

ESTTA Tracking number: **ESTTA634410**

Filing date: **10/22/2014**

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	Suyen Corporation
Granted to Date of previous extension	10/29/2014
Address	30th Street Corner Rizal Drive Bonifacio Global City Taguig, PHILIPPINES
Attorney information	Lloyd S. Mann Mann & Zarpas, LLP 15233 Ventura Blvd., Suite 714 Sherman Oaks, CA 91403 UNITED STATES lmann@mannzarpas.com Phone:(818) 789-0510

Applicant Information

Application No	86264465	Publication date	07/01/2014
Opposition Filing Date	10/22/2014	Opposition Period Ends	10/29/2014
Applicant	Super Training Products LLC 3447 Koso Street Davis, CA 95618 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

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.	3906043	Application Date	01/10/2005
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	BENCH		

Design Mark	BENCH		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/08/03 First Use In Commerce: 2002/08/02 Retail store services featuring clothing, clothing accessories, personal care products, leather goods, cosmetics, footwear, shoes, slippers, luggage, bags, souvenir items and gift sets; wholesale stores, ordering services and distributorship services in the fields of clothing, clothing accessories, personal care products, leather goods, cosmetics, footwear, shoes, slippers, luggage, bags, souvenir items and gift sets		

U.S. Registration No.	3142731	Application Date	02/03/2005
Registration Date	09/12/2006	Foreign Priority Date	NONE
Word Mark	BENCH BODY		
Design Mark	BENCH BODY		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/08/31 First Use In Commerce: 2002/11/30 Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands		

U.S. Registration No.	1978564	Application Date	08/14/1995
Registration Date	06/04/1996	Foreign Priority Date	NONE
Word Mark	HERBENCH HB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 clothing, namely blouses, [polo shirts, skirts,] slacks and jeans, shorts, vests, T-shirts, undershirts, jackets, sweaters, pants, blazers, belts, hats and caps, sandals, shoes, socks, hosiery, scarfs, and underwear, including panties, brassieres and half-slips

U.S. Registration No.	2134561	Application Date	04/07/1997
Registration Date	02/03/1998	Foreign Priority Date	NONE
Word Mark	BENCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 perfume, cologne, hair shampoo, soap, hair conditioner, skin lotion and face and body powder		

U.S. Registration No.	3149074	Application Date	06/04/2002
Registration Date	09/26/2006	Foreign Priority Date	NONE
Word Mark	BLU BENCH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/08/08 First Use In Commerce: 2002/08/08 Clothing articles, footwear and headgear, namely T-shirts, polo shirts, pants, shorts, underwear, jackets, sweaters, blazers, swimwear, socks, shoes, slippers, sandals, belts, stockings, pajamas, blouses, dresses, hats, and caps

U.S. Registration No.	3139660	Application Date	01/10/2005
Registration Date	09/05/2006	Foreign Priority Date	NONE
Word Mark	KINDERBENCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/10/31 First Use In Commerce: 2002/08/21 Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands		

U.S. Registration No.	4405020	Application Date	01/10/2005
Registration Date	09/24/2013	Foreign Priority Date	NONE

Word Mark	BENCH
Design Mark	BENCH
Description of Mark	NONE
Goods/Services	<p>Class 025. First use: First Use: 1987/08/03 First Use In Commerce: 2002/08/21 Clothing, namely, jackets, coats, outerwear, namely, sweaters and cardigans, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands; Men's and ladies' shoes, sandals, slippers, boots and underwear, namely, men's and ladies' briefs, boxer shorts, sandals (tank tops), undershirts, socks, stockings, pajamas, lingerie, bathing suits, swimming trunks, bathrobes, caps, vests, jumpers, jumpsuit, athletic suits, sweaters, cardigans, neckties, suspenders</p> <p>Class 028. First use: First Use: 1987/08/03 First Use In Commerce: 2002/08/21 Athletic Supporters</p>

Attachments	76627461#TMSN.png(bytes) 76630261#TMSN.png(bytes) 74715431#TMSN.png(bytes) 76416773#TMSN.png(bytes) 76627414#TMSN.png(bytes) 76627460#TMSN.png(bytes) Notice of Opposition 2014-10-21.pdf(2975886 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	/Lloyd S. Mann/
Name	Lloyd S. Mann
Date	10/22/2014

Time to Oppose this Application on July 28, 2014 and a subsequent sixty (60) day Request for Extension of Time to Oppose this Application on September 3, 2014.

The Opposed Application is Application No. 86/264,465: HOWMUCHYABENCH (standard characters) for “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms.” The Applicant in the Opposed Application is identified as Super Training Products LLC, a California limited liability company at 3447 Koso Street, Davis, California 95618.

As grounds for its Opposition, it is alleged:

1. Opposer is the owner of a family of trademarks prominently including the word “Bench” including BENCH, HERBENCH HB, BLU BENCH, BENCH BODY and KINDERBENCH, which are used and registered in the United States, and in multiple countries throughout the world, for retail clothing services, clothing, bags, perfume and accessories, as set forth further below.

2. Opposer is the owner of United States Trademark Registration No. 3906043 for BENCH for “Retail store services featuring clothing, clothing accessories, personal care products, leather goods, cosmetics, footwear, shoes, slippers, luggage, bags, souvenir items and gift sets; wholesale stores, ordering services and distributorship services in the fields of clothing, clothing accessories, personal care products, leather goods, cosmetics, footwear, shoes, slippers, luggage, bags, souvenir items and gift sets” which was filed on January 10, 2005 and which was registered on the Principal Register on January 18, 2011. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said

registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

3. Opposer is the owner of United States Trademark Registration No. 3142731 for BENCH BODY for “Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands”, which was filed on February 3, 2005 and which was registered on the Principal Register on September 12, 2006, renewed on August 2, 2012. This registration is incontestable under Section 15 of the United States Trademark Act. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

4. Opposer is the owner of United States Trademark Registration 1978564 for HERBENCH HB (and Design) for “Clothing, namely blouses, polo shirts, skirts, slacks and jeans, shorts, vests, T-shirts, undershirts, jackets, sweaters, pants, blazers, belts, hats and caps, sandals, shoes, socks, hosiery, scarfs, and underwear, including panties, brassieres and half-slips”, which was filed on August 14, 1995, registered on the Principal Register on June 4, 1996, renewed on August 19, 2006. This registration is incontestable under Section 15 of the United States Trademark Act. Said registration was

based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

5. Opposer is the owner of United States Trademark Registration 2134561 for BENCH for “Perfume, cologne, hair shampoo, soap, hair conditioner, skin lotion and face and body powder”, which was filed on April 7, 1997, registered on the Principal Register on February 3, 1998, renewed on May 16, 2007. This registration is incontestable under Section 15 of the United States Trademark Act. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

6. Opposer is the owner of United States Trademark Registration 3149074 for BLU BENCH (and Design) for “Clothing articles, footwear and headgear, namely T-shirts, polo shirts, pants, shorts, underwear, jackets, sweaters, blazers, swimwear, socks, shoes, slippers, sandals, belts, stockings, pajamas, blouses, dresses, hats, and caps”, which was filed on June 4, 2002 and registered on the Principal Register on September 26, 2006, renewed on August 3, 2012. This registration is incontestable under Section 15 of the United States Trademark Act. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is

prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

7. Opposer is the owner of United States Trademark Registration 3139660 for KINDERBENCH (word only) for "Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands", which was filed on January 10, 2005 and registered on the Principal Register on September 5, 2006, renewed on June 20, 2012. This registration is incontestable under Section 15 of the United States Trademark Act. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

8. Opposer is the owner of United States Trademark Registration 4405020 for BENCH (word only) for "Clothing, namely, jackets, coats, outerwear, namely, sweaters and cardigans, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands; Men's and ladies' shoes, sandals, slippers, boots and underwear, namely, men's and ladies' briefs, boxer shorts, sandals (tank tops), undershirts, socks, stockings, pajamas, lingerie, bathing suits,

swimming trunks, bathrobes, caps, vests, jumpers, jumpsuit, athletic suits, sweaters, cardigans, neckties, suspenders”, which was filed on January 10, 2005 and registered on the Principal Register on September 24, 2013. Said registration was based upon an application filed in the United States Patent and Trademark Office a date prior to the date of filing of the Opposed Application. Said registered Mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said Mark in commerce on the goods and/or services specified in said registration.

9. By virtue of its federal registrations identified above in paragraphs 2-8, and incorporated by reference herein, Opposer has the prima facie exclusive right to use its family of BENCH Marks on the identified goods and services in the United States, and this exclusive right extends to Marks which are so highly similar as to create a likelihood of confusion, mistake or deception.

10. Applicant has no legitimate common law rights in its alleged Mark HOWMUCHYMYBENCH (standard character), Applicant having filed a 1B Intent To Use application with the United States Patent and Trademark Office declaring under penalty of perjury that Applicant had not yet used its alleged Mark HOWMUCHYMYBENCH (standard character) in commerce or interstate commerce as of the filing date of its application, a date subsequent to all of Opposer's registrations identified above in paragraphs 2-7.

11. Applicant has no registration rights for the alleged Mark HOWMUCHYMYBENCH (standard character) with the United States Patent and Trademark Office. Applicant's only application for said Mark is the subject of the

current opposition proceeding, the application, identified as Application No. 86/264,465 which was filed on April 28, 2014, a date subsequent to all of Opposer's registrations identified above in paragraphs 2-8.

12. There is no issue as to priority, with first use by Opposer for all of its federal registrations identified above in paragraphs 2-8, and incorporated by reference herein. Opposer has adopted and has continuously used its BENCH trademarks and service Mark in both foreign and interstate commerce as set forth herein in connection with numerous goods and services, some of which since at least as early as August, 2002, and since at least as early as 1987 outside the United States, to the present. As such, Opposer first used all of its federal registrations identified above in paragraphs 2-8 above in foreign commerce and interstate commerce on or before Applicant's filing date of its 1B Intent To Use Application, of April 28, 2014.

13. The Chairman of Opposer is Chan Tian Sui, aka Ben Chan. Although BENCH is a dictionary word, it was coined and adopted in 1985 by Opposer for use as a trademark because of its derivation from Mr. Chan's name - BEN CHAN - in which the given name and surname are telescoped together as BENCHAN and the last two letters deleted, thus yielding the trademark BENCH.

14. Since initial use of Opposer's Marks, Opposer has used, sold, advertised, promoted, and offered in commerce Opposer's goods and services under a number of Opposer's Marks to the public through various channels of trade, with the result that Opposer's customers and the public in general have come to know, rely upon, and recognize Opposer's BENCH Marks and associate Opposer's BENCH Marks with

Opposer as the source of the goods and services of Opposer. Opposer has devoted substantial time, money, and effort in the establishment of the goodwill, consumer recognition, and reputation of its BENCH Marks, and such Marks are symbolic of the extensive goodwill, consumer recognition, and reputation built up by Opposer in connection with Opposer's BENCH Marks. Opposer has an exceedingly valuable goodwill established in its Marks. Opposer's Marks are inherently distinctive, and as a result of the many years of substantial use, sales, and advertising, Opposer's BENCH Marks have become distinctive and well known to the public and the trade.

15. Applicant's Mark is confusingly similar in appearance, sound, and connotation to Opposer's Marks. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with the goods identified in the application for Applicant's Mark, to cause confusion, to cause mistake, or to deceive the consuming public, and Applicant's Mark should be found to be unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

16. The goods identified in Applicant's application serial number 86/264,465, are confusingly similar to Opposer's goods. Purchasers are likely to consider the goods of Applicant sold or intended to be sold under Applicant's Mark as emanating from Opposer and purchase such goods as those of Opposer, resulting in loss of sales and other damage to Opposer. Moreover, concurrent use of Opposer's Marks and Applicant's Mark will result in irreparable damage to Opposer's reputation and goodwill, if the goods sold or intended to be sold by Applicant are of an inferior quality or objectionable, in

comparison to the goods and services used with Opposer's Marks, since purchasers are likely to attribute the source or origin of Applicant's goods to Opposer.

17. Opposer has an Internet website having an Internet domain name of "www.benchtm.com" which is used to sell and offer for sale Opposer's goods bearing Opposer's Marks. The goods and services used in connection with Opposer's Marks are sold and offered for sale in the United States, inter alia, via its BENCH stores and via its Internet website.

18. Given the goods identified in Applicant's Application Serial Number 86/264,465, Applicant intends to sell its goods under Applicant's Mark in the same or similar channels of trade as Opposer and directed to the same or similar purchasers as Opposer.

19. Due to the similarities in Applicant's Mark and Opposer's Marks, the similarities in the goods used or intended to be used with the respective Marks, the overlap in the channels of trade used or intended to be used with the respective Marks, and the overlap in customers who use or intend to use the goods associated with the respective Marks, Applicant's Mark is likely to be confused with and mistaken for Opposer's Marks, or one or more of them, so as to cause confusion and lead to deception as to source, sponsorship, or affiliation by the consuming public, all in violation of § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

20. Opposer believes it will be damaged by the registration of Applicant's Mark because such registration would give Applicant at least a *prima facie* exclusive right to use Applicant's confusingly similar Mark in commerce in the United States, in

derogation of Opposer's rights in Opposer's Marks. To the extent that Opposer has priority of use of Opposer's Marks, Applicant will obtain a federal registration to which it is not entitled, and which is inconsistent with Opposer's prior rights.

21. Applicant's Mark so closely resembles Opposer's Marks that Applicant's Mark may disparage or falsely suggest a connection with Opposer, in violation of § 2(d) of the United States Trademark Act, and purchasers will assume the goods offered under Applicant's Mark are connected to Opposer.

22. As the result of Opposer's prior, continuous, and extensive use of Opposer's BENCH Marks, which use has not been abandoned, such Marks of Opposer have become widely and favorably known to the purchasing public and the apparel and related industries as identifying Opposer as a particular source for clothing, bags, leather goods, accessories and cosmetics bearing Opposer's BENCH trademarks.

23. As a result of Opposer's long and extensive use, sales, and advertising since at least as early as 2002 in the United States, and 1987 outside the United States, of some of its Marks, such Marks have become, and are, famous and are recognized among consumers and members of the trade as indicating the source and quality of products such as clothing, leather goods, bags, accessories and cosmetics offered and sold by Opposer. Opposer's Marks, and their respective goodwill, are assets of immense value to Opposer.

24. Opposer extensively advertises its goods and services under the Trademark BENCH in the United States, the Philippines and in other foreign countries. Opposer advertises its BENCH goods and services in many ways including television,

cable television, the internet, radio, newspapers, magazines, outdoor signs, shop fronts, point-of-sale signs, brochures, pamphlets and handbills.

25. With the resources available, Opposer initially concentrated on establishing in the Philippines its business under its trademark BENCH. Subsequently, Opposer also began addressing the export market involving other countries. This export expansion has included Saudi Arabia, Kuwait, UAE, the United States and the Peoples Republic of China. In 1998, Opposer also established its website on the internet and has advertised with substantial success through that medium. Through all of Opposer's endeavors, the knowledge of travelers, migration from the Philippines, and other means, Opposer's trademark BENCH has become well known in the United States.

26. Sales of goods and services by Opposer in all countries under the trademark BENCH, including the United States, have for the years 1993 to 2014 run into the hundreds of millions of US Dollars.

27. Expenditure in relation to all marketing, advertising and sales promotion by Opposer in all countries under the trademark BENCH, including the United States, has been substantial, and at least since 1999, has been in the millions of US Dollars per year.

28. Opposer's Marks are famous and distinctive, and they are well known to the public and to the trade based upon widespread marketing and advertising and extensive sales and various retail stores in the United States and numerous other countries, including but not limited to the Philippines, Australia, Saudi Arabia, Kuwait, China and the United Arab Emirates.

29. Opposer's BENCH trademark and service mark on Opposer's stores in the United States, on Opposer's website www.benchtm.com, and on clothing, bags, leather goods, accessories and cosmetics, are well known at least in and by the substantial Filipino community in the United States of consumers of clothing, bags, leather goods, accessories and cosmetics, and in general by the consuming public of the United States.

30. Opposer's BENCH stores in the United States contain clothing, bags, leather goods, accessories and cosmetics and other goods bearing Opposer's BENCH trademarks.

31. Opposer's BENCH *trademark* is a strong mark as such term is used in the trademark laws of the United States.

32. Opposer's BENCH *service mark* is a strong mark as such term is used in the trademark laws of the United States.

33. Opposer's BENCH *trademark* is distinctive of Opposer's goods as used in the United States.

34. Opposer's BENCH *service mark* is distinctive of Opposer's retail and wholesale services as used in the United States.

35. Opposer's BENCH *trademark* is a famous Mark as such term is used in § 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

36. Opposer's BENCH *service mark* is a famous mark as such term is used in § 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

37. Opposer's BENCH *trademark* and *service mark* became famous before Applicant's filing date of April 28, 2014 for the application of Applicant's Mark.

38. Opposer's BENCH *trademark* and *service mark* are Marks that are capable of being diluted within the meaning of the term in §§ 43(c) and 45 of the Trademark Act, 15 U.S.C. §§ 1125(c) and 1127.

39. Applicant has marketed, sold, advertised and promoted, or intended to market, sell, advertise and promote, its goods under Applicant's HOWMUCHYMYBENCH Mark so as to induce the public into perceiving and believing that Applicant's goods are associated with Opposer's goods and services.

40. Applicant's use or intended use in commerce of the HOWMUCHYMYBENCH Mark, is confusingly similar to Opposer's famous BENCH Marks, and such use or intended use in the promotion, advertising and sale of Applicant's goods, which use or intended use began after Opposer's BENCH Marks had become famous, dilutes, or in the alternative, is likely to dilute, the distinctive quality of Opposer's famous BENCH Marks in violation of Lanham Act § 43(c), 15 U.S.C. § 1125(c).

41. Applicant is not affiliated or connected with or endorsed or sponsored by Opposer. Opposer has not approved any of the goods offered or intended to be offered under Applicant's Mark, nor has Opposer granted Applicant permission or license to use Applicant's Mark in connection with any goods or services.

42. Applicant has made or intends to make commercial use of Applicant's Mark in commerce with the intent to trade on Opposer's reputation, or to cause dilution of Opposer's famous BENCH Marks.

43. Applicant's misappropriation, use or intended use, and infringement of Opposer's Marks, or one or more of them, debase and cheapen Opposer's Marks and create, or in the alternative are likely to create, dilution of the distinctive quality thereof and injure Opposer's business, reputation and the goodwill associated with its goods and services and Marks. Due to the similarities between Applicant's Mark and Opposer's Marks, the similarities in the goods associated with the respective Marks, the overlap in the channels of trade used with the respective Marks, and the overlap in customers who use or intend to use the goods associated with the respective Marks, Applicant's Mark blurs and/or tarnishes, or in the alternative, is likely to blur and/or tarnish, Opposer's famous, distinctive, and well-established Marks, so as to cause, or in the alternative, likely to cause, dilution of Opposer's Marks, or one or more of them.

44. By reason of the foregoing, consumers in the United States are likely to be confused or deceived into believing that Applicant's Mark is another form of Opposer's BENCH Marks.

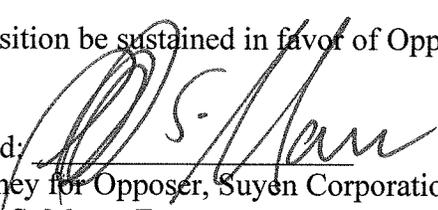
45. By reason of the foregoing, Applicant's Mark will likely cause confusion with one or more of Opposer's Marks.

46. By reason of the foregoing, Applicant's Mark dilutes, or in the alternative, is likely to dilute, one or more of Opposer's Marks.

47. By reason of the foregoing, Opposer believes that it will be damaged by the registration of Applicant's Mark, including but not limited to damage as a result of likelihood of confusion, and further or in the alternative, due to dilution under Lanham Act § 43(c), 15 U.S.C. §§ 1125(c).

48. True and correct print outs as of October 15, 2014 and October 21, 2014, from the United States Trademark Office TARR system of the Registrations set forth in paragraphs 2-7 are attached hereto and incorporated by reference herein.

WHEREFORE: Opposer prays that the Opposed Application HOWMUCHYMYBENCH (standard character), U.S. Trademark Application No. 86/264,465, be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer as to this application.

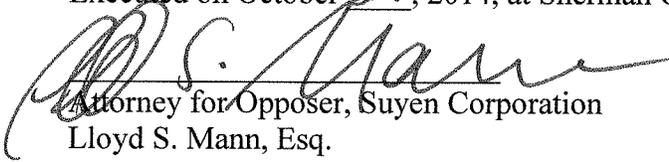
Signed: 
Attorney for Opposer, Suyen Corporation
Lloyd S. Mann, Esq.
MANN & ZARPAS, LLP
15233 Ventura Blvd., Suite 714
Sherman Oaks, CA 91403
Tel: 818-789-0510
Fax: 818-789-0518

Dated: October 21, 2014

Certificate of Service

I hereby certify that on October 21, 2014, a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served by mailing said copy on October 21, 2014, at Sherman Oaks, California, via first class mail, postage prepaid, addressed to Applicant's Attorney of Record, Michael G. Atkins, at the correspondence address of record with the USPTO, Michael G. Atkins, Atkins Intellectual Property, PLLC, 93 South Jackson Street, #18483, Seattle, Washington 98104-0983

Executed on October 21, 2014, at Sherman Oaks, California



Attorney for Opposer, Suyen Corporation

Lloyd S. Mann, Esq.

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STATUS

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Mark: BENCH

BENCH

US Serial Number: 76627461

Application Filing Date: Jan. 10, 2006

US Registration Number: 3906043

Registration Date: Jan. 18, 2011

Register: Principal

Mark Type: Service Mark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Mar. 06, 2013

Publication Date: May 30, 2006

Mark Information

Mark Literal Elements: BENCH

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 [1978564](#), [2134561](#)

Registrations:

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: Retail store services featuring clothing, clothing accessories, personal care products, leather goods

slippers, luggage, bags, souvenir items and gift sets; wholesale stores, ordering services and dis clothing, clothing accessories, personal care products, leather goods, cosmetics, footwear, shoes items and gift sets

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 03, 1987

Use in Commerce: Aug. 02, 2000

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: Yes

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SUYEN CORPORATION

Owner Address: 593 Tolentino Street
Pasay City, Metro Manila 1320
PHILIPPINES

Legal Entity Type: CORPORATION

State or Country Where Organized: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: CRYSTAL A. ZARPAS

Docket Number: Suyen - BEN

Attorney Primary Email Address: czarpas@mannzarpas.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: CRYSTAL A ZARPAS
MANN & ZARPAS LLP
15233 VENTURA BLVD
SUITE 714
SHERMAN OAKS, CALIFORNIA 91403-2236
UNITED STATES

Phone: (818) 789-0510

Fax: (818) 789-0510

Correspondent e-mail: czarpas@mannzarpas.com

Correspondent e-mail No

Authorized:

Domestic Representative

Domestic Representative Name: CRYSTAL A. ZARPAS

Phone: (818) 789-05

Fax: (818) 789-0518

Domestic Representative e-mail: czarpas@mazzarpas.com

Domestic Representative e-mail Authorized: No

Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2013	CANCELLATION INSTITUTED NO. 999999	56864
Jan. 18, 2011	REGISTERED-PRINCIPAL REGISTER	
Dec. 15, 2010	TTAB RELEASE CASE TO TRADEMARKS	173139
Dec. 15, 2010	OPPOSITION TERMINATED NO. 999999	173139
Dec. 15, 2010	OPPOSITION DISMISSED NO. 999999	173139
Oct. 12, 2010	OPPOSITION DISMISSED NO. 999999	173139
Sep. 28, 2006	OPPOSITION INSTITUTED NO. 999999	173139
Jun. 29, 2006	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 05, 2006	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	67445
May 30, 2006	PUBLISHED FOR OPPOSITION	
May 30, 2006	PUBLISHED FOR OPPOSITION	
May 24, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 10, 2006	NOTICE OF PUBLICATION	
Apr. 10, 2006	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Mar. 13, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Mar. 10, 2006	ASSIGNED TO LIE	71441
Mar. 07, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 07, 2006	USE AMENDMENT ACCEPTED	76733
Mar. 07, 2006	AMENDMENT TO USE PROCESSING COMPLETE	72067
Feb. 28, 2006	USE AMENDMENT FILED	72067
Mar. 07, 2006	EXAMINER'S AMENDMENT ENTERED	76537
Mar. 07, 2006	EXAMINERS AMENDMENT MAILED	
Mar. 06, 2006	EXAMINERS AMENDMENT -WRITTEN	76733
Feb. 28, 2006	TEAS AMENDMENT OF USE RECEIVED	
Feb. 21, 2006	FINAL REFUSAL MAILED	
Feb. 21, 2006	FINAL REFUSAL WRITTEN	76733

Feb. 16, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Feb. 09, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Feb. 09, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 12, 2005	NON-FINAL ACTION MAILED	
Aug. 12, 2005	NON-FINAL ACTION WRITTEN	76733
Aug. 10, 2005	ASSIGNED TO EXAMINER	76733
Jan. 26, 2005	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. 18, 2011

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Proceedings - Click to Load

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Mark: BENCH BODY

BENCH BODY

US Serial Number: 76630261

Application Filing Date: Feb. 03, 2005

US Registration Number: 3142731

Registration Date: Sep. 12, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 02, 2012

Publication Date: Nov. 01, 2005

Notice of Allowance Date: May 16, 2006

Mark Information

Mark Literal Elements: BENCH BODY

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: Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shoes, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2001**Use in Commerce:** Nov. 30, 2001**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	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: SUYEN CORPORATION

Owner Address: 2214 Tolentino St
Pasay City
PHILIPPINES

Legal Entity Type: CORPORATION **State or Country Where Organized:** PHILIPPINES

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: CRYSTAL A. ZARPAS **Docket Number:** SUYEN COR

Attorney Primary Email Address: czarpas@mannzarpas.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: CRYSTAL A. ZARPAS
MANN & ZARPAS, LLP
15233 VENTURA BLVD, STE 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: 818-789-0510 **Fax:** 818-789-0511

Correspondent e-mail: czarpas@mannzarpas.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Crystal A. Zarpas **Phone:** (818) 789-0511

Fax: (818) 789-0518

Prosecution History

Date	Description	Proceeding Number
Aug. 02, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 02, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Aug. 02, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jul. 17, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 25, 2009	NOTICE OF SUIT	
Sep. 12, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 27, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	77975
Jul. 24, 2006	ASSIGNED TO LIE	77975
Jul. 03, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 07, 2006	STATEMENT OF USE PROCESSING COMPLETE	64657
May 26, 2006	USE AMENDMENT FILED	64657
May 31, 2006	FAX RECEIVED	
May 26, 2006	TEAS STATEMENT OF USE RECEIVED	
May 24, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 24, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 16, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 01, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 29, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 01, 2005	PUBLISHED FOR OPPOSITION	
Oct. 12, 2005	NOTICE OF PUBLICATION	
Sep. 15, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287
Sep. 12, 2005	ASSIGNED TO LIE	78287
Sep. 02, 2005	EXAMINER'S AMENDMENT MAILED	
Sep. 01, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 01, 2005	EXAMINERS AMENDMENT -WRITTEN	76738
Sep. 01, 2005	ASSIGNED TO EXAMINER	76738
Feb. 18, 2005	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:** TMO LAW OFFICE 113

Date in Location: Aug. 02, 201

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Mark: HERBENCH HB

US Serial Number: 74715431

Application Filing Date: Aug. 14, 1996

US Registration Number: 1978564

Registration Date: Jun. 04, 1996

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 19, 2006

Publication Date: Mar. 12, 1996

Mark Information

Mark Literal Elements: HERBENCH HB

Standard Character Claim: No

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

Foreign Information

Foreign Registration Number: 59967

Foreign Registration Date: Jan. 31, 1996

Foreign Country: PHILIPPINES

Foreign Expiration Date: Jan. 31, 2016

Application/Registration Country:

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 blouses, [polo shirts, skirts,] slacks and jeans, shorts, vests, T-shirts, undershirt belts, hats and caps, sandals, shoes, socks, hosiery, scarfs, and underwear, including panties, br

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Suyen Corporation

Owner Address: 2214 Tolentino St
Pasay City
PHILIPPINES

Legal Entity Type: COMPANY

State or Country Where Organized: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Crystal A. Zarpas

Docket Number: Suyen - HER

Attorney Primary Email Address: czarpas@mannzarpas.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: CRYSTAL A ZARPAS
MANN & ZARPAS LLP
15233 VENTURA BLVD STE 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: 818-789-0510

Fax: 818-789-0511

Correspondent e-mail: czarpas@mannzarpas.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Crystal A. Zarpas

Phone: 818-789-051

Name:

Fax: 818-789-0518

Prosecution History

Date	Description	Proceeding Number
Aug. 25, 2009	NOTICE OF SUIT	
Jun. 07, 2007	CASE FILE IN TICRS	
Sep. 03, 2006	ASSIGNED TO PARALEGAL	59136
Aug. 19, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Aug. 19, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 19, 2006	REGISTERED - SEC. 15 ACKNOWLEDGED	76293
Aug. 19, 2006	ASSIGNED TO PARALEGAL	76293
May 26, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 26, 2006	REGISTERED - SEC. 15 AFFIDAVIT FILED	
May 31, 2006	FAX RECEIVED	
May 30, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 30, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 26, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 26, 2006	REGISTERED - SEC. 15 AFFIDAVIT FILED	
May 26, 2006	TEAS SECTION 8 & 9 RECEIVED	
May 26, 2006	TEAS SECTION 15 RECEIVED	
May 20, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
May 20, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 30, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Dec. 03, 2002	REGISTERED - SEC. 8 (6-YR) FILED	
Dec. 03, 2002	TEAS SECTION 8 RECEIVED	
Jun. 04, 1996	REGISTERED-PRINCIPAL REGISTER	
Mar. 12, 1996	PUBLISHED FOR OPPOSITION	
Feb. 11, 1996	NOTICE OF PUBLICATION	
Dec. 26, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 1995	Sec. 1(B) CLAIM DELETED	68359
Dec. 21, 1995	EXAMINER'S AMENDMENT MAILED	
Dec. 18, 1995	ASSIGNED TO EXAMINER	70425

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 04, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 07, 2007

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Proceedings - Click to Load

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Mark: BENCH

No image exists for this case.

US Serial Number: 75269722

Application Filing Date: Apr. 07, 1997

US Registration Number: 2134561

Registration Date: Feb. 03, 1998

Register: Principal

Mark Type: Trademark

Status: A Section 15 declaration has been acknowledged.

Status Date: May 16, 2007

Publication Date: Nov. 11, 1997

Mark Information

Mark Literal Elements: BENCH

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 62360

Foreign Registration Date: Jan. 09, 1998

Foreign Application/Registration Country: PHILIPPINES

Foreign Expiration Date: Jan. 09, 2016

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: perfume, cologne, hair shampoo, soap, hair conditioner, skin lotion and face and body powder

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 001

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Suyen Corporation

Owner Address: 2214 Tolentino St
Pasay City
PHILIPPINES

Legal Entity Type: COMPANY

State or Country Where Organized: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: CRYSTAL A ZARPAS

Docket Number: Sunyen - BEL

Correspondent

Correspondent Name/Address: CRYSTAL A ZARPAS
MANN & ZARPAS LLP
15233 VENTURA BLVD STE 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: 818-789-0510

Fax: 818-789-0510

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
------	-------------	-------------------

Aug. 25, 2009	NOTICE OF SUIT	
May 16, 2007	REGISTERED - SEC. 15 ACKNOWLEDGED	67657
May 16, 2007	ASSIGNED TO PARALEGAL	67657
Apr. 14, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Apr. 14, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 11, 2007	CASE FILE IN TICRS	
Apr. 10, 2007	ASSIGNED TO PARALEGAL	69471
Feb. 27, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 27, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 27, 2007	REGISTERED - SEC. 15 AFFIDAVIT FILED	
Feb. 27, 2007	TEAS SECTION 15 RECEIVED	
May 24, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 24, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 23, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Feb. 19, 2004	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8	
Feb. 19, 2004	REGISTERED - SEC. 8 (6-YR) FILED	
Aug. 19, 2003	POST REGISTRATION ACTION MAILED - SEC. 8	
May 23, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
May 23, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
May 23, 2003	PAPER RECEIVED	
Feb. 03, 1998	REGISTERED-PRINCIPAL REGISTER	
Nov. 11, 1997	PUBLISHED FOR OPPOSITION	
Oct. 10, 1997	NOTICE OF PUBLICATION	
Sep. 10, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 1997	EXAMINER'S AMENDMENT MAILED	
Aug. 28, 1997	ASSIGNED TO EXAMINER	73349

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 03, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 16, 2007

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Mark: BLU BENCH



US Serial Number: 76416773

Application Filing Date: Jun. 04, 2003

US Registration Number: 3149074

Registration Date: Sep. 26, 2003

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 03, 2012

Publication Date: Jun. 03, 2003

Notice of Allowance Date: Aug. 26, 2003

Mark Information

Mark Literal Elements: BLU BENCH

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.

Disclaimer: "BLUE"

Design Search Code(s): 26.11.02 - Plain single line rectangles; Rectangles (single line)
 26.11.10 - Rectangles divided once into two sections
 26.11.13 - Two rectangles; Rectangles (exactly two rectangles)
 26.11.21 - Rectangles that are completely or partially shaded

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 articles, footwear and headgear, namely T-shirts, polo shirts, pants, shorts, underwear, j
socks, shoes, slippers, sandals, belts, stockings, pajamas, blouses, dresses, hats, and caps

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 08, 2002

Use in Commerce: Aug. 08, 2002

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

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: Suyen Corporation

Owner Address: 2214 Tolentino Street
Pasay City 1300
PHILIPPINES

Legal Entity Type: CORPORATION

State or Country Where Organized: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: CRYSTAL A. ZARPAS

Docket Number: SUYEN COR

Attorney Primary Email Address: czarpas@mannzarpas.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: CRYSTAL A. ZARPAS
MANN & ZARPAS, LLP
15233 VENTURA BLVD., SUITE 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: (818) 789-0510

Fax: (818) 789-05

Correspondent e-mail: czarpas@mannzarpas.com

Correspondent e-mail Yes

Authorized:

Domestic Representative

Domestic Representative CRYSTAL A. ZARPAS
Name:

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 03, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Aug. 01, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jul. 17, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 25, 2009	NOTICE OF SUIT	
Sep. 26, 2006	REGISTERED-PRINCIPAL REGISTER	
Aug. 08, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	78289
Aug. 04, 2006	ASSIGNED TO LIE	78289
Jul. 31, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 15, 2006	STATEMENT OF USE PROCESSING COMPLETE	76873
Jun. 23, 2006	USE AMENDMENT FILED	76873
Jun. 23, 2006	TEAS STATEMENT OF USE RECEIVED	
Feb. 15, 2006	EXTENSION 5 GRANTED	98765
Feb. 15, 2006	EXTENSION 5 FILED	98765
Feb. 15, 2006	TEAS EXTENSION RECEIVED	
Feb. 17, 2006	PETITION GRANTED - EXTENSION REQUEST FILED	71359
Feb. 06, 2006	FAX RECEIVED	
Jan. 30, 2006	PETITION TO REVIVE-RECEIVED	
Jan. 30, 2006	FAX RECEIVED	
Sep. 07, 2005	EXTENSION 4 GRANTED	64657
Sep. 07, 2005	FAX RECEIVED	
Aug. 18, 2005	EXTENSION 4 FILED	64657
Aug. 18, 2005	PAPER RECEIVED	
Jul. 20, 2005	PAPER RECEIVED	
Apr. 13, 2005	EXTENSION 3 GRANTED	71280
Feb. 11, 2005	EXTENSION 3 FILED	71280
Feb. 14, 2005	PAPER RECEIVED	

Sep. 08, 2004	EXTENSION 2 GRANTED	
Aug. 23, 2004	EXTENSION 2 FILED	
Aug. 23, 2004	PAPER RECEIVED	
Aug. 17, 2004	CASE FILE IN TICRS	
Mar. 10, 2004	PAPER RECEIVED	
Mar. 05, 2004	EXTENSION 1 GRANTED	
Feb. 20, 2004	EXTENSION 1 FILED	
Feb. 20, 2004	PAPER RECEIVED	
Aug. 26, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 03, 2003	PUBLISHED FOR OPPOSITION	
May 14, 2003	NOTICE OF PUBLICATION	
Apr. 01, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 10, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 10, 2003	PAPER RECEIVED	
Oct. 01, 2002	NON-FINAL ACTION MAILED	
Sep. 20, 2002	ASSIGNED TO EXAMINER	74887

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: TMO LAW OFFICE 110

Date in Location: Aug. 03, 2011

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Mark: KINDERBENCH

KINDERBENCH

US Serial Number: 76627414

Application Filing Date: Jan. 10, 2006

US Registration Number: 3139660

Registration Date: Sep. 05, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 20, 2012

Publication Date: Nov. 08, 2005

Notice of Allowance Date: May 23, 2006

Mark Information

Mark Literal Elements: KINDERBENCH

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: Clothing, namely, jackets, coats, capes, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shoes, belts, socks, underwear, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands and sandals; Headwear, namely, scarves, hats, caps and headbands

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 2001

Use in Commerce: Aug. 21, 2001

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	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: SUYEN CORPORATION

DBA, AKA, Formerly: BENCH

Owner Address: 2214 Tolentino St
Pasay City, Metro Manila
PHILIPPINES

Legal Entity Type: CORPORATION **State or Country Where Organized:** PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Crystal A. Zarpas **Docket Number:** SUYEN COR

Attorney Primary Email Address: czarpas@mannzarpas.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Crystal A. Zarpas
MANN & ZARPAS, LLP
15233 Ventura Blvd., Ste 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: 818-789-0510 **Fax:** 818-789-0511

Correspondent e-mail: czarpas@mannzarpas.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Crystal A. Zarpas **Phone:** (818) 789-0511

Fax: (818) 789-0518

Domestic Representative e-mail: czarpas@mannzarpas.com **Domestic Representative e-mail Authorized:** No

mail:

mail Authorized:

Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 20, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Jun. 20, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Jun. 14, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 25, 2009	NOTICE OF SUIT	
Sep. 05, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 18, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	78289
Jul. 14, 2006	ASSIGNED TO LIE	78289
Jun. 30, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 14, 2006	AMENDMENT FROM APPLICANT ENTERED	73797
May 31, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Jun. 07, 2006	STATEMENT OF USE PROCESSING COMPLETE	64657
May 26, 2006	USE AMENDMENT FILED	64657
May 31, 2006	FAX RECEIVED	
May 26, 2006	TEAS STATEMENT OF USE RECEIVED	
May 24, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 24, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 23, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 08, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 29, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 08, 2005	PUBLISHED FOR OPPOSITION	
Oct. 19, 2005	NOTICE OF PUBLICATION	
Aug. 30, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Aug. 26, 2005	ASSIGNED TO LIE	78289
Aug. 20, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 11, 2005	EXAMINER'S AMENDMENT ENTERED	78289
Aug. 11, 2005	EXAMINER'S AMENDMENT MAILED	
Aug. 10, 2005	EXAMINERS AMENDMENT -WRITTEN	74308
Aug. 10, 2005	ASSIGNED TO EXAMINER	74308
Jan. 25, 2005	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: TMO LAW OFFICE 110

Date in Location: Jun. 20, 2012

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Mark: BENCH

BENCH

US Serial Number: 76627460

Application Filing Date: Jan. 10, 2008

US Registration Number: 4405020

Registration Date: Sep. 24, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Sep. 24, 2013

Publication Date: Jul. 09, 2013

Mark Information

Mark Literal Elements: BENCH

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 [1978564, 2134561](#)

Registrations:

Foreign Information

Foreign Registration Number: 62996

Foreign Registration Date: May 21, 1996

Foreign Application/Registration Country: PHILIPPINES

Foreign Expiration Date: May 21, 2016

Foreign Application/Registration Country:

Foreign Registration Number: 62802

Foreign Registration Date: May 21, 1996

Number:**Foreign** PHILIPPINES**Foreign Expiration Date:** May 21, 2016**Application/Registration****Country:**

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, jackets, coats, outerwear, namely, sweaters and cardigans, capes, pants, shirts, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, g sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, sc Men's and ladies' shoes, sandals, slippers, boots and underwear, namely, men's and ladies' brie undershirts, socks, stockings, pajamas, lingerie, bathing suits, swimming trunks, bathrobes, caps suits, sweaters, cardigans, neckties, suspenders

International Class(es): 025 - Primary Class**U.S Class(es):** 022, 039**Class Status:** ACTIVE**Basis:** 1(a) 44(e)**First Use:** Aug. 03, 1987**Use in Commerce:** Aug. 21, 200**For:** Athletic Supporters**International Class(es):** 028 - Primary Class**U.S Class(es):** 022, 023, 039**Class Status:** ACTIVE**Basis:** 1(a) 44(e)**First Use:** Aug. 03, 1987**Use in Commerce:** Aug. 21, 200

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: SUYEN CORPORATION

Owner Address: 2214 Tolentino St
Pasay City
PHILIPPINES

Legal Entity Type: CORPORATION

State or Country Where Organized: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: CRYSTAL A. ZARPAS

Attorney Primary Email Address: czarpas@mannzarpas.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: CRYSTAL A. ZARPAS
MANN & ZARPAS, LLP
15233 VENTURA BLVD, STE 714
SHERMAN OAKS, CALIFORNIA 91403
UNITED STATES

Phone: 818-789-0510

Fax: 818-789-051

Correspondent e-mail: czarpas@mannzarpas.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Crystal A, Zarpas

Phone: (818) 789-0518

Fax: (818) 789-0518

Domestic Representative e-mail: czarpas@mannzarpas.com

Domestic Representative e-mail Authorized: No

Prosecution History

Date	Description	Proceeding Number
Sep. 24, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 09, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 09, 2013	PUBLISHED FOR OPPOSITION	
Jun. 19, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
May 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
May 28, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
May 16, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

May 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 21, 2012	NON-FINAL ACTION MAILED	
Nov. 21, 2012	NON-FINAL ACTION WRITTEN	76596
Nov. 14, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 11, 2012	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Oct. 31, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Oct. 31, 2012	ASSIGNED TO LIE	66121
Oct. 26, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 26, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	59554
Apr. 25, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	59554
Oct. 20, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	59554
Oct. 19, 2011	ASSIGNED TO LIE	59554
Apr. 19, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Oct. 19, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Apr. 19, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Oct. 19, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Apr. 17, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Oct. 17, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76568
Apr. 17, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76568
Oct. 17, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76568
Oct. 17, 2007	ASSIGNED TO LIE	76568
Apr. 12, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	66230
Apr. 12, 2007	ASSIGNED TO LIE	66230
Sep. 22, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68123
May 24, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 24, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 09, 2006	LETTER OF SUSPENSION MAILED	

Mar. 09, 2006	SUSPENSION LETTER WRITTEN	76596
Mar. 09, 2006	USE AMENDMENT ACCEPTED	76596
Mar. 09, 2006	AMENDMENT FROM APPLICANT ENTERED	68123
Feb. 15, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Mar. 06, 2006	LETTER OF SUSPENSION MAILED	
Mar. 03, 2006	SUSPENSION LETTER WRITTEN	76596
Mar. 03, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	71466
Feb. 09, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	71466
Mar. 03, 2006	AMENDMENT TO USE PROCESSING COMPLETE	71466
Feb. 09, 2006	USE AMENDMENT FILED	71466
Feb. 15, 2006	TEAS AMENDMENT OF USE RECEIVED	
Feb. 09, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 12, 2005	NON-FINAL ACTION MAILED	
Dec. 12, 2005	NON-FINAL ACTION WRITTEN	76596
Dec. 07, 2005	LETTER OF PROTEST ACCEPTED	
Aug. 11, 2005	NON-FINAL ACTION MAILED	
Aug. 10, 2005	NON-FINAL ACTION WRITTEN	76596
Aug. 10, 2005	ASSIGNED TO EXAMINER	76596
Jan. 26, 2005	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: Sep. 24, 201

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