

ESTTA Tracking number: **ESTTA639431**

Filing date: **11/17/2014**

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	The Smiley Company SPRL
Granted to Date of previous extension	01/07/2015
Address	Rue des Trois Arbres 16 Brussels B-1180, BELGIUM

Attorney information	Steven L. Baron Mandell Menkes LLC One North Franklin Suite 3600 Chicago, IL 60606 UNITED STATES sbaron@mandellmenkes.com Phone:312-251-1009
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Applicant Information

Application No	86152603	Publication date	09/09/2014
Opposition Filing Date	11/17/2014	Opposition Period Ends	01/07/2015
Applicant	SIMPLEDEAL, INC. 221 Main Street #774 Seal Beach, CA 90740 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: downloadable mobile applications for use in searching location specific consumer information related to the goods and services of others
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: promoting the goods and services of others by providing a website featuring coupons, price comparisons, product reviews and special offers for the goods and services of others

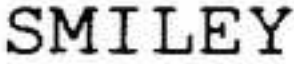
Grounds for Opposition

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.	3016430	Application Date	02/23/2004
Registration Date	11/15/2005	Foreign Priority	NONE

		Date	
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Downloadable computer software program for use in attaching, icons or other symbols, in e-mail correspondence and instant messaging		

U.S. Registration No.	2747618	Application Date	10/20/1999
Registration Date	08/05/2003	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2001/02/26 First Use In Commerce: 2001/02/26 non-medicated cosmetic preparations forslimming purposes, namely, skin creams,skin lotions, [skin pomades, rust removing preparations,] sun-tanning preparations for cosmetic purposes, [fabric softeners for laundry use, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry		

	bleach, scented wood, floor polish, hair color, hair dyes, hair waxing lotions, artificial eyelashes, shoe care products, namely, shoe wax, shoe polish, and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely, polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, namely], shampoos, [drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely, hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, depilatory creams, stains removers, paint removers, rust and mineral removing cleaning preparations, laundry detergents,] toilet water, [anti-static dryers sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, windscreen cleaning preparations,] essentials oils for personal use[, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, adhesives for cosmetic use, namely, adhesives for use in connection with artificial hair, shaving preparations, varnish-removing preparations]
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U.S. Registration No.	2801529	Application Date	05/10/2000
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 Clothing, namely, pullovers, [trousers]and shirts		

U.S. Registration No.	2970055	Application Date	10/31/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	SMILEY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 2001/02/26 First Use In Commerce: 2001/02/26 Soaps, bath gels, makeup, perfumes, body lotions, nail care preparations, cosmetic preparations for skin renewal, hair shampoos, hair gel
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U.S. Registration No.	3577839	Application Date	06/11/2004
Registration Date	02/17/2009	Foreign Priority Date	NONE

Word Mark	SMILEY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 018. First use: First Use: 2008/12/04 First Use In Commerce: 2008/12/04 traveling bags, school satchels, suitcases, and traveling leather sets consisting of traveling bags Class 024. First use: First Use: 2008/12/04 First Use In Commerce: 2008/12/04 bath linen, bed linen, household linen, table linen, unfitted fabric furniture covers, curtains of textile or plastic, and table mats, not of paper
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U.S. Application No.	76599965	Application Date	06/30/2004
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SMILEY
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Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 bubble baths, dentifrices, deodorants for personal use, after-shave lotions, denture polishes, preparations for cleaning dentures, false nails, non-medicated mouth washes</p> <p>Class 004. First use: First Use: 0 First Use In Commerce: 0 candles</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sore throat, additive for nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for denture prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lens cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, and vitamin supplements</p> <p>Class 006. First use: First Use: 0 First Use In Commerce: 0 metal keys</p> <p>Class 008. First use: First Use: 0 First Use In Commerce: 0 non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords, whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bites for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on</p>

insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabers, hand tools, namely, saws, carpenters or coppers clamps, fire irons, hand tools, namely, screwdrivers and drills

Class 009. First use: First Use: 0 First Use In Commerce: 0

Nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, guns sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely, bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, prerecorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bulletproof waistcoats, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules, microphones microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, vegetable juices, fruit juices and soft drinks, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, and mechanical or electric egg timers, video games and computer games

Class 010. First use: First Use: 0 First Use In Commerce: 0

condoms

Class 014. First use: First Use: 0 First Use In Commerce: 0

precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal chronographs for use as watches, necklaces, tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, and urns of precious metal

Class 016. First use: First Use: 0 First Use In Commerce: 0

adhesive tapes for stationary or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationary or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketch books, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, diaries, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms, school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads, and paper or plastic transparencies

Class 021. First use: First Use: 0 First Use In Commerce: 0

combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statues, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travelers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty,

corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoehorns, shoe stretchers of wood, egg cups, not of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots,;gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, nonmetal piggy banks, urns not of precious metal, and drinking glasses

Class 025. First use: First Use: 0 First Use In Commerce: 0

clothing, namely suits, dresses, t-shirts, sweatshirts, raincoats, shorts, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, hats, babies pants, ear muffs, neckties, sashes for wear, scarves, gloves, layettes, slippers, inner soles, aprons, sportswear, namely jogging suits, and training suits

Class 026. First use: First Use: 0 First Use In Commerce: 0

hair accessories

Class 027. First use: First Use: 0 First Use In Commerce: 0

carpets

Class 028. First use: First Use: 0 First Use In Commerce: 0

games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, and parlor games

Class 029. First use: First Use: 0 First Use In Commerce: 0

meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurt, meat, fish or vegetables, crystallized fruit, and fruit toppings

Class 030. First use: First Use: 0 First Use In Commerce: 0

sugar, rice, tapioca, sago, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than es-

sential oils, seasonings, cocoa-based foodbeverages not being dairy-based or vegetable based, coffee-based food beveragesnot being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, cornchips, edible decorations for cakes, chewing gum, confectionery, candies, mints, honey, prepared entrees consisting primarily of pasta or rice, and processed herbs

Class 031. First use: First Use: 0 First Use In Commerce: 0

agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient for filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, and decorative dried plants

Class 032. First use: First Use: 0 First Use In Commerce: 0

beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices fruit juices and soft drinks

Class 033. First use: First Use: 0 First Use In Commerce: 0

alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, aperitifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, and barley

Class 034. First use: First Use: 0 First Use In Commerce: 0

tobacco, matches, match boxes, not of precious metal, cigar and cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, and tobacco pouches

Class 035. First use: First Use: 0 First Use In Commerce: 0

advertising and marketing cooperative, administration of cultural and educationexchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and exportagencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business oradvertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers,fashion, toys, foodstuffs, public relations, business relocation, secretarial and clerical services, providing statistical information, and business investigations

Class 036. First use: First Use: 0 First Use In Commerce: 0

guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travelers check issuance, saving bank services, appraisals for insurance claims ofothers property, real estate management, and financial management

Class 038. First use: First Use: 0 First Use In Commerce: 0

telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television

broadcasting, radio broadcasting, and cellular telephone services

Class 039. First use: First Use: 0 First Use In Commerce: 0

transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasureboat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, and guarded transportation of valuables and money by truck


Class 041. First use: First Use: 0 First Use In Commerce: 0

computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by amusical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; and theatrical booking agencies

Class 042. First use: First Use: 0 First Use In Commerce: 0

providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening, licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and

	recyclable material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions
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U.S. Application No.	85982978	Application Date	04/30/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMILEYWORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/09/30 First Use In Commerce: 2006/09/01 Downloadable graphics for mobile phones; Electronic game programs; Electronic game software Calculating machines; Magnets		

Attachments	78372264#TMSN.png(bytes) 75810328#TMSN.png(bytes) 78975125#TMSN.png(bytes) 78433858#TMSN.png(bytes) 76599965#TMSN.png(bytes) 85982978#TMSN.png(bytes) Notice of Opposition - TSC v. SimpleDeal.pdf(717949 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	/Steven L. Baron/
Name	Steven L. Baron
Date	11/17/2014

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

In the Matter of Serial No.: 86/152,603
For the Mark: SMILEY
Filed: December 26, 2013
Date of Publication: September 9, 2014

THE SMILEY COMPANY SPRL,)	
)	
Opposer,)	<u>NOTICE OF OPPOSITION</u>
)	
v.)	Opposition No.
)	
SIMPLEDEAL, INC.)	
)	
Applicant.)	

Opposer, The Smiley Company SPRL (“TSC”), a foreign private limited company organized and existing under the laws of Belgium with its principal place of business at 16, rue des Trois Arbres, 1180 Brussels, Belgium (“Opposer”), believes that it will be damaged by the registration of the mark SMILEY in Trademark and ServiceMark Application Serial No. 86/152,603 for goods and services in International Commerce Classes 9 and 35 (the “Application”) and hereby opposes the same.

As grounds for this opposition, TSC states as follows:

FACTS

1. TSC is the owner of the International Trademark Application Serial No. 78/372-264, Registration Number 3,016,430, with a filing date of February 23, 2004 and a first use in commerce date of 2000 for the Trademark SMILEY for goods and services in International Commerce Class 9, namely, “downloadable computer software program for use in

attaching icons or other symbols in e-mail correspondence and instant messaging” (the “SMILEY IC 9 Trademark”). A copy of the TESS record is attached as **Exhibit A**.

2. TSC also filed the International Trademark Application Serial No. 76/599-965, with a filing date of June 30, 2004 for the Trademark and Service Mark SMILEY for goods and services in International Commerce Class 35, namely: “...dissemination of advertising matter...” (the “SMILEY IC 35 Trademark”). A copy of the TESS record is attached as **Exhibit B**.

3. TSC also filed the International Trademark Application Serial No. 85/982-978, with a filing date of April 30, 2010 and a first use in commerce date of 2006 for the Trademark SMILEYWORLD for goods and services in International Commerce Class 9, namely, “downloadable graphics for mobile phones...” (the “SMILEYWORLD IC 9 Trademark”). A copy of the TESS record is attached as **Exhibit C**.

4. In addition to the SMILEY IC 9 Trademark, the SMILEY IC 35 Trademark, and the SMILEYWORLD IC 9 Trademark (collectively referred to herein as the “SMILEY Trademarks”), TSC is the owner of a wide-ranging group of related trademarks, including but not limited to the following:

Registration No.	Mark	Goods and Services
2,747,618	SMILEY	“non-medicated cosmetic preparations for slimming purposes, namely, skin creams, skin lotions, [skin pomades, rust removing preparations,] sun-tanning preparations for cosmetic purposes, [fabric softeners for laundry use, shaving soap, cotton sticks for cosmetic purposes, skin whitening creams, laundry bleach, scented wood, floor polish, hair color, hair dyes, hair waxing lotions, artificial eyelashes, shoe care products, namely, shoe wax, shoe polish, and shoe cream, depilatory wax, parquet floor wax, polishing wax for use on furniture and automobiles, leather preservatives, namely,

Registration No.	Mark	Goods and Services
		polishing creams and waxes, cosmetic kits comprised of eyelash pencils, eyelid pencils, namely], shampoos, [drain openers, general purpose scouring powders, decolorants for cosmetic purposes, namely, hair decolorants, degreasing preparations not used in the manufacturing process for use on floors, make-up removing preparations, depilatory creams, stains removers, paint removers, rust and mineral removing cleaning preparations, laundry detergents,] toilet water, [anti-static dryers sheets, emery paper, emery cloth, emery boards, polish for furniture and flooring, incense, windscreen cleaning preparations,] essentials oils for personal use[, hair lacquer, hair bleaching preparations, sachets for perfuming linen, hair lotions, false nails, cotton balls for cosmetic purposes, abrasive paper for use on the nails, wallpaper cleaning preparations, paint stripper, pumice stones for personal use, adhesives for cosmetic use, namely, adhesives for use in connection with artificial hair, shaving preparations, varnish-removing preparations]"
2,801,529	SMILEY	"Clothing, namely, pullovers, [trousers] and shirts."
2,970,055	SMILEY	"Soaps, bath gels, makeup, perfumes, body lotions, nail care preparations, cosmetic preparations for skin renewal, hair shampoos, hair gel"
3,577,839	SMILEY	"traveling bags, school satchels, suitcases, and traveling leather sets consisting of traveling bags" and "bath linen, bed linen, household linen, table linen, unfitted fabric furniture covers, curtains of textile or plastic, and table mats, not of paper"

5. Upon information and belief, Applicant is a Delaware corporation, registered to do business in California with its principal place of business located at 221 Main St., #774, Seal Beach, CA 90740.

6. On or about December 26, 2013, Applicant filed the Application to register the mark SMILEY for use in connection with International Class 9, namely “downloadable mobile applications for use in searching location specific consumer information related to the goods and services of others” and International Class 35, namely “promoting the goods and services of others by providing a website featuring coupons, price comparisons, product reviews and special offers for the goods and services of others.” A copy of the Application is attached as **Exhibit D**.

COUNT I

A Likelihood of Confusion Would Exist if the Application Were Registered

7. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 5 as if fully set forth herein.

8. The TTAB has repeatedly affirmed an examining attorney’s refusal to register marks found to be similar in sound and appearance because they would create a likelihood of confusion among the public. *See In re 1st USA Realty Professionals, Inc.*, 84 U.S.P.Q. 2d 1581, 1586 (TTAB 2007) (FIRST USA and 1st USA); *Centraz Industries, Inc. v. Spartan Chemical Co.*, 77 U.S.P.Q. 2d 1698, 1701 (TTAB 2006); and *In re Infinity Broadcasting Corp. of Dallas*, 60 U.S.P.Q. 2d 1214, 1217.

9. The SMILEY Trademarks and Applicant’s SMILEY mark bear the identical word SMILEY and are confusingly similar in appearance and sound.

10. The International Class 9 goods that Applicant proposes to offer, namely, “downloadable mobile applications for use in searching location specific consumer information related to the goods and services of others,” overlap significantly with TSC’s use of SMILEY, under which TSC offers International Class 9 goods, namely, “downloadable computer software

program for use in attaching icons or other symbols in e-mail correspondence and instant messaging.”

11. Additionally, Applicant filed its application for the SMILEY mark for International Class 9 services that Applicant proposes to offer after TSC had already filed an application on April 30, 2010 for the SMILEYWORLD mark for International Class 9 services that overlap significantly with TSC’s use of SMILEYWORLD, namely, “downloadable graphics for mobile phones...”

12. Furthermore, Applicant filed its application for the SMILEY mark for International Class 35 services that Applicant proposes to offer, namely, “promoting the goods and services of others by providing a website featuring coupons, price comparisons, product reviews and special offers for the goods and services of others” after TSC had already filed an application on June 30, 2004 for the SMILEY mark for International Class 35 services that overlap significantly with TSC’s use of SMILEY, namely: “...dissemination of advertising matter...”


13. Accordingly, the Application should be refused under Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d), because the proposed mark in the Application, so resembles a mark previously used in the United States by TSC and not abandoned (SMILEY) and (SMILEYWORLD), as to be likely, when used on or in connection with the goods and services of Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer, The Smiley Company SPRL, prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 86/152,603 be denied registration. Opposer submits herewith a copy of this Notice of Opposition, along with a filing fee of \$600.00, as required by 37 C.F.R. § 2.6(a)(17).

Respectfully submitted,

THE SMILEY COMPANY SPRL

Date: November 17, 2014

By: 
Attorney for Opposer

Steven L. Baron
Natalie A. Harris
Rebecca A. Edwards
Mandell Menkes LLC
One North Franklin St., Suite 3600
Chicago, IL 60606
(312) 251-1000

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a copy of the foregoing *Notice of Opposition* was served on:

Vic Y. Lin
c/o Simpledeal, Inc.
221 Main Street #774
Seal Beach California 90740

by U.S. Mail by depositing a copy in the mailbox located at 1 N. Franklin St., Suite 3600, Chicago, IL 60606 on this 17th day of November, 2014 before 5:00 p.m. local time.



EXHIBIT A



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SMILEY

Word Mark SMILEY
Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable computer software program for use in attaching, icons or other symbols, in e-mail correspondence and instant messaging. FIRST USE: 20001200. FIRST USE IN COMMERCE: 20001200

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78372264

Filing Date February 23, 2004

Current Basis 1A

Original Filing Basis 1A

Date Amended to Current Register September 19, 2005

Registration Number 3016430

Registration Date November 15, 2005

Owner (REGISTRANT) Loufrani, Franklin INDIVIDUAL FRANCE 114 Eaton Square London UNITED KINGDOM SW1W 9AA

(LAST LISTED OWNER) THE SMILEY COMPANY SPRL LIMITED LIABILITY COMPANY BELGIUM 16 RUE DES TROIS ARBRES BRUSSELS BELGIUM 1180

Assignment

Recorded ASSIGNMENT RECORDED
Attorney of Record Steven L. Baron
Type of Mark TRADEMARK
Register SUPPLEMENTAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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EXHIBIT B


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SMILEY

Word Mark SMILEY

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: bubble baths, dentifrices, deodorants for personal use, after-shave lotions, denture polishes, preparations for cleaning dentures, false nails, non-medicated mouth washes

IC 004. US 001 006 015. G & S: candles

IC 005. US 006 018 044 046 051 052. G & S: hygienic preparations for medicine and personal hygiene, namely, feminine hygiene cleansing towelettes and medicated mouth washes, diet capsules, disinfectants for hygiene purposes, namely, antiseptics, herbicides for agricultural use, herbicides for domestic use, adhesives for dentures, adhesive bandages, air deodorants, air fresheners, dietary food supplements and dietary drink mix for use as a meal replacement, food for babies, herbal tea for use in weight reduction, preparations for destroying vermin, moth balls, flea collars, medicated sun burn ointments, fly paper, medicated bath preparations, namely, medicated bath gels, medicated bath salts, adhesive bandages, feminine hygiene pads, medicated candy for use on sore throat, additive for nutritional purposes, medicated compresses, solutions for contact lenses, cotton for medical purposes, incontinence garments, namely, pants and napkins, tobacco-free cigarettes for medical purposes, dental impression materials, porcelain for denture prostheses, car deodorants, pregnancy test kits for home use, sanitary napkins, insecticides for domestic use, insecticides for agricultural use, animal semen, alloys of precious metals for dental purposes, contact lense cleaning preparations, smelling salts, wound dressings, surgical dressings, medicated skin care preparations, agricultural pesticides, domestic use pesticides, mineral supplements, and vitamin supplements

IC 006. US 002 012 013 014 023 025 050. G & S: metal keys

IC 008. US 023 028 044. G & S: non-electric cutlery, namely, non-electric knives, hand operated non-electric choppers, forks and spoons, side arms not including fire arms, namely, hunting arms or swords, whet steels, hand tools, namely, manually operated sharpening wheels, hand tools, namely, reams, beard clippers, spades, instruments for punching tickets, namely, punches, non-electric can openers, engraving needles, nutcrackers, not of precious metal, hand operated shears, scissors, hand operated vegetable shredders, hand operated vegetable slicers, nail clippers, manual jacks, trowels, tree pruning, namely, pruning scissors, swords electric or non-electric depilatory appliances, hair removing tweezers, hand tools, namely, squares, razor cases, bites for hand drills, sickles, scythes, hand tools, namely, tongs, gimlets, hand operated lawn clippers, ice picks, hand tools, namely, scrapers, electrical hand operated vaporizers and sprayers for use on insects, hand operated choppers for use on meat and vegetables, gardening tools, namely, shovels, spades, hoes, razor blades, hand tools, namely, levers, files, nail files, manicure sets, hand tools, namely, hammers, shaving sets, pedicure sets, pliers, sugar tongs, hand tools, namely, nippers, pickaxes, hand-powered staple guns, hand tools, namely, punches, hand tools, namely, planes and rasps, electric and non-electric razors, rakes, branding irons, sabers, hand tools, namely, saws, carpenters or coppers clamps, fire irons, hand tools, namely, screwdrivers and drills

IC 009. US 021 023 026 036 038. G & S: Nautical apparatus and instruments namely, sextants, telescopes, directional compasses, weighing apparatus and instruments, namely, scales, automatic vending machines, calculating machines, data processors, computers, electric accumulators, chargers for electric accumulators, anti-intrusion alarms, electronic diaries, warning devices, namely, alarm belts, electric cigarette lighters, for land vehicles, altimeters, sound amplifiers, radio-controlled miniature aerial targets, anti-dazzling glasses, telescopic, guns sights, electric devices for attracting and killing insects, musical juke boxes, automatic distribution machines, namely, foodstuff dispensers, drink dispensers, gas dispensers, burglar alarms except for anti-theft alarms for vehicles, scales, safety equipment, namely, beacon lights, meteorological balloons, blank magnetic computer tapes, blank video tapes and video cassettes, barometers, electric hair curlers, ticket dispensers, computer terminals, electric, neon or luminous road signs, marker buoys, navigational buoys, signaling buoys, push buttons for warning devices, namely, bells and electric doorbells, surveyors' levels, cash registers, photographic cameras, motion picture cameras, video cameras, metered gasoline pumps, magnetic encoded cards, magnetic encoded identity cards, cartridges for video games, life belts, life jackets, motion picture films in the field of sport, nature, environment, historic and geographic documentaries, printed circuits, integrated circuits, computer keyboards, bar code readers, diving suits, control boards, commutators, prerecorded compact disks featuring music, optical compact discs, thread counters, revolution counters, electrical connectors, contact lenses, speedometers, electrical plugs, electrical sockets, circuit breakers, smoke detectors, photographic slide transparencies, dictation machines, optical discs, blank floppy disks for computers, blank magnetic data carriers, dosimeters, safety equipment, namely, fire escape ladders, projection screens, batteries, telecommunication transmitters, transmitters of electronic signals, teaching apparatus, namely tape recorders, eyeglass cases, fire extinguishers, electric and flat irons, life nets, exposed camera film, electrical wires, photographic flash-bulb, electrical fuses, gloves for divers, bulletproof waistcoats, loudspeakers, printers for use with computer data processors, telephone apparatus, namely, intercoms, computer interface boards, simulators, magnifying peepholes for doors, binoculars, optical character recognition apparatus, digital audio tape players, compact disc players, telescopes, magnifying glasses, sunglasses, video cassette recorders, scuba diving masks, computer memories, slide rules measuring instruments, namely, slide rules, microphones microprocessors, microscopes, computer monitors, computer peripheral mouse pads, lightning rods, electrical conductors, parking meters, periscopes, letter scales, photocopying machines, photographic camera tripods, signal processors, satellite processors, photographic projectors, movie projectors, radar detectors, life-saving rafts, radios, audio-receivers, video-receivers, graduated rulers, electric light dimmers, semi-conductors, lasers, not for medical purposes, vehicle breakdown warning triangles, luminous or mechanical sirens, sonars, warning devices, namely, vegetable juices, fruit juices and soft drinks, computer mouse, facsimile machines, telephone transmitters, telephone receivers, telescopes, television sets, thermostats, electronic apparatus for translating words from and into foreign languages, and mechanical or electric egg timers, video games and computer games

IC 010. US 026 039 044. G & S: condoms

IC 014. US 002 027 028 050. G & S: precious metals and their alloys sold in bulk, precious gem stones, clocks and chronometers, silver plated plates and dishes, works of art of precious metal, namely, statues statuettes, figurines of precious metal, jewelry, boxes, earrings, buckles of precious metal, candlesticks of precious metal, bracelets, cuff links, brooches, sundials, ashtrays of precious metal for smokers, jewelry chains, hat ornaments of precious metal chronographs for use as watches, necklaces,

tie clips, tie pins, hat pins, household and kitchen containers of precious metal, change purses of precious metal, clutch purses of precious metal, watches, watch bands, wrist watches, shoe ornaments of precious metal, towel holders of precious metal, alarm clocks, serving platters of precious metal, and urns of precious metal

IC 016. US 002 005 022 023 029 037 038 050. G & S: adhesive tapes for stationary or household purposes, posters, staples for offices, photo albums, indoor aquarium, scrapbooks, slate boards for writing, engravings, lithographic prints, atlases, stickers, bibs of paper, loose-leaf binders, place mats of paper for beer glasses, price tickets, boxes of cardboard or paper, paintbrushes, blotters, rubber stamps, paper coffee filters, calendars, printing patterns, note books, business cards, postcards, tags for index cards, document files, glue for stationery or household purposes, confetti, letter trays, disposable diapers, exercise book covers, notebook covers, writing chalk, iron-on transfers and plastic transfers, decalcomanias, cotton wool pads, graphic art reproductions, adhesive tape dispensers, paper file jackets, stationery folders, flags of paper, typewriters, inkstands, writing materials, namely, slate boards, note books, post cards, address books, artists' brushes, drawing brushes, ball-point pens, anniversary books, appointment books, autograph books, baby books, sketch books, sketch pads, bookmarks, chalk, chalk erasers, chalkboards for school and home use, daily planners, date books, diaries, engagement books, envelopes, electric and non-electric erasers, india ink, writing ink, markers, bond paper, loose leaf paper, fountain pens, pen or pencil holders, pen or pencil trays, pencils, artists' pencils, charcoal pencils, drawing pencils, pencil leads, pencil boxes, pencil cases, pen cases, pencil sharpeners, stationary, and envelopes, and writing tablets, rubber erasers, office requisites, namely rubber bands, wrapping paper, duplicating ink, pencils, paper or cardboard sign holders, stationery envelopes, paper towels, blank or partially printed labels not of textile, announcement cards, writing paper, plastic bubble packs for wrapping or packaging, index cards, printed forms. school supplies, namely notebooks, exercise books, files, pencil cases, terrestrial globes, toilet paper, pictures, printed matter, namely magazines, lithographs, bags for microwave cooking, table linen of paper, embroidery design patterns, handkerchiefs of paper, stationery, paper stationery, paper banners, paper bags, paperweights, modeling clay, paint applicator rollers, paintings, plastic film for industrial or commercial wrapping, office perforating machines, unmounted photographs, paintbrushes, art prints, drawing boards, blueprints, printed plans, pen and pencil trays, portraits, printed publications, namely magazines, newspapers, books, booklets, manuals, in the field of art, fashion, cooking, garment, thumbtacks, ledger books, drawing rulers, bookbindings, telephone indexes, graphic art reproductions, blinds of paper, table mats of paper, plastic or paper envelopes, bags and pouches for merchandise packaging, bookends, writing pads, fountain pens, inking pads, and paper or plastic transparencies

IC 021. US 002 013 023 029 030 033 040 050. G & S: combs, toilet brushes, water troughs, thermal insulated containers for food, cat litter pans, lawn sprinklers, works of art, of porcelain, terra-cotta or glass, namely, statuettes, figurines, table plates not of precious metal, non-electric pressure cookers, brooms, shaving brushes, cocktail picks, portable baby baths tubs, drinking flasks for travelers, drinking vessels, beer mugs, glass jars for jams and jellies, bread boxes, soap boxes, tea balls not of precious metal, boxes for dispensing paper towels, boxes of glass, bowls, candy boxes sold empty, corkscrews, non-electric kettles, bottles sold empty, bottle openers, pitchers not of precious metal, electric toothbrushes, non-electric toothbrushes, perfume burners, coffee services, not of precious metal, non-electric coffee pots, not of precious metal, decanters, glass pans for cooking stew, metal cooking pans for stew, polishing leather, shoe horns, shoe stretchers of wood, egg cups, no of precious metal, baskets of wicker, straw and wood for domestic use, dish covers, pot lids, beverage glassware, jugs, cooking pot sets, cookery molds, non-electric cooking utensils, namely, saucepans, toothpicks, cutting boards for the kitchen, trivets, toilet paper holders, decorative crystal prisms, soap dispensers, sponges for household purposes, cleaning rags, dusting cloths, scouring sponges for toilets, earthenware basins, household utensils, namely strainers, flower pots, gloves for household purposes, gloves for gardening, ice buckets, portable non-electric ice boxes for food and beverages, ice cube molds for refrigerators, goblets, not of precious metal, mugs, not of precious metal, bottle-gourds, not of precious metal, insect traps, crumb trays, fitted picnic baskets including dishes, soap holders, sponge holders, perfume sprayers sold empty, perfume atomizers sold empty, ironing boards, pepper shakers, earthenware mugs, knife rests for the table, garbage cans, trash cans, napkin rings, not of precious metal, thermal insulated tote bags for food or beverages, tableware services not of precious metal, namely, table plates, napkin holders, not of precious metal, non metal piggy banks, urns not of precious metal, and drinking glasses

IC 025. US 022 039. G & S: clothing, namely suits, dresses, t-shirts, sweatshirts, raincoats, shorts, stockings, cloth bibs, berets, hosiery, boots, suspenders, pants, baseball caps, golf caps, bathing caps, athletic shoes, masquerade costumes, hats, babies pants, ear muffs, neckties, sashes for wear,

scarves, gloves, layettes, slippers, inner soles, aprons, sportswear, namely jogging suits, and training suits

IC 026. US 037 039 040 042 050. G & S: hair accessories

IC 027. US 019 020 037 042 050. G & S: carpets

IC 028. US 022 023 038 050. G & S: games, namely chess, checkers, playthings, namely toys in the nature of flying disks, skipping ropes, gymnastic and sporting articles, namely baseball bats, baseball gloves, baseballs, basketballs, bowling balls, footballs, golf balls, handballs, playground balls, billiard balls, soccer balls, tennis balls, volley balls, beach balls, racquet balls, lacrosse balls, paddle balls, rubber balls, cricket balls, field hockey balls, net balls, rugby balls, sports balls, squash balls, tether balls, bocci balls, and table tennis balls, balloons, golf clubs, boxing gloves, toys, namely dolls, jigsaw puzzles, Christmas tree ornaments except confectionery or illumination articles, face masks, costume masks, kites, exercise machines, party favors in the nature of small toys, fishing hooks, fishing tackle, play swimming pools, protective padding for playing baseball and ice hockey, and parlor games

IC 029. US 046. G & S: meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, fruit sauces, eggs, milk, dairy products excluding ice creams, ice milk and frozen yogurt, edible oils and fats, dairy-based food beverages, bouillon, charcuterie, candied fruit, cheese, mussels, soup mixes, soups, yogurt, meat, fish or vegetables, crystallized fruit, and fruit toppings

IC 030. US 046. G & S: sugar, rice, tapioca, saga, coffee substitutes grain or chicory based, flour, preparations made from cereals, namely corn flakes, bread, pastries, yeast, mustard, vinegar, sauces, spices, ice flavored ices, farinaceous food pastes, namely pasta, confectionery for decorating Christmas trees, flavorings, other than essential oils, seasonings, cocoa-based food beverages not being dairy-based or vegetable based, coffee-based food beverages not being dairy-based or vegetable-based, chocolate-based food beverages not being dairy-based or vegetable-based, corn chips, edible decorations for cakes, chewing gum, confectionery, candies, mints, honey, prepared entrees consisting primarily of pasta or rice, and processed herbs

IC 031. US 001 046. G & S: agricultural grains for planting, unprocessed seeds for agricultural purposes for flowers, trees, live animals, fresh fruits and vegetables, live plants and flowers, animal feed additives for non nutritional purposes for use as flavoring, ingredient for filler, edible chews for animals, flower bulbs, fresh garden herbs, animal litter, and decorative dried plants

IC 032. US 045 046 048. G & S: beers, mineral and aerated waters, non-alcoholic drinks, namely, fruit juices, lemonades, tomato juice beverages, syrups for making soft drinks, isotonic beverages, vegetable juices, beverages, namely, vegetable juices fruit juices and soft drinks

IC 033. US 047 049. G & S: alcoholic beverages, namely, wines, sparkling wines, whiskey, gin, rum, vodka, aperitifs with a distilled alcoholic liquor base, prepared alcoholic cocktails, cherry brandy, liqueurs, distilled spirits of rice, corn, and barley

IC 034. US 002 008 009 017. G & S: tobacco, matches, match boxes, not of precious metal, cigar and cigarette cases, not of precious metal, cigarette lighters, not of precious metal, ashtrays, not of precious metal, cigars, cigar cutters, cigarettes, cigarette holders, not of precious metal, and tobacco pouches

IC 035. US 100 101 102. G & S: advertising and marketing cooperative, administration of cultural and education exchange programs, arranging of subscriptions for the publications of others, business management and consultation, outdoor advertising by means of electronic billboard advertising, import and export agencies, commercial information agencies, publicity agents, dissemination of advertising matter, office machines and equipment rental, employment agencies, accounting services, personnel management consultation, shop window display arrangement services, product demonstrations, direct mail advertising, document reproduction, auctioneering, conducting marketing studies, efficiency experts, organizing trade shows and exhibitions for the garment industry, the foodstuff manufacturing industry, the toy manufacturing industry, the stationery industry, the computerized mean industry, computerized data base management, rental of advertising space, opinion polling for business or advertising purposes, personnel placement or recruitment, economic forecasting and analysis, advertising agencies, namely, promoting the services of computers, fashion, toys, foodstuffs, public

relations, business relocation, secretarial and clerical services, providing statistical information, and business investigations

IC 036. US 100 101 102. G & S: guarantee assurance underwriting, financial services in the nature of an investment security debt collection agencies, real estate agencies, art appraisal, charitable fund raising, mutual investment funds, fund investment consultation, credit card services, monetary exchange, travelers check issuance, saving bank services, appraisals for insurance claims of others property, real estate management, and financial management

IC 038. US 100 101 104. G & S: telecommunication services, namely, personal communication services, paging services radio communication, telephone communication, communication by telegram, electronic transmission of documents and data via a computer terminal, rental of telecommunication equipment, electronic mail services, television broadcasting, radio broadcasting, and cellular telephone services

IC 039. US 100 105. G & S: transportation services by ferry, boat, rail, land, air, packaging articles for transportation, warehouse storage, arranging travel tours as a bonus program for credit card customers, arranging travel tours, arranging of cruises, tourist agency services, vehicle towing, pleasure boat cruises, chauffeur services, message delivery, public utility services in the nature of electricity distribution, delivery of goods by truck, boat, rail and air, car rental, rental of parking spaces, underwater salvage, taxi transport, conducting sightseeing tours for others, and guarded transportation of valuables and money by truck

IC 041. US 100 101 107. G & S: computer education training services; educational services, namely, conducting classes, seminars and workshops in the field of foreign languages; entertainment in the nature of live performances by a musical group or musical band, orchestra performances, fashion shows, theatrical productions, and in the nature of an on-going children's animated television series and animated cartoon series; entertainment in the nature of circuses; golf club, polo club and baseball club services; entertainment in the nature of live performances by a costumed character, and in the nature of live performances by a stand up comic; organizing exhibitions for painting and sculpture; animal training; amusement parks; bookmobile services; providing casino facilities; movie studios; arranging and conducting athletic competitions, scholastic competitions and talent shows; arranging and conducting educational conferences and conducting seminars in self awareness, art appreciation, how to write speeches, and personal behavior; discotheques; entertainment information services; motion picture film production; rental of books, radios, videotapes, videotape recorders and video cassette recorders; administration of lotteries for others; and theatrical booking agencies

IC 042. US 100 101. G & S: providing temporary accommodations, medical services, hygienic and beauty care, namely beauty salons, veterinary services and agricultural advice, legal services, scientific research, industrial research, namely manufacture planning, computer programming for others, personal body guard services, chaperoning, detective agencies, night security guard services, marriage bureaus, farming equipment rental, animal breeding, animal grooming, arbitration services, architectural design for others, dentistry, graphic art designing, blood banks, editing of written texts, providing campground facilities, canteen services, cosmetic and plastic surgery, dating services, hair styling, flower arranging, architectural consultation, intellectual property consultation, personal security consultancy, real estate security consultancy, technical consultation and research in the field of environmental remediation and protection, quality control for others, convalescent homes, personal letter writing, for others, research in cosmetic product manufacturing, child care, interior decorating, industrial design, dress design, packaging design for others, computer software design for others, providing technical assistance for goods production and manufacture, engineering, undertaking, nursing care, genealogy research, horticultural services, hospitals, making hotel reservations for others, providing meteorological information, providing fashion information, landscape gardening, licensing of intellectual property, uniform rental, rental of chairs, tables, table linen, glassware, rental of rooms, rental of computer software, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information, clothing rental, maintenance of computer software, rest homes, retirement homes, tourist homes, butler services, manicuring, massage, emergency medical assistance, opticians' services, consultancy in the field of computer hardware, vocational guidance, psychological testing, pharmacy, portrait photography, art photography, aerial photography, photographic reporting, nurseries and day care centers, psychological consultation, psychological counseling, research and development for new products for others, news syndication reporting, sanitariums, health care, fashion styling, language translation, sorting of waste and recyclable

material; catering, arena services, namely, providing facilities for baseball, golf, soccer and other athletic tournaments, concerts, conventions and exhibitions

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 76599965
Filing Date June 30, 2004
Current Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) THE SMILEY COMPANY SPRL LIMITED LIABILITY COMPANY BELGIUM 16 RUE DES TROIS ARBRES BRUSSELS BELGIUM 1180
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Steven L. Baron
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	SMILEYWORLD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable graphics for mobile phones; Electronic game programs; Electronic game software Calculating machines; Magnets. FIRST USE: 20040930. FIRST USE IN COMMERCE: 20060901
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85982978
Filing Date	April 30, 2010
Current Basis	1A;1B
Original Filing Basis	1A;1B
Published for Opposition	October 5, 2010
Owner	(APPLICANT) The Smiley Company SPRL LIMITED LIABILITY COMPANY BELGIUM Rue des Trois Arbres 16 Brussels BELGIUM B-1180
Attorney of Record	Steven L. Baron
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	

Indicator LIVE

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Word Mark	SMILEY
Goods and Services	IC 009. US 021 023 026 036 038. G & S: downloadable mobile applications for use in searching location specific consumer information related to the goods and services of others
	IC 035. US 100 101 102. G & S: promoting the goods and services of others by providing a website featuring coupons, price comparisons, product reviews and special offers for the goods and services of others
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86152603
Filing Date	December 26, 2013
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	September 9, 2014
Owner	(APPLICANT) SIMPLEDEAL, INC. CORPORATION DELAWARE 221 Main Street #774 Seal Beach CALIFORNIA 90740
Attorney of Record	Vic Y. Lin

Type of Mark TRADEMARK, SERVICE MARK
Register PRINCIPAL
Live/Dead
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