

ESTTA Tracking number: **ESTTA564821**

Filing date: **10/14/2013**

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	Sint, LLC
Granted to Date of previous extension	10/13/2013
Address	1000 South Oyster Bay Road Hicksville, NY 11801 UNITED STATES
Party who filed Extension of time to oppose	Sint, Inc.
Relationship to party who filed Extension of time to oppose	Due to an inadvertent typographical error, the owner name was listed as Sint, Inc. This is a non-material error regarding the entity type.

Attorney information	Monica B. Richman Dentons US LLP P.O. Box #061080 Chicago, IL 60606-1080 UNITED STATES trademarks.us@dentons.com,ian.farias@dentons.com,monica.richman@dentons.com,mary.mathew@dentons.com Phone:212.768.5367
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Applicant Information

Application No	85771938	Publication date	04/16/2013
Opposition Filing Date	10/14/2013	Opposition Period Ends	10/13/2013
Applicant	Paul Briggs 9926 Applegate Lane Brighton, MI 48114 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Retail store services featuring mattresses, headboards, bed frames, futons and related bedroom accessories

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1265009	Application Date	07/30/1982
Registration Date	01/24/1984	Foreign Priority Date	NONE
Word Mark	SLEEPY'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 Mattresses and Foundations Class 042. First use: First Use: 1977/09/18 First Use In Commerce: 1977/09/18 Retail Furniture Store Services		

U.S. Registration No.	1265008	Application Date	07/30/1982
Registration Date	01/24/1984	Foreign Priority Date	NONE
Word Mark	SLEEPY'S THE MATTRESS PROFESSIONALS WE'RE WIDE AWAKE TO SAVE YOU MONEY!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 Mattresses and Foundations Class 042. First use: First Use: 1981/01/29 First Use In Commerce: 1981/01/29 Retail Furniture Store Services		

U.S. Registration No.	1547769	Application Date	10/11/1988
Registration Date	07/11/1989	Foreign Priority Date	NONE
Word Mark	SLEEPY'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1986/02/22 First Use In Commerce: 1986/02/27 RETAIL FURNITURE STORE SERVICES		

U.S. Registration No.	1946855	Application Date	02/07/1995
Registration Date	01/09/1996	Foreign Priority Date	NONE
Word Mark	1-800-SLEEPY'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/01/08 First Use In Commerce: 1995/01/08		

	distributorship services in the field of bedding		
U.S. Registration No.	3739598	Application Date	06/16/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	SLEEPY'S THE MATTRESS PROFESSIONALS		
Design Mark			
Description of Mark	The mark consists of the term "SLEEPY'S THE MATTRESS PROFESSIONALS" with shooting or falling stars forming the apostrophe in "SLEEPY'S". The term "SLEEPY'S" appears in the color red. The terminology "THE MATTRESS PROFESSIONALS" appears in the color black. The shooting or falling stars appear in the colors gold and white.		
Goods/Services	Class 035. First use: First Use: 2009/05/12 First Use In Commerce: 2009/05/12 Retail store services featuring beds, bedding and sleep products		
U.S. Registration No.	2469615	Application Date	06/19/2000
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	SLEEPY'S SILVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/05/21 First Use In Commerce: 2000/05/21 retail bedding store services and retail telephone order services in the field of bedding		
U.S. Registration No.	2469616	Application Date	06/19/2000
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	SLEEPY'S GOLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/05/21 First Use In Commerce: 2000/05/21 retail bedding store services and retail telephone order services in the field of bedding		
U.S. Registration No.	2469626	Application Date	06/21/2000
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	SLEEPY'S BRONZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/05/21 First Use In Commerce: 2000/05/21 retail bedding store services and retail telephone order services in the field of		

	bedding		
U.S. Registration No.	2800711	Application Date	08/09/2000
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	SLEEPY'S SOLID GOLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/04/20 First Use In Commerce: 2003/04/20 retail bedding store services and retail telephone order services in the field of bedding		
U.S. Registration No.	2800712	Application Date	08/09/2000
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	SLEEPY'S PLATINUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/04/20 First Use In Commerce: 2003/04/20 retail bedding store services and retail telephone order services in the field of bedding		
U.S. Registration No.	3237987	Application Date	08/06/2004
Registration Date	05/01/2007	Foreign Priority Date	NONE
Word Mark	SLEEPY'S DIRECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/11/22 First Use In Commerce: 2006/11/22 Retail Bedding Store Services and Retail Telephone Order Services in the Field of Bedding		
U.S. Registration No.	2322385	Application Date	04/27/1998
Registration Date	02/22/2000	Foreign Priority Date	NONE
Word Mark	SLEEPY'S INCREDIBLE PRICE GUARANTEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/07/17 First Use In Commerce: 1999/07/17 retail bedding store services and telephone shop-at-home services in the field of bedding		

U.S. Registration No.	2265183	Application Date	03/01/1995
Registration Date	07/27/1999	Foreign Priority Date	NONE
Word Mark	THE LAST "S" IN SLEEPY'S STANDS FOR SAVINGS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/03/10 First Use In Commerce: 1999/03/10 distributorship services in the field of bedding		

U.S. Registration No.	3363311	Application Date	08/23/2005
Registration Date	01/01/2008	Foreign Priority Date	NONE
Word Mark	SLEEPY'S THE #1 SLEEP SHOP IN THE COUNTRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/07/25 First Use In Commerce: 2007/07/25 Retail Bedding Store Services and Retail Telephone Order Services in the Field of Bedding		

U.S. Registration No.	1770677	Application Date	09/21/1992
Registration Date	05/11/1993	Foreign Priority Date	NONE
Word Mark	SLEEPY'S CRUSHES THE COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1992/07/30 First Use In Commerce: 1992/07/30 retail furniture store services		

Attachments	SLEEP & Design - Notice of Opposition.pdf(275857 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	/monica b. richman/
Name	Monica B. Richman
Date	10/14/2013

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

Sint, LLC)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Paul Briggs)	
Applicant.)	
_____)	

Serial No. 85/771938
Mark: SLEEP & Design
Class: 35
Filed: November 5, 2012
Published: April 16, 2013

NOTICE OF OPPOSITION

Opposer, Sint, LLC (“Opposer”), with an address at 1000 South Oyster Bay Road, Hicksville, NY 11801, believes that it would be damaged by registration of Application 85/771938 for the mark SLEEP & Design (the “Application”) and hereby opposes it. On information and belief, the Application was filed by Paul Briggs (“Applicant”), a United States individual, with an address at 9926 Applegate Lane, Brighton, Michigan 48114.

The United States Patent and Trademark Office (the “USPTO”) published the Application for opposition on April 16, 2013. Opposer timely filed requests for extension of time to oppose the Application at the Trademark Trial and Appeal Board (the “Board”). The Board granted Opposer’s requests giving Opposer until October 13,

2013 to file the notice of opposition.¹ Accordingly, Opposer has timely filed this opposition.

As grounds of opposition, Opposer hereby alleges:

OPPOSER'S MARK

1. Opposer, through its predecessor-in-interest, has been continuously using, advertising and promoting, in commerce, the SLEEPY'S mark since at least as early as September 1977 in connection with "retail furniture store services"; and since at least as early as October 1979 in connection with "mattresses and foundations" ("Opposer's Goods and Services").
2. Opposer owns exclusive common law rights to the mark SLEEPY'S and owns over 15 active trademark applications and registrations for the mark SLEEPY'S , including under Registration Number 1265009, filed on July 30, 1982 and registered on January 24, 1984, and/or its formative marks, including SLEEPY'S GOLD and 1-800-SLEEPY'S. Of these records, 13 registrations have become incontestable. See representative sample at Exhibit 1.
3. By reason of Opposer's extensive use, advertisement and promotion of the mark SLEEPY'S, the public closely associates the mark with Opposer and Opposer's Goods and Services. Opposer has over 800 retail stores in the United States, along with an active e-commerce website at www.sleepys.com which allows Opposer to reach even more customers. Opposer also provides information and resources about sleep related issues including dreams, relaxation techniques, and

¹ The effective deadline to file an opposition is Tuesday, October 15, 2013 as the actual day for filing the opposition (October 13, 2013) in the United States Patent and Trademark Office falls on a Sunday, then followed by a Federal holiday.

other useful tips and information at www.sleep.com. Opposer is considered to be the largest specialty mattress retailer in the United States. Opposer annually spends millions on advertising and promotional activities in connection with Opposer's Goods and Services.

4. Opposer has been using, advertising and promoting its SLEEPY'S mark in commerce in connection with Opposer's Goods and Services prior to the filing date of the Application, which claims no date of first use, only an intent to use. See Application excerpt as Exhibit 2.
5. On information and belief, Opposer has been using, advertising and promoting its SLEEPY'S mark in commerce in connection with Opposer's Goods and Services since prior to Applicant's first use, if any, for the mark SLEEPY'S. Thus, Opposer is the senior user of the SLEEPY'S mark.
6. The SLEEPY'S mark is an asset of substantial value to Opposer as a symbol of Opposer, its quality goods and services and the valuable goodwill associated therewith.

APPLICANT'S FILING

7. Despite Opposer's senior rights to the SLEEPY'S mark, Applicant filed the Application with the USPTO on November 5, 2012, seeking to register the mark SLEEP & Design for "retail store services featuring mattresses, headboards, bed frames, futons and related bedroom accessories" in International Class 35, with no allegations of use of the mark anywhere and/or in commerce and based on a future intention to use the mark in the United States.

8. Applicant's claimed mark SLEEP & Design, when used in connection with the services specified in the Application, will likely cause confusion, mistake or deception, and dilute Opposer's senior mark SLEEPY'S because Applicant's claimed mark SLEEP & Design is confusingly similar to Opposer's mark, and because the services specified in the Application are closely related to the Opposer's Goods and Services in connection with which Opposer has used and is using its SLEEPY'S mark.

DAMAGE TO OPPOSER

9. If Applicant were permitted to use or register the mark, SLEEP & Design, for the services specified in the Application, it would cause damage and injury to Opposer's business reputation and goodwill, and would injure and impair Opposer's senior rights in its mark SLEEPY'S. The aforesaid confusion, mistake and deception will generate the erroneous impression that the Applicant's services originate with Opposer or that Applicant's services are authorized, licensed or endorsed by, or are connected or associated in some way with Opposer or Opposer's Goods and Services in connection with which Opposer has used and is using the mark SLEEPY'S. Also, the aforesaid dilution will weaken the strength of Opposer's rights in its SLEEPY'S mark. Thus, any fault found with Applicant or its services would reflect adversely upon and damage Opposer's SLEEPY'S mark and the valuable goodwill associated therewith.
10. If Applicant were granted the registration applied for, it would thereby obtain, at least, the *prima facie* exclusive right to use the mark, SLEEPY & Design, on the

services specified in the Application. Such registration would thus be a source of damage and injury to Opposer and would be inconsistent with Opposer's senior and exclusive rights in the mark SLEEPY'S.

WHEREFORE, Opposer requests that this opposition be sustained and that registration of Application Serial No. 85/771938 be refused and denied.

Respectfully submitted,

SINT LLC

By: /s/ Monica B. Richman/
Monica B. Richman, Esq.
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mary.mathew@dentons.com
trademarks.us@dentons.com

Attorneys for Sint, LLC

Dated: October 14, 2013

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF
OPPOSITION to be served upon:

Brian S. Pickell
Bliss McGlynn, P.C.
2075 W. Big Beaver Rd., Ste 600
Troy, Michigan 48084-3443

and

Brian S. Pickell
Cantor Colburn LLP
201 West Big Beaver Road, Ste 1101
Troy, Michigan 48084-06103

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service on this 14th day of October, 2013.

/s/ /mary mathew/
Mary S. Mathew

Filed with the TTAB via
ESTTA on October 14, 2013

81256039\V-1

Exhibit 1

Int. Cls.: 20 and 42

Prior U.S. Cls.: 32 and 101

United States Patent and Trademark Office

Reg. No. 1,265,009

Registered Jan. 24, 1984

**TRADEMARK
SERVICE MARK
Principal Register**

SLEEPY'S

Acker's Bedding Centers, Inc. (New York
corporation)
110 Jericho Turnpike
New Hyde Park, N.Y. 11040

SERVICES, in CLASS 42 (U.S. Cl. 101).

First use Sep. 18, 1977; in commerce Sep. 18, 1977.

For: MATTRESSES AND FOUNDATIONS, in
CLASS 20 (U.S. Cl. 32).

Ser. No. 377,996, filed Jul. 30, 1982.

First use Oct. 1979; in commerce Oct. 1979.

For: RETAIL FURNITURE STORE

R. KOLAKOSKI, Examining Attorney

Int. Cls.: 20 and 42

Prior U.S. Cls.: 32 and 101

United States Patent and Trademark Office

Reg. No. 1,265,008

Registered Jan. 24, 1984

**TRADEMARK
SERVICE MARK**
Principal Register

We're wide awake to save you money!

SLEEPY'S
THE MATTRESS PROFESSIONALS



Acker's Bedding Centers, Inc. (New York
corporation)
110 Jericho Turnpike
New Hyde Park, N.Y. 11040

For: MATTRESSES AND FOUNDATIONS, in
CLASS 20 (U.S. Cl. 32).

First use Oct. 1979; in commerce Oct. 1979.

For: RETAIL FURNITURE STORE
SERVICES, in CLASS 42 (U.S. Cl. 101).

First use Jan. 29, 1981; in commerce Jan. 29, 1981.

No claim is made to the exclusive right to use the
word "Mattress", apart from the mark as shown.

Ser. No. 377,987, filed Jul. 30, 1982.

R. KOLAKOSKI, Examining Attorney

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,547,769
Registered July 11, 1989

SERVICE MARK
PRINCIPAL REGISTER



SLEEPY'S INTERNATIONAL INC. (FLORIDA
CORPORATION)
4040 GALT OCEAN DRIVE
FORT LAUDERDALE, FL 33308

FOR: RETAIL FURNITURE STORE SERV-
ICES, IN CLASS 42 (U.S. CL. 101).
FIRST USE 2-22-1986; IN COMMERCE
2-27-1986.

OWNER OF U.S. REG. NOS. 1,033,343, 1,381,909
AND OTHERS.

SER. NO. 756,811, FILED 10-11-1988.

LAURIE WHITAKER, EXAMINING ATTOR-
NEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office Reg. No. 1,946,855
Registered Jan. 9, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

1-800-SLEEPY'S

SLEEPY'S INTERNATIONAL INC. (FLORIDA
CORPORATION)
61 BAY COLONY DRIVE
FORT LAUDERDALE, FL 33308

FIRST USE 1-8-1995; IN COMMERCE
1-8-1995.

SER. NO. 74-630,983, FILED 2-7-1995.

FOR: DISTRIBUTORSHIP SERVICES IN THE
FIELD OF BEDDING, IN CLASS 42 (U.S. CLS.
100 AND 101).

MARY CRAWFORD, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

SLEEPYS
The Mattress Professionals

Reg. No. 3,739,598 SINT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
Registered Jan. 19, 2010 1000 SOUTH OYSTER BAY ROAD
HICKSVILLE, NY 11801

Int. Cl.: 35 FOR: RETAIL STORE SERVICES FEATURING BEDS, BEDDING AND SLEEP PRODUCTS,
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK FIRST USE 5-12-2009; IN COMMERCE 5-12-2009.
PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 1,033,343, 1,265,008 AND OTHERS.

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

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

THE MARK CONSISTS OF THE TERM "SLEEPY'S THE MATTRESS PROFESSIONALS"
WITH SHOOTING OR FALLING STARS FORMING THE APOSTROPHE IN "SLEEPY'S".
THE TERM "SLEEPY'S" APPEARS IN THE COLOR RED. THE TERMINOLOGY "THE
MATTRESS PROFESSIONALS" APPEARS IN THE COLOR BLACK. THE SHOOTING OR
FALLING STARS APPEAR IN THE COLORS GOLD AND WHITE.

SER. NO. 77-760,730, FILED 6-16-2009.

ANTHONY RINKER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,469,615

Registered July 17, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

SLEEPY'S SILVER

SINT, INC. (DELAWARE CORPORATION)
300 DELAWARE AVENUE, SUITE 1256
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 5-21-2000; IN COMMERCE 5-21-2000.

OWNER OF U.S. REG. NOS. 1,265,009 AND
1,946,855.

SER. NO. 76-073,041, FILED 6-19-2000.

ROGER BORA, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,469,616

Registered July 17, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

SLEEPY'S GOLD

SINT, INC. (DELAWARE CORPORATION)
300 DELAWARE AVENUE, SUITE 1256
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 5-21-2000; IN COMMERCE 5-21-2000.

OWNER OF U.S. REG. NOS. 1,265,009 AND
1,946,855.

SER. NO. 76-073,042, FILED 6-19-2000.

ROGER BORA, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,469,626

Registered July 17, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

SLEEPY'S BRONZE

SINT, INC. (DELAWARE CORPORATION)
300 DELAWARE AVENUE, SUITE 1256
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 5-21-2000; IN COMMERCE 5-21-2000.

OWNER OF U.S. REG. NOS. 1,265,009 AND
1,946,855.

SER. NO. 76-074,867, FILED 6-21-2000.

ROGER BORA, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,800,711

Registered Dec. 30, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

SLEEPY'S SOLID GOLD

SINT, INC. (DELAWARE CORPORATION)
300 DELAWARE AVENUE
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 4-20-2003; IN COMMERCE 4-20-2003.

OWNER OF U.S. REG. NOS. 1,033,343, 1,265,008,
AND OTHERS.

SN 76-105,626, FILED 8-9-2000.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,800,712

Registered Dec. 30, 2003

SERVICE MARK
PRINCIPAL REGISTER

SLEEPY'S PLATINUM

SINT, INC. (DELAWARE CORPORATION)
300 DELAWARE AVENUE
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 4-20-2003; IN COMMERCE 4-20-2003.

OWNER OF U.S. REG. NOS. 1,033,343, 1,265,008,
AND OTHERS.

SN 76-105,627, FILED 8-9-2000.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,237,987

Registered May 1, 2007

SERVICE MARK
PRINCIPAL REGISTER

SLEEPY'S DIRECT

SINT, INC. (DELAWARE CORPORATION)
NEMOURS BUILDING, SUITE 1410
1007 ORANGE STREET
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 11-22-2006; IN COMMERCE 11-22-2006.

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

OWNER OF U.S. REG. NOS. 1,033,343, 1,381,909,
AND 1,547,769.

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

SN 78-463,182, FILED 8-6-2004.

GEORGIA CARTY, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,322,385

United States Patent and Trademark Office

Registered Feb. 22, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

SLEEPY'S INCREDIBLE PRICE GUARANTEE

SINT, INC. (DELAWARE CORPORATION)
913 N. MARKET STREET 410
WILMINGTON, DE 19801

FOR: RETAIL BEDDING STORE SERVICES
AND TELEPHONE SHOP-AT-HOME SERVICES
IN THE FIELD OF BEDDING, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 7-17-1999; IN COMMERCE
7-17-1999.

OWNER OF U.S. REG. NOS. 1,033,343,
1,265,009, AND OTHERS.

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

SN 75-474,774, FILED 4-27-1998.

MARTHA FROMM, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,265,183

United States Patent and Trademark Office Registered July 27, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

THE LAST "S" IN SLEEPY'S STANDS FOR SAVINGS

SLEEPY'S INTERNATIONAL INC. (FLORIDA
CORPORATION)
61 BAY COLONY DRIVE
FORT LAUDERDALE, FL 33308

FIRST USE 3-10-1999; IN COMMERCE
3-10-1999.

SN 74-640,223, FILED 3-1-1995.

FOR: DISTRIBUTORSHIP SERVICES IN THE
FIELD OF BEDDING, IN CLASS 42 (U.S. CLS.
100 AND 101).

MARY CRAWFORD, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 3,363,311

United States Patent and Trademark Office

Registered Jan. 1, 2008

SERVICE MARK
PRINCIPAL REGISTER

SLEEPY'S THE #1 SLEEP SHOP
IN THE COUNTRY

SINT, LLC (DELAWARE LTD LIAB CO)
175 CENTRAL AVENUE SOUTH
BETHPAGE, NY 11741

FOR: RETAIL BEDDING STORE SERVICES AND
RETAIL TELEPHONE ORDER SERVICES IN THE
FIELD OF BEDDING, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 7-25-2007; IN COMMERCE 7-25-2007.

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 "#1 SLEEP SHOP IN THE COUN-
TRY", APART FROM THE MARK AS SHOWN.

SN 78-698,744, FILED 8-23-2005.

GEORGIA CARTY, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office **Reg. No. 1,770,677**
Registered May 11, 1992

SERVICE MARK
PRINCIPAL REGISTER

SLEEPY'S CRUSHES THE COMPETITION

SLEEPY'S INTERNATIONAL INC. (FLORIDA
CORPORATION)
4040 GALT OCEAN DRIVE
FORT LAUDERDALE, FL 33038

FIRST USE 7-30-1992; IN COMMERC
7-30-1992.

SER. NO. 74-315,695, FILED 9-21-1992.

FOR: RETAIL FURNITURE STORE SERV-
ICES, IN CLASS 42 (U.S. CL. 101).

SASHA CARTER, EXAMINING ATTORNEY

Exhibit 2

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85771938

Filing Date: 11/05/2012

To the Commissioner for Trademarks:

MARK: SLEEP (stylized and/or with design, see mark)

The literal element of the mark consists of SLEEP.

The mark consists of the term "SLEEP" immediately followed by a space, which, in turn, is immediately followed by a check mark (all in the same line).

The applicant, Paul Briggs, a citizen of United States, having an address of
9926 Applegate Lane
Brighton, Michigan 48114
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:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: Retail store services featuring mattresses, headboards, bed frames, futons, and accessories

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

The applicant's current Attorney Information:

Brian S. Pickell and Daniel H. Bliss and Gerald E. McGlynn, III of Bliss McGlynn, P.C.
Suite 600
2075 West Big Beaver Road
Troy, Michigan 48084-3443
United States

The attorney docket/reference number is 2818.20002.

The applicant's current Correspondence Information:

Brian S. Pickell

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248-649-6090(phone)
248-649-6299(fax)
bpickell@ipdirection.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

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

Signature: /Brian S. Pickell/ Date Signed: 11/05/2012
Signatory's Name: Brian S. Pickell
Signatory's Position: Attorney of record, Michigan bar member

RAM Sale Number: 6043
RAM Accounting Date: 11/06/2012

Serial Number: 85771938
Internet Transmission Date: Mon Nov 05 18:15:21 EST 2012
TEAS Stamp: USPTO/FTK-50.20.97.126-20121105181521641
251-85771938-490cfed1f8d8f5cd0ece27eed91
2d7bf-DA-6043-20121105171936417080

SLEEP ✓