

ESTTA Tracking number: **ESTTA659340**

Filing date: **03/04/2015**

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	Byer California
Granted to Date of previous extension	03/04/2015
Address	66 Potrero Avenue San Francisco, CA 94103 UNITED STATES

Attorney information	Gregory M. Krakau Leland, Parachini, et al., LLP 199 Fremont Street 21st Floor San Francisco, CA 94105 UNITED STATES gkrakau@lpslaw.com, ntaxy@lpslaw.com, kobrien@lpslaw.com Phone: 415-957-1800
----------------------	---

Applicant Information

Application No	86302392	Publication date	11/04/2014
Opposition Filing Date	03/04/2015	Opposition Period Ends	03/04/2015
Applicant	Domesick, Michael, Harris 7u worchester, MA 01608 UNITED STATES		

Goods/Services Affected by Opposition


Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beauty creams for body care
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Underwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3164118	Application Date	07/13/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE

Word Mark	BCX
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2005/12/10 First Use In Commerce: 2005/12/10 Clothing, namely, dresses, skirts, blouses, skorts, shorts, shirts, pants, jackets, sweaters, vests and jumpsuits

U.S. Registration No.	3366426	Application Date	11/02/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE

Word Mark	BCX GIRL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2007/01/30 First Use In Commerce: 2007/01/30 Clothing, namely, dresses, skirts, blouses, [skorts,] shorts, shirts, pants, jackets, sweaters, [vests and jumpsuits]

Attachments	78670052#TMSN.png(bytes) 77035798#TMSN.png(bytes) 01034464.PDF(649131 bytes)
-------------	---

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	/Gregory M. Krakau/
Name	Gregory M. Krakau

Date	03/04/2015
------	------------

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

Byer California,)	
)	
Opposer,)	In re App. Ser. No. 86/302,392
)	
v.)	Mark: B.C.X.E.
)	
Michael Harris Domesick,)	Filing Date: June 6, 2014
)	
Applicant.)	Publ'n Date: November 4, 2014
)	
)	Opposition No.: _____

NOTICE OF OPPOSITION

Opposer Byer California ("Byer" or "Opposer"), a corporation organized and existing under the laws of the State of California and having an address of 66 Potrero Avenue, San Francisco, California 94103, believes that it will be damaged by the registration of the B.C.X.E. mark (the "Opposed Mark") as shown in Application Ser. No. 86/302,392 (the "Application"), filed by Michael Harris Domesick (the "Applicant"), and hereby opposes same.

The grounds for opposition are as follows:

1. Byer is a fashion apparel company that has been creating affordable fashions for women since 1964.
2. Byer is the owner of U.S. Trademark Registration No. 3,164,118 for the mark BCX for use on "Clothing, namely, dresses, skirts, blouses, skorts, shorts, shirts, pants, jackets, sweaters, vests and jumpsuits." Printouts from the U.S. Patent and Trademark Office website reflecting the current status and title of the registration are attached hereto as **Exhibit A**. A copy of the certificate of registration for Reg. No. 3,164,118 is attached hereto as **Exhibit B**.

3. Byer has used the BCX mark in commerce since at least as early as December 10, 2005, which predates any date of first use Applicant has asserted or may assert regarding the Opposed Mark.

4. Byer's filing date for its registration for the BCX mark precedes the filing date of the Application.

5. Byer's registration for the BCX mark issued on October 24, 2006, and has since become incontestable pursuant to 15 U.S.C. § 1065.

6. Byer is the owner of U.S. Trademark Registration No. 3,366,426 for the mark "BCX girl" for use on "Clothing, namely, dresses, skirts, blouses, shorts, shirts, pants, jackets, and sweaters." Printouts from the U.S. Patent and Trademark Office website reflecting the current status and title of the registration are attached hereto as **Exhibit C**. A copy of the certificate of registration for Reg. No. 3,366,426 is attached hereto as **Exhibit D**.

7. Byer has used the "BCX girl" mark in commerce since at least as early as January 30, 2007, which predates any date of first use Applicant has asserted or may assert regarding the Opposed Mark.

8. Byer's filing date for its registration for the "BCX girl" mark precedes the filing date of the Application.

9. Byer's registration for the "BCX girl" mark issued on January 8, 2008, and has since become incontestable pursuant to 15 U.S.C. § 1065.

10. Byer has used its BCX and "BCX girl" marks continuously in commerce on the above-referenced goods since their respective dates of first use. Byer has engaged in extensive advertising, marketing and promotional efforts in connection with its BCX and "BCX girl" marks.

11. In light of Byer's extensive promotion and use of its BCX and "BCX girl" marks, Byer's BCX and "BCX girl" marks are distinctive and serve to identify and indicate the source of Byer's goods to the consuming public. As a result, Byer has developed valuable goodwill in its BCX and "BCX girl" marks.

12. Applicant Michael Harris Domesick filed his Application (Ser. No. 86/302,392) for the B.C.X.E. mark on June 6, 2014, based on an intent to use the mark on "beauty creams for body care" in International Class 3 and "athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; underwear" in International Class 25. The Application was published for opposition on November 4, 2014. Byer filed a request for extension of time to oppose, which was duly granted, and Byer now timely files this Notice of Opposition.

13. Byer believes that it would be damaged by registration of the Opposed Mark, and therefore has standing to file this Notice of Opposition, as further set forth below.

14. Applicant's use of the Opposed Mark is likely to cause confusion among the consuming public, who would likely believe, mistakenly, that Applicant's goods are produced by Byer, licensed, sponsored or authorized by Byer, and/or that Applicant is somehow affiliated with Byer.

15. The Opposed Mark so closely resembles Byer's BCX and "BCX girl" marks as to be likely, when applied to Applicant's goods, to cause confusion or mistake, or to deceive members of the public as to the source, origin, or sponsorship of Applicant's goods.

16. The Opposed Mark, B.C.X.E., is virtually identical to Byer's BCX mark. The addition of an "E" at the end of the Opposed Mark is insufficient to avoid consumer confusion.

17. Applicant's goods are identical, in the case of clothing, and closely related, in the case of beauty creams for body care, to Byer's goods, further increasing the likelihood of confusion.

18. In light of the foregoing, the use and registration of the Opposed Mark by Applicant is likely to damage and destroy the distinctiveness, goodwill and reputation built by Byer in the BCX and "BCX girl" marks by causing confusion, mistake, and/or deception on the part of the consuming public.

19. The Opposed Mark is confusingly and deceptively similar to Byer's BCX and "BCX girl" marks as applied to Byer's goods, such that Applicant's use and registration of the Opposed Mark is likely to cause confusion and mistake, and to deceive the public into believing, erroneously, that Applicant's goods originate with Byer, are sponsored, licensed or authorized by Byer, and/or that Applicant is somehow affiliated with Byer.

20. Pursuant to section 2(d) of the federal Lanham Act, 15 U.S.C. § 1052(d), Applicant is not entitled to registration of the Opposed Mark because the concurrent use in commerce and/or registration of the Opposed mark with Byer's BCX and "BCX girl" marks is likely to cause confusion, mistake, and/or deception on the part of the consuming public.

WHEREFORE, Byer prays that this Opposition be sustained for the reasons set forth above, that Applicant be refused registration of the Opposed Mark, and that the Trademark Trial and Appeal Board grant such other relief as the Board deems proper.

The \$600 filing fee for this Notice of Opposition is being paid electronically concurrently with the electronic filing of the Notice of Opposition. If for any reason this amount is

insufficient, the undersigned respectfully requests that Deposit Account 50-2489 be charged to address any deficiency.

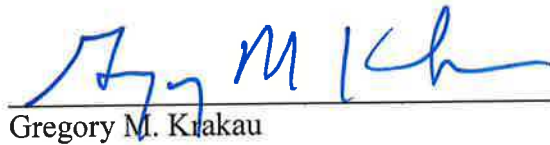
Date: March 4, 2015

BYER CALIFORNIA

By its attorneys,

LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

By:



Gregory M. Krakau

Neil E. Taxy

199 Fremont Street, 21st Floor

San Francisco, California 94105

Tel: (415) 957-1800

Fax: (415) 974-1520

Email: gkrakau@lpplaw.com

CERTIFICATE OF SERVICE

I, Gregory M. Krakau, certify that a copy of the foregoing NOTICE OF OPPOSITION was served on:

Michael Harris Domesick
50 Franklin Street, Apt. 7U
Worcester, Massachusetts 01608-1909

by placing same with the U.S. Postal Service, via first class mail, postage pre-paid, this 4th day of March, 2015.



Gregory M. Krakau
Counsel for Byer California

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-03-03 21:53:52 EST

Mark: BCX

BCX

US Serial Number: 78670052
US Registration Number: 3164118

Application Filing Date: Jul. 13, 2005
Registration Date: Oct. 24, 2006

Register: Principal
Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Feb. 06, 2012

Publication Date: Mar. 29, 2006

Notice of Allowance Date: Jun. 20, 2006

Mark Information

Mark Literal Elements: BCX

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: Clothing, namely, dresses, skirts, blouses, shorts, shirts, pants, jackets, sweaters, vests and jumpsuits

International Class(es): 025 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 10, 2005

Use In Commerce: Dec. 10, 2005

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Byer California

Owner Address: 66 Potrero Avenue
San Francisco, CALIFORNIA 94103
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Neil E. Taxy
Attorney Primary Email Address: ntaxy@lpslaw.com

Docket Number: BYERCA-1
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: NEIL E. TAXY
LELAND, PARACHINI, ET AL., LLP
199 FREMONT STREET

21ST FLOOR
SAN FRANCISCO, CALIFORNIA 94105
UNITED STATES

Phone: 415-957-1800

Correspondent e-mail: nlaxy@pslaw.com

Fax: 415-974-1520

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	64591
Feb. 06, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Feb. 06, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Dec. 14, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jun. 21, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 24, 2006	REGISTERED-PRINCIPAL REGISTER	76243
Sep. 19, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	76243
Sep. 14, 2006	ASSIGNED TO LIE	67215
Sep. 08, 2006	ASSIGNED TO LIE	
Sep. 06, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	76569
Aug. 15, 2006	STATEMENT OF USE PROCESSING COMPLETE	76569
Jun. 29, 2006	USE AMENDMENT FILED	
Jun. 29, 2006	TEAS STATEMENT OF USE RECEIVED	
Jun. 20, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 28, 2006	PUBLISHED FOR OPPOSITION	
Mar. 08, 2006	NOTICE OF PUBLICATION	76243
Feb. 14, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Feb. 10, 2006	ASSIGNED TO LIE	
Feb. 09, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	76243
Feb. 06, 2006	EXAMINER'S AMENDMENT ENTERED	6328
Feb. 02, 2006	EXAMINERS AMENDMENT E-MAILED	78439
Feb. 02, 2006	EXAMINERS AMENDMENT -WRITTEN	78439
Feb. 01, 2006	ASSIGNED TO EXAMINER	
Jul. 19, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 105

Date in Location: Feb. 06, 2012

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91189238

Status: Terminated

Interlocutory Attorney: MICHAEL B ADLIN

Filing Date: Mar 11, 2009

Status Date: Jan 10, 2011

Defendant

Name: Clothing For Modern Times Ltd.

Correspondent Address: DAVID M. KELLY
FINNEGAN HENDERSON FARABOW, ET AL.
801 NEW YORK AVE NW
WASHINGTON DC , 20001-4432
UNITED STATES

Correspondent e-mail: Kenneth.Leichter@finnegan.com , larry.white@finnegan.com , docketing@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CBX	Abandoned - After Inter-Partes Decision	<u>77504080</u>	

Plaintiff(s)

Name: Byer California

Correspondent Address: ALISA C KEY
SQUIRE SANDERS & DEMPSEY, LLP
8000 TOWERS CRESENT DR, 14TH FL
VIENNA VA , 22182-6212
UNITED STATES

Correspondent e-mail: akey@ssd.com , omead@ssd.com , mjost@ssd.com , lpgeneralvc@ssd.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BCX	Section 8 and 15 - Accepted and Acknowledged	<u>78670052</u>	<u>3164118</u>
BCX GIRL	Section 8 and 15 - Accepted and Acknowledged	<u>77035798</u>	<u>3366426</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 11, 2009	Apr 20, 2009
3	PENDING, INSTITUTED	Mar 11, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2009	
5	EXTENSION OF TIME GRANTED	Apr 15, 2009	
6	CORRECTED EXTENSION OF TIME	Apr 17, 2009	
7	ANSWER	May 20, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Dec 16, 2009	
9	EXTENSION OF TIME GRANTED	Dec 18, 2009	
10	OPP'S PRETRIAL DISCLOSURES	Feb 05, 2010	
11	D'S MOTION TO COMPEL DISCOVERY	Feb 19, 2010	
12	D'S MOTION TO EXCLUDE	Feb 19, 2010	
13	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Feb 23, 2010	
14	MOTION TO COMPEL DENIED; MOTION TO EXCLUDE GRANTED IN PART	May 06, 2010	
15	STIPULATION FOR AN EXTENSION OF TIME	Sep 03, 2010	
16	EXTENSION OF TIME GRANTED	Sep 03, 2010	
17	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
18	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
19	Confidential Plaintiff's Notice of Reliance	Oct 18, 2010	
20	Confidential Plaintiff's Notice of Reliance	Oct 18, 2010	
21	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
22	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
23	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
24	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
25	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	

26	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010
27	DEFENDANT'S NOTICE OF TAKING TESTIMONY	Oct 29, 2010
28	DEFENDANT'S NOTICE OF TAKING TESTIMONY	Oct 29, 2010
29	DEF'S EXPRESS ABANDONMENT	Dec 16, 2010
30	BOARD'S DECISION: SUSTAINED	Jan 10, 2011
31	TERMINATED	Jan 10, 2011



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



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

No assignment has been recorded at the USPTO

For Serial Number: 78670052

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

[.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

EXHIBIT B

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,164,118

United States Patent and Trademark Office

Registered Oct. 24, 2006

**TRADEMARK
PRINCIPAL REGISTER**

BCX

BYER CALIFORNIA (CALIFORNIA CORPORATION)
66 POTRERO AVENUE
SAN FRANCISCO, CA 94103

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CLOTHING, NAMELY, DRESSES, SKIRTS, BLOUSES, SKORTS, SHORTS, SHIRTS, PANTS, JACKETS, SWEATERS, VESTS AND JUMPSUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

SN 78-670,052, FILED 7-13-2005.

FIRST USE 12-10-2005; IN COMMERCE 12-10-2005.

EVELYN BRADLEY, EXAMINING ATTORNEY

EXHIBIT C

Generated on: This page was generated by TSDR on 2015-03-03 21:57:00 EST

Mark: BCX GIRL

BCX girl

US Serial Number: 77035798
US Registration Number: 3366426

Application Filing Date: Nov. 02, 2006
Registration Date: Jan. 08, 2008

Register: Principal
Mark Type: Trademark

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

Status Date: Jan. 25, 2013

Publication Date: Mar. 20, 2007

Notice of Allowance Date: Jun. 12, 2007

Mark Information

Mark Literal Elements: BCX GIRL

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

Disclaimer: "GIRL"

Related Properties Information

Claimed Ownership of US Registrations: 3164118

Goods and Services

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

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

For: Clothing, namely, dresses, skirts, blouses, [skirts,] shorts, shirts, pants, jackets, sweaters, [vests and jumpsuits]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 30, 2007

Use In Commerce: Jan. 30, 2007

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Byer California

Owner Address: 66 Potrero Avenue
San Francisco, CALIFORNIA 94103
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Neil E. Taxy

Docket Number: BYERCA-0001

Attorney Primary Email ntaxy@lpslaw.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Neil E. Taxy
Leland, Parachini, et al., LLP
199 FREMONT STREET, 21ST FLOOR
SAN FRANCISCO, CALIFORNIA 94105
UNITED STATES

Phone: 415-957-1800

Fax: 415-974-1520

Correspondent e-mail: ntaxy@lpslaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 25, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 25, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Jan. 25, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Jan. 08, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 08, 2008	REGISTERED-PRINCIPAL REGISTER	
Dec. 17, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 17, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 30, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	76568
Nov. 30, 2007	ASSIGNED TO LIE	76568
Oct. 26, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 19, 2007	STATEMENT OF USE PROCESSING COMPLETE	66154
Oct. 03, 2007	USE AMENDMENT FILED	66154
Oct. 03, 2007	TEAS STATEMENT OF USE RECEIVED	
Jun. 12, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 20, 2007	PUBLISHED FOR OPPOSITION	
Feb. 28, 2007	NOTICE OF PUBLICATION	
Feb. 01, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
Feb. 01, 2007	ASSIGNED TO LIE	70824
Dec. 29, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 29, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 29, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 29, 2006	EXAMINERS AMENDMENT -WRITTEN	76596
Dec. 27, 2006	ASSIGNED TO EXAMINER	76596
Nov. 07, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Jan. 25, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: OppositionProceeding Number: 91189238

Filing Date: Mar 11, 2009

Status: Terminated

Status Date: Jan 10, 2011

Interlocutory Attorney: MICHAEL B ADLIN

Defendant

Name: Clothing For Modern Times Ltd.

Correspondent Address: DAVID M. KELLY
FINNEGAN HENDERSON FARABOW, ET AL.
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4432
UNITED STATESCorrespondent e-mail: Kenneth.Lelchter@finnegan.com , larry.white@finnegan.com , docketing@finnegan.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CBX	Abandoned - After Inter-Partes Decision	<u>77504080</u>	

Plaintiff(s)

Name: Byer California

Correspondent Address: ALISA C KEY
SQUIRE SANDERS & DEMPSEY, LLP
8000 TOWERS CRESENT DR, 14TH FL
VIENNA VA , 22182-6212
UNITED STATESCorrespondent e-mail: akey@ssd.com , cmead@ssd.com , mjost@ssd.com , ipgeneralyc@ssd.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BCX	Section 8 and 15 - Accepted and Acknowledged	<u>78670052</u>	<u>3164118</u>
BCX GIRL	Section 8 and 15 - Accepted and Acknowledged	<u>77035798</u>	<u>3366426</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 11, 2009	Apr 20, 2009
3	PENDING, INSTITUTED	Mar 11, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2009	
5	EXTENSION OF TIME GRANTED	Apr 15, 2009	
6	CORRECTED EXTENSION OF TIME	Apr 17, 2009	
7	ANSWER	May 20, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Dec 16, 2009	
9	EXTENSION OF TIME GRANTED	Dec 18, 2009	
10	OPP'S PRETRIAL DISCLOSURES	Feb 05, 2010	
11	D'S MOTION TO COMPEL DISCOVERY	Feb 19, 2010	
12	D'S MOTION TO EXCLUDE	Feb 19, 2010	
13	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Feb 23, 2010	
14	MOTION TO COMPEL DENIED; MOTION TO EXCLUDE GRANTED IN PART	May 06, 2010	
15	STIPULATION FOR AN EXTENSION OF TIME	Sep 03, 2010	
16	EXTENSION OF TIME GRANTED	Sep 03, 2010	
17	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
18	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
19	Confidential Plaintiff's Notice of Reliance	Oct 18, 2010	
20	Confidential Plaintiff's Notice of Reliance	Oct 18, 2010	
21	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	
22	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010	

23	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010
24	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010
25	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010
26	PLAINTIFF'S NOTICE OF RELIANCE	Oct 18, 2010
27	DEFENDANT'S NOTICE OF TAKING TESTIMONY	Oct 29, 2010
28	DEFENDANT'S NOTICE OF TAKING TESTIMONY	Oct 29, 2010
29	DEF'S EXPRESS ABANDONMENT	Dec 16, 2010
30	BOARD'S DECISION: SUSTAINED	Jan 10, 2011
31	TERMINATED	Jan 10, 2011



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



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

No assignment has been recorded at the USPTO

For Serial Number: 77035798

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

[.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

EXHIBIT D

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,366,426

United States Patent and Trademark Office

Registered Jan. 8, 2008

TRADEMARK
PRINCIPAL REGISTER

BCX girl

BYER CALIFORNIA (CALIFORNIA CORPORATION)

66 POTRERO AVENUE

SAN FRANCISCO, CA 94103

FOR: CLOTHING, NAMELY, DRESSES, SKIRTS, BLOUSES, SKORTS, SHORTS, SHIRTS, PANTS, JACKETS, SWEATERS, VESTS AND JUMPSUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-30-2007; IN COMMERCE 1-30-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,164,118.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GIRL", APART FROM THE MARK AS SHOWN.

SN 77-035,798, FILED 11-2-2006.

MICHAEL SOUDERS, EXAMINING ATTORNEY