

ESTTA Tracking number: **ESTTA740690**

Filing date: **04/18/2016**

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	NIKE, Inc.
Granted to Date of previous extension	04/17/2016
Address	One Bowerman Drive Beaverton, OR 97005 UNITED STATES

Attorney information	Helen Hill Minsker Banner & Witcoff, Ltd. 10 South Wacker Drive Suite 3000 Chicago, IL 60606 UNITED STATES hminsker@bannerwitcoff.com, aheinze@bannerwitcoff.com, mhouston@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com, bwptotm@bannerwitcoff.com Phone:312-463-5000
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Applicant Information

Application No	86647963	Publication date	10/20/2015
Opposition Filing Date	04/18/2016	Opposition Period Ends	04/17/2016
Applicant	Nelson, Dommonic 2402 Blackridge Rd. Houston, TX 77067 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2012/08/22 First Use In Commerce: 2012/09/01 All goods and services in the class are opposed, namely: Apparel for dancers, namely, t-shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, socks, hats and caps, athletic uniforms; Athletic shirts; Graphic t-shirts; Hooded sweat shirts; Long-sleeved shirts; Shirts and short-sleeved shirts; Sweat shirts; t-shirts for men and women

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1276233	Application Date	10/23/1978
Registration Date	05/01/1984	Foreign Priority Date	NONE

Word Mark	WAFFLE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1973/04/00 First Use In Commerce: 1973/04/00 Athletic Shoes Designed for Running andSoles for Use with Such Shoes

U.S. Registration No.	2652318	Application Date	12/30/1999
Registration Date	11/19/2002	Foreign Priority Date	NONE
Word Mark	WAFFLE RACER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/07/12 First Use In Commerce: 2002/07/12 Footwear		

U.S. Registration No.	2893674	Application Date	12/30/1999
Registration Date	10/12/2004	Foreign Priority Date	NONE
Word Mark	WAFFLE TRAINER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1975/12/31 First Use In Commerce: 1975/12/31 athletic shoes designed for running andother sports requiring running		

Attachments	75883316#TMSN.png(bytes) 75883317#TMSN.png(bytes) 007834.00130 Notice of Opposition.pdf(98131 bytes) 007834.00130 Exhibit A.pdf(127737 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	/maurineknutsson/
Name	Maurine L. Knutsson
Date	04/18/2016

Attorney Docket:
007834.00130

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

In the Matter of Trademark Applicant)	
Nelson, Dommonic)	
)	
)	
Mark: WAFL+)	
)	
Serial No.: 86/647,963)	
)	
Filed: June 1, 2015)	
)	
Published in the Official Gazette dated October 20, 2015)	
_____)	
NIKE, INC.,)	
Opposer,)	Opposition No. _____
vs.)	
)	
NELSON, DOMMONIC,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, NIKE, Inc., whose address is One Bowerman Drive, Beaverton, Oregon 97005, believes it will be damaged by registration of the above-identified mark (hereinafter “Applicant’s Mark”) and opposes the same.

The grounds for the opposition are as follows:

1. Opposer is a leading sport and fitness company, and a leading provider of a broad range of clothing, footwear, sporting goods and related products and services.
2. Opposer is the owner of rights granted via federal registrations and common law rights for the marks “WAFFLE,” “WAFFLE RACER,” and “WAFFLE TRAINER” (collectively

the “WAFFLE Marks”).

3. Opposer’s dates of first use and first use in commerce for the mark WAFFLE in connection various footwear items are at least as early as 1973. Over the years since then, Opposer has continuously used its WAFFLE Marks in commerce in connection with various footwear items, with its dates of first use and first use in commerce for WAFFLE RACER and WAFFLE TRAINER detailed in the registrations for those marks identified below.

4. Opposer is the owner of the following U.S. Trademark Registrations for the WAFFLE Marks:

Mark	Reg. No.	Registration Date	International Class(es)
WAFFLE	Reg. 1,276,233	May 1, 1984	25
WAFFLE RACER	Reg. 2,652,318	November 19, 2002	25
WAFFLE TRAINER	Reg. 2,893,674	October 12, 2004	25

Copies of the above registrations for the WAFFLE Marks, including the USPTO TSDR records showing current status and title, are attached as Exhibit A. Each of the above-referenced registrations is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065, and thus serve as conclusive evidence of the validity of Opposer’s WAFFLE Marks pursuant to 15 U.S.C. § 1115(b).

5. As a result of Opposer’s long use and registration of its WAFFLE Marks, Opposer has developed substantial goodwill in said mark, and the public has come to associate the WAFFLE Marks with the goods of Opposer.

6. Applicant filed his application for Applicant’s Mark on June 1, 2015, alleging use of the mark in commerce in connection with “Apparel for dancers, namely, t-shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, socks, hats

and caps, athletic uniforms; Athletic shirts; Graphic t-shirts; Hooded sweat shirts; Long-sleeved shirts; Shirts and short-sleeved shirts; Sweat shirts; t-shirts for men and women” in International Class 25.

7. If Applicant is permitted to register his mark, the registration will give Applicant a *prima facie* exclusive right to the use of Applicant’s Mark for the goods set forth in the application. Such registration would damage and injure Opposer.

COUNT 1

LIKELIHOOD OF CONFUSION

8. Opposer repeats and realleges paragraphs 1-7 as paragraph 8 of this Count I.

9. Opposer’s use and registration of its WAFFLE Marks is long prior to the filing date of the opposed Application.

10. On information and belief, Applicant was aware of Opposer’s WAFFLE Marks at the time that he filed his application.

11. Applicant’s Mark is confusingly similar to Opposer’s WAFFLE Marks.

12. Applicant’s use and registration of Applicant’s Mark will inevitably lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Lanham Act, 15 USC §1052(d), all to Opposer’s grave and irreparable damage.

13. Registration of Applicant’s Mark should be denied based on a likelihood of confusion with Opposer’s prior WAFFLE Marks, in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

CLAIM FOR RELIEF/DAMAGE

14. By reason of the foregoing, Applicant’s registration of the mark herein opposed will cause injury and damage to Opposer’s rights to its registered WAFFLE Marks and to its use thereof described above.

WHEREFORE, Opposer respectfully prays that the present opposition be sustained and that the registration sought by the Applicant be refused.

DEPOSIT ACCOUNT AUTHORIZATION

Please charge the statutory fee of \$300 to our firm's deposit account, No. 19-0733. Please also charge any additional fees, or credit any overpayments, to our firm's deposit account, No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.
Attorneys for Opposer

Date: April 18, 2016

By: /helen hill minsker/

Helen Hill Minsker
Audra C. Eidem Heinze
Maurine Knutsson
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000

Enclosures:
Exhibit A

Copy of Reg. No. 1,276,233, No. 2,652,318, and No. 2,893,674 and TSDR Records Showing Current Status and Title

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2016, a copy of the foregoing Notice of Opposition was served directly on Applicant, as there is no attorney of record, by first-class class mail, postage prepaid, addressed as follows:

Dommonic Nelson
2402 Blackridge Road
Houston, Texas 77067

/helen hill minsker/

Exhibit A

Generated on: This page was generated by TSDR on 2016-04-18 14:04:31 EDT

Mark: WAFFLE

US Serial Number: 73190217

Application Filing Date: Oct. 23, 1978

US Registration Number: 1276233

Registration Date: May 01, 1984

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 02, 2014

Publication Date: Feb. 07, 1984

Mark Information

Mark Literal Elements: WAFFLE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Acquired Distinctiveness Claim: In whole

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: Athletic Shoes Designed for Running and Soles for Use with Such Shoes

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1973

Use in Commerce: Apr. 1973

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: Nike, Inc.

Owner Address: One Bowerman Drive
Beaverton, OREGON 97005
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OREGON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jaime M. Lemons

Attorney Primary Email Address: Nike.Docket@nike.com leah.kling@nike.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jaime M. Lemons
Nike, Inc.
ONE BOWERMAN DRIVE, DF-3
BEAVERTON, OREGON 97005
UNITED STATES

Phone: 503-671-6453

Fax: 503-646-6926

Correspondent e-mail: Nike.Docket@nike.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 02, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 02, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Apr. 02, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Mar. 31, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68335
Mar. 31, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 22, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 22, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 17, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 17, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 15, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 15, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 24, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 24, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 25, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 27, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 27, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 15, 2008	CASE FILE IN TICRS	
Jul. 06, 2004	REGISTERED - SEC. 15 ACKNOWLEDGED	
Jul. 02, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 02, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 17, 2004	REGISTERED - SEC. 15 AFFIDAVIT FILED	
May 17, 2004	TEAS SECTION 15 RECEIVED	

Apr. 29, 2004 REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
 Apr. 29, 2004 TEAS SECTION 8 & 9 RECEIVED
 Jun. 21, 1990 REGISTERED - SEC. 8 (6-YR) ACCEPTED
 Apr. 30, 1990 REGISTERED - SEC. 8 (6-YR) FILED
 Jun. 21, 1990 POST REGISTRATION ACTION CORRECTION
 Apr. 30, 1990 POST REGISTRATION ACTION CORRECTION
 May 01, 1984 REGISTERED-PRINCIPAL REGISTER
 Feb. 07, 1984 PUBLISHED FOR OPPOSITION
 Jun. 15, 1982 PUBLISHED FOR OPPOSITION
 Dec. 28, 1983 NOTICE OF PUBLICATION
 Dec. 27, 1983 NOTICE OF PUBLICATION
 Dec. 23, 1983 NOTICE OF PUBLICATION
 Dec. 22, 1983 NOTICE OF PUBLICATION
 Aug. 04, 1983 APPROVED FOR PUB - PRINCIPAL REGISTER
 Jul. 11, 1983 CORRESPONDENCE RECEIVED IN LAW OFFICE
 May 10, 1983 NON-FINAL ACTION MAILED
 Apr. 18, 1983 CORRESPONDENCE RECEIVED IN LAW OFFICE
 Jun. 01, 1982 NOTICE OF PUBLICATION
 Apr. 07, 1982 APPROVED FOR PUB - PRINCIPAL REGISTER
 Nov. 23, 1979 NON-FINAL ACTION MAILED
 Sep. 17, 1979 ASSIGNED TO EXAMINER
 Feb. 01, 1979 ASSIGNED TO EXAMINER

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 01, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 02, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: Nike, Inc.

Assignment 1 of 3

Conveyance: MERGER 19811231OR

Reel/Frame: [0422/0627](#)

Pages: 14

Date Recorded: Jun. 25, 1982

Supporting Documents: No Supporting Documents Available

Assignor

Name: [BRS, INC.](#)

Execution Date: Jan. 19, 1982

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [NIKE, INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: SCHUYLER, BANNER, ET AL.

Correspondent Address: ONE THOUSAND CONN. AVE.
ONE THOUSAND CONN. AVE.
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0945/0448](#)

Pages: 15

Date Recorded: Apr. 01, 1993

Supporting Documents: No Supporting Documents Available

Assignor

Name: [NIKE, INC.](#)

Execution Date: Feb. 15, 1993

Legal Entity Type: CORPORATION

State or Country Where Organized: OREGON

Assignee

Name: [BRS, INC.](#)

State or Country Where Organized: OREGON

Legal Entity Type: CORPORATION

Address: ONE BOWERMAN DRIVE BEAVERTON, OREGON 97005-6453

Correspondent

Correspondent Name: BANNER, BIRCH, MCKIE & BECKETT

Correspondent Address: ALAN S. COOPER
1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [1159/0220](#)

Pages: 16

Date Recorded: May 31, 1994

Supporting Documents: No Supporting Documents Available

Assignor

Name: [BRS, INC.](#)

Execution Date: May 27, 1994

Legal Entity Type: CORPORATION

State or Country Where Organized: OREGON

Assignee

Name: [NIKE, INC.](#)

State or Country Where Organized: OREGON

Legal Entity Type: CORPORATION

Address: ONE BOWERMAN DRIVE
BEAVERTON, OREGON 970056453

Correspondent

Correspondent Name: BANNER, BIRCH, MCKIE & BECKETT

Correspondent Address: ERIC T. FINGERHUT
ELEVENTH FLOOR
1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597

Domestic Representative - Not Found

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,276,233

Registered May 1, 1984

TRADEMARK
Principal Register

WAFFLE

Nike, Inc. (Oregon corporation)
Suite 115
8285 SW. Nimbus
Beaverton, Ore. 97005, by merger from
BRS, Inc. (Oregon corporation)
Beaverton, Ore.

For: ATHLETIC SHOES DESIGNED FOR
RUNNING AND SOLES FOR USE WITH SUCH
SHOES, in CLASS 25 (U.S. Cl. 39).
First use Apr. 1973; in commerce Apr. 1973.
Sec. 2(f).

Ser. No. 190,217, filed Oct. 23, 1978.

FRANCIE R. GOROWITZ, Examining Attorney

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Mark: WAFFLE RACER

WAFFLE RACER

US Serial Number: 75883316

Application Filing Date: Dec. 30, 1999

US Registration Number: 2652318

Registration Date: Nov. 19, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 30, 2012

Publication Date: May 22, 2001

Notice of Allowance Date: Aug. 14, 2001

Mark Information

Mark Literal Elements: WAFFLE RACER

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Acquired Distinctiveness Claim: In part

Distinctiveness Limitation Statement: as to "WAFFLE"

Related Properties Information

Claimed Ownership of US Registrations: 1129000, 1130004, 1276233

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 12, 2002

Use in Commerce: Jul. 12, 2002

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: Nike, Inc.

Owner Address: One Bowerman Drive
Beaverton, OREGON 97005
UNITED STATES

Legal Entity Type: CORPORATION

State or Country OREGON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jaime M. Lemons

Attorney Primary Email Address: Nike.Docket@nike.com leah.kling@nike.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jaime M. Lemons
Nike, Inc.
ONE BOWERMAN DRIVE, DF-3
BEAVERTON, OREGON 97005
UNITED STATES

Phone: 503-671-6453

Fax: 503-646-6926

Correspondent e-mail: Nike.Docket@nike.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 22, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 22, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 30, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 30, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Nov. 30, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69934
Nov. 19, 2012	TEAS SECTION 8 & 9 RECEIVED	
May 08, 2012	NOTICE OF SUIT	
Oct. 28, 2011	NOTICE OF SUIT	
Oct. 17, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 17, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 16, 2011	NOTICE OF SUIT	
Jul. 21, 2011	NOTICE OF SUIT	
Jun. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 11, 2011	NOTICE OF SUIT	
May 04, 2011	NOTICE OF SUIT	
Mar. 24, 2011	NOTICE OF SUIT	
Mar. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 15, 2011	NOTICE OF SUIT	
Jan. 11, 2011	NOTICE OF SUIT	
Jan. 10, 2011	NOTICE OF SUIT	
Jan. 10, 2011	NOTICE OF SUIT	
Jan. 03, 2011	NOTICE OF SUIT	

Dec. 10, 2010	NOTICE OF SUIT	
Oct. 15, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 15, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 09, 2010	NOTICE OF SUIT	
Dec. 31, 2009	NOTICE OF SUIT	
Oct. 26, 2009	NOTICE OF SUIT	
Jun. 23, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 23, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 08, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Dec. 08, 2008	ASSIGNED TO PARALEGAL	69934
Nov. 20, 2008	ASSIGNED TO PARALEGAL	74886
Nov. 14, 2008	TEAS SECTION 8 & 15 RECEIVED	
Sep. 26, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 05, 2008	NOTICE OF SUIT	
Jul. 07, 2008	NOTICE OF SUIT	
Jul. 07, 2008	NOTICE OF SUIT	
Jun. 25, 2008	NOTICE OF SUIT	
Jun. 20, 2008	NOTICE OF SUIT	
Jun. 20, 2008	NOTICE OF SUIT	
Jun. 16, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Jun. 06, 2008	NOTICE OF SUIT	
Jun. 06, 2008	NOTICE OF SUIT	
Jun. 06, 2008	NOTICE OF SUIT	
Jun. 05, 2008	NOTICE OF SUIT	
Jun. 04, 2008	NOTICE OF SUIT	
Jun. 03, 2008	NOTICE OF SUIT	
Jun. 02, 2008	NOTICE OF SUIT	
Jun. 02, 2008	NOTICE OF SUIT	
May 29, 2008	NOTICE OF SUIT	
May 29, 2008	NOTICE OF SUIT	
May 29, 2008	NOTICE OF SUIT	
May 29, 2008	NOTICE OF SUIT	
May 21, 2008	NOTICE OF SUIT	
May 20, 2008	NOTICE OF SUIT	
May 20, 2008	NOTICE OF SUIT	
May 12, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
May 12, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 10, 2008	NOTICE OF SUIT	
Apr. 10, 2008	NOTICE OF SUIT	
Apr. 06, 2008	NOTICE OF SUIT	
Apr. 01, 2008	NOTICE OF SUIT	
Mar. 31, 2008	NOTICE OF SUIT	
Mar. 28, 2008	NOTICE OF SUIT	
Mar. 27, 2008	NOTICE OF SUIT	
Mar. 27, 2008	NOTICE OF SUIT	
Mar. 26, 2008	NOTICE OF SUIT	
Mar. 26, 2008	NOTICE OF SUIT	
Mar. 20, 2008	NOTICE OF SUIT	
Mar. 20, 2008	NOTICE OF SUIT	
Mar. 18, 2008	NOTICE OF SUIT	
Mar. 13, 2008	NOTICE OF SUIT	
Mar. 13, 2008	NOTICE OF SUIT	
Mar. 12, 2008	NOTICE OF SUIT	

Mar. 12, 2008	NOTICE OF SUIT	
Mar. 03, 2008	NOTICE OF SUIT	
Mar. 03, 2008	NOTICE OF SUIT	
Feb. 26, 2008	NOTICE OF SUIT	
Feb. 20, 2008	CASE FILE IN TICRS	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 11, 2008	NOTICE OF SUIT	
Feb. 03, 2008	NOTICE OF SUIT	
Feb. 03, 2008	NOTICE OF SUIT	
Jan. 31, 2008	NOTICE OF SUIT	
Jan. 28, 2008	NOTICE OF SUIT	
Jan. 28, 2008	NOTICE OF SUIT	
Jan. 21, 2008	NOTICE OF SUIT	
Jan. 21, 2008	NOTICE OF SUIT	
Jul. 12, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Mar. 22, 2007	NOTICE OF SUIT	
Nov. 19, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 13, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 13, 2002	ASSIGNED TO EXAMINER	74677
Sep. 10, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 13, 2002	USE AMENDMENT FILED	
Aug. 13, 2002	PAPER RECEIVED	
Feb. 26, 2002	EXTENSION 1 GRANTED	
Feb. 05, 2002	EXTENSION 1 FILED	
Aug. 14, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 22, 2001	PUBLISHED FOR OPPOSITION	
May 09, 2001	NOTICE OF PUBLICATION	
Feb. 21, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 19, 2000	NON-FINAL ACTION MAILED	
Jun. 19, 2000	ASSIGNED TO EXAMINER	74677
Jun. 07, 2000	ASSIGNED TO EXAMINER	66593

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 19, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 30, 2012

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,652,318

Registered Nov. 19, 2002

**TRADEMARK
PRINCIPAL REGISTER**

WAFFLE RACER

NIKE, INC. (OREGON CORPORATION)
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005

OWNER OF U.S. REG. NOS. 1,129,000, 1,130,004,
AND 1,276,233.

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

SEC. 2(F) AS TO "WAFFLE" .

SN 75-883,316, FILED 12-30-1999.

FIRST USE 7-12-2002; IN COMMERCE 7-12-2002.

BERYL GARDNER, EXAMINING ATTORNEY

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Mark: WAFFLE TRAINER

WAFFLE TRAINER

US Serial Number: 75883317

Application Filing Date: Dec. 30, 1999

US Registration Number: 2893674

Registration Date: Oct. 12, 2004

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 28, 2014

Publication Date: Jan. 15, 2002

Notice of Allowance Date: Apr. 15, 2003

Mark Information

Mark Literal Elements: WAFFLE TRAINER

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "TRAINER"

Acquired Distinctiveness Claim: In part

Distinctiveness Limitation Statement: as to "WAFFLE"

Related Properties Information

Claimed Ownership of US Registrations: 1129000, 1130004, 1276233

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: athletic shoes designed for running and other sports requiring running

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1975

Use in Commerce: Dec. 31, 1975

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
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Nike, Inc.
Owner Address: One Bowerman Drive
Beaverton, OREGON UNITED STATES 97005
Legal Entity Type: CORPORATION
State or Country Where Organized: OREGON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jaime M. Lemons
Attorney Primary Email Address: Nike.Docket@nike.com leah.kling@nike.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jaime M. Lemons
Nike, Inc.
ONE BOWERMAN DRIVE, DF-3
BEAVERTON, OREGON UNITED STATES 97005
Phone: 503-671-6453
Fax: 503-646-6926
Correspondent e-mail: Nike.Docket@nike.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 28, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 28, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Aug. 28, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Aug. 28, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Aug. 12, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 22, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 22, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 08, 2012	NOTICE OF SUIT	
Oct. 17, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 17, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 16, 2011	NOTICE OF SUIT	
Jul. 21, 2011	NOTICE OF SUIT	
Jun. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 11, 2011	NOTICE OF SUIT	
May 04, 2011	NOTICE OF SUIT	
Apr. 25, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Apr. 25, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Apr. 12, 2011	TEAS SECTION 8 & 15 RECEIVED	
Mar. 24, 2011	NOTICE OF SUIT	
Mar. 15, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 15, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 15, 2011	NOTICE OF SUIT	
Jan. 11, 2011	NOTICE OF SUIT	
Jan. 10, 2011	NOTICE OF SUIT	

Jan. 10, 2011	NOTICE OF SUIT
Jan. 03, 2011	NOTICE OF SUIT
Dec. 10, 2010	NOTICE OF SUIT
Oct. 15, 2010	ATTORNEY REVOKED AND/OR APPOINTED
Oct. 15, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED
Mar. 09, 2010	NOTICE OF SUIT
Dec. 31, 2009	NOTICE OF SUIT
Oct. 26, 2009	NOTICE OF SUIT
Jun. 23, 2009	ATTORNEY REVOKED AND/OR APPOINTED
Jun. 23, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED
Sep. 26, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED
Sep. 05, 2008	NOTICE OF SUIT
Jul. 07, 2008	NOTICE OF SUIT
Jul. 07, 2008	NOTICE OF SUIT
Jun. 25, 2008	NOTICE OF SUIT
Jun. 20, 2008	NOTICE OF SUIT
Jun. 16, 2008	NOTICE OF SUIT
Jun. 13, 2008	NOTICE OF SUIT
Jun. 13, 2008	NOTICE OF SUIT
Jun. 06, 2008	NOTICE OF SUIT
Jun. 06, 2008	NOTICE OF SUIT
Jun. 06, 2008	NOTICE OF SUIT
Jun. 05, 2008	NOTICE OF SUIT
Jun. 04, 2008	NOTICE OF SUIT
Jun. 03, 2008	NOTICE OF SUIT
Jun. 02, 2008	NOTICE OF SUIT
Jun. 02, 2008	NOTICE OF SUIT
May 29, 2008	NOTICE OF SUIT
May 29, 2008	NOTICE OF SUIT
May 29, 2008	NOTICE OF SUIT
May 29, 2008	NOTICE OF SUIT
May 21, 2008	NOTICE OF SUIT
May 20, 2008	NOTICE OF SUIT
May 20, 2008	NOTICE OF SUIT
May 12, 2008	ATTORNEY REVOKED AND/OR APPOINTED
May 12, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED
Apr. 10, 2008	NOTICE OF SUIT
Apr. 10, 2008	NOTICE OF SUIT
Apr. 06, 2008	NOTICE OF SUIT
Apr. 01, 2008	NOTICE OF SUIT
Mar. 31, 2008	NOTICE OF SUIT
Mar. 28, 2008	NOTICE OF SUIT
Mar. 27, 2008	NOTICE OF SUIT
Mar. 27, 2008	NOTICE OF SUIT
Mar. 26, 2008	NOTICE OF SUIT
Mar. 26, 2008	NOTICE OF SUIT
Mar. 20, 2008	NOTICE OF SUIT
Mar. 20, 2008	NOTICE OF SUIT
Mar. 18, 2008	NOTICE OF SUIT
Mar. 13, 2008	NOTICE OF SUIT
Mar. 13, 2008	NOTICE OF SUIT
Mar. 12, 2008	NOTICE OF SUIT
Mar. 12, 2008	NOTICE OF SUIT
Mar. 03, 2008	NOTICE OF SUIT
Mar. 03, 2008	NOTICE OF SUIT

Feb. 26, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
Feb. 11, 2008	NOTICE OF SUIT	
Feb. 03, 2008	NOTICE OF SUIT	
Feb. 03, 2008	NOTICE OF SUIT	
Jan. 31, 2008	NOTICE OF SUIT	
Jan. 28, 2008	NOTICE OF SUIT	
Jan. 28, 2008	NOTICE OF SUIT	
Jan. 21, 2008	NOTICE OF SUIT	
Jan. 21, 2008	NOTICE OF SUIT	
Jul. 12, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Apr. 26, 2007	NOTICE OF SUIT	
Mar. 22, 2007	NOTICE OF SUIT	
Oct. 12, 2004	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	76874
Aug. 13, 2004	ASSIGNED TO LIE	76874
Jul. 27, 2004	ASSIGNED TO LIE	76874
Jul. 08, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 09, 2004	ASSIGNED TO EXAMINER	74677
Jun. 07, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 20, 2004	USE AMENDMENT FILED	
Jan. 19, 2004	EXTENSION 1 GRANTED	
Oct. 15, 2003	EXTENSION 1 FILED	
Jun. 01, 2004	PETITION TO REVIVE-GRANTED	67832
May 11, 2004	COMMUNICATION RECEIVED FROM PETITIONER	
May 04, 2004	INCOMPLETE PETITION NOTICE MAILED	67832
May 11, 2004	FAX RECEIVED	
Jan. 20, 2004	PETITION TO REVIVE-RECEIVED	
Jan. 20, 2004	PAPER RECEIVED	
Dec. 08, 2003	ABANDONMENT - NO USE STATEMENT FILED	
Apr. 15, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 21, 2002	ASSIGNED TO EXAMINER	74677
Aug. 21, 2002	ASSIGNED TO EXAMINER	74677
Feb. 22, 2002	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jan. 15, 2002	PUBLISHED FOR OPPOSITION	
Dec. 26, 2001	NOTICE OF PUBLICATION	
Sep. 26, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 24, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 26, 2001	NON-FINAL ACTION MAILED	
Dec. 15, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 19, 2000	NON-FINAL ACTION MAILED	
Jun. 19, 2000	ASSIGNED TO EXAMINER	74677
Jun. 07, 2000	ASSIGNED TO EXAMINER	66593

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 12, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 28, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [75883317](#)

Filing Date: Jun 07, 2002

Status: Terminated

Status Date: Jun 07, 2002

Interlocutory Attorney:

Defendant

Name: Nike, Inc.

Correspondent Address: KATHY J. MCKNIGHT
SHAW PITTMAN
2300 N STREET, N.W.
WASHINGTON DC UNITED STATES , 20037-1128

Associated marks

Mark	Application Status	Serial Number	Registration Number
WAFFLE TRAINER	Renewed	75883317	2893674

Potential Opposer(s)

Name: NEW BALANCE ATHLETIC SHOE, INC.

Correspondent Address: JEREMIAH LYNCH
LAHIVE & COCKFIELD, LLP
28 STATE STREET
BOSTON MA UNITED STATES , 02109

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Feb 15, 2002	
2	EXTENSION OF TIME GRANTED	Jun 07, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Apr 15, 2002	
4	EXTENSION OF TIME GRANTED	Jun 07, 2002	
5	INCOMING - EXT TIME TO OPPOSE FILED	May 16, 2002	
6	EXTENSION OF TIME GRANTED	Jun 07, 2002	
7	AMENDMENT TO APPLICATION	Jun 07, 2002	
8	AMENDMENT FORWARDED TO EXAMINER	Aug 14, 2002	
9	INCOMING - EXT TIME TO OPPOSE FILED	Jul 15, 2002	
10	REQ. TO EXTEND TIME TO OPPOSE MOOT	Aug 14, 2002	
11	AMENDMENT APPROVED AND ENTERED;RESPONSE DUE (DUE DATE)	Oct 18, 2002	Nov 17, 2002

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,893,674

Registered Oct. 12, 2004

**TRADEMARK
PRINCIPAL REGISTER**

WAFFLE TRAINER

NIKE, INC. (OREGON CORPORATION)
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005

FOR: ATHLETIC SHOES DESIGNED FOR RUNNING AND OTHER SPORTS REQUIRING RUNNING, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-31-1975; IN COMMERCE 12-31-1975.

OWNER OF U.S. REG. NOS. 1,129,000, 1,130,004, AND 1,276,233.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRAINER", APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "WAFFLE".

SN 75-883,317, FILED 12-30-1999.

BERYL GARDNER, EXAMINING ATTORNEY