

ESTTA Tracking number: **ESTTA775416**

Filing date: **10/07/2016**

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	Retail Royalty Company
Granted to Date of previous extension	10/09/2016
Address	101 Convention Center Drive Las Vegas, NV 89109 UNITED STATES

Attorney information	Kristin Garris Kilpatrick Townsend & Stockton LLP 1114 Avenue of the Americas, 21st Floor New York, NY 10036 UNITED STATES kgarris@kilpatricktownsend.com, lpearson@kilpatricktownsend.com, Agarcia@ktslaw.com, tadmin@ktslaw.com Phone:212-775-8700
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Applicant Information

Application No	86810204	Publication date	04/12/2016
Opposition Filing Date	10/07/2016	Opposition Period Ends	10/09/2016
Applicant	Toad & Co. International, Inc. 2020 Alameda Padre Serra #125 Santa Barbara, CA 93103 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Clothing, namely, shirts, coats, jackets, pullovers, vests, scarves; down and insulated clothing, namely, shirts, vests, and outerwear, namely, parkas, overcoats and rain and weather resistant jackets

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.	3486591	Application Date	08/19/2005
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	AERIE		

Design Mark	<h1>AERIE</h1>		
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2007/07/00 First Use In Commerce: 2007/07/00 Jewelry, namely, jewelry</p> <p>Class 018. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Gym bags, tote bags, and toiletry casessold empty</p> <p>Class 025. First use: First Use: 2006/09/06 First Use In Commerce: 2006/09/06 Clothing, and clothing accessories, namely, belts, bottoms, gym suits, tops, lingerie, loungewear, pants, robes, scarves, shirts, shorts, skirts, sleep wear, slippers, sweaters, underwear, footwear, socks, namely, shoes, sandals, headwear,namely, headbands, hats [, sweatbands]</p> <p>Class 035. First use: First Use: 2006/09/06 First Use In Commerce: 2006/09/06 Retail store services, mail order services, [catalog ordering services,] and electronic retail store services using aglobal computer and/or communications network, all in the field of wearing apparel, clothing, clothing accessories, footwear, headwear, athletic bags, purses, cosmetics, personal care products, candles, and jewelry</p>		

U.S. Registration No.	3788744	Application Date	08/19/2005
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	AERIE		
Design Mark	<h1>AERIE</h1>		
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 2008/11/00 First Use In Commerce: 2008/11/00 Beach bags, purses, and wallets</p> <p>Class 025. First use: First Use: 2006/09/00 First Use In Commerce: 2006/09/00 Wearing apparel, clothing, and clothingaccessories, namely, beachwear, foul weather gear, jackets, sweatshirts, and swimwear</p> <p>Class 035. First use: First Use: 2008/04/00 First Use In Commerce: 2008/04/00</p>		

	Retail store services, mail order services, and electronic retail store services using a global computer and/or communications network, all in the field of waist-packs, wallets, perfume and fragrances, toiletries, sunglasses, and sporting goods
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U.S. Registration No.	3610524	Application Date	08/19/2005
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	AERIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2007/10/00 First Use In Commerce: 2007/10/00 Drawstring pouches, coin purses, and umbrellas Class 025. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Rainwear		

Attachments	78980065#TMSN.png(bytes) 78696571#TMSN.png(bytes) 78980604#TMSN.png(bytes) AEO_Notice of Opposition_AERIUM application_Oct 7.pdf(24651 bytes) EXHIBIT A to - Notice of Opposition_AERIUM.pdf(1293624 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	/Kristin Garris/
Name	Kristin Garris
Date	10/07/2016

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

In the Matter of Application Serial No.: 86810204

Mark: AERIUM

Filing Date: November 5, 2015

Publication Date: April 12, 2016

RETAIL ROYALTY COMPANY,

Opposer,

v.

TOAD & CO. INTERNATIONAL INC.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer Retail Royalty Company, a Nevada corporation with an address at 101 Convention Center Drive Las Vegas, Nevada 89109 (“Opposer”), believes that it will be damaged by the registration of Application Serial No. 86810204 (the “Application”) and hereby opposes the Application pursuant to 15 U.S.C. § 1063.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer, together with its affiliated companies (collectively, “AEO”), is a leading retailer offering a broad assortment of apparel and accessories for men and women under the AMERICAN EAGLE OUTFITTERS brand, and intimates, apparel and personal care products for women under the AERIE brand.

Opposer’s AERIE Marks

2. Since at least as early as 2006, AEO has used the mark AERIE, alone and in conjunction with other words or designs (collectively, the “AERIE Marks”), extensively to

identify its products, including, among other items, clothing such as shirts, tops, pants, socks, jackets, scarves, underwear, sweaters, sweatshirts, rainwear, and foul weather gear. AEO operates 97 stand-alone AERIE stores and 67 side-by-side AERIE stores connected to AMERICAN EAGLE OUTFITTERS stores. AERIE-branded clothing and other products are sold in these retail stores and on-line at aerie.com.

3. AEO has spent substantial sums of money promoting its goods and services offered in connection with the AERIE Marks. Based on AEO’s extensive use and promotion, the AERIE Marks have come to embody substantial goodwill associated with AEO, and consumers immediately identify the AERIE Marks with AEO.

4. In addition to the common law rights it has developed through extensive use of the AERIE Marks, Opposer owns a number of U.S. trademark and service mark registrations for the AERIE Marks, including, *inter alia*, the following registrations (collectively, the “AERIE Registrations”):

Mark	Reg. No.	Goods/Services	Filing Date	Reg. Date
AERIE	3486591	<p>Class 14: Jewelry, namely, jewelry.</p> <p>Class 18: Gym bags, tote bags, and toiletry cases sold empty.</p> <p>Class 25: Clothing, and clothing accessories, namely, belts, bottoms, gym suits, tops, lingerie, loungewear, pants, robes, scarves, shirts, shorts, skirts, sleep wear, slippers, sweaters, underwear, footwear, socks, namely, shoes, sandals, headwear, namely, headbands, hats []</p> <p>Class 35: Retail store services, mail order services, [] and electronic retail store services using a global computer and/or communications network, all in the field of wearing apparel, clothing, clothing accessories, footwear, headwear, athletic</p>	August 19, 2005	August 12, 2008

		bags, purses, cosmetics, personal care products, candles, and jewelry.		
AERIE	3788744	Class 18: Beach bags, purses, and wallets; Class 25: Wearing apparel, clothing, and clothing accessories, namely, beachwear, foul weather gear, jackets, sweatshirts, and swimwear; Class 35: Retail store services, mail order services, and electronic retail store services using a global computer and/or communications network, all in the field of waistpacks, wallets, perfume and fragrances, toiletries, sunglasses, and sporting goods	August 19, 2005	May 11, 2010
AERIE	3610524	Class 18: Drawstring pouches, coin purses, and umbrellas; Class 25: Rainwear	August 19, 2005	April 21, 2009

The foregoing registrations are valid and in full force and effect, and thereby constitute *prima facie* evidence of Opposer's exclusive right to use the AERIE Marks in commerce in connection with the goods and services specified in the registrations. In addition, the foregoing AERIE Registrations have been registered on the Principal Register for more than five (5) years. Pursuant to 37 C.F.R. § 2.122(d)(1), printouts of information from the electronic database records of the USPTO showing the current status and title of the AERIE Registrations are attached hereto as **Exhibit A**.

5. Opposer's AERIE Registrations cover a variety of products, including, *inter alia*, clothing such as shirts, tops, pants, socks, jackets, scarves, underwear, sweaters, sweatshirts, rainwear, and foul weather gear in International Class 25. Opposer's AERIE Registrations cover multiple services as well, including retail store services and on-line retail clothing store services in International Class 35.

Applicant's AERIUM Mark

6. Notwithstanding Opposer's prior rights in its AERIE Marks and AERIE Registrations, Applicant Toad & Co. International, Inc., with a principal place of business at 2020 Alameda Padre Serra #125 Santa Barbara, California 93103 ("Applicant"), filed on November 5, 2015 its application (Application Serial No. 86810204) to register the AERIUM designation (the "AERIUM Mark") for use in connection with the following goods in International Class 25: "Clothing, namely, shirts, coats, jackets, pullovers, vests, scarves; down and insulated clothing, namely, shirts, vests, and outerwear, namely, parkas, overcoats and rain and weather resistant jackets."

7. The Application was published in the *Trademark Official Gazette* on April 12, 2016.

Likelihood of Confusion

8. Applicant's AERIUM Mark, as shown in the Application, is confusingly similar in sight, sound, and commercial impression to Opposer's previously used AERIE Marks.

9. The goods identified in the opposed Application are identical or closely related to the goods on which Opposer's AERIE Marks are used and have previously been used.

10. Applicant's AERIUM Mark, when used in connection with Applicant's goods as identified in the Applications, so resembles the previously used AERIE Marks as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public as to a sponsorship or endorsement of, or an affiliation, connection, or association with, the source of goods sold under the AERIE Marks in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer, the public, and the trade.

11. Applicant's AERIUM Mark, as shown in the Application, is confusingly similar in sight, sound, and commercial impression to the previously registered AERIE Marks as shown in the AERIE Registrations.

12. The goods identified in the Application are identical or closely related to the goods identified in the AERIE Registrations.

13. Applicant's AERIUM Mark, when used in connection with Applicant's goods as identified in the Application, so resembles the previously registered marks shown in the AERIE Registrations as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public as to a sponsorship or endorsement of, or an affiliation, connection, or association with, the source of goods sold under the AERIE Marks, as shown in the AERIE Registrations, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer, the public, and the trade.

14. There is no issue as to priority. Opposer began using its AERIE mark in commerce at least as early as 2006, well before the November 5, 2015 filing date of Applicant's Application.

15. If Applicant is granted the registration herein opposed, Applicant would thereby obtain a *prima facie* exclusive right to the use of the AERIUM Mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's AERIUM Mark, as shown in Application Serial No. 86810204, be denied pursuant to 15 U.S.C. §§ 1052(d) and 1063(a).

The required fee for instituting this opposition proceeding against one application in one class is being submitted herewith. If for any reason this amount is insufficient, it is requested that Kilpatrick Townsend & Stockton LLP's Deposit Account No. 11-0855 be charged with any deficiency.

Please recognize Lisa Pearson and Kristin Garris and the law firm of Kilpatrick Townsend & Stockton LLP as attorneys for Opposer in connection with this opposition proceeding. Please address all correspondence regarding this proceeding to Kristin Garris at Kilpatrick Townsend & Stockton LLP, 1114 Avenue of the Americas, 21st Floor, New York, New York 10036.

Dated: October 7, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Kristin Garris

Lisa Pearson
Kristin Garris
1114 Avenue of the Americas, 21st Floor
New York, New York 10036
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Attorneys for Opposer Retail Royalty Company

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

In the Matter of Application Serial No.: 86810204

Mark: AERIUM

Filing Date: November 5, 2015

Publication Date: April 12, 2016

RETAIL ROYALTY COMPANY,

Opposer,

v.

TOAD & CO. INTERNATIONAL INC.,

Applicant.

Opposition No. _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** has been served on Applicant's Correspondent, by depositing said copy with the U.S. Mail on October 7, 2016, First Class postage prepaid, and addressed as follows:

ELEY O. THOMPSON
FOLEY & LARDNER LLP
321 NORTH CLARK STREET, SUITE 2800
CHICAGO, IL 60654

/s/ Kristin Garris

Kristin Garris

KILPATRICK TOWNSEND & STOCKTON LLP

1114 Avenue of the Americas, 21st Floor

New York, New York 10036

Telephone: (212) 775-8700

Facsimile: (212) 775-8800

Attorney for Opposer Retail Royalty Company

CERTIFICATE OF TRANSMITTAL

I certify that a copy of the attached **NOTICE OF OPPOSITION** is being filed electronically with the TTAB via ESTTA on October 7, 2016.

/s/ Kristin Garris

Kristin Garris

KILPATRICK TOWNSEND & STOCKTON LLP

1114 Avenue of the Americas, 21st Floor

New York, New York 10036

Telephone: (212) 775-8700

Facsimile: (212) 775-8800

Attorney for Opposer Retail Royalty Company

EXHIBIT A



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Mark Image

Word Mark AERIE

Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry, namely, jewelry. FIRST USE: 20070700. FIRST USE IN COMMERCE: 20070700

IC 018. US 001 002 003 022 041. G & S: Gym bags, tote bags, and toiletry cases sold empty. FIRST USE: 20061000. FIRST USE IN COMMERCE: 20061000

IC 025. US 022 039. G & S: Clothing, and clothing accessories, namely, belts, bottoms, gym suits, tops, lingerie, loungewear, pants, robes, scarves, shirts, shorts, skirts, sleep wear, slippers, sweaters, underwear, footwear, socks, namely, shoes, sandals, headwear, namely, headbands, hats [, sweatbands]. FIRST USE: 20060906. FIRST USE IN COMMERCE: 20060906

IC 035. US 100 101 102. G & S: Retail store services, mail order services, [catalog ordering services,] and electronic retail store services using a global computer and/or communications network, all in the field of wearing apparel, clothing, clothing accessories, footwear, headwear, athletic bags, purses, cosmetics, personal care products, candles, and jewelry. FIRST USE: 20060906. FIRST USE IN COMMERCE: 20060906

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78980065

Filing Date August 19, 2005

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 12, 2006

Registration Number **3486591**

International Registration 1030213

Number
Registration Date August 12, 2008
Owner (REGISTRANT) RETAIL ROYALTY COMPANY CORPORATION NEVADA 101 CONVENTION CENTER DRIVE LAS VEGAS NEVADA 89109
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Theodore R. Remaklus
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 78980065

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Web interface last modified: July 25, 2014 v.2.5

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Int. Cls.: 14, 18, 25, and 35

**Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 39, 41, 50, 100, 101,
and 102**

Reg. No. 3,486,591

United States Patent and Trademark Office

Registered Aug. 12, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

AERIE

RETAIL ROYALTY COMPANY (NEVADA CORPORATION)
101 CONVENTION CENTER DRIVE
LAS VEGAS, NV 89109

FOR: JEWELRY, NAMELY, JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 7-0-2007; IN COMMERCE 7-0-2007.

FOR: GYM BAGS, TOTE BAGS, AND TOILETRY CASES SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-0-2006; IN COMMERCE 10-0-2006.

FOR: CLOTHING, AND CLOTHING ACCESSORIES, NAMELY, BELTS, BOTTOMS, GYM SUITS, TOPS, LINGERIE, LOUNGEWEAR, PANTS, ROBES, SCARVES, SHIRTS, SHORTS, SKIRTS, SLEEP WEAR, SLIPPERS, SWEATERS, UNDERWEAR, FOOTWEAR, SOCKS, NAMELY, SHOES, SANDALS, HEADWEAR, NAMELY, HEADBANDS, HATS, SWEATBANDS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-6-2006; IN COMMERCE 9-6-2006.

FOR: RETAIL STORE SERVICES, MAIL ORDER SERVICES, CATALOG ORDERING SERVICES, AND ELECTRONIC RETAIL STORE SERVICES USING A GLOBAL COMPUTER AND/OR COMMUNICATIONS NETWORK, ALL IN THE FIELD OF WEARING APPAREL, CLOTHING, CLOTHING ACCESSORIES, FOOTWEAR, HEADWEAR, ATHLETIC BAGS, PURSES, COSMETICS, PERSONAL CARE PRODUCTS, CANDLES, AND JEWELRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-6-2006; IN COMMERCE 9-6-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-980,065, FILED 8-19-2005.

Alice Benmaman, Examining Attorney



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Mark Image

Word Mark AERIE

Goods and Services IC 018. US 001 002 003 022 041. G & S: Beach bags, purses, and wallets. FIRST USE: 20081100. FIRST USE IN COMMERCE: 20081100

IC 025. US 022 039. G & S: Wearing apparel, clothing, and clothing accessories, namely, beachwear, foul weather gear, jackets, sweatshirts, and swimwear. FIRST USE: 20060900. FIRST USE IN COMMERCE: 20060900

IC 035. US 100 101 102. G & S: Retail store services, mail order services, and electronic retail store services using a global computer and/or communications network, all in the field of waistpacks, wallets, perfume and fragrances, toiletries, sunglasses, and sporting goods. FIRST USE: 20080400. FIRST USE IN COMMERCE: 20080400

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78696571

Filing Date August 19, 2005

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 12, 2006

Registration Number 3788744

International Registration Number 1030213

Registration Date May 11, 2010

Owner (REGISTRANT) RETAIL ROYALTY COMPANY CORPORATION NEVADA 101 CONVENTION CENTER DRIVE LAS VEGAS NEVADA 89109

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Theodore R. Remaklus
Type of Mark Register TRADEMARK. SERVICE MARK
Affidavit Text PRINCIPAL
Live/Dead Indicator SECT 15. SECT 8 (6-YR).
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Serial #: [78696571](#)

Filing Dt: 08/19/2005

Reg #: [3788744](#)

Reg. Dt: 05/11/2010

Registrant: RETAIL ROYALTY COMPANY

Mark: AERIE

Assignment: 1

Reel/Frame: [3247/0787](#)

Recorded: 02/15/2006

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NC SIXTH LLC](#)

Exec Dt: 02/14/2006

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: NEVADA

Assignee: [RETAIL ROYALTY COMPANY](#)

101 CONVENTION CENTER DRIVE

LAS VEGAS, NEVADA 89109

Correspondent: SARAH OTTE GRABER

2700 CAREW TOWER, 441 VINE STREET

CINCINNATI,, OH 45202-2917

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AERIE

Reg. No. 3,788,744

RETAIL ROYALTY COMPANY (NEVADA CORPORATION)
101 CONVENTION CENTER DRIVE

Registered May 11, 2010

LAS VEGAS, NV 89109

Int. Cls.: 18, 25, and 35

FOR: BEACH BAGS, PURSES, AND WALLETS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

TRADEMARK

FIRST USE 11-0-2008; IN COMMERCE 11-0-2008.

SERVICE MARK

FOR: WEARING APPAREL, CLOTHING, AND CLOTHING ACCESSORIES, NAMELY, BEACHWEAR, FOUL WEATHER GEAR, JACKETS, SWEATSHIRTS, AND SWIMWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRINCIPAL REGISTER

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

FOR: RETAIL STORE SERVICES, MAIL ORDER SERVICES, AND ELECTRONIC RETAIL STORE SERVICES USING A GLOBAL COMPUTER AND/OR COMMUNICATIONS NETWORK, ALL IN THE FIELD OF WAISTPACKS, WALLETS, PERFUME AND FRAGRANCES, TOILETRIES, SUNGLASSES, AND SPORTING GOODS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-2008; IN COMMERCE 4-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-696,571, FILED 8-19-2005.

ALICE BENMAMAN, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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Word Mark	AERIE
Goods and Services	IC 018. US 001 002 003 022 041. G & S: Drawstring pouches, coin purses, and umbrellas. FIRST USE: 20071000. FIRST USE IN COMMERCE: 20071000
	IC 025. US 022 039. G & S: Rainwear. FIRST USE: 20080700. FIRST USE IN COMMERCE: 20080700
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78980604
Filing Date	August 19, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 12, 2006
Registration Number	3610524
International Registration Number	1030213
Registration Date	April 21, 2009
Owner	(REGISTRANT) RETAIL ROYALTY COMPANY CORPORATION NEVADA 101 CONVENTION CENTER DRIVE LAS VEGAS NEVADA 89109
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Theodore R. Remaklus
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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For Serial Number: 78980604

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Int. Cls.: 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 39, and 41

Reg. No. 3,610,524

United States Patent and Trademark Office

Registered Apr. 21, 2009

**TRADEMARK
PRINCIPAL REGISTER**

AERIE

RETAIL ROYALTY COMPANY (NEVADA CORPORATION)
101 CONVENTION CENTER DRIVE
LAS VEGAS, NV 89109

FOR: DRAWSTRING POUCHES, COIN PURSES,
AND UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

FIRST USE 10-0-2007; IN COMMERCE 10-0-2007.

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

FIRST USE 7-0-2008; IN COMMERCE 7-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-980,604, FILED 8-19-2005.

ALICE BENMAMAN, EXAMINING ATTORNEY