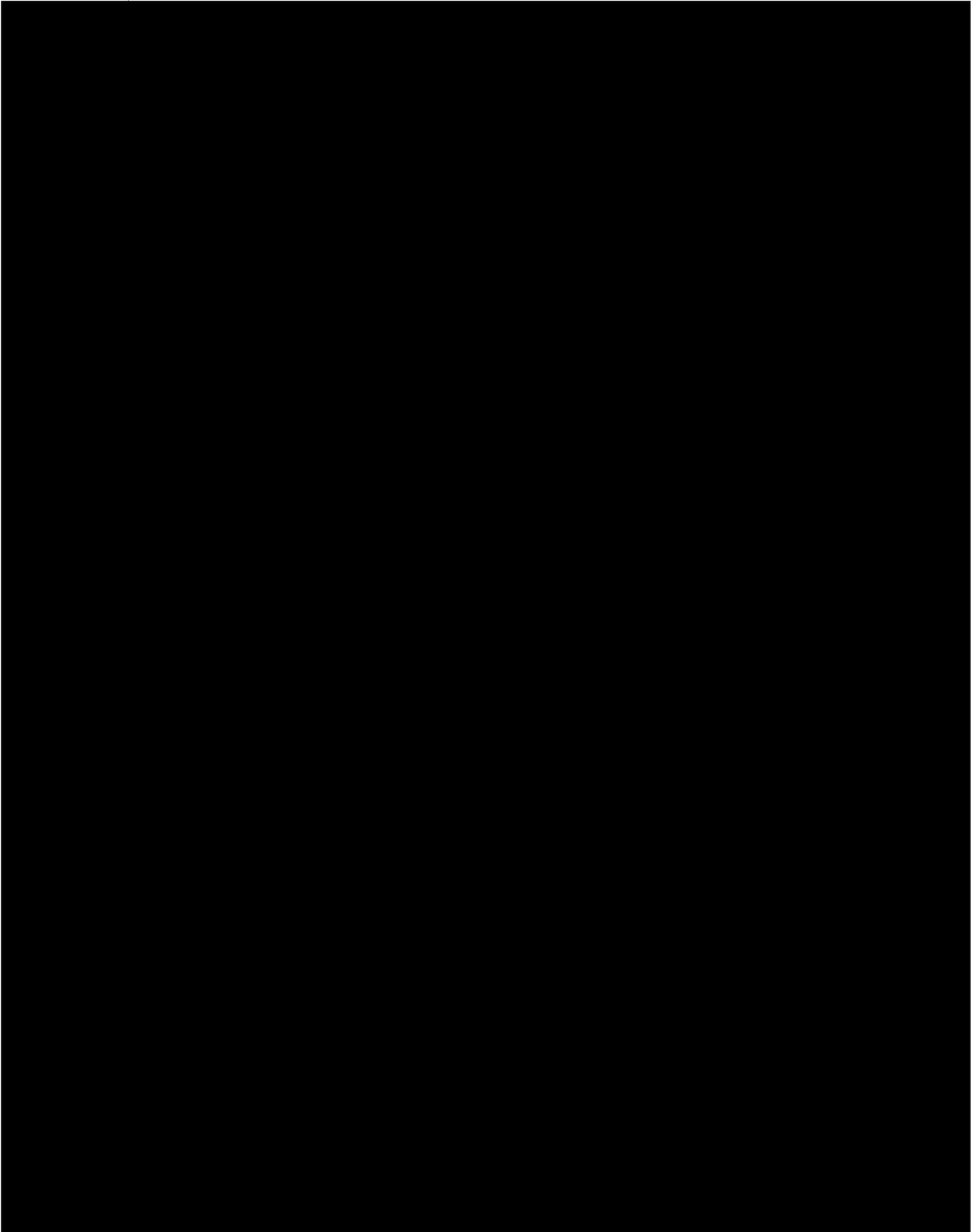


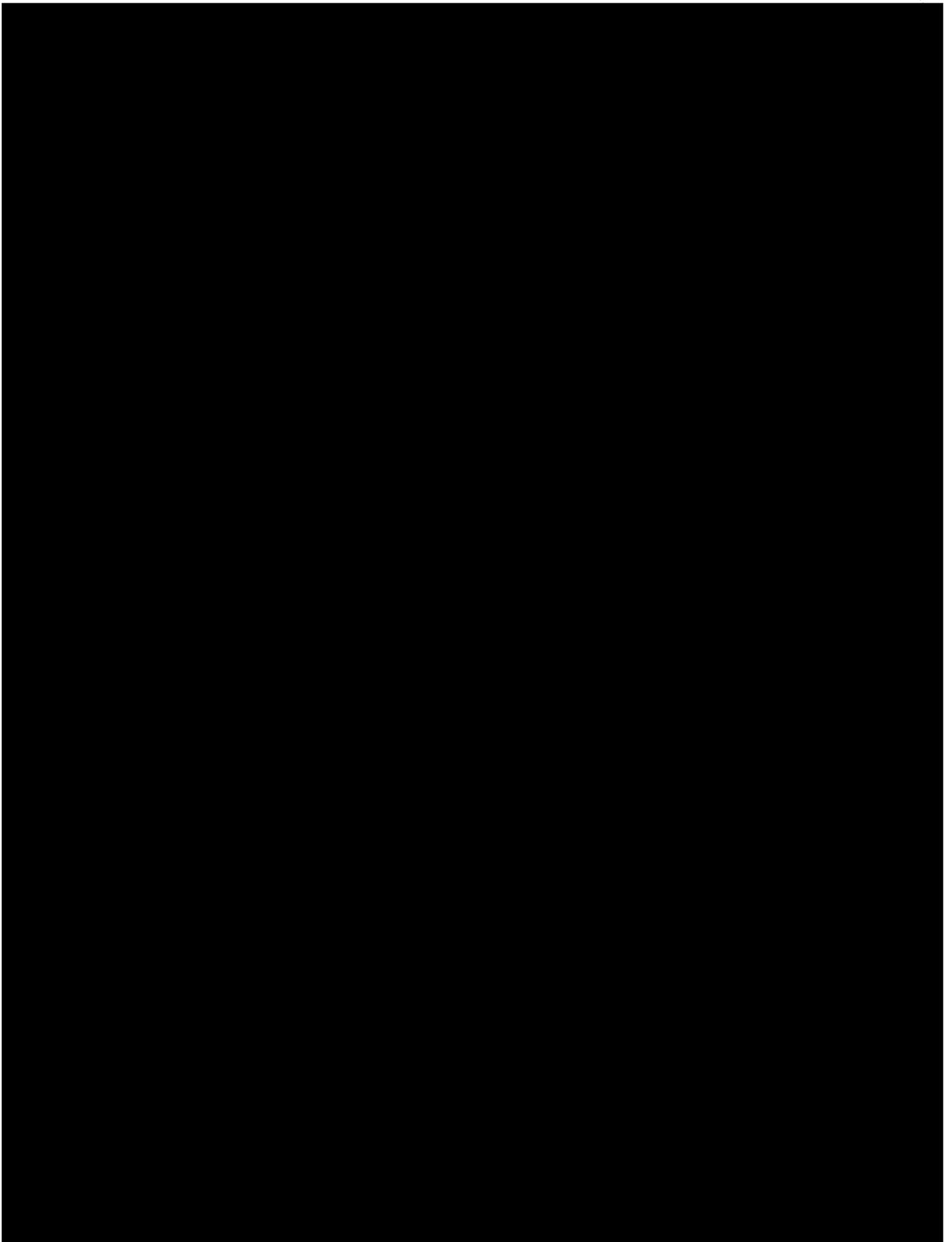


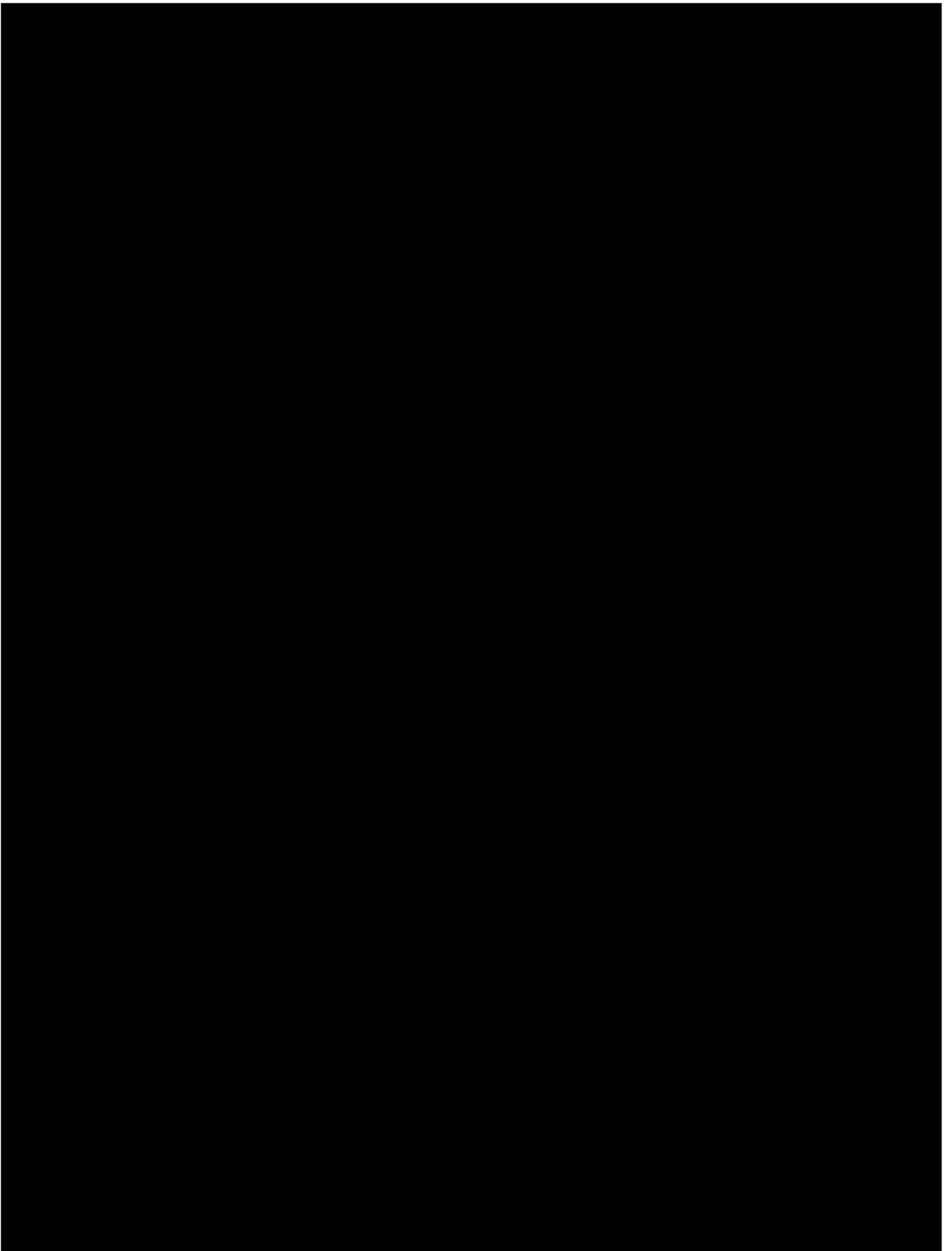


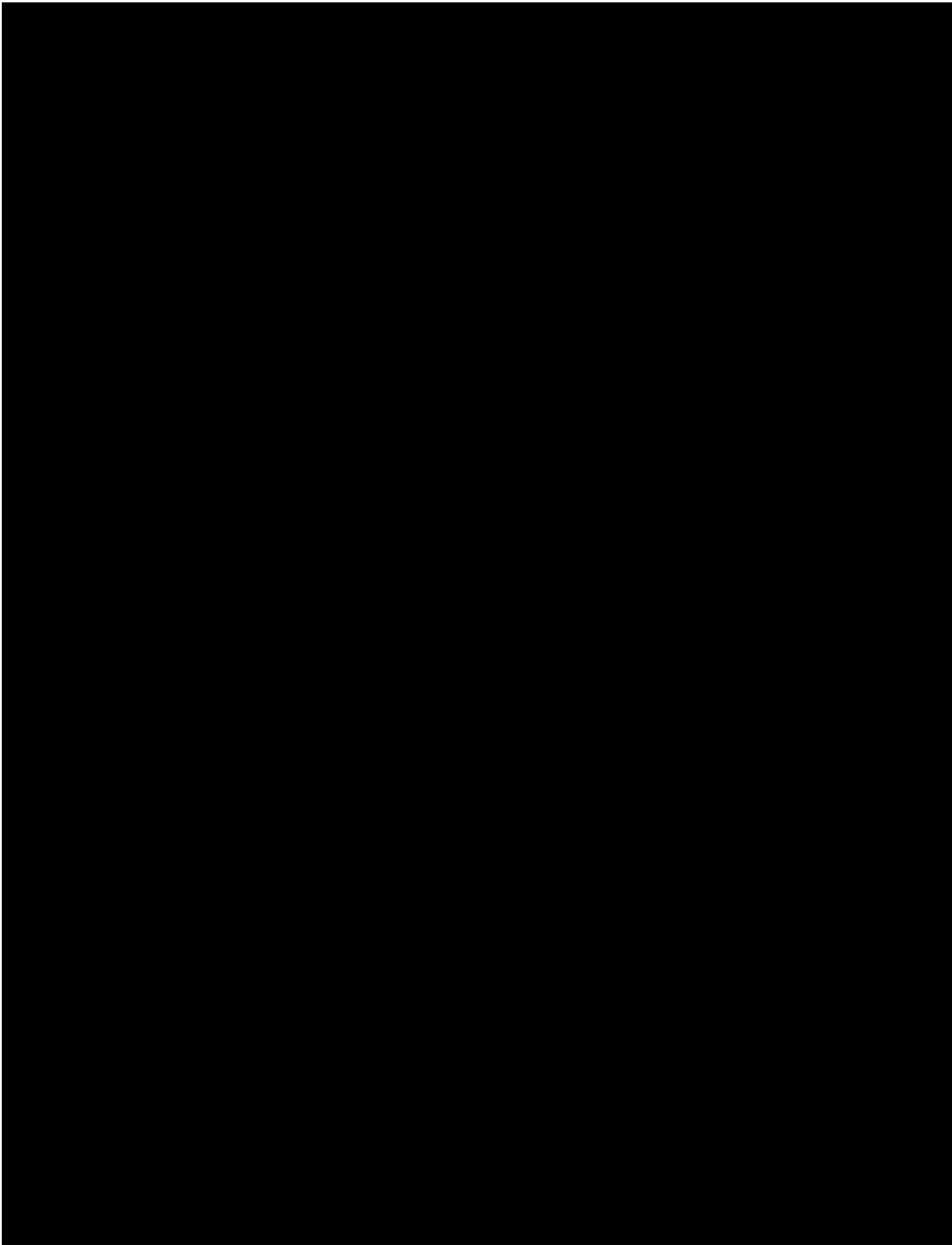


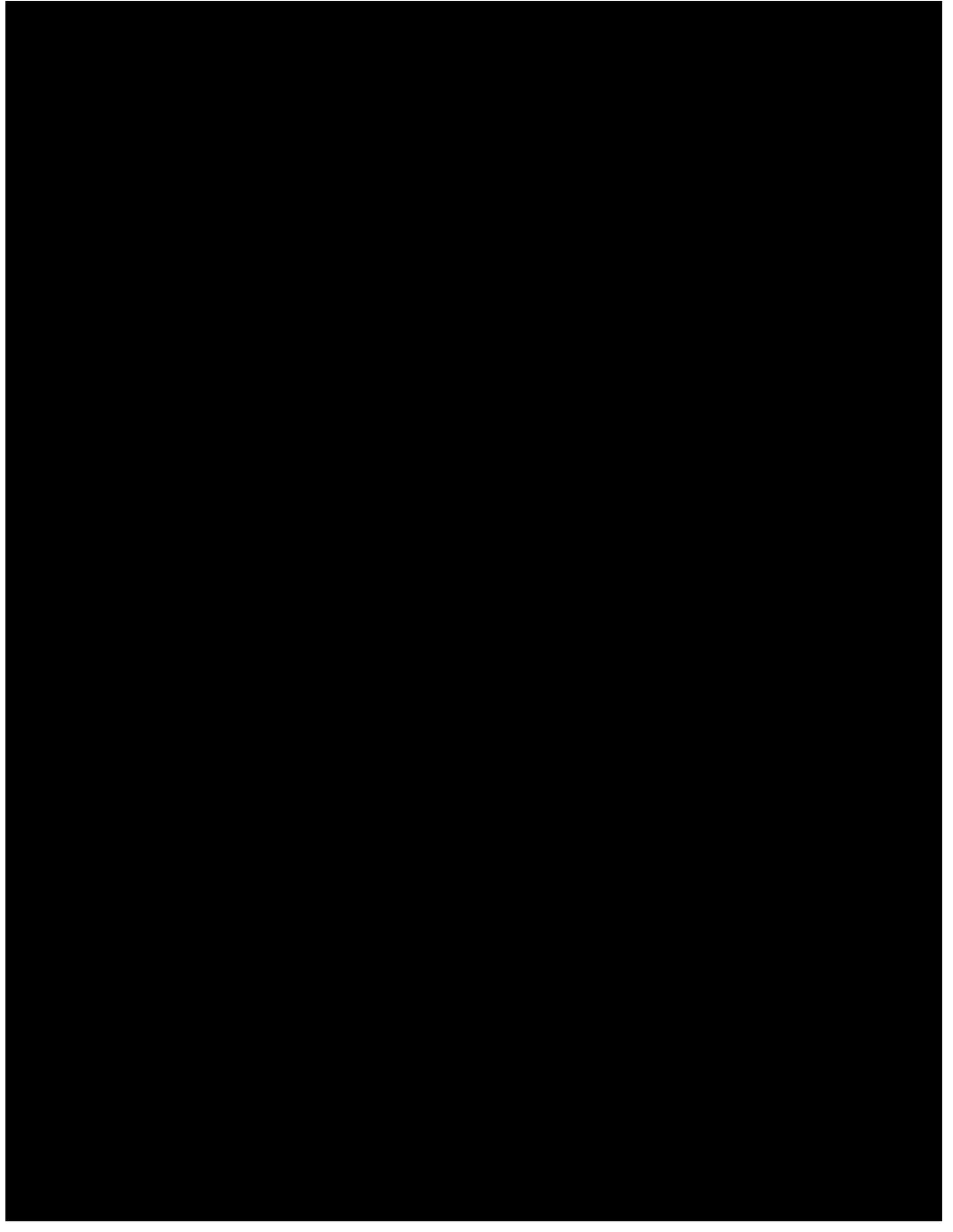


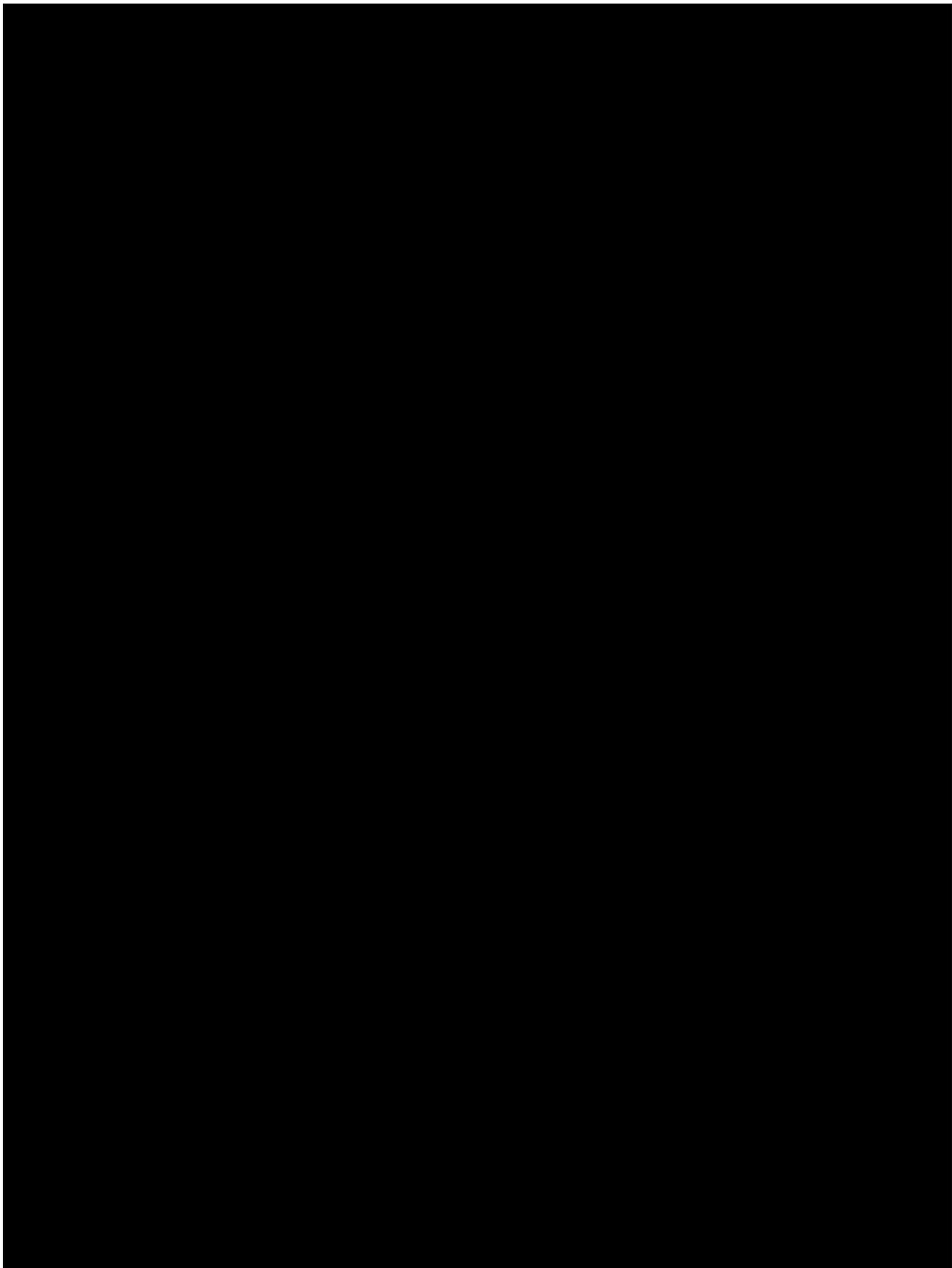


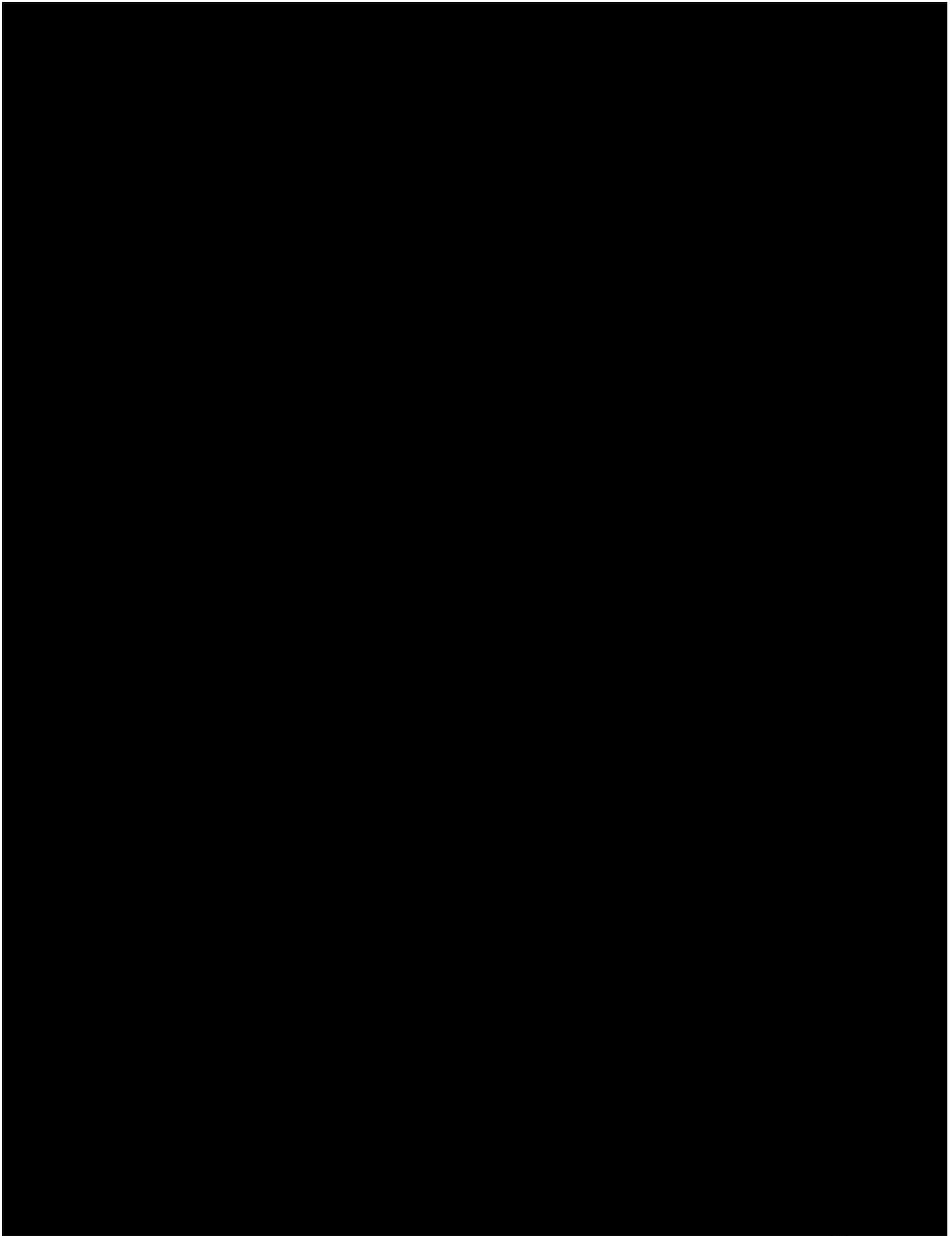


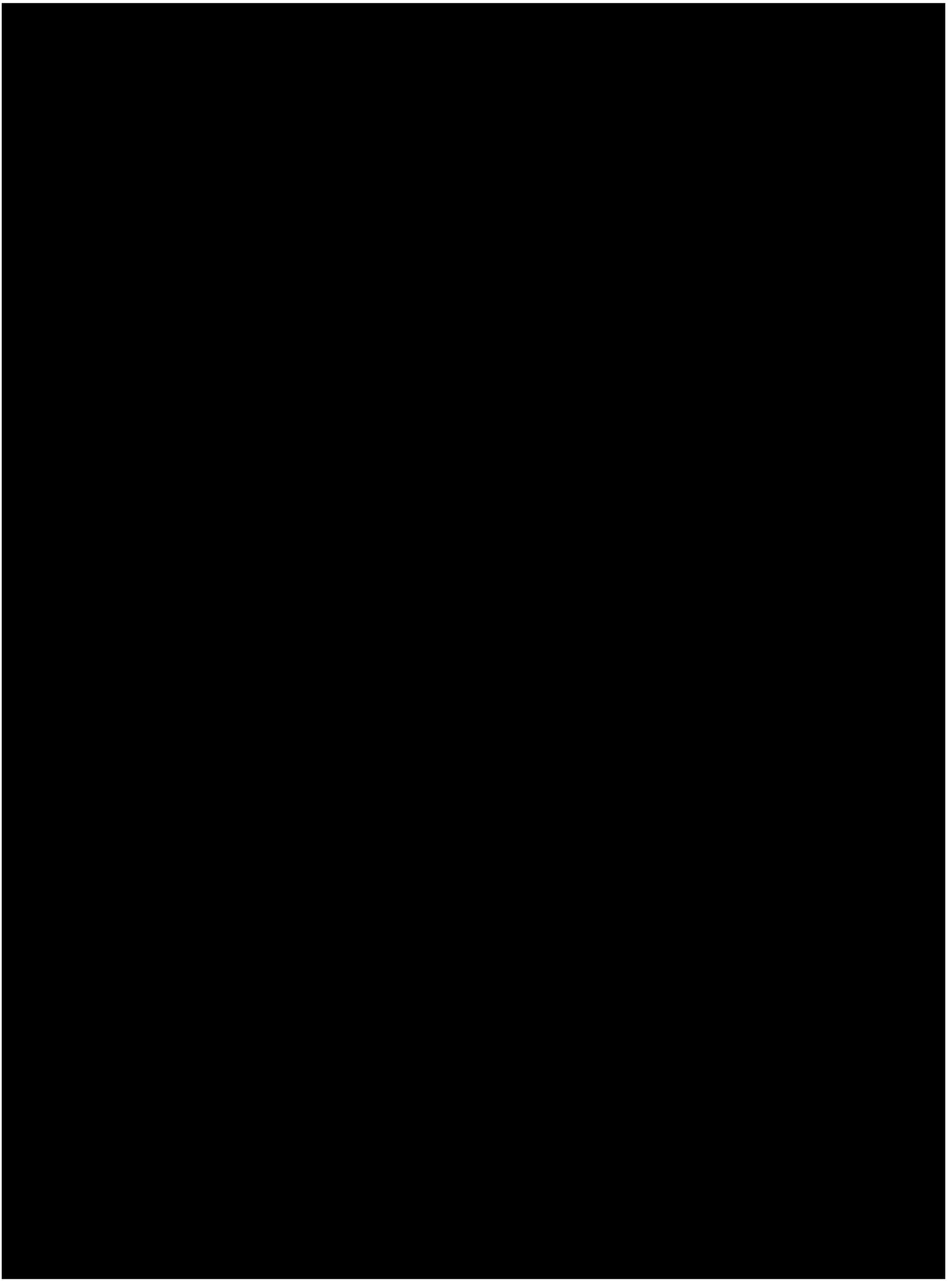


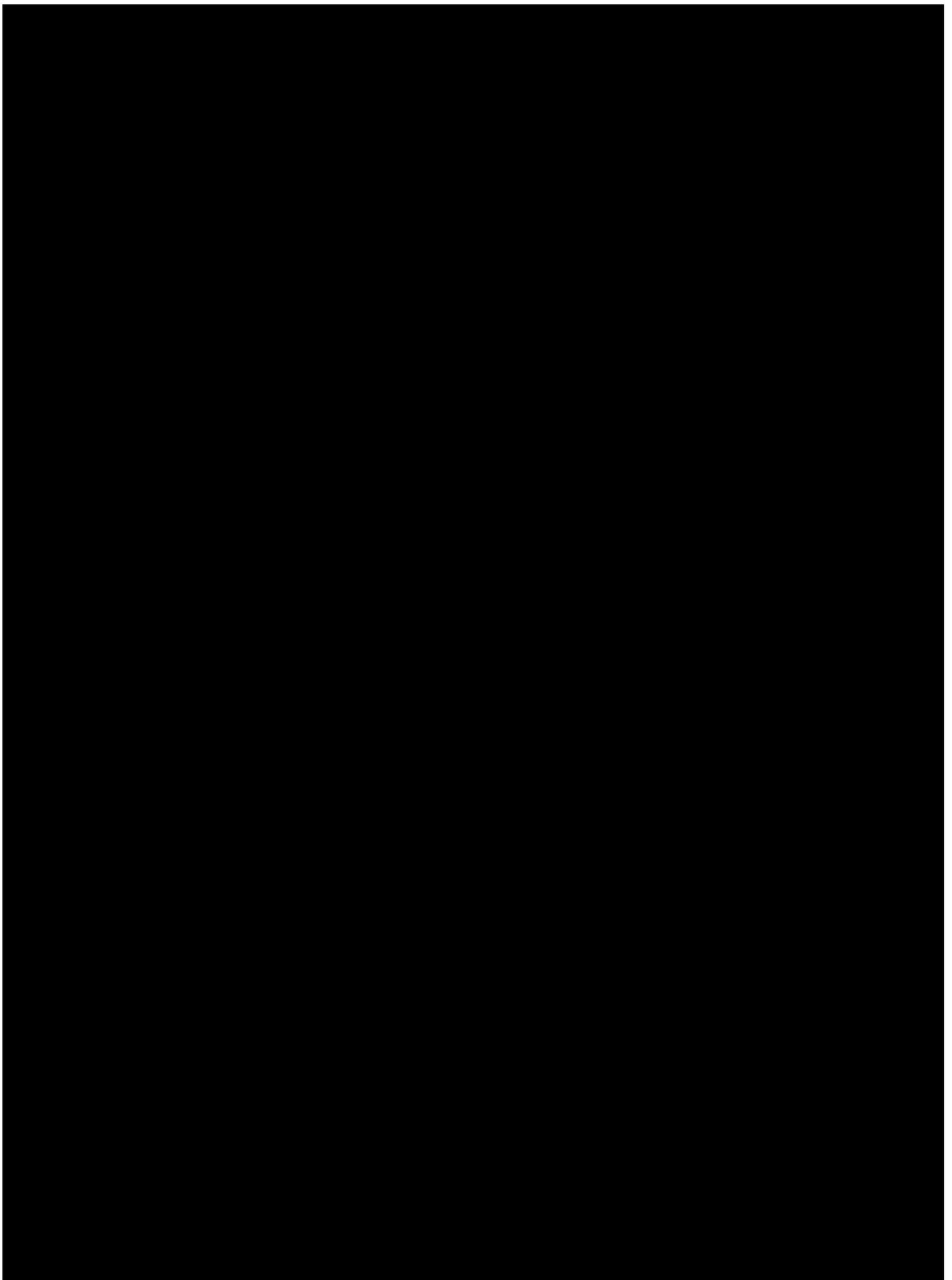


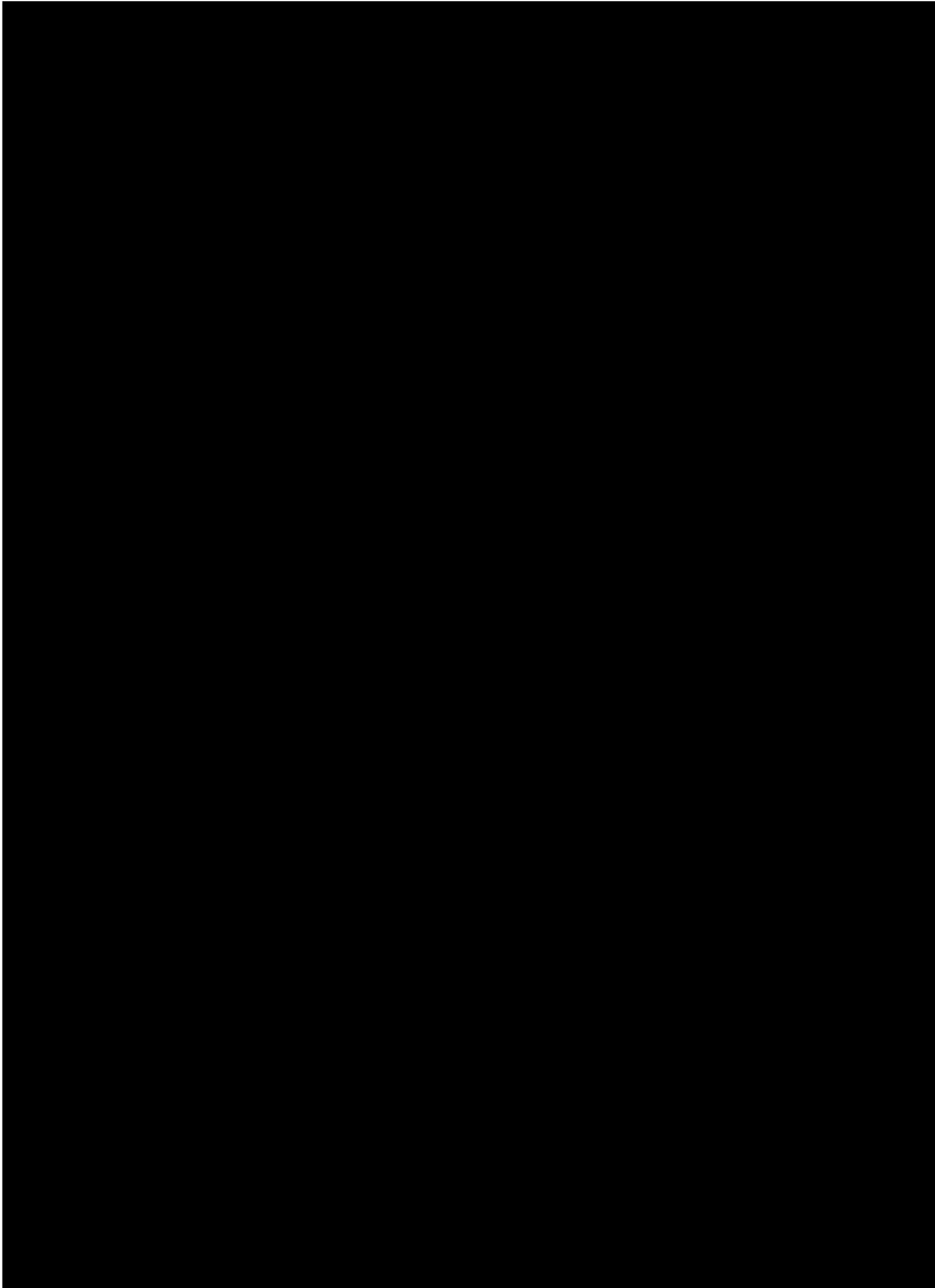


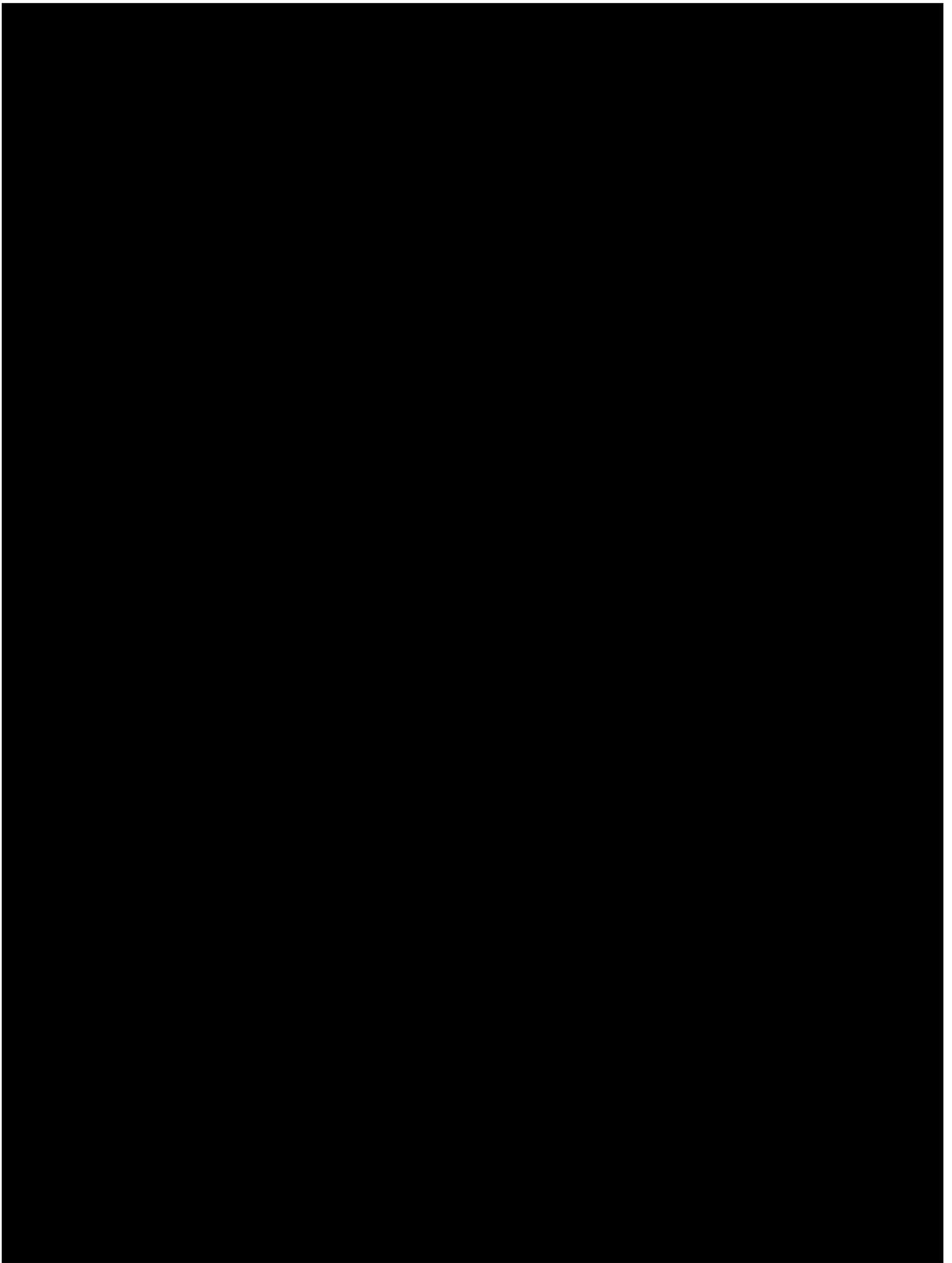


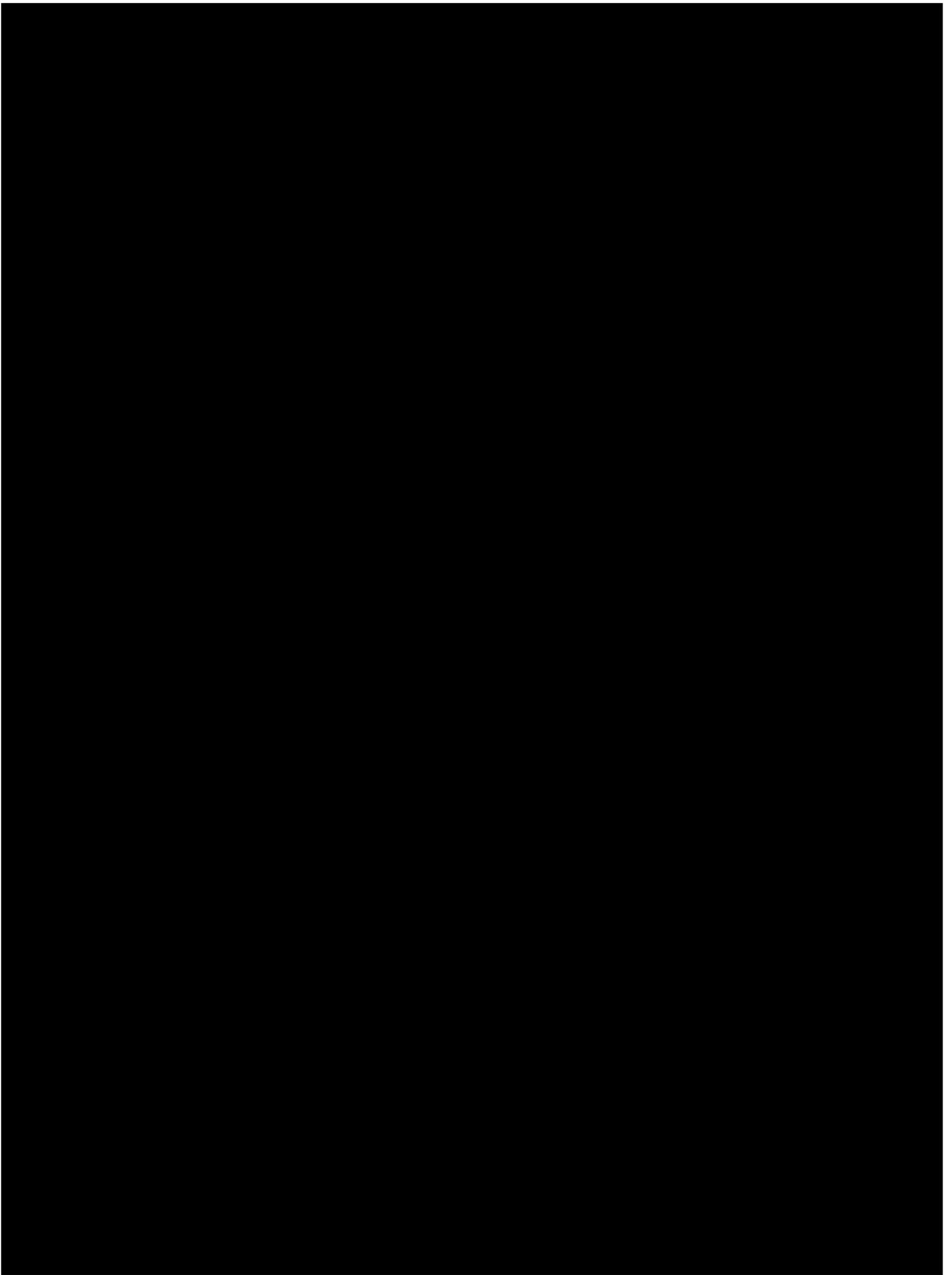


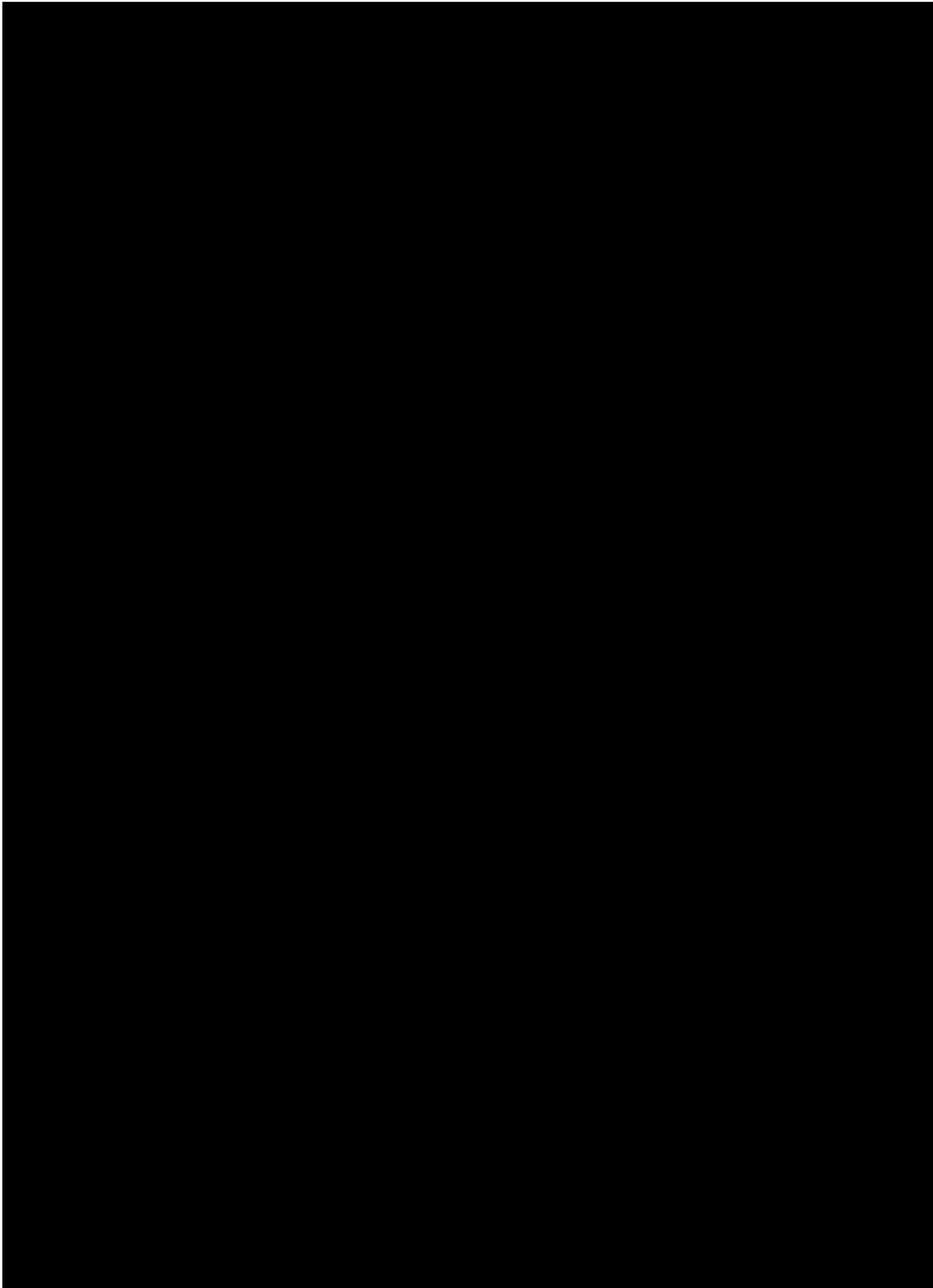


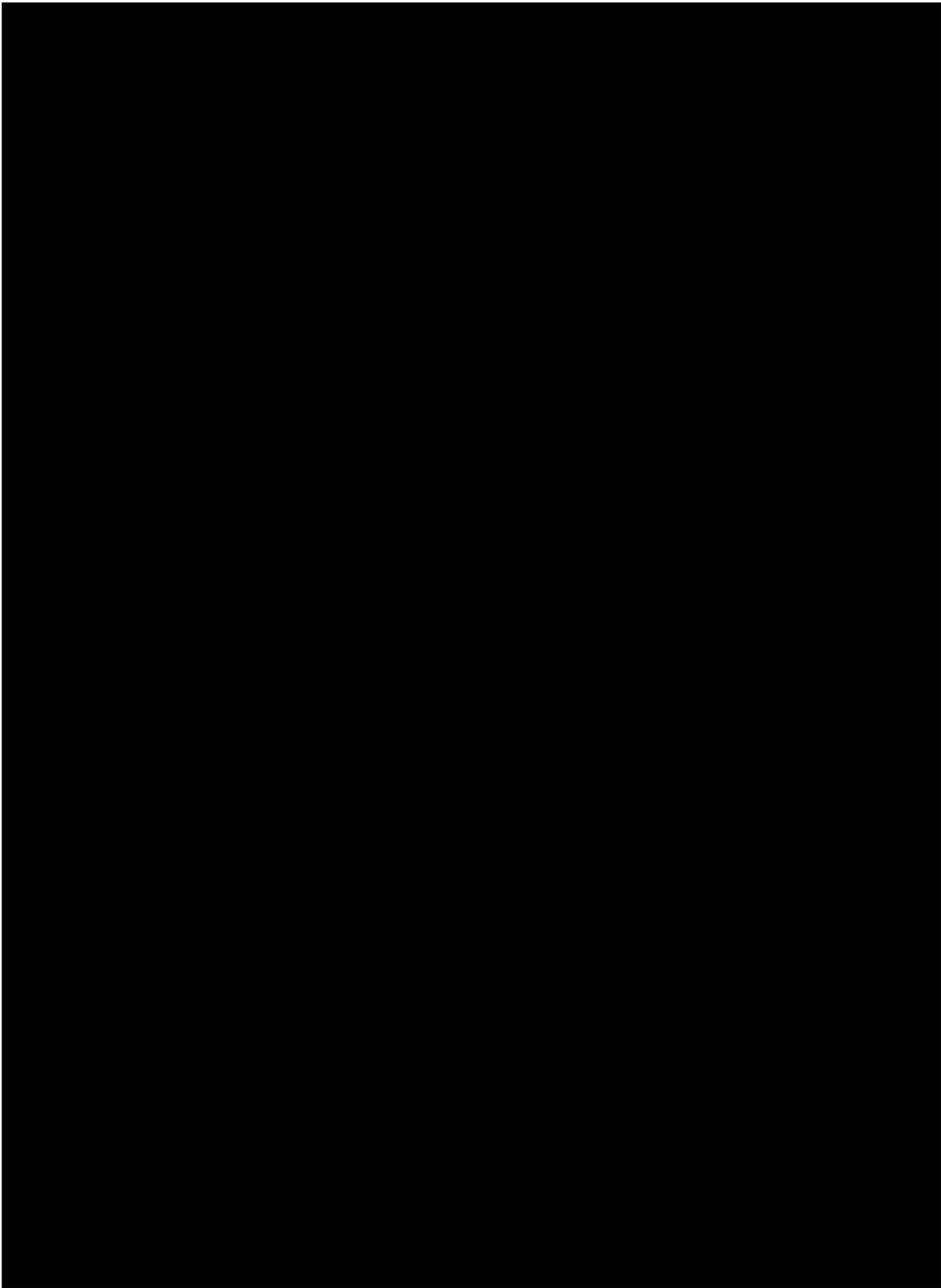


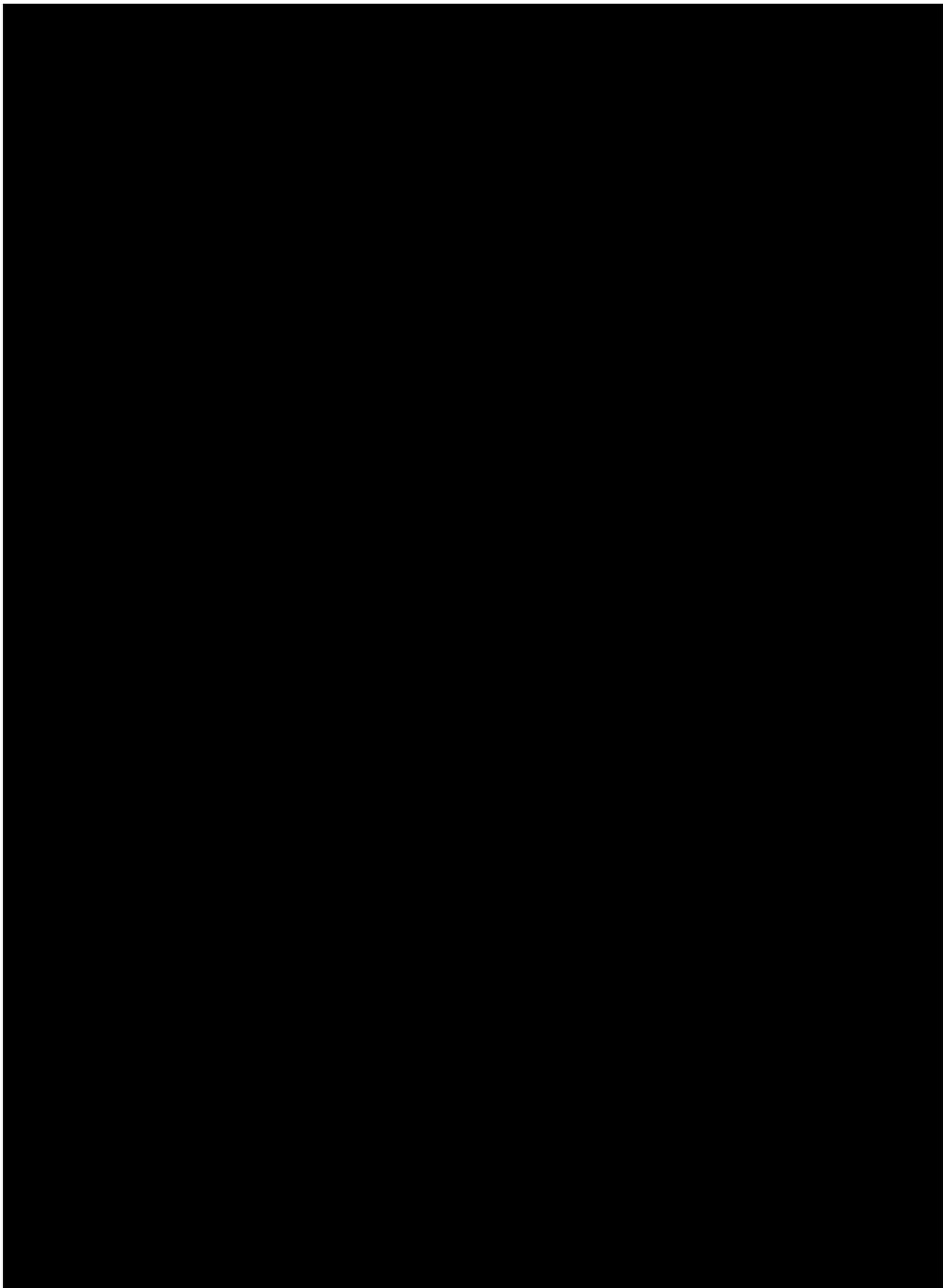


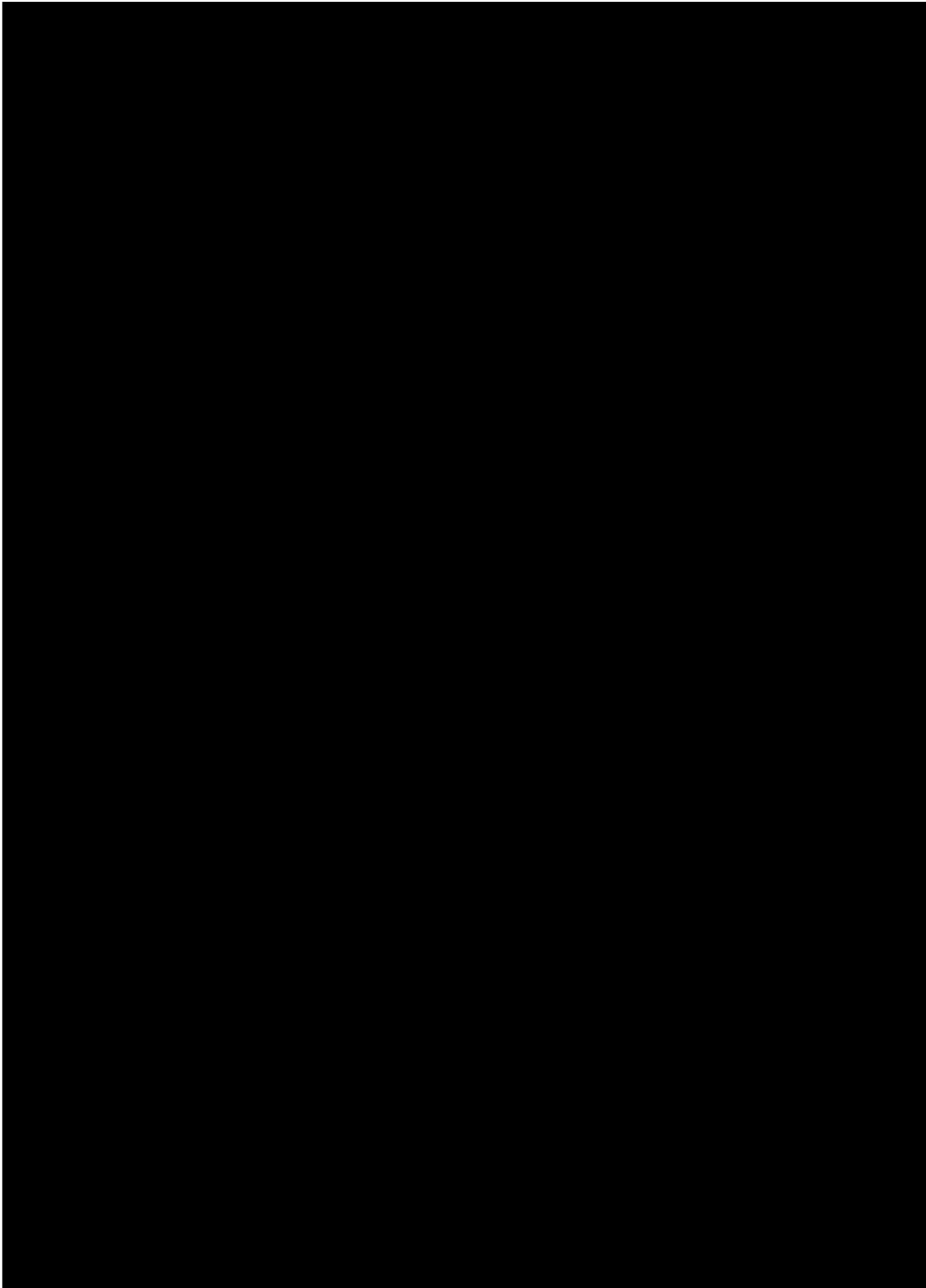


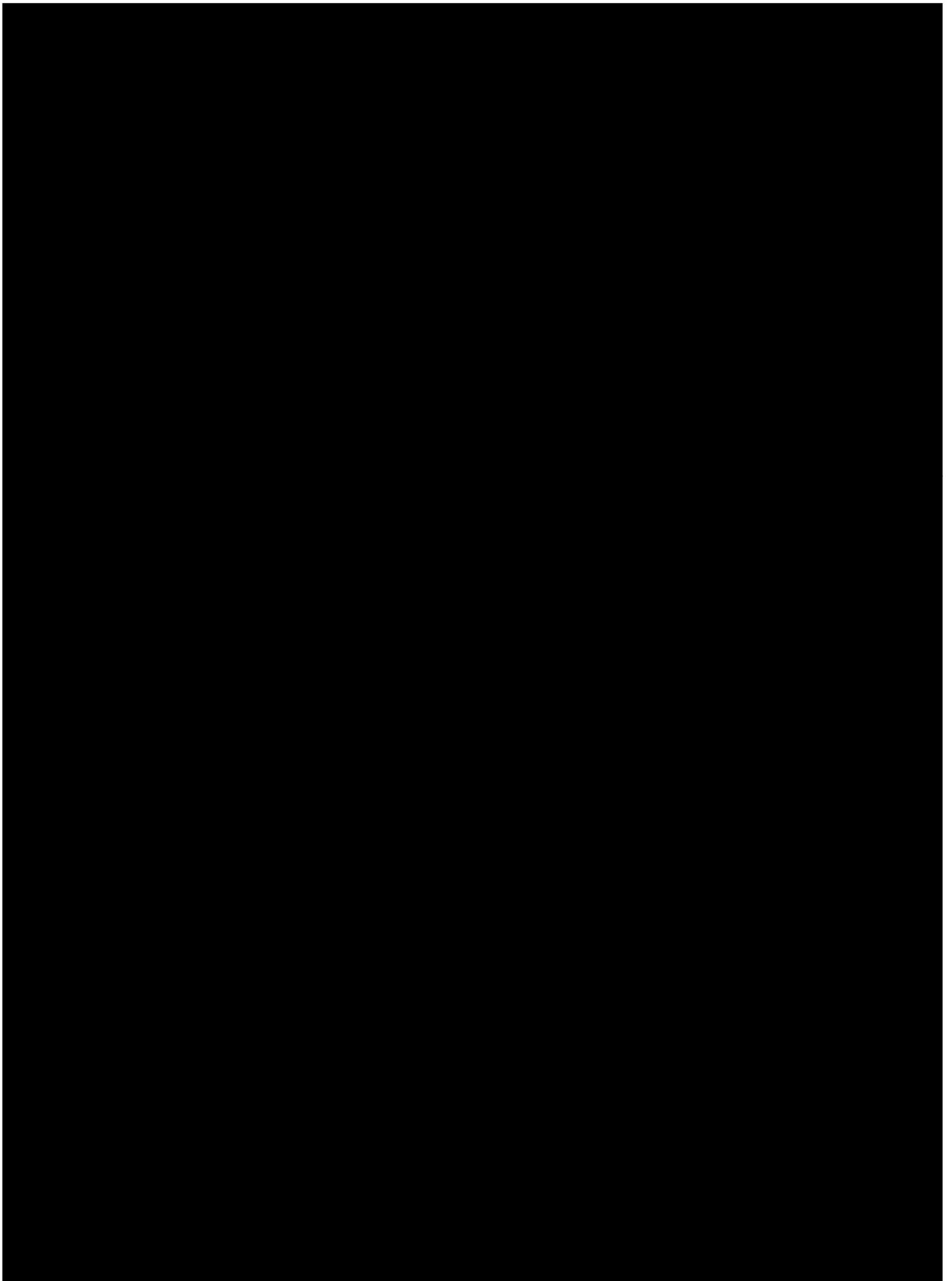


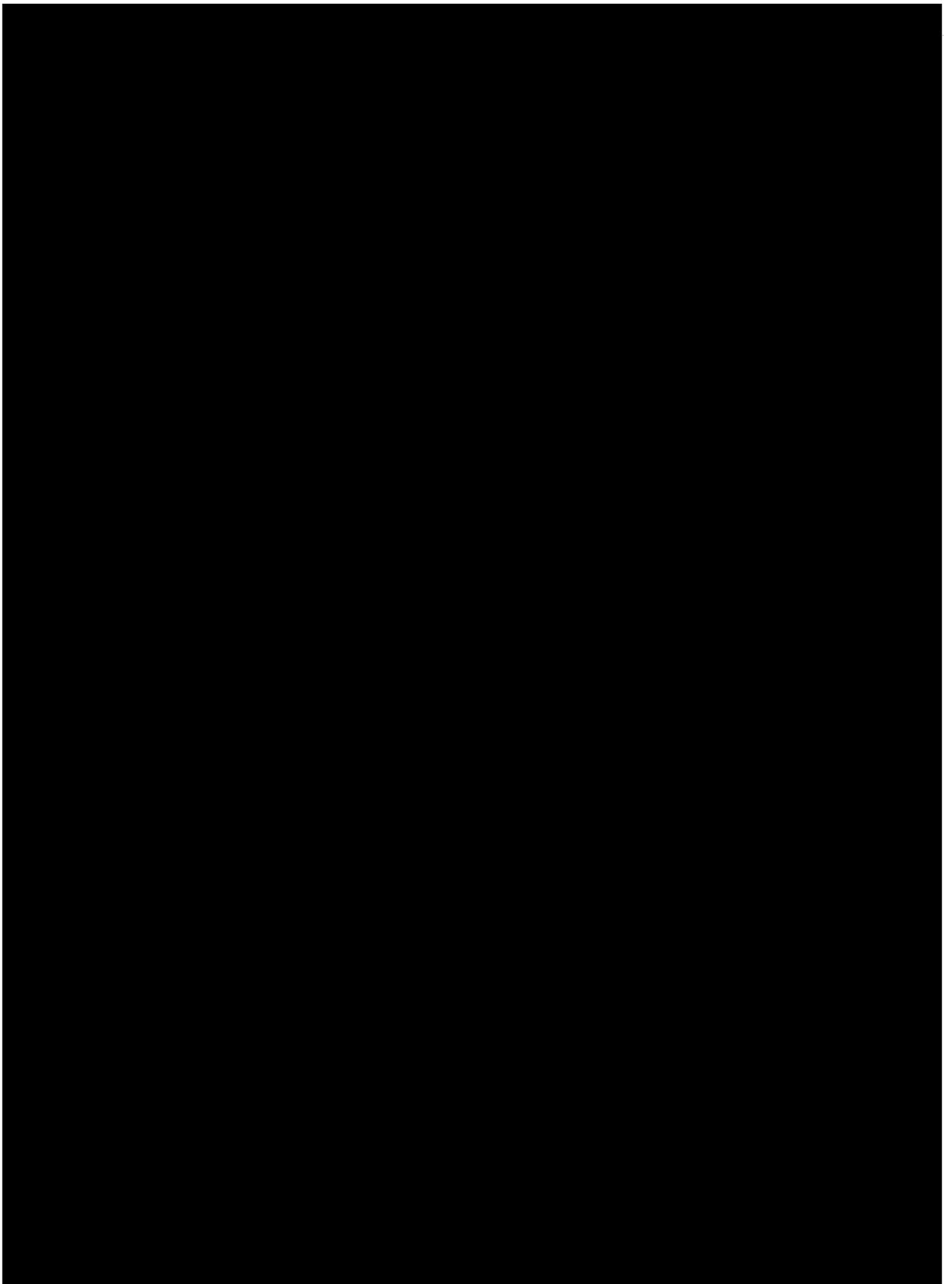


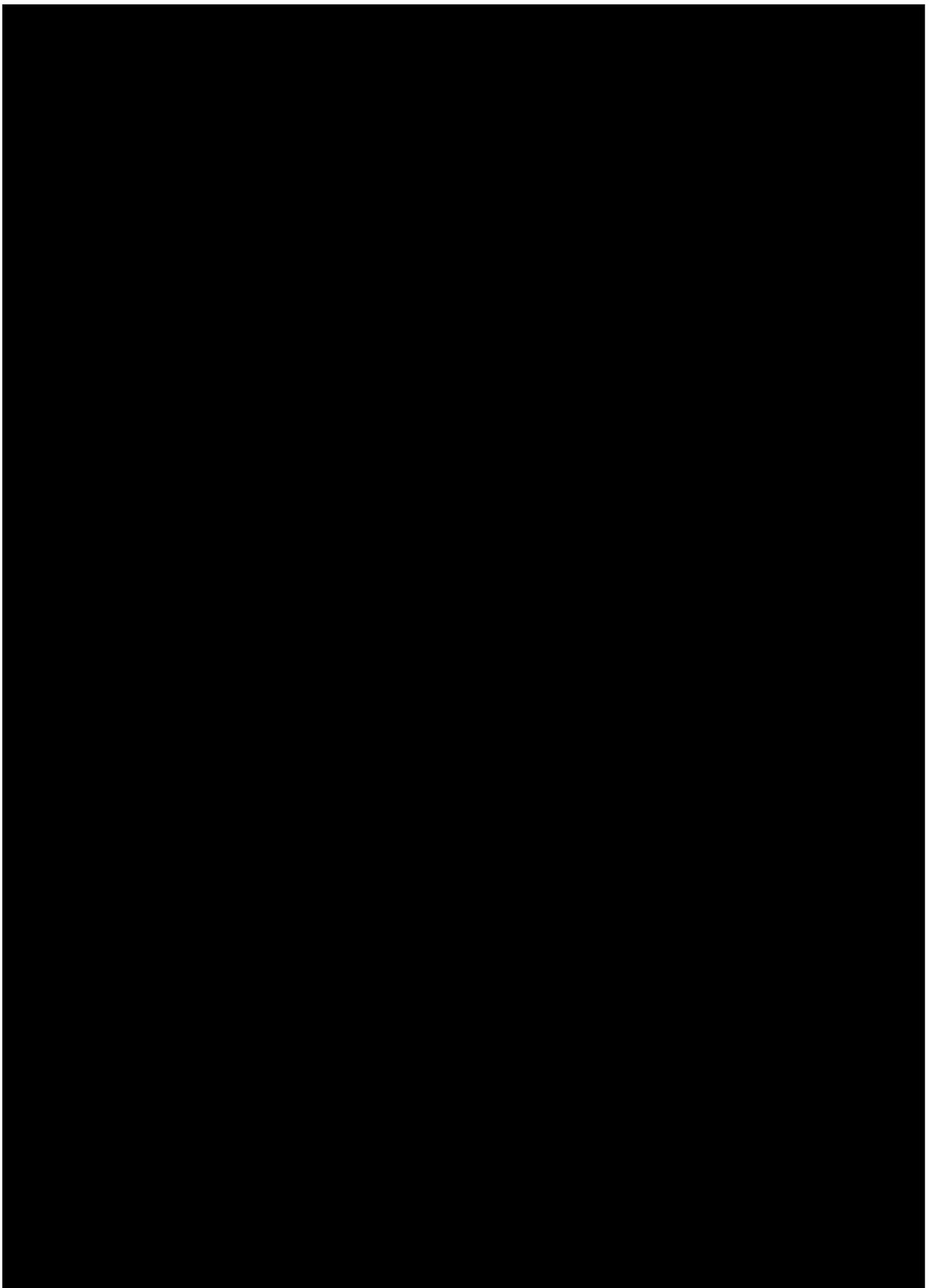


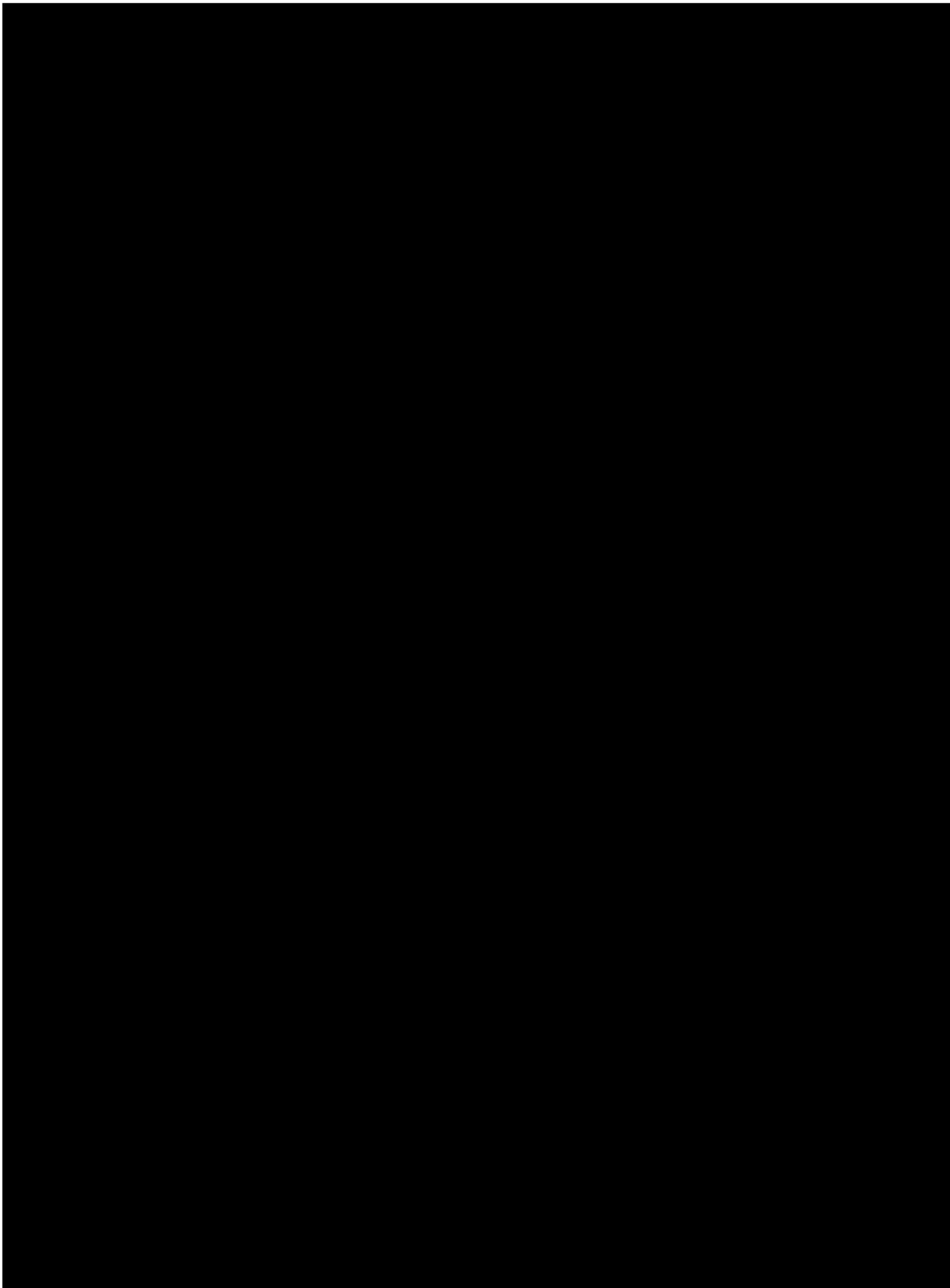


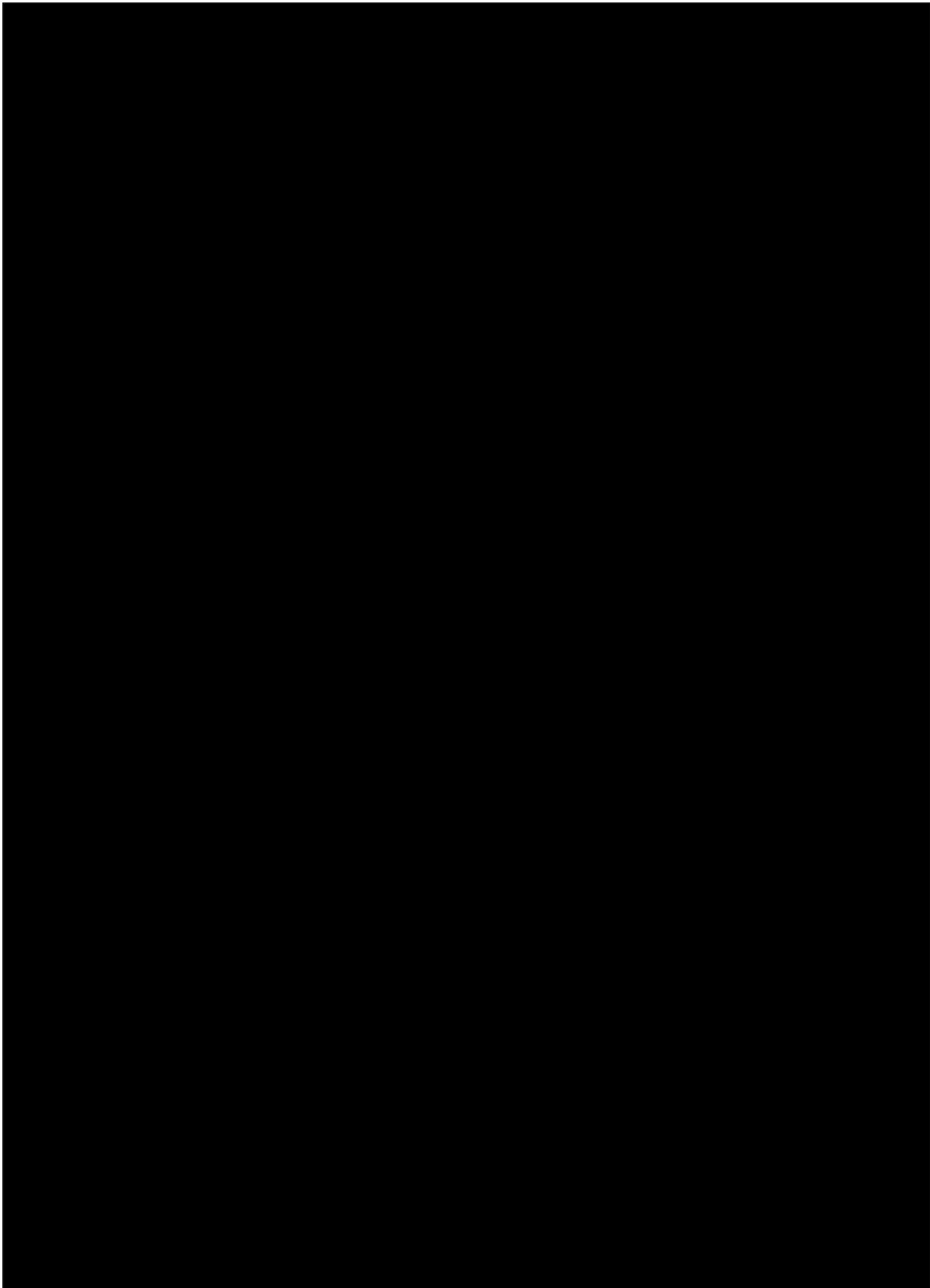


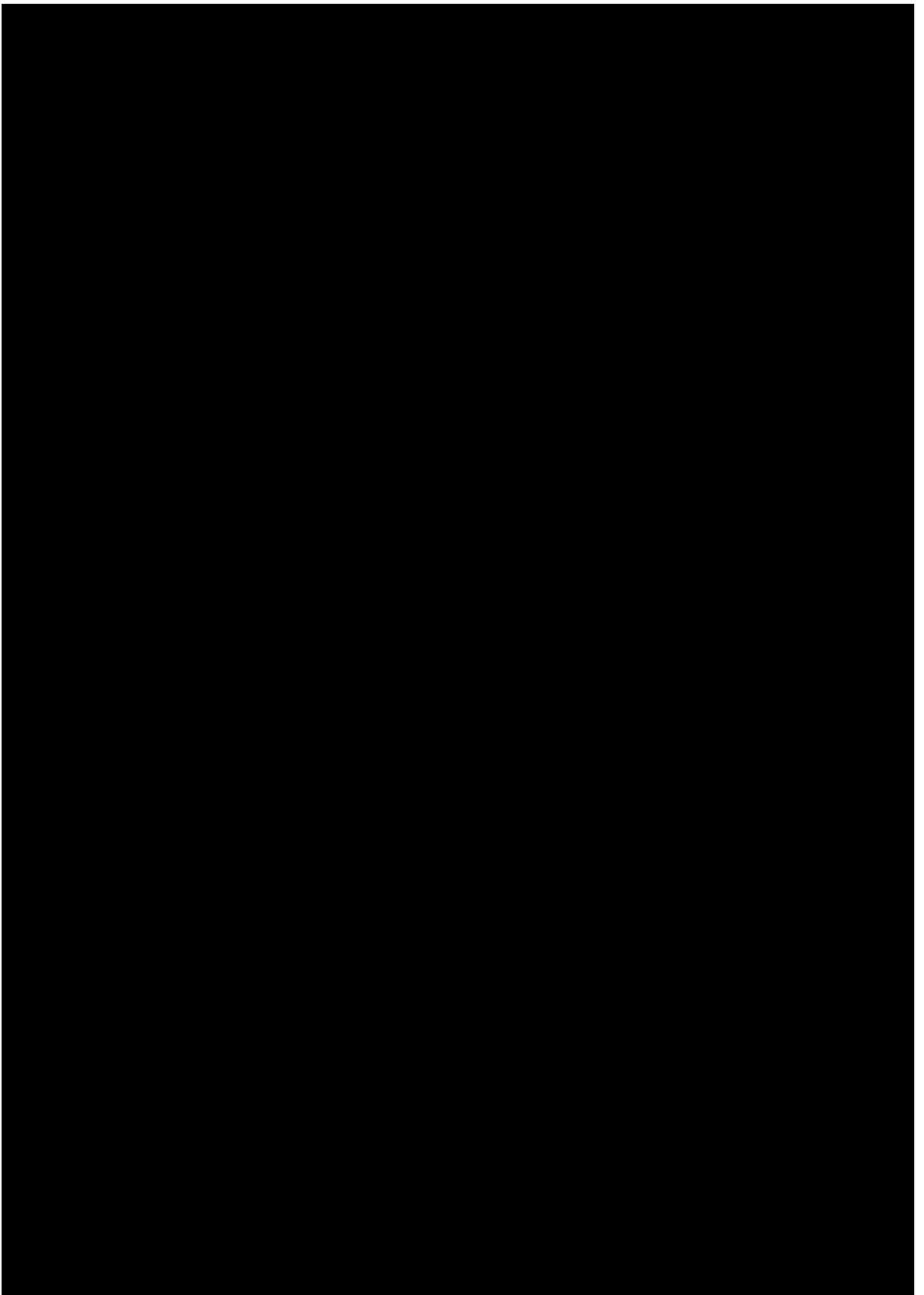


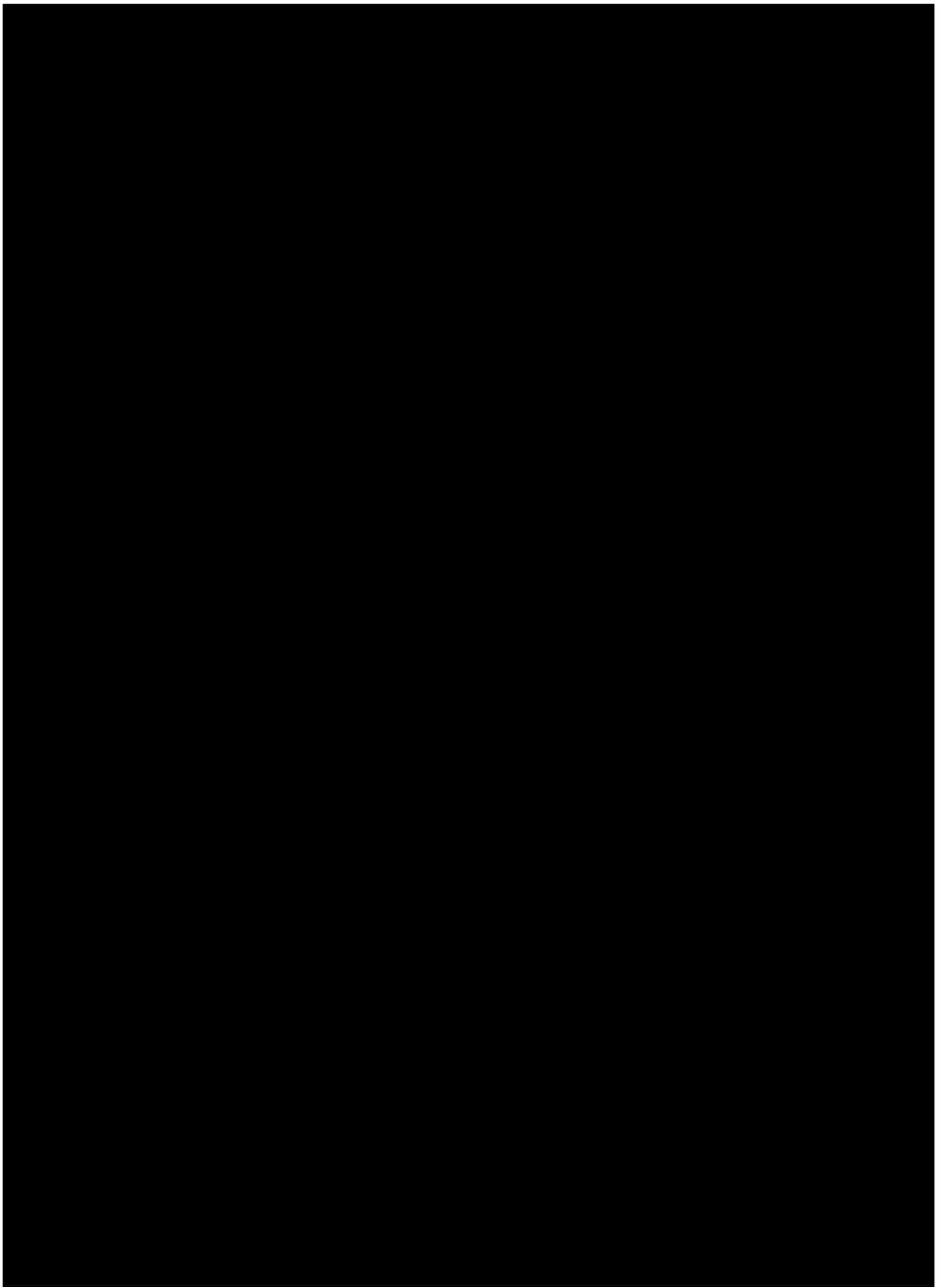




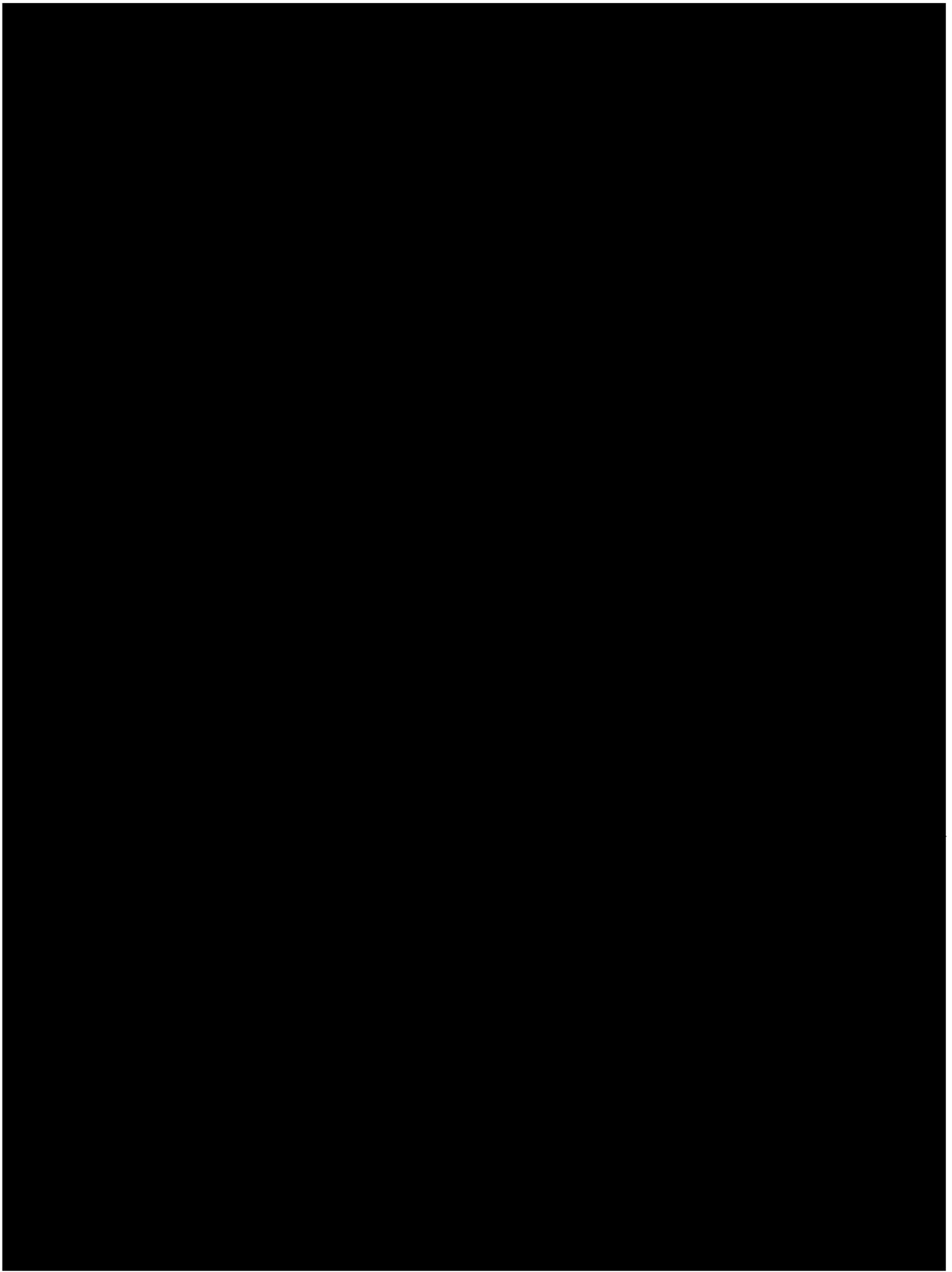


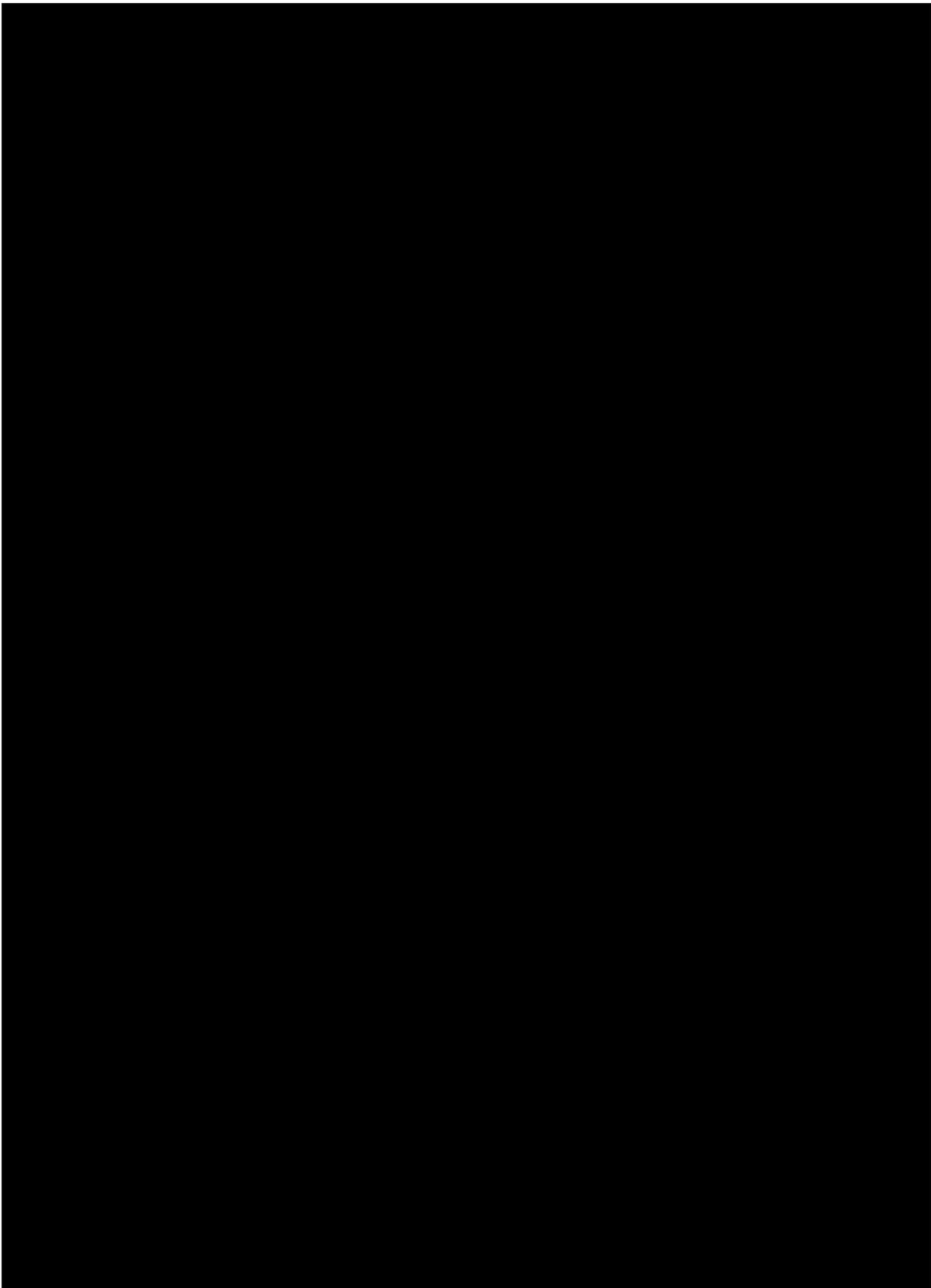


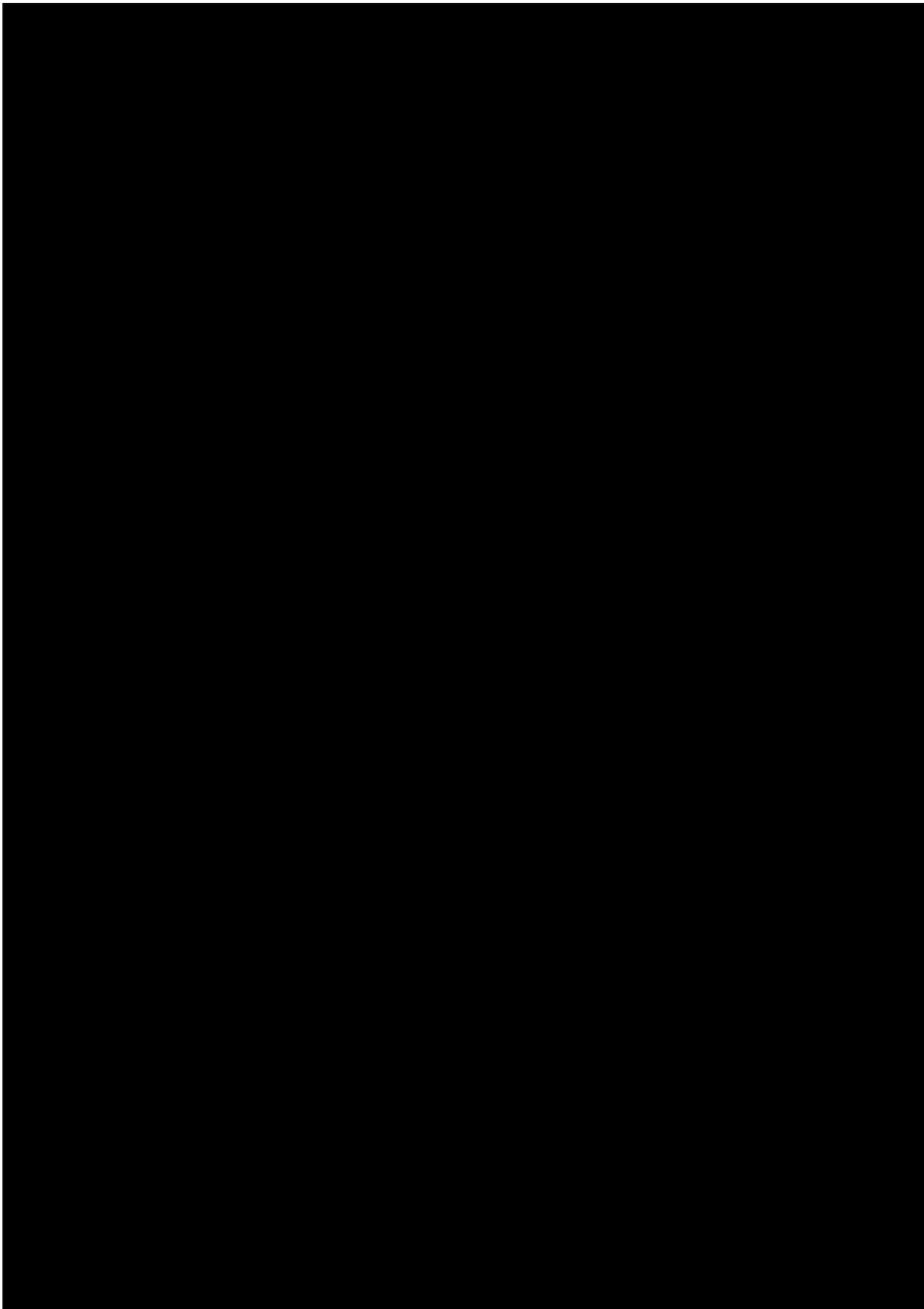


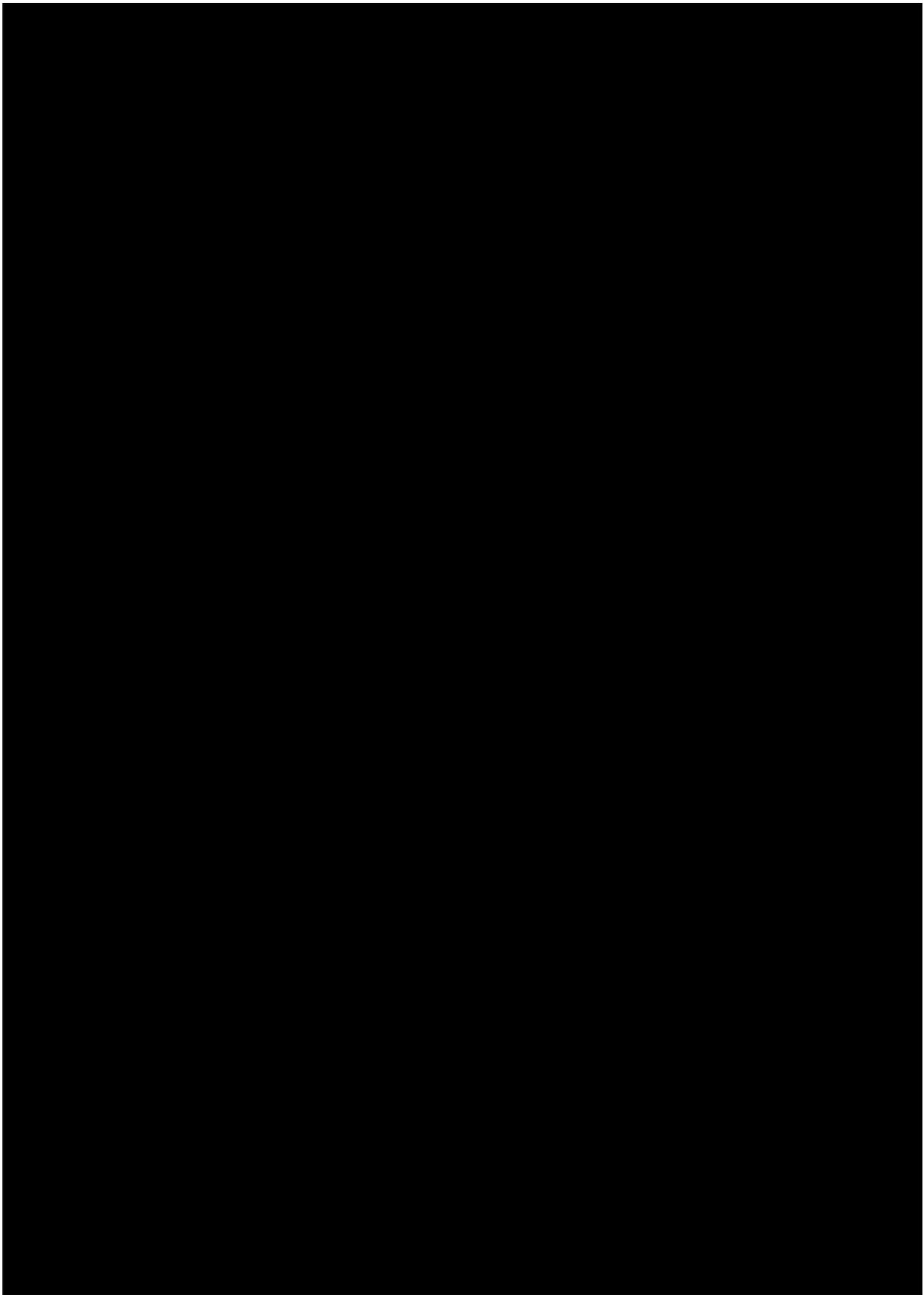


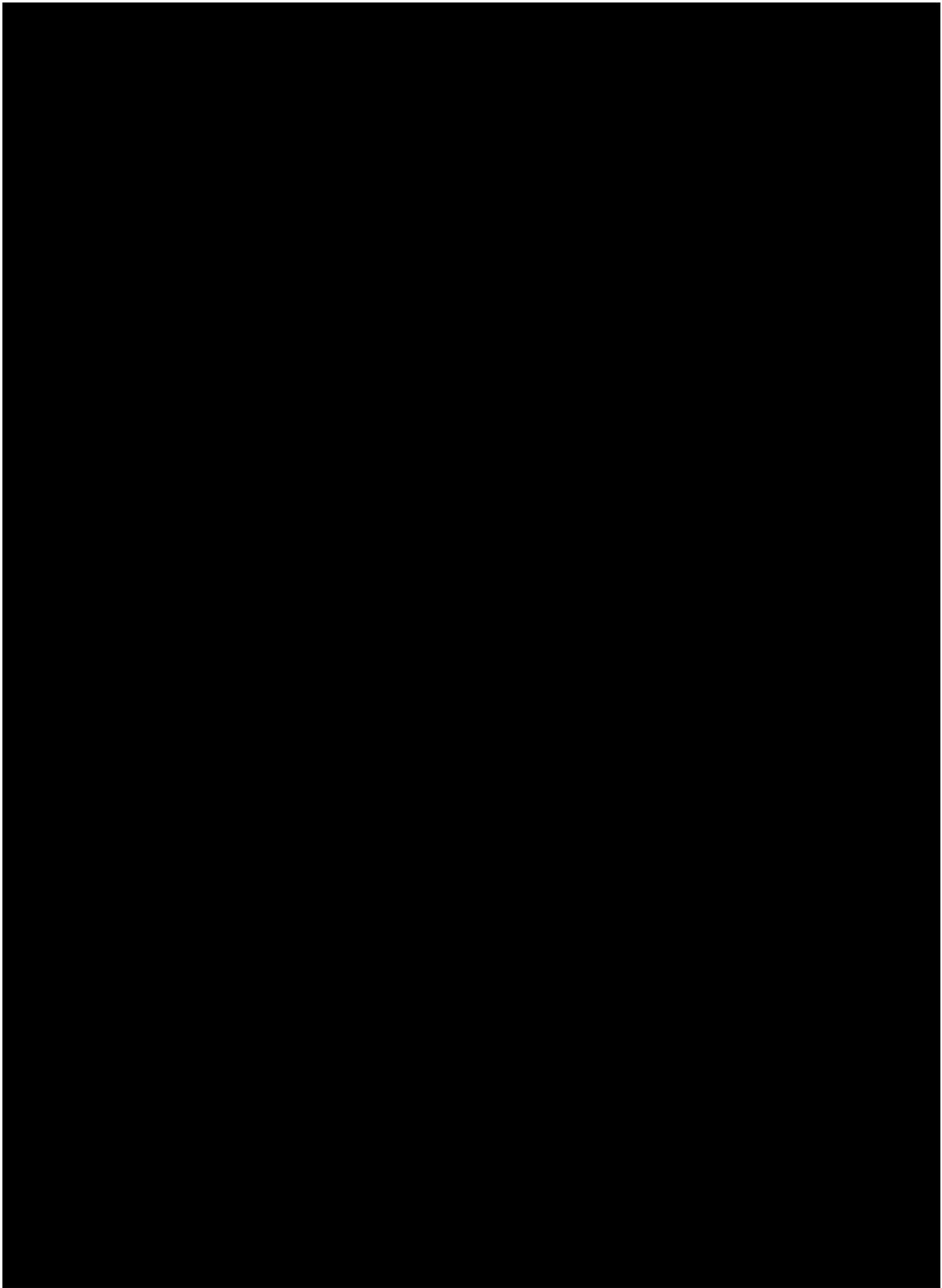












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Fashion One brings you the Desigual autumn/winter 2015 presentation from Mercedes-Benz Fashion Week in New York. First take a sneak peak at the models undergoing makeup and having their hair transformed into big, bouncing curls backstage, before enjoying a VIP front view seat for highlights from the lively runway show which included model of the moment Winnie Harlow.

The brand is known for its vibrant patterns, contrasting textures and colorful pieces and this season was no exception! The collection featured various floral motifs, including 3D corsages bursting to life on a one shouldered jumpsuit alongside swirling abstract prints, geometric patterns, paintbox blocks, stripes and aztec knits in a cacophony of color.

An eye catching voluminous wrap dress, knit sweaters worn with modest knee length skirts and swishing baby doll dresses were shown mixed in between a tactile belted tunic dress worn over straight trousers, printed silky harem pants with sleeveless tops and quilted gowns. The outfits were accessorized by giant pom pom encrusted berets, acid ankle boots and bright stylish handbags as the playful show encouraged the models to express their personalities freely, just like Desigual encourages their customers to do so too!



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## FEATURES - CURRENT FEATURES - OCT 2011 - DESIGUAL

Streetwear brand Desigual, famous for its patchwork designs, intense prints, innovative graffiti art and flamboyant splashes of colour, has taken the high street by storm since its creation 26 years ago. With a wide range of men's, women's and children's wear, Desigual has become a must-have brand for the fashion conscious.



Ana Cabanas, Marketing Manager for Desigual, talks to RLI about the brand and its phenomenal success.

"Desigual's growth comes from three different sources: new geographical areas, new product categories and new channels of distribution - a multi-channel business model. We want every wardrobe to contain at least one Desigual garment and thus have opted for a business model which makes a maximum number of people aware of just what our difference is all about."

"Rather than competing with each other, our sales channels - brand stores, multibrand stores, franchises and online stores - all work together in a process capable of detecting the garments our clients like best and boosting the

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“Rather than competing with each other, our sales channels – brand stores, multibrand stores, franchises and online stores - all work together in a process capable of detecting the garments our clients like best and boosting the supply of such items.”



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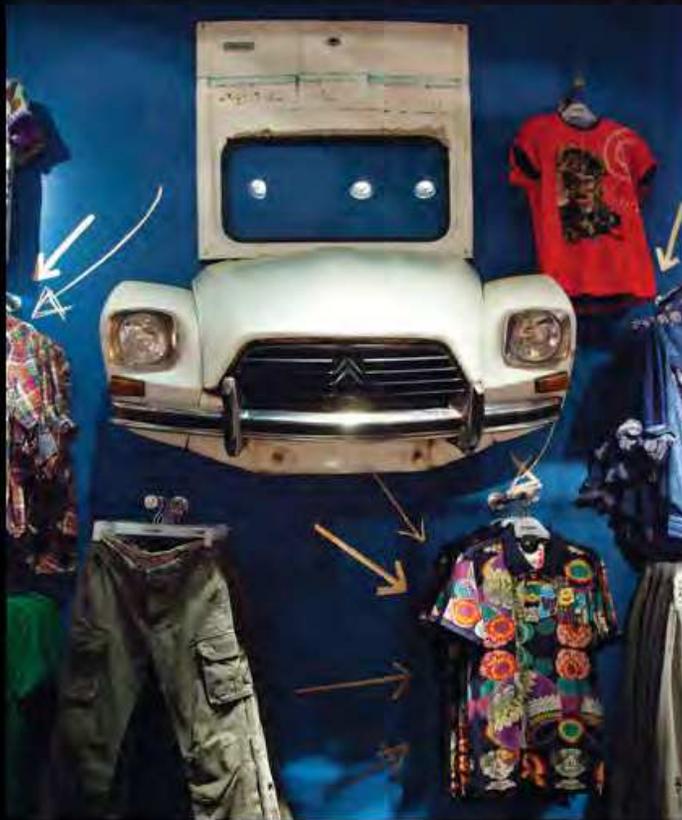
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Around 90 per cent of Desigual's business is based in Europe, with Spain being the leading market with a 30 per cent share of total global business. At the close of 2010 the firm's worldwide presence counted 200 brand stores, 7,000 multibrand stores and 1,700 concessions in department stores, working towards a goal of 8,000 points of sale worldwide by the end of the year.

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Around 90 per cent of Desigual's business is based in Europe, with Spain being the leading market with a 50 per cent share of total global business. At the close of 2010 the firm's worldwide presence counted 200 brand stores, 7,000 multibrand stores and 1,700 concessions in department stores, working towards a goal of 8,000 points of sale worldwide by the end of the year.

In November 2010 Desigual opened its flagship store – the largest in the world – in Madrid, Spain. The building contains 2,000 sqm of retail space distributed over seven stories, showcasing all the brand's collections. Cabanas said: "Desigual is currently present in 22 of the 100 best sites in the world. We have a dedicated team out hunting for available sites in all the best areas of each different country. Competition is always healthy and we have learned to live with it in our 26 year history. It is essential. It keeps us alert and undeniably helps us improve." In the first six months of 2011, new Desigual stores opened in Barcelona, Paris, London and San Francisco, amongst others



During 2011, Desigual anticipates opening one new store per week, with a total investment of close to €100M - 50

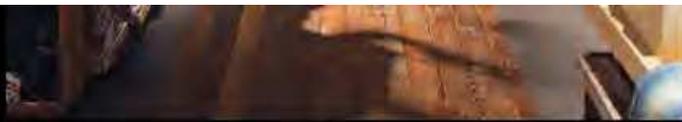
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During 2011, Desigual anticipates opening one new store per week, with a total investment of close to €100M - 50 per cent more than in prior years - and schedules closing 2011 with over 240 brand stores, 40 extra new stores, as compared to 200 last year - and a total of 8,000 outlets in 80 different countries.

Desigual anticipates attaining a level of annual growth of between 30 and 40 per cent over the next few years and doubling its global turnover over the next three years, breaking the €1,000M barrier by 2014. Today Desigual stands as a global company, one which clearly opts for internationalisation and innovation as its main routes to growth. The brand's expansion contemplates growth in central and northern European markets, with outstanding levels in Germany and France, as well as in Eastern Europe, where the company made its first incursions this year, specifically into Russia and Poland.



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The second most important geographical area to the company is the United States, where the firm has seven stores and which, together with Canada, accounts for six per cent of global sales. Cabanas said Desigual's target customer is between 0 and 99 years of age and has a take on life which fits with its core corporate values: positivism, optimism and a taste for life. "Desigual is characterised by its different, optimistic, colourful designs. It is a competitively priced designer brand which despite its growth has remained true to its founding principles. "Desigual is not the same", our first slogan, is still the goal we set ourselves when we sit down to create each new collection for our customers.



For the full article please see the RLI October 2011 issue

RLI Magazine - Issue 110



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## Desigual Brings Fun To Spring 2014 For Spanish Brand's New York Fashion Week Debut [PHOTOS]

By Nadine DeNinno (/reporters/nadine-deninno)  @nadinedeninno (<http://www.twitter.com/nadinedeninno>)  
 [n.deninno@ibtimes.com](mailto:n.deninno@ibtimes.com) (<mailto:n.deninno@ibtimes.com>)  
 on September 06 2013 5:04 PM EDT

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Desigual Spring 2014 at Mercedes-Benz Fashion Week, Thursday, September 5, 2013. Reuters

Desigual Spring 2014 at Mercedes-Benz F

Welcome, Desigual, a contemporary-priced Spanish brand known for its colorful hues in bold prints, to New York Fashion Week and thanks for lightening the mood.

The background tune of Empire of the Sun's "Alive" and ultra-high energy show couldn't have been more appropriate on Thursday, because the blasting music paired with the wildly colorful designs woke up the sleepy afternoon crowd in the Tents, who have been noticeably more cranky this season, [thanks to The New York Times](http://www.nytimes.com/2013/09/05/fashion/is-new-york-fashion-week-near-the-end-of-the-runway.html?ref=fashion&gwh=A38A082BB2EB410A416901E6ED8E9647) (<http://www.nytimes.com/2013/09/05/fashion/is-new-york-fashion-week-near-the-end-of-the-runway.html?ref=fashion&gwh=A38A082BB2EB410A416901E6ED8E9647>) pointing it out.



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## Fashion Brand Desigual Grows With Atypical Marketing Strategy

November 30, 2014 • by Christina Maness



Less is more.

For [Desigual](#) customers lined up outside its San Francisco store on an early morning, less clothing meant more free merchandise from the Barcelona-based fashion brand. Just as holiday shopping hits high gear, Desigual threw an “Undie Party,” in which the first 100 customers to enter its San Francisco store in just their skivvies received a free outfit.

Fans of the clothing brand lined up as early as the night before for a chance to get first dibs on Desigual’s clothing racks when the store opened. Rebecca Goglia, who arrived at 4:45 a.m. to be the 26th person in line, stripped down because she knew of the brand’s previous parties.



“It’s an event I personally got really excited about,” said Goglia. “They did a similar event two years ago when the (San Francisco) store opened. I missed out and regretted it, so I jumped on the chance to be a part of it this time.”

- “For fans, it was just the kind of party that characterizes the Desigual brand—fun, extravagant, and colorful.”

Desigual had an Undie Party at the San Francisco store back in 2012. With the biggest holiday shopping day looming, this Tuesday event was launching its Black Friday sales. For fans, it was just the kind of party that characterizes the Desigual brand—fun, extravagant, and colorful. Strangers, unified by a confident embrace of their exposed bodies, enjoyed laughter, dancing and the occasional confetti shower, while waiting for the prize of high-end merchandise.

“It’s been really fun standing in line and bonding with people,” Goglia said. “I’m happy because the store is pretty pricey, so it gives me a chance to have some of the more higher-end items like the coats and the dresses.”

And with the event, customers did have an opportunity to bank on popular fashion items. On Desigual’s website, women’s dresses, like the [Perla](#), run as high as \$209. Coats for men and women require thicker wallets too, with prices ranging from \$99 to \$399. For Desigual, a few racks of clothing is a small price to pay for increased awareness, engagement with customers, and reinforcing the brand mission.



## Less Money, More Attention

Although this underwear party may be too risqué for a textbook, the event provides a perfect example of guerrilla marketing, in which a firm employs a creative, locally driven campaign to garner attention around a brand and its products. And for a company the size of Desigual, giving away 100 outfits is a low-cost promotion with a high payout in terms of the attention that comes from a large group of scantily-clad people assembling in a public place.

"It's not often you see a bunch of naked people standing around San Francisco without just cause," said Alexander Perez-Rivera, a participant at the event. Perez-Rivera had been walking down San Francisco's Powell Street when he saw the crowd of Desigual fans and decided to strip down and join them as the 80th customer in line.

Just as passing walkers took notice, so did the media. Local newspapers highlighted the event and a television news station sent a correspondent to cover the party. The brand awareness Desigual garnered in San Francisco that day is no exception either. Since 2010, the fashion company has executed more than 60 of these underwear parties at its stores across Europe, Asia, and the United States.

## Less Barriers, More Connection

Desigual, like many companies across various industries, looks for clever ways to increase brand awareness. However, Sandra Hors, the U.S. marketing manager for Desigual, says the fashion company's Undie Parties are a truly unique experience intended to engage shoppers.

"I don't see a lot of brands doing this kind of event," Hors says. "For me,

sometimes a (company) just wants to get their brand name out. We aren't just worried about this; we really want to do something to connect with the customer. We want to shorten the distance between the brand and the customer."

The party does just that. Right alongside the one hundred morning parties were Desigual's employees, also showing their skin. Apart from the red, branded underwear, these employees were indistinguishable from the customers. These employees—a full embodiment of the brand—we're having fun and truly happy to be...working? No partying.

And for customers, there's no hangover from spending too much or receiving lousy sales service, just a vibrant outfit they'll proudly wear as a badge of honor for being a part of the coolest shopping experience ever. From Hors' perspective, this is the experience Desigual hopes customers take away from the event.

- "Desigual always wants to have the best brand motto—"la vida es chula," which means "life is cool,"" Hors says. "We think these kinds of events encourage this message."

"Desigual always wants to have the best brand motto—"la vida es chula," which means "life is cool,"" Hors says. "We think these kinds of events encourage this message."

## Less Typical, More Growth

These guerrilla marketing techniques not only have a high return in the minds of consumers, but go further than expensive ads in fashion magazines or extravagant billboards for reinforcing Desigual's longstanding brand image. When the company started in 1984, its first slogan touted "Desigual is not the same" to position itself as different from other fashion brands. With a name that translates to "atypical" from Spanish, Desigual simply can't rely on a marketing strategy centered around traditional advertising.

In addition to the underwear parties, Desigual has used other unconventional campaigns to generate buzz around its brand. Previous events include sponsored "color runs" in which participants are doused with vibrant shades of powder during jogging races. In 2010, it also sponsored a "kiss tour," which included stops for a snogging party in London and a Frenching soirée in Paris. All these events are centered around fun, unforgettable experiences that fuel

brand loyalty and remind people “life is cool.”



This motto has been broad enough to encompass the brand’s growth within the fashion industry and beyond. Over the years Desigual has launched a clothing line inspired by Cirque du Soleil, baby merchandise, and accessories ranging from handbags to scarves and shoes. More recently, the company has launched a home decor line that includes bed sheets, pillows, and towels. All products consistently feature the signature bold use of color and patterns that have come to define the brand. Additionally, Desigual recently launched a trio of fragrances, each with names that speak directly to the brand’s elements: Sex, Fun, and Love.

The overall “atypical” strategy of positioning and growth has worked with flying colors for the brand and its founder Thomas Meyer. Meyer, who founded the company at the age of 20, has an [estimated worth](#) of \$1.7 billion. Over the last 30 years the company has stretched its presence into over 100 countries. In addition to 450 Desigual stores, the brand’s clothes hang on sales racks in 2,500 department stores, and online purchases account for 10 percent of its revenues.

Desigual's growth shows no sign of stopping either. Its sales during the first half of this year were up 23 percent from the same period in 2013 and the brand hopes to reach a new benchmark of 1 billion euros (\$1.25 billion) in sales for the year. Manel Jadraque, Desigual's managing director, also stresses major growth plans for the brand.

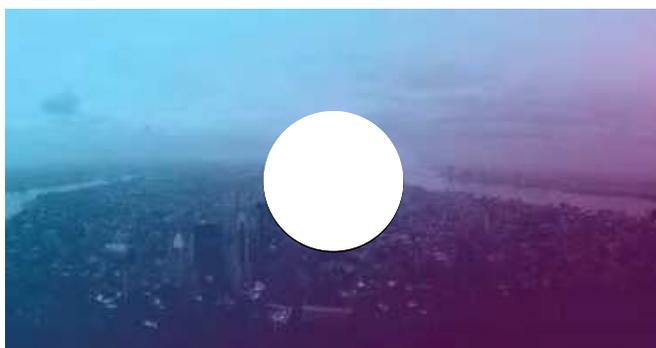
"In the next three years we plan to grow about 20-25 percent a year," said Jadraque, during Berlin's fashion week earlier this year. "The big idea is to double the company every four years."

With an aggressive growth strategy, Desigual could threaten the market share of other brands like [Zara](#), part of Spain's biggest clothing retailer, [Inditex](#). By building a lifestyle brand centered around fun, love, and optimism, Desigual challenges the fashion industry and blazes a new trail with its marketing strategy. While many companies have brand stories, Desigual throws one giant brand party and we're all invited.

[#Desigual](#) [#fashion](#) [#guerrilla marketing](#) [#Undie Party](#)



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## About the author

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### Christina Maness

Christina is an editor at Strategist Magazine. She enjoys profiling startup companies and exploring the intersections between women and marketing.

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# Desigual shares the love, flash mob-style

Posted November 9, 2010 by [Ana Terzi](#)



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Desigual is urging its fans to share the love. "Happy Hunters," a new marketing initiative from the Spanish clothing brand, calls itself a web-based flash mob, and adapts the tactics of a flash mob event to the blogosphere. The Happy Hunters – Desigual fans who sign up and participate – are eligible to receive Desigual clothes as a reward for leaving positive comments on selected blog posts.

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leaving positive comments on selected blog posts.

Who's selecting? Desigual, natch. But it's still a cool campaign with a three-way tie for win (the bloggers get more comments and eyeballs, Desigual gets mob marketing cred, and the Happy Hunters stand to add some sweet rags to their closets.

Here's how it works: You simply sign-up on the "Happy Hunters" link on the brand's website and choose one of the stylish items from the Desigual line as your desired reward. Meanwhile Desigual chooses posts from a carefully selected number of popular blogs, then in effect assigns a particular post to you, the Happy Hunter. You get an alert, and Desigual directs you to a particular blog where you will post your enthusiastic comments and rave about the brand — note that these sites are strategically selected across the web and are not Desigual's own blogs.[more]

Once Happy Hunter members post their positive comments on the blog selected, they wait for to see if they made it to the first 100 cut. Brand enthusiasts amongst the 100 lucky ones get a reply from the blogger and win the clothing item they picked. All Happy Hunters also get a discount of 20 percent at Desigual.com, making the whole effort a total win-win deal not only for the fast and persistent but all participants.

Happy Hunters will help expand brand awareness by reaching out to other bloggers alike Desigual fans. As an act of kindness, the initiative is quite attractive and the model has great potential spread out to other brands: telling someone you love what you love for a much wanted piece of clothing you know you will love – "free?"

It's a pretty smart – and beautifully packaged – campaign to expand

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It's a pretty smart – and beautifully packaged – campaign to expand brand awareness. It lures the Happy Hunter with a brand voice that evokes sharing the love and spreading warmth and kindness across the Internet. And it's rendered in Desigual's distinctive visual style – warm and groovy, yet stylish and on point. Instead of using the usual "buddy list" social media strategy of Facebook and Twitter, Desigual went for the "Blue Ocean Strategy" — and with the first "flash mob" initiative completed and another one underway, the results are certifiably groovy.



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November 10, 2015

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## Desigual Undie Party: Free Clothes To The First 100 Guests

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They pulled it off in Barcelona and [New York](#), and now those daring Europeans are bringing the "Desigual Undie Party" to the Third Street Promenade (check out footage from the previous parties above).

Desigual, a Spain-based clothing company, will provide a free outfit to the first 100 people in line -- but you've got to be brave enough to show up in your underwear, and nothing else!

The lucky (and freezing) winners will be allowed to pick one top and one bottom, which Desigual says could reach up to \$1000 in value, according to [Marpop](#).

Everyone *after* the first 100 guests will receive a 50% discount on same-day purchases -- provided they're still in their skivvies, of course.

**What:** Desigual Undie Party

**When:** Tuesday, August 30 · 7:00am - 12:00pm

**Where:** Desigual Store Santa Monica  
1457 3rd Street Promenade (at Broadway)  
Los Angeles, CA

**Desigual:** [Facebook](#) and [Twitter](#).

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# Holiday Cheer or Clever Marketing? REI Not So Suddenly Opts Out of Black Friday.



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ENTREPRENEUR STAFF

Senior Writer. Frequently covers cryptocurrency, future tech, social media, startups, gadgets and apps.

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**KATE TAYLOR**  
ENTREPRENEUR STAFF  
Reporter



NOVEMBER 19, 2014

It sounds like a turkey coma-induced nightmare: showing up for Black Friday sales only to realize you aren't wearing any clothing. However, at apparel store Desigual, this isn't a dream – it's a unique way to kick off the holiday shopping season.

On Nov. 25, Desigual wants shoppers to arrive at the San Francisco store wearing nothing but their underwear. The first 100 customers to do so will leave fully clothed in a free outfit.

"It is all about creating a different experience at the store by giving people a chance to get our colorful and surprising collections while having fun!" a Desigual spokesperson says. "Our clothes are an invitation to life, and we look to inspire all people to express something different while wearing our outfits."

**Related: [To Compete With Big-Name Brands, Here's How to Market Your Black Friday Sale Online](#)**

This is hardly the first time Desigual has tried this sort of thing. The Barcelona-based company offers the same deal during its "Semi-Naked Parties" in January to kick off its winter sales. The parties have been held in stores across the world since the brand launched in 2005.

Doors open at 9 a.m. for the Black Friday deal, but if you want to be in



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Parties" in January to kick off its winter sales. The parties have been held in stores across the world since the brand launched in 2005.

Doors open at 9 a.m. for the Black Friday deal, but if you want to be in the first 100, you're advised to show up even earlier. Fortunately for weight-conscious shoppers, Desigual has decided to kick off Black Friday sales on Tuesday, so you don't have to worry about fitting into your underwear the day after gorging on pumpkin pie.

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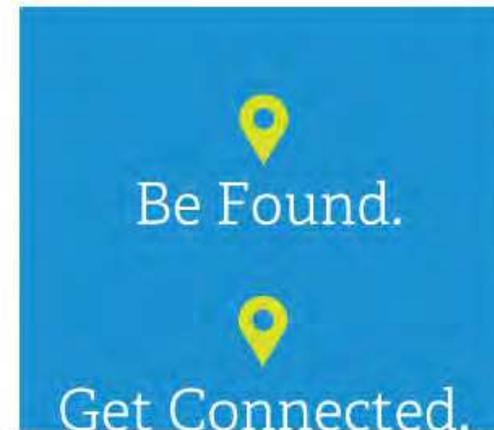
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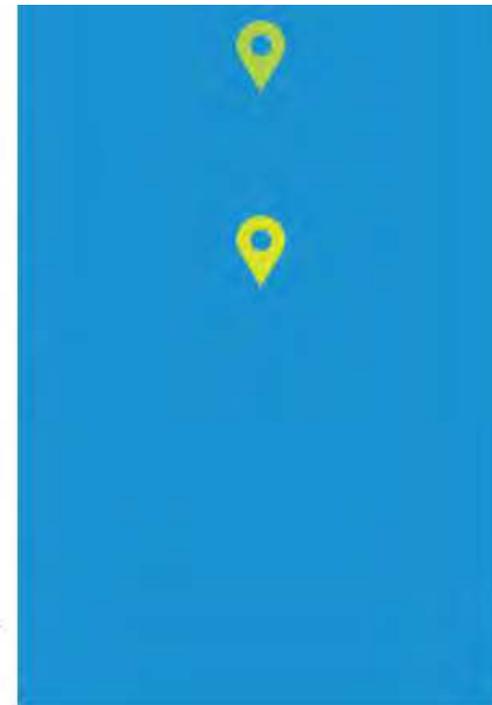


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Senior Writer. Frequently covers cryptocurrency, future tech, social media, startups, gadgets and apps.



OCTOBER 27, 2015

*This post was updated with comments from REI on Oct. 27, 2015, at 4:46 p.m. ET.*

Painfully early mornings. Obnoxiously long lines. Crazy customers. Pushing. Shoving. Screaming. People are getting fed up with Black Friday bedlam. REI, the world's largest specialty outdoor retailer, has also had enough.

In a show of sensitivity [carefully plotted nine month ago](#), the \$2.2 billion Seattle-based sporting goods co-op is officially opting out of the shopping madness the day after Thanksgiving this year. In a touching email dispatched to its 5.5 million co-op members yesterday, the

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 63

2



**KIM LACHANCE SHANDROW**

ENTREPRENEUR STAFF

Senior Writer. Frequently covers cryptocurrency, future tech, social media, startups, gadgets and apps.



OCTOBER 27, 2015

*This post was updated with comments from REI on Oct. 27, 2015, at 4:46 p.m. ET.*

Painfully early mornings. Obnoxiously long lines. Crazy customers. Pushing. Shoving. Screaming. People are getting fed up with Black Friday bedlam. REI, the world's largest specialty outdoor retailer, has also had enough.

In a show of sensitivity [carefully plotted nine month ago](#), the \$2.2 billion Seattle-based sporting goods co-op is officially opting out of the shopping madness the day after Thanksgiving this year. In a touching email dispatched to its 5.5 million co-op members yesterday, the



**TODAY'S MOST READ**

- 1 The 10 Longest Nonstop Flights in the World
- 2 Why Mark Zuckerberg Just Gave This High School Student \$400,000
- 3 The Essential Guide to Writing a

# **EXHIBIT F**

**EXHIBIT G**

<b>Trademark</b>	<b>Goods and Services</b>	<b>Owner</b>	<b>Status</b>
<p>MODIS CASUAL</p>	<p><b>Int. Cl. 25</b> babies' pants; gloves as clothing; hats; knit bottoms; knit dresses; knit jackets; knit shirts; knit skirts; knit tops; knitted underwear; leotards; leotards and tights for women, men and children of nylon, cotton or other textile fibers; neckties; polo knit tops; shoes; shorts; skirts and dresses; stockings; vests; waterproof jackets and pants</p>	<p>SHAOXING NEWIDEA GARMENT CO., LTD. (CHINA)</p>	<p>Registered <b>Reg</b> 4730153 <b>Reg</b> 05-MAY-2015</p>
<p>COMMONRITUAL</p> 	<p><b>Int. Cl. 9</b> eyewear; sun visors being eyewear, namely, sunglasses; application software for mobile phones for providing access to the internet, encryption</p> <p><b>Int. Cl. 18</b> leather and imitations of leather; leather and imitations of leather goods, namely, leather briefcases, leather purses, leather key cases, leather bags, leather wallets, leather cases, leather shopping bags, leather shoulder bags, imitations of leather bags; luggage bags, namely, suitcases, carry-on bags, toiletry bags sold empty; leather wallets</p> <p><b>Int. Cl. 20</b> furniture</p> <p><b>Int. Cl. 25</b> men's clothing, namely, pants, shorts, swimwear, t-shirts, sweatshirts, sweaters, shirts, jackets, suits, ties, tops, coats; women's clothing, namely, pants, shorts, swimwear, dresses, skirts, shirts, jackets, blouses, tops, coats, suits; leather belts; neck scarves; scarves; men's shoes</p> <p><b>Int. Cl. 35</b> advertising; retail store services featuring eyewear, clothing, footwear, leather and imitations of leather bags, furniture</p>	<p>COMMON RITUAL LIMITED (NEW ZEALAND)</p>	<p>Registered <b>Reg</b> 4639143 <b>Reg</b> 18-NOV-2014</p>
<p>KOSHER CASUAL</p>	<p><b>Int. Cl. 25</b> skirts, namely, athletic skirts, long skirts, denim skirts, pencil skirts, swim skirts, and school skirts; bicycle shorts; shirts, namely, shirts for swimming, tee shirts, tunics, and shell tops; shirt extensions; sleeve extensions worn separately with other tops; women's vests; leggings; bandanas</p>	<p>DEALS ON WHEELS LTD.DBA KOSHER CASUAL (ISRAEL)</p>	<p>Registered <b>Reg</b> 4730112 <b>Reg</b> 05-MAY-2015</p>
<p>V VUE SUR MER UPPER CASUAL</p>  <p><i>Translation: V VIEW THE OCEAN UPPER CASUAL</i></p>	<p><b>Int. Cl. 25</b> clothing, namely, tops, bottoms, beachwear, and leather belts; casual wear, namely, tops, bottoms, headwear, footwear, sleepwear; sportswear, namely, footwear, sport shirts, sport stockings, sports bras, sports caps and hats, sports jackets, sports jerseys, sports pants, sports vests; outerwear, namely, jackets, tops, bottoms, footwear, shirts, scarves</p>	<p>WESTECH INVESTMENT IMITED HONG KONG (HONG KONG)</p>	<p>Registered <b>Reg</b> 4736210 <b>Reg</b> 12-MAY-2015</p>

**EXHIBIT G**

<b>Trademark</b>	<b>Goods and Services</b>	<b>Owner</b>	<b>Status</b>
SUPER-CALI-CASUAL	<b>Int. Cl. 16</b> postcards <b>Int. Cl. 21</b> mugs <b>Int. Cl. 25</b> hats; t-shirts	LIESTENFELTZ, DEEDEE UNITED STATES INDIVIDUAL	Registered <b>Reg</b> 4769399 <b>Reg</b> 07-JUL-2015
WITHOUT EQUAL	<b>Int. Cl. 25</b> shirts <b>Int. Cl. 28</b> athletic protective chest, elbow, knee, leg, shoulder, kick, shin, target, riser and ball knee pads for playing and performing football, baseball, hockey, lacrosse, karate, snowboarding, skateboarding, horseback riding and skiing; protective padding for playing football, baseball, hockey, lacrosse, karate, snowboarding, skateboarding, horseback riding, skiing	INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)	Registered <b>Reg</b> 4606962 <b>Reg</b> 16-SEP-2014
V/SUAL	<b>Int. Cl. 25</b> beanies; hats; sweatshirts; t-shirts	MYSTIQUE DESIGNS (NEVADA LIMITED LIABILITY CO.)	Registered <b>Reg</b> 4430048 <b>Reg</b> 05-NOV-2013
SATURDAY RITUAL	<b>Int. Cl. 25</b> clothing, namely, shirts, t-shirts, and hooded sweatshirts all of the foregoing relating to educational institutions and their athletic programs <b>Int. Cl. 35</b> promoting the goods and services of educational institutions and their athletic programs	COLLEGIATE LICENSING COMPANY, LLC (GEORGIA LIMITED LIABILITY CO.)	Registered <b>Reg</b> 4641636 <b>Reg</b> 18-NOV-2014
ALL LOVE IS EQUAL	<b>Int. Cl. 25</b> apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; hooded sweat shirts; night shirts; polo shirts; shirts; sweat shirts; wearable garments and clothing, namely, shirts	MARILYN BARRETT (UNITED STATES INDIVIDUAL)	Registered <b>Reg</b> 4318502 <b>Reg</b> 09-APR-2013
SKECHERS GO CASUAL	<b>Int. Cl. 25</b> apparel, namely, tops, tank tops, shirts, t-shirts, polo shirts, sweat shirts, sports jerseys, sweaters, mock neck tops, jackets, coats, overcoats, hooded sweatshirts, pullovers, jumpers, dresses, skirts, beachwear, swimsuits, underwear, compression garments for athletic use, namely, shirts, tanks, pullovers jackets, shorts and pants; bottoms, trousers, pants, sweat pants, shorts, skirts, skorts, pants, tights, leggings, capris, cycling shorts, cycling capris, cycling leggings; wind resistant jackets, rain jackets, rain coats, rain trousers, rain hats, shell jackets, shell pants, track jackets, fleece jackets, fleece pants, warm up outfits; scarves, gloves, earmuffs, camisoles, beachwear, swimsuits, beach cover-ups; headwear, namely, hats, caps, beanies, visors, headbands, ties, socks, slipper socks, belts, wristbands; lingerie, sports bras, panties	SKECHERS U.S.A., INC. II (DELAWARE CORPORATION)	Published (Pending) Intent to Use <b>App</b> 85527046 <b>App</b> 27-JAN-2012

**EXHIBIT G**

<b>Trademark</b>	<b>Goods and Services</b>	<b>Owner</b>	<b>Status</b>
SOUL SEXUAL 	<b>Int. Cl. 25</b> t-shirts	AGAO, JENNIFER (UNITED STATES INDIVIDUAL)	Registered <b>Reg</b> 4251242 <b>Reg</b> 27-NOV-2012
NEW YORK CASUAL	<b>Int. Cl. 25</b> clothing, namely, shirts, hats, pants, robes, shorts, jackets, skirts, dresses, sweaters, sweatshirts	NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY CO.)	Registered <b>Reg</b> 4093576 <b>Reg</b> 31-JAN-2012
NYCASUAL 	<b>Int. Cl. 25</b> clothing, namely, shirts, hats, pants, robes, shorts, jackets, skirts, dresses, sweaters, sweatshirts	NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY CO.)	Registered <b>Reg</b> 4095869 <b>Reg</b> 07-FEB-2012
NY CASUAL	<b>Int. Cl. 25</b> clothing, namely, shirts, hats, pants, robes, shorts, jackets, skirts, dresses, sweaters, sweatshirts	NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY CO.)	Registered <b>Reg</b> 4095867 <b>Reg</b> 07-FEB-2012
UNEQUAL	<b>Int. Cl. 25</b> briefs; socks	INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)	Registered <b>Reg</b> 4162517 <b>Reg</b> 19-JUN-2012
ECO SENSUAL	<b>Int. Cl. 25</b> bathrobes; bras; camisoles; headbands; hosiery; jumpsuits; lounge pants; loungewear; night gowns; night shirts; panties, shorts and briefs; pants; rompers; scarves; shirts; sleep pants; sleepwear; slippers; slippers; sweat pants; t-shirts; tank tops; tops	AZIAM, INC. (CALIFORNIA CORPORATION)	Registered <b>Reg</b> 3931155 <b>Reg</b> 15-MAR-2011
COZY CASUAL 	<b>Int. Cl. 25</b> clothing, namely, t-shirts, tops, shorts, skirts, sweaters, sweat-shirts, sweat-pants, dresses, jackets, pants, jeans, denims, and coats; hats	WOO, SANG K. (KOREA, REPUBLIC OF INDIVIDUAL)	Registered <b>Reg</b> 3856638 <b>Reg</b> 05-OCT-2010
SIDUAL	<b>Int. Cl. 25</b> pullovers, crew sweatshirts, t-shirts, hooded sweatshirts, sweatshirts, crew shirts, shirts	STEPHANE ROYER DBA SIDUAL (CANADA INDIVIDUAL)	Registered <b>Reg</b> 3986499 <b>Reg</b> 28-JUN-2011
COZY S&S CASUAL	<b>Int. Cl. 25</b> clothing, namely, t-shirts, tops, shorts, skirts, sweaters, sweat-shirts, sweat-pants, dresses, jackets, pants, jeans, denims, and coats; hats	WOO, SANG K. (KOREA, REPUBLIC OF INDIVIDUAL)	Registered <b>Reg</b> 3700993 <b>Reg</b> 27-OCT-2009

## EXHIBIT G

Trademark	Goods and Services	Owner	Status
<p>AQUADUAL</p> 	<p><b>Int. Cl. 25</b> swimwear</p>	<p>HERSH, STEPHANIE (UNITED STATES INDIVIDUAL)</p>	<p>Registered <b>Reg</b> 3648696 <b>Reg</b> 30-JUN-2009</p>
<p>MB CASUAL</p>	<p><b>Int. Cl. 25</b> blouses; sweaters; shirts; t-shirts; pants; skirts</p>	<p>SUPREME APPAREL INC. (NEW YORK CORPORATION)</p>	<p>Registered <b>Reg</b> 3597529 <b>Reg</b> 31-MAR-2009</p>
<p>ELECTRIC VISUAL</p>	<p><b>Int. Cl. 9</b> optics, namely, sunglasses, ski goggles, snow goggles and cases therefor <b>Int. Cl. 25</b> clothing, namely, t-shirts, shirts, sweatshirts, jackets, hats and socks</p>	<p>ELECTRIC VISUAL EVOLUTION, LLC (CALIFORNIA LIMITED LIABILITY CO.)</p>	<p>Registered <b>Reg</b> 4132116 <b>Reg</b> 24-APR-2012</p>

## EXHIBIT G

Trademark	Goods and Services	Owner	Status
<p>PQ PRIMEQUAL</p> 	<p><b>Int. Cl. 3</b> [ general purpose cleaning, polishing, and abrasive liquids and powders excluding liquids and powders for laundry use; polishing preparations, scouring and abrasive preparations in the nature of abrasive paste, abrasive cloth, scouring liquids, scouring powders; dentifrices; perfumery, essential oils, cosmetics ]</p> <p><b>Int. Cl. 5</b> [ pharmaceutical and veterinary preparations for the treatment of skin pathology, cancer, muscular pains; pharmaceutical and veterinary preparations, namely, dietetic food adapted for medical use; sanitary preparations for medical purposes; materials for dressings, namely, medical plaster, medical dressings; material for stopping teeth and dental wax; disinfectants for sanitary and hygiene use and for medical instruments ]</p> <p><b>Int. Cl. 9</b> [ scientific, photographic, optical, weighing, measuring, checking, supervision, life-saving and teaching apparatus and instruments, namely, fire-extinguishing apparatus, electronic apparatus in the nature of stand alone displays for medical images; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; blank optical, digital video, digital versatile, and magnetic discs; data processing equipment and computers ]</p> <p><b>Int. Cl. 10</b> surgical and medical apparatus and instruments for use in general surgery, excluding orthotics; dental and veterinary apparatus and instruments for use in surgery; medical apparatus and instruments for diagnosing suspected heart attacks; dental apparatus and instruments, namely, apparatus for root canal cleaning, apparatus to inject liquid, gel or paste, dozers namely, dosing apparatus for administering local anesthetic; veterinary apparatus and instruments, namely, apparatus for root canal cleaning, apparatus to inject liquid, gel or paste</p> <p><b>Int. Cl. 14</b> [ precious metals and their alloys and goods made of or coated with these materials, namely, key chains of precious metal, precious metal trophies, jewelry boxes of precious metal; jewellery, precious stones; horological and chronometric instruments ]</p> <p><b>Int. Cl. 25</b> [ clothing, namely, shirts, pants, belts and dresses; footwear; headgear, namely, headwear ]</p> <p><b>Int. Cl. 35</b> [ advertising services; business management, excluding business management in the dental field; business administration in the dental field; business administration in the dental field; providing office functions ]</p> <p><b>Int. Cl. 36</b> [ insurance agency and brokerage;</p>	<p>PRIMEQUAL S.A. (SWITZERLAND SOCIÉTÉ ANONYME)</p>	<p>Registered <b>Reg</b> 3540462 <b>Reg</b> 02-DEC-2008</p>

**EXHIBIT G**

<b>Trademark</b>	<b>Goods and Services</b>	<b>Owner</b>	<b>Status</b>
UNEQUAL	<b>Int. Cl. 25</b> leather shoes; running shoes; shoes; ski and snowboard shoes and parts thereof; skiing shoes; soccer shoes; tennis shoes; volleyball shoes; women's shoes; work shoes and boots	INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)	Registered <b>Reg</b> 3267320 <b>Reg</b> 24-JUL-2007
UNEQUAL	<b>Int. Cl. 18</b> all purpose sport bags; bags and holdalls for sports clothing; sports bags <b>Int. Cl. 25</b> cleats for attachment to sports shoes; footwear not for sports; sport coats; sport shirts; sports bra; sports jackets; sports jerseys; sports jerseys and breeches for sports; sports overuniforms; sports shirts with short sleeves	INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)	Registered <b>Reg</b> 3647989 <b>Reg</b> 30-JUN-2009
INDIVIDUAL	<b>Int. Cl. 25</b> sports clothing, specifically, hats, caps, visors, shirts, t-shirts, tank shirts, polo shirts, crew shirts, sport shirts, sport tops, pullovers, sweaters, sweatshirts, singlets, skirts, tennis dresses, shorts, pants jackets, vests, all-weather suits, footwear, socks, gloves, and component parts of the foregoing	NEW BALANCE ATHLETICS, INC. (MASSACHUSETTS CORPORATION)	Registered <b>Reg</b> 3623362 <b>Reg</b> 19-MAY-2009
MANNUAL	<b>Int. Cl. 25</b> clothing, namely cotton, poly and nylon pants, shirts, ski and snowboard jackets, vests and pants, fleece wear, namely hooded sweatshirts, t-shirts, and sweatpants, accessories, namely knit hats, headwear, and belts, footwear, namely casual, sport, skateboard shoes and ski and snowboard boots	WESTLIFE EXPRESS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)	Registered <b>Reg</b> 3066728 <b>Reg</b> 07-MAR-2006
BEYOND CASUAL	<b>Int. Cl. 25</b> clothing, namely, t-shirts	BAILEY, AMY (UNITED STATES INDIVIDUAL)	Renewed (Registered) <b>Reg</b> 2069947 <b>Reg</b> 10-JUN-1997
BEYOND CASUAL	<b>Int. Cl. 25</b> clothing, namely, sweatshirts, tank top shirts, caps, shorts, [ socks, underwear, belts ] and hats	BAILEY, AMY (UNITED STATES INDIVIDUAL)	Renewed (Registered) <b>Reg</b> 2336416 <b>Reg</b> 28-MAR-2000
SEXUAL <b>sexūal</b>	<b>Int. Cl. 3</b> [cosmetics; namely, lipstick, rouge, eye-shadow, blush, face powder, foundation cream, eye liner, mascara, lip liner, nail polish, skin protectorant,] perfumes, colognes, eau de toilet, perfume oil, body spray, perfume spray, [facial soap, body soap,] shampoo [conditioner, hair gel, mousse] and deodorant <b>Int. Cl. 16</b> printed publications; namely, posters <b>Int. Cl. 25</b> clothing; namely, t-shirts[, dresses, jeans, jackets, pants, shorts, socks, tank tops, blouses, scarfs, suits, skirts, underwear, bras, teddy, guarder belts, slips, nylons, camisole]	BAILEY, STEVEN M. (CANADA INDIVIDUAL)	Renewed (Registered) <b>Reg</b> 1804019 <b>Reg</b> 16-NOV-1993

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Mark: MODIS CASUAL

MODIS CASUAL

US Serial Number: 86209919  
Application Filing Date: Mar. 04, 2014  
US Registration Number: 4730153  
Registration Date: May 05, 2015  
Filed as TEAS Plus: Yes  
Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: May 05, 2015  
Publication Date: Feb. 17, 2015

## Mark Information

Mark Literal Elements: MODIS CASUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK  
Disclaimer: "CASUAL"  
Translation: The wording "MODIS" has no meaning in a foreign language.

## Goods and Services

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

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

For: Babies' pants; Gloves as clothing; Hats; Knit bottoms; Knit dresses; Knit jackets; Knit shirts; Knit skirts; Knit tops; Knitted underwear; Leotards; Leotards and tights for women, men and children of nylon, cotton or other textile fibers; Neckties; Polo knit tops; Shoes; Shorts; Skirts and dresses; Stockings; Vests; Waterproof jackets and pants

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 21, 2013

Use in Commerce: Jul. 15, 2013

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: SHAOXING NEWIDEA GARMENT CO., LTD.  
Owner Address: 15F, Financial Center Bldg.,  
56 Meilonghu Road, Yue Cheng Dis.  
Shaoxing, Zhejiang  
CHINA  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: CHINA

## Attorney/Correspondence Information

### Attorney of Record

Docket Number: VM56102

**Correspondent**

**Correspondent Name/Address:** ZHANG XIAOJUN  
CONVENTION PLAZA  
3011, 30/F, OFFICE TOWER  
1 HARBOUR ROAD  
HONG KONG

**Correspondent e-mail:** [efg.chkip@gmail.com](mailto:efg.chkip@gmail.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
May 05, 2015	REGISTERED-PRINCIPAL REGISTER	
Feb. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 17, 2015	PUBLISHED FOR OPPOSITION	
Jan. 28, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 15, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jan. 12, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	73296
Dec. 11, 2014	ASSIGNED TO LIE	73296
Dec. 04, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 16, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 16, 2014	NON-FINAL ACTION WRITTEN	76720
Jun. 09, 2014	ASSIGNED TO EXAMINER	76720
Mar. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 05, 2015

# United States of America

United States Patent and Trademark Office

## MODIS CASUAL

**Reg. No. 4,730,153**

**Registered May 5, 2015**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

SHAOXING NEWIDEA GARMENT CO., LTD. (CHINA LIMITED LIABILITY COMPANY)  
15F, FINANCIAL CENTER BLDG.,  
56 MEILONGHU ROAD, YUE CHENG DIS.  
SHAOXING, ZHEJIANG, CHINA

FOR: BABIES' PANTS; GLOVES AS CLOTHING; HATS; KNIT BOTTOMS; KNIT DRESSES;  
KNIT JACKETS; KNIT SHIRTS; KNIT SKIRTS; KNIT TOPS; KNITTED UNDERWEAR;  
LEOTARDS; LEOTARDS AND TIGHTS FOR WOMEN, MEN AND CHILDREN OF NYLON,  
COTTON OR OTHER TEXTILE FIBERS; NECKTIES; POLO KNIT TOPS; SHOES; SHORTS;  
SKIRTS AND DRESSES; STOCKINGS; VESTS; WATERPROOF JACKETS AND PANTS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-21-2013; IN COMMERCE 7-15-2013.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CASUAL", APART FROM THE MARK AS SHOWN.

THE WORDING "MODIS" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 86-209,919, FILED 3-4-2014.

GIANCARLO CASTRO, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

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Mark: COMMONRITUAL

COMMONRITUAL

**US Serial Number:** 79147335  
**US Registration Number:** 4639143  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Nov. 18, 2014  
**Publication Date:** Sep. 02, 2014

**Application Filing Date:** Feb. 28, 2014  
**Registration Date:** Nov. 18, 2014

## Mark Information

**Mark Literal Elements:** COMMONRITUAL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of the stylized wording "COMMONRITUAL" on a black shaded rectangle.  
**Color(s) Claimed:** Color is not claimed as a feature of the mark.  
**Design Search Code(s):** 26.11.21 - Rectangles that are completely or partially shaded

## Related Properties Information

**International Registration Number:** 1204009  
**International Registration Date:** Feb. 28, 2014

## Goods and Services

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

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

**For:** Eyewear; sun visors being eyewear, namely, sunglasses; application software for mobile phones for providing access to the internet, encryption

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Leather and imitations of leather; leather and imitations of leather goods, namely, leather briefcases, leather purses, leather key cases, leather bags, leather wallets, leather cases, leather shopping bags, leather shoulder bags, imitations of leather bags; Luggage Bags, namely, suitcases, carry-on bags, toiletry bags sold empty; Leather Wallets

**International Class(es):** 018 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Furniture

**International Class(es):** 020 - Primary Class

**U.S Class(es):** 002, 013, 022, 025, 032, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Men's Clothing, namely, pants, shorts, swimwear, t-shirts, sweatshirts, sweaters, shirts, jackets, suits, ties, tops, coats; Women's Clothing, namely, pants, shorts, swimwear, dresses, skirts, shirts, jackets, blouses, tops, coats, suits; Leather belts; Neck scarves; Scarves; Men's shoes

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 66(a)

For: Advertising; retail store services featuring eyewear, clothing, footwear, leather and imitations of leather bags, furniture

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

## Basis Information (Case Level)

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

## Current Owner(s) Information

**Owner Name:** COMMON RITUAL LIMITED

**Owner Address:** 6A/14 Emily Place  
The Britomart, Auckland Central  
Auckland 1010  
NEW ZEALAND

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** NEW ZEALAND

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

**Correspondent Name/Address:** COMMON RITUAL LIMITED  
COMMON RITUAL LIMITED  
6A/14 Emily Place,  
The Britomart,  
Auckland 1010  
NEW ZEALAND

**Phone:** +64 21 2011071

**Correspondent e-mail:** [ita1@mac.com](mailto:ita1@mac.com) [studio@commonritual.com](mailto:studio@commonritual.com)

**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 08, 2015	FINAL DECISION TRANSACTION PROCESSED BY IB	
Apr. 17, 2015	FINAL DISPOSITION NOTICE SENT TO IB	
Apr. 17, 2015	FINAL DISPOSITION PROCESSED	76826
Feb. 18, 2015	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Nov. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 02, 2014	PUBLISHED FOR OPPOSITION	
Aug. 13, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 29, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jul. 28, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2014	EXAMINER'S AMENDMENT ENTERED	70633
Jul. 26, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 26, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 26, 2014	EXAMINERS AMENDMENT -WRITTEN	78432
Jul. 24, 2014	EXAMINER'S AMENDMENT ENTERED	70633
Jul. 24, 2014	ASSIGNED TO LIE	70633
Jul. 24, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328

Jul. 24, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 24, 2014	EXAMINERS AMENDMENT -WRITTEN	78432
Jul. 22, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 22, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 22, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 22, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2014	REFUSAL PROCESSED BY IB	
Jun. 11, 2014	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 10, 2014	REFUSAL PROCESSED BY MPU	68359
Jun. 09, 2014	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 08, 2014	NON-FINAL ACTION WRITTEN	78432
Jun. 06, 2014	ASSIGNED TO EXAMINER	78432
Jun. 03, 2014	APPLICATION FILING RECEIPT MAILED	
May 30, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 29, 2014	SN ASSIGNED FOR SECT 66A APPL FROM IB	

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### International Registration Information (Section 66a)

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<b>International Registration Number:</b> 1204009	<b>International Registration Date:</b> Feb. 28, 2014
<b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b> May 29, 2014
<b>Notification of Designation Date:</b> May 29, 2014	<b>Date of Automatic Protection:</b> Nov. 29, 2015
<b>International Registration Renewal Date:</b> Feb. 28, 2024	
<b>First Refusal Flag:</b> Yes	

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### TM Staff and Location Information

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**TM Staff Information - None**  
**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Nov. 18, 2014

# United States of America

United States Patent and Trademark Office

COMMONRITUAL

**Reg. No. 4,639,143**

**Registered Nov. 18, 2014**

**Int. Cls.: 9, 18, 20, 25  
and 35**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

COMMON RITUAL LIMITED (NEW ZEALAND LIMITED LIABILITY COMPANY)  
6A/14 EMILY PLACE  
THE BRITOMART; AUCKLAND CENTRAL; AUCKLAND 1010  
NEW ZEALAND

FOR: EYEWEAR; SUN VISORS BEING EYEWEAR, NAMELY, SUNGLASSES; APPLICATION SOFTWARE FOR MOBILE PHONES FOR PROVIDING ACCESS TO THE INTERNET, ENCRYPTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: LEATHER AND IMITATIONS OF LEATHER; LEATHER AND IMITATIONS OF LEATHER GOODS, NAMELY, LEATHER BRIEFCASES, LEATHER PURSES, LEATHER KEY CASES, LEATHER BAGS, LEATHER WALLETS, LEATHER CASES, LEATHER SHOPPING BAGS, LEATHER SHOULDER BAGS, IMITATIONS OF LEATHER BAGS; LUGGAGE BAGS, NAMELY, SUITCASES, CARRY-ON BAGS, TOILETRY BAGS SOLD EMPTY; LEATHER WALLETS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

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

FOR: MEN'S CLOTHING, NAMELY, PANTS, SHORTS, SWIMWEAR, T-SHIRTS, SWEAT-SHIRTS, SWEATERS, SHIRTS, JACKETS, SUITS, TIES, TOPS, COATS; WOMEN'S CLOTHING, NAMELY, PANTS, SHORTS, SWIMWEAR, DRESSES, SKIRTS, SHIRTS, JACKETS, BLOUSES, TOPS, COATS, SUITS; LEATHER BELTS; NECK SCARVES; SCARVES; MEN'S SHOES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: ADVERTISING; RETAIL STORE SERVICES FEATURING EYEWEAR, CLOTHING, FOOTWEAR, LEATHER AND IMITATIONS OF LEATHER BAGS, FURNITURE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

THE MARK CONSISTS OF THE STYLIZED WORDING "COMMONRITUAL" ON A BLACK SHADED RECTANGLE.

OWNER OF INTERNATIONAL REGISTRATION 1204009 DATED 2-28-2014, EXPIRES 2-28-2024.

SER. NO. 79-147,335, FILED 2-28-2014.

LEIGH LOWRY, EXAMINING ATTORNEY



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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



**Correspondent**

**Correspondent Name/Address:** ADV. ALAN BARTH (MASS. BBO #635060)  
RECHOV GAD 9/18  
BET SHEMESH 99545 ISRAEL 99545  
**Phone:** 972.54.750.8953

**Correspondent e-mail:** [Advabarth@bezeqint.net](mailto:Advabarth@bezeqint.net)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
May 05, 2015	REGISTERED-PRINCIPAL REGISTER	
Feb. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 17, 2015	PUBLISHED FOR OPPOSITION	
Jan. 28, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 14, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Jan. 14, 2015	ASSIGNED TO LIE	70468
Dec. 23, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 08, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 08, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 08, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 11, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2014	NON-FINAL ACTION WRITTEN	83704
May 30, 2014	ASSIGNED TO EXAMINER	83704
Mar. 06, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 25, 2014	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 05, 2015

# United States of America

United States Patent and Trademark Office

## KOSHER CASUAL

**Reg. No. 4,730,112**

**Registered May 5, 2015**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

DEALS ON WHEELS LTD. (ISRAEL CORPORATION), DBA KOSHER CASUAL  
NORTHERN INDUSTRIAL ZONE  
10 HA'UMAN STREET  
BET SHEMESH, ISRAEL 99000

FOR: SKIRTS, NAMELY, ATHLETIC SKIRTS, LONG SKIRTS, DENIM SKIRTS, PENCIL SKIRTS, SWIM SKIRTS, AND SCHOOL SKIRTS; BICYCLE SHORTS; SHIRTS, NAMELY, SHIRTS FOR SWIMMING, TEE SHIRTS, TUNICS, AND SHELL TOPS; SHIRT EXTENSIONS; SLEEVE EXTENSIONS WORN SEPARATELY WITH OTHER TOPS; WOMEN'S VESTS; LEGGINGS; BANDANAS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-2-2013; IN COMMERCE 1-2-2013.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CASUAL", APART FROM THE MARK AS SHOWN.

SER. NO. 86-199,794, FILED 2-21-2014.

LEE-ANNE BERNS, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

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Mark: V VUE SUR MER UPPER CASUAL



US Serial Number: 86147869

Application Filing Date: Dec. 19, 2013

US Registration Number: 4736210

Registration Date: May 12, 2015

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 12, 2015

Publication Date: Jul. 01, 2014

Notice of Allowance Date: Aug. 26, 2014

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## Mark Information

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Mark Literal Elements: V VUE SUR MER UPPER CASUAL

Standard Character Claim: No

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

Description of Mark: The mark consists of literal elements "V VUE SUR MER UPPER CASUAL" written in stylized form wherein a word "V" is placed in stylized form in center of concentric circle and the literal elements "VUE SUR MER UPPER CASUAL" is placed between two concentric circles.

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

Disclaimer: "UPPER CASUAL"

Translation: The English translation of "VUE SUR MER" in the mark is "SEA VIEW".

Design Search Code(s): 26.01.17 - Circles, two concentric; Two concentric circles; Concentric circles, two

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## Goods and Services

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

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

For: Clothing, namely, tops, bottoms, beachwear, and leather belts; Casual wear, namely, tops, bottoms, headwear, footwear, sleepwear; sportswear, namely, footwear, sport shirts, sport stockings, sports bras, sports caps and hats, sports jackets, sports jerseys, sports pants, sports vests; outerwear, namely, jackets, tops, bottoms, footwear, shirts, scarves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 25, 2015

Use in Commerce: Feb. 25, 2015

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

---

Owner Name: Westech Investment Limited

Owner Address: 13F/1 foo Hoo center 3-3A Austin Avenue

Kowloon  
HONG KONG

Legal Entity Type: limited company (Ltd.)

State or Country Where Organized: HONG KONG

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Raj Abhyanker  
Attorney Primary Email Address: [trademarks@legalforce.com](mailto:trademarks@legalforce.com)  
Docket Number: 78947  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: RAJ ABHYANKER  
RAJ ABHYANKER, P.C.  
1580 W EL CAMINO REAL STE 8  
MOUNTAIN VIEW, CALIFORNIA 94040-2462  
UNITED STATES  
Phone: 650 965-8731  
Fax: 650 989-2131  
Correspondent e-mail: [trademarks@legalforce.com](mailto:trademarks@legalforce.com)  
Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 12, 2015	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 09, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 08, 2015	STATEMENT OF USE PROCESSING COMPLETE	71034
Feb. 26, 2015	USE AMENDMENT FILED	71034
Apr. 01, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Feb. 26, 2015	TEAS STATEMENT OF USE RECEIVED	
Aug. 26, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 01, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 01, 2014	PUBLISHED FOR OPPOSITION	
Jun. 11, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 23, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
May 23, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 22, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	70633
May 22, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	70633
May 13, 2014	ASSIGNED TO LIE	70633
Apr. 29, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 26, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 26, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 26, 2014	NON-FINAL ACTION WRITTEN	59500
Mar. 26, 2014	ASSIGNED TO EXAMINER	59500
Jan. 07, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 06, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 23, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 09, 2015

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,736,210**

**Registered May 12, 2015**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

WESTECH INVESTMENT LIMITED (HONG KONG LIMITED COMPANY (LTD.))  
13F/1 FOO HOO CENTER 3-3A AUSTIN AVENUE  
KOWLOON, HONG KONG

FOR: CLOTHING, NAMELY, TOPS, BOTTOMS, BEACHWEAR, AND LEATHER BELTS; CASUAL WEAR, NAMELY, TOPS, BOTTOMS, HEADWEAR, FOOTWEAR, SLEEPWEAR; SPORTSWEAR, NAMELY, FOOTWEAR, SPORT SHIRTS, SPORT STOCKINGS, SPORTS BRAS, SPORTS CAPS AND HATS, SPORTS JACKETS, SPORTS JERSEYS, SPORTS PANTS, SPORTS VESTS; OUTERWEAR, NAMELY, JACKETS, TOPS, BOTTOMS, FOOTWEAR, SHIRTS, SCARVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-25-2015; IN COMMERCE 2-25-2015.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UPPER CASUAL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF LITERAL ELEMENTS "V VUE SUR MER UPPER CASUAL" WRITTEN IN STYLIZED FORM WHEREIN A WORD "V" IS PLACED IN STYLIZED FORM IN CENTER OF CONCENTRIC CIRCLE AND THE LITERAL ELEMENTS "VUE SUR MER UPPER CASUAL" IS PLACED BETWEEN TWO CONCENTRIC CIRCLES.

THE ENGLISH TRANSLATION OF "VUE SUR MER" IN THE MARK IS "SEA VIEW".

SN 86-147,869, FILED 12-19-2013.

ROBERT C. CLARK JR., EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

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Mark: SUPER-CALI-CASUAL

SUPER-CALI-CASUAL

**US Serial Number:** 86066690  
**Application Filing Date:** Sep. 17, 2013  
**US Registration Number:** 4769399  
**Registration Date:** Jul. 07, 2015  
**Filed as TEAS Plus:** Yes  
**Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Jul. 07, 2015  
**Publication Date:** Sep. 02, 2014  
**Notice of Allowance Date:** Oct. 28, 2014

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## Mark Information

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**Mark Literal Elements:** SUPER-CALI-CASUAL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Goods and Services

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

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

**For:** Postcards

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 16, 2015

**Use in Commerce:** Apr. 16, 2015

**For:** Mugs

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 16, 2015

**Use in Commerce:** Apr. 16, 2015

**For:** Hats; T-shirts

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 16, 2015

**Use in Commerce:** Apr. 16, 2015

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## Basis Information (Case Level)

---

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

---

## Current Owner(s) Information

---

**Owner Name:** Liestenfeltz, DeeDee

**Owner Address:** 3022 Paseo Del Refugio

Santa Barbara, CALIFORNIA 93105  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Matthew H. Swyers, Esq.

Attorney Primary Email Address: [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Matthew H. Swyers, Esq.  
The Trademark Company  
344 Maple Ave. West PMB 151  
Vienna, VIRGINIA 22180  
UNITED STATES

Phone: 800-906-8626 x 100

Correspondent e-mail: [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 07, 2015	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 01, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 21, 2015	STATEMENT OF USE PROCESSING COMPLETE	71034
Apr. 17, 2015	USE AMENDMENT FILED	71034
May 18, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
May 18, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Apr. 17, 2015	TEAS STATEMENT OF USE RECEIVED	
Oct. 28, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 02, 2014	PUBLISHED FOR OPPOSITION	
Aug. 13, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 26, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jul. 26, 2014	ASSIGNED TO LIE	70138
Jul. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 15, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 15, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2014	EXAMINERS AMENDMENT -WRITTEN	76076
Jun. 24, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 23, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 23, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2013	NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2013	NON-FINAL ACTION WRITTEN	76076
Dec. 28, 2013	ASSIGNED TO EXAMINER	76076
Sep. 26, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Sep. 25, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 20, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 01, 2015

# United States of America

United States Patent and Trademark Office

## SUPER-CALI-CASUAL

**Reg. No. 4,769,399**

**Registered July 7, 2015**

**Int. Cls.: 16, 21, and 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

LIESTENFELTZ, DEEDEE (UNITED STATES INDIVIDUAL)  
3022 PASEO DEL REFUGIO  
SANTA BARBARA, CA 93105

FOR: POSTCARDS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 4-16-2015; IN COMMERCE 4-16-2015.

FOR: MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 4-16-2015; IN COMMERCE 4-16-2015.

FOR: HATS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-16-2015; IN COMMERCE 4-16-2015.

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

SN 86-066,690, FILED 9-17-2013.

HEATHER THOMPSON, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

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Mark: WITHOUT EQUAL

WITHOUT EQUAL

**US Serial Number:** 86027817  
**Application Filing Date:** Aug. 02, 2013  
**US Registration Number:** 4606962  
**Registration Date:** Sep. 16, 2014  
**Filed as TEAS Plus:** Yes  
**Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Sep. 16, 2014  
**Publication Date:** Jan. 14, 2014  
**Notice of Allowance Date:** Mar. 11, 2014

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## Mark Information

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**Mark Literal Elements:** WITHOUT EQUAL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Goods and Services

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

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

**For:** Shirts

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 30, 2014

**Use in Commerce:** Jun. 30, 2014

**For:** Athletic protective chest, elbow, knee, leg, shoulder, kick, shin, target, riser and ball knee pads for playing and performing football, baseball, hockey, lacrosse, karate, snowboarding, skateboarding, horseback riding and skiing; Protective padding for playing football, baseball, hockey, lacrosse, karate, snowboarding, skateboarding, horseback riding, skiing

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 30, 2014

**Use in Commerce:** Jun. 30, 2014

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

---

**Owner Name:** INC International Company  
**Owner Address:** 143 Viburnum Drive  
Kennett Square, PENNSYLVANIA 19348  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** PENNSYLVANIA

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## Attorney/Correspondence Information

---

**Attorney of Record****Attorney Name:** Matthew H. Swyers**Attorney Primary Email Address:** [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West  
PMB 151  
VIENNA, VIRGINIA 22180  
UNITED STATES**Phone:** 800-906-8626**Fax:** 877-351-5480**Correspondent e-mail:** [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Sep. 16, 2014	REGISTERED-PRINCIPAL REGISTER	
Aug. 14, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 13, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 23, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Jul. 01, 2014	USE AMENDMENT FILED	66230
Jul. 23, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jul. 01, 2014	TEAS STATEMENT OF USE RECEIVED	
Mar. 11, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 14, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 14, 2014	PUBLISHED FOR OPPOSITION	
Dec. 25, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 06, 2013	ASSIGNED TO LIE	73797
Nov. 12, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 09, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 08, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 08, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 08, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 08, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 08, 2013	NON-FINAL ACTION WRITTEN	68625
Oct. 02, 2013	ASSIGNED TO EXAMINER	68625
Aug. 10, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 07, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 07, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 06, 2013	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Aug. 13, 2014

# United States of America

United States Patent and Trademark Office

## WITHOUT EQUAL

**Reg. No. 4,606,962**

INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)  
143 VIBURNUM DRIVE

**Registered Sep. 16, 2014**

KENNETT SQUARE, PA 19348

**Int. Cls.: 25 and 28**

FOR: SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 6-30-2014; IN COMMERCE 6-30-2014.

**PRINCIPAL REGISTER**

FOR: ATHLETIC PROTECTIVE CHEST, ELBOW, KNEE, LEG, SHOULDER, KICK, SHIN, TARGET, RISER AND BALL KNEE PADS FOR PLAYING AND PERFORMING FOOTBALL, BASEBALL, HOCKEY, LACROSSE, KARATE, SNOWBOARDING, SKATEBOARDING, HORSEBACK RIDING AND SKIING; PROTECTIVE PADDING FOR PLAYING FOOTBALL, BASEBALL, HOCKEY, LACROSSE, KARATE, SNOWBOARDING, SKATEBOARDING, HORSEBACK RIDING, SKIING, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 6-30-2014; IN COMMERCE 6-30-2014.

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

SN 86-027,817, FILED 8-2-2013.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: V/SUAL

V/SUAL

US Serial Number: 85839760  
US Registration Number: 4430048  
Filed as TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Nov. 05, 2013  
Publication Date: Jun. 25, 2013  
Application Filing Date: Feb. 04, 2013  
Registration Date: Nov. 05, 2013  
Currently TEAS Plus: Yes  
Notice of Allowance Date: Aug. 20, 2013

## Mark Information

Mark Literal Elements: V/SUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: Beanies; Hats; Sweatshirts; T-shirts  
International Class(es): 025 - Primary Class  
U.S Class(es): 022, 039  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: May 01, 2013  
Use in Commerce: May 01, 2013

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Mystique Designs  
Owner Address: 67, 10201 Mason Ave  
Chatsworth, CALIFORNIA UNITED STATES 91311  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: NEVADA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Shahrokh Sheik  
Attorney Primary Email Address: [ssheik@khsllaw.com](mailto:ssheik@khsllaw.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Shahrokh Sheik  
Kramer Holcomb Sheik LLP  
1801 Century Park East, Suite 1100  
Los Angeles, CALIFORNIA UNITED STATES 90067

Phone: 310-551-0604

Fax: 310-551-0601

Correspondent e-mail: [ssheik@khsllaw.com](mailto:ssheik@khsllaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2013	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 02, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Oct. 01, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 30, 2013	EXAMINER'S AMENDMENT ENTERED	67287
Sep. 30, 2013	ASSIGNED TO LIE	67287
Sep. 30, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Sep. 30, 2013	EXAMINERS AMENDMENT E-MAILED	
Sep. 30, 2013	SU-EXAMINER'S AMENDMENT WRITTEN	72737
Sep. 27, 2013	STATEMENT OF USE PROCESSING COMPLETE	66230
Aug. 25, 2013	USE AMENDMENT FILED	66230
Sep. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Aug. 25, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 20, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 25, 2013	PUBLISHED FOR OPPOSITION	
Jun. 05, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 22, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2013	ASSIGNED TO EXAMINER	72737
Feb. 09, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 02, 2013

**United States of America**  
United States Patent and Trademark Office

**V/SUUAL**

**Reg. No. 4,430,048**

**Registered Nov. 5, 2013**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

MYSTIQUE DESIGNS (NEVADA LIMITED LIABILITY COMPANY)  
67, 10201 MASON AVE  
CHATSWORTH, CA 91311

FOR: BEANIES; HATS; SWEATSHIRTS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-2013; IN COMMERCE 5-1-2013.

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

SN 85-839,760, FILED 2-4-2013.

CHRIS WELLS, EXAMINING ATTORNEY



*Lisa Street Lee*

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

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

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

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

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

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

**Grace Period Filings\***

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

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

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

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

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Mark: SATURDAY RITUAL

SATURDAY RITUAL

**US Serial Number:** 85677549 **Application Filing Date:** Jul. 16, 2012  
**US Registration Number:** 4641636 **Registration Date:** Nov. 18, 2014  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Nov. 18, 2014  
**Publication Date:** Sep. 25, 2012 **Notice of Allowance Date:** Mar. 26, 2013

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## Mark Information

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**Mark Literal Elements:** SATURDAY RITUAL

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Goods and Services

---

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

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

**For:** Clothing, namely, shirts, T-shirts, and hooded sweatshirts all of the foregoing relating to educational institutions and their athletic programs

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2012

**Use in Commerce:** Sep. 2012

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**For:** Promoting the goods and services of educational institutions and their athletic programs

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2012

**Use in Commerce:** Sep. 2012

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** COLLEGIATE LICENSING COMPANY, LLC  
**Owner Address:** 1075 PEACHTREE STREET, SUITE 3300  
ATLANTA, GEORGIA 30309  
UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** GEORGIA

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## Attorney/Correspondence Information

---

Attorney of Record

Attorney Name: William H. Brewster

Docket Number: C1233/846393

Attorney Primary Email [tmadmin@kilpatricktownsend.com](mailto:tmadmin@kilpatricktownsend.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** WILLIAM H. BREWSTER  
KILPATRICK TOWNSEND & STOCKTON LLP  
1100 PEACHTREE ST NE STE 2800  
ATLANTA, GEORGIA 30309-4528  
UNITED STATES

Phone: 404-815-6500

Fax: 404-815-6555

Correspondent e-mail: [tmadmin@kilpatricktownsend.com](mailto:tmadmin@kilpatricktownsend.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Nov. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Oct. 11, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 10, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 25, 2014	STATEMENT OF USE PROCESSING COMPLETE	76538
Aug. 28, 2014	USE AMENDMENT FILED	76538
Sep. 22, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Aug. 28, 2014	TEAS STATEMENT OF USE RECEIVED	
May 21, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 14, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 27, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 25, 2014	EXTENSION 2 GRANTED	98765
Mar. 25, 2014	EXTENSION 2 FILED	98765
Mar. 25, 2014	TEAS EXTENSION RECEIVED	
Sep. 18, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 16, 2013	EXTENSION 1 GRANTED	98765
Sep. 16, 2013	EXTENSION 1 FILED	98765
Sep. 16, 2013	TEAS EXTENSION RECEIVED	
Mar. 26, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 08, 2013	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Feb. 06, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2012	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	65294
Dec. 10, 2012	ASSIGNED TO PETITION STAFF	65294
Dec. 03, 2012	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Oct. 16, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 25, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 25, 2012	PUBLISHED FOR OPPOSITION	
Sep. 05, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 22, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76532
Aug. 22, 2012	ASSIGNED TO LIE	76532
Aug. 20, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 20, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 20, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 20, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 20, 2012	EXAMINERS AMENDMENT -WRITTEN	83257
Aug. 20, 2012	ASSIGNED TO EXAMINER	83257
Jul. 23, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 10, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Registrant:** COLLEGIATE LICENSING COMPANY, LLC

#### Assignment 1 of 3

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4953/0944](#)

**Pages:** 6

**Date Recorded:** Feb. 01, 2013

**Supporting Documents:** [assignment-tm-4953-0944.pdf](#)

#### Assignor

**Name:** [THE COLLEGIATE LICENSING COMPANY](#)

**Execution Date:** Jan. 01, 2013

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** GEORGIA

#### Assignee

**Name:** [COLLEGIATE LICENSING COMPANY, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** GEORGIA

**Address:** 1075 PEACHTREE STREET, SUITE 3300  
ATLANTA, GEORGIA 30309

#### Correspondent

**Correspondent Name:** MARIA BRIDGES, COLLEGIATE LICENSING CO

**Correspondent Address:** 1075 PEACHTREE ST, SUITE 3300  
ATLANTA, GA 30309

### Domestic Representative - Not Found

#### Assignment 2 of 3

**Conveyance:** SECURITY AGREEMENT

**Reel/Frame:** [5277/0833](#)

**Pages:** 7

**Date Recorded:** May 12, 2014

**Supporting Documents:** [assignment-tm-5277-0833.pdf](#)

#### Assignor

**Name:** [COLLEGIATE LICENSING COMPANY, LLC, AS GRANTOR](#)

**Execution Date:** May 06, 2014

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** GEORGIA

#### Assignee

**Name:** [JPMORGAN CHASE BANK, N.A., AS COLLATERAL AGENT](#)

**Legal Entity Type:** ASSOCIATION

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

**Address:** 383 MADISON AVENUE  
NEW YORK, NEW YORK 10179

#### Correspondent

**Correspondent Name:** KEN TAN, LEGAL ASSISTANT

**Correspondent Address:** C/O CAHILL GORDON & REINDEL LLP  
80 PINE STREET  
NEW YORK, NY 10005

### Domestic Representative - Not Found

#### Assignment 3 of 3

**Conveyance:** SECURITY AGREEMENT

**Reel/Frame:** [5278/0872](#)

**Pages:** 7

**Date Recorded:** May 13, 2014

**Supporting Documents:** [assignment-tm-5278-0872.pdf](#)

#### Assignor

Name: [COLLEGIATE LICENSING COMPANY, LLC, AS GRANTOR](#)

Execution Date: May 06, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GEORGIA

#### Assignee

Name: [BARCLAYS BANK PLC, AS COLLATERAL AGENT](#)

Legal Entity Type: BANK

State or Country Where Organized: UNITED STATES

Address: 745 7TH AVENUE, 27TH FLOOR  
NEW YORK, NEW YORK 10019

#### Correspondent

Correspondent Name: KEN TAN, LEGAL ASSISTANT

Correspondent Address: C/O CAHILL GORDON & REINDEL LLP  
80 PINE STREET  
NEW YORK, NY 10005

#### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 1

#### Type of Proceeding: Extension of Time

Proceeding Number: [85677549](#)

Filing Date: Oct 16, 2012

Status: Terminated

Status Date: Feb 08, 2013

Interlocutory Attorney:

#### Defendant

Name: The Collegiate Licensing Company

Correspondent Address: WILLIAM H. BREWSTER  
KILPATRICK TOWNSEND & STOCKTON LLP  
1100 PEACHTREE ST NE STE 2800  
ATLANTA GA , 30309-4528  
UNITED STATES

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
SATURDAY RITUAL	Registered	<a href="#">85677549</a>	<a href="#">4641636</a>

#### Potential Opposer(s)

Name: Rituals International Trademarks B.V.

Correspondent Address: Laura Popp-Rosenberg  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York NY , 10017  
UNITED STATES

Correspondent e-mail: [lpopp-rosenberg@frosszelnick.com](mailto:lpopp-rosenberg@frosszelnick.com)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 16, 2012	
2	EXTENSION OF TIME GRANTED	Oct 16, 2012	

# United States of America

United States Patent and Trademark Office

## SATURDAY RITUAL

**Reg. No. 4,641,636**

**Registered Nov. 18, 2014**

**Int. Cls.: 25 and 35**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

COLLEGIATE LICENSING COMPANY, LLC (GEORGIA LIMITED LIABILITY COMPANY)  
1075 PEACHTREE STREET, SUITE 3300  
ATLANTA, GA 30309

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, AND HOODED SWEATSHIRTS ALL OF THE FOREGOING RELATING TO EDUCATIONAL INSTITUTIONS AND THEIR ATHLETIC PROGRAMS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-2012; IN COMMERCE 9-0-2012.

FOR: PROMOTING THE GOODS AND SERVICES OF EDUCATIONAL INSTITUTIONS AND THEIR ATHLETIC PROGRAMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-2012; IN COMMERCE 9-0-2012.

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

SN 85-677,549, FILED 7-16-2012.

ROSELLE HERRERA, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: ALL LOVE IS EQUAL

All Love Is Equal

US Serial Number: 85537712 Application Filing Date: Feb. 08, 2012  
US Registration Number: 4318502 Registration Date: Apr. 09, 2013  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 09, 2013  
Publication Date: Jun. 19, 2012 Notice of Allowance Date: Aug. 14, 2012

## Mark Information

Mark Literal Elements: ALL LOVE IS EQUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Hooded sweat shirts; Night shirts; Polo shirts; Shirts; Sweat shirts; Wearable garments and clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 02, 2009

Use in Commerce: Nov. 02, 2009

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Marilyn Barrett  
Owner Address: 3130 Veteran Avenue  
Los Angeles, CALIFORNIA UNITED STATES 90034  
Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Marilyn Barrett  
Attorney Primary Email Address: [mbarrett@mbarrettlaw.com](mailto:mbarrett@mbarrettlaw.com)  
Attorney Email Authorized: No

### Correspondent

Correspondent Name/Address: MARILYN BARRETT  
Marilyn Barrett A Law Corporation  
2355 Westwood Blvd # 417  
Los Angeles, CALIFORNIA UNITED STATES 90064-2109

Phone: 310-441-2500

Fax: 310-474-4754

Correspondent e-mail: [mbarrett@mbarrettlaw.com](mailto:mbarrett@mbarrettlaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 09, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 07, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Mar. 07, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 05, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 04, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 26, 2013	PAPER RECEIVED	
Feb. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 25, 2013	NON-FINAL ACTION E-MAILED	
Feb. 25, 2013	SU - NON-FINAL ACTION - WRITTEN	81095
Feb. 20, 2013	STATEMENT OF USE PROCESSING COMPLETE	76874
Feb. 05, 2013	USE AMENDMENT FILED	76874
Feb. 20, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Feb. 05, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 14, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 19, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 19, 2012	PUBLISHED FOR OPPOSITION	
May 30, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 16, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
May 16, 2012	ASSIGNED TO LIE	70468
May 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 30, 2012	ASSIGNED TO EXAMINER	81095
Feb. 14, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 11, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 07, 2013

# United States of America

United States Patent and Trademark Office

## All Love Is Equal

**Reg. No. 4,318,502**

**Registered Apr. 9, 2013**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

MARILYN BARRETT (UNITED STATES INDIVIDUAL)  
3130 VETERAN AVENUE  
LOS ANGELES, CA 90034

FOR: APPAREL FOR DANCERS, NAMELY, TEE SHIRTS, SWEATSHIRTS, PANTS, LEGGINGS, SHORTS AND JACKETS; HOODED SWEAT SHIRTS; NIGHT SHIRTS; POLO SHIRTS; SHIRTS; SWEAT SHIRTS; WEARABLE GARMENTS AND CLOTHING, NAMELY, SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-2-2009; IN COMMERCE 11-2-2009.

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

SN 85-537,712, FILED 2-8-2012.

ALAIN LAPTEY, EXAMINING ATTORNEY



*Sean Street Lee*

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: SKECHERS GO CASUAL

SKECHERS GO CASUAL

US Serial Number: 85527046

Application Filing Date: Jan. 27, 2012

Register: Principal

Mark Type: Trademark

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

Status Date: Apr. 08, 2015

Publication Date: Aug. 28, 2012

Notice of Allowance Date: Oct. 23, 2012

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## Mark Information

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Mark Literal Elements: SKECHERS GO CASUAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CASUAL"

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## Related Properties Information

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Claimed Ownership of US Registrations: 1851977, 2734901, 3995186 and others

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## Goods and Services

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

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

**For:** Apparel, namely, tops, tank tops, shirts, T-shirts, polo shirts, sweat shirts, sports jerseys, sweaters, mock neck tops, jackets, coats, overcoats, hooded sweatshirts, pullovers, jumpers, dresses, skirts, beachwear, swimsuits, underwear, compression garments for athletic use, namely, shirts, tanks, pullovers jackets, shorts and pants; Bottoms, trousers, pants, sweat pants, shorts, skirts, skorts, pants, tights, leggings, capris, cycling shorts, cycling capris, cycling leggings; Wind resistant jackets, rain jackets, rain coats, rain trousers, rain hats, shell jackets, shell pants, track jackets, fleece jackets, fleece pants, warm up outfits; Scarves, gloves, earmuffs, camisoles, beachwear, swimsuits, beach cover-ups; headwear, namely, hats, caps, beanies, visors, headbands, ties, socks, slipper socks, belts, wristbands; lingerie, sports bras, panties

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

---

Owner Name: Skechers U.S.A., Inc. II

Owner Address: 228 Manhattan Beach Blvd.  
Manhattan Beach, CALIFORNIA 90266  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

---

## Attorney/Correspondence Information

---

**Attorney of Record**

Attorney Name: Marshall A. Lerner

Docket Number: 210859.23190

Attorney Primary Email Address: [mlerner@kleinbergler.com](mailto:mlerner@kleinbergler.com)

Attorney Email Authorized: Yes

**Correspondent**Correspondent Name/Address: MARSHALL A. LERNER  
KLEINBERG & LERNER, LLP  
1875 CENTURY PARK E STE 1150  
LOS ANGELES, CALIFORNIA 90067-2502  
UNITED STATES

Phone: 3105571511

Fax: 3105571540

Correspondent e-mail: [mlerner@kleinbergler.com](mailto:mlerner@kleinbergler.com) [trademarks@kleinbergler.com](mailto:trademarks@kleinbergler.com)

Correspondent e-mail Authorized: Yes

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

Date	Description	Proceeding Number
Apr. 09, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 08, 2015	EXTENSION 5 GRANTED	65362
Mar. 27, 2015	EXTENSION 5 FILED	65362
Mar. 27, 2015	TEAS EXTENSION RECEIVED	
Oct. 04, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 03, 2014	EXTENSION 4 GRANTED	65362
Sep. 23, 2014	EXTENSION 4 FILED	65362
Sep. 23, 2014	TEAS EXTENSION RECEIVED	
Apr. 10, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 09, 2014	EXTENSION 3 GRANTED	65362
Mar. 17, 2014	EXTENSION 3 FILED	65362
Mar. 17, 2014	TEAS EXTENSION RECEIVED	
Sep. 26, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 25, 2013	EXTENSION 2 GRANTED	65362
Sep. 19, 2013	EXTENSION 2 FILED	65362
Sep. 19, 2013	TEAS EXTENSION RECEIVED	
May 08, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 07, 2013	EXTENSION 1 GRANTED	65362
Apr. 08, 2013	EXTENSION 1 FILED	65362
Apr. 30, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Apr. 08, 2013	TEAS EXTENSION RECEIVED	
Oct. 23, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 28, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 28, 2012	PUBLISHED FOR OPPOSITION	
Aug. 08, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 24, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jul. 24, 2012	ASSIGNED TO LIE	68552
Jul. 05, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 03, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 02, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 02, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 10, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 10, 2012	NON-FINAL ACTION E-MAILED	6325
Mar. 10, 2012	NON-FINAL ACTION WRITTEN	73706
Mar. 08, 2012	ASSIGNED TO EXAMINER	73706

Jan. 31, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM  
Jan. 31, 2012 NEW APPLICATION ENTERED IN TRAM

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## **TM Staff and Location Information**

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### **TM Staff Information**

**TM Attorney:** KON, ELISSA GARBER

**Law Office Assigned:** LAW OFFICE 106

### **File Location**

**Current Location:** INTENT TO USE SECTION

**Date in Location:** Apr. 08, 2015

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, October 23, 2012 00:07 AM  
**To:** mlerner@kleinbergler.com  
**Cc:** trademarks@kleinbergler.com  
**Subject:** Trademark Serial Number 85527046: Official USPTO Notice of Allowance

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NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Oct 23, 2012

**Serial Number:** 85527046  
**Mark:** SKECHERS GO CASUAL(STANDARD CHARACTER MARK)  
**Docket/Reference Number:** 210859.23190

**No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.**

**SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:**

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

**How to file SOU and/or Extension Request:**

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see [http://www.uspto.gov/trademarks/basics/MoreInfo\\_SOU\\_EXT.jsp](http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp).

**FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.**

**REVIEW APPLICATION INFORMATION FOR ACCURACY**

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

**Serial Number:** 85527046  
**Mark:** SKECHERS GO CASUAL(STANDARD CHARACTER MARK)  
**Docket/Reference Number:** 210859.23190  
**Owner:** Skechers U.S.A., Inc. II  
228 Manhattan Beach Blvd.  
Manhattan Beach , CALIFORNIA 90266  
**Correspondence Address:** MARSHALL A. LERNER  
KLEINBERG & LERNER, LLP

1875 CENTURY PARK E STE 1150  
LOS ANGELES, CA 90067-2502

**This application has the following bases, but not necessarily for all listed goods/services:**

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

025 - Apparel, namely, tops, tank tops, shirts, t-shirts, polo shirts, sweat shirts, sports jerseys, sweaters, mock neck tops, jackets, coats, overcoats, hooded sweatshirts, pullovers, jumpers, dresses, skirts, beachwear, swimsuits, underwear, compression garments for athletic use, namely, shirts, tanks, pullovers jackets, shorts and pants; Bottoms, trousers, pants, sweat pants, shorts, skirts, skorts, pants, tights, leggings, capris, cycling shorts, cycling capris, cycling leggings; Wind resistant jackets, rain jackets, rain coats, rain trousers, rain hats, shell jackets, shell pants, track jackets, fleece jackets, fleece pants, warm up outfits; Scarves, gloves, earmuffs, camisoles, beachwear, swimsuits, beach cover-ups; headwear, namely, hats, caps, beanies, visors, headbands, ties, socks, slipper socks, belts, wristbands; lingerie, sports bras, panties -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

**ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.**

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**Fraudulent statements may result in registration being cancelled:** Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

**Additional information:** For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at [www.uspto.gov](http://www.uspto.gov) or call the Trademark Assistance Center at 1-800-786-9199.

**Checking status:** To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85527046>.  
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

# Trademark/Service Mark Application, Principal Register

Serial Number: 85527046

Filing Date: 01/27/2012

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85527046
<b>MARK INFORMATION</b>	
*MARK	<a href="#">SKECHERS GO CASUAL</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SKECHERS GO CASUAL
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Skechers U.S.A., Inc. II
*STREET	228 Manhattan Beach Blvd.
*CITY	Manhattan Beach
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	90266
WEBSITE ADDRESS	<a href="http://www.skechers.com/">http://www.skechers.com/</a>
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

<b>INTERNATIONAL CLASS</b>	025
<b>*IDENTIFICATION</b>	Apparel, namely, tops, tank tops, shirts, t-shirts, polo shirts, sweat shirts, sports jerseys, sweaters, mock neck tops, jackets, coats, overcoats, hooded sweatshirts, pullovers, jumpers, dresses, skirts, beachwear, swimsuits, underwear, compression garments for athletic use, namely, shirts, tanks, pullovers jackets, shorts and pants; Bottoms, trousers, pants, sweat pants, shorts, skirts, skorts, pants, tights, leggings, capris, cycling shorts, cycling capris, cycling leggings; Wind resistant jackets, rain jackets, rain coats, rain trousers, rain hats, shell jackets, shell pants, track jackets, fleece jackets, fleece pants, warm up outfits; Scarves, gloves, earmuffs, camisoles, beachwear, swimsuits, beach cover-ups; headwear, namely, hats, caps, beanies, visors, headbands, ties, socks, slipper socks, belts, wristbands; lingerie, sports bras, panties
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Marshall A. Lerner
<b>ATTORNEY DOCKET NUMBER</b>	210859.23190
<b>FIRM NAME</b>	KLEINBERG & LERNER, LLP
<b>INTERNAL ADDRESS</b>	Suite 1150
<b>STREET</b>	1875 Century Park East
<b>CITY</b>	Los Angeles
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	90067
<b>PHONE</b>	3105571511
<b>FAX</b>	3105571540
<b>EMAIL ADDRESS</b>	mlerner@kleinberglerner.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Marvin H. Kleinberg, Bradford E. Mattes, Philip Nulud, Christopher J. Dugger, Ryan Pak
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Marshall A. Lerner

<b>FIRM NAME</b>	KLEINBERG & LERNER, LLP
<b>INTERNAL ADDRESS</b>	Suite 1150
<b>STREET</b>	1875 Century Park East
<b>CITY</b>	Los Angeles
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	90067
<b>PHONE</b>	3105571511
<b>FAX</b>	3105571540
<b>EMAIL ADDRESS</b>	mlerner@kleinberglerner.com;trademarks@kleinberglerner.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/marshall a. lerner/
<b>SIGNATORY'S NAME</b>	Marshall A. Lerner
<b>SIGNATORY'S POSITION</b>	Attorney of record, California bar member
<b>DATE SIGNED</b>	01/27/2012

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 85527046**

**Filing Date: 01/27/2012**

### To the Commissioner for Trademarks:

**MARK:** SKECHERS GO CASUAL (Standard Characters, see [mark](#))

The literal element of the mark consists of SKECHERS GO CASUAL.

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

The applicant, Skechers U.S.A., Inc. II, a corporation of Delaware, having an address of

228 Manhattan Beach Blvd.

Manhattan Beach, California 90266

United States

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 025: Apparel, namely, tops, tank tops, shirts, t-shirts, polo shirts, sweat shirts, sports jerseys, sweaters, mock neck tops, jackets, coats, overcoats, hooded sweatshirts, pullovers, jumpers, dresses, skirts, beachwear, swimsuits, underwear, compression garments for athletic use, namely, shirts, tanks, pullovers jackets, shorts and pants; Bottoms, trousers, pants, sweat pants, shorts, skirts, skorts, pants, tights, leggings, capris, cycling shorts, cycling capris, cycling leggings; Wind resistant jackets, rain jackets, rain coats, rain trousers, rain hats, shell jackets, shell pants, track jackets, fleece jackets, fleece pants, warm up outfits; Scarves, gloves, earmuffs, camisoles, beachwear, swimsuits, beach cover-ups; headwear, namely, hats, caps, beanies, visors, headbands, ties, socks, slipper socks, belts, wristbands; lingerie, sports bras, panties

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)).

For informational purposes only, applicant's website address is: <http://www.skechers.com/>

The applicant's current Attorney Information:

Marshall A. Lerner and Marvin H. Kleinberg, Bradford E. Mattes, Philip Nulud, Christopher J. Dugger, Ryan Pak of KLEINBERG & LERNER, LLP

Suite 1150

1875 Century Park East

Los Angeles, California 90067

United States

The attorney docket/reference number is 210859.23190.

The applicant's current Correspondence Information:

Marshall A. Lerner

KLEINBERG & LERNER, LLP

Suite 1150

1875 Century Park East

Los Angeles, California 90067

3105571511(phone)

3105571540(fax)

mlerner@kleinberglerner.com;trademarks@kleinberglerner.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.

### **Declaration Signature**

Signature: /marshall a. lerner/ Date: 01/27/2012

Signatory's Name: Marshall A. Lerner

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

RAM Sale Number: 11007

RAM Accounting Date: 01/27/2012

Serial Number: 85527046

Internet Transmission Date: Fri Jan 27 13:29:45 EST 2012

TEAS Stamp: USPTO/BAS-38.106.37.36-20120127132945209

358-85527046-49066d1a8f60b3ebaea8d1f98e4

bd74a49-CC-11007-20120127132452064411

**SKECHERS GO CASUAL**

Generated on: This page was generated by TSDR on 2015-11-10 11:14:12 EST

Mark: SOUL SEXUAL



**US Serial Number:** 85441894  
**US Registration Number:** 4251242  
**Filed as TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Nov. 27, 2012  
**Publication Date:** Mar. 27, 2012

**Application Filing Date:** Oct. 07, 2011  
**Registration Date:** Nov. 27, 2012  
**Currently TEAS Plus:** Yes  
**Notice of Allowance Date:** May 22, 2012

## Mark Information

**Mark Literal Elements:** SOUL SEXUAL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of the stylized text "soul sexual" inside of two horizontal rectangles. The letter "o" in soul is replaced with a heart.  
**Color(s) Claimed:** Color is not claimed as a feature of the mark.  
**Design Search Code(s):** 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards  
26.11.02 - Plain single line rectangles; Rectangles (single line)  
26.11.20 - Rectangles inside one another  
26.11.21 - Rectangles that are completely or partially shaded  
27.03.02 - Humans forming punctuation; Humans forming letters or numerals

## Goods and Services

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

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

**For:** T-shirts  
**International Class(es):** 025 - Primary Class  
**U.S Class(es):** 022, 039  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Nov. 09, 2011  
**Use in Commerce:** Nov. 09, 2011

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Agao, Jennifer  
**Owner Address:** 3220 Carbondale St  
Las Vegas, NEVADA UNITED STATES 89135  
**Legal Entity Type:** INDIVIDUAL  
**Citizenship:** UNITED STATES

## Attorney/Correspondence Information

**Attorney of Record - None****Correspondent**

**Correspondent Name/Address:** AGAO, JENNIFER  
 3220 CARBONDALE ST  
 LAS VEGAS, NEVADA UNITED STATES 89135-2109

**Phone:** 702-477-9066

**Correspondent e-mail:** [keala1427@hotmail.com](mailto:keala1427@hotmail.com)

**Correspondent e-mail Authorized:** Yes

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

Date	Description	Proceeding Number
Nov. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 23, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 22, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Oct. 21, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 01, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Sep. 27, 2012	USE AMENDMENT FILED	65362
Oct. 01, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Sep. 27, 2012	TEAS STATEMENT OF USE RECEIVED	
May 22, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 27, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 27, 2012	PUBLISHED FOR OPPOSITION	
Mar. 07, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 17, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 17, 2012	ASSIGNED TO LIE	77312
Feb. 02, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 02, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 02, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 02, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 02, 2012	EXAMINERS AMENDMENT -WRITTEN	81852
Jan. 26, 2012	ASSIGNED TO EXAMINER	81852
Oct. 14, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 13, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information - None****File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 22, 2012

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,251,242**

**Registered Nov. 27, 2012**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

AGAO, JENNIFER (UNITED STATES INDIVIDUAL)  
3220 CARBONDALE ST  
LAS VEGAS, NV 89135

FOR: T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-9-2011; IN COMMERCE 11-9-2011.

THE MARK CONSISTS OF THE STYLIZED TEXT "SOUL SEXUAL" INSIDE OF TWO HORIZONTAL RECTANGLES. THE LETTER "O" IN SOUL IS REPLACED WITH A HEART.

SN 85-441,894, FILED 10-7-2011.

DAVID COLLIER, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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



Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Christopher J. Day

Attorney Primary Email Address: [chris@daylawfirm.com](mailto:chris@daylawfirm.com)

Attorney Email Authorized: No

### Correspondent

Correspondent Name/Address: CHRISTOPHER J. DAY  
LAW OFFICE OF CHRISTOPHER DAY  
9977 N 90TH ST STE 155  
SCOTTSDALE, ARIZONA 85258-4423  
UNITED STATES

Phone: 602-258-4440

Fax: 602-258-4441

Correspondent e-mail: [chris@daylawfirm.com](mailto:chris@daylawfirm.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 31, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 15, 2011	PUBLISHED FOR OPPOSITION	
Oct. 26, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 12, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Oct. 11, 2011	ASSIGNED TO LIE	73296
Sep. 22, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 22, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT -WRITTEN	81875
Sep. 19, 2011	ASSIGNED TO EXAMINER	81875
Jun. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 07, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 31, 2012

# United States of America

United States Patent and Trademark Office

## NEW YORK CASUAL

**Reg. No. 4,093,576**

NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY COMPANY)  
4348 COVEY CT.

**Registered Jan. 31, 2012**

GRAND BLANC, MI 48439

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, SHIRTS, HATS, PANTS, ROBES, SHORTS, JACKETS, SKIRTS,  
DRESSES, SWEATERS, SWEATSHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 7-18-2005; IN COMMERCE 7-18-2005.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NOS. 3,178,793, 3,190,331, AND 3,263,852.

SEC. 2(F).

SER. NO. 85-337,292, FILED 6-3-2011.

SARA BENJAMIN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: NYCASUAL



US Serial Number: 85336230

Application Filing Date: Jun. 02, 2011

US Registration Number: 4095869

Registration Date: Feb. 07, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 07, 2012

Publication Date: Nov. 22, 2011

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## Mark Information

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Mark Literal Elements: NYCASUAL

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the letters "NY" in black followed by the word "CASUAL" in stylized red font.

Color Drawing: Yes

Color(s) Claimed: The color(s) black and red is/are claimed as a feature of the mark.

Acquired Distinctiveness Claim: In whole

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## Related Properties Information

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International Registration Number: 1176457

International Application(s) /Registration(s) Based on this Property: A0037799/1176457

Claimed Ownership of US Registrations: 3178793, 3190331, 3263852

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## Goods and Services

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

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

For: Clothing, namely, shirts, hats, pants, robes, shorts, jackets, skirts, dresses, sweaters, sweatshirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 18, 2005

Use in Commerce: Jul. 18, 2005

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## Basis Information (Case Level)

---

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

---

## Current Owner(s) Information

---

Owner Name: New York Casual LLC

Owner Address: 4348 Covey Ct.  
Grand Blanc, MICHIGAN 48439  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where MICHIGAN  
Organized:

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Christopher J. Day

Attorney Primary Email [chris@daylawfirm.com](mailto:chris@daylawfirm.com)  
Address:

Attorney Email No  
Authorized:

### Correspondent

Correspondent Name/Address: CHRISTOPHER J. DAY  
LAW OFFICE OF CHRISTOPHER DAY  
9977 N 90TH ST STE 155  
SCOTTSDALE, ARIZONA 85258-4423  
UNITED STATES

Phone: 602-258-4440

Fax: 602-258-4441

Correspondent e-mail: [chris@daylawfirm.com](mailto:chris@daylawfirm.com)

Correspondent e-mail Yes  
Authorized:

### Domestic Representative - Not Found

---

## Prosecution History

---

Date	Description	Proceeding Number
Feb. 07, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 14, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 13, 2011	ASSIGNED TO LIE	68123
Sep. 22, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 22, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT -WRITTEN	81875
Sep. 19, 2011	ASSIGNED TO EXAMINER	81875
Jun. 07, 2011	NOTICE OF PSEUDO MARK MAILED	
Jun. 06, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 06, 2011	NEW APPLICATION ENTERED IN TRAM	

---

## TM Staff and Location Information

---

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 07, 2012

United States of America  
United States Patent and Trademark Office

**NY** *Casual*

**Reg. No. 4,095,869**

NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY COMPANY)  
4348 COVEY CT.

**Registered Feb. 7, 2012**

GRAND BLANC, MI 48439

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, SHIRTS, HATS, PANTS, ROBES, SHORTS, JACKETS, SKIRTS,  
DRESSES, SWEATERS, SWEATSHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 7-18-2005; IN COMMERCE 7-18-2005.

**PRINCIPAL REGISTER**

OWNER OF U.S. REG. NOS. 3,178,793, 3,190,331, AND 3,263,852.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LETTERS "NY" IN BLACK FOLLOWED BY THE WORD  
"CASUAL" IN STYLIZED RED FONT.

SEC. 2(F).

SER. NO. 85-336,230, FILED 6-2-2011.

SARA BENJAMIN, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: NY CASUAL

NY CASUAL

**US Serial Number:** 85336183  
**Application Filing Date:** Jun. 02, 2011  
**US Registration Number:** 4095867  
**Registration Date:** Feb. 07, 2012  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Feb. 07, 2012  
**Publication Date:** Nov. 22, 2011

---

## Mark Information

---

**Mark Literal Elements:** NY CASUAL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK  
**Acquired Distinctiveness Claim:** In whole

---

## Related Properties Information

---

**International Registration Number:** 1178981  
**International Application(s) /Registration(s) Based on this Property:** A0037798/1178981  
**Claimed Ownership of US Registrations:** 3178793, 3190331, 3263852

---

## Goods and Services

---

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

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

**For:** Clothing, namely, shirts, hats, pants, robes, shorts, jackets, skirts, dresses, sweaters, sweatshirts

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 18, 2005

**Use in Commerce:** Jul. 18, 2005

---

## Basis Information (Case Level)

---

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

---

## Current Owner(s) Information

---

**Owner Name:** New York Casual LLC  
**Owner Address:** 4348 Covey Ct.  
Grand Blanc, MICHIGAN UNITED STATES 48439  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**State or Country Where:** MICHIGAN

Organized:

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Christopher J. Day

**Attorney Primary Email Address:** [chris@daylawfirm.com](mailto:chris@daylawfirm.com)

**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** CHRISTOPHER J. DAY  
LAW OFFICE OF CHRISTOPHER DAY  
9977 N 90TH ST STE 155  
SCOTTSDALE, ARIZONA UNITED STATES 85258-4423

**Phone:** 602-258-4440

**Fax:** 602-258-4441

**Correspondent e-mail:** [chris@daylawfirm.com](mailto:chris@daylawfirm.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

---

## Prosecution History

---

Date	Description	Proceeding Number
Feb. 07, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 14, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
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Sep. 22, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2011	EXAMINERS AMENDMENT -WRITTEN	81875
Sep. 19, 2011	ASSIGNED TO EXAMINER	81875
Jun. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Jun. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 06, 2011	NEW APPLICATION ENTERED IN TRAM	

---

## TM Staff and Location Information

---

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 07, 2012

**United States of America**  
United States Patent and Trademark Office

# NY CASUAL

**Reg. No. 4,095,867**

NEW YORK CASUAL LLC (MICHIGAN LIMITED LIABILITY COMPANY)  
4348 COVEY CT.

**Registered Feb. 7, 2012**

GRAND BLANC, MI 48439

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, SHIRTS, HATS, PANTS, ROBES, SHORTS, JACKETS, SKIRTS,  
DRESSES, SWEATERS, SWEATSHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 7-18-2005; IN COMMERCE 7-18-2005.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NOS. 3,178,793, 3,190,331, AND 3,263,852.

SEC. 2(F).

SER. NO. 85-336,183, FILED 6-2-2011.

SARA BENJAMIN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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**Requirements in the First Ten Years\***

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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**Grace Period Filings\***

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Mark: UNEQUAL

UNEQUAL

**US Serial Number:** 85976623  
**Application Filing Date:** Apr. 20, 2011  
**US Registration Number:** 4162517  
**Registration Date:** Jun. 19, 2012  
**Filed as TEAS Plus:** Yes  
**Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Jun. 19, 2012  
**Publication Date:** Aug. 09, 2011  
**Notice of Allowance Date:** Oct. 04, 2011

## Mark Information

**Mark Literal Elements:** UNEQUAL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** 2929512, 3098472, 3267320, 85300340 and others  
**Child Of:** 85300340

## Goods and Services

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

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

**For:** Briefs; Socks  
**International Class(es):** 025 - Primary Class  
**U.S Class(es):** 022, 039  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Apr. 02, 2012  
**Use in Commerce:** Apr. 02, 2012

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** INC International Company  
**Owner Address:** 143 Viburnum Drive  
Kennett Square, PENNSYLVANIA 19348  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** PENNSYLVANIA

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew H. Swyers

Attorney Primary Email [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)  
Address:

Attorney Email No  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West  
Suite 151  
Vienna, VIRGINIA 22180  
UNITED STATES

**Phone:** 800-906-8626

**Fax:** 270-477-4574

**Correspondent e-mail:** [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 19, 2012	REGISTERED-PRINCIPAL REGISTER	
May 12, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 11, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
May 10, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 19, 2012	STATEMENT OF USE PROCESSING COMPLETE	66230
Apr. 04, 2012	USE AMENDMENT FILED	66230
Apr. 19, 2012	DIVISIONAL PROCESSING COMPLETE	
Apr. 04, 2012	DIVISIONAL REQUEST RECEIVED	
Apr. 13, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Apr. 04, 2012	TEAS REQUEST TO DIVIDE RECEIVED	
Apr. 04, 2012	TEAS STATEMENT OF USE RECEIVED	
Oct. 04, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 03, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 03, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 09, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 09, 2011	PUBLISHED FOR OPPOSITION	
Jul. 06, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jul. 06, 2011	ASSIGNED TO LIE	67287
Jun. 14, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2011	EXAMINERS AMENDMENT -WRITTEN	81130
Jun. 13, 2011	ASSIGNED TO EXAMINER	81130
Apr. 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 11, 2012

## Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 1

**Registrant:** INC International Company

**Assignment 1 of 1**

Conveyance: SECURITY INTEREST

Reel/Frame: [5042/0604](#)

Pages: 6

Date Recorded: Jun. 06, 2013

Supporting Documents: [assignment-tm-5042-0604.pdf](#)

#### Assignor

Name: [INC INTERNATIONAL COMPANY](#)

Execution Date: May 31, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

#### Assignee

Name: [ALLIANCE BANK](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

Address: 541 LAWRENCE ROAD  
BROOMALL, PENNSYLVANIA 19008

#### Correspondent

Correspondent Name: SALVATORE GUERRIERO; CAESAR, RIVISE

Correspondent Address: 1635 MARKET  
7 PENN CENTER - 12TH FLOOR  
PHILADELPHIA, PA 19103-2212

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 2

#### Type of Proceeding: Opposition

Proceeding Number: [91212901](#)

Filing Date: Oct 09, 2013

Status: Terminated

Status Date: Nov 10, 2014

Interlocutory Attorney: ANDREW P BAXLEY

#### Defendant

Name: Brittani Redditt

Correspondent Address: BRITTANI REDDITT  
18412 GARNER LN  
ACCOKEEK MD , 20607 3227  
UNITED STATES

Correspondent e-mail: [Bred2173@gmail.com](mailto:Bred2173@gmail.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
WE R NOT EQUAL =	Abandoned - After Inter-Partes Decision	<a href="#">85919039</a>	

#### Plaintiff(s)

Name: INC International Company

Correspondent Address: MATTHEW H SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVE W, STE 151  
VIENNA VA , 22180  
UNITED STATES

Correspondent e-mail: [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNEQUAL	Registered	<a href="#">85976623</a>	<a href="#">4162517</a>
	Section 8 - Accepted	<a href="#">78963142</a>	<a href="#">3433363</a>
UNEQUAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77005479</a>	<a href="#">3267320</a>
	Registered	<a href="#">85300369</a>	<a href="#">4296114</a>
UNEQUAL	Renewed	<a href="#">76463693</a>	<a href="#">3098472</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 09, 2013	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 09, 2013	Nov 18, 2013
3	PENDING, INSTITUTED	Oct 09, 2013	
4	ANSWER	Nov 12, 2013	
5	BOARD COMMUNICATION	Dec 31, 2013	
6	P MOT FOR SUMMARY JUDGMENT	Jun 10, 2014	
7	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 13, 2014	
8	BD DECISION: SUSTAINED	Sep 23, 2014	
9	TERMINATED	Sep 23, 2014	
10	REQ FOR RECON	Oct 17, 2014	
11	BOARD'S ORDER	Nov 14, 2014	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91209497](#) **Filing Date:** Feb 26, 2013  
**Status:** Terminated **Status Date:** Jun 20, 2013  
**Interlocutory Attorney:** ANDREW P BAXLEY

**Defendant**

**Name:** Island Surf Company, LLC  
**Correspondent Address:** ROBERT H EPSTEIN  
EPSTEIN & GERKEN  
1901 RESEARCH BLVD , SUITE 340  
ROCKVILLE MD , 20850-3179  
UNITED STATES  
**Correspondent e-mail:** [rhe@epsteingerken.com](mailto:rhe@epsteingerken.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	<a href="#">85708933</a>	

**Plaintiff(s)**

**Name:** INC International Company  
**Correspondent Address:** MATTHEW H SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVENUE WEST, SUITE 151  
VIENNA VA , 22180  
UNITED STATES  
**Correspondent e-mail:** [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNEQUAL	Registered	<a href="#">85976623</a>	<a href="#">4162517</a>
UNEQUAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77005479</a>	<a href="#">3267320</a>
	Registered	<a href="#">85300369</a>	<a href="#">4296114</a>
UNEQUAL	Renewed	<a href="#">76463693</a>	<a href="#">3098472</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 26, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 26, 2013	Apr 07, 2013
3	PENDING, INSTITUTED	Feb 26, 2013	
4	NOTICE OF DEFAULT	Apr 25, 2013	
5	BD DECISION: SUSTAINED	Jun 20, 2013	
6	TERMINATED	Jun 20, 2013	

United States of America  
United States Patent and Trademark Office

UNEQUAL

**Reg. No. 4,162,517**

INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)  
143 VIBURNUM DRIVE

**Registered June 19, 2012**

KENNETT SQUARE, PA 19348

**Int. Cl.: 25**

FOR: BRIEFS; SOCKS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 4-2-2012; IN COMMERCE 4-2-2012.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NOS. 2,929,512, 3,267,320, AND OTHERS.

SN 85-976,623, FILED 4-20-2011.

JAY BESCH, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

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Mark: ECO SENSUAL

ECO SENSUAL

US Serial Number: 85105153  
Application Filing Date: Aug. 11, 2010  
US Registration Number: 3931155  
Registration Date: Mar. 15, 2011  
Filed as TEAS Plus: Yes  
Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Mar. 15, 2011  
Publication Date: Dec. 28, 2010

## Mark Information

Mark Literal Elements: ECO SENSUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: Bathrobes; Bras; Camisoles; Headbands; Hosiery; Jumpsuits; Lounge pants; Loungewear; Night gowns; Night shirts; Panties, shorts and briefs; Pants; Rompers; Scarves; Shirts; Sleep pants; Sleepwear; Slippers; Slips; Sweat pants; T-shirts; Tank tops; Tops

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2010

Use in Commerce: Jul. 21, 2010

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: AZIAM, Inc.  
Owner Address: PO Box 267  
Santa Monica, CALIFORNIA 90406  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: CALIFORNIA

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: AZIAM, INC.  
AZIAM, INC.  
PO BOX 267  
SANTA MONICA, CALIFORNIA 90406-0267  
UNITED STATES

Correspondent e-mail: [alanna@aziam.com](mailto:alanna@aziam.com)

Correspondent e-mail No  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Dec. 28, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 28, 2010	PUBLISHED FOR OPPOSITION	
Nov. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Nov. 22, 2010	ASSIGNED TO LIE	73797
Nov. 03, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 02, 2010	ASSIGNED TO EXAMINER	82095
Aug. 16, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 14, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 15, 2011

# United States of America

United States Patent and Trademark Office

## ECO SENSUAL

**Reg. No. 3,931,155**

**Registered Mar. 15, 2011**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

AZIAM, INC. (CALIFORNIA CORPORATION)  
PO BOX 267  
SANTA MONICA, CA 90406

FOR: BATHROBES; BRAS; CAMISOLES; HEADBANDS; HOSIERY; JUMPSUITS; LOUNGE PANTS; LOUNGEWEAR; NIGHT GOWNS; NIGHT SHIRTS; PANTIES, SHORTS AND BRIEFS; PANTS; ROMPERS; SCARVES; SHIRTS; SLEEP PANTS; SLEEPWEAR; SLIPPERS; SLIPS; SWEAT PANTS; T-SHIRTS; TANK TOPS; TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-21-2010; IN COMMERCE 7-21-2010.

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

SER. NO. 85-105,153, FILED 8-11-2010.

WILLIAM ROSSMAN, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2015-11-10 11:15:16 EST

Mark: COZY CASUAL



US Serial Number: 77945438

Application Filing Date: Feb. 25, 2010

US Registration Number: 3856638

Registration Date: Oct. 05, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 05, 2010

Publication Date: Jul. 20, 2010

## Mark Information

Mark Literal Elements: COZY CASUAL

Standard Character Claim: No

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

Description of Mark: The mark consists of the word "COZY" is written in capital stylized letters with the word "casual" written in smaller capital letters below. The letter "C" in "COZY" has a simple drawing of a flower in it, the "O" in "COZY" has a simple drawing of a heart in it, the letter "Z" in "COZY" has the simple drawing of a star attached to it and the letter "Y" of "COZY" has a drawing of a flower attached to it. There is a small drawing of a star spaced between each letter of casual.

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

Disclaimer: "CASUAL"

Design Search Code(s): 01.01.13 - Stars - multiple stars with five points  
02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards  
05.05.25 - Iris (flower); Daffodils; Other flowers

## Goods and Services

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

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

For: Clothing, namely, T-shirts, Tops, Shorts, Skirts, Sweaters, Sweat-shirts, Sweat-pants, Dresses, Jackets, Pants, Jeans, Denims, and Coats; Hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2008

Use in Commerce: Mar. 01, 2008

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Woo, Sang K.

Owner Address: 1100 S. San Pedro Street, Suite J-05  
Los Angeles, CALIFORNIA UNITED STATES 90015

Legal Entity Type: INDIVIDUAL

Citizenship: KOREA, REPUBLIC OF

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** John K. Park **Docket Number:** 1189.15  
**Attorney Primary Email Address:** [trademark@parklaw.com](mailto:trademark@parklaw.com) **Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** JOHN K. PARK  
PARK LAW FIRM  
3255 WILSHIRE BLVD STE 1110  
LOS ANGELES, CALIFORNIA UNITED STATES 90010-1415  
**Phone:** 2133893777 **Fax:** 2133893377  
**Correspondent e-mail:** [trademark@parklaw.com](mailto:trademark@parklaw.com) **Correspondent e-mail Authorized:** No

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 05, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 20, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 20, 2010	PUBLISHED FOR OPPOSITION	
Jun. 17, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jun. 17, 2010	ASSIGNED TO LIE	68123
Jun. 02, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 31, 2010	ASSIGNED TO EXAMINER	77300
Mar. 04, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 03, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 05, 2010

# United States of America

United States Patent and Trademark Office

COZY  
C \* A \* S \* U \* A \* L

**Reg. No. 3,856,638**

**Registered Oct. 5, 2010**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

WOO, SANG K. (REPUBLIC OF KOREA INDIVIDUAL)  
1100 S. SAN PEDRO STREET, SUITE J-05  
LOS ANGELES, CA 90015

FOR: CLOTHING, NAMELY, T-SHIRTS, TOPS, SHORTS, SKIRTS, SWEATERS, SWEAT-SHIRTS, SWEAT-PANTS, DRESSES, JACKETS, PANTS, JEANS, DENIMS, AND COATS; HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-1-2008; IN COMMERCE 3-1-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CASUAL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "COZY" IS WRITTEN IN CAPITAL STYLIZED LETTERS WITH THE WORD "CASUAL" WRITTEN IN SMALLER CAPITAL LETTERS BELOW. THE LETTER "C" IN "COZY" HAS A SIMPLE DRAWING OF A FLOWER IN IT, THE "O" IN "COZY" HAS A SIMPLE DRAWING OF A HEART IN IT, THE LETTER "Z" IN "COZY" HAS THE SIMPLE DRAWING OF A STAR ATTACHED TO IT AND THE LETTER "Y" OF "COZY" HAS A DRAWING OF A FLOWER ATTACHED TO IT. THERE IS A SMALL DRAWING OF A STAR SPACED BETWEEN EACH LETTER OF CASUAL.

SER. NO. 77-945,438, FILED 2-25-2010.

CHERYL CLAYTON, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



Phone: 604.677.7727

Fax: 604.677.7728

Correspondent e-mail: [dean\\_palmer@iproperty.ca](mailto:dean_palmer@iproperty.ca)

Correspondent e-mail No  
Authorized:

**Domestic Representative - Not Found**

**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jun. 28, 2011	REGISTERED-PRINCIPAL REGISTER	
May 26, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 25, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
May 25, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 03, 2011	STATEMENT OF USE PROCESSING COMPLETE	71034
Apr. 29, 2011	USE AMENDMENT FILED	71034
May 03, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Apr. 29, 2011	TEAS STATEMENT OF USE RECEIVED	
Nov. 02, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 07, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 07, 2010	PUBLISHED FOR OPPOSITION	
Aug. 02, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Aug. 02, 2010	ASSIGNED TO LIE	70633
Jul. 20, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 13, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 12, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 22, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 22, 2010	NON-FINAL ACTION E-MAILED	6325
Feb. 22, 2010	NON-FINAL ACTION WRITTEN	82421
Feb. 19, 2010	ASSIGNED TO EXAMINER	82421
Nov. 19, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 17, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 25, 2011

# United States of America

United States Patent and Trademark Office

## SIDUAL

**Reg. No. 3,986,499**

STEPHANE ROYER (CANADA INDIVIDUAL), DBA SIDUAL,  
14607 BIAGIONI AVENUE

**Registered June 28, 2011**

SUMMERLAND, B.C., CANADA V0H1Z6

**Int. Cl.: 25**

FOR: PULLOVERS, CREW SWEATSHIRTS, T-SHIRTS, HOODED SWEATSHIRTS,  
SWEATSHIRTS, CREW SHIRTS, SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 10-0-2004; IN COMMERCE 2-22-2010.

**PRINCIPAL REGISTER**

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

SN 77-872,599, FILED 11-13-2009.

SHAILA SETTLES, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



Name/Address: PARK LAW FIRM  
3255 WILSHIRE BLVD STE 1110  
LOS ANGELES, CALIFORNIA 90010-1415  
UNITED STATES

Phone: 213-389-3777

Fax: 213-389-3377

Correspondent e-mail: [trademark@parklaw.com](mailto:trademark@parklaw.com)  
[trademark@parklaw.com](mailto:trademark@parklaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 29, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 29, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Nov. 26, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Nov. 07, 2014	TEAS SECTION 8 & 15 RECEIVED	
Oct. 27, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 11, 2009	PUBLISHED FOR OPPOSITION	
Jul. 22, 2009	NOTICE OF PUBLICATION	
Jul. 09, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jul. 09, 2009	ASSIGNED TO LIE	73797
Jun. 30, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 30, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 30, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 30, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 30, 2009	EXAMINERS AMENDMENT -WRITTEN	81899
Jan. 15, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2009	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2009	NON-FINAL ACTION WRITTEN	81899
Jan. 14, 2009	ASSIGNED TO EXAMINER	81899
Oct. 21, 2008	NOTICE OF PSEUDO MARK MAILED	
Oct. 20, 2008	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Nov. 29, 2014

# United States of America

United States Patent and Trademark Office

## COZY S&S CASUAL

**Reg. No. 3,700,993** WOO, SANG K. (REPUBLIC OF KOREA INDIVIDUAL)  
Registered Oct. 27, 2009 SUITE J4/J5/J6

1100 S. SAN PEDRO STREET  
LOS ANGELES, CA 90015

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, T-SHIRTS, TOPS, SHORTS, SKIRTS, SWEATERS, SWEAT-SHIRTS, SWEAT-PANTS, DRESSES, JACKETS, PANTS, JEANS, DENIMS, AND COATS; HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK  
PRINCIPAL REGISTER**

FIRST USE 9-1-1995; IN COMMERCE 10-15-1995.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CASUAL", APART FROM THE MARK AS SHOWN.

SER. NO. 77-593,526, FILED 10-15-2008.

KATINA MISTER, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

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Mark: AQUADUAL



US Serial Number: 77545937

Application Filing Date: Aug. 13, 2008

US Registration Number: 3648696

Registration Date: Jun. 30, 2009

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: Aug. 05, 2014

Publication Date: Jan. 20, 2009

Notice of Allowance Date: Apr. 14, 2009

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## Mark Information

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Mark Literal Elements: AQUADUAL

Standard Character Claim: No

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

Description of Mark: The mark consists of "AQUADUAL", "AQUA" is blue, "DUAL" is black, circle of two lady swimmers is blue, one lady is green with white bathing suit the other lady is blue with white bathing suit.

Color Drawing: Yes

Color(s) Claimed: The color(s) dark blue, light blue, white, green, black is/are claimed as a feature of the mark.

Design Search Code(s): 02.03.24 - Women, stylized, including women depicted in caricature form  
02.03.27 - Athletes (women); Women athletes  
02.07.02 - Groups, females  
09.03.11 - Bathing suits; Bathing trunks; Trunks, bathing; Swimsuits; Suits, bathing  
26.01.21 - Circles that are totally or partially shaded.  
26.17.02 - Wavy line(s), band(s) or bar(s); Bars, wavy; Bands, wavy; Lines, wavy  
26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

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## Goods and Services

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

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

For: Swimwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 2009

Use in Commerce: Apr. 01, 2009

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

---

Owner Name: Ian Industries, Inc.

Owner Address: 6586 Hypoluxo Road # 213

Lake Worth, FLORIDA 33467  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Owner Name: Hersh, Stephanie

Owner Address: 6586 Hypoluxo Road #213  
Lake Worth, FLORIDA 33467  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: IAN INDUSTRIES, INC.  
6586 Hypoluxo Road # 213  
LAKE WORTH, FLORIDA 33467  
UNITED STATES

Phone: 561-818-7651

Correspondent e-mail: [hershweb@yahoo.com](mailto:hershweb@yahoo.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Aug. 05, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED	71378
Jul. 28, 2014	FAX RECEIVED	
Jul. 28, 2014	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jul. 25, 2014	POST REGISTRATION ACTION MAILED - SEC. 8	71378
Jul. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Jul. 14, 2014	TEAS SECTION 8 RECEIVED	
Jul. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 30, 2009	REGISTERED-PRINCIPAL REGISTER	
May 27, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
May 26, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 18, 2009	STATEMENT OF USE PROCESSING COMPLETE	76873
Apr. 29, 2009	USE AMENDMENT FILED	76873
May 18, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Apr. 29, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 14, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 20, 2009	PUBLISHED FOR OPPOSITION	
Dec. 31, 2008	NOTICE OF PUBLICATION	
Dec. 16, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 15, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2008	AMENDMENT FROM APPLICANT ENTERED	74221
Dec. 11, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Dec. 04, 2008	PAPER RECEIVED	
Nov. 24, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 24, 2008	NON-FINAL ACTION E-MAILED	6325
Nov. 24, 2008	NON-FINAL ACTION WRITTEN	75571
Nov. 21, 2008	ASSIGNED TO EXAMINER	75571
Sep. 16, 2008	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	74221
Sep. 16, 2008	ASSIGNED TO LIE	74221

Sep. 09, 2008 PAPER RECEIVED  
Aug. 19, 2008 NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED  
Aug. 18, 2008 NEW APPLICATION ENTERED IN TRAM

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

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## TM Staff and Location Information

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TM Staff Information - None

File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Aug. 05, 2014

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

Reg. No. 3,648,696

Registered June 30, 2009

**TRADEMARK  
PRINCIPAL REGISTER**



*Aqua***dual**

IAN INDUSTRIES, INC. (FLORIDA CORPORATION)  
6586 HYPOLUXO ROAD # 213  
LAKE WORTH, FL 33467 AND  
HERSH, STEPHANIE (UNITED STATES INDIVIDUAL)  
6586 HYPOLUXO ROAD #213  
LAKE WORTH, FL 33467

FOR: SWIMWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-1-2009; IN COMMERCE 4-1-2009.

THE COLOR(S) DARK BLUE, LIGHT BLUE, WHITE, GREEN, BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF "AQUADUAL", "AQUA" IS BLUE, "DUAL" IS BLACK, CIRCLE OF TWO LADY SWIMMERS IS BLUE, ONE LADY IS GREEN WITH WHITE BATHING SUIT THE OTHER LADY IS BLUE WITH WHITE BATHING SUIT.

SN 77-545,937, FILED 8-13-2008.

ALEX KEAM, EXAMINING ATTORNEY

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Mark: MB CASUAL

MB CASUAL

US Serial Number: 77423360  
US Registration Number: 3597529  
Filed as TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.  
Status Date: Nov. 06, 2015  
Publication Date: Jan. 13, 2009  
Date Cancelled: Nov. 06, 2015

Application Filing Date: Mar. 17, 2008  
Registration Date: Mar. 31, 2009  
Currently TEAS Plus: Yes

## Mark Information

Mark Literal Elements: MB CASUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK  
Disclaimer: "CASUAL"

## Goods and Services

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

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

For: Blouses; Sweaters; Shirts; T-shirts; Pants; Skirts  
International Class(es): 025 - Primary Class  
U.S Class(es): 022, 039  
Class Status: SECTION 8 - CANCELLED  
Basis: 1(a)  
First Use: Oct. 01, 2007  
Use in Commerce: Oct. 01, 2007

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Supreme Apparel Inc.  
Owner Address: Suite 1705  
1410 Broadway  
New York, NEW YORK 10018  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Donna Mirman Broome  
Docket Number: 4282/005  
Attorney Primary Email Address: [efiling@grr.com](mailto:efiling@grr.com)  
Attorney Email Authorized: No

### Correspondent

**Correspondent** DONNA MIRMAN BROOME  
**Name/Address:** GOTTLIEB, RACKMAN & REISMAN, P.C.  
270 MADISON AVE  
NEW YORK, NEW YORK 10016-0601  
UNITED STATES

**Phone:** 212 684-3900

**Fax:** 212 684-3999

**Correspondent e-mail:** [efiling@grr.com](mailto:efiling@grr.com)

**Correspondent e-mail** No  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2015	CANCELLED SEC. 8 (6-YR)	
Mar. 31, 2009	REGISTERED-PRINCIPAL REGISTER	
Jan. 13, 2009	PUBLISHED FOR OPPOSITION	
Dec. 24, 2008	NOTICE OF PUBLICATION	
Dec. 11, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Dec. 11, 2008	ASSIGNED TO LIE	76537
Dec. 05, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 03, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 03, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 25, 2008	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Jun. 25, 2008	PRIORITY ACTION E-MAILED	6326
Jun. 25, 2008	PRIORITY ACTION WRITTEN	82104
Jun. 23, 2008	ASSIGNED TO EXAMINER	82104
Mar. 20, 2008	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**  
**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 31, 2009

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,597,529**

**Registered Mar. 31, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**MB CASUAL**

SUPREME APPAREL INC. (NEW YORK COR-  
PORATION)

SUITE 1705

1410 BROADWAY

NEW YORK, NY 10018

FOR: BLOUSES; SWEATERS; SHIRTS; T-SHIRTS;  
PANTS; SKIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-1-2007; IN COMMERCE 10-1-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CASUAL", APART FROM THE  
MARK AS SHOWN.

SER. NO. 77-423,360, FILED 3-17-2008.

LAURIE KAUFMAN, EXAMINING ATTORNEY



Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record - None

#### Correspondent

**Correspondent Name/Address:** ATTENTION: TRADEMARKS  
ELECTRIC VISUAL EVOLUTION, LLC  
1001 Calle Amanecer  
SAN CLEMENTE, CALIFORNIA 92672  
UNITED STATES

**Phone:** (949) 999-6422

**Fax:** (949) 999-1293

**Correspondent e-mail:** [trademarks@electricvisual.com](mailto:trademarks@electricvisual.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 22, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 17, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 16, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Mar. 11, 2012	ASSIGNED TO LIE	69712
Mar. 11, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 09, 2012	STATEMENT OF USE PROCESSING COMPLETE	76873
Mar. 08, 2012	USE AMENDMENT FILED	76873
Mar. 08, 2012	TEAS STATEMENT OF USE RECEIVED	
Sep. 10, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2011	EXTENSION 5 GRANTED	76873
Sep. 08, 2011	EXTENSION 5 FILED	76873
Sep. 08, 2011	TEAS EXTENSION RECEIVED	
Mar. 22, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 21, 2011	EXTENSION 4 GRANTED	76873
Mar. 10, 2011	EXTENSION 4 FILED	76873
Mar. 10, 2011	TEAS EXTENSION RECEIVED	
Sep. 18, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 17, 2010	EXTENSION 3 GRANTED	76873
Sep. 09, 2010	EXTENSION 3 FILED	76873
Sep. 09, 2010	TEAS EXTENSION RECEIVED	
Mar. 20, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 19, 2010	EXTENSION 2 GRANTED	76873
Mar. 08, 2010	EXTENSION 2 FILED	76873
Mar. 08, 2010	TEAS EXTENSION RECEIVED	
Sep. 23, 2009	EXTENSION 1 GRANTED	76873
Sep. 08, 2009	EXTENSION 1 FILED	76873
Sep. 23, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Sep. 08, 2009	TEAS EXTENSION RECEIVED	
Mar. 17, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 17, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 10, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 16, 2008	PUBLISHED FOR OPPOSITION	
Nov. 26, 2008	NOTICE OF PUBLICATION	

Nov. 13, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Nov. 13, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 13, 2008	AMENDMENT FROM APPLICANT ENTERED	68171
Nov. 13, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Nov. 10, 2008	PAPER RECEIVED	
May 08, 2008	NOTIFICATION OF FINAL REFUSAL EMAILED	
May 08, 2008	FINAL REFUSAL E-MAILED	
May 08, 2008	FINAL REFUSAL WRITTEN	82093
Apr. 02, 2008	AMENDMENT FROM APPLICANT ENTERED	68171
Apr. 02, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Apr. 02, 2008	ASSIGNED TO LIE	68171
Mar. 27, 2008	PAPER RECEIVED	
Sep. 23, 2007	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Sep. 23, 2007	PRIORITY ACTION E-MAILED	6326
Sep. 23, 2007	PRIORITY ACTION WRITTEN	82093
Sep. 23, 2007	ASSIGNED TO EXAMINER	82093
Jun. 26, 2007	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 16, 2012

### Proceedings

#### Summary

**Number of Proceedings:** 3

#### Type of Proceeding: Opposition

**Proceeding Number:** [91220581](#)

**Filing Date:** Feb 11, 2015

**Status:** Pending

**Status Date:** Feb 11, 2015

**Interlocutory Attorney:** JENNIFER KRISP

#### Defendant

**Name:** Electric & Rose LLC

**Correspondent Address:** MICHAEL W SCHROEDER  
 PATEL & ALMEIDA PC  
 16830 VENTURA BLVD , STE 360  
 ENCINO CA , 91436-1711  
 UNITED STATES

**Correspondent e-mail:** [michael@paiplaw.com](mailto:michael@paiplaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ELECTRIC & ROSE	Opposition Pending	<a href="#">86277078</a>	

#### Plaintiff(s)

**Name:** Electric Visual Evolution, LLC

**Correspondent Address:** Erik M. Pelton  
 Erik M. Pelton & Associates, PLLC  
 PO Box 100637  
 Arlington VA , 22210  
 UNITED STATES

**Correspondent e-mail:** [uspto@tm4smallbiz.com](mailto:uspto@tm4smallbiz.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ELECTRIC	Renewed	<a href="#">75936417</a>	<a href="#">2559887</a>
ELECTRIC VISUAL	Registered	<a href="#">77213653</a>	<a href="#">4132116</a>
ELECTRIC			



Mark	Application Status	Serial Number	Registration Number
ELECTRIC	Renewed	<a href="#">75936417</a>	<a href="#">2559887</a>
ELECTRIC VISUAL	Registered	<a href="#">77213653</a>	<a href="#">4132116</a>
ELECTRIC	Renewed	<a href="#">75932155</a>	<a href="#">2759283</a>
ELECTRIC	Renewed	<a href="#">75932156</a>	<a href="#">2613183</a>
ELECTRIC VISUAL EVOLUTION	Cancelled - Section 8	<a href="#">75983611</a>	<a href="#">3405825</a>
ELECTRIC	Renewed	<a href="#">75983559</a>	<a href="#">2983422</a>
ELECTRIC	Registered	<a href="#">75936418</a>	<a href="#">3750139</a>
ELECTRIC	Cancelled - Section 8	<a href="#">75936416</a>	<a href="#">3540581</a>
ELECTRIC	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75932154</a>	<a href="#">3369773</a>
ELECTRIC	Registered	<a href="#">85884296</a>	<a href="#">4490536</a>
ELECTRIC	Registered	<a href="#">85876742</a>	<a href="#">4490520</a>
ELECTRIC VISUAL	Abandoned - No Statement Of Use Filed	<a href="#">85427586</a>	
ELECTRIC	Abandoned - No Statement Of Use Filed	<a href="#">85427529</a>	
ELECTRIC ( )	Abandoned - No Statement Of Use Filed	<a href="#">85620105</a>	
( )	Abandoned - No Statement Of Use Filed	<a href="#">85620086</a>	
ELECTRIC	Registered	<a href="#">85876732</a>	<a href="#">4837159</a>
ELECTRIC	Second Extension - Granted	<a href="#">86064609</a>	
	Third Extension - Granted	<a href="#">85876696</a>	
	Third Extension - Granted	<a href="#">85876672</a>	
	Registered	<a href="#">85876639</a>	<a href="#">4813273</a>
	Registered	<a href="#">85876624</a>	<a href="#">4841753</a>
ELECTRIC	Registered	<a href="#">85876719</a>	<a href="#">4614550</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2014	Apr 29, 2014
3	PENDING, INSTITUTED	Mar 20, 2014	
4	D APPEARANCE / POWER OF ATTORNEY	Mar 27, 2014	
5	ANSWER	Mar 27, 2014	
6	P MOT TO CONSOLIDATE	Apr 15, 2014	
7	CONSOLIDATED W/91212062; TRIAL DATES SET	Apr 24, 2014	
8	W/DRAW OF APPLICATION	Oct 02, 2015	
9	BD DECISION: SUSTAINED	Oct 06, 2015	
10	TERMINATED	Oct 06, 2015	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91208034](#)

**Filing Date:** Nov 16, 2012

**Status:** Terminated

**Status Date:** Aug 13, 2013

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Electric Lady, LLC

**Correspondent Address:** DIRK M SIMPSON  
KAPLIN STEWART  
910 HARVEST DR  
BLUE BELL PA , 19422-1962  
UNITED STATES

**Correspondent e-mail:** [dsimpson@kaplaw.com](mailto:dsimpson@kaplaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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ELECTRIC LADY

Fourth Extension - Granted

[85195503](#)

**Plaintiff(s)**

**Name:** Electric Visual Evolution, LLC

**Correspondent Address:** ERIK M PELTON  
ERIK M PELTON & ASSOCIATES PLLC  
PO BOX 100637  
ARLINGTON VA , 22210  
UNITED STATES

**Correspondent e-mail:** [uspto@tm4smallbiz.com](mailto:uspto@tm4smallbiz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ELECTRIC VISUAL	Registered	<a href="#">77213653</a>	<a href="#">4132116</a>
ELECTRIC	Renewed	<a href="#">75932155</a>	<a href="#">2759283</a>
ELECTRIC	Renewed	<a href="#">75932156</a>	<a href="#">2613183</a>
ELECTRIC	Renewed	<a href="#">75936417</a>	<a href="#">2559887</a>
ELECTRIC VISUAL EVOLUTION	Cancelled - Section 8	<a href="#">75983611</a>	<a href="#">3405825</a>
ELECTRIC	Renewed	<a href="#">75983559</a>	<a href="#">2983422</a>
ELECTRIC	Registered	<a href="#">75936418</a>	<a href="#">3750139</a>
ELECTRIC	Cancelled - Section 8	<a href="#">75936416</a>	<a href="#">3540581</a>
ELECTRIC	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75932154</a>	<a href="#">3369773</a>
ELECTRIC VISUAL	Abandoned - No Statement Of Use Filed	<a href="#">85427586</a>	
ELECTRIC	Abandoned - No Statement Of Use Filed	<a href="#">85427529</a>	
ELECTRIC ( )	Abandoned - No Statement Of Use Filed	<a href="#">85620105</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2012	Dec 26, 2012
3	PENDING, INSTITUTED	Nov 16, 2012	
4	NOTICE OF DEFAULT	Jan 11, 2013	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Jan 17, 2013	
6	STIP FOR EXT	Feb 07, 2013	
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 21, 2013	
8	SUSPENDED	Mar 18, 2013	
9	W/DRAW OF OPPOSITION	Jul 24, 2013	
10	BD DECISION: DISMISSED W/ PREJ	Aug 13, 2013	
11	TERMINATED	Aug 13, 2013	

# United States of America

United States Patent and Trademark Office

## ELECTRIC VISUAL

**Reg. No. 4,132,116**

**Registered Apr. 24, 2012**

**Int. Cls.: 9 and 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

ELECTRIC VISUAL EVOLUTION, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
1062 CALLE NEGOCIO  
SUITE H  
SAN CLEMENTE, CA 92673

FOR: OPTICS, NAMELY, SUNGLASSES, SKI GOGGLES, SNOW GOGGLES AND CASES THEREFOR, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-10-2010; IN COMMERCE 3-10-2010.

FOR: CLOTHING, NAMELY, T-SHIRTS, SHIRTS, SWEATSHIRTS, JACKETS, HATS AND SOCKS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-1-2010; IN COMMERCE 4-1-2010.

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

OWNER OF U.S. REG. NOS. 2,559,887, 2,759,283, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VISUAL" AS TO CLASS 9, APART FROM THE MARK AS SHOWN.

SN 77-213,653, FILED 6-22-2007.

KELLY TRUSILO, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

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

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

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

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

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

**Grace Period Filings\***

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

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

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

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

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Mark: PQ PRIMEQUAL



**US Serial Number:** 79039099  
**Application Filing Date:** Mar. 02, 2007  
**US Registration Number:** 3540462  
**Registration Date:** Dec. 02, 2008  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** A partial Section 71 declaration has been accepted.  
**Status Date:** Jun. 25, 2015  
**Publication Date:** Sep. 16, 2008

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## Mark Information

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**Mark Literal Elements:** PQ PRIMEQUAL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Color(s) Claimed:** Color is not claimed as a feature of the mark.  
**Design Search Code(s):** 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Underlined words or letters; Overlined words or letters

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## Related Properties Information

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**International Registration Number:** 0925695  
**International Registration Date:** Mar. 02, 2007

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## Goods and Services

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

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

**For:** [ general purpose cleaning, polishing, and abrasive liquids and powders excluding liquids and powders for laundry use; polishing preparations, scouring and abrasive preparations in the nature of abrasive paste, abrasive cloth, scouring liquids, scouring powders; dentifrices; perfumery, essential oils, cosmetics ]

**International Class(es):** 003 - Primary Class

**U.S Class(es):** 001, 004, 006, 050, 051, 052

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** [ Pharmaceutical and veterinary preparations for the treatment of skin pathology, cancer, muscular pains; pharmaceutical and veterinary preparations, namely, dietetic food adapted for medical use; sanitary preparations for medical purposes; materials for dressings, namely, medical plaster, medical dressings; material for stopping teeth and dental wax; disinfectants for sanitary and hygiene use and for medical instruments ]

**International Class(es):** 005 - Primary Class

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

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** [ Scientific, photographic, optical, weighing, measuring, checking, supervision, life-saving and teaching apparatus and instruments, namely, fire-extinguishing apparatus, electronic apparatus in the nature of stand alone displays for medical images; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; blank optical, digital video, digital versatile, and magnetic discs; data processing equipment and computers ]

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** Surgical and medical apparatus and instruments for use in general surgery, excluding orthotics; dental and veterinary apparatus and instruments for use in surgery; medical apparatus and instruments for diagnosing suspected heart attacks; dental apparatus and instruments, namely, apparatus for root canal cleaning, apparatus to inject liquid, gel or paste, dozers namely, dosing apparatus for administering local anesthetic; veterinary apparatus and instruments, namely, apparatus for root canal cleaning, apparatus to inject liquid, gel or paste

**International Class(es):** 010 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** [ Precious metals and their alloys and goods made of or coated with these materials, namely, key chains of precious metal, precious metal trophies, jewelry boxes of precious metal; jewellery, precious stones; horological and chronometric instruments ]

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027, 028, 050

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** [ Clothing, namely, shirts, pants, belts and dresses; footwear; headgear, namely, headwear ]

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** [ Advertising services; business management, excluding business management in the dental field; business administration excluding business administration in the dental field; providing office functions ]

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

**For:** [ Insurance agency and brokerage; financial affairs, namely, financial management, financial planning, financial analysis and consultation, and fiscal valuations and assessments; monetary affairs, namely, financial services in the nature of money lending, or electronic money transfers; real estate affairs, namely, real estate brokerage, providing real estate listings and real estate information via the Internet, or real estate appraisal ]

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** SECTION 71 - CANCELLED

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** Yes

**Currently 66A:** Yes

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** PRIMEQUAL S.A.

**Owner Address:** Ch. Champ-David  
Begnins CH1268  
SWITZERLAND

**Legal Entity Type:** Société anonyme

**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Bassam N. Ibrahim

**Docket Number:** 1030821-0003

**Attorney Primary Email Address:** [bassam.ibrahim@bipc.com](mailto:bassam.ibrahim@bipc.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** BASSAM N. IBRAHIM  
BUCHANAN INGERSOLL & ROONEY, P.C.  
1737 KING STREET, SUITE 500  
ALEXANDRIA, VIRGINIA 22314-2727  
UNITED STATES

**Phone:** (703) 836-6620

**Fax:** (703) 836-2021

Correspondent e-mail: [bassam.ibrahim@bjpc.com](mailto:bassam.ibrahim@bjpc.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative**

Domestic Representative Name: Bassam N. Ibrahim

Phone: (703) 836-6620

Fax: (703) 836-2021

Domestic Representative e-mail: [bassam.ibrahim@bjpc.com](mailto:bassam.ibrahim@bjpc.com)

Domestic Representative e-mail Yes  
Authorized:

## Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2015	NOTICE OF ACCEPTANCE OF SEC. 71 - E-MAILED	
Jun. 25, 2015	REGISTERED - PARTIAL SEC 71 ACCEPTED	76874
Jun. 25, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Jun. 02, 2015	TEAS SECTION 71 RECEIVED	
May 13, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Mar. 20, 2009	FINAL DISPOSITION NOTICE SENT TO IB	
Mar. 20, 2009	FINAL DISPOSITION PROCESSED	74217
Mar. 02, 2009	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Dec. 02, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2008	PUBLISHED FOR OPPOSITION	
Aug. 27, 2008	NOTICE OF PUBLICATION	
Aug. 12, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Aug. 12, 2008	ASSIGNED TO LIE	73797
Aug. 06, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 06, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 06, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 06, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 06, 2008	EXAMINERS AMENDMENT -WRITTEN	81094
Jul. 17, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 16, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 16, 2008	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Feb. 01, 2008	NOTIFICATION OF FINAL REFUSAL EMAILED	
Feb. 01, 2008	FINAL REFUSAL E-MAILED	
Feb. 01, 2008	FINAL REFUSAL WRITTEN	81094
Jan. 10, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 09, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 09, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 03, 2007	REFUSAL PROCESSED BY IB	
Jul. 09, 2007	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 09, 2007	REFUSAL PROCESSED BY MPU	72589
Jul. 09, 2007	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 08, 2007	NON-FINAL ACTION WRITTEN	81094
Jul. 06, 2007	ASSIGNED TO EXAMINER	81094
Jul. 06, 2007	NEW APPLICATION ENTERED IN TRAM	
Jul. 05, 2007	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

International Registration Number: 0925695

International Registration Date: Mar. 02, 2007

Priority Claimed Flag: Yes

Date of Section 67 Priority Claim: Sep. 21, 2006

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Date of International Registration Status: Jul. 05, 2007

Notification of Designation Date: Jul. 05, 2007

Date of Automatic Protection: Jan. 05, 2009

International Registration Renewal Date: Mar. 02, 2017

First Refusal Flag: Yes

---

## Maintenance Filings or Post Registration Information

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Affidavit of Continued Use: Section 71 - Accepted in Part

Change in Registration: Yes

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## TM Staff and Location Information

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### TM Staff Information

TM Attorney: KUNG, Kaelie Elizabeth

Law Office Assigned: LAW OFFICE 103

### File Location

Current Location: Not Found

Date in Location: Jun. 25, 2015

Int. Cls.: 3, 5, 9, 10, 14, 25, 35 and 36

Prior U.S. Cls.: 1, 2, 4, 6, 18, 21, 22, 23, 26, 27, 28, 36,  
38, 39, 44, 46, 50, 51, 52, 100, 101 and 102

Reg. No. 3,540,462

Registered Dec. 2, 2008

**United States Patent and Trademark Office**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



PRIMEQUAL S.A. (SWITZERLAND SOCIÉTÉ  
ANONYME)  
CH. CHAMP-DAVID  
CH-1268 BEGNINS  
SWITZERLAND

FOR: GENERAL PURPOSE CLEANING, POLISHING, AND ABRASIVE LIQUIDS AND POWDERS EXCLUDING LIQUIDS AND POWDERS FOR LAUNDRY USE; POLISHING PREPARATIONS, SCOURING AND ABRASIVE PREPARATIONS IN THE NATURE OF ABRASIVE PASTE, ABRASIVE CLOTH, SCOURING LIQUIDS, SCOURING POWDERS; DENTIFRICES; PERFUMERY, ESSENTIAL OILS, COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: PHARMACEUTICAL AND VETERINARY PREPARATIONS FOR THE TREATMENT OF SKIN PATHOLOGY, CANCER, MUSCULAR PAINS; PHARMACEUTICAL AND VETERINARY PREPARATIONS, NAMELY, DIETETIC FOOD ADAPTED FOR MEDICAL USE; SANITARY PREPARATIONS FOR MEDICAL PURPOSES; MATERIALS FOR DRESSINGS, NAMELY, MEDICAL PLASTER, MEDICAL DRESSINGS; MATERIAL FOR STOPPING TEETH AND DENTAL WAX; DISINFECTANTS FOR SANITARY AND HYGIENE USE AND FOR MEDICAL INSTRUMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: SCIENTIFIC, PHOTOGRAPHIC, OPTICAL, WEIGHING, MEASURING, CHECKING, SUPERVISION, LIFE-SAVING AND TEACHING APPARATUS AND INSTRUMENTS, NAMELY, FIRE-EXTINGUISHING APPARATUS, ELECTRONIC APPARATUS IN THE NATURE OF STAND ALONE DISPLAYS FOR MEDICAL IMAGES; APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; BLANK MAGNETIC DATA CARRIERS; BLANK OPTICAL, DIGITAL VIDEO, DIGITAL VERSATILE, AND MAGNETIC DISCS; DATA PROCESSING EQUIPMENT AND COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY, EXCLUDING ORTHOTICS; DENTAL AND VETERINARY APPARATUS AND INSTRUMENTS FOR USE IN SURGERY; MEDICAL APPARATUS AND INSTRUMENTS FOR DIAGNOSING SUSPECTED HEART ATTACKS; DENTAL APPARATUS AND INSTRUMENTS, NAMELY, APPARATUS FOR ROOT CANAL CLEANING, APPARATUS TO INJECT LIQUID, GEL OR PASTE, DOZERS NAMELY, DOSING APPARATUS FOR ADMINISTERING LOCAL ANESTHETIC; VETERINARY APPARATUS AND INSTRUMENTS, NAMELY, APPARATUS FOR ROOT CANAL CLEANING, APPARATUS TO INJECT LIQUID, GEL OR PASTE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS MADE OF OR COATED WITH THESE MATERIALS, NAMELY, KEY CHAINS OF PRECIOUS METAL, PRECIOUS METAL TROPHIES, JEWELRY BOXES OF PRECIOUS METAL; JEWELRY, PRECIOUS STONES; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: CLOTHING, NAMELY, SHIRTS, PANTS, BELTS AND DRESSES; FOOTWEAR; HEADGEAR, NAMELY, HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: ADVERTISING SERVICES; BUSINESS MANAGEMENT, EXCLUDING BUSINESS MANAGEMENT IN THE DENTAL FIELD; BUSINESS ADMINISTRATION EXCLUDING BUSINESS ADMINISTRATION IN THE DENTAL FIELD; PROVIDING OFFICE FUNCTIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE AGENCY AND BROKERAGE; FINANCIAL AFFAIRS, NAMELY, FINANCIAL

MANAGEMENT, FINANCIAL PLANNING, FINANCIAL ANALYSIS AND CONSULTATION, AND FISCAL VALUATIONS AND ASSESSMENTS; MONETARY AFFAIRS, NAMELY, FINANCIAL SERVICES IN THE NATURE OF MONEY LENDING, OR ELECTRONIC MONEY TRANSFERS; REAL ESTATE AFFAIRS, NAMELY, REAL ESTATE BROKERAGE, PROVIDING REAL ESTATE LISTINGS AND REAL ESTATE INFORMATION VIA THE INTERNET, OR REAL ESTATE APPRAISAL, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 9-21-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0925695 DATED 3-2-2007, EXPIRES 3-2-2017.

SER. NO. 79-039,099, FILED 3-2-2007.

KAELIE KUNG, EXAMINING ATTORNEY

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Mark: UNEQUAL

UNEQUAL

US Serial Number: 77005479  
Application Filing Date: Sep. 22, 2006  
US Registration Number: 3267320  
Registration Date: Jul. 24, 2007  
Filed as TEAS Plus: Yes  
Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Jan. 15, 2013  
Publication Date: May 08, 2007

## Mark Information

Mark Literal Elements: UNEQUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: Leather shoes; Running shoes; Shoes; Ski and snowboard shoes and parts thereof; Skiing shoes; Soccer shoes; Tennis shoes; Volleyball shoes; Women's shoes; Work shoes and boots

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 17, 2006

Use in Commerce: Nov. 17, 2006

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Inc International Company  
Owner Address: 143 Viburnum Drive  
Kennett Square, PENNSYLVANIA 19348  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: PENNSYLVANIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Matthew H. Swyers  
Attorney Primary Email Address: [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent MATTHEW H. SWYERS

Name/Address: THE TRADEMARK COMPANY  
344 Maple Avenue West  
VIENNA, VIRGINIA 22180  
UNITED STATES

Phone: (800) 906-8626 x100

Fax: 919-861-5278

Correspondent e-mail: [mswyers@TheTrademarkCompany.com](mailto:mswyers@TheTrademarkCompany.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 15, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 15, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jan. 15, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Dec. 19, 2012	TEAS SECTION 8 & 15 RECEIVED	
Dec. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 03, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 03, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 21, 2011	WITHDRAWAL OF ATTORNEY GRANTED	
Apr. 21, 2011	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Apr. 20, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 17, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 16, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 24, 2007	REGISTERED-PRINCIPAL REGISTER	
Jun. 19, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 19, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 14, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Mar. 08, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 02, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	78289
Feb. 26, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Feb. 26, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 23, 2007	NON-FINAL ACTION E-MAILED	6325
Jan. 23, 2007	NON-FINAL ACTION WRITTEN	68625
Jan. 23, 2007	USE AMENDMENT ACCEPTED	68625
Jan. 23, 2007	ASSIGNED TO EXAMINER	68625
Dec. 15, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	78289
Dec. 15, 2006	AMENDMENT TO USE PROCESSING COMPLETE	78289
Nov. 20, 2006	USE AMENDMENT FILED	78289
Dec. 15, 2006	ASSIGNED TO LIE	78289
Nov. 20, 2006	TEAS AMENDMENT OF USE RECEIVED	
Nov. 01, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 01, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 28, 2006	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted  
Use:

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Jan. 15, 2013

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: Inc International Company

#### Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5042/0604](#)

Pages: 6

Date Recorded: Jun. 06, 2013

Supporting Documents: [assignment-tm-5042-0604.pdf](#)

#### Assignor

Name: [INC INTERNATIONAL COMPANY](#)

Execution Date: May 31, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

#### Assignee

Name: [ALLIANCE BANK](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

Address: 541 LAWRENCE ROAD  
BROOMALL, PENNSYLVANIA 19008

#### Correspondent

Correspondent Name: SALVATORE GUERRIERO; CAESAR, RIVISE

Correspondent Address: 1635 MARKET  
7 PENN CENTER - 12TH FLOOR  
PHILADELPHIA, PA 19103-2212

#### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 2

#### Type of Proceeding: Opposition

Proceeding Number: [91212901](#)

Filing Date: Oct 09, 2013

Status: Terminated

Status Date: Nov 10, 2014

Interlocutory Attorney: ANDREW P BAXLEY

#### Defendant

Name: Brittani Redditt

Correspondent Address: BRITTANI REDDITT  
18412 GARNER LN  
ACCOKEEK MD , 20607 3227  
UNITED STATES

Correspondent e-mail: [Bred2173@gmail.com](mailto:Bred2173@gmail.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
WE R NOT EQUAL =	Abandoned - After Inter-Partes Decision	<a href="#">85919039</a>	

#### Plaintiff(s)

Name: INC International Company

Correspondent Address: MATTHEW H SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVE W, STE 151  
VIENNA VA , 22180  
UNITED STATES

Correspondent e-mail: [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNEQUAL	Registered	<a href="#">85976623</a>	<a href="#">4162517</a>
	Section 8 - Accepted	<a href="#">78963142</a>	<a href="#">3433363</a>
UNEQUAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77005479</a>	<a href="#">3267320</a>
	Registered	<a href="#">85300369</a>	<a href="#">4296114</a>
UNEQUAL	Renewed	<a href="#">76463693</a>	<a href="#">3098472</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 09, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 09, 2013	Nov 18, 2013
3	PENDING, INSTITUTED	Oct 09, 2013	
4	ANSWER	Nov 12, 2013	
5	BOARD COMMUNICATION	Dec 31, 2013	
6	P MOT FOR SUMMARY JUDGMENT	Jun 10, 2014	
7	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 13, 2014	
8	BD DECISION: SUSTAINED	Sep 23, 2014	
9	TERMINATED	Sep 23, 2014	
10	REQ FOR RECON	Oct 17, 2014	
11	BOARD'S ORDER	Nov 14, 2014	

#### Type of Proceeding: Opposition

Proceeding Number: [91209497](#)

Filing Date: Feb 26, 2013

Status: Terminated

Status Date: Jun 20, 2013

Interlocutory Attorney: ANDREW P BAXLEY

#### Defendant

Name: Island Surf Company, LLC

Correspondent Address: ROBERT H EPSTEIN  
EPSTEIN & GERKEN  
1901 RESEARCH BLVD , SUITE 340  
ROCKVILLE MD , 20850-3179  
UNITED STATES

Correspondent e-mail: [rhe@epsteingerken.com](mailto:rhe@epsteingerken.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	<a href="#">85708933</a>	

#### Plaintiff(s)

Name: INC International Company

Correspondent Address: MATTHEW H SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVENUE WEST, SUITE 151  
VIENNA VA , 22180  
UNITED STATES

Correspondent e-mail: [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNEQUAL	Registered	<a href="#">85976623</a>	<a href="#">4162517</a>
UNEQUAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77005479</a>	<a href="#">3267320</a>
	Registered	<a href="#">85300369</a>	<a href="#">4296114</a>
UNEQUAL	Renewed	<a href="#">76463693</a>	<a href="#">3098472</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Feb 26, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 26, 2013	Apr 07, 2013
3	PENDING, INSTITUTED	Feb 26, 2013	
4	NOTICE OF DEFAULT	Apr 25, 2013	
5	BD DECISION: SUSTAINED	Jun 20, 2013	
6	TERMINATED	Jun 20, 2013	

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,267,320**

Registered July 24, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**UNEQUAL**

INC INTERNATIONAL COMPANY (PENNSYLVANIA CORPORATION)  
1434 SUGARTOWN ROAD  
BERWYN, PA 19312

FOR: LEATHER SHOES; RUNNING SHOES; SHOES; SKI AND SNOWBOARD SHOES AND PARTS THEREOF; SKIING SHOES; SOCCER SHOES; TENNIS SHOES; VOLLEYBALL SHOES; WOMEN'S SHOES; WORK SHOES AND BOOTS , IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-17-2006; IN COMMERCE 11-17-2006.

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

SER. NO. 77-005,479, FILED 9-22-2006.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

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Mark: UNEQUAL

UNEQUAL

US Serial Number: 77005697  
Application Filing Date: Sep. 22, 2006  
US Registration Number: 3647989  
Registration Date: Jun. 30, 2009  
Filed as TEAS Plus: Yes  
Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: A Section 8 declaration has been accepted.  
Status Date: Jul. 12, 2014  
Publication Date: Apr. 17, 2007  
Notice of Allowance Date: Jul. 10, 2007

## Mark Information

Mark Literal Elements: UNEQUAL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: All purpose sport bags; bags and holdalls for sports clothing; sports bags

International Class(es): 018 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 03, 2009

Use in Commerce: Apr. 03, 2009

For: Cleats for attachment to sports shoes; footwear not for sports; sport coats; sport shirts; sports bra; sports jackets; sports jerseys; sports jerseys and breeches for sports; sports overuniforms; sports shirts with short sleeves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 03, 2009

Use in Commerce: Apr. 03, 2009

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Inc International Company  
Owner Address: 143 Viburnum Drive  
Kennett Square, PENNSYLVANIA 19348  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: PENNSYLVANIA

## Attorney/Correspondence Information

**Attorney of Record****Attorney Name:** Matthew H. Swyers**Attorney Primary Email Address:** [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West  
Suite 151  
Vienna, VIRGINIA 22180  
UNITED STATES**Phone:** 800-906-8626**Fax:** 270-477-4574**Correspondent e-mail:** [info@thetrademarkcompany.com](mailto:info@thetrademarkcompany.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jul. 12, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jul. 12, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED	71378
Jul. 12, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Jul. 01, 2014	TEAS SECTION 8 RECEIVED	
Oct. 03, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 03, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 21, 2011	WITHDRAWAL OF ATTORNEY GRANTED	
Apr. 21, 2011	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
May 20, 2010	SEC 7 REQUEST FILED	75184
Nov. 05, 2010	CERTIFICATE OF CORRECTION ISSUED	75184
Sep. 18, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Sep. 07, 2010	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Aug. 13, 2010	POST REGISTRATION ACTION MAILED - SEC. 7	75184
May 21, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
May 20, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 17, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 17, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 30, 2009	REGISTERED-PRINCIPAL REGISTER	
May 26, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
May 21, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 06, 2009	STATEMENT OF USE PROCESSING COMPLETE	65362
Apr. 30, 2009	USE AMENDMENT FILED	65362
Apr. 30, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 28, 2009	EXTENSION 3 GRANTED	65362
Jan. 10, 2009	EXTENSION 3 FILED	65362
Apr. 28, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Apr. 07, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 07, 2009	PETITION TO REVIVE-GRANTED	88889
Apr. 07, 2009	TEAS PETITION TO REVIVE RECEIVED	
Apr. 07, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 07, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 09, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Feb. 09, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Jul. 09, 2008	EXTENSION 2 GRANTED	98765

Jul. 09, 2008	EXTENSION 2 FILED	98765
Jul. 09, 2008	TEAS EXTENSION RECEIVED	
Feb. 08, 2008	EXTENSION 1 GRANTED	71034
Jan. 10, 2008	EXTENSION 1 FILED	71034
Jan. 10, 2008	TEAS EXTENSION RECEIVED	
Nov. 16, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 10, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 19, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 19, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 17, 2007	PUBLISHED FOR OPPOSITION	
Mar. 28, 2007	NOTICE OF PUBLICATION	
Feb. 27, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Feb. 27, 2007	ASSIGNED TO LIE	68552
Jan. 24, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 24, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 24, 2007	EXAMINERS AMENDMENT -WRITTEN	68625
Jan. 23, 2007	ASSIGNED TO EXAMINER	68625
Nov. 01, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 01, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 28, 2006	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** In the statement line 1, "South Dakota" is deleted and "Pennsylvania" is inserted.

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** TMEG LAW OFFICE 108

**Date in Location:** Jul. 12, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Inc International Company

### Assignment 1 of 1

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [5042/0604](#)

**Pages:** 6

**Date Recorded:** Jun. 06, 2013

**Supporting Documents:** [assignment-tm-5042-0604.pdf](#)

### Assignor

**Name:** [INC INTERNATIONAL COMPANY](#)

**Execution Date:** May 31, 2013

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

### Assignee

**Name:** [ALLIANCE BANK](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

**Address:** 541 LAWRENCE ROAD  
BROOMALL, PENNSYLVANIA 19008

### Correspondent

**Correspondent Name:** SALVATORE GUERRIERO; CAESAR, RIVISE

**Correspondent Address:** 1635 MARKET  
7 PENN CENTER - 12TH FLOOR  
PHILADELPHIA, PA 19103-2212

**Domestic Representative - Not Found**

Int. Cls.: 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 39 and 41

Reg. No. 3,647,989

United States Patent and Trademark Office  
Corrected

Registered June 30, 2009  
OG Date Dec. 14, 2010

---

TRADEMARK  
PRINCIPAL REGISTER

UNEQUAL

INC INTERNATIONAL COMPANY  
(PENNSYLVANIA CORPORATION)  
143 VIBURNUM DRIVE  
KENNETT SQUARE, PA 19348

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

FOR: ALL PURPOSE SPORT BAGS; BAGS AND HOLDALLS FOR SPORTS CLOTHING; SPORTS BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 4-3-2009; IN COMMERCE 4-3-2009.

FOR: CLEATS FOR ATTACHMENT TO SPORTS SHOES; FOOTWEAR NOT FOR SPORTS; SPORT COATS; SPORT SHIRTS; SPORTS BRA; SPORTS JACKETS; SPORTS JERSEYS; SPORTS JERSEYS AND BREECHES FOR SPORTS; SPORTS OVERUNIFORMS; SPORTS SHIRTS WITH SHORT SLEEVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-3-2009; IN COMMERCE 4-3-2009.

SER. NO. 77-005,697, FILED 9-22-2006.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Dec. 14, 2010.*

Generated on: This page was generated by TSDR on 2015-11-10 11:17:14 EST

Mark: INDIVIDUAL

# Individual

**US Serial Number:** 77001999      **Application Filing Date:** Sep. 19, 2006  
**US Registration Number:** 3623362      **Registration Date:** May 19, 2009  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** May 19, 2009  
**Publication Date:** May 08, 2007      **Notice of Allowance Date:** Jul. 31, 2007

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## Mark Information

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**Mark Literal Elements:** INDIVIDUAL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Goods and Services

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

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

**For:** Sports clothing, specifically, hats, caps, visors, shirts, T-shirts, tank shirts, polo shirts, crew shirts, sport shirts, sport tops, pullovers, sweaters, sweatshirts, singlets, skirts, tennis dresses, shorts, pants jackets, vests, all-weather suits, footwear, socks, gloves, and component parts of the foregoing

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 01, 2008

**Use in Commerce:** Jan. 01, 2008

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** NEW BALANCE ATHLETICS, INC.  
**Owner Address:** 100 GUEST STREET  
BOSTON, MASSACHUSETTS 02135  
UNITED STATES  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** MASSACHUSETTS

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Daniel J. McKinnon

### Correspondent

**Correspondent Name/Address:** Daniel J. McKinnon  
New Balance Athletics, Inc.  
100 Guest Street  
BOSTON, MASSACHUSETTS 02135

UNITED STATES

Phone: 1-617-779-7623

Fax: 1-617-787-9355

Correspondent e-mail: [daniel.mckinnon@newbalance.com](mailto:daniel.mckinnon@newbalance.com) [gabriella.fercu@newbalance.com](mailto:gabriella.fercu@newbalance.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 23, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 19, 2009	REGISTERED-PRINCIPAL REGISTER	
Apr. 14, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	78289
Apr. 13, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 13, 2009	STATEMENT OF USE PROCESSING COMPLETE	69302
Apr. 09, 2009	USE AMENDMENT FILED	69302
Apr. 09, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 08, 2009	EXTENSION 3 GRANTED	69302
Jan. 31, 2009	EXTENSION 3 FILED	69302
Jan. 31, 2009	EXTENSION 2 GRANTED	69302
Jul. 31, 2008	EXTENSION 2 FILED	69302
Apr. 07, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 07, 2009	PETITION TO REVIVE-GRANTED	88889
Apr. 07, 2009	TEAS PETITION TO REVIVE RECEIVED	
Apr. 06, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 06, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Mar. 24, 2009	PAPER RECEIVED	
Mar. 20, 2009	PAPER RECEIVED	
Mar. 20, 2009	INCOMPLETE PETITION NOTICE MAILED	70458
Mar. 13, 2009	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	69302
Mar. 13, 2009	PAPER RECEIVED	
Mar. 09, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jan. 30, 2009	FAX RECEIVED	
Jan. 26, 2009	COMMUNICATION RECEIVED FROM PETITIONER	
Jan. 26, 2009	PAPER RECEIVED	
Jan. 16, 2009	INCOMPLETE PETITION NOTICE MAILED	70458
Jan. 15, 2009	ASSIGNED TO PETITION STAFF	70458
Jan. 13, 2009	PETITION TO REVIVE-RECEIVED	
Jan. 13, 2009	FAX RECEIVED	
Oct. 02, 2008	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Oct. 02, 2008	ABANDONMENT - NO USE STATEMENT FILED	43537
Apr. 28, 2008	EXTENSION 1 GRANTED	65362
Jan. 31, 2008	EXTENSION 1 FILED	65362
Apr. 22, 2008	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 22, 2008	PETITION TO REVIVE-GRANTED	88889
Apr. 22, 2008	TEAS PETITION TO REVIVE RECEIVED	
Apr. 02, 2008	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 02, 2008	ABANDONMENT - NO USE STATEMENT FILED	48500
Jul. 31, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	

Jul. 09, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 09, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 15, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Mar. 15, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 15, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 15, 2007	EXAMINERS AMENDMENT -WRITTEN	80813
Mar. 15, 2007	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 08, 2007	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Feb. 21, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Feb. 21, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 16, 2007	AMENDMENT FROM APPLICANT ENTERED	78289
Jan. 22, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Feb. 16, 2007	ASSIGNED TO LIE	78289
Jan. 22, 2007	PAPER RECEIVED	
Dec. 19, 2006	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Dec. 19, 2006	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	80813
Dec. 07, 2006	ASSIGNED TO EXAMINER	80813
Oct. 26, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 10, 2006	AMENDMENT FROM APPLICANT ENTERED	68171
Sep. 29, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Sep. 29, 2006	PAPER RECEIVED	
Sep. 23, 2006	NOTICE OF PSEUDO MARK MAILED	
Sep. 22, 2006	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 14, 2009

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 1

**Registrant:** New Balance Athletic Shoe, Inc.

#### Assignment 1 of 1

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [5641/0513](#)

**Pages:** 12

**Date Recorded:** Sep. 25, 2015

**Supporting Documents:** [assignment-tm-5641-0513.pdf](#)

#### Assignor

**Name:** [NEW BALANCE ATHLETIC SHOE, INC.](#)

**Execution Date:** Aug. 12, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MASSACHUSETTS

#### Assignee

**Name:** [NEW BALANCE ATHLETICS, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MASSACHUSETTS

**Address:** 100 GUEST STREET  
BOSTON, MASSACHUSETTS 02135

#### Correspondent

**Correspondent Name:** DANIEL J. MCKINNON

**Correspondent Address:** 100 GUEST STREET

BOSTON, MA 02135

**Domestic Representative - Not Found**

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,623,362**

**Registered May 19, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

# Ndividual

NEW BALANCE ATHLETIC SHOE, INC. (MASSACHUSETTS CORPORATION)  
20 GUEST STREET  
BOSTON, MA 02135 AND  
NEW BALANCE ATHLETIC SHOE, INC. (MASSACHUSETTS CORPORATION)  
20 GUEST STREET  
BOSTON, MA 02135

FOR: SPORTS CLOTHING, SPECIFICALLY, HATS, CAPS, VISORS, SHIRTS, T-SHIRTS, TANK SHIRTS, POLO SHIRTS, CREW SHIRTS, SPORT SHIRTS, SPORT TOPS, PULLOVERS, SWEATERS, SWEATSHIRTS, SINGLETs, SKIRTS, TENNIS DRESSES, SHORTS, PANTS JACKETS, VESTS, ALL-

WEATHER SUITS, FOOTWEAR, SOCKS, GLOVES, AND COMPONENT PARTS OF THE FOREGOING, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

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

SN 77-001,999, FILED 9-19-2006.

JUDITH HELFMAN, EXAMINING ATTORNEY



Attorney Name: Eric L. Tanezaki

Docket Number: WESTL-019T

Attorney Primary Email [trademark@stetinalaw.com](mailto:trademark@stetinalaw.com)  
Address:

Attorney Email No  
Authorized:

#### Correspondent

**Correspondent Name/Address:** Eric L. Tanezaki  
Stetina Brunda Garred & Brucker  
75 Enterprise  
Ste. 250  
Aliso Viejo, CALIFORNIA 92656  
UNITED STATES

Phone: 949-855-1246

Fax: 949-855-6371

Correspondent e-mail: [trademark@stetinalaw.com](mailto:trademark@stetinalaw.com)

Correspondent e-mail No  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 03, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 03, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Apr. 03, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Mar. 05, 2012	TEAS SECTION 8 & 15 RECEIVED	
Mar. 05, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 01, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 28, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 21, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 07, 2006	REGISTERED-PRINCIPAL REGISTER	
Jan. 23, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	74189
Jan. 23, 2006	ASSIGNED TO LIE	74189
Jan. 04, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 25, 2005	STATEMENT OF USE PROCESSING COMPLETE	64657
Nov. 08, 2005	USE AMENDMENT FILED	64657
Nov. 08, 2005	TEAS STATEMENT OF USE RECEIVED	
Nov. 08, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 31, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 08, 2005	PUBLISHED FOR OPPOSITION	
Feb. 16, 2005	NOTICE OF PUBLICATION	
Nov. 10, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	74189
Nov. 10, 2004	ASSIGNED TO LIE	74189
Oct. 30, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2004	ASSIGNED TO EXAMINER	73360
Apr. 19, 2004	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

## TM Staff and Location Information

TM Staff Information - None  
File Location

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 4

Registrant: West, Michael

#### Assignment 1 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4079/0670](#)

Pages: 2

Date Recorded: Aug. 31, 2009

Supporting Documents: [assignment-tm-4079-0670.pdf](#)

#### Assignor

Name: [WEST, MICHAEL](#)

Execution Date: Mar. 16, 2009

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

#### Assignee

Name: [RAYS AND WEST INVESTMENTS LIMITED](#)

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

Address: P.O. BOX 957 OFFSHORE INCORPORATIONS  
ROAD TOWN- TORTOLA, VIRGIN ISLANDS, BRITISH

#### Correspondent

Correspondent Name: RAYS AND WEST INVESTMENTS LIMITED

Correspondent Address: P.O. BOX 957, OFFSHORE INCORPORATIONS  
ROAD TOWN-TORTOLA  
BRITISH VIRGIN ISLANDS

#### Domestic Representative - Not Found

#### Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4084/0082](#)

Pages: 6

Date Recorded: Oct. 23, 2009

Supporting Documents: [assignment-tm-4084-0082.pdf](#)

#### Assignor

Name: [RAYS AND WEST INVESTMENTS LIMITED](#)

Execution Date: May 08, 2009

Legal Entity Type: A BRITISH VIRIGN ISLANDS COMPANY

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

#### Assignee

Name: [WELLS FARGO TRADE CAPITAL, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 333 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071

#### Correspondent

Correspondent Name: SANDRA P. THOMPSON

Correspondent Address: 18400 VON KARMAN AVE., STE. 800  
IRVINE, CA 92612-0514

#### Domestic Representative - Not Found

#### Assignment 3 of 4

Conveyance: RELEASE AND REASSIGNMENT OF TRADEMARKS AND TRADEMARK APPLICATIONS

Reel/Frame: [4568/0901](#)

Pages: 4

Date Recorded: Jun. 23, 2011

Supporting Documents: [assignment-tm-4568-0901.pdf](#)

#### Assignor

Name: [WELLS FARGO TRADE CAPITAL, LLC](#)

Execution Date: Jun. 21, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

#### Assignee

Name: [RAYS AND WEST INVESTMENTS LIMITED](#)

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

Address: 20 GOODYEAR

IRVINE, CALIFORNIA 92618

**Correspondent**

**Correspondent Name:** FARAH P. BHATTI, ESQ.

**Correspondent Address:** 18400 VON KARMAN AVENUE, SUITE 800  
IRVINE, CA 92612

**Domestic Representative - Not Found**

**Assignment 4 of 4**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [5434/0788](#)

**Pages:** 4

**Date Recorded:** Jan. 05, 2015

**Supporting Documents:** [assignment-tm-5434-0788.pdf](#)

**Assignor**

**Name:** [RAYS AND WEST INVESTMENTS LIMITED](#)

**Execution Date:** Dec. 23, 2014

**Legal Entity Type:** COMPANY

**State or Country Where Organized:** VIRGIN ISLANDS, BRITISH

**Assignee**

**Name:** [WESTLIFE EXPRESS, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** CALIFORNIA

**Address:** 227 EAST COMPTON BLVD.  
GARDENA, CALIFORNIA 90248

**Correspondent**

**Correspondent Name:** ERIC L. TANEZAKI

**Correspondent Address:** 75 ENTERPRISE  
STE. 250  
ALISO VIEJO, CA 92656

**Domestic Representative - Not Found**

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**Reg. No. 3,066,728**

**United States Patent and Trademark Office**

**Registered Mar. 7, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**MANNUAL**

WEST, MICHAEL (UNITED STATES INDIVIDUAL)  
20 GOODYEAR  
IRVINE, CA 92618

FOR: CLOTHING, NAMELY COTTON, POLY AND NYLON PANTS, SHIRTS, SKI AND SNOWBOARD JACKETS, VESTS AND PANTS, FLEECE WEAR, NAMELY HOODED SWEATSHIRTS, T-SHIRTS, AND SWEATPANTS, ACCESSORIES, NAMELY KNIT HATS, HEADWEAR, AND BELTS, FOOTWEAR, NAMELY CASUAL, SPORT, SKATE-

BOARD SHOES AND SKI AND SNOWBOARD BOOTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-20-2005; IN COMMERCE 6-20-2005.

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

SN 78-398,975, FILED 4-8-2004.

FLORENTINA BLANDU, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-11-10 11:17:37 EST

Mark: BEYOND CASUAL

US Serial Number: 75146002  
US Registration Number: 2069947  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Jul. 04, 2007  
Publication Date: Mar. 18, 1997

Application Filing Date: Aug. 06, 1996  
Registration Date: Jun. 10, 1997

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## Mark Information

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Mark Literal Elements: BEYOND CASUAL  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)  
Disclaimer: "CASUAL"

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## Goods and Services

---

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

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

For: clothing, namely, T-shirts  
International Class(es): 025 - Primary Class  
U.S Class(es): 022, 039  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Jan. 01, 1988  
Use in Commerce: Jan. 01, 1990

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## Basis Information (Case Level)

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

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## Current Owner(s) Information

---

Owner Name: BAILEY, AMY  
Owner Address: 3051 Washington Road  
Augusta, GEORGIA 30907  
UNITED STATES  
Legal Entity Type: INDIVIDUAL  
Citizenship: UNITED STATES

---

## Attorney/Correspondence Information

---

Attorney of Record

Attorney Name: J. RODGERS LUNSFORD III

Docket Number: 026053.002

Attorney Primary Email [rlunsford@sgrlaw.com](mailto:rlunsford@sgrlaw.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** J. RODGERS LUNSFORD III  
SMITH GAMBRELL & RUSSELL  
1230 Peachtree Street, N.E.  
Suite 3100, Promenade II  
ATLANTA, GEORGIA 30309-3592  
UNITED STATES

**Phone:** 404-815-3628

**Fax:** 404-685-6928

**Correspondent e-mail:** [rlunsford@sgrlaw.com](mailto:rlunsford@sgrlaw.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 04, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	65765
Jul. 04, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 15, 2007	ASSIGNED TO PARALEGAL	65765
May 25, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 25, 2007	TEAS SECTION 8 & 9 RECEIVED	
Dec. 01, 2006	CASE FILE IN TICRS	
Jan. 08, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 31, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 31, 2002	PAPER RECEIVED	
Oct. 30, 2002	PAPER RECEIVED	
Jun. 10, 1997	REGISTERED-PRINCIPAL REGISTER	
Mar. 18, 1997	PUBLISHED FOR OPPOSITION	
Feb. 14, 1997	NOTICE OF PUBLICATION	
Jan. 22, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 1997	EXAMINER'S AMENDMENT MAILED	
Jan. 06, 1997	ASSIGNED TO EXAMINER	68788

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jun. 10, 2007

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Jul. 04, 2007

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**Reg. No. 2,069,947**

**United States Patent and Trademark Office**

**Registered June 10, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**BEYOND CASUAL**

BAILEY, AMY (UNITED STATES CITIZEN)  
3051 WASHINGTON ROAD  
AUGUSTA, GA 30907

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CASUAL" , APART FROM  
THE MARK AS SHOWN.

FOR: CLOTHING, NAMELY, T-SHIRTS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-1988; IN COMMERCE  
1-1-1990.

SER. NO. 75-146,002, FILED 8-6-1996.

MIDGE BUTLER, EXAMINING ATTORNEY



Phone: 404-815-3628

Correspondent e-mail: [rlunsford@sgrlaw.com](mailto:rlunsford@sgrlaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 30, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Mar. 30, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 29, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jun. 13, 2005	REGISTERED - SEC. 15 ACKNOWLEDGED	
Jun. 13, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
May 02, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 19, 2005	TEAS SECTION 8 & 15 RECEIVED	
Mar. 28, 2000	REGISTERED-PRINCIPAL REGISTER	
Feb. 02, 2000	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 04, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 13, 1999	NON-FINAL ACTION MAILED	
Jul. 08, 1999	ASSIGNED TO EXAMINER	68788
Jul. 07, 1999	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 08, 1999	USE AMENDMENT FILED	
Jan. 07, 1999	EXTENSION 3 GRANTED	
Dec. 09, 1998	EXTENSION 3 FILED	
Jun. 09, 1998	EXTENSION 2 GRANTED	
Jun. 09, 1998	EXTENSION 2 FILED	
Jan. 12, 1998	EXTENSION 1 GRANTED	
Dec. 06, 1997	EXTENSION 1 FILED	
Jun. 10, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 18, 1997	PUBLISHED FOR OPPOSITION	
Feb. 14, 1997	NOTICE OF PUBLICATION	
Jan. 22, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 1997	EXAMINER'S AMENDMENT MAILED	
Jan. 06, 1997	ASSIGNED TO EXAMINER	68788

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 28, 2010

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 30, 2010

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**Reg. No. 2,336,416**

**United States Patent and Trademark Office**

**Registered Mar. 28, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**BEYOND CASUAL**

**BAILEY, AMY (UNITED STATES CITIZEN)  
3051 WASHINGTON ROAD  
AUGUSTA, GA 30907**

**FOR: CLOTHING, NAMELY, SWEATSHIRTS,  
TANK TOP SHIRTS, CAPS, SHORTS, SOCKS,  
UNDERWEAR, BELTS AND HATS, IN CLASS  
25 (U.S. CLS. 22 AND 39).**

**FIRST USE 1-1-1988; IN COMMERCE  
1-1-1990.**

**NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CASUAL", APART FROM  
THE MARK AS SHOWN.**

**SN 75-146,047, FILED 8-6-1996.**

**MIDGE BUTLER, EXAMINING ATTORNEY**

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Mark: SEXUAL

# sexuāl

**US Serial Number:** 74133025  
**US Registration Number:** 1804019  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** The registration has been renewed.  
**Status Date:** Sep. 05, 2013  
**Publication Date:** Aug. 24, 1993

**Application Filing Date:** Jan. 24, 1991  
**Registration Date:** Nov. 16, 1993

## Mark Information

**Mark Literal Elements:** SEXUAL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

## Foreign Information

**Priority Claimed:** Yes  
**Foreign Application Number:** 669814  
**Foreign Application Filing Date:** Nov. 02, 1990  
**Foreign Registration Number:** TMA403,876  
**Foreign Registration Date:** Oct. 23, 1992  
**Foreign Application/Registration Country:** CANADA  
**Foreign Expiration Date:** Oct. 23, 2007

## Goods and Services

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

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

**For:** [cosmetics; namely, lipstick, rouge, eye-shadow, blush, face powder, foundation cream, eye liner, mascara, lip liner, nail polish, skin protectorant,] perfumes, colognes, eau de toilet, perfume oil, body spray, perfume spray, [facial soap, body soap,] shampoo [conditioner, hair gel, mousse] and deodorant

**International Class(es):** 003 - Primary Class  
**U.S Class(es):** 001, 004, 006, 050, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 44(e)

**For:** printed publications; namely, posters

**International Class(es):** 016 - Primary Class  
**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050  
**Class Status:** ACTIVE  
**Basis:** 44(e)

**For:** clothing; namely, T-shirts[, dresses, jeans, jackets, pants, shorts, socks, tank tops, blouses, scarfs, suits, skirts, underwear, bras, teddy, guarder belts, slips, nylons, camisole]

**International Class(es):** 025 - Primary Class  
**U.S Class(es):** 022, 039  
**Class Status:** ACTIVE  
**Basis:** 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> Yes	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No

Filed 44E: No  
Filed 66A: No  
Filed No Basis: No

Currently 44E: Yes  
Currently 66A: No  
Currently No Basis: No

Amended 44E: Yes

## Current Owner(s) Information

**Owner Name:** Bailey, Steven M.  
**Owner Address:** 4512 Appleton Side Road  
Almonte, Ontario K0A 1A0  
CANADA

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** CANADA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Thomas W. Brooke  
**Attorney Primary Email Address:** [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com)  
**Docket Number:** 077059-1  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Thomas W. Brooke  
HOLLAND & KNIGHT LLP  
800 17th Street NW  
Suite 1100  
WASHINGTON, DISTRICT OF COLUMBIA 20006  
UNITED STATES  
**Phone:** 202 955 3000  
**Fax:** 202 955 5564  
**Correspondent e-mail:** [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Thomas W. Brooke  
**Phone:** 202 955 3000  
**Fax:** 202 955 5564  
**Domestic Representative e-mail:** [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com)  
**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Sep. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 05, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68502
Sep. 05, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Aug. 26, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68502
Sep. 05, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Aug. 26, 2013	TEAS SECTION 8 & 9 RECEIVED	
Sep. 24, 2012	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS NOT UPDATED	76293
Sep. 13, 2012	PAPER RECEIVED	
Sep. 11, 2007	CASE FILE IN TICRS	
Nov. 28, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Nov. 28, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 03, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 03, 2003	PAPER RECEIVED	
Feb. 26, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 28, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 16, 1993	REGISTERED-PRINCIPAL REGISTER	
Aug. 24, 1993	PUBLISHED FOR OPPOSITION	
Jul. 23, 1993	NOTICE OF PUBLICATION	
Apr. 19, 1993	Sec. 1(B) CLAIM DELETED	68476
Jun. 15, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	

Jun. 09, 1993 EXAMINER'S AMENDMENT MAILED  
 May 13, 1993 NON-FINAL ACTION MAILED  
 Apr. 19, 1993 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Mar. 24, 1992 LETTER OF SUSPENSION MAILED  
 Feb. 26, 1992 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Dec. 06, 1991 FINAL REFUSAL MAILED  
 Oct. 17, 1991 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Oct. 18, 1991 ASSIGNED TO EXAMINER 66062  
 Jul. 03, 1991 NON-FINAL ACTION MAILED  
 May 21, 1991 ASSIGNED TO EXAMINER 69187

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Nov. 16, 2013

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Sep. 05, 2013

## Proceedings

### Summary

**Number of Proceedings:** 4

### Type of Proceeding: Opposition

**Proceeding Number:** [91218316](#)

**Filing Date:** Sep 09, 2014

**Status:** Pending

**Status Date:** Sep 12, 2014

**Interlocutory Attorney:** CHRISTEN M ENGLISH

### Defendant

**Name:** Sexual Nature Clothing LLC

**Correspondent Address:** SEXUAL NATURE CLOTHING LLC  
 1806 19TH AVE  
 SAN FRANCISCO CA , 94122-4512  
 UNITED STATES

**Correspondent e-mail:** [Hugolopez09@gmail.com](mailto:Hugolopez09@gmail.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
SEXUAL NATURE	Opposition Pending	<a href="#">86159572</a>	

### Plaintiff(s)

**Name:** Mr. Steven M. Bailey

**Correspondent Address:** THOMAS WILLCOX BROOKE  
 HOLLAND & KNIGHT LLP  
 2099 PENNSYLVANIA AVENUE NW, SUITE 100  
 WASHINGTON DC , 20006  
 UNITED STATES

**Correspondent e-mail:** [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com) , [ptdocketing@hklaw.com](mailto:ptdocketing@hklaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
SEXUAL	Renewed	<a href="#">74133025</a>	<a href="#">1804019</a>
SÉXUAL POUR HOMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312830</a>	<a href="#">3466438</a>
SEXUAL SECRET	Registered	<a href="#">77312835</a>	<a href="#">3710888</a>
SÉXUAL FEMME	Section 8 and 15 - Accepted and		

SÉXUAL FEMME

Acknowledged

[77312837](#)

[3498211](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 09, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 12, 2014	Oct 22, 2014
3	PENDING, INSTITUTED	Sep 12, 2014	
4	ANSWER	Oct 21, 2014	
5	STIP FOR EXT	Apr 03, 2015	
6	EXTENSION OF TIME GRANTED	Apr 03, 2015	
7	P MOT FOR SANCTIONS	Jun 23, 2015	
8	P MOT FOR PROTECTIVE ORDER	Jul 07, 2015	
9	STIP NOTED AND APPROVED TRIAL DATES RESET	Apr 25, 2016	
10	P UNDELIVERABLE MAIL	Aug 25, 2015	
11	P NOTICE OF RELIANCE	Sep 11, 2015	
12	Confidential Plaintiff's Notice of Reliance	Sep 17, 2015	
13	P NOTICE OF RELIANCE	Sep 17, 2015	

**Type of Proceeding: Cancellation**

Proceeding Number: [92056054](#)

Filing Date: Aug 14, 2012

Status: Terminated

Status Date: Feb 26, 2013

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Douglas Bender

Correspondent Address: NEIL B FRIEDMAN  
BAKER & RANNELLS PA  
575 ROUTE 28 , SUITE 102  
RARITAN NJ , 08869  
UNITED STATES

Correspondent e-mail: [n.friedman@br-tmlaw.com](mailto:n.friedman@br-tmlaw.com) , [Officeactions@br-tmlaw.com](mailto:Officeactions@br-tmlaw.com) , [khasko@br-tmlaw.com](mailto:khasko@br-tmlaw.com), [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OMNISEXUAL	Cancelled - Section 7(D)	<a href="#">77854447</a>	<a href="#">4176000</a>

**Plaintiff(s)**

Name: Steven M. Bailey

Correspondent Address: THOMAS WILLCOX BROOKE  
HOLLAND & KNIGHT LLP  
800 H STREET NW, SUITE 1100  
WASHINGTON DC , 20006  
UNITED STATES

Correspondent e-mail: [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com) , [ptdocketing@hklaw.com](mailto:ptdocketing@hklaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SEXUAL	Renewed	<a href="#">74133025</a>	<a href="#">1804019</a>
SÉXUAL POUR HOMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312830</a>	<a href="#">3466438</a>
SEXUAL SECRET	Registered	<a href="#">77312835</a>	<a href="#">3710888</a>
SÉXUAL FEMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312837</a>	<a href="#">3498211</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 21, 2012	Sep 30, 2012
3	PENDING, INSTITUTED	Aug 21, 2012	
4	AMENDED PETITION TO CANCEL FILED	Aug 22, 2012	

5	ANSWER	Sep 27, 2012
6	BOARD'S ORDER TRIAL DATES REMAIN AS SET AUGUST 21, 2012	Oct 02, 2012
7	VOLUNTARY SURRENDER OF REGISTRATION	Feb 15, 2013
8	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Feb 20, 2013
9	COMMISSIONER'S ORDER CANCELLING THE REGISTRATION	Feb 26, 2013
10	TERMINATED	Feb 26, 2013

**Type of Proceeding: Opposition**

**Proceeding Number:** [91206040](#) **Filing Date:** Jul 11, 2012  
**Status:** Terminated **Status Date:** Jan 25, 2013  
**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** N.C. Helms Inc.  
**Correspondent Address:** JAMES R ROBINSON  
ROBINSON LAW OFFICE PLLC  
925 ALLSTON STREET  
HOUSTON TX , 77008  
UNITED STATES  
**Correspondent e-mail:** [jrobinson@robinsonlawpllc.com](mailto:jrobinson@robinsonlawpllc.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SEXUAL HEALTH ENTHUSIASTS AFTER CARE	Abandoned - After Inter-Partes Decision	<a href="#">85484276</a>	

**Plaintiff(s)**

**Name:** Steven M. Bailey  
**Correspondent Address:** THOMAS W BROOKE  
HOLLAND KNIGHT LLP  
800 17TH STREET NW, SUITE 1100  
WASHINGTON DC , 20006  
UNITED STATES  
**Correspondent e-mail:** [thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com) , [ptdocketing@hklaw.com](mailto:ptdocketing@hklaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SEXUAL	Renewed	<a href="#">74133025</a>	<a href="#">1804019</a>
SÉXUAL POUR HOMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312830</a>	<a href="#">3466438</a>
SÉXUAL FEMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312837</a>	<a href="#">3498211</a>
SEXUAL SECRET	Registered	<a href="#">77312835</a>	<a href="#">3710888</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 11, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 11, 2012	Aug 20, 2012
3	PENDING, INSTITUTED	Jul 11, 2012	
4	ANSWER	Aug 03, 2012	
5	CONSENTED MOTION TO WD APPL & DISMISS	Jan 03, 2013	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 25, 2013	
7	TERMINATED	Jan 25, 2013	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91202430](#) **Filing Date:** Nov 04, 2011  
**Status:** Terminated **Status Date:** Dec 01, 2014  
**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** Acme Specialty Products, LLC  
**Correspondent Address:** JENNIFER P RABIN  
AKERMAN LLP

401 E JACKSON ST SUITE 1700  
TAMPA FL , 33602  
UNITED STATES

Correspondent e-mail: [jp@akerman.com](mailto:jp@akerman.com) , [tina.lynch@akerman.com](mailto:tina.lynch@akerman.com),[Richard.martin@akerman.com](mailto:Richard.martin@akerman.com),[Jennifer.rabin@akerman.com](mailto:Jennifer.rabin@akerman.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SEXUAL FLAVORS	Abandoned - After Inter-Partes Decision	<a href="#">85278851</a>	
Plaintiff(s)			

Name: Steven M. Bailey

Correspondent Address: THOMAS WILLCOX BROOKE  
HOLLAND & KNIGHT LLP  
2099 PENNSYLVANIA AVE NW, STE 100  
WASHINGTON DC , 20006  
UNITED STATES

Correspondent e-mail: [birte.hoehnemahyera@hklaw.com](mailto:birte.hoehnemahyera@hklaw.com),[thomas.brooke@hklaw.com](mailto:thomas.brooke@hklaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SEXUAL	Renewed	<a href="#">74133025</a>	<a href="#">1804019</a>
SÉXUAL POUR HOMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312830</a>	<a href="#">3466438</a>
SEXUAL SECRET	Registered	<a href="#">77312835</a>	<a href="#">3710888</a>
SÉXUAL FEMME	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77312837</a>	<a href="#">3498211</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 04, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 04, 2011	Dec 14, 2011
3	PENDING, INSTITUTED	Nov 04, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 13, 2011	
5	SUSPENDED	Dec 13, 2011	
6	ANSWER	Jan 12, 2012	
7	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 12, 2012	
8	SUSPENDED	Jun 15, 2012	
9	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 06, 2012	
10	SUSPENDED	Aug 06, 2012	
11	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Oct 04, 2012	
12	SUSPENDED	Oct 04, 2012	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 03, 2013	
14	SUSPENDED	Apr 03, 2013	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 30, 2013	
16	SUSPENDED	Sep 30, 2013	
17	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 07, 2014	
18	D CHANGE OF CORRESP ADDRESS	Feb 11, 2014	
19	SUSPENDED	May 02, 2014	
20	W/DRAW OF OPPOSITION	Oct 14, 2014	
21	BD DECISION: DISMISSED W/ PREJ	Nov 18, 2014	
22	TERMINATED	Nov 18, 2014	
23	UNDELIVERABLE MAIL	Nov 28, 2014	

Int. Cls.: 3, 16 and 25

Prior U.S. Cls.: 37, 38, 39, 51 and 52

**United States Patent and Trademark Office** **Reg. No. 1,804,019**  
Registered Nov. 16, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

# séxūal

BAILEY, STEVEN M. (CANADA CITIZEN)  
RR#4  
ALMONTE, ONTARIO, CANADA K0A 1A0

FOR: COSMETICS; NAMELY, LIPSTICK, ROUGE, EYE-SHADOW, BLUSH, FACE POWDER, FOUNDATION CREAM, EYE LINER, MASCARA, LIP LINER, NAIL POLISH, SKIN PROTECTORANT, PERFUMES, COLOGNES, EAU DE TOILET, PERFUME OIL, BODY SPRAY, PERFUME SPRAY, FACIAL SOAP, BODY SOAP, SHAMPOO CONDITIONER, HAIR GEL, MOUSSE AND DEODORANT, IN CLASS 3 (U.S. CLS. 51 AND 52).

FOR: PRINTED PUBLICATIONS; NAMELY, POSTERS, IN CLASS 16 (U.S. CLS. 37 AND 38).

FOR: CLOTHING; NAMELY, T-SHIRTS, DRESSES, JEANS, JACKETS, PANTS, SHORTS, SOCKS, TANK TOPS, BLOUSES, SCARFS, SUITS, SKIRTS, UNDERWEAR, BRAS, TEDDY, GUARDER BELTS, SLIPS, NYLONS, CAMISOLE, IN CLASS 25 (U.S. CL. 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 669814, FILED 11-2-1990, REG. NO. TMA403,876, DATED 10-23-1992, EXPIRES 10-23-2007.

SER. NO. 74-133,025, FILED 1-24-1991.

MARY KAY MCDONALD, EXAMINING ATTORNEY

# **EXHIBIT G**

**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.	§	Opposition No. 91212768
	§	
Disidual Clothing, LLC,	§	
	§	
Applicant.	§	

**OPPOSER'S ANSWERS TO APPLICANT'S  
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, INTS It Is Not The Same, GmbH (hereinafter referred to as "Opposer"), by its attorneys, hereby submits the following response and objections to Disidual Clothing, LLC's (hereinafter referred to as "Applicant") First Set of Requests for Production.

**GENERAL OBJECTION**

1. Opposer objects to Applicant's requests to the extent they seek information subject to the attorney/client privilege, or within the attorney's work product immunity, or other grounds of immunity from discovery.
2. Opposer objects to Applicant's requests to the extent they seek information not relevant to any issue in this case, nor reasonably calculated to lead to the discovery of admissible evidence.
3. Opposer objects to Applicant's requests to the extent that the burden or expense of production outweighs its likely probative value.

4. Opposer objects to Applicant's requests to the extent they seek information that is unreasonably cumulative, duplicative, or obtainable from some other source that is more convenient, less burdensome, or less expensive.

5. Opposer's responses are based upon information and writings presently available to and located by Opposer and its attorneys. Opposer has not completed its investigation of the facts relating to this Opposition, its discovery in this action, nor its preparation for trial. All the information supplied is based only on such information and documents which are presently and specifically known to Opposer. Therefore, Opposer's written responses are without prejudice to its rights to supplement or amend its written responses and to present evidence discovered hereafter at any hearing or trial.

#### **GENERAL RESPONSE**

Any response to the effect that Opposer has produced or will produce documents responsive to the request does not mean or imply that ANY such documents exist or that Opposer has any such documents in its possession, custody, or control.

## **RESPONSES AND OBJECTIONS**

### **DOCUMENT REQUEST NO. 1**

Produce all documents that record, refer to, or relate to the organization, incorporation, structure, operation, and activities of Opposer insofar as they relate to any products sold or services offered, intended to be offered, or promoted by Opposer under Opposer's Marks in the U.S.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

### **DOCUMENT REQUEST NO. 2**

Produce all documents that record, refer to, or relate to any licenses, assignments, agreements, contracts, or arrangements between Opposer and any third party that relate in any manner to Opposer's Marks.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer notes that all of the documents responsive

to this request include a non-disclosure clause that prohibits the documents from being divulged or submitted in an administrative or legal proceeding.

**DOCUMENT REQUEST NO. 3**

Produce all documents that record, refer to, or relate to Opposer's first use, date of first use, or manner of first use of Opposer's Marks in connection with Opposer's Goods and Services.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" reports to the extent that the burden or expense of production outweighs its likely probative value. Opposer also objects to this request on the grounds that it calls for a legal conclusion. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has produced documents responsive to this request that are "Confidential - Attorney's Eyes Only".

**DOCUMENT REQUEST NO. 4**

Produce all documents that refer to, relate to, or are in any way concerned with the preparation, filing, or prosecution of any applications for registration, state or federal, of marks incorporating Opposer's Marks by Opposer, including, without limitation, U.S. Trademark Application Nos. 75/047,585; 77/313,234; 77/935,125; 79/102,706; and 85/449,056.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" reports to the extent that the burden or expense of production

outweighs its likely probative value. Opposer further objects to this request to the extent that it seeks information protected by the attorney/client privilege and/or work product doctrine. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer directs Applicant to the USPTO database to review the prosecution history of U.S. Trademark Application Nos. 75/047,585; 77/313,234; 77/935,125; 79/102,706; and 85/449,056.

**DOCUMENT REQUEST NO. 5**

Produce all documents that record, refer to, or relate to Opposer's use of the mark shown in U.S. Registration No. 2,088,319 in connection with "clothing namely footwear and headwear" between 1998 and the present.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 6**

Produce documents sufficient to identify the following:

- a. All lawsuits and proceedings before the Trademark Trial and Appeal Board brought by or against Opposer arising out of a claim concerning Opposer's Marks;
- b. The mark at issue in each action or proceeding; and
- c. The results of the lawsuit or proceeding, including the terms of any settlements reached.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" lawsuits and proceedings to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, with the exception of the current proceeding, no other documents exist responsive to this request.

**DOCUMENT REQUEST NO. 7**

Produce all documents that refer to, relate to, or are in any way concerned with any incidents or disputes in which Opposer has challenged the rights of a third party based on the rights Opposer claims in Opposer's Marks, if any, including, but not limited to, any demands to cease use of any trademark or phrase used in the sale, advertising, or promotion of goods or services related to Opposer's Goods and Services.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, with the exception of the current proceeding, no other documents exist responsive to this request.

**DOCUMENT REQUEST NO. 8**

Produce a sample of each different logotype, design, hang tag, packaging, font type, or style in which Opposer's Marks were used, are being used, or are intended to be used by or on behalf of Opposer in connection with Opposer's Goods and Services.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "each" logotype, design, hang tag, packaging, font type, or style to the extent that the burden or expense of production outweighs its likely probative value. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 9**

Produce all documents that record, refer to, or relate to Opposer's consideration or decision to select, adopt, and use Opposer's Marks in each different logotype, design, hang tag, packaging, font type, or style in which Opposer's Marks were being used, are being used, or are intended to be used, by or on behalf of Opposer.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing

specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 10**

Produce a sample of every different advertisement, intended advertisement, item of promotional material, and intended item of promotional material printed or disseminated by or for Opposer in which Opposer's Marks appear.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "each" different advertisement, intended advertisement, item of promotional material, and intended item of promotional material to the extent that the burden or expense of production outweighs its likely probative value. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 11**

Produce copies of all television commercials, press releases, radio scripts, and other media advertising not previously requested herein, prepared by or for Opposer whether or not released or aired, in which Opposer's Marks appear.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" television commercials, press releases, radio scripts, and other media advertising not previously requested herein to the extent that the burden or expense of production outweighs its likely probative value. This request is harassing, and Opposer further

objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer directs Applicant to the following webpages:

- <https://www.youtube.com/watch?v=GPYY9PerEIQ>
- <https://www.youtube.com/watch?v=UC3HueJqJ2k>
- [https://www.youtube.com/watch?v=9LKAOOP\\_nvY](https://www.youtube.com/watch?v=9LKAOOP_nvY)
- [https://www.youtube.com/watch?v=sFK\\_nK-Lm8A](https://www.youtube.com/watch?v=sFK_nK-Lm8A)
- <https://www.youtube.com/watch?v=69WSTeVIQZE>

**DOCUMENT REQUEST NO. 12**

Produce all documents that record, refer to, or relate to Opposer's advertising and promotional expenditures, or expected advertising and promotional expenditures, for Opposer's Goods and Services offered for sale, sold, or distributed under Opposer's Marks from 1998 until the present, including, without limitation, the advertising medium, the dates of any such advertisements or promotions, and the cost associated with such advertisements and promotions.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. This request is harassing, and Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject

to and without waiving the foregoing specific and general objections set forth above, Opposer has produced documents responsive to this request that are "Confidential - Attorney's Eyes Only".

**DOCUMENT REQUEST NO. 13**

Produce all documents that record, refer to, or relate to the amount of sales (actual and/or projected) by calendar quarter of goods sold by or for Opposer under Opposer's Marks for Opposer's Goods and Services from 1998 until the present, including, without limitation, the identification of the goods, the number of units sold, the dates of the sales, and the dollar value of the sales

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. This request is harassing, and Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has produced documents responsive to this request that are "Confidential - Attorney's Eyes Only".

**DOCUMENT REQUEST NO. 14**

Produce all documents that record, refer to, or relate to the degree of care exercised by purchasers of Opposer's Goods and Services offered in connection with Opposer's Marks.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. The request is vague and ambiguous. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer

objects that any documents responsive to this request would be publicly available to Applicant. This request is harassing, and Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Opposer further objects that this request is an improper attempt to require Opposer to marshal all of its available proof, or marshal all proof Opposer intends to offer. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 15**

Produce all documents that record, refer to, or relate to the channels of trade used to promote, sell, and offer for sale Opposer's Goods and Services offered in connection with Opposer's Marks, including, but not limited to, an identification of:

- a. The type of distribution of Opposer's Goods and Services (*e.g.*, wholesale, retail, or promotional);
- b. The geographic areas in which Opposer's Goods and Services are or will be promoted, distributed, sold, or offered for sale;
- c. The demographics of customers and potential customers of Opposer's Goods and Services;
- d. The identity of all distributors, licensees, franchisees, retailers, and dealers that promote, sell, or offer for sale any of Opposer's Goods and Services; and
- e. All efforts to promote Opposer's Goods and Services undertaken by Opposer or its distributors, licensees, franchisees, retailers, and dealers.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer also objects to this request on the grounds that it calls for a legal conclusion. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer notes that its goods are sold in more than 120 countries in all channels of trade. Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 16**

Produce documents sufficient to identify each marketing channel through which Opposer has sold, offered for sale, or promoted Opposer's Goods and Services offered in connection with Opposer's Marks.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 17**

Produce documents sufficient to identify each marketing channel through which Opposer sells, offers for sale, or promotes Opposer's Goods and Services in connection with Opposer's Marks.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome.

Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 18**

Produce documents sufficient to show the average retail price or intended retail price of each of Opposer's Goods and Services offered in connection with Opposer's Marks.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer further objects that this request is harassing and that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has produced documents responsive to this request that are "Confidential - Attorney's Eyes Only".

**DOCUMENT REQUEST NO. 19**

Produce documents that record, refer to, or relate to Opposer's quality control procedures undertaken with regard to any of Opposer's Goods and Services offered in connection with Opposer's Marks.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer further objects that this request is harassing and that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer has attached relevant documents responsive to this request.

**DOCUMENT REQUEST NO. 20**

Produce all documents that record, refer to, or relate to any instance or occurrence of likelihood of confusion or actual confusion on the part of any person between Opposer's use of Opposer's Marks and Disidual Clothing's use of the DISIDUAL Mark.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects that this request is an improper attempt to require Opposer to marshal all of its available proof, or marshal all proof Opposer intends to offer. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 21**

Produce all documents that record, refer to, or relate to any cessation of use or intent by Opposer to cease use of Opposer's Marks at any time.

**RESPONSE:** Opposer incorporates the general objections referenced above. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 22**

Produce all documents that refer to, relate to, or are in any way concerned with Disidual Clothing or the DISIDUAL Mark.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. This request is vague and harassing. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Opposer objects to this request to the extent that it seeks information protected by the attorney/client privilege and/or work product doctrine. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer directs Applicant to the documents available in this proceeding.

**DOCUMENT REQUEST NO. 23**

Produce all documents that record, refer to, or relate to any inquiry, investigation, evaluation, analysis, or survey conducted by Opposer or any person acting for or on behalf of Opposer regarding any issues involved in this opposition proceeding.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that it seeks information protected by the attorney/client privilege and/or work product doctrine. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 24**

Produce all documents that record, refer to, or relate to any research, reports, surveys, or studies conducted by or on behalf of Opposer concerning consumer or customer perception of Opposer's Marks.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. Opposer further objects to this request to the extent that the requested documents are not relevant to the claim or defenses of any party nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing specific and general objections set forth above, Opposer will produce documents responsive to this request to the extent such documents exist.

**DOCUMENT REQUEST NO. 25**

Produce a copy of any statements or opinions of any expert obtained by Opposer or any person acting for or on behalf of Opposer regarding any of the issues in this opposition proceeding.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer further objects to this request to the extent that it seeks information protected by the attorney/client privilege and/or work product doctrine. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 26**

Produce all documents that refer to, relate to, or are in any way concerned with the qualifications of each expert retained to testify in this case, including, but not limited to, a resume or curriculum vitae, all reported cases in which each expert has previously testified, and all articles, publications, or other written published materials that have been authored or prepared in whole or in part by each expert.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request to the extent that it seeks information protected by the attorney/client privilege and/or work product doctrine. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. This request is an improper attempt to require Opposer to marshal all of its available proof or marshal all proof Opposer intends to offer. Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request. Opposer reserves the right to identify an expert at a later time in accordance with the Board's Scheduling Order.

**DOCUMENT REQUEST NO. 27**

Produce all documents identified in response to Disidual Clothing's First Set of Interrogatories to Opposer not produced in response to the above requests.

**RESPONSE:** Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. This request is harassing and vague.

Subject to and without waiving the foregoing specific and general objections set forth above, no documents exist responsive to this request.

**DOCUMENT REQUEST NO. 28**

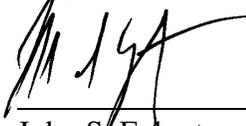
Produce all documents, other than those produced to any of the foregoing requests, upon which Opposer intends to rely in connection with this opposition proceeding.

RESPONSE: Opposer incorporates the general objections referenced above. In addition, Opposer objects to this request on the grounds that it is overly broad and unduly burdensome. Opposer also objects to Applicant's request for "all" documents to the extent that the burden or expense of production outweighs its likely probative value. This request is harassing, vague, and ambiguous. Opposer further objects that this request is an improper attempt to require Opposer to marshal all of its available proof, or marshal all proof Opposer intends to offer.

June 26, 2015

Date

Respectfully submitted,



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

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(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 Responses to Applicant's First Set of Requests for Production are being sent by first class mail on June 26, 2015, 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,



\_\_\_\_\_  
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ATTORNEYS FOR OPPOSER  
INTS It Is Not The Same, GmbH

JSE:mfs  
Our File: 1433-55

# **EXHIBIT H**



# Exotic Jeans by Desigual - A golden adventure

Desigual  
 Subscribe 13,787

398,730

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1,521 94

Published on Sep 19, 2015

At Desigual we don't simply love clothes. We love clothes that are able to tell exciting stories, and our denim jacket has a lot to tell. It plays such an important role in our brand new spot, in which the model Valentine Bouquet proves that OMG, she can definitely dance. By the way: the catchy sound that is making you move your feet was created by Yall and its exotic rhythm brings Bollywood to our minds.

Directed by Ernest Desumbilla, this spot made the veteran director of photography José Luis Alcaine squeeze his brain to work out how to illuminate properly the golden background we created for this campaign. Our model is wearing our most exotic jacket, which features embroidered finishes and embellishment prints and makes denim everything but boring. Inspired by India, this jacket will make you dance. Are you ready to boogie? Because we should warn you: you should put your dance shoes on when you watch this video.

- Up next Autoplay
- Hundred Miles by Yall feat Gabriela Richardson for Desigual by Desigual 1,286,923 views 2:56
  - Making of - Desigual Exotic Jeans by Desigual 10,143 views 2:54
  - #queves by Desigual by Desigual 2,320,930 views 0:43
  - Desigual SS15' collection - "Say something nice"... to men - 080 by Desigual 15,767 views 2:45
  - "DESIGUAL" with Supermodel IRINA SHAYK Full Show Autumn by Fashion Channel Milano 50,974 views 25:19
  - LOCALCOÑO by Trazzto - Parodia Anuncio Desigual by TRAZZTO 1,415,515 views 3:36
  - Las Mejores Canciones del 2015 - Top 25 Music Videos 2015 by David Larrañaga 6,716,533 views 9:59
  - Canción desigual 2015 Parodia by Dulce Zurita 10,902 views 0:16
  - cancion original completa anuncio desigual | Cherry

you watch this video.

En Desigual no nos gusta simplemente la ropa. Lo que nos gusta son las prendas que cuentan historias, y esta chaqueta vaquera tiene mucho que contar. Por eso juega un papel esencial en nuestro nuevo spot, en el que la modelo Valentine Bouquet demuestra que OMG, realmente sabe bailar. Esa canción tan pegadiza que está haciendo que muevas los pies es fruto de Yall, y el exotismo de su ritmo trae Bollywood a nuestras cabezas.

Dirigido por Ernest Desumbila, este spot hizo al veterano director de fotografía José Luis Alcaine estrujarse el cerebro para trabajar con el escenario dorado que montamos. ¡Es que nos gustan mucho los retos! Nuestra modelo lleva nuestra chaqueta más exótica, que incluye acabados bordados y estampados con aplicaciones y que hace que el denim sea cualquier cosa menos algo aburrido. Inspirada en la India, esta chaqueta te hará querer bailar. ¿Estás listo para mover el esqueleto? Porque tenemos que advertirte que deberías ponerte tus zapatos de baile cuando veas este video. Advertido quedas.

Category: Howto & Style  
License: Standard YouTube License

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ALL COMMENTS (358)

Add a public comment...

Top comments

- TheWorkoutUp™** 1 month ago  
Vuelvo a decirlo he venido por aquí solo por la MODELO :O Vaya chica mas exótica !!!!!  
Reply - 46
- LuMiNoZz CoD** 2 weeks ago  
ya ves hermano  
Reply - 1
- TheWorkoutUp™** 2 weeks ago  
**+LuMiNoZz CoD** Somos mayoría hermano opinamos lo mismo ! (Y)  
Reply - 1
- franruiz21** 1 month ago

- anuncio desigual | Cherry**  
by Cherry Blossom  
6,677 views
- Parodia anuncio desigual [SHORT VERSION]**  
by elPompi XD  
20,069 views
- DESIGUAL Full Show Barcelona Spring Summer 2016 by Fashion**  
by Fashion Channel Milano  
16,934 views
- La loca del coño (Desigual)**  
by Mu sicool  
103,536 views
- El baile de Adriana Lima en el desfile de Desigual**  
by libremercado  
54,789 views
- Exotic jeans by Desigual**  
by Marianne S  
4,750 views
- Gold - Adventure Club (feat. Yuna)**  
by Ale Garza  
52,729 views
- Anuncio Desigual ft. Josefina (remix)**  
by Meri :3  
3,300 views
- "DESIGUAL" LIVE Spring Summer 2015 080 Barcelona Full Show**  
by Fashion Channel Milano  
31,313 views
- MANGO Fall Winter 2015 - Kate Moss & Cara Delevingne - New**



franruiz21 1 month ago  
All we need is somebody to lean on.  
Reply · 44



ana lenguasco 1 month ago  
+franruiz21 JAJAJAJAAJ  
Reply · 1



Joaquim Fèlix Martínez Artigot 1 month ago  
+franruiz21 aunque no sea la misma canción he de decir que ambas estan bastante bien  
Reply · 1



TheLeverage 4 weeks ago  
"Y ahora que llega el otoño, me visto como una localcoño, lalalala..." xD  
Reply · 137

[View all 6 replies](#)



Marina Prr 3 weeks ago  
+Andrea Doniz Disney Iberico? Es de Trazzto  
Reply · 2



Andrea Doniz 3 weeks ago  
+Marina Prr Yaa, es que lo vi en esa cuenta de Instagram y luego me di cuenta de que era de Trazzto  
Reply · 1



Jose Antonio Martín 1 month ago  
Bonito trabajo , saludos desde Barcelona !!!  
Reply · 8

[View all 6 replies](#)



Desigual 1 month ago  
+Jose Antonio Martín confirmado, era interno!  
Reply · 1



Gameplays 100% 1 week ago  
+Desigual han hecho un video se llama localcoño



MANGO Fall Winter 2015 - Kate Moss & Cara Delevingne - New  
by MANGO  
437,462 views



Ricky Martin - La Mordidita (Official Video) ft. Yotuel  
by RickyMartinVEVO  
118,271,811 views



La cagada del anuncio de Desigual  
by SraRocknRoll  
39,743 views

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**Gameplays 100%** 1 week ago  
 +Desigual han hecho un video se llama localcoño  
 Reply

**WasdCat** 1 week ago  
 He de admitir que vine solo a ver como es la versión original de la parodia "LOCALCOÑO"  
 Reply 5  
[View all 3 replies](#)

**DanyTaichi** 1 week ago  
 +WasdCat igual que yo xD  
 Reply

**Sueco** 1 week ago  
 +WasdCat y más, muchos más que vendrán xD  
 Reply

**Nele De Langhe** 1 month ago  
 name of the song?  
 20

**EuVilGut** 1 month ago  
 La modelo se llama Valentine Bouquet.  
 De nada.  
 Reply 7

**7b0ne** 1 month ago  
 +1  
 Reply

**Susana Sánchez** 2 weeks ago  
 Llevo todo el verano en shorts (Marcando el mondongo) Y ahora que llega el otoño ME VISTO COMO UNA LOCALCOÑO! Lalalalaaa Siempre voy de desigualaaal, Ropa daltónica totaaal, La dislexia echa disfraaaaz  
 Reply 5

**Alba López** 1 month ago



**Alba López** 1 month ago  
 Vaya copia de Lean On xDDDD  
 Reply · 9

[View all 4 replies](#)



**Rares Opincariu** 1 month ago  
 MØ es la mejor cantante del mundo ☹️ la amoo :3  
 Reply · 1



**Moreira Da Lima** 1 month ago  
 +Alba López vaya plagio descarado  
 Reply · 1



**miniyulia** 1 month ago  
 La modelo me tiene enamorada...  
 Reply · 7

[View all 9 replies](#)



**Joel Savage** 1 month ago  
 +ÊĐŮĐŔĐŦ ĐĐмês dafuq! Fuera bisho! XD  
 Reply · 1



**ÊĐŮĐŔĐŦ ĐĐмês** 1 month ago  
 D:  
 Reply · 1



**miguel ruben** **gual socias** 1 month ago  
 La canción y el tipo de baile de la chica, me recuerda un poco a la canción y videoclip de Lean On de Major Lazer. Pero me gusta.  
 Reply · 15

[View all 3 replies](#)



**Gui Coacci** 2 weeks ago  
 +miguel ruben gual socias Você tem razão. A música está inclusive, no mesmo "campo harmonico". O baile é muito parecido também.  
 Reply · 1

Reply · 1



**dralks** · 4 weeks ago  
entré a ver el nuncio original después de la obra maestra de localcoñízate xDD prefiero su versión

Reply · 8



**Aly the Bunny** · 1 month ago  
The beginning reminds me of Lean On

Reply · 1



**TheSantos ESP** · 4 days ago  
TRAZZTO !!!!!

Reply · 1



**Clau Gati** · 2 weeks ago  
Loca, loca l' coño to-tal

Reply · 1



**SuperJanPol Pvp** · 2 days ago  
LA canción como se llama?

Reply · 1



**Noobcraft77** · 2 weeks ago  
si aqui todos venimos por trazzto xD

Reply · 1



**Sandra Quesada** · 1 month ago  
La canción se llama Hundred Miles de Yall :)

Reply · 2



**Carla Ruiz** · 2 weeks ago  
cancion: hundred miles

Reply · 1

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LA canción como se llama?  
Reply

Noobcraft77 2 weeks ago  
si aqui todos venimos por trazzto xD  
Reply

Sandra Quesada 1 month ago  
La canción se llama Hundred Miles de Yall :)  
Reply - 2

Carla Ruiz 2 weeks ago  
cancion: hundred miles  
Reply - 1

Pablo Torregrosa 1 week ago  
EL ANUNCIO ESTE SOLO QUIERE DECIR A LAS MUJERES QUE PARA SER GUAPA HAY QUE TENER UN ESTEREOTIPO ANORÉXICO Y COMPRAR ESA ROPA. BASTA YA DE HIPOCRESÍA QUE A MI NO ME COLÁIS VUESTRAS IDEAS.  
Reply

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# Desigual New and Good - SS'12 - Spot


Desigual  

13,787

53,854

 Add to
  Share
  More

 107
  2

Published on Mar 12, 2012

Shop the collection now at your closest store: <http://dsgl.me/stores> or at <http://www.desigual.com>

Desigual is not the same: the need to seek emotions is written into our DNA! Our aim is to offer something different, but without ever straying from our chosen path. And just how do we do that? By doing what we do in new ways, ways which allow us a fresh slant on things, while still allowing us to remain true to ourselves. Breaking with routine, seeking out new challenges, looking at things from a different point of view while never losing the essence of a job well done, yet at the same time aware that, at times, we need to find alternatives, without ever ceasing to be Desigual. The end result of this process is NEW&GOOD. We have opened the door, letting in a blast of fresh air, filling our lungs with fresh new oxygen. NEW. Observing our Desigual universe and channelling all the energy it emanates to pick out the very best and make it even better. GOOD. Such is the spirit. To ensure everybody finds what they most want

Up next Autoplay 

- 
**Desigual, Made with Love**  
by menarysonline  
39,636 views

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- 
**Desigual Rainbow - AW'12 - Spot**  
by Desigual  
35,082 views

---

- 
**Desigual -New York Fashion Week - Spring Summer '14**  
by Desigual  
55,555 views

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- 
**Desigual - Madrid Fashion Week - Spring Summer 2015**  
by Desigual  
59,425 views

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- 
**"Last night was eternal" Song by Desigual friends made with love.**  
by Desigual  
178,585 views

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- 
**DEFILE DESIGUAL PRINTEMPS ETE 2011**  
by ENTREE LIBRE  
13,392 views

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- 
**Desfile Desigual con Adriana Lima. Colección Primavera**  
by HispamodaTV  
461,025 views

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- 
**"DESIGUAL" LIVE Spring Summer 2015 080 Barcelona Full Show by**  
by Fashion Channel Milano  
31,313 views

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- 
**DESIGUAL: MERCEDES-BENZ FASHION WEEK Fall 2014**

universe and channelling all the energy it emanates to pick out the very best and make it even better. GOOD. Such is the spirit. To ensure everybody finds what they most want when they enter into our own particular view of the universe. That every wardrobe has at least one Desigual garment hanging in it. That a simple shopping experience is turned into a true adventure.

New&Good firmly stands for creativity and innovation. A quest for talent and for the wealth of the worlds of art, the stage and design.

Art... Desigual designed by Monsieur C. Lacroix brings a perfect combination of expressivity and modernity in the new SS2012 collection.

The stage... Cirque du Soleil connects with us emotionally through the universal language of the greatest show on earth. Clothes which are markedly unconventional and in which we find the universe of the Cirque du Soleil present in the form of a cutting taken from a real Cirque du Soleil artist's costume.

Design... Desigual Shoes! From sandals to ballerinas, emblazoned with decorations or strips, either heeled or flat. Ours is a most feminine, very special woman, with a touch of elegance.

Finally, with New&Good we consolidate our Bodywear collection with a broader, more varied range out of which everybody will be able to find something to make them happy.

Category: Howto & Style  
License: Standard YouTube License

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ALL COMMENTS (4)

Add a public comment...

Top comments

-  **ReGiNa Koenigin** 3 years ago  
cool .. macht Lust auf Sommer mit dem Liebsten ;))
-  **BeautyBauhinia** 3 years ago  
Farniente !
-  **whitewolf2593** 3 years ago  
wonderful and fresh!:-D
-  **ReGiNa Koenigin** 3 years ago  
cool .. macht Lust auf Sommer .. mit dem Liebsten ;))

-  **DESIGNER MERCEDES-BENZ FASHION WEEK Fall 2014**  
by Mercedes-Benz Fashion Week  
137,876 views
-  **Desigual FW 2012 Fashion Show**  
by Stilo  
11,708 views
-  **Shopping in Skivvies at Desigual**  
by New York Magazine  
30,721 views
-  **Desigual FW 2012 Fashion Show**  
by Stilo  
8,659 views
-  **DESIGUAL MERCEDES-BENZ FASHION WEEK FW 2015**  
by Mercedes-Benz Fashion Week  
9,065 views
-  **Mode-in.fr vous présente le défilé Desigual Automne Hiver**  
by ENTREE LIBRE  
9,772 views
-  **DESFILE DESIGUAL VERANO 2012 - BARCELONA**  
by MIZULC  
17,764 views
-  **My Beach Essentials/Must Haves**  
by Diandra Rose  
8,468 views
-  **¿Polémicos anuncios de Desigual?**  
by Zoomin.TV España  
98,266 views
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-  **DESFILE DESIGUAL VERANO 2012 - BARCELONA**  
by MIZULC  
17,764 views  
4:49
-  **My Beach Essentials/Must Haves**  
by Diandra Rose  
8,468 views  
9:18
-  **¿Polémicos anuncios de Desigual?**  
by Zoomin.TV España  
98,266 views  
3:01
-  **Desigual - Using Social Data to Take NYFW to New Heights**  
by Socialbakers  
82,059 views  
4:17
-  **Tous en sous-vêtements pour Desigual! (Lyon)**  
by Télé Lyon Métropole  
23,476 views  
1:24
-  **CATALOGUE DESIGUAL PRINTEMPS ETE 2010 FEMME**  
by ENTREE LIBRE  
10,399 views  
2:40

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# Desigual Beauty - The New Fragrance Collection by Desigual

**Desigual**  
 Subscribe 13,787

7,090

+ Add to Share More 19 5

Published on Dec 2, 2013  
Sex, Fun and Love: a kiss, a bit of fun, or a dare? ▶ <http://desigual.me/beautyYT>

We have bottled the Desigual emotions to create our new Perfume collection. Three authentic Essences, all different but they complement one another.

Category: Howto & Style  
License: Standard YouTube License

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- Chuy Olivares- No creas todo lo que se dice**  
by Luis Aguilar  
50,402 views  
1:14:11
- Hundred Miles by Yall feat Gabriela Richardson for Desigual**  
by Desigual  
1,286,923 views  
2:56
- Desigual Spring Summer Collection 2014 | Barcelona 080**  
by Desigual  
110,780 views  
3:04
- Desigual - Autumn Winter '13 "We Love" - Extended**  
by Desigual  
29,111 views  
1:48
- Making of - Desigual Exotic Jeans**  
by Desigual  
10,143 views  
2:54
- CARLOS FRAGA TE AMO PERO NO PUEDO CON ESTA RELACION**  
by vanv007  
52,323 views  
20:10
- QVMT. Basauri Fury**  
by laSexta  
78,433 views  
6:56
- Swing and Electro Swing Collection**  
by Wiremux  
9,499,565 views  
1:21:27
- Documental El origen del hombre y su evolución**

ALL COMMENTS (1)

Add a public comment...

Top comments

**Kola Kola** · 1 year ago  
 Hallo  
 you crazy idiots, why you sell these products with VIBRATORS ???  
 next time iam going to buy something to your shop, should i wait, that some porno model  
 naked will sell stuffs ?  
 my 9 years daughter is browsing your web pages, you got it on your main page, like VIBRATOR  
 to your stupid franance  
[Read more](#)  
 Reply · 1 like · 0 retweets

- 

**Documental: El origen del hombre y su evolución**  
 by Boris NL  
 1,530,084 views  
 1:33:17
- 

**DESIGUAL MERCEDES-BENZ FASHION WEEK FW 2015**  
 by Mercedes-Benz Fashion Week  
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 14:11
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**L'Agent by Agent Provocateur Autumn Winter 2013 Campaign**  
 by Amsterdam Fashion TV  
 2,687 views  
 6:04
- 

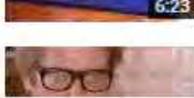
**M. Fraize - [1er passage !!] 1900 invités au mariage de Kate et**  
 by On n'demande qu'à en rire  
 286,329 views  
 9:00
- 

**GRANDE Y FUERTE - MIEL SAN MARCOS**  
 by Gabriel Becerra  
 6,864,747 views  
 4:56
- 

**Desigual, Made with Love**  
 by menarysonline  
 39,636 views  
 8:00
- 

**Dorian Yates' Delts & Triceps Workout | Blood & Guts Training**  
 by Bodybuilding.com  
 651,792 views  
 12:48
- 

**Desigual - Using Social Data to Take NYFW to New Heights**  
 by Socialbakers  
 82,059 views  
 4:17
- 

**Démonstration de quelques mouvements de gym**  
 by sgenz  
 296,662 views  
 6:23
- 

**Au coeur de la maison Yves SAINT LAURENT - archive vidéo**



Dorian Yates' Delts & Triceps Workout | Blood & Guts Training by Bodybuilding.com 651,792 views



Desigual - Using Social Data to Take NYFW to New Heights by Socialbakers 82,059 views



Démonstration de quelques mouvements de gym by sgenzz 296,662 views



Au coeur de la maison Yves SAINT LAURENT - archive vidéo by Ina Styles 29,429 views



Beyoncé Super Bowl 2013 FULL "HD" by C. A. La Nota Musical 1,667,526 views



Desigual - Valentine's Day 2014 by Desigual Barcelona 5,858 views

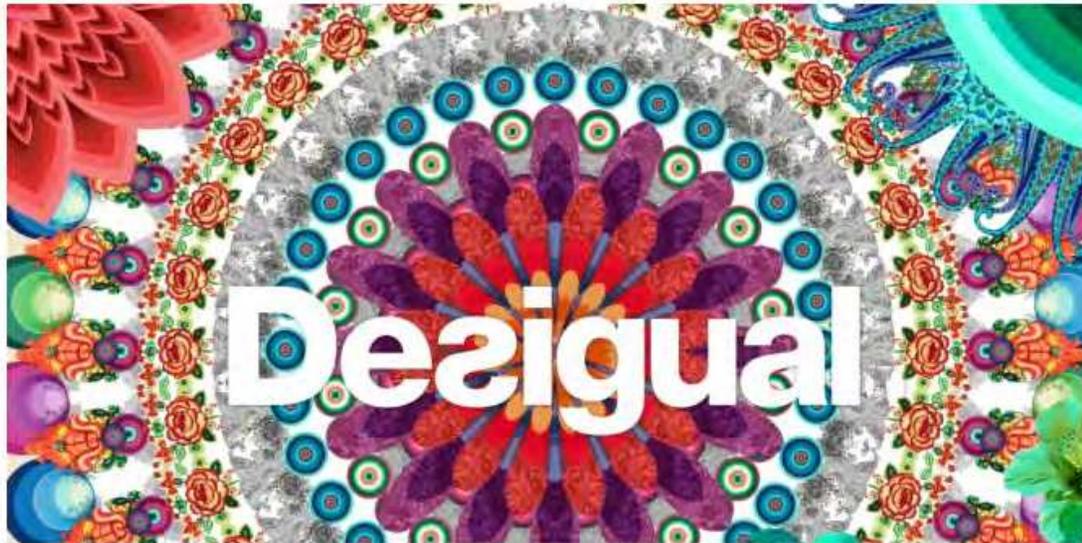
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# **EXHIBIT I**

Published on September 14, 2015 | by ZALORA Team

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Fun, vibrant and abstract – these are just some words that come to mind when one thinks about Desigual. Pronounced desi'ywal, this Spanish casual apparel and accessories brand has taken the world by storm with its patchwork designs, intense prints, innovative graffiti art, asymmetrical designs and flamboyant splashes of colour.

Over the years, Desigual has expanded tremendously around the world. We can now see their outlets in many part of the world such as Andorra, Colombia, Serbia, Singapore, Malaysia, Thailand, Hong Kong, Taiwan, Indonesia, Phillipines and many, many more!

But what's better than shopping at an outlet close to home? It is shopping AT home, of course! Buying those eccentric designs has never been easier with Desigual coming to ZALORA!





PHOTO: moejackson.com

It is hard to imagine that everything began with just a simple vision that Thomas Meyer, the founder and creative director of the brand, had when he was just 20 years old. He wanted a world where people dressed in "fresh quality clothes at happy-go-lucky prices". Since then, Desigual has gone on to do that and much more, while staying true to its roots of "positivism, constant improvement, tolerance, commitment, fun and desigualisation".





PHOTO: [www.edenretail.co.uk](http://www.edenretail.co.uk)

Go on and add some colour into your wardrobe by purchasing Desigual's women apparel and accessories on ZALORA today. The items are accessible on both our [website](#) and on the ZALORA mobile app.

And don't worry, if you are still confused on how to pronounce the brand's name, take a look at the video below.





PHOTO: [www.edenretail.co.uk](http://www.edenretail.co.uk)

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**MISSGUIDED IS HEADING TO ZALORA**

**NEWS**



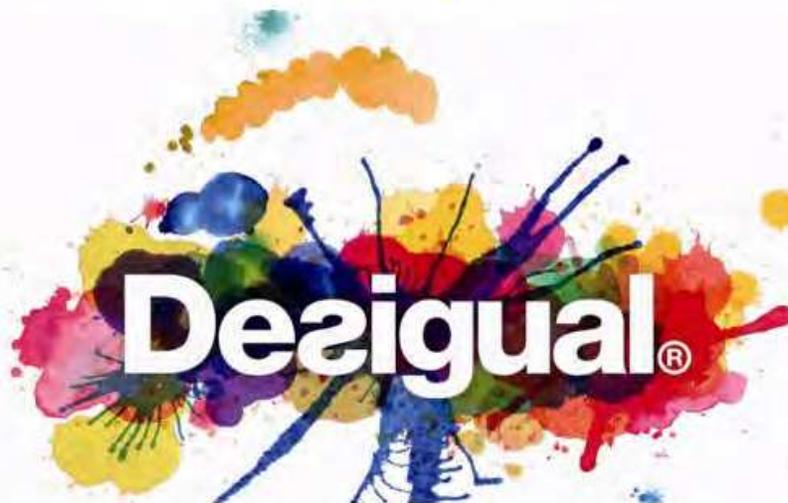
**MICHAEL KORS NOW ON ZALORA**

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[MEDIA: PR@ZALORA.COM](mailto:PR@ZALORA.COM) / [GENERAL: INFO@ZALORA.COM](mailto:INFO@ZALORA.COM)

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Desigual SUMMER is in store

*Say something nice...*

### Atypical since 1984.

This iconic Spanish brand hailing from Barcelona, Spain is the fun and fashionable way to give a summer splash of colour to your wardrobe. Summer Women's + Girls 2015 is in store now.

We have had Desigual brand in our store for 10 years now! I remember the days when it took a slow boat to literally get the funky and interesting clothing from Spain to North America and then to us. Well it certainly was worth the wait, it was always a bet among staff and when we could get our hands on it and get it to you. Lots of things have changed at Desigual since then. But, two things remain the same: 1. Desigual will always be atypical + 2. C'est Sera will always have the best Desigual selection in Western Canada

### How to pronounce DESIGUAL

It's the number one question in store... click above to learn how to say Desigual and then come in to shop and practice your Desigual draw!

Best Desigual selection in western Canada

## How to pronounce DESIGUAL

It's the number one question in store... click above to learn how to say Desigual and then come in to shop and practice your Desigual drawl!



**1 2 3 Sale Continues**  
**+ now includes the Nine West family of footwear**

*Save 50% on your 1st item*  
*Save 60% on your 2nd item*  
*Save 70% off your 3rd (and most expensive item)*

includes a huge selection of spring clothing  
+ Nine West, Anne Klein, Flogg, Easy Spirit, Enzo Angiolini, Bandolino



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includes a huge selection of spring clothing  
+ Nine West, Anne Klein, Flogg, Easy Spirit, Enzo Angiolini, Bandolino

***C'est Sera***  
**hours + locations**



FASHION WEEK OBSERVED

# The Complete N.Y. Fashion Week Pronunciation Guide

by Jennifer Ashley Wright • 02/06/14 12:39pm

COMMENT

**L.A.'S NEW CONTEMPORARY ART MUSEUM**

RESERVE ADVANCE FREE TICKETS FOR JAN/FEB!

**THE BROAD**



The rain in Spain falls mainly in the Alon Livne.

If we started a fashion company, do you know what we'd name it? Bob. And that is why *The New York Observer* will never be a fashion powerhouse. But it would be easy



pronounce, not like most of these other names. As it is, the least we can do is give you a pronunciation guide to every designer currently showing at Fashion Week at Lincoln Center.

As far as it was possible, we tried to find these designers pronouncing their own names. Sometimes, that was not possible. Accordingly, as for the one you have identified that is wildly wrong, well, we did that on purpose.)

Azria

Raoul

Richard Chai

Creatures of the Wind

Jay Godfrey

Tadashi Shoji

TRENDING NOW



STYLE Doctor's Orders: Forget the Paleo Diet Nonsense



STYLE Two Warby Parker Execs Have Graduated From Eyewear to Suitcases



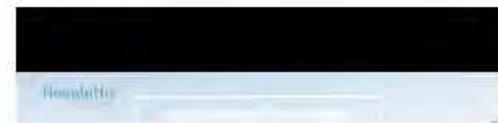
STYLE Wallpaper\* Has Launched a U.S. Edition, But It Won't Be on Newsstands



STYLE A Boutique Drop-in Meditation Studio Is Coming to New York

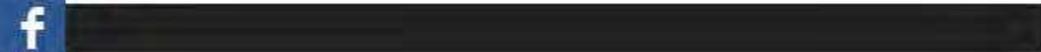


Things to Do in NY's Art World

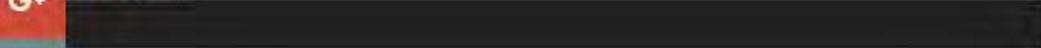




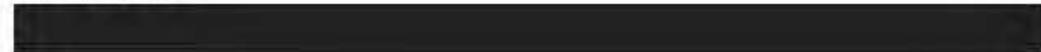
Desigual



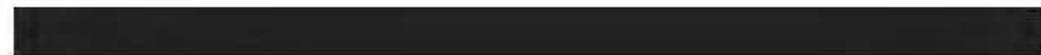
76



Road Snyder



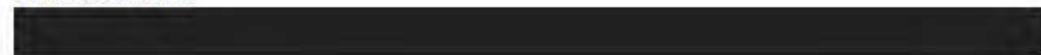
Go Red For Women



Mark And Estel



Zimmermann

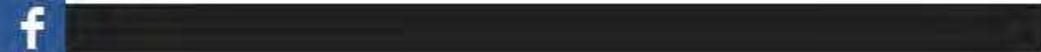


Rebecca Vallance





Desigual



76

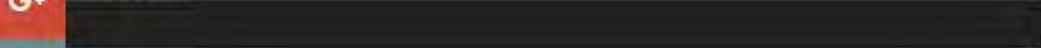


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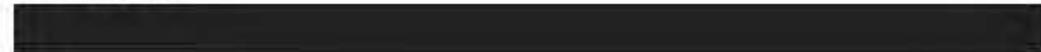


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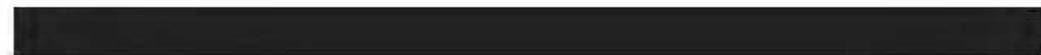
Missa Webb



Road Snyder



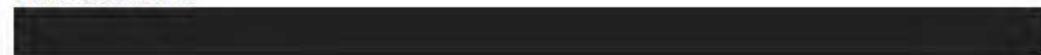
Go Red For Women



Mark And Estel



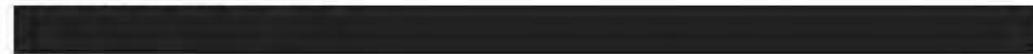
Zimmermann



Rebecca Vallance



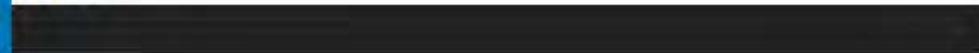
Pedro Del Hierro Madrid



nan Lander



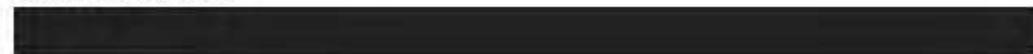
a Turk



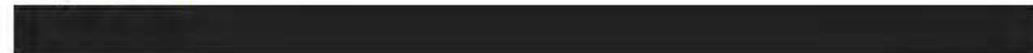
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Rebecca Minkoff



Lee Jean Youn



Hache



Nicole Miller



Charlotte Ronson



Mara Hoffmann

-  76
-  Aguilar
-  nique Lhuillier
- 
-  Fashion Collection



Venexiana

Lela Rose

David Tlale

DKNY

Czar by Cesar Galindo

Mara Hoffmann

-  [Redacted]
-  Aguilar [Redacted]
-  nique Lhuillier [Redacted]
-  [Redacted]
-  Fashion Collection [Redacted]



Venexiana



Lela Rose



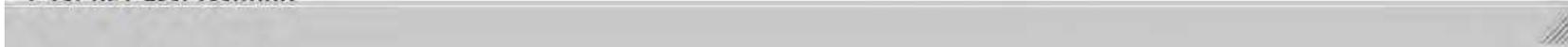
David Tlale



DKNY



Czar by Cesar Galindo



By Cesar Guinto

[Redacted]



va Zol

[Redacted]



to Barcelona

[Redacted]



choonmoo

[Redacted]



Diane von Furstenberg

[Redacted]

Brian Lichtenberg

[Redacted]

Vivienne Tam

[Redacted]

Georgine

[Redacted]

Meskita

[Redacted]



Katya Leonovich

[Redacted]



Olivia Herrera

[Redacted]



in Acra

[Redacted]



Posen

[Redacted]

Donna Karan

[Redacted]

Tory Burch

[Redacted]

J. Crew

[Redacted]

Badgley Mischka

[Redacted]

Dubai Design



Katya Leonovich



Olivia Herrera



Am Acra



Posen



Donna Karan

Tory Burch

J. Crew

Badgley Mischka

Dubai Design

Wendy Nichol

[Redacted]



Art Institutes

[Redacted]



u Mohapatra

[Redacted]



nael Kors

[Redacted]



Lie Sang Bong

[Redacted]

KaufmanFranco

[Redacted]

Betsey Johnson

[Redacted]

Clover Canyon

[Redacted]

Cute Circuit

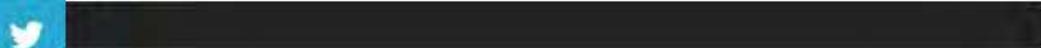
[Redacted]



Anna Sui



76 g Toi



h Lauren



nel Zoe



J. Mendel



Calvin Klein



COMMENT

FILED UNDER: DESIGNERS, FASHION WEEK OBSERVED, FW14, LINCOLN CENTER, NYFW

Around The Web





COMMENT



UNDER: DESIGNERS, FASHION WEEK OBSERVED, FW14, LINCOLN CENTER, NYFW

76



and The Web



4 Common Foods That Cause Obesity And Their Healthier Alternatives

Promoted by Brain Diet



Most Beautiful Women On Earth , Number 1 is a SHOCKER !

Promoted by CyberBreeze



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# **EXHIBIT J**

**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 ANSWERS TO APPLICANT'S SECOND SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, INTS It Is Not The Same, GmbH, (hereinafter referred to as "Opposer") by its attorneys, hereby submits the following answers to Disidual Clothing, LLC's (hereinafter referred to as "Applicant") Second Set of Interrogatories.

**GENERAL OBJECTIONS**

1. Opposer objects to Applicant's Interrogatories to the extent they seek information subject to the attorney/client privilege, or within the attorney's work product immunity, or other grounds of immunity from discovery.
2. Opposer objects to Applicant's Interrogatories to the extent they seek information that is unreasonably cumulative, duplicative, or obtainable from some other source that is more convenient, less burdensome, or less expensive.
3. Opposer objects to Applicant's Interrogatories to the extent that the burden or expense of the Interrogatory outweighs its likely probative value.
4. Opposer's responses are based upon information and writings presently available to and located by Opposer and its attorneys. Opposer has not completed its investigation of the facts

relating to this Opposition, its discovery in this action, nor its preparation for trial. All of the information supplied is based only on such information and documents which are presently and specifically known to Opposer. Therefore, Opposer's written responses are without prejudice to its rights to supplement or amend its written responses and to present evidence discovered hereafter at any hearing or trial.

5. Opposer objects to Applicant's Interrogatories instructions and definitions to the extent they seek to impose burdens contrary to or in addition to those provided in the Federal Rules of Civil Procedure or the Trademark Rules of Practice. Accordingly, Opposer will produce documents identified in its responses in accordance with the applicable rules.

6. Opposer objects to each and every definition, instruction, or interrogatory which calls for information that is irrelevant and/or immaterial to the issues in this matter or which are not reasonably calculated to lead to the discovery of admissible evidence.

#### **ANSWERS AND OBJECTIONS TO INTERROGATORIES**

##### Interrogatory No. 1.

Describe in detail how Opposer selected each of Opposer's Marks.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that the "DESIGUAL" mark was created more than thirty years ago by the President for Opposer, and the mark was first registered in Spain in 1986.

Interrogatory No. 2.

Describe in detail the derivation of each of Opposer's Marks.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is also vague and ambiguous. In addition, the interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that Opposer's Marks contain the term "DESIGUAL", with or without a design element and/or stylization.

Interrogatory No. 3.

Describe in detail the connotation or meaning of each of Opposer's Marks.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is also vague and ambiguous. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that "DESIGUALS" means "different" and/or "unequal." Those terms are related to the corporate name for Opposer, INTS It Is Not The Same, GmbH.

Interrogatory No. 4.

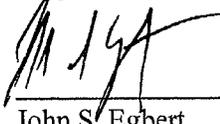
Describe in detail whether Opposer has modified any of Opposer's Marks since Opposer's adoption of Opposer's Marks, and if so, provide the date when such modifications were made and explain the reasons for any such modifications.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. Without waving these objections or any others, Opposer responds that no modifications have been made to Opposer's Marks.

October 15, 2015

Date

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

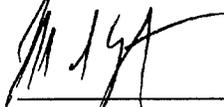
**CERTIFICATE OF SERVICE**

I hereby certify that Opposer's Responses to Applicant's Second Set of Interrogatories are being sent by first class mail on October 15, 2015, 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)

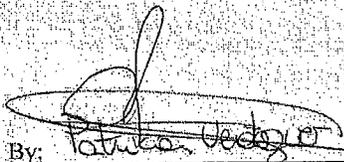
ATTORNEYS FOR OPPOSER  
INTS It Is Not The Same, GmbH

JSE:mfs  
Our File: 1433-55

VERIFICATION

I, Mrs. Patricia Verdaguer Casals, officer for Opposer INTS It Is Not The Same, GmbH, hereby certifies, under penalty of perjury, that the foregoing Response to Applicant's First Set of Interrogatories (Nos. 1 to 4), and the contents contained therein, have been prepared with the assistance and advice of counsel, upon which I have relied; that the responses set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of the responses; that consequently, Opposer reserves the right to make any changes in its responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that based upon the foregoing, the undersigned declares that to the best of his knowledge, information and belief, the foregoing answers are true and correct.

DATED this 07<sup>th</sup> day of October 2015.

By: 

Title: In-house attorney  
Name: Patricia Verdaguer Casals  
INTS It Is Not The Same, GmbH  
Baarerstrasse 98, CH-6302 Zug (Switzerland)

# **EXHIBIT K**



SpanishCentral.com

# Spanish Central

desigual

á é í ó ú ü ñ ç ÿ Translate »

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+Babbel

desigual = unequal *adjective*

desigual *adjective*

### English Translation of DESIGUAL

- 1 : unequal
- 2 DISPAREJO : uneven

### Examples of DESIGUAL

- dos hermanos muy desiguales  
*two very different brothers*
- las mangas de la chaqueta me han salido desiguales  
*the sleeves of my jacket have come out different sizes*
- los ciudadanos reciben un trato desigual  
*people are treated differently*
- es una estudiante muy desigual  
*she is a very erratic student*
- los resultados del alumno son muy desiguales  
*the pupil's marks vary widely or are not at all consistent*

### Related to DESIGUAL

**Synonyms:** diferente, distinto, dispar, disparejo; inconstante, vario, variable, caprichoso, voluble; áspero, escabroso; arduo, dificultoso

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vario, variable, caprichoso, voluble; áspero, escabroso; arduo, dificultoso

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**Ani Umar** ·

Registered Nurse at National University Hospital

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**Jozi Levi** ·

Music Production at Açık Radyo

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Like · Reply · Jul 13, 2015 12:29am



**Ernest Novat** ·

Works at Afroasis Films

In Tshirt the drawing the heart in side the wrote desigual

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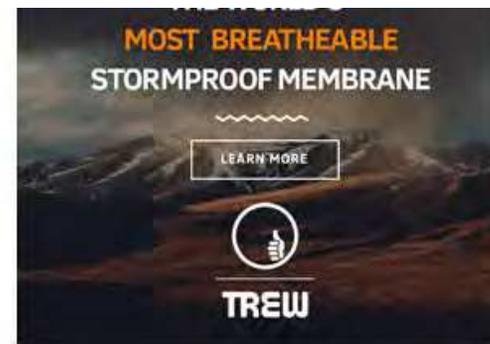


**Kieran Donnelly**

clothing company

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HOME > SPANISH-ENGLISH > DESIGUAL

desigual SP.

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LAT. AM. SP.

Translation of *desigual* in English:  
**adjetivo**

1 1.1 (diferente)

*las mangas me quedaron desiguales* SP.

LAT. AM. SP.

one sleeve turned out longer ( or wider etc) than the other

*reciben un trato muy desigual* SP.

LAT. AM. SP.

they are treated very differently

1.2 (desequilibrado)

(lucha)

**unequal**

(fuerzas)

unevenly matched

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1) What is the English term for *pantalla táctil*?

big screen

flat screen

touch screen

(lucha)

**unequal**

(fuerzas)

**unevenly-matched**

IN OTHER DICTIONARIES

≥ (irregular)

(terreno/superficie)

**uneven**

(letra)

**uneven**

**irregular**

(calidad)

**variable**

**varying** delante del nombre

*su rendimiento ha sido desigual* SP. es

LAT. AM. SP. es

his performance has been variable *o* irregular *o* inconsistent

IN OTHER DICTIONARIES

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WORD OF THE DAY

**escote**

*Find out what it means*

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desigual

desigual *in* desigual

una industria que ha conocido un desarrollo desigual *in* conocer

una distribución cada vez más desigual de la riqueza *in* distribución

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designio

**desigual**

desigualar

desigualdad

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desigual



Translate

**desigual**

**unequal, uneven**

Dictionary **Examples** <sup>NEW</sup> Video

**desigual**

ADJECTIVE

1. (diferente)  
a. different
2. (terreno)  
a. uneven
3. (tiempo, persona, humor)  
a. changeable
4. (alumno, actuación)  
a. inconsistent
5. (lucha)  
a. unevenly matched, unequal
6. (tratamiento)  
a. unfair, unequal

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**Word of the Day**

NOV 10

**incapaz**

incapable



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desigual



Translate

**desigual**

**unequal, uneven**

Dictionary **Examples** <sup>NEW</sup> Video

**desigual**

ADJECTIVE

1. (diferente)  
a. **different**
2. (terreno)  
a. **uneven**
3. (tiempo, persona, humor)  
a. **changeable**
4. (alumno, actuación)  
a. **inconsistent**
5. (lucha)  
a. **unevenly matched, unequal**
6. (tratamiento)  
a. **unfair, unequal**

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**Word of the Day**

NOV 10

**incapaz**

incapable

a. unevenly matched, unequal

6. (tratamiento)

a. unfair, unequal

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## desigual

### ADJECTIVE

1. (diferente) **different**

dos hermanos muy desiguales — two very different brothers;

las mangas de la chaqueta me han salido desiguales — the sleeves of my jacket have come out different sizes;

los ciudadanos reciben un trato desigual — people are treated differently; people are not treated equally or the same

2. [+lucha, batalla] **unequal**

3. (irregular) [+terreno, calidad] **uneven** [+letra] **erratic**

es una estudiante muy desigual — she is a very erratic student;

los resultados del alumno son muy desiguales — the pupil's marks vary widely or are not at all consistent

4. (variable) [+tiempo] **changeable** [+carácter] **unpredictable**

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 'desigual' in our machine translators

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Word of the Day

NOV 10

incapaz 

incapable

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# desigual

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Inflexiones de 'desigual' (adj): pl: desiguales

WordReference Collins

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### Principal Translations

<b>desigual</b> <i>adj mf</i>	(que no es igual)	<i>different adj</i>  <i>unequal adj</i>
El tamaño de sus pies es desigual y tiene problemas para comprarse el calzado. ⓘ Aren't these shoes of different sizes? The left one hurts.		
<b>desigual</b> <i>adj mf</i>	(variable)	<i>varied, variable adj</i>
España tiene un clima desigual; en algunos sitios llueve mucho y en otros hace mucho sol. Spain has a varied (or: variable) climate; in some areas it rains a lot, and in others it's very sunny.		

### Additional Translations

<b>desigual</b> <i>adj mf</i>	(que tiene desniveles)	(surface) <i>uneven adj</i>  <i>not flat adj</i>
Se entrenaba en un terreno desigual para estar más fuerte físicamente. She trained on uneven ground so as to be physically stronger. She trained on ground that was not flat so as to be physically stronger.		
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Compound Forms:

**resultado desigual** *grupo nom* (rendimiento dispar) *inconsistent results npl*

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'desigual' found in these entries

In the Spanish description:

agravio comparativo - áspero - desabrido - desequilibrado - escalera - matrimonio de la mano izquierda - quebrado - violencia machista

English:

humpy - ragged - unequal - uneven - inequitable - irregular - jumpy - spotty - mismatched - unsymmetrical - dissimilar - crazy paving - disparate treatment - odd number - unequal treatment - unevenly

Forum discussions with the word(s) "desigual" in the title:

con desigual fortuna  
desigual batalla  
distribucion de la renta desigual - financiero  
distribución desigual de la renta  
Educación en México, cada vez más pobre y desigual  
habrá una competencia desigual  
la contienda es desigual  
Que fin me promete tan desigual locura  
resultado desigual  
salir desigual en su juego

- Ask in the forums yourself.
- Visit the Spanish-English Forum.
- Discussions in the Solo español forum

See Google Translate's machine translation of 'desigual'.

"desigual" en francés

"desigual" en portugués



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**nevertheless**

### Compound Forms:

**resultado desigual** *grupo nom* (rendimiento dispar) *inconsistent results npl*  
Is something important missing? Report an error or suggest an improvement.

'desigual' found in these entries

In the Spanish description:

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See Google Translate's machine translation of 'desigual':

"desigual" en francés

"desigual" en portugués

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# **EXHIBIT L**

**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.	§	Opposition No. 91212768
	§	
Disidual Clothing, LLC,	§	
	§	
Applicant.	§	

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

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**GENERAL OBJECTIONS**

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2. Opposer objects to Applicant's Interrogatories to the extent they seek information that is unreasonably cumulative, duplicative, or obtainable from some other source that is more convenient, less burdensome, or less expensive.
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4. Opposer's responses are based upon information and writings presently available to and located by Opposer and its attorneys. Opposer has not completed its investigation of the facts

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6. Opposer objects to each and every definition, instruction, or interrogatory which calls for information that is irrelevant and/or immaterial to the issues in this matter or which are not reasonably calculated to lead to the discovery of admissible evidence.

### **ANSWERS AND OBJECTIONS TO INTERROGATORIES**

#### **Interrogatory No. 1.**

Identify the persons who supplied information to respond to these interrogatories or who participated in responding to these interrogatories.

ANSWER: Opposer incorporates by this reference the general objections set forth above. Opposer also objects to Applicant's request for "the persons who supplied information to respond to these interrogatories or who participated in responding to these interrogatories" to the extent that the burden of identification outweighs its likely probative value and is not likely to lead to relevant information. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of

the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that Michael Swartz, an attorney at Egbert Law Offices, and Mrs. Patricia Verdaguer Casals, Head of Applicant's Legal Brand Department assisted in the preparation of answers to the foregoing interrogatories by providing the answers to the foregoing interrogatories.

Interrogatory No. 2.

For each person identified in response to Interrogatory No. 1, please provide the person's current contact information.

ANSWER: Opposer incorporates by this reference the general objections set forth above. Opposer also objects to Applicant's request for "each person" to the extent that the burden of identification outweighs its likely probative value and is not likely to lead to relevant information. In addition, the interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds as follows:

- Mrs. Patricia Verdaguer Casals, Passeig del Mare Nostrum, no. 15, 08039 Barcelona, Spain
- Michael Swartz, Egbert Law Offices, PLLC, 1314 Texas, 21<sup>st</sup> Floor, Houston, Texas 77008

Interrogatory No. 3.

Identify the persons who are most knowledgeable regarding Opposer's use of Opposer's Marks.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is also vague and ambiguous. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without

waving these objections or any others, Opposer identifies Mrs. Patricia Verdaguer Casals, Head of Applicant's Legal Brand Department

Interrogatory No. 4.

For each person identified in response to Interrogatory No. 3, please provide the person's current contact information.

ANSWER: Opposer incorporates by this reference the general objections set forth above. This interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds as follows:

- Mrs. Patricia Verdaguer Casals, Passeig del Mare Nostrum, no. 15, 08039 Barcelona, Spain

Interrogatory No. 5.

State the date (month, day, and year) of the first use in commerce of Opposer's Marks in connection with Opposer's Goods and Services upon which Opposer intends to rely in this opposition proceeding.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is vague and ambiguous. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. The interrogatory is also an improper attempt to require Opposer to list all factual assertions or contentions in this case, marshal all of its available proof, or marshal all proof Opposer intends to offer. Without waving these objections or any others, Opposer responds that the first use of Opposer's "DESIGUAL" Marks is at least as early as April 18, 2009.

Interrogatory No. 6.

For each date of first use in commerce identified in Interrogatory No. 5, please state the type of goods sold at the time of first use, the amount of goods sold at the time of first use, and to whom such goods were sold.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that the goods contained within the identification of goods for Opposer's "DESIGUAL" Marks were sold to consumers.

Interrogatory No. 7.

Describe in detail any occurrence of actual confusion on the part of any third party between Opposer's use of Opposer's Marks and Disidual Clothing's use of the DISIDUAL Mark.

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. Without waving these objections or any others, Opposer responds that it is not aware of any instances of actual confusion.

Interrogatory No. 8.

Describe in detail the facts supporting the following statement submitted in Opposer's Section 8 Declaration of Use on February 3, 2013 for the mark shown in U.S. Registration No. 2,088,319: "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."

ANSWER: Opposer incorporates by this reference the general objections set forth above. In addition, the interrogatory is overly broad and unduly burdensome. The interrogatory is also ambiguous and confusing. In addition, the interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that Opposer did not submit the quoted declaration as part of Opposer's Section 8 Declaration of Use, because the quoted declaration was part of Opposer's Section 15 Declaration of Incontestability.

Interrogatory No. 9.

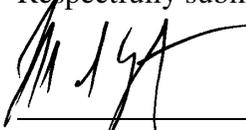
State whether Thomas Andreas Meyer of Opposer intends to travel to the United States between now and December 31, 2015, and state the date and duration of the visit, the location, and the purpose of the visit.

ANSWER: Opposer incorporates by this reference the general objections set forth above. This interrogatory is harassing and cannot be expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of Applicant. Without waving these objections or any others, Opposer responds that Mr. Thomas Andreas Meyer does not currently have plans to travel to the United States between now and December 31, 2015.

June 26, 2015

Date

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

**CERTIFICATE OF SERVICE**

I hereby certify that Opposer's Responses to Applicant's First Set of Interrogatories are being sent by first class mail on June 26, 2015, 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)

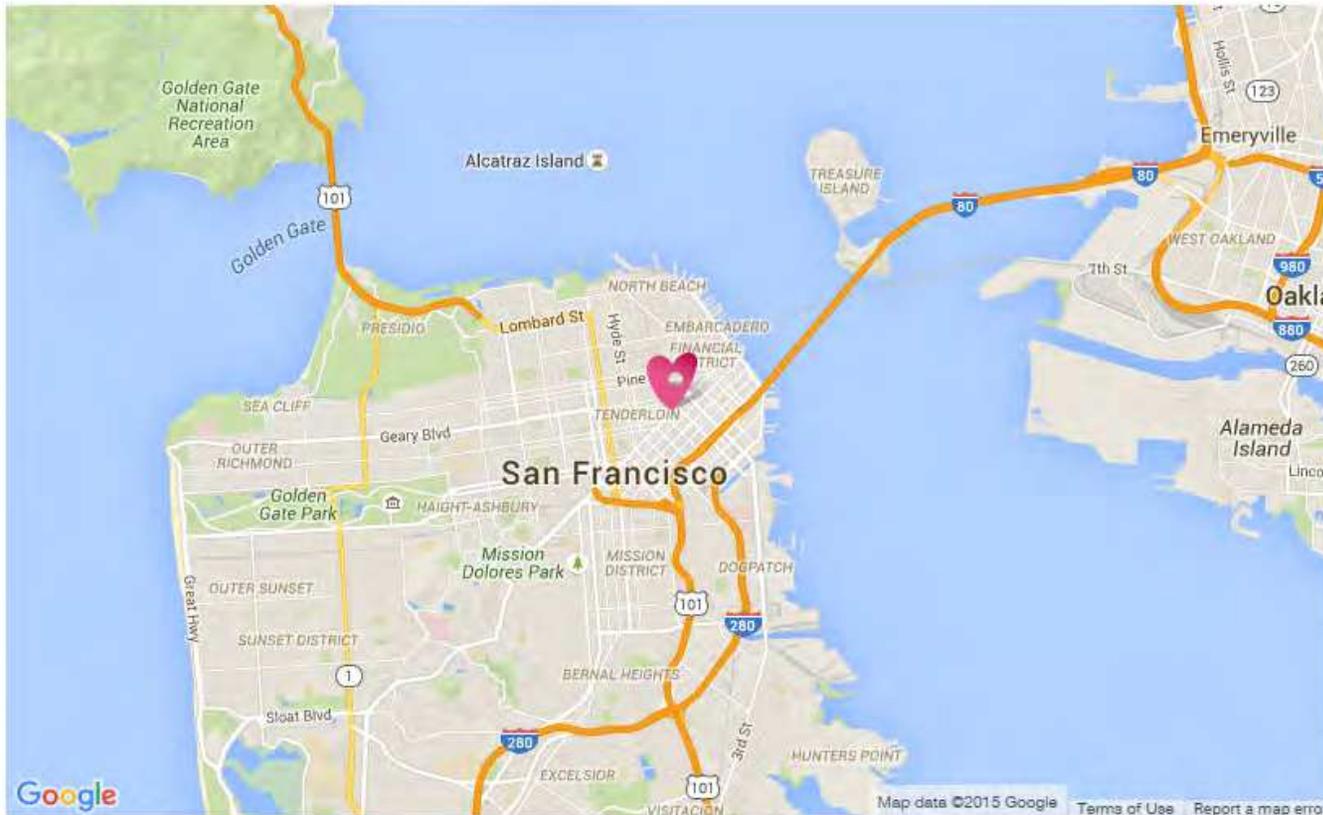
ATTORNEYS FOR OPPOSER  
INTS It Is Not The Same, GmbH

JSE:mfs  
Our File: 1433-55

# **EXHIBIT M**



# Find your store



**Desigual Store San Francisco Powell**  
101 Powell Street  
94108 - San Francisco - USA  
(+1) 415 772 9079



(+1) 415 772 9079

GET DIRECTIONS

Opening times

Mon - Sat: 10h - 21h  
Open on Sundays: Yes

Available collections

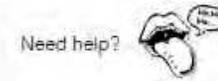
- Kids
- Man
- Accessories
- Woman

About our Desigual stores

Every Desigual store offers the customer a positive experience to be enjoyed with all the senses. And that's because Desigual considers its stores to be more than just sales spaces; we believe they are places where customers can enjoy an experience that combines fashion, art and technology and be submerged in a world of sensations in which "shopping" means so much more.

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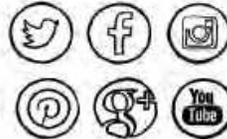


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Country / Language

United States of America

English



**Available collections**

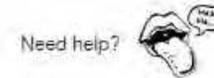
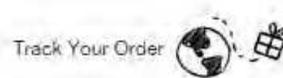
- Kids
- Man
- Accessories
- Woman

**About our Desigual stores**

Every Desigual store offers the customer a positive experience to be enjoyed with all the senses. And that's because Desigual considers its stores to be more than just sales spaces; we believe they are places where customers can enjoy an experience that combines fashion, art and technology and be submerged in a world of sensations in which "shopping" means so much more.

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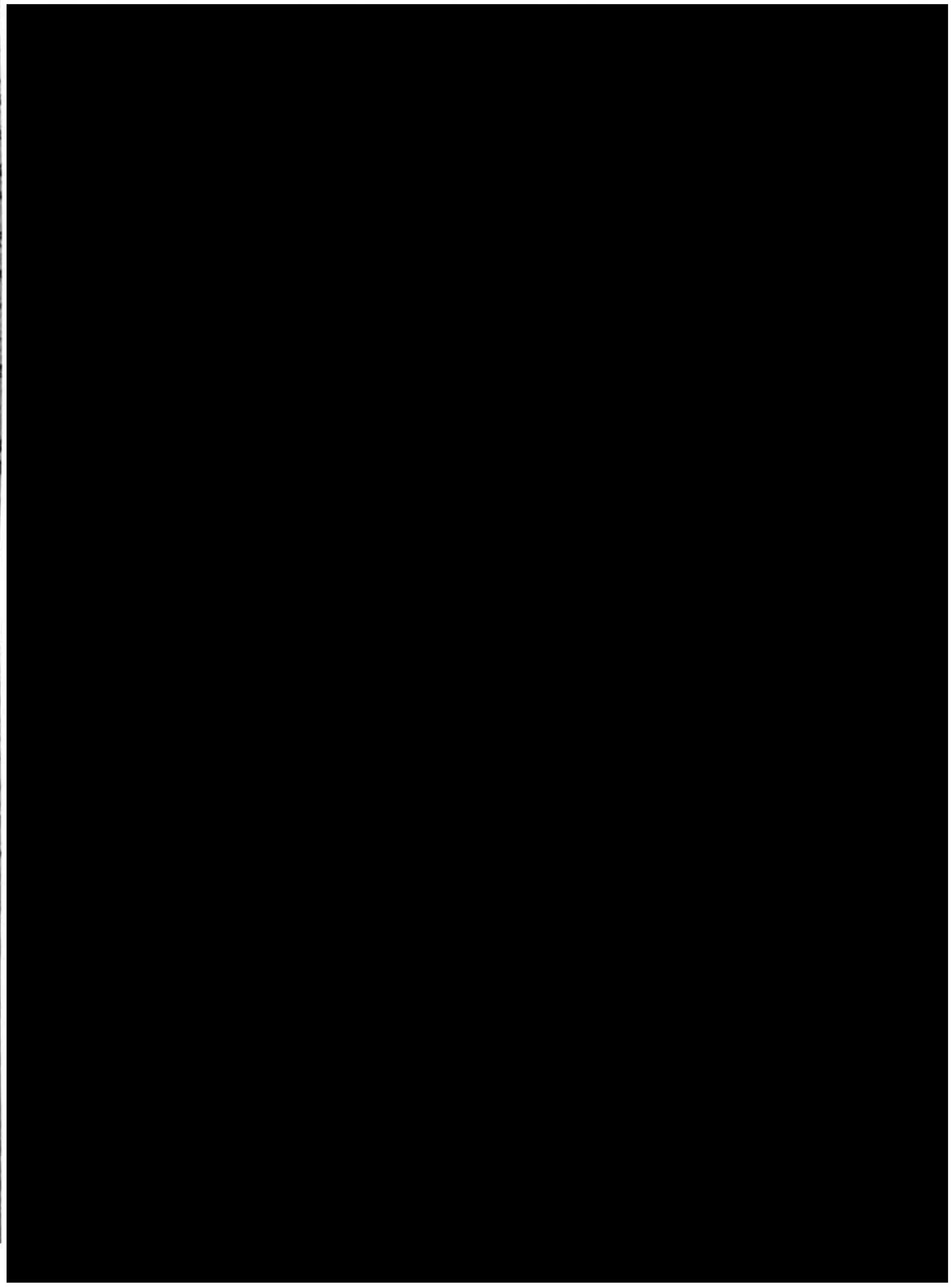
# **EXHIBIT N**

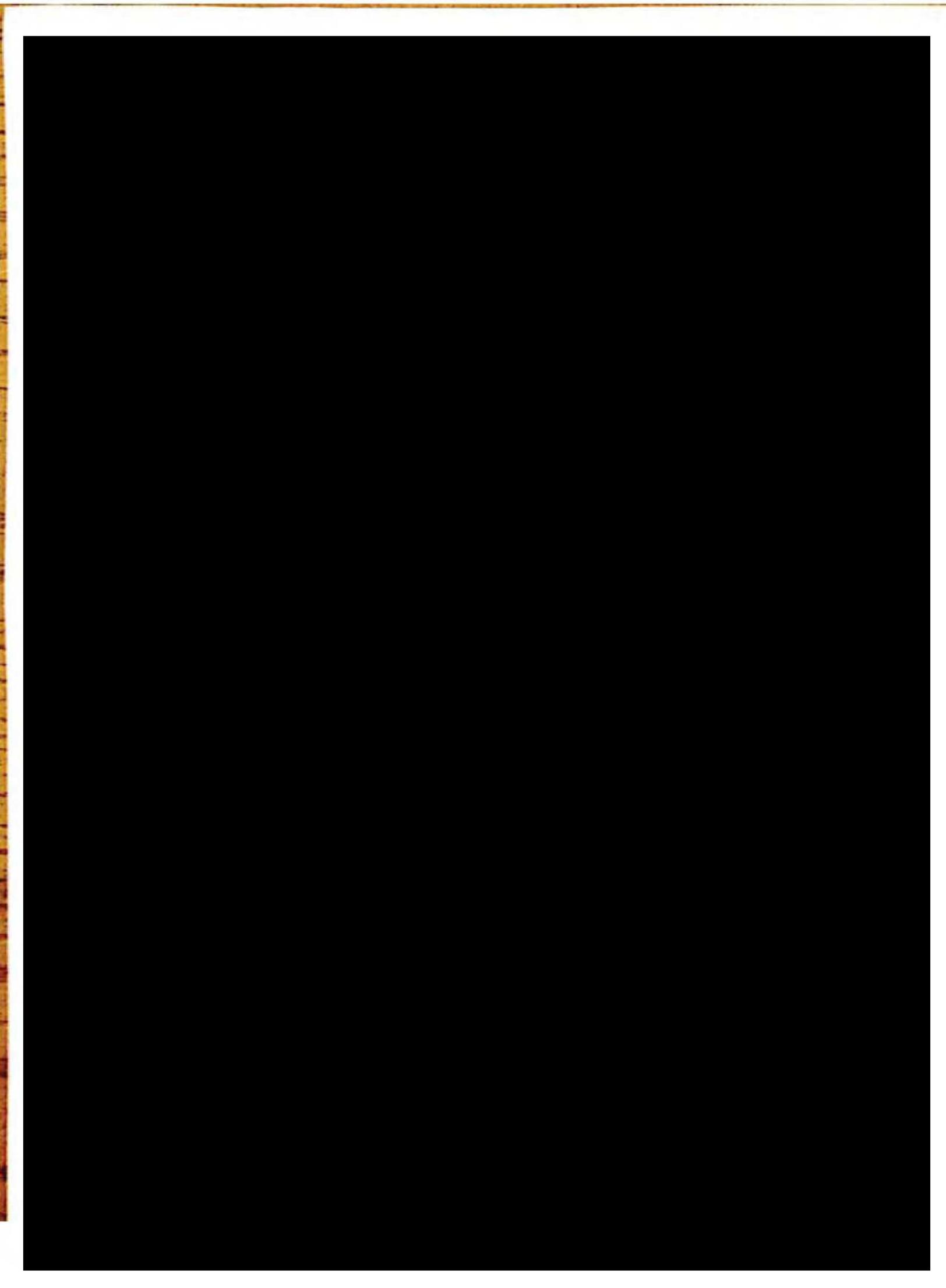
REQUEST FOR  
PRODUCTION  
NO. 4

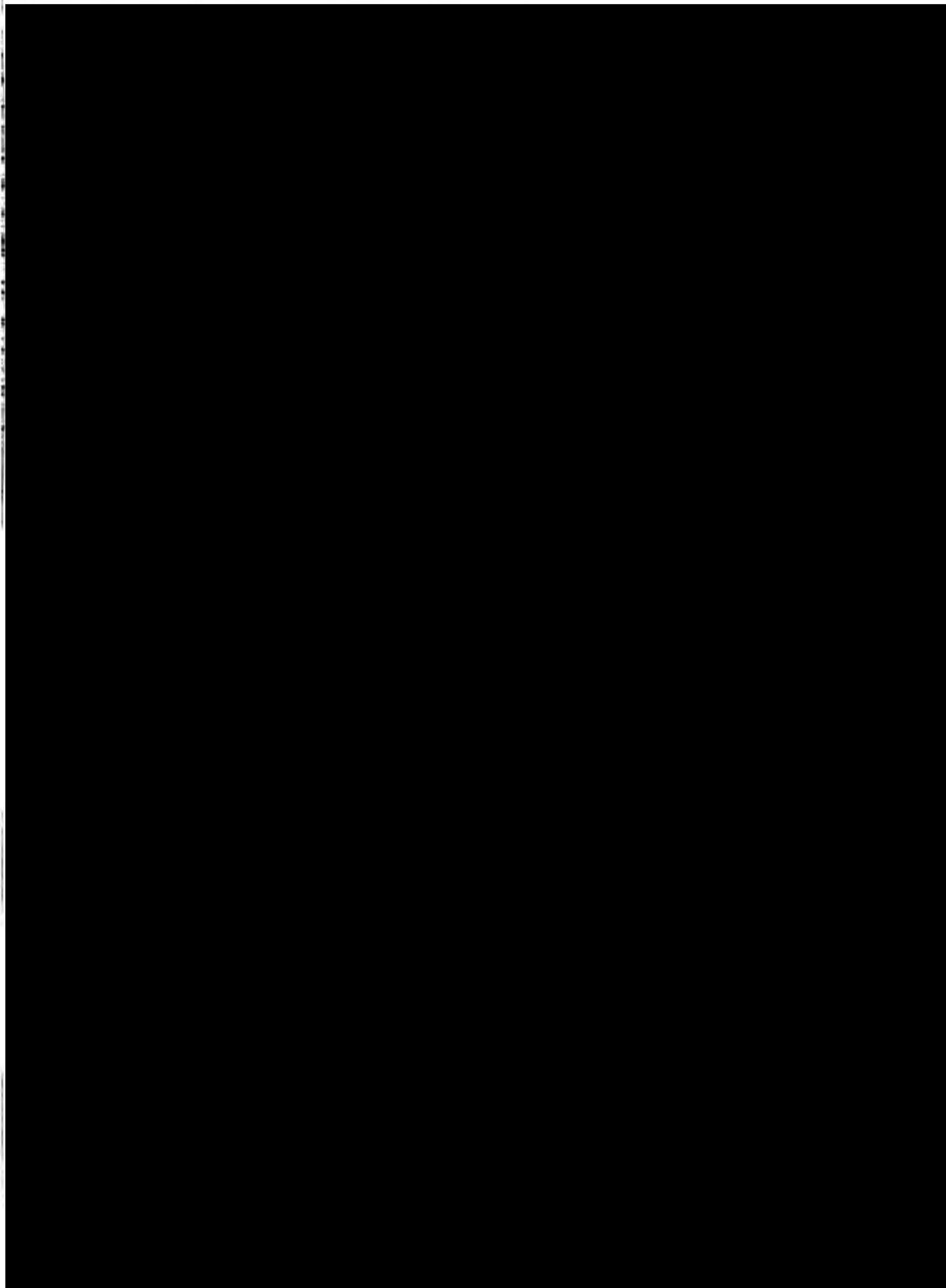
#### **Request for Production No. 4**

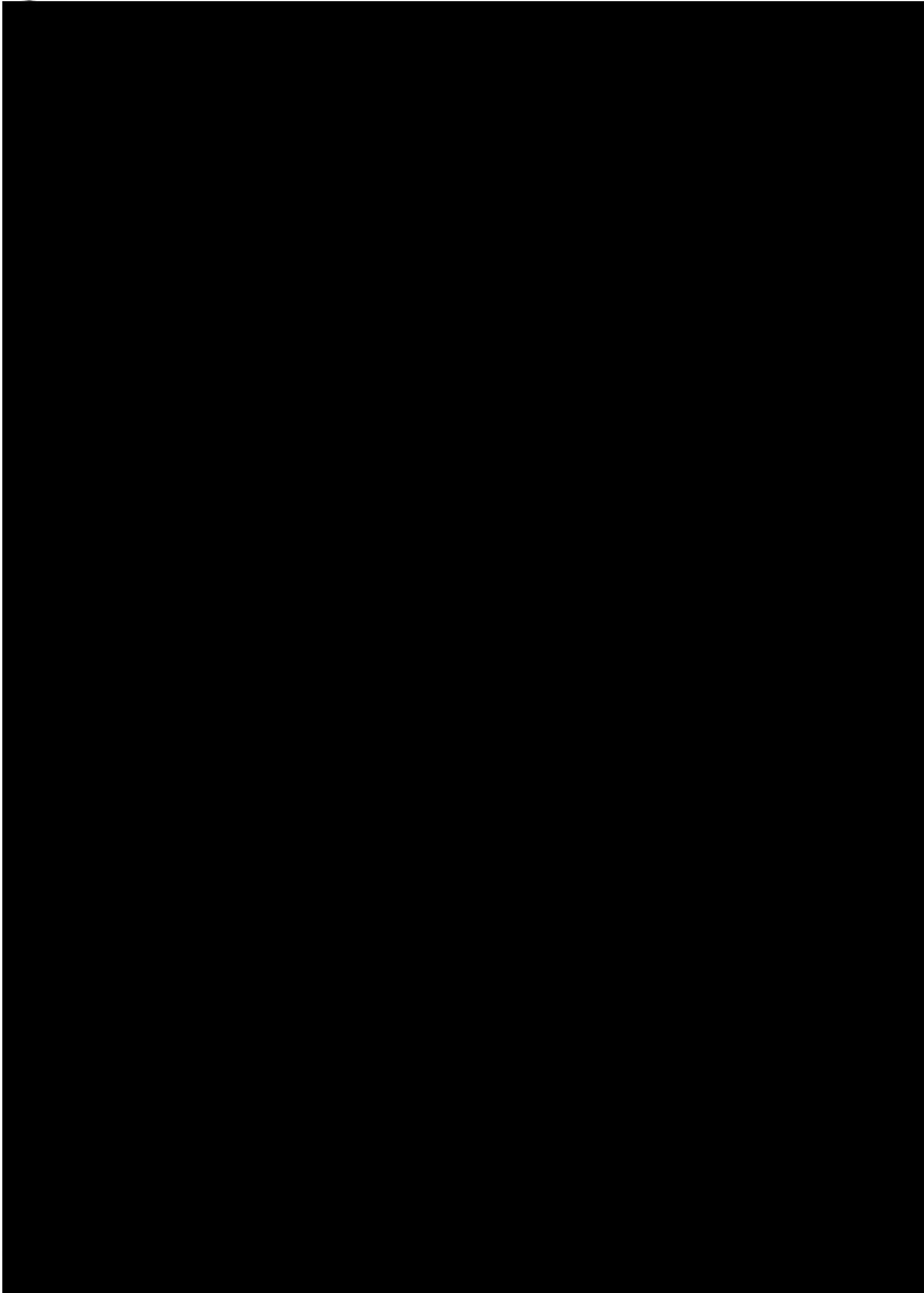
In addition to the documents included in this section, other responsive documents can be found in the following sections: Request for Production Nos. 5, 6, 8, 9, and 16.





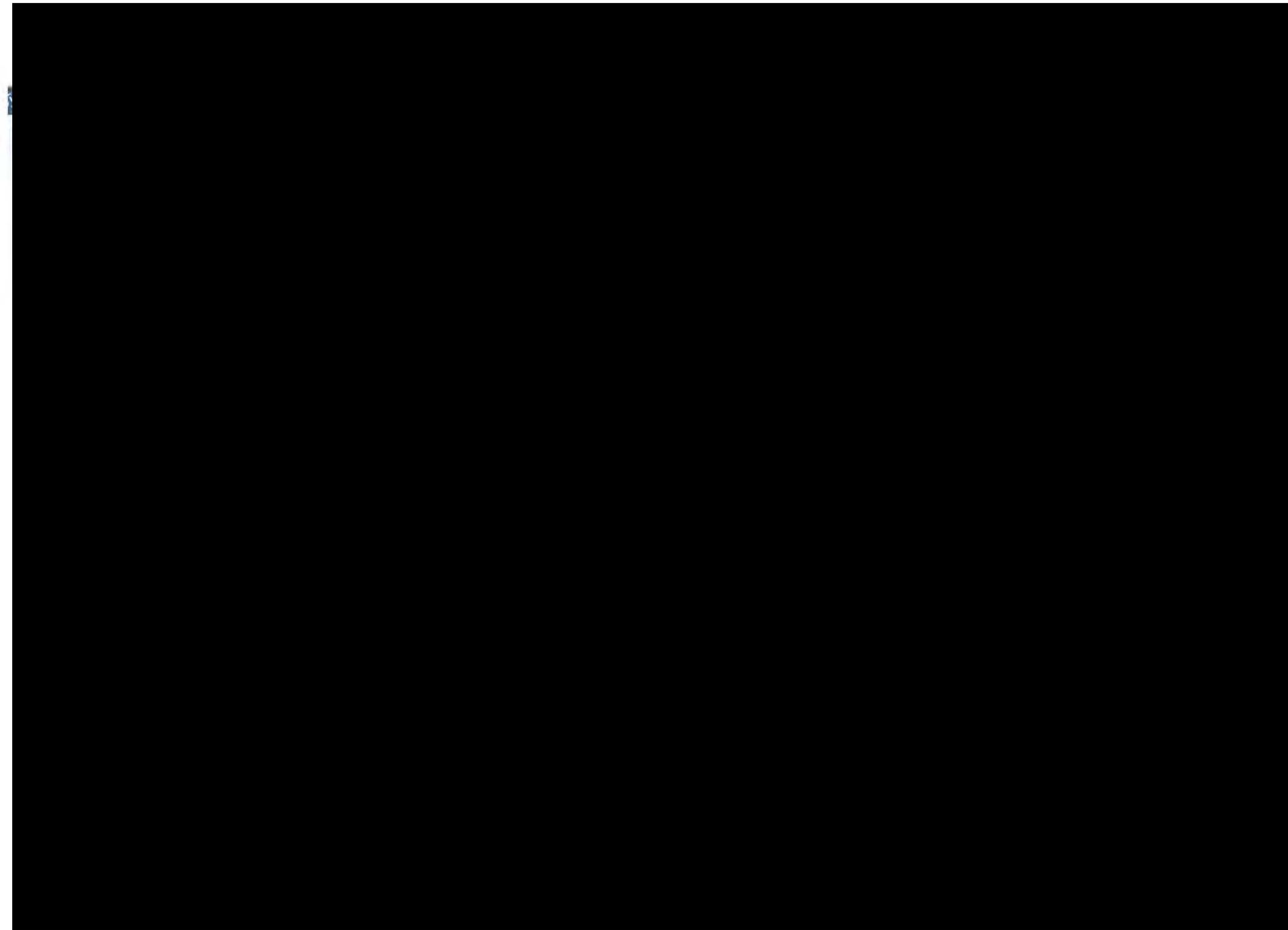


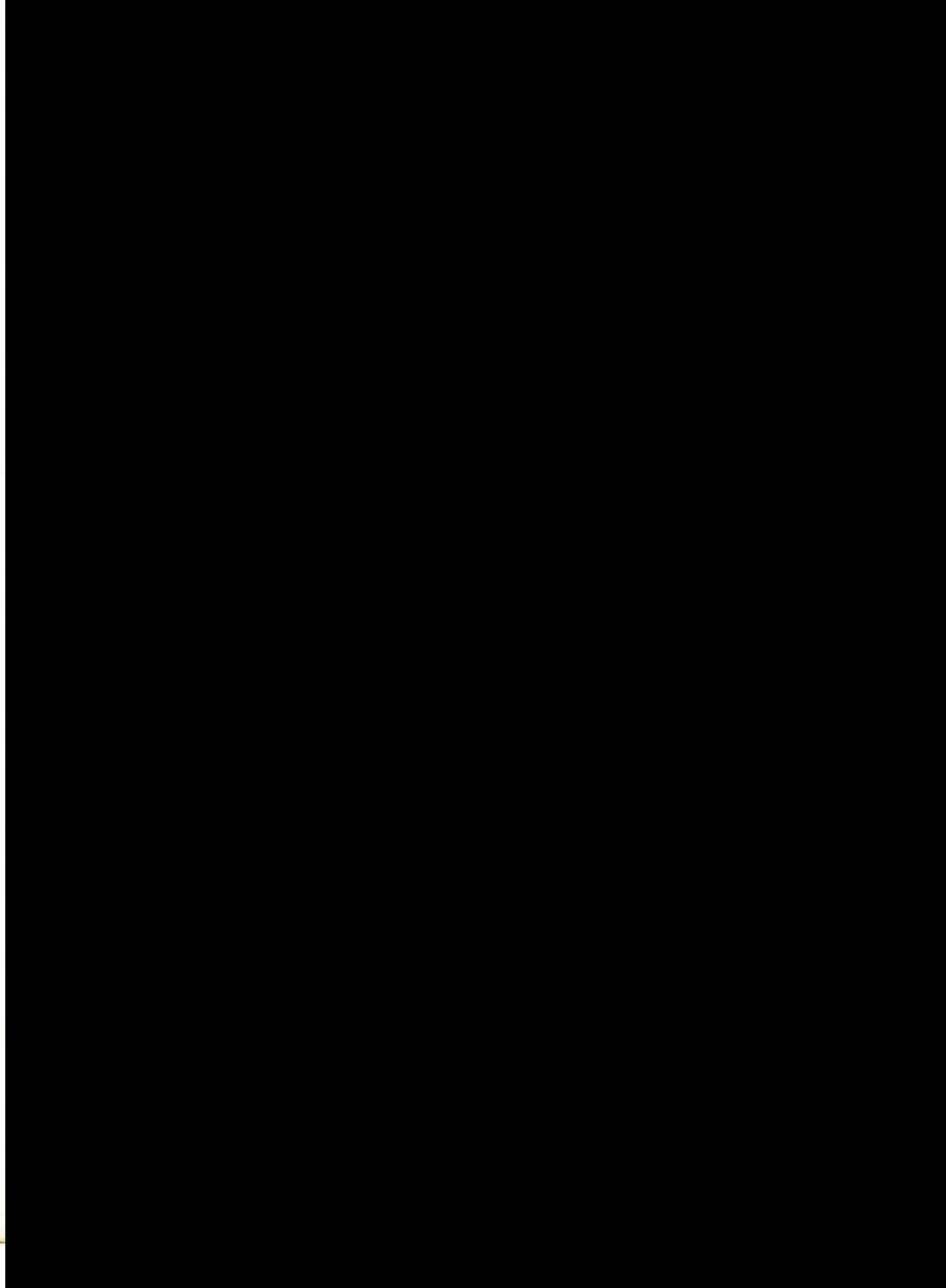


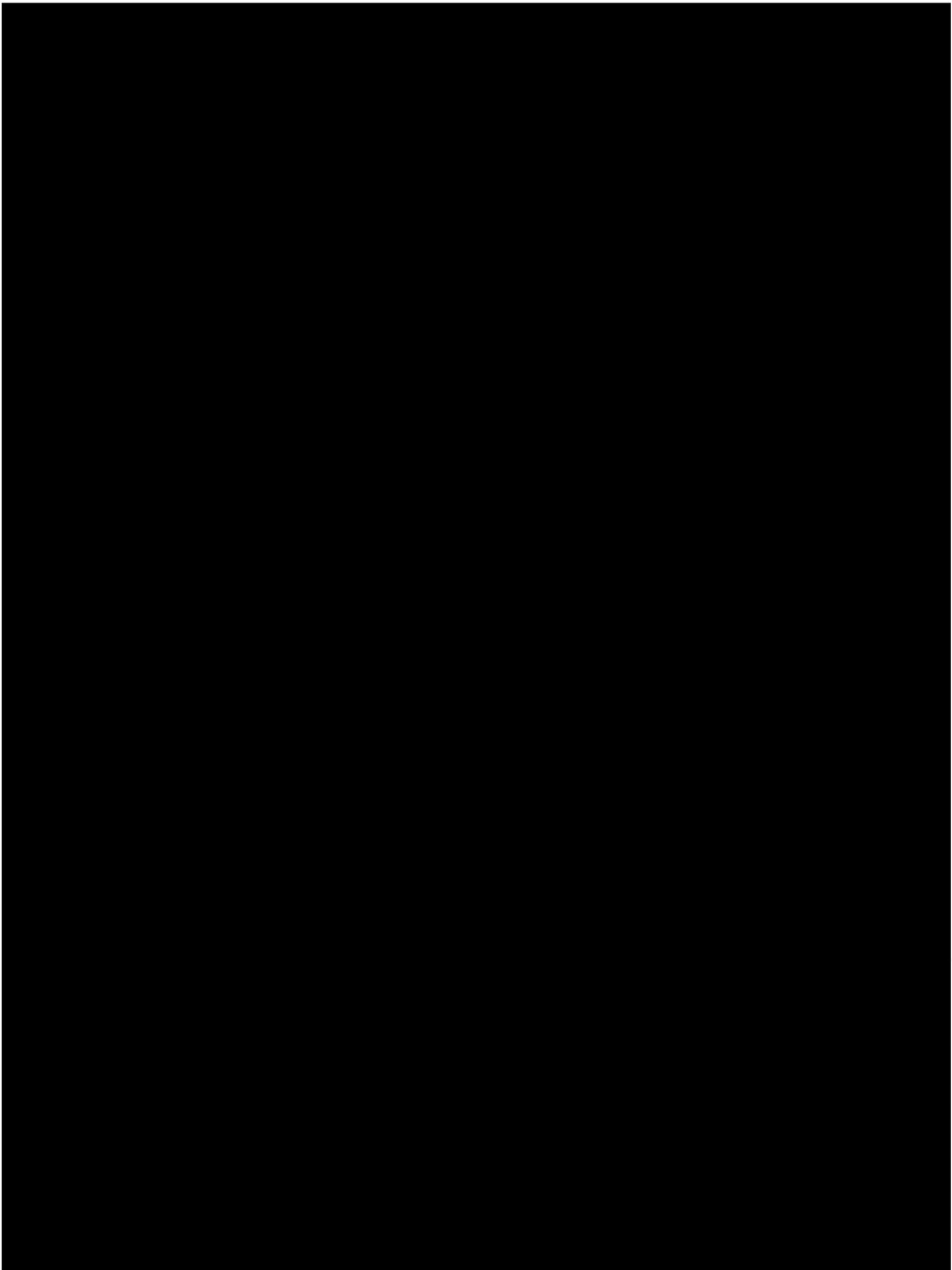


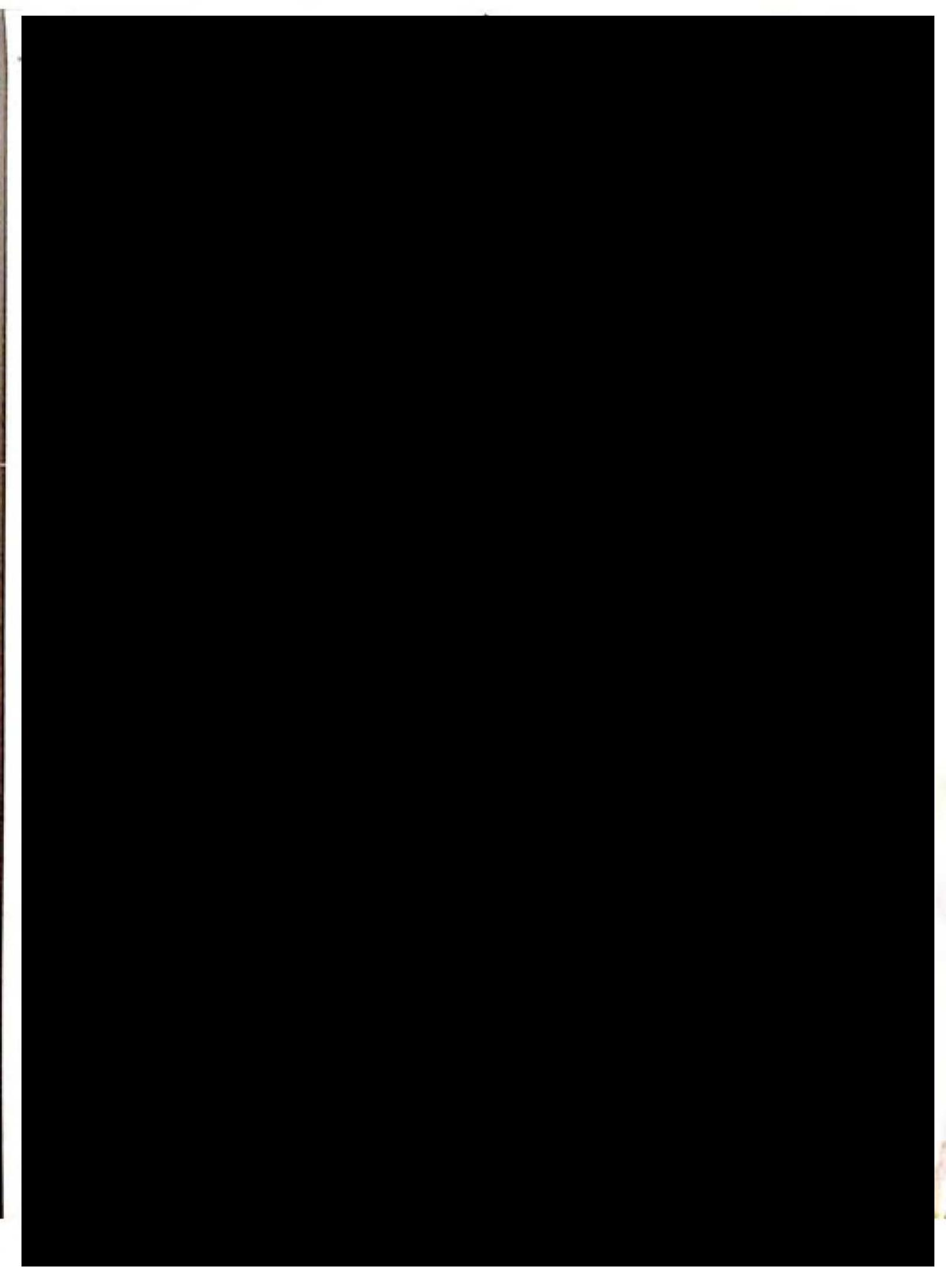


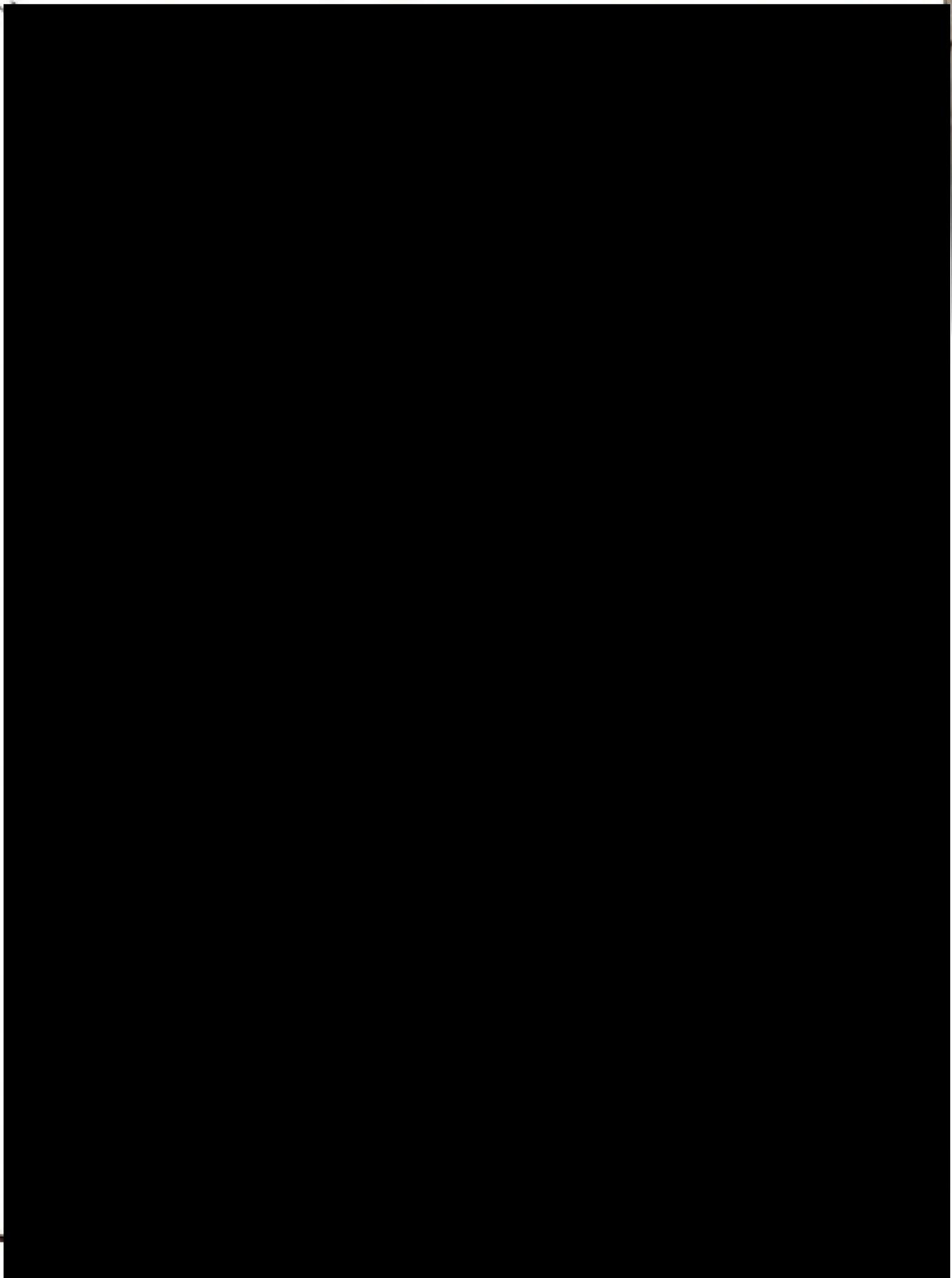












# **EXHIBIT O**



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## FEATURES - CURRENT FEATURES - OCT 2011 - DESIGUAL

Streetwear brand Desigual, famous for its patchwork designs, intense prints, innovative graffiti art and flamboyant splashes of colour, has taken the high street by storm since its creation 26 years ago. With a wide range of men's, women's and children's wear, Desigual has become a must-have brand for the fashion conscious.



Ana Cabanas, Marketing Manager for Desigual, talks to RLI about the brand and its phenomenal success.

"Desigual's growth comes from three different sources: new geographical areas, new product categories and new channels of distribution - a multi-channel business model. We want every wardrobe to contain at least one Desigual garment and thus have opted for a business model which makes a maximum number of people aware of just what our difference is all about."

"Rather than competing with each other, our sales channels – brand stores, multibrand stores, franchises and online stores - all work together in a process capable of detecting the garments our clients like best and boosting the supply of such items."



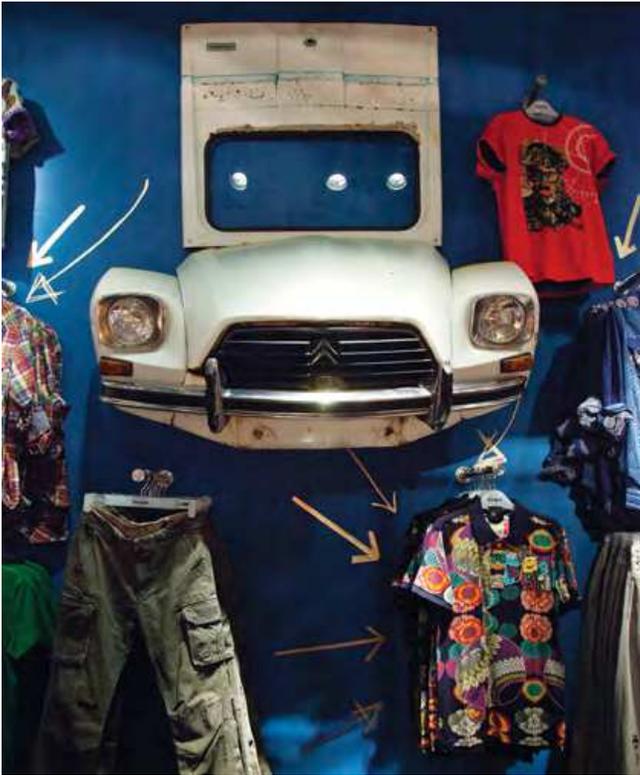
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Around 90 per cent of Desigual's business is based in Europe, with Spain being the leading market with a 30 per cent share of total global business. At the close of 2010 the firm's worldwide presence counted 200 brand stores, 7,000 multibrand stores and 1,700 concessions in department stores, working towards a goal of 8,000 points of sale worldwide by the end of the year.

In November 2010 Desigual opened its flagship store – the largest in the world – in Madrid, Spain. The building contains 2,000 sqm of retail space distributed over seven stories, showcasing all the brand's collections. Cabanas said: "Desigual is currently present in 22 of the 100 best sites in the world. We have a dedicated team out hunting for available sites in all the best areas of each different country. Competition is always healthy and we have learned to live with it in our 26 year history. It is essential. It keeps us alert and undeniably helps us improve." In the first six months of 2011, new Desigual stores opened in Barcelona, Paris, London and San Francisco, amongst others



During 2011, Desigual anticipates opening one new store per week, with a total investment of close to €100M - 50 per cent more than in prior years - and schedules closing 2011 with over 240 brand stores, 40 extra new stores, as compared to 200 last year - and a total of 8,000 outlets in 80 different countries.

Desigual anticipates attaining a level of annual growth of between 30 and 40 per cent over the next few years and doubling its global turnover over the next three years, breaking the €1,000M barrier by 2014. Today Desigual stands as a global company, one which clearly opts for internationalisation and innovation as its main routes to growth. The brand's expansion contemplates growth in central and northern European markets, with outstanding levels in Germany and France, as well as in Eastern Europe, where the company made its first incursions this year.

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The second most important geographical area to the company is the United States, where the firm has seven stores and which, together with Canada, accounts for six per cent of global sales. Cabanas said Desigual's target customer is between 0 and 99 years of age and has a take on life which fits with its core corporate values: positivism, optimism and a taste for life. "Desigual is characterised by its different, optimistic, colourful designs. It is a competitively priced designer brand which despite its growth has remained true to its founding principles. "Desigual is not the same', our first slogan, is still the goal we set ourselves when we sit down to create each new collection for our customers.



For the full article please see the RLI October 2011 issue

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