

ESTTA Tracking number: **ESTTA562808**

Filing date: **10/02/2013**

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

Notice of Opposition

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

Opposer Information

Name	Sisco Textiles N.V.
Granted to Date of previous extension	10/02/2013
Address	Kaya W.F.G. (Jombi) Mensing 14 Willemstad, Curacao, NETHERLANDS ANTILLES

Attorney information	Rochelle D. Alpert Morgan, Lewis & Bockius, LLP 1 Market, Spear Street Tower San Francisco, CA 94105 UNITED STATES sftrademarks@morganlewis.com, ralpert@morganlewis.com, kaltoff@morganlewis.com, shall@morganlewis.com Phone:415-442-1326
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Applicant Information

Application No	85665732	Publication date	06/04/2013
Opposition Filing Date	10/02/2013	Opposition Period Ends	10/02/2013
Applicant	McDAVID, Inc. 10305 Argonne Drive Woodridge, IL 60517 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 010. All goods and services in the class are opposed, namely: orthopedic support pads and braces for anatomical joints and muscles, orthopedic articles, namely, braces, paddings, supports and cushions; support bandages for heat packs and ice packs, therapeutic warm and cold packs, elbow supports for medical use, wrist supports for medical use, orthopedic leg and upper thigh bandages and supports, elastic strip bandages, back supports for medical purposes, support for the lumbar vertebrae for medical use, shoulder supports for medical use, ankle supports for medical use, athletic ankle braces for medical use; thigh supports for medical use; support corsets for therapeutic use; bandages for anatomical joints; braces for limbs and joints for medical use; compression bandages; compression socks for medical or therapeutic use; elastic bandages; heating pads for medical purposes; ice bags for medical purposes; medical ice packs; non-medicated compresses; orthopedic braces; orthopedic cushions and padding; orthopedic support bandages; orthopedic supports; support bandages; supports for general medical use; therapeutic hot and cold therapy packs; therapeutic hot and cold compression wraps; thermal packs for first aid purposes</p>
<p>Class 025. All goods and services in the class are opposed, namely: clothing, namely, shirts, shorts, tights, athletic support tops, tops, girdles, compression shirts for non-medical purposes, compression tops</p>

for non-medical purposes, compression shorts for non-medical purposes, compression pants for non-medical purposes, athletic sleeves, leggings, wrist bands, heel cuffs, elbow cuffs, hats, gloves, undergarments, headwear and footwear

Class 028.

All goods and services in the class are opposed, namely: elbow protectors for athletic use; wrist protectors for athletic use; thigh protectors for athletic use

Grounds for Opposition

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

U.S. Registration No.	4292847	Application Date	01/13/2011
Registration Date	02/19/2013	Foreign Priority Date	01/13/2011
Word Mark	FIRST IN LAST OUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/05/12 First Use In Commerce: 2010/05/12 Sunglasses; spectacles; diving suits; protective clothing for aquatic pursuits, namely, diving suits</p> <p>Class 016. First use: First Use: 2012/01/12 First Use In Commerce: 2012/01/12 Photographs; books in the field of surfing, watersports and skiing</p> <p>Class 018. First use: First Use: 2012/01/00 First Use In Commerce: 2012/01/00 Leather and imitation leather and goods made thereof, namely, travel bags, shoulder bags, handbags, purses, and wallets; bags, namely, backpacks, rucksacks, duffle bags, fanny packs, athletic bags, shoulder bags, handbags, book bags, shopping bags of leather, imitation leather and textile; travel bags; sports bag; beach bags; rucksacks and shopping bags made of leather and canvas; umbrellas and parasols; pocket wallets and purses</p> <p>Class 025. First use: First Use: 2010/11/25 First Use In Commerce: 2010/11/25 Clothing, namely, shirts, t-shirts, pants, jackets, shorts, board shorts, swimwear, swimming trunks, swimsuits, sweatshirts, sweaters, and socks; belts; footwear; leisure shoes; slippers; sandals; headgear, namely, caps, cap peaks and hats; sports and leisure wear, namely, wetsuits and dry suits; skiwear, namely, coats, jackets, and pants; clothing for surfing, windsurfing and water skiing, namely, wetsuits; wet and dry suits for diving and underwater swimming</p> <p>Class 035. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Retail store services and computerized on-line ordering services featuring clothing, such as sports and leisure clothing, and water sports goods; marketing and advertising; business management in the field of support of the commercialization of products and services within the framework of "e-commerce"; administrative processing of electronically placed purchase orders; logistic management for business organization purposes in the field of retail store sales services and computerized on-line ordering services featuring clothing, namely, sports and leisure clothing, and water sports goods</p>		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FIRST IN LAST OUT		

Goods/Services	As specified in the attached Notice of Opposition.
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Attachments	Notice of Opposition (Exhibit A).pdf(588073 bytes)
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Certificate of Service

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

Signature	/RDA/
Name	Rochelle D. Alpert
Date	10/02/2013

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

In the matter of Application Serial No. 85/665,732
Filed June 29, 2012
for the mark **FIRST ON. LAST OFF.**

Sisco Textiles NV, a Netherlands limited liability
company,

Opposer,

v.

McDavid, Inc.,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Sisco Textiles NV, a Netherlands limited liability corporation, having its principal place of business at Kaya W.F.G. (Jombi), Mensing 14, Willemstad Curaçao, Netherlands Antilles believes that it will be damaged by the application to register the FIRST ON. LAST OFF. designation that applicant McDavid, Inc. (“Applicant”) seeks to protect with its applied-for intent-to-use application for FIRST ON. LAST OFF., Serial No. 85/665,732, and hereby opposes same.

As grounds for the opposition, Opposer alleges as follows:

Opposer’s Trademark Rights

1. Opposer Sisco Textiles NV, directly and through its predecessors and licensees in interest (collectively, “Opposer”), has developed, marketed and sold apparel, swimwear, wetsuits and other athletic gear, accessories and footwear, and sponsored athletic events, including surfing events, under a number of marks, including the well known O’NEILL® mark, an iconic brand that was first used in the United States at least as early as 1952.

2. Opposer uses the FIRST IN LAST OUT® mark for products and services. Products offered under Opposer’s FIRST IN LAST OUT® mark are distributed, sold and

promoted in the United States, including in O'NEILL retail stores, in catalogues, and on the www.oneill.com web site. Opposer also uses its FIRST IN LAST OUT® mark for retail store and online retail store services.

3. Opposer owns a valid, subsisting, uncanceled and unrevoked federal trademark registration for a FIRST IN LAST OUT®, Registration No. 4292847, which was filed on January 13, 2011 and registered on February 19, 2013 for use in connection with the following goods and services in International Classes 9, 16, 18, 25 and 35, including athletic wear:

Class 9: Sunglasses; spectacles; diving suits; protective clothing for aquatic pursuits, namely, diving suits

Class 16: Photographs; books in the field of surfing, watersports and skiing

Class 18: Leather and imitation leather and goods made thereof, namely, travel bags, shoulder bags, handbags, purses, and wallets; bags, namely, backpacks, rucksacks, duffel bags, fanny packs, athletic bags, shoulder bags, handbags, book bags, shopping bags of leather, imitation leather and textile; travel bags; sports bag; beach bags; rucksacks and shopping bags made of leather and canvas; umbrellas and parasols; pocket wallets and purses

Class 25: Clothing, namely, shirts, t-shirts, pants, jackets, shorts, board shorts, swimwear, swimming trunks, swimsuits, sweatshirts, sweaters, and socks; belts; footwear; leisure shoes; slippers; sandals; headgear, namely, caps, cap peaks and hats; sports and leisure wear, namely, wetsuits and dry suits; skiwear, namely, coats, jackets, and pants; clothing for surfing, windsurfing and water skiing, namely, wetsuits; wet and dry suits for diving and underwater swimming

Class 35: Retail store services and computerized on-line ordering services featuring clothing, such as sports and leisure clothing, and water sports goods; marketing and

advertising; business management in the field of support of the commercialization of products and services within the framework of "e-commerce"; administrative processing of electronically placed purchase orders; logistic management for business organization purposes in the field of retail store sales services and computerized on-line ordering services featuring clothing, namely, sports and leisure clothing, and water sports goods

A true and correct copy of the TSDR and Assign Status printout for this registration is attached hereto as Exhibit A.

4. Opposer has used its FIRST IN LAST OUT® mark in interstate and foreign commerce in connection with retail store services since at least as early as July 2009 and in connection with clothing since at least as early as November 25, 2010, each well prior to the filing date of the opposed intent-to-use application at issue in this proceeding.

5. Opposer has expended substantial time and effort in promoting its FIRST IN LAST OUT® mark. Through continuous and exclusive use, Opposer's FIRST IN LAST OUT® mark has become identified with Opposer's products – including protective gear, clothing, footwear and headgear – and with Opposer's retail store services. Opposer has developed substantial goodwill in its federally registered FIRST IN LAST OUT® mark.

Applicant's Trademark Application

6. On June 29, 2012, well after Opposer commenced use of its FIRST IN LAST OUT® mark in the United States, after Opposer had filed its use-based trademark application in the United States, and after Applicant's application had been allowed, Applicant filed an intent-to-use application for the designation FIRST ON. LAST OFF., Serial No. 85/665,732. The opposed application covers the following goods in International Classes 10, 25 and 28:

Class 10: orthopedic support pads and braces for anatomical joints and muscles, orthopedic articles, namely, braces, paddings, supports and cushions; support bandages

for heat packs and ice packs, therapeutic warm and cold packs, elbow supports for medical use, wrist supports for medical use, orthopedic leg and upper thigh bandages and supports, elastic strip bandages, back supports for medical purposes, support for the lumbar vertebrae for medical use, shoulder supports for medical use, ankle supports for medical use, athletic ankle braces for medical use; thigh supports for medical use; support corsets for therapeutic use; bandages for anatomical joints; braces for limbs and joints for medical use; compression bandages; compression socks for medical or therapeutic use; elastic bandages; heating pads for medical purposes; ice bags for medical purposes; medical ice packs; non-medicated compresses; orthopedic braces; orthopedic cushions and padding; orthopedic support bandages; orthopedic supports; support bandages; supports for general medical use; therapeutic hot and cold therapy packs; therapeutic hot and cold compression wraps; thermal packs for first aid purposes

Class 25: clothing, namely, shirts, shorts, tights, athletic support tops, tops, girdles, compression shirts for non-medical purposes, compression tops for non-medical purposes, compression shorts for non-medical purposes, compression pants for non-medical purposes, athletic sleeves, leggings, wrist bands, heel cuffs, elbow cuffs, hats, gloves, undergarments, headwear and footwear

Class 28: elbow protectors for athletic use; wrist protectors for athletic use; thigh protectors for athletic use

7. Based on the goods and services for which Applicant seeks to register the applied-for designation, Applicant's goods will be competitive with or directly related to the products and services Opposer has offered and sold under its FIRST IN LAST OUT® mark.

8. On information and belief, based on the goods for which Applicant seeks to register the applied-for designation, the goods Applicant intends to offer under the applied-for

designation will be sold and/or are likely to be sold or offered for sale through the same or overlapping channels of trade and/or in the same geographic locations, will be used and/or are likely to be used by the same or overlapping end users and will be used and/or are likely to be directed to the same or overlapping type of customers to whom Opposer markets, promotes and sells its products and services under its FIRST IN LAST OUT® mark.

9. Applicant's applied-for designation appears confusingly similar in sight, sound, meaning and overall commercial impression to Opposer's FIRST IN LAST OUT® mark, which suggests an affiliation, association or sponsorship between Applicant and Opposer when there is none, and creates a likelihood of consumer confusion.

FIRST CAUSE OF ACTION
(Likelihood of Confusion)

10. Opposer incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 9 of this Notice of Opposition.

11. The products set forth in the opposed application on their face overlap with and are directly related to the products and services Opposer has offered and sold using its FIRST IN LAST OUT® mark. Further, on information and belief, the products listed in the application will be sold and/or are likely to be sold or offered for sale through the same or overlapping channels of trade and/or in the same geographic locations, will be used and/or are likely to be used by the same or overlapping users, and will be used and/or are likely to be directed to the same or overlapping type of customers to whom Opposer markets, promotes and sells its products and services using its FIRST IN LAST OUT® mark.

12. The opposed, applied-for designation is substantially similar in terms of sight, sound, meaning and overall commercial impression as Opposer's FIRST IN LAST OUT® mark, and thereby is confusingly similar to Opposer's FIRST IN LAST OUT® mark.

13. The designation covered by the opposed application is likely to cause confusion, or to cause mistake or disparage or deceive by falsely suggesting a connection with Opposer and the products and services for which Opposer uses its FIRST IN LAST OUT® mark, when there is no such connection.

14. Opposer believes it will be damaged by registration of the applied-for designation in violation of Sections 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). Unless Applicant's application is denied, Applicant will unjustifiably reap the benefits of the goodwill attached to Opposer, its FIRST IN LAST OUT® mark and products and services, and Opposer will suffer irreparable damage and injury as a result of the confusion and false association that is likely to arise from the registration of opposed application.

WHEREFORE, Opposer prays that application Serial No. 85/665,732 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

October 2, 2013

Respectfully submitted,

By: 

Rochelle D. Alpert
Attorney for Opposer, Sisco Textiles NV

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EXHIBIT A

to NOTICE OF OPPOSITION

(In the matter of Application Serial No. 85/665,732)

All Trademark documents should now be available to members of the public using Trademark Status and Document Retrieval (TSDR). Thanks to all who reported difficulties viewing and downloading documents. Your reports were a great help to the office in diagnosing and solving the problem. If you continue to have issues with TSDR please e-mail TSDR@uspto.gov.

STATUS

DOCUMENTS

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Mark: FIRST IN LAST OUT

FIRST IN LAST OUT

US Serial Number: 85217009

Application Filing Date: Jan. 13, 2011

US Registration Number: 4292847

Registration Date: Feb. 19, 2011

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: Feb. 19, 2011

Publication Date: Nov. 15, 2011

Notice of Allowance Date: Jan. 10, 2011

Mark Information

Mark Literal Elements: FIRST IN LAST OUT

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

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

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 009655911

Foreign Application Filing Date: Jan. 13, 2011

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Goods and Services

Note:

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

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

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

For: Sunglasses; spectacles; diving suits; protective clothing for aquatic pursuits, namely, diving suit

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2010

Use in Commerce: May 12, 2010

For: Photographs; books in the field of surfing, watersports and skiing

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005,

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 12, 2012

Use in Commerce: Jan. 12, 2012

For: Leather and imitation leather and goods made thereof, namely, travel bags, shoulder bags, handbags, backpacks, rucksacks, duffle bags, fanny packs, athletic bags, shoulder bags, handbags, imitation leather and textile; travel bags; sports bag; beach bags; rucksacks and shopping bags and parasols; pocket wallets and purses

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002,

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2012

Use in Commerce: Jan. 2012

For: Clothing, namely, shirts, t-shirts, pants, jackets, shorts, board shorts, swimwear, swimming trunks, socks; belts; footwear; leisure shoes; slippers; sandals; headgear, namely, caps, cap peaks and wetsuits and dry suits; skiwear, namely, coats, jackets, and pants; clothing for surfing, windsurfing, wet and dry suits for diving and underwater swimming

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 25, 2010

Use in Commerce: Nov. 25, 2010

For: Retail store services and computerized on-line ordering services featuring clothing, such as sports goods; marketing and advertising; business management in the field of support of the commerce in the framework of "e-commerce"; administrative processing of electronically placed purchase orders for organization purposes in the field of retail store sales services and computerized on-line ordering of sports and leisure clothing, and water sports goods

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2009

Use in Commerce: Jul. 2009

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Sisco Textiles N.V.
 Owner Address: Kaya W.F.G. (Jombi) Mensing 14
 Willemstad
 CURACAO
 Legal Entity Type: CORPORATION
 State or Country Where Organized: NETHERL

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rochelle D. Alpert
 Attorney Primary Email ralpert@morganlewis.com
 Address:
 Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: ROCHELLE D. ALPERT
 MORGAN LEWIS & BOCKIUS LLP
 1 MARKET SPEAR STREET TOWER
 SAN FRANCISCO, CALIFORNIA 94105
 UNITED STATES
 Phone: 415 442-1326 Fax: 415 442-1
 Correspondent e-mail: ralpert@morganlewis.com
 Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 19, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 15, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	

Jan. 12, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Jan. 11, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 10, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Jan. 10, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jan. 07, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 26, 2012	TEAS EXTENSION RECEIVED	
Dec. 21, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 21, 2012	NON-FINAL ACTION E-MAILED	
Dec. 21, 2012	SU - NON-FINAL ACTION - WRITTEN	81875
Nov. 30, 2012	STATEMENT OF USE PROCESSING COMPLETE	66530
Nov. 28, 2012	USE AMENDMENT FILED	66530
Nov. 30, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Nov. 28, 2012	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 21, 2012	EXTENSION 1 GRANTED	98765
Jun. 21, 2012	EXTENSION 1 FILED	98765
Jun. 21, 2012	TEAS EXTENSION RECEIVED	
Apr. 28, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 28, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 10, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
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. 11, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 11, 2011	ASSIGNED TO LIE	77312
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. 20, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 20, 2011	LETTER OF SUSPENSION E-MAILED	6332
Sep. 20, 2011	SUSPENSION LETTER WRITTEN	81875

Sep. 19, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 19, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 19, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 22, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 22, 2011	NON-FINAL ACTION E-MAILED	6325
Aug. 22, 2011	NON-FINAL ACTION WRITTEN	81875
Aug. 01, 2011	ASSIGNED TO EXAMINER	81875
Jul. 28, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 27, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 05, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2011	NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2011	NON-FINAL ACTION WRITTEN	76509
Apr. 04, 2011	ASSIGNED TO EXAMINER	76509
Jan. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 17, 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. 12, 2013

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load



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Assignments on the Web > [Trademark Query](#)

No assignment has been recorded at the USPTO

For Serial Number: 85217009

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, **San Francisco**, CA 94105.

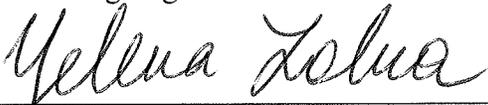
On **October 2, 2013**, I served the within documents:

NOTICE OF OPPOSITION (with Exhibit A)

PARTY SERVED	METHOD OF SERVICE
JOSEPH T. NABOR FITCH, EVEN, TABIN & FLANNERY, LLP 120 S. LASALLE ST, SUITE 1600 CHICAGO, ILLINOIS 60603	Via First Class Mail

- (BY MAIL)** I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Morgan, Lewis & Bockius LLP, **San Francisco**, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.
- (BY OVERNIGHT DELIVERY)** I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Morgan, Lewis & Bockius LLP, San Francisco, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.
- (BY PERSONAL SERVICE)** I caused t the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth above (through **Professional Messenger**).
- (BY FACSIMILE)** I caused the documents to be transmitted by facsimile machine at the time stated on the attached transmission report(s). The facsimile transmission(s) was reported as complete and without error.
- (E-MAIL)** I transmitted via E-MAIL the document(s) listed above to the person(s) at the address(es) set forth below.

Executed on **October 2, 2013**, at **San Francisco**, California. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.



Yelena Lolua