

ESTTA Tracking number: **ESTTA681929**

Filing date: **07/06/2015**

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

Proceeding	91221822
Party	Defendant Seven For All Mankind, LLC
Correspondence Address	SUSAN M KAYSER JONES DAY 51 LOUISIANA AVE NW WASHINGTON, DC 20001 UNITED STATES skayser@jonesday.com, jbadley@jonesday.com, kbaird@jonesday.com, aprevatt@jonesday.com, nytef@jonesday.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Susan M. Kayser
Filer's e-mail	skayser@jonesday.com,jbradley@jonesday.com,kbaird@jonesday.com,nytef@jonesday.com
Signature	/Susan M. Kayser/
Date	07/06/2015
Attachments	Seven For All Mankind's First Amended Answer and Counterclaims.pdf(132728 bytes ) Ex. A - 1998 Section 8 and 15.pdf(875792 bytes ) Ex. B - 2002 Section 8 and 9.pdf(1589052 bytes ) Ex. C - 2012 Section 8 and 9.pdf(4923266 bytes )

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

Seven S.p.A.,	§	
	§	Opposition No. 91221822
Opposer,	§	
	§	
v.	§	
	§	
Seven for All Mankind, LLC,	§	
	§	
Applicant.	§	
<hr/>		
	§	

**APPLICANT’S FIRST AMENDED ANSWER AND COUNTERCLAIMS**

Seven For All Mankind, LLC (“SFAM” or “Applicant”) hereby files its First Amended Answer, Affirmative Defenses and Counterclaims to the Notice of Opposition filed by Seven S.p.A. pursuant to Fed. R. Civ. P. 15(a)(1)(A) as follows:

**I. ANSWER**

SFAM is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning Seven S.p.A.’s (“Opposer”) business address as set forth in Opposer’s introductory paragraph to its Notice of Opposition and therefore denies the same. SFAM admits that its Application No. 86/129,387 for the mark SEVEN FOR ALL MANKIND covering goods in International Class 18 published on January 6, 2015. SFAM specifically denies the remaining allegations set forth in the introductory paragraph to the Notice of Opposition.

1. SFAM admits only that United States Patent & Trademark Office (“USPTO”) records purport to show that Opposer is the owner of U.S. Reg. No. 1,708,062 for the trademark 7SEVEN & Design which lists various goods in International Class 18, and that a Section 15 was filed and acknowledged. SFAM specifically denies the remaining allegations in ¶ 1.

2. SFAM admits only that the USPTO records purport to show that Opposer is the owner of Reg. No. 4,061,897 for 7SEVEN & Design for various goods in International Class 18. SFAM specifically denies all other allegations in ¶ 2 of the Notice of Opposition.

3. SFAM admits that it filed Application No. 86/129,387 on an intent to use basis on November 26, 2013 for the mark SEVEN FOR ALL MANKIND in International Class 18 covering “[l]eather and imitation leather goods, namely, wallets, key cases, leather key chains, toiletry bags sold empty, purses, handbags, tote bags, briefcase-type portfolios, credit card cases.” Applicant admits it has not yet filed any Statement of Use. SFAM specifically denies all other allegations in ¶ 3 of the Notice of Opposition.

4. SFAM is without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4 of the Notice of Opposition and therefore denies the same.

5. SFAM admits only that its Application No. 86/129,387 covers goods in International Class 18. SFAM specifically denies all other allegations in ¶ 5 of the Notice of Opposition.

SFAM respectfully requests that the Notice of Opposition be dismissed in its entirety, and that SFAM’s Application No. 86/129,387 proceed to registration.

## **II. AFFIRMATIVE DEFENSES**

Without prejudice to the denials set forth in its Answer and without admitting any of Opposer’s allegations not otherwise admitted, SFAM avers and asserts the following affirmative defenses to the Notice of Opposition:

### **FIRST DEFENSE** **(Failure to State a Claim for Relief)**

Opposer’s Notice of Opposition fails to state a claim upon which relief may be granted.

**SECOND DEFENSE**  
**(Prior Registration/Morehouse Defense)**

Opposer's Notice of Opposition is barred by the Prior Registration/*Morehouse* defense.

**THIRD DEFENSE**  
**(Defense of Laches)**

Opposer's Notice of Opposition is barred by the doctrine of laches.

**FOURTH DEFENSE**  
**(Defense of Acquiescence)**

Opposer's Notice of Opposition is barred by the doctrine of acquiescence.

SFAM reserves the right to amend its answer to assert any additional affirmative defenses as may become available or apparent during discovery.

**III. COUNTERCLAIMS**

SFAM counterclaims as follows:

1. Opposer has asserted its Reg. No. 1,708,062 in its Notice of Opposition as a basis for its opposition against SFAM's Application No. 86/129,387 for the mark SEVEN FOR ALL MANKIND covering goods in International Class 18.

2. Opposer's Reg. No. 1,708,062 was registered on the Principal Register on August 18, 1992 for the mark 7SEVEN & Design and according to the USPTO records currently covers "school cases, pencil cases, pen cases, note-books, ball-point pens, exercise books" in International Class 16 and "knapsacks, small knapsacks, suitcases, handbags, attache cases, travel bags, school satchels, key holders, wallets, purses, briefcase type document cases" in International Class 18.

3. SFAM petitions to cancel Opposer's Reg. No. 1,708,062 pursuant to 15 U.S.C. § 1064 on the grounds of abandonment and fraud.

## ABANDONMENT

4. On information and belief, Opposer has abandoned Reg. No. 1,708,062 pursuant to 15 U.S.C. § 1127.

5. The registration matured from Application No. 74/073,282 filed by Seven S.A.S. Di Bruno Di Stacio & C. on September 3, 1991.

6. On August 18, 1992, the registration for the mark 7SEVEN & Design issued to Seven S.A.S. Di Bruno Di Stacio & C. under Reg. No. 1,708,062.

7. On February 18, 1999 Opposer recorded its change of name from Seven S.A.S. Di Bruno Di Stacio & C. to Seven S.p.A.

8. On information and belief, Opposer failed to use the mark 7SEVEN & Design in U.S. commerce in connection with the goods identified in the Reg. No. 1,708,062 in International Classes 16 and 18, for a period of at least twenty consecutive years following its registration date of August 18, 1992.

9. Based on the foregoing and upon information and belief, Opposer either never used or ceased to use the mark 7SEVEN & Design in the United States in connection with the goods identified in Reg. No. 1,708,062 from August 18, 1992 until at least January 2013, with no intent to resume use of the mark.

10. On the basis of Opposer's over three consecutive years of non-use of the mark 7SEVEN & Design in U.S. commerce with no intention to resume use, Opposer has abandoned Reg. No. 1,708,062, and the registration is subject to cancellation under Section 14 of the United States Trademark Act of 1946, 15 U.S.C. § 1064.

## FRAUD

11. Further, Opposer fraudulently maintained and renewed Reg. No. 1,708,062 for the mark 7SEVEN & Design by submitting three false statements of use and a false statement of incontestability.

12. On August 12, 1998, Opposer filed a Combined Declaration of Use and Incontestability of a Mark Under Sections 8 and 15 in which it represented that the mark 7SEVEN & Design was “in continuous use in interstate commerce for five consecutive years from the date of the registration or the date of publication under Section 12(c) to the present, on or in connection with” the Class 16 and Class 18 goods listed in registration and that “such mark is still in use in interstate commerce on or in connection with (each of) such goods or services.” (Exhibit A, p. 2.) Opposer also represented and declared that “such mark is still in use as evidenced by the specimen included showing the mark as currently used.” (Exhibit A, p. 2.) However, Opposer was not using the mark 7SEVEN & Design in U.S. commerce on August 12, 1998, and the mark 7SEVEN & Design had not been in continuous use in interstate commerce for five consecutive years from the date of the registration.

13. On July 23, 2002, Opposer filed a Combined Declaration of Use in Commerce/Application for Renewal Under Sections 8 and 9 for the mark 7SEVEN & Design in which it declared that Seven S.p.A. “is using the mark in commerce on or in connection with . . . [a]ll goods/services identified in the Registration except [footwear].” (Exhibit B, p. 2.) Opposer also represented and declared that the “owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as currently used in commerce.” (Exhibit B, p. 3.) However, Opposer was not using the mark 7SEVEN & Design in U.S. commerce on July 23, 2002.

14. On August 3, 2012, Opposer filed a Combined Declaration of Use and Application for Renewal of Registration of a Mark under Sections 8 and 9 for the mark 7SEVEN & Design in which it declared that “[f]or International Class 016, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: school cases, pencil cases, pen cases, note-books, ball-point pens, exercise books.” (Exhibit C, p. 6 (emphasis in original).) Seven S.p.A. further declared that, for International Class 18, “[t]he mark is in use in commerce or in connection with the following goods or services listed in the existing registration for this specific class...: knapsacks, small knapsacks, suitcases, handbags, attache cases, travel bags, school satchels, key holders, wallets, purses, briefcase type document cases.” (Exhibit C, p. 6.) Opposer further represented and declared that the “owner is submitting one (or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) product bearing the mark.” (Exhibit C, p. 6.) However, Opposer was not using the mark 7SEVEN & Design in U.S. commerce on August 3, 2012.

15. The representations made by Opposer to the USPTO regarding the use in commerce of the mark 7SEVEN & Design, as described above in paragraphs 12-14, were false at the time Opposer made them to the USPTO.

16. Opposer knew that its representations were false at the time it made them.

17. Opposer made each such representation willfully, knew that they were false, and made them with the intent that the USPTO would rely on them in processing the Sections 8, 9 and 15 filings to maintain and renew Reg. No. 1,708,062.

18. Opposer’s representations were material to the maintenance and renewal of Reg. No. 1,708,062 based on the statements of use in the Section 8 Declarations of Use in Commerce

in 1998, 2002 and 2012, the Section 15 Declaration of Incontestability of a Mark in 1998, and the Section 9 Applications for Renewal in 2002 and 2012.

19. The USPTO relied on the representations made by Opposer in renewing Reg. No. 1,708,062.

20. The USPTO would not have issued acceptance of Opposer's Section 8 and 15 filings and renewals for Registration No. 1,708,062 but for the false statements of use by Opposer.

21. As a result of and through Opposer's representations, Opposer committed fraud in connection with the filing of the Section 8 Declarations of Use in Commerce in 1998, 2002 and 2012, the Section 15 Declaration of Incontestability of a Mark in 1998, and the Section 9 Applications for Renewal in 2002 and 2012.

22. Accordingly Reg. No. 1,708,062 for the mark 7SEVEN & Design is subject to cancellation under Section 14 of the United States Trademark Act of 1946, 15 U.S.C. §1064.

**PRAYER FOR RELIEF**

23. SFAM has been and will continue to be damaged by the abandoned and fraudulently obtained Reg. No. 1,708,062 for the mark 7SEVEN & Design which Opposer is asserting to prevent SFAM from obtaining federal registration for its mark SEVEN FOR ALL MANKIND.

Applicant respectfully prays that Reg. No. 1,708,062 be cancelled.

Respectfully submitted,

Date: July 06, 2015

By: /Susan M. Kayser/

Susan M. Kayser  
Jessica D. Bradley  
Jones Day  
51 Louisiana Avenue, NW

Washington, DC 20001  
(202) 879-3939

Attorneys for Applicant  
Seven for All Mankind LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing First Amended Answer to Notice of Opposition and Counterclaims has been served on Seven S.p.A.'s counsel, by mailing said copy via overnight courier on the 6th of July 2015 to the below listed correspondence address of record:

Duane M. Byers  
NIXON & VANDERHYE, P.C.  
901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203

/Jessica D. Bradley/  
Jessica D. Bradley

# EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Letter of Transmittal

U.S. Patent & TMOfo/TM Mail Ropt Dt. #40



08-12-1998

Mark: **SEVEN & Design**  
Reg. No.: **1,708,062**  
Classes: **16, 18, and 257**  
Issue Date: **August 18, 1992**  
Registrant: **Seven S.p.A.**  
Attorney Ref.: **017295/0103**

Assistant Commissioner for Trademarks  
BOX POST REG FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Honorable Sir:

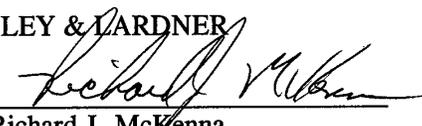
The Declaration Under Sections 8 and 15 relating to the above-identified registration is enclosed herewith, along with one specimen showing use of the mark in each class with respect to the goods. Also enclosed is our check in the amount of \$600.00 to cover the filing fee. Should there be a deficiency in the filing fee enclosed, please charge our deposit account (06-1447) for the difference.

Please file the foregoing papers and acknowledge receipt of same by date-stamping and returning the enclosed postcard.

Respectfully submitted,

FOLEY & LARDNER

By

  
Richard J. McKenna

777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
Telephone: (414) 297-5723

Attorneys for Registrant

Dated:

Aug. 12, 1998

600/3-4 PRU

COMBINED DECLARATION OF USE AND INCONTESTABILITY OF A MARK  
UNDER SECTIONS 8 AND 15

U.S. Patent & TMO/TM Mail RptDt. #40  
08-12-1998

Mark: SEVEN & Design  
Reg. No.: 1,708,062  
Classes: 16, 18, and 25  
Issued: August 18, 1992  
Registrant: Seven S.p.A.

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Mr. Aldo Di Stasio, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document, declares that Seven, S.p.A., a Corporation of Italy, owns the above-identified registration issued August 18, 1992, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from the date of the registration or the date of publication under Section 12(c) to the present, on or in connection with (each of) the following: SCHOOL CASES, PENCIL CASES, PEN CASES, NOTE-BOOKS, BALL-POINT PENS, AND EXERCISE BOOKS IN CLASS 16; KNAPSACKS, SMALL KNAPSACKS, SUITCASES, HAND BAGS, ATTACHE CASES, TRAVEL BAGS, SHOPPING BAGS, SCHOOL SATCHELS, KEY HOLDERS, WALLETs, PURSES, AND BRIEFCASE TYPE DOCUMENT CASES IN CLASS 18; T-SHIRTS, JEANS, MEN'S AND WOMEN'S SPORTWEAR, NAMELY JACKETS, PANTS, JOGGING SUITS, PULLOVERS, SWEAT SHIRTS, SWEAT SUITS, AND HEADWEAR IN CLASS 25 which is/are stated in the registration; that such mark is still in use in interstate commerce on or in connection with (each of) such goods or services; that such mark is still in use as evidenced by the specimen included showing the mark as currently used; that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register; that there is no proceeding involving said rights pending in the Patent and Trademark Office or in a court and not disposed of; and that all statements made of his/her own knowledge are true and all statement made on information and belief are believed to be true.

08/21/1998 NSHABAZZ 00000050 1708062

01 FC:374 600.00 DP

Date: 29/07/98

SEVEN, S.p.A.

By: [Signature]  
Name: Mr. Aldo Di Stasio  
Title: Managing Director

OK [Signature]

001.331163.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: SEVEN & Design  
Reg. No.: 1,708,062  
Reg. Date: August 18, 1998  
Owner: Seven S.p.A.

To: The Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Honorable Sir:

APPOINTMENT OF DOMESTIC REPRESENTATION

Foley & Lardner, whose postal address is 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367, United States of America, is designated as registrant's representative on whom notices or process in proceedings affecting the mark may be served.

POWER OF ATTORNEY AT LAW

Applicant hereby revokes all previous Powers of Attorney herein and hereby appoints Foley & Lardner, and

Russell J. Barron  
Stephen A. Bent  
David A. Blumenthal  
John C. Cooper, III  
Harry C. Engstrom

John J. Feldhaus  
Donald D. Jeffery  
Peter G. Mack  
Malcolm McCaleb, Jr.  
Richard J. McKenna

Sybil Meloy  
James G. Morrow  
Richard L. Schwaab  
Arthur Schwartz  
C. Thomas Sylke

attorneys at law, of 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367, telephone (414) 271-2400, its attorneys in connection with Registration No. 1,708,062. Every member of the firm of Foley & Lardner and every attorney at law associated with that firm is hereby authorized to sign any paper and to conduct any business on behalf of the applicant in connection with this application. It is requested that all correspondence be sent to Richard J. McKenna, Esq., Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367.

SEVEN S.P.A. AT  
CD

Date: 29/07/98

By: Mr. Aldo Di Stasio

Title: Managing Director

CLASS 16



CLASS 18



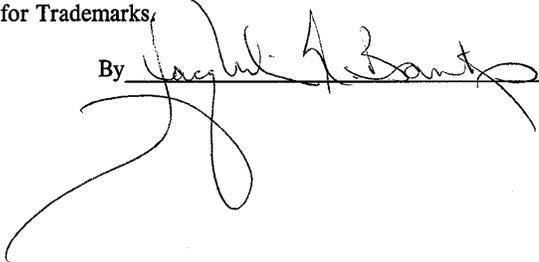
CLASS 25



**CERTIFICATE OF MAILING BY EXPRESS MAIL**

DATE: 8/12/98 EXPRESS MAIL NO. TB 636058170US

I hereby certify that the above-identified declaration and attached documents, pursuant to 37 CFR 1.10, are deposited as "Express Mail" this date with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Trademarks.

By 

# **EXHIBIT B**

BRUSSELS  
CHICAGO  
DENVER  
DETROIT  
JACKSONVILLE  
LOS ANGELES  
MADISON  
MILWAUKEE  
ORLANDO  
SACRAMENTO  
SAN DIEGO/DEL MAR  
SAN FRANCISCO  
TALLAHASSEE  
TAMPA  
WASHINGTON, D.C.  
WEST PALM BEACH

**FOLEY LARDNER**  
ATTORNEYS AT LAW

July 23, 2002

Box POST REG FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Seven S.p.A.  
U.S. Trademark Registration No. 1,708,062  
Mark: **7SEVEN & Design**  
Class(es): 16, 18 and 25  
Registration Date: August 18, 1992  
Our Ref.: 017295-0109

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Dear Sir:

Enclosed are the following:

- Combined Declaration of Use and Application for Renewal Under Sections 8 & 9 for the mark 7SEVEN & Design.
- Filing fee: \$1,500.00 (\$100.00 per class - Section 8)  
(\$400.00 per class - Section 9).
- Specimens: 3 (1 specimen per class).
- Return postcard.

Please date-stamp and return the enclosed postcard to acknowledge receipt of the above materials. Should there be a deficiency in the enclosed filing fee, please charge our deposit account (06-1447) for the difference.

Very truly yours,

  
Mark J. Dilberti

Enclosure(s)

FOLEY & LARDNER  
777 EAST WISCONSIN AVENUE  
MILWAUKEE, WISCONSIN 53202-5367

TEL: 414.271.2400  
FAX: 414.297.4900  
[WWW.FOLEYLARDNER.COM](http://WWW.FOLEYLARDNER.COM)

WRITER'S DIRECT LINE  
414.297.5581

EMAIL ADDRESS  
mdilberti@foleylaw.com

CLIENT/MATTER NUMBER  
017295-0109

001.1265355.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mark: 7SEVEN & Design  
Class(es): 16, 18 and 25  
Reg. No.: 1,708,062  
Reg. Date: August 18, 1992  
Owner: Seven S.p.A.

<p><b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below.</p> <hr/> <p style="text-align: center;">(Printed Name)</p> <hr/> <p style="text-align: center;">(Signature)</p> <hr/> <p style="text-align: center;">(Date of Deposit)</p>
--

**COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENEWAL OF REGISTRATION OF MARK UNDER SECTIONS 8 & 9 OF THE TRADEMARK ACT**

Box POST REG FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

The owner of the above-referenced mark, Seven S.p.A., located at Viale Italia, 73, 10040 Leini (Turin), ITALY, is using the mark in commerce on or in connection with the following goods/services (check one):

- All goods/services identified in the Registration.
- All goods/services identified in the Registration except (identify goods/services to be deleted from Registration): FOOTWEAR\_\_\_\_\_
- All goods/services identified in the Registration except (identify goods/services for which the mark is not currently in use, but for which use is expected to resume): \_\_\_\_\_

(cont'd) Use of the mark in commerce on or in connection with the excepted goods/

services stopped \_\_\_\_\_ and is expected to resume \_\_\_\_\_. Nonuse of the mark as to the excepted goods/services is due to the following special circumstances that excuse nonuse and is not due to an intention to abandon the mark: \_\_\_\_\_

The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as currently used in commerce. Accordingly, the registrant requests that the registration be renewed for the goods/services identified above.

POWER OF ATTORNEY AT LAW

The owner hereby revokes all previous powers of attorney with respect to this registration and appoints the following attorneys of the law firm of FOLEY & LARDNER:

Eric J. Carlson	Mark A. Kassel	Norman J. Rich
Holly N. Derenthal	Bernard L. Kleinke	Charles F. Schill
Mark J. Diliberti	Peter G. Mack	Richard L. Schwaab
Harry C. Engstrom	Richard J. McKenna	Larry L. Shatzer
Bernard P. Friedrichsen	Brian J. McNamara	Stacy L. Taylor
Jeanne M. Gills	Geoffrey M. McNutt	James L. Vana

as its principal attorneys to have full power to submit any post-registration documents with respect to the registration, to transact all business in the United States Patent and Trademark Office in connection therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney. Every member of the firm of FOLEY & LARDNER and every attorney at law associated with that firm is hereby authorized to have associate power of attorney to sign any paper and to conduct any business on behalf of the owner with respect to this registration.

It is requested that all correspondence be directed to:

Mark J. Diliberti  
FOLEY & LARDNER  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5367  
Telephone: (414) 297-5581  
Facsimile: (414) 297-4900

DECLARATION

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

Seven S.p.A.

Date: 18 JULY 2002

By:  \_\_\_\_\_

Name: Mr. ALDO DI STASIO

Title: MANAGING DIRECTOR



**SPECIMENS TO ACCOMPANY APPLICATION FOR RENEWAL**  
**REGISTRANT: SEVEN S.P.A.**  
**REG. NO.: 1,708,062**  
**MARK: 7SEVEN & DESIGN**  
**CLASS 16**

001.645733.1



**SPECIMENS TO ACCOMPANY APPLICATION FOR RENEWAL**  
**REGISTRANT: SEVEN S.P.A.**  
**REG. NO.: 1,708,062**  
**MARK: 7SEVEN & DESIGN**  
**CLASS 18**

001.645733.1



**SPECIMENS TO ACCOMPANY APPLICATION FOR RENEWAL  
REGISTRANT: SEVEN S.P.A.  
REG. NO.: 1,708,062  
MARK: 7SEVEN & DESIGN  
CLASS 25**

001.645733.1

# EXHIBIT C

## Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

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

Input Field	Entered
<b>REGISTRATION NUMBER</b>	1708062
<b>REGISTRATION DATE</b>	08/18/1992
<b>SERIAL NUMBER</b>	74073282
<b>MARK SECTION</b>	
<b>MARK</b>	7SEVEN (stylized and/or with design)
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Bruce S. Londa
<b>FIRM NAME</b>	NORRIS, MCLAUGHLIN & MARCUS, P.A.
<b>STREET</b>	875 THIRD AVENUE
<b>CITY</b>	NEW YORK
<b>STATE</b>	New York
<b>POSTAL CODE</b>	10022
<b>COUNTRY</b>	United States
<b>PHONE</b>	212-808-0700
<b>FAX</b>	212-808-0844
<b>EMAIL</b>	bslonda@nmmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Bruce S. Londa
<b>FIRM NAME</b>	NORRIS, MCLAUGHLIN & MARCUS, P.A.

<b>STREET</b>	875 THIRD AVENUE
<b>CITY</b>	NEW YORK
<b>STATE</b>	New York
<b>POSTAL CODE</b>	10022
<b>COUNTRY</b>	United States
<b>PHONE</b>	212-808-0700
<b>FAX</b>	212-808-0844
<b>EMAIL</b>	bslonda@nmmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	101196-109

**CORRESPONDENCE SECTION (current)**

<b>NAME</b>	BRUCE S. LONDA
<b>FIRM NAME</b>	NORRIS, MCLAUGHLIN & MARCUS, P.A.
<b>STREET</b>	875 THIRD AVENUE
<b>CITY</b>	NEW YORK
<b>STATE</b>	New York
<b>POSTAL CODE</b>	10022
<b>COUNTRY</b>	United States
<b>PHONE</b>	212-808-0700
<b>FAX</b>	212-808-0844
<b>EMAIL</b>	bslonda@nmmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes

**CORRESPONDENCE SECTION (proposed)**

<b>NAME</b>	BRUCE S. LONDA
<b>FIRM NAME</b>	NORRIS, MCLAUGHLIN & MARCUS, P.A.
<b>STREET</b>	875 THIRD AVENUE
<b>CITY</b>	NEW YORK
<b>STATE</b>	New York

<b>POSTAL CODE</b>	10022
<b>COUNTRY</b>	United States
<b>PHONE</b>	212-808-0700
<b>FAX</b>	212-808-0844
<b>EMAIL</b>	bslonda@nmmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	101196-109
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	016
<b>GOODS OR SERVICES</b>	school cases, pencil cases, pen cases, note-books, ball-point pens, exercise books,
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN0-6919320630-123152100 . CLASS 16.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\740\732\74073282\xml1\S890002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	product bearing the mark
<b>INTERNATIONAL CLASS</b>	018
<b>GOODS OR SERVICES TO BE DELETED</b>	
<b>GOODS OR SERVICES TO BE DELETED</b>	shopping bags
<b>GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE</b>	knapsacks, small knapsacks, suitcases, handbags, attache cases, travel bags, school satchels, key holders, wallets, purses, briefcase type document cases,
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN1-6919320630-123152100 . Class 18.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\740\732\74073282\xml1\S890003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	product bearing the mark

<b>INTERNATIONAL CLASS</b>	025
<b>GOODS OR SERVICES</b>	DELETE ENTIRE CLASS
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	SEVEN S.P.A.
<b>STREET</b>	Via Fornacino 96
<b>CITY</b>	Leini, TO
<b>ZIP/POSTAL CODE</b>	10040
<b>COUNTRY</b>	Italy
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	SEVEN S.P.A.
<b>STREET</b>	Via Fornacino 96
<b>CITY</b>	Leini, TO
<b>ZIP/POSTAL CODE</b>	10040
<b>COUNTRY</b>	Italy
<b>EMAIL</b>	bslonda@nmmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>LEGAL ENTITY SECTION (proposed)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Italy
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	3
<b>NUMBER OF CLASSES PAID</b>	2
<b>SUBTOTAL AMOUNT</b>	1000
<b>TOTAL FEE PAID</b>	1000
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/bsl/

<b>SIGNATORY'S NAME</b>	Bruce S. Londa
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York bar member
<b>DATE SIGNED</b>	08/03/2012
<b>SIGNATORY'S PHONE NUMBER</b>	212 808 0700
<b>PAYMENT METHOD</b>	DA
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Fri Aug 03 13:20:55 EDT 2012
<b>TEAS STAMP</b>	USPTO/S08N09-69.193.206.3 0-20120803132055543055-17 08062-490aea5ddbaf5ed1933 6d69cb9ac66354a-DA-9701-2 0120803123152100645

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**Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of  
Registration of a Mark under Sections 8 & 9  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 1708062

**REGISTRATION DATE:** 08/18/1992

**MARK:** (Stylized and/or with Design, 7SEVEN)

The owner, SEVEN S.P.A., a corporation of Italy, having an address of  
Via Fornacino 96  
Leinì, TO, 10040  
Italy

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of  
Registration of a Mark under Sections 8 & 9.

For International Class 016, the mark is in use in commerce on or in connection with **all** goods or services  
listed in the existing registration for this specific class: school cases, pencil cases, pen cases, note-books,  
ball-point pens, exercise books, ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in  
connection with any item in this class, consisting of a(n) product bearing the mark.

**Original PDF file:**

[SPN0-6919320630-123152100 . CLASS 16.pdf](#)

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

[Specimen File1](#)

For International Class 018, this filing does **NOT** cover the following goods or services for this specific  
class listed in the registration, and these goods or services are to be permanently **deleted** from the  
registration: shopping bags

The mark is in use in commerce on or in connection with the following goods or services listed in the  
existing registration for this specific class; or, the owner is making the listed excusable nonuse claim:  
knapsacks, small knapsacks, suitcases, handbags, attache cases, travel bags, school satchels, key holders,  
wallets, purses, briefcase type document cases,

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in  
connection with any item in this class, consisting of a(n) product bearing the mark.

**Original PDF file:**

[SPN1-6919320630-123152100 . Class 18.pdf](#)

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

[Specimen File1](#)

For International Class 025, this filing does **not** cover this specific class. This entire class is to be permanently **deleted** from the registration.

The registrant's current Attorney Information: Bruce S. Londa of NORRIS, MCLAUGHLIN & MARCUS, P.A.

875 THIRD AVENUE  
NEW YORK, New York (NY) 10022  
United States

The registrant's proposed Attorney Information: Bruce S. Londa of NORRIS, MCLAUGHLIN & MARCUS, P.A.

875 THIRD AVENUE  
NEW YORK, New York (NY) 10022  
United States

The docket/reference number is 101196-109.

The phone number is 212-808-0700.

The fax number is 212-808-0844.

The email address is [bslonda@nmmlaw.com](mailto:bslonda@nmmlaw.com).

The registrant's current Correspondence Information: BRUCE S. LONDA of NORRIS, MCLAUGHLIN & MARCUS, P.A.

875 THIRD AVENUE  
NEW YORK, New York (NY) 10022  
United States

The registrant's proposed Correspondence Information: BRUCE S. LONDA of NORRIS, MCLAUGHLIN & MARCUS, P.A.

875 THIRD AVENUE  
NEW YORK, New York (NY) 10022  
United States

The docket/reference number is 101196-109.

The phone number is 212-808-0700.

The fax number is 212-808-0844.

The email address is [bslonda@nmmlaw.com](mailto:bslonda@nmmlaw.com).

A fee payment in the amount of \$1000 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

**Section 8: Declaration of Use and/or Excusable Nonuse in Commerce**

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

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

**Section 9: Application for Renewal**

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

Signature: /bsl/     Date: 08/03/2012  
Signatory's Name: Bruce S. Londa  
Signatory's Position: Attorney of record, New York bar member  
Signatory's Phone Number: 212 808 0700

Mailing Address (**current**):  
NORRIS, MCLAUGHLIN & MARCUS, P.A.  
875 THIRD AVENUE  
NEW YORK, New York 10022

Mailing Address (**proposed**):  
NORRIS, MCLAUGHLIN & MARCUS, P.A.  
875 THIRD AVENUE  
NEW YORK, New York 10022

Serial Number: 74073282  
Internet Transmission Date: Fri Aug 03 13:20:55 EDT 2012  
TEAS Stamp: USPTO/S08N09-69.193.206.30-2012080313205  
5543055-1708062-490aea5ddbaf5ed19336d69c  
b9ac66354a-DA-9701-20120803123152100645

MIRROR  
 CHES/ PENS • MONTRES/ STYLOS A BILLES  
 KUGELSCHREIBER • RELOJES/ BOLIGRAFOS

ing, luminous hands, water-resistant to 30 m (3 atm)  
 eau métallique, aiguilles fluo  
 (3 atm)



zwinde, Leuchtzeiger, Waterproof 30 Meter (3 atm)  
 la de metal, agujas luminiscentes,  
 etros (3 atm)



DISC BALL, POINT PEN  
 brillantine-effect, non-slip grip

STYLO À BILLE DISC  
 irisé -avec segment anti-dérapant

DISC KUGELSCHREIBER  
 Metalisiert und mit rutschfester Einlage

BOLÍGRAFO DISC  
 abillantado, agarre anti-resbaladizo

FASTY MIMETIK pack, marsupial-style  
 Petit sac à dos FASTY MIMETIK, banane fermeture  
 FASTY MIMETIK Rucksäckchen, Gürteltasche  
 Mochilita FASTY MIMETIK, tipo riñonera



BAGGY MIMETIK sack  
 Fourre-tout  
 BAGGY MIMETIK  
 BAGGY MIMETIK  
 Beutel  
 Bolsa BAGGY MIMETIK



## FASTY

## BAGGY



## MIMETIK

MEDIUM MARSUPIAL,  
 2 pockets  
 BANANE MOYENNE,  
 2 poches  
 GÜRTELASCHE MEDIUM,  
 2 Taschen  
 RIÑONERA MEDIANA,  
 2 bolsillos

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

**Registration Number:** 1708062



**Serial Number:** 74073282



**RAM Sale Number:** 9701

**RAM Accounting Date:** 20120803

**Total Fees:** \$1000

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

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20120803	\$100	3	2	\$200
Application for Renewal (§9)	7201	20120803	\$400	3	2	\$800

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

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

**Transaction Date:** 20120803

