

ESTTA Tracking number: **ESTTA725015**

Filing date: **02/04/2016**

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	Twentieth Century Fox Film Corporation,		
Entity	Corporation	Citizenship	Delaware
Address	10201 West Pico Boulevard Los Angeles, CA 90035 UNITED STATES		

Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, N.W., Suite 610 Washington, DC 20036 UNITED STATES david.kelly@kelly-ip.com, linda.mcleod@kelly-ip.com, anjie.vichayanonda@kelly-ip.com, Lit-Docketing@kelly-ip.com
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Applicant Information

Application No	86603079	Publication date	01/19/2016
Opposition Filing Date	02/04/2016	Opposition Period Ends	02/18/2016
Applicant	Kind Distribution LLC 2008 Riverview St. #B Austin, TX 78702 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. First Use: 2014/10/17 First Use In Commerce: 2014/10/17 All goods and services in the class are opposed, namely: Grinders for smoking herbs; Storage containers for smoking herbs
Class 035. First Use: 2010/09/11 First Use In Commerce: 2010/09/11 All goods and services in the class are opposed, namely: Direct to consumer and online retail store services featuring vaporizer accessories, smokeless inhalers, herbal storagecontainers, vaporizable concentrate storage, vaporizers and herbal grinders

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)
Registration barred by claim or issue preclusion	Mayer/Berkshire Corp. v. Berkshire Fashions Inc. 424 F.3d 1229,76 USPQ2d 1310 (Fed. Cir. 2005)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1968678	Application Date	07/07/1995
Registration Date	04/16/1996	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1967/12/31 First Use In Commerce: 1967/12/31 motion picture films, pre-recorded video tapes, pre-recorded video cassettes, pre-recorded videodiscs featuring a science-fiction, live-action entertainment		

U.S. Registration No.	2081417	Application Date	07/25/1996
Registration Date	07/22/1997	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1967/12/30 First Use In Commerce: 1967/12/30 entertainment services in the nature of production and distribution of a series of motion picture films; production of pre-recorded video tapes, pre-recorded video cassettes and pre-recorded videodiscs		

U.S. Registration No.	2092307	Application Date	06/15/1995
Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 T-shirts		

U.S. Registration No.	2441152	Application Date	05/18/2000
Registration Date	04/03/2001	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/08/18 First Use In Commerce: 1998/08/18 Series of pre-recorded [videotapes, videocassettes and] videodiscs featuring motion picture films		

U.S. Registration No.	2442861	Application Date	05/18/2000
Registration Date	04/10/2001	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1968/03/23 First Use In Commerce: 1968/03/23 Entertainment services in the nature of a series of motion picture films for theatrical release, television and distribution to video and rental outlets		

U.S. Registration No.	2589348	Application Date	02/22/2000
Registration Date	07/02/2002	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 028. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 toy action figures and accessories		
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U.S. Registration No.	2579889	Application Date	05/18/2000
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Registration Date	06/11/2002	Foreign Priority Date	NONE
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Word Mark	PLANET OF THE APES		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 009. First use: First Use: 2001/09/01 First Use In Commerce: 2001/09/01 Computer and video software featuring entertainment related to motion picture films; computer and video game software; computer game [cassettes,] cartridges and CD-ROMS; video game [cassettes,] cartridges and CD-ROMS adapted for use with television receivers		
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U.S. Registration No.	2602149	Application Date	05/18/2000
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Registration Date	07/30/2002	Foreign Priority Date	NONE
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Word Mark	PLANET OF THE APES		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 009. First use: First Use: 2001/09/01 First Use In Commerce: 2001/09/01 Computer and video software featuring entertainment related to motion picture		
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	films; computer and video game software; computer game cassettes, cartridges and CD-ROMS; video game cassettes, cartridges and CD-ROMS adapted for use with television receivers
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U.S. Registration No.	2732552	Application Date	04/21/1999
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 shirts Class 028. First use: First Use: 2001/09/15 First Use In Commerce: 2001/09/15 [costume masks]		

U.S. Application No.	85725058	Application Date	09/10/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLANET OF THE APES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Purses; wallets; umbrellas; knapsacks and backpacks; tote bags; book bags; school bags; overnight bags; beach bags; fanny packs; handbags; sports bags; travel bags; toiletry bags sold empty; luggage;briefcases; clothing for animals; key cases of leather or imitation leather		

Attachments	76052564#TMSN.png(bytes) 76052565#TMSN.png(bytes) 75981590#TMSN.png(bytes) 76052566#TMSN.png(bytes) 76052567#TMSN.png(bytes) 85725058#TMSN.png(bytes) Notice of Opposition - Planet of the Vapes.pdf(260168 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	02/04/2016

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

<p>TWENTIETH CENTURY FOX FILM CORPORATION,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>KIND DISTRIBUTION LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.</p> <p>Serial No. 86603079 Mark: PLANET OF THE VAPES Filing Date: April 20, 2015</p>
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NOTICE OF OPPOSITION

Twentieth Century Fox Film Corporation, a corporation of Delaware, having a business address at 10201 West Pico Boulevard, Los Angeles, California 90035 (“Opposer” or “Fox”), believes that it is being and will be damaged by the registration of the mark PLANET OF THE VAPES in Application Serial No. 86603079 for “Grinders for smoking herbs; Storage containers for smoking herbs” in Class 34 and “Direct to consumer and online retail store services featuring vaporizer accessories, smokeless inhalers, herbal storage containers, vaporizable concentrate storage, vaporizers and herbal grinders” in Class 35 (“Applicant’s Mark” or “Third PLANET OF THE VAPES Application”) and hereby opposes the same. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to Opposer’s own acts, and upon information and belief as to other matters:

Opposer and its PLANET OF THE APES Marks

1. Opposer Twentieth Century Fox Film Corporation is a corporation of Delaware, having a place of business at 10210 West Pico Boulevard, Los Angeles, California 90035.
2. Fox, through itself and its related companies (collectively “Fox”, is one of the world’s leading and largest entertainment and media companies.
3. Fox is the owner of the trademark PLANET OF THE APES for a series of motion picture films and a variety of collateral merchandise and services, with rights dating back as early as 1968.
4. Fox, through a predecessor-in-interest, first released the PLANET OF THE APES film to U.S. audiences at least as early as 1968. The film, starring Charlton Heston and Roddy McDowell, was nominated for two Oscars and earned an Honorary Academy Award for outstanding achievement. In 2001, the original PLANET OF THE APES film (1968) was selected for preservation in the United States National Film Registry by the Library of Congress as being "culturally, historically, or aesthetically significant."
5. The original PLANET OF THE APES film was so successful that it resulted in six sequels and/or prequels, and one remake: *Beneath the Planet of the Apes* (1970), *Escape from the Planet of the Apes* (1971), *Conquest of the Planet of the Apes* (1972), *Battle for the Planet of the Apes* (1973), *Planet of the Apes* (2001) (a remake of the 1968 film), *Rise of the Planet of the Apes* (2011), and *Dawn of the Planet of the Apes* (2014) (collectively, “PLANET OF THE APES Film Franchise”). Over the years,

the films in the PLANET OF THE APES Film Franchise have been re-released for broadcast on television, and/or released in other formats, including DVD and Blue-Ray.

6. In 2014, Fox released the newest feature film in the PLANET OF THE APES Film Franchise, titled *Dawn of the Planet of the Apes*. The film grossed over \$200 million at the box office in North America, and \$500 million in abroad for a total of over \$700 million worldwide. It was the highest-grossing film worldwide in the PLANET OF THE APES Film Franchise, and it was the ninth highest-grossing film of 2014 worldwide.

7. Fox has announced plans to release another feature film in the PLANET OF THE APES Film Franchise titled *War for the Planet of the Apes* in 2017.

8. In addition to its successful PLANET OF THE APES Film Franchise, Fox produced a *Planet of the Apes* TV series that aired in 1974, and a Saturday morning cartoon entitled *Planet of The Apes* that aired in 1975.

9. The popularity and box office success of the PLANET OF THE APES Film Franchise spawned a wide array of merchandise items, including lunch boxes, toy action figures, rings, banks, wastepaper baskets, radios, trading cards, toy guns, record albums, videos, books, comic books, puzzles, board games, and Halloween masks and costumes. The PLANET OF THE APES Film Franchise has been the subject of extensive licensing and merchandising efforts over the past few decades.

10. Since at least 1994, Fox has used its PLANET OF THE APES mark in commerce in connection with T-shirts.

11. Since at least 2001, Fox has used its PLANET OF THE APES mark in commerce in connection with shirts, toy action figures, CD-ROMS, computer and video software featuring games and entertainment.

12. Further, since at least April 1968, Fox has used its PLANET OF THE APES mark in the stylized form shown below (“Fox’s Stylized PLANET OF THE APES Mark”) in connection with its films and television shows, pre-recorded films and videos, and related collateral merchandise.



13. Since at least 2004, Fox has used its PLANET OF THE APES mark in commerce, including Fox’s Stylized PLANET OF THE APES Mark, in connection with a box set DVD collection of six different films and/or television shows bearing the mark as shown below. Many of the films in the PLANET OF THE APES Film Franchise are still available for purchase, instant streaming, and/or download from major retail outlets, including amazon.com, walmart.com, and itunes.com.



14. Fox also owns numerous valid and subsisting federal registrations and a prior-pending application for the mark PLANET OF THE APES (collectively, the PLANET OF THE APES marks and goods and services discussed in Paragraphs 3-14 are

referred to, respectively, as “PLANET OF THE APES Marks” and “Fox’s Goods and Services.”) (Printouts from the PTO TESS/TARR and Assignment database are attached as Exhibit A):

Mark	Reg. No. / Serial No. Reg. Date	Goods/Services First Use in Commerce
PLANET OF THE APES	1968678 07-07-1995	Motion picture films, pre-recorded video tapes, pre-recorded video cassettes, pre-recorded videodiscs featuring a science-fiction, live-action entertainment First Use in Commerce: 12-31-1967
PLANET OF THE APES	2081417 07-22-1997	Entertainment services in the nature of production and distribution of a series of motion picture films; production of pre-recorded video tapes, pre-recorded video cassettes and pre-recorded videodiscs First Use in Commerce: 12-30-1967
PLANET OF THE APES	2092307 08-26-1997	T-shirts First Use in Commerce: 09-30-1994
	2441152 04-03-2001	Series of pre-recorded videodiscs featuring motion picture films First Use in Commerce: 08-18-1998
	2442861 04-10-2001	Entertainment services in the nature of a series of motion picture films for theatrical release, television and distribution to video and rental outlets First Use in Commerce: 03-23-1968
PLANET OF THE APES	2589348 07-02-2002	Toy action figures and accessories First Use in Commerce: 07-01-2001
PLANET OF THE APES	2579889 06-11-2002	Computer and video software featuring entertainment related to motion picture films; computer and video game software; computer game cartridges and CD-ROMS; video game cartridges and CD-ROMS adapted for use with television receivers First Use in Commerce: 09-01-2001

Mark	Reg. No. / Serial No. Reg. Date	Goods/Services First Use in Commerce
	2602149 07-30-2002	Computer and video software featuring entertainment related to motion picture films; computer and video game software; computer game cassettes, cartridges and CD-ROMS; video game cassettes, cartridges and CD-ROMS adapted for use with television receivers First Use in Commerce: 09-01-2001
PLANET OF THE APES	2732552 07-01-2003	Shirts First Use in Commerce: 07-01-2001
PLANET OF THE APES	85725058	Purses; wallets; umbrellas; knapsacks and backpacks; tote bags; book bags; school bags; overnight bags; beach bags; fanny packs; handbags; sports bags; travel bags; toiletry bags sold empty; luggage; briefcases; clothing for animals; key cases of leather or imitation leather.

15. The foregoing registrations are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations, and of Fox's ownership of and exclusive right to use the marks in commerce.

16. Fox's PLANET OF THE APES Marks have received extensive unsolicited media attention, including but not limited to coverage in The New York Times, The New York Daily News, The Chicago Tribune, The Los Angeles Times, The Boston Globe, The Hollywood Reporter, The Detroit Free Press, USA Today, and The Wall Street Journal. Such extensive and repetitive media attention has had a substantial impact on the public, and has created an association in the minds of consumers between the PLANET OF THE APES Marks and Fox.

17. In addition, Fox has extensively advertised and marketed its PLANET OF THE APES Marks for years and has invested many millions of dollars, as well as an enormous amount of time and effort, in promoting its PLANET OF THE APES Marks nationwide. As a result of Fox's significant advertising and promotional efforts and

commercial success and the resulting publicity and media attention, among other things, the PLANET OF THE APES Marks have achieved such widespread recognition that they have been famous for decades.

Applicant and its PLANET OF THE VAPES Applications

18. Kind Distribution, LLC is a limited liability company organized in the Texas having an address of 2008 Riverview St. #B, Austin, Texas 78702.

19. On June 28, 2011, Kind Distribution LLC, which was at that time a limited liability company organized in New York, filed intent-to-use Application Serial No. 85357919 for the mark PLANET OF THE VAPES & Design (shown below) under Section 1(b), 15 U.S.C. § 1051(b), for the mark PLANET OF THE VAPES (shown below) for “smokeless cigarette vaporizer pipe; tobacco grinders; lighters for smokers; tobacco jars” in International Class 34 (the “First PLANET OF THE VAPES Application”). The signatory to Application Serial No. 85357919 was Patrick Bissen (“Bissen”).



20. On December 13, 2011, the First PLANET OF THE VAPES Application published for opposition. On January 11, 2012, Fox filed an extension of time to oppose and on January 18, 2012, Opposer filed Opposition No. 91203417 against the First PLANET OF THE VAPES Application.

21. On March 13, 2012, the Board issued a notice of default in Opposition No. 91203417 finding that Applicant failed to file an Answer by February 27, 2012, and allowing Applicant thirty days to respond.

22. On April 27, 2012, the Board issued a judgment by default in Opposition No. 91203417 sustaining the opposition and refusing registration of the First PLANET OF THE VAPES Application.

23. On October 6, 2015, Bissen filed intent-to-use Application Serial No. 86415818 for the mark PLANET OF THE VAPES (standard characters) under Section 1(a), 15 U.S.C. § 1051(a) covering the following goods and services in Classes 34 and 35 (the “Second PLANET OF THE VAPES Application”):

Class 34: Boxes for electronic cigarettes and electronic cigarette accessories; Cartomizers, namely, combination electronic cigarette refill cartridges sold empty and atomizers, sold as a component of electronic cigarettes; Cases for electronic cigarettes and electronic cigarette accessories; Electronic cigarette boxes; Electronic cigarette cases; Electronic cigarette lighters; Electronic cigarette refill cartridges sold empty; Electronic cigarettes; Electronic cigarettes for use as an alternative to traditional cigarettes; Mechanical electronic cigarettes; Smokeless cigar vaporizer pipes; Smokeless cigarette vaporizer pipe; Smokers mouthpieces for vaporizers, vaporizer accessories, namely, protective carrying cases specially adapted for electronic cigarettes and smokeless vaporizer pipes and pens; electronic cigarettes; smokeless inhalers, namely, smokeless vaporizer pipes and pens; grinders for smoking herbs; storage containers for smoking herbs; storage containers for concentrated extracts of smoking herbs; Tobacco grinders; Tobacco jars; Tobacco jars of precious metal; Tobacco substitute; Tobacco substitutes; Tobacco substitutes not for medical purposes.

Class 35: Direct response retail services by means of infomercials in the field of vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal storage containers, vaporizable liquids and vaporizable concentrate storage. Online retail services through direct solicitation by distributors directed to end-users featuring vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal storage containers, vaporizable liquids and vaporizable concentrate storage. Online retail services through direct solicitation by salespersons directed to end-users featuring vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal storage containers, vaporizable liquids and vaporizable concentrate storage. Retail services by direct solicitation by sales agents in the field of vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal storage containers, vaporizable liquids and vaporizable concentrate storage. Retail services through direct solicitation by distributors directed to end-users featuring vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal

storage containers, vaporizable liquids and vaporizable concentrate storage. Retail services through direct solicitation by salespersons directed to end-users featuring vaporizers, vaporizer accessories, electronic cigarettes, smokeless inhalers, herbal grinders, herbal storage containers, vaporizable liquids and vaporizable concentrate storage.

The Second PLANET OF THE VAPES Application claims a date of first use in commerce of 2010 for the goods in Classes 34 and 35. The signatory to the Second PLANET OF THE VAPES Application was also Bissen.

24. On February 24, 2015, the Second PLANET OF THE VAPES Application published for opposition. On April 20, 2015, Bissen filed an express abandonment of the Second PLANET OF THE VAPES Application.

25. On April 20, 2015, Kind Distribution, LLC, now a limited liability company of Texas, filed use-based Application Serial No. 86603079, under Section 1(a), 15 U.S.C. § 1051(a), for the mark PLANET OF THE VAPES (standard characters) for "herbal grinders; herbal storage containers" in Class 34 and "retail sale services featuring vaporizers and herbal grinders; retail sale services featuring vaporizer accessories, smokeless inhalers, herbal storage containers, vaporizable concentrate storage" in Class 35 (the "Third PLANET OF THE VAPES Application"). The application claims a date of first use in commerce of 2010 for the goods in Class 34 and a date of first use of September 11, 2010 for the services in Class 35. The signatory to the Third PLANET OF THE VAPES Application was also Bissen.

26. On November 19, 2015, Applicant amended the goods and services identification of Application Serial No. 86603079 to "Grinders for smoking herbs; Storage containers for smoking herbs" in Class 34 and "Direct to consumer and online retail store services featuring vaporizer accessories, smokeless inhalers, herbal storage

containers, vaporizable concentrate storage, vaporizers and herbal grinders” in Class 35. Applicant further amended the date of first use anywhere and date of first use in commerce for the goods in Class 34 to October 17, 2014 and the date of first use anywhere and date of first use in commerce for the services in Class 35 to September 11, 2010.

27. On January 19, 2016, the Third PLANET OF THE VAPES Application published for opposition.

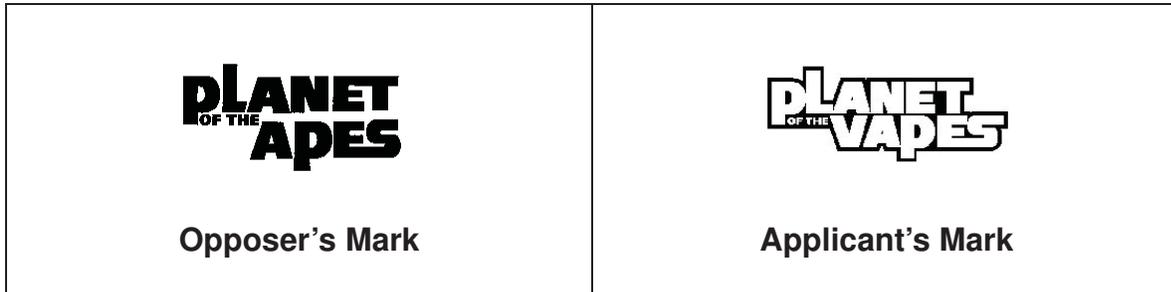
Likelihood of Confusion, 15 U.S.C. § 1052(d)

28. Fox repeats and realleges each and every allegation set forth above.

29. Fox has priority based on its prior valid and subsisting registrations for its PLANET OF THE APES Marks set forth in Paragraph 14. Further, Fox has priority based on its prior common law use of its PLANET OF THE APES Marks since well before the filing date of the opposed application and any date of first use that may be alleged by Applicant.

30. Applicant’s mark is virtually identical to Opposer’s registered PLANET OF THE APES Marks in sound, appearance, and overall commercial impression. Indeed, Applicant’s mark differs from Opposer’s marks by only one letter. Applicant’s Third PLANET OF THE VAPES Application (the one at issue in this opposition proceeding) covers a standard character mark that is virtually identical to Opposer’s prior used and registered PLANET OF THE APES standard character marks. Further, in the past, Applicant has applied to register and allegedly used a mark that contains the identical, distinctive stylization as Fox’s Stylized PLANET OF THE APES Mark shown below,

which shows that Applicant intentionally and in bad faith selected and adopted its mark to trade-off of the enormous fame and good will of Opposer's famous mark.



31. Applicant's PLANET OF THE VAPES mark so resembles Opposer's previously used and registered PLANET OF THE APES Marks, as to be likely to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d), 15 U.S.C. § 1052(d). In view of the fame of Opposer's PLANET OF THE APES Marks, the substantial similarity between the parties' marks, and Opposer's extensive merchandising of the PLANET OF THE APES Marks, among other things, consumers are likely to be confused to believe that Opposer is the source or origin of Applicant's PLANET OF THE VAPES products or that Applicant's products are either sponsored by or otherwise affiliated with Opposer.

Dilution, 15 U.S.C. § 1125(c)(1)

32. Fox repeats and realleges each and every allegation set forth above.

33. Fox's PLANET OF THE APES Marks is distinctive and became famous before the filing date of Application No. 86603079, and any date of first use that may be alleged by Applicant.

34. Opposer has engaged in extensive nationwide advertising, promotion, and use of its federally registered PLANET OF THE APES Marks. In addition, Opposer has

had significant sales of goods and services under the PLANET OF THE APES Marks for decades.

35. Moreover, as detailed above, Opposer's PLANET OF THE APES Marks have for many years received extensive unsolicited media attention nationwide. Such extensive and frequent media attention has had a substantial impact on the public, and has long created an exclusive association in the minds of consumers between those marks and Opposer.

36. Applicant's PLANET OF THE VAPES mark so closely resembles Opposer's previously used and registered PLANET OF THE APES Marks, as to be likely to cause dilution of the distinctive quality of Opposer's famous marks in violation of Section 43(c), 15 U.S.C. § 1125(c).

Res Judicata or Claim Preclusion

37. Fox repeats and realleges each and every allegation set forth above.

38. Applicant is precluded from registering Applicant's PLANET OF THE VAPES mark under the doctrine of res judicata or claim preclusion.

39. On January 18, 2012, Opposer filed Opposition No. 91203417 against the First PLANET OF THE VAPES Application, asserting likelihood of confusion and dilution claims.

40. On April 27, 2012, the Board issued a final judgment by default in Opposition No. 91203417 sustaining the opposition and refusing registration of the First PLANET OF THE VAPES Application Serial No. 86603079 because Applicant failed to file an answer.

41. This proceeding involves identical parties or their privies because Opposition No. 91203417 was between Opposer and Applicant's predecessor (Kind Distribution LLC, a limited liability company of New York). Further, Opposition No. 91203417 involved the same claims and transactional facts that are involved in this opposition.

42. Accordingly, Applicant is precluded from registering the virtually identical PLANET OF THE VAPES mark in the Third PLANET OF THE VAPES Application covering identical and/or overlapping goods and services.

WHEREFORE, Opposer is being and will be damaged by the registration of the mark shown in Application Serial No. 86603079, and respectfully requests that this opposition be sustained, and that the mark be refused registration.

Respectfully submitted,

Dated: February 4, 2016

By: Linda K. McLeod/
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**Attorneys for Opposer
TWENTIETH CENTURY FOX
FILM CORPORATION**

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by U.S. mail, postage prepaid, on this 4th day of February 2016, upon Applicant at the following correspondence address of record:

KIND DISTRIBUTION LLC
2008 Riverview St # B
Austin, TEXAS 78702-5529

/Jacob T. Mersing/
Senior Legal Assistant

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Mark: PLANET OF THE APES

US Serial Number: 74697973

Jul. 07, 1995

US Registration Number: 1968678

Apr. 16, 1996

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Apr. 19, 2006

Publication Date: Jan. 23, 1996

Application Filing Date:

Registration Date:

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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:

motion picture films, pre-recorded video tapes, pre-recorded video cassettes, pre-recorded videodiscs featuring a science-fiction, live-action entertainment

International Class(es): 009 - Primary Class

021, 023, 026, 036, 038

U.S Class(es):

Class Status:

ACTIVE

Basis:

1(a)

First Use: Dec. 31, 1967

Use in Commerce:

Dec. 31, 1967

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
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

JASON P ZEDECK
TWENTIETH CENTURY FOX FILM CORPORATION
1201 W PICO BLVD
LOS ANGELES, CALIFORNIA 90035
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 17, 2006	CASE FILE IN TIGRS	
Apr. 19, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Apr. 19, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 19, 2006	ASSIGNED TO PARALEGAL	64591
Feb. 14, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 14, 2006	TEAS SECTION 8 & 9 RECEIVED	
Aug. 13, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 25, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 23, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 16, 1996	REGISTERED-PRINCIPAL REGISTER	
Jan. 23, 1996	PUBLISHED FOR OPPOSITION	
Dec. 22, 1995	NOTICE OF PUBLICATION	
Nov. 12, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 12, 1995	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 30, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 1995	EXAMINER'S AMENDMENT MAILED	
Sep. 30, 1995	ASSIGNED TO EXAMINER	67507

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Apr. 16, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location:

Aug. 17, 2006

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	

6
7

BOARD'S DECISION: SUSTAINED
TERMINATED

Apr 27, 2012
Apr 27, 2012

Generated on:

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Mark: PLANET OF THE APES

US Serial Number: 75139934

Application Filing Date:

Jul. 25, 1996

US Registration Number: 2081417

Registration Date:

Jul. 22, 1997

Register:

Principal

Mark Type:

Service Mark

Status:

The registration has been renewed.

Status Date:

Jun. 20, 2007

Publication Date: Apr. 29, 1997

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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:

entertainment services in the nature of production and distribution of a series of motion picture films; production of pre-recorded video tapes, pre-recorded video cassettes and pre-recorded videodiscs

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(a)

First Use: Dec. 30, 1967

Use in Commerce:

Dec. 30, 1967

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
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

MEI-LAN STARK
TWENTIETH CENTURY FOX FILM CORP
10201 W PICO BLVD
LOS ANGELES, CALIFORNIA 90035
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Jun. 20, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 20, 2007	ASSIGNED TO PARALEGAL	64591
May 18, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 18, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 08, 2007	CASE FILE IN TICRS	
Sep. 17, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 16, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 16, 2003	TEAS SECTION 8 & 15 RECEIVED	
Jul. 22, 1997	REGISTERED-PRINCIPAL REGISTER	
Apr. 29, 1997	PUBLISHED FOR OPPOSITION	
Mar. 28, 1997	NOTICE OF PUBLICATION	
Jan. 07, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 30, 1996	ASSIGNED TO EXAMINER	63031

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Jul. 22, 2007

TM Staff and Location Information

**TM Staff Information - None
File Location**

Current Location: POST REGISTRATION

Date in Location:

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES

US Serial Number: 75975664

Jun. 15, 1995

US Registration Number: 2092307

Aug. 26, 1997

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Sep. 06, 2007

Publication Date: Dec. 26, 1995

Mar. 19, 1996

Application Filing Date:

Registration Date:

Notice of Allowance Date:

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Child Of:

74688802

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:

T-shirts

International Class(es): 025 - Primary Class

022, 039

U.S Class(es):

Class Status:

ACTIVE

Basis:

1(a)

First Use: Sep. 30, 1994

Use in Commerce:

Sep. 30, 1994

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:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

**Correspondent
Name/Address:**

TWENTIETH CENTURY FOX FILM CORPORATION
10201 W PICO BLVD
LOS ANGELES, CALIFORNIA 90035
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 06, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
Sep. 06, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 04, 2007	ASSIGNED TO PARALEGAL	70619
Aug. 21, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 21, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 28, 2007	CASE FILE IN TICRS	
Sep. 02, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 15, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 15, 2003	TEAS SECTION 8 & 15 RECEIVED	
Aug. 26, 1997	REGISTERED-PRINCIPAL REGISTER	
Jun. 26, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 26, 1997	ASSIGNED TO EXAMINER	67507
Dec. 04, 1996	STATEMENT OF USE PROCESSING COMPLETE	
Dec. 04, 1996	EXTENSION 1 GRANTED	
Sep. 03, 1996	USE AMENDMENT FILED	
Sep. 03, 1996	EXTENSION 1 FILED	
Dec. 06, 1996	DIVISIONAL PROCESSING COMPLETE	
Mar. 19, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 26, 1995	PUBLISHED FOR OPPOSITION	
Nov. 24, 1995	NOTICE OF PUBLICATION	
Sep. 29, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 1995	ASSIGNED TO EXAMINER	67507

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Aug. 26, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location:

Sep. 06, 2007

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889

PLANET OF THE APES
PLANET OF THE APES

Expired
Renewed

[76052567](#)
[75982463](#)

[2602149](#)
[2732552](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES



US Serial Number: 76052564

Application Filing Date:

May 18, 2000

US Registration Number: 2441152

Registration Date:

Apr. 03, 2001

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Mar. 24, 2011

Publication Date: Jan. 09, 2001

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US Registrations:

1968678, 2081417, 2092307

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:

Series of pre-recorded [videotapes, videocassettes and] videodiscs featuring motion picture films

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 18, 1998

Use in Commerce:

Aug. 18, 1998

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
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

MEI-LAN STARK
FOX GROUP LEGAL
PO BOX 900
INTELLECTUAL PROPERTY DEPARTMENT
BEVERLY HILLS, CALIFORNIA 90213-0900
UNITED STATES

Phone: (310) 369-5414

Fax:

(310) 969-3095

Correspondent e-mail: tm@fox.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 24, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Mar. 24, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 03, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jun. 04, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Apr. 03, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 21, 2006	CASE FILE IN TICRS	
Apr. 03, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 09, 2001	PUBLISHED FOR OPPOSITION	
Dec. 08, 2000	NOTICE OF PUBLICATION	
Oct. 31, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 17, 2000	NON-FINAL ACTION MAILED	
Oct. 05, 2000	ASSIGNED TO EXAMINER	60004

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Apr. 03, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Mar. 24, 2011

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	

6
7

BOARD'S DECISION: SUSTAINED
TERMINATED

Apr 27, 2012
Apr 27, 2012

Generated on:

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Mark: PLANET OF THE APES



US Serial Number: 76052565

Application Filing Date:

May 18, 2000

US Registration Number: 2442861

Registration Date:

Apr. 10, 2001

Register:

Principal

Mark Type:

Service Mark

Status:

The registration has been renewed.

Status Date:

Mar. 28, 2011

Publication Date: Jan. 16, 2001

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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:

Entertainment services in the nature of a series of motion picture films for theatrical release, television and distribution to video and rental outlets

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(a)

First Use: Mar. 23, 1968

Use in Commerce:

Mar. 23, 1968

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:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tina M. Pompey

Correspondent

**Correspondent
Name/Address:**

Tina M. Pompey
Fox Group Legal
INTELLECTUAL PROPERTY DEPT
P O BOX 900
BEVERLY HILLS, CALIFORNIA 90213
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Mar. 28, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 21, 2011	TEAS SECTION 8 & 9 RECEIVED	
May 04, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74886
Apr. 30, 2007	ASSIGNED TO PARALEGAL	74886
Apr. 02, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 02, 2007	TEAS SECTION 8 & 15 RECEIVED	
Nov. 13, 2006	CASE FILE IN TICRS	
Apr. 10, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 16, 2001	PUBLISHED FOR OPPOSITION	
Dec. 15, 2000	NOTICE OF PUBLICATION	
Nov. 16, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 2000	ASSIGNED TO EXAMINER	73362

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Apr. 10, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Mar. 28, 2011

Proceedings

Summary**Number of Proceedings:**

1

Type of Proceeding: Opposition**Proceeding Number:** [91203417](#)**Filing Date:**

Jan 18, 2012

Status: Terminated**Status Date:**

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS**Defendant****Name:**

Kind Distribution, LLC

Correspondent Address:PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES**Correspondent e-mail:**schtoops@gmail.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)**Name:**

Twentieth Century Fox Film Corporation

Correspondent Address:LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES**Correspondent e-mail:**docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES

PLANET OF THE APES

US Serial Number: 75981590

Application Filing Date:

Feb. 22, 2000

US Registration Number: 2589348

Registration Date:

Jul. 02, 2002

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jun. 27, 2012

Publication Date: Jan. 09, 2001

Notice of Allowance Date:

Apr. 03, 2001

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations:

1968678, 2081417 and others

Child Of:

75925626

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:

toy action figures and accessories

International Class(es): 028 - Primary Class

U.S Class(es):

022, 023, 038, 050

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jul. 01, 2001

Use in Commerce:

Jul. 01, 2001

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

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

Currently ITU: No
Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended ITU: No
Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA UNITED STATES 90035

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

**Correspondent
Name/Address:**

Tina M. Pompey, Esq.
Fox Group Legal
P.O. Box 900
Intellectual Property Department
BEVERLY HILLS, CALIFORNIA UNITED STATES 90213-0900

Phone: (310) 369-7630

Fax:

(310) 969-3095

Correspondent e-mail: tm@fox.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 26, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 26, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 28, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 27, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Jun. 27, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Jun. 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 22, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jul. 19, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jul. 02, 2008	TEAS SECTION 8 & 15 RECEIVED	
Dec. 06, 2007	CASE FILE IN TICRS	
Jul. 02, 2002	REGISTERED-PRINCIPAL REGISTER	
Feb. 07, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 31, 2002	ASSIGNED TO EXAMINER	73347
Oct. 18, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Oct. 18, 2001	EXTENSION 1 GRANTED	
Sep. 26, 2001	USE AMENDMENT FILED	
Sep. 26, 2001	EXTENSION 1 FILED	
Oct. 19, 2001	DIVISIONAL PROCESSING COMPLETE	
Sep. 26, 2001	DIVISIONAL REQUEST RECEIVED	
Apr. 03, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 09, 2001	PUBLISHED FOR OPPOSITION	
Dec. 08, 2000	NOTICE OF PUBLICATION	
Oct. 30, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 01, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Aug. 09, 2000 NON-FINAL ACTION MAILED

Aug. 04, 2000 ASSIGNED TO EXAMINER

73700

Maintenance Filings or Post Registration Information

Affidavit of Continued Use:

Section 8 - Accepted

Affidavit of Incontestability:

Section 15 - Accepted

Renewal Date:

Jul. 02, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jun. 27, 2012

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY UNITED STATES , 11211 3740

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC UNITED STATES , 20001 4413

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307

PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES

PLANET OF THE APES

US Serial Number: 76052566

Application Filing Date:

May 18, 2000

US Registration Number: 2579889

Registration Date:

Jun. 11, 2002

Register:

Principal

Mark Type:

Trademark

Status:

Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date:

Jan. 18, 2013

Publication Date: Jan. 09, 2001

Notice of Allowance Date:

May 08, 2001

Date Cancelled: Jan. 18, 2013

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations:

1968678, 2081417, 2092307

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:

Computer and video software featuring entertainment related to motion picture films; computer and video game software; computer game [cassettes,] cartridges and CD-ROMS; video game [cassettes,] cartridges and CD-ROMS adapted for use with television receivers

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

SECTION 8 - CANCELLED

Basis:

1(a)

First Use: Sep. 01, 2001

Use in Commerce:

Sep. 01, 2001

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:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daphne Gronich

Correspondent

**Correspondent
Name/Address:**

DAPHNE GRONICH
FOX GROUP
INTELLECTUAL PROPERTY DEPT
P O BOX 900
BEVERLY HILLS, CALIFORNIA 90213
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 18, 2013	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
May 27, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
May 22, 2008	ASSIGNED TO PARALEGAL	66607
May 06, 2008	TEAS SECTION 8 & 15 RECEIVED	
Sep. 10, 2007	CASE FILE IN TIGRS	
Jun. 11, 2002	REGISTERED-PRINCIPAL REGISTER	
Mar. 22, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 22, 2002	ASSIGNED TO EXAMINER	60004
Mar. 21, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 07, 2001	USE AMENDMENT FILED	
Nov. 29, 2001	ASSIGNED TO EXAMINER	60004
May 08, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 09, 2001	PUBLISHED FOR OPPOSITION	
Dec. 08, 2000	NOTICE OF PUBLICATION	
Oct. 31, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2000	NON-FINAL ACTION MAILED	
Oct. 05, 2000	ASSIGNED TO EXAMINER	60004

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

Affidavit of

Incontestability:

Section 15 - Accepted

TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** POST REGISTRATION**Date in Location:**

May 27, 2008

Proceedings**Summary****Number of Proceedings:**

1

Type of Proceeding: Opposition**Proceeding Number:** [91203417](#)**Filing Date:**

Jan 18, 2012

Status: Terminated**Status Date:**

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS**Defendant****Name:**

Kind Distribution, LLC

Correspondent Address:PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES**Correspondent e-mail:**schtoops@gmail.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)**Name:**

Twentieth Century Fox Film Corporation

Correspondent Address:LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES**Correspondent e-mail:**docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES



US Serial Number: 76052567

May 18, 2000

Application Filing Date:

US Registration Number: 2602149

Jul. 30, 2002

Registration Date:

Register:

Principal

Mark Type:

Trademark

Status:

This registration was not renewed and therefore has expired.

Status Date:

Mar. 01, 2013

Publication Date: Jan. 09, 2001

Notice of Allowance Date:

Apr. 10, 2001

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US Registrations:

1968678, 2081417, 2092307

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:

Computer and video software featuring entertainment related to motion picture films; computer and video game software; computer game cassettes, cartridges and CD-ROMS; video game cassettes, cartridges and CD-ROMS adapted for use with television receivers

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

EXPIRED

Basis:

1(a)

First Use: Sep. 01, 2001

Use in Commerce:

Sep. 01, 2001

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:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daphne Gronich

Correspondent

**Correspondent
Name/Address:**

DAPHNE GRONICH
FOX GROUP
INTELLECTUAL PROPERTY DEPT
P O BOX 900
BEVERLY HILLS, CALIFORNIA 90213
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2013	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Jun. 06, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Jun. 04, 2008	ASSIGNED TO PARALEGAL	75461
May 23, 2008	TEAS SECTION 8 & 15 RECEIVED	
Nov. 07, 2007	CASE FILE IN TIGRS	
Jul. 30, 2002	REGISTERED-PRINCIPAL REGISTER	
Apr. 22, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 22, 2002	ASSIGNED TO EXAMINER	60004
Apr. 19, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 15, 2002	USE AMENDMENT FILED	
Oct. 20, 2001	EXTENSION 1 GRANTED	
Oct. 10, 2001	EXTENSION 1 FILED	
Apr. 10, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 09, 2001	PUBLISHED FOR OPPOSITION	
Dec. 08, 2000	NOTICE OF PUBLICATION	
Oct. 31, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2000	NON-FINAL ACTION MAILED	
Oct. 05, 2000	ASSIGNED TO EXAMINER	60004

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location:

Jun. 06, 2008

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY , 11211 3740
UNITED STATES

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC , 20001 4413
UNITED STATES

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

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Mark: PLANET OF THE APES

US Serial Number: 75982463

Application Filing Date:

Apr. 21, 1999

US Registration Number: 2732552

Registration Date:

Jul. 01, 2003

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jun. 27, 2013

Publication Date: Dec. 28, 1999

Notice of Allowance Date:

Mar. 21, 2000

Mark Information

Mark Literal Elements:

PLANET OF THE APES

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Child Of:

75688604

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:

shirts

International Class(es): 025 - Primary Class

U.S Class(es):

022, 039

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jul. 01, 2001

Use in Commerce:

Jul. 01, 2001

For:

[costume masks]

International Class(es): 028 - Primary Class

U.S Class(es):

022, 023, 038, 050

Class Status:

SECTION 8 - CANCELLED

Basis:

1(a)

First Use: Sep. 15, 2001

Use in Commerce:

Sep. 15, 2001

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:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA UNITED STATES 90035

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent
Name/Address:

Tina M. Pompey, Esq.
Fox Group Legal
P.O. Box 900
Intellectual Property Department
BEVERLY HILLS, CALIFORNIA UNITED STATES 90213-0900

Phone: 310-369-7630

Fax:

310-969-3095

Correspondent e-mail: tm@fox.com

Correspondent e-mail
Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 26, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 26, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 27, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 27, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Jun. 27, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Jun. 27, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Jun. 20, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 20, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 31, 2009	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376

Mar. 26, 2009	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 31, 2009	POST REGISTRATION ACTION CORRECTION	73376
Mar. 31, 2009	ASSIGNED TO PARALEGAL	73376
Mar. 26, 2009	TEAS SECTION 8 & 15 RECEIVED	
Jun. 17, 2008	CASE FILE IN TICRS	
Jul. 01, 2003	REGISTERED-PRINCIPAL REGISTER	
May 05, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 03, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 03, 2003	PAPER RECEIVED	
Nov. 15, 2002	NON-FINAL ACTION MAILED	
Nov. 14, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 20, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 19, 2002	ASSIGNED TO EXAMINER	72620
Jun. 07, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 07, 2002	EXTENSION 3 GRANTED	
Sep. 21, 2001	USE AMENDMENT FILED	
Sep. 21, 2001	EXTENSION 3 FILED	
Jun. 08, 2002	DIVISIONAL PROCESSING COMPLETE	
Sep. 21, 2001	DIVISIONAL REQUEST RECEIVED	
Mar. 18, 2002	TEAS EXTENSION RECEIVED	
Jun. 29, 2001	EXTENSION 2 GRANTED	
Mar. 14, 2001	EXTENSION 2 FILED	
Nov. 08, 2000	EXTENSION 1 GRANTED	
Sep. 06, 2000	EXTENSION 1 FILED	
Mar. 21, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 28, 1999	PUBLISHED FOR OPPOSITION	
Nov. 26, 1999	NOTICE OF PUBLICATION	
Sep. 12, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 03, 1999	EXAMINER'S AMENDMENT MAILED	
Aug. 30, 1999	ASSIGNED TO EXAMINER	76735

Maintenance Filings or Post Registration Information

Affidavit of Continued Use:

Section 8 - Accepted

Affidavit of Incontestability:

Section 15 - Accepted

Renewal Date:

Jul. 01, 2013

Change in Registration:

Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jun. 27, 2013

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91203417](#)

Filing Date:

Jan 18, 2012

Status: Terminated

Status Date:

Apr 27, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name:

Kind Distribution, LLC

Correspondent Address:

PATRICK BISSEN
KIND DISTRIBUTION LLC
370 HUMBOLDT ST 1
BROOKLYN NY UNITED STATES , 11211 3740

Correspondent e-mail:

schtoops@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE VAPES	Abandoned - After Inter-Partes Decision	85357919	

Plaintiff(s)

Name:

Twentieth Century Fox Film Corporation

Correspondent Address:

LINDA K MCLEOD
FINNEGAN HENDERSON FARABOW GARRETT DUNNER LLP
901 NEW YORK AVE, NW
WASHINGTON DC UNITED STATES , 20001 4413

Correspondent e-mail:

docketing@finnegan.com , linda.mcleod@finnegan.com , judy.valusek@finnegan.com , susannah.kolstad@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET OF THE APES	Renewed	74697973	1968678
PLANET OF THE APES	Renewed	75139934	2081417
PLANET OF THE APES	Renewed	75975664	2092307
PLANET OF THE APES	Renewed	76052564	2441152
PLANET OF THE APES	Renewed	76052565	2442861
PLANET OF THE APES	Renewed	75981590	2589348
PLANET OF THE APES	Cancelled - Section 8	76052566	2579889
PLANET OF THE APES	Expired	76052567	2602149
PLANET OF THE APES	Renewed	75982463	2732552

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	TRIAL DATES SET	Jan 24, 2012	
5	NOTICE OF DEFAULT	Mar 13, 2012	
6	BOARD'S DECISION: SUSTAINED	Apr 27, 2012	
7	TERMINATED	Apr 27, 2012	

Generated on:

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Mark: PLANET OF THE APES

PLANET OF THE APES

US Serial Number: 85725058

Application Filing Date:

Sep. 10, 2012

Register:

Principal

Mark Type:

Trademark

Status:

A fifth request for extension of time to file a Statement of Use has been granted.

Status Date:

Sep. 25, 2015

Publication Date: Feb. 12, 2013

Notice of Allowance Date:

Apr. 09, 2013

Mark Information

Mark Literal Elements:

PLANET OF THE APES

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:

2441152, 2442861, 2602149

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:

Purses; wallets; umbrellas; knapsacks and backpacks; tote bags; book bags; school bags; overnight bags; beach bags; fanny packs; handbags; sports bags; travel bags; toiletry bags sold empty; luggage; briefcases; clothing for animals; key cases of leather or imitation leather

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
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name:

Twentieth Century Fox Film Corporation

Owner Address:

10201 West Pico Boulevard
Los Angeles, CALIFORNIA 90035
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

Tina M. Pompey, Esq.
Fox Group Legal
P.O. Box 900
Intellectual Property Department
Beverly Hills, CALIFORNIA 90213-0900
UNITED STATES

Phone: (310) 369-7630

Fax:

(310) 969-3095

Correspondent e-mail: tm@fox.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 26, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 25, 2015	EXTENSION 5 GRANTED	70565
Sep. 18, 2015	EXTENSION 5 FILED	70565
Sep. 18, 2015	TEAS EXTENSION RECEIVED	
Mar. 10, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 09, 2015	EXTENSION 4 GRANTED	70565
Mar. 05, 2015	EXTENSION 4 FILED	70565
Mar. 05, 2015	TEAS EXTENSION RECEIVED	
Oct. 01, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 30, 2014	EXTENSION 3 GRANTED	70565
Sep. 26, 2014	EXTENSION 3 FILED	70565
Sep. 26, 2014	TEAS EXTENSION RECEIVED	
Apr. 10, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 09, 2014	EXTENSION 2 GRANTED	70565
Apr. 04, 2014	EXTENSION 2 FILED	70565
Apr. 04, 2014	TEAS EXTENSION RECEIVED	
Oct. 30, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 29, 2013	EXTENSION 1 GRANTED	70565
Sep. 20, 2013	EXTENSION 1 FILED	70565
Oct. 25, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Sep. 20, 2013	TEAS EXTENSION RECEIVED	
Apr. 09, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 20, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 20, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 12, 2013	PUBLISHED FOR OPPOSITION	

Jan. 23, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 04, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 31, 2012	ASSIGNED TO LIE	70138
Dec. 13, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 13, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 13, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 13, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 13, 2012	EXAMINERS AMENDMENT -WRITTEN	76509
Dec. 13, 2012	ASSIGNED TO EXAMINER	76509
Sep. 17, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 13, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HARDY LUDLOW, TARAH KI

Law Office Assigned:

LAW OFFICE 110

File Location

Current Location: INTENT TO USE SECTION

Date in Location:

Oct. 25, 2013