

ESTTA Tracking number: **ESTTA398443**

Filing date: **03/16/2011**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	TBC TRADEMARKS, LLC
Granted to Date of previous extension	03/16/2011
Address	2215 B RENAISSANCE DRIVE LAS VEGAS, NV 89119 UNITED STATES
Attorney information	MARSHA G. GENTNER JACOBSON HOLMAN PLLC 400 - 7TH STREET, N.W. WASHINGTON, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com, joyhenart@jhip.com Phone:202-638-6666

**Applicant Information**

Application No	85066344	Publication date	11/16/2010
Opposition Filing Date	03/16/2011	Opposition Period Ends	03/16/2011
Applicant	Tireco, Inc. 500 West 190th Street Gardena, CA 90220 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 012. All goods and services in the class are opposed, namely: Tires, inner tubes for tires, inner tubes protector flaps, valve stems for tires
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	560428	Application Date	05/11/1950
Registration Date	06/24/1952	Foreign Priority Date	NONE
Word Mark	MULTI-MILE		

Design Mark	<b><i>Multi-Mile</i></b>		
Description of Mark	NONE		
Goods/Services	Class U035 (International Class 012). First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 VEHICLE TIRES		

U.S. Registration No.	2266907	Application Date	05/15/1998
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	MULTI-MILE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 VEHICLE TIRES		

U.S. Registration No.	2904271	Application Date	05/13/2003
Registration Date	11/23/2004	Foreign Priority Date	NONE
Word Mark	MULTI-MILE GRAND TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2003/02/00 First Use In Commerce: 2003/02/00 TIRES		

U.S. Registration No.	3744707	Application Date	07/13/2009
Registration Date	02/02/2010	Foreign Priority Date	NONE
Word Mark	MULTI-MILE		
Design Mark			
Description of Mark	The mark consists of the hyphenated words "Multi-Mile" which are inside of a stylized banner.		
Goods/Services	Class 012. First use: First Use: 1982/01/00 First Use In Commerce: 1982/01/00 TIRES Class 035. First use: First Use: 1982/01/00 First Use In Commerce: 1982/01/00 WHOLESALE DISTRIBUTORSHIPS FEATURING TIRES, WHEELS, TUBES AND VEHICLE PARTS		

Attachments	71597256#TMSN.jpeg ( 1 page )( bytes )
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	I-6378 Notice of Opposition.pdf ( 18 pages )(625710 bytes )
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### **Certificate of Service**

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

Signature	/Marsha G. Gentner/
Name	MARSHA G. GENTNER
Date	03/16/2011

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

TBC TRADEMARKS, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
TIRECO, INC.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 85/066,344, filed June 18, 2010, in the name of Tireco, Inc., published for opposition in the Trademark Official Gazette of November 16, 2010, Vol. 1360, No. 3, at page TM 578, for the mark ULTRAMILE, the Opposer, TBC Trademarks, LLC, believes it will be damaged by registration of said alleged trademark and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, TBC Trademarks LLC [hereinafter "TBC"], is a limited liability company duly organized and existing under the laws of the State of Delaware and having its place of business at 2215 B Renaissance Drive, Las Vegas, Nevada 89119. Opposer, through its related company, TBC Corporation of Palm Beach Gardens, Florida, and other affiliated companies, distributes and sells, throughout the world and in commerce, a variety of products and services, including tires, tire flaps and inner tubes for tires. (Opposer and its related company, TBC Corporation, and affiliated companies, hereafter collectively are referred to as "TBC".)

2. Commencing long prior to the filing date of the application opposed herein, TBC has, and is now, engaged in the distribution and sale of tires, wheels, inner tubes for tires and tire flaps

in commerce in the United States, under and in connection with the trademark **MULTI-MILE**, alone and in conjunction with other words, designs and symbols (collectively, “TBC’s **MULTI-MILE** mark”). TBC continuously has used said Opposer’s **MULTI-MILE** mark, in commerce in connection with its tires, wheels, inner tubes for tires, and tire flaps produced, advertised, offered for sale, and sold by TBC, and to identify and designate same, and to distinguish those goods from those of others.

3. Opposer is the owner of, and will rely on the following U.S. trademark registrations:

REGISTRATION NO.	ISSUE DATE
560,428	June 24, 1952
2,266,907	August 3, 1999
2,904,271	November 23, 2004
3,744,707	February 2, 2010

Said registrations operate as *prima facie* and/or conclusive evidence of Opposer’s ownership of the marks set forth therein and exclusive right to use same in connection with the goods and services listed in those registrations. *See* 15 U.S.C. §§1065 and 1115(b). Attached hereto is a current printout of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the aforementioned registrations.

4. Since TBC's initial use of its **MULTI-MILE** mark, TBC has used, and advertised, produced, offered for sale and sold its products under and in connection with its **MULTI-MILE** mark to the public, through various channels of trade, and in commerce, with the result that TBC's customers and the public in general have come to know and recognize said mark of Opposer and

associate same with TBC and/or the goods produced, advertised, marketed, distributed, offered for sale, and sold directly or indirectly by TBC. Opposer thus has built up goodwill in connection with the sale of its products under TBC's **MULTI-MILE** mark.

5. On June 18, 2010, Applicant filed an application to register the mark ULTRAMILE. Said application was accorded serial no. 85/066,344, and was published for opposition in the Official Gazette of November 16, 2010, at page TM 578, identifying the goods as "tires, inner tubes for tires, inner tubes protector flaps, valve stems for tires."

6. The ULTRAMILE mark sought to be registered by Applicant is a colorable imitation of, is confusingly similar to, and so resembles, Opposer's prior and aforesaid **MULTI-MILE** mark as to be likely, when used in connection with the goods of Applicant, to cause confusion or mistake or to deceive.

7. On information and belief, the goods set forth in the application opposed herein are identical and/or similar and/or related to, the goods in connection with which TBC uses Opposer's **MULTI-MILE** mark, and on information and belief, the goods set forth in the opposed application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which TBC's products are marketed and/or sold.

8. The registration and/or use of the ULTRAMILE mark, as set forth in the opposed application, is likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's goods to be sold under the ULTRAMILE mark sought to be registered by Applicant vis-a-vis TBC and/or Opposer's **MULTI-MILE** mark, and/or to mislead purchasers of Applicant's and/or TBC's goods, and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with TBC,

and/or Opposer's **MULTI-MILE** mark, or products, or vice versa, to the damage and detriment of TBC.

9. By virtue of the foregoing, Opposer believes it will be damaged by the registration by Applicant of the ULTRAMILE mark, as set forth in the application therefor, serial no. 85/066,344.

10. If Applicant is granted the registration opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, this Opposer, TBC Trademarks, LLC, believes and alleges that it will be damaged by registration of the ULTRAMILE mark of application serial no. 85/066,344, as aforesaid, and prays that:

- B. judgment in the present opposition be entered in favor of Opposer;
- C. the present opposition be sustained; and
- D. registration of application serial no. 85/066,344 be rejected and refused.

Respectfully submitted,

TBC TRADEMARKS, LLC

By: 

Marsha G. Gentner  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

Date: March 16, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of March, 2011, the foregoing Notice of Opposition was served, by mailing same first class and postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent and Trademark Office:

J.B. Frost  
Coleman Frost LLP  
Suite 700  
429 Santa Monica  
Santa Monica, California 90401

A handwritten signature in cursive script, reading "Lucy S. Ogleman", is written over a horizontal line.



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-03-15 12:28:51 ET**

**Serial Number:** 71597256 Assignment Information      Trademark Document Retrieval

**Registration Number:** 560428

**Mark**



**(words only):** MULTI-MILE

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2002-09-30

**Filing Date:** 1950-05-11

**Transformed into a National Application:** No

**Registration Date:** 1952-06-24

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

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

**Current Location:** 830 -Post Registration

**Date In Location:** 2009-09-28

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

---

1. TBC TRADEMARKS, LLC

**Address:**

TBC TRADEMARKS, LLC  
2215 B RENAISSANCE DRIVE SUITE 5  
LAS VEGAS, NV 89119  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Delaware

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**GOODS AND/OR SERVICES**

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**U.S. Class:** 035 (International Class 012)  
**Class Status:** Active  
VEHICLE TIRES  
**Basis:** 1(a)  
**First Use Date:** 1935-00-00  
**First Use in Commerce Date:** 1935-00-00

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-11-18 - Automatic Update Of Assignment Of Ownership  
2009-11-11 - Automatic Update Of Assignment Of Ownership  
2009-10-21 - Applicant/Correspondence Changes (Non-Responsive) Entered  
2009-10-21 - TEAS Change Of Owner Address Received  
2009-08-06 - Section 7 amendment issued  
2009-07-01 - Assigned To Paralegal  
2009-06-15 - TEAS Section 7 Request Received  
2008-10-16 - Case File In TICRS  
2006-09-10 - Review Of Correspondence Complete  
2004-06-29 - PAPER RECEIVED  
2002-09-30 - Third renewal 10 year  
2002-09-30 - Section 8 (10-year) accepted/ Section 9 granted

2002-06-24 - Combined Section 8 (10-year)/Section 9 filed

2002-06-24 - Combined Section 8 (10-year)/Section 9 filed

2002-06-24 - PAPER RECEIVED

1992-12-17 - Second renewal 10 year

1992-11-30 - Response received for Post Registration action

1992-08-19 - Post Registration action mailed - Section 9

1992-06-19 - Section 9 filed/check record for Section 8

1972-06-24 - First renewal

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

MARSHA G GENTNER

**Correspondent**

MARSHA G GENTNER

Jacobson Holman Pllc

400-7TH ST., N.W.

WASHINGTON DC 20004

Phone Number: 2026386666

Fax Number: 2023935350

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-03-15 12:29:20 ET**

**Serial Number:** 75485588 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 2266907

**Mark (words only):** MULTI-MILE

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2009-08-03

**Filing Date:** 1998-05-15

**Transformed into a National Application:** No

**Registration Date:** 1999-08-03

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 104

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2009-08-03

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

---

1. TBC TRADEMARKS, LLC

**Address:**

TBC TRADEMARKS, LLC  
2215 B RENAISSANCE DRIVE SUITE 5  
LAS VEGAS, NV 89119  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Delaware

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#### GOODS AND/OR SERVICES

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**International Class:** 012

**Class Status:** Active

VEHICLE TIRES

**Basis:** 1(a)

**First Use Date:** 1935-00-00

**First Use in Commerce Date:** 1935-00-00

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#### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

560428

727686

854178

1125174

1259363

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-11-18 - Automatic Update Of Assignment Of Ownership

2009-11-11 - Automatic Update Of Assignment Of Ownership

2009-08-03 - First renewal 10 year

2009-08-03 - Section 8 (10-year) accepted/ Section 9 granted

2009-07-24 - Assigned To Paralegal

2009-07-14 - TEAS Section 8 & 9 Received

2006-08-23 - Case File In TICRS

2004-11-17 - Section 8 (6-year) accepted & Section 15 acknowledged

2004-09-30 - Section 8 (6-year) and Section 15 Filed

2004-09-30 - PAPER RECEIVED

2004-06-29 - PAPER RECEIVED

1999-08-03 - Registered - Principal Register

1999-05-11 - Published for opposition

1999-04-09 - Notice of publication

1999-02-17 - Approved for Pub - Principal Register (Initial exam)

1999-02-11 - Examiner's amendment mailed

1999-02-01 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

MARSHA G. GENTNER

**Correspondent**

MARSHA G. GENTNER  
JACOBSON HOLMAN PLLC  
Suite 600  
400 Seventh Street, N.W.  
WASHINGTON DC 20004  
Phone Number: 202-638-6666  
Fax Number: 202-393-5350

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-03-15 12:29:38 ET**

**Serial Number:** 76513446 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 2904271

**Mark (words only):** MULTI-MILE GRAND TOUR

**Standard Character claim:** No

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

**Date of Status:** 2010-09-15

**Filing Date:** 2003-05-13

**Transformed into a National Application:** No

**Registration Date:** 2004-11-23

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** M40 -TMO Law Office 113

**Date In Location:** 2010-09-15

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

---

1. TBC TRADEMARKS, LLC

**Address:**

TBC TRADEMARKS, LLC  
2215 B RENAISSANCE DRIVE  
LAS VEGAS, NV 89119  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Delaware

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#### GOODS AND/OR SERVICES

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**International Class:** 012

**Class Status:** Active

TIRES

**Basis:** 1(a)

**First Use Date:** 2003-02-00

**First Use in Commerce Date:** 2003-02-00

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

560428

2266907

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-09-15 - Section 8 (6-year) accepted & Section 15 acknowledged

2010-09-15 - Case Assigned To Post Registration Paralegal

2010-09-03 - TEAS Section 8 & 15 Received

2009-11-18 - Automatic Update Of Assignment Of Ownership

2009-11-11 - Automatic Update Of Assignment Of Ownership

2004-11-23 - Registered - Principal Register

2004-08-31 - Published for opposition

2004-08-11 - Notice of publication

2004-06-29 - PAPER RECEIVED

2004-06-14 - Approved for Pub - Principal Register (Initial exam)

2004-05-11 - Communication received from applicant

2004-05-11 - PAPER RECEIVED

2003-12-04 - Non-final action mailed



2003-11-16 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

MARSHA G. GENTNER

**Correspondent**

MARSHA G. GENTNER

JACOBSON HOLMAN PLLC

400 SEVENTH STREET, N.W.

THE JENIFER BUILDING

WASHINGTON DC 20004-2201

Phone Number: (202) 638-6666

Fax Number: (202) 393-5350/51/52

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-03-15 12:29:55 ET**

**Serial Number:** 77779971 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 3744707

**Mark**

**(words only):** MULTI-MILE

**Standard Character claim:** No

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

**Date of Status:** 2010-02-02

**Filing Date:** 2009-07-13

**Transformed into a National Application:** No

**Registration Date:** 2010-02-02

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2010-02-02

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

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1. TBC Brands, LLC

**Address:**

TBC Brands, LLC  
Suite 5 2215 B Renaissance Drive  
Las Vegas, NV 89119  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Delaware

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### GOODS AND/OR SERVICES

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**International Class:** 012

**Class Status:** Active

TIRES

**Basis:** 1(a)

**First Use Date:** 1982-01-00

**First Use in Commerce Date:** 1982-01-00

**International Class:** 035

**Class Status:** Active

WHOLESALE DISTRIBUTORSHIPS FEATURING TIRES, WHEELS, TUBES AND VEHICLE PARTS

**Basis:** 1(a)

**First Use Date:** 1982-01-00

**First Use in Commerce Date:** 1982-01-00

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### ADDITIONAL INFORMATION

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

**Description of Mark:** The mark consists of the hyphenated words "Multi-Mile" which are inside of a stylized banner.

**Design Search Code(s):**

24.09.07 - Advertising, banners; Banners

**Prior Registration Number(s):**

560428

1125174

2266907

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-02-02 - Registered - Principal Register

2009-11-18 - Assignment Of Ownership Not Updated Automatically

2009-11-17 - Notice Of Publication E-Mailed

2009-11-17 - Published for opposition  
2009-11-11 - Assignment Of Ownership Not Updated Automatically  
2009-10-15 - Law Office Publication Review Completed  
2009-10-15 - Assigned To LIE  
2009-09-28 - Approved for Pub - Principal Register (Initial exam)  
2009-09-28 - Assigned To Examiner  
2009-09-17 - TEAS Amendment Entered Before Attorney Assigned  
2009-09-17 - TEAS Voluntary Amendment Received  
2009-07-17 - Notice Of Design Search Code Mailed  
2009-07-16 - New Application Office Supplied Data Entered In Tram  
2009-07-16 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

MARSHA G. GENTNER

**Correspondent**

MARSHA G. GENTNER  
JACOBSON HOLMAN PLLC  
400 7TH ST NW STE 600  
WASHINGTON, DC 20004-2218  
Phone Number: 202-638-6666  
Fax Number: 202-393-5350

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Assignments on the Web > [Trademark Query](#)

## Trademark Assignment Abstract of Title

### Total Assignments: 1

**Serial #:** [77779971](#)

**Filing Dt:** 07/13/2009

**Reg #:** [3744707](#)

**Reg. Dt:** 02/02/2010

**Registrant:** TBC Brands, LLC

**Mark:** MULTI-MILE

### Assignment: 1

**Reel/Frame:** [4092/0238](#)

**Received:** 11/06/2009

**Recorded:** 11/06/2009

**Pages:** 7

**Conveyance:** CHANGE OF NAME

**Assignor:** [TBC BRANDS, LLC](#)

**Formerly:** FORMERLY TBC BRANDS, LLC

**Exec Dt:** 10/01/2009

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [TBC TRADEMARKS, LLC](#)

2215 B RENAISSANCE DRIVE

SUITE 5

LAS VEGAS, NEVADA 89119

**Correspondent:** MARSHA G. GENTNER

400 SEVENTH STREET, N.W.

6TH FLOOR

WASHINGTON, DC 20004

Search Results as of: 03/16/2011 04:18 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1  
Web interface last modified: Apr 30, 2009 v.2.1

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