

ESTTA Tracking number: **ESTTA529296**

Filing date: **03/28/2013**

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	Jack Rajca		
Entity	Individual	Citizenship	UNITED STATES
Address	P.O. Box 2008 Ridgway, CO 81432 UNITED STATES		

Attorney information	Jacqueline Levasseur Patt Venable LLP P.O. Box 34385 Washington, DC 20043 UNITED STATES jlpatt@venable.com, trademarkdocket@venable.com Phone:202-344-4000		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	4299698	Registration date	03/12/2013
International Registration No.	NONE	International Registration Date	NONE
Registrant	New Yorker S.H.K. Jeans GmbH & Co. KG Russeer Weg 101-103 24109 Kiel GERMANY		

Goods/Services Subject to Cancellation

<p>Class 003. All goods and services in the class are cancelled, namely: Products for beauty and body care, namely, skin soap, body soap, shower gels, body lotions; perfumery, namely, perfumes, eau de perfume, eau de toilette, deodorants for personal use; cosmetics, namely, eye-shadow, foundation make-up, make-up creams, make-up powders, eye-makeup, nail polish remover; lipsticks; make-up</p>
<p>Class 009. All goods and services in the class are cancelled, namely: Eye glasses and their parts, particularly sunglasses, sports glasses, ski glasses, frames for eye glasses, cases for eyes glasses</p>
<p>Class 014. All goods and services in the class are cancelled, namely: Costume jewellery; horological and chronometric instruments; watch straps</p>
<p>Class 018. All goods and services in the class are cancelled, namely: Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying bags; sports bags, school bags</p>
<p>Class 025. All goods and services in the class are cancelled, namely: Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs; outerwear for gentlemen and ladies, namely,</p>

waistcoats, jackets, denim jackets, coats, tunics, blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts, scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2089406	Application Date	11/25/1996
Registration Date	08/19/1997	Foreign Priority Date	NONE
Word Mark	FISHBONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/06/00 First Use In Commerce: 1996/08/20 T-shirts with silk-screen designs		

Attachments	75204089#TMSN.gif (1 page)(bytes) FISHBONE PETITION FOR CANCELLATION REG NO 4299698.pdf (69 pages) (4159973 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/jacqueline levasseur patt/
Name	Jacqueline Levasseur Patt
Date	03/28/2013

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

Jack Rajca)	
)	
v.)	Cancellation No.: _____
)	Registration No. 4,299,698
New Yorker S.H.K. Jeans GmbH & Co. KG)	
)	
Registrant.)	
125234-346231)	

**PETITION FOR CANCELLATION
OF REGISTRATION NO. 4,299,698**

Petitioner, Jack Rajca, a U.S. Citizen with a business address at P.O. Box 2008 Ridgway, Colorado 81432 believes that it is and will continue to be damaged by Registration No. 4,299,698 issued on the Principal Register on March 12, 2013 to Registrant for the trademark FISHBONE for goods in International Classes 3, 9, 14, 18, and 25.

As grounds for this Petition, it is alleged that:

1. Petitioner is now, and for many years, has sold t-shirts with silk screen designs under the Mark FISHBONE with and without design ("Petitioner's Mark").
2. Petitioner is the owner of U.S. Incontestable Registration No. 2,089,406 issued August 19, 1997 for the mark FISHBONE and design covering "t-shirts with silk screen designs" in International Class 25 claiming use since August 20, 1996. See attached Exhibit 1.
3. Registrant filed Application Serial No. 79/101985 for the mark FISHBONE as a standard character mark on November 17, 2010.
4. Registrant's Application Serial No. 79/101985 was issued as Registration No. 4299698 on March 12, 2013 covering the following goods: "Products for beauty and body care, namely, skin soap, body soap, shower gels, body lotions; perfumery, namely, perfumes, eau de perfume,

eau de toilette, deodorants for personal use; cosmetics, namely, eye-shadow, foundation make-up, make-up creams, make-up powders, eye-makeup, nail polish remover; lipsticks; make-up,” in International Class 3; “Eye glasses and their parts, particularly sunglasses, sports glasses, ski glasses, frames for eye glasses, cases for eyes glasses,” in International Class 9; “Costume jewelry; horological and chronometric instruments; watch straps,” in International Class 14; “Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying bags; sports bags, school bags,” in International Class 18; “Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs; outerwear for gentlemen and ladies, namely, waistcoats, jackets, denim jackets, coats, tunics, blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts, scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies,” in International Class 25. See attached Exhibit 2.

5. Petitioner used Petitioner’s Mark in commerce in the United States in connection with the goods identified in its registration since at least as early as August 20, 1996.

6. Petitioner has used Petitioner’s Mark in commerce in the United States in connection with its goods, including t-shirts, tank tops, sweatshirts, jackets, leggings, women’s garments, hats, underwear, long sleeved t-shirts (“Petitioner’s Goods”) since at least as early as August 20, 1996.

7. Petitioner has used Petitioner’s Mark on its own retail store (Petitioner’s Services”) since as early as 1996.

8. Petitioner sells Petitioner's Goods direct to businesses and direct to consumers.
9. Petitioner sells Petitioner's Goods in its own retail store called FISHBONE, in third party retail stores and at various other venues including concerts and festivals.
10. Petitioner's customers include young, trend conscious consumers like those of Registrant.
11. Registrant has known of Petitioner's prior rights since at least as early as 2001.
12. Registrant approached Petitioner in 2001 to negotiate the purchase and sale of Petitioner's Registration. The discussions between Petitioner and Registrant concluded without agreement.
13. Registrant petitioned to cancel Petitioner's registration in 2000 and withdrew the Petition with Prejudice. See Cancellation No. 92031433, attached Exhibit 3.
14. Upon information and belief, Registrant has not used its mark in commerce in the United States and allowed its prior Registrations to be abandoned for failure to file the Section 8 Declaration of Continued Use. See Registration Nos. 2619501, 2544012, 2774308, 2760570, and 2763064. See attached Exhibit 4.
15. Registrant filed Application Serial No. 79/101985 with full knowledge of Petitioner's prior rights.
16. Registrant again approached Petitioner to discuss the purchase of Petitioner's Registration in August 2012. Again, no agreement was reached and Registrant continued with its attempt to register the mark FISHBONE with the USPTO.
17. Petitioner met with principals of Registrant, Frederic Knapp and Claus Reece, in New York in August 2012 to discuss the proposed purchase of Petitioner's Mark. The parties discussed Petitioner's use of its Mark, Petitioner's goods, Petitioner's sales outlets and Petitioner's targeted customers.

COUNT I: Petitioner has priority

18. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 17 of this Petition as if fully set forth herein.

19. Petitioner has used Petitioner's Mark in commerce in the United States in connection with Petitioner's Goods since prior to any date of first use in the United States that may be relied upon by the Registrant of its Mark.

20. Petitioner used Petitioner's Mark in commerce in the United States in connection with Petitioner's Goods since at least as early as August 20, 1996.

21. On information and belief, Registrant did not use the mark FISHBONE in the United States on or in connection with any of the goods listed in its Registration No. 4,299,698 prior to any first use date that can be relied upon by Petitioner.

22. On information and belief, Registrant does not currently use the mark FISHBONE as a trademark in the United States for any of the goods described in its Registration No. 4,299,698.

COUNT II: Likelihood of Confusion

23. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 22 of this Petition as if fully set forth herein.

24. The mark FISHBONE is so similar to Petitioner's Mark that Registrant's use and registration of its trademark to identify its goods is likely to cause confusion and lead to deception as to the source of origin and/or the sponsorship of Registrant's goods and/or Petitioner's Goods and Services.

25. Registrant's standard character mark FISHBONE incorporates the term FISHBONE shown in Petitioner's Mark in its entirety.

26. Registrant's goods listed in its Registration No. 4,299,698 are not restricted to channels of trade or to potential customers.
27. Petitioner's Goods listed in its Registration No. 2,089,406 are not restricted to channels of trade or to potential customers.
28. Because Registrant's goods are broadly defined, it is presumed that the Registrant's Registration No. 4,299,698 encompasses all goods of the type described, including those in the Petitioner's more specific identification, that the goods move in all normal channels of trade, and that they are available to all potential customers.
29. The goods listed in Registrant's Registration No. 4,299,698 are the same or related to Petitioner's Goods and Services provided under Petitioner's Mark.
30. Registrant's goods intended to be offered under the mark FISHBONE will travel in the same channels of trade and will be offered to the same consumers as Petitioner's Goods offered under Petitioner's Mark.
31. If the Registrant were permitted to use its mark and maintain its Registration No. 4,299,698 for its goods, confusion among consumers resulting in damage and injury to Petitioner would be caused by virtue of the similarity between Registrant's trademark and Petitioner's Mark, and the related nature of the goods covered by those marks. Any defect, objection or fault found with Registrant's goods would reflect upon, seriously injure, and dilute the reputation and value that Petitioner has established under its trademark.

COUNT III: Fraud

32. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 31 of this Petition as if fully set forth herein.

33. The representation Registrant made to the USPTO at the time it filed its application for subsequent designation to the United States under the Madrid Protocol that applicant was entitled to use the mark in commerce; and that to the best of its knowledge and belief no other person, firm, corporation, or association had the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive, was false.

34. Registrant has known of Petitioner and its rights in the mark FISHBONE since at least as early as 2001.

35. Registrant knew that its representation regarding its knowledge of Petitioner's prior rights in the mark was false and made it knowingly to the USPTO for the purpose of procuring its Registration No. 4,299,698.

36. The USPTO relied on the misrepresentations in issuing the Registration No. 4,299,698. The USPTO would not have issued the Registration No. 4,299,698 but for Registrant's false representation.

37. Registrant's misrepresentation was material to the issuance of its registration in that the USPTO issued the Registration based on Registrant's misrepresentation regarding its knowledge of Petitioner's prior rights in the mark. This misrepresentation was made with the intent to induce authorized agents of the USPTO to grant said registration, and, reasonably relying upon the truth of said false statements, the USPTO did, in fact, grant said registration to Registrant. Therefore, Registrant made its misrepresentation to the USPTO with the intent to deceive the USPTO.

38. Registrant's actions in the procurement of Registration No. 4,299,698 constitute fraud, thereby invalidating Registration No. 4,299,698.

COUNT IV: Fraud

39. Petitioners incorporates the allegations set forth in paragraphs numbered 1 through 38 of this Petition as if fully set forth herein.

40. Registrant made representations to the USPTO in its response to the office action filed on October 12, 2012 that Petitioner "does not sell its t-shirts with silk screen designs in retail stores." **See** attached Exhibit 5.

41. Registrant made representations to the USPTO in its response to the office action filed on October 12, 2012 that Petitioner only "take[s] orders for customized t-shirts with silk-screen designs from third party brand owners." **See id.**

42. Registrant made representations to the USPTO in its response to the office action filed on October 12, 2012 that Petitioner's customers are not "young, trend conscious consumers." **See id.**

43. Registrant made representations to the USPTO in its response to the office action filed on October 12, 2012 that the consumers and the normal channels of trade for [Petitioner's and Registrant's] goods are clearly different, and do not overlap." **See id.**

44. Registrant has known of Petitioner and its rights in the mark FISHBONE since at least as early as 2001.

45. Registrant had actual knowledge of Petitioner's goods sold under its Mark FISHBONE, its customers and its channels of trade, prior to filing the response to the office action on October 12, 2012.

46. Petitioner met with principals of Registrant, Frederic Knapp and Claus Reece, in New York in August 2012 where the parties discussed Petitioner's use of its Mark, Petitioner's goods, Petitioner's sales outlets and Petitioner's targeted customers.

47. Registrant knew that its representation regarding Petitioner's goods, its customers and its channels of trade were false and made it knowingly to the USPTO for the purpose of procuring its Registration No. 4,299,698.

48. The USPTO relied on Registrant's misrepresentations in issuing the Registration No. 4,299,698. The USPTO would not have issued the Registration No. 4,299,698 but for Registrant's false representations.

49. Registrant's misrepresentations were material to the issuance of its registration in that the USPTO issued the Registration based on Registrant's misrepresentation regarding its knowledge of Petitioner's goods, its customers and its channels of trade. This misrepresentation was made with the intent to induce authorized agents of the USPTO to grant said registration, and, reasonably relying upon the truth of said false statements, the USPTO did, in fact, grant said registration to Registrant. Therefore, Registrant made its misrepresentations to the USPTO with the intent to deceive the USPTO.

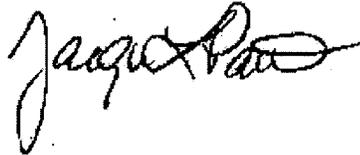
50. Registrant's actions in the procurement of Registration No. 4,299,698 constitute fraud, thereby invalidating Registration No. 4,299,698.

WHEREFORE, Petitioner prays that Registration No. 4,299,698 be cancelled, and that this cancellation be sustained in favor of the Petitioner.

Petitioner has paid the fees for filing its Notice of Opposition; however, if any additional fees are required please deduct the statutory filing fees from deposit Account No. 22-0261 and notify the undersigned accordingly.

Please recognize as attorneys for petitioner in this proceeding Jacqueline Levasseur Patt, Mark Harrison, Janet Satterthwaite, Andrew Price, Rebecca Liebowitz, Michael Hall, Jeremy Klass and Scott Oslick and, at VENABLE, P.O. Box 34385, Washington, D.C. 20005, Telephone (202) 344-4000, Fax (202) 344-8300

Respectfully submitted,



By: _____

Jacqueline Patt
VENABLE
P.O. Box 34385
Washington, D.C. 20005
Telephone (202) 344-4000
Telefax (202) 344-8300

Attorneys for Petitioner

Dated: March 28, 2013

CERTIFICATE OF SERVICE

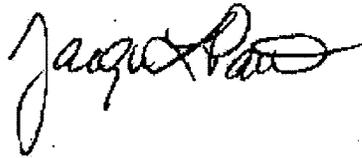
The undersigned, attorney for Petitioner, hereby certifies that a true and complete copy of foregoing Petition for Cancellation has been served on this 28th day of March, 2013 via overnight mail, postage prepaid to attorney of record for Registrant:

William C. Wright

Epstein Drangel LLP

60 East 42nd Street, Suite 2410

New York, NEW YORK 10165

A handwritten signature in black ink, appearing to read "Jacqueline Patt", written in a cursive style.

Jacqueline Levasseur Patt

EXHIBIT 1

Jack Racja v. New Yorker S.H.K. Jeans GmbH & Co. KG
Registration No.4299698
Mark: FISHBONE
Attorney's Reference: 125234-346231

Int. Cl.: 25

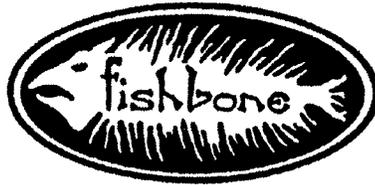
Prior U.S. Cls.: 22 and 39

Reg. No. 2,089,406

United States Patent and Trademark Office

Registered Aug. 19, 1997

**TRADEMARK
PRINCIPAL REGISTER**



RAJCA, JACK (UNITED STATES CITIZEN)
P.O. BOX 2008
RIDGWAY, CO 81432

FIRST USE 6-0-1996; IN COMMERCE
8-20-1996.

SER. NO. 75-204,089, FILED 11-25-1996.

FOR: T-SHIRTS WITH SILK-SCREEN DE-
SIGNS, IN CLASS 25 (U.S. CLS. 22 AND 39).

ELIZABETH A. DUNN, EXAMINING ATTOR-
NEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS

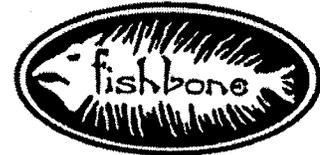
DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:29:08 EDT

Mark: FISHBONE



US Serial Number: 75204089

Application Filing Date: Nov. 25, 1996

Date:

US Registration Number: 2089406

Registration Date: Aug. 19, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 27, 2007

Publication Date: May 27, 1997

- Mark Information

Mark Literal Elements: FISHBONE

Standard Character No

Claim:

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code 03.13.05 - Dinosaur bones, skeletons, skulls; Skulls (birds, fish, reptile, insects, dinosaurs);

(s): Skeletons (birds, fish, reptiles, insects, dinosaurs); Bones (birds, fish, reptiles, insects, dinosaurs)

03.19.25 - Other fish (this section includes basic fish); Catfish; Piranhas; Salmon; Tuna

26.03.17 - Ovals, concentric; Ovals within ovals; Concentric ovals; Concentric ovals and ovals within ovals

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

For: T-shirts with silk-screen designs

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1996

Use in Commerce: Aug. 20, 1996

- Basis Information (Case Level)

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

- Current Owner(s) Information

Owner Name: Rajca, Jack

Owner Address: P.O. Box 2008
Ridgway, COLORADO 81432
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

- Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent JACK RAJCA
Name/Address: PO BOX 2008
RIDGWAY, COLORADO 81432
UNITED STATES

Domestic Representative - Not Found

- Prosecution History

Date	Description	Proceeding Number
Dec. 03, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 27, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60234

Sep. 27, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 14, 2007	ASSIGNED TO PARALEGAL	60234
Jul. 24, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 24, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 02, 2007	CASE FILE IN TICRS	
Oct. 07, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 20, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 20, 2003	PAPER RECEIVED	
Aug. 19, 1997	REGISTERED-PRINCIPAL REGISTER	
May 27, 1997	PUBLISHED FOR OPPOSITION	
Apr. 25, 1997	NOTICE OF PUBLICATION	
Mar. 20, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 20, 1997	ASSIGNED TO EXAMINER	67658
Mar. 11, 1997	ASSIGNED TO EXAMINER	67658

- Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted

Use:

Affidavit of Section 15 - Accepted
Incontestability:

Renewal Date: Aug. 19, 2007

▲ TM Staff and Location Information

▲ Assignment Abstract Of Title Information - None recorded

▲ Proceedings - None recorded

EXHIBIT 2

Jack Racja v. New Yorker S.H.K. Jeans GmbH & Co. KG
Registration No.4299698
Mark: FISHBONE
Attorney's Reference: 125234-346231

United States of America

United States Patent and Trademark Office

FISHBONE

Reg. No. 4,299,698

Registered Mar. 12, 2013

Int. Cls.: 3, 9, 14, 18 and 25

TRADEMARK

PRINCIPAL REGISTER

NEW YORKER S.H.K. JEANS GMBH & CO. KG (FED REP GERMANY CORPORATION)
RUSSEER WEG 101-103
24109 KIEL
FED REP GERMANY

FOR: PRODUCTS FOR BEAUTY AND BODY CARE, NAMELY, SKIN SOAP, BODY SOAP, SHOWER GELS, BODY LOTIONS; PERFUMERY, NAMELY, PERFUMES, EAU DE PERFUME, EAU DE TOILETTE, DEODORANTS FOR PERSONAL USE; COSMETICS, NAMELY, EYE-SHADOW, FOUNDATION MAKE-UP, MAKE-UP CREAMS, MAKE-UP POWDERS, EYE-MAKEUP, NAIL POLISH REMOVER; LIPSTICKS; MAKE-UP, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: EYE GLASSES AND THEIR PARTS, PARTICULARLY SUNGLASSES, SPORTS GLASSES, SKI GLASSES, FRAMES FOR EYE GLASSES, CASES FOR EYES GLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: COSTUME JEWELLERY; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS; WATCH STRAPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: BAGS, NAMELY, TRAVELLING BAGS, BACKPACKS, SHOULDER BAGS, HANDBAGS, PURSES, ALL-PURPOSE CARRYING BAGS; SPORTS BAGS, SCHOOL BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).



Sean Starnett

Acting Director of the United States Patent and Trademark Office

FOR: CLOTHING, NAMELY, LONG TROUSERS, JEANS, PANTS, SLACKS, SHORT TROUSERS, SHORTS, BOXER SHORTS, 3/4 LENGTH TROUSERS, SLACKS WITH STRAP UNDER FOOT, CULOTTES, BLOUSES, DRESSES, SWEATERS, SHIRTS, SHORT-SLEEVED SHIRTS, T-SHIRTS, LONG-SLEEVED SHIRTS, SOCKS; FOOTWEAR, HEADGEAR, NAMELY, HATS, CAPS, HEAD KERCHIEFS; OUTERWEAR FOR GENTLEMEN AND LADIES, NAMELY, WAISTCOATS, JACKETS, DENIM JACKETS, COATS, TUNICS, BLAZERS, LOUNGING JACKETS, BOMBER JACKETS, OVERALLS, DUNGAREES; UNDERWEAR; UNDERGARMENTS; BELTS, SCARVES, GLOVES, BATHING FASHION FOR GENTLEMEN AND LADIES, NAMELY, BEACHWEAR, SWIM WEAR, BATHING SUITS, SWIMSUITS AND BATHING TRUNKS; LEISURE AND CITY SHOES FOR GENTLEMEN AND LADIES, IN CLASS 25 (U.S. CLS. 22 AND 39).

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

Reg. No. 4,299,698 OWNER OF INTERNATIONAL REGISTRATION 0726262 DATED 8-9-1999, EXPIRES 8-9-2019.

SER. NO. 79-101,985, FILED 11-17-2010.

SUZANNE BLANE, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:32:00 EDT

Mark: FISHBONE

FISHBONE

US Serial Number: 79101985

Application Filing Date: Nov. 17, 2010

Date:

US Registration Number: 4299698

Registration Date: Mar. 12, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 12, 2013

Publication Date: Dec. 25, 2012

▼ Mark Information

Mark Literal Elements: FISHBONE

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

▼ Related Properties Information

International 0726262

Registration Number:

International Aug. 09, 1999

Registration Date:

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

For: Products for beauty and body care, namely, skin soap, body soap, shower gels, body lotions; perfumery, namely, perfumes, eau de perfume, eau de toilette, deodorants for personal use;

cosmetics, namely, eye-shadow, foundation make-up, make-up creams, make-up powders, eye-
makeup, nail polish remover; lipsticks; make-up

International Class: 003 - Primary Class

U.S Class: 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Eye glasses and their parts, particularly sunglasses, sports glasses, ski glasses, frames for eye
glasses, cases for eyes glasses

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Costume jewellery; horological and chronometric instruments; watch straps

International Class: 014 - Primary Class

U.S Class: 002, 027, 028, 050

Class Status: ACTIVE

Basis: 66(a)

For: Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying
bags; sports bags, school bags

International Class: 018 - Primary Class

U.S Class: 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 66(a)

For: Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length
trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved
shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs;
outerwear for gentlemen and ladies, namely, waistcoats, jackets, denim jackets, coats, tunics,
blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts,
scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing
suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: ACTIVE

Basis: 66(a)

- Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

- Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans GmbH & Co. KG

Owner Address: Russeer Weg 101-103
24109 Kiel
GERMANY

Legal Entity Type: CORPORATION

State or Country Where Organized: GERMANY

- Attorney/Correspondence Information

Attorney of Record

Attorney Name: William C. Wright

Docket Number: 3006-503

Attorney Primary Email Address: mail@ipcounselors.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: William C. Wright
Epstein Drangel LLP
60 East 42nd Street, Suite 2410
New York, NEW YORK 10165
UNITED STATES

Phone: (212) 292-5390

Fax: (212) 292-5391

Correspondent e-mail: mail@ipcounselors.com

Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: William C. Wright

Phone: (212) 292-5390

Fax: (212) 292-5391

Domestic Representative e-mail: mail@ipcounselors.com

Domestic Representative e-mail Authorized: Yes

- Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Dec. 25, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 25, 2012	PUBLISHED FOR OPPOSITION	
Dec. 21, 2012	NOTIFICATION PROCESSED BY IB	

Dec. 05, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Dec. 05, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Dec. 05, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 16, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Nov. 15, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 12, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 12, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 12, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 12, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 12, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 12, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 26, 2012	NEW REPRESENTATIVE AT IB RECEIVED	
Apr. 21, 2012	NOTIFICATION OF NON-FINAL ACTION E- MAILED	6325
Apr. 21, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 21, 2012	NON-FINAL ACTION WRITTEN	81099
Mar. 27, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 27, 2012	WITHDRAWN FROM ISSUE - EXAMINING ATTORNEY REQUEST	81099
Mar. 27, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 27, 2012	PUBLISHED FOR OPPOSITION	
Mar. 07, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 22, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 21, 2012	ASSIGNED TO LIE	77312
Feb. 06, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	

Jan. 16, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 12, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 12, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 22, 2011	REFUSAL PROCESSED BY IB	
Oct. 04, 2011	APPLICATION FILING RECEIPT MAILED	
Oct. 03, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Oct. 03, 2011	REFUSAL PROCESSED BY MPU	68359
Oct. 01, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Sep. 30, 2011	NON-FINAL ACTION WRITTEN	81099
Sep. 29, 2011	ASSIGNED TO EXAMINER	81099
Sep. 29, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 28, 2011	PARTIAL CANCELLATION FROM ORIGINAL APPLICATION ENTERED	67445
Sep. 16, 2011	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

▼ International Registration Information (Section 66a)

International Registration Number: 0726262	International Registration Date: Aug. 09, 1999
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Sep. 16, 2011
Notification of Designation Date: Sep. 15, 2011	Date of Automatic Protection: Mar. 15, 2013
First Refusal Flag: Yes	

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Mar. 12, 2013

▲ **Assignment Abstract Of Title Information - None recorded**

▲ **Proceedings - None recorded**

EXHIBIT 3

Jack Racja v. New Yorker S.H.K. Jeans GmbH & Co. KG
Registration No.4299698
Mark: FISHBONE
Attorney's Reference: 125234-346231

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Cancellation**Number:** 92031433**Filing Date:** 11/14/2000**Status:** Terminated**Status Date:** 06/12/2002**Interlocutory Attorney:** ANDREW P BAXLEY**Defendant****Name:** JACK RAJCA**Correspondence:** JOHN JAMES MENKER

PILLSBURY WINTHROP LLP

1100 NEW YORK AVENUE, N.W. NINTH FLOOR, EAST TOWER

WASHINGTON, DC 20005-3918

Serial #: 75091771Application File**Registration #:** 2088406**Application Status:** Renewed**Mark:** C**Plaintiff****Name:** NEW YORKER S.H.K. JEANS GMBH**Correspondence:** JOHN P. MURTAUGH

PEARNE & GORDON LLP

526 SUPEROIR AVENUE EAST SUITE 1200

CLEVELAND, OH 44114-1484

Serial #: 75585380Application File**Registration #:** 2763064**Application Status:** Cancelled - Section 8**Mark:** FISHBONE**Prosecution History**

#	Date	History Text	Due Date
12	06/12/2002	TERMINATED	
11	06/12/2002	BOARD'S DECISION: DISMISSED W/ PREJUDICE	
10	01/22/2002	PL ALLOWED 30 DAYS TO SUBIT DF'S WRITTEN CONSENT TO W/D	
9	12/26/2001	P'S MOTION TO DISMISS	
8	11/30/2001	TRIAL DATES RESET	
7	04/09/2001	ANSWER	
6	04/03/2001	DF'S W/D OF ATTNY APPROVED; NEW COUNSEL APPOINTED; PROC SUSPENDED 6 MONTHS	
5	03/08/2001	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
4	02/06/2001	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
3	12/28/2000	PENDING, INSTITUTED	
2	12/28/2000	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	02/06/2001
1	11/14/2000	FILED AND FEE	

Results as of 03/21/2013 03:46 PM

[Back to search results](#)Search:

| [HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY POLICY](#)

EXHIBIT 4

Jack Racja v. New Yorker S.H.K. Jeans GmbH & Co. KG
Registration No.4299698
Mark: FISHBONE
Attorney's Reference: 125234-346231

Int. Cls.: 3, 9, 14 and 18

Prior U.S. Cls.: 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36,
38, 41, 50, 51 and 52

Reg. No. 2,619,501

Registered Sep. 17, 2002

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

FISHBONE

NEW YORKER S.H.K. JEANS GMBH (FED REP
GERMANY LIMITED LIABILITY COMPANY)
SCHMALBACHSTR. 16
38112 BRAUNSCHWEIG, FED REP GERMANY

FOR: BLEACHING PREPARATIONS, NAMELY LAUNDRY BLEACH; CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS, NAMELY SCOURING POWDERS AND LIQUIDS, CHROME POLISH, FURNITURE POLISH, FLOOR POLISH, ALL-PURPOSE CLEANING PREPARATIONS, ALL-PURPOSE CLEANERS, GLASS CLEANERS; PRODUCTS FOR BEAUTY AND BODY CARE, NAMELY SOAPS, PERFUME, TOILET WATER, EAU DE PERFUME, EAU DE TOILETTE, PERSONAL DEODORANTS; ESSENTIAL OILS FOR PERSONAL USE; HAIR CLEANING AND HAIR CARING SUBSTANCES, NAMELY HAIR LOTIONS, HAIR SHAMPOOS AND CONDITIONERS, HAIR GELS, HAIR CREAMS, HAIR-STYLING FOAMS, HAIR SPRAYS; COSMETICS, NAMELY EYE-SHADOW, MAKE-UP FOUNDATION, MAKE-UP CREAMS, MAKE-UP POWDERS, LIPSTICKS, NAIL POLISH, NAIL POLISH REMOVER, SKIN OILS, SKIN CREAMS; LOTIONS FOR COSMETIC PURPOSES, NAMELY SKIN MOISTURIZING LOTIONS, SUN TANNING LOTION, AFTER SUN LOTION; SHAVING SUBSTANCES AND SUBSTANCES FOR AFTER-SHAVE CARE, NAMELY SHAVING BALM, SHAVING CREAM, SHAVING FOAM, SHAVING PREPARATIONS, SHAVING LOTION; DENTRIFRICES; COSMETIC BATHING ADDITIVES, NAMELY BATH OIL, NON-MEDICATED BATH SALTS, BUBBLE BATH, BATH BEADS; LIPSTICKS; COTTON-BALLS FOR COSMETIC PURPOSES; NAIL POLISH; SHOE POLISH, MAKE-UP, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: PHOTOGRAPHIC AND CINEMATOGRAPHIC APPARATUS AND INSTRUMENTS, NAMELY PHOTOGRAPHIC CAMERAS, VIDEO CAMERAS, MOTION PICTURE CAMERAS; OPTICAL APPARATUS AND INSTRUMENTS, NAMELY

OPTICAL DISKS AND FILTERS; APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES, NAMELY AUDIO AND VIDEO CASSETTE RECORDERS, AUDIO AND VIDEO TAPE PLAYERS AND COMPACT DISC PLAYERS; BLANK MAGNETIC DATA CARRIERS, ELECTRONIC DATA CARRIERS, NAMELY BLANK FLOPPY COMPUTER DISKS, BLANK MAGNETIC COMPUTER TAPES, CD-ROMS FEATURING PRE-RECORDED MUSIC, MOTION PICTURES AND INTERACTIVE MAPS; PRE-RECORDED MAGNETIC DATA CARRIERS AND ELECTRONIC DATA CARRIERS, NAMELY PRE-RECORDED FLOPPY COMPUTER DISKS, PRE-RECORDED MAGNETIC COMPUTER TAPES, PRE-RECORDED AUDIO AND VIDEO CASSETTES, PRE-RECORDED AUDIO AND VIDEO TAPES, PRE-RECORDED COMPACT DISKS, ALL FEATURING PRE-RECORDED MUSIC, MOTION PICTURES, BOOKS IN SPOKEN FORM, HISTORICAL TOUR DISCUSSIONS, INSTRUCTION ON HOME IMPROVEMENTS, AND HUNTING AND BIRD CALLS; COMPUTER MEMORIES AND SIMILAR MEMORY MEDIA, NAMELY PCMCIA CARDS, ENCODED SMART CARDS, MAGNETIC CODED CARDS; TONE CARRIERS OF ALL KINDS, NAMELY BLANK AUDIO AND VIDEO CASSETTES, BLANK AUDIO AND VIDEO TAPES, BLANK COMPACT DISKS, AUTOMATIC VENDING MACHINES, ELECTRICAL CIRCUITS FOR USE IN AMUSEMENT GAME MACHINES FOR OR REPRODUCING MUSIC, SPEECH AND SPECIAL EFFECTS; CASH REGISTERS, CALCULATORS; DATA PROCESSORS, COMPUTERS; EYE GLASSES AND THEIR PARTS, NAMELY EYE GLASSES, SUN GLASSES, SPORTS GLASSES, SKI GLASSES, SAFETY GOGGLES; FRAMES FOR EYE GLASSES; LENSES FOR EYE GLASSES, CASES FOR EYE GLASSES; PROTECTIVE HELMETS, HELMET VISORS, PROTECTIVE FACE-SHIELDS FOR PROTECTIVE HELMETS; LIFE JACKETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS OF PRECIOUS METALS OR COATED THEREWITH, NAMELY BRACELETS, NECKLACES, EARRINGS, RINGS, ASHTRAYS, JEWELRY BOXES, CANDLESTICKS, CANDLE HOLDERS, CIGARETTE LIGHTERS, MONEY CLIPS, TIE-PINS; JEWELRY, BIJOUTERIE, COSTUME JEWELRY; PRECIOUS GEMSTONES; HOROLOGICAL; AND CHRONOMETRIC INSTRUMENTS, NAMELY CLOCKS, ALARM CLOCKS, RADIO ALARM CLOCKS, WATCHES, POCKET WATCHES; WATCH-STRAPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: LEATHER AND IMITATIONS OF LEATHER, AND GOODS MADE OF THESE MATERIALS, NAMELY CARRY-ON BAGS, CLUTCH BAGS, TOTE BAGS, SCHOOL BAGS, AND RUCKSACKS; ANIMAL SKINS AND HIDES; TRUNKS, BRIEF-

CASES AND SMALL SUITCASES; ALL PURPOSE SPORTS BAGS, HANDBAGS, BACKPACKS; TRAVELLING BAGS, TRAVELLING CASES, SMALL ARTICLES OF LEATHER, NAMELY PURSES, POCKET WALLETS, KEY CASES; BAGS WORN ON THE HIP ADJUSTED BY A BELT; UMBRELLAS, PARASOLS AND WALKING STICKS; WHIPS, HARNESSES AND SADDLERY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED REP GERMANY APPLICATION NO. 39909754.625, FILED 2-19-1999, REG. NO. 39909754, DATED 5-17-1999, EXPIRES 2-28-2009.

SER. NO. 75-981,596, FILED 8-17-1999.

GINNY ISAACSON, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS**DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:35:46 EDT

Mark: FISHBONE

FISHBONE

US Serial Number: 75981596

Application Filing Aug. 17, 1999

Date:

US Registration 2619501

Registration Date: Sep. 17, 2002

Number:

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 16, 2009

Publication Date: Jun. 25, 2002

Date Cancelled: May 16, 2009

▼ Mark Information

Mark Literal Elements: FISHBONE

Standard Character No

Claim:

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

▼ Related Properties Information

Claimed Ownership of [75777893](#)

US Registrations:

Child Of: [75777893](#)

▼ Foreign Information

Priority Claimed: Yes

Foreign Application 39909754.625

Number:

Foreign Application Feb. 19, 1999

Filing Date:

Foreign Registration 39909754

Number:

Foreign Registration May 17, 1999

Date:

Foreign GERMANY

Foreign Expiration Feb. 28, 2009

Application/Registration

Date:

Country:

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

For: bleaching preparations, namely laundry bleach; cleaning, polishing, scouring and abrasive preparations, namely scouring powders and liquids, chrome polish, furniture polish, floor polish, all-purpose cleaning preparations, all-purpose cleaners, glass cleaners; products for beauty and body care, namely soaps, perfume, toilet water, eau de perfume, eau de toilette, personal deodorants; essential oils for personal use; hair cleaning and hair caring substances, namely hair lotions, hair shampoos and conditioners, hair gels, hair creams, hair-styling foams, hair sprays; cosmetics, namely eye-shadow, make-up foundation, make-up creams, make-up powders, lipsticks, nail polish, nail polish remover, skin oils, skin creams; lotions for cosmetic purposes, namely skin moisturizing lotions, sun tanning lotion, after sun lotion; shaving substances and substances for after-shave care, namely shaving balm, shaving cream, shaving foam, shaving preparations, shaving lotion; dentrifices; cosmetic bathing additives, namely bath oil, non-medicated bath salts, bubble bath, bath beads; lipsticks; cottonballs for cosmetic purposes; nail polish; shoe polish, make-up

International Class: 003 - Primary Class

U.S Class: 001, 004, 006, 050, 051, 052

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Photographic and cinematographic apparatus and instruments, namely photographic cameras, video cameras, motion picture cameras; optical apparatus and instruments, namely optical disks and filters; apparatus for recording, transmission or reproduction of sound or images, namely audio and video cassette recorders, audio and video tape players and compact disc players; blank magnetic data carriers, electronic data carriers, namely blank floppy computer disks, blank magnetic computer tapes, CD-ROMS featuring pre-recorded music, motion pictures and interactive maps; pre-recorded magnetic data carriers and electronic data carriers, namely pre-recorded floppy computer disks, pre-recorded magnetic computer tapes, pre-recorded audio and video cassettes, pre-recorded audio and video tapes, pre-recorded compact disks, all featuring pre-recorded music, motion pictures, books in spoken form, historical tour discussions, instruction on home improvements, and hunting and bird calls; computer memories and similar memory media, namely PCMCIA cards, encoded smart cards, magnetic coded cards; tone carriers of all kinds, namely blank audio and video cassettes, blank audio and video tapes, blank compact disks, automatic vending machines, electrical circuits for use in amusement game machines for or reproducing music, speech and special effects; cash registers, calculators; data processors, computers; eye glasses and their parts, namely eye glasses, sun glasses, sports glasses, ski glasses, safety goggles; frames for eye glasses; lenses for eye glasses,

cases for eye glasses; protective helmets, helmet visors, protective face-shields for protective helmets; life jackets

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Precious metals and their alloys and goods of precious metals or coated therewith, namely bracelets, necklaces, earrings, rings, ashtrays, jewelry boxes, candlesticks, candle holders, cigarette lighters, money clips, tie-pins; jewelry, bijouterie, costume jewelry; precious gemstones; horological; and chronometric instruments, namely clocks, alarm clocks, radio alarm clocks, watches, pocket watches; watchstraps

International Class: 014 - Primary Class

U.S Class: 002, 027, 028, 050

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Leather and imitations of leather, and goods made of these materials, namely carry-on bags, clutch bags, tote bags, school bags, and rucksacks; animal skins and hides; trunks, briefcases and small suitcases; all purpose sports bags, handbags, backpacks; travelling bags, travelling cases, small articles of leather, namely purses, pocket wallets, key cases; bags worn on the hip adjusted by a belt; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

International Class: 018 - Primary Class

U.S Class: 001, 002, 003, 022, 041

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

- Basis Information (Case Level)

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

- Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans GmbH

Owner Address: Schmalbachstr. 16
38112 Braunschweig
GERMANY

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country GERMANY
Where Organized:

- Attorney/Correspondence Information**Attorney of Record****Attorney Name:** MICHAEL W GARVEY**Docket Number:** 31907**Correspondent****Correspondent:** MICHAEL W GARVEY**Name/Address:** PEARNE & GORDON LLP
1801 E 9TH ST STE 1200
CLEVELAND, OHIO 44114-3108
UNITED STATES**Phone:** 216-579-1700**Fax:** 216-579-6073**Domestic Representative****Domestic:** John P. Murtaugh**Representative Name:****- Prosecution History**

Date	Description	Proceeding Number
May 16, 2009	CANCELLED SEC. 8 (6-YR)	
Jan. 30, 2008	CASE FILE IN TICRS	
Sep. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 17, 2002	REGISTERED-PRINCIPAL REGISTER	
Jun. 25, 2002	PUBLISHED FOR OPPOSITION	
Jun. 05, 2002	NOTICE OF PUBLICATION	
Mar. 13, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 19, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 12, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 19, 2001	DIVISIONAL PROCESSING COMPLETE	
Oct. 09, 2001	DIVISIONAL REQUEST RECEIVED	
Feb. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 2000	FINAL REFUSAL MAILED	
Jul. 11, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 14, 2000	Sec. 1(B) CLAIM DELETED	67287
Jan. 03, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jan. 11, 2000	NON-FINAL ACTION MAILED	
Jan. 11, 2000	ASSIGNED TO EXAMINER	76511
Jan. 05, 2000	ASSIGNED TO EXAMINER	62920

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jan. 30, 2008

▲ Assignment Abstract Of Title Information - None recorded

▲ Proceedings - None recorded

Int. Cls.: 3, 9, 14 and 18

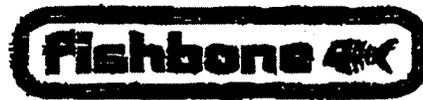
Prior U.S. Cls.: 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36,
38, 41, 50, 51 and 52

Reg. No. 2,544,012

Registered Mar. 5, 2002

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**



NEW YORKER S.H.K. JEANS GMBH (FED REP
GERMANY COMPANY WITH LIMITED LIA-
BILITY)

SCHMALBACHSTR. 16

38112 BRAUNSCHWEIG, FED REP GERMANY

FOR: BLEACHING PREPARATIONS, NAMELY LAUNDRY BLEACH; CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS, NAMELY SCOURING POWDERS AND LIQUIDS, CHROME POLISH, FURNITURE POLISH, FLOOR POLISH, ALL-PURPOSE CLEANING PREPARATIONS, ALL-PURPOSE CLEANERS, GLASS CLEANERS; PRODUCTS FOR BEAUTY AND BODY CARE, NAMELY SOAPS, PERFUME, TOILET WATER, EAU DE PERFUME, EAU DE TOILETTE, PERSONAL DEODORANTS; ESSENTIAL OILS FOR PERSONAL USE; HAIR CLEANING AND HAIR CARING SUBSTANCES, NAMELY HAIR LOTIONS, HAIR SHAMPOOS AND CONDITIONERS, HAIR GELS, HAIR CREAMS, HAIR-STYLING FOAMS, HAIR SPRAYS; COSMETICS, NAMELY EYE-SHADOW, MAKE-UP FOUNDATION, MAKE-UP CREAMS, MAKE-UP POWDERS, LIPSTICKS, NAIL POLISH, NAIL POLISH REMOVER, SKIN OILS, SKIN CREAMS; LOTIONS FOR COSMETIC PURPOSES, NAMELY SKIN MOISTURIZING LOTIONS, SUN TANNING LOTION, AFTER SUN LOTION; SHAVING SUBSTANCES AND SUBSTANCES FOR AFTER-SHAVE CARE, NAMELY SHAVING BALM, SHAVING CREAM, SHAVING FOAM, SHAVING PREPARATIONS, SHAVING LOTION; DENTRIFRICES; COSMETIC BATHING ADDITIVES, NAMELY BATH OIL, NON-MEDICATED BATH SALTS, BUBBLE BATH, BATH BEADS; LIPSTICKS; COTTON BALLS FOR COSMETIC PURPOSES; NAIL POLISH; SHOE POLISH, MAKE-UP, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: PHOTOGRAPHIC AND CINEMATOGRAPHIC APPARATUS AND INSTRUMENTS, NAMELY PHOTOGRAPHIC CAMERAS, VIDEO CAMERAS, MOTION PICTURE CAMERAS; OPTICAL APPARATUS AND INSTRUMENTS, NAMELY OPTICAL DISKS AND FILTERS; APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES, NAMELY AUDIO AND VIDEO CASSETTE RECORDERS, AUDIO AND VIDEO TAPE PLAYERS AND COMPACT DISC PLAYERS; BLANK MAGNETIC DATA CARRIERS, ELECTRONIC DATA CARRIERS, NAMELY BLANK FLOPPY COMPUTER DISKS, BLANK MAGNETIC COMPUTER TAPES, CD-ROMS FEATURING PRE-RECORDED MUSIC, MOTION PICTURES AND INTERACTIVE MAPS; PRE-RECORDED MAGNETIC DATA CARRIERS AND ELECTRONIC DATA CARRIERS, NAMELY PRE-RECORDED FLOPPY COMPUTER DISKS, PRE-RECORDED MAGNETIC COMPUTER TAPES, PRE-RECORDED AUDIO AND VIDEO CASSETTES, PRE-RECORDED AUDIO AND VIDEO TAPES, PRE-RECORDED COMPACT DISKS, ALL FEATURING PRE-RECORDED MUSIC, MOTION PICTURES, BOOKS IN SPOKEN FORM, HISTORICAL TOUR DISCUSSIONS, INSTRUCTION ON HOME IMPROVEMENTS, AND HUNTING AND BIRD CALLS; COMPUTER MEMORIES AND SIMILAR MEMORY MEDIA, NAMELY PCMCIA CARDS, ENCODED SMART CARDS, MAGNETIC CODED CARDS; TONE CARRIERS OF ALL KINDS, NAMELY BLANK AUDIO AND VIDEO CASSETTES, BLANK AUDIO AND VIDEO TAPES, BLANK COMPACT DISKS, AUTOMATIC VENDING MACHINES, ELECTRICAL CIRCUITS FOR USE IN AMUSEMENT GAME MACHINES FOR REPRODUCING MUSIC, SPEECH AND SPECIAL EFFECTS; CASH REGISTERS, CALCULATORS; DATA PROCESSORS, COMPUTERS; EYE GLASSES AND THEIR PARTS, NAMELY EYE GLASSES, SUN

GLASSES, SPORTS GLASSES, SKI GLASSES, SAFETY GOGGLES; FRAMES FOR EYE GLASSES; LENSES FOR EYE GLASSES, CASES FOR EYE GLASSES; PROTECTIVE HELMETS, HELMET VISORS, PROTECTIVE FACE-SHIELDS FOR PROTECTIVE HELMETS; LIFE JACKETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS OF PRECIOUS METALS OR COATED THEREWITH, NAMELY BRACELETS, NECKLACES, EARRINGS, RINGS, ASHTRAYS, JEWELRY BOXES, CANDLESTICKS, CANDLE HOLDERS, CIGARETTE LIGHTERS, MONEY CLIPS, TIE-PINS; JEWELRY, BIJOUTERIE, COSTUME JEWELRY; PRECIOUS GEMSTONES; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY CLOCKS, ALARM CLOCKS, RADIO ALARM CLOCKS, WATCHES, POCKET WATCHES; WATCH-STRAPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: LEATHER AND IMITATIONS OF LEATHER, AND GOODS MADE OF THESE MATERI-

ALS, NAMELY CARRY-ON BAGS, CLUTCH BAGS, TOTE BAGS, SCHOOL BAGS, AND RUCKSACKS; ANIMAL SKINS AND HIDES; TRUNKS, BRIEFCASES AND SMALL SUITCASES; ALL PURPOSE SPORTS BAGS, HANDBAGS, BACKPACKS; TRAVELLING BAGS, TRAVELLING CASES, SMALL ARTICLES OF LEATHER, NAMELY PURSES, POCKET WALLETS, KEY CASES; BAGS WORN ON THE HIP ADJUSTED BY A BELT; UMBRELLAS, PARASOLS AND WALKING STICKS; WHIPS, HARNESSSES AND SADDLERY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED REP GERMANY APPLICATION NO. 39909753.825, FILED 2-19-1999, REG. NO. 39909753, DATED 5-14-1999, EXPIRES 2-19-2009.

SER. NO. 75-981,033, FILED 8-17-1999.

GINNY ISAACSON, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:36:14 EDT

Mark: FISHBONE



US Serial Number: 75981033

Application Filing Date: Aug. 17, 1999

Date:

US Registration Number: 2544012

Registration Date: Mar. 05, 2002

Number:

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 13, 2008

Publication Date: Dec. 11, 2001

Date Cancelled: Dec. 13, 2008

▼ Mark Information

Mark Literal Elements: FISHBONE

Standard Character Claim: No

Claim:

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code 03.13.02 - Skulls (animals, four-footed mammals); Skeletons (animals, four-footed mammals);

(s): Bones (animals, four-footed mammals)

03.13.05 - Skulls (birds, fish, reptile, insects, dinosaurs); Dinosaur bones, skeletons, skulls; Bones (birds, fish, reptiles, insects, dinosaurs); Skeletons (birds, fish, reptiles, insects, dinosaurs)

03.19.24 - Stylized fish, whales, seals, sea lions

03.19.25 - Other fish (this section includes basic fish); Catfish; Tuna; Salmon; Piranhas

26.11.27 - Oblongs not used as carriers for words, letters or designs

▼ Related Properties Information

Claimed Ownership of [75777879](#)

US Registrations:

Child Of: 75777879

- Foreign Information

Priority Claimed: Yes

Foreign Application Number: 39909753.825

Foreign Application Filing Date: Feb. 19, 1999

Foreign Registration Number: 39909753

Foreign Registration Date: May 14, 1999

Foreign Country: GERMANY

Foreign Expiration Date: Feb. 19, 2009

Application/Registration Country:

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

For: bleaching preparations, namely laundry bleach; cleaning, polishing, scouring and abrasive preparations, namely scouring powders and liquids, chrome polish, furniture polish, floor polish, all-purpose cleaning preparations, all-purpose cleaners, glass cleaners; products for beauty and body care, namely soaps, perfume, toilet water, eau de perfume, eau de toilette, personal deodorants; essential oils for personal use; hair cleaning and hair caring substances, namely hair lotions, hair shampoos and conditioners, hair gels, hair creams, hair-styling foams, hair sprays; cosmetics, namely eye-shadow, make-up foundation, make-up creams, make-up powders, lipsticks, nail polish, nail polish remover, skin oils, skin creams; lotions for cosmetic purposes, namely skin moisturizing lotions, sun tanning lotion, after sun lotion; shaving substances and substances for after-shave care, namely shaving balm, shaving cream, shaving foam, shaving preparations, shaving lotion; dentrifices; cosmetic bathing additives, namely bath oil, non-medicated bath salts, bubble bath, bath beads; lipsticks; cotton balls for cosmetic purposes; nail polish; shoe polish, make-up

International Class: 003 - Primary Class

U.S Class: 001, 004, 006, 050, 051, 052

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Photographic and cinematographic apparatus and instruments, namely photographic cameras, video cameras, motion picture cameras; optical apparatus and instruments, namely optical disks and filters; apparatus for recording, transmission or reproduction of sound or images, namely audio and video cassette recorders, audio and video tape players and compact disc players; blank magnetic data carriers, electronic data carriers, namely blank floppy computer disks, blank magnetic computer tapes, CD-ROMS featuring pre-recorded music, motion pictures and interactive maps; pre-recorded magnetic data carriers and electronic data carriers, namely pre-recorded floppy computer disks, pre-recorded magnetic computer tapes, pre-recorded audio and video cassettes, pre-recorded audio and video tapes, pre-recorded compact disks, all featuring pre-recorded music, motion pictures, books in spoken form, historical tour discussions, instruction on home improvements, and hunting and bird calls; computer memories and similar memory media, namely PCMCIA cards, encoded smart cards,

magnetic coded cards; tone carriers of all kinds, namely blank audio and video cassettes, blank audio and video tapes, blank compact disks, automatic vending machines, electrical circuits for use in amusement game machines for reproducing music, speech and special effects; cash registers, calculators; data processors, computers; eye glasses and their parts, namely eye glasses, sun glasses, sports glasses, ski glasses, safety goggles; frames for eye glasses; lenses for eye glasses, cases for eye glasses; protective helmets, helmet visors, protective face-shields for protective helmets; life jackets

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Precious metals and their alloys and goods of precious metals or coated therewith, namely bracelets, necklaces, earrings, rings, ashtrays, jewelry boxes, candlesticks, candle holders, cigarette lighters, money clips, tie-pins; jewelry, bijouterie, costume jewelry; precious gemstones; horological and chronometric instruments, namely clocks, alarm clocks, radio alarm clocks, watches, pocket watches; watchstraps

International Class: 014 - Primary Class

U.S Class: 002, 027, 028, 050

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Leather and imitations of leather, and goods made of these materials, namely carry-on bags, clutch bags, tote bags, school bags, and rucksacks; animal skins and hides; trunks, briefcases and small suitcases; all purpose sports bags, handbags, backpacks; travelling bags, travelling cases, small articles of leather, namely purses, pocket wallets, key cases; bags worn on the hip adjusted by a belt; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

International Class: 018 - Primary Class

U.S Class: 001, 002, 003, 022, 041

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

- Basis Information (Case Level)

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

- Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans GmbH
Owner Address: Schmalbachstr. 16

38112 Braunschweig
GERMANY

Legal Entity Type: COMPANY WITH LIMITED
LIABILITY

State or Country GERMANY
Where Organized:

- Attorney/Correspondence Information

Attorney of Record

Attorney Name: MICHAEL W GARVEY

Docket Number: 31908

Correspondent

Correspondent MICHAEL W GARVEY
Name/Address: PEARNE & GORDON LLP
1801 E 9TH ST STE 1200
CLEVELAND, OHIO 44114-3108
UNITED STATES

Phone: 216-579-1700

Fax: 216-579-6073

Domestic Representative

Domestic John P. Murtaugh

Representative Name:

- Prosecution History

Date	Description	Proceeding Number
Dec. 13, 2008	CANCELLED SEC. 8 (6-YR)	
Mar. 23, 2007	CASE FILE IN TICRS	
Sep. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 05, 2002	REGISTERED-PRINCIPAL REGISTER	
Dec. 11, 2001	PUBLISHED FOR OPPOSITION	
Nov. 21, 2001	NOTICE OF PUBLICATION	
Jul. 17, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2001	DIVISIONAL PROCESSING COMPLETE	
Feb. 02, 2001	DIVISIONAL REQUEST RECEIVED	
Feb. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 2000	FINAL REFUSAL MAILED	
Jul. 14, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 14, 2000	Sec. 1(B) CLAIM DELETED	67287
Jan. 11, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jan. 11, 2000	NON-FINAL ACTION MAILED	
Jan. 11, 2000	ASSIGNED TO EXAMINER	76511
Jan. 05, 2000	ASSIGNED TO EXAMINER	62920

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Mar. 23, 2007

▲ Assignment Abstract Of Title Information - None recorded

▲ Proceedings - None recorded

Int. Cls.: 25 and 28

Prior U.S. Cls.: 22, 23, 38, 39 and 50

Reg. No. 2,774,308

United States Patent and Trademark Office

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

FISHBONE

NEW YORKER S.H.K. JEANS GMBH (FED REP
GERMANY LIMITED LIABILITY COMPANY)
SCHMALBACHSTR. 16
38112 BRAUNSCHWEIG, FED REP GERMANY

FOR: SKI BOOTS, CLIMBING SHOES, FOOTBALL
SHOES, BASEBALL SHOES, BOXING SHOES, CY-
CLING SHOES, GOLF SHOES, WATER SHOES,
CROSS-COUNTRY SKIING SHOES, HIKING
SHOES, SPECIAL BAGS FOR STORING AND
TRANSPORTING SPORTS EQUIPMENT, NAMELY,
BAGS FOR SKIING SHOES, IN CLASS 25 (U.S. CLS.
22 AND 39).

FOR: GAMES AND PLAYTHINGS, NAMELY
DOLLS, BATH TOYS, CRIB TOYS AND POP UP
TOYS, STUFFED TOYS, DOG TOYS, PLUSH TOYS,
SOFT SCULPTURE TOYS, TALKING TOYS, INFLA-
TABLE TOYS, GYMNAS TIC ARTICLES, NAMELY
GYMNAS TIC APPARATUS, HORIZONTAL AND
PARALLEL BARS, VAULTING HORSES AND
TRAINING STOOLS; SPORTING ARTICLES FOR
CLIMBING, GOLFING, SURFING, SAILING, DIV-
ING, MOUNTAIN SKIING, CROSS-COUNTRY SKI-
ING, SNOWBOARDING, AND ICE-HOCKEY,

NAMELY SURF FINS, SKI POLES, CLIMBING
EQUIPMENT, NAMELY CLIMBING ROPES, NUTS,
EXPANDERS, CHUCKS, CARABINERS, AND PI-
TONS, GOLF BALLS, GOLF CLUBS, GOLF TEES,
GOLF GLOVES, GOLF BAGS, NON-MOTORIZED
GOLF CARTS, SURF BOARDS, SURFBOARD LEA-
SHES, SURFBOARD WAX, SAIL BOARDS, SAIL
BOARD MASTS, SAIL BOARD LEASHES, FLIPPERS
FOR USE IN SCUBA DIVING, ICE-HOCKEY
STICKS, SKIS, SKI GOGGLES, AND SNOWBOARDS;
SKI BAGS; SPECIAL BAGS IN ORDER TO STORE
AND TRANSPORT SKI GEAR AND SNOWBOARDS;
GLOVES FOR CLIMBING, HORSEBACKRIDING,
SKIING, BOXING, ROWING AND CANOEING, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED
REP GERMANY APPLICATION NO. 39909754.625,
FILED 2-19-1999, REG. NO. 39909754, DATED 5-17-
1999, EXPIRES 2-28-2009.

SER. NO. 75-777,893, FILED 8-17-1999.

GINNY ISAACSON, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS**DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:36:41 EDT

Mark: FISHBONE

FISHBONE

US Serial Number: 75777893

Application Filing Date: Aug. 17, 1999

Date:

US Registration Number: 2774308

Registration Date: Oct. 21, 2003

Number:

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 29, 2010

Publication Date: Jul. 29, 2003

Date Cancelled: May 29, 2010

- Mark Information

Mark Literal Elements: FISHBONE

Standard Character No

Claim:

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

- Related Properties Information

Claimed Ownership of [75981596](#)

US Registrations:

Parent Of: [75981596](#)

- Foreign Information

Priority Claimed: Yes

Foreign Application 39909754.625
Number:

Foreign Application Feb. 19, 1999
Filing Date:

Foreign Registration 39909754
Number:

Foreign Registration May 17, 1999
Date:

Foreign GERMANY
Application/Registration
Country:

Foreign Expiration Feb. 28, 2009
Date:

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

For: ski boots, climbing shoes, football shoes, baseball shoes, boxing shoes, cycling shoes, golf shoes, water shoes, cross-country skiing shoes, hiking shoes, special bags for storing and transporting sports equipment, namely, bags for skiing shoes

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Games and playthings, namely dolls, bath toys, crib toys and pop up toys, stuffed toys, dog toys, plush toys, soft sculpture toys, talking toys, inflatable toys, gymnastic articles, namely gymnastic apparatus, horizontal and parallel bars, vaulting horses and training stools; sporting articles for climbing, golfing, surfing, sailing, diving, mountain skiing, cross-country skiing, snowboarding, and ice-hockey, namely surf fins, ski poles, climbing equipment, namely climbing ropes, nuts, expanders, chucks, carabiners, and pitons, golf balls, golf clubs, golf tees, golf gloves, golf bags, non-motorized golf carts, surf boards, surfboard leashes, surfboard wax, sail boards, sail board masts, sail board leashes, flippers for use in scuba diving, ice-hockey sticks, skis, ski goggles, and snowboards; ski bags; special bags in order to store and transport ski gear and snowboards; gloves for climbing, horsebackriding, skiing, boxing, rowing and canoeing

International Class: 028 - Primary Class

U.S Class: 022, 023, 038, 050

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

- Basis Information (Case Level)

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

Filed No Basis: No

Currently No Basis: No

- Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans GmbH

Owner Address: Schmalbachstr. 16
38112 Braunschweig
GERMANY

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country GERMANY
Where Organized:**- Attorney/Correspondence Information****Attorney of Record**

Attorney Name: MICHAEL W GARVEY

Docket Number: 31907

CorrespondentCorrespondent MICHAEL W GARVEY
Name/Address: PEARNE & GORDON LLP
1801 E 9TH ST STE 1200
CLEVELAND, OHIO 44114-3108
UNITED STATES

Phone: 216-579-1700

Fax: 216-579-6073

Domestic Representative

Domestic John P. Murtaugh

Representative Name:

- Prosecution History

Date	Description	Proceeding Number
May 29, 2010	CANCELLED SEC. 8 (6-YR)	
Aug. 01, 2008	CASE FILE IN TICRS	
Oct. 21, 2003	REGISTERED-PRINCIPAL REGISTER	
Sep. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 29, 2003	PUBLISHED FOR OPPOSITION	
Jul. 09, 2003	NOTICE OF PUBLICATION	
May 08, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 06, 2003	EXAMINERS AMENDMENT MAILED	
Apr. 21, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 21, 2003	FAX RECEIVED	
Jan. 09, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 18, 2002	LETTER OF SUSPENSION MAILED	

Nov. 13, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 08, 2002	LETTER OF SUSPENSION MAILED	
Oct. 19, 2001	DIVISIONAL PROCESSING COMPLETE	
Oct. 09, 2001	DIVISIONAL REQUEST RECEIVED	
Feb. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 2000	FINAL REFUSAL MAILED	
Jul. 11, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 14, 2000	Sec. 1(B) CLAIM DELETED	67287
Jan. 03, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jan. 11, 2000	NON-FINAL ACTION MAILED	
Jan. 11, 2000	ASSIGNED TO EXAMINER	76511
Jan. 05, 2000	ASSIGNED TO EXAMINER	62920

- TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** SCANNING ON DEMAND**Date in Location:** Aug. 01, 2008**▲ Assignment Abstract Of Title Information - None recorded****▲ Proceedings - None recorded**

Int. Cls.: 25 and 28

Prior U.S. Cls.: 22, 23, 38, 39 and 50

Reg. No. 2,760,570

United States Patent and Trademark Office

Registered Sep. 9, 2003

TRADEMARK
PRINCIPAL REGISTER



NEW YORKER S.H.K. JEANS GMBH (FED REP
GERMANY COMPANY WITH LIMITED LIABILITY)
SCHMALBACHSTR. 16
38112 BRAUNSCHWEIG, FED REP GERMANY

FOR: SKI BOOTS, CLIMBING SHOES, FOOTBALL
SHOES, BASEBALL SHOES, BOXING SHOES, CY-
CLING SHOES, GOLF SHOES, WATER SHOES,
CROSS-COUNTRY SKIING SHOES, HIKING
SHOES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: GAMES AND PLAYTHINGS, NAMELY
DOLLS, BATH TOYS, CRIB TOYS AND POP UP
TOYS, STUFFED TOYS, DOG TOYS, PLUSH TOYS,
SOFT SCULPTURE TOYS, TALKING TOYS, INFLA-
TABLE TOYS, GYMNAS TIC ARTICLES, NAMELY
GYMNAS TIC APPARATUS, HORIZONTAL AND
PARALLEL BARS, VAULTING HORSES AND
TRAINING STOOLS; SPORTING ARTICLES FOR
CLIMBING, GOLFING, SURFING, SAILING, DIV-
ING, MOUNTAIN SKIING, CROSS-COUNTRY SKI-
ING, SNOWBOARDING, AND ICE-HOCKEY,
NAMELY SURF FINS, SKI POLES, CLIMBING
EQUIPMENT, NAMELY CLIMBING ROPES, NUTS,
EXPANDERS, CHUCKS, CARABINERS, AND PI-

TONS, GOLF BALLS, GOLF CLUBS, GOLF TEES,
GOLF GLOVES, GOLF BAGS, NON-MOTORIZED
GOLF CARTS, SURFBOARDS, SURFBOARD LEA-
SHES, SURFBOARD WAX, SAIL BOARDS, SAIL
BOARD MASTS, SAIL BOARD LEASHES, FLIPPERS
FOR USE IN SCUBA DIVING, ICE-HOCKEY
STICKS, SKIS, SKI GOGGLES, AND SNOWBOARDS;
SKI BAGS; SPECIAL BAGS IN ORDER TO STORE
AND TRANSPORT SKI GEAR, SNOWBOARDS,
AND SKIING SHOES; GLOVES FOR CLIMBING,
HORSEBACKRIDING, SKIING, BOXING, ROWING
AND CANOEING, IN CLASS 28 (U.S. CLS. 22, 23, 38
AND 50).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED
REP GERMANY APPLICATION NO. 39909753.825,
FILED 2-19-1999, REG. NO. 39909753, DATED 5-14-
1999, EXPIRES 2-28-2009.

THE LINING IS A FEATURE OF THE MARK
AND DOES NOT INDICATE COLOR.

SER. NO. 75-777,879, FILED 8-17-1999.

GINNY ISAACSON, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:37:05 EDT

Mark: FISHBONE



US Serial Number: 75777879

Application Filing Date: Aug. 17, 1999

Date:

US Registration Number: 2760570

Registration Date: Sep. 09, 2003

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 17, 2010

Publication Date: Jun. 17, 2003

Date Cancelled: Apr. 17, 2010

- Mark Information

Mark Literal Elements: FISHBONE

Standard Character: No

Claim:

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling: The lining is a feature of the mark and does not indicate color.

Statement:

Design Search Code: 03.13.02 - Skulls (animals, four-footed mammals); Skeletons (animals, four-footed mammals);

(s): Bones (animals, four-footed mammals)

03.13.05 - Skulls (birds, fish, reptile, insects, dinosaurs); Dinosaur bones, skeletons, skulls; Bones (birds, fish, reptiles, insects, dinosaurs); Skeletons (birds, fish, reptiles, insects, dinosaurs)

03.19.24 - Stylized fish, whales, seals, sea lions

03.19.25 - Other fish (this section includes basic fish); Catfish; Tuna; Salmon; Piranhas

26.11.27 - Oblongs not used as carriers for words, letters or designs

▼ Related Properties Information

Claimed Ownership of 75981033

US Registrations:

Parent Of: 75981033

▼ Foreign Information

Priority Claimed: Yes

Foreign Application Number: 39909753.825

Foreign Application Filing Date: Feb. 19, 1999

Foreign Registration Number: 39909753

Foreign Registration Date: May 14, 1999

Foreign Country: GERMANY

Foreign Expiration Date: Feb. 28, 2009

Application/Registration

Date:

Country:

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

For: Ski boots, climbing shoes, football shoes, baseball shoes, boxing shoes, cycling shoes, golf shoes, water shoes, cross-country skiing shoes, hiking shoes

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Games and playthings, namely dolls, bath toys, crib toys and pop up toys, stuffed toys, dog toys, plush toys, soft sculpture toys, talking toys, inflatable toys, gymnastic articles, namely gymnastic apparatus, horizontal and parallel bars, vaulting horses and training stools; sporting articles for climbing, golfing, surfing, sailing, diving, mountain skiing, cross-country skiing, snowboarding, and ice-hockey, namely surf fins, ski poles, climbing equipment, namely climbing ropes, nuts, expanders, chucks, carabiners, and pitons, golf balls, golf clubs, golf tees, golf gloves, golf bags, non-motorized golf carts, surfboards, surfboard leashes, surfboard wax, sail boards, sail board masts, sail board leashes, flippers for use in scuba diving, ice-hockey sticks, skis, ski goggles, and snowboards; ski bags; special bags in order to store and transport ski gear, snowboards, and skiing shoes; gloves for climbing, horsebackriding, skiing, boxing, rowing and canoeing

International Class: 028 - Primary Class

U.S Class: 022, 023, 038, 050

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

▼ Basis Information (Case Level)

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

▼ Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans GmbH

Owner Address: Schmalbachstr. 16
38112 Braunschweig
GERMANY

Legal Entity Type: COMPANY WITH LIMITED
LIABILITY

State or Country GERMANY
Where Organized:

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: MICHAEL W GARVEY

Docket Number: 31908

Correspondent

Correspondent MICHAEL W GARVEY
Name/Address: PEARNE & GORDON LLP
1801 E 9TH ST STE 1200
CLEVELAND, OHIO 44114-3108
UNITED STATES

Phone: 216-579-1700

Fax: 216-579-6073

Domestic Representative

Domestic John P. Murtaugh
Representative Name:

▼ Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2010	CANCELLED SEC. 8 (6-YR)	
Jul. 03, 2007	CASE FILE IN TICRS	
Sep. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2003	REGISTERED-PRINCIPAL REGISTER	

Jun. 17, 2003	PUBLISHED FOR OPPOSITION	
May 28, 2003	NOTICE OF PUBLICATION	
Mar. 20, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 05, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 05, 2003	PAPER RECEIVED	
Feb. 21, 2003	LETTER OF SUSPENSION MAILED	
Jan. 27, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 27, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 17, 2001	LETTER OF SUSPENSION MAILED	
Oct. 10, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 19, 2001	LETTER OF SUSPENSION MAILED	
Jun. 23, 2001	DIVISIONAL PROCESSING COMPLETE	
Feb. 02, 2001	DIVISIONAL REQUEST RECEIVED	
Feb. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 2000	FINAL REFUSAL MAILED	
Jul. 14, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 14, 2000	Sec. 1(B) CLAIM DELETED	67287
Jan. 11, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jan. 11, 2000	NON-FINAL ACTION MAILED	
Jan. 11, 2000	ASSIGNED TO EXAMINER	76511
Jan. 05, 2000	ASSIGNED TO EXAMINER	62920

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 03, 2007

▲ **Assignment Abstract Of Title Information - None recorded**

▲ **Proceedings - None recorded**

Int. Cls.: 3, 9, 14, 18, 25, 28 and 32

Prior U.S. Cls.: 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36,
38, 39, 41, 45, 46, 48, 50, 51 and 52

Reg. No. 2,763,064

United States Patent and Trademark Office

Registered Sep. 16, 2003

TRADEMARK
PRINCIPAL REGISTER



NEW YORKER S.H.K. JEANS, GMBH (FED REP
GERMANY CORPORATION)
SCHMALBACHSTRASSE 16
D-38112 BRAUNSCHWEIG, FED REP GERMANY

FOR: PERFUME AND ESSENTIAL OILS FOR
PERSONAL USE; PERSONAL HYGIENE AND
BEAUTY CARE, NAMELY, LIPSTICK, EYESHA-
DOW, BLUSH, FOUNDATION POWDER, MAS-
CARA, EYELINER, LIPLINER; HAIR SHAMPOO
AND HAIR CONDITIONER, HAIR SPRAY, HAIR
COLOR; NAIL POLISH, NAIL POLISH THINNER,
NAIL POLISH REMOVER; HAIR GELS; NON-MEDI-
CATED HAIR PREPARATIONS FOR THICKENING
HAIR; SKIN LOTION; FACE CREAMS AND FACE
MOISTURIZERS; BATH SOAPS; BATH GELS AND
BUBBLE BATH, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51
AND 52).

FOR: PRERECORDED AUDIO TAPES FEATUR-
ING MUSIC AND EDUCATIONAL INSTRUCTION
IN THE FIELDS OF LANGUAGE TEACHING AND
CULTURAL TRAINING; AUDIO-VISUAL EQUIP-
MENT, NAMELY, TAPE CASSETTE PLAYERS, VI-
DEO CASSETTE PLAYERS; VIDEO CAMERAS;
CAMERA TRIPODS AND MICROPHONES; FOOT-
BALL HELMETS AND HOCKEY HELMETS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: WATCHES; PINS, NAMELY, ORNAMEN-
TAL PINS, JEWELRY PINS, TIE PINS AND BROO-
CHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: LEATHER GOODS, NAMELY, LEATHER
BAGS, ENVELOPES AND POUCHES FOR MER-
CHANDISE PACKAGING, LEATHER SHOPPING
BAGS; SMALLER LEATHER GOODS, NAMELY,
LEATHER KEY FOBS, PURSES, AND TOILETRY

CASES SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).

FOR: SKI BOOTS, CLIMBING SHOES, FOOTBALL
SHOES, BASEBALL SHOES, BOXING SHOES, CY-
CLING SHOES, GOLF SHOES, WATER SHOES,
CROSS-COUNTRY SKIING SHOES, HIKING
SHOES, SPECIAL BAGS FOR STORING AND
TRANSPORTING SPORTS EQUIPMENT, NAMELY,
BAGS FOR SKIING SHOES, IN CLASS 25 (U.S. CLS.
22 AND 39).

FOR: SPORTING ARTICLES AND SPORTS APPA-
RATUS, NAMELY, GOLF ARTICLES, NAMELY,
GOLF BALLS, GOLF CLUBS, GOLF SHAFTS, GOLF
BAGS, NON-MOTORIZED GOLF PULL-CARTS,
GOLF GLOVES; SWIM FINS; SAIL BOARDS AND
PARTS THEREFOR, NAMELY, BOOMS, FINS, HAR-
NESS-LINES FOR SECURING RIDER, FOOT-
STRAPS, PROTECTIVE JACKETS FOR MASTS,
SPREADER BARS AND MASTS, DAGGER-
BOARDS; SNOWBOARDS, SURFBOARDS, SKIS,
SKI STICKS, SKI EQUIPMENT, NAMELY, SKI
POLES AND WAX; SPECIAL BAGS FOR STORING
AND TRANSPORTING SPORTS EQUIPMENT,
NAMELY, BAGS FOR SKI GEAR, SNOWBOARDS,
IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: NON-ALCOHOLIC MALT BEVERAGES
AND MINERAL WATER, IN CLASS 32 (U.S. CLS.
45, 46 AND 48).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED
REP GERMANY APPLICATION NO. 39826089.3,
FILED 5-9-1998, REG. NO. 39826089, DATED 8-10-
1998, EXPIRES 5-31-2008.

THE STIPLING IN THE MARK IS FOR SHAD-
ING PURPOSES AND IS NOT INTENDED AS AN
INDICATOR OF COLOR.

SER. NO. 75-585,380, FILED 11-9-1998.

GINNY ISAACSON, EXAMINING ATTORNEY

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-03-28 09:37:32 EDT

Mark: FISHBONE



US Serial Number: 75585380

Application Filing Nov. 09, 1998

Date:

US Registration 2763064
Number:

Registration Date: Sep. 16, 2003

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 24, 2010

Publication Date: Jun. 24, 2003

Date Cancelled: Apr. 24, 2010

- Mark Information

Mark Literal Elements: FISHBONE

Standard Character No

Claim:

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling The stippling in the mark is for shading purposes and is not intended as an indicator of color.
Statement:

Design Search Code 03.19.25 - Catfish; Other fish (this section includes basic fish); Piranhas; Salmon; Tuna
(s): 26.11.27 - Oblongs not used as carriers for words, letters or designs

- Foreign Information

Priority Claimed: Yes

Foreign Application 39826089.3
Number:

Foreign Application May 09, 1998
Filing Date:

Foreign Registration 39826089

Number:

Foreign Registration Aug. 10, 1998

Date:

Foreign GERMANY

Foreign Expiration May 31, 2008

Application/Registration

Date:

Country:

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

For: PERFUME AND ESSENTIAL OILS FOR PERSONAL USE; PERSONAL HYGIENE AND BEAUTY CARE, NAMELY, LIPSTICK, EYESHADOW, BLUSH, FOUNDATION POWDER, MASCARA, EYELINER, LIPLINER; HAIR SHAMPOO AND HAIR CONDITIONER, HAIR SPRAY, HAIR COLOR; NAIL POLISH, NAIL POLISH THINNER, NAIL POLISH REMOVER; HAIR GELS; NON-MEDICATED HAIR PREPARATIONS FOR THICKENING HAIR; SKIN LOTION; FACE CREAMS AND FACE MOISTURIZERS; BATH SOAPS; BATH GELS AND BUBBLE BATH

International Class: 003 - Primary Class**U.S Class:** 001, 004, 006, 050, 051, 052**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)

For: PRERECORDED AUDIO TAPES FEATURING MUSIC AND EDUCATIONAL INSTRUCTION IN THE FIELDS OF LANGUAGE TEACHING AND CULTURAL TRAINING; AUDIO-VISUAL EQUIPMENT, NAMELY, TAPE CASSETTE PLAYERS, VIDEO CASSETTE PLAYERS; VIDEO CAMERAS; CAMERA TRIPODS AND MICROPHONES; FOOTBALL HELMETS AND HOCKEY HELMETS

International Class: 009 - Primary Class**U.S Class:** 021, 023, 026, 036, 038**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)

For: WATCHES; PINS, NAMELY, ORNAMENTAL PINS, JEWELRY PINS, TIE PINS AND BROOCHES

International Class: 014 - Primary Class**U.S Class:** 002, 027, 028, 050**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)

For: LEATHER GOODS, NAMELY, LEATHER BAGS, ENVELOPES AND POUCHES FOR MERCHANDISE PACKAGING, LEATHER SHOPPING BAGS; SMALLER LEATHER GOODS, NAMELY, LEATHER KEY FOBS, PURSES, AND TOILETRY CASES SOLD EMPTY

International Class: 018 - Primary Class**U.S Class:** 001, 002, 003, 022, 041**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)

For: Ski boots, climbing shoes, football shoes, baseball shoes, boxing shoes, cycling shoes, golf shoes, water shoes, cross-country skiing shoes, hiking shoes, special bags for storing and transporting sports equipment, namely, bags for skiing shoes

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Sporting articles and sports apparatus, namely, golf articles, namely, golf balls, golf clubs, golf shafts, golf bags, non-motorized golf pull-carts, golf gloves; swim fins; sail boards and parts therefor, namely, booms, fins, harness-lines for securing rider, foot-straps, protective jackets for masts, spreader bars and masts, dagger-boards; snowboards, surfboards, skis, ski sticks, ski equipment, namely, ski poles and wax; special bags for storing and transporting sports equipment, namely, bags for ski gear, snowboards

International Class: 028 - Primary Class

U.S Class: 022, 023, 038, 050

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: NON-ALCOHOLIC MALT BEVERAGES AND MINERAL WATER

International Class: 032 - Primary Class

U.S Class: 045, 046, 048

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

- Basis Information (Case Level)

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

- Current Owner(s) Information

Owner Name: New Yorker S.H.K. Jeans, GmbH

Owner Address: Schmalbachstrasse 16
D-38112 Braunschweig
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: JOHN P MURTAUGH

Docket Number: 33077

Correspondent

Correspondent JOHN P MURTAUGH
 Name/Address: PEARNE & GORDON LLP
 1801 E 9TH ST STE 1200
 CLEVELAND, OHIO 44114-3108
 UNITED STATES

Phone: 216-579-1700

Fax: 216-579-6073

Domestic Representative

Domestic JOHN P MURTAUGH

Representative Name:

▼ Prosecution History

Date	Description	Proceeding Number
Apr. 24, 2010	CANCELLED SEC. 8 (6-YR)	
Jul. 09, 2007	CASE FILE IN TICRS	
Sep. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 16, 2003	REGISTERED-PRINCIPAL REGISTER	
Jun. 24, 2003	PUBLISHED FOR OPPOSITION	
Jun. 04, 2003	NOTICE OF PUBLICATION	
May 05, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 02, 2003	EXAMINERS AMENDMENT MAILED	
Apr. 29, 2003	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 20, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 27, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 27, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 17, 2001	LETTER OF SUSPENSION MAILED	
Oct. 10, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 29, 2001	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jan. 12, 2001	LETTER OF SUSPENSION MAILED	
Nov. 17, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 05, 2000	FINAL REFUSAL MAILED	
Apr. 26, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 26, 1999	NON-FINAL ACTION MAILED	

Oct. 04, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 30, 1999	Sec. 1(B) CLAIM DELETED	76538
Mar. 30, 1999	NON-FINAL ACTION MAILED	
Mar. 12, 1999	ASSIGNED TO EXAMINER	76511

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 09, 2007

▲ Assignment Abstract Of Title Information - None recorded**▲ Proceedings - None recorded**

EXHIBIT 5

Jack Racja v. New Yorker S.H.K. Jeans GmbH & Co. KG
Registration No.4299698
Mark: FISHBONE
Attorney's Reference: 125234-346231

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79101985
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
ARGUMENT(S)	
<p>i. Power of Attorney</p> <p>The undersigned has today submitted a new Power of Attorney/Appointment of Domestic Representative. Please therefore address any future correspondence to the undersigned.</p>	
<p>ii. Section 2(d) Refusal</p> <p>Applicant has almost one thousand stores in thirty-three countries, making it one of Europe's largest fashion businesses. Applicant sells its brands through its retail stores. In contrast, registrant, upon information and belief, does not sell its t-shirts with silk screen designs in retail stores. Instead, registrant appears to take orders for customized t-shirts with silk-screen designs from third party brand owners in, chiefly, the water and board sport, biking, skiing, music, and brewpub industries. (See attached invoices taken from registrant's file history and a print-out from registrant's website).</p> <p>The examining attorney has made of record a number of third-party registrations showing that a single mark has been adopted for the goods at issue. However, none of those third party registrations cover registrant's restricted identification of goods, i.e., "T-shirts with silk-screen designs" and, thus, none of these third party registrations are probative on the question of whether the parties respective products are related. There is simply nothing in the record that would indicate that t-shirts with silk-screen designs created for third party brand owners to promote their businesses would be purchased to complement the type of goods intended to be sold by Applicant.</p> <p>Moreover, registrant's t-shirts with silk-screen designs appears to be a specialty item that is not sold in the same channels of trade as Applicant's goods, particularly since the goods bearing the applied for mark would most likely be purchased in one of Applicant's retail establishments by young, trend-conscious consumers while registrant's goods are likely to be purchased directly through registrant by third party brand owners in the water and board sport, biking, skiing, music, and brewpub industries. <i>Id.</i> Accordingly, although neither applicant's nor registrant's goods are restricted, the consumers and the normal channels of trade for their respective goods are clearly different, and do not overlap.</p>	

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the Section 2(d) refusal to register.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE	evi_1607996147-142212440 . DOC101212fish-10122012142912.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\019\79101985\xml1\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\019\79101985\xml1\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\019\79101985\xml1\ROA0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\019\79101985\xml1\ROA0005.JPG

CORRESPONDENCE SECTION

ORIGINAL ADDRESS	CLEMENS KOCHINKE BERLINER, CORCORAN & ROWE, LLP SUITE 1100, 1101 SEVENTEENTH TREET, MW WASHINGTON District of Columbia (DC) US 20036
-------------------------	--

NEW CORRESPONDENCE SECTION

NAME	William C. Wright
FIRM NAME	Epstein Drangel LLP
STREET	60 East 42nd Street, Suite 2410
CITY	New York
STATE	New York
ZIP/POSTAL CODE	10165
COUNTRY	United States
PHONE	(212) 292-5390
FAX	(212) 292-5391
EMAIL	mail@ipcounselors.com
AUTHORIZED EMAIL COMMUNICATION	Yes

SIGNATURE SECTION

RESPONSE SIGNATURE	/William C. Wright/
SIGNATORY'S NAME	William C. Wright

SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	212-292-5390
DATE SIGNED	10/12/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 12 14:36:40 EDT 2012
TEAS STAMP	USPTO/ROA-160.79.96.147-2 0121012143640440553-79101 985-49031591025d52a15898a dc509038138-N/A-N/A-20121 012142212440799

PTO Form 1057 (Rev 9/2006)
OMB No. 0651-0050 (Exp. 05/31/2014)

**Response to Office Action
To the Commissioner for Trademarks:**

Application serial no. **79101985** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

i. Power of Attorney

The undersigned has today submitted a new Power of Attorney/Appointment of Domestic Representative. Please therefore address any future correspondence to the undersigned.

ii. Section 2(d) Refusal

Applicant has almost one thousand stores in thirty-three countries, making it one of Europe's largest fashion businesses. Applicant sells its brands through its retail stores. In contrast, registrant, upon information and belief, does not sell its t-shirts with silk screen designs in retail stores. Instead, registrant appears to take orders for customized t-shirts with silk-screen designs from third party brand owners in, chiefly, the water and board sport, biking, skiing, music, and brewpub industries. (See attached invoices taken from registrant's file history and a print-out from registrant's website).

The examining attorney has made of record a number of third-party registrations showing that a single

mark has been adopted for the goods at issue. However, none of those third party registrations cover registrant's restricted identification of goods, i.e., "T-shirts with silk-screen designs" and, thus, none of these third party registrations are probative on the question of whether the parties respective products are related. There is simply nothing in the record that would indicate that t-shirts with silk-screen designs created for third party brand owners to promote their businesses would be purchased to complement the type of goods intended to be sold by Applicant.

Moreover, registrant's t-shirts with silk-screen designs appears to be a specialty item that is not sold in the same channels of trade as Applicant's goods, particularly since the goods bearing the applied for mark would most likely be purchased in one of Applicant's retail establishments by young, trend-conscious consumers while registrant's goods are likely to be purchased directly through registrant by third party brand owners in the water and board sport, biking, skiing, music, and brewpub industries. *Id.* Accordingly, although neither applicant's nor registrant's goods are restricted, the consumers and the normal channels of trade for their respective goods are clearly different, and do not overlap.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the Section 2(d) refusal to register.

EVIDENCE

Original PDF file:

[evi_1607996147-142212440 . DOC101212fish-10122012142912.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

CLEMENS KOCHINKE
BERLINER, CORCORAN & ROWE, LLP
SUITE 1100, 1101 SEVENTEENTH TREET, MW
WASHINGTON
District of Columbia (DC)
US
20036

Proposed:

William C. Wright of Epstein Drangel LLP, having an address of
60 East 42nd Street, Suite 2410 New York, New York 10165
United States
mail@ipcounselors.com
(212) 292-5390
(212) 292-5391

SIGNATURE(S)

Response Signature

Signature: /William C. Wright/ Date: 10/12/2012

Signatory's Name: William C. Wright

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 212-292-5390

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: William C. Wright

Epstein Drangel LLP

60 East 42nd Street, Suite 2410

New York, New York 10165

Serial Number: 79101985

Internet Transmission Date: Fri Oct 12 14:36:40 EDT 2012

TEAS Stamp: USPTO/ROA-160.79.96.147-2012101214364044

0553-79101985-49031591025d52a15898adc509

038138-N/A-N/A-20121012142212440799

trademark prosecution ma

Go

Send Large Files

fishbonegraphics.com

practice and common law and harm

ABOUT FISHBONE

CALL US TODAY TO GET A QUOTE

For over twenty years, Fishbone Graphics has provided high quality screen printing and custom graphics from the Rockies to the South Pacific. Our expanded facility in Ridgway, Colorado includes full automation with 8-color capabilities. We continue to market our services to include industries that we participate in, and enjoy (i.e. water sports, board sports, biking, skiing, music and brewpubs)! We believe the art and graphics on your garment represents who you are. We offer an art team with years of experience to create the designs that are right for you. Our large selection of garments, from the basic tee to the latest women's fashion wear, offers the opportunity to match your design with the appropriate garment. Whether you have worked with us before, or are new to the Fishbone family, let our reputation for unique design, quality products and professional service create a profitable and lasting business relationship.

Thanks, Jack Rajca - Owner/Artist
jack@fishbonegraphics.com

Matt Jones - Manager
matt@fishbonegraphics.com

FISHBONE
GRAPHICS AND SCREENPRINTING

Add a comment...

Comment using...

Facebook social plugin

LightShot on Facebook

Like

64,409 people like LightShot.

Isah Nana Sebastian Stan L&K

Sulfao Laks Tim Bravo

Facebook social plugin



GRAPHICS & SCREEN PRINTING

GRAPHICS & SCREEN PRINTING

P.O. BOX 2008 • RIDGWAY, COLORADO 81432
 (970) 626-4350 • FAX (970) 626-4300
 JACK RAJCA - OWNER

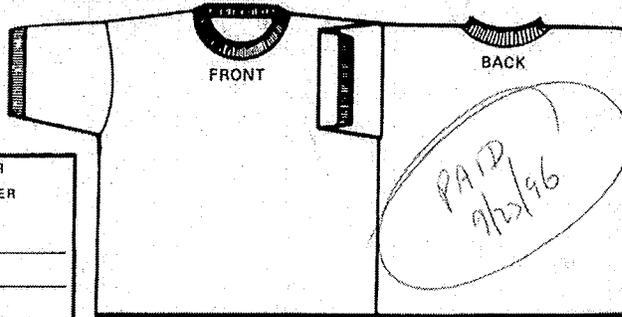
NO 01024

Date 8/20/96
 Date Due _____

BILL TO: POISON garden BICYCLES SHIP TO: SAME
 ADDRESS 497 NORTH MAIN ST ADDRESS _____
 CITY MOAD STATE VAH ZIP 81532 CITY _____ STATE _____ ZIP _____
 Customer P.O. # 2123 Ship via UPS Air Frt. P. Post Deliver
 Ordered By GREGG Phone _____ C.O.D. Open Acct. Other _____
 Fax _____

Quantity	Shirt Style	Color	S	M	L	XL	XXL	PRICE	EXT.
12	SLICKRCK (TMOAD) TANK	PIC-DYE		12				9 50	114 00
28	SHORT			6	8	14		10 00	280 00
3							3	11 00	33 00
5	PSB 4-5 (OVAL FRONT) TANK	PIC-DYE		5				9 50	45 --
49	SHORT			4	20	25		9 50	465 50
2	KIDS T						2	10 50	21 --
9	DIAMOND BACK SMALL SQUARE FRONT	RED	3	3	3			5 75	51 75
9		NATURAL	3	3	3			5 75	51 75

FULL SIZE HEART SIZE



RE-ORDER
 NEW ORDER
 TIME _____
 Artwork _____
 Printing _____

Sub Total	1062 00
Screens	
Layout	
Artwork	
Camera	
Color Seps	
Shipping	38 24
Sub Total	
Tax	
Sub Total	
Deposit	
BALANCE	1100 24



GRAPHICS & SCREEN PRINTING

P.O. BOX 2008 • RIDGWAY, COLORADO 81432
 (970) 626-4350 • FAX (970) 626-4388

JACK RAJCA - OWNER

NO 01046

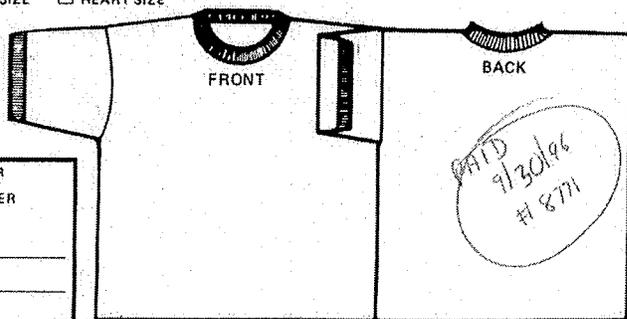
Date 9/4/96

Date Due ASAP

BILL TO: KIADAD MT. BIKE TOUR SHIP TO: _____
 ADDRESS 391 S. MAIN ADDRESS _____
 CITY MOAB STATE UTAH ZIP 84532 CITY _____ STATE _____ ZIP _____
 Customer P.O. 'KIAB' Ship via UPS Air Frt. P. Post Deliver
 Ordered By DETE / DAVE Phone 801-254-7723 O.C.O.D. Open Acct. Other _____
 Fax 254-6135

Quantity	Shirt Style	Color	S	M	L	XL	XXL	PRICE	EXT.
100	SLICKROCK TRAIL	ASSORTED		15	43	42		9 75	975 00
	PICMENT DYE	---DCANTITE							
		---HERB							
		---PONT							
		---SMOKE							

FULL SIZE HEART SIZE



RE-ORDER
 NEW ORDER
 TIME _____
 Artwork _____
 Printing _____

Sub Total	975	
Screens		
Layout		
Artwork		
Camera		
Color Seps		
Shipping	17	60
Sub Total	992	60
Tax		
Sub Total		
Deposit		
BALANCE	992	60

THANKS

TRADEMARK MAIL ROOM
REC'D
NOV 25 1936
U.S. PATENT & TRADEMARK OFFICE

75204089