

ESTTA Tracking number: **ESTTA671322**

Filing date: **05/08/2015**

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	Columbia Insurance Company
Granted to Date of previous extension	06/03/2015
Address	3024 Harney Street Omaha, NE 68131 UNITED STATES

Attorney information	David Chen IP Attorneys Group, LLC 16 Oxford Road, Second Floor Milford, CT 06460 UNITED STATES dchen@ipattorneysgroup.com, trademark@ipattorneysgroup.com, pbucci@ipattorneysgroup.com, cmiller@ipattorneysgroup.com Phone:2032984830
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Applicant Information

Application No	86200985	Publication date	02/03/2015
Opposition Filing Date	05/08/2015	Opposition Period Ends	06/03/2015
Applicant	Walker, Jeremiah A 1703 cobblestone blvd stockbridge, GA 30281 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2013/01/15 First Use In Commerce: 2013/01/15 Opposed goods and services in the class: footwear, Men's dress socks; Men's socks; Shoes for men
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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.	1947333	Application Date	12/17/1993
Registration Date	01/09/1996	Foreign Priority Date	NONE
Word Mark	BORN		

Design Mark	BØRN		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/03/05 First Use In Commerce: 1994/03/05 footwear		

U.S. Registration No.	3512409	Application Date	04/02/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	BORN Å# CROWN		
Design Mark			
Description of Mark	The mark consists of the stylized words "BÅ,rn" and "Crown" surrounding the character "Å#" featuring a crown design inside the character.		
Goods/Services	Class 025. First use: First Use: 2007/06/00 First Use In Commerce: 2007/06/00 Footwear		

U.S. Registration No.	3542937	Application Date	03/04/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	BORN		
Design Mark			

Description of Mark	The mark consists of the stylized word "BÃrn" featuring a crown design inside the letter "o".
Goods/Services	Class 025. First use: First Use: 1994/06/00 First Use In Commerce: 1994/06/00 Footwear

Attachments	74471830#TMSN.png(bytes) 77438138#TMSN.png(bytes) 77412686#TMSN.png(bytes) NOT OF OPP SN 86200985 - ABB ALMAMADA BRED WINNER BORN KING CLOTHING CO.pdf(285623 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	/David Chen/
Name	David Chen
Date	05/08/2015

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

COLUMBIA INSURANCE COMPANY	:	
	:	Opposition No.: _____
v. Opposer,	:	Application SN 86/200,985
	:	Mark: ABB ALMAMADA BRED
	:	WINNER BORN KING
JEREMIAH A. WALKER	:	CLOTHING CO. & Design
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer, Columbia Insurance Company, a Nebraska Corporation having its principal place of business at 3024 Harney Street, Omaha, NE 68131 ("Opposer"), believes it will be damaged by the allowance and subsequent registration of the mark based upon the above-referenced application, and hereby opposes registration thereof pursuant to Section 13 of the Lanham Act, 15 U.S.C. §1063, alleging as grounds for opposition that:

1. Opposer currently uses the trademark **BORN** on or in connection with footwear and other goods.
2. Opposer, through its licensee, markets footwear and other goods in the United States and elsewhere under the trademark **BORN**.
3. Opposer is the owner of the below listed U.S. Trademark Registrations for its **BORN** marks (attached hereto as the exhibits indicated below are printouts from the TSDR database of Opposer's registrations and made of record in this proceeding pursuant to 37 C.F.R. §2.122(d)(1); hereinafter "Opposer's Marks"):

Mark	Reg. No.	Reg. Date	IC/Goods	TSDR Status
BØRN	1,947,333	01/09/1996	IC 025: footwear	Exhibit A
<i>Børn Crown</i>	3,512,409	10/07/2008	IC 025: footwear	Exhibit B
Børn	3,542,937	12/09/2008	IC 025: footwear	Exhibit C

4. The records of the USPTO indicate that Applicant, Jeremiah A. Walker, is a citizen of the United States with an address of record of 1703 Cobblestone Blvd., Stockbridge, GA 30281-7323.

5. The records of the USPTO indicate that Applicant is the owner of Application Serial No. 86/200,985, filed February 21, 2014, for the following mark in connection with the following goods ("Applicant's Mark"):

Mark	Int'l Class/Goods
	<p>IC 025: A-shirts; athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; athletic pants; athletic shirts; baseball caps and hats; camouflage pants; camouflage shirts; cargo pants; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; coats for men and women; collared shirts; crop pants; denims; dress pants; dress shirts; fashion hats; graphic T-shirts; hats; hats for infants, babies, toddlers and children; hooded sweat shirts; hooded sweatshirts for men; jeggings, namely, pants that are partially jeans and partially leggings; jogging pants; knit shirts; leather hats; leather pants; leather shirts; long-sleeved shirts; lounge pants; men's and women's jackets, coats, trousers, vests; men's dress socks; men's socks; men's suits; men's suits, women's suits; moisture-</p>

	wicking sports pants; night shirts; open-necked shirts; over shirts; pajamas for men; pants; polo shirts; rain hats; ramie shirts; rugby shirts; shirt fronts; shirts; shirts and short-sleeved shirts; shirts for suits; shirts for men; shoes for men; short-sleeved or long-sleeved T-shirts; short-sleeved shirts; shorts for men; sleep pants; sleep shirts; small hats; sport shirts; sports caps and hats; sports shirts; sports shirts with short sleeves; sweat pants; sweat shirts; T-shirts; T-shirts for men; tee shirts; tops for men; track pants; trousers for men; turtle neck shirts
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6. Applicant alleges use in commerce as his filing basis under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a), claiming dates of first use and first use in commerce of January 15, 2013.

7. Opposer's rights in Opposer's Marks and its common law rights in its **BORN** trademarks are prior in time to any date Applicant is entitled to rely upon in this proceeding.

8. Opposer's Registrations Nos. 1,947,333, 3,512,409, and 3,542,937 issued prior to any date Applicant is entitled to rely upon in this proceeding.

9. The specific goods "footwear," "men's dress socks," "men's socks" and "shoes for men" identified in Application Serial No. 86/200,985 ("opposed goods") are identical or closely related to the goods identified in Opposer's Registrations Nos. 1,947,333; 3,512,409; and 3,542,937.

10. In view of the similarities between Opposer's Marks and Applicant's Mark and the fact that Applicant's opposed goods are identical or closely related to Opposer's goods, there is a likelihood that Applicant's opposed goods will be perceived as being sponsored by or affiliated with Opposer.

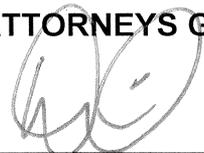
11. Applicant's Mark so resembles Opposer's Marks, as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the opposed goods within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

12. The use and registration of Applicant's Mark in connection with the opposed goods will damage Opposer in the advertising and sale of its goods by causing a likelihood of confusion.

WHEREFORE, Opposer prays that the Trademark Trial and Appeal Board deny registration on Application Serial No. 86/200,985 with respect to the opposed goods "footwear," "men's dress socks," "men's socks" and "shoes for men" and otherwise sustain this opposition with respect to such goods.

Payment in the amount of the required filing fee for opposition in one class is submitted with this Notice of Opposition.

Respectfully submitted,
IP ATTORNEYS GROUP, LLC



Dated: May 8, 2015

By: _____

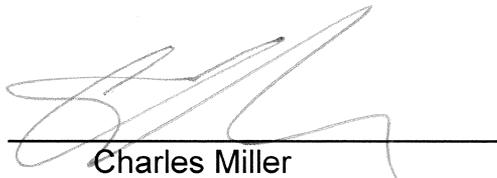
David Chen
16 Oxford Road, 2nd Floor
Milford, CT 06460
Tel: (203) 298-4830
Fax: (203) 298-4832
dchen@ipattorneysgroup.com

Attorneys for Opposer
Columbia Insurance Company

CERTIFICATE OF SERVICE

This hereby certifies that the foregoing **NOTICE OF OPPOSITION** was served via first-class mail, postage prepaid, this 8th day of May, 2015, addressed to Applicant at the address identified in the USPTO records below, with a courtesy copy via email:

Jeremiah A. Walker
1703 Cobblestone Blvd.
Stockbridge, GA 30281-7323
Tel: (347) 258-5171
sharronbrn@yahoo.com



Charles Miller
IP ATTORNEYS GROUP, LLC
16 Oxford Road, 2nd Floor
Milford, CT 06460
Tel: (203) 298-4830
Fax: (203) 298-4832
cmiller@ipattorneysgroup.com

Attorneys for Opposer
Columbia Insurance Company

Exhibit A

Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 22, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 11, 2007	CASE FILE IN TICRS	
Mar. 17, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60132
Mar. 17, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 15, 2006	ASSIGNED TO PARALEGAL	60132
Nov. 07, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 07, 2005	TEAS SECTION 8 & 9 RECEIVED	
Sep. 24, 2002	PAPER RECEIVED	
Jan. 31, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 07, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 09, 1996	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 1995	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 17, 1995	ASSIGNED TO EXAMINER	67604
Sep. 19, 1995	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 19, 1995	EXTENSION 1 GRANTED	
Aug. 25, 1995	USE AMENDMENT FILED	
Aug. 25, 1995	EXTENSION 1 FILED	
Feb. 28, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 06, 1994	PUBLISHED FOR OPPOSITION	
Nov. 04, 1994	NOTICE OF PUBLICATION	
Jun. 28, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 27, 1994	ASSIGNED TO EXAMINER	67604
Jun. 23, 1994	ASSIGNED TO EXAMINER	66593

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 09, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 11, 2007

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: H.H. Brown Shoe Company, Inc.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [1821/0515](#)

Pages: 8

Date Recorded: Nov. 20, 1998

Supporting Documents: [assignment-tm-1821-0515.pdf](#)

Assignor

Name: [H.H. BROWN SHOE COMPANY](#)

Execution Date: Jun. 27, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [COLUMBIA INSURANCE COMPANY](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** NEBRASKA
Address: 3024 HARNEY ST.
OMAHA, NEBRASKA 68131

Correspondent

Correspondent Name: FISH & RICHARDSON P.C.
Correspondent Address: TIMOTHY A. FRENCH
225 FRANKLIN ST.
BOSTON, MA 02110-2804

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RE-RECORD TO CORRECT THE NAME OF THE ASSIGNOR, PREVIOUSLY RECORDED ON 1821 FRAME 0515 ON 11/20/1998, ASSIGNOR CONFIRMS THE ASSIGNMENT OF THE ENTIRE INTEREST.

Reel/Frame: [1922/0063](#) **Pages:** 11

Date Recorded: Apr. 27, 1999

Supporting Documents: [assignment-tm-1922-0063.pdf](#)

Assignor

Name: [H.H. BROWN SHOE COMPANY, INC.](#) **Execution Date:** Jun. 27, 1998
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [COLUMBIA INSURANCE COMPANY](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** NEBRASKA
Address: 3024 HARNEY STREET
OMAHA, NEBRASKA 68131

Correspondent

Correspondent Name: FISH & RICHARDSON P.C.
Correspondent Address: TIMOTHY A. FRENCH, ESQ.
225 FRANKLIN STREET
BOSTON, MASSACHUSETTS 02110-2804

Domestic Representative - Not Found

Exhibit B

Generated on: This page was generated by TSDR on 2015-05-06 14:18:37 EDT

Mark: BORN Ø CROWN



US Serial Number: 77438138
US Registration Number: 3512409
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Sep. 26, 2014
Publication Date: Jul. 22, 2008

Application Filing Date: Apr. 02, 2008
Registration Date: Oct. 07, 2008
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: BORN Ø CROWN
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the stylized words "Børn" and "Crown" surrounding the character "Ø" featuring a crown design inside the character.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 24.11.01 - Crowns closed at the top

Related Properties Information

Claimed Ownership of US Registrations: 1947333, 2894288, 3093916 and others

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: Footwear
International Class(es): 025 - Primary Class
U.S Class(es): 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 2007
Use in Commerce: Jun. 2007

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Columbia Insurance Company
Owner Address: 3024 Harney Street
Omaha, NEBRASKA 68131
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEBRASKA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David Chen

Docket Number: 00006-T0380A

Correspondent

Correspondent Name/Address: David Chen
IP Attorneys Group, LLC
16 OXFORD ROAD, 2ND FLOOR
MILFORD, CONNECTICUT 06460-3823
UNITED STATES

Phone: 203-298-4830

Fax: 203-298-4832

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 26, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Sep. 26, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Sep. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Sep. 17, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 22, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 22, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 21, 2011	CERTIFICATE OF CORRECTION ISSUED	67723
Jun. 21, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jun. 16, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 07, 2008	REGISTERED-PRINCIPAL REGISTER	
Jul. 22, 2008	PUBLISHED FOR OPPOSITION	
Jul. 02, 2008	NOTICE OF PUBLICATION	
Jun. 18, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Jun. 16, 2008	ASSIGNED TO LIE	78289
Jun. 16, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 12, 2008	ASSIGNED TO EXAMINER	76615
Apr. 08, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 07, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, lines 1-4, are deleted, and Columbia Insurance Company (Nebraska corporation) 3024 Harney Street Omaha Nebraska 68131 should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Sep. 26, 2014

Exhibit C

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Mark: BORN



US Serial Number: 77412686
US Registration Number: 3542937
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Oct. 20, 2014
Publication Date: Sep. 23, 2008

Application Filing Date: Mar. 04, 2008
Registration Date: Dec. 09, 2008
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: BORN
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the stylized word "Børn" featuring a crown design inside the letter "o".
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 24.11.01 - Crowns closed at the top
26.17.01 - Bars, straight; Lines, straight; Bands, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Related Properties Information

Claimed Ownership of US Registrations: 1947333, 2894288, 3093916 and others

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: Footwear
International Class(es): 025 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 1994

U.S Class(es): 022, 039
Use in Commerce: Jun. 1994

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Columbia Insurance Company
Owner Address: 3024 Harney Street
Omaha, NEBRASKA 68131
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEBRASKA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David Chen

Docket Number: 00006-T0027A

Correspondent

Correspondent Name/Address: David Chen
IP Attorneys Group, LLC
16 OXFORD ROAD, 2ND FLOOR
MILFORD, CONNECTICUT 06460-3823
UNITED STATES

Phone: 203-298-4830

Fax: 203-298-4832

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 20, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Oct. 20, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Oct. 20, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Oct. 10, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 22, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 22, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 21, 2011	CERTIFICATE OF CORRECTION ISSUED	68335
Jun. 20, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jun. 16, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 09, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 23, 2008	PUBLISHED FOR OPPOSITION	
Sep. 03, 2008	NOTICE OF PUBLICATION	
Aug. 21, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Aug. 21, 2008	ASSIGNED TO LIE	78413
Aug. 14, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 13, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 13, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 13, 2008	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 16, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 16, 2008	LETTER OF SUSPENSION E-MAILED	6332
Jun. 16, 2008	SUSPENSION LETTER WRITTEN	76615
Jun. 12, 2008	ASSIGNED TO EXAMINER	76615
Mar. 08, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 07, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, line 1, " Delaware " should be deleted, and Nebraska should be inserted.

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Oct. 20, 2014