

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Examining Attorney: S. Michael Gaafar
Law Office: 116

Applicant: Ross-Simons of Warwick, Inc.

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Mark: VIA

Commissioner for Trademarks
Box 1451
Alexandria, VA 22313-1451



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**RESPONSE TO FINAL OFFICE ACTION AND
REQUEST FOR RECONSIDERATION**

Dear Madam:

The following is submitted in response to a Final Office Action dated April 11, 2007.

The Examining Attorney has maintained and made final his refusal to register Applicant's trademark VIA for "jewelry and watches" and "[o]n-line retail store services and mail order catalog services featuring jewelry, watches, fashion accessories, and related items" on the grounds that such mark is likely to be confused with U.S. Trademark Reg. No. 1,751,926 for VIA SPORT for "men's and ladies' outerwear, namely; jackets, wind resistant jackets; active wear and spectator wear; namely, warm-up and jogging suits, and pants" under Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d). In particular, the Examining Attorney refuses registration of Applicant's mark VIA for Applicant's "online and mail-order services featuring fashion accessories and

related items.” The Applicant respectfully disagrees with the Examining Attorney’s objection.

It is well established that a number of factors must be considered in determining likelihood of confusion. Among these is the degree of similarity between the marks, the similarity of the goods or services sold thereunder, the strength of the mark, as well as, the degree of care likely to be exercised by potential customers. In re Concordia International Forwarding Corp., 222 USPQ 355 at 356 (TTAB 1983). Application of these factors to the present case renders confusion under §2(d) of the Trademark Act unlikely.

As set forth in more detail below, Applicant respectfully disagrees with the Examining Attorney’s conclusions and does not believe that there is a likelihood of confusion between Applicant’s mark VIA for online and mail order services featuring fashion accessories and related items and the cited mark VIA SPORT. When compared in their entireties, the marks do not connote the same commercial impression and have distinctly different connotations, which can be dispositive. Champagne Louis Roederer, S.A. v. Delicato Vineyards, 47 USPQ2d 1495 (Fed. Cir. 1998) (holding that one factor may be dispositive of likelihood of confusion analysis, especially when that single factor is the dissimilarity of the marks where the marks evoked very different images); Keebler Co., v. Murray Bakery Products, 9 USPQ2d 1736 (Fed. Cir. 1989) (agreeing with the Board that the “more important fact for resolving the issue of likelihood of confusion ... is the dissimilarity in commercial impression between the marks”).

Applicant maintains that the marks are sufficiently dissimilar in sight, sound and meaning and that the parties’ respective goods and services are distinct and unrelated,

such that there is no likelihood of confusion. Moreover, the purchasers of Applicant's Internet and mail-order services featuring items such as fine jewelry, watches, fashion accessories and related goods are sophisticated and exercise a greater degree of care, thus eliminating any likelihood of confusion. It is well established that when buyers exercise a higher standard of care in making purchasing decisions, confusion is not likely to occur. See In re Shipp, 4 USPQ2d 1174 (TTAB 1987); See also, Kiekhaefer v. Willys-Overland Motors, Inc., 111 USPQ 105 (CCPA 1956); McCarthy on Trademarks, §23:96 (the more care that is taken, the less likelihood of confusion).

1. The Marks Are Not Similar In Sight, Sound Or Meaning

It has long been the law that conflicting, composite marks are to be compared by looking at them as a whole, rather than breaking them up into their components for comparison. The United States Supreme Court has stated that "the commercial impression of a mark is derived from it as a whole, not from its elements separated and considered in detail." Estate of P.D. Beckwith, Inc. v. Commissioner of Patents, 252 U.S. 538, 64 L. Ed. 705, 40 S. Ct. 414 (1920). "The marks must be viewed as the public views them. That is, in their entireties." In re National Data Corporation, 224 USPQ 749 (CAFC 1985). The only similarity between Applicant's mark and the cited mark is the term VIA. However, "the use of identical, or even dominant words in common does not automatically mean that two marks are similar." General Mills, Inc. v. Kellogg Co., 3 USPQ2d 1442, 1445 (8th Cir. 1987).

It is a violation of the anti-dissection rule to focus on a feature of a mark, such as the term VIA, and find likelihood of confusion solely on that feature, ignoring the other elements of the mark. See Spice Islands, Inc. v. the Frank Tea and Spice Company, 184

USPQ 35(CCPA 1974) (SPICE ISLANDS with a "Tree design" confusingly similar to SPICE TREE). "Arguments to the effect that one portion of a mark possesses no trademark significance leading to a discrete comparison between only what remains is an erroneous approach." Id. Accordingly, the Examiner must take into consideration all elements of the Applicant's mark and the cited mark, including all of the additional words contained in the cited mark, in determining likelihood of confusion.

On this basis, the Applicant respectfully submits that the Applicant's mark VIA and the cited mark, VIA SPORT, when compared in their entireties, are distinctly different with distinguishable additional words and meanings in the cited mark which differentiates the marks and eliminates any likelihood of confusion. Each trademark looks and sounds significantly different. The subject mark, VIA is comprised of but a single term, standing alone. The mark in the cited application is comprised of two elements, the second of which modifies the meaning of the first: VIA and SPORT.

In addition to the notable differences in sound and appearance, each mark has a distinctly different connotation. The term "via" is defined as "by way of," "passing through" or simply as a translation of the Latin term meaning "road." Definitions of the term "via" are attached at Exhibit A. Applicant's application for the mark VIA is for "jewelry and watches" and "[o]n-line retail store services and mail order catalog services featuring jewelry, watches, fashion accessories, and related items." The term "via" in the context of Applicant's goods and services suggests the means by which the purchaser receives his or her fine jewelry, watches, fashion accessories and related items – "by way of" or "via" - a catalog or the Internet.

On the other hand, the cited mark combines the terms "VIA" and "SPORT." The term "sport" generally refers to competitive activities, often physical in nature; when used as an adjective, "sport" refers to something that is "styled in a manner suitable for casual or informal wear." Definitions of the term "sport" are attached at Exhibit B. "Via" as defined above is the Latin term for "road." The term "road" when used in conjunction with "sport" suggests a situation when a sports team travels to a competitor's locale for the competition. On other words, sporting games played "on the road" rather than "at home." See attached Exhibit C. Thus, the Registrant's mark, comprised of the terms VIA and SPORT suggests to the consumer that Registrant's goods are outwear and active wear worn in connection with sporting activities for "road sports" or an "away game." Accordingly, the meanings of the respective marks, when viewed in their entireties and not improperly dissected, are vastly different.

Differences in connotation and meaning are significant factors in deciding likelihood of confusion and, in most cases, can be determinative, even when both marks include identical words. Champagne Louis Roederer, S.A. v. Delicato Vineyards, 47 USPQ2d 1495 (Fed. Cir. 1998) (stating that one factor may be dispositive of likelihood of confusion analysis, especially when that single factor is the dissimilarity of the marks and finding no likelihood confusion between CRISTAL and CRYSTAL CREEK where the marks evoked very different images); Kellogg Co. v. Pack'em Enters., 21 USPQ2d 1142, 1144-45 (Fed. Cir. 1991) (stating that "we know of no reason why, in a particular case, a single factor may not be dispositive" and holding that "substantial and undisputed differences" between two competing marks -- FROOT LOOPS and FROOTEE ICE -- justified a conclusion of no likelihood of confusion); Keebler Co., v. Murray Bakery

Products, 9 USPQ2d 1736 (Fed. Cir. 1989) (agreeing with the Board that the "more important fact for resolving the issue of likelihood of confusion ... is the dissimilarity in commercial impression between the marks.").

In Consolidated Cigar Corp. v. R.J. Reynolds Tobacco Co., 181 USPQ 44 (CCPA 1974), the Court affirmed the Board's decision that there was no likelihood of confusion between the marks DUTCH MASTERS and DUTCH APPLE, both for pipe tobacco and cigars because the connotations thereof were sufficiently different. The determination of no likelihood of confusion was made irrespective of the fact that the goods of the parties were those that a single producer might be expected to make, and that both marks included the word "DUTCH". The Court stated that, notwithstanding the similarity of the goods, "it does not automatically follow that the purchasers of appellee's pipe tobacco might well be confused and think that appellant, the producer of cigars, was the source." Id. at 45. Rather, the Court considered as a determinative factor, the fact that the marks conveyed different meanings:

Considering appellant's mark as a whole, it is apparent that it suggests both a geographical area or an ethnic association and a masterful product (cigars). Appellee's mark, on the other hand, suggests both the same geographical area or ethnic association and an apple-flavored product (smoking tobacco), which is clearly dissimilar in meaning to a masterful product.

Id.

Similarly persuasive is Colgate-Palmolive Co. v. Carter-Wallace Inc., 167 USPQ 529 (CCPA 1970), in which the Court affirmed the Board's finding of no likelihood of confusion between the marks PEAK for dentifrice and PEAK PERIOD for deodorants. In so holding, the Court quoted with approval the Board's reasoning that the noun PEAK conveys a number of meanings, such as the top of a hill or mountain, whereas the

addition of the word "period" to PEAK, resulted in a mark that conveyed a different meaning, such as the meaning of reaching the high point or maximum of an activity during a specified portion of time, "a meaning which is substantially different than that elicited by the word "peak" alone." Id. at 530. Moreover, the Court emphasized that the presence in both marks of a common word, i.e., "peak", was not, in and of itself, sufficient to render the marks similar, since their differences in sound, appearance and meaning were still greater than their similarities:

We agree with the board that the mere presence of the word "peak" in the trademark PEAK PERIOD does not by reason of that fact alone create a likelihood of confusion or deception. That determination must arise from a consideration of the respective marks in their entireties. The difference in appearance and sound of the marks in issue is too obvious to render detailed discussion necessary. In their entireties they neither look nor sound alike.

Id. Such distinction applies equally in the present case.

The Champagne Louis Roederer, S.A. v. Delicato Vineyards and Colgate-Palmolive Co. v. Carter-Wallace Inc. decisions are especially compelling in the context of the present Application, as the Courts found that marks at issue in both cases contained the same term, CRISTAL (or a variation thereof) and PEAK, and that such terms could co-exist without confusion because the additional terms added to the sole word mark created different impressions in the mind of the consumer. There is no reason why the present matter should be decided differently; the registered mark, VIA SPORT, evokes a very different image in the mind of the consumer than the term VIA alone, as used by the Applicant.

- The Cited Mark Coexists On The Register With Numerous Registrations Of Unrelated Third Parties For Marks That Include The Term VIA For More Closely Related Goods More Closely Related to Registrants Goods Than the Services Set Forth in the Subject Application**

The Office has consistently permitted the registration of marks incorporating the term VIA for clothing and outerwear in International Class 25, diluting the strength of the cited mark for such goods. In particular, applicant respectfully points out the co-existence of the following registrations, all of which contain the term VIA (or a stylized version thereof) and are for jackets and/or pants, the exact goods contained in the cited mark:

Mark: VIA TORTONA
Reg. No.: 3,059,199
App. Date: August 3, 2004
Reg. Date: February 14, 2006
Goods: Class 25: inner and outer clothing for men, women and children, namely...jackets...pants, sweatshirts and jackets for sport.

Mark: VIA ACCENTI
Reg. No.: 2,721,555
App. Date: August 2, 2002
Reg. Date: June 3, 2003
Goods: Class 25: clothing, namely, coats, jackets...pants...duster length jackets.

Mark: VIA MILANO
Reg. No.: 3,187,027
App. Date: February 9, 2006
Reg. Date: December 19, 2006
Goods: Class 25: men's apparel, including... pants...

Mark: VIA VAI
Reg. No.: 2,150,983
App. Date: June 2, 1997
Reg. Date: April 14, 1998
Goods: Class 25: clothing for men and women, namely...jackets, pants... sweaters, lined and unlined jackets, pullovers...

Mark: VIA-SOHO NEW YORK
Reg. No.: 2,114,481
App. Date: April 21, 1995
Reg. Date: November 18, 1997
Goods: Class 25: ladies', men's and children's leather jackets...

Mark: VIA MAX
Reg. No.: 1,540,584

App. Date: November 5, 1987
Reg. Date: May 23, 1989
Goods: Class 25: sweaters, tops...pants...

Mark: VIA ROMA
Reg. No.: 1,544,551
App. Date: August 8, 1988
Reg. Date: June 20, 1989
Goods: Class 25: ...sportcoats and trousers.

Mark: VIABELLA
Reg. No.: 1,462,877
App. Date: March 20, 1986
Reg. Date: October 27, 1987
Goods: Class 25: outerwear, namely, jackets, coats and wind resistant jackets...

See TARR records attached hereto as Exhibit D.

The applicant respectfully submits that the existence of these third party registrations, all of which contain the term VIA and are for **goods that are identical to those in the cited registration**, shows that the Office recognizes the weakness of the common term VIA for clothing and outerwear and that its distinctiveness in the customer's mind is diluted.

By permitting numerous marks which are comprised of or contain the term VIA of unrelated parties to co-exist on the Register for clothing and outerwear, the Office recognizes that such marks have a very limited scope of protection and that other elements in the marks **or differences in their respective goods or services**, however minor, are sufficient to avoid confusion. American Hospital Supply v. Air Products and Chemicals, 194 USPQ 340 (TTAB 1977). See also The Conde Nast Publications, Inc. v. Miss Quality, Inc., 184 USPQ 422 (CCPA 1975), (finding no confusion between the marks VOGUE for a women's fashion magazine and COUNTRY VOGUES for dresses on the basis that the consumer encountering the mark COUNTRY VOGUES "in the

marketing environment generally surrounding the sale of goods of this type would, in the context in which it is used, attribute to the term VOGUES its normal and well-known meaning and would not, in any way, associate this apparel with the publisher of VOGUE magazine.” *Id.* at 425. On this basis, the Court found no confusion, even though VOGUE magazine regularly featured “pattern numbers” for “dresses.”).

Whether a mark is strong or weak is an important in the consideration of the likelihood of confusion. As noted previously, a mark, or portion thereof, may be weak in the sense that it is in common use by others in the relevant market. Where the word portion of a composite mark is weak, other elements in the mark, such as additional words or design elements, like the term SPORT in the cited registration case, are sufficient to distinguish one mark from another. *See In re Hunke & Jochheim* 185 USPQ 188 (TTAB 1975).

Applicant believes that there is sufficient evidence of dilution of the term VIA for clothing and outerwear, foremost evidenced by the co-existence of the eight marks listed above of eight unrelated owners on the Register, such that Applicant’s mark VIA for unrelated goods and services namely, retail and on-line sales of fashion accessories, should be permitted to co-exist.

3. The Applicant’s Services And The Goods In The Cited Registration Are Distinct And Unrelated

Not only do the Applicant’s mark and cited mark differ in sound, appearance and connotation, the goods and services offered in connection with the respective marks are vastly different and are directed to different classes of consumers. The likely marketing and target audience for these products and services are divergent, such that they would not be encountered by the same persons in a manner that would create the belief that they

originate from the same source. See In re E.I. DuPont de Nemours & Co., 476 F.2d 1357 177 U.S.P.Q. 563 (CCPA 1973) (noting that confusion is less likely where the goods or services of the respective parties are unrelated). Applicant's goods and services are, as noted, luxury goods, i.e., fine jewelry and watches, and the on-line and mail order retail of jewelry, watches, fashion accessories and related items. The goods covered in the cited registration are, on the other hand, outerwear, i.e. "clothing for use outdoors," "coats and jackets," activewear, i.e. "attire worn for sport or working out" and "spectator wear," i.e., clothing used to watch spectator sports. See attached definitions at Exhibit E.

Applicant's jewelry, watches, fashion accessories and related items are not related to the goods in the cited registration and are not typically worn with, associated with or purchased together with exercise or sport clothing. Fashion accessories are items that are used to complement **fashion apparel**. See attached Exhibit F. Fashion accessories can include jewelry, belts, handbags, gloves and other items that add detail to an outfit, modifying the garment's style or the visual effects of the fabric from which the garment is made. Fashion accessories are worn in connection with fashion apparel, including clothing worn for special occasions such as a wedding, party or a night on the town. Fashion accessories are not typically worn by individuals participating in sport, nor are they typically worn or associated with protective outdoor clothing, workout clothes or during sporting competitions. It is highly unlikely that consumers would associate or confuse Applicant's fashion accessories with Registrant's jogging suits, sweatsuits, tracksuits, or protective outerwear. As the attached articles indicate, such clothing is not typically associated with high fashion and fashion accessories. See attached Exhibit G.

The Examining Attorney contends that the Registrant's sportswear is related to Applicant's on-line and mail order sale of fashion accessories via the Internet and in support provides evidence of jewelry, clothing and fashion accessories sold by mass-licensed brands that are not similar to the goods and services at issue in the present Application or the cited Registration. For example, the Examiner has cited evidence from J.Crew, Lands' End, Banana Republic and others showing the brands' retailing of a large variety of clothing, jewelry and fashion accessories. The Board has squarely addressed and rejected the identical claim the Examining Attorney has made in In re Thomas, 79 USPQ2d 1021 (TTAB 2006). In determining whether a likelihood of confusion would exist for MARCHE NOIR (translated as "Black Market") for jewelry and BLACK MARKET for clothing, the Board rejected the examining attorney's argument that clothing and jewelry are highly related. See id. Third-party registrations covering both types of goods were unpersuasive. See id. The Board specifically noted that jewelry and clothing are different types of goods. The Board further stated "we cannot conclude... that jewelry and clothing are so closely related that, notwithstanding the differences in the marks, purchasers would naturally expect these goods to emanate from the same source..." See id. (citing In re Shell Oil, 992 F.2d 1204 (Fed. Cir. 1993)). This reasoning applies equally in the present matter.

Given the different functions and features of the goods and services in question (outerwear and sports clothing for competition or watching sporting events versus fashion accessories used to complement fashionable apparel), and the different goals in the minds of the likely purchasers of the goods and services, the potential customers of Applicant and the registrant are not the same. See Shen Manufacturing Co. v. Ritz Hotel Ltd., 393

F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004)(noting that cooking classes and kitchen textiles are not related); Local Trademarks, Inc. v. Handy Boys Inc., 16 USPQ2d 1156 (TTAB 1990)(finding that LITTLE PLUMBER for liquid drain opener is not confusingly similar to LITTLE PLUMBER and design for advertising services, namely the formulation and preparation of advertising copy and literature in the plumbing field); Quartz Radiation Corp. v. Comm/Scope Co., 1 USPQ2d 1668 (TTAB 1986) (QR for coaxial cable held not confusingly similar to QR for various products (e.g., lamps, tubes) related to the photocopying field).

The distinct differences in the parties' respective goods and services and customers are further illustrated by parties' respective marketing materials. The cited mark is owned by Hartwell Industries, Inc., an entity that is "one of the nation's premier suppliers to the promotional products industry." See printouts of pertinent portions of Hartwell Industries, Inc.'s website, attached at Exhibit G. The owner of the cited registration has focused on "selling 'blank' wearables and embroidered items to all segments of the promotional business including wholesalers, corporate providers, uniform distributors, resorts and sporting divisions..." (emphasis added). The Applicant's goods and services entail "cutting-edge fashion" in fine jewelry and fashion accessories crafted with materials such as diamonds, pearls and gold. Such statement pieces may include loose, single diamonds that can be incorporated into jewelry or fashion accessories for sale at prices over \$52,000.00. See attached Exhibit H. The significant differences in channels of trade for the Applicant's goods and services and the Registrant's blank wearable and embroidered promotional products for sporting events

are offered to divergent consumers, which diminishes any likelihood of confusion between Applicant's mark and the cited mark.

Applying these well established tenets of trademark law to the present case, the Applicant submits that registration of its mark VIA, with its visually perceptible differences, vastly different goods and services, and different channels of trade from those of the cited mark, should not be denied on the basis of likelihood of consumer confusion with the cited application for the mark VIA SPORT.

4. Purchasers Of Applicant's Goods And The Goods In The Cited Registration Are Sophisticated And Exercise A Greater Degree Of Care

In evaluating likelihood of confusion, consideration also must be given to the degree of care likely to be exercised by purchasers. Litton Systems, Inc. v. Whirlpool Corp., 221 USPQ 97 (Fed. Cir. 1984). Likelihood of confusion is diminished where, as here, the prospective purchasers of Applicant's goods and services are sophisticated individuals who are inclined to exercise a greater degree of care. McGregor-Doniger, Inc. v. Drizzle, Inc., 202 USPQ 81 (2d Cir. 1979); Kiekhaefer Corp. v. Willys-Overland Motors, Inc., 111 USPQ 105 (CCPA 1956).

As noted in L.J. Mueller Furnace Co. v. United Conditioning Corp., 106 USPQ 112 (CCPA 1955), the Courts have generally recognized that customers of "expensive goods" exercise a greater degree of care than do purchasers of inexpensive items, such as snack foods or other sundry items, which are purchased on impulse. Some of Applicant's goods cost more than \$50,000. See attached Exhibit I. Customers purchasing luxury goods, such as fine jewelry, watches and fashion accessories via the Internet or mail order catalogs do so only after careful consideration. Consumers of Applicant's mail order services featuring fine jewelry, watches and fashion accessories would not make such

purchases on impulse, but would instead make such purchases only after careful consideration. Fashion accessories are items that are generally not impulse type products but, rather, constitute goods that are purchased by sophisticated and highly discriminating purchasers for a particular purpose – to highlight fashion apparel. Fortunoff Silver Sales, Inc. v. Norman Press, Inc., 225 USPQ 863 (TTAB 1985).

It is well established that when buyers exercise a higher standard of care in making purchasing decisions, confusion is not likely to occur. See, In re Shipp, 4 USPQ2d 1174 (TTAB 1987); See also, Kiekhaefer v. Willys-Overland Motors, Inc., 111 USPQ 105 (CCPA 1956); See also, McCarthy on Trademarks, §23:96 (the more care that is taken, the less likelihood of confusion). Because of the unique consumers of Applicant's goods they can be considered to be reasonably discriminating buyers and they are not likely to be confused as to the source of the merchandise.

Thus, Applicant's services, including its mail order and online sales of fine jewelry, watches, fashion accessories and related items are simply not purchased absent at least some degree of study and consideration. Such study and consideration significantly reduces the chances for likelihood of confusion to occur. Electronic Designs & Sales v. Electronic Data Systems, 21 USPQ2d 1388, 1392 (Fed. Cir. 1992).

CONCLUSION

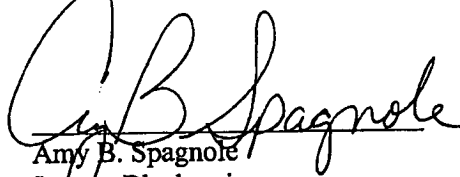
Applicant submits that, given the differences in the goods and services, the differences in the marks, as well as the general differences in the respective purchasers and channels of trade, there is no likelihood of confusion between its mark, and the registered mark. In view of the foregoing, Applicant submits that there is no likelihood of confusion between its mark and the registered mark and respectfully requests the

Examining Attorney withdraw his refusal. Accordingly, the Examining Attorney is requested to pass the mark on for publication in the Official Gazette at his earliest convenience. If for any reason, however, the Examining Attorney does not grant this Request for Reconsideration, Applicant hereby appeals the final rejection. Attached as Exhibit J, is a copy of the Notice of Appeal being filed concurrently herewith. Any questions that the Examining Attorney may have that would expedite the examination of this application can be directed to the undersigned attorney.

Respectfully submitted,

HINCKLEY, ALLEN & SNYDER LLP

Date: September 20, 2007



Amy B. Spagnole
Jeremy Blackowicz
Hinckley, Allen, & Snyder LLP
28 State Street
Boston, MA 02109
Phone: (617) 345-9000
Fax: (617) 345-9020
E-mail: aspagnole@haslaw.com

Attorneys for Applicant

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451, on 9/20/07
Date 9/20/07 Amy B. Spagnole

EXHIBIT A

via

From Wiktionary

See also via

Contents

- 1 English
 - 1.1 Pronunciation
 - 1.2 Etymology 1
 - 1.2.1 Noun
 - 1.2.2 Derived terms
 - 1.3 Etymology 2
 - 1.3.1 Preposition
 - 1.3.2 Translations
- 2 Esperanto
 - 2.1 Etymology
 - 2.2 Pronoun
- 3 Fijian
 - 3.1 Etymology
 - 3.2 Noun
- 4 Italian
 - 4.1 Noun
 - 4.2 Adverb
 - 4.3 Preposition
 - 4.4 Interjection
- 5 Latin
 - 5.1 Noun
 - 5.1.1 Synonyms
 - 5.1.2 Translations
- 6 Romanian
 - 6.1 Etymology 1
 - 6.1.1 Preposition
 - 6.2 Etymology 2
 - 6.2.1 Verb
 - 6.2.1.1 Conjugation
 - 6.2.1.2 Synonyms
 - 6.3 Etymology 3
 - 6.3.1 Adjective
 - 6.4 Etymology 4
 - 6.4.1 Noun

English

Pronunciation

IPA: /'vi:ə/, /'vaɪə/

Etymology 1

From Latin *via* 'road'.

Noun

via (*plural vias*)

1. A main road or highway, especially in ancient Rome. (*Mainly used in set phrases, below.*)

Derived terms

- *via affirmativa*
- *Via Crucis*
- *Via Dolorosa*
- *Via Egnatia*
- *Via Lactea*
- *via media*
- *via negativa*

Etymology 2

From Latin *via*, ablative singular of *via* 'way, road' (Etymology 1, above).

Preposition

via

1. By way of; passing through.

Translations

- Finnish: *kautta*
- German: *über accusative*
- Japanese: *て* (romaji: *de*)

Esperanto

Etymology

Esperanto second person pronoun *vi* + possessive ending *-a*

Pronoun

via (second person possessive of *vi*, "you")

1. your, yours

Fijian

Etymology

Common Oceanic

Noun

via

1. a tree (giant arum, *Alocasia*)

Italian

Noun

via *f* (*plural vie*)

1. road, street or path
2. way or route
3. means (means to an end)
4. tract (in the body)
5. start (of a race)

Adverb

via

1. away
2. out

Preposition

via **da**

1. away from

Interjection

via!

1. come on!
2. go away!

Latin

Noun

via, viae *f*

1. road or path
2. way, method

Synonyms

- *iter n*

Translations

- Italian: *via f, strada f*

Romanian

Etymology 1

French / Latin *via*

Preposition

via

1. via, by

Etymology 2

Latin *vivere*

Verb

a via (*conjugation type 1*)

1. to have life; to live, to exist
2. (*of intangibles, such as emotions and beliefs*) to endure

Conjugation

| | |
|--|---------------------------|
| | conjugation type i |
| | non-personal moods |
| | personal moods |

Synonyms

- dăinui
- dura
- exista
- fi
- trăi
- viețui

Etymology 3

Form of the adjective *viu*

Adjective

via (*feminine singular, nominative/accusative, definite form of viu*)

1. the living

Etymology 4

Form of the noun *vie*

Noun

via (*feminine singular, definite nominative/accusative form of vie*)

1. the vineyard

Retrieved from "<http://en.wiktionary.org/wiki/via>"

Categories: English nouns | Entries with level or structure problems | English prepositions | Esperanto pronouns | Fijian nouns | Italian nouns | Latin nouns | ro:French derivations | ro:Latin derivations | Romanian verbs in 1st conjugation | Romanian verbs | Romanian adjective forms | Romanian noun forms

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EXHIBIT B

WordNet Search - 3.0 - [WordNet home page](#) - [Glossary](#) - [Help](#)

Word to search for:

Display Options: (Select option to change)

Key: "S:" = Show Synset (semantic) relations, "W:" = Show Word (lexical) relations

Noun

- **S:** (n) **sport**, athletics (an active diversion requiring physical exertion and competition)
- **S:** (n) **sport** (the occupation of athletes who compete for pay)
- **S:** (n) **sport**, summercater ((Maine colloquial) a temporary summer resident of Maine)
- **S:** (n) **sport** (a person known for the way she (or he) behaves when teased or defeated or subjected to trying circumstances) "*a good sport*"; "*a poor sport*"
- **S:** (n) **sport**, sportsman, sportswoman (someone who engages in sports)
- **S:** (n) mutant, mutation, variation, **sport** ((biology) an organism that has characteristics resulting from chromosomal alteration)
- **S:** (n) fun, play, **sport** (verbal wit or mockery (often at another's expense but not to be taken seriously)) "*he became a figure of fun*"; "*he said it in sport*"

Verb

- **S:** (v) **sport**, feature, boast (wear or display in an ostentatious or proud manner) "*she was sporting a new hat*"
- **S:** (v) frolic, lark, rollick, skylark, disport, **sport**, cavort, gambol, frisk, romp, run around, lark about (play boisterously) "*The children frolicked in the garden*"; "*the gamboling lambs in the meadows*"; "*The toddlers romped in the playroom*"

[WordNet home page](#)



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Dictionary Thesaurus Spanish/English Medical

sport

7 entries found for **sport**.

To select an entry, click on it.

- sport[1,verb]
- sport[2,noun]
- sport[3,adjective]
- blood sport
- make[1,verb]
- sport fish

Go

Main Entry: ²**sport**

Function: *noun*

1 a : a source of diversion : **RECREATION** **b** : sexual play **c** (1) : physical activity engaged in for pleasure (2) : a particular activity (as an athletic game) so engaged in

2 a : PLEASANTRY, JEST **b** : often mean-spirited jesting : **MOCKERY**, **DERISION**

3 a : something tossed or driven about in or as if in play **b** : **LAUGHINGSTOCK**

4 a : **SPORTSMAN** **b** : a person considered with respect to living up to the ideals of **sportsmanship** <a good *sport*> <a poor *sport*> **c** : a companionable person

5 : an individual exhibiting a sudden deviation from type beyond the normal limits of individual variation usually as a result of mutation especially of somatic tissue

synonym see **FUN**

Physician-reviewed articles on **sport** on [Healthline](#).

1. Sports cream overdose

Sports cream overdose is poisoning due to creams or ointm...

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Pronunciation Symbols

Sport

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For the Huey Lewis & the News album, see Sports (album).

Sport is an activity that is governed by a set of rules or customs and often engaged in competitively.

Sports commonly refer to activities where the physical capabilities of the competitor are the sole or primary determiner of the outcome (winning or losing), but the term is also used to include activities such as mind sports and motor sports where mental acuity or equipment quality are major factors.



Sport from childhood. Soccer is a team sport, and has social importance.

Contents

- 1 Etymology
- 2 History
- 3 Sportsmanship
- 4 Politics
- 5 Physical art
- 6 Technology
- 7 Terminology
- 8 Spectator sport
- 9 Further reading
- 10 References
- 11 See also
 - 11.1 Lists
 - 11.2 Related topics

Etymology

"Sport" comes from the old French *desport* meaning "leisure".

History

There are artefacts and structures that suggest that the Chinese engaged in sporting activities as early as 4000 BC.^[1] Gymnastics appears to have been a popular sport in China's ancient past. Monuments to the Pharaohs indicate that a number of sports, including swimming and fishing, were well-developed and regulated several thousands of years ago in ancient Egypt.^[2] Other Egyptian sports included javelin throwing, high jump, and wrestling. Ancient Persian sports such as the traditional Iranian martial art of Zourkhaneh had a close connection to the warfare skills.^[3] Among other sports that originate in Persia are polo and jousting.

A wide range of sports were already established by the time of Ancient Greece and the military culture

and the development of sports in Greece influenced one another considerably. Sports became such a prominent part of their culture that the Greeks created the Olympic Games, which in ancient times were held every four years in a small village in the Peloponnesus called Olympia.^[4]

Sports have been increasingly organized and regulated from the time of the Ancient Olympics up to the present century. Industrialization has brought increased leisure time to the citizens of developed and developing countries, leading to more time for citizens to attend and follow spectator sports, greater participation in athletic activities, and increased accessibility. These trends continued with the advent of mass media and global communication. Professionalism became prevalent, further adding to the increase in sport's popularity, as sports fans began following the exploits of professional athletes through radio, television, and the internet--all while enjoying the exercise and competition associated with amateur participation in sports.

In the new millennium, new sports have been going further from the physical aspect to the mental or psychological aspect of competing. Cyber sports organizations are becoming more and more popular.

Activities where the outcome is determined by judgement over execution are considered performances, or competition.

Sportsmanship

See also: Gamesmanship and Winning isn't everything; it's the only thing

Sportsmanship is an attitude that strives for fair play, courtesy toward teammates and opponents, ethical behaviour and integrity, and grace in losing.^[5]

Sportsmanship expresses an aspiration or ethos that the activity will be enjoyed for its own sake. The well-known sentiment by sports journalist Grantland Rice, that it's "not that you won or lost but how you played the game," and the Modern Olympic creed expressed by its founder Pierre de Coubertin: "The most important thing . . . is not winning but taking part" are typical expressions of this sentiment.

But often the pressures of competition or an obsession with individual achievement—as well as the intrusion of technology—can all work against enjoyment and fair play by participants.

People responsible for leisure activities often seek recognition and respectability as sports by joining sports federations such as 5 IOC, or by forming their own regulatory body. In this way sports evolve from leisure activity to more formal sports: relatively recent newcomers are BMX cycling, snowboarding, and wrestling. Some of these activities have been popular but uncodified pursuits in various forms for different lengths of time. Indeed, the formal regulation of sport is a relatively modern and increasing development.

Sportsmanship, within any given game, is how each competitor acts before, during, and after the competition. Not only is it important to have good sportsmanship if one wins, but also if one loses. For



Roman bronze reduction of Myron's Discobolos, 2nd century AD.

example, in football it is considered sportsmanlike to kick the ball out of play to allow treatment for an injured player on the other side. Reciprocally, the other team is expected to return the ball from the throw-in.

Violence in sports involves crossing the line between fair competition and intentional aggressive violence. Athletes, coaches, fans, and parents sometimes unleash violent behaviour on people or property, in misguided shows of loyalty, dominance, anger, or celebration. Rioting or hooliganism are common and ongoing problems at national and international sporting contests, particularly football matches

Politics

At times, sports and politics can have a large amount of influence on each other.

When apartheid was the official policy in South Africa, many sports people, particularly in rugby union, adopted the conscientious approach that they should not appear in competitive sports there. Some feel this was an effective contribution to the eventual demolition of the policy of apartheid, others feel that it may have prolonged and reinforced its worst effects.^[6]

The 1936 Summer Olympics held in Berlin was an illustration, perhaps best recognised in retrospect, where an ideology was developing which used the event to strengthen its spread through propaganda.

In the history of Ireland, Gaelic sports were connected with cultural nationalism. Until the mid 20th century a person could have been banned from playing Gaelic football, hurling, or other sports administered by the Gaelic Athletic Association (GAA) if she/he played or supported soccer, or other games seen to be of British origin. Until recently the GAA continued to ban the playing of soccer and rugby union at Gaelic venues. This ban is still enforced, but has been modified to allow football and rugby be played in Croke Park while Lansdowne Road is being redeveloped. Until recently, under Rule 21, the GAA also banned members of the British security forces and members of the RUC from playing Gaelic games, but the advent of the Good Friday Agreement in 1998 led to the eventual removal of the ban.



In modern sport had appeared the motorization.

Nationalism is often evident in the pursuit of sports, or in its reporting: people compete in national teams, or commentators and audiences can adopt a partisan view. On occasion, such tensions can lead to violent confrontation among players or spectators within and beyond the sporting venue (see Football War). These trends are seen by many as contrary to the fundamental ethos of sports being carried on for its own sake and for the enjoyment of its participants.

Physical art

Sports have many affinities with art. Ice skating and Tai chi, and Dancesport for example, are sports that come close to artistic spectacles in themselves. Similarly, there are other activities that have elements of sport and art in their execution, such as artistic gymnastics, Bodybuilding, Parkour, performance art, Yoga, bossaball,

dressage, culinary arts, etc. Perhaps the best example is Bull-fighting, which in Spain is reported in the arts pages of newspapers. The fact that art is so close to sports in some situations is probably related to the nature of sports. The definition of "sports" above put forward the idea of an activity pursued not just for the usual purposes, for example, running not simply to get places, but running for its own sake, running as well as we can.

This is similar to a common view of aesthetic value, which is seen as something over and above the strictly functional value coming from an object's normal use. So an aesthetically pleasing car is one which doesn't just get from A to B, but which impresses us with its grace, poise, and charisma.

In the same way, a sporting performance such as jumping doesn't just impress us as being an effective way to avoid obstacles or to get across streams. It impresses us because of the ability, skill, and style which is shown.

Art and sports were probably more clearly linked at the time of Ancient Greece, when gymnastics and calisthenics invoked admiration and aesthetic appreciation for the physical build, prowess and 'arete' displayed by participants. The modern term 'art' as skill, is related to this ancient Greek term 'arete'. The closeness of art and sport in these times was revealed by the nature of the Olympic Games which, as we have seen, were celebrations of both sporting and artistic achievements, poetry, sculpture and architecture.

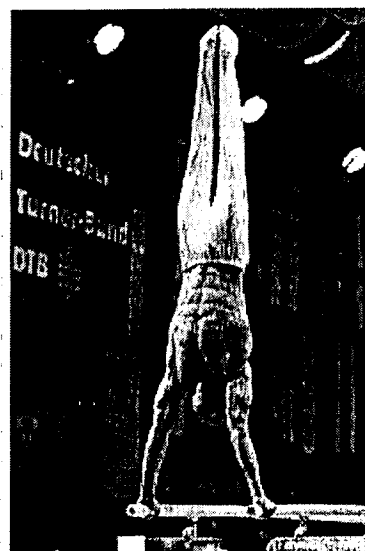
Technology

Technology has an important role in sports, whether applied to an athlete's health, the athlete's technique, or equipment's characteristics.

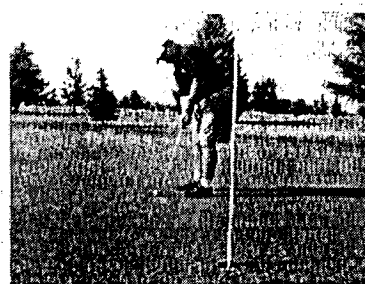
Equipment As sports have grown more competitive, the need for better equipment has arose. Golf clubs, football helmets, baseball bats, soccer balls, hockey skates, and other equipment have all seen considerable changes when new technologies have been applied.

Health Ranging from nutrition to the treatment of injuries, as the knowledge of the human body has deepened over time, an athlete's potential has been increased. Athletes are now able to play to an older age, recover more quickly from injuries, and train more effectively than previous generations of athletes.

Instruction Advancing technology created new opportunities for research into sports. It is now possible to analyse aspects of sports that were previously out of the reach of comprehension. Being able to use motion capture to capture an athlete's movement, or advanced computer simulations to model physical scenarios has greatly increased an athlete's ability to understand what they are doing and how they can improve themselves.



Gymnastics



Golf, a kind of sport where the moving has much lesser part than dexterity has.

Terminology

In British English, sporting activities are commonly denoted by the collective noun "sport". In American English, "sports" is more used. In all English dialects, "sports" is the term used for more than one specific sport. For example, "football and swimming are my favourite sports", would sound natural to all English speakers, whereas "I enjoy sport" would sound less natural than "I enjoy sports" to North Americans.

The term "sport" is sometimes extended to encompass all competitive activities, regardless of the level of physical activity. Both games of skill and motor sport exhibit many of the characteristics of physical sports, such as skill, sportsmanship, and at the highest levels, even professional sponsorship associated with physical sports. Air sports, billiards, bridge, chess, motorcycle racing, and powerboating are all recognized as sports by the International Olympic Committee with their world governing bodies represented in the Association of the IOC Recognised International Sports Federations.^[7]



Show Jumping, an equestrian sport.

Spectator sport

As well as being a form of recreation for the participants, much sport is played in front of an audience. Most professional sport is played in a 'theatre' of some kind; be it a stadium, arena, golf course, race track, or the open road, with provision for the (often paying) public.

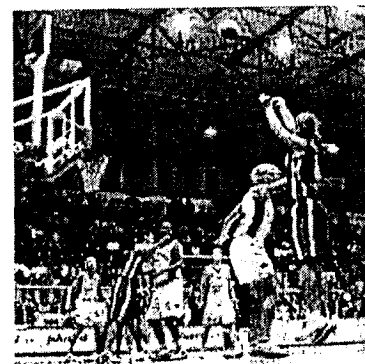
Large television or radio audiences are also commonly attracted, with rival broadcasters bidding large amounts of money for the 'rights' to show certain fixtures. The football World Cup attracts a global television audience of hundreds of millions; the 2006 Final alone attracted an estimated worldwide audience of well over 700 million. In the United States, the championship game of the NFL, the Super Bowl, has become one of the most watched television broadcasts of the year. **Super Bowl Sunday** is a de facto national holiday in America; the viewership being so great that in 2007 advertising space was reported as being sold at \$2.6m for a 30 second slot.

Further reading

- *The Meaning of Sports* by Michael Mandel (PublicAffairs, ISBN 1-58648-252-1).
- Journal of the Philosophy of Sport (<http://www.humankinetics.com/JPS/index.cfm>)

References

1. ^ Sports (<http://chineseculture.about.com/library/weekly/aa032301a.htm>) History in China.
2. ^ Mr Ahmed D. Touny (EGY), IOC Member




- (<http://www.ioa.leeds.ac.uk/1980s/84085.htm>).
3. ^ Persian warriors (<http://www.kuwait-info.com/newsnew/NewsDetails1.asp?id=78319&dt=10/13/2006&ntype=World>).
 4. ^ Ancient Olympic Games (http://www.olympic.org/uk/games/ancient/index_uk.asp).
 5. ^ Merriam-Webster (<http://www.merriam.com/cgi-bin/dictionary?va=sportsmanship>).
 6. ^ Sport and apartheid (<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1478-0542.2005.00165.x>).
 7. ^ Recognized non-Olympic Sports (http://www.olympic.org/uk/sports/recognized/index_uk.asp) (2007-01-03).

Basketball

See also

Lists

- List of basic sports topics
- List of sports
- List of sportspeople
- List of sports attendance figures
- List of professional sports leagues
- Timeline of sports

 *Sports and games Portal*

Related topics

- Combat Sport
- Disabled sports
- Fandom
- Female sports
- History of sport
- Multi-sport events
- National sport
- Nationalism and sports
- Olympic Games
- Spectator sports
- Sponsorship
- Sport in film
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- Sports broadcasting
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EXHIBIT C

Road (sports)

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Road (short for **on the road**)^[1], more commonly know as an **away game** in the U.K., is a reference to all cities and stadia/arenas/fields/venues where an athletic team plays games for which it is not the host.

^[2] Most professional teams represent cities or towns and amateur sports teams often represent academic institutions. Each team has a location where it practices during the season and where it hosts games.

When it is not the host it must travel to games (usually by bus or car, hence road, though increasingly also by plane for longer journeys). Thus when a team is not hosting a game the team is described as the road team, the visiting team or the away team, and the game is described as a road game or an away game for that team. The venue that the game is being played is described as the visiting stadium or the road. The host team is said to be the home team.

The home team is often thought to have an advantage over the visiting team, because of their familiarity with the environment and their shorter travel times. Major sporting events, if not held at a neutral venue, will often be split over several legs at each teams home ground, so that neither team has an advantage over the other.

Notes

- [^] Definitions of on the road on the Web (http://www.google.com/search?hl=en&defl=en&q=define:on+the+road&sa=X&oi=glossary_definition&ct=title). Google (2007). Retrieved on 2007-08-11.
- [^] Road game (<http://www.thefreedictionary.com/road+game>). *TheFreeDictionary*. Farlex, Inc. (2007). Retrieved on 2007-08-11.



This article about a sports venue is a stub. You can help Wikipedia by expanding it (http://en.wikipedia.org/w/index.php?title=Road_%28sports%29&action=edit). Retrieved from "http://en.wikipedia.org/wiki/Road_%28sports%29"

Categories: Sports venue stubs | Sports stubs | Sports terminology

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Registration Number: 3059199

Mark

VIA TORTONA

(words only): VIA TORTONA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-02-14

Filing Date: 2004-08-03

Transformed into a National Application: No

Registration Date: 2006-02-14

Register: Principal

Law Office Assigned: LAW OFFICE 113

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Current Location: 650 -Publication And Issue Section

Date In Location: 2006-02-14

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

1. C.I.T. S.p.A. CONFEZIONI ITALIANE TESSILI COMMERCIO INDUSTRIA TESSUTI

Address:

C.I.T. S.p.A. CONFEZIONI ITALIANE TESSILI COMMERCIO INDUSTRIA TESSUTI
Via dell'Annunciata 27
I-20121 MILANO
Italy

Legal Entity Type: Corporation
State or Country of Incorporation: Italy

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Perfumery; beauty lotions, milks and gels; soaps; bars of soap; preparations, foams and lotions for care and cleaning of hair and beard; shaving soaps; eau de Cologne; perfumes; bath foams; cosmetics and make up

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 009

Class Status: Active

Eye glasses; sunglasses

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 018

Class Status: Active

Carry-all bags, handbags, trunks and traveling bags; leather goods, namely, leather handbags; umbrellas

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 020

Class Status: Active

Furniture, mirrors, picture frames; furniture for kitchens, module furniture for kitchens

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 024

Class Status: Active

Table cloths, bed linen, synthetic fiber fabrics, semi-synthetic fiber fabrics, natural fiber fabrics, namely, linen, cotton, wood, silk or combination thereof

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025

Class Status: Active

Inner and outer clothing for men, women and children, namely, underclothes, jackets, ties, stockings, socks, tights, pajamas, nightshirts, nightgowns, dressing gowns, belts, trousers, shorts, skirts, scarves, headwear, gloves, swimsuits, bathing caps, pants, panties, windcheaters, footwear, shoes, shorts, jerseys, pants, sweat shirts and jackets for sports

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Translation: The English translation of the word VIA TORTONA in the mark is TORTONA STREET.

MADRID PROTOCOL INFORMATION

International Registration Number: 0838052
International Registration Date: 2004-08-03
Priority Claimed: Yes
Date of Section 67 Priority Claim: 2004-04-29
International Registration Status: Request For Extension Of Protection Processed
Date of International Registration Status: 2004-12-30
International Registration Renewal Date: 2014-08-03
Notification of Designation Date: 2004-12-30
Date of Automatic Protection: 2006-06-30
Date International Registration Cancelled: (DATE NOT AVAILABLE)
First Refusal: Yes

PROSECUTION HISTORY

2006-09-29 - Final Disposition Notice Sent To IB
2006-09-29 - Final Disposition Processed
2006-09-14 - Final Disposition Notice Created, To Be Sent To IB
2006-02-14 - Registered - Principal Register
2005-11-22 - Published for opposition
2005-11-02 - Notice of publication
2005-10-04 - Law Office Publication Review Completed
2005-09-30 - Assigned To LIE
2005-09-27 - Approved for Pub - Principal Register (Initial exam)
2005-09-27 - Teas/Email Correspondence Entered
2005-09-21 - Communication received from applicant
2005-09-21 - TEAS Response to Office Action Received
2005-09-21 - TEAS Response to Office Action Received

2005-08-24 - TEAS Change Of Correspondence Received
2005-04-28 - Refusal Processed By IB
2005-03-25 - Non-final action mailed
2005-03-16 - Non-Final Action (Ib Refusal) Prepared For Review
2005-03-15 - Non-Final Action Written
2005-03-07 - Assigned To Examiner
2005-01-03 - New Application Entered In Tram
2004-12-30 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Mark Lebow
Young & Thompson
745 South 23rd Street
Arlington VA 22202
Phone Number: 703-521-2297
Fax Number: 703-685-0573

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Mark (words only): VIA ACCENTI

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-06-03

Filing Date: 2002-08-02

Transformed into a National Application: No

Registration Date: 2003-06-03

Register: Principal

Law Office Assigned: LAW OFFICE 102

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1. REDCATS USA, L.P.

Address:

REDCATS USA, L.P.
2300 SOUTHEASTERN AVE.
INDIANAPOLIS, IN 46041
United States

Legal Entity Type: Limited Partnership
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active

Clothing, namely, coats, jackets, blazers, skirts, pants, jeans, dresses, skirt suits, pant suits, vests, shirts, duster length jackets

Basis: 1(a)

First Use Date: 2001-05-10

First Use in Commerce Date: 2001-05-10

ADDITIONAL INFORMATION

Translation: The English translation of "VIA ACCENTI" is "STREET ACCENTS".

Prior Registration Number(s):

2592458

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-04-05 - TEAS Change Of Correspondence Received

2006-11-22 - Assignment Of Ownership Not Updated Automatically

2006-10-25 - Assignment Of Ownership Not Updated Automatically

2005-10-07 - TEAS Change Of Correspondence Received

2004-09-01 - TEAS Change Of Correspondence Received

2004-01-07 - Post registration action mailed, No response required

2003-11-13 - Section 7 correction issued

2003-09-22 - Section 7 amendment filed

2003-05-23 - PAPER RECEIVED

2003-06-03 - Registered - Principal Register

2003-03-11 - Published for opposition

2003-02-19 - Notice of publication

2003-01-14 - Approved for Pub - Principal Register (Initial exam)

2003-01-14 - Examiners amendment e-mailed

2002-12-26 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

RANDEE SIBUL-GELBERT

Correspondent

Randee Sibul-Gelbert

Meitus Gelbert Rose LLP

Suite 400

47 S. Meridian Street

Indianapolis IN 46204

Phone Number: 317-464-5366

Fax Number: 317-464-5111

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Registration Number: 3187027

Mark

VIA MILANO

(words only): VIA MILANO

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-12-19

Filing Date: 2006-02-09

Transformed into a National Application: No

Registration Date: 2006-12-19

Register: Principal

Law Office Assigned: LAW OFFICE 112

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1. HARRARI, ELI

Address:
HARRARI, ELI
439 QUENTIN ROAD

BROOKLYN, NY 11223
United States
Legal Entity Type: Individual
Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active
Men's apparel, including suits, pants, shirts, ties, socks and underwear
Basis: 1(a)
First Use Date: 2006-02-08
First Use in Commerce Date: 2006-02-08

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-07-11 - Automatic Update Of Assignment Of Ownership
2006-12-19 - Registered - Principal Register
2006-10-03 - Published for opposition
2006-09-13 - Notice of publication
2006-08-10 - Law Office Publication Review Completed
2006-08-09 - Assigned To LIE
2006-08-02 - Approved for Pub - Principal Register (Initial exam)
2006-07-31 - Assigned To Examiner
2006-02-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert C. Faber

Correspondent

ROBERT C. FABER

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 AVENUE OF THE AMERICAS FL 7

NEW YORK, NY 10036-8443

Phone Number: 212-382-0700

Fax Number: 212-382-0888

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Registration Number: 2150983

Mark (words only): VIA VAI

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2004-05-19

Filing Date: 1997-06-02

Transformed into a National Application: No

Registration Date: 1998-04-14

Register: Principal

Law Office Assigned: LAW OFFICE 109

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Current Location: 40S -Scanning On Demand

Date In Location: 2007-05-08

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

1. Pollero, Claudio

Address:

Pollero, Claudio
347 CHAPALA ST.
Santa Barbara, CA 93101
United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

clothing for men and women, namely, dresses, skirts, shirts, jackets, pants, shorts, sweaters, T-shirts, tank tops, lined and unlined jackets, pullovers, hats, caps

Basis: 1(a)

First Use Date: 1995-05-15

First Use in Commerce Date: 1995-05-15

ADDITIONAL INFORMATION

Translation: The translation of "VIA VAI" is "to and fro" or "coming and going".

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-05-08 - Case File In TICRS

2006-04-19 - TEAS Change Of Correspondence Received

2004-05-19 - Section 8 (6-year) accepted & Section 15 acknowledged

2004-04-14 - Section 8 (6-year) and Section 15 Filed

2004-04-14 - TEAS Section 8 & 15 Received

1998-04-14 - Registered - Principal Register

1998-01-20 - Published for opposition

1997-12-19 - Notice of publication

1997-11-21 - Approved for Pub - Principal Register (Initial exam)

1997-11-18 - Examiner's amendment mailed

1997-11-10 - Non-final action mailed

1997-10-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
KURT KOENIG

Correspondent
Kurt Koenig
Koenig & Associates

P.O. Box 1140
Summerland CA 93067
Phone Number: 805-965-4400
Fax Number: 805-564-8262

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This page was generated by the TARR system on 2007-09-11 10:33:20 ET

Serial Number: 74664040 Assignment Information Trademark Document Retrieval

Registration Number: 2114481

Mark (words only): VIA-SOHO NEW YORK

Standard Character claim: No

Current Status: Registered.

Date of Status: 1998-09-02

Filing Date: 1995-04-21

Transformed into a National Application: No

Registration Date: 1997-11-18

Register: Principal

Law Office Assigned: LAW OFFICE 108

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

Current Location: 40S -Scanning On Demand

Date In Location: 2007-02-26

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

1. Nu-Spirit, Inc.

Address:

Nu-Spirit, Inc.
56 West 8th Street
New York, NY 10011
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 018

Class Status: Section 18 - Cancelled

handbags

Basis: 1(a)

First Use Date: 1996-12-04

First Use in Commerce Date: 1996-12-04

International Class: 025

Class Status: Active

ladies', men's and children's leather jackets, belts, socks, shoes and boots

Basis: 1(a)

First Use Date: 1996-12-04

First Use in Commerce Date: 1996-12-04

ADDITIONAL INFORMATION

Disclaimer: "NEW YORK"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-02-26 - Case File In TICRS

1999-10-18 - Canceled Section 18 -Partial

1999-10-12 - Cancellation terminated for Proceeding

1999-07-21 - Cancellation granted for Proceeding

1998-09-02 - Cancellation Instituted No. 999999

1998-03-17 - Reprinting Registration Certificate

1997-12-24 - Section 7 amendment filed

1997-11-18 - Registered - Principal Register

1997-09-24 - Allowed for Registration - Principal Register (SOU accepted)

1997-03-20 - Assigned To Examiner

1997-03-17 - Statement of use processing complete

1997-02-06 - Amendment to Use filed

1996-09-27 - Extension 1 granted

1996-08-06 - Extension 1 filed

1996-02-06 - Notice of allowance - mailed
1995-11-14 - Published for opposition
1995-10-13 - Notice of publication
1995-09-06 - Approved for Pub - Principal Register (Initial exam)
1995-08-29 - Examiner's amendment mailed
1995-08-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Roberta Jacobs-Meadway

Correspondent
NU-SPIRIT, INC.
56 WEST 8TH STREET
NEW YORK, NY 10011

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This page was generated by the TARR system on 2007-09-11 10:33:39 ET

Serial Number: 73693770 Assignment Information Trademark Document Retrieval

Registration Number: 1540584

Mark (words only): VIA MAX

Standard Character claim: No

Current Status: A Section 8 affidavit has been accepted.

Date of Status: 1995-01-30

Filing Date: 1987-11-05

Transformed into a National Application: No

Registration Date: 1989-05-23

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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Current Location: 900 -File Repository (Franconia)

Date In Location: 1995-03-06

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

1. CLOTHETIME INSURANCE COMPANY

Address:
CLOTHETIME INSURANCE COMPANY
5325 EAST HUNTER STREET
ANAHEIM, CA 92807
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Vermont

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active

SWEATERS, TOPS, SKIRTS, BLOUSES, PANTS AND SHORTS

Basis: 1(a)

First Use Date: 1986-09-00

First Use in Commerce Date: 1986-09-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1995-01-30 - Section 8 (6-year) accepted

1994-08-12 - Section 8 (6-year) filed

1994-08-12 - Post Registration action correction

1989-05-23 - Registered - Principal Register

1988-11-08 - Published for opposition

1988-10-08 - Notice of publication

1988-08-08 - Approved for Pub - Principal Register (Initial exam)

1988-06-23 - Communication received from applicant

1988-06-27 - Communication received from applicant

1988-03-29 - Non-final action mailed

1988-01-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

SUSAN UPTON DOUGLASS

Correspondent

SUSAN UPTON DOUGLASS

WEISS DAWID FROSS ZELNICK & LEHRMAN P C

633 THIRD AVENUE

NEW YORK, NY 10017-6754

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This page was generated by the TARR system on 2007-09-11 10:33:48 ET

Serial Number: 73746586 Assignment Information Trademark Document Retrieval

Registration Number: 1544551

Mark (words only): VIA ROMA

Standard Character claim: No

Current Status: A Section 8 affidavit has been accepted.

Date of Status: 1995-12-15

Filing Date: 1988-08-08

Transformed into a National Application: No

Registration Date: 1989-06-20

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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

Current Location: 900 -File Repository (Franconia)

Date In Location: 1996-01-26

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

1. TARGET LICENSING CORP.

Address:
TARGET LICENSING CORP.
SUITE 1675 1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active

MEN'S SUITS, SPORTSCOATS AND TROUSERS

Basis: 1(a)

First Use Date: 1988-06-14

First Use in Commerce Date: 1988-06-14

ADDITIONAL INFORMATION

Translation: THE ENGLISH TRANSLATIO OF THE WORDS "VIA ROMA" IN THE MARK IS "ROAD TO ROME".

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-09 - Assignment Of Ownership Not Updated Automatically

1995-12-15 - Section 8 (6-year) accepted

1995-04-24 - Section 8 (6-year) filed

1989-06-20 - Registered - Principal Register

1989-03-28 - Published for opposition

1989-02-24 - Notice of publication

1988-12-27 - Approved for Pub - Principal Register (Initial exam)

1988-10-28 - Communication received from applicant

1988-10-05 - Non-final action mailed

1988-09-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHARLES E. BAXLEY

Correspondent

CHARLES E. BAXLEY
HART, BAXLEY, DANIELS & HOLTON
59 JOHN STREET, FIFTH FLOOR
NEW YORK, NY 10038

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This page was generated by the TARR system on 2007-09-11 10:34:00 ET

Serial Number: 73589395 Assignment Information Trademark Document Retrieval

Registration Number: 1462877

Mark

viabella

(words only): VIABELLA

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 1994-02-28

Filing Date: 1986-03-20

Transformed into a National Application: No

Registration Date: 1987-10-27

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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

Current Location: 700 -Intent To Use Section

Date In Location: 2007-04-23

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

1. SCHIESSER AG

**Address:
SCHIESSER AG
POSTFACH 1520**

RADOLFZELL AM BODENSSE
Fed Rep Germany
Legal Entity Type: Joint Stock Company
State or Country Where Organized: Fed Rep Germany

GOODS AND/OR SERVICES

International Class: 025
Class Status: Active
OUTERWEAR, NAMELY JACKETS, COATS AND WIND RESISTANT JACKETS; SLEEPWEAR;
BEACHWEAR, NAMELY SWIMSUITS, BIKINIS, BATHING SHORTS AND BEACH ROBES;
LEISUREWEAR, NAMELY SUITS, CARDIGANS, PULLOVERS, SHIRTS, SHORTS, SLACKS,
TROUSERS, FOUNDATION GARMENTS; UNDERWEAR, NAMELY PANTIES
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Registration Number: 1066085
Foreign Registration Date: 1984-07-19
Country: Fed Rep Germany
Foreign Expiration Date: 1994-05-31

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-03-15 - Case File In TICRS
2006-11-08 - Review Of Correspondence Complete
2006-08-21 - PAPER RECEIVED
1994-02-28 - Section 8 (6-year) accepted & Section 15 acknowledged
1993-10-19 - Section 8 (6-year) and Section 15 Filed
1987-10-27 - Registered - Principal Register
1987-08-04 - Published for opposition
1987-07-02 - Notice of publication
1987-05-26 - Approved for Pub - Principal Register (Initial exam)

1987-05-21 - Assigned To Examiner

1987-05-01 - Communication received from applicant

1987-03-12 - Final refusal mailed

1987-01-15 - Communication received from applicant

1986-05-28 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LAWRENCE E. ABELMAN

Correspondent

LAWRENCE E. ABELMAN
ABELMAN FRAYNE REZAC & SCHWAB
708 THIRD AVENUE
NEW YORK, N.Y. 10017

Domestic Representative

ABELMAN FRAYNE REZAC & SCHWAB

EXHIBIT E

WordNet Search - 3.0 - [WordNet home page](#) - [Glossary](#) - [Help](#)

Word to search for:

Display Options:

Key: "S:" = Show Synset (semantic) relations, "W:" = Show Word (lexical) relations

Noun

- S: (n) **outerwear**, overclothes (clothing for use outdoors)

[WordNet home page](#)

monochromatic color scheme Describes an outfit or display in which everything is the same color or hue.

moth resistant A fabric finish that makes wool unappetizing to moths.

narrow and deep Describes a common stock plan in the peak of a season, with a large number of the top-selling items in the most popular colors available.

natural fibers Fibers that were not created by people, such as cotton, linen, wool, and silk.

[Back to Top](#)

natural shoulders In a suit, soft shoulders with minimum shoulder padding.

off-shore production Manufacture of clothing or accessories in a foreign country to take advantage of lower labor costs.

organdy A plain woven fabric that is fine and sheer, with a crisp finish, often used for dresses.

outerwear Coats and jackets.

oxford A low-cut shoe that laces up in one to six pairs of eyelets.

[Back to Top](#)

permanent press Describes fabric that keeps its creases after washing and drying, and does not need to be ironed.

piece dye To dye an entire piece of fabric.

pile weave A weave created with three sets of yarns, one of which creates a texture in the fabric; corduroy, velvet, and terrycloth.

pinafore A sleeveless garment that looks like an apron, usually worn by young girls.

placket The opening in the cuff or neck of a garment that creates a larger opening for ease in dressing, and can be buttoned closed.

[Back to Top](#)

plain weave A basic weave in which each filling strand goes over and under each warp strand once.

ply Describes the number of strands twisted together to make a yarn.

points The distance between the tip of a collar and the neckband on a man's shirt.

poplin A smooth, thin, lustrous fabric, usually made of cotton and used for making shirts.

WordNet Search - 3.0 - [WordNet home page](#) - [Glossary](#) - [Help](#)

Word to search for:

Display Options:

Key: "S:" = Show Synset (semantic) relations, "W:" = Show Word (lexical) relations

Noun

- **S:** (n) [sportswear](#), [athletic wear](#), **activewear** (attire worn for sport or for casual wear)

[WordNet home page](#)

EXHIBIT F

Fashion Accessories Definition Apparel Search

Fashion Industry Color Trends / Forecasting Merchandising Fashion I

ADS BY GLAM

Real Men Eat Gardenburger



Click Here
Nominate your man >>

Fashion Accessories
Find Mfrs & Suppliers of Apparel & Accessories on Business.com.

Apparel & Footwear ERP
Sourcing & Demand Management for brand managers & wholesalers

Ads by Google

Fashion accessories and their jewelry counterpart referred to as costume jewelry are items that used as fashion's complementary. Accessories help to bring up the spot that one wants to highlight in a dress or apparel. They can also help to hide some weaknesses' part of a dress. Trends are continuously set by adding accessories to different outfits. Take belts for example, a few years ago girls all started wearing really thick belts that would never fit into belt loops, but this fashion accessory made it big time. Soon everyone was seen wearing them, today big is out, and maybe ribbon belts are in. But these things change an entire look, from handbags to shoes to chandelier earrings and dangle earrings to 80's leg warmers.

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Clothing Definitions

Fashion Definition

Cufflinks

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EXHIBIT G

Sweatsuit

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From Wikipedia, the free encyclopedia

For the Nelly albums, see [Sweat / Suit](#) or [Sweatsuit](#).

A **sweatsuit** is a suit that has a thick material usually made of cotton and polyester. A sweatsuit can be worn on many different occasions, but is commonly associated with sports. Sweatsuits are also worn during physical exercise, hence the "sweat" part of the name. Sweatsuits were most worn in the '70s and '80s, but are still popular today. They help take in the sweat from the sweat glands under your armpits. Sweatpants take the sweat from your sweatglands around your leg areas.

See also

- Tracksuit
- Sweatpants

Retrieved from "<http://en.wikipedia.org/wiki/Sweatsuit>"

Categories: Sports clothing | Suits (clothing)

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EXHIBIT H



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About Us

Hartwell Classic Apparel, one of the nation's premier suppliers to the promotional products industry, originated in 1939 to manufacture men's work clothes and uniforms with a stated mission of delivering top-quality product at an uncompromising level of customer service. Since then, we have changed our focus slightly, now selling "blank" wearables and embroidered items to all segments of the promotional business including wholesalers, corporate providers, uniform distributors, resorts, and sporting divisions- yet our 67 year old philosophy of providing exceptional product and service still remain the same.

Patriarch Partners, LLC, an investment firm managing over \$4.5 billion in assets, purchased Hartwell Classic Apparel in March 2005, giving us the competitive edge to market ourselves with new and innovative products, expand product lines, strengthen our presence, and respond to the demands of the fast paced supplier industry.

Our strive for excellence led to an action-packed year for Hartwell Classic Apparel in 2005 and the momentum continues moving forward. Implementation of plans developed in 2005 and Hartwell's continued growth is a result of:

- Creation of a sales development team in 2005 to better serve our most valued customers.
- Enhanced embroidery and screen print capabilities with a 3-day turn time on embroidery and 5-day turn time on screen print.
- Re-launch of the Hartwell Classic Apparel website, redesigned with hassle free tools like easy on-line ordering and registration, and capabilities to download images for fliers and marketing programs. Customers can shop by brand, gender, price point, and color; track orders; and request catalogs.

- Expansion of our most world-renown apparel lines, Liz Claiborne and Claiborne, from 16 styles in 2005 to 28 unprecedented styles in 2006.
- Hire of Michael Snyder, Vice President of Sales, to build and maintain top accounts, implement new strategic plans, develop web-based solution sales, and manage the Hartwell sales force.

Hartwell Classic Apparel has a reputation to live up to, and as a leader in the industry, we believe that our success is contingent upon exceeding the expectations of our customers. Our top priority is to provide our customer with a product they demand-superior quality, latest styles, and the newest performance features; all backed by a level of service that surpasses the competition. With the best products and services in the industry, resellers and corporate clients alike can get the promotional apparel they need with ease.

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[Claiborne](#)
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[A-Game](#)
[Lee](#)
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From athletic wear to lab coats, Hartwell provides a wide variety of product segments sure to fit your customers needs. Why spend valuable time trying to keep track of orders split across multiple vendors, when you can go to a single source for all of your quality soft-goods needs?

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Hartwell has leapfrogged the industry, combining it's in-house collections such as Hartwell, Auburn Sport, and A-Game with a new assortment of powerful top-industry brands that are always in stock. We provide access to an unrivaled depth of apparel products that, when combined with our industry-leading services, can insure success.

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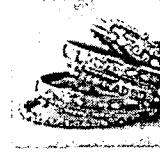
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COLLECTION

PEARLS WITH A TWIST



PEARLS WITH A TWIST

A string of pearls is classic, iconic, a



1.31 Emerald-Cut
Diamond
\$8,110.00



1.58 Cushion-Cut
Diamond
\$7,830.00



1.73 Cushion-Cut
Diamond
\$8,820.00



1.76 Cushion-Cut
Diamond
\$9,180.00

tradition that never fades. Throw in some colored pearls mixed with citrine and the mood is more contemporary. For added drama, add a ten-strand bracelet or an eight-strand twisted torsade. These are statement pieces that require neither introduction nor accompaniment.



1.56 Cushion-Cut
Diamond

\$10,250.00

1.73 Cushion-Cut
Diamond

\$10,720.00

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COLLECTION

PEARLS WITH A TWIST



PEARLS WITH A TWIST

A string of pearls is classic, iconic, a



1.63 Cushion-Cut
Diamond
\$11,340.00



3.02 Cushion-Cut
Diamond
\$32,120.00



4.02 Cushion-Cut
Diamond
\$52,090.00

tradition that never fades. Throw in some colored pearls mixed with citrine and the mood is more contemporary. For added drama, add a ten-strand bracelet or an eight-strand twisted torsade. These are statement pieces that require neither introduction nor accompaniment.

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\$500 - \$1000 (1)
\$1000 - \$2500 (2)



DIAMOND DELIGHTS

Diamonds sparkle, diamonds twinkle and

By ROSS + SIMONS



Bezel-Set Diamond Hoops In 14kt Yellow Gold

\$275.00



.55 ct. t.w. Diamond In-And-Out Hoop Earrings In 14kt White Gold

\$350.00



Diamond Multi-Circle Dangle Earrings In 14kt Yellow Gold

\$450.00



.40 ct. t.w. Diamond V-Shaped Hoop Earrings In 14kt Yellow Gold

\$335.00

they are the true symbol of luxury. But diamonds are not just for traditionalists. Multi-dangle interlocking hoops, crisscross rings and gold latticework sprinkled with these gorgeous gems are a few of our favorites. Diamonds are delicate and feminine, or bold and glitzy, they follow your mood. Diamonds truly are a girl's best friend.



Green Amethyst and Diamond Dangle Leverbacks In 14kt Yellow Gold

\$395.00



Sterling Silver and Diamond Circle of Eternity Leverback Dangle Earrings

\$250.00

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FINO

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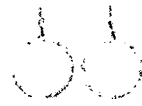
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EXHIBIT J

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Examining Attorney: S. Michael Gaafar
Law Office: 116

Applicant: Ross-Simons of Warwick, Inc.

Serial No.: 78/806,682

Filing Date: February 3, 2006

Mark: VIA

Commissioner for Trademarks
Box 1451
Alexandria, VA 22313-1451

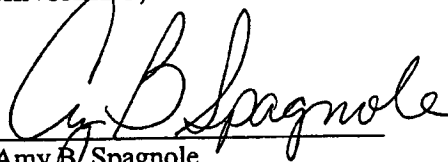
NOTICE OF APPEAL

Appeal is taken herewith from the final refusal to register in the above entitled application. A check is enclosed herewith to cover the appeal fee. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-0485.

A Request for Reconsideration is being submitted concurrently herewith, and it is believed will moot the need for an Appeal. The Appeal, however, is being filed to preserve Applicant's rights in the event the Request for Reconsideration is denied.

Respectfully submitted,

HINCKLEY, ALLEN & SNYDER LLP



Amy B. Spagnole
Jeremy Blackowicz
Hinckley, Allen, & Snyder LLP
28 State Street
Boston, MA 02109
Phone: (617) 345-9000
Fax: (617) 345-9020
E-mail: aspagnole@haslaw.com

Date: September 20, 2007

Attorneys for Applicant

Certificate Of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22303-1451, on 9/20/07

Date 9/20/07
