

ESTTA Tracking number: **ESTTA642908**

Filing date: **12/05/2014**

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

Proceeding	91218556
Party	Defendant WithoutGilt
Correspondence Address	WITHOUTGILT 34A HIGH ST RYE, NY 10580-1631 withoutgilt@gmail.com
Submission	Answer
Filer's Name	Jason Rosenblum
Filer's e-mail	jhr@jhrlegal.com, office@jhrlegal.com
Signature	/Jason Rosenblum/
Date	12/05/2014
Attachments	133-001 Applicant's Answer opp 91218556.pdf(2542683 bytes)

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

GILT GROUPE, INC and)	
GILT CITY, INC.,)	Opposition No.: 91218556
Opposer,)	
vs.)	App. Serial No: 86/110,136
)	
WITHOUTGILT,)	
)	Mark: WITHOUTGILT
Applicant.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

WITHOUTGILT, a sole proprietorship owned by Charlene Nixon, the “Applicant,” by and through her attorney, hereby answers the Notice of Opposition GILT GROUPE, INC. AND GILT CITY, INC. (“Opposer” or “Registrant”) filed to begin the above-captioned proceeding.

1. Applicant does not have enough information either to admit or deny all statements in paragraph 1 of the Notice of Opposition. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.
2. Applicant does not have enough information either to admit or deny all statements in paragraph 2 of the Notice of Opposition. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 3 of the Notice of Opposition,

specifically when Opposer began use of the term GILT. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 4 of the Notice of Opposition, specifically whether Opposer is the current correct and proper owner of the claimed registrations, and whether each registration is currently valid and subsisting. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 5 of the Notice of Opposition, specifically whether Opposer is the current correct and proper owner of the claimed registrations, and whether each registration is currently valid and subsisting. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

6. Applicant admits that Exhibits 1-10 appear to be printouts from the USPTO's TSDR as Opposer states in paragraph 6 of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 7 of the Notice of Opposition, specifically when Opposer began use of the term GILT. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

8. Applicant does not have enough information either to admit or deny all statements in paragraph 8 of the Notice of Opposition. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

9. Applicant admits to the statements in paragraph 9 of the Notice of Opposition.

10. Applicant admits to the statements in paragraph 10 of the Notice of Opposition.

11. Applicant admits the statements in paragraph 11 of the Notice of Opposition to the extent that Applicant did not use Applicant's mark in connection with the services indicated in the application.

12. Applicant admits to the statements in paragraph 12 of the Notice of Opposition to the extent that Applicant did not use Applicant's mark in connection with the services indicated in the application. However, Applicant used the Applicant's mark in connection with other services not listed in this application.

13. Applicant absolutely denies the statements in paragraph 13 of the Notice of Opposition.

14. Applicant does not have enough information either to admit or deny all statements in paragraph 14 of the Notice of Opposition. Since Applicant neither admits nor denies the paragraph as written, Applicant must deny.

15. Applicant admits to the statements in paragraph 15 of the Notice of Opposition. However, as illustrated in **Exhibit A** Applicant currently uses the following logo style:



16. Applicant denies the statements in paragraph 16 of the Notice of Opposition.

17. Applicant denies the statements in paragraph 17 of the Notice of Opposition.

18. Applicant denies the statements in paragraph 18 of the Notice of Opposition.

19. Applicant denies the statements in paragraph 19 of the Notice of Opposition.

20. Applicant denies the statements in paragraph 20 of the Notice of Opposition.

21. Applicant denies the statements in paragraph 21 of the Notice of Opposition.

22. Applicant denies the statements in paragraph 22 of the Notice of Opposition.

23. Applicant denies the statements in paragraph 23 of the Notice of Opposition.

24. Applicant denies the statements in paragraph 24 of the Notice of Opposition.

25. Applicant denies the statements in paragraph 25 of the Notice of Opposition.

26. Applicant denies the statements in paragraph 26 of the Notice of Opposition.

FURTHERMORE, Applicant sets forth the following in support of its position:

THE PARTIES' MARKS ARE DIFFERENT

27. Applicant's mark and Registrant's mark create different commercial impressions.

28. Applicant spent many years in the fashion jewelry business where the word "gilt" is commonly used. That was Applicant's reason for adopting the name WITHOUTGILT for a site to promote Applicant's business and other women in business.

29. Registrant's marks all use the term "GILT" as the whole mark or as the first element in a mark, except for the stylized "LITTLE GILT."

30. Registrant's marks all use the term "GILT" by itself as the whole mark or as a separate term in the mark. Applicant's mark is a single compound word mark that contains the prefix "WITHOUT" not present in any of Registrant's marks.

31. Other marks that incorporate GILT coexist with Registrant's such as GILT TRIP Registration No.: 3,631,277 in International Class 018 for *Luggage; Luggage tags; Toiletry bags sold empty; Tote bags; Umbrellas*; GILT-Y Reg. No. 4,471,260 registered in International Class 035 for *Retail thrift store services featuring consumer goods consisting primarily of donated home décor and furniture for sale in support of a charitable organization*; GILT-Y PLEDGER Reg. No. 4,313,775 registered in International Class 036 for *charitable fundraising services*; GILT EDGE LAGER BEER TRADE MARK RSB Registration No.: 4,238,900 in International Class 032 for Beers. See **Exhibit B**.

32. Applicant's mark, when compared to the Opposer's marks in both their entireties, looks different, sounds different, and creates a distinctively different commercial impression, thus obviating consumer confusion.

DISSIMILARITY OF CHANNELS OF TRADE AND CONDITIONS OF PURCHASE

33. Applicant's services and Opposer's services are so dissimilar and marketed to different consumers that there is no genuine likelihood of confusion.

34. Applicant provides a site that promotes and showcases the goods of others in the field of anti-aging, health, and nutrition by means of an on-line shopping site with links to the wholesale and retail advertisements of others.

35. Upon information and belief Registrant provides an online retail store for direct purchase of select flash sale goods.

36. Upon information and belief Registrant's site is "member's only" shopping, moreover, a consumer is unable to even search or view the product details without a membership account. See **Exhibit C**.

37. Upon information and belief Registrant does not have a brick and mortar store and their sales are only through their "members only" website.

38. Applicant's site is available for anyone to view, not just members and Applicant makes sales in person as well.

39. Purchasers of Applicant's goods and Opposer's goods are not sold under the same circumstances.

THE DISSIMILARITY OF THE GOODS/SERVICE

40. Applicant's use of WITHOUTGILT is limited to its sale of Nerium International, LLC products including anti-aging, health, and nutrition products, it also promotes the product and opportunity to sell Juice Plus+®, as well as the services provided by other women-owned businesses such as Dynamic Balance Bodywork and Soft River Acupuncture. In addition, WITHOUTGILT does not directly sell any products except the opportunity to become independent Nerium International, LLC and/or Juice Plus+® sales representative.

41. Registrant does not sell Nerium International, LLC products, Juice Plus+® products, nor the opportunity to become independent Nerium International, LLC and/or Juice Plus+® sales representative.

42. The products and services sold via Applicant's website are relationship marketing sales and promotions and thus would never be sold through a site such as Opposers.

43. Applicant and Opposer each have their own websites through which they provide their services.

44. In light of the foregoing, Applicant's mark and Opposer's mark are not likely to cause confusion, mistake, or deception to purchasers as to the source of Opposer's goods or services.

45. In light of the foregoing, Applicant's mark and Opposer's mark are not likely to disparage or falsely suggest a trade connection between Opposer and Applicant.

46. In light of the foregoing, Applicant affirmatively alleges that Opposer will not be damaged by the registration of Applicant's Mark.

47. Applicant affirmatively alleges that Opposer fails to state a claim upon which relief can be granted.

Applicant hereby appoints Jason H. Rosenblum, a member of the Bars of the State of New York, State of New Jersey, and registered to practice before the US Patent and Trademark Office, at the firm of:

LAW OFFICE OF JASON H. ROSENBLUM, PLLC
155 Water Street, Suite 618
Brooklyn, NY 11201
Tel.: (718)246-8482
Fax: (718) 766-8494
Email: JHR@JHRLegal.com

to act as attorneys in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 86/110,136 in the United States Patent and Trademark Office.

Dated: December 5, 2014

/ Jason H. Rosenblum/
Jason H. Rosenblum
LAW OFFICE OF JASON H. ROSENBLUM, PLLC
155 Water Street, Suite 618
Brooklyn, NY 11201
Tel.: (718)246-8482
Attorney for Applicant

EXHIBIT A

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION
Attorney Docket: 133-001

Opposition No.: 91218556
App Serial No: 86/110,136



WITHOUTGILT

WithoutGilt promotes and showcases the goods of others in the field of anti-aging, health and nutrition by means of an on-line shipping site with links to wholesale and retail advertisements of others.



NERIUM^{AD}
Independent Brand Partner

REAL SCIENCE
REAL RESULTS

Charlene Nixon
914-439-6454
withoutgilt@gmail.com
withoutgilt.com

NeriumAD Refrid Your Youth Street Interviews

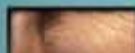
YouTube

I am ready to order NeriumAD!

A real breakthrough... The Proven Nerium Look

Third party clinical trials show dramatic reductions in the appearance of:

- Fine Lines and Wrinkles
- Discoloration
- Uneven Skin Texture
- Enlarged Pores
- Aging or Loose Skin





Yes, I would like you to send me more information and tell me how I can get NeriumAD for FREE!

I am interested in the Business Opportunity

THE NERIUM Experience *Look Better. Live Better.*

gives BACK

Ideal for all skin types
 Non-Comedogenic and does NOT contain Parabens, Gluten, Phthalates, Propylene Glycol, Synthetic Fragrance or Color, Mineral Oil, Sulfates, PABA, DEA, GMO or Animal Testing.

What is the NeriumAD Difference?

- Patented NAE-8® extract, which contains antioxidant properties
- Nerium controls main ingredient from seed to bottle
- ONLY company to harness the power of *Nerium oleander*
- Addresses multiple areas of concern at once

Accidental Discovery

- Revolutionary breakthrough in anti-aging skincare
- Result of accidental discovery in biotechnology research
- Nerium Biotechnology Partnership w/exclusive rights
- 30% of profits go to Nerium Biotechnology's research

Charlene Nixon
 914-439-5454
 withoutgit@gmail.com
 withoutgit.com
Not a Health Care Provider

Age-Defying Night Treatment

Age-Defying Day Cream

Visit my Facebook Page

NUTRITION

Juice Push- Is whole food based nutrition, including juice powder concentrates from 25 different fruits, vegetables and grains.

HEALTH

Dynamic balance Bodywork Therapy's sessions last 70min. and include intake, bodywork, reflection, and self care.

ACUPUNCTURE

At Soft River Acupuncture we empower you to take control of your health by offering support and guidance to your family.

[Learn More >](#)



recommendations.

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EXHIBIT B

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

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Mark: GILT TRIP

GILT TRIP

US Serial Number: 77608843

Application Filing Date: Nov. 06, 2008

US Registration Number: 3631277

Registration Date: Jun. 02, 2009

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: Jun. 02, 2009

Publication Date: Mar. 17, 2009

Mark Information

Mark Literal Elements: GILT TRIP

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

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: Luggage; Luggage tags; Toiletry bags sold empty; Tote bags; Umbrellas

International Class(es): 018 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 06, 2008

Use in Commerce: Nov. 06, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: International Design Associates LTD

Owner Address: Suite 2320
60 East 42nd Street
New York, NEW YORK 10165
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: INTERNATIONAL DESIGN ASSOCIATES LTD
INTERNATIONAL DESIGN ASSOCIATES LTD
60 E 42ND ST STE 2320
NEW YORK, NEW YORK 10165-6209
UNITED STATES

Phone: 212.687.0333

Correspondent e-mail: robi@eleganthomedesign.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 17, 2009	PUBLISHED FOR OPPOSITION	
Feb. 25, 2009	NOTICE OF PUBLICATION	
Feb. 06, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Feb. 06, 2009	ASSIGNED TO LIE	78145
Jan. 27, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 26, 2009	ASSIGNED TO EXAMINER	70436
Nov. 10, 2008	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: Jun. 02, 2009

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

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Mark: GILT-Y

GILT-Y

US Serial Number: 85360873

Application Filing Date: Jun. 30, 2011

US Registration Number: 4471260

Registration Date: Jan. 21, 2014

Register: Principal

Mark Type: Service Mark

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

Status Date: Jan. 21, 2014

Publication Date: Feb. 07, 2012

Notice of Allowance Date: Jan. 22, 2013

Mark Information

Mark Literal Elements: GILT-Y

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

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: Retail thrift store services featuring consumer goods consisting primarily of donated home décor for a charitable organization

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 2011

Use in Commerce: Sep. 30, 2011

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: Dwell with Dignity Foundation, Inc.

Owner Address: 3112 Hood Street
Dallas, TEXAS 75219
UNITED STATES

Legal Entity Type: non-profit corporation **State or Country Where Organized:** TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Elisabeth A. Evert **Docket Number:** DWLL-36243

Correspondent

Correspondent Name/Address: Elisabeth A. Evert
HITCHCOCK EVERT LLP
PO BOX 131709
DALLAS, TEXAS 75201-1709
UNITED STATES

Phone: 214-953-1181 **Fax:** 214-953-112

Correspondent e-mail: docket@hitchcockevert.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 17, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 14, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Dec. 11, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 11, 2013	STATEMENT OF USE PROCESSING COMPLETE	66230
Nov. 06, 2013	USE AMENDMENT FILED	66230
Dec. 09, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Dec. 09, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74193
Nov. 06, 2013	TEAS STATEMENT OF USE RECEIVED	
Jul. 23, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 19, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2013	EXTENSION 1 GRANTED	98765
Jul. 19, 2013	EXTENSION 1 FILED	98765
Jul. 19, 2013	TEAS EXTENSION RECEIVED	
Jan. 22, 2013	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 11, 2012	PAPER RECEIVED	
Dec. 11, 2012	TTAB RELEASE CASE TO TRADEMARKS	205571
Dec. 11, 2012	OPPOSITION TERMINATED NO. 999999	205571
Dec. 11, 2012	OPPOSITION DISMISSED NO. 999999	205571
Jun. 13, 2012	OPPOSITION INSTITUTED NO. 999999	205571
Feb. 21, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 07, 2012	PUBLISHED FOR OPPOSITION	
Jan. 18, 2012	NOTICE OF PUBLICATION	
Jan. 04, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jan. 04, 2012	ASSIGNED TO LIE	66213
Dec. 14, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 13, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 12, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 12, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 19, 2011	NON-FINAL ACTION MAILED	
Oct. 18, 2011	NON-FINAL ACTION WRITTEN	72508
Oct. 18, 2011	ASSIGNED TO EXAMINER	72508
Jul. 09, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 04, 2011	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: Dec. 14, 2014

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

[STATUS](#) [DOCUMENTS](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2014-12-03 20:53:36 EST**Mark:** GILT-Y PLEDGER

GILT-Y PLEDGER

US Serial Number: 85360843**Application Filing Date:** Jun. 30, 2011**US Registration Number:** 4313775**Registration Date:** Apr. 02, 2013**Register:** Principal**Mark Type:** Service Mark**Status:** Registered. The registration date is used to determine when post-registration maintenance docu**Status Date:** Apr. 02, 2013**Publication Date:** Nov. 22, 2011**Notice of Allowance Date:** Jul. 17, 2012

Mark Information

Mark Literal Elements: GILT-Y PLEDGER**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or c**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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: charitable fundraising services**International Class(es):** 036 - Primary Class**U.S Class(es):** 100, 101, 102**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Oct. 2012**Use in Commerce:** Oct. 2012

Basis Information (Case Level)

Filed Use: No**Currently Use:** Yes**Filed ITU:** Yes**Currently ITU:** No**Filed 44D:** No**Currently 44D:** No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Dwell with Dignity Foundation, Inc.

Owner Address: 3112 Hood Street
Dallas, TEXAS 75219
UNITED STATES

Legal Entity Type: non-profit corporation

State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Elisabeth A. Evert

Docket Number: DWLL-36242

Correspondent

Correspondent Name/Address: ELISABETH A. EVERT
HITCHCOCK EVERT LLP
PO BOX 131709
DALLAS, TEXAS 75313-1709
UNITED STATES

Phone: 214-953-1181

Fax: 214-953-112

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 02, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 23, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Feb. 22, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Feb. 19, 2013	ASSIGNED TO LIE	67287
Feb. 06, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 06, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
Jan. 17, 2013	USE AMENDMENT FILED	76538
Feb. 05, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jan. 17, 2013	TEAS STATEMENT OF USE RECEIVED	
Jan. 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	

Jul. 17, 2012	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 05, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Dec. 06, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 22, 2011	PUBLISHED FOR OPPOSITION	
Nov. 02, 2011	NOTICE OF PUBLICATION	
Oct. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 18, 2011	ASSIGNED TO EXAMINER	72508
Jul. 09, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 04, 2011	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: Feb. 22, 2011

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Proceedings - Click to Load

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

For: Beer

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 17, 2012

Use in Commerce: Aug. 17, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gilt Edge, LLC

Owner Address: #369

3300 Douglas Blvd
Roseville, CALIFORNIA 95661
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Barry Strike

Attorney Primary Email Address: barry@strikeandtechel.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Barry Strike

Strike & Techel
556 Commercial Street
San Francisco, CALIFORNIA 94111
UNITED STATES

Phone: 415-226-1400

Fax: 916-930-097

Correspondent e-mail: barry@strikeandtechel.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Nov. 06, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 05, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 04, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Oct. 01, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 27, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Sep. 25, 2012	USE AMENDMENT FILED	65362
Sep. 26, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Sep. 25, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 24, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 28, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 28, 2012	PUBLISHED FOR OPPOSITION	
Feb. 08, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 26, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jan. 23, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2012	EXAMINER'S AMENDMENT ENTERED	77312
Jan. 23, 2012	ASSIGNED TO LIE	77312
Jan. 23, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2012	EXAMINERS AMENDMENT -WRITTEN	76502
Jan. 10, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2012	NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2012	NON-FINAL ACTION WRITTEN	76502
Jan. 09, 2012	ASSIGNED TO EXAMINER	76502
Dec. 15, 2011	ASSIGNED TO EXAMINER	72615
Sep. 02, 2011	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Sep. 01, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 01, 2011	NEW APPLICATION ENTERED IN TRAM	

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EXHIBIT C

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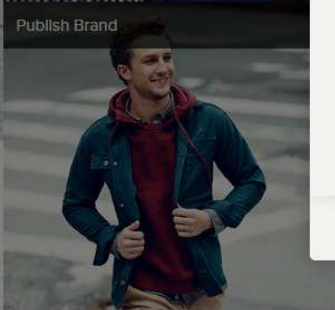
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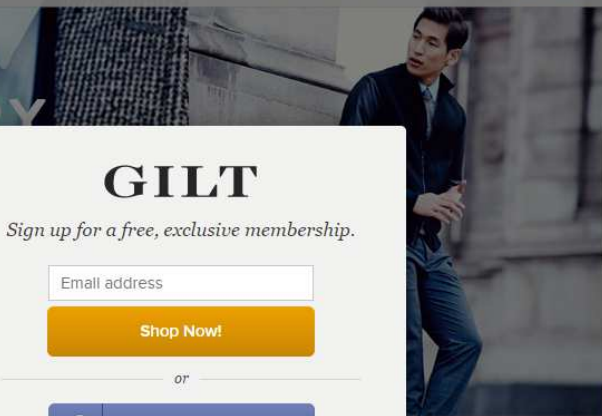
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