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Filing date: **01/14/2014**

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

Proceeding	92053501
Party	Defendant Del Taco, LLC
Correspondence Address	APRIL L BESL DINSMORE SHOHL LLP 255 EAST FIFTH STREET CINCINNATI, OH 45202 UNITED STATES april.besl@dinsmore.com
Submission	Defendant's Notice of Reliance
Filer's Name	April L Besl
Filer's e-mail	april.besl@dinsmore.com
Signature	/april l besl/
Date	01/14/2014
Attachments	Notice of Reliance - Clothing Registration.pdf(8337 bytes ) Notice of Reliance - NAUGLES Clothing.pdf(94774 bytes ) Notice of Reliance - NAUGLES Clothing2.pdf(26955 bytes )

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

**CHRISTIAN M. ZIEBARTH,**

**Petitioner,**

**vs.**

**DEL TACO LLC**

**Respondent.**

**Reg. No. 1,043,729**  
**Cancellation No. 92053501**

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**RESPONDENT DEL TACO LLC'S NOTICE OF RELIANCE**  
**(REGISTRATION OF NAUGLES)**

Pursuant to Rule 704.03(b)(1)(A) of the Trademark Trial and Appeal Board Manual of Procedure and 37 CFR § 2.122(d), Respondent Del Taco LLC ("Del Taco"), by its counsel, hereby gives notice that Del Taco offers into evidence and will rely on the its registration for NAUGLES, U.S. Registration No. 4,261,951. A copy of the registration and a current printout of information from the electronic database records of the Trademark Office are attached hereto.

Respectfully Submitted,

Dated: **January 14, 2014**

*/ April L Besl /*

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April L. Besl  
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*Attorneys for Respondent*  
*Del Taco LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was sent by certified first-class mail, with courtesy copy via email, on this 14<sup>th</sup> day of January 14, 2014, to Kelly K. Pfeiffer, Amezcua-Moll Associations PC, Lincoln Professional Center, 1122 E. Lincoln Ave. Suite 203, Orange, CA 92865.

*/ April L Besl /*  
\_\_\_\_\_  
April L Besl

**United States of America**  
United States Patent and Trademark Office

# NAUGLES

**Reg. No. 4,261,951**

DEL TACO LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
25521 COMMERCENTRE DRIVE  
LAKE FOREST, CA 92630

**Registered Dec. 18, 2012**

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, HATS, AND JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 9-15-2011; IN COMMERCE 9-15-2011.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NO. 1,043,729.

SN 85-281,037, FILED 3-30-2011.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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Mark: NAUGLES

# NAUGLES

**US Serial Number:** 85281037      **Application Filing Date:** Mar. 30, 2011  
**US Registration Number:** 4261951      **Registration Date:** Dec. 18, 2012  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Dec. 18, 2012  
**Publication Date:** Oct. 04, 2011      **Notice of Allowance Date:** Apr. 03, 2012

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## Mark Information

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**Mark Literal Elements:** NAUGLES  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 1043729

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## Goods and Services

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**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
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Clothing, namely, shirts, t-shirts, hats, and jackets  
**International Class(es):** 025 - Primary Class      **U.S Class(es):** 022, 039  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Sep. 15, 2011      **Use in Commerce:** Sep. 15, 2011

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** Del Taco LLC  
**Owner Address:** 25521 Commercentre Drive  
Lake Forest, CALIFORNIA 92630  
UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY      **State or Country Where Organized:** CALIFORNIA

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Joshua A. Lorentz  
**Attorney Primary Email:** [joshua.lorentz@dinslaw.com](mailto:joshua.lorentz@dinslaw.com)      **Attorney Email:** No

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** JOSHUA A. LORENTZ  
DINSMORE & SHOHL LLP  
255 E 5TH ST STE 1900  
CINCINNATI, OHIO 45202-1971  
UNITED STATES

**Phone:** 513-977-8200

**Fax:** 513-977-8141

**Correspondent e-mail:** [joshua.lorentz@dinslaw.com](mailto:joshua.lorentz@dinslaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Dec. 18, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 14, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Nov. 13, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 03, 2012	STATEMENT OF USE PROCESSING COMPLETE	71034
Oct. 01, 2012	USE AMENDMENT FILED	71034
Oct. 02, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Oct. 01, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 03, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 17, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 01, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 04, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 04, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 04, 2011	PUBLISHED FOR OPPOSITION	
Aug. 30, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Aug. 30, 2011	ASSIGNED TO LIE	68123
Aug. 16, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 09, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 09, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 09, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 05, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2011	NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2011	NON-FINAL ACTION WRITTEN	73711
Jun. 26, 2011	ASSIGNED TO EXAMINER	73711
Apr. 04, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 03, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Nov. 14, 2012

**Assignment Abstract Of Title Information**

**Summary**

**Total Assignments:** 1

**Registrant:** Del Taco LLC

**Assignment 1 of 1**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4995/0534](#)

**Pages:** 11

**Date Recorded:** Apr. 01, 2013

Supporting Documents: [assignment-tm-4995-0534.pdf](#)

#### Assignor

Name: [DEL TACO LLC](#) Execution Date: Apr. 01, 2013  
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: CALIFORNIA

#### Assignee

Name: [GENERAL ELECTRIC CAPITAL CORPORATION](#)  
Legal Entity Type: CORPORATION State or Country Where Organized: NEW YORK  
Address: 299 PARK AVENUE  
NEW YORK, NEW YORK 10171

#### Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY  
Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 1

#### Type of Proceeding: Extension of Time

Proceeding Number: [85281037](#) Filing Date: Nov 01, 2011  
Status: Terminated Status Date: Feb 17, 2012  
Interlocutory Attorney:

#### Defendant

Name: Del Taco LLC  
Correspondent Address: JOSHUA A. LORENTZ  
DINSMORE & SHOHL LLP  
255 E 5TH ST STE 1900  
CINCINNATI OH , 45202-1971  
UNITED STATES

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NAUGLES	Registered	<a href="#">85281037</a>	<a href="#">4261951</a>

#### Potential Opposer(s)

Name: ChristianMZiebarth  
Correspondent Address: Gregory B. Phillips  
Knobbe, Martens, Olson & Bear, LLP  
2040 Main Street14th Floor  
Irvine CA , 92614  
UNITED STATES  
Correspondent e-mail: [efiling@kmob.com](mailto:efiling@kmob.com) , [gregory.phillips@kmob.com](mailto:gregory.phillips@kmob.com)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 01, 2011	
2	EXTENSION OF TIME GRANTED	Nov 01, 2011	