

ESTTA Tracking number: **ESTTA706231**

Filing date: **11/03/2015**

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	Birchbox, Inc.
Granted to Date of previous extension	11/04/2015
Address	28 East 28th Street, 12th floor New York, NY 10016 UNITED STATES
Attorney information	Kenneth M. Kwartler Ken Kwartler Law Office 5300 Meadows Road, Suite 200 Lake Oswego, OR 97035 UNITED STATES Ken@KwartlerLaw.com, docketing@kelly-ip.com, linda.mcleod@kelly-ip.com, molly.brownfield@kelly-ip.com

Applicant Information

Application No	86164031	Publication date	07/07/2015
Opposition Filing Date	11/03/2015	Opposition Period Ends	11/04/2015
Applicant	BirdieBox LLC 240 West 30th Street New York, NY 10001 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pre-packaged golf subscription boxes sold as a unit consisting primarily of golf balls and golf tees and also containing golf-related merchandise, namely, golfgloves, golf attire in the nature of pants, shirt and shorts, golf hats and visors, golf towels, golf club covers, divot repair tools, golf ball markers, golf magazines, as well as other products that relate to the needs of golfers on and off the golf course, namely, wireless phone chargers, wireless speakers, and travel bags</p>
<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: On-line retail store services in the field of golf and golf lifestyle products; consumer subscription services in the field of golf and golf lifestyle products; promoting the goods and services of others by providing a web site featuring information, reviews and advice about products, discounts and coupons, and links to the web sites of others, all in the field of golf and golf lifestyle products; providing commercial information regarding customer preferences and product usage concerning golf and golf lifestyle products; merchandising services for assembling pre-packaged gift boxes provided to attendees or participants at golf tournaments and corporate events</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3949015	Application Date	03/01/2010
Registration Date	04/19/2011	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/09/08 First Use In Commerce: 2010/09/08 On-line retail store services in the field of beauty products; consumer membership program entitling the participants to receive product samples and discounts in the field of beauty products; promoting the goods and services of others by providing a web site featuring price-comparison information, product reviews, information on trends, how-to articles and videos, discounts, and links to the retail web sites of others, all in the field of beauty products; collecting, analyzing, processing and providing customer preference and product usage data, to providers of beauty products		

U.S. Registration No.	4572722	Application Date	07/01/2011
Registration Date	07/22/2014	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2011/04/19 First Use In Commerce: 2011/04/19		

	<p>On-line retail store services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; consumer membership program services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; promoting the goods and services of others by providing a web site featuring product information and reviews, information about practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; collecting, analyzing, processing and providing customer preference and product usage data to providers of food products, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations</p>
--	--

U.S. Registration No.	4664890	Application Date	04/03/2014
Registration Date	12/30/2014	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2014/07/12 First Use In Commerce: 2014/07/12 Retail store services featuring cosmetic, beauty, perfumery, make-up, toiletry, lifestyle, skin, hair and personal care products and accessories, bath and body products and accessories, tea, apparel, bags, housewares, home accessories, tableware, watches, jewelry, candles and stationery</p> <p>Class 044. First use: First Use: 2014/07/12 First Use In Commerce: 2014/07/12 Providing on-site beauty services, namely, hair styling, nail care and make-up application services, and beauty consultation services</p>		

U.S. Registration No.	4096349	Application Date	07/06/2011
Registration Date	02/07/2012	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		

Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2011/04/19 First Use In Commerce: 2011/04/19 Bags, namely textile shopping bags and pouches for holding cosmetics and other personal items		

U.S. Registration No.	4628983	Application Date	07/05/2011
Registration Date	10/28/2014	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2014/07/12 First Use In Commerce: 2014/07/12 Apparel, namely, t-shirts, shirts, leggings		

U.S. Registration No.	4684980	Application Date	06/29/2011
Registration Date	02/10/2015	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		

Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2014/08/12 First Use In Commerce: 2014/08/12 cosmetic brushes		

U.S. Registration No.	4704015	Application Date	06/29/2011
Registration Date	03/17/2015	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2013/07/02 First Use In Commerce: 2013/07/02 Hair accessories, namely, bobby pins		

U.S. Registration No.	4096342	Application Date	07/01/2011
Registration Date	02/07/2012	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark	 BIRCHBOX		
Description of Mark	The mark consists of a stylized depiction of a box featuring an outer surface pattern resembling birch bark, followed by the word BIRCHBOX.		
Goods/Services	Class 035. First use: First Use: 2010/09/08 First Use In Commerce: 2010/09/08		

	On-line retail store services in the field of beauty products; consumer membership program services in the field of beauty products; promoting the goods and services of others by providing a web sitefeaturing information, reviews and advice about products, practices and trends,how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the field of beauty products; collecting, analyzing, processingand providing customer preference and product usage information to providers ofbeauty products
--	---

U.S. Registration No.	4572723	Application Date	07/01/2011
Registration Date	07/22/2014	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	
-------------	--

Description of Mark	The mark consists of a stylized depiction of a box featuring an outer surface pattern resembling birch bark, followed by the word BIRCHBOX.
---------------------	---

Goods/Services	Class 035. First use: First Use: 2011/04/19 First Use In Commerce: 2011/04/19 On-line retail store services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry,soaps, perfumery, cosmetics, stationeryand party decorations; consumer membership program services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and partydecorations; promoting the goods and services of others by providing a web sitefeaturing product information and reviews, information about practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware,clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; collecting, analyzing, processing and providing customer preference and product usage data to providers of food products, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations
----------------	--

U.S. Application No.	86503398	Application Date	01/14/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Coasters of cardboard; Coasters of paper; Paper party decorations; Stationery		

U.S. Application No.	86503313	Application Date	01/14/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark	<h1>BIRCHBOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 0 First Use In Commerce: 0 Paper photo frames; Picture frames		

U.S. Application No.	86503237	Application Date	01/14/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark	<h1>BIRCHBOX</h1>		
-------------	-------------------	--	--

Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0 Clocks; Jewelry; Watches

U.S. Application No.	86506048	Application Date	01/16/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	
-------------	--

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Cosmetics

U.S. Application No.	86503338	Application Date	01/14/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	
-------------	--

Description of Mark	NONE
Goods/Services	Class 008. First use: First Use: 0 First Use In Commerce: 0 Cutlery; Eyelash curlers

U.S. Application No.	86682246	Application Date	07/02/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2014/10/17 First Use In Commerce: 2014/10/17 downloadable software in the nature of applications for mobile phone and smart phones, namely, software that enables users to access and provide information, commentary, product reviews, discount information and links to the web sites of others, and to purchase goods and services

U.S. Application No.	86774527	Application Date	10/01/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark	
-------------	--

Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.
---------------------	---

Goods/Services	Class 008. First use: First Use: 0 First Use In Commerce: 0 Cutlery; Eyelash curlers
----------------	--

U.S. Application No.	86774525	Application Date	10/01/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX
-----------	----------

Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0 Clocks; Jewelry; Watches		

U.S. Application No.	86774528	Application Date	10/01/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 All-purpose carrying bags; Carry-all bags; Clutch bags; Cosmetic bags sold empty; Make-up bags sold empty; Toiletry bags sold empty; Tote bags		

U.S. Application No.	86774522	Application Date	10/01/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BIRCHBOX		
-----------	----------	--	--

Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 020. First use: First Use: 0 First Use In Commerce: 0 Picture and photograph frames		

U.S. Application No.	86770742	Application Date	09/28/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		
Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 021. First use: First Use: 2014/08/12 First Use In Commerce: 2014/08/12 Cosmetic brushes; Make-up brushes		

U.S. Application No.	86770387	Application Date	09/28/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		

Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 025. First use: First Use: 2014/07/12 First Use In Commerce: 2014/07/12 Leggings; Shirts; Sweat shirts; Sweatpants; T-shirts; Tank tops		

U.S. Application No.	86774518	Application Date	10/01/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BIRCHBOX		
Design Mark			
Description of Mark	The mark consists of the name "BIRCHBOX" followed by a diamond shape.		
Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Coasters of cardboard; Coasters of paper; Gift boxes containing note cards; Greeting cards; Paper party decorations; Stationery		

Attachments	77947655#TMSN.png(bytes) 85361349#TMSN.png(bytes) 86242099#TMSN.png(bytes) 85363653#TMSN.png(bytes) 85363641#TMSN.png(bytes) 85360109#TMSN.png(bytes) 85360108#TMSN.png(bytes) 85361348#TMSN.png(bytes) 85361354#TMSN.png(bytes) 86503398#TMSN.png(bytes) 86503313#TMSN.png(bytes) 86503237#TMSN.png(bytes) 86506048#TMSN.png(bytes) 86503338#TMSN.png(bytes)
-------------	--

	86682246#TMSN.png(bytes) 86774527#TMSN.png(bytes) 86774525#TMSN.png(bytes) 86774528#TMSN.png(bytes) 86774522#TMSN.png(bytes) 86770742#TMSN.png(bytes) 86770387#TMSN.png(bytes) 86774518#TMSN.png(bytes) Notice of Opposition.pdf(280002 bytes)
--	---

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	/Kenneth M. Kwartler/
Name	Kenneth M. Kwartler
Date	11/03/2015

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

<p>BIRCHBOX, INC.,</p> <p style="text-align: center;">Opposer,</p> <p>v.</p> <p>BIRDIEBOX, LLC</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p> <p>Serial No. 86/164031</p> <p>Mark: BIRDIEBOX</p>
--	--

NOTICE OF OPPOSITION

United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Birchbox, Inc., a Delaware corporation (“Birchbox” or “Opposer”) located at 28 East 28th Street, 12th floor, New York, NY 10016, believes that it will be damaged by the registration of the mark BIRDIEBOX (“Applicant’s Mark”), as shown in U.S. Trademark Application Serial No. 86/164031 (“Applicant’s Application”), filed on January 13, 2014 by Birdiebox LLC (“Applicant”), and published in the United States Patent and Trademark Office’s Official Gazette on July 7, 2015, and Opposer hereby opposes said application.

As grounds for opposition, Opposer alleges:

1. Since at least as early as 2010, Opposer has offered goods and on-line retail, promotional, informational, consumer membership program, consumer preference and product usage analysis and reporting, and other services relating to beauty, health, nutrition, lifestyle, technology, information, fitness and sport, and other goods under Opposer’s BIRCHBOX trademark.

2. As a result of Opposer’s ingenuity, skill, expertise, creativity, effort, advertising, marketing, promotion and provision of high-quality goods and services, the

public and the trade have come to recognize Opposer's BIRCHBOX trademark as signifying Opposer and its goods and services.

3. Opposer currently owns nine United States Trademark Registrations covering Opposer's BIRCHBOX trademark and variations thereof in six different international classes, including the following valid and subsisting registrations set forth below. (True and correct printouts of these registrations from the PTO TSDR and assignment database are attached as Exhibit A):

Mark	Reg. No.	Cl.	Appl. Date	Reg. Date	Goods/Services
BIRCHBOX	3,949,015	35	3/1/2010	8/19/2011	On-line retail store services in the field of beauty products; consumer membership program entitling the participants to receive product samples and discounts in the field of beauty products; promoting the goods and services of others by providing a web site featuring price-comparison information, product reviews, information on trends, how-to articles and videos, discounts, and links to the retail web sites of others, all in the field of beauty products; collecting, analyzing, processing and providing customer preference and product usage data, to providers of beauty products.
BIRCHBOX	4,572,722	35	7/1/2011	7/22/2014	On-line retail store services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; consumer membership program services

					in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; promoting the goods and services of others by providing a web site featuring product information and reviews, information about practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; collecting, analyzing, processing and providing customer preference and product usage data to providers of food products, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations.
BIRCHBOX	4,664,890	35 & 44	4/3/2014	12/30/2014	Retail store services featuring cosmetic, beauty, perfumery, make-up, toiletry, lifestyle, skin, hair and personal care products and accessories, bath and body products and accessories, tea, apparel, bags, housewares, home accessories, tableware, watches, jewelry, candles and stationery. Providing on-site beauty

					services, namely, hair styling, nail care and make-up application services, and beauty consultation services.
BIRCHBOX	4,096,349	18	7/6/2011	2/7/2012	Bags, namely textile shopping bags and pouches for holding cosmetics and other personal items.
BIRCHBOX	4,628,983	25	7/5/2011	10/28/2014	Apparel, namely t-shirts, shirts and leggings.
BIRCHBOX	4,684,980	21	6/29/2011	2/10/2015	Cosmetic brushes
BIRCHBOX	4,704,015	26	6/29/2011	3/17/2015	Hair accessories, namely bobby pins
BIRCHBOX & Design	4,096,342	35	7/1/2011	2/7/2012	On-line retail store services in the field of beauty products; consumer membership program services in the field of beauty products; promoting the goods and services of others by providing a web site featuring information, reviews and advice about products, practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the field of beauty products; collecting, analyzing, processing and providing customer preference and product usage information to providers of beauty products.
BIRCHBOX & Design	4,572,723	35	7/1/2011	7/22/2014	On-line retail store services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; consumer membership program services in the fields of food, tea, non-

					alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; promoting the goods and services of others by providing a web site featuring product information and reviews, information about practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; collecting, analyzing, processing and providing customer preference and product usage data to providers of food products, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations
--	--	--	--	--	---

4. Each of the above registrations is currently valid and subsisting. Each registration constitutes prima facie evidence of the validity of the registered mark, of the registration thereof, and of Opposer’s ownership of the marks shown therein as provided in Section 33(a) of the Trademark Act.

5. In addition to these registrations, the USPTO has issued Notices of Allowance to Opposer covering five other pending applications to register Opposer’s BIRCHBOX trademark in five additional international classes as set forth below. (True and correct printouts of these applications and Notices of Allowance from the PTO TSDR and assignment databases are attached as Exhibit B.)

Mark	Appl. No.	Cl.	Appl. Date	Allowance Date	Goods/Services
BIRCHBOX	86 503398	16	1/14/2015	7/28/2015	Stationery, paper party decorations, coasters of paper, coasters of cardboard.
BIRCHBOX	86 503313	20	1/14/2015	7/28/2015	Paper photo frames, picture frames.
BIRCHBOX	86 503237	14	1/14/2015	7/28/2015	Jewelry, clocks, watches
BIRCHBOX	86 506048	3	1/16/2015	7/28/2015	Cosmetics
BIRCHBOX	86 503338	8	1/14/2015	7/28/2015	Cutlery; eyelash curlers

6. In addition to the above-cited Opposer's registrations and Opposer's applications to which the USPTO has issued Notices of Allowance, Opposer also owns eight additional pending applications covering its BIRCHBOX trademark in eight different international classes as set forth below. (True and correct printouts of these applications from the PTO TSDR and assignment databases are attached as Exhibit C.)

Mark	Appl. No.	Cl.	Appl. Date	Goods/Services
BIRCHBOX	86 682246	9	7/2/2015	Downloadable software in the nature of applications for mobile phone and smart phones, namely, software that enables users to access and provide information, commentary, product reviews, discount information and links to the web sites of others, and to purchase goods and services
BIRCHBOX & Design	86 774527	8	10/1/2015	Cutlery; eyelash curlers
BIRCHBOX & Design	86 774525	14	10/1/2015	Jewelry; clocks; watches
BIRCHBOX & Design	86 774518	16	10/1/2015	Coasters of cardboard; Coasters of paper; Gift boxes containing note cards; Greeting cards; Paper party decorations; Stationery
BIRCHBOX & Design	86 774528	18	10/1/2015	All-purpose carrying bags; Carry-all bags; Clutch bags; Cosmetic bags sold empty; Make-up bags sold empty; Toiletry bags sold empty; Tote bags
BIRCHBOX	86	20	10/1/2015	Picture & photograph frames

& Design	774522			
BIRCHBOX & Design	86 770742	21	9/28/2015	Cosmetic brushes; makeup brushes
BIRCHBOX & Design	86 770387	25	9/28/2015	Leggings, shirts, sweatshirts, sweatpants, t-shirts, tank tops.

7. By virtue of Opposer's extensive use, sales and promotion, Opposer also owns common law rights in and to its BIRCHBOX trademark for goods and services in various fields, including beauty, fitness, sport, health, nutrition, technology, informational and lifestyle products and services, printed materials and publications, and retail, informational and other services.

8. On January 13, 2014, Applicant filed Applicant's Application based on an intent to use the mark BIRDIEBOX.

9. Opposer's use and registration of Opposer's BIRCHBOX trademark predate Applicant's filing date of Applicant's Application.

10. Applicant's Application was published for opposition in the Official Gazette on July 7, 2015. On July 16, 2015, Opposer requested, and the United States Patent and Trademark Office Trademark Trial and Appeal Board granted, a 90-day extension of time to oppose Applicant's Application.

11. Applicant's Application should be denied on the grounds of Opposer's prior use and registration of Opposer's BIRCHBOX mark. Applicant's Mark is confusingly similar to Opposer's BIRCHBOX mark, and Applicant's use and registration of Applicant's Mark is likely to cause confusion or mistake in the minds of the public and/or to lead the public and prospective purchasers to believe that Applicant's goods and/or services are those of Opposer (or vice versa), and/or that Applicant and/or Applicant's goods and/or services are endorsed or sponsored by, or are otherwise affiliated or connected with Opposer, all to the damage and injury of the purchasing public and Opposer. Accordingly, Applicant's Application should be denied on the grounds of likelihood of confusion with Opposer's prior BIRCHBOX mark.

WHEREFORE, Opposer files this Notice of Opposition and prays that Application Serial No. 86/164031 be rejected, that no registration be issued thereupon to Applicant, that this Opposition be sustained in favor of Opposer, and for such other and

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served by First Class Mail, postage prepaid, on November 3, 2015, upon Applicant's Counsel of Record at the following correspondence address of record:

BirdieBox LLC
240 West 30th Street
New York, NEW YORK 10001

DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO, FL 32801

/Jacob T. Mersing/
Jacob T. Mersing
Senior Legal Assistant

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-11-03 10:58:23 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 77947655
Application Filing Date: Mar. 01, 2010
US Registration Number: 3949015
Registration Date: Apr. 19, 2011
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 19, 2011
Publication Date: Aug. 24, 2010
Notice of Allowance Date: Oct. 19, 2010

Mark Information

Mark Literal Elements: BIRCHBOX
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

International Registration Number: 1087226
International Application(s) /Registration(s) Based on this Property: A0025270/1087226

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: On-line retail store services in the field of beauty products; consumer membership program entitling the participants to receive product samples and discounts in the field of beauty products; promoting the goods and services of others by providing a web site featuring price-comparison information, product reviews, information on trends, how-to articles and videos, discounts, and links to the retail web sites of others, all in the field of beauty products; collecting, analyzing, processing and providing customer preference and product usage data, to providers of beauty products

International Class(es): 035 - Primary Class
U.S Class(es): 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 08, 2010
Use in Commerce: Sep. 08, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: BIRCHBOX, INC.
Owner Address: 307 7th Avenue
Room 2001
New York, NEW YORK UNITED STATES 10001
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Oliver R. Chernin **Docket Number:** 3108.000
Attorney Primary Email Address: ochernin@mclaughlinstern.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: OLIVER R. CHERNIN
MCLAUGHLIN & STERN, LLP
260 MADISON AVE
FL 17
NEW YORK, NEW YORK UNITED STATES 10016-2404
Phone: 212 448-1100 **Fax:** 212 448-0066
Correspondent e-mail: ochernin@mclaughlinstern.com **Correspondent e-mail Authorized:** No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2014	COUNTERCLAIM OPP. NO. 999999	216943
Jul. 05, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 05, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 19, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 18, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 17, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Mar. 15, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 14, 2011	STATEMENT OF USE PROCESSING COMPLETE	65362
Feb. 24, 2011	USE AMENDMENT FILED	65362
Mar. 14, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Feb. 24, 2011	TEAS STATEMENT OF USE RECEIVED	
Oct. 20, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 19, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 24, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 24, 2010	PUBLISHED FOR OPPOSITION	
Jul. 21, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jul. 21, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 02, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Jul. 02, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Jul. 02, 2010	ASSIGNED TO LIE	69712
Jun. 14, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 10, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2010	NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2010	NON-FINAL ACTION WRITTEN	75571
Jun. 03, 2010	ASSIGNED TO EXAMINER	75571
Mar. 05, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 04, 2010	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: Mar. 17, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: BIRCHBOX, INC.

Assignment 1 of 2

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE DATE: 06182010

Reel/Frame: [4296/0847](#)

Pages: 3

Date Recorded: Oct. 15, 2010

Supporting Documents: [assignment-tm-4296-0847.pdf](#)**Assignor**Name: [BIRCHBOX, LLC](#)

Execution Date: Oct. 14, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

AssigneeName: [BARNA, HAYLEY](#)

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Address: 17 TALLWOODS ROAD
ARMONK, NEW YORK 10504**Correspondent**

Correspondent Name: OLIVER R. CHERNIN

Correspondent Address: 260 MADISON AVENUE
MCLAUGHLIN & STERN, LLP
NEW YORK, NY 10016**Domestic Representative - Not Found****Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4297/0346](#)

Pages: 3

Date Recorded: Oct. 15, 2010

Supporting Documents: [assignment-tm-4297-0346.pdf](#)**Assignor**Name: [BARNA, HAYLEY](#)

Execution Date: Oct. 14, 2010

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

AssigneeName: [BIRCHBOX, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 17 TALLWOODS ROAD
ARMONK, NEW YORK 10504**Correspondent**

Correspondent Name: OLIVER R. CHERNIN

Correspondent Address: 260 MADISON AVENUE
MCLAUGHLIN & STERN, LLP
NEW YORK, NY 10016**Domestic Representative - Not Found****Proceedings****Summary**

Number of Proceedings: 2

Type of Proceeding: OppositionProceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL UNITED STATES , 32801Correspondent e-mail: DWall@qpwblaw.com**Associated marks**

Serial

Registration

Mark	Application Status	Number	Number
BIRDIEBOX	Opposition Pending	86074477	
Plaintiff(s)			

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR UNITED STATES , 97035

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015	

23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015
25	STIP FOR EXT	Aug 20, 2015
26	EXTENSION OF TIME GRANTED	Aug 20, 2015
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015
28	UNDELIVERABLE MAIL	Sep 21, 2015
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015
30	EXTENSION OF TIME GRANTED	Sep 23, 2015

Type of Proceeding: Opposition

Proceeding Number: [91205659](#)

Filing Date: Jun 18, 2012

Status: Terminated

Status Date: Nov 16, 2012

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Birch Beauty, LLC

Correspondent Address: LAURA J WINSTON
LAW OFFICE OF LAURA J WINSTON
52 MAIN STREET
Hastings-on-Hudson NY UNITED STATES , 10706

Correspondent e-mail: tmdocket@winstoniplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCH BEAUTY FAMILY	Abandoned - After Inter-Partes Decision	85334952	

Plaintiff(s)

Name: Birchbox, Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD SUITE 200
LAKE OSWEGO OR UNITED STATES , 97035

Correspondent e-mail: ken@kwartlerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361348	4096342

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2012	Jul 28, 2012
3	PENDING, INSTITUTED	Jun 18, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 20, 2012	
5	SUSPENDED	Jul 20, 2012	
6	NOTICE OF DEFAULT	Oct 01, 2012	
7	BOARD'S DECISION: SUSTAINED	Nov 16, 2012	
8	TERMINATED	Nov 16, 2012	

Generated on: This page was generated by TSDR on 2015-11-03 10:59:07 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 85361349 Application Filing Date: Jul. 01, 2011
US Registration Number: 4572722 Registration Date: Jul. 22, 2014
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 22, 2014
Publication Date: Nov. 22, 2011 Notice of Allowance Date: Jan. 17, 2012

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015

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: On-line retail store services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; consumer membership program services in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; promoting the goods and services of others by providing a web site featuring product information and reviews, information about practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the fields of food, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations; collecting, analyzing, processing and providing customer preference and product usage data to providers of food products, tea, non-alcoholic beverages, apparel, belts, bags, home accessories, tableware, clocks, watches, jewelry, soaps, perfumery, cosmetics, stationery and party decorations

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 19, 2011

Use in Commerce: Apr. 19, 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 Meadows Road
Suite 200
LAKE OSWEGO, OREGON 97035-8630
UNITED STATES

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2014	COUNTERCLAIM OPP. NO. 999999	216943
Jul. 22, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 17, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 14, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 09, 2014	STATEMENT OF USE PROCESSING COMPLETE	69302
Jun. 06, 2014	USE AMENDMENT FILED	69302
Jun. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Jan. 28, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 27, 2014	EXTENSION 4 GRANTED	69302
Jan. 17, 2014	EXTENSION 4 FILED	69302
Jan. 17, 2014	TEAS EXTENSION RECEIVED	
Jul. 11, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 10, 2013	EXTENSION 3 GRANTED	69302
Jul. 08, 2013	EXTENSION 3 FILED	69302
Jul. 08, 2013	TEAS EXTENSION RECEIVED	
Jan. 15, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 14, 2013	EXTENSION 2 GRANTED	69302
Jan. 11, 2013	EXTENSION 2 FILED	69302
Jan. 11, 2013	TEAS EXTENSION RECEIVED	
Aug. 04, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 03, 2012	EXTENSION 1 GRANTED	69302
Jul. 17, 2012	EXTENSION 1 FILED	69302
Jul. 27, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 17, 2012	TEAS EXTENSION RECEIVED	
Jul. 16, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 09, 2011	NOTICE OF PSEUDO MARK MAILED	

Jul. 08, 2011

NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Jul. 05, 2011

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: Jun. 16, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801
UNITED STATES

Correspondent e-mail: DWall@qpwblaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015	
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015	
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015	
25	STIP FOR EXT	Aug 20, 2015	
26	EXTENSION OF TIME GRANTED	Aug 20, 2015	
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015	
28	UNDELIVERABLE MAIL	Sep 21, 2015	
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015	
30	EXTENSION OF TIME GRANTED	Sep 23, 2015	

Generated on: This page was generated by TSDR on 2015-11-03 10:59:59 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86242099 Application Filing Date: Apr. 03, 2014
US Registration Number: 4664890 Registration Date: Dec. 30, 2014
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 30, 2014
Publication Date: Aug. 12, 2014 Notice of Allowance Date: Oct. 07, 2014

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096342, 4096349

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 cosmetic, beauty, perfumery, make-up, toiletry, lifestyle, skin, hair and personal care products and accessories, bath and body products and accessories, tea, apparel, bags, housewares, home accessories, tableware, watches, jewelry, candles and stationery

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 12, 2014

Use in Commerce: Jul. 12, 2014

For: Providing on-site beauty services, namely, hair styling, nail care and make-up application services, and beauty consultation services

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 12, 2014

Use in Commerce: Jul. 12, 2014

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS RD STE 200
LAKE OSWEGO, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 30, 2014	REGISTERED-PRINCIPAL REGISTER	
Nov. 25, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 24, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 03, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Oct. 10, 2014	USE AMENDMENT FILED	70565
Nov. 03, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Oct. 10, 2014	TEAS STATEMENT OF USE RECEIVED	
Oct. 07, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 12, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 12, 2014	PUBLISHED FOR OPPOSITION	
Jul. 23, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 09, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 2014	ASSIGNED TO EXAMINER	73359
Apr. 18, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 17, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 07, 2014	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: Nov. 24, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801

UNITED STATES

Correspondent e-mail: DWall@qpwblaw.com

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	

20	EXTENSION OF TIME GRANTED	Jun 30, 2015
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015
25	STIP FOR EXT	Aug 20, 2015
26	EXTENSION OF TIME GRANTED	Aug 20, 2015
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015
28	UNDELIVERABLE MAIL	Sep 21, 2015
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015
30	EXTENSION OF TIME GRANTED	Sep 23, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:00:27 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 85363653
US Registration Number: 4096349
Register: Principal
Mark Type: Trademark
Application Filing Date: Jul. 06, 2011
Registration Date: Feb. 07, 2012
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 07, 2012
Publication Date: Nov. 22, 2011

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015

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: Bags, namely textile shopping bags and pouches for holding cosmetics and other personal items
International Class(es): 018 - Primary Class U.S Class(es): 001, 002, 003, 022, 041
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 19, 2011 Use in Commerce: Apr. 19, 2011

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: Birchbox, Inc.
Owner Address: 307 7th Avenue, Room 2001
New York, NEW YORK 10001
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Ken@KwartlerLaw.com Attorney Email No

Address:

Authorized:

Correspondent

Correspondent Name/Address: Kenneth M. Kwartler
KEN KWARTLER LAW OFFICE
5300 Meadows Road, Suite 200
LAKE OSWEGO, OREGON 97035-8630
UNITED STATES

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2014	COUNTERCLAIM OPP. NO. 999999	216943
Sep. 04, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 07, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 09, 2011	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: Feb. 07, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801
UNITED STATES

Correspondent e-mail: DWall@qpwblaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015	
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015	
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015	
25	STIP FOR EXT	Aug 20, 2015	
26	EXTENSION OF TIME GRANTED	Aug 20, 2015	
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015	
28	UNDELIVERABLE MAIL	Sep 21, 2015	
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015	
	EXTENSION OF TIME GRANTED		

Type of Proceeding: Opposition**Proceeding Number:** [91205659](#)**Filing Date:** Jun 18, 2012**Status:** Terminated**Status Date:** Nov 16, 2012**Interlocutory Attorney:** ROBERT COGGINS**Defendant****Name:** Birch Beauty, LLC**Correspondent Address:** LAURA J WINSTON
LAW OFFICE OF LAURA J WINSTON
52 MAIN STREET
Hastings-on-Hudson NY , 10706
UNITED STATES**Correspondent e-mail:** tmocket@winstoniplaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BIRCH BEAUTY FAMILY	Abandoned - After Inter-Partes Decision	85334952	

Plaintiff(s)**Name:** Birchbox, Inc.**Correspondent Address:** KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES**Correspondent e-mail:** ken@kwartlerlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361348	4096342

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2012	Jul 28, 2012
3	PENDING, INSTITUTED	Jun 18, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 20, 2012	
5	SUSPENDED	Jul 20, 2012	
6	NOTICE OF DEFAULT	Oct 01, 2012	
7	BOARD'S DECISION: SUSTAINED	Nov 16, 2012	
8	TERMINATED	Nov 16, 2012	

Generated on: This page was generated by TSDR on 2015-11-03 11:01:04 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 85363641
Application Filing Date: Jul. 05, 2011
US Registration Number: 4628983
Registration Date: Oct. 28, 2014
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 28, 2014
Publication Date: Dec. 20, 2011
Notice of Allowance Date: Feb. 14, 2012

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015

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: Apparel, namely, t-shirts, shirts, leggings
International Class(es): 025 - Primary Class
U.S Class(es): 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: Jul. 12, 2014
Use in Commerce: Jul. 12, 2014

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Ken@KwartlerLaw.com
Attorney Email Yes

Address:

Authorized:

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 Meadows Road
Suite 200
LAKE OSWEGO, OREGON 97035-8630
UNITED STATES

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 28, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 23, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 21, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 10, 2014	STATEMENT OF USE PROCESSING COMPLETE	76538
Sep. 05, 2014	USE AMENDMENT FILED	76538
Sep. 05, 2014	TEAS STATEMENT OF USE RECEIVED	
Aug. 09, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 08, 2014	EXTENSION 5 GRANTED	76538
Jul. 30, 2014	EXTENSION 5 FILED	76538
Jul. 30, 2014	TEAS EXTENSION RECEIVED	
Feb. 26, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 25, 2014	EXTENSION 4 GRANTED	76538
Feb. 03, 2014	EXTENSION 4 FILED	76538
Feb. 03, 2014	TEAS EXTENSION RECEIVED	
Aug. 30, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 29, 2013	EXTENSION 3 GRANTED	76538
Jul. 25, 2013	EXTENSION 3 FILED	76538
Aug. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 25, 2013	TEAS EXTENSION RECEIVED	
Jan. 29, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 26, 2013	EXTENSION 2 GRANTED	76985
Jan. 25, 2013	EXTENSION 2 FILED	76985
Jan. 25, 2013	TEAS EXTENSION RECEIVED	
Aug. 18, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 17, 2012	EXTENSION 1 GRANTED	76985
Aug. 04, 2012	EXTENSION 1 FILED	76985
Aug. 17, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Aug. 04, 2012	TEAS EXTENSION RECEIVED	
Jul. 29, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 14, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 20, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 20, 2011	PUBLISHED FOR OPPOSITION	
Nov. 30, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 17, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Nov. 16, 2011	ASSIGNED TO LIE	68171
Oct. 24, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 2011	EXAMINER'S AMENDMENT ENTERED	88888

Oct. 24, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 24, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 24, 2011	EXAMINERS AMENDMENT -WRITTEN	83173
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 08, 2011	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. 21, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801
UNITED STATES

Correspondent e-mail: DWall@qpwblaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartierLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015	
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015	
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015	
25	STIP FOR EXT	Aug 20, 2015	
26	EXTENSION OF TIME GRANTED	Aug 20, 2015	
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015	
28	UNDELIVERABLE MAIL	Sep 21, 2015	
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015	
30	EXTENSION OF TIME GRANTED	Sep 23, 2015	

Address:

Authorized:

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 Meadows Road
Suite 200
LAKE OSWEGO, OREGON 97035-8630
UNITED STATES

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 10, 2015	REGISTERED-PRINCIPAL REGISTER	
Jan. 07, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 06, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 06, 2015	STATEMENT OF USE PROCESSING COMPLETE	69302
Dec. 31, 2014	USE AMENDMENT FILED	69302
Dec. 31, 2014	TEAS STATEMENT OF USE RECEIVED	
Jul. 23, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 22, 2014	EXTENSION 5 GRANTED	69302
Jul. 17, 2014	EXTENSION 5 FILED	69302
Jul. 17, 2014	TEAS EXTENSION RECEIVED	
Jan. 28, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 27, 2014	EXTENSION 4 GRANTED	69302
Jan. 17, 2014	EXTENSION 4 FILED	69302
Jan. 17, 2014	TEAS EXTENSION RECEIVED	
Jul. 11, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 10, 2013	EXTENSION 3 GRANTED	69302
Jul. 08, 2013	EXTENSION 3 FILED	69302
Jul. 08, 2013	TEAS EXTENSION RECEIVED	
Jan. 15, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 14, 2013	EXTENSION 2 GRANTED	69302
Jan. 11, 2013	EXTENSION 2 FILED	69302
Jan. 11, 2013	TEAS EXTENSION RECEIVED	
Aug. 08, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 07, 2012	EXTENSION 1 GRANTED	69302
Jul. 17, 2012	EXTENSION 1 FILED	69302
Jul. 27, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 17, 2012	TEAS EXTENSION RECEIVED	
Jul. 16, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2011	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. 06, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801
UNITED STATES

Correspondent e-mail: DWall@qpwblaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	

4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014
5	TRIAL DATES RESET	Aug 04, 2014
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014
8	D OPP/RESP TO MOTION	Nov 26, 2014
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015
12	SUSPENDED	Mar 25, 2015
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015
14	SUSPENDED	Apr 24, 2015
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015
16	P MOT FOR EXT W/ CONSENT	May 26, 2015
17	EXTENSION OF TIME GRANTED	May 26, 2015
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015
20	EXTENSION OF TIME GRANTED	Jun 30, 2015
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015
25	STIP FOR EXT	Aug 20, 2015
26	EXTENSION OF TIME GRANTED	Aug 20, 2015
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015
28	UNDELIVERABLE MAIL	Sep 21, 2015
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015
30	EXTENSION OF TIME GRANTED	Sep 23, 2015

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
 KEN KWARTLER LAW OFFICE
 5300 Meadows Road
 Suite 200
 LAKE OSWEGO, OREGON UNITED STATES 97035-8630

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Mar. 17, 2015	REGISTERED-PRINCIPAL REGISTER	
Feb. 07, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 06, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 05, 2015	STATEMENT OF USE PROCESSING COMPLETE	76538
Jan. 22, 2015	USE AMENDMENT FILED	76538
Jan. 22, 2015	TEAS STATEMENT OF USE RECEIVED	
Aug. 09, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 08, 2014	EXTENSION 5 GRANTED	76538
Jul. 31, 2014	EXTENSION 5 FILED	76538
Jul. 31, 2014	TEAS EXTENSION RECEIVED	
Feb. 26, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 25, 2014	EXTENSION 4 GRANTED	76538
Feb. 03, 2014	EXTENSION 4 FILED	76538
Feb. 03, 2014	TEAS EXTENSION RECEIVED	
Aug. 30, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 29, 2013	EXTENSION 3 GRANTED	76538
Jul. 25, 2013	EXTENSION 3 FILED	76538
Aug. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 25, 2013	TEAS EXTENSION RECEIVED	
Jan. 29, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 26, 2013	EXTENSION 2 GRANTED	76985
Jan. 25, 2013	EXTENSION 2 FILED	76985
Jan. 25, 2013	TEAS EXTENSION RECEIVED	
Aug. 18, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 17, 2012	EXTENSION 1 GRANTED	76985
Aug. 04, 2012	EXTENSION 1 FILED	76985
Aug. 17, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Aug. 04, 2012	TEAS EXTENSION RECEIVED	
Jul. 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 14, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 20, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 20, 2011	PUBLISHED FOR OPPOSITION	
Nov. 30, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 17, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Nov. 16, 2011	ASSIGNED TO LIE	73296
Oct. 24, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 24, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328

Oct. 24, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 24, 2011	EXAMINERS AMENDMENT -WRITTEN	83173
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2011	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: Feb. 06, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL UNITED STATES , 32801

Correspondent e-mail: DWall@qpwblaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR UNITED STATES , 97035

Correspondent e-mail: Ken@KwartlerLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	
22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015	
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015	
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015	
25	STIP FOR EXT	Aug 20, 2015	
26	EXTENSION OF TIME GRANTED	Aug 20, 2015	
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015	
28	UNDELIVERABLE MAIL	Sep 21, 2015	
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015	
30	EXTENSION OF TIME GRANTED	Sep 23, 2015	

Generated on: This page was generated by TSDR on 2015-11-03 11:03:29 EST

Mark: BIRCHBOX



US Serial Number: 85361348

Application Filing Date: Jul. 01, 2011

US Registration Number: 4096342

Registration Date: Feb. 07, 2012

Register: Principal

Mark Type: Service Mark

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

Status Date: Feb. 07, 2012

Publication Date: Nov. 22, 2011

Mark Information

Mark Literal Elements: BIRCHBOX

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 a stylized depiction of a box featuring an outer surface pattern resembling birch bark, followed by the word BIRCHBOX.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 25.03.06 - Backgrounds covered with wood graining; Wood graining (background)
26.09.02 - Plain single line squares; Squares, plain single line
26.09.12 - Squares with bars, bands and lines
26.09.20 - Squares inside one another
26.09.21 - Squares that are completely or partially shaded
26.11.27 - Oblongs not used as carriers for words, letters or designs
26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Related Properties Information

Claimed Ownership of US Registrations: 3949015

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: On-line retail store services in the field of beauty products; consumer membership program services in the field of beauty products; promoting the goods and services of others by providing a web site featuring information, reviews and advice about products, practices and trends, how-to articles and videos, discounts and coupons, and links to the web sites of others, all in the field of beauty products; collecting, analyzing, processing and providing customer preference and product usage information to providers of beauty products

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 08, 2010

Use in Commerce: Sep. 08, 2010

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: Birchbox, Inc.

Owner Address: 307 7th Avenue, Room 2001
New York, NEW YORK 10001
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Kenneth M. Kwartler
KEN KWARTLER LAW OFFICE
5300 Meadows Road, Suite 200
LAKE OSWEGO, OREGON 97035-8630
UNITED STATES

Phone: 503 806 3734

Fax: 503 620 4407

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2014	COUNTERCLAIM OPP. NO. 999999	216943
Sep. 04, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 07, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 22, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2011	ASSIGNED TO EXAMINER	83173
Jul. 09, 2011	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Jul. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 05, 2011	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: Feb. 07, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91216943](#)

Filing Date: Jun 18, 2014

Status: Pending

Status Date: Jun 18, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: BirdieBox LLC

Correspondent Address: DOUGLAS I WALL
QUINTAIROS PRIETO WOOD & BOYER PA
255 SOUTH ORANGE AVENUE, 9TH FLOOR
ORLANDO FL , 32801
UNITED STATES

Correspondent e-mail: DWall@qpwbllaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRDIEBOX	Opposition Pending	86074477	

Plaintiff(s)

Name: Birchbox Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: Ken@KwartierLaw.com , linda.mcleod@kelly-ip.com , docketing@kelly-ip.com , molly.brownfield@kelly-ip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85361348	4096342
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361349	4572722
BIRCHBOX	Registered	85361354	4572723
BIRCHBOX	Registered	86242099	4664890
BIRCHBOX	Registered	85363641	4628983
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359236	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359245	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359268	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359548	
BIRCHBOX	Abandoned - No Statement Of Use Filed	85359272	
BIRCHBOX	Registered	85360109	4684980
BIRCHBOX	Registered	85360108	4704015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2014	Jul 28, 2014
3	PENDING, INSTITUTED	Jun 18, 2014	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 28, 2014	
5	TRIAL DATES RESET	Aug 04, 2014	
6	ANSWER TO COUNTERCLAIM	Sep 03, 2014	
7	P MOT FOR EXT W/O CONSENT	Nov 07, 2014	
8	D OPP/RESP TO MOTION	Nov 26, 2014	
9	P REPLY IN SUPPORT OF MOTION	Dec 08, 2014	
10	TRIAL DATES REMAIN AS SET	Jan 21, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Mar 25, 2015	
12	SUSPENDED	Mar 25, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Apr 24, 2015	
14	SUSPENDED	Apr 24, 2015	
15	P APPEARANCE / POWER OF ATTORNEY	May 20, 2015	
16	P MOT FOR EXT W/ CONSENT	May 26, 2015	
17	EXTENSION OF TIME GRANTED	May 26, 2015	
18	D'S RESPONSES TO 2ND SET OF REQ FOR ADMISSIONS	Jun 23, 2015	
19	P MOT FOR EXT W/ CONSENT	Jun 30, 2015	
20	EXTENSION OF TIME GRANTED	Jun 30, 2015	
21	D REQ TO W/DRAW AS ATTORNEY	Jul 17, 2015	

22	DUPLICATE FILING (NOT CONSIDERED)	Jul 17, 2015
23	CHANGE OF CORRESP ADDRESS	Aug 20, 2015
24	D APPEARANCE / POWER OF ATTORNEY	Aug 20, 2015
25	STIP FOR EXT	Aug 20, 2015
26	EXTENSION OF TIME GRANTED	Aug 20, 2015
27	TRIAL DATES REMAIN AS SET	Aug 29, 2015
28	UNDELIVERABLE MAIL	Sep 21, 2015
29	D MOT FOR EXT W/ CONSENT	Sep 23, 2015
30	EXTENSION OF TIME GRANTED	Sep 23, 2015

Type of Proceeding: Opposition

Proceeding Number: [91205659](#)

Filing Date: Jun 18, 2012

Status: Terminated

Status Date: Nov 16, 2012

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Birch Beauty, LLC

Correspondent Address: LAURA J WINSTON
LAW OFFICE OF LAURA J WINSTON
52 MAIN STREET
Hastings-on-Hudson NY , 10706
UNITED STATES

Correspondent e-mail: tmdocket@winstoniplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCH BEAUTY FAMILY	Abandoned - After Inter-Partes Decision	85334952	

Plaintiff(s)

Name: Birchbox, Inc.

Correspondent Address: KENNETH M KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD SUITE 200
LAKE OSWEGO OR , 97035
UNITED STATES

Correspondent e-mail: ken@kwartlerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIRCHBOX	Registered	77947655	3949015
BIRCHBOX	Registered	85363653	4096349
BIRCHBOX	Registered	85361348	4096342

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 18, 2012	Jul 28, 2012
3	PENDING, INSTITUTED	Jun 18, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 20, 2012	
5	SUSPENDED	Jul 20, 2012	
6	NOTICE OF DEFAULT	Oct 01, 2012	
7	BOARD'S DECISION: SUSTAINED	Nov 16, 2012	
8	TERMINATED	Nov 16, 2012	

EXHIBIT B

TMOfficialNotices@USPTO.GOV

July 27, 2015 9:14 PM

To: Ken@KwartlerLaw.com

Cc: kmk@colegent.com

Reply-To: TMOfficialNotices@USPTO.GOV

Official USPTO Notice of Allowance: U.S. Trademark SN 86503398: BIRCHBOX

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 28, 2015

Serial Number: 86503398

Mark: BIRCHBOX

Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING:** An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR

- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the 'INTENT-TO-USE (ITU) FORMS' category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

Generated on: This page was generated by TSDR on 2015-11-03 11:05:16 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86503398
Application Filing Date: Jan. 14, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.
Status Date: Jul. 28, 2015
Publication Date: Jun. 02, 2015
Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096349, 4572722

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: Coasters of cardboard; Coasters of paper; Paper party decorations; Stationery

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Address: Ken@KwartlerLaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 20, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2015	ASSIGNED TO EXAMINER	73372
Jan. 28, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: PERRY, KIMBERLY B

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 28, 2015

TMOfficialNotices@USPTO.GOV

July 27, 2015 9:13 PM

To: Ken@KwartlerLaw.com

Cc: kmk@colegent.com

Reply-To: TMOfficialNotices@USPTO.GOV

Official USPTO Notice of Allowance: U.S. Trademark SN 86503313: BIRCHBOX

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 28, 2015

Serial Number: 86503313

Mark: BIRCHBOX

Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING:** An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR

- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the 'INTENT-TO-USE (ITU) FORMS' category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

Generated on: This page was generated by TSDR on 2015-11-03 11:06:07 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86503313
Application Filing Date: Jan. 14, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.
Status Date: Jul. 28, 2015
Publication Date: Jun. 02, 2015
Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096349, 4572722

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: Paper photo frames; Picture frames

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Address: Ken@KwartlerLaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 20, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2015	ASSIGNED TO EXAMINER	73372
Jan. 27, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 26, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: PERRY, KIMBERLY B

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 28, 2015

TMOfficialNotices@USPTO.GOV
To: Ken@KwartlerLaw.com
Reply-To: TMOfficialNotices@USPTO.GOV
Official USPTO Notice of Allowance: U.S. Trademark SN 86503237: BIRCHBOX

July 27, 2015 9:13 PM

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 28, 2015

Serial Number: 86503237
Mark: BIRCHBOX
Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING:** An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR

- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the 'INTENT-TO-USE (ITU) FORMS' category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the 'Post-Publication Amendment' form

Generated on: This page was generated by TSDR on 2015-11-03 11:06:41 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86503237
Application Filing Date: Jan. 14, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.
Status Date: Jul. 28, 2015
Publication Date: Jun. 02, 2015
Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096349, 4572722

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: Clocks; Jewelry; Watches
International Class(es): 014 - Primary Class
U.S Class(es): 002, 027, 028, 050
Class Status: ACTIVE
Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Address: Ken@KwartlerLaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 20, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2015	ASSIGNED TO EXAMINER	73372
Jan. 27, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 26, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: PERRY, KIMBERLY B

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 28, 2015

TMOfficialNotices@USPTO.GOV

July 27, 2015 9:14 PM

To: Ken@KwartlerLaw.com

Cc: kmk@colegent.com

Reply-To: TMOfficialNotices@USPTO.GOV

Official USPTO Notice of Allowance: U.S. Trademark SN 86506048: BIRCHBOX

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 28, 2015

Serial Number: 86506048

Mark: BIRCHBOX

Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING:** An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR

- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the 'INTENT-TO-USE (ITU) FORMS' category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

Generated on: This page was generated by TSDR on 2015-11-03 11:07:23 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86506048
Application Filing Date: Jan. 16, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.
Status Date: Jul. 28, 2015
Publication Date: Jun. 02, 2015
Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096349, 4572722 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: Cosmetics
International Class(es): 003 - Primary Class
U.S Class(es): 001, 004, 006, 050, 051, 052
Class Status: ACTIVE
Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Address: Ken@KwartlerLaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS RD STE 200
LAKE OSWEGO, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 20, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2015	ASSIGNED TO EXAMINER	73372
Jan. 30, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 29, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 20, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: PERRY, KIMBERLY B

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 28, 2015

TMOfficialNotices@USPTO.GOV

July 27, 2015 9:14 PM

To: Ken@KwartlerLaw.com

Cc: kmk@colegent.com

Reply-To: TMOfficialNotices@USPTO.GOV

Official USPTO Notice of Allowance: U.S. Trademark SN 86503338: BIRCHBOX

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 28, 2015

Serial Number: 86503338

Mark: BIRCHBOX

Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING:** An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR

- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the 'INTENT-TO-USE (ITU) FORMS' category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

Generated on: This page was generated by TSDR on 2015-11-03 11:08:00 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86503338
Application Filing Date: Jan. 14, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.
Status Date: Jul. 28, 2015
Publication Date: Jun. 02, 2015
Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 Registrations: 3949015, 4096349, 4572722

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: Cutlery; Eyelash curlers
International Class(es): 008 - Primary Class
U.S Class(es): 023, 028, 044
Class Status: ACTIVE
Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK UNITED STATES 10016
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler
Attorney Primary Email Address: Ken@KwartlerLaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON UNITED STATES 97035-8225

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 20, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2015	ASSIGNED TO EXAMINER	73372
Jan. 28, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: PERRY, KIMBERLY B

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 28, 2015

EXHIBIT C

Generated on: This page was generated by TSDR on 2015-11-03 11:12:46 EST

Mark: BIRCHBOX

BIRCHBOX

US Serial Number: 86682246

Application Filing Date: Jul. 02, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: Oct. 17, 2015

Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX

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 Registrations: 3949015, 4096349, 4572722

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: downloadable software in the nature of applications for mobile phone and smart phones, namely, software that enables users to access and provide information, commentary, product reviews, discount information and links to the web sites of others, and to purchase goods and services

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 17, 2014

Use in Commerce: Oct. 17, 2014

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: Birchbox, Inc.

Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Ken@KwartlerLaw.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON 97035-8225
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Jul. 09, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 08, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: NEVILLE, JAMES B

Law Office Assigned: LAW OFFICE 114

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:13:22 EST

Mark: BIRCHBOX

BIRCHBOX♦

US Serial Number: 86774527
Application Filing Date: Oct. 01, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: Cutlery; Eyelash curlers

International Class(es): 008 - Primary Class

U.S Class(es): 023, 028, 044

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK UNITED STATES 10016
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO, OREGON UNITED STATES 97035

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 07, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: NEVILLE, JAMES B

Law Office Assigned: LAW OFFICE 114

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:13:55 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86774518
Application Filing Date: Oct. 01, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: Coasters of cardboard; Coasters of paper; Gift boxes containing note cards; Greeting cards; Paper party decorations; Stationery

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK UNITED STATES 10016
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO, OREGON UNITED STATES 97035

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 07, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: NEVILLE, JAMES B

Law Office Assigned: LAW OFFICE 114

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:14:48 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86774518
Application Filing Date: Oct. 01, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: Coasters of cardboard; Coasters of paper; Gift boxes containing note cards; Greeting cards; Paper party decorations; Stationery

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK UNITED STATES 10016
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO, OREGON UNITED STATES 97035

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 07, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: NEVILLE, JAMES B

Law Office Assigned: LAW OFFICE 114

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:15:58 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86774528
Application Filing Date: Oct. 01, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: All-purpose carrying bags; Carry-all bags; Clutch bags; Cosmetic bags sold empty; Make-up bags sold empty; Toiletry bags sold empty; Tote bags

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Kenneth M. Kwartler**Attorney Primary Email Address:** Ken@KwartlerLaw.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO, OREGON 97035
UNITED STATES**Phone:** 503 806 3734**Correspondent e-mail:** Ken@KwartlerLaw.com kmk@colegent.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 07, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** NEVILLE, JAMES B**Law Office Assigned:** LAW OFFICE 114**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:16:33 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86774522
Application Filing Date: Oct. 01, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: Picture and photograph frames

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Kwartler

Attorney Primary Email Address: Ken@KwartlerLaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH M. KWARTLER
KEN KWARTLER LAW OFFICE
5300 MEADOWS ROAD, SUITE 200
LAKE OSWEGO, OREGON 97035
UNITED STATES

Phone: 503 806 3734

Correspondent e-mail: Ken@KwartlerLaw.com kmk@colegent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 07, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: NEVILLE, JAMES B

Law Office Assigned: LAW OFFICE 114

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:17:04 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86770742
Application Filing Date: Sep. 28, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096342, 4684980

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: Cosmetic brushes; Make-up brushes

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2014

Use in Commerce: Aug. 12, 2014

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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK UNITED STATES 10016
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Kenneth M. Kwartler**Attorney Primary Email Address:** Ken@KwartlerLaw.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON UNITED STATES 97035-8225**Phone:** 503 806 3734**Correspondent e-mail:** Ken@KwartlerLaw.com kmk@colegent.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 03, 2015	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Oct. 02, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 01, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** NEVILLE, JAMES B**Law Office Assigned:** LAW OFFICE 114**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Oct. 17, 2015

Generated on: This page was generated by TSDR on 2015-11-03 11:17:29 EST

Mark: BIRCHBOX

BIRCHBOX◆

US Serial Number: 86770387
Application Filing Date: Sep. 28, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Review prior to publication completed.
Status Date: Oct. 17, 2015
Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: BIRCHBOX
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 name "BIRCHBOX" followed by a diamond shape.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.07.21 - Diamonds that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3949015, 4096349, 4628983

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: Leggings; Shirts; Sweat shirts; Sweatpants; T-shirts; Tank tops

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 12, 2014

Use in Commerce: Jul. 12, 2014

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: Birchbox, Inc.
Owner Address: 28 East 28th Street, 12th floor
New York, NEW YORK 10016
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Kenneth M. Kwartler**Attorney Primary Email Address:** Ken@KwartlerLaw.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** KENNETH M. KWARTLER
Ken Kwartler Law Office
5300 Meadows Rd Ste 200
Lake Oswego, OREGON 97035-8225
UNITED STATES**Phone:** 503 806 3734**Correspondent e-mail:** Ken@KwartlerLaw.com kmk@colegent.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2015	ASSIGNED TO EXAMINER	76737
Oct. 03, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 02, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 01, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** NEVILLE, JAMES B**Law Office Assigned:** LAW OFFICE 114**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Oct. 17, 2015