

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87941661
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/87941661/large
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
U.S. App. 87941661, Our Ref: 800517US	
<u>Response to Office Action</u>	
<u>Documents for Filing</u>	
<ul style="list-style-type: none"><li>• Response_OA2</li><li>• ROA2_Exh_A</li><li>• ROA2_EXH_B</li><li>• Kerns_Dec_A_Signed</li></ul>	
<u>Argument</u>	
Applicant incorporates herein by reference as if fully set forth herein its Response to Office Action (with all exhibits) filed with the USPTO on November 30, 2018 and all evidence and arguments included in that response.	
For the office's convenience, Applicant is attaching a PDF of this entire response so that any included mark images will be displayed in the PDF.	
<u>The December 31, 2018 Office Action</u>	
By Office Action issued December 31, 2018 Office Action, the USPTO finally refused registration of Applicant's mark shown below in Classes 9, 14 and 18, based on U.S. Registration 5258957 also shown below based on Classes 14, 25 and 35 of that registration:	
<b>Applicant's Mark</b>	
U.S. App. 87941661 Filed: May 30, 2018	
International Class 9: Bioleather tech accessories, namely, phone cases, mobile phone cases, tablet and computer cases; bags, namely, computer bags, bioleather computer bags	
International Class 14: Bioleather watch bands and straps	
International Class 18: Biofabricated leather; biofabricated leather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather being collagen-based leather alternative; bioleather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather handbags; handbags, purses and wallets; bioleather handbag, purses and wallets; backpacks, book bags, sports bags, bum bags; bioleather backpacks, book bags, sports bags, bum bags; suitcases; bioleather suitcases; bags, namely, fashion handbags, beach bags, carry-on bags, gym bags,	

messenger bags, purses; weekend bags; bioleather bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses, weekend bags; bioleather fibers in the nature of a leather alternative thread for further manufacture; bioleather materials, namely, a leather alternative

Color is not claimed as a feature of the mark. The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters "Z", "O", and "A", which spell the word ZOA.

### **Cited Registration**

U.S. Reg. 5258957  
Issued Aug. 8, 2017

International Class 14: Jewelry; Jewelry, namely, dog tags for wear by humans for decorative purposes. FIRST USE: 20160327. FIRST USE IN COMMERCE: 20160327

International Class 25: Clothing, namely, shirts. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

International Class 35: Online ordering services featuring CDs, DVDs, clothing, jewelry, headphones, blankets, books, tote bags, stickers, buttons, lapel pins, patches for clothing, wooden sculptures. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Color is not claimed as a feature of the mark. The mark consists of a triangle with a horizontal line through the middle.

In the December 31, 2018 Office Action, the office withdrew the prior refusal of applicant's Class 25. Although no reason was stated for withdrawing the refusal for that class, applicant submits that the refusal regarding Class 25 was withdrawn because Registrant's mark is a simple geometric shape – "a triangle design split in two" – and coexists with other similar simple geometric shapes in Class 25, as shown in Applicant's November 30, 2018 response to the first office action.

The December 31, 2018 Office Action states that the examiner maintained the likelihood of confusion refusal for Classes 9, 14 and 18 of applicant's application "based on the following relevant factors: similarity of the marks and similarity and nature of the goods and/or services."

Applicant agrees that because these are design marks, the similarity of the marks is determined primarily on the basis of visual similarity, and the commercial impression of each mark is determined based entirely on its appearance and meaning. The marks have no sound; they are not pronounced. The office action indicates that the mark in the cited registration has no meaning. Rather, it's a simple geometric design – "a triangle design split in two" or as the mark description states: "a triangle with a horizontal line through the middle."

Applicant submits that the initial office action and the December 31, 2018 Office Action improperly applied a *per se* rule to refuse registration on that basis. In addition, that office action fails to consider the marks as a whole, because when the marks are considered in their entirety, it is self-evident that there are striking differences between the marks. They are not visually similar in appearance. And each mark's commercial impression, based on the mark's appearance, is distinct and dissimilar.

In addition, Applicant submitted evidence that the marks have profoundly different meanings. When the meaning of the marks is considered, the commercial impression of each mark is even more fundamentally different. For these reasons, there is no likelihood of confusion.

#### **I. Applicant's Mark and the Cited Mark Differ Fundamentally**

##### **A. The Mark in the Cited Registration has Only a Narrow Scope of Protection**

As applicant argued in its November 30, 2018 Response to Office Action, the registrant's mark is weak. First, the mark in the cited registration enjoys only a very narrow scope of protection, as the owner of that registration admitted in arguing against a likelihood of refusal against its application. There are so many third party registrations comprised of various forms of triangles for the same and related goods that such marks are inherently weak and entitled only to a narrow scope of protection. Consumers easily and consistently distinguish such weak marks.

The number of similar marks in use on similar goods and services is one of the factors that must be considered when determining if a likelihood of confusion exists. *In re E.I. du Pont de Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973) The third party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En*, 73 USPQ2d 1689, 1694 (Fed. Cir. 2005); *In re Hartz Hotel Services Inc.*, 102 USPQ2d 1150, 1152 (TTAB 2012). Evidence of third-party use of similar marks can 'show that customers have been educated to distinguish between different marks on the basis of minute distinctions. *Juice Generation, Inc. v. GS Enterprises LLC*, 115 USPQ2d 1671 (Fed. Cir. 2015).

Without rehashing all of the evidence of third party registrations and use (for all classes) which Applicant submitted with its November 30, 2018 response, Applicant submits that the December 31, 2018 Office Action withdrew the initial refusal of Class 25 of Applicant's application because of the following registered marks in Class 25, among others:

### Class 25

Mark & Reg. No.	Goods/Services	Owner
U.S. Reg. 1731257	clothing; namely, neckties, belts and t-shirts	Religious Technology Center (California Non-Profit Corporation) 1710 Ivar Avenue Los Angeles California 90028
U.S. Reg. 5122915	headwear; pants; shirts; underwear; women's clothing, namely, shirts, dresses, skirts, blouses; coats for men and women; coats for men and women; custom made to measure suits for men and women; custom made to measure suits for men and women; footwear for men and women; footwear for men and women; men's suits, women's suits; sweat shirts; t-shirts	Ogom Bradley Amaechi (United States Citizen) 1821 Crenshaw Blvd, #206 Los Angeles California 90019
U.S. Reg. 5253413	clothing, namely, pants, dresses, skirts, tops, shirts, t-shirts, jerseys, sleeveless jerseys, kerchiefs, tracksuits, shorts, socks, gloves, anoraks, jackets, dressing gowns, waterproof jackets, waterproof pants; sports clothing, namely, leggings, tracksuits, shorts, t-shirts, jerseys, sleeveless jerseys, socks, gloves, jackets, headbands, tops, shirts, kerchiefs, coats, dressing gowns; footwear; headgear, namely, visors, caps, hats, berets	Bright Brands Sportsgoods, S.A. (Joint-Stock Company) Rua João Mendonça, N°. 529, São Mamede De Infestae Senhora Da Hora, P-4464-501 Matosinhos Portugal
U.S. Reg. 4532419	tee shirts, sweatshirts, ball caps, and tank tops	Invisible Children, Inc. (California Non-Profit Corporation) 641 S Street Nw Washington District of Columbia 20001
U.S. Reg. 4730007	men's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, shirts and casual shirts, tank tops, sweatshirts, sweatshirts with hoods, shorts, shoes for casual wear, casual socks, bandannas, beanie hats, baseball hats, visors, bathing suits, thermal undergarments, sweat pants, and jackets; women's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, sweatshirts, sweatshirts with hoods, blouses, tank tops, tube tops, tunics, casual dresses, swimwear, bandannas, beanie hats, baseball hats, visors; etc.	Fatal Clothing, LLC (California Limited Liability Company) 13538 Excelsior Dr. Santa Fe California 90670

Although there are many additional triangle marks for clothing items in Class 25, the foregoing marks are identical in part to the "clothing, namely, t-shirts" covered by U.S. Reg. 5258957. Significantly, the December 31, 2018 Office Action argues that the clothing items are related to applicant's goods in Classes 9, 14 and 18, even though the cited registration does not cover any of the same goods as applicant's goods in Classes 9, 14 and 18.

The Registrant of U.S. Reg. No. 5258957 responded to a likelihood of confusion rejection by arguing that the very similar cited registrations

(including U.S. Reg. 1731257 above), which included triangle designs, were only entitled to a limited scope of protection. Applicant argued:

It is Applicant's contention that the differences in the marks are significant, and the Examining Attorney must consider them in her likelihood of confusion analysis. It is respectfully submitted that the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression and accordingly, consumers are not likely to be confused as to the source of the goods being provided.

Registrant's Office Action Response (submitted with Applicant's November 30, 2018 Response to Office Action. Registrant's argument that similar triangle marks should be given a narrow scope of protection gives rise to prosecution history estoppel mandating a narrow scope of protection for registrant's resulting registration. *See Juice Generation, Inc. v. GS Enters. LLC*, 115 USPQ2d 1671, 1675 (Fed. Cir. 2015). As the Federal Circuit observed in *Juice Generation*:

Although estoppel based on prosecution of an application has played a more limited role for trademarks than for patents, *see Anthony's [Pizza & Pasta Int'l, Inc. v. Anthony's Pizza Holding Co.]*, 95 U.S.P.Q.2d 1271, *aff'd*, 415 F. App'x 222 (Fed. Cir. 2010) (not mentioning estoppel); *see also* 6 McCarthy on Trademarks and Unfair Competition § 32:111 (4th ed. 2015), we have recognized that such comments have significance as "facts 'illuminative of shade and tone in the total picture confronting the decision maker,'" *GS Enters.*, 2014 TTAB LEXIS 264, 2014 WL 2997639, at \*7 (quoting *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 576 F.2d 926, 929 (CCPA 1978)); *see also Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 1322 (Fed. Cir. 2014). Other courts have afforded even greater weight to such statements. *E.g., Freedom Card, Inc. v. JPMorgan Chase & Co.*, 432 F.3d 463, 476 (3d Cir. 2005).

115 USPQ2d at 1675. As was the case in *Juice Generation*, the registrant's argument during prosecution of his application that his mark could coexist with nearly identical marks for identical goods, and registrant's factual admission that "the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression, supports applicant's argument that registrant's mark is weak and entitled only to a narrow scope of protection. *See, Juice Generation*, 115 USPQ2d at 1675. The office actions ignore registrant's admission regarding the visual distinguishability and inherent weakness of his mark, and that admission in successfully arguing for registration of the cited mark, creates an estoppel limiting the scope of registrant's mark for registrant. The cited mark is weak.

Applicant respectfully submits that if U.S. Reg. 5258957 can coexist with U.S. Reg. 1731257 (and 1723622) for identical goods in International Class 25, then the cited registration can easily coexist with Applicant's distinctly different mark in International Classes 9, 14 and 18 for non-identical goods.

#### **B. The Office Action Improperly Applied a *Per Se* Rule to Find a Likelihood of Confusion**

The December 31, 2018 Office Action repeatedly emphasizes that applicant's mark includes the mark in the cited registration:

- "Here, registrant's mark is fully incorporated into applicant's mark as the last element of the design.
- "Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . ."
- "While applicant's mark contains additional designs, these designs have been added to registrant's mark."
- "The marks are identical in part . . ."
- "However, applicant's applied-for mark fully incorporates registrant's applied-for mark."
- "While applicant's mark contains additional designs, these designs have been added to registrant's mark."
- "The marks are identical in part . . ."
- "However, applicant's mark fully incorporates the registrant's mark."
- "However, incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . ."
- "In the present case, the marks are identical in part and thus are confusingly similar."
- "Further, applicant's mark does incorporate registrant's mark and merely adds additional shapes to the registered mark."
- "Adding a term to a registered mark generally does not obviate the similarity between the compared marks . . ."
- "In the present case, the marks are identical in part."

The office action's imposition of a *per se* rule that one mark incorporating another mark in its entirety is *per se* likelihood of confusion is incorrect. The owner of the cited registration has taken the position that these triangle marks are weak and only entitled to a narrow scope of protection. The Principal Register is replete with marks that incorporate other marks in their entirety. The application of a *per se* rule constituting a likelihood of confusion in the office action constitutes legal error. When Applicant's mark is considered as a whole, as it must be, it is plain that its mark and the mark in the cited registration are fundamentally different in every way such that consumer confusion is not likely and, indeed, is highly unlikely.

#### **C. There are Countless Examples of Registered Marks that Incorporate Other Marks without Any Likelihood of Confusion**

In support of the proposition that a mark which incorporates another mark creates a likelihood of confusion, the office action cites cases involving word marks where one word mark incorporates another word mark. But there are many cases where a word mark incorporating the entirety of another word mark and that other word mark can coexist without any likelihood of confusion, even as to identical goods. *See, e.g.,*



*Truescents LLC v. Ride Skin Care, LLC*, 81 USPQ2d 1334 (TTAB 2006).

In *Truescents*, the Board held that applicant's mark GENUINE RIDE SKIN CARE & Design could coexist without any likelihood of confusion with the prior registered marks GENUINE SKIN, GENUINE BODY, GENUINE SPA and GENUINE FACE for legally identical and closely related goods. The Board reasoned that the marks at issue had different dominant features – RIDE in the application and GENUINE in opposer's registrations. The marks, when considered as a whole, were visually readily distinguishable because purchasers will readily look to the dominant portion of applicant's mark as a means of distinguishing between the sources of applicant's and opposer's products. The Board held that "the dissimilarity between the marks is dispositive in this case." 81 USPQ2d at 1342 (citing *Kellogg Co. v. Pack-Em Enterprises Inc.*, 14 USPQ2d 1545 (TTAB 1989), aff'd 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991)); *see also, In re FabFitFun, Inc.*, 127 USPQ2d 1670 (TTAB 2018) (reversing section 2(d) refusal of I'M SMOKING HOT for cosmetics notwithstanding prior registered mark SMOKIN' HOT SHOW TIME for cosmetics).

In this case, however, we are dealing with design marks that have no literal element. And the cited registered mark is a very simple geometric shape – "a triangle split in two."

Notwithstanding the office action's *per se* refusal of one mark that incorporates another mark, there are countless examples of marks incorporating other marks where no likelihood of confusion was found. Some examples include:

<i>Jack Wolfskin Ausrüstung Fur Draussen GmbH &amp; Company KGAA v. New Millennium Sports, S.L.U.</i> , 797 F.3d 1363 (Fed. Cir. 2015)	No likelihood of confusion between and both for clothing items in International Class 25.
<i>In re Covalinski</i> , 113 USPQ2d 1166 (TTAB 2014) (precedential)	No likelihood of confusion between REDNECK RACEGIRL & Design for athletic apparel in International Class 25 and RACEGIRL (standard characters) for various clothing items in International Class 25.
<i>In re White Rock Distilleries, Inc.</i> , 92 USPQ2d 1282 (TTAB 2009) (precedential)	No likelihood of confusion between VOLTA (standard characters) for energy vodka infused with caffeine in International Class 33 and TERZA VOLTA & Design for wines and sparkling wines in International Class 33
<i>In re Primeway International LLC</i> , Serial No. 87059786 (Jan. 9, 2019) (not precedential)	No likelihood of confusion between applicant's mark INCOGNITO for footwear in Class 25 and registrant's mark, STS INCOGNITO & Design, for hats, hooded sweatshirts, jackets, shirts and t-shirts in International Class 25
<i>Parfums de Coeur Ltd. v. Lazarus</i> , 83 USPQ2d 1012 (TTAB 2007) (precedential)	No likelihood of confusion between application for BM BODYMAN & Design for an animated television series in International Class 41 and registered marks BOD and BOD MAN (with "BOD" disclaimed) used and registered for men's fragrances in International Class 3
<i>Steve's Ice Cream v. Steve's Famous Hot Dogs</i> , 3 USPQ2d 1477, 1478-79 (TTAB 1987) (precedential)	No likelihood of confusion between STEVE's & Design for restaurant services in International Class 42 and STEVE's (typed characters) for ice cream in International Class 30

In *In re Jack Wolfskin*, the Board distinguished marks having nearly identical design elements based on the inclusion of the literal element KELME. In the other cited cases, a design element was sufficient to distinguish marks with identical or nearly identical literal components. Plainly, that one mark incorporates another mark in its entirety does not necessarily give rise to a likelihood of confusion.

In addition, the Principal Register is replete with registered design marks which incorporate other registered design marks for the same or related goods, as shown by Exhibit A, which is a chart of a few registered design marks which incorporate other registered marks in whole or in part for the same or similar goods. Exhibit A also includes the TSDR records for these registrations, and is incorporated herein by reference. There probably are hundreds if not thousands of other such marks on the Principal Register.

#### **D. Applicant's Mark Must be Considered as a Whole**

Second, the marks must be considered as a whole, and therefore, cannot be dissected into constituent elements when comparing Applicant's mark and the mark in the cited registration, which plainly constitutes a triangle with a horizontal bar missing and also constitutes the negative space of the letter "A". As the Federal Circuit recently observed on this fundamental aspect of the likelihood of confusion analysis:

Marks are compared along the axes of their "appearance, sound, connotation and commercial impression." *Dupont*, 476 F.2d at 1361. "The commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail." *Estate of P.D. Beckwith, Inc., v. Comm'r of Patents*, 252 U.S. 538, 545–46 (1920). Our predecessor court explained that "a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion." *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (CCPA 1981). *That does not preclude consideration of components of a mark; it merely requires heeding the common-sense fact that the message of a whole phrase may well not be adequately captured by a dissection and recombination. See FCC v. AT&T Inc.*, 562 U.S. 397, 406 (2011) (making similar point about "personal privacy"). *It is the mark in its "entirety" that must be assessed. DuPont*, 476 F.2d at 1361.

*Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334 (Fed. Cir. 2015). In *Juice Generation*, the Federal Circuit reversed the Board's affirmance of a Section 2(d) refusal of PEACE, LOVE & JUICE & Design for juice bar services in light of the prior registered marks PEACE & LOVE & Design for restaurant services noting, in part, that the Board failed to properly consider the three-word combination of Juice Generation's mark as a whole in comparing it to the two-word combination in GS's marks, and remanded for further proceedings. Thereafter, the Opposer withdrew the opposition with prejudice, and PEACE, LOVE & JUICE & Design issued as U.S. Reg. 4,854,158.

Rather, in assessing a likelihood of confusion, the marks must be considered in their entirety. *Juice Generation*, 794 F.3d at 1361. "The marks 'must be considered . . . in light of the fallibility of memory.'" *In re FabFitFun*, 127 USPQ2d at 1675 (quoting *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014) (quoting *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 196 USPQ 1 (CCPA 1977)). In assessing the first *du Pont* factor, the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *See Mini Melts, Inc. v. Reckitt Benckiser LLC*, 118 USPQ2d 1464, 1470 (TTAB 2016).

#### **E. Applicant's Mark and the Mark in Reg. 5258957 are Visually Very Different**

When consumers consider applicant's mark, they will likely perceive the mark from left to right which is the typical manner of reviewing written material in the U.S. *See Presto Prods. Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered").

Applying these rules to applicant's mark and the mark in the cited registration, two things are obvious. First, visually – the only way the marks can be perceived according to the office action – the marks differ fundamentally. Applicant's mark begins with a split square – the negative image of the letter "Z" – followed by a circle – the negative image of the letter "O" – and ends with the split triangle – the negative image of the letter "A." Second, the dominant portion of applicant's mark is the first geometric design, which the office action describes as a "square made up of two triangles." The dominant portion of the cited registration is "the triangle design split in two." The dominant features of these two design marks differ fundamentally. In addition, applicant's mark includes two or three (depending on how one counts) additional geometric shapes than registrant's mark. When the marks are considered in their entireties, as they must be, they are visually dissimilar as a whole.

The office actions take the position that the parties' marks have no meaning, and that visual similarity alone is the basis for assessing similarity of the marks. Applicant's mark is comprised of three or five different meaningless symbols in a row – "a square made up of two triangles, a circle, and a triangle that is split in two" *See* September 29, 2018 Office Action – and visually has to be viewed as plainly dissimilar to applicant's simple "triangle design split in two."

#### **F. Applicant's Mark and the Mark in Reg. 5258957 Differ Fundamentally in Meaning**

Under the theory of the office actions, applicant's mark and the cited mark are arbitrary as applied to applicant's and registrant's respective goods. In other words, neither mark has any meaning as applied to the respective goods." *In re White Rocks Distilleries, Inc.*, 92 USPQ2d 1282, 1284 (TTAB 2009). Applicant submits that even if both marks are meaningless, they are visually sufficiently distinct as to preclude any likelihood of confusion. *See Id.*

Applicant further submits that its mark is comprised of the negative image of three letters, “Z” “O” “A” which together comprise the word “ZOA,” which is applicant’s principal brand. Application Serial No. 87941661, as amended, includes within the description of the mark: “The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters “Z”, “O”, and “A”, which spell the word ZOA.”

In its November 30, 2018 response, Applicant submitted competent evidence of the alphabet in negative images, which makes clear that Applicant’s mark is comprised of the negative image of the letters “Z” “O” and “A”, which spell the word “ZOA.” Specifically, Ms. Chi Ng’s November 29, 2018 declaration stated, among other things, that she is involved in and familiar with Modern Meadow’s trademarks and the design of those trademarks; that applicant’s mark, which is the subject of U.S. App. Serial No. 87941661, is comprised of the negative images of the letters “Z”, “O”, and “A”, which together spell the word ZOA; the declaration set forth a depiction of the negative image alphabet for the English language alphabet; that the mark shown in U.S. Reg. 5258957 constitutes the negative image of the letter “A”; and that the negative image alphabet is well known in the design community and among consumers for Modern Meadow’s products identified in U.S. Application Serial No. 87941661. See Ng Decl., ¶¶ 1-7 (filed with applicant’s November 30, 2019 response).

The December 31, 2018 Office Action improperly disregarded this evidence in its entirety as “self-serving.”

Accordingly, Applicant is submitting with this response the declaration of a professional graphic design artist, Anne C. Kerns, AIGA. The Kerns Declaration, with Exhibit A, is attached and incorporated herein by reference. In her declaration, Ms. Kerns, an experienced graphic designer with 29 years of continuous experience, states:

- She reviewed U.S. App. 87941661 and U.S. Reg. 5258957. Kerns Decl. ¶ 2.
- The USPTO database records for these marks are attached to her declaration. Id.
- Applicant’s mark shown in U.S. App. 87941661 is comprised of the negative image or counterspace of the letters “Z”, “O”, and “A” which spell ZOA. Id. ¶ 3.
- She identifies one example of the negative image or counterspace alphabet for the English Language Alphabet. Id. ¶ 4.
- She confirms that the mark in U.S. Reg. 5258957 is the negative image or counterspace of the letter “A”. Id. ¶ 5.
- She confirms that the negative image alphabet is well known in the design community and among American consumers. Id. ¶ 6.
- She also indicates that “the display of English language letters using their negative image or counterspace is common in U.S. commerce and among consumers for consumer products and is widely recognized by persons fluent in the English language and other persons whose languages use the same alphabet. Id. ¶ 7.

Applicant’s mark plainly means “ZOA.” The word, ZOA, is defined as the plural of ZOON. See Exhibit B, Random House Dictionary, Second Edition, Excerpts, p. 2211. Zoon is defined as “any of the individuals of a compound organism.” Exhibit B, p. 2212.

The mark in the cited registration, in contrast, is the negative image of the letter “A.” “A” is defined to mean:

1. the first letter of the English alphabet, a vowel.
2. any spoken sound represented by the letter A or a, as in bake, hat, father, or small.
3. Something having the shape of an A.
4. A written or printed representation of the letter A or a.
5. A device, as a printer’s type, for reproducing the letter A or a.

Exhibit B, p. 1.

When one compares Applicant’s mark, “ZOA,” to the registered mark, “A,” it is plain that the marks have fundamentally different meanings. Of course, the Board may take judicial notice of these dictionary definitions. *Truescents*, 81 USPQ2d at 1342 n. 3 (citing *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982) *aff’d*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983)).

#### **G. Applicant’s Mark and the Cited Mark Create Different Commercial Impressions**

As has been shown, Applicant’s Mark and the cited Mark are visually very different, they have different dominant elements, and when they are considered as a whole, they are fundamentally different in appearance. If the marks are compared solely based on their visual appearance, each mark creates a fundamentally distinct and different commercial impression.

In addition, applicant’s mark and the cited mark have fundamentally different meanings. If the meaning of each mark is considered when comparing them, the marks are even more distinct and different, and create fundamentally different and distinct commercial impressions. See *In re White Rocks Distilleries, Inc.*, 92 USPQ2d at 1284 (VOLTA for vodka and TERZA VOLTA & Design for wines engender different commercial impressions).

Each mark creates a fundamentally different and distinct commercial impression such that consumer confusion is not likely. *Id.*

## **H. The Office Action's Supposition about Consumer Perceptions is Unsubstantiated and Not Based on any Evidence**

The December 31, 2018 Office Action also based the refusal of Classes 9, 14 and 18 (but not 25) on the unfounded supposition that “potential purchasers . . . could still reasonably assume, given the overall similarities in appearance and commercial impression in the respective marks, that applicant's goods and services provided under the applicant's mark constitute a new or additional goods and service line from the same source as the goods and services sold under the registrant's mark with which they are acquainted or familiar, and that applicant's mark is merely a variation of the registrant's mark.” This language appears verbatim once in the September 29, 2018 office action and twice in the December 31, 2018 office action.

There is no factual or evidentiary basis for this supposition regarding consumer perceptions. There certainly is no evidence to support that a majority or even any consumers will perceive the marks in this fashion. This is particularly true where the marks plainly possess different dominant elements, are visually different and have fundamentally different meanings, thereby creating distinct commercial impressions.

## **II. The Dissimilarity of the Marks as a Whole is Sufficient to Preclude a Likelihood of Confusion**

Applicant respectfully submits that based on the fundamental differences in the marks as a whole there is no likelihood of confusion. See *Odom's Tennessee Pride Sausage, Inc. v. FF Acquisition, L.L.C.*, 600 F.3d 1343 (Fed. Cir. 2010). As the Federal Circuit repeatedly has held, “a single DuPont factor ‘may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of marks.’” *Odom's Tennessee Pride*, 600 F.3d at 1346-47 (quoting *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1375 (Fed. Cir. 1998)); *Kellogg Co. v. Pack'em Enters.*, 951 F.2d 330, 332 (Fed. Cir. 1991). As in *Odom's Tennessee Pride*, “the visual distinctions between the marks at issue here create unquestionably different commercial impressions, thereby precluding a finding of likelihood of confusion.” 600 F.3d at 1346. Applicant respectfully submits that the Section 2(d) partial refusal should be withdrawn for all classes – International Classes 9, 14 and 18.

## **III. The Evidence that the Goods are Commercially Related is not Strong**

The December 31, 2018 Office Action, like the initial office action, relies solely on Internet evidence to allege that the goods covered by applicant's mark and the goods in the cited registration are allegedly “closely related.” Applicant submits that the evidence that these goods are commercially related is not strong.

For example, the December 31, 2018 Office Action relies on pages from the Mobileedge.com web site. However, based on the evidence submitted with the office action, a consumer searching for phone cases, mobile phone cases or tablet and computer cases will not be exposed to the registrant's cited goods, such as jewelry or clothing, because the web pages do not include any links from the phone cases or computer cases to jewelry or clothing or vice versa.

Similarly, a user searching on the MATT & NAT web site for leather and faux-leather bags in Class 18 will not be exposed to the registrant's cited goods, such as jewelry or clothing because the web pages do not include any links from the bags to jewelry or clothing or vice versa.

Similarly, a user searching on the SoleSociety.com web site for applicant's watch bands in Class 14 will not be exposed to the registrant's cited goods jewelry and jewelry, namely, dog tags, because the web pages do not include any links to watch bands at all much less links from watch bands to jewelry or to dog tags.

Moreover, to the extent that there are tabs on a web page that link to both types of available goods, the tabs alone, as they do not display trademarks, do not prove that the phone or computer cases or jewelry or clothing, for example, would necessarily bear the MobileEdge mark, or that in the case of MATTandNAT.com, the bags or the jewelry or clothing would bear a single mark. As was the case in *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential), the similarity of the goods factor only slightly ways in favor of a finding of a likelihood of confusion.

## **IV. The du Pont Factor as to Trade Channels is Neutral**

The Office Actions rely solely on Internet evidence to demonstrate overlapping channels of trade. However, Internet evidence alone is insufficient to prove that the goods may be encountered in overlapping channels of trade by the same classes of consumers. See *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1087-88 (Fed. Cir. 2014) (“The PTO goes too far, however, in claiming that because both St. Helena's services and the registrant's goods are promoted through websites, the channels of trade are similar. Advertising on the Internet is ubiquitous and ‘proves little, if anything, about the likelihood that consumers will confuse similar marks used on such goods or services.’”) (citing *Kinbrook, LLC v. Microsoft Corp.*, 866 F. Supp. 2d 453, 470-71 n. 14 (E.D. Pa. 2012)) (quoting J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 24:53.50 (4th ed. Supp. 2011)); see also, *In re Primeway International*, *supra*, Slip op. at 16 (not precedential) (quoting *Id.*). Accordingly, the du Pont factor regarding trade channels is neutral. *In re Primeway International*, *supra*, Slip op. at 16 (not precedential).

## **V. Conclusion**

Applicant respectfully submits that regardless of some relationship of the goods and overlap in potential purchasers, given the profound differences in the marks as a whole, the first *du Pont* factor of the dissimilarities of the marks simply outweighs all other factors. *See Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376, 119 USPQ2d 1286, 1290 (Fed. Cir. 2016) (“a single *du Pont* factor may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of the marks”); *Odom’s Tenn. Pride Sausage, Inc. v. FF Acquisition, LLC*, 600 F.3d 1343, 93 USPQ2d 2030, 2032 (Fed. Cir. 2010) (“[E]ven if all other relevant *DuPont* factors were considered in [opposer’s] favor, as the board stated, the dissimilarity of the marks was a sufficient basis to conclude that no confusion was likely”); *Champagne Louis Roederer S.A. v. Delicato Vineyards*, 148 F.3d 1373, 47 USPQ2d 1459, 1460-61 (Fed. Cir. 1998) (Federal Circuit affirmed finding of no likelihood of confusion between mark CRYSTAL CREEK for wine and marks CRISTAL for wine and CRISTAL CHAMPAGNE for champagne, where Board relied solely on dissimilarity of marks); *Kellogg Co. v. Pack’em Enters. Inc.*, 951 F.2d 330, 21 USPQ2d 1142, 1145 (Fed. Cir. 1991) (“We know of no reason why, in a particular case, a single *du Pont* factor may not be dispositive”); *see also, Knight Textile Corp. v. Jones Investment Co.*, 75 USPQ2d 1313 (TTAB 2005) (holding no likelihood of confusion between NORTON-MCNAUGHTON ESSENTIALS for clothing and ESSENTIALS for clothing based on dissimilarity of the marks, which outweighed all other relevant factors); *Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376 (Fed. Cir. 2016) (affirming dismissal of opposition to application for MAYARI for wine based on prior registered mark MAYA for wine, where Board concluded dissimilarity of the marks was sufficient to preclude a likelihood of confusion); *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential) (holding no likelihood of confusion between registered mark INCOGNITO and application for STS INCOGNITO & Design, both covering goods in Class 25, based solely on dissimilarity of the marks).

## EVIDENCE SECTION

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<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Brian B. Darville/
<b>SIGNATORY'S NAME</b>	Brian B. Darville
<b>SIGNATORY'S POSITION</b>	Attorney of record, Virginia Bar member
<b>SIGNATORY'S PHONE NUMBER</b>	703-413-3000
<b>DATE SIGNED</b>	06/28/2019

<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Jun 28 17:13:53 EDT 2019
<b>TEAS STAMP</b>	USPTO/RFR-XXX.XXX.XXX.X-2 0190628171353074174-87941 661-6201915ce618c1ccfaf62 bc688bb0279d04fc51acc6a17 5bd01231d9914d834fe-N/A-N /A-20190628153837716389

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## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **87941661** (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87941661/large>) has been amended as follows:

#### ARGUMENT(S)

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

U.S. App. 87941661, Our Ref: 800517US

#### Response to Office Action

#### Documents for Filing

- Response\_OA2
- ROA2\_Exh\_A
- ROA2\_EXH\_B
- Kerns\_Dec\_A\_Signed

#### Argument

Applicant incorporates herein by reference as if fully set forth herein its Response to Office Action (with all exhibits) filed with the USPTO on November 30, 2018 and all evidence and arguments included in that response.

For the office's convenience, Applicant is attaching a PDF of this entire response so that any included mark images will be displayed in the PDF.

#### The December 31, 2018 Office Action

By Office Action issued December 31, 2018 Office Action, the USPTO finally refused registration of Applicant's mark shown below in Classes 9, 14 and 18, based on U.S. Registration 5258957 also shown below based on Classes 14, 25 and 35 of that registration:

#### **Applicant's Mark**

U.S. App. 87941661  
Filed: May 30, 2018

International Class 9: Bioleather tech accessories, namely, phone cases, mobile phone cases, tablet and computer cases; bags, namely, computer bags, bioleather computer bags

International Class 14: Bioleather watch bands and straps

International Class 18: Biofabricated leather; biofabricated leather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather being collagen-based leather alternative; bioleather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather handbags; handbags, purses and wallets; bioleather handbag, purses and wallets; backpacks, book bags, sports bags, bum bags; bioleather backpacks, book bags, sports bags, bum bags; suitcases; bioleather suitcases; bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses; weekend bags; bioleather bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses, weekend bags; bioleather fibers in the nature of a leather alternative thread for further manufacture; bioleather materials, namely, a leather alternative

Color is not claimed as a feature of the mark. The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters "Z", "O", and "A", which spell the word ZOA.

## **Cited Registration**

U.S. Reg. 5258957  
Issued Aug. 8, 2017

International Class 14: Jewelry; Jewelry, namely, dog tags for wear by humans for decorative purposes. FIRST USE: 20160327. FIRST USE IN COMMERCE: 20160327

International Class 25: Clothing, namely, shirts. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

International Class 35: Online ordering services featuring CDs, DVDs, clothing, jewelry, headphones, blankets, books, tote bags, stickers, buttons, lapel pins, patches for clothing, wooden sculptures. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Color is not claimed as a feature of the mark. The mark consists of a triangle with a horizontal line through the middle.

In the December 31, 2018 Office Action, the office withdrew the prior refusal of applicant's Class 25. Although no reason was stated for withdrawing the refusal for that class, applicant submits that the refusal regarding Class 25 was withdrawn because Registrant's mark is a simple geometric shape – "a triangle design split in two" – and coexists with other similar simple geometric shapes in Class 25, as shown in Applicant's November 30, 2018 response to the first office action.

The December 31, 2018 Office Action states that the examiner maintained the likelihood of confusion refusal for Classes 9, 14 and 18 of applicant's application "based on the following relevant factors: similarity of the marks and similarity and nature of the goods and/or services."

Applicant agrees that because these are design marks, the similarity of the marks is determined primarily on the basis of visual similarity, and the commercial impression of each mark is determined based entirely on its appearance and meaning. The marks have no sound; they are not pronounced. The office action indicates that the mark in the cited registration has no meaning. Rather, it's a simple geometric design – "a triangle design split in two" or as the mark description states: "a triangle with a horizontal line through the middle."

Applicant submits that the initial office action and the December 31, 2018 Office Action improperly applied a *per se* rule to refuse registration on that basis. In addition, that office action fails to consider the marks as a whole, because when the marks are considered in their entirety, it is self-evident that there are striking differences between the marks. They are not visually similar in appearance. And each mark's commercial impression, based on the mark's appearance, is distinct and dissimilar.

In addition, Applicant submitted evidence that the marks have profoundly different meanings. When the meaning of the marks is considered, the commercial impression of each mark is even more fundamentally different. For these reasons, there is no likelihood of confusion.

### **I. Applicant's Mark and the Cited Mark Differ Fundamentally**

#### **A. The Mark in the Cited Registration has Only a Narrow Scope of Protection**

As applicant argued in its November 30, 2018 Response to Office Action, the registrant's mark is weak. First, the mark in the cited registration enjoys only a very narrow scope of protection, as the owner of that registration admitted in arguing against a likelihood of refusal against its application. There are so many third party registrations comprised of various forms of triangles for the same and related goods that such marks are inherently weak and entitled only to a narrow scope of protection. Consumers easily and consistently distinguish such weak marks.

The number of similar marks in use on similar goods and services is one of the factors that must be considered when determining if a likelihood

of confusion exists. *In re E.I. du Pont de Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973) The third party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En*, 73 USPQ2d 1689, 1694 (Fed. Cir. 2005); *In re Hartz Hotel Services Inc.*, 102 USPQ2d 1150, 1152 (TTAB 2012). Evidence of third-party use of similar marks can ‘show that customers have been educated to distinguish between different marks on the basis of minute distinctions. *Juice Generation, Inc. v. GS Enterprises LLC*, 115 USPQ2d 1671 (Fed. Cir. 2015).

Without rehashing all of the evidence of third party registrations and use (for all classes) which Applicant submitted with its November 30, 2018 response, Applicant submits that the December 31, 2018 Office Action withdrew the initial refusal of Class 25 of Applicant’s application because of the following registered marks in Class 25, among others:

### Class 25

Mark & Reg. No.	Goods/Services	Owner
U.S. Reg. 1731257	clothing; namely, neckties, belts and t-shirts	Religious Technology Center (California Non-Profit Corporation) 1710 Ivar Avenue Los Angeles California 90028
U.S. Reg. 5122915	headwear; pants; shirts; underwear; women's clothing, namely, shirts, dresses, skirts, blouses; coats for men and women; coats for men and women; custom made to measure suits for men and women; custom made to measure suits for men and women; footwear for men and women; footwear for men and women; men's suits, women's suits; sweat shirts; t-shirts	Ogom Bradley Amaechi (United States Citizen) 1821 Crenshaw Blvd, #206 Los Angeles California 90019
U.S. Reg. 5253413	clothing, namely, pants, dresses, skirts, tops, shirts, t-shirts, jerseys, sleeveless jerseys, kerchiefs, tracksuits, shorts, socks, gloves, anoraks, jackets, dressing gowns, waterproof jackets, waterproof pants; sports clothing, namely, leggings, tracksuits, shorts, t-shirts, jerseys, sleeveless jerseys, socks, gloves, jackets, headbands, tops, shirts, kerchiefs, coats, dressing gowns; footwear; headgear, namely, visors, caps, hats, berets	Bright Brands Sportsgoods, S.A. (Joint-Stock Company) Rua João Mendonça, N°. 529, São Mamede De Infestae Senhora Da Hora, P-4464-501 Matosinhos Portugal
U.S. Reg. 4532419	tee shirts, sweatshirts, ball caps, and tank tops	Invisible Children, Inc. (California Non-Profit Corporation) 641 S Street NW Washington District of Columbia 20001
U.S. Reg. 4730007	men's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, shirts and casual shirts, tank tops, sweatshirts, sweatshirts with hoods, shorts, shoes for casual wear, casual socks, bandannas, beanie hats, baseball hats, visors, bathing suits, thermal undergarments, sweat pants, and jackets; women's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, sweatshirts, sweatshirts with hoods, blouses, tank tops, tube tops, tunics, casual dresses, swimwear, bandannas, beanie hats, baseball hats, visors; etc.	Fatal Clothing, LLC (California Limited Liability Company) 13538 Excelsior Dr. Santa Fe California 90670

Although there are many additional triangle marks for clothing items in Class 25, the foregoing marks are identical in part to the “clothing,

namely, t-shirts” covered by U.S. Reg. 5258957. Significantly, the December 31, 2018 Office Action argues that the clothing items are related to applicant’s goods in Classes 9, 14 and 18, even though the cited registration does not cover any of the same goods as applicant’s goods in Classes 9, 14 and 18.

The Registrant of U.S. Reg. No. 5258957 responded to a likelihood of confusion rejection by arguing that the very similar cited registrations (including U.S. Reg. 1731257 above), which included triangle designs, were only entitled to a limited scope of protection. Applicant argued:

It is Applicant’s contention that the differences in the marks are significant, and the Examining Attorney must consider them in her likelihood of confusion analysis. It is respectfully submitted that the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression and accordingly, consumers are not likely to be confused as to the source of the goods being provided.

Registrant’s Office Action Response (submitted with Applicant’s November 30, 2018 Response to Office Action. Registrant’s argument that similar triangle marks should be given a narrow scope of protection gives rise to prosecution history estoppel mandating a narrow scope of protection for registrant’s resulting registration. See *Juice Generation, Inc. v. GS Enters. LLC*, 115 USPQ2d 1671, 1675 (Fed. Cir. 2015). As the Federal Circuit observed in *Juice Generation*:

Although estoppel based on prosecution of an application has played a more limited role for trademarks than for patents, see *Anthony's [Pizza & Pasta Int'l, Inc. v. Anthony's Pizza Holding Co.]*, 95 U.S.P.Q.2d 1271, *aff'd*, 415 F. App'x 222 (Fed. Cir. 2010) (not mentioning estoppel); see also 6 McCarthy on Trademarks and Unfair Competition § 32:111 (4th ed. 2015), we have recognized that such comments have significance as "facts 'illuminative of shade and tone in the total picture confronting the decision maker,'" *GS Enters.*, 2014 TTAB LEXIS 264, 2014 WL 2997639, at \*7 (quoting *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 576 F.2d 926, 929 (CCPA 1978)); see also *Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 1322 (Fed. Cir. 2014). Other courts have afforded even greater weight to such statements. *E.g.*, *Freedom Card, Inc. v. JPMorgan Chase & Co.*, 432 F.3d 463, 476 (3d Cir. 2005).

115 USPQ2d at 1675. As was the case in *Juice Generation*, the registrant’s argument during prosecution of his application that his mark could coexist with nearly identical marks for identical goods, and registrant’s factual admission that “the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression, supports applicant’s argument that registrant’s mark is weak and entitled only to a narrow scope of protection. See, *Juice Generation*, 115 USPQ2d at 1675. The office actions ignore registrant’s admission regarding the visual distinguishability and inherent weakness of his mark, and that admission in successfully arguing for registration of the cited mark, creates an estoppel limiting the scope of registrant’s mark for registrant. The cited mark is weak.

Applicant respectfully submits that if U.S. Reg. 5258957 can coexist with U.S. Reg. 1731257 (and 1723622) for identical goods in International Class 25, then the cited registration can easily coexist with Applicant’s distinctly different mark in International Classes 9, 14 and 18 for non-identical goods.

## **B. The Office Action Improperly Applied a *Per Se* Rule to Find a Likelihood of Confusion**

The December 31, 2018 Office Action repeatedly emphasizes that applicant’s mark includes the mark in the cited registration:

- “Here, registrant’s mark is fully incorporated into applicant’s mark as the last element of the design.
- “Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . .”
- “While applicant’s mark contains additional designs, these designs have been added to registrant’s mark.”
- “The marks are identical in part . . .”
- “However, applicant’s applied-for mark fully incorporates registrant’s applied-for mark.”
- “While applicant’s mark contains additional designs, these designs have been added to registrant’s mark.”
- “The marks are identical in part . . .”
- “However, applicant’s mark fully incorporates the registrant’s mark.”
- “However, incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . .”
- “In the present case, the marks are identical in part and thus are confusingly similar.”
- “Further, applicant’s mark does incorporate registrant’s mark and merely adds additional shapes to the registered mark.”
- “Adding a term to a registered mark generally does not obviate the similarity between the compared marks . . .”
- “In the present case, the marks are identical in part.”

The office action’s imposition of a *per se* rule that one mark incorporating another mark in its entirety is *per se* likelihood of confusion is incorrect. The owner of the cited registration has taken the position that these triangle marks are weak and only entitled to a narrow scope of protection. The Principal Register is replete with marks that incorporate other marks in their entirety. The application of a *per se* rule constituting a likelihood of confusion in the office action constitutes legal error. When Applicant’s mark is considered as a whole, as it must be, it is plain that its mark and the mark in the cited registration are fundamentally different in every way such that consumer confusion is not likely and, indeed, is highly unlikely.



### C. There are Countless Examples of Registered Marks that Incorporate Other Marks without Any Likelihood of Confusion

In support of the proposition that a mark which incorporates another mark creates a likelihood of confusion, the office action cites cases involving word marks where one word mark incorporates another word mark. But there are many cases where a word mark incorporating the entirety of another word mark and that other word mark can coexist without any likelihood of confusion, even as to identical goods. *See, e.g., Truescents LLC v. Ride Skin Care, LLC*, 81 USPQ2d 1334 (TTAB 2006).

In *Truescents*, the Board held that applicant's mark GENUINE RIDE SKIN CARE & Design could coexist without any likelihood of confusion with the prior registered marks GENUINE SKIN, GENUINE BODY, GENUINE SPA and GENUINE FACE for legally identical and closely related goods. The Board reasoned that the marks at issue had different dominant features – RIDE in the application and GENUINE in opposer's registrations. The marks, when considered as a whole, were visually readily distinguishable because purchasers will readily look to the dominant portion of applicant's mark as a means of distinguishing between the sources of applicant's and opposer's products. The Board held that "the dissimilarity between the marks is dispositive in this case." 81 USPQ2d at 1342 (citing *Kellogg Co. v. Pack-Em Enterprises Inc.*, 14 USPQ2d 1545 (TTAB 1989), *aff'd* 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991)); *see also, In re FabFitFun, Inc.*, 127 USPQ2d 1670 (TTAB 2018) (reversing section 2(d) refusal of I'M SMOKING HOT for cosmetics notwithstanding prior registered mark SMOKIN' HOT SHOW TIME for cosmetics).

In this case, however, we are dealing with design marks that have no literal element. And the cited registered mark is a very simple geometric shape – "a triangle split in two."

Notwithstanding the office action's *per se* refusal of one mark that incorporates another mark, there are countless examples of marks incorporating other marks where no likelihood of confusion was found. Some examples include:

<i>Jack Wolfskin Ausrüstung Fur Draussen GmbH &amp; Company KGAA v. New Millennium Sports, S.L.U.</i> , 797 F.3d 1363 (Fed. Cir. 2015)	No likelihood of confusion between and both for clothing items in International Class 25.
<i>In re Covalinski</i> , 113 USPQ2d 1166 (TTAB 2014) (precedential)	No likelihood of confusion between REDNECK RACEGIRL & Design for athletic apparel in International Class 25 and RACEGIRL (standard characters) for various clothing items in International Class 25.
<i>In re White Rock Distilleries, Inc.</i> , 92 USPQ2d 1282 (TTAB 2009) (precedential)	No likelihood of confusion between VOLTA (standard characters) for energy vodka infused with caffeine in International Class 33 and TERZA VOLTA & Design for wines and sparkling wines in International Class 33
<i>In re Primeway International LLC</i> , Serial No. 87059786 (Jan. 9, 2019) (not precedential)	No likelihood of confusion between applicant's mark INCOGNITO for footwear in Class 25 and registrant's mark, STS INCOGNITO & Design, for hats, hooded sweatshirts, jackets, shirts and t-shirts in International Class 25
<i>Parfums de Coeur Ltd. v. Lazarus</i> , 83 USPQ2d 1012 (TTAB 2007) (precedential)	No likelihood of confusion between application for BM BODYMAN & Design for an animated television series in International Class 41 and registered marks BOD and BOD MAN (with "BOD" disclaimed) used and registered for men's fragrances in International Class 3
<i>Steve's Ice Cream v. Steve's Famous Hot Dogs</i> , 3 USPQ2d 1477, 1478-79 (TTAB 1987) (precedential)	No likelihood of confusion between STEVE's & Design for restaurant services in International Class 42 and STEVE's (typed characters) for ice cream in International Class 30

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In *In re Jack Wolfskin*, the Board distinguished marks having nearly identical design elements based on the inclusion of the literal element KELME. In the other cited cases, a design element was sufficient to distinguish marks with identical or nearly identical literal components. Plainly, that one mark incorporates another mark in its entirety does not necessarily give rise to a likelihood of confusion.

In addition, the Principal Register is replete with registered design marks which incorporate other registered design marks for the same or related goods, as shown by Exhibit A, which is a chart of a few registered design marks which incorporate other registered marks in whole or in part for the same or similar goods. Exhibit A also includes the TSDR records for these registrations, and is incorporated herein by reference. There probably are hundreds if not thousands of other such marks on the Principal Register.

#### **D. Applicant's Mark Must be Considered as a Whole**

Second, the marks must be considered as a whole, and therefore, cannot be dissected into constituent elements when comparing Applicant's mark and the mark in the cited registration, which plainly constitutes a triangle with a horizontal bar missing and also constitutes the negative space of the letter "A". As the Federal Circuit recently observed on this fundamental aspect of the likelihood of confusion analysis:

Marks are compared along the axes of their "appearance, sound, connotation and commercial impression." *Dupont*, 476 F.2d at 1361. "The commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail." *Estate of P.D. Beckwith, Inc., v. Comm'r of Patents*, 252 U.S. 538, 545–46 (1920). Our predecessor court explained that "a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion." *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (CCPA 1981). *That does not preclude consideration of components of a mark; it merely requires heeding the common-sense fact that the message of a whole phrase may well not be adequately captured by a dissection and recombination. See FCC v. AT&T Inc.*, 562 U.S. 397, 406 (2011) (making similar point about "personal privacy"). *It is the mark in its "entirety" that must be assessed. DuPont*, 476 F.2d at 1361.

*Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334 (Fed. Cir. 2015). In *Juice Generation*, the Federal Circuit reversed the Board's affirmance of a Section 2(d) refusal of PEACE, LOVE & JUICE & Design for juice bar services in light of the prior registered marks PEACE & LOVE & Design for restaurant services noting, in part, that the Board failed to properly consider the three-word combination of Juice Generation's mark as a whole in comparing it to the two-word combination in GS's marks, and remanded for further proceedings. Thereafter, the Opposer withdrew the opposition with prejudice, and PEACE, LOVE & JUICE & Design issued as U.S. Reg. 4,854,158.

Rather, in assessing a likelihood of confusion, the marks must be considered in their entirety. *Juice Generation*, 794 F.3d at 1361. "The marks 'must be considered . . . in light of the fallibility of memory.'" *In re FabFitFun*, 127 USPQ2d at 1675 (quoting *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014) (quoting *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 196 USPQ 1 (CCPA 1977)). In assessing the first *du Pont* factor, the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *See Mini Melts, Inc. v. Reckitt Benckiser LLC*, 118 USPQ2d 1464, 1470 (TTAB 2016).

#### **E. Applicant's Mark and the Mark in Reg. 5258957 are Visually Very Different**

When consumers consider applicant's mark, they will likely perceive the mark from left to right which is the typical manner of reviewing written material in the U.S. *See Presto Prods. Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered").

Applying these rules to applicant's mark and the mark in the cited registration, two things are obvious. First, visually – the only way the marks can be perceived according to the office action – the marks differ fundamentally. Applicant's mark begins with a split square – the negative image of the letter "Z" – followed by a circle – the negative image of the letter "O" – and ends with the split triangle – the negative image of the letter "A." Second, the dominant portion of applicant's mark is the first geometric design, which the office action describes as a "square made up of two triangles." The dominant portion of the cited registration is "the triangle design split in two." The dominant features of these two design marks differ fundamentally. In addition, applicant's mark includes two or three (depending on how one counts) additional geometric shapes than registrant's mark. When the marks are considered in their entireties, as they must be, they are visually dissimilar as a whole.

The office actions take the position that the parties' marks have no meaning, and that visual similarity alone is the basis for assessing similarity of the marks. Applicant's mark is comprised of three or five different meaningless symbols in a row – "a square made up of two triangles, a circle, and a triangle that is split in two" *See* September 29, 2018 Office Action – and visually has to be viewed as plainly dissimilar to applicant's simple "triangle design split in two."

#### **F. Applicant's Mark and the Mark in Reg. 5258957 Differ Fundamentally in Meaning**

Under the theory of the office actions, applicant's mark and the cited mark are arbitrary as applied to applicant's and registrant's respective goods. In other words, neither mark has any meaning as applied to the respective goods." *In re White Rocks Distilleries, Inc.*, 92 USPQ2d 1282, 1284 (TTAB 2009). Applicant submits that even if both marks are meaningless, they are visually sufficiently distinct as to preclude any

likelihood of confusion. *See Id.*

Applicant further submits that its mark is comprised of the negative image of three letters, “Z” “O” “A” which together comprise the word “ZOA,” which is applicant’s principal brand. Application Serial No. 87941661, as amended, includes within the description of the mark: “The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters “Z”, “O”, and “A”, which spell the word ZOA.”

In its November 30, 2018 response, Applicant submitted competent evidence of the alphabet in negative images, which makes clear that Applicant’s mark is comprised of the negative image of the letters “Z” “O” and “A”, which spell the word “ZOA.” Specifically, Ms. Chi Ng’s November 29, 2018 declaration stated, among other things, that she is involved in and familiar with Modern Meadow’s trademarks and the design of those trademarks; that applicant’s mark, which is the subject of U.S. App. Serial No. 87941661, is comprised of the negative images of the letters “Z”, “O”, and “A”, which together spell the word ZOA; the declaration set forth a depiction of the negative image alphabet for the English language alphabet; that the mark shown in U.S. Reg. 5258957 constitutes the negative image of the letter “A”; and that the negative image alphabet is well known in the design community and among consumers for Modern Meadow’s products identified in U.S. Application Serial No. 87941661. *See Ng Decl.*, ¶¶ 1-7 (filed with applicant’s November 30, 2019 response).

The December 31, 2018 Office Action improperly disregarded this evidence in its entirety as “self-serving.”

Accordingly, Applicant is submitting with this response the declaration of a professional graphic design artist, Anne C. Kerns, AIGA. The Kerns Declaration, with Exhibit A, is attached and incorporated herein by reference. In her declaration, Ms. Kerns, an experienced graphic designer with 29 years of continuous experience, states:

- She reviewed U.S. App. 87941661 and U.S. Reg. 5258957. *Kerns Decl.* ¶ 2.
- The USPTO database records for these marks are attached to her declaration. *Id.*
- Applicant’s mark shown in U.S. App. 87941661 is comprised of the negative image or counterspace of the letters “Z”, “O”, and “A” which spell ZOA. *Id.* ¶ 3.
- She identifies one example of the negative image or counterspace alphabet for the English Language Alphabet. *Id.* ¶ 4.
- She confirms that the mark in U.S. Reg. 5258957 is the negative image or counterspace of the letter “A”. *Id.* ¶ 5.
- She confirms that the negative image alphabet is well known in the design community and among American consumers. *Id.* ¶ 6.
- She also indicates that “the display of English language letters using their negative image or counterspace is common in U.S. commerce and among consumers for consumer products and is widely recognized by persons fluent in the English language and other persons whose languages use the same alphabet. *Id.* ¶ 7.

Applicant’s mark plainly means “ZOA.” The word, ZOA, is defined as the plural of ZOON. *See Exhibit B, Random House Dictionary, Second Edition, Excerpts*, p. 2211. Zoon is defined as “any of the individuals of a compound organism.” *Exhibit B*, p. 2212.

The mark in the cited registration, in contrast, is the negative image of the letter “A.” “A” is defined to mean:

1. the first letter of the English alphabet, a vowel.
2. any spoken sound represented by the letter A or a, as in bake, hat, father, or small.
3. Something having the shape of an A.
4. A written or printed representation of the letter A or a.
5. A device, as a printer’s type, for reproducing the letter A or a.

*Exhibit B*, p. 1.

When one compares Applicant’s mark, “ZOA,” to the registered mark, “A,” it is plain that the marks have fundamentally different meanings. Of course, the Board may take judicial notice of these dictionary definitions. *Truescents*, 81 USPQ2d at 1342 n. 3 (citing *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982) *aff’d*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983)).

### **G. Applicant’s Mark and the Cited Mark Create Different Commercial Impressions**

As has been shown, Applicant’s Mark and the cited Mark are visually very different, they have different dominant elements, and when they are considered as a whole, they are fundamentally different in appearance. If the marks are compared solely based on their visual appearance, each mark creates a fundamentally distinct and different commercial impression.

In addition, applicant’s mark and the cited mark have fundamentally different meanings. If the meaning of each mark is considered when comparing them, the marks are even more distinct and different, and create fundamentally different and distinct commercial impressions. *See In re White Rocks Distilleries, Inc.*, 92 USPQ2d at 1284 (VOLTA for vodka and TERZA VOLTA & Design for wines engender different commercial impressions).

Each mark creates a fundamentally different and distinct commercial impression such that consumer confusion is not likely. *Id.*

## **H. The Office Action's Supposition about Consumer Perceptions is Unsubstantiated and Not Based on any Evidence**

The December 31, 2018 Office Action also based the refusal of Classes 9, 14 and 18 (but not 25) on the unfounded supposition that “potential purchasers . . . could still reasonably assume, given the overall similarities in appearance and commercial impression in the respective marks, that applicant's goods and services provided under the applicant's mark constitute a new or additional goods and service line from the same source as the goods and services sold under the registrant's mark with which they are acquainted or familiar, and that applicant's mark is merely a variation of the registrant's mark.” This language appears verbatim once in the September 29, 2018 office action and twice in the December 31, 2018 office action.

There is no factual or evidentiary basis for this supposition regarding consumer perceptions. There certainly is no evidence to support that a majority or even any consumers will perceive the marks in this fashion. This is particularly true where the marks plainly possess different dominant elements, are visually different and have fundamentally different meanings, thereby creating distinct commercial impressions.

## **II. The Dissimilarity of the Marks as a Whole is Sufficient to Preclude a Likelihood of Confusion**

Applicant respectfully submits that based on the fundamental differences in the marks as a whole there is no likelihood of confusion. See *Odom's Tennessee Pride Sausage, Inc. v. FF Acquisition, L.L.C.*, 600 F.3d 1343 (Fed. Cir. 2010). As the Federal Circuit repeatedly has held, “a single DuPont factor ‘may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of marks.’” *Odom's Tennessee Pride*, 600 F.3d at 1346-47 (quoting *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1375 (Fed. Cir. 1998)); *Kellogg Co. v. Pack'em Enters.*, 951 F.2d 330, 332 (Fed. Cir. 1991). As in *Odom's Tennessee Pride*, “the visual distinctions between the marks at issue here create unquestionably different commercial impressions, thereby precluding a finding of likelihood of confusion.” 600 F.3d at 1346. Applicant respectfully submits that the Section 2(d) partial refusal should be withdrawn for all classes – International Classes 9, 14 and 18.

## **III. The Evidence that the Goods are Commercially Related is not Strong**

The December 31, 2018 Office Action, like the initial office action, relies solely on Internet evidence to allege that the goods covered by applicant's mark and the goods in the cited registration are allegedly “closely related.” Applicant submits that the evidence that these goods are commercially related is not strong.

For example, the December 31, 2018 Office Action relies on pages from the Mobileedge.com web site. However, based on the evidence submitted with the office action, a consumer searching for phone cases, mobile phone cases or tablet and computer cases will not be exposed to the registrant's cited goods, such as jewelry or clothing, because the web pages do not include any links from the phone cases or computer cases to jewelry or clothing or vice versa.

Similarly, a user searching on the MATT & NAT web site for leather and faux-leather bags in Class 18 will not be exposed to the registrant's cited goods, such as jewelry or clothing because the web pages do not include any links from the bags to jewelry or clothing or vice versa.

Similarly, a user searching on the SoleSociety.com web site for applicant's watch bands in Class 14 will not be exposed to the registrant's cited goods jewelry and jewelry, namely, dog tags, because the web pages do not include any links to watch bands at all much less links from watch bands to jewelry or to dog tags.

Moreover, to the extent that there are tabs on a web page that link to both types of available goods, the tabs alone, as they do not display trademarks, do not prove that the phone or computer cases or jewelry or clothing, for example, would necessarily bear the MobileEdge mark, or that in the case of MATTandNAT.com, the bags or the jewelry or clothing would bear a single mark. As was the case in *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential), the similarity of the goods factor only slightly ways in favor of a finding of a likelihood of confusion.

## **IV. The du Pont Factor as to Trade Channels is Neutral**

The Office Actions rely solely on Internet evidence to demonstrate overlapping channels of trade. However, Internet evidence alone is insufficient to prove that the goods may be encountered in overlapping channels of trade by the same classes of consumers. See *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1087-88 (Fed. Cir. 2014) (“The PTO goes too far, however, in claiming that because both St. Helena's services and the registrant's goods are promoted through websites, the channels of trade are similar. Advertising on the Internet is ubiquitous and ‘proves little, if anything, about the likelihood that consumers will confuse similar marks used on such goods or services.’”) (citing *Kinbrook, LLC v. Microsoft Corp.*, 866 F. Supp. 2d 453, 470-71 n. 14 (E.D. Pa. 2012)) (quoting J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 24:53.50 (4th ed. Supp. 2011)); see also, *In re Primeway International*, *supra*, Slip op. at 16 (not precedential) (quoting *Id.*). Accordingly, the du Pont factor regarding trade channels is neutral. *In re Primeway International*, *supra*, Slip op. at 16 (not precedential).

## V. Conclusion

Applicant respectfully submits that regardless of some relationship of the goods and overlap in potential purchasers, given the profound differences in the marks as a whole, the first *du Pont* factor of the dissimilarities of the marks simply outweighs all other factors. *See Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376, 119 USPQ2d 1286, 1290 (Fed. Cir. 2016) (“a single *du Pont* factor may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of the marks”); *Odom’s Tenn. Pride Sausage, Inc. v. FF Acquisition, LLC*, 600 F.3d 1343, 93 USPQ2d 2030, 2032 (Fed. Cir. 2010) (“[E]ven if all other relevant *DuPont* factors were considered in [opposer’s] favor, as the board stated, the dissimilarity of the marks was a sufficient basis to conclude that no confusion was likely”); *Champagne Louis Roederer S.A. v. Delicato Vineyards*, 148 F.3d 1373, 47 USPQ2d 1459, 1460-61 (Fed. Cir. 1998) (Federal Circuit affirmed finding of no likelihood of confusion between mark CRYSTAL CREEK for wine and marks CRISTAL for wine and CRISTAL CHAMPAGNE for champagne, where Board relied solely on dissimilarity of marks); *Kellogg Co. v. Pack’em Enters. Inc.*, 951 F.2d 330, 21 USPQ2d 1142, 1145 (Fed. Cir. 1991) (“We know of no reason why, in a particular case, a single *du Pont* factor may not be dispositive”); *see also, Knight Textile Corp. v. Jones Investment Co.*, 75 USPQ2d 1313 (TTAB 2005) (holding no likelihood of confusion between NORTON-MCNAUGHTON ESSENTIALS for clothing and ESSENTIALS for clothing based on dissimilarity of the marks, which outweighed all other relevant factors); *Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376 (Fed. Cir. 2016) (affirming dismissal of opposition to application for MAYARI for wine based on prior registered mark MAYA for wine, where Board concluded dissimilarity of the marks was sufficient to preclude a likelihood of confusion); *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential) (holding no likelihood of confusion between registered mark INCOGNITO and application for STS INCOGNITO & Design, both covering goods in Class 25, based solely on dissimilarity of the marks).

## EVIDENCE

Evidence in the nature of Evidence consists of a pdf of the arguments with 2 Exhibits labeled A and B, and the Declaration of Anne Kerns has been attached.

### Original PDF file:

[evi\\_1622502422-20190628153837716389\\_ . Response\\_OA2.pdf](#)

Converted PDF file(s) ( 15 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

### Original PDF file:

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[Evidence-1](#)

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[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

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[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

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[Evidence-2](#)  
[Evidence-3](#)  
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[Evidence-7](#)  
[Evidence-8](#)  
[Evidence-9](#)  
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[Evidence-11](#)  
[Evidence-12](#)  
[Evidence-13](#)  
[Evidence-14](#)  
[Evidence-15](#)  
[Evidence-16](#)  
[Evidence-17](#)

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Brian B. Darville/ Date: 06/28/2019

Signatory's Name: Brian B. Darville

Signatory's Position: Attorney of record, Virginia Bar member

Signatory's Phone Number: 703-413-3000

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 87941661

Internet Transmission Date: Fri Jun 28 17:13:53 EDT 2019

TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.X-2019062817135307  
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N/A-N/A-20190628153837716389



U.S. App. 87941661, Our Ref: 800517US

Response to Office Action

Documents for Filing

- Response\_OA2
- ROA2\_Exh\_A
- ROA2\_EXH\_B
- Kerns\_Dec\_A\_Signed

Argument

Applicant incorporates herein by reference as if fully set forth herein its Response to Office Action (with all exhibits) filed with the USPTO on November 30, 2018 and all evidence and arguments included in that response.

For the office's convenience, Applicant is attaching a PDF of this entire response so that any included mark images will be displayed in the PDF.

The December 31, 2018 Office Action

By Office Action issued December 31, 2018 Office Action, the USPTO finally refused registration of Applicant's mark shown below in Classes 9, 14 and 18, based on U.S. Registration 5258957 also shown below based on Classes 14, 25 and 35 of that registration:

**Applicant's Mark**



U.S. App. 87941661  
Filed: May 30, 2018

International Class 9: Bioleather tech accessories, namely, phone cases, mobile phone cases, tablet and computer cases; bags, namely, computer bags, bioleather computer bags

International Class 14: Bioleather watch bands and straps

International Class 18: Biofabricated leather; biofabricated leather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather being collagen-based leather alternative; bioleather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather handbags; handbags, purses and wallets; bioleather handbag, purses and wallets; backpacks, book bags, sports bags, bum bags; bioleather backpacks, book bags, sports bags, bum bags; suitcases; bioleather suitcases; bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger

bags, purses; weekend bags; bioleather bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses, weekend bags; bioleather fibers in the nature of a leather alternative thread for further manufacture; bioleather materials, namely, a leather alternative

Color is not claimed as a feature of the mark. The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters "Z", "O", and "A", which spell the word ZOA.

### **Cited Registration**



U.S. Reg. 5258957  
Issued Aug. 8, 2017

International Class 14: Jewelry; Jewelry, namely, dog tags for wear by humans for decorative purposes. FIRST USE: 20160327. FIRST USE IN COMMERCE: 20160327

International Class 25: Clothing, namely, shirts. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

International Class 35: Online ordering services featuring CDs, DVDs, clothing, jewelry, headphones, blankets, books, tote bags, stickers, buttons, lapel pins, patches for clothing, wooden sculptures. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Color is not claimed as a feature of the mark. The mark consists of a triangle with a horizontal line through the middle.

In the December 31, 2018 Office Action, the office withdrew the prior refusal of applicant's Class 25. Although no reason was stated for withdrawing the refusal for that class, applicant submits that the refusal regarding Class 25 was withdrawn because Registrant's mark is a simple geometric shape – "a triangle design split in two" – and coexists with other similar simple geometric shapes in Class 25, as shown in Applicant's November 30, 2018 response to the first office action.

The December 31, 2018 Office Action states that the examiner maintained the likelihood of confusion refusal for Classes 9, 14 and 18 of applicant's application "based on the following relevant factors: similarity of the marks and similarity and nature of the goods and/or services."

Applicant agrees that because these are design marks, the similarity of the marks is determined primarily on the basis of visual similarity, and the commercial impression of each mark is determined based entirely on its appearance and meaning. The marks have no sound; they are not pronounced. The office action indicates that the mark in the cited registration has no meaning. Rather, it's a simple geometric design – "a triangle design split in two" or as the mark description states: "a triangle with a horizontal line through the middle."

Applicant submits that the initial office action and the December 31, 2018 Office Action improperly applied a *per se* rule to refuse registration on that basis. In addition, that office action fails to consider the marks as a whole, because when the marks are considered in their entirety, it is self-evident that there are striking differences between the marks. They are not visually

similar in appearance. And each mark's commercial impression, based on the mark's appearance, is distinct and dissimilar.

In addition, Applicant submitted evidence that the marks have profoundly different meanings. When the meaning of the marks is considered, the commercial impression of each mark is even more fundamentally different. For these reasons, there is no likelihood of confusion.

**I. Applicant's Mark and the Cited Mark Differ Fundamentally**


**A. The Mark in the Cited Registration has Only a Narrow Scope of Protection**





As applicant argued in its November 30, 2018 Response to Office Action, the registrant's mark is weak. First, the mark in the cited registration enjoys only a very narrow scope of protection, as the owner of that registration admitted in arguing against a likelihood of refusal against its application. There are so many third party registrations comprised of various forms of triangles for the same and related goods that such marks are inherently weak and entitled only to a narrow scope of protection. Consumers easily and consistently distinguish such weak marks.

The number of similar marks in use on similar goods and services is one of the factors that must be considered when determining if a likelihood of confusion exists. *In re E.I. du Pont de Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973) The third party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En*, 73 USPQ2d 1689, 1694 (Fed. Cir. 2005); *In re Hartz Hotel Services Inc.*, 102 USPQ2d 1150, 1152 (TTAB 2012). Evidence of third-party use of similar marks can 'show that customers have been educated to distinguish between different marks on the basis of minute distinctions. *Juice Generation, Inc. v. GS Enterprises LLC*, 115 USPQ2d 1671 (Fed. Cir. 2015).

Without rehashing all of the evidence of third party registrations and use (for all classes) which Applicant submitted with its November 30, 2018 response, Applicant submits that the December 31, 2018 Office Action withdrew the initial refusal of Class 25 of Applicant's application because of the following registered marks in Class 25, among others:

**Class 25**

Mark & Reg. No.	Goods/Services	Owner
 U.S. Reg. 1731257	clothing; namely, neckties, belts and t-shirts	Religious Technology Center (California Non-Profit Corporation) 1710 Ivar Avenue Los Angeles California 90028

 <p>U.S. Reg. 5122915</p>	<p>headwear; pants; shirts; underwear; women's clothing, namely, shirts, dresses, skirts, blouses; coats for men and women; coats for men and women; custom made to measure suits for men and women; custom made to measure suits for men and women; footwear for men and women; footwear for men and women; men's suits, women's suits; sweat shirts; t-shirts</p>	<p>Ogom Bradley Amaechi (United States Citizen) 1821 Crenshaw Blvd, #206 Los Angeles California 90019</p>
 <p>U.S. Reg. 5253413</p>	<p>clothing, namely, pants, dresses, skirts, tops, shirts, t-shirts, jerseys, sleeveless jerseys, kerchiefs, tracksuits, shorts, socks, gloves, anoraks, jackets, dressing gowns, waterproof jackets, waterproof pants; sports clothing, namely, leggings, tracksuits, shorts, t-shirts, jerseys, sleeveless jerseys, socks, gloves, jackets, headbands, tops, shirts, kerchiefs, coats, dressing gowns; footwear; headgear, namely, visors, caps, hats, berets</p>	<p>Bright Brands Sportsgoods, S.A. (Joint-Stock Company) Rua João Mendonça, N°. 529, São Mamede De Infestae Senhora Da Hora, P-4464-501 Matosinhos Portugal</p>
 <p>U.S. Reg. 4532419</p>	<p>tee shirts, sweatshirts, ball caps, and tank tops</p>	<p>Invisible Children, Inc. (California Non-Profit Corporation) 641 S Street Nw Washington District of Columbia 20001</p>
	<p>men's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, shirts and casual shirts, tank tops, sweatshirts, sweatshirts with hoods, shorts, shoes for casual</p>	<p>Fatal Clothing, LLC (California Limited Liability Company) 13538 Excelsior Dr. Santa Fe California 90670</p>



U.S. Reg. 4730007	wear, casual socks, bandannas, beanie hats, baseball hats, visors, bathing suits, thermal undergarments, sweat pants, and jackets; women's clothing, namely, t-shirts with long sleeves, short sleeves and sleeveless, sweatshirts, sweatshirts with hoods, blouses, tank tops, tube tops, tunics, casual dresses, swimwear, bandannas, beanie hats, baseball hats, visors; etc.	
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Although there are many additional triangle marks for clothing items in Class 25, the foregoing marks are identical in part to the “clothing, namely, t-shirts” covered by U.S. Reg. 5258957. Significantly, the December 31, 2018 Office Action argues that the clothing items are related to applicant’s goods in Classes 9, 14 and 18, even though the cited registration does not cover any of the same goods as applicant’s goods in Classes 9, 14 and 18.

The Registrant of U.S. Reg. No. 5258957 responded to a likelihood of confusion rejection by arguing that the very similar cited registrations (including U.S. Reg. 1731257 above), which included triangle designs, were only entitled to a limited scope of protection. Applicant argued:

It is Applicant’s contention that the differences in the marks are significant, and the Examining Attorney must consider them in her likelihood of confusion analysis. It is respectfully submitted that the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression and accordingly, consumers are not likely to be confused as to the source of the goods being provided.

Registrant’s Office Action Response (submitted with Applicant’s November 30, 2018 Response to Office Action. Registrant’s argument that similar triangle marks should be given a narrow scope of protection gives rise to prosecution history estoppel mandating a narrow scope of protection for registrant’s resulting registration. *See Juice Generation, Inc. v. GS Enters. LLC*, 115 USPQ2d 1671, 1675 (Fed. Cir. 2015). As the Federal Circuit observed in *Juice Generation*:

Although estoppel based on prosecution of an application has played a more limited role for trademarks than for patents, *see Anthony's [Pizza & Pasta Int'l, Inc. v. Anthony's Pizza Holding Co.]*, 95 U.S.P.Q.2d 1271, *aff'd*, 415 F. App'x 222 (Fed. Cir. 2010) (not mentioning estoppel); *see also* 6 McCarthy on Trademarks and Unfair Competition § 32:111 (4th ed. 2015), we have recognized that such comments have significance as "facts 'illuminative of shade and tone in the total picture confronting the decision maker,'" *GS Enters.*, 2014 TTAB LEXIS 264, 2014 WL 2997639, at \*7 (quoting *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 576 F.2d 926, 929 (CCPA 1978)); *see also Stone Lion Capital*

*Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 1322 (Fed. Cir. 2014). Other courts have afforded even greater weight to such statements. *E.g., Freedom Card, Inc. v. JPMorgan Chase & Co.*, 432 F.3d 463, 476 (3d Cir. 2005).

115 USPQ2d at 1675. As was the case in *Juice Generation*, the registrant's argument during prosecution of his application that his mark could coexist with nearly identical marks for identical goods, and registrant's factual admission that "the marks of the respective parties are visually distinguishable, and distinctly different as to meaning and commercial impression, supports applicant's argument that registrant's mark is weak and entitled only to a narrow scope of protection. *See, Juice Generation*, 115 USPQ2d at 1675. The office actions ignore registrant's admission regarding the visual distinguishability and inherent weakness of his mark, and that admission in successfully arguing for registration of the cited mark, creates an estoppel limiting the scope of registrant's mark for registrant. The cited mark is weak.

Applicant respectfully submits that if U.S. Reg. 5258957 can coexist with U.S. Reg. 1731257 (and 1723622) for identical goods in International Class 25, then the cited registration can easily coexist with Applicant's distinctly different mark in International Classes 9, 14 and 18 for non-identical goods.

**B. The Office Action Improperly Applied a *Per Se* Rule to Find a Likelihood of Confusion**

The December 31, 2018 Office Action repeatedly emphasizes that applicant's mark includes the mark in the cited registration:

- "Here, registrant's mark is fully incorporated into applicant's mark as the last element of the design.
- "Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . ."
- "While applicant's mark contains additional designs, these designs have been added to registrant's mark."
- "The marks are identical in part . . ."
- "However, applicant's applied-for mark fully incorporates registrant's applied-for mark."
- "While applicant's mark contains additional designs, these designs have been added to registrant's mark."
- "The marks are identical in part . . ."
- "However, applicant's mark fully incorporates the registrant's mark."
- "However, incorporating the entirety of one mark within another does not obviate the similarity between the compared marks . . ."
- "In the present case, the marks are identical in part and thus are confusingly similar."
- "Further, applicant's mark does incorporate registrant's mark and merely adds additional shapes to the registered mark."
- "Adding a term to a registered mark generally does not obviate the similarity between the compared marks . . ."
- "In the present case, the marks are identical in part."

The office action's imposition of a *per se* rule that one mark incorporating another mark in its entirety is *per se* likelihood of confusion is incorrect. The owner of the cited registration has taken the position that these triangle marks are weak and only entitled to a narrow scope of protection. The Principal Register is replete with marks that incorporate other marks in their entirety. The application of a *per se* rule constituting a likelihood of confusion in the office action constitutes legal error. When Applicant's mark is considered as a whole, as it must be, it is plain that its mark and the mark in the cited registration are fundamentally different in every way such that consumer confusion is not likely and, indeed, is highly unlikely.


**C. There are Countless Examples of Registered Marks  
that Incorporate Other Marks without Any Likelihood of Confusion**





In support of the proposition that a mark which incorporates another mark creates a likelihood of confusion, the office action cites cases involving word marks where one word mark incorporates another word mark. But there are many cases where a word mark incorporating the entirety of another word mark and that other word mark can coexist without any likelihood of confusion, even as to identical goods. *See, e.g., Truescents LLC v. Ride Skin Care, LLC*, 81 USPQ2d 1334 (TTAB 2006).



In *Truescents*, the Board held that applicant's mark GENUINE RIDE SKIN CARE & Design could coexist without any likelihood of confusion with the prior registered marks GENUINE SKIN, GENUINE BODY, GENUINE SPA and GENUINE FACE for legally identical and closely related goods. The Board reasoned that the marks at issue had different dominant features – RIDE in the application and GENUINE in opposer's registrations. The marks, when considered as a whole, were visually readily distinguishable because purchasers will readily look to the dominant portion of applicant's mark as a means of distinguishing between the sources of applicant's and opposer's products. The Board held that "the dissimilarity between the marks is dispositive in this case." 81 USPQ2d at 1342 (citing *Kellogg Co. v. Pack-Em Enterprises Inc.*, 14 USPQ2d 1545 (TTAB 1989), *aff'd* 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991)); *see also, In re FabFitFun, Inc.*, 127 USPQ2d 1670 (TTAB 2018) (reversing section 2(d) refusal of I'M SMOKING HOT for cosmetics notwithstanding prior registered mark SMOKIN' HOT SHOW TIME for cosmetics).

In this case, however, we are dealing with design marks that have no literal element. And the cited registered mark is a very simple geometric shape – "a triangle split in two."

Notwithstanding the office action's *per se* refusal of one mark that incorporates another mark, there are countless examples of marks incorporating other marks where no likelihood of confusion was found. Some examples include:

<i>Jack Wolfskin Ausrüstung Fur Draussen GmbH &amp; Company KGAA v. New Millennium Sports, S.L.U.</i> , 797 F.3d 1363 (Fed. Cir. 2015)	No likelihood of confusion between <b>KELME</b>  and
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	 <p>both for clothing items in International Class 25.</p>
<p><i>In re Covalinski</i>, 113 USPQ2d 1166 (TTAB 2014) (precedential)</p>	<p>No likelihood of confusion between REDNECK RACEGIRL &amp; Design</p>  <p>for athletic apparel in International Class 25 and RACEGIRL (standard characters) for various clothing items in International Class 25.</p>
<p><i>In re White Rock Distilleries, Inc.</i>, 92 USPQ2d 1282 (TTAB 2009) (precedential)</p>	<p>No likelihood of confusion between VOLTA (standard characters) for energy vodka infused with caffeine in International Class 33 and TERZA VOLTA &amp; Design</p>  <p>TERZA VOLTA</p> <p>for wines and sparkling wines in International Class 33</p>
<p><i>In re Primeway International LLC</i>, Serial No. 87059786 (Jan. 9, 2019) (not precedential)</p>	<p>No likelihood of confusion between applicant's mark INCOGNITO for footwear in Class 25 and registrant's mark, STS INCOGNITO &amp; Design, for hats, hooded sweatshirts, jackets, shirts and t-shirts in International Class 25</p> 
<p><i>Parfums de Coeur Ltd. v. Lazarus</i>, 83 USPQ2d</p>	<p>No likelihood of confusion between</p>

1012 (TTAB 2007) (precedential)	<p>application for BM BODYMAN &amp; Design</p>  <p><b>BODYMAN</b></p> <p>for an animated television series in International Class 41 and registered marks BOD and BOD MAN (with “BOD” disclaimed) used and registered for men’s fragrances in International Class 3</p>
<p><i>Steve’s Ice Cream v. Steve’s Famous Hot Dogs</i>, 3 USPQ2d 1477, 1478-79 (TTAB 1987) (precedential)</p>	<p>No likelihood of confusion between STEVE’s &amp; Design for restaurant services in International Class 42</p>  <p>and STEVE’s (typed characters) for ice cream in International Class 30</p>

In *In re Jack Wolfskin*, the Board distinguished marks having nearly identical design elements based on the inclusion of the literal element KELME. In the other cited cases, a design element was sufficient to distinguish marks with identical or nearly identical literal components. Plainly, that one mark incorporates another mark in its entirety does not necessarily give rise to a likelihood of confusion.

In addition, the Principal Register is replete with registered design marks which incorporate other registered design marks for the same or related goods, as shown by Exhibit A, which is a chart of a few registered design marks which incorporate other registered marks in whole or in part for the same or similar goods. Exhibit A also includes the TSDR records for these registrations, and is incorporated herein by reference. There probably are hundreds if not thousands of other such marks on the Principal Register.

#### **D. Applicant’s Mark Must be Considered as a Whole**

Second, the marks must be considered as a whole, and therefore, cannot be dissected into constituent elements when comparing Applicant’s mark and the mark in the cited registration, which plainly constitutes a triangle with a horizontal bar missing and also constitutes the

negative space of the letter “A”. As the Federal Circuit recently observed on this fundamental aspect of the likelihood of confusion analysis:

Marks are compared along the axes of their “appearance, sound, connotation and commercial impression.” *Dupont*, 476 F.2d at 1361. “The commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail.” *Estate of P.D. Beckwith, Inc., v. Comm’r of Patents*, 252 U.S. 538, 545–46 (1920). Our predecessor court explained that “a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.” *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (CCPA 1981). That does not preclude consideration of components of a mark; it merely requires heeding the common-sense fact that the message of a whole phrase may well not be adequately captured by a dissection and recombination. See *FCC v. AT&T Inc.*, 562 U.S. 397, 406 (2011) (making similar point about “personal privacy”). It is the mark in its “entiret[y]” that must be assessed. *DuPont*, 476 F.2d at 1361.

*Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334 (Fed. Cir. 2015). In *Juice Generation*, the Federal Circuit reversed the Board’s affirmance of a Section 2(d) refusal of PEACE, LOVE & JUICE & Design for juice bar services in light of the prior registered marks PEACE & LOVE & Design for restaurant services noting, in part, that the Board failed to properly consider the three-word combination of Juice Generation’s mark as a whole in comparing it to the two-word combination in GS’s marks, and remanded for further proceedings. Thereafter, the Opposer withdrew the opposition with prejudice, and PEACE, LOVE & JUICE & Design issued as U.S. Reg. 4,854,158.

Rather, in assessing a likelihood of confusion, the marks must be considered in their entirety. *Juice Generation*, 794 F.3d at 1361. “The marks ‘must be considered . . . in light of the fallibility of memory.’” *In re FabFitFun*, 127 USPQ2d at 1675 (quoting *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014) (quoting *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 196 USPQ 1 (CCPA 1977)). In assessing the first *du Pont* factor, the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. See *Mini Melts, Inc. v. Reckitt Benckiser LLC*, 118 USPQ2d 1464, 1470 (TTAB 2016).

#### **E. Applicant’s Mark and the Mark in Reg. 5258957 are Visually Very Different**

When consumers consider applicant’s mark, they will likely perceive the mark from left to right which is the typical manner of reviewing written material in the U.S. See *Presto Prods. Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered”).

Applying these rules to applicant’s mark and the mark in the cited registration, two things are obvious. First, visually – the only way the marks can be perceived according to the office action – the marks differ fundamentally. Applicant’s mark begins with a split square – the negative image of the letter “Z” – followed by a circle – the negative image of the letter “O” – and ends

with the split triangle – the negative image of the letter “A.” Second, the dominant portion of applicant’s mark is the first geometric design, which the office action describes as a “square made up of two triangles.” The dominant portion of the cited registration is “the triangle design split in two.” The dominant features of these two design marks differ fundamentally. In addition, applicant’s mark includes two or three (depending on how one counts) additional geometric shapes than registrant’s mark. When the marks are considered in their entireties, as they must be, they are visually dissimilar as a whole.

The office actions take the position that the parties’ marks have no meaning, and that visual similarity alone is the basis for assessing similarity of the marks. Applicant’s mark is comprised of three or five different meaningless symbols in a row – “a square made up of two triangles, a circle, and a triangle that is split in two” *See* September 29, 2018 Office Action – and visually has to be viewed as plainly dissimilar to applicant’s simple “triangle design split in two.”

**F. Applicant’s Mark and the Mark in Reg. 5258957 Differ Fundamentally in Meaning**

Under the theory of the office actions, applicant’s mark and the cited mark are arbitrary as applied to applicant’s and registrant’s respective goods. In other words, neither mark has any meaning as applied to the respective goods.” *In re White Rocks Distilleries, Inc.*, 92 USPQ2d 1282, 1284 (TTAB 2009). Applicant submits that even if both marks are meaningless, they are visually sufficiently distinct as to preclude any likelihood of confusion. *See Id.*

Applicant further submits that its mark is comprised of the negative image of three letters, “Z” “O” “A” which together comprise the word “ZOA,” which is applicant’s principal brand. Application Serial No. 87941661, as amended, includes within the description of the mark: “The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters “Z”, “O”, and “A”, which spell the word ZOA.”

In its November 30, 2018 response, Applicant submitted competent evidence of the alphabet in negative images, which makes clear that Applicant’s mark is comprised of the negative image of the letters “Z” “O” and “A”, which spell the word “ZOA.” Specifically, Ms. Chi Ng’s November 29, 2018 declaration stated, among other things, that she is involved in and familiar with Modern Meadow’s trademarks and the design of those trademarks; that applicant’s mark, which is the subject of U.S. App. Serial No. 87941661, is comprised of the negative images of the letters “Z”, “O”, and “A”, which together spell the word ZOA; the declaration set forth a depiction of the negative image alphabet for the English language alphabet; that the mark shown in U.S. Reg. 5258957 constitutes the negative image of the letter “A”; and that the negative image alphabet is well known in the design community and among consumers for Modern Meadow’s products identified in U.S. Application Serial No. 87941661. *See* Ng Decl., ¶¶ 1-7 (filed with applicant’s November 30, 2019 response).

The December 31, 2018 Office Action improperly disregarded this evidence in its entirety as “self-serving.”

Accordingly, Applicant is submitting with this response the declaration of a professional graphic design artist, Anne C. Kerns, AIGA. The Kerns Declaration, with Exhibit A, is attached and incorporated herein by reference. In her declaration, Ms. Kerns, an experienced graphic designer with 29 years of continuous experience, states:

- She reviewed U.S. App. 87941661 and U.S. Reg. 5258957. Kerns Decl. ¶ 2.
- The USPTO database records for these marks are attached to her declaration. Id.
- Applicant's mark shown in U.S. App. 87941661 is comprised of the negative image or counterspace of the letters "Z", "O", and "A" which spell ZOA. Id. ¶ 3.
- She identifies one example of the negative image or counterspace alphabet for the English Language Alphabet. Id. ¶ 4.
- She confirms that the mark in U.S. Reg. 5258957 is the negative image or counterspace of the letter "A". Id. ¶ 5.
- She confirms that the negative image alphabet is well known in the design community and among American consumers. Id. ¶ 6.
- She also indicates that "the display of English language letters using their negative image or counterspace is common in U.S. commerce and among consumers for consumer products and is widely recognized by persons fluent in the English language and other persons whose languages use the same alphabet. Id. ¶ 7.

Applicant's mark plainly means "ZOA." The word, ZOA, is defined as the plural of ZOON. *See* Exhibit B, Random House Dictionary, Second Edition, Excerpts, p. 2211. Zoon is defined as "any of the individuals of a compound organism." Exhibit B, p. 2212.

The mark in the cited registration, in contrast, is the negative image of the letter "A." "A" is defined to mean:

1. the first letter of the English alphabet, a vowel.
2. any spoken sound represented by the letter A or a, as in bake, hat, father, or small.
3. Something having the shape of an A.
4. A written or printed representation of the letter A or a.
5. A device, as a printer's type, for reproducing the letter A or a.

Exhibit B, p. 1.

When one compares Applicant's mark, "ZOA," to the registered mark, "A," it is plain that the marks have fundamentally different meanings. Of course, the Board may take judicial notice of these dictionary definitions. *Truescents*, 81 USPQ2d at 1342 n. 3 (citing *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982) *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983)).

**G. Applicant's Mark and the Cited Mark  
Create Different Commercial Impressions**



As has been shown, Applicant's Mark and the cited Mark are visually very different, they have different dominant elements, and when they are considered as a whole, they are fundamentally different in appearance. If the marks are compared solely based on their visual appearance, each mark creates a fundamentally distinct and different commercial impression.

In addition, applicant's mark and the cited mark have fundamentally different meanings. If the meaning of each mark is considered when comparing them, the marks are even more distinct and different, and create fundamentally different and distinct commercial impressions. *See In re White Rocks Distilleries, Inc.*, 92 USPQ2d at 1284 (VOLTA for vodka and TERZA VOLTA & Design for wines engender different commercial impressions).

Each mark creates a fundamentally different and distinct commercial impression such that consumer confusion is not likely. *Id.*

#### **H. The Office Action's Supposition about Consumer Perceptions is Unsubstantiated and Not Based on any Evidence**

The December 31, 2018 Office Action also based the refusal of Classes 9, 14 and 18 (but not 25) on the unfounded supposition that "potential purchasers . . . could still reasonably assume, given the overall similarities in appearance and commercial impression in the respective marks, that applicant's goods and services provided under the applicant's mark constitute a new or additional goods and service line from the same source as the goods and services sold under the registrant's mark with which they are acquainted or familiar, and that applicant's mark is merely a variation of the registrant's mark." This language appears verbatim once in the September 29, 2018 office action and twice in the December 31, 2018 office action.

There is no factual or evidentiary basis for this supposition regarding consumer perceptions. There certainly is no evidence to support that a majority or even any consumers will perceive the marks in this fashion. This is particularly true where the marks plainly possess different dominant elements, are visually different and have fundamentally different meanings, thereby creating distinct commercial impressions.

#### **II. The Dissimilarity of the Marks as a Whole is Sufficient to Preclude a Likelihood of Confusion**

Applicant respectfully submits that based on the fundamental differences in the marks as a whole there is no likelihood of confusion. *See Odom's Tennessee Pride Sausage, Inc. v. FF Acquisition, L.L.C.*, 600 F.3d 1343 (Fed. Cir. 2010). As the Federal Circuit repeatedly has held, "a single DuPont factor 'may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of marks.'" *Odom's Tennessee Pride*, 600 F.3d at 1346-47 (quoting *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1375 (Fed. Cir. 1998)); *Kellogg Co. v. Pack'em Enters.*, 951 F.2d 330, 332 (Fed. Cir. 1991). As in *Odom's Tennessee Pride*, "the visual distinctions between the marks at issue here create unquestionably different commercial impressions, thereby precluding a finding of likelihood of confusion." 600 F.3d at 1346. Applicant respectfully submits that the Section 2(d) partial refusal should be withdrawn for all classes – International Classes 9, 14 and 18.

### **III. The Evidence that the Goods are Commercially Related is not Strong**

The December 31, 2018 Office Action, like the initial office action, relies solely on Internet evidence to allege that the goods covered by applicant's mark and the goods in the cited registration are allegedly "closely related." Applicant submits that the evidence that these goods are commercially related is not strong.

For example, the December 31, 2018 Office Action relies on pages from the Mobileedge.com web site. However, based on the evidence submitted with the office action, a consumer searching for phone cases, mobile phone cases or tablet and computer cases will not be exposed to the registrant's cited goods, such as jewelry or clothing, because the web pages do not include any links from the phone cases or computer cases to jewelry or clothing or vice versa.

Similarly, a user searching on the MATT & NAT web site for leather and faux-leather bags in Class 18 will not be exposed to the registrant's cited goods, such as jewelry or clothing because the web pages do not include any links from the bags to jewelry or clothing or vice versa.

Similarly, a user searching on the SoleSociety.com web site for applicant's watch bands in Class 14 will not be exposed to the registrant's cited goods jewelry and jewelry, namely, dog tags, because the web pages do not include any links to watch bands at all much less links from watch bands to jewelry or to dog tags.

Moreover, to the extent that there are tabs on a web page that link to both types of available goods, the tabs alone, as they do not display trademarks, do not prove that the phone or computer cases or jewelry or clothing, for example, would necessarily bear the MobileEdge mark, or that in the case of MATTandNAT.com, the bags or the jewelry or clothing would bear a single mark. As was the case in *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential), the similarity of the goods factor only slightly weighs in favor of a finding of a likelihood of confusion.





### **IV. The du Pont Factor as to Trade Channels is Neutral**

The Office Actions rely solely on Internet evidence to demonstrate overlapping channels of trade. However, Internet evidence alone is insufficient to prove that the goods may be encountered in overlapping channels of trade by the same classes of consumers. *See In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1087-88 (Fed. Cir. 2014) ("The PTO goes too far, however, in claiming that because both St. Helena's services and the registrant's goods are promoted through websites, the channels of trade are similar. Advertising on the Internet is ubiquitous and 'proves little, if anything, about the likelihood that consumers will confuse similar marks used on such goods or services.'") (citing *Kinbrook, LLC v. Microsoft Corp.*, 866 F. Supp. 2d 453, 470-71 n. 14 (E.D. Pa. 2012)) (quoting J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 24:53.50 (4th ed. Supp. 2011)); *see also, In re Primeway International, supra*, Slip op. at 16 (not precedential) (quoting *Id.*). Accordingly, the du Pont factor regarding trade channels is neutral. *In re Primeway International, supra*, Slip op. at 16 (not precedential).





## V. Conclusion

Applicant respectfully submits that regardless of some relationship of the goods and overlap in potential purchasers, given the profound differences in the marks as a whole, the first *du Pont* factor of the dissimilarities of the marks simply outweighs all other factors. See *Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376, 119 USPQ2d 1286, 1290 (Fed. Cir. 2016) (“a single *du Pont* factor may be dispositive in a likelihood of confusion analysis, especially when that single factor is the dissimilarity of the marks”); *Odom’s Tenn. Pride Sausage, Inc. v. FF Acquisition, LLC*, 600 F.3d 1343, 93 USPQ2d 2030, 2032 (Fed. Cir. 2010) (“[E]ven if all other relevant *DuPont* factors were considered in [opposer’s] favor, as the board stated, the dissimilarity of the marks was a sufficient basis to conclude that no confusion was likely”); *Champagne Louis Roederer S.A. v. Delicato Vineyards*, 148 F.3d 1373, 47 USPQ2d 1459, 1460-61 (Fed. Cir. 1998) (Federal Circuit affirmed finding of no likelihood of confusion between mark CRYSTAL CREEK for wine and marks CRISTAL for wine and CRISTAL CHAMPAGNE for champagne, where Board relied solely on dissimilarity of marks); *Kellogg Co. v. Pack’em Enters. Inc.*, 951 F.2d 330, 21 USPQ2d 1142, 1145 (Fed. Cir. 1991) (“We know of no reason why, in a particular case, a single *du Pont* factor may not be dispositive”); see also, *Knight Textile Corp. v. Jones Investment Co.*, 75 USPQ2d 1313 (TTAB 2005) (holding no likelihood of confusion between NORTON-MCNAUGHTON ESSENTIALS for clothing and ESSENTIALS for clothing based on dissimilarity of the marks, which outweighed all other relevant factors); *Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376 (Fed. Cir. 2016) (affirming dismissal of opposition to application for MAYARI for wine based on prior registered mark MAYA for wine, where Board concluded dissimilarity of the marks was sufficient to preclude a likelihood of confusion); *In re Primeway International LLC*, Serial No. 97059786 (TTAB Jan. 9, 2019) (not precedential) (holding no likelihood of confusion between registered mark INCOGNITO and application for STS INCOGNITO & Design, both covering goods in Class 25, based solely on dissimilarity of the marks).









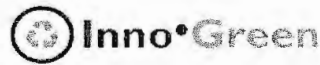
## Exhibit A - Registered Marks Incorporating Other Registered Marks

<p><b># and Design</b>  <b>Status:</b> Registered, January 1, 2019  <b>Reg. No.:</b> 5644851  <b>Int'l Class:</b> 9, 35, 41, 42  <b>Owner:</b> 3DNA CORP., DBA  NATIONBUILDER</p>  <p>Class 9 - Computer software for creating searchable databases of information and data; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with on-line member communities; computer software for use in customer relationship management (crm); computer software for contact management, performing electronic business transactions, etc.</p>	<p><b># FR2 and Design</b>  <b>Status:</b> Registered, April 30, 2019  <b>Reg. No.:</b> 5736609  <b>Int'l Class:</b> 9, 16, 18, 25, 35  <b>Owner:</b> CENO COMPANY LTD.</p>  <p>Class 9 - Cameras; camera peripherals and accessories, namely, camera straps; straps for cameras; cases for cameras; cases for smartphones; spectacles; downloadable electronic publications, namely, catalogs featuring fashion; downloadable music files; downloadable image files featuring fashion</p>	
<p><b>@ and Design</b>  <b>Status:</b> Registered, January 26, 2016  <b>Reg. No.:</b> 4891268  <b>Int'l Class:</b> 25  <b>Owner:</b> @DENTITY, LLC, DBA  @DENTITY, LLC</p>  <p>Class 25 - Adult novelty gag clothing item, namely, socks; athletic for tops and bottoms sports; baseball caps and hats; belts; gloves as clothing; hats; head wraps; headbands for clothing; jackets; jerseys; pocket squares; sports caps and hats; ties;</p>	<p><b>@ and Design</b>  <b>Status:</b> Registered, May 10, 2011  <b>Reg. No.:</b> 3960108  <b>Int'l Class:</b> 25  <b>Owner:</b> WAXLER, WILLIAM K</p>  <p>Class 25 - Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; athletic apparel, namely, shirts, pants, jackets, footwear .....</p>	




## Exhibit A - Registered Marks Incorporating Other Registered Marks

tops; wearable garments and clothing, namely, shirts; women's clothing, namely, shirts, dresses, skirts, blouses		
<p><b>+ - and Design</b>  <b>Status:</b> Renewed, December 3, 2012  <b>Reg. No.:</b> 2655375  <b>Int'l Class:</b> 25  <b>Owner:</b> CHIEMSEE GMBH &amp; CO. KG</p>  <p>Class 25 - Footwear and headwear; clothing, namely t-shirts, shirts, skirts, pullovers.....</p>	<p><b>+ - GENESSYS and Design</b>  <b>Status:</b> Registered, July 21, 2015  <b>Reg. No.:</b> 4777657  <b>Int'l Class:</b> 9  <b>Owner:</b> KLEENSPEED TECHNOLOGIES INC.</p>  <p>Class 9 – Anode batteries; ... integrated battery backup systems comprising a battery, an electronic measurement apparatus for use in the measurement of battery health and performance, and a remote computer software program that uses the foregoing data to trend, predict, and store data related to the health of the battery; lithium ion batteries.....</p>	
<p><b>A and Design</b>  <b>Status:</b> Registered, March 26, 2019  <b>Reg. No.:</b> 4291458  <b>Int'l Class:</b> 9, 41, 42  <b>Owner:</b> AXWAY INC.</p>  <p>Class 9 - Downloadable computer software for developing web based computer software, tablet and mobile device applications</p>	<p><b>A and Design</b>  <b>Status:</b> Registered, January 24, 2017  <b>Reg. No.:</b> 5129530  <b>Int'l Class:</b> 9  <b>Owner:</b> AMAZON TECHNOLOGIES, INC.</p>  <p>Class 9 –Handheld computers; ..... application software for tablet computers; computer software; computer hardware; portable and handheld electronic devices for transmitting, storing, manipulating, recording, and reviewing .....</p>	
<p><b>COEXIST and Design</b>  <b>Status:</b> Registered, June 9, 2016  <b>Reg. No.:</b> 3798421  <b>Int'l Class:</b> 14  <b>Owner:</b> COEXIST FOUNDATION</p>	<p><b>COEXIST and Design</b>  <b>Status:</b> Renewed, February 1, 2015  <b>Reg. No.:</b> 2924211  <b>Int'l Class:</b> 25  <b>Owner:</b> COEXIST FOUNDATION</p>	<p><b>CAN'T and Design</b>  <b>Status:</b> Registered, April 14, 2015  <b>Reg. No.:</b> 4721853  <b>Int'l Class:</b> 16, 25  <b>Owner:</b> CAN'T LLC</p>




# Exhibit A - Registered Marks Incorporating Other Registered Marks

<p>AMERICA, INC.</p>  <p>Class 14 - Jewelry</p>	<p>AMERICA, INC.</p>  <p>Class 25 - Wearing apparel, namely-- t-shirts, pants, shorts, sweatshirts, sweaters, long sleeve shirts, hats, coats, socks, tank tops, headbands, wristbands</p>	 <p>Class 25 - Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; graphic t-shirts; hats; short-sleeved or long-sleeved t-shirts; t-shirts</p>
<p><b>FOR YOU and Design</b>  <b>Status:</b> Registered, June 20, 2017  <b>Reg. No.:</b> 5228483  <b>Int'l Class:</b> 14  <b>Owner:</b> JJD &amp; CO LLC</p>  <p>Class 14 - Jewelry</p>	<p><b>Design Only</b>  <b>Status:</b> Registered, August 27, 2013  <b>Reg. No.:</b> 4393504  <b>Int'l Class:</b> 25  <b>Owner:</b> GRAY, ALEXANDER</p>  <p>Class 25 - Hats; pants; shirts; shorts; sweaters; sweatpants; sweatshirts; t-shirts</p>	<p><b>Design Only</b>  <b>Status:</b> Registered, June 6, 2017  <b>Reg. No.:</b> 5217064  <b>Int'l Class:</b> 25  <b>Owner:</b> TRUE TO MY DNA, LLC</p>  <p>Class 25 - Caps; hats; wearable garments and clothing, namely, shirts</p>
<p><b>GO GREEN. GET WEED. and Design</b>  <b>Status:</b> Registered, March 12, 2013  <b>Reg. No.:</b> 4301781  <b>Int'l Class:</b> 16, 25  <b>Owner:</b> FERRARA, KENNETH</p> 	<p><b>I and Design</b>  <b>Status:</b> Registered, July 5, 2016  <b>Reg. No.:</b> 4992504  <b>Int'l Class:</b> 14, 25  <b>Owner:</b> KEEP AMERICA BEAUTIFUL, INC.</p> 	<p><b>INNO GREEN and Design</b>  <b>Status:</b> Registered, December 5, 2017  <b>Reg. No.:</b> 5351043  <b>Int'l Class:</b> 25  <b>Owner:</b> TALTECH (MACAO) LIMITED</p>  <p>Class 25 - Men's and ladies'</p>

## Exhibit A - Registered Marks Incorporating Other Registered Marks

Class 25 – Shirts, t-shirts	Class 25 – T-shirts	woven pants; men's and ladies' woven shorts; men's and ladies' woven shirts; men's and ladies' knit shirts; men's suits; men's and ladies' jackets and coats, all of the foregoing made all or in substantial part of recycled materials Men's and ladies' woven pants; men's and ladies' woven shorts; men's and ladies' woven shirts; men's and ladies' knit shirts; men's suits; men's and ladies' jackets and coats, all of the foregoing made all or in substantial part of recycled materials
<p>@ and Design  <b>Status:</b> Registered, May 10, 2011  <b>Reg. No.:</b> 3960108  <b>Int'l Class:</b> 25  <b>Owner:</b> WAXLER, WILLIAM K</p>  <p>Class 25 - Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; athletic apparel, namely, shirts, pants, jackets, footwear .....</p>	<p>PEACE SIGN FOLLOWED BY;  EQUALS SIGN WITHIN CIRCLE;  FOLLOWED BY HEART SYMBOL  WITHIN CIRCLE and Design  <b>Status:</b> Allowed  <b>Appl. No.:</b> 87746210  <b>Int'l Class:</b> 25  <b>Owner:</b> WATERMARK PROPERTIES INC</p>  <p>Class 25 - Bottoms as clothing; tops as clothing</p>	<p>Design Only  <b>Status:</b> Registered, May 15, 2017  <b>Reg. No.:</b> 3856547  <b>Int'l Class:</b> 9  <b>Owner:</b> CRAIGSLIST, INC.</p>  <p>Class 9 - Downloadable software for use in viewing and posting classified advertising, consumer product and service information, product and service rental information and advertising, and consumer information on a wide variety of topics of general interest to the consuming public; downloadable software for use in accessing electronic mail services and for electronic transmission of messages, data and images</p>
<p>Design Only  <b>Status:</b> Registered, October 17, 2017  <b>Reg. No.:</b> 5309476  <b>Int'l Class:</b> 9  <b>Owner:</b> Slack Technologies, Inc.</p>	<p>Design Only  <b>Status:</b> Renewed, November 25, 2017  <b>Reg. No.:</b> 2115677  <b>Int'l Class:</b> 24, 25  <b>Owner:</b> BEEN TRILL, LLC</p>	

## Exhibit A - Registered Marks Incorporating Other Registered Marks

 <p>Class 9 - Downloadable mobile application featuring software for use in group communication, namely, postings, memoranda and instant messaging, file sharing, calendar synchronization, and automated integrations with external service providers</p>	<p style="text-align: center;">#</p> <p>Class 25 - Shirts, sweaters, jeans, trousers, hats, caps, coats, underwear,[ bathrobes,] gloves,[ neckties,] socks, stockings and tights, and shoes</p>	
<p><b>Design Only</b>  <b>Status:</b> Allowed  <b>Appl. No.:</b> 87315697  <b>Int'l Class:</b> 25  <b>Owner:</b> WAHRHEIT, LLC</p>  <p>Class 25 - Apparel, namely, shirts, pants, shorts, coats, jackets, sweaters, vests, hats, scarves, gloves, belts, bib overalls, chaps, undergarments, long johns, boots, socks, and leather belts</p>	<p><b>Design Only</b>  <b>Status:</b> Registered, May 17, 2016  <b>Reg. No.:</b> 4958662  <b>Int'l Class:</b> 9, 13, 16, 18, 25, 41  <b>Owner:</b> HALEY STRATEGIC PARTNERS, AKA HALEY STRATEGIC</p>  <p>Class 9 - Ballistic resistant and blast resistant body armor and clothing; bullet resistant clothing; bullet resistant vests; bullet-proof clothing; digital media, namely, pre-recorded dvds, downloadable audio and video recordings, and cds featuring and promoting weapons and tactical techniques, military, shooting, and home defense; digital media, namely, pre-recorded video cassettes, digital video discs .....</p> <p>Class 18 - All purpose sport bags; all-purpose athletic bags; all-purpose carrying bags; backpacks, book bags, sports bags, bum bags, wallets and handbags; belt bags and hip bags; duffle bags; pouches and bags sold empty for attachment to backpacks;</p>	

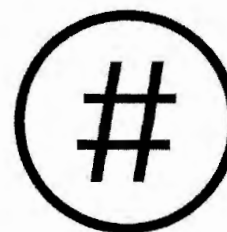


## Exhibit A - Registered Marks Incorporating Other Registered Marks

	<p>shoulder bags; sling bags; sport bags All purpose sport bags; all-purpose athletic bags; all-purpose carrying bags; backpacks, book bags, sports bags, bum bags, wallets and handbags; belt bags and hip bags; duffle bags; pouches and bags sold empty for attachment to backpacks; shoulder bags; sling bags; sport bags Class 25 - Athletic shirts; baseball caps and hats; beanies; body shirts; camouflage shirts; hats; hooded sweat shirts; long-sleeved shirts; shirts; shirts and short-sleeved shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; sport shirts; sports caps and hats; sports shirts; sweat shirts; t-shirts; wearable garments and clothing, namely, shirts</p>	
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Generated on: This page was generated by TSDR on 2019-06-25 14:18:14 EDT

Mark: #



US Serial Number: 87648329

Application Filing Date: Oct. 17, 2017

US Registration Number: 5644851

Registration Date: Jan. 01, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

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

Status Date: Jan. 01, 2019

Publication Date: Mar. 06, 2018

Notice of Allowance Date: May 01, 2018

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## Mark Information

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Mark Literal #  
Elements:

Standard Character Claim: No

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

Description of Mark: The mark consists of a black "#" symbol inside a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.17.25 - Biohazard symbol; Degree sign (°); Equal sign (=); Greater than symbol > (mathematical); Handicapped symbol; Hazardous materials symbol; Less than symbol < (mathematical); Pound sign (#)  
26.01.01 - Circles as carriers or as single line borders

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## Goods and Services

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### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Creating and maintaining blogs for others; Creating and maintaining web sites for others; Data conversion of computer programs and data, not physical conversion; Data conversion of electronic information; Providing temporary use of a non-downloadable web application for the storage, management, tracking, and analyzing, of data in the fields of organizing, marketing, sales, customer relationship management, customer outreach, customer support, web site management, social media, and consulting services; Design and development of computer software for others

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 25, 2017

Use in Commerce: Oct. 25, 2017

For: book publishing; copy editing; written text editing; publication and editing of printed matter; production and distribution of videos and audio recordings in the field of leadership; arranging and conducting educational conferences for community and team building; arranging and conducting business seminars in the field of leadership

International 041 - Primary Class  
Class(es):

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 25, 2017

Use in Commerce: Oct. 25, 2017

For: Providing a web site featuring ratings, reviews and recommendations posted by consumers on products and services of all types of others for commercial purposes; providing an interactive web site for persons to register complaints against companies and/or services of all types; promoting the goods and services of others through the distribution of printed or other promotional materials; distributorship services in the field of books; arranging and conducting business conferences

International 035 - Primary Class  
Class(es):

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 25, 2017

Use in Commerce: Oct. 25, 2017

For: Computer software for creating searchable databases of information and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with on-line member communities; Computer software for use in customer relationship management (CRM); Computer software for contact management, performing electronic business transactions, sales force automation, marketing, communicating with customers, potential customers and business partners, and for customer service and support; Computer software platforms for managing, tracking, analyzing, and reporting data in the fields of customer relationship management, marketing, sales, and employee efficiency; computer software for web site development, for customizing computer application user interfaces, and for customizing and developing computer software applications

International 009 - Primary Class  
Class(es):

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 25, 2017

Use in Commerce: Oct. 25, 2017

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: 3DNA Corp.

DBA, AKA, DBA NationBuilder  
Formerly:

Owner Address: 520 S. Grand Ave, Suite 200  
Los Angeles, CALIFORNIA 90071  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country: CALIFORNIA  
Where Organized:

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Kenneth D. Suzan

Attorney Primary Trademarks-MI@btlaw.com  
Email Address:

Attorney Email Yes  
Authorized:

#### Correspondent

Correspondent Kenneth D. Suzan  
Name/Address: Barnes & Thornburg LLP  
225 South Sixth Street, Suite 2800  
Minneapolis, MINNESOTA 55402-4662  
UNITED STATES

Phone: 612-367-8713

Fax: 612-333-6798

Correspondent e-mail: [Trademarks-MI@btlaw.com](mailto:Trademarks-MI@btlaw.com) [ksuzan@btlaw.com](mailto:ksuzan@btlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 01, 2019	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 29, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 17, 2018	STATEMENT OF USE PROCESSING COMPLETE	66230
Oct. 25, 2018	USE AMENDMENT FILED	66230
Nov. 17, 2018	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Oct. 25, 2018	TEAS STATEMENT OF USE RECEIVED	
May 01, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 06, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 06, 2018	PUBLISHED FOR OPPOSITION	
Feb. 14, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 31, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 2018	ASSIGNED TO EXAMINER	82420
Jan. 10, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 10, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 27, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 26, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 20, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 29, 2018

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: 3DNA Corp.

### Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: 6515/0082

Pages: 10

Date Recorded: Jan. 02, 2019

Supporting Documents: assignment-tm-6515-0082.pdf

### Assignor

Name: 3DNA CORP.

Execution Date: Dec. 28, 2018

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

### Assignee

Name: RUNWAY GROWTH CREDIT FUND INC.

Legal Entity Type: CORPORATION

State or Country: MARYLAND  
Where Organized:

Address: 205 N. MICHIGAN AVE., SUITE 4200  
CHICAGO, ILLINOIS 60601

### Correspondent

Correspondent: GCA LAW PARTNERS LLP/LAURA BLAKELY

**Name:**

**Correspondent** 2570 W. EL CAMINO REAL, SUITE 400

**Address:** MOUNTAIN VIEW, CA 94040

**Domestic Representative - Not Found**

Generated on: This page was generated by TSDR on 2019-06-25 14:19:30 EDT

Mark: # FR2

# # FR2

US Serial Number: 79243563

Application Filing Date: Mar. 28, 2018

US Registration Number: 5736609

Registration Date: Apr. 30, 2019

Register: Principal

Mark Type: Trademark, Service Mark

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

Status Date: Apr. 30, 2019

Publication Date: Feb. 12, 2019

## Mark Information

Mark Literal Elements: # FR2

Standard Character Claim: No

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

Description of Mark: The mark consists of the wording "# FR2" in stylized font.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.17.25 - Biohazard symbol; Degree sign (°); Equal sign (=); Pound sign (#); Handicapped symbol; Hazardous materials symbol; Less than symbol < (mathematical); Greater than symbol > (mathematical)

## Related Properties Information

International Registration Number: 1429726

International Registration Date: Mar. 28, 2018

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Promoting the goods and services of others through the administration of sales and promotional incentive schemes involving trading stamps; promoting the goods and services of others by means of the issuance of loyalty rewards cards; promotion the goods and services of others by means of the issuance of coupons; retail store services and wholesale store services for personal articles; retail store services and wholesale store services for bags and pouches; retail store services and wholesale store services for clothing; retail store services and wholesale store services for footwear other than special footwear for sports; retail store services and wholesale store services for woven fabrics and beddings; retail store services and wholesale store services for clocks, watches and spectacles including eyeglasses and goggles; retail store services and wholesale store services for cosmetics, toiletries, dentifrices, soaps and detergents

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

**For:** Coats; blousons; jackets; parkas; sweat shirts; sweat pants; sweaters; vests; suits; trousers; skirts; one-piece dresses; leggings; blouses; cardigans; coveralls; salopettes; overalls; tee-shirts; shirts; camisoles; tube tops; underwear; swimwear; tights; Japanese traditional clothing in the nature of kimonos; socks and stockings; neckties; neck scarves being mufflers; clothing, namely, neck warmers; stoles; bandanas; scarfs; gloves and mittens; headwear; garters; sock suspenders; suspenders; waistbands; belts; sneakers;

leather shoes; dress shoes; casual shoes; boots not for sports, excluding tongues or pullstraps; rain boots; women's shoes; footwear, namely, pumps; infants' shoes and boots; shoes, namely, sandals; Japanese style wooden clogs (geta); Japanese style sandals (Zori); uniforms

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Waist bags; carry-on bags; purses; shoulder bags; tote bags; handbags; business bags, namely, briefcases; boston bags; rucksacks; messenger bags; business card cases; commuter pass cases; key cases; leather pouches; handbag frames; purse frames; industrial packaging containers of leather; vanity cases, not fitted; umbrellas; clothing for domestic pets; fur pelts

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Paper and cardboard; stationery; stickers being stationery; printed matter, namely, posters, comics, newspapers, magazines, books, printed periodicals, newsletters, and brochures all in the field of fashion; paintings and calligraphic works; photographs; photograph stands; industrial packaging containers of paper; bags of plastic for packaging

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Cameras; camera peripherals and accessories, namely, camera straps; straps for cameras; cases for cameras; cases for smartphones; spectacles; downloadable electronic publications, namely, catalogs featuring fashion; downloadable music files; downloadable image files featuring fashion

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**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:** CENO COMPANY LTD.

**Owner Address:** 4F Sunroser Daikanyama  
11-6, Sarugaku-cho  
Shibuya-ku, Tokyo 150-0033  
JAPAN

**Legal Entity Type:** CORPORATION

**State or Country** JAPAN  
**Where Organized:**

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** M. Scott Alprin

**Docket Number:** 0162028

**Attorney Primary Email Address:** [trademarks@alprinlaw.com](mailto:trademarks@alprinlaw.com)

**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** M. Scott Alprin  
Alprin Law Offices, P.C.  
5 Pinehurst Circle, N.W.  
Washington, DISTRICT OF COLUMBIA 20015

UNITED STATES

Phone: 202-659-8225

Fax: 202-659-0441

Correspondent e-mail: [trademarks@alprinlaw.com](mailto:trademarks@alprinlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 30, 2019	REGISTERED-PRINCIPAL REGISTER	
Feb. 12, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 12, 2019	PUBLISHED FOR OPPOSITION	
Feb. 08, 2019	NOTIFICATION PROCESSED BY IB	
Jan. 23, 2019	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jan. 23, 2019	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jan. 23, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 02, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 13, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 13, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 30, 2018	REFUSAL PROCESSED BY IB	
Nov. 14, 2018	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Nov. 14, 2018	REFUSAL PROCESSED BY MPU	71529
Oct. 30, 2018	APPLICATION FILING RECEIPT MAILED	
Oct. 27, 2018	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Oct. 26, 2018	NON-FINAL ACTION WRITTEN	92831
Oct. 26, 2018	ASSIGNED TO EXAMINER	92831
Oct. 26, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 25, 2018	LIMITATION FROM ORIGINAL APPLICATION ENTERED	68359
Oct. 18, 2018	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

International Registration Number:	1429726	International Registration Date:	Mar. 28, 2018
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Oct. 19, 2017
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Oct. 18, 2018
Notification of Designation Date:	Oct. 18, 2018	Date of Automatic Protection:	Apr. 18, 2020
International Registration Renewal Date:	Mar. 28, 2028		
First Refusal Flag:	Yes		

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 30, 2019



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Mark: @



US Serial Number: 86367301

Application Filing Date: Aug. 14, 2014

US Registration Number: 4891268

Registration Date: Jan. 26, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jan. 26, 2016

Publication Date: Nov. 10, 2015

## Mark Information

Mark Literal Elements: @

Standard Character Claim: No

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

Description of Mark: The mark consists of a stylized profile of an elephant with its trunk pointed up and a stylized elephant ear that is comprised of the literal element of the "@" ("at") symbol.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search 03.03.01 - Mastodons; Mammoths; Elephants

Code(s): 03.03.16 - Heads of Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas

27.01.02 - Numbers forming animals; Letters forming animals; Animals composed of letters or numerals; Punctuation forming animals

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Adult novelty gag clothing item, namely, socks; Athletic tops and bottoms for sports; Baseball caps and hats; Belts; Gloves as clothing; Hats; Head wraps; Headbands for clothing; Jackets; Jerseys; Pocket squares; Sports caps and hats; Ties; Tops; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 22, 2013

Use in Commerce: Aug. 05, 2013

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: @dentity, LLC  
DBA, AKA, DBA @dentity, LLC  
Formerly:  
Owner Address: 4900 Wellford Drive  
Bellaire, TEXAS UNITED STATES 77401  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country: TEXAS  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: Davon D. E. Hatchett	Attorney of Record
Attorney Primary Email Address: <a href="mailto:davondehatchett@gmail.com">davondehatchett@gmail.com</a>	Docket Number: LeeM01
	Attorney Email Authorized: Yes
Correspondent Name/Address: DAVON D. E. HATCHETT 1302 WAUGH DR STE 319 HOUSTON, TEXAS UNITED STATES 77019-3908	Correspondent
Phone: (281) 536-2404	
Correspondent e-mail: <a href="mailto:davondehatchett@gmail.com">davondehatchett@gmail.com</a> <a href="mailto:davonhatchett@hotmail.com">davonhatchett@hotmail.com</a>	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 26, 2016	REGISTERED-PRINCIPAL REGISTER	
Nov. 10, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 10, 2015	PUBLISHED FOR OPPOSITION	
Oct. 21, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 06, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Oct. 01, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Sep. 16, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Sep. 16, 2015	ASSIGNED TO LIE	76568
Sep. 07, 2015	NOTICE OF REVIVAL - E-MAILED	
Sep. 05, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 05, 2015	PETITION TO REVIVE-GRANTED	88889
Sep. 05, 2015	TEAS PETITION TO REVIVE RECEIVED	
Jul. 06, 2015	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jul. 05, 2015	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Dec. 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2014	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2014	NON-FINAL ACTION WRITTEN	90297

Dec. 01, 2014	ASSIGNED TO EXAMINER
Aug. 27, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED
Aug. 26, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Aug. 18, 2014	NEW APPLICATION ENTERED IN TRAM

90297

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 26, 2016

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Mark: @



US Serial Number: 85061423

Application Filing Date: Jun. 12, 2010

US Registration Number: 3960108

Registration Date: May 10, 2011

Filed as TEAS Yes  
Plus:

Currently TEAS Yes  
Plus:

Register: Supplemental

Mark Type: Trademark

TM5 Common Status  
Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Amended to Principal Register: No

Date Amended to Current Register: Mar. 30, 2011

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

Status Date: May 10, 2011

## Mark Information

Mark Literal Elements: @

Standard Character Claim: No

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

Description of Mark: The mark consists of the universal 'AT' symbol to the left of the universal 'PEACE' symbol.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.17.14 - Ampersands (&); Commas; Diacritical marks; Exclamation points (!); Brackets, punctuation; Question marks (?);  
Punctuation marks; At symbol (@)  
24.17.20 - Peace symbol

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps and hats; Body shirts; Camouflage jackets; Camouflage shirts; Cargo pants; Denim jackets; Denims; Dress shirts; Fishermen's jackets; Fishing shirts; Golf shirts; Gym pants; Hats; Jackets; Jackets and socks; Jogging pants; Knit jackets; Knit shirts; Leather jackets; Lounge pants; Men's and women's jackets, coats, trousers, vests; Motorcycle jackets; Night shirts; Open-necked shirts; Over shirts; Pants; Pique shirts; Polo shirts; Rain jackets; Rainproof jackets; Shirts; Shirts and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Ski jackets; Ski pants; Sleep pants; Sleep shirts; Smoking jackets; Snowboard jackets; Snowboard pants; Sports jackets; Sports pants; Sports shirts; Sports shirts with short sleeves; Stretch pants; Suede jackets; Sweat jackets; Sweat pants; Sweat shirts; T-shirts; Tee shirts; Wearable garments and clothing, namely, shirts; Wind-jackets; Women's hats and hoods; Woolly hats; Yoga pants; Yoga shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 23, 2009

Use in Commerce: Aug. 23, 2009

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: Waxler, William K  
Owner Address: 402 E. Victory Dr. Apt #3  
Savannah, GEORGIA UNITED STATES 31405  
Legal Entity Type: INDIVIDUAL  
Citizenship: UNITED STATES

### Attorney/Correspondence Information

Attorney of Record  
Attorney Name: Corey G. Donovan  
Attorney Primary Email Address: [corey@cdonovanlaw.com](mailto:corey@cdonovanlaw.com)  
Attorney Email Authorized: Yes  
Correspondent  
Correspondent Name/Address: Corey G. Donovan  
Law Offices of Corey G. Donovan  
107 S. West Street, #119  
Alexandria, VIRGINIA UNITED STATES 22314  
Phone: 571-969-1123  
Correspondent e-mail: [corey@cdonovanlaw.com](mailto:corey@cdonovanlaw.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2019	POST REGISTRATION ACTION MAILED - SEC. 8	74886
Aug. 06, 2016	POST REGISTRATION ACTION MAILED - SEC. 8	74886
Aug. 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Jul. 24, 2016	TEAS SECTION 8 RECEIVED	
May 10, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 10, 2011	REGISTERED-SUPPLEMENTAL REGISTER	
Apr. 06, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Mar. 30, 2011	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Mar. 30, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 30, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 30, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 30, 2011	EXAMINERS AMENDMENT -WRITTEN	73276
Mar. 25, 2011	DATA MODIFICATION COMPLETED	69712
Mar. 25, 2011	ASSIGNED TO LIE	69712
Mar. 22, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 21, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 21, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 27, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2010	NON-FINAL ACTION E-MAILED	6325

Sep. 27, 2010	NON-FINAL ACTION WRITTEN	73276
Sep. 21, 2010	ASSIGNED TO EXAMINER	73276
Jun. 18, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 17, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 16, 2010	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Mar. 12, 2019

Generated on: This page was generated by TSDR on 2019-06-25 14:24:25 EDT

Mark: + -



US Serial Number: 75909574

Application Filing Date: Feb. 04, 2000

US Registration Number: 2655375

Registration Date: Dec. 03, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 26, 2012

Publication Date: Sep. 10, 2002

## Mark Information

Mark Literal + -  
Elements:

Standard Character No  
Claim:

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

Design Search 24.17.06 - Plus symbol (+)

Code(s): 24.17.07 - Minus symbol (-)

26.01.01 - Circles as carriers or as single line borders

26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

## Related Properties Information

Claimed Ownership 1822594  
of US  
Registrations:

## Foreign Information

Foreign 2,913,115  
Registration  
Number:

Foreign May 24, 1996  
Registration Date:

Foreign GERMANY  
Application/Registration  
Country:

Foreign Expiration May 04, 2004  
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 incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Footwear and headwear; clothing, namely t-shirts, shirts, skirts, pullovers, [ sweaters, blouses, ] trousers, jeans, pants, [ trouser suits, ] Bermuda shorts, dresses, sweatshirts, polo shirts, coats, jackets, denim jackets, anoraks, [ waistcoats, tunics, blazers, ] head scarves, neck scarves, shawls, overalls, dungarees, [ leg-warmers, ] socks, stockings, [ tights, night-gowns, ] pyjamas, [ dressing gowns; ] all of the afore-mentioned items for ladies, gentlemen and children; [ infantwear; baby nappies of textile materials; ] underwear and undergarments; [ corsetry; hosiery; ] belts, suspenders, scarves, gloves, [ ties, ] headbands, swimwear for gentlemen, ladies and children; clothing for hiking, trekking, outdoor sports and climbing, namely shorts, pants, shirts, [ sweaters, ] jackets, leisure and city shoes for gentlemen and ladies, children's shoes; athletic shoes for hiking, trekking, outdoor sports, and climbing; clothing, footwear and headwear for soccer, basketball, handball and volleyball, namely [ warm-up jackets, ] shorts, shirts, jerseys, hats, shoes; clothing for jogging, fitness training and gymnastics, namely [ jogging suits, ] shorts, shirts, jerseys, sweatshirts, [ sweatpants, sweatbands, ] headbands, [ body suits, leggings, leotards, leg warmers; ] clothing, footwear and headwear for tennis, squash and badminton, namely [ tennis wear, shorts, ] skirts, [ dresses, shirts, ] tennis shoes, hats, [ visors; ] clothing, footwear and headwear for inline-skating.

skateboarding, roller-skating and hockey, football, baseball and boxing, namely shorts, shirts, pants, jerseys, hats, athletic shoes, [ gloves; ] clothing, footwear and headgear for cycling, horseback riding and golfing, namely shorts, pants, jackets, shirts, jerseys, hats, gloves, [ boots, cycling shoes, golf shoes; ] clothing, footwear and headgear for water sports, including surfing, sailing, rowing, canoeing and diving, namely [ wet suits, dry suits, water shoes, ] bathing trunks, bathing suits, shorts, shirts, jerseys, hats, sandals, [ shoes, gloves; ] clothing, footwear and headgear for skiing, cross-country skiing, snowboarding, ice-skating and ice-hockey, namely ski boots, ski socks, [ long underwear, ski pants, ] ski parkas, jackets, boots, ski suits, sweaters, shirts, gloves, mittens, head bands, [ ski masks ] and scarves, ski hats, boots, jerseys; [ ski boot bags ]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

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: No	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: CHIEMSEE GMBH & CO. KG  
Owner Address: GUTENBERGRING 69 C  
22848 NORDERSTEDT  
GERMANY  
Legal Entity Type: GMBH & CO. KG  
State or Country: GERMANY  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: John P. Murtaugh	Attorney of Record
Attorney Primary Email Address: <a href="mailto:tmldocket@pearne.com">tmldocket@pearne.com</a>	Docket Number: TAYM-42170
	Attorney Email Authorized: Yes
	Correspondent
Correspondent Name/Address: John P. Murtaugh PEARNE & GORDON LLP 1801 EAST 9TH STREET, SUITE 1200 CLEVELAND, OHIO 44114-3108 UNITED STATES	
Phone: 216-579-1700	Fax: 216-579-6073
Correspondent e-mail: <a href="mailto:tmldocket@pearne.com">tmldocket@pearne.com</a>	Correspondent e-mail Authorized: Yes
	Domestic Representative
Domestic Representative Name: JOHN P. MURTAUGH	Phone: 216-579-1700
Fax: 216-579-6073	
Domestic Representative e-mail: <a href="mailto:tmldocket@pearne.com">tmldocket@pearne.com</a>	Domestic Representative e-mail Authorized: Yes

### Prosecution History

Date	Description	Proceeding Number
Aug. 13, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 26, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471



Dec. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Dec. 26, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Nov. 30, 2012	TEAS SECTION 8 & 9 RECEIVED	
Dec. 17, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Dec. 01, 2008	ASSIGNED TO PARALEGAL	76533
Nov. 26, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 29, 2008	CASE FILE IN TICRS	
Oct. 17, 2007	REVIEW OF CORRESPONDENCE COMPLETE	75606
Aug. 15, 2007	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 15, 2007	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 06, 2007	FAX RECEIVED	
Feb. 07, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 03, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2002	PUBLISHED FOR OPPOSITION	
Aug. 21, 2002	NOTICE OF PUBLICATION	
Jun. 13, 2002	REG. CANCELLED - RESTORED TO PENDENCY	
May 10, 2002	POST REGISTRATION ACTION MAILED NO RESPONSE REQUIRED	
Apr. 03, 2002	RESPONSE RECEIVED TO POST REG. ACTION	
Apr. 03, 2002	PAPER RECEIVED	
Mar. 25, 2002	POST REGISTRATION ACTION MAILED - SEC. 7	
Mar. 04, 2002	SEC 7 REQUEST FILED	
Jul. 17, 2001	REGISTERED-PRINCIPAL REGISTER	
May 16, 2001	Sec. 1(B) CLAIM DELETED	66530
May 16, 2001	NOTICE OF ALLOWANCE CANCELLED	
Feb. 27, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 05, 2000	PUBLISHED FOR OPPOSITION	
Nov. 03, 2000	NOTICE OF PUBLICATION	
Sep. 11, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 28, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 17, 2000	NON-FINAL ACTION MAILED	
Jun. 28, 2000	ASSIGNED TO EXAMINER	72153

### Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted  
Continued Use:

Affidavit of Section 15 - Accepted  
Incontestability:

Renewal Date: Dec. 03, 2012

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 26, 2012

### Assignment Abstract Of Title Information

#### Summary

Total Assignments: 3

Registrant: WSC Windsurfing Chiemsee GmbH & Co. KG

#### Assignment 1 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 3472/0937

Pages: 3

Date Recorded: Jan. 25, 2007

Supporting Documents: assignment-tm-3472-0937.pdf

Name: WSC WINDSURFING CHIEMSEE GMBH & CO. KG  
Legal Entity Type: CORPORATION  
Execution Date: May 28, 2001  
State or Country: No Place Where Organized Found  
Where Organized:  
Assignee  
Name: WSC WINDSURFING CHIEMSEE AG & CO. KG  
Legal Entity Type: UNKNOWN  
State or Country: GERMANY  
Where Organized:  
Address: CHIEMINGER STRASSE 19  
GRABENSTATT, GERMANY  
Correspondent  
Name: GEORGE W. RAUCHFUSS, JR.  
Correspondent Address: HLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.  
ONE LANDMARK SQUARE, 10TH FLOOR  
STAMFORD, CT 06901

Domestic Representative - Not Found

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Assignment 2 of 3

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Conveyance: CHANGE OF NAME  
Reel/Frame: 3472/0940 Pages: 8  
Date Recorded: Jan. 25, 2007  
Supporting Documents: assignment-lm-3472-0940.pdf  
Assignor  
Name: WSC WINDSURFING CHIEMSEE AG & CO. KG  
Execution Date: Jul. 08, 2005  
State or Country: No Place Where Organized Found  
Where Organized:  
Assignee  
Name: CHIEMSEE AG & CO. KG  
Legal Entity Type: CORPORATION  
State or Country: GERMANY  
Where Organized:  
Address: THEODOR-SANNE STRASSE 6  
BERNAU, GERMANY D-83233  
Correspondent  
Name: GEORGE W. RAUCHFUSS, JR.  
Correspondent Address: OHLANDT, GREELEY, RUGGIERO ET AL.  
ONE LANDMARK SQUARE, 10TH FLOOR  
STAMFORD, CT 06901

Domestic Representative - Not Found

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Assignment 3 of 3

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Conveyance: CHANGE OF NAME  
Reel/Frame: 5341/0094 Pages: 5  
Date Recorded: Aug. 11, 2014  
Supporting Documents: assignment-lm-5341-0094.pdf  
Assignor  
Name: CHIEMSEE AG & CO. KG  
Execution Date: Feb. 08, 2013  
State or Country: GERMANY  
Where Organized:  
Assignee  
Name: CHIEMSEE GMBH & CO. KG  
Legal Entity Type: GMBH & CO. KG  
State or Country: GERMANY  
Where Organized:

Address: GUTENBERGRING 69 C  
22848 NORDERSTEDT, GERMANY

**Correspondent**

Correspondent Name: JOHN P. MURTAUGH/PEARNE & GORDON LLP

Correspondent Address: 1801 EAST 9TH STREET, SUITE 1200  
CLEVELAND, OH 44114-3108

**Domestic Representative**

Domestic Representative Name: JOHN P. MURTAUGH

Domestic Representative Address: 1801 EAST 9TH STREET, SUITE 1200  
CLEVELAND, OH 44114-3108

Generated on: This page was generated by TSDR on 2019-06-25 15:05:05 EDT

Mark: + - GENESSYS



US Serial Number: 85883753

Application Filing Date: Mar. 22, 2013

US Registration Number: 4777657

Registration Date: Jul. 21, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jul. 21, 2015

Publication Date: Sep. 09, 2014

Notice of Allowance Date: Nov. 04, 2014

## Mark Information

Mark Literal Elements: + - GENESSYS

Standard Character Claim: No

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

Description of Mark: The mark consists of the positive pole symbol within two concentric circles and a negative pole symbol within two concentric circles next to the wording "GenESSys" in stylized form.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "+-"

Design Search Code(s): 24.17.06 - Plus symbol (+)

24.17.07 - Minus symbol (-)

26.01.13 - Circles, two (not concentric); Two circles

26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles

26.01.21 - Circles that are totally or partially shaded.

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Anode batteries; Batteries and battery chargers; Batteries for vehicles; Batteries, electric; Batteries, electric, for vehicles; Battery boxes; Battery cables; Battery cases; Battery charge devices; Battery chargers; Battery monitoring devices that may be attached to a battery to monitor the performance of the battery and operating software for use therewith, sold as a unit; Battery monitors; Battery packs; Battery packs for solar, wind, industrial, telecom, backup, commercial, boats, aviation; Chargers for batteries; Chargers for electric batteries; Electric batteries; Electric storage batteries; Electrical cells and batteries; Electrical storage batteries; Grids for batteries; Integrated battery backup systems comprising a battery, an electronic measurement apparatus for use in the measurement of battery health and performance, and a remote computer software program that uses the foregoing data to trend, predict, and store data related to the health of the battery; Lithium ion batteries; Lithium iron phosphate batteries; Lithium phosphate batteries; Monitoring devices for monitoring battery performance characteristics; Nickel-cadmium storage batteries; Off-grid power and deep cycle battery

storage systems comprised of batteries, charge controllers and inverters with integrated LED bulbs and LED light fixtures for solar, wind, industrial, telecom, backup, commercial, boats, aviation installations; Rechargeable electric batteries; Renewable battery system to provide backup power; Solar batteries

International  
Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 22, 2013

Use In Commerce: Apr. 29, 2015

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: KleanSpeed Technologies Inc.  
Owner Address: NASA Ames Research Park Center  
Building 554 Cody Road, PO Box 429  
Moffett Field, CALIFORNIA UNITED STATES 94035  
Legal Entity Type: CORPORATION  
State or Country: CALIFORNIA  
Where Organized:

### Attorney/Correspondence Information

Attorney of Record  
Attorney Name: Brian Orion  
Attorney Primary Email Address: [borion@lawyersforcleanenergy.com](mailto:borion@lawyersforcleanenergy.com)  
Attorney Email Authorized: Yes  
Correspondent  
Correspondent Name/Address: Brian Orion  
Lawyers for Clean Energy  
656A Clayton Street  
San Francisco, CALIFORNIA UNITED STATES 94117  
Phone: (858) 354-8222  
Correspondent e-mail: [borion@lawyersforcleanenergy.com](mailto:borion@lawyersforcleanenergy.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jul. 21, 2015	REGISTERED-PRINCIPAL REGISTER	
Jun. 12, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 11, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 05, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 04, 2015	STATEMENT OF USE PROCESSING COMPLETE	66154
May 04, 2015	USE AMENDMENT FILED	66154
Jun. 04, 2015	EXTENSION 1 GRANTED	66154
May 04, 2015	EXTENSION 1 FILED	66154
May 31, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
May 04, 2015	TEAS EXTENSION RECEIVED	
May 04, 2015	TEAS STATEMENT OF USE RECEIVED	
Nov. 04, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Sep. 09, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 09, 2014	PUBLISHED FOR OPPOSITION	
Aug. 20, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 06, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jul. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 28, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 28, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 28, 2014	EXAMINERS AMENDMENT -WRITTEN	67516
Jul. 09, 2014	LIE CHECKED SUSP - TO ATTY FOR ACTION	70138
Jul. 07, 2014	ASSIGNED TO LIE	70138
Jan. 06, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 06, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jan. 06, 2014	SUSPENSION LETTER WRITTEN	67516
Dec. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 18, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 18, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 02, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 02, 2013	NON-FINAL ACTION E-MAILED	6325
Jul. 02, 2013	NON-FINAL ACTION WRITTEN	67516
Jul. 01, 2013	ASSIGNED TO EXAMINER	67516
Mar. 27, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 26, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 26, 2013	NEW APPLICATION ENTERED IN TRAM	

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### TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 11, 2015

Generated on: This page was generated by TSDR on 2019-06-25 14:28:30 EDT

Mark: A



US Serial Number: 85620252

Application Filing Date: May 09, 2012

US Registration Number: 4291458

Registration Date: Feb. 19, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 26, 2019

Publication Date: Dec. 04, 2012

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## Mark Information

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Mark Literal A  
Elements:

Standard Character Claim: No

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

Description of Mark: The mark consists of the letter "a" within a triangle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.15.03 - Arrows formed by words, letters, numbers or punctuation  
26.05.21 - Triangles that are completely or partially shaded

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## Related Properties Information

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International Registration Number: 1144983

International Application(s) /Registration(s) Based on this Property: A0032539/1144983

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Providing online non-downloadable software and application programming interface (API) for the development of computer software and applications with functionality for updating and posting user status and location, storing key values, email messaging, instant messaging, uploading and posting of electronic text, organization, uploading and posting of digital photographs, videos and documents, connecting to major social networking platforms, providing client device geolocation information, posting comments and ratings, and push notifications to user devices; Software design consulting

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)  
First Use: Apr. 16, 2012 Use in Commerce: Apr. 16, 2012  
For: Computer software education training  
International Class(es): 041 - Primary Class U.S Class(es): 100, 101, 107  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Jan. 2009 Use in Commerce: Jan. 2009  
For: Downloadable computer software for developing web based computer software, tablet and mobile device applications  
International Class(es): 009 - Primary Class U.S Class(es): 021, 023, 026, 036, 038  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Jan. 2009 Use in Commerce: Jan. 2009

### 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: AXWAY INC.  
Owner Address: 6811 E. MAYO BOULEVARD  
SUITE 400  
PHOENIX, ARIZONA 85054  
UNITED STATES  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: John C. McElwaine Docket Number: 036752/09094  
Attorney Primary Email Address: [jp@nelsonmullins.com](mailto:jp@nelsonmullins.com) Attorney Email Authorized: Yes  
Correspondent Name/Address: JOHN C. MCELWAINE  
Nelson Mullins Riley & Scarborough, LLP  
301 South College St, Suite 2300  
Charlotte, NORTH CAROLINA 28202  
UNITED STATES  
Phone: 843-720-4302 Fax: 843-534-4269  
Correspondent e-mail: [jp@nelsonmullins.com](mailto:jp@nelsonmullins.com) [john.mcelwaine@nelsonmullins.com](mailto:john.mcelwaine@nelsonmullins.com) Correspondent e-mail Authorized: Yes  
[ullins.com](mailto:ullins.com) [chris.casavale@nelsonmullins.com](mailto:chris.casavale@nelsonmullins.com)

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Mar. 26, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 26, 2019	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74272



Mar. 26, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74272
Feb. 19, 2019	TEAS SECTION 8 & 15 RECEIVED	
Oct. 17, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 17, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 04, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 19, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jun. 19, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 03, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 03, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 19, 2013	REGISTERED-PRINCIPAL REGISTER	
Dec. 04, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 04, 2012	PUBLISHED FOR OPPOSITION	
Nov. 14, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 01, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Nov. 01, 2012	ASSIGNED TO LIE	77312
Oct. 18, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 12, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 12, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 05, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2012	NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2012	NON-FINAL ACTION WRITTEN	81840
Aug. 30, 2012	ASSIGNED TO EXAMINER	81840
May 16, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
May 15, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 12, 2012	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted  
Continued Use:

Affidavit of Section 15 - Accepted  
Incontestability:

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Mar. 26, 2019

### Assignment Abstract Of Title Information

#### Summary

Total Assignments: 3

Registrant: Appcelerator, Inc.

#### Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: 5610/0820

Pages: 14

Date Recorded: Aug. 27, 2015

Supporting Documents: assignment-lm-5610-0820.pdf

#### Assignor

Name: APPCELERATOR, INC.

Execution Date: Aug. 27, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: SILICON VALLEY BANK

Legal Entity Type: CORPORATION

State or Country CALIFORNIA  
Where Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054

Correspondent

Correspondent Name: CHRISTOPHER CLOSE

Correspondent Address: TROUTMAN SANDERS LLP  
600 PEACHTREE STREET NE, SUITE 5200  
ATLANTA, GA 30308-2216

Domestic Representative - Not Found

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Assignment 2 of 3

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Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 07/31/2017

Reel/Frame: 6369/0742

Pages: 17

Date Recorded: Jul. 02, 2018

Supporting Documents: assignment-tm-6369-0742.pdf

Name: APPCCELERATOR, INC.

Legal Entity Type: CORPORATION

Assignor

Execution Date: Jun. 12, 2018

State or Country DELAWARE  
Where Organized:

Assignee

Name: AXWAY INC.

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 6811 E. MAYO BOULEVARD  
SUITE 400  
PHOENIX, ARIZONA 85054

Correspondent

Correspondent Name: CHRISTOPHER D. CASAVALE

Correspondent Address: 151 MEETING STREET  
LIBERTY CENTER, SUITE 600  
CHARLESTON, SC 29401

Domestic Representative - Not Found

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Assignment 3 of 3

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Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE INADVERTENT INCLUSION OF U.S. REG. NO. 3648637 IN THE ASSIGNMENT AND COVER SHEET PREVIOUSLY RECORDED ON REEL 006369 FRAME 0742. ASSIGNOR(S) HEREBY CONFIRMS THE REG. NO. 3648637 SHOULD BE BE ASSIGNED AND OWNERSHIP SHOULD REVERT BACK TO THE OWNER AS RECORDED AT 5450/0912.

Reel/Frame: 6456/0420

Pages: 19

Date Recorded: Oct. 15, 2018

Supporting Documents: assignment-tm-6456-0420.pdf

Name: APPCCELERATOR, INC.

Legal Entity Type: CORPORATION

Assignor

Execution Date: Jun. 12, 2018

State or Country DELAWARE  
Where Organized:

Assignee

Name: AXWAY INC.

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 6811 E. MAYO BOULEVARD  
SUITE 400  
PHOENIX, ARIZONA 85054

Correspondent

Correspondent Name: CHRISTOPHER D. CASAVALE

Name:

Correspondent 301 SOUTH COLLEGE ST. SUITE 2300

Address: CHARLOTTE, NC 28202

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-06-25 14:34:48 EDT

Mark: A



US Serial Number: 86448726

Application Filing Date: Nov. 07, 2014

US Registration Number: 5129530

Registration Date: Jan. 24, 2017

Register: Principal

Mark Type: Trademark

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

Status Date: Jan. 24, 2017

Publication Date: Apr. 14, 2015

Notice of Allowance Date: Jun. 09, 2015

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## Mark Information

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Mark Literal A  
Elements:

Standard Character Claim: No

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

Description of Mark: The mark consists of a curved arrow pointing to the right placed under a lower case letter "a".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search 24.15.04 - Arrowheads

Code(s): 24.15.25 - Other arrows  
26.17.09 - Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved; Bands, curved

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## Related Properties Information

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Claimed Ownership of US Registrations: 3904646, 3911425, 4067396

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...^ identify additional (new) wording in the goods/services.

**For:** handheld computers; mobile computers; personal digital assistants; portable and handheld electronic devices for transmitting, storing, manipulating, recording, and reviewing text, images, audio, video and data, including via global communications networks, wireless networks, and electronic communications networks; computers; tablet computers, electronic book readers, audio and video players, electronic personal organizers, personal digital assistants; computer software and hardware for transmitting, sharing, receiving, downloading, displaying, recording, transmitting, manipulating, transferring, and optimizing content, text, visual works, audio works, audiovisual works, literary works, data, files, documents, electronic works, and computer game programs via computers; computer hardware and software for controlling the operation of audio and video devices and for viewing, searching or playing audio, video, television, movies, photographs and other digital images, and other multimedia content; application software for tablet computers; computer software; computer hardware; Portable and handheld electronic devices for transmitting, storing, manipulating, recording, and reviewing text, images, audio, video and data, including via global computer networks, wireless networks, and electronic communications networks; power cords, power chargers; battery charging devices for portable and handheld electronic devices

International 009 - Primary Class  
Class(es):

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 15, 2011

Use in Commerce: Nov. 15, 2011

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: Amazon Technologies, Inc.

Owner Address: 410 Terry Ave N  
ATTN: Trademarks  
Seattle, WASHINGTON 98109  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country NEVADA  
Where Organized:

### Attorney/Correspondence Information

Attorney of Record

Docket Number: TMKM4917

Correspondent

Correspondent AMAZON TECHNOLOGIES, INC.  
Name/Address: 410 Terry Ave N  
ATTN: Trademarks  
Seattle, WASHINGTON 98109  
UNITED STATES

Phone: 206-266-4064

Fax: 206-266-7010

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 24, 2017	REGISTERED-PRINCIPAL REGISTER	
Dec. 23, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 22, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 21, 2016	STATEMENT OF USE PROCESSING COMPLETE	70565
Dec. 06, 2016	USE AMENDMENT FILED	70565
Dec. 06, 2016	TEAS STATEMENT OF USE RECEIVED	
Jul. 14, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 13, 2016	EXTENSION 2 GRANTED	70565
Jun. 08, 2016	EXTENSION 2 FILED	70565
Jul. 12, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Jun. 08, 2016	TEAS EXTENSION RECEIVED	
Dec. 08, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 04, 2015	EXTENSION 1 GRANTED	98765
Dec. 04, 2015	EXTENSION 1 FILED	98765
Dec. 04, 2015	TEAS EXTENSION RECEIVED	
Jul. 31, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 31, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	

Jun. 09, 2015 NOA E-MAILED - SOU REQUIRED FROM APPLICANT  
Apr. 14, 2015 OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED  
Apr. 14, 2015 PUBLISHED FOR OPPOSITION  
Mar. 25, 2015 NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED  
Mar. 01, 2015 APPROVED FOR PUB - PRINCIPAL REGISTER  
Feb. 26, 2015 ASSIGNED TO EXAMINER  
Nov. 18, 2014 NOTICE OF DESIGN SEARCH CODE E-MAILED  
Nov. 17, 2014 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM  
Nov. 11, 2014 NEW APPLICATION ENTERED IN TRAM

81092

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 22, 2016

Generated on: This page was generated by TSDR on 2019-06-25 14:36:14 EDT

Mark: COEXIST



US Serial Number: 77718746

Application Filing Date: Apr. 21, 2009

US Registration Number: 3798421

Registration Date: Jun. 06, 2010

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 09, 2016

Publication Date: Mar. 23, 2010

## Mark Information

Mark Literal Elements: COEXIST

Standard Character Claim: No

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

Description of Mark: The mark consists of stylized word "COEXIST" where the letter "C" is represented by a crescent moon, the letter "X" is represented by the Star of David and the letter "T" is represented by a Roman cross.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.01.04 - Star - a single star with six points

01.11.02 - Moons, crescent; Partial moons, including half moons and crescent moons (not a moon with craters); Moons, half  
24.13.01 - Cross, Latin (shorter horizontal lines); Latin cross (shorter horizontal lines)  
27.03.05 - Objects forming letters or numerals

## Related Properties Information

Claimed Ownership of US Registrations: 2924211, 3170918

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*, \* identify additional (new) wording in the goods/services.

For: Jewelry

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2007

Use in Commerce: Oct. 2007

## 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  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

### Current Owner(s) Information

Owner Name: COEXIST FOUNDATION AMERICA, INC.  
Owner Address: 1054 31ST STREET NW  
SUITE 330  
WASHINGTON, DISTRICT OF COLUMBIA 20007  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country: NEW YORK  
Where Organized:

### Attorney/Correspondence Information

Attorney of Record  
Attorney Name: Mark Harrison  
Docket Number: 99997-397746  
Attorney Primary Email Address: [mbharrison@venable.com](mailto:mbharrison@venable.com)  
Attorney Email Authorized: Yes  
Correspondent  
Correspondent Name/Address: Mark Harrison  
Venable LLP  
P.O. Box 34385  
Washington, DISTRICT OF COLUMBIA 20043-9998  
UNITED STATES  
Phone: 2023444019  
Fax: (202) 344-8300  
Correspondent e-mail: [mbharrison@venable.com](mailto:mbharrison@venable.com) [trademarkdocket@venable.com](mailto:trademarkdocket@venable.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 09, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 09, 2016	REVIEW OF CORRESPONDENCE COMPLETE - INFORMATION MADE OF RECORD	68502
Jun. 09, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Jun. 09, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Mar. 30, 2016	TEAS SECTION 8 & 15 RECEIVED	
Apr. 16, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 08, 2010	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 23, 2010	PUBLISHED FOR OPPOSITION	
Feb. 13, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Feb. 07, 2010	ASSIGNED TO LIE	77976
Jan. 14, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 08, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 08, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 04, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 04, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 11, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 11, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 11, 2009	NON-FINAL ACTION WRITTEN	76581
Jul. 11, 2009	ASSIGNED TO EXAMINER	76581
Apr. 28, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 24, 2009	NEW APPLICATION ENTERED IN TRAM	



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## Maintenance Filings or Post Registration Information

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Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Jun. 09, 2016

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## Assignment Abstract Of Title Information

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### Summary

Total Assignments: 1

Registrant: Coexist, LLP

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### Assignment 1 of 1

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Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5256/0666

Pages: 7

Date Recorded: Apr. 09, 2014

Supporting Documents: assignment-tm-5256-0666.pdf

### Assignor

Name: COEXIST, LLP

Execution Date: Apr. 09, 2014

Legal Entity Type: LIMITED LIABILITY LIMITED PARTNERSHIP

State or Country: INDIANA  
Where Organized:

### Assignee

Name: COEXIST FOUNDATION AMERICA, INC.

Legal Entity Type: CORPORATION

State or Country: NEW YORK  
Where Organized:

Address: 1054 31ST STREET NW  
SUITE 330  
WASHINGTON, DISTRICT OF COLUMBIA 20007

### Correspondent

Correspondent Name: ROB SONESON

Correspondent Address: 300 N LASALLE  
KIRKLAND & ELLIS  
CHICAGO, IL 60654

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-06-25 14:36:53 EDT

Mark: COEXIST



US Serial Number: 78218065

Application Filing Date: Feb. 24, 2003

US Registration Number: 2924211

Registration Date: Feb. 01, 2005

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 26, 2015

Publication Date: Jun. 01, 2004

Notice of Allowance Date: Aug. 24, 2004

## Mark Information

Mark Literal Elements: COEXIST

Standard Character Claim: No

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

Design Search Code(s): 01.01.04 - Star - a single star with six points

01.11.02 - Moons, crescent; Partial moons, including half moons and crescent moons (not a moon with craters); Moons, half  
24.13.01 - Cross, Latin (shorter horizontal lines); Latin cross (shorter horizontal lines)  
27.03.05 - Objects forming letters or numerals

## Related Properties Information

International Registration Number: 0838291

International Application(s) /Registration(s) Based on this Property: A0000090/0838291

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Wearing apparel, namely-- t-shirts, pants, shorts, sweatshirts, sweaters, long sleeve shirts, hats, coats, socks, tank tops, headbands, wristbands

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 04, 2003

Use In Commerce: Aug. 03, 2004

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### Basis Information (Case Level)

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

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### Current Owner(s) Information

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Owner Name: COEXIST FOUNDATION AMERICA, INC.  
Owner Address: 641 S Street NW  
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20001  
Legal Entity Type: CORPORATION State or Country: NEW YORK  
Where Organized:

---

### Attorney/Correspondence Information

---

Attorney Name: Bonnie L. Jarrett	Attorney of Record
Attorney Primary Email Address: <a href="mailto:trademarks@kirkland.com">trademarks@kirkland.com</a>	Docket Number: 13729-2
	Attorney Email Authorized: Yes
Correspondent Name/Address: Bonnie L. Jarrett Kirkland & Ellis LLP 801 Lexington Avenue New York, NEW YORK UNITED STATES 10022-4611	Correspondent
Phone: 212-446-4964	Fax: 212-446-4900
Correspondent e-mail: <a href="mailto:trademarks@kirkland.com">trademarks@kirkland.com</a>	Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found	

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### Prosecution History

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Date	Description	Proceeding Number
Aug. 26, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 26, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Aug. 26, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Aug. 26, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jul. 31, 2015	TEAS SECTION 8 & 9 RECEIVED	
Apr. 16, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 26, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 26, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Aug. 26, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Jul. 15, 2011	TEAS SECTION 8 & 15 RECEIVED	
Feb. 01, 2005	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	73793
Dec. 03, 2004	ASSIGNED TO LIE	73793
Nov. 16, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 16, 2004	STATEMENT OF USE PROCESSING COMPLETE	78289
Sep. 02, 2004	USE AMENDMENT FILED	78289
Sep. 02, 2004	TEAS STATEMENT OF USE RECEIVED	
Aug. 24, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2004	PUBLISHED FOR OPPOSITION	
May 12, 2004	NOTICE OF PUBLICATION	

Mar. 17, 2004 TEAS CHANGE OF CORRESPONDENCE RECEIVED  
Feb. 26, 2004 APPROVED FOR PUB - PRINCIPAL REGISTER  
Feb. 20, 2004 EXAMINERS AMENDMENT MAILED  
Aug. 14, 2003 NON-FINAL ACTION MAILED  
Aug. 11, 2003 ASSIGNED TO EXAMINER

69812

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 26, 2015

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: COEXIST, LLP

### Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2967/0108

Pages: 3

Date Recorded: Nov. 01, 2004

Supporting Documents: assignment-tm-2967-0108.pdf

Name: SADLER, MR. JOSEPH J.

Legal Entity Type: INDIVIDUAL

### Assignor

Execution Date: Oct. 21, 2004

Citizenship: UNITED STATES

### Assignee

Name: COEXIST, LLP

Legal Entity Type: LIMITED LIABILITY PARTNERSHIP

State or Country: INDIANA  
Where Organized:

Address: 11150 LAUREL LANE  
FISHERS, INDIANA 46038

### Correspondent

Correspondent Name: ALASTAIR J. WARR

Correspondent Address: ONE INDIANA SQUARE  
SUITE 2800  
INDIANAPOLIS, IN 46204

Domestic Representative - Not Found

### Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5256/0666

Pages: 7

Date Recorded: Apr. 09, 2014

Supporting Documents: assignment-tm-5256-0666.pdf

Name: COEXIST, LLP

Legal Entity Type: LIMITED LIABILITY LIMITED PARTNERSHIP

### Assignor

Execution Date: Apr. 09, 2014

State or Country: INDIANA  
Where Organized:

### Assignee

Name: COEXIST FOUNDATION AMERICA, INC.

Legal Entity Type: CORPORATION

State or Country: NEW YORK  
Where Organized:

Address: 1054 31ST STREET NW  
SUITE 330  
WASHINGTON, DISTRICT OF COLUMBIA 20007

**Correspondent** ROB SONESON  
**Name:**

**Correspondent** 300 N LASALLE  
**Address:** KIRKLAND & ELLIS  
CHICAGO, IL 60654

**Correspondent**

**Domestic Representative - Not Found**

Generated on: This page was generated by TSDR on 2019-06-25 14:42:57 EDT

Mark: CAN'T



US Serial Number: 86386045

Application Filing Date: Sep. 04, 2014

US Registration Number: 4721853

Registration Date: Apr. 14, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Supplemental

Mark Type: Trademark

Amended to Principal Register: No

Date Amended to Current Register: Feb. 18, 2015

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

Status Date: Apr. 14, 2015

## Mark Information

Mark Literal Elements: CAN'T

Standard Character Claim: No

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

Description of Mark: The mark consists of stylized word "CAN'T" where the letter "C" is represented by a crescent moon accompanied by a five point star, the letter "A" is represented by the Star of David, the letter "N" is represented and formed by a rocket, machine gun, and sword, the apostrophe "'" is represented by an artistic image of a head and neck, and the letter "T" is represented by a Roman cross.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.01.03 - Star - a single star with five points

01.01.04 - Star - a single star with six points

01.11.02 - Moons, crescent; Moons, half; Partial moons, including half moons and crescent moons (not a moon with craters)

02.01.01 - Portraiture of men facing forward; Heads of men facing forward; Busts of men facing forward; Men - heads, portraiture, or busts facing forward

02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures

04.07.03 - Person formed by geometric shapes; Geometric shapes forming a person; Geometric figures or combinations of geometric figures representing a person; Geometric figures representing a person

18.09.02 - Rockets, space; Capsules, space; Space rockets; Missiles and rockets (space); Space capsules

23.01.01 - Sabers; Swords; Rapiers; Foils; Epees

23.03.02 - Carbines; Rifles; Shotguns; Shotguns

23.03.12 - Other ammunition and explosives; Land mines

24.13.01 - Cross, Latin (shorter horizontal lines); Latin cross (shorter horizontal lines)

26.03.21 - Ovals that are completely or partially shaded

26.17.07 - Propulsion, lines depicting; Lines depicting speed, propulsion, heat or wind; Heat, lines depicting; Speed, lines depicting; Wind, lines depicting

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

27.03.02 - Humans forming letters or numerals; Humans forming punctuation

27.03.05 - Objects forming letters or numerals

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Graphic T-shirts; Hats; Short-sleeved or long-sleeved t-shirts; T-shirts

International Class(es): 025 - Primary Class

US Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 20, 2014

Use in Commerce: Aug. 28, 2014

For: Bumper stickers; Magnetic bumper stickers; Posters; Stickers

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 20, 2014

Use in Commerce: Aug. 28, 2014

### 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: CAN'T LLC

Owner Address: 109 E 17th St STE 4  
Cheyenne, WYOMING 82001  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: WYOMING  
Where Organized:

### Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: CAN'T LLC  
109 E 17TH ST STE 4  
CHEYENNE, WYOMING 82001-4580  
UNITED STATES

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2015	REGISTERED-SUPPLEMENTAL REGISTER	
Mar. 09, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Mar. 09, 2015	ASSIGNED TO LIE	70884
Feb. 18, 2015	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Feb. 18, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 18, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 18, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 18, 2015	EXAMINERS AMENDMENT -WRITTEN	70703
Dec. 17, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	8325
Dec. 17, 2014	NON-FINAL ACTION E-MAILED	6325
Dec. 17, 2014	NON-FINAL ACTION WRITTEN	70703
Dec. 16, 2014	ASSIGNED TO EXAMINER	70703
Sep. 17, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 16, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 08, 2014	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 14, 2015



Generated on: This page was generated by TSDR on 2019-06-25 14:45:47 EDT

Mark: FOR YOU



US Serial Number: 86344236

Application Filing Date: Jul. 22, 2014

US Registration Number: 5228483

Registration Date: Jun. 20, 2017

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jun. 20, 2017

Publication Date: Dec. 16, 2014

Notice of Feb. 10, 2015

Allowance Date:

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## Mark Information

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Mark Literal Elements: FOR YOU

Standard Character Claim: No

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

Description of Mark: The mark consists of the Christian cross with word "for" in a vertical disposition, with the letter "f" above the letter "o" and the letter "o" above the letter "r", the three letters extending down the vertical portion of the cross with the "o" at the intersection of the axes of the vertical and horizontal portions of the cross, and with the word "you" in a horizontal disposition extending along the horizontal portion of the cross and using the same letter "o" as used by the word "for".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.13.01 - Latin cross (shorter horizontal lines); Cross, Latin (shorter horizontal lines)

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## Goods and Services

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### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Jewelry

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 20, 2016

Use in Commerce: Jul. 20, 2016

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: JJD & Co LLC  
Owner Address: 335 E. Lancaster Ave. Unit A23  
Downingtown, PENNSYLVANIA UNITED STATES 19335  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country: PENNSYLVANIA  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: Charles N. Quinn	Attorney of Record
Attorney Primary Email Address: <a href="mailto:cquinn@foxrothschild.com">cquinn@foxrothschild.com</a>	Docket Number: 136157.50001
	Attorney Email Authorized: Yes
	Correspondent
Correspondent Name/Address: CHARLES N. QUINN FOX ROTHSCHILD LLP 2000 MARKET STREET 20TH FLOOR PHILADELPHIA, PENNSYLVANIA UNITED STATES 19103	
Phone: 610-458-4984	Fax: 215-299-2150
Correspondent e-mail: <a href="mailto:cquinn@foxrothschild.com">cquinn@foxrothschild.com</a> <a href="mailto:dmcgregor@foxrothsc">dmcgregor@foxrothsc</a> <a href="mailto:hild.com">hild.com</a> <a href="mailto:eflyntz@foxrothschild.com">eflyntz@foxrothschild.com</a> <a href="mailto:ipdocket@foxrothschild.com">ipdocket@fox</a>	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2017	REGISTERED-PRINCIPAL REGISTER	
May 18, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 17, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 12, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
May 12, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
May 03, 2017	ASSIGNED TO LIE	66213
Apr. 17, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 17, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 17, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Oct. 17, 2016	NON-FINAL ACTION E-MAILED	
Oct. 17, 2016	SU - NON-FINAL ACTION - WRITTEN	90338
Sep. 10, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2016	STATEMENT OF USE PROCESSING COMPLETE	65362
Sep. 09, 2016	EXTENSION 3 GRANTED	65362
Aug. 10, 2016	EXTENSION 3 FILED	65362
Aug. 10, 2016	USE AMENDMENT FILED	65362
Sep. 02, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 10, 2016	TEAS EXTENSION RECEIVED	

Aug. 10, 2016	TEAS STATEMENT OF USE RECEIVED	
Feb. 11, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 09, 2016	EXTENSION 2 GRANTED	98765
Feb. 09, 2016	EXTENSION 2 FILED	98765
Feb. 09, 2016	TEAS EXTENSION RECEIVED	
Aug. 05, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 03, 2015	EXTENSION 1 GRANTED	98765
Aug. 03, 2015	EXTENSION 1 FILED	98765
Aug. 03, 2015	TEAS EXTENSION RECEIVED	
Feb. 10, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 16, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 16, 2014	PUBLISHED FOR OPPOSITION	
Nov. 26, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 05, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 04, 2014	ASSIGNED TO EXAMINER	90338
Jul. 30, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 29, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 25, 2014	NEW APPLICATION ENTERED IN TRAM	

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### TM Staff and Location Information

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#### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 17, 2017

Generated on: This page was generated by TSDR on 2019-06-25 14:52:46 EDT

Mark:



US Serial Number: 85622980

Application Filing Date: May 11, 2012

US Registration Number: 4393504

Registration Date: Aug. 27, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Aug. 27, 2013

Publication Date: Oct. 09, 2012

Notice of Allowance Date: Dec. 04, 2012

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized image of a cross.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.13.01 - Latin cross (shorter horizontal lines); Cross, Latin (shorter horizontal lines)

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Hats; Pants; Shirts; Shorts; Sweaters; Sweatpants; Sweatshirts; T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2013

Use in Commerce: May 2013

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

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

## Current Owner(s) Information

Owner Name: Gray, Alexander  
Owner Address: 785 Willard St.  
Leominster, MASSACHUSETTS 01453  
UNITED STATES  
Legal Entity Type: INDIVIDUAL  
Citizenship: UNITED STATES

## Attorney/Correspondence Information

Attorney of Record  
Attorney Name: Matthew H. Swyers  
Attorney Primary Email Address: [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)  
Attorney Email Authorized: No  
Correspondent  
Correspondent Name/Address: MATTHEW H. SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVE W STE 151  
VIENNA, VIRGINIA 22180-5612  
UNITED STATES  
Phone: 800-906-8626 x100  
Fax: 270-477-4574  
Correspondent e-mail: [mswyers@thetrademarkcompany.com](mailto:mswyers@thetrademarkcompany.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 27, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 27, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 26, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 25, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Jul. 25, 2013	ASSIGNED TO LIE	66213
Jul. 05, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 05, 2013	STATEMENT OF USE PROCESSING COMPLETE	66230
Jun. 04, 2013	USE AMENDMENT FILED	66230
Jun. 28, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jun. 04, 2013	TEAS STATEMENT OF USE RECEIVED	
Dec. 04, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 09, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 09, 2012	PUBLISHED FOR OPPOSITION	
Sep. 19, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 04, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2012	ASSIGNED TO EXAMINER	88220
May 18, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
May 17, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 15, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None  
File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 25, 2013

Generated on: This page was generated by TSDR on 2019-06-25 14:53:31 EDT

Mark:



US Serial Number: 87182677

Application Filing Date: Sep. 26, 2016

US Registration Number: 5217064

Registration Date: Jun. 06, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jun. 06, 2017

Publication Date: Mar. 21, 2017

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## Mark Information

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Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a stylized cross design with a curved vertical line and contrasting circles appearing on the left, right, and bottom legs of the cross.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.13.01 - Latin cross (shorter horizontal lines); Cross, Latin (shorter horizontal lines)

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Caps; Hats; Wearable garments and clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)  
First Use: Jul. 2016

Use in Commerce: Jul. 2016

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: True to my DNA, LLC  
Owner Address: 32 Stonebridge Pass  
Newnan, GEORGIA UNITED STATES 30265  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country: GEORGIA  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: Brent D. Sausser	Attorney of Record
Attorney Primary Email Address: <a href="mailto:info@sausserspurrlaw.com">info@sausserspurrlaw.com</a>	Docket Number: BRA-162-14
	Attorney Email Authorized: Yes
	Correspondent
Correspondent Name/Address: BRENT D. SAUSSER THE LAW FIRM OF SAUSSER AND SPURR, LLC 2 ROSEDALE DR. CHARLESTON, SOUTH CAROLINA UNITED STATES 29407	
Phone: 8436540078	
Correspondent e-mail: <a href="mailto:info@sausserspurrlaw.com">info@sausserspurrlaw.com</a>	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jun. 06, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 21, 2017	PUBLISHED FOR OPPOSITION	
Mar. 01, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 02, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 02, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 02, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 10, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2017	NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2017	NON-FINAL ACTION WRITTEN	92826
Jan. 03, 2017	ASSIGNED TO EXAMINER	92826
Sep. 30, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 29, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 29, 2016	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None



Current Location: PUBLICATION AND ISSUE SECTION

**File Location**

Date in Location: Jun. 06, 2017

Generated on: This page was generated by TSDR on 2019-06-25 14:54:33 EDT

Mark: GO GREEN. GET WEED.



US Serial Number: 85136218

Application Filing Date: Sep. 23, 2010

US Registration Number: 4301781

Registration Date: Mar. 12, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 12, 2013

Publication Date: Mar. 29, 2011

Notice of Allowance Date: May 24, 2011

## Mark Information

Mark Literal Elements: GO GREEN. GET WEED.

Standard Character Claim: No

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

Description of Mark: The mark consists of a light green recycling symbol outlined in dark green with a dark green marijuana plant inside of it, placed above the words "GO GREEN." in dark green stylized font above the words, "GET WEED.", in light green stylized font.

Color Drawing: Yes

Color(s) Claimed: The color(s) light green and dark green is/are claimed as a feature of the mark.

Design Search Code(s): 05.13.09 - Marijuana plants  
24.17.19 - Recycling symbol

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Shirts; T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 02, 2012

Use in Commerce: Nov. 02, 2012

For: Bumper stickers

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 02, 2012

Use in Commerce: Nov. 02, 2012

### Basis Information (Case Level)

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

### Current Owner(s) Information

Owner Name: Ferrara, Kenneth  
Owner Address: P.O. Box 39  
Rusk, TEXAS 75785  
UNITED STATES  
Legal Entity Type: INDIVIDUAL  
Citizenship: UNITED STATES

### Attorney/Correspondence Information

Attorney of Record  
Attorney Name: Kelly J. Kubasta  
Docket Number: 900965-3004  
Attorney Primary Email Address: [ipdocketing@kk-llp.com](mailto:ipdocketing@kk-llp.com)  
Attorney Email Authorized: No  
Correspondent  
Correspondent Name/Address: Kelly J. Kubasta  
Klemchuk Kubasta LLP  
8150 N. Central Expressway  
10th Floor  
Dallas, TEXAS 75206  
UNITED STATES  
Phone: 214.367.6000  
Fax: 214.367.6001  
Correspondent e-mail: [ipdocketing@kk-llp.com](mailto:ipdocketing@kk-llp.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2013	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 31, 2013	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 02, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 01, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Jan. 30, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70884
Jan. 17, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70884
Jan. 10, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 10, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 10, 2012	NON-FINAL ACTION E-MAILED	
Jul. 10, 2012	SU - NON-FINAL ACTION - WRITTEN	78305
Jun. 20, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 19, 2012	STATEMENT OF USE PROCESSING COMPLETE	76538
May 24, 2012	USE AMENDMENT FILED	76538

Jun. 19, 2012	EXTENSION 2 GRANTED	76538
May 24, 2012	EXTENSION 2 FILED	76538
Jun. 18, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 24, 2012	TEAS EXTENSION RECEIVED	
May 24, 2012	TEAS STATEMENT OF USE RECEIVED	
Nov. 25, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 23, 2011	EXTENSION 1 GRANTED	98765
Nov. 23, 2011	EXTENSION 1 FILED	98765
Nov. 23, 2011	TEAS EXTENSION RECEIVED	
May 24, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 29, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 29, 2011	PUBLISHED FOR OPPOSITION	
Feb. 18, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Jan. 31, 2011	ASSIGNED TO LIE	70884
Dec. 31, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 31, 2010	ASSIGNED TO EXAMINER	78305
Sep. 28, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 27, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 27, 2010	NEW APPLICATION ENTERED IN TRAM	

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### TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 01, 2013

Generated on: This page was generated by TSDR on 2019-06-25 14:55:06 EDT

Mark: I



US Serial Number: 86801872

Application Filing Date: Oct. 26, 2015

US Registration Number: 4992504

Registration Date: Jul. 05, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jul. 05, 2016

Publication Date: Apr. 19, 2016

## Mark Information

Mark Literal Elements: I

Standard Character Claim: No

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

Description of Mark: The mark consists of the letter "I" to the left of the International Recycling Symbol, all in the color green.

Color Drawing: Yes

Color(s) Claimed: The color(s) green is/are claimed as a feature of the mark.

Disclaimer: THE DESIGN OF THE UNIVERSAL RECYCLING SYMBOL

Design Search Code(s): 24.17.19 - Recycling symbol

## Related Properties Information

Claimed Ownership of US Registrations: 4027262

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2010

Use in Commerce: Dec. 31, 2013

For: Lapei pins

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2015

Use in Commerce: Aug. 31, 2015

### Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

### Current Owner(s) Information

Owner Name: Keep America Beautiful, Inc.

Owner Address: 1010 Washington Boulevard  
Stamford, CONNECTICUT UNITED STATES 06901

Legal Entity Type: non-profit corporation

State or Country: NEW YORK  
Where Organized:

### Attorney/Correspondence Information

Attorney Name: Stacy J Grossman

#### Attorney of Record

Docket Number: 0035-0201

Attorney Primary Email Address: [stacy@stacygrossmanlaw.com](mailto:stacy@stacygrossmanlaw.com)

Attorney Email Authorized:

#### Correspondent

Correspondent Name/Address: STACY J GROSSMAN  
Law Office of Stacy J. Grossman  
888 Seventh Avenue, 10th Floor  
New York, NEW YORK UNITED STATES 10106

Phone: (212) 873-6120

Correspondent e-mail: [stacy@stacygrossmanlaw.com](mailto:stacy@stacygrossmanlaw.com) [ipDocket@stacygr.com](mailto:ipDocket@stacygr.com)  
[ossmanlaw.com](mailto:ossmanlaw.com)

Correspondent e-mail Authorized:

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Nov. 29, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 05, 2016	REGISTERED-PRINCIPAL REGISTER	
Apr. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 19, 2016	PUBLISHED FOR OPPOSITION	
Mar. 30, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 17, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Mar. 16, 2016	ASSIGNED TO LIE	69712
Feb. 29, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 29, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 29, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 29, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 29, 2016	EXAMINERS AMENDMENT -WRITTEN	81899

Feb. 26, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION WRITTEN	81899
Feb. 19, 2016	ASSIGNED TO EXAMINER	81899
Nov. 03, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 02, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 31, 2015	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 05, 2016

Generated on: This page was generated by TSDR on 2019-06-25 14:55:47 EDT

Mark: INNO GREEN



US Serial Number: 86750522

Application Filing Date: Sep. 08, 2015

US Registration Number: 5351043

Registration Date: Dec. 05, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Dec. 05, 2017

Publication Date: Aug. 23, 2016

Notice of Allowance Date: Oct. 18, 2016

## Mark Information

Mark Literal Elements: INNO GREEN

Standard Character Claim: No

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

Description of Mark: The mark consists of a purple circle outline surrounding a green recycling symbol to the left of the purple stylized wording "INNO" followed by a purple dot followed by the green stylized wording "GREEN". The white in the mark represents transparent areas and is not claimed as a feature of the mark.

Color Drawing: Yes

Color(s) Claimed: The color(s) purple and green is/are claimed as a feature of the mark.

Disclaimer: THE RECYCLING SYMBOL AND "GREEN"

Design Search Code(s): 24.15.02 - Arrows forming any other geometric figure  
24.15.10 - Arrows, more than one; More than one arrow  
24.17.19 - Recycling symbol  
26.01.13 - Circles, two (not concentric); Two circles  
26.01.21 - Circles that are totally or partially shaded.

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks '\*' identify additional (new) wording in the goods/services.

For: Men's and ladies' woven pants; men's and ladies' woven shorts; men's and ladies' woven shirts; men's and ladies' knit shirts; men's suits; men's and ladies' jackets and coats, all of the foregoing made all or in substantial part of recycled materials

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 21, 2017

Use In Commerce: Jun. 21, 2017

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No



Filed 66A: No  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

Owner Name: Tallech (Macao) Limited  
Owner Address: Av. Praia Grande, No.369  
Keng Ou Commercial Building, Unit 17 C  
Macau  
MACAU  
Legal Entity Type: limited company (ltd.)  
State or Country: MACAU  
Where Organized:

## Attorney/Correspondence Information

**Attorney of Record**  
Attorney Name: Charles J. Meyer  
Docket Number: 34472-16  
Attorney Primary Email Address: [cjmeyer@uspatent.com](mailto:cjmeyer@uspatent.com)  
Attorney Email Authorized: Yes  
**Correspondent**  
Correspondent Name/Address: Charles J. Meyer  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, INDIANA 46204  
UNITED STATES  
Phone: (317) 634-3456  
Fax: (317) 637-7561  
Correspondent e-mail: [cjmeyer@uspatent.com](mailto:cjmeyer@uspatent.com)  
[doctetdepl@uspatent.com](mailto:doctetdepl@uspatent.com)  
Correspondent e-mail Authorized: Yes  
**Domestic Representative**  
Domestic Representative Name: Charles J. Meyer  
Phone: (317) 634-3456  
Fax: (317) 637-7561  
Domestic Representative e-mail: [cjmeyer@uspatent.com](mailto:cjmeyer@uspatent.com)  
Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Dec. 05, 2017	REGISTERED-PRINCIPAL REGISTER	
Nov. 02, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 01, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 31, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Oct. 31, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Oct. 31, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	69712
Oct. 30, 2017	ASSIGNED TO LIE	69712
Oct. 18, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 12, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 10, 2017	NOTIFICATION OF NOTICE OF UNRESPONSIVE AMENDMENT - E-MAILED	
Oct. 10, 2017	NOTICE OF UNRESPONSIVE AMENDMENT - E-MAILED	
Oct. 10, 2017	SU - NOTICE OF UNRESPONSIVE AMENDMENT - WRITTEN	92463
Oct. 03, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 03, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 02, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 02, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Oct. 02, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 02, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 12, 2017	TEAS EXTENSION RECEIVED	
Apr. 05, 2017	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	88889
Jan. 31, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 31, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Mar. 31, 2017	NON-FINAL ACTION E-MAILED	
Mar. 31, 2017	SU - NON-FINAL ACTION - WRITTEN	92463
Mar. 23, 2017	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 03, 2017	USE AMENDMENT FILED	65362
Mar. 15, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Mar. 03, 2017	TEAS STATEMENT OF USE RECEIVED	
Oct. 18, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 23, 2016	PUBLISHED FOR OPPOSITION	
Aug. 03, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 15, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 15, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2016	EXAMINERS AMENDMENT -WRITTEN	92463
Jul. 07, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 07, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 07, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 07, 2016	EXAMINERS AMENDMENT -WRITTEN	92463
Jun. 20, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 20, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 20, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 28, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2015	NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2015	NON-FINAL ACTION WRITTEN	92463
Dec. 18, 2015	ASSIGNED TO EXAMINER	92463
Sep. 12, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 11, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 11, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

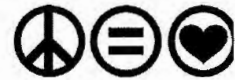
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 01, 2017

Generated on: This page was generated by TSDR on 2019-06-25 14:57:09 EDT

Mark:



US Serial Number: 87746210

Application Filing Date: Jan. 07, 2018

Filed as TEAS Yes  
Plus:

Currently TEAS Yes  
Plus:

Register: Principal

Mark Type: Trademark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 06, 2019

Publication Date: May 22, 2018

Notice of Allowance Date: Jul. 17, 2018

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of peace sign, followed by equals sign within circle, followed by heart symbol within circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards

Code(s): 24.17.20 - Peace symbol

24.17.25 - Equal sign (=); Greater than symbol > (mathematical); Hazardous materials symbol; Less than symbol < (mathematical);

Pound sign (#); Degree sign (°); Biohazard symbol; Handicapped symbol

26.01.15 - Three circles; Circles, exactly three circles

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*, \* identify additional (new) wording in the goods/services.

For: Bottoms as clothing; Tops as clothing

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Watermark Properties Inc  
Owner Address: 1158 26th Street, Unit 535  
Santa Monica, CALIFORNIA 90403  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country NEVADA  
Where Organized:

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## Attorney/Correspondence Information

---

Attorney of Record - None  
Correspondent

Correspondent WATERMARK PROPERTIES INC  
Name/Address: 1158 26TH STREET, UNIT 535  
SANTA MONICA, CALIFORNIA 90403  
UNITED STATES

Phone: 310-418-4674

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Jan. 08, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 06, 2019	EXTENSION 1 GRANTED	98765
Jan. 06, 2019	EXTENSION 1 FILED	98765
Jan. 06, 2019	TEAS EXTENSION RECEIVED	
Jul. 17, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 04, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 22, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 22, 2018	PUBLISHED FOR OPPOSITION	
May 02, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 17, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 17, 2018	ASSIGNED TO EXAMINER	82413
Jan. 23, 2018	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 10, 2018	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

---

TM Attorney: BULLOFF, TOBY ELLEN

TM Staff Information

Law Office LAW OFFICE 119  
Assigned:

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 17, 2018

Generated on: This page was generated by TSDR on 2019-06-25 14:58:38 EDT

Mark:



US Serial Number: 77944232

Application Filing Date: Feb. 24, 2010

US Registration Number: 3856547

Registration Date: Oct. 05, 2010

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 15, 2017

Publication Date: Jul. 20, 2010

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## Mark Information

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Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a peace symbol.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.17.20 - Peace symbol

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## Goods and Services

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### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Downloadable software for use in viewing and posting classified advertising, consumer product and service information, product and service rental information and advertising, and consumer information on a wide variety of topics of general interest to the consuming public; downloadable software for use in accessing electronic mail services and for electronic transmission of messages, data and images

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 2009

Use in Commerce: Sep. 30, 2009

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## Basis Information (Case Level)

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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: CRAIGSLIST, INC.

Owner Address: 1381 9TH AVENUE  
SAN FRANCISCO, CALIFORNIA 94122  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: PERRY J. VISCOUNTY

Attorney Primary [ipdocket@lw.com](mailto:ipdocket@lw.com)  
Email Address:

Attorney Email Yes  
Authorized:

#### Correspondent

Correspondent Name/Address: PERRY J. VISCOUNTY  
LATHAM & WATKINS LLP  
650 TOWN CENTER DRIVE, 20TH FLOOR  
COSTA MESA, CALIFORNIA 92626  
UNITED STATES

Phone: 7145401235

Correspondent e-mail: [ipdocket@lw.com](mailto:ipdocket@lw.com)

Correspondent e-mail Authorized:

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 15, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 15, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	30005
May 15, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	30005
Apr. 03, 2017	TEAS SECTION 8 & 15 RECEIVED	
Apr. 03, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 05, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 20, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 20, 2010	PUBLISHED FOR OPPOSITION	
Jun. 15, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Jun. 15, 2010	ASSIGNED TO LIE	73787
May 30, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 2010	ASSIGNED TO EXAMINER	74816
Mar. 03, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 02, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 27, 2010	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

### TM Staff and Location Information

TM Staff Information - None

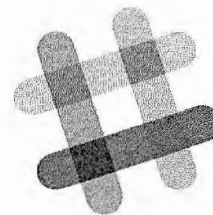
File Location

Current Location: TMO LAW OFFICE 115

Date in Location: May 15, 2017

Generated on: This page was generated by TSDR on 2019-06-25 14:59:15 EDT

Mark:



US Serial Number: 87223537

Application Filing Date: Nov. 02, 2016

US Registration Number: 5309476

Registration Date: Oct. 17, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Oct. 17, 2017

Publication Date: Aug. 01, 2017

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the design of a pound sign on a transparent background. From left to right, top to bottom, the lines comprising the pound sign are green, gold, light blue and pink. The squares created with the overlap of lines are purple, red, light green and dark green.

Color Drawing: Yes

Color(s) Claimed: The color(s) green, light blue, gold, pink, purple, red, light green, and dark green is/are claimed as a feature of the mark.

Design Search Code(s): 24.17.25 - Biohazard symbol; Degree sign (°); Equal sign (=); Pound sign (#); Handicapped symbol; Hazardous materials symbol; Less than symbol < (mathematical); Greater than symbol > (mathematical)

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*, \* identify additional (new) wording in the goods/services.

For: downloadable mobile application featuring software for use in group communication, namely, postings, memoranda and instant messaging, file sharing, calendar synchronization, and automated integrations with external service providers

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 14, 2013

Use in Commerce: Aug. 14, 2013

## 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: Slack Technologies, Inc.  
 Owner Address: 500 Howard Street  
 San Francisco, CALIFORNIA 94105  
 UNITED STATES  
 Legal Entity Type: CORPORATION  
 State or Country: DELAWARE  
 Where Organized:

### Attorney/Correspondence Information

Attorney Name: John L. Slafsky	Attorney of Record
Attorney Primary Email Address: <a href="mailto:trademarks@wsgr.com">trademarks@wsgr.com</a>	Docket Number: 53789-TM1002
	Attorney Email Authorized: Yes
Correspondent Name/Address: Christine K. Au-Yeung WILSON SONSINI GOODRICH & ROSATI 650 Page Mill Road Palo Alto, CALIFORNIA 94304-1050 UNITED STATES	Correspondent
Phone: 650-493-9300	Fax: 650-493-6811
Correspondent e-mail: <a href="mailto:trademarks@wsgr.com">trademarks@wsgr.com</a>	Correspondent e-mail Authorized: Yes
Domestic Representative Name: Claudia A. Smith	Domestic Representative
Domestic Representative e-mail: <a href="mailto:trademarkdocket@whitecase.com">trademarkdocket@whitecase.com</a>	Domestic Representative e-mail Authorized: Yes

### Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 15, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 29, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 29, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 17, 2017	REGISTERED-PRINCIPAL REGISTER	
Aug. 01, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 01, 2017	PUBLISHED FOR OPPOSITION	
Jul. 12, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 19, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 16, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 17, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 16, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 16, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 10, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 10, 2017	NON-FINAL ACTION E-MAILED	6325
Feb. 10, 2017	NON-FINAL ACTION WRITTEN	76406
Feb. 09, 2017	ASSIGNED TO EXAMINER	76406

Nov. 08, 2016 NOTICE OF DESIGN SEARCH CODE E-MAILED  
Nov. 07, 2016 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM  
Nov. 05, 2016 NEW APPLICATION ENTERED IN TRAM

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## TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2017

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## Assignment Abstract Of Title Information

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### Summary

Total Assignments: 1

Registrant: Slack Technologies, Inc.

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### Assignment 1 of 1

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Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: 6657/0759

Pages: 11

Date Recorded: May 30, 2019

Supporting Documents: assignment-tm-6657-0759.pdf

#### Assignor

Name: SLACK TECHNOLOGIES, INC.

Execution Date: May 30, 2019

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

#### Assignee

Name: MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

Address: 1300 THAMES STREET, 4TH FLOOR  
BALTIMORE, MARYLAND 21231

#### Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 355 SOUTH GRAND AVENUE  
LOS ANGELES, CA 90071-1560

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-06-25 14:59:54 EDT

Mark:

#

US Serial Number: 75154398

Application Filing Date: Aug. 22, 1996

US Registration Number: 2115677

Registration Date: Nov. 25, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 07, 2017

Publication Date: Sep. 02, 1997

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## Mark Information

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Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 24.17.25 - Biohazard symbol; Degree sign (\*); Equal sign (=); Pound sign (#); Handicapped symbol; Hazardous materials symbol; Less than symbol < (mathematical); Greater than symbol > (mathematical)

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## Foreign Information

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Foreign Registration Number: 2053442

Foreign Registration Date: Jan. 23, 1996

Foreign Application/Registration Country: UNITED KINGDOM

Foreign Expiration Date: Jan. 23, 2006

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## Goods and Services

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### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: shirts, sweaters, jeans, trousers, hats, caps, coats, underwear, [ bathrobes,] gloves, [ neckties,] socks, stockings and tights, and shoes

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

For: [bed blankets, bed linen, bed sheets, bedspreads, pillow cases, table linen, tablecloths not of paper, fabric table runners,] face towels, handkerchiefs, table napkins not of paper, and textile wallhangings]

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 44(e)

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	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: BEEN TRILL, LLC  
 Owner Address: 22022 HEIDI AVENUE  
 LAKE FOREST, CALIFORNIA 92630  
 UNITED STATES  
 Legal Entity Type: LIMITED LIABILITY COMPANY  
 State or Country Where Organized: CALIFORNIA

### Attorney/Correspondence Information

Attorney Name: John R. Sommer	Attorney of Record
Attorney Primary Email Address: <a href="mailto:sommer@stussy.com">sommer@stussy.com</a>	Docket Number: BT, #, 24-25
	Attorney Email Authorized: Yes
Correspondent Name/Address: John R. Sommer, Attorney-at-Law 17426 Daimler Street Irvine, CALIFORNIA 92614 UNITED STATES	Correspondent
Phone: (949) 752-5344	Fax: (949) 752-5439
Correspondent e-mail: <a href="mailto:sommer@stussy.com">sommer@stussy.com</a>	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Dec. 07, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 07, 2017	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Dec. 07, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Dec. 07, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Dec. 07, 2017	REGISTERED - SEC. 15 ACKNOWLEDGED	68335
Dec. 06, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Nov. 25, 2017	TEAS SECTION 15 RECEIVED	
Nov. 24, 2017	TEAS SECTION 8 & 9 RECEIVED	
Nov. 25, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 05, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 05, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 01, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 28, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Nov. 01, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 01, 2007	ASSIGNED TO PARALEGAL	69934
Oct. 19, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 17, 2007	CASE FILE IN TIGRS	
Jan. 13, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Nov. 14, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
Nov. 14, 2003	TEAS SECTION 8 RECEIVED	

Nov. 25, 1997	REGISTERED-PRINCIPAL REGISTER	
Sep. 02, 1997	PUBLISHED FOR OPPOSITION	
Aug. 01, 1997	NOTICE OF PUBLICATION	
Jun. 25, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 24, 1997	Sec. 1(B) CLAIM DELETED	61645
Jun. 24, 1997	EXAMINER'S AMENDMENT MAILED	
May 21, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 10, 1996	NON-FINAL ACTION MAILED	
Nov. 07, 1996	ASSIGNED TO EXAMINER	72153

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 25, 2017

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 07, 2017

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: SMITH, Robert David

### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5559/0376

Pages: 2

Date Recorded: Jun. 24, 2015

Supporting Documents: [assignment-tm-5559-0376.pdf](#)

### Assignor

Name: SMITH, ROBERT DAVID

Execution Date: May 07, 2015

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED KINGDOM

### Assignee

Name: BEEN TRILL, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 22022 HEIDI AVENUE  
LAKE FOREST, CALIFORNIA 92630

### Correspondent

Correspondent Name: JOHN R. SOMMER

Correspondent Address: 17426 DAIMLER STREET  
IRVINE, CA 92614

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-06-25 15:00:36 EDT

Mark:



US Serial Number: 87315697

Application Filing Date: Jan. 27, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 16, 2019

Publication Date: May 30, 2017

Notice of Allowance Date: Jul. 25, 2017

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a silhouette of a pistol.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 23.03.03 - Derringers; Revolvers; Pistols

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: apparel, namely, shirts, pants, shorts, coats, jackets, sweaters, vests, hats, scarves, gloves, belts, bib overalls, chaps, undergarments, long johns, boots, socks, and leather belts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: WAHRHEIT, LLC  
Owner Address: 608 FURMAN ROAD  
GREENVILLE, SOUTH CAROLINA 29609  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: SOUTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Nichole Hayden  
Attorney Primary Email Address: [jp@nelsonmullins.com](mailto:jp@nelsonmullins.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: NICHOLE HAYDEN  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
301 SOUTH COLLEGE STREET, 23RD FLOOR  
ONE WELLS FARGO CENTER  
CHARLOTTE, NORTH CAROLINA 28202  
UNITED STATES  
Phone: 919-329-3831 Fax: 803-255-9831  
Correspondent e-mail: [jp@nelsonmullins.com](mailto:jp@nelsonmullins.com) [nichole.hayden@nelsonmullins.com](mailto:nichole.hayden@nelsonmullins.com)  
[ullins.com](mailto:ullins.com) [emily.alvarez@nelsonmullins.com](mailto:emily.alvarez@nelsonmullins.com) Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 18, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 16, 2019	EXTENSION 3 GRANTED	98765
Jan. 16, 2019	EXTENSION 3 FILED	98765
Jan. 16, 2019	TEAS EXTENSION RECEIVED	
May 26, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 24, 2018	EXTENSION 2 GRANTED	98765
May 24, 2018	EXTENSION 2 FILED	98765
May 24, 2018	TEAS EXTENSION RECEIVED	
May 09, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 26, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 24, 2018	EXTENSION 1 GRANTED	98765
Jan. 24, 2018	EXTENSION 1 FILED	98765
Jan. 24, 2018	TEAS EXTENSION RECEIVED	
Nov. 08, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 25, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 30, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 30, 2017	PUBLISHED FOR OPPOSITION	
May 10, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 24, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Apr. 12, 2017	ASSIGNED TO LIE	74221
Mar. 16, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 15, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 15, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 15, 2017	EXAMINERS AMENDMENT -WRITTEN	93667
Mar. 09, 2017	ASSIGNED TO EXAMINER	93667
Feb. 01, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 31, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information

TM Attorney: NITKIN, DINISHA F

Law Office: LAW OFFICE 110

Assigned:

### File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 25, 2017

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## Assignment Abstract Of Title Information

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### Summary

Total Assignments: 2

Applicant: 1911, LLC

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### Assignment 1 of 2

---

Conveyance: CHANGE OF NAME

Reel/Frame: 6319/0294

Pages: 3

Date Recorded: Apr. 23, 2018

Supporting Documents: assignment-tm-6319-0294.pdf

Name: 1911, LLC

Legal Entity Type: CORPORATION

### Assignor

Execution Date: Apr. 16, 2018

State or Country: SOUTH CAROLINA  
Where Organized:

### Assignee

Name: WAHRHEIT, LLC

Legal Entity Type: CORPORATION

State or Country: SOUTH CAROLINA  
Where Organized:

Address: 608 FURMAN ROAD  
GREENVILLE, SOUTH CAROLINA 29609

### Correspondent

Correspondent Name: NICHOLE HAYDEN

Correspondent Address: 301 S. COLLEGE STREET  
ONE WELLS FARGO CENTER, 23 FL  
CHARLOTTE, NC 28202

Domestic Representative - Not Found

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### Assignment 2 of 2

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Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE INCLUSION OF 87/779,380 AND 87/779,395 IN THE PROPERTY TYPES RECORDED ON REEL 006319 FRAME 0294. PREVIOUSLY RECORDED ON REEL 006319 FRAME 0294. ASSIGNOR(S) HEREBY CONFIRMS THE 87/779,380 AND 87/779,395 SHOULD NOT HAVE BEEN INCLUDED IN THE NAME CHANGE. THEY ARE NOT OWNED BY 1911,LLC..

Reel/Frame: 6572/0796

Pages: 4

Date Recorded: Jan. 28, 2019

Supporting Documents: assignment-tm-6572-0796.pdf

Name: 1911, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

### Assignor

Execution Date: Apr. 16, 2018

State or Country: SOUTH CAROLINA  
Where Organized:

### Assignee

Name: WAHRHEIT, LLC

Legal Entity Type: CORPORATION

State or Country: SOUTH CAROLINA  
Where Organized:

Address: 608 FURMAN ROAD  
GREENVILLE, SOUTH CAROLINA 29609

### Correspondent



Correspondent Name: NICHOLE HAYDEN

Correspondent Address: 301 SOUTH COLLEGE STREET, 23RD FLOOR  
CHARLOTTE, NC 28202

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-06-25 15:01:27 EDT

Mark:



US Serial Number: 86659704

Application Filing Date: Jun. 11, 2015

US Registration Number: 4958662

Registration Date: May 17, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark, Service Mark

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

Status Date: May 17, 2016

Publication Date: Mar. 01, 2016

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a stylized design of two paint stripes forming an X featuring designs in the spaces between the lines in the X, specifically, a long gun in the top-center, a handgun to the left, an ax in the bottom-center, and flex cuffs to the right of the X.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 14.05.05 - Tomahawks; Hatchets; Axes  
14.11.09 - Ball and Chain (restraints); Handcuffs; Leg irons; Manacles; Restraints (ball and chain, handcuffs, leg irons, manacles)  
23.03.02 - Shotguns; Rifles; Carbines; Shotguns  
23.03.03 - Pistols; Derringers; Revolvers  
26.17.01 - Bars, straight; Bands, straight; Lines, straight; Straight line(s), band(s) or bar(s)  
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Education services, namely, providing live and on-line classes, seminars, workshops, courses, training in the field of weapons and tactical techniques, military, shooting, home defense; Educational services, namely, conducting informal on-line programs in the fields of weapons and tactical techniques, military, shooting, home defense, and printable materials distributed therewith; Educational services, namely, providing on-line classes, seminars, workshops, courses, training in the field of weapons and tactical techniques, military, shooting, home defense and distribution of training material in connection therewith; Educational services, namely, providing online instruction in the field of weapons and tactical techniques, military, shooting, home defense and distribution of training material in connection therewith via an online website; Educational services, namely, providing classes, seminars, workshops, courses, training in the fields of weapons and tactical techniques, military, shooting, home defense and distribution of training material in connection therewith

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

For: Athletic shirts; Baseball caps and hats; Beanies; Body shirts; Camouflage shirts; Hats; Hooded sweat shirts; Long-sleeved shirts; Shirts; Shirts and short-sleeved shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sport shirts; Sports caps and hats; Sports shirts; Sweat shirts; T-shirts; Wearable garments and clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

For: All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Backpacks, book bags, sports bags, bum bags, wallets and handbags; Belt bags and hip bags; Duffle bags; Pouches and bags sold empty for attachment to backpacks; Shoulder bags; Sling bags; Sport bags

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

For: Calendars; Posters; Stickers

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

For: Ammunition for firearms; Automatic firearm ammunition belts; Automatic rifles; Belts adapted for ammunition; Cartridge belts; Component parts for ammunition; Covers for firearms; Firearm attachments, namely, modular external rail systems for attaching accessories to firearms; Firearm attachments, namely, modular external rail systems for firearms; Firearm attachments, namely, mounts for attaching accessories to a firearm; Firearm attachments, namely, mounts for attaching ancillary equipment to a firearm; Firearm attachments, namely, mounts for attaching grips to a firearm; Firearm attachments, namely, mounts for attaching gun sights to a firearm; Firearm attachments, namely, mounts for attaching laser pointing devices to a firearm; Firearm attachments, namely, mounts for attaching lights to a firearm; Firearm attachments, namely, mounts for attaching night vision devices to a firearm; Firearm attachments, namely, mounts for attaching telescopic sights to a firearm; Firearm hand guards; Firearm slings; Firearms; Gun and rifle cases; Gun belts; Gun cartridges; Gun cases; Hand gun accessories, namely, belt clips for securing a gun without the use of a holster; Military rifles; Rifle barrels; Rifle cartridges; Rifle cases; Rifle covers; Rifle hand grips; Rifle mounts; Rifle slings; Rifle straps; Rifles; Rifles and parts thereof; Shell belts; Shells for large size ammunition; Silencers for firearms; Sling straps for firearms; Weapon cases for firearms

International Class(es): 013 - Primary Class

U.S Class(es): 002, 009

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

For: Ballistic resistant and blast resistant body armor and clothing; Bullet resistant clothing; Bullet resistant vests; Bullet-proof clothing; Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and CDs featuring and promoting weapons and tactical techniques, military, shooting, and home defense; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring weapons and tactical techniques, military, shooting, and home defense; Downloadable MP3 files, MP3 recordings, on-line discussion board posts, webcasts, webinars and podcasts, news, and audio books in the field of weapons and tactical techniques, military, shooting, home; Eyewear accessories, namely, straps, neck cords and head straps which restrain eyewear from movement on a wearer; Eyewear, namely, sunglasses, eyeglasses and ophthalmic frames and cases therefor; Sunglasses

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2011

Use in Commerce: Jan. 11, 2011

## 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	

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Owner Name: HALEY STRATEGIC PARTNERS  
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Formerly:  
Owner Address: 15651 N. 83rd way Ste. C1-B  
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UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: ARIZONA

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Second Edition

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Unabridged

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*Dedicated to the memory of  
Jess Stein*

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# A

The first letter of the English alphabet developed from Greek *alpha* (α, Α) through Etruscan and Latin. The capital (Α) goes back to North Semitic *aleph*, which acquired its modern form in Greek and was retained in the Latin monumental script. The minuscule (α) derives from Latin cursive *a*, a variant form of Α, through Carolingian and Florentine influence to yield both *italic* and *roman* forms.

**ah** (ä), *interj.* 1. (used as an exclamation expressing surprise or pleasure) *ah, what a beautiful day!* 2. the exclamation



ing noise: *The cars zinged down the highway.* 5. to proceed with speed or vitality; zip. —v.t. 6. to move with or as with a sharp, singing or whirling: *The pitcher zinged a slider right over the plate.* 7. *Slang.* to blame or criticize severely: *City Hall gets zinged when crime increases.* [1910-15; *zip*]

**'ra** (tsəng'gä rä), n., pl. **-re** (-re). Italian. a feisty.

**'ro** (tsəng'gä nö), n., pl. **-ri** (-re). Italian. a

**r** (zing'er), n. Informal. 1. a quick, witty, or d remark or retort: *During the debate she made a of zingers that deflated the opposition.* 2. a sur-shock, or piece of electrifying news: *The Presi-resignation was a real zinger.* 3. a person or that has vitality or animation or produces startling i. [1950-55; *zing* + **-er**]

**ber-a-ceous** (zin'ə bə rä'shes), adj. belonging Zingiberaceae, the ginger family of plants. Also, **eraceous**. Cf. **ginger** family. [1840-50; < NL *eracea*(ae) family name (see **GINGER**, -ACEAE) +

(zing'er), adj. **zing-i-er**, **zing-i-est**. full of zing; zesty; exciting: *a zingy new musical comedy.* Also, **ng**. [1940-45; *zing* + **-y**]

**n-thro-pus** (zin jan'thrə pəs, zin'jan thrə'-), n. a to which *Australopithecus* *hohesi* was formerly ad. [< NL (1959) < Ar *zinj* East Africa + Gk *an-s-man*]

**n-ite** (zing'kə nit'), n. a steel-gray mineral with ic luster, lead antimony sulfide,  $Pb_3Sb_2S_7$ . Also, **mite**. [1825-35; < G *Zinkenit*, named after J. K. cken (1790-1862), German mineralogist and min-ector; see **-ite**]

**a** (zin'ə ə), n. any of several composite plants of us *Zinnia*, native to Mexico and adjacent areas, ie widely cultivated species *Z. elegans*, having sly colored, many-rayed flower heads. [1760-70; named after J. G. Zinn (1727-59), German bota-ic -IA]

**ald-ite** (tsin'vāl tit'), n. Mineral. a yellow-variety of mica containing iron, found with tin 1860-65; named after *Zinnwald*, village in Czech-ia where first found; see **-ite**]

**iev** (zi nō'və ef', -nov'yef; Russ. *zi nō'viyf*), **gori Ev-se-ovich** (grayi gō'rye yif sye'yi vyich), 936, Russian Bolshevik leader.

**ievsk** (zi nō'və efsk, -nov'yefsk; Russ. *zi nō'-*, n. a former name of **Kirovograd**.

**Br** (zin'sor), n. **Hans** (hanz, hānz), 1878-1940, icteriologist.

**n-dorf** (tsin'tsən dōrf'), n. Count **Ni-ko-laus ig von** (nō'kō lous/ loot/vikh fen, lood'-), 1700-rman religious leader: reformer and organizer of ravian Church.

**ber-a-ceous** (zin'zə bə rä'shes), adj. zingiber-

(zi'ən), n. 1. a hill in Jerusalem, on which the 3 was built (used to symbolize the city itself, esp. igious or spiritual center). 2. the Jewish people, sline as the Jewish homeland and symbol of Ju-4. heaven as the final gathering place of true be-5. a city in NE Illinois. 17,861. Also, **Sion** (for -4). [Heb. 1000; < Heb. *siyōn*; r. ME, OE *Sion* < -ilgate) *Sion* < Gk (Septuagint) *Seiōn* < Heb, as

**sm** (zi'ə niz'am), n. a worldwide Jewish move-hat resulted in the establishment and development state of Israel. [1895-1900; Zion + -ism] —**Zi'-**, n., adj. —**Zi-on-is'tic**, adj. —**Zi-on-ite** (zi'ə-

**Na'tional Park'**, a park in SW Utah. 148 sq. 3 sq. km).

**zip**, n., v., **zipped**, **zip-ping**. —n. 1. a sudden, issing sound, as of a bullet. 2. Informal. energy; igr. —v.i. 3. to move with a zipping sound. 4. a. to act or move with speed or energy: *I'll just stairs.* —v.t. Informal. 5. to convey with speed ergy: *I'll zip you downtown on my motorcycle.* 6. vitality or zest to (usually fol. by up): *A little gar-up a salad.* [1850-65; of expressive orig.]

**ip**, v., **zipped**, **zip-ping**. —v.t. 1. to fasten or un-with a zipper: *Zip your jacket.* *Zip open the travel-er.* 2. to enclose or free by doing up or undoing a *Zip this money into your wallet.* *Zip me out of my* —v.i. 3. to become fastened or unfastened by of a zipper: *a handy purse that zips shut.* 4. to do into a zipper. —n. 5. a zipper. —adj. 6. utiliz-aving a zipper: *a coat with a zip front.* [1935-40, back formation from **ZIPPER**] —**zip-less**, adj.

**ip**, n., v., **zipped**, **zip-ping**. **Slang.** —n. 1. zero ing: *The score of last night's hockey game was* —v.t. 2. (in sports) to defeat by keeping an oppo-m scoring: *The home team was zipped again yes-* [1895-1900; Amer.; appar. an expressive word, of **ZERO**; cf. **ZILCH**]

**ip**, n., v., **zipped**, **zip-ping**. Informal. —n. 1. **code**. —v.t. 2. to zip-code. [by ellipsis]

**ode'**, a system used in the U.S. to facilitate the y of mail, consisting of a five- or nine-digit code directly after the address, the first five digits (**in-de**) indicating the state and post office or postal he last four (**expanded code**) the box section or

metal tube taped to a wooden stock and firing a .22-caliber bullet. [1945-50]

**zip-in** (zip'in/), adj. capable of being inserted or at-tached by means of a zipper: *a coat with a zip-in lining.* [1970-75; adj. use of v. phrase *zip in*]

**Zip/loc bag'** (zip'lok/), Trademark. a brand of zip-lock plastic bag.

**zip-lock** (zip'lok/), adj. (of a plastic bag) made with interlocking ridges near the edges, so as to be easily closed or sealed by pressing one side of the opening against the other. [1980-85]

**zip-out** (zip'out/), adj. capable of being removed or detached by means of a zipper. [1960-65; adj. use of v. phrase *zip out*]

**zip-per** (zip'ər), n. 1. Also called **slide fastener**. a de-vice used for fastening clothing, valises, etc., consisting of two toothed tracks or spiral metal or plastic coils, each bordering one of two edges to be joined, and a piece that either interlocks or separates them when pulled. 2. a person or thing that zips. 3. a rubber and fabric boot or overshoe fastened up the leg by a zipper. —v.t., v.i. 4. zip. [1920-25, Amer.; formerly a trademark; see **zip**, -ER] —**zip-per-less**, adj.

**zip-pered** (zip'ərd), adj. fastened or fitted with a zip-per or zippers: *zippered slipcovers.* [1940-45; **ZIPPER** + **-ED**]

**ZIP + 4** (zip' plus' fōr, fōr'), a zip code of nine digits, used to facilitate accurate and prompt delivery of mail.

**Zip-po-rah** (zi pō'rə, -pō'rə; zip'ər ə), n. the daughter of Jethro and the wife of Moses. Ex. 2:21.

**zip-py** (zip'ē), adj., **-pi-er**, **-pi-est**. Informal. lively; peppy. [1915-20; **zip** + **-y**]

**zir-ram** (zi'ram), n. Chem. a white crystalline powder,  $C_6H_{11}N_5S_2Zn$ , almost insoluble in water, soluble in ace-tone and chloroform: used as a fungicide and rubber ac-celerator. [1945-50; *zir* (dimethyl dithiocarbamate) an alternate chemical name]

**Zir-co-loy** (zūr'kə loi'), Trademark. a zirconium alloy used in structural elements or tubing in nuclear reactors.

**zir-con** (zūr'kon), n. a common mineral, zirconium sil-icate,  $ZrSiO_4$ , occurring in small tetragonal crystals or grains of various colors, usually opaque: used as a re-fractory when opaque and as a gem when transparent. [1785-95; < G *Zirkon*, see **JARGON**]

**zir-co-ni-um** (zūr'kō'nē əm), n. Chem. a metallic ele-ment found combined in zircon, baddeleyite, etc., resem-bling titanium chemically: used in steel metallurgy, as a scavenger, as a refractory, and as an opacifier in vitre-ous enamels. Symbol: **Zr**; at. wt.: 91.22; at. no.: 40; sp. gr.: 6.49 at 20°C. [1800-10; < NL; see **ZIRCON**, -IUM] —**zir-con-ic** (zūr'kon'ik), adj.

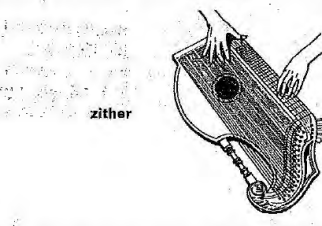
**zirco-nium ox-ide**, Chem. a white, heavy, amor-phous, odorless and tasteless, infusible, water-insoluble powder,  $ZrO_2$ , used chiefly as a pigment for paints, an abrasive, and in the manufacture of refractory crucibles. Also called **zir-co-nia** (zūr'kō'nē ə), **zirco-nium diox-ide**. [1865-70]

**zir-co-nyl** (zūr'kə nil), adj. Chem. containing the group  $ZrO=$ , as zirconyl bromide,  $ZrOBr_2$ . [**ZIRCON** + **-YL**]

**Zis-ka** (Ger. tsis'kä), n. **Jo-hann** (yō'hän). See **Žižka**, Jan.

**zit** (zit), n. **Slang.** a pimple; skin blemish. [1960-65; orig. uncert.]

**zith-er** (zith'ər, zith'-), n. a musical instrument, con-sisting of a flat sounding box with numerous strings stretched over it, that is placed on a horizontal surface and played with a plectrum and the fingertips. [1840-50; < G < L *cithara* < Gk *kithará*; see **KITHARA**] —**zith'er-ist**, n.



zither

**zith-ern** (zith'ərn, zith'-), n. 1. cittern. 2. zither.

**zi-ti** (zē'tē), n. Italian. Cookery. a tubular pasta in short pieces, similar to rigatoni, often baked in a tomato sauce. Also, **zit'ti**. [1925-30; < I *zite*, *ziti*, pl. of *zita*, *zito*, of uncert. orig.]

**zit-tern** (zit'ərn), n. cittern.

**Zi-u-su-dra** (zē'sō sōō'drə), n. a legendary Sumerian king who built a boat in which to escape the Deluge. Cf. **Atrahasis**.

**Ziv** (ziv; Heb. zēv), n. Chiefly Biblical. a month equivalent to Iyar of the modern Jewish calendar. I Kings 6:1. [< Heb. *lit.*, radiance]

**Zi-wi-ye** (zē'wē), n. an ancient city in W Iran: large collection of ivory, gold, and bronze artifacts, dating from c675 to c600 B.C., found here in 1946. Also, **Zi-wi-ye** (zē'wē ya).

**Zl**, zloty.

**Zla-to-ust** (zlə tə ōst'), n. a city in the W RSFSR, in the W Soviet Union in Asia, in the Ural Mountains. 198,000.

**zlo-ty** (zlō'tē), n., pl. **-tys**, (collectively) **-ty**. a nickel coin and monetary unit of Poland, equal to 100 groszy. Abbr.: **Zl**. [1915-20; < Pol *złoty* lit., of gold, golden, adj. deriv. of *złoto* GOLD]

**Zn**, Symbol, Chem. zinc.

**Zna-nie-cki** (znā nyets'kē), n. **Flo-ri-an** (flō rē'an), 1882-1958, Polish sociologist.

**zo-**, var. of **zoo-** before a vowel: **zooid**.

**zo-a** (zō'ə), n. pl. of **zoon**.

**-zoa**, a combining form meaning "animals," "organ-isms" of the kind specified by the initial element, used in the names of classes in zoology: *Protozoa*. [< NL < Gk *zōia*, pl. of *zōion* animal; see **ZOON**]

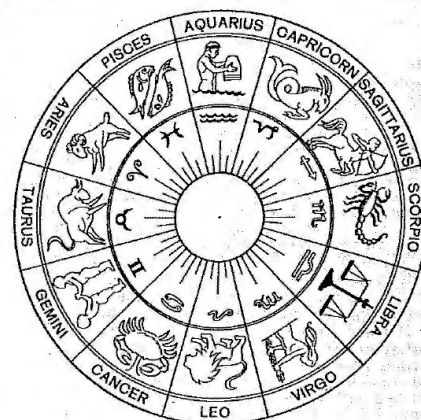
**Zo-an** (zō'an, -ən), n. Biblical name of **Tanis**.

**zo-an-thro-py** (zō an'thrə pē), n. **Psychiatry**. a men-tal disorder in which one believes oneself to be an animal. [1855-60; *zo-* + *-anthropy* < NL *-anthrōpīa* < Gk; see **ANTHROPO-**, -Y]

**Zo-ar** (zō'ər, -ār), n. the city where Lot and his family took refuge during the destruction of Sodom and Gomorrah. Gen. 19:20-30.

**zō-ca-lo** (sō'kū lō', Eng. sō'kə lō'), n., pl. **-los** (-lōs; Eng. -loz). Mexican. Spanish. a public square or plaza, esp. in the center of a city or town.

**zod.**, zodiac.



zodiac (def. 2)

**zodi-ac** (zō'dē ak'), n. 1. an imaginary belt of the heavens, extending about 8° on each side of the ecliptic, within which are the apparent paths of the sun, moon, and principal planets. It contains twelve constellations and hence, twelve divisions called signs of the zodiac. Each division, however, because of the precession of the equinoxes, now contains the constellation west of the one from which it took its name. Cf. **sign of the zodiac**. 2. a circular or elliptical diagram representing this belt, and usually containing pictures of the animals, human figures, etc., that are associated with the constellations and signs. 3. a circuit or round. [1350-1400; ME *zodiacus* < L *zōdiacus* < Gk *zōidiakos* (*kyklos*) signal (circle), equiv. to *zōidi(on)* animal sign (*zōi(on)* animal + *-idion* dim. suffix) + *-akos* -AC] —**zō-di-a-cal** (zō di'ə-kəl), adj.

**zodi'acal light'**, a luminous tract in the sky, seen in the west after sunset or in the east before sunrise and thought to be the light reflected from a cloud of meteoric matter revolving round the sun. [1725-35]

**Zo-e** (zō'ē, zō), n. a female given name: from a Greek word meaning "life." Also, **Zo'ē**.

**zo-e-a** (zō'ē ə), n., pl. **-e-ae** (-ē'ē), **-e-as**. Zool. any of the free-swimming larva of certain crustaceans, as the crab, having rudimentary legs and a spiny carapace. [1820-30; < NL, equiv. to Gk *zōi(ē)* life + NL *-ea*] —**zo-e'al**, adj.

**zo-e-trope** (zō'ē trōp'), n. a device for giving an illu-sion of motion, consisting of a slitted drum that, when whirled, shows a succession of images placed opposite the slits within the drum as one moving image. [1865-70; irreg. < Gk *zōē* life + *trōpē* turn]

**zof-tig** (zof'tik, -tig), adj. **Slang.** **zäftig**.

**Zog I** (zōg), (Ahmed Bey Zogu) 1895-1961, king of Al-bania 1928-39. Also, **Zo-gu I** (zō'gōō).

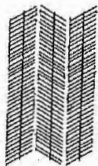
**Zo-har** (zō'här), n. a medieval mystical work, consist-ing chiefly of interpretations of and commentaries on the Pentateuch: the definitive work of Jewish cabala.

**zois-ite** (zoi'sit), n. Mineral. an orthorhombic dimorph of clinzoisite. [1795-1805; named after Baron S. Zois von Idolsheim (1747-1819). Slovenian nobleman who dis-



incretins or small intestine causes excessive gastric juice, leading to intractable peptic ulcer. Robert Milton Zollinger (born 1903) and Ellison (1918-1970), U.S. surgeons, who [1955]

**'sion** (tsul'nar; Ger. tsuel'nar), *Psychol.* on in which parallel lines intersected by lines are perceived as converging or diverging; named after J. K. F. Zöllner, 19th-in physicist]



Illusion

(tsöl'fer in; Eng. tsöl'fə rin'), *n.* 1. (in ry) a union of German states for the main uniform tariff on imports from other countries trading among themselves. 2. any arrangement between a number of states; [1835-45; < G, equiv. to Zoll custom, Verein union]

**'ba**, *n.* a city in and former capital of S part. 22,000.

**bē**, *n.* pl. **-bis**. zombie.

**'bē**, *n.* 1. (in voodoo) a. the body of a given the semblance of life, but mute and supernatural force, usually for some evil or supernatural force itself. 2. Informal. those behavior or responses are wooden, mingly rote; automaton. b. an eccentric or n. 3. a snake god worshiped in West Indian religious practices of African origin. made typically with several kinds of rum, and often apricot liqueur. 5. Canadian y conscript assigned to home defense during II. [1810-20; appar. < Kongo or Kimb. god] — **zom/bi-ism**, *n.*

**'**, *adj.* 1. of or pertaining to a zone or nature of a zone. Also, **zon-ary** (zō'na-zōn + -al) — **zon-ally**, *adv.*

**'nium**, a widely cultivated plant, *Pelargonium*, having white, pink, or red flowers leaves that are sometimes banded or contrasting colors. Also called **fish geranium**.

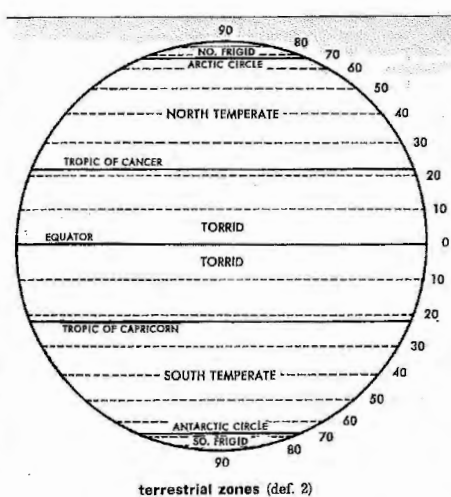
**ci-da** (zō'nā pə lō'si dā, pel yō's-), *pl. ci-dae* (zō'nā pə lō'si dē, pel yō's-), anapert, noncellular layer surrounding mammals, often having radial striations. [L; see **ZONE**, **PELLUCID**]

**'nā**, *adj.* 1. marked with zones, as of or the like. 2. arranged in zones. Also, [1810-20; **ZONE** + -ATE]

**'nā'shən**, *n.* 1. the state or condition of 2. arrangement or distribution in zones. [L; see **ZONE** + -ATION]

**'nē**, *n.* one of a series of Soviet space probes which the moon and returned to earth. orig., surgical probe. < F sonde sonde; z-; Sonde (< F)]

**'zoned**, **zon-ing**, *—n.* 1. any continuous that differs in some respect, or is distinctive purpose, from adjoining tracts or areas, in certain distinctive circumstances exist or d. 2. *Geog.* any of five great divisions of surface, bounded by lines parallel to the aimed according to the prevailing temperature. **Frigid Zone**, **North Temperate Zone**, **Zone**, **South Temperate Zone**, **Torrid** us. in next column. 3. *Biogeog.* an area by a particular set of organisms, whose determined by environmental conditions, as belt on a mountain. 4. *Geol.* a horizon. 5. of the surface of a sphere included between planes. 6. a specific district, area, etc., a uniform charge is made for transportation, or other service. 7. the total number of terminals within a given circumference given shipping center. 8. an area or district town under special restrictions as to the roads, etc., of existing or proposed building. **time zone**. 10. Also called **postal delivery** (the U.S. postal system) any of the numbers into which a city or metropolitan area divided for expediting the sorting and delivery. 11. *Sports*. a particular portion of a playing was trapped with the puck in his own. 12. *Archaic*. a girdle or belt; cincture. mark with zones or bands. 14. to divide acts, areas, etc., as according to existing or as distinguished for some purpose. (a city, town, neighborhood, etc.) into areas with restrictions on any existing or proposed



**zone/ defense/**, *Sports*. a method of defense, esp. in basketball and football, in which each member of the defensive team guards a specified portion of the playing area. Cf. **man-to-man defense**. [1925-30]

**zone/ line/**, *Ice Hockey*. See **blue line**.

**zone/ melt/ing**, a process of purifying any of various metals and other materials, as germanium or silicon, by passing it in bar form through an induction coil. Also called **zone/ refin/ing**. Cf. **cage zone melting**. [1955-60]

**zone/ of avoid/ance**, *Astron.* the area of the sky in the plane of the Milky Way where interstellar dust obscures visible light so that no distant galaxies can be observed.

**zone/ of fire/**, *Mil.* the area within which a unit is prepared to place its fire. [1875-80]

**zone/ of inter/ior**, the part of a theater of war not included in the theater of operations. [1930-35]

**zone/ plate/**, *Optics*. a plate or screen with alternating opaque and transparent concentric rings that focus light by diffraction. [1895-1900]

**zone/ sys/tem**, *Photog.* a system for envisioning the values to appear in a black-and-white print and for determining exposure and development, based on a scale of shades ranging from 0 (black) to IX (white). [1970-75]

**zone/ time/**, standard time as applied at sea, reckoned according to the system of time zones. [1905-10]

**Zoni-an** (zō'nē ən), *n.* 1. a U.S. citizen living in the Canal Zone. —*adj.* 2. of or pertaining to the Zonians. [(CANAL) ZONE + -IAN]

**zon-ing** (zō'ning), *adj.* (esp. in city planning) of or pertaining to the division of an area into zones, as to restrict the number and types of buildings and their uses: zoning laws. [1810-20; **ZONE** + -ING]

**zo-nite** (zō'nit), *n.* a body segment of a diplopod. [1865-60; **ZONE** + -ITE]

**zonk** (zongk, zōngk), *Slang*. —*v.* (often foll. by out) 1. to become unconscious from alcohol or narcotic drugs; pass out. 2. to fall soundly asleep or relax completely: I've got to go home and zonk out. —*u.t.* 3. to stupefy, as by alcohol or narcotic drugs. 4. to sedate or anesthetize: If the pain gets too bad the doctors will zonk you. 5. to strike or defeat soundly; knock out; clobber. [1945-50; of expressive orig.; —onk perh. copies CONK]

**zonked** (-zōngkt, zōngkt), *adj. Slang*. 1. stupefied by or as if by alcohol or drugs; high. 2. exhausted or asleep. Also, **zonked/ out/**. [1955-60; Amer.; **ZONE** + -ED]

**Zon'ta Club/** (zōn'tā), one of an organization of service clubs composed of business and professional women, founded in 1919, and a member chapter of a worldwide organization (**Zon'ta International**) dedicated to promoting world peace and fellowship. [< Lakota *zōta* honest, trustworthy]

**Zon-ti-an** (zōn'tē ən), *n.* 1. a member of a Zonta Club. —*adj.* 2. of or pertaining to a Zonta Club or its members. [ZONT(A) + -IAN]

**zon-ule** (zōn'yūl), *n.* a little zone, belt, band, or the like. [1825-35; < NL *zonula*. See **ZONE**, -ULE] — **zon-ular** (zōn'yū-lər), *adj.*

**zoo** (zō), *n.* pl. **zoos**. 1. Also called **zoological garden**. a parklike area in which live animals are kept in cages or large enclosures for public exhibition. 2. Informal. a place, activity, or group marked by chaos or unrestrained behavior. [1840-50; first two syllables of *zoological garden* taken as one syllable]

**zoo-**, a combining form meaning "living being," "animal," used in the formation of compound words: **zoemetry**, **zooplankton**. Also, *esp. before a vowel*, **zo-**. [comb. form repr. Gk *zōion* animal]

**zoochem.**, **zoochemistry**.

**zo-o-chem-is-try** (zō'ō kem'i strē), *n.* the branch of chemistry dealing with the constituents of the animal body; animal chemistry. [1860-65; **ZOO** + **CHEMISTRY**] — **zo-o-chem-i-cal** (zō'ō kem'i kəl), *adj.*

**zo-o-chore** (zō'ō kōr-, -kōr-), *n.* Bot. a plant whose

feeds on organic matter: often parasitic. [1955-60; **ZOO** + **FLAGELLATE**]

**zo-o-gam-ete** (zō'ō gam'ēt-, -gə mēt'), *n.* planogamete. [1875-80; **ZOO** + **GAMETE**]

**zo-o-gen-ic** (zō'ō jen'ik), *adj.* 1. produced or caused by animals. 2. pertaining or related to animal development or evolution. Also, **zo-o-g-e-nous** (zō'ō jē-nəs). [1860-65; **ZOO** + -GENIC] — **zo-o-gen-e-sis** (zō'ō jen'ə-sis), **zo-o-g-e-ny** (zō'ō jē-nē), *n.*

**zoogeog.**, **zoogeography**.

**zo-o-ge-og-ra-phy** (zō'ō jē og'rə fē), *n.* 1. the science dealing with the geographical distribution of animals. 2. the study of the causes, effects, and other relations involved in such distributions. [1865-70; **ZOO** + **GEOGRAPHY**] — **zo-o-ge-og-ra-pher**, *n.* — **zo-o-ge-o-graph-ic** (zō'ō jē'ō grə'f'ik), **zo'ō-g'e-o-graph'i-cal**, *adj.* — **zo-o-ge-o-graph'i-cal-ly**, *adv.*

**zo-o-gle-a** (zō'ō glē'ə), *n.* pl. **-gles**, **-gle-ae** (-glē/ē). *Bacteriol.* a jellylike mass of microorganisms. Also, **zo'ō-gloe'a**. [1875-80; **ZOO** + NL *gloeia* gum < Gk *glōia* glue] — **zo'ō-gle'al**, *adj.*

**zo-o-graft-ing** (zō'ō grāf'ting, -grāf'-), *n.* zooplasty. [**ZOO** + **GRAFTING**]

**zo-og-ra-phy** (zō og'rə fē), *n.* the branch of zoology dealing with the description of animals. [1585-95; **ZOO** + -GRAPHY] — **zo-og-ra-pher**, *n.* — **zo-o-graph-ic**, (zō'ō grāf'ik), **zo'ō-graph'i-cal**, *adj.*

**zo-oid** (zō'oid), *Biol.* —*n.* 1. any organic body or cell capable of spontaneous movement and of an existence more or less apart from or independent of the parent organism. 2. any animal organism or individual capable of separate existence, and produced by fission, gemmation, or some method other than direct sexual reproduction. 3. any one of the recognizably distinct individuals or elements of a compound or colonial animallike organism, whether or not detached or detachable. —*adj.* 4. Also, **zo-oi'dal**, pertaining to, resembling, or of the nature of an animal. [1850-55; **ZOO** + -OID]

**zoo-keeper** (zō'ō kē'per), *n.* a person who feeds and tends animals in a zoo. [1920-25; **ZOO** + **KEEPER**] — **zoo/keep/ing**, *n.*

**zooks** (zōōks, zōōks), *interj.* (used in exclamatory phrases as a mild oath.) [1625-35; short for GADZOOKS]

**zool.**, 1. zoological. 2. zoologist. 3. zoology.

**zo-ol-a-try** (zō ol'ə trē), *n.* the worship of or excessive attention to animals. [1810-20; **ZOO** + -LATRY] — **zo-ol-a-ter**, *n.* — **zo-ol-a-trous**, *adj.*

**zo-o-log-i-cal** (zō'ō lōj'i kəl), *adj.* 1. of or pertaining to zoology. 2. relating to or concerned with animals. Also, **zo'ō-log'ic**, [1800-10; **ZOOLOG**(Y) + -ICAL] — **zo'ō-log'i-cal-ly**, *adv.*

**zo/o-log'ical gar'den**, *zoo* (def. 1). [1820-30]

**zo-ol-o-gist** (zō ol'ō jist), *n.* a specialist in zoology. [1655-65; **ZOOLOG**(Y) + -IST]

**zo-ol-o-gy** (zō ol'ō jē), *n.* pl. **-gies**. 1. the science or branch of biology dealing with animals. 2. a treatise on zoology. 3. the animal life of a particular region. [1660-70; **ZOO** + -LOGY]

**zoom** (zōm), *v.i.* 1. to move quickly or suddenly with a loud humming or buzzing sound: cars zooming by on the freeway. 2. to fly an airplane suddenly and sharply upward at great speed for a short distance, as in regaining altitude, clearing an obstacle, or signaling. 3. *Motion Pictures, Television*. to bring a subject, scene, etc., into closeup or cause it to recede into a long shot using a zoom lens and while maintaining focus. 4. Informal. to increase or rise suddenly and sharply: Rents would zoom without rent control laws. —*u.t.* 5. to cause (an airplane) to zoom. 6. to fly over (an obstacle) by zooming. 7. **zoom in (on)**, a. to bring (a subject, scene, etc.) into closeup by using a zoom lens: to zoom in for a look at the injured man; to zoom in on a candidate at a political convention. b. to examine more closely or in greater detail; focus on: The panel zoomed in on the subject of abortion. —*n.* 8. the act or process of zooming. 9. a zooming sound. 10. Informal. See **zoom lens**. 11. Also called **zoom shot**. *Motion Pictures, Television*. a shot in which a subject, scene, or action is brought closer or made to recede by the use of a zoom lens. [1885-90; imit.]

—*Syn.* 1. buzz, speed, streak, flash.

**zo-om-e-try** (zō om'ē trē), *n.* measurement of the proportionate lengths or sizes of the parts of animals. [1875-80; **ZOO** + -METRY] — **zo-o-met-ric** (zō'ō me't-rik), **zo'ō-met'ri-cal**, *adj.*

**zoom/ lens/**, (in a camera or motion-picture projector) a lens assembly whose focal length can be continuously adjusted to provide various degrees of magnification without any loss of focus, thus combining the features of wide-angle, normal, and telephoto lenses. [1935-40]

**zo-o-mor-phic** (zō'ō mōr'fik), *adj.* 1. of or pertaining to a deity or other being conceived of as having the form of an animal. 2. characterized by a highly stylized or conventionalized representation of animal forms. 3. representing or using animal forms. [1870-75; **ZOO** + -MORPHIC] — **zo'ō-morph'**, *n.*

**zo-o-mor-phism** (zō'ō mōr'fiz əm), *n.* 1. zoomorphic representation, as in ornament. 2. zoomorphic conception, as of a deity. [1830-40; **ZOOMORPH**(IC) + -ISM]

**zoom/ shot/**, *zoom* (def. 11).

**zo-on** (zō'on), *n.* pl. **zo-a** (zō'ō). *Biol.* Rare. 1. any of the individuals of a compound organism. 2. any individual, or the individuals collectively, produced from a single egg. 3. zoid. [1860-65; < NL *zōon* < Gk *zōion* animal] — **zo-on-al** (zō'ō nəl), *adj.*

**-zoon**, a combining form meaning "animal," "organism" of the kind specified by the initial element, often corre-

OOY KEY: <, descended or borrowed from; >, of, blended; c, cognate with; cf., compare; deriv., equivalent; imit., imitative; obl., oblique; r., resp., spelling, spelled; resp., respelling, respelled; n., origin unknown; \*, unattested; †, probably the full key inside the front cover.

sponding to zoological class names ending in **-zoa**, with **-zoon** used to name a single member of such a class: protozoon. [See **zoon**]

**zo-on-o-sis** (zō on'ə sis, zō'ə nō'sis), *n.*, *pl.* **-ses** (-sēz', -sēz). *Pathol.* any disease of animals communicable to humans. [1875-80; < NL, irreg. < Gk *zōio-* zōo- + *nōsos* sickness, with ending appar. conformed to **-sis**]

**zo-o-par-a-site** (zō'ə par'ə sit'), *n.* 1. any parasitic animal or protozoan. 2. a parasite of animals. [1895-1900; zoo- + **PARASITE**] —**zo-o-par-a-sit-ic** (zō'ə par'ə-sit'ik), *adj.*

**zo-oph-a-gous** (zō of'ə ges), *adj.* carnivorous. [1825-35; zoo- + **-PHAGOUS**]

**zo-o-phil-i-a** (zō'ə fil'ē ə), *n.* 1. the state of being zoophilous. 2. *Psychol.* an abnormal fondness or preference for animals. [1895-1900; zoo- + **-PHILIA**]

**zo-oph-i-lous** (zō of'ə les), *adj.* 1. *Bot.* adapted to pollination by animals, esp. those other than insects. 2. having an affinity for animals. Also, **zo-o-phil-ic** (zō'ə-fil'ik). [1885-90; zoo- + **-PHILOUS**]

**zo-o-pho-bi-a** (zō'ə fō'bē ə), *n.* abnormal fear of animals. [1900-05; zoo- + **-PHOBIA**]

**zo-oph-o-rus** (zō of'ə rəs), *n.*, *pl.* **-o-ri** (-ə ri'). *zophorus*. —**zo-o-phor-ic** (zō'ə fōr'ik, -fōr'), *adj.*

**zo-o-phyte** (zō'ə fit'), *n.* any of various invertebrate animals resembling a plant, as a coral or a sea anemone. [1615-25; < NL *zoo-phyton*. < Gk *zōiōphytōn*. See zoo- + **-PHYTE**] —**zo-o-phyt-ic** (zō'ə fit'ik), *adj.* —**zo-o-phyt-i-cal**, *adj.*

**zo-o-plank-ton** (zō'ə plangk'tən), *n.* the aggregate of animal or animallike organisms in plankton, as protozoans. Cf. **phytoplankton**. [1900-05; zoo- + **PLANKTON**]

**zo-o-plas-ty** (zō'ə plas'tē), *n.* *Surg.* the transplantation of living tissue to the human body from an animal of another species. Also called **zoografting**. [zoo- + **-PLASTY**] —**zo-o-plas-tic**, *adj.*

**zo-o-prax-i-scope** (zō'ə prak'sə skōp'), *n.* *Motion Pictures.* an early type of motion-picture projector, designed by Eadweard Muybridge, in which the images were drawings or photographs placed along the rim of a circular glass plate, the shutter was a rotating opaque disk with radial slots, and a limelight source was used. [zoo- + **praxi-** as comb. form of Gk *praxis* action, *PRAXIS* + **-SCOPE**; term introduced by Muybridge about 1881, r. his own earlier term *zoogyriscopes*]

**zo-o-se-mi-ot-ics** (zō'ə sē'mē ot'iks, -sē'mē-, -sem'i-), *n.* (used with a singular v.) the study of the sounds and signals used in animal communication, as song in birds or tail-wagging in dogs. [1960-65; zoo- + **SEMIOTICS**]

**zo-o-sperm** (zō'ə spūrm'), *n.* 1. *Bot., Mycol.* Archaic. zoospore. 2. *Zool.* spermatozoon. [1830-40; zoo- + **-SPERM**] —**zo-o-sper-mat-ic** (zō'ə spar'mat'ik), *adj.*

**zo-o-spo-ran-gium** (zō'ə spō ran'jē əm), *n.*, *pl.* **-gia** (-jē ə). *Bot.* a sporangium or spore case in which zoospores are produced. [1870-75; zoo- + **SPORANGIUM**] —**zo-o-spo-ran-gi-al**, *adj.*

**zo-o-spore** (zō'ə spōr', -spōr'), *n.* 1. *Bot., Mycol.* an asexual spore produced by certain algae and some fungi, capable of moving about by means of flagella. 2. *Zool.* any of the minute motile flagelliform or ameboid bodies that issue from the sporocyst of certain protozoans. [1840-50; zoo- + **SPORE**] —**zo-o-spore-ic** (zō'ə spōr'ik, -spōr'), *adj.* —**zo-o-spor-ous** (zō'ə spōr' əs, zō'ə spōr'-spōr'), *adj.*

**zo-o-to-m-y** (zō'ə tō'ə mē), *n.* 1. the anatomy, esp. the comparative anatomy, of animals. 2. the dissection of animals. [1655-65; < NL *zōotomia*. See zoo- + **-TOMY**] —**zo-o-tom-ic** (zō'ə tōm'ik), *adj.* —**zo-o-tom-i-cal**, *adj.* —**zo-o-tom-i-cal-ly**, *adv.* —**zo-o-tō-mist**, *n.*

**zo-o-tox-in** (zō'ə tōk'sin), *n.* any toxin of animal origin, as a snake or scorpion venom, or serum produced by means of such toxin. [1975-80; zoo- + **TOXIN**]

**zoot/ suit'** (zōōt), *n.* a man's suit with baggy, tight-cuffed, sometimes high-waisted trousers and an oversized jacket with exaggeratedly broad, padded shoulders and wide lapels, often worn with suspenders and a long watch chain and first popularized in the early 1940's. [1940-45, Amer.; rhyming compound based on *suit*]

**zoot/ suit'er**, a person who wears a zoot suit. [1940-45; *zoot suit* + **-ER**]

**zoot-y** (zōō'tē), *adj.* *Slang.* characteristic of a zoot suiter; extreme or flamboyant in style or appearance; a zooty new convertible. [1945-50; *zoot (suit)* + **-Y**]

**Zo-phar** (zō'fər), *n.* a friend of Job. Job 2:11.

**zo-pho-rus** (zō'fər əs), *n.*, *pl.* **-pho-ri** (-fə ri'). a frieze, having representations of people or animals. Also, **zō-ophorus**. [1555-65; < L *zōphorus* < Gk *zōiōphōros*. See zoo- + **-PHORE**]

**Zo-ra** (zōr'ə, zōr'ə), *n.* a female given name.

**Zo-rach** (zōr'āk, -āk, -ak, zōr'ə), *n.* William, 1887-1966, U.S. sculptor and painter, born in Lithuania.

**Zo-ran-a** (zō ran'ə, zō-), *n.* a female given name.

**zo-ri** (zōr'ē), *n.*, *pl.* **zo-ri**. a Japanese sandal, often made of straw or rubber and consisting of a flat sole held on the foot by a thong passing between the first and second toes. [1895-1900; < Japn *zōri*, earlier *zau-ri* < MChin, equiv. to Chin *cāo grass* + *li footgear*]

**zor-ill** (zōr'il, zōr'-), *n.* a weasellike African animal, *Ictonyx striatus*, resembling a skunk in coloration and habits. Also, **zor-illa** (za ril'ə), **zor-ille** (za ril'). [1765-75; < F *zorille* < Sp *zorilla*, *zorillo*, equiv. to *zorra*, *zorra* fox + *-illa*, *-illo* dim. suffix]

50; after Max August Zorn (born 1906), German mathematician]

**Zo-ro-as-ter** (zōr'ə as'tər, zōr'-, zōr'ə as'tər, zōr'-), *n.* fl. 6th century B.C., Persian religious teacher. Also called **Zarathustra**.

**Zo-ro-as-tri-an** (zōr'ə as'trē ən, zōr'-), *adj.* 1. of or pertaining to Zoroaster or to Zoroastrianism. —*n.* 2. one of the adherents of Zoroastrianism. [1735-45; < L *Zōroastrēs* (< Gk *Zōroastrēs* < Avestan *zarauštra* ZARATHUSTRA) + **-IAN**]

**Zo-ro-as-tri-an-ism** (zōr'ə as'trē ə niz'am, zōr'-), *n.* an Iranian religion, founded c600 B.C. by Zoroaster, the principal beliefs of which are in the existence of a supreme deity, Ahura Mazda, and in a cosmic struggle between a spirit of good, Spenta Mainyu, and a spirit of evil, Angra Mainyu. Also, **Zo-ro-as-trism**. Also called **Mazdaism**. [1850-55; ZOROASTRIAN + **-ISM**]

**Zo-rob-a-bel** (zō rob'ə bəl, zō-), *n.* Douay Bible. Zerubbabel.

**Zor-ri-la-y Mo-ral** (thōrə nē'lyə ē mō nāl', sōn nē'lyə), *Jo-sé* (hō sē'), 1817-93, Spanish poet and dramatist.

**Zoser** (zō'sər), *n.* fl. c2800 B.C., Egyptian ruler of the 3rd dynasty.

**Zosi-mus** (zō'sə mas), *n.* Saint, pope 417-418.

**zos-ter** (zos'tər), *n.* 1. Also called **herpes zoster**, *Pathol.* shingles. 2. Gk. *Antig.* a belt or girdle. [1595-1605; < L *zōstēr* < Gk *zōstēr* girdle]

**Zou-ave** (zōō āv', zwāv'), *n.* 1. (sometimes l.e.) one of a former body of infantry in the French army, composed originally of Algerians, distinguished for their dash, hardness, and picturesque Oriental uniform. 2. a member of any body of soldiers adopting a similar dress and drill, esp. a soldier serving in any of certain volunteer regiments in the American Civil War. [1820-30; < F < Ar *zawāwah*, prob. < Berber *igowawen*, the name of a Berber group]

**zounds** (zoundz), *interj.* Archaic. (used as a mild oath.) [1590-1600; var. of 'swounds']

**Zo-vi-rax** (zō vī'raks), *Pharm., Trademark.* a brand name for acyclovir.

**zowie** (zō'vī), *interj.* (used to express keen pleasure, astonishment, approval, etc.) [1935-40, Amer.]

**zoy-si-a** (zoi'sē ə, -zē ə, -sha, -zhō), *n.* any of several low-growing grasses of the genus *Zoysia*, esp. *Z. matrella*, native to tropical Asia and widely used for lawns. [1920-25; named after Karl von Zois (d. 1800), German botanist; see **-IA**]

**Zr**, *Symbol, Chem.* zirconium.

**z's** (zēz), *n.* (used with a plural v.) *Slang.* sleep (often used with *grab, catch*, etc.): to grab some z's before dinner. Also, **Z's**. [1960-65; from the conventional use of a series of z's to represent snoring]

**Zsig-mon-dy** (zhig'mān dē), *n.* Rich-ard (nikh'ārt), 1865-1929, German chemist, born in Austria; Nobel prize 1925.

**Z twist**, a direction of the twist in yarns, from top right to bottom left, resembling the long stroke of the letter Z. Cf. **S twist**. [1975-80]

**Zuc-cà-ri** (tsōōk'kà rē), *n.* **Fa-de-ri-co** (fē'dē rē'kō), 1543?-1609, and his brother **Tad-de-o** (tād'dē'ō), 1529-66, Italian painters. Also, **Zuc-ca-ro** (tsōōk'kà rō), **Zuc-che-ro** (tsōōk'kē rō).

**zuc-chet-to** (zōō ket'ō; It. tsōōk ket'tō), *n.*, *pl.* **-tos**, *It. -ti* (-tē). a small, round skullcap worn by Roman Catholic ecclesiastics, a priest's being black, a bishop's violet, a cardinal's red, and the pope's white; calotte. [1850-55; < It. var. of *zucchetta*, dim. of *zucca* gourd, head, perh. < pre-IE \**tjukha* gourd]

zucchini,  
Cucurbita pepo  
melopepo



**zuc-chi-ni** (zōō kē'nē), *n.*, *pl.* **-ni**, **-nis**. 1. a variety of summer squash that is shaped like a cucumber and that has a smooth, dark-green skin. 2. the plant bearing this fruit. Also called, *esp. Brit.*, **courgette**. [1925-30, Amer.; < It. pl. of *zucchini*, equiv. to *zucc(a)* gourd (see *zucchetto*) + **-ino** dim. suffix]

**Zug** (tsōōk), *n.* 1. a canton in central Switzerland. 72,800. 92 sq. mi. (238 sq. km). 2. the capital of this canton, on the Lake of Zug. 22,200. 3. **Lake of**, a lake in this canton. 15 sq. mi. (39 sq. km).

**zug-zwang** (tsōōk'tsvāng'), *n.* Chess. a situation in which a player is limited to moves that cost pieces or have a damaging positional effect. [1900-05; < G, equiv. to *Zug* move + *Zwang* constraint, obligation]

**Zui-der Zee** (zi'dər zā, zē'; Du. zoi'dər zā'), a former shallow inlet of the North Sea in central Netherlands. Cf. **IJsselmeer**. Also, **Zuyder Zee**.

**Zu-ko-r** (zōō'kər), *n.* Adolph, 1873-1976, U.S. film producer, born in Hungary.

**Zu-lei-ka** (zōō lē'kə, -li'), *n.* a female given name.

**Zu'l-hij-jah** (zōō hij'jā). See **Dhu'l-hijjah**.

**Zu'l-ka-dah** (zōō kā'dā). See **Dhu'l-Qa'dā**.

**Zu-lo-a-ga** (thōō'lō ā'gā, sōō'-), *n.* **Ig-na-cio** (ēg nā'-thyō, -syō), 1870-1945, Spanish painter.

**Zu-ni** (zōō'nē), *n.*, *pl.* **-nis**, (e a member of a group of North American Indians living in the largest of the Indian Mexico. 2. the language of the *ni*, *zōōn'yē*). [1830-35, Ame < Acoma Keresan *sē'ni* (pror. -*zu'nian*, *Zu'nian*, *adj.*, *n.*)]

**zup-pa** (zōō'pə; It. tsōōp'ə), *n.* soup or chowder. [1960-65;]

**zup-pa in-gle-se** (zōō'pə ñ gle'zē), *Italian Cookery.* tie sprinkled with rum or liqueur or other cream filling. [1940.]

**Zur-ba-rān** (thōōr'bā nān', (fān thēs'kō the, -sēs'-), *ll*

**zurf** (zūrf), *n.* zarf.

**Zur-rich** (zōōr'ik), *n.* 1. a 1,118,200; 668 sq. mi. (1730 sq canton, on the Lake of Zurich lake in N Switzerland. 25 mi. sq. km). German, *Zürich* (ts

**Zur-van** (zūrv'an), *n.* the s and fate. Also, **Zervan**. Cf. **Z** **Zur-van-ism** (zūrv'ən niz'ən that developed during the la cording to which both Ahura were offspring of Zurvan. Als -ism) —**Zur-van-ite**, *n.*

**Zuy-der Zee** (zi'dər zā, zi Zuyder Zee.

**Zweig** (zwīg, swīg; Ger. tsvī Ger. āw'nōlt), 1887-1968, Ger dramatist. 2. **Ste-fan** (stē 1881-1942, Austrian dramati novelist.

**Zwick-au** (tsvik'ou), *n.* a c Germany. 123,000.

**Zwick-y** (tsvik'ē), *n.* Fritz (i trophysicist, born in Bulgaria

**zwie-back** (zwī'bək', -bāk/ tsve'bāk'), *n.* a special eg [1890-95, Amer.; < G: twice- + *backen* to bake. See *twi-*

**Zwing-li** (zwīng'glē, zwīng'- (ōōl'rikkh) or *Hul-dreich* (hōō Protestant reformer.

**Zwing-li-an** (zwīng'glē ən, s of or pertaining to Ulrich largely agreeing with those of tinctive interpretation of the follower of Zwingli. [15] —**Zwing-li-an-ism**, *n.* —**Zwi**

**zwit-ter-ion** (tsvit'ər iən), with both a positive and a ne, terion (1897), equiv. to *Zwitter Ion ion*] —**zwit-ter-ion-ic** (i

**Zwol-ie** (zvōl'ē), *n.* a cit, 83,711.

**Zwo-r-y-kin** (zwōr'i kin), *n.* a mēr/ koz'ma), 1889-1982 and inventor, born in Russia television."

**zy-de-co** (zi'dē kō'), *n.* a Cajun dance music popular in usually played on accordion, 60, Amer.; said to represent dance-tune title *Les haricots* :

**zy-ga-poph-y-sis** (zi'gə pōl (-sēz'). *Anat.* one of the four] curring in pairs that interloc vertebrae above and below. [ sis] —**zy-ga-p-o-phys-e-al**, z ə fiz'ē əl, zi'gəp'-), *adj.*

**zy-go-**, a combining form r "yoke-shaped," used in the words: *zygomorphic*. Also, e [comb. form of Gk *zygō yōki*

**zy-go-dac-tyl** (zi'gə dak'til, go-dak'ty-lous. (of a bird) h arranged in pairs, with two to —*n.* 2. a zygodactyl bird. [1] —**zy-go-dac'tyl-ism**, *n.*

zygodactyl foot



**zy-go-gen-e-sis** (zi'gō jən' the formation of a zygote. 2. gametes. [1945-50; *zygo-* + **-ic** (zi'gō jē net'ik), *adj.*

**zy-go-ma** (zi'gō mā, zi-), *n.* 1. See *zygomatoc arch*. 2. th temporal bone. 3. See *zygor* NL *zygōma* < Gk *zygōma* boll s. of *zygōon* to yoke (see *zygō*)

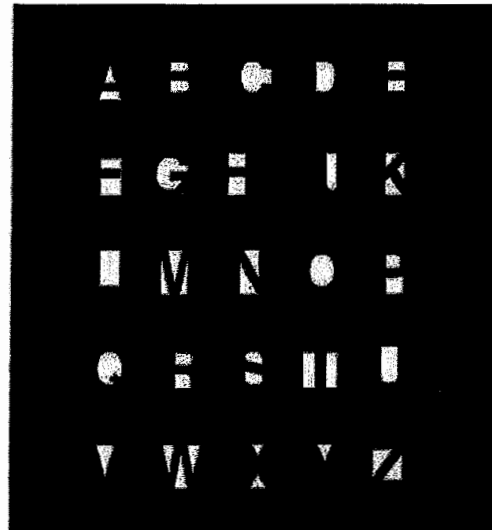
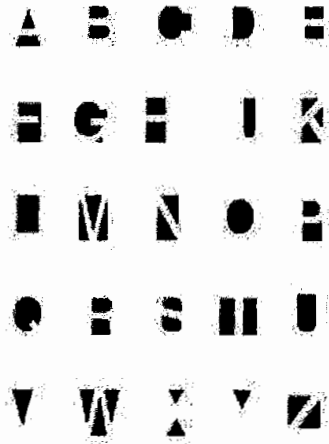


U.S. App. 87941661  
Our Ref: 800517US


**Declaration of Anne Kerns**

I, Anne Kerns, hereby submit this declaration regarding U.S. Application Serial No. 87941661 for the mark shown above, and declare as follows:

1. I am Anne C. Kerns, AIGA. I am a graphic designer with 29 years of continuous practical experience, and a member of AIGA, the professional association for design. I own and operate my own graphic design company, Anne Likes Red!<sup>®</sup>, located in Silver Spring, Maryland, since 2006. From 2003–2010, I taught two different graphic design courses at George Mason University in Fairfax, Virginia, and since 2018 I have taught three different courses at The University of Maryland in College Park, Maryland.
2. I have reviewed U.S. App. Serial No. 87941661 and U.S. Reg. 5258957. Exhibit A consists of the USPTO database records for U.S. App. Serial No. 87941661 and U.S. Reg. 5258957, which I have reviewed. Exhibit A is incorporated herein by reference.
3. The mark shown above, which, is the subject of U.S. Application Serial No. 87941661, is comprised of the negative image, also known as “counterspace,” of the letters “Z”, “O”, and “A”, which together spell the word ZOA.
4. Set forth below is one example of a negative image or counterspace alphabet for the English language alphabet:



5. The mark shown in U.S. Reg. 5258957 is as follows and consists of the negative

image or counterspace of the letter "A": 

6. To the best of my knowledge, the negative image alphabet is well known in the design community and among American consumers.

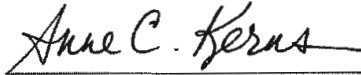
7. To the best of my knowledge, the display of English language letters using their negative image or counterspace is common in U.S. commerce and among consumers for consumer products and is widely recognized by persons fluent in the English language and other persons whose languages use the same alphabet.

I, Anne Kerns, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting

U.S. App. 87941661

therefrom, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

**Anne C. Kerns**

A handwritten signature in cursive script that reads "Anne C. Kerns". The signature is written in dark ink and is positioned above a horizontal line.

Anne C. Kerns

Dated: June 28, 2019




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**Goods and Services**

IC 001. US 001 005 006 010 026 046. G &amp; S: Bioleather materials, namely, collagen for use in the manufacturing of a leather alternative, collagen-based leather alternative

IC 009. US 021 023 026 036 038. G &amp; S: Bioleather tech accessories, namely, phone cases, mobile phone cases, tablet and computer cases; bags, namely, computer bags, bioleather computer bags

IC 012. US 019 021 023 031 035 044. G &amp; S: Coverings for vehicle seats and vehicle components, namely, fitted vehicle seat covers; vehicle seats; structural parts of automobiles, namely, automobile seats, vehicle dashboards; coverings for automobile seats and automobile components, namely, fitted automotive seat covers; vehicle linings and coverings, namely, fitted covers for vehicles, fitted covers for vehicle steering wheels, fitted dashboard covers for vehicles, gear shift covers; bioleather vehicle linings and coverings, namely, fitted covers for vehicles, fitted covers for vehicle steering wheels, fitted dashboard covers for vehicles, gear shift covers; linings and bioleather linings for automobiles, namely, fitted vehicle covers for automobiles, fitted dashboard covers for vehicles, gear shift covers, steering wheel covers for automobiles

IC 014. US 002 027 028 050. G &amp; S: Bioleather watch bands and straps

IC 018. US 001 002 003 022 041. G &amp; S: Biofabricated leather; biofabricated leather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather being collagen-based leather alternative; bioleather goods, namely, all-purpose carrying bags, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather handbags; handbags, purses and wallets; bioleather handbag, purses and wallets; backpacks, book bags, sports bags, bum bags; bioleather backpacks, book bags, sports bags, bum bags; suitcases; bioleather suitcases; bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses; weekend bags; bioleather bags, namely, fashion handbags, beach bags, carry-on bags, gym bags, messenger bags, purses, weekend bags;

bioleather fibers in the nature of a leather alternative thread for further manufacture; bioleather materials, namely, a leather alternative

IC 020. US 002 013 022 025 032 050. G & S: Furniture; biofabricated furniture; bioleather furniture; furniture made from bioleather

IC 022. US 001 002 007 019 022 042 050. G & S: Fibers, namely, textile fibers, synthetic fibers, semi-synthetic fibers; biofabricated fibers in the nature of bioleather textile fibers; bioleather fibers for textile use, namely, collagen-based fibers and collagen-coated textile fibers; textile fibers; bioleather textile fibers, namely, collagen-based fibers and collagen-coated textile fibers; ropes and strings; bioleather ropes and strings; tents; bioleather tents; tarpaulins; bioleather tarpaulins; sails; bioleather sails; sacks, namely, bivouac sacks, sacks for the transportation or storage of materials in bulk; bioleather sacks, namely, bivouac sacks, sacks for the transportation or storage of materials in bulk; padding, cushioning and stuffing materials, not of rubber, plastics or paper; bioleather padding, cushioning and stuffing materials, not of rubber, plastics or paper; bioleather fibers in the nature of a synthetic leather alternative fiber for further manufacture of fabrics, textiles, yarns, and carpets

IC 023. US 043. G & S: Yarns; bioleather yarns; bioleather yarns for textile use; bioleather threads, namely, collagen-based threads and collagen-coated threads for textile use

IC 024. US 042 050. G & S: Textiles, namely, bioleather fabrics for textile use, knitted fabrics; bioleather textiles in the nature of bioleather fabrics; products made from textiles, namely, place mats of textile, quilts of textile, table cloths of textile, textile fabric of animal skin imitations, textile wall hangings, towels of textile; products made from bioleather textiles, namely, place mats of textile, quilts of textile, table cloths of textile, textile fabric of animal skin imitations, textile wall hangings, towels of textile

IC 025. US 022 039. G & S: Clothing, namely, shirts, pants, dresses, skirts, hats, scarves, belts; apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; men's, women's and children's clothing and apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather clothing, namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather men's, women's and children's clothing and apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; footwear; bioleather footwear; athletic shoes and footwear; bioleather athletic shoes and footwear

IC 026. US 037 039 040 042 050. G & S: Lace and embroidery; ribbons, namely, hair ribbons, haberdashery ribbons, ribbons for use as clothing accessories, and braid; bioleather lace and embroidery; bioleather ribbons, namely, bioleather hair ribbons, bioleather haberdashery ribbons, bioleather ribbons for use as clothing accessories, and bioleather braid

IC 027. US 019 020 037 042 050. G & S: Floor coverings; bioleather floor coverings; floor coverings made of bioleather

**Mark Drawing Code** (2) DESIGN ONLY

**Design** 26.01.21 - Circles that are totally or partially shaded.  
**Search Code** 26.05.15 - Four or more triangles ; Triangles - four or more  
 26.05.21 - Triangles that are completely or partially shaded  
 26.09.21 - Squares that are completely or partially shaded  
 26.13.21 - Quadrilaterals that are completely or partially shaded

**Serial Number** 87941661

**Filing Date** May 30, 2018

**Current Basis** 1B

**Original Filing Basis** 1B

**International Registration Number** 1471145

**Owner** (APPLICANT) MODERN MEADOW, INC. CORPORATION DELAWARE 340 Kingsland Street, Building #102 Nutley NEW JERSEY 07110

**Attorney of Record** Brian B. Darville

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by a small triangle above a trapezoid arranged in the shape of a triangle, which represent the negative space of the letters "Z", "O", and "A", which spell the word ZOA.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**BULK DATA:** The TSDR Application Programming Interface (API) will be unavailable starting May 7 at 12 a.m. ET for at least two weeks. Bulk data customers who rely on the TSDR API can use [alternative methods](#) to receive bulk data from TSDR. If you are a bulk data customer who has questions or needs additional information, please [email us](mailto:teas@uspto.gov). **INTERMITTENT SYSTEM ISSUES:** [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received. **ENHANCEMENT TO PROTECT YOUR PRIVACY:** When applicants and registrants are not represented by an attorney, the USPTO now masks the correspondence email address in the status tab and the Application Programming Interface (API). We made this change to reduce the likelihood that customers will be subjected to scams and unwanted solicitations.

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Mark:



US Serial Number: 87941661

Application Filing Date: May 30, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by minimum filing requirements) and that this application is under examination.

**Status:** A final Office action refusing registration has been sent (issued) because the applicant neither has responded to the Office action nor has the applicant requested a Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Documents page.

Status Date: Dec. 31, 2018

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of two triangles arranged in the shape of a square, followed by a circle, followed by two triangles arranged in the shape of a triangle, which represent the negative space of the letters "Z", "O", and "A".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

26.05.15 - Four or more triangles; Triangles - four or more

26.05.21 - Triangles that are completely or partially shaded

26.09.21 - Squares that are completely or partially shaded  
26.13.21 - Quadrilaterals that are completely or partially shaded

### Related Properties Information

International Registration [1471145](#)  
Number:

International Application [A0081298/1471145](#)  
(s) /Registration(s) Based  
on this Property:

### Goods and Services

#### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Bioleather materials, namely, collagen for use in the manufacturing of a leather alternative, colla

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005,

Class Status: ACTIVE

Basis: 1(b)

For: Bioleather tech accessories, namely, phone cases, mobile phone cases, tablet and computer ca  
bioleather computer bags

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(b)

For: Coverings for vehicle seats and vehicle components, namely, fitted vehicle seat covers; vehicle  
namely, automobile seats, vehicle dashboards; coverings for automobile seats and automobile  
seat covers; vehicle linings and coverings, namely, fitted covers for vehicles, fitted covers for ve  
covers for vehicles, gear shift covers; bioleather vehicle linings and coverings, namely, fitted co  
steering wheels, fitted dashboard covers for vehicles, gear shift covers; linings and bioleather li  
vehicle covers for automobiles, fitted dashboard covers for vehicles, gear shift covers, steering '

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021,

Class Status: ACTIVE

Basis: 1(b)

For: Bioleather watch bands and straps

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027,

Class Status: ACTIVE

Basis: 1(b)

**For:** Biofabricated leather; biofabricated leather goods, namely, all-purpose carrying bags, athletic bags, purses, duffel bags, luggage; bioleather being collagen-based leather alternative; bioleather goods, namely, athletic bags, backpacks, carry-on bags, change purses, duffel bags, luggage; bioleather handbags; bioleather handbag, purses and wallets; backpacks, book bags, sports bags, bum bags; bioleather bum bags; suitcases; bioleather suitcases; bags, namely, fashion handbags, beach bags, carry-purses; weekend bags; bioleather bags, namely, fashion handbags, beach bags, carry-on bags; weekend bags; bioleather fibers in the nature of a leather alternative thread for further manufacture of leather alternative

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002,

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Furniture; biofabricated furniture; bioleather furniture; furniture made from bioleather

**International Class(es):** 020 - Primary Class

**U.S Class(es):** 002, 013,

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Fibers, namely, textile fibers, synthetic fibers, semi-synthetic fibers; biofabricated fibers in the nature of leather fibers for textile use, namely, collagen-based fibers and collagen-coated textile fibers; bioleather fibers, namely, collagen-based fibers and collagen-coated textile fibers; ropes and strings; bioleather ropes; bioleather tarpaulins; sails; bioleather sails; sacks, namely, bivouac sacks, sacks for use in bulk; bioleather sacks, namely, bivouac sacks, sacks for the transportation or storage of materials, not of rubber, plastics or paper; bioleather padding, cushioning and stuffing materials; bioleather fibers in the nature of a synthetic leather alternative fiber for further manufacture of fabric

**International Class(es):** 022 - Primary Class

**U.S Class(es):** 001, 002,

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Yarns; bioleather yarns; bioleather yarns for textile use; bioleather threads, namely, collagen-based threads for textile use

**International Class(es):** 023 - Primary Class

**U.S Class(es):** 043

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Textiles, namely, bioleather fabrics for textile use, knitted fabrics; bioleather textiles in the nature of textiles, namely, place mats of textile, quilts of textile, table cloths of textile, textile fabric of hangings, towels of textile; products made from bioleather textiles, namely, place mats of textile, textile fabric of animal skin imitations, textile wall hangings, towels of textile

**International Class(es):** 024 - Primary Class

**U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Clothing, namely, shirts, pants, dresses, skirts, hats, scarves, belts; apparel, namely, shirts, pants, dresses, skirts, hats, men's, women's and children's clothing and apparel, namely, shirts, pants, dresses, skirts, hats,

namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather men's, women's and children's clothing and apparel, namely, shirts, pants, dresses, skirts, hats, scarves, belts; bioleather footwear; athletic shoes and footwear; bioleather athletic shoes and footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Lace and embroidery; ribbons, namely, hair ribbons, haberdashery ribbons, ribbons for use as clothing accessories, and bioleather lace and embroidery; bioleather ribbons, namely, bioleather hair ribbons, bioleather ribbons for use as clothing accessories, and bioleather braid

International Class(es): 026 - Primary Class

U.S Class(es): 037, 039,

Class Status: ACTIVE

Basis: 1(b)

For: Floor coverings; bioleather floor coverings; floor coverings made of bioleather

International Class(es): 027 - Primary Class

U.S Class(es): 019, 020,

Class Status: ACTIVE

Basis: 1(b)

### Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

### Current Owner(s) Information

Owner Name: MODERN MEADOW, INC.

Owner Address: 340 Kingsland Street, Building #102  
Nutley, NEW JERSEY UNITED STATES 07110

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Brian B. Darville

Docket Number: 800517US

[tmdocket@oblon.com](mailto:tmdocket@oblon.com)

Attorney Email Authorized: Yes



**Attorney Primary Email**

Address:

**Correspondent**

Correspondent BRIAN B. DARVILLE

Name/Address: OBLON, MCCLELLAND, MAIER & NEUSTADT, LLP

1940 DUKE STREET

ALEXANDRIA, VIRGINIA UNITED STATES 22314

Phone: 703-413-3000

Fax: 703-413-2

Correspondent e-mail: [tmddocket@oblon.com](mailto:tmddocket@oblon.com) [BDarville@oblon.com](mailto:BDarville@oblon.com)  
[CDonahue@oblon.com](mailto:CDonahue@oblon.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

**Prosecution History**

**TM Staff and Location Information**

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

**Proceedings - None recorded**



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[TSDR](#) | [ASAP Status](#) | [EAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)
**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Musical sound recordings; pre-recorded CDs, DVDs and vinyl records featuring music and musical performances; gift sets consisting primarily of pre-recorded vinyl records, CDs, DVDs and USB drives featuring music and musical performances, and also including a photo book and lithograph, sunglasses. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 014. US 002 027 028 050. G & S: Jewelry; Jewelry, namely, dog tags for wear by humans for decorative purposes. FIRST USE: 20160327. FIRST USE IN COMMERCE: 20160327

IC 025. US 022 039. G & S: Clothing, namely, shirts. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 026. US 037 039 040 042 050. G & S: Novelty buttons. FIRST USE: 20140708. FIRST USE IN COMMERCE: 20140708

IC 035. US 100 101 102. G & S: Online ordering services featuring CDs, DVDs, clothing, jewelry, headphones, blankets, books, tote bags, stickers, buttons, lapel pins, patches for clothing, wooden sculptures. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 041. US 100 101 107. G & S: Entertainment services, namely, live performances by a musical band; entertainment services, namely, providing a website featuring news and information in the field of music. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

**Mark Drawing Code**

(2) DESIGN ONLY

**Design Search Code**

26.05.03 - Incomplete triangles (must have two angles); Triangle, incomplete (two angles)  
 26.05.09 - Triangles made of geometric figures, objects, humans, plants or animals  
 26.05.21 - Triangles that are completely or partially shaded  
 26.13.21 - Quadrilaterals that are completely or partially shaded

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)  
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

**Serial Number** 87080080

**Filing Date** June 22, 2016

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 23, 2017

**Registration Number** 5258957

**Registration Date** August 8, 2017

**Owner** (REGISTRANT) Leto, Jared INDIVIDUAL UNITED STATES Nigro, Karlin, Segal, Feldstein & Bolno 10980 Wilshire Blvd., 5th Floor Los Angeles CALIFORNIA 90024

**Attorney of Record** Lori S. Kozak

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a triangle with a horizontal line through the middle.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>
<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>					

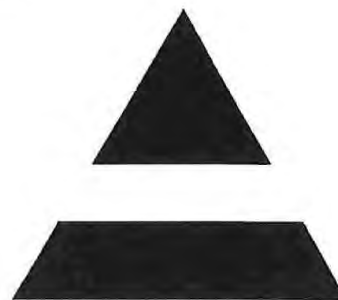
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**BULK DATA:** The TSDR Application Programming Interface (API) will be unavailable starting May 7 at 12 a.m. ET for at least two weeks. Bulk data customers who rely on the TSDR API can use [alternative methods](#) to receive bulk data from TSDR. If you are a bulk data customer who has questions or needs additional information, please [email us](#). **INTERMITTENT SYSTEM ISSUES:** [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received. **ENHANCEMENT TO PROTECT YOUR PRIVACY:** When applicants and registrants are not represented by an attorney, the USPTO now masks the correspondence email address in the status tab and the Application Programming Interface (API). We made this change to reduce the likelihood that customers will be subjected to scams and unwanted solicitations.

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Mark:



US Serial Number: 87080080

US Registration Number: 5258957

Filed as TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered w

Status: Registered. The registration date is used to determine when post-registration maintenance docu

Status Date: Aug. 08, 2017

Publication Date: May 23, 2017

## Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a triangle with a horizontal line through the middle.

Color(s) Claimed: Color is not claimed as a feature of the mark.



**Design Search Code(s):** 26.05.03 - Incomplete triangles (must have two angles); Triangle, incomplete (two angles)  
26.05.09 - Triangles made of geometric figures, objects, humans, plants or animals  
26.05.21 - Triangles that are completely or partially shaded  
26.13.21 - Quadrilaterals that are completely or partially shaded  
26.17.01 - Bands, straight; Bars, straight; Straight line(s), band(s) or bar(s); Lines, straight  
26.17.05 - Bands, horizontal; Horizontal line(s), band(s) or bar(s); Bars, horizontal; Lines, horizc

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Musical sound recordings; pre-recorded CDs, DVDs and vinyl records featuring music and mus primarily of pre-recorded vinyl records, CDs, DVDs and USB drives featuring music and musica photo book and lithograph, sunglasses

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023,

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 18, 2013

**Use in Commerce:** Mar. 18, 2

For: Jewelry; Jewelry, namely, dog tags for wear by humans for decorative purposes

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027,

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 27, 2016

**Use in Commerce:** Mar. 27, 2

For: Clothing, namely, shirts

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 18, 2013

**Use in Commerce:** Mar. 18, 2

For: Novelty buttons

**International Class(es):** 026 - Primary Class

**U.S Class(es):** 037, 039,

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 08, 2014

**Use in Commerce:** Jul. 08, 20

For: Online ordering services featuring CDs, DVDs, clothing, jewelry, headphones, blankets, books, patches for clothing, wooden sculptures

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101,

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 18, 2013

Use in Commerce: Mar. 18, 2

For: Entertainment services, namely, live performances by a musical band; entertainment services, news and information in the field of music

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101,

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 18, 2013

Use in Commerce: Mar. 18, 2

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

**Current Owner(s) Information**

Owner Name: Leto, Jared

Owner Address: Nigro, Karlin, Segal, Feldstein & Bolno  
10960 Wilshire Blvd., 5th Floor  
Los Angeles, CALIFORNIA UNITED STATES 90024

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED S

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Lori S. Kozak

Docket Number: 150200.00

Attorney Primary Email: [ipdocket@foxrothschild.com](mailto:ipdocket@foxrothschild.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent LORI S. KOZAK

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[gtat@foxrothschild.com](mailto:gtat@foxrothschild.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

**Prosecution History**

**TM Staff and Location Information**

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

**Proceedings - None recorded**