

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

In the matter of

TTAB

76632663

Registration No.: 3143997
For the mark: www.east13.com
Date registered: September 19, 2006

Registration No.: 3147241
For the mark: east13
Date registered: September 26, 2006

Registration No.: 3158549
For the mark: East Thirteen
Date registered: October 17, 2006

LIVE VENTURES INC.

PETITIONER,

v.

SAROJ INTERNATIONAL, INC.

REGISTRANT.

CANCELLATION NO. _____

06/11/2007 SWILSONI 00000030 76632663

01 FC:6401

900.00 09

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION TO CANCEL



06-06-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Petitioner: Live Ventures Inc.
P.O. Box 2724
11 Boldt Farms Rd
Edgartown, Massachusetts 02539

Petitioner is a corporation organized and existing under the laws of Maine, U.S.A.

To the best of Petitioner's knowledge, the name and address of the current owner of the above-identified Registrations is

Saroj International, Inc.
2615 S Santa Fe Ave.
Vernon, California 90058.

Petitioner believes that it is or will be damaged by the above-identified Registrations, and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged as follows:

1. Petitioner uses, and/or has used since September 5, 2001, the trademark E.THIRTEEN for bicycle parts, namely chain guides, chain retention systems, chain rings, chainrings, sprockets, chainwheels, bashguards, chainguards, stems, headset cups, headset reducer cups, crankarm spider, crank spider, chainwheel spider, adapter plates for chainguides mounting brackets, chainguide wearplates.
2. Petitioner uses, and/or has used since September 5, 2001, the trademark E.THIRTEEN for clothing, namely t-shirts, sweatshirts, hats, wristbands, headbands.
3. Petitioner filed trademark application serial number 78/925708 on July 10, 2006 to register the standard character mark E.THIRTEEN on the principal register ("708 Application") (see Exhibit A).

4. Petitioner's '708 Application seeks registration of E.THIRTEEN for bicycle parts listed above (International Class 12) and for clothing listed above (International Class 25).

5. The '708 Application was refused because of a likelihood of confusion with the above-identified Registrations numbers 3143997 (for the standard character mark WWW.EAST13.COM), 3147241 (for the standard character mark EAST13), and 3158549 (for the special form mark EAST THIRTEEN) (collectively "Registrations") (see Exhibit B).

6. The Registrations were filed under Trademark Act Section 1(a), 15 U.S.C. § 1051(a).

7. Registrations number 3143997 for WWW.EAST13.COM and number 3147241 for EAST13 list under Goods and/or Services goods in International Classes 18 and 25 (see Exhibits C and D). Class 18 goods listed are handbags, tote bags, traveling bags, shoulder bags, clutch purses, all-purpose athletic bags, backpacks, wallets, coin purses and cosmetic bags sold empty. Class 25 goods listed are clothing, namely, bras, panties, slips, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters.

8. Registration numbers 314997 and 3147241 list as first use date April 1, 2004.

9. Registration number 3158549 for EAST THIRTEEN lists under Goods and/or Services retail clothing boutiques in International Classes 35 (see Exhibit E).

10. Registration number 3158549 lists as first use date October 1, 2005.

Priority and Likelihood of Confusion

11. Petitioner realleges and incorporates herein by reference the paragraphs hereinabove, and all the Exhibits attached and incorporated therein.

12. Petitioner requests cancelation of the Registrations pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

13. Petitioner has used the mark E.THIRTEEN since September 5, 2001, and Petitioner's first use in commerce was February 10, 2002 (see Exhibit A).

14. Petitioner has used the mark E.THIRTEEN continuously and has not abandoned its use of the mark at any time.

15. Petitioner is currently using the mark E.THIRTEEN.

16. Petitioner's use of the mark E.THIRTEEN predates the first use of the marks under the Registrations, *i.e.*, April 1, 2004 and October 1, 2005 (see Exhibits C, D and E).

17. Petitioner's '708 Application is directed *inter alia* at clothing under International Class 25 and lists for example t-shirts that are also listed in Registration numbers 314997 and 3147241. The same goods are thus covered.

18. Registration number 3158549 is directed at retail clothing boutiques. The '708 Application and Registration number 3158549 are thus directed at the same trade channels.

19. The Trademark Office held that a likelihood of confusion exists between the mark E.THIRTEEN and the marks under the Registrations and thereby refused registration of Petitioner's mark E.THIRTEEN (see Exhibit B). Petitioner therefore

believes that it is damaged by the continued registration of the mark under the Registrations because if the Registrations are canceled the refusal to register Petitioner's mark E.THIRTEEN on the basis of the Registrations would be withdrawn.

Fraud in Procurement of Registrations

20. Petitioner realleges and incorporates herein by reference the paragraphs hereinabove, and all the Exhibits attached and incorporated therein.

21. The Registrations list as applicant/owner Saroj International, Inc., 2615 S. Santa Fe Avenue, Vernon, California 90058 ("Saroj International") (see Exhibits C, D and E).

22. Saroj International has a website at www.sarojusa.com where it lists as products watches, electronics, and fashion under Dulce Baby and Femina Intimates (see Exhibit F). The website of Saroj International directs the reader to websites for Dulce Baby and Feminal Intimates (see Exhibits G and H). The websites for Saroj International, Dulce Baby and Feminal Intimates do not mention east13 in any form.

23. Registration number 3143997 at issue under this Petition is for the mark WWW.EAST13.COM, which is a website for East13 Lingerie (see Exhibit I). East13 Lingerie presents only lingerie on its website.

24. The application resulting in Registration number 3143997 for the mark WWW.EAST13.COM represented that the mark was used since at least as early as April 1, 2004 for handbags, tote bags, traveling bags, shoulder bags, clutch purses, all-purpose athletic bags, backpacks, wallets, coin purses and cosmetic bags sold empty in International Class 18 (see Exhibit C).

25. Upon information and/or belief, the applicant and/or owner of the mark WWW.EAST13.COM did not use and/or had not used the mark on goods in International Class 18 as represented in the application and that the mark was used on such goods only on a later date, if at all. The statement of use in the application resulting in Registration number 3143997 was therefore false and was made with knowledge of its falsehood.

26. The application resulting in Registration number 3143997 for the mark WWW.EAST13.COM represented that the mark was used since at least as early as April 1, 2004 for clothing, namely, bras, panties, slips, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters in International Class 25 (see Exhibit C).

27. Upon information and/or belief, the applicant and/or owner of the mark WWW.EAST13.COM did not use and/or had not used the mark on goods in International Class 25 as represented in the application and that the mark was used on such goods only on a later date, if at all. The statement of use in the application resulting in Registration number 3143997 was therefore false and was made with knowledge of its falsehood.

28. The application resulting in Registration number 3147241 for the mark EAST13 represented that the mark was used since at least as early as April 1, 2004 for handbags, tote bags, traveling bags, shoulder bags, clutch purses, all-purpose athletic

bags, backpacks, wallets, coin purses and cosmetic bags sold empty in International Class 18 (see Exhibit D).

29. Upon information and/or belief, the applicant and/or owner of the mark EAST13 did not use and/or had not used the mark on goods in International Class 18 as represented in the application and that the mark was used on such goods only on a later date, if at all. The statement of use in the application resulting in Registration number 3147241 was therefore false and was made with knowledge of its falsehood.

30. The application resulting in Registration number 3147241 for the mark EAST13 represented that the mark was used since at least as early as April 1, 2004 for clothing, namely, bras, panties, slips, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters in International Class 25 (see Exhibit D).

31. Upon information and/or belief, the applicant and/or owner of the mark EAST13 did not use and/or had not used the mark on goods in International Class 25 as represented in the application and that the mark was used on such goods only on a later date, if at all. The statement of use in the application resulting in Registration number 3147241 was therefore false and was made with knowledge of its falsehood.

32. The application resulting in Registration number 3158549 for the mark EAST THIRTEEN represented that the mark was used since at least as early as October 1, 2005 for retail clothing boutiques in International Class 35 (see Exhibit E).

33. Saroj International does not list any retail clothing boutique under the mark EAST THIRTEEN on its website. The website for East 13 Lingerie, on information and/or belief, is operated by East Thirteen Lingerie, LLC, which was registered with the State of California on March 22, 2007 (see Exhibit J).

34. Upon information and/or belief, the applicant and/or owner of the mark EAST THIRTEEN did not use and/or had not used the mark for retail clothing boutiques in International Class 35 as represented in the application and that the mark was used for such bouthiques only on a later date, it at all. The statement of use in the application resulting in Registration number 3158549 was therefore false and was made with knowledge of its falsehood.

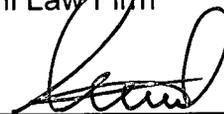
35. Therefore, on information and/or belief, the Registrations were procured fraudulently and are subject to cancelation pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner respectfully requests cancellation of Trademark Registrations numbers 3143997, 3147241 and 3158549.

Enclosed is a check for \$900 to cover the required fee. Please apply any charges not covered, and credit any overpayment, to Deposit Account No. 50-3723.

Date: June 6, 2007

Respectfully submitted,
Stahl Law Firm



Norbert Stahl
Registration No. 44,350

Attorney for Petitioner
LIVE VENTURES INC.

Correspondence Address:

Customer No. 58727
Stahl Law Firm
2 Meadowsweet Lane
San Carlos, CA 94070
(650) 802-8800

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-06 15:38:33 ET

Serial Number: 78925708 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

e.thirteen

(words only): E.THIRTEEN

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2006-12-08

Filing Date: 2006-07-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
LE KHANH M Employee Location

Current Location: M4X -TMO Law Office 113 - Examining Attorney Assigned

Date In Location: 2006-12-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Live Ventures Inc.

Address:

Live Ventures Inc.
P.O. Box 2724 11 Boldt Farms Rd
Edgartown, MA 02539
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Maine
Phone Number: 508-627-5913
Fax Number: 508-627-5914

GOODS AND/OR SERVICES

International Class: 012

Class Status: Active

Bicycle parts, chain guides, chain retention systems, chain rings, chainrings, sprockets, chainwheels, bashguards, chainguards, stems, headset cups, headset reducer cups, crankarm spider, crank spider, chainwheel spider, adapter plates for chainguides mounting brackets, chainguide wearplates

Basis: 1(a)

First Use Date: 2001-09-05

First Use in Commerce Date: 2002-02-10

International Class: 025

Class Status: Active

Clothing, t-shirts, sweatshirts, hats, wristbands, headbands

Basis: 1(a)

First Use Date: 2001-09-05

First Use in Commerce Date: 2002-02-10

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-08 - Non-final action e-mailed

2006-12-08 - Non-Final Action Written

2006-12-08 - Assigned To Examiner

2006-07-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Norbert Stahl

Correspondent

NORBERT STAHL

STAHL LAW FIRM

2 MEADOWSWEET LN

SAN CARLOS, CA 94070

Phone Number: 650-802-8800

Fax Number: 650-802-8484

EXHIBIT B

From: "ECom113" <Ecom1133@USPTO.GOV>
To: <nstahl@patentlawservice.com>
Sent: Friday, December 08, 2006 2:15 PM
Attach: 76632928P001OF003.JPG; 76632928P002OF003.JPG; 76632928P003OF003.JPG;
76632663P001OF003.JPG; 76632663P002OF003.JPG; 76632663P003OF003.JPG;
76632664P001OF003.JPG; 76632664P002OF003.JPG; 76632664P003OF003.JPG;
78762911P001OF002.JPG; 78762911P002OF002.JPG; 78975199P001OF002.JPG;
78975199P002OF002.JPG; e-1.jpg; e-2.jpg; 78537629P001OF003.JPG; 78537629P002OF003.JPG;
78537629P003OF003.JPG; 78538052P001OF003.JPG; 78538052P002OF003.JPG;
78538052P003OF003.JPG; 78695677P001OF003.JPG; 78695677P002OF003.JPG;
78695677P003OF003.JPG; 78708488P001OF003.JPG; 78708488P002OF003.JPG;
78708488P003OF003.JPG; 78164193P001OF001.JPG; 78204083P001OF003.JPG;
78204083P002OF003.JPG; 78204083P003OF003.JPG; 78503087P001OF002.JPG;
78503087P002OF002.JPG; 78505978P001OF002.JPG; 78505978P002OF002.JPG;
78788971P001OF002.JPG; 78788971P002OF002.JPG
Subject: TRADEMARK APPLICATION NO. 78925708 - E.THIRTEEN - 16-TM-01

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/925708

APPLICANT: Live Ventures Inc.

CORRESPONDENT ADDRESS:
NORBERT STAHL
STAHL LAW FIRM
2 MEADOWSWEET LN
SAN CARLOS, CA 94070

MARK: E.THIRTEEN

CORRESPONDENT'S REFERENCE/DOCKET NO: 16-TM-01

CORRESPONDENT EMAIL ADDRESS:
nstahl@patentlawservice.com

78925708

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

6/6/2007

Serial Number 78/925708

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

PRIOR PENDING APPLICATION

Information regarding pending Application Serial No. 76/632928 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

LIKELIHOOD OF CONFUSION REFUSAL

Registration of the proposed mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2840442, 3143997, 3147241 and 3158549. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

Taking into account the relevant *DuPont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

Similarity of Marks

Applicant's mark "E.THIRTEEN" and registrant's marks are highly similar in appearance, sound, and commercial impression.

Registration No. 2840442 for "13":

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See e.g., Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd* 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §§1207.01(b)(ii) and (b)(iii).

The mark shown in Registration No. 2840442 is "13." The applicant's mark simply features the letter "e" with a period in front of the word "thirteen" which is equivalent to the number shown in registrant's mark.

Registration Nos. 3143997 for WWW.EAST13.COM"; Registration No. 3147241 for "EAST13"; and Registration

No. 3158549 for "EAST THIRTEEN":

The attachment from an acronym dictionary shows that the letter "e" may be the abbreviation for "East." Please refer to the enclosed dictionary definition. Thus, the applicant's mark for "e.thirteen" is highly similar to the marks shown in Registration Nos. 3143997, 3147241 and 3158549.

Relatedness of Goods/Services

Applicant's goods are "bicycle parts, chain guides, chain retention systems, chain rings, chainrings, sprockets, chainwheels, bashguards, chainguards, stems, headset cups, headset reducer cups, crankarm spider, crank spider, chainwheel spider, adapter plates for chainguides mounting brackets, chainguide wearplates; clothing, t-shirts, sweatshirts, hats, wristbands, headbands."

The goods listed in Registration Nos. 3143997 and 3147241 are the following: "Handbags, Tote Bags, Traveling Bags, Shoulder Bags, Clutch Purses, All-Purpose Athletic Bags, Backpacks, Wallets, Coin Purses and Cosmetic Bags sold empty; Clothing, namely, bras, panties, slips, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters belts." The applicant's goods also include clothing.

The goods in listed in Registration No. 2840442 are the following: "Motorcycles and structural parts therefore, namely, engines, chassis, wheels, steering controls, fenders, rearview mirrors, seats, foot pegs and saddlebags; Jewelry made from precious metals and their alloys; precious stones, namely, diamonds; jewelry, namely, rings, bracelets, necklaces, pendants, earrings, cuff-links, watches, watch chains, precious metal money clips and key fobs bearing the motif of motorcycles of the number thirteen."

The services listed in Registration No. 3158549 are "retail clothing boutiques."

Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, are of a kind that may emanate from a single source. *See In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-1218 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988). Thus, the goods and services are closely related and traverse similar trade channels.

Since the marks are highly similar and the goods and services are closely related, confusion is likely in accordance with Section 2(d) of the Act.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

INFORMALITY

IDENTIFICATION OF GOODS REQUIREMENTS

THIS REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN

International class 12

The wording "bicycle parts" in the identification of goods is indefinite and must be clarified because it is indefinite.

Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. TMEP §1402.01.

Applicant must clarify the remainder of the identification of goods in class 12 by amending the identification to specify that they are bicycle parts, if accurate. TMEP §1402.01.

International Class 25

The wording "clothing" in the identification of goods is indefinite and must be clarified because indefinite. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. TMEP §1402.01.

Applicant may adopt all or part of the following identification of goods, if accurate: Bicycle parts, namely, chain guides, chain retention systems, chain rings, chainrings, sprockets, chainwheels, bashguards, chainguards, stems, headset cups, headset reducer cups, crankarm spider, crank spider, chainwheel spider, adapter plates for chainguides mounting brackets, chainguide wearplates, in International class 12. Clothing, namely, pants, in International Class 25. TMEP §1402.01.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

Requirements for Multiple Class Applications

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those goods and/or services based on actual use in commerce under Trademark Act Section 1(a):

- (1) Applicant must list the goods/services by international class with the classes listed in ascending numerical order;
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>); and
- (3) For each additional class of goods and/or services, applicant must submit:
 - (a) dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial application apply to that class; the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application;
 - (b) one specimen showing use of the mark for each class of goods and/or services; the specimen must have been in use in commerce at least as early as the filing date of the application;
 - (c) a statement that "the specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application;" and
 - (d) verification of the statements in 3(a) and 3(c) in an affidavit or a signed declaration under 37 C.F.R. §2.20. (NOTE: Verification is *not* required where (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, or (2) the original specimens are acceptable for the added class.)

37 C.F.R. §§2.6, 2.34(a), 2.59, 2.71(c), and 2.86(a); TMEP §§810, 904.09, 1403.01 and 1403.02(c).

Please note that the specimen(s) of record are acceptable for class(es) 12 and 25 only.

/Khanh M. Le/
U.S. Patent & Trademark Office
Law Office 113
(571) 272-9435

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS.
NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name.
NOTE: The filing date of the response will be the date of receipt in the Office, not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

EXHIBIT C

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-06 15:43:56 ET

Serial Number: 76632663 Assignment Information

Registration Number: 3143997

Mark

www.east13.com

(words only): WWW.EAST13.COM

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-09-19

Filing Date: 2005-03-04

Transformed into a National Application: No

Registration Date: 2006-09-19

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-09-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Saroj International, Inc.

Address:

Saroj International, Inc.
2615 S. Santa Fe Avenue

Vernon, CA 90058

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 018

Class Status: Active

Handbags, Tote Bags, Traveling Bags, Shoulder Bags, Clutch Purses, All-Purpose Athletic Bags, Backpacks, Wallets, Coin Purses and Cosmetic Bags sold empty

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

International Class: 025

Class Status: Active

Clothing, namely, bras, panties, slippers, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters belts

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

ADDITIONAL INFORMATION

Prior Registration Number(s):

2981796

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-19 - Registered - Principal Register

2006-07-19 - Changes/Corrections After Pub Approval Entered

2006-07-14 - TEAS Change Of Owner Address Received

2006-07-14 - Attorney Revoked And/Or Appointed

2006-07-14 - TEAS Revoke/Appoint Attorney Received

2006-07-14 - TEAS Change Of Correspondence Received

2006-06-27 - Published for opposition
2006-06-07 - Notice of publication
2006-05-09 - Law Office Publication Review Completed
2006-05-05 - Assigned To LIE
2006-04-29 - Approved for Pub - Principal Register (Initial exam)
2006-04-28 - Amendment From Applicant Entered
2006-03-27 - Communication received from applicant
2006-03-27 - PAPER RECEIVED
2005-09-28 - Non-final action mailed
2005-09-27 - Non-Final Action Written
2005-09-26 - Assigned To Examiner
2005-09-02 - Amendment From Applicant Entered
2005-04-07 - Communication received from applicant
2005-04-07 - PAPER RECEIVED
2005-07-22 - Amendment From Applicant Entered
2005-06-29 - Communication received from applicant
2005-07-22 - Amendment From Applicant Entered
2005-06-22 - Communication received from applicant
2005-06-29 - FAX RECEIVED
2005-06-22 - FAX RECEIVED
2005-03-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Jaivin Karnani
Saroj International, Inc.
2615 S. Santa Fe Avenue
Vernon CA 90058
Phone Number: 3232771055

Fax Number: 6266281706

EXHIBIT D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-06 15:44:31 ET

Serial Number: 76632664 Assignment Information

Registration Number: 3147241

Mark

east13

(words only): EAST 13

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-09-26

Filing Date: 2005-03-04

Transformed into a National Application: No

Registration Date: 2006-09-26

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-09-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Saroj International, Inc.

Address:
Saroj International, Inc.
2615 S. Santa Fe Avenue

Vernon, CA 90058

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 018

Class Status: Active

Handbags, Tote Bags, Traveling Bags, Shoulder Bags, Clutch Purses, All-Purpose Athletic Bags, Backpacks, Wallets, Coin Purses and Cosmetic Bags sold empty

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

International Class: 025

Class Status: Active

Clothing, namely, bras, panties, slips, camisoles, teddies, nightgowns, pajamas, sleep shirts, robes, shirts, t-shirts, skirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, footwear, shoes, caps, hats, bandannas, scarves, coats, jackets, rainwear, gloves, denim jeans, tights and teddies with garters

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-26 - Registered - Principal Register

2006-07-19 - Changes/Corrections After Pub Approval Entered

2006-07-14 - TEAS Change Of Owner Address Received

2006-07-14 - Attorney Revoked And/Or Appointed

2006-07-14 - TEAS Revoke/Appoint Attorney Received

2006-07-14 - TEAS Change Of Correspondence Received

2006-07-04 - Published for opposition

2006-06-14 - Notice of publication
2006-05-16 - Law Office Publication Review Completed
2006-05-12 - Assigned To LIE
2006-05-03 - Approved for Pub - Principal Register (Initial exam)
2006-04-11 - Amendment From Applicant Entered
2006-03-27 - Communication received from applicant
2006-03-27 - PAPER RECEIVED
2005-09-28 - Non-final action mailed
2005-09-28 - Non-Final Action Written
2005-09-26 - Assigned To Examiner
2005-07-20 - Amendment From Applicant Entered
2005-06-29 - Communication received from applicant
2005-06-29 - FAX RECEIVED
2005-06-22 - FAX RECEIVED
2005-03-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Jaivin Karnani
Saroj International, Inc.
2615 S. Santa Fe Avenue
Vernon CA 90058
Phone Number: 3232771055
Fax Number: 6266281706

EXHIBIT E

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-06 15:45:59 ET

Serial Number: 78762911 Assignment Information

Registration Number: 3158549

Mark

The image shows the word "East Thirteen" written in a highly decorative, cursive script. The letters are interconnected and have a classic, elegant feel. The "E" and "T" are particularly large and ornate.

(words only): EAST THIRTEEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-10-17

Filing Date: 2005-11-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2006-10-17

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Saroj International Inc.

Address:

Saroj International Inc.
868 Braewood Court
South Pasadena, CA 91030
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California**Phone Number:** 3232771055**Fax Number:** 6267925492

GOODS AND/OR SERVICES**International Class:** 035**Class Status:** Active

Retail clothing boutiques

Basis: 1(a)**First Use Date:** 2005-10-01**First Use in Commerce Date:** 2005-10-01

ADDITIONAL INFORMATION**Prior Registration Number(s):**

2981796

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-17 - Registered - Principal Register

2006-08-01 - Published for opposition

2006-07-12 - Notice of publication

2006-06-15 - Law Office Publication Review Completed

2006-06-09 - Assigned To LIE

2006-06-08 - Approved for Pub - Principal Register (Initial exam)

2006-06-08 - Teas/Email Correspondence Entered

2006-06-04 - Communication received from applicant

2006-06-04 - TEAS Response to Office Action Received

2006-06-01 - Non-final action e-mailed

2006-06-01 - Non-Final Action Written

2006-06-01 - Assigned To Examiner

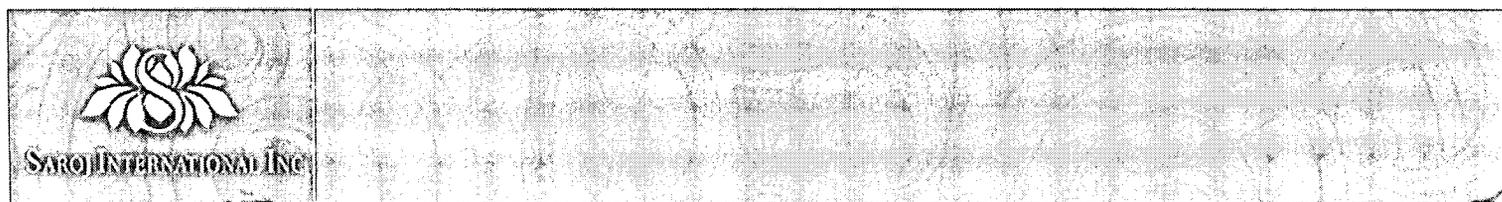
2005-12-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

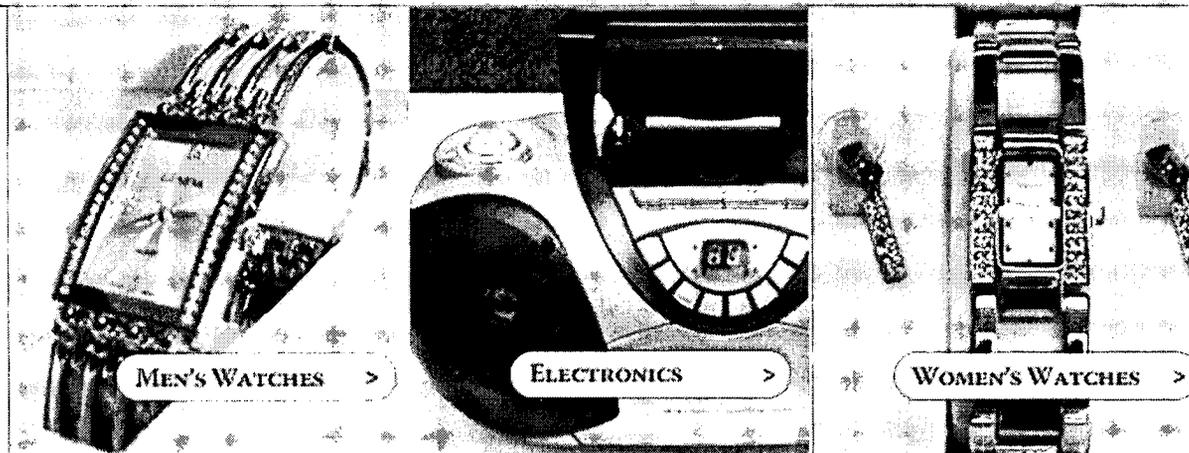
Correspondent

SAROJ INTERNATIONAL INC.,
SAROJ INTERNATIONAL INC.,
868 BRAEWOOD COURT
SOUTH PASADENA, CA 91030
Phone Number: 3232771055
Fax Number: 6267925492

EXHIBIT F



HOME | NEW ARRIVALS | PRODUCTS | CONTACT US



Our Mission

Saroj International Inc., aims to provide great products at great prices with excellent customer service.

Company Profile

Saroj International Inc., has been in business since 1992. We have grown tremendously by being ahead of trends in various segments, from computers to personal electronics, to fashion---with Dulce Baby and Femina Intimates.

Our Timepiece and Electronics division continues to be a leading importer and distributor in the United States today. Our buying strength benefits our customers as we are able to offer an unparalleled assortment at competitive prices.

Contact Information

Telephone

323-277-1055

FAX

323-277-1061

Postal address

2615 S. Santa Fe Avenue

Vernon, CA 90058

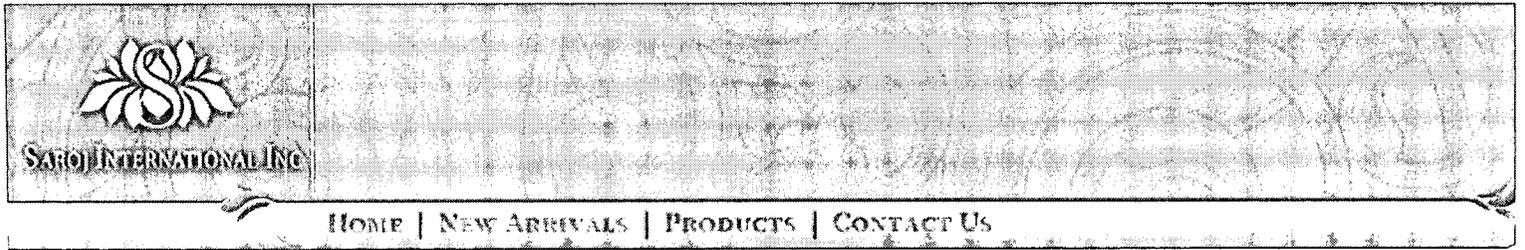
USA

Electronic mail

General Information: sales@sarojusa.com

RECALL INFO	Saroj International Inc. 10000 10th Ave. S. Suite 1000, Burnsville, MN 55337 Saroj International Inc. 10000 10th Ave. S. Suite 1000, Burnsville, MN 55337 Saroj International Inc. 10000 10th Ave. S. Suite 1000, Burnsville, MN 55337
-------------	--

EXHIBIT G



Dulce Baby



DB-143 TANK TOP, BURP CLOTH, CAP, BOOTIES, WASHCLOTH, BIB, FORK & SPOON, BRUSH & COMB.



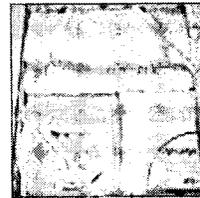
DB-144 T-SHIRT, BIB, CAP, BOOTIES, FORK & SPOON, BOWL, 3 WASHCLOTHS



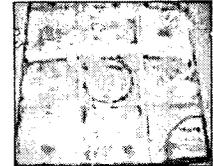
DB-145 VEST, BIB, CAP, BOOTIES, LOLLIPOP RATTLE, 4 BLOCKS, JUICE CUP



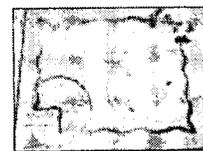
DB-303 2 T-SHIRTS, VIDEO CD, CAP, MITTENS, BIB, 3 WASHCLOTHS, REUSABLE TRAY



DB-302 7-DAY PRINTED BIBS, 8 WASHCLOTHS, LOLLIPOP RATTLE, FORK & SPOON, KEY RATTLE, VIDEO CD



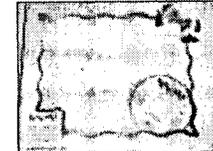
DB-301 VIDEO CD, HAT, BOOTIES, 2 T-SHIRTS, BODYSUIT, MITTENS, BIB, DIAPER COVER



DB-306 3 PRINTED BIBS, SOLID WASHCLOTH, PRINTED WASHCLOTH, FORK & SPOON, VIDEO CD



DB-307 T-SHIRT, HAT, WASHCLOTH, 2 PLASTIC HANGERS, VIDEO CD



DB-305 PRINTED T-SHIRT, SOLID HAT, MITTEN, WASHCLOTH, VIDEO CD

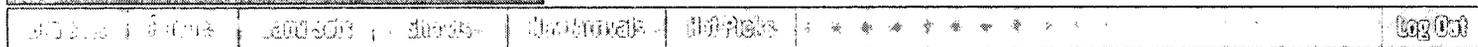


DB-308 GROW WITH ME 6-PC. GIFT SET W/O SLEEVES



DB-304 PRINTED VEST, PRINTED BELT, WASHCLOTH, KEY RATTLE, VIDEO CD

EXHIBIT H



Hot Picks

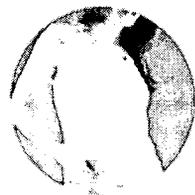
Hot Picks



\$14.40



\$8.00



\$14.00



\$4.80



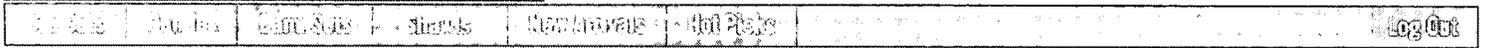
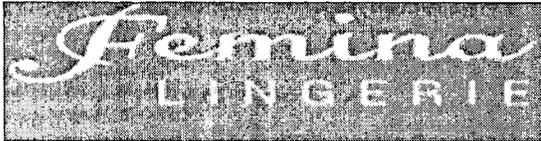
\$14.40



\$14.40

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Privacy Policy | Shipping Info | Sitemap | Order Status
Gift Services | Size Charts | Request Catalog | Resources



General Info

Femina Lingerie
2611 S. Santa Fe Avenue
Vernon , CA 90058

Phone# (323) 277 - 1055
Fax# (323) 277 - 1061

for Info

info@feminawoman.com

Info. Request

Name

Email

Phone Number - -

Inquiry message:

EXHIBIT I

East 13 LINGERIE

NOW HIRING [APPLY NOW]

[About east 13](#) | [Look Book '06](#) | [Newsletters](#) | [Press](#)



EMAIL

Submit

Featuring Some of the Hottest Names in Lingerie

LOCATION | 356 E. COLORADO BOULEVARD, PASADENA CALIFORNIA 91101

PHONE | 626.795.9386

lingerie, panties, bikini, thong, strapless, fantasy lingerie, bridal lingerie, intimates, panty, aubade lingerie, lingerie shops, wedding lingerie, balconette bra, big bra, frederick's hollywood, french lingerie, lingerie women, 32a bra, 36d bra, 36dd bra, animal print lingerie, aubade, backless bra, boyshort, bra 34b, bra and panties, bra cup size, bra fashion, bra fit, bra fitting, bra plus size, bra set, bra shop, bra sizing, bra store, bra thong, bras, bride lingerie, bustier, buy sexy lingerie, cami, camisole, clear bra straps, comfortable bra, corset bustier, cosabella, cotton lingerie, dd bra, flirt lingerie, gel filled bra, half cup bra

East 13 LINGERIE

NOW HIRING [APPLY NOW]

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About Us

Ooh la la! Lingerie shopping is about to go a whole new direction. *East 13* was envisioned around an extraordinary approach to welcome the consumer into a comfortable, personal experience where she has the resources and help that she needs to look and feel her best.

Women use lingerie to reflect their inner sirens, but there are only so many places that women are able to find the perfect lingerie or underwear that emulates the image they are looking for. *East 13* was borne out of that desire. We are, after all, changing the world of lingerie.

European collections including elegant, lacy pieces from Andres Sarda, and girly, frilly sets from Princesse Tam Tam fill the racks, representing the hottest in underwear. Beyond the fancy picks of the season, *East 13* also offers basic loungewear like pajama sets, bathrobes, and relaxed bras. Intimate apparel has never been such a pleasure.

Almost as appealing as the lingerie itself is the comfortable-yet-classy store set-up. Located in Pasadena, *East 13* reflects the glamorous environment of the city with a touch of Hollywood style. Vintage chandeliers light up the chic walls and hardwood floors, leading into the gorgeous dressing rooms with mirrored ceilings and shag carpets. Outside the dressing rooms is a small private showroom where customers can model their undergarments and gather opinions from their paramours or tag-alongs.

We offer bra fittings, special orders, free shipping, and carry a wide range of sizes and fits.

Store hours are Monday through Saturday, 10am to 9pm. Sundays 11am to 7pm.

East 13
356 E. Colorado Boulevard
Pasadena, CA 91101
626.795.9386
[map](#)

sexy bra, sexy lingerie store, sexy womens lingerie, simone perele, spandex lingerie, the intimates, underwear lingerie, underwire bra, woman lingerie, womans lingerie, women sexy lingerie, women's sleepwear, womens lingerie, "lingerie 91101", "lingerie pasadena", "lingerie pasadena ca"

EXHIBIT J

California Business Portal

Secretary of State DEBRA BOWEN

DISCLAIMER: The information displayed here is current as of May 25, 2007 and is updated weekly. It is not a complete or certified record of the Limited Partnership or Limited Liability Company.

LP/LLC		
EAST THIRTEEN LINGERIE, LLC		
Number: 200708310029	Date Filed: 3/22/2007	Status: active
Jurisdiction: CALIFORNIA		
Address		
356 E COLORADO BLVD		
PASADENA, CA 91101		
Agent for Service of Process		
JAIVIN KARNANI		
626 E WALNUT ST		
PASADENA, CA 91101		

Blank fields indicate the information is not contained in the computer file.

If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report. Fees and instructions for ordering a status report are included on the Business Entities Records Order Form.