

ESTTA Tracking number: **ESTTA516061**

Filing date: **01/15/2013**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Vivo Per Lei Inc.		
Entity	Corporation	Citizenship	CA
Address	19849 Nordhoff Street Northridge, CA 91324 UNITED STATES		

Attorney information	Christopher Ditico Vivo Per Lei Inc. 19849 Nordhoff Street Northridge, CA 91324 UNITED STATES cditico@mazalent.com Phone:8188863200		
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Registration Subject to Cancellation

Registration No	3255786	Registration date	06/26/2007
Registrant	Lin, Janet K. P.O. Box 1286 Arcadia, CA 91077 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2005/07/15 First Use In Commerce: 2005/07/15 All goods and services in the class are cancelled, namely: Caps; Hats; T-shirts; Ties

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	2013-01-15-TTAB-FAFIFTHALLEY-PTC-FINAL.pdf (26 pages)(3761586 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	/Christopher Ditico/
Name	Christopher Ditico
Date	01/15/2013

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

In the matter of Trademark Registration No. 3255786
For the mark FA FIFTH ALLEY Registered on June 26, 2007

<p>Vivo Per Lei, Inc.,</p> <p style="text-align:center">Petitioner</p> <p style="text-align:center">Vs</p> <p>Janet K. Lin,</p> <p style="text-align:center">Registrant</p>	<p>Cancellation No.</p> <p>MARK: FA FIFTH ALLEY</p> <p>Reg No. 3255786</p>
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PETITION TO CANCEL

Vivo Per Lei, Inc., (“Petitioner”) hereby petitions to cancel Registration No. 3255786 in International Class 025 owned by Janet K. Lin (“Registrant”). The description of goods for Registrant’s Mark is “Caps; Hats; T-shirts; Ties.” Petitioner believes it is damaged by the continued registration of Registration No. 3255786.

As grounds for the cancellation, Petitioner alleges as follows:

FACTS COMMON TO ALL CLAIMS

1. Petitioner is a California corporation with a business address at 19849 Nordhoff Street, Northridge, CA 91324.
2. Petitioner is the owner of the pending United States trademark application for the standard character mark FIFTH ALLEY (US Serial No. 85747288) for “On-line retail

department store services; On-line retail store services featuring a wide variety of consumer goods of others” in International Class 35. A TARR printout relating to this application is attached as Exhibit A. This application is live and pending.

3. Upon information and belief, Registrant is an individual citizen of the United States, with a listed address at P.O. Box 1286, Arcadia, CA 91077.

4. Registrant is currently the owner of United States Trademark Registration No. 3255786, for the mark FA FIFTH ALLEY, for “Caps; Hats; T-shirts; Ties” in International Class 25. This mark was registered on June 26, 2007. A TARR printout relating to this registration is attached as Exhibit B.

5. In a January 11, 2013 Office Action, the Examining Attorney for Petitioner’s application Ser. No. 85747288 refused the application under Section 2(d) of the Trademark Act, citing subject registration, Reg. No. 3255786 against application Ser. No. 85747288. A copy of the Examining Attorney’s Office Action is attached as Exhibit C.

6. Thus, Petitioner will be damaged by the subject registration because that registration is blocking Petitioner’s pending application Ser. No. 85747288.

COUNT I – ABANDONMENT

7. Petitioner repeats and realleges the allegations of the preceding Paragraphs as if fully set forth herein.

8. Upon information and belief, Registrant has not used in commerce the FA FIFTH ALLEY mark in connection with any clothing products or other International Class 25 goods for at least the past three preceding years. Petitioner has conducted an investigation of Registrant and determined that Registrant has been out of business for at least the past three preceding years

and consequently has ceased using the mark in Class 25 for at least the past three preceding years without intention to using the mark in the future.

9. Upon information and belief, Registrant no longer uses its FA FIFTH ALLEY mark in commerce, has no intent to re-establish or resume such use, and has abandoned its FA FIFTH ALLEY mark pursuant to 15 U.S.C. § 1127.

WHEREFORE, Petitioner believes that it is and will be damaged by Registrant's Mark and hereby prays that Registrant's Mark be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner has submitted its payment for this Petition to Cancel previously through electronic means.

Date: January 15, 2013

Respectfully submitted,

/Chris Ditico/
Chris Ditico, Esq.
Vivo Per Lei, Inc.
19849 Nordhoff Street
Northridge, CA 91324
Phone: (818) 886-3200
Fax: (818) 886-3257
Attorney for Petitioner

EXHIBIT A

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-01-14 12:21:12 EST**Mark:** FIFTH ALLEY**FIFTH ALLEY****US Serial Number:** 85747288**Application Filing Date:** Oct. 05, 2012**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Service Mark**Status:** A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.**Status Date:** Jan. 11, 2013

Mark Information

[expand all](#)**Mark Literal Elements:** FIFTH ALLEY**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

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: On-line retail department store services; On-line retail store services featuring a wide variety of consumer goods of others**International Class:** 035 - Primary Class**U.S Class:** 100, 101, 102**Class Status:** ACTIVE**Basis:** 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Vivo Per Lei Inc.**Owner Address:** 19849 Nordhoff Street
Northridge, CALIFORNIA 91324
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where Organized:** NEVADA

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** CHRISTOPHER DITICO**Correspondent**

Correspondent CHRISTOPHER DITICO
Name/Address: VIVO PER LEI INC.
 19849 NORDHOFF ST
 NORTHRIDGE, CALIFORNIA 91324-3331
 UNITED STATES

Phone: 8188863200

Fax: 8188863257

Correspondent e-mail: cditico@mazalent.com; adi@mazalent.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2013	NON-FINAL ACTION WRITTEN	89009
Jan. 09, 2013	ASSIGNED TO EXAMINER	89009
Oct. 12, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 09, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KOZAK, EVIN L

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING
 ATTORNEY ASSIGNED

Date in Location: Jan. 11, 2013

EXHIBIT B

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-01-14 21:27:49 EST**Mark:** FA FIFTH ALLEY**US Serial Number:** 78925173**Application Filing Date:** Jul. 08, 2006**US Registration Number:** 3255786**Registration Date:** Jun. 26, 2007**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Trademark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** Jun. 26, 2007**Publication Date:** Apr. 10, 2007

Mark Information

[expand all](#)**Mark Literal Elements:** FA FIFTH ALLEY**Standard Character Claim:** No**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)**Description of Mark:** The mark consists of an F in green and which is incorporated into a square form in green with smaller light blue rectangles. Inside the square is a light blue A. Below the square is the light blue wording FIFTH ALLEY. Behind the wording and design is a black rectangle with light blue dashes on the outer edge of the rectangle.**Color Drawing:** Yes**Color(s) Claimed:** The color(s) Green, Light Blue, Black is/are claimed as a feature of the mark.

Design Search Code(s): 26.09.21 - Squares that are completely or partially shaded
 26.11.05 - Rectangles made of broken or dotted lines
 26.11.08 - Rectangles comprised of letters, numerals or punctuation and letters, numerals or punctuation forming the perimeter of a rectangle or bordering the perimeter of a rectangle.
 26.11.20 - Rectangles inside one another
 26.11.21 - Rectangles that are completely or partially shaded

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: Caps; Hats; T-shirts; Ties**International Class:** 025 - Primary Class**U.S Class:** 022, 039**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Jul. 15, 2005**Use in Commerce:** Jul. 15, 2005

Basis Information (Case Level)

Filed Use: Yes	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: Lin, Janet K.**Owner Address:** P.O. Box 1286
Arcadia, CALIFORNIA 91077
UNITED STATES**Legal Entity Type:** INDIVIDUAL**Citizenship:** UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None**Correspondent****Correspondent** LIN, JANET K
Name/Address: PO BOX 1286
ARCADIA, CALIFORNIA 91077-1286
UNITED STATES**Phone:****Fax:** 626.584.0857**Domestic Representative - Not Found**

Prosecution History

Date	Description	Proceeding Number
Aug. 09, 2007	UNDELIVERABLE MAIL - COURTESY COPY MAILED	99888
Jul. 31, 2007	UNDELIVERABLE MAIL - NO ACTION TAKEN	99888
Jun. 26, 2007	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2007	PUBLISHED FOR OPPOSITION	
Mar. 28, 2007	UNDELIVERABLE MAIL - NO ACTION TAKEN	99888
Mar. 21, 2007	NOTICE OF PUBLICATION	
Feb. 23, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Feb. 23, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 22, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 22, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 22, 2007	EXAMINERS AMENDMENT -WRITTEN	76520
Feb. 13, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	77075
Feb. 13, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77075
Feb. 13, 2007	ASSIGNED TO LIE	77075
Jan. 18, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 18, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 11, 2006	NON-FINAL ACTION E-MAILED	6325
Dec. 11, 2006	NON-FINAL ACTION WRITTEN	76520
Dec. 07, 2006	ASSIGNED TO EXAMINER	76520
Jul. 14, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 13, 2006	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:** Jun. 26, 2007

EXHIBIT C

To: Vivo Per Lei Inc. (cditico@mazalent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85747288 - FIFTH ALLEY - N/A
Sent: 1/11/2013 5:14:45 PM
Sent As: ECOM116@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85747288

MARK: FIFTH ALLEY

85747288

CORRESPONDENT ADDRESS:
CHRISTOPHER DITICO
VIVO PER LEI INC.
19849 NORDHOFF ST
NORTHRIDGE, CA 91324-3331

CLICK HERE TO RESPOND TO
<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: Vivo Per Lei Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :
N/A

CORRESPONDENT E-MAIL ADDRESS:
cditico@mazalent.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: **1/11/2013**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3255786. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Applicant's mark is FIFTH ALLEY (standard character) for "on-line retail department store services; on-line retail store services featuring a wide variety of consumer goods of others" in Class 35. Registrant's mark is FA FIFTH ALLEY (with design) for "caps; hats; t-shirts; ties" in Class 25.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). In the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

Comparison of Marks

The applied-for mark FIFTH ALLEY is very similar in appearance, sound and meaning to the registered mark FA FIFTH ALLEY because the wording "FIFTH ALLEY" is identical. Registrant's inclusion of the letters "FA" will be accorded less trademark significance than "FIFTH ALLEY" because "FA" simply represents the initials of "FIFTH ALLEY", which would be the same for the applied-for mark. Registrant's stylization and addition of a design element does not differentiate the marks because, although marks must be compared in their entireties, the word portion generally may be the dominant and most significant feature of a mark because consumers will request the goods and/or services using the wording. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1247 (TTAB 2010). For this reason, greater weight is often given to the word portion of marks when determining whether marks are confusingly similar. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); TMEP §1207.01(c)(ii). Because the applied-for mark is identical to the most distinctive element of the registered mark, namely FIFTH ALLEY, the marks are considered to be similar.

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir.

1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat'l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751.

Comparison of the Goods and/or Services

The applied-for services, namely “on-line retail department store services; on-line retail store services featuring a wide variety of consumer goods of others” are considered to be related to the registered goods, namely “caps; hats; t-shirts; ties” because the use of similar marks on or in connection with both products and retail-store services has been held likely to cause confusion where the evidence showed that the retail-store services featured the same type of products. *See In re Thomas*, 79 USPQ2d 1021, 1023 (TTAB 2006) (holding the use of similar marks both for jewelry and for retail-jewelry and mineral-store services was likely to cause confusion); *In re Peebles Inc.*, 23 USPQ2d 1795, 1796 (TTAB 1992) (holding the use of nearly identical marks both for coats and for retail outlets featuring camping and mountain climbing equipment, including coats, was likely to cause confusion, noting that “there is no question that store services and the goods which may be sold in that store are related goods and services for the purpose of determining likelihood of confusion”); *In re U.S. Shoe Corp.*, 8 USPQ2d 1938, 1939 (TTAB 1988) (holding the use of nearly identical marks both for leather cowboy boots and for retail western-, outdoor-, and leisure-clothing-store services featuring boots was likely to cause confusion); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (holding BIGG’S for retail grocery and general merchandise store services likely to be confused with BIGGS for furniture) TMEP §1207.01(a)(ii).

The attached website evidence from *Collins Dictionary* defines “department store” as “a large shop divided into departments selling a great many kinds of goods.” And the attached third party website evidence from *Nordstrom*, *Dillard’s*, *Bloomingdale’s* and *Neiman Marcus* indicates that consumers are accustomed to seeing, for example, caps, hats, t-shirts and ties sold via online retail department stores and online retail stores featuring a variety of consumer goods of others. Because the applied-for on-line retail department store services and on-line retail store services featuring a wide variety of consumer goods of others are likely to feature the registered clothing items, the goods and services are considered to be related.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

Conclusion

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265,

62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988). Because applicant's mark FIFTH ALLEY is confusingly similar to registrant's mark FA FIFTH ALLEY, registration is refused.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

RESPONSE GUIDELINES

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Evin L. Kozak/
Trademark Examining Attorney
Law Office 116
571-272-9237
evin.kozak@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint

applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

78925173

Status

REGISTERED

Word Mark

FA FIFTH ALLEY

Standard Character Mark

No

Registration Number

3255786

Date Registered

2007/06/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Lin, Janet K. INDIVIDUAL UNITED STATES P.O. Box 1286 Arcadia
CALIFORNIA 91077

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Caps; Hats;
T-shirts; Ties. First Use: 2005/07/15. First Use In Commerce:
2005/07/15.

Description of Mark

The mark consists of an F in green and which is incorporated into a square form in green with smaller light blue rectangles. Inside the square is a light blue A. Below the square is the light blue wording FIFTH ALLEY. Behind the wording and design is a black rectangle with light blue dashes on the outer edge of the rectangle.

Colors Claimed

The color(s) Green, Light Blue, Black is/are claimed as a feature of the mark.

Filing Date

2006/07/08

Examining Attorney

HELLA, AMY



F I F T H A L L E Y

MEN'S SHOP: ACCESSORIES: TIES

ALL DESIGNERS

FEATURED DESIGNERS

APPAREL

SHOES

JEWELRY & WATCHES

ACCESSORIES

TIES

BELTS

WALLETS & KEYCHAINS

HATS, SCARVES & GLOVES

SUNGLASSES

BRIEFCASES

TOTES & DUFFEL BAGS

LUGGAGE & TRAVEL

TECHNOLOGY & SPORTS

COLLAR STAYS & HANGERS

BEST SELLERS

NEW ARRIVALS

SHOPS

NM EDITS

Ties

FILTER BY: DESIGNER COLOR CLEAR ALL FILTERS

SORT BY: NEWEST FIRST 575 Items VIEW 30 120 1 2 3 4 ... 20 NEXT

 QUICK LOOK	 QUICK LOOK	 QUICK LOOK
Burberry Check Tie, Pale Iris Blue \$165	Gucci GG-Print Tie, Aqua \$185	Robert Graham Ombre-Striped Tie, Blue/Pink \$98
		

You are here > Home > English Dictionary > Definition of "department store"

English > French > German > Spanish > Italian >

English Dictionary

Definition of "department store"

English Worldwide American

Search

Browse the English Dictionary (A-Z)

Your search found: department store / Usage examples / Trends

department store

Definitions

noun

a large shop divided into departments selling a great many kinds of goods

Translations for 'department store'

British English: [department store](#) A *department store* is a large shop which sells many different kinds of goods....a large chain of department stores. dɪˈpɑːtmənt stɔː NOUN

Arabic: مَحَلُّ دُو أُصْنَام مُتَوَعَّة

Brazilian Portuguese: loja de departamentos

Chinese: 百货商店

Croatian: robna kuća

Word Frequency

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Latest New Word Submissions

Bent-out-of-shape



NARROW RESULTS

AGE/GENDER

- Womens (139)
- Mens (51)
- Girls (26)
- Boys (16)

DEPARTMENT

- Dresses (1)
- Accessories (28)
- Charms (2)
- Hats (179)
- Sets (23)
- Scarves & Wraps (16)
- Coats & Jackets (4)
- Footies (4)
- Bodysuits (1)

BRAND

- Aqua (23)
- Helen Kaminski (17)
- Bailey Hats (14)
- The North Face® (14)
- August Accessories (13)
- Surell (11)
- Burberry (10)
- Ralph Lauren (10)
- Crown Cap (9)
- Echo (9)
- More...

COLOR

- Black (78)
- Brown (63)
- Blue (40)
- Pink (31)
- Gray (26)
- Purple (25)
- Green (24)
- Ivory (24)
- Red (22)
- White (22)
- More...

**WINTER STYLE GUIDE:
COATS & MORE**

This is your runway-approved style guide, an edit of the latest coats and accessories to perfect seasonal layering.

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SEARCH RESULTS FOR " hats " : 227 items found

[NEED HELP?](#)

SORT BY

VIEW 96 PER PAGE

1 2 3 4 ... 10



San Diego Hat Company
Scalloped Wool Hat
ORIG \$60.00
SALE \$36.00



San Diego Hat Company Floppy
Wool Hat With Ribbon
ORIG \$78.00
SALE \$46.80



San Diego Hat Company Wool
Hat With Ribbon
ORIG \$58.00
SALE \$34.80



San Diego Hat Company Cloche
With Beaded Bow
ORIG \$68.00
SALE \$40.80



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All Categories SEARCH

WOMEN JUNIORS SHOES HANDBAGS ACCESSORIES LINGERIE BEAUTY MEN CHILDREN HOME



CLICK TO ZOOM



Shop All Polo Ralph Lauren

Polo Ralph Lauren Chino Cap

\$35.00

PIN IT SHARE TWEET EMAIL PRINT

ITEM #02743048

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Size: ONE SIZE Color: Select Qty: 1 ADD TO BAG

ADD TO REGISTRY ADD TO WISH LIST

Description:
Embroidered accents of the signature pony on the front and "POLO" on the back highlight this cap that also features a buckle-adjustable back leather strap and ventilating eyelets for a comfortable fit. Of rugged cotton chino for softness and durability. Imported.

YOU MIGHT ALSO ENJOY...



Polo Ralph Lauren Tyler Pleated Shorts \$69.50



Polo Ralph Lauren Classic-Fit Pocket Tee \$39.50



Polo Ralph Lauren "Kewzip II" Boots \$89.99 (3)

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CLICK ABOVE TO ZOOM (+) VIEW LARGER IMAGE

Benson Crewneck T-Shirt

★★★★☆ Be the first to [write a review](#) | [ask a question](#)

Narrow stripes wrap a soft cotton T-shirt with a contrast crewneck.

- Approx. length from shoulder: 27 1/2".
- Measurements taken from size Medium and may vary slightly by size.
- Cotton; machine wash.
- By Benson; imported.

item #637498 **\$60.00**

Color: ECRU/ NAVY



Size:

- [Small](#) [Medium](#) [Large](#)
- [X-Large](#) [XX-Large](#)

General Size Information:

- Considered a Trim fit; fitted through the chest, armholes and sides.
- [Men's Apparel Size Chart](#)

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Toddland 'Bearathon' T-Shirt
Was: \$28.00
Now: **\$13.98**
50% OFF



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Clinique Kohl Shaper for Eyes
\$15.50
★★★★☆

To: Vivo Per Lei Inc. (cditico@mazalent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85747288 - FIFTH ALLEY - N/A
Sent: 1/11/2013 5:14:46 PM
Sent As: ECOM116@USPTO.GOV
Attachments:

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CERTIFICATE OF SERVICE

I certify that, on the 15th day of January 2013, a true copy of the foregoing **PETITION TO CANCEL** is being served by mailing a copy thereof by first class mail to:

Janet K. Lin
P.O. Box 1286
Arcadia, CA 91077

By /Chris Ditico/
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