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

Proceeding	91223205
Party	Plaintiff Color Image Apparel, Inc.
Correspondence Address	Lindsay Hulley Rutan & Tucker, LLP 611 Anton Boulevard14th Floor Costa Mesa, CA 92626 UNITED STATES trademarks@rutan.com
Submission	Other Motions/Papers
Filer's Name	Lindsay J. Hulley
Filer's e-mail	lhulley@rutan.com, trademarks@rutan.com
Signature	/Lindsay J. Hulley/
Date	09/03/2015
Attachments	BELLA MOD Notice of Ineffective Service.pdf(137555 bytes) BELLA MOD Exhibit A.pdf(453379 bytes)

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

Color Image Apparel, Inc.,

Opposer,

v.

Mary T. Thomas-Spruill, DBA Bella
Mod LLC,

Applicant.

Opposition No.: 91223205

Serial No.: 85/933,604

Mark: BELLA MOD

NOTICE OF INEFFECTIVE SERVICE

On August 10, 2015, opposer, Color Image Apparel, Inc. (hereinafter “Opposer”), though its attorney of record, served its Notice of Opposition to registration of the mark BELLA MOD, as shown in Application Serial No. 85/933,604 on applicant Mary T. Thomas-Spruill, DBA Bella Mod LLC (“Applicant”), and her attorney of record by first class service.

On August 29, 2015, Opposer’s attorney of record was informed that service on Applicant was ineffective after receiving notice from the U.S. Postal Service that the Notice of Opposition was returned as undeliverable to Applicant’s address of record. A copy of the notice issued by the U.S. Postal Service is attached hereto as Exhibit A.

Opposer brings this information to the Trademark Trial and Appeal Board’s attention in compliance with the Board’s Order issued in this matter on August 10, 2015.

Dated: September 3, 2015

Respectfully submitted,

/Lindsay J. Hulley/

Lindsay J. Hulley

RUTAN & TUCKER, LLP

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Attorneys for Opposer

Color Image Apparel, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is one of the attorneys for Opposer Color Image Apparel, Inc., in the above-captioned Opposition proceeding and that on the date which appears below, she caused a copy of the foregoing **NOTICE OF INEFFECTIVE SERVICE** to be served on the following with the United States Postal Service with fully pre-paid postage by first class mail service:

Applicant:

Mary T. Thomas-Spruill
DBA Bella Mod LLC
Ste. 8, Box 193
3575 Bridge Road
Suffolk, Virginia 23435

Applicant's Attorney of Record:

Erik M. Pelton
Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210

Dated: September 3, 2015
Costa Mesa, California

/Lindsay J. Hulley/
Lindsay J. Hulley

EXHIBIT A

neopost
08/10/2015
US POSTAGE \$002.96

FIRST-CLASS MAIL
ZIP 92626
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RUTAN
RUTAN & TUCKER, LLP

Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
P.O. Box 1950
Costa Mesa, CA 92626

Return to Sender

To: Lindsay Halley

To ⇒ Mary T. Thomas-Spruill
DBA Bella Mod LLC
Ste. 8, Box 193
3575 Bridge Road
Suffolk, Virginia 23435

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