

ESTTA Tracking number: **ESTTA523395**

Filing date: **02/25/2013**

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	Andros
Granted to Date of previous extension	02/24/2013
Address	Zone Industrielle Biars-Sur-Cere, 46130 FRANCE

Attorney information	Julie B. Seyler ABELMAN FRAYNE & SCHWAB 666 Third Avenue New York, NY 10017 UNITED STATES JBSeyler@lawabel.com, Rdahl@lawabel.com Phone:212-949-9022
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**Applicant Information**

Application No	85569265	Publication date	08/28/2012
Opposition Filing Date	02/25/2013	Opposition Period Ends	02/24/2013
Applicant	Molkerei Alois MÄ¼ller GmbH & Co. KG Zollerstrasse 7 Aretsried, 86850 GERMANY		

**Goods/Services Affected by Opposition**

<p>Class 029. All goods and services in the class are opposed, namely: Yogurt; sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat vegetable based snack foods repackaged with dairy based dips</p>
<p>Class 030. All goods and services in the class are opposed, namely: Frozen yogurt and ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice-based pudding desserts</p>
<p>Class 032. All goods and services in the class are opposed, namely: Fruit beverages containing yogurt; non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices</p>

**Applicant Information**

Application No	85569298	Publication date	08/28/2012
Opposition Filing Date	02/25/2013	Opposition Period Ends	
Applicant	Molkerei Alois M <sup>ä</sup> ller GmbH & Co. KG Zollerstrasse 7 Aretsried, 86850 GERMANY		

## Goods/Services Affected by Opposition

<p>Class 029. All goods and services in the class are opposed, namely: Yogurt; sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat vegetable based snack foods repackaged with dairy based dips</p>
<p>Class 030. All goods and services in the class are opposed, namely: Frozen yogurt and ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice-based pudding desserts</p>
<p>Class 032. All goods and services in the class are opposed, namely: Fruit beverages containing yogurt; non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices</p>

## 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.	4287703	Application Date	11/18/2011
Registration Date	02/12/2013	Foreign Priority Date	09/14/2011
Word Mark	FRUIT ME UP		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: Preserved, dried and cooked fruits and vegetables; jellies jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad</p> <p>Class 030. First use:</p>		

	<p>Fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets</p> <p>Class 032. First use:</p> <p>Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies</p>
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U.S. Registration No.	4287710	Application Date	11/22/2011
Registration Date	02/12/2013	Foreign Priority Date	10/14/2011

Word Mark	FRUIT ME UP!
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Design Mark	
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Description of Mark	<p>The mark consists of the words "FRUIT ME UP!" in stylized letters in green with a representation of an apple in red with green leaves on the stem with a sliced pineapple in yellow and white, a sliced peach in orange to form the eyes, and two apples slices in yellow, white and brown to form the ears, with a white mouth to form a smiling face within a white circle surrounded by a green square.</p>
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Goods/Services	<p>Class 029. First use:</p> <p>Preserved, dried and cooked fruits and vegetables; jellies, jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad</p> <p>Class 030. First use:</p> <p>Fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets</p> <p>Class 032. First use:</p> <p>Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies</p>
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Attachments	<p>85476218#TMSN.jpeg ( 1 page )( bytes )</p> <p>85479073#TMSN.jpeg ( 1 page )( bytes )</p>
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	FRUT UP Opp 2.25.13.pdf ( 17 pages )(716908 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	/Julie B. Seyler/
Name	Julie B. Seyler
Date	02/25/2013

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

In re Application No. 85/569265  
Published August 28, 2012

In re Application No. 85/569298  
Published August 28, 2012

<p>Andros</p> <p style="text-align:center"><i>Opposer,</i></p> <p style="text-align:center">v.</p> <p>Molkerei Alois Muller GmbH &amp; Co. KG</p> <p style="text-align:center"><i>Applicant</i></p>
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Opposition No.

**NOTICE OF OPPOSITION**

Andros, a general partnership company organized and existing under the laws of France with an office at Zone Industrielle, Biars-Sur-Cere, 46130, FRANCE believes that it will be damaged by registration of the mark shown in Application Serial Nos. 85/569265 and 85/569298 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark FRUT UP for yogurt; sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat vegetable based snack

foods repackaged with dairy based dips; frozen yogurt and ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice-based pudding desserts; fruit beverages containing yogurt; non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices.

2. Applicant is seeking to register the mark Muller FRUT UP for yogurt; sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat vegetable based snack foods repackaged with dairy based dips; frozen yogurt and ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice-based pudding desserts; fruit beverages containing yogurt; non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices.

3. Opposer is the owner of all right, title and interest in and to the trademark FRUIT ME UP.

4. Opposer is the owner of all right, title and interest in and to Registration No. 4,287,703 for FRUIT ME UP for preserved, dried and cooked fruits and vegetables; jellies jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad; fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets; fruit-flavored mineral and

aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies.

5. Pursuant to 37 C.F.R. 1.122(d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TSDR that shows that the current status and title of Registration No. 4,287,703 is in the name of Opposer.

6. Opposer is the owner of all right, title and interest in and to Registration No. 4,287,710 for FRUIT ME UP for preserved, dried and cooked fruits and vegetables; jellies jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad; fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets; fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies.

7. Pursuant to 37 C.F.R. 1.122(d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TSDR that shows that the current status and title of Registration No. 4,287,710 is in the name of Opposer.

8. Opposer has priority.

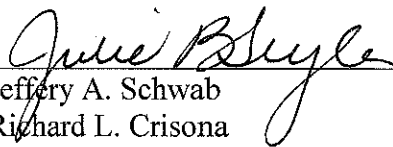
9. Applicant's mark FRUT UP is substantially similar to Opposer's mark FRUIT ME UP.

10. Applicant's goods are identical to and/or commercially related to Opposer's goods.

11. In view of the substantial similarity between the respective marks, the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial Nos. 85/569265 and 85/569298 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,



Jeffery A. Schwab  
Richard L. Crisona  
Julie B. Seyler

*Attorneys for Opposer*

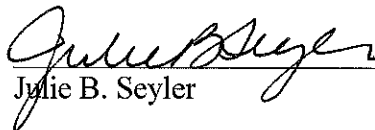
**ABELMAN, FRAYNE & SCHWAB**  
**666 Third Avenue**  
**New York, New York 10017**  
**(212) 949-9022**



**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid this 24<sup>th</sup> day of February, 2013 upon the following:

James R. Meyer  
SCHNADER HARRISON SEGAL & LEWIS LLP  
1600 Market St Ste 3600  
Philadelphia, PA 19103-7286

  
Julie B. Seyler

**EXHIBIT A**



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# FRUIT ME UP

**Word Mark** **FRUIT ME UP**

**Goods and Services** IC 029. US 046. G & S: Preserved, dried and cooked fruits and vegetables; jellies jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad

IC 030. US 046. G & S: Fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets

IC 032. US 045 046 048. G & S: Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85476218

**Filing Date** November 18, 2011

**Current Basis** 44E

**Original Filing Basis** 1B;44D

**Published for Opposition** August 21, 2012

**Registration Number** 4287703

**Registration**

**Date** February 12, 2013  
**Owner** (REGISTRANT) ANDROS General Partnership Company FRANCE Zone Industrielle Biars-Sur-Cere FRANCE 46130  
**Attorney of Record** Lawrence E. Abelman  
**Priority Date** September 14, 2011  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Mark: FRUIT ME UP

FRUIT ME UP

US Serial Number: 85476218

Application Filing Date: Nov. 18, 2011

US Registration Number: 4287703

Registration Date: Feb. 12, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Feb. 12, 2013

Publication Date: Aug. 21, 2012

**Mark Information**[expand all](#)

Mark Literal Elements: FRUIT ME UP

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

**Foreign Information****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:** Preserved, dried and cooked fruits and vegetables; jellies jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad

International 029 - Primary Class

U.S. Class: 046

Class:

Class Status: ACTIVE

Basis: 44(e)

**For:** Fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets

International 030 - Primary Class

U.S. Class: 046

Class:

Class Status: ACTIVE

Basis: 44(e)

**For:** Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies

International 032 - Primary Class

U.S. Class: 045, 046, 048

Class:

Class Status: ACTIVE

**Basis:** 44(e)

**Basis Information (Case Level)**

**Current Owner(s) Information**

**Owner Name:** ANDROS

**Owner Address:** Zone Industrielle  
Biaris-Sur-Cere 46130  
FRANCE

**Legal Entity Type:** General Partnership Company

**State or Country Where Organized:** FRANCE

**Attorney/Correspondence Information**

**Prosecution History**

**TM Staff and Location Information**



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**Word Mark** FRUIT ME UP!  
**Goods and Services** IC 029. US 046. G & S: Preserved, dried and cooked fruits and vegetables; jellies, jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad  
 IC 030. US 046. G & S: Fruits-based candies; fruit-based pastry and confectionery made of sugar, candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets  
 IC 032. US 045 046 048. G & S: Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 02.11.16 - Faces, smiley; Smiley faces  
 04.07.02 - Objects forming a person; Person formed by objects  
 05.09.05 - Apples  
 05.09.06 - Avocados; Fruits with pits (apricots, peaches, plums, olives and the like)  
 05.09.09 - Pineapples  
 05.09.13 - Fruits (slices or quarters of)  
 26.01.01 - Circles as carriers or as single line borders  
 26.09.21 - Squares that are completely or partially shaded

**Serial Number** 85479073

**Filing Date** November 22, 2011

**Current Basis** 44E

**Original Filing Basis** 1B;44D

**Published for**

**Opposition** August 21, 2012  
**Registration Number** 4287710  
**Registration Date** February 12, 2013  
**Owner** (REGISTRANT) ANDROS General Partnership Company FRANCE Zone Industrielle Biars-Sur-Cere FRANCE 46130  
**Attorney of Record** Lawrence E. Abelman  
**Priority Date** October 14, 2011  
**Description of Mark** The color(s) green, red, white, yellow, orange and brown is/are claimed as a feature of the mark. The mark consists of the words "FRUIT ME UP!" in stylized letters in green with a representation of an apple in red with green leaves on the stem with a sliced pineapple in yellow and white, a sliced peach in orange to form the eyes, and two apples slices in yellow, white and brown to form the ears, with a white mouth to form a smiling face within a white circle surrounded by a green square.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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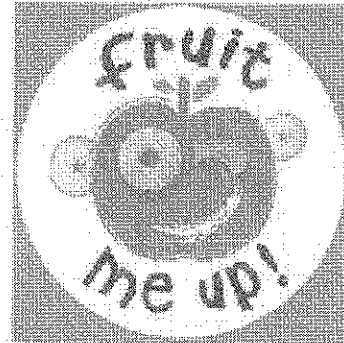
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**Mark:** FRUIT ME UP!



<b>US Serial Number:</b>	85479073	<b>Application Filing Date:</b>	Nov. 22, 2011
<b>US Registration Number:</b>	4287710	<b>Registration Date:</b>	Feb. 12, 2013
<b>Register:</b>	Principal		
<b>Mark Type:</b>	Trademark		
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
<b>Status Date:</b>	Feb. 12, 2013		
<b>Publication Date:</b>	Aug. 21, 2012		

### Mark Information

<b>Mark Literal Elements:</b>	FRUIT ME UP!
<b>Standard Character Claim:</b>	No
<b>Mark Drawing Type:</b>	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
<b>Description of Mark:</b>	The mark consists of the words "FRUIT ME UP!" in stylized letters in green with a representation of an apple in red with green leaves on the stem with a sliced pineapple in yellow and white, a sliced peach in orange to form the eyes, and two apples slices in yellow, white and brown to form the ears, with a white mouth to form a smiling face within a white circle surrounded by a green square.
<b>Color Drawing:</b>	Yes

**Color(s) Claimed:** The color(s) green, red, white, yellow, orange and brown is/are claimed as a feature of the mark.

**Design Search Code(s):**  
02.11.16 - Smiley faces;Faces, smiley  
04.07.02 - Objects forming a person;Person formed by objects  
05.09.05 - Apples  
05.09.06 - Avocados;Fruits with pits (apricots, peaches, plums, olives and the like)  
05.09.09 - Pineapples  
05.09.13 - Fruits (slices or quarters of)  
26.01.01 - Circles as carriers or as single line borders  
26.09.21 - Squares that are completely or partially shaded

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### Foreign Information

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<b>Priority Claimed:</b>	Yes		
<b>Foreign Application Number:</b>	113866917	<b>Foreign Application Filing Date:</b>	Oct. 14, 2011
<b>Foreign Registration Number:</b>	113866917	<b>Foreign Registration Date:</b>	Feb. 03, 2012
<b>Foreign Application/Registration Country:</b>	FRANCE	<b>Foreign Expiration Date:</b>	Oct. 14, 2021

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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:** Preserved, dried and cooked fruits and vegetables; jellies, jams, compotes, fruit purees; milk and dairy products, excluding ice cream, ice milk and frozen yogurt; yogurt, fruit pulp, fruit spread, fruits salad

**International Class:** 029 - Primary Class      **U.S Class:** 046

**Class Status:** ACTIVE

**Basis:** 44(e)

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Fruits-based candies; fruit-based pastry and confectionery made of sugar,

**For:** candy, chocolates; fruit-flavored chewing gum, not for medical purposes; fruit-flavored lollipops; fruit-based biscuits; flavorings, other than essential oils, fruit-flavored frozen yogurts; fruit-flavored edible ices; fruit sorbets

**International Class:** 030 - Primary Class

**U.S Class:** 046

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** Fruit-flavored mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic cocktails, fruit drinks and fruit juices; non-alcoholic fruit extracts, fruit nectars, and fruits concentrates all used as ingredients of beverages; vegetable juices beverages; fruit sorbets in the form of beverages; syrups for making beverages, fruit drinks, fruit-flavored lemonades, fruit-based smoothies

**International Class:** 032 - Primary Class

**U.S Class:** 045, 046, 048

**Class Status:** ACTIVE

**Basis:** 44(e)

### Basis Information (Case Level)

<b>Filed Use:</b>	No	<b>Currently Use:</b>	No	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	Yes	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	Yes	<b>Amended 44E:</b>	Yes
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		

### Current Owner(s) Information

**Owner Name:** ANDROS

**Owner Address:** Zone Industrielle  
Biars-Sur-Cere 46130  
FRANCE

**Legal Entity Type:** General Partnership Company **State or Country Where Organized:** FRANCE

### Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Lawrence E. Abelman      **Docket Number:** 875743

### Correspondent

**Correspondent Name/Address:** LAWRENCE E. ABELMAN  
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**Phone:** 212-949-9022      **Fax:** 212-949-9190

**Correspondent e-mail:** [fterranella@lawabel.com](mailto:fterranella@lawabel.com)      **Correspondent e-mail Authorized:** No

### Domestic Representative

**Domestic Representative Name:** Lawrence E. Abelman      **Phone:** 212-949-9022

**Fax:** 212-949-9190

**Domestic Representative e-mail:** [fterranella@lawabel.com](mailto:fterranella@lawabel.com)      **Domestic Representative e-mail Authorized:** Yes

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### Prosecution History

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Date	Description	Proceeding Number
Feb. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 04, 2013	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Sep. 17, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 21, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 21, 2012	PUBLISHED FOR OPPOSITION	
Aug. 01, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 13, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jul. 09, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 05, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	68552

Jul. 05, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Jul. 02, 2012	ASSIGNED TO LIE	68552
Jun. 15, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 15, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 12, 2012	NON-FINAL ACTION MAILED	
Mar. 10, 2012	NON-FINAL ACTION WRITTEN	80802
Mar. 06, 2012	ASSIGNED TO EXAMINER	80802
Dec. 01, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 30, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 25, 2011	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. 12, 2013