

ESTTA Tracking number: **ESTTA743592**

Filing date: **05/02/2016**

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	DC Shoes, Inc.
Granted to Date of previous extension	05/01/2016
Address	5600 Argosy Circle, Building 100 Huntington Beach, CA 92649 UNITED STATES
Attorney information	Linda M. Dougherty; Adam M. Cohen Kane Kessler, P.C. 1350 Avenue of the Americas New York, NY 10019 UNITED STATES trademark@kanekessler.com Phone:212-541-6222

**Applicant Information**

Application No	86679869	Publication date	11/03/2015
Opposition Filing Date	05/02/2016	Opposition Period Ends	05/01/2016
Applicant	Death Challenge Inc. Suite 397 Woodland Hills, CA 91364 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 006. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Metal key chains
Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bicycle helmets; Interactive video game programs; Protective eyewear; Protective helmets for sports; Ski goggles; Sunglasses; Video game software
Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bicycles; Parachutes
Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Art prints; Calendars; Photographs; Posters
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Backpacks
Class 020. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Plastic key chains


Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Insulated containers for beverage cans for domestic use; Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans; Vacuum flasks; Water bottles sold empty
Class 022. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Windsurfing sails
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic pants; Athletic shoes; Athletic shorts; Baseball caps and hats; Belts; Boots; Hats; Hiking boots; Jackets; Pants; Sandals; Shirts; Short-sleeved or long-sleeved t-shirts; Ski boots; Ski gloves; Ski jackets; Ski masks; Snowboard boots; Socks; Sweaters; Sweatshirts; Swimwear; Visors; Wetsuits
Class 026. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Belt buckles
Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hang gliders; In-line roller skates; Skateboards; Ski poles; Skis; Snowboards; Surfboards
Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Energy drinks
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Digital advertising services; On-line retail store services featuring a wide variety of consumer goods of others; Promoting awareness of charitable causes; Providing an on-line commercial information directory on the internet
Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Charitable fundraising
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Broadcasting of television programmes; Broadcasting of video and audio programming over the Internet; Broadcasting programs via a global computer network; Broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Organizing, arranging, and conducting extreme athletic events; Providing a website featuring entertainment information in the field(s) of extreme sports
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Domain registry operator services; Hosting internet sites for others; Hosting websites on the Internet
Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Charitable services, namely, providing safe drinking water to those in developing countries
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Domain name registration services


## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4426811	Application Date	04/28/2011
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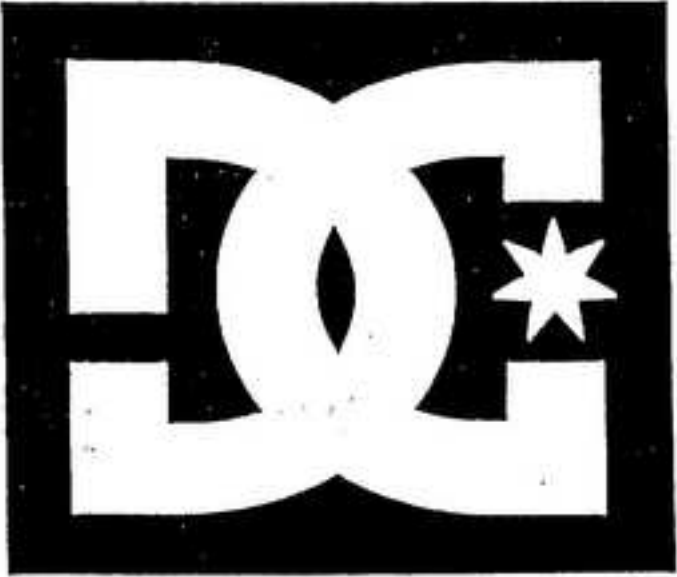
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	DC		
Design Mark			
Description of Mark	The mark consists of the letters "D" and "C" interconnected and a seven pointed star.		
Goods/Services	Class 025. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 Dresses; Footwear; Shirts; Shorts; Sweaters; Sweatshirts		

U.S. Registration No.	2317622	Application Date	09/15/1997
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	DC		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 clothing, namely, shoes, T-shirts, jackets, caps

U.S. Registration No.	2427124	Application Date	04/03/2000
Registration Date	02/06/2001	Foreign Priority Date	NONE

Word Mark	DC
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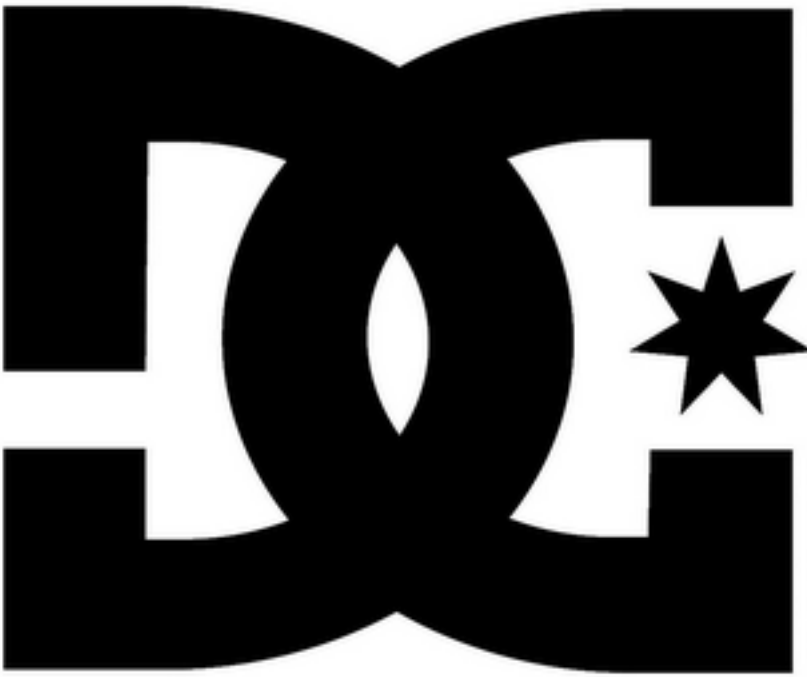
Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 Athletic clothing, namely t-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, namely athletic shoes, casual athletic shoes, hiking boots, snowboard boots and boots
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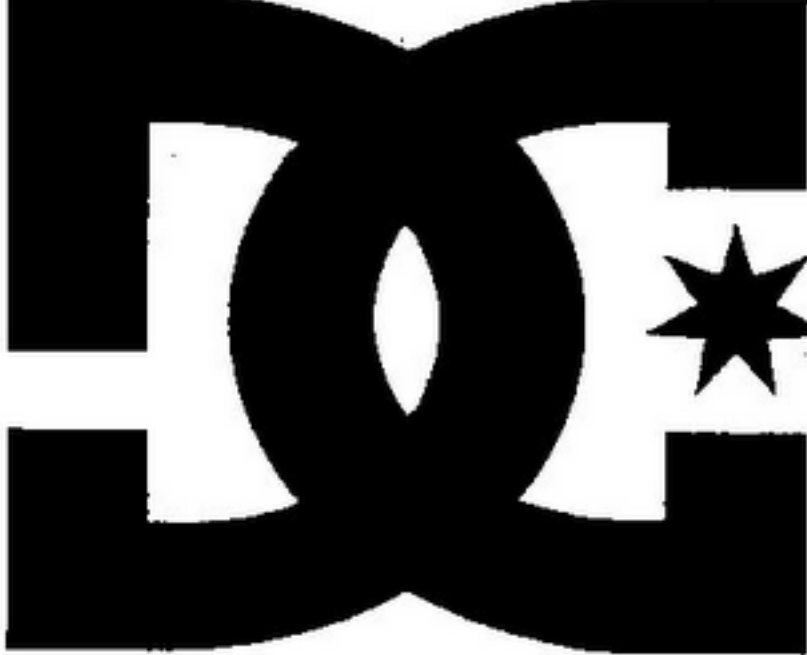
U.S. Registration No.	3040219	Application Date	03/31/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE

Word Mark	DC
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Design Mark	
Description of Mark	The mark consists of the letters "DC" and a star in a stylized design.
Goods/Services	Class 018. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 Backpacks, duffel bags, athletic-style bags, all-purpose sports bags, gym bags, knapsacks and fanny packs

U.S. Registration No.	4377433	Application Date	04/19/2012
Registration Date	07/30/2013	Foreign Priority Date	NONE

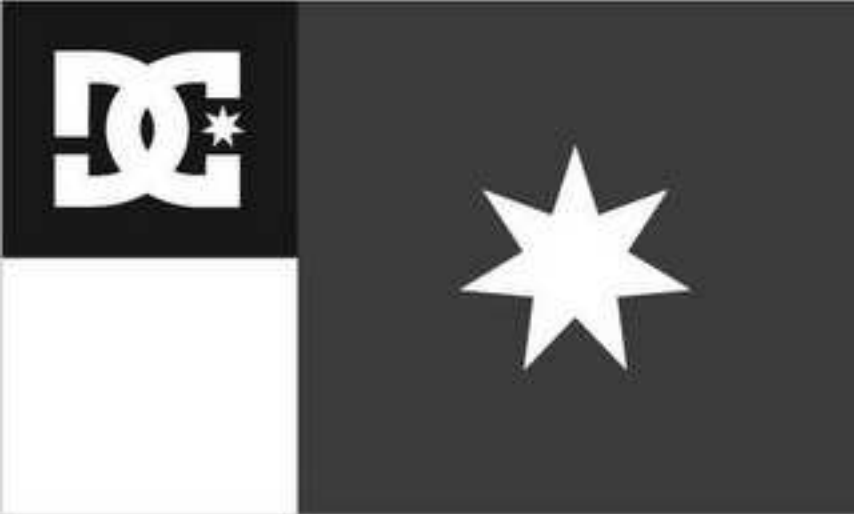
Word Mark	DC
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Design Mark	
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Description of Mark	The mark consists of "DC" and a 7-pointed star.
Goods/Services	Class 009. First use: First Use: 2012/06/25 First Use In Commerce: 2012/06/25 cell phone cases, cell phone covers, cell phone holders

U.S. Registration No.	4214966	Application Date	06/02/2011
Registration Date	09/25/2012	Foreign Priority Date	NONE

Word Mark	DC
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Design Mark	
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Description of Mark	The mark consists of a rectangle with a seven point star and two adjacent rectangles, one with the letters "DC" and a seven point star.
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Goods/Services	Class 018. First use: First Use: 2011/06/01 First Use In Commerce: 2011/06/01 All purpose sport bags; Athletic style bags; Backpacks; Duffel bags Class 025. First use: First Use: 2011/06/01 First Use In Commerce: 2011/06/01 Caps; Hats; Footwear, namely, athletic shoes; Athletic clothing, namely, jackets, pants, t-shirts, sweatshirts
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U.S. Registration No.	2340040	Application Date	07/31/1998
Registration Date	04/11/2000	Foreign Priority Date	NONE


Word Mark	DC SHOES
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Shoes
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U.S. Registration	4576179	Application Date	12/14/2010
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No.			
Registration Date	07/29/2014	Foreign Priority Date	NONE
Word Mark	DC SHOES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/07/01 First Use In Commerce: 2012/07/01 Cases for mobile phones; Computer bags; Earphones and headphones; Pre-recorded digital media featuring sports and sporting events		

U.S. Registration No.	4889793	Application Date	05/15/2012
Registration Date	01/19/2016	Foreign Priority Date	NONE
Word Mark	DCSHOECO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2012/05/25 First Use In Commerce: 2012/05/25 All-purpose carrying bags; Backpacks Class 025. First use: First Use: 2012/05/25 First Use In Commerce: 2012/05/25 Headwear; Jackets; Shirts; Shorts; Sweatshirts; Vests; Pants; Footwear		

U.S. Registration No.	2074045	Application Date	09/03/1996
Registration Date	06/24/1997	Foreign Priority Date	NONE
Word Mark	DCSHOECOUSA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1995/08/01 First Use In Commerce: 1995/08/01 shoes, T-shirts, sweatshirts, caps, pants, and jackets		
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U.S. Registration No.	2449069	Application Date	03/17/2000
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Registration Date	05/08/2001	Foreign Priority Date	NONE
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Word Mark	DCSHOECOUSA		
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Design Mark	<b>DCSHOECOUSA</b>		
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 1995/08/01 First Use In Commerce: 1995/08/01 Clothing, namely, t-shirts, sweatshirts, pants, jackets, caps, hats, socks, shoes including athletic shoes, casual shoes, snowboard boots and boots		
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U.S. Registration No.	3040220	Application Date	04/01/2004
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Registration Date	01/10/2006	Foreign Priority Date	NONE
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Word Mark	DCSHOECOUSA		
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Design Mark	DCSHOECOUSA		
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Description of Mark	NONE		
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Goods/Services	Class 018. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 Luggage, backpacks, duffel bags, wallets, all-purpose athletic bags, all-purpose sports bags, travel bags, [ book bags,gym bags,] school bags [, tote bags, hand-bags, carryon bags, knapsacks, and fanny packs]		
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U.S. Registration No.	4102875	Application Date	11/11/2009
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Registration Date	02/21/2012	Foreign Priority Date	NONE
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Word Mark	DCSHOECOUSA
Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2008/08/01 First Use In Commerce: 2008/08/01 Snowboards, snowboard bags and travel cases

U.S. Registration No.	3931825	Application Date	07/07/2009
Registration Date	03/15/2011	Foreign Priority Date	NONE

Word Mark	DC KING
Design Mark	
Description of Mark	The mark consists of the wording "DC KING," with "DC" superimposed over the design of a crown, a small seven-point star between the two ends of the "C," and the word "KING" below the crown.
Goods/Services	Class 041. First use: First Use: 2006/05/01 First Use In Commerce: 2006/05/01 Entertainment services, namely, organization and conducting of events and contests in the nature of extreme sports such as skateboarding

Attachments	85980155#TMSN.png( bytes ) 75356845#TMSN.png( bytes )
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	76016909#TMSN.png( bytes ) 78394374#TMSN.png( bytes ) 85602187#TMSN.png( bytes ) 85336214#TMSN.png( bytes ) 75528674#TMSN.png( bytes ) 85197673#TMSN.png( bytes ) 85625391#TMSN.png( bytes ) 76003245#TMSN.png( bytes ) 78394667#TMSN.png( bytes ) 77982777#TMSN.png( bytes ) 77775988#TMSN.png( bytes ) NOO Death Challenge.pdf(242093 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	/lmdougherty/
Name	Linda M. Dougherty; Adam M. Cohen
Date	05/02/2016

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

DC Shoes, Inc.,	)	In the Matter of Trademark Application
	)	No. 86/679,869
Opposer,	)	Filed July 1, 2015
	)	Published November 3, 2015
v.	)	
	)	
	)	Opposition No. _____
Death Challenge Inc.,	)	
	)	Mark: DC & design
Applicant.	)	



**NOTICE OF OPPOSITION**

Opposer DC Shoes, Inc. (“Opposer”) believes that it is or will be damaged by registration of the mark DC & design (the “Opposed Mark”) as shown in Application Serial No. 86/679,869 (the “Application”), filed by Death Challenge Inc. (“Applicant”), and hereby opposes the same pursuant to Section 13 of the Trademark Act of 1946, as amended, 15 U.S.C. Section 101 et seq. (the “Trademark Act”) on the following grounds:

**ALLEGATIONS APPLICABLE TO ALL CLAIMS FOR RELIEF**

**The Parties**

1. Opposer is a California corporation with its principal place of business located at 5600 Argosy Circle #100, Huntington Beach, California 92649.
2. Opposer is an internationally famous manufacturer and supplier of footwear, apparel and other goods.
3. Opposer, itself and through its affiliates and licensees, has been designing, manufacturing and distributing apparel, footwear, bags and accessories in the United States under the

marks (1)  (the “DC Star Mark”) since at least as early as 1997, (2)  (the “DC Star

Mark 2”) since at least as early as 2012, (3) DC SHOES since at least as early as 1993, and (4) DC SHOECOUSA since at least as early as 1995 (collectively, and with the other marks referenced in paragraphs 6 and 7 herein, the “DC Marks”).

4. Opposer’s DC Marks have become well-known and famous throughout the United States by virtue, among other things, of Opposer’s continuous use of the DC Marks for many years, significant sales of goods bearing Opposer’s DC Marks and Opposer’s significant marketing, advertising and promotional efforts and expenditures in connection with Opposer’s DC Marks.

5. Upon Information and belief, Applicant is a corporation organized under the laws of the British Virgin Islands having a place of business at 23371 Mulholland Drive, Suite 397, Woodland Hills, California 91364.

#### **Opposer’s Marks**

6. Opposer is the owner of the U.S. trademark registrations for the DC Star Mark, the DC Star Mark 2, DC SHOES and DC SHOECOUSA, and marks otherwise incorporating the term “DC” set forth on Exhibit A. Copies of the U.S. Patent and Trademark Office’s *TESS* printouts of the registrations and application set forth on Exhibit A are attached hereto as Exhibit B.

7. Opposer has been using the mark “DC” in commerce and in interstate commerce in connection with goods and services in Classes 9, 18, 25, 28, 35 and 41 and related goods and services since at least as early as a date that precedes any priority date that Applicant has asserted or could assert. Opposer’s priority dates for the DC Marks precede any priority date Applicant has asserted or may assert.

#### **Applicant’s Mark**

8. The Opposed Mark as depicted in the Application is



the literal element of which mark reads “DC”.

9. The Application was filed on July 1, 2015 under Section 1(B) based on an intent to use the Opposed Mark in commerce in the United States in connection with the following goods and services:

<b>Class</b>	<b>Goods/Services</b>
6	Metal key chains.
9	Bicycle helmets; Interactive video game programs; Protective eyewear; Protective helmets for sports; Ski goggles; Sunglasses; Video game software.
12	Bicycles; Parachutes.
14	Jewelry.
16	Art prints; Calendars; Photographs; Posters.
18	Backpacks.
20	Plastic key chains.
21	Insulated containers for beverage cans for domestic use; Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans; Vacuum flasks; Water bottles sold empty.
22	Windsurfing sails.
25	Athletic pants; Athletic shoes; Athletic shorts; Baseball caps and hats; Belts; Boots; Hats; Hiking boots; Jackets; Pants; Sandals; Shirts; Short-sleeved or long-sleeved t-shirts; Ski boots; Ski gloves; Ski jackets; Ski masks; Snowboard boots; Socks; Sweaters; Sweatshirts; Swimwear; Visors; Wetsuits.
26	Belt buckles.
28	Hang gliders; In-line roller skates; Skateboards; Ski poles; Skis; Snowboards; Surfboards.
32	Energy drinks.
35	Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Digital advertising services; On-line retail store services featuring a wide variety of consumer goods of others; Promoting awareness of charitable causes; Providing an on-line commercial information directory on the Internet.
36	Charitable fundraising.
38	Broadcasting of television programmes; Broadcasting of video and audio programming over the Internet; Broadcasting programs via a global computer network; Broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet.
41	Organizing, arranging, and conducting extreme athletic events; Providing a website featuring entertainment information in the field(s) of extreme sports.
42	Domain registry operator services; Hosting Internet sites for others; Hosting websites on the Internet.
43	Charitable services, namely, providing safe drinking water to those in developing countries.
45	Domain name registration services.

The Application was published for opposition on November 3, 2015. Opposer requested, and the TTAB granted, a 90-day extension of time to oppose the Application through and including March 2, 2016.

Opposer thereafter requested upon Applicant's consent, and the TTAB granted, a 60-day extension of time to oppose the Application through and including May 1, 2016, which date falls on a Sunday.

Pursuant to §112 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer's opposition of the Application is timely if filed on or before Monday, May 2, 2016.

10. Opposer believes that it would be damaged by registration of the Opposed Mark, and therefore has standing to interpose this Notice of Opposition, for the reasons asserted below. Opposer has rights in the DC Marks that predate Applicant's filing date of the Application and any alleged date of first use of the Opposed Mark. Opposer has registrations for at least fourteen (14) marks that are confusingly similar to the Opposed Mark. Therefore, Opposer has standing to interpose this Notice of Opposition.

#### **COUNT I: LIKELIHOOD OF CONFUSION**

11. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 10 of this Notice of Opposition as if fully set forth here.

12. Applicant's use and/or intended use of the Opposed Mark is likely to cause confusion among an appreciable number of reasonably prudent purchasers, who may mistakenly assume that Applicant's goods and services emanate from, or are licensed, sponsored or otherwise authorized by, Opposer, whereas in fact they are not.

13. The Opposed Mark so closely resembles the DC Marks as to be likely, when applied to Applicant's goods and services and/or related goods and services, to cause confusion or mistake or to deceive members of the trade and public, who are likely to believe that Applicant's goods and services originated with Opposer or are somehow connected to Opposer.

14. The Opposed Mark and the DC Marks are confusingly similar in appearance, connotation and commercial impression, and the goods and services of Opposer and Applicant are closely related if not identical.

15. 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 Opposer in the DC Marks by virtue of the confusion, mistake and deception likely to occur between the Opposed Mark and the DC Marks.

16. The Opposed Mark is confusingly and deceptively similar to Opposer's DC Marks as applied to its goods and services and/or related goods and services, such that the use and registration of Applicant's mark is likely to cause confusion and mistake and will deceive the public into believing that Applicant's goods and services originate or are in some way sponsored, licensed, associated or otherwise authorized by Opposer.

17. Pursuant to Section 2(d) of the Trademark Act, Applicant is not entitled to registration of the Opposed Mark because the current use in commerce and registration of the Opposed Mark and the DC Marks is likely to cause confusion or to cause mistake and/or to deceive.

#### **COUNT II: DILUTION**

18. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 17 of this Notice of Opposition as if fully set forth here.

19. In view of the strength of Opposer's DC Marks, the duration and extent of Opposer's use and advertising of its DC Marks and the degree of recognition of Opposer's DC Marks, Opposer's DC Marks were well-known and famous prior to the filing date of Applicant's Application for the Opposed Mark and any alleged date of first use of the Opposed Mark.

20. The Opposed Mark and Application are likely to cause, and will cause, dilution of the distinctive value of Opposer's DC Marks under Section 43(c) of the Lanham Act of 1946, as amended, 15 U.S.C. 1125(c).

21. Opposer will be damaged if a registration is granted for the Application because Applicant will obtain statutory rights in the Opposed Mark in violation and derogation of the established prior rights of Opposer.

**WHEREFORE**, Opposer respectfully requests that the Notice of Opposition be sustained, that the registration of the Opposed Mark, Application Serial No. 86/679,869 to Applicant be refused and that the Board grant such other and further relief as the Board deems proper.

Dated: New York, New York  
May 2, 2016







Respectfully submitted,  
KANE KESSLER, P.C.

/lmdougherty/  
Adam M. Cohen, Esq.  
Linda M. Dougherty, Esq.  
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*Attorneys for Opposer DC Shoes, Inc.*



Exhibit A

	MARK	REG. NO. / SERIAL NO.	FILING DATE; REG. DATE	GOODS / SERVICES
1		4,426,811	April 28, 2011; Oct. 29, 2013	<b>CI 25:</b> Dresses; Footwear; Shirts; Shorts; Sweaters; Sweatshirts. FIRST USE: 20120101. FIRST USE IN COMMERCE: 20120101
2		2,317,622	Sept. 15, 1997; Feb. 15, 2000	<b>CI 25:</b> Clothing, namely, shoes, t-shirts, jackets, caps. FIRST USE: 19970301. FIRST USE IN COMMERCE: 19970301
3		2,427,124	April 3, 2000; Feb. 6, 2001	<b>CI 25:</b> Athletic clothing, namely t-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, namely athletic shoes, casual athletic shoes, hiking boots, snowboard boots and boots. FIRST USE: 19970301. FIRST USE IN COMMERCE: 19970301
4		3,040,219	March 31, 2004; Jan. 10, 2006	<b>CI 18:</b> Backpacks, duffel bags, athletic-style bags, all-purpose sports bags, gym bags, knapsacks and fanny packs. FIRST USE: 19980301. FIRST USE IN COMMERCE: 19980301
5		4,377,433	April 19, 2012; July 30, 2013	<b>CI. 9:</b> Cell phone cases, cell phone covers, cell phone holders. FIRST USE: 20120625. FIRST USE IN COMMERCE: 20120625
6		4,214,966	June 2, 2011; Sept. 25, 2012	<b>CI 18:</b> All purpose sport bags; Athletic style bags; Backpacks; Duffel bags. FIRST USE: 20110601. FIRST USE IN COMMERCE: 20110601  <b>CI 25:</b> Caps; Hats; Footwear, namely, athletic shoes; Athletic clothing, namely, jackets, pants, t-shirts, sweatshirts. FIRST USE: 20110601. FIRST USE IN COMMERCE: 20110601

7	<b>DC SHOES</b>	2,340,040	July 31, 1998; April 11, 2000	<b>CI 25:</b> Shoes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101
8	<b>DC SHOES</b>	4,576,179	Dec. 14, 2010; July 29, 2014	<b>CI 9:</b> Cases for mobile phones; Computer bags; Earphones and headphones; Pre-recorded digital media featuring sports and sporting events. FIRST USE: 20120701. FIRST USE IN COMMERCE: 20120701
9	<b>DCSHOECO</b>	4,889,793	May 15, 2012	<b>CI 18:</b> All-purpose carrying bags; Backpacks. FIRST USE: 20120525. FIRST USE IN COMMERCE: 20120525  <b>CI 25:</b> Headwear; Jackets; Shirts; Shorts; Sweatshirts; Vests; Pants; Footwear. FIRST USE: 20120525. FIRST USE IN COMMERCE: 20120525
10	<b>DCSHOECOUSA</b>	2,074,045	Sept. 3, 1996; June 24, 1997	<b>CI 25:</b> Shoes, t-shirts, sweatshirts, caps, pants, and jackets. FIRST USE: 19950801. FIRST USE IN COMMERCE: 19950801
11	<b>DCSHOECOUSA</b>	2,449,069	March 17, 2000; May 8, 2001	<b>CI 25:</b> Clothing, namely, t-shirts, sweatshirts, pants, jackets, caps, hats, socks, shoes including athletic shoes, casual shoes, snowboard boots and boots. FIRST USE: 19950801. FIRST USE IN COMMERCE: 19950801
12	<b>DCSHOECOUSA</b>	3,040,220	April 1, 2004; Jan. 10, 2006	<b>CI 18:</b> Luggage, backpacks, duffel bags, wallets, all-purpose athletic bags, all-purpose sports bags, travel bags, school bags. FIRST USE: 19980301. FIRST USE IN COMMERCE: 19980301
13	<b>DCSHOECOUSA</b>	4,102,875	Nov. 11, 2009; Feb. 21, 2012	<b>CI 28:</b> Snowboards, snowboard bags and travel cases. FIRST USE: 20080801. FIRST USE IN COMMERCE: 20080801

14	 The logo features a black crown-like shape with a white 'DC' monogram in the center, and the word 'KING' in a bold, black, sans-serif font below it.	3,931,825	July 7, 2009; March 15, 2011	<b>CI 41:</b> Entertainment services, namely, organization and conducting of events and contests in the nature of extreme sports such as skateboarding. FIRST USE: 20060501. FIRST USE IN COMMERCE: 20060501
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Exhibit B



United States Patent and Trademark Office

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**Word Mark** DC

**Goods and Services** IC 025. US 022 039. G & S: Dresses; Footwear; Shirts; Shorts; Sweaters; Sweatshirts. FIRST USE: 20120101. FIRST USE IN COMMERCE: 20120101

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

**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points

**Serial Number** 85980155

**Filing Date** April 28, 2011

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 12, 2011

**Registration Number** **4426811**

**Registration Date** October 29, 2013

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2317622;2427124;3040219

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the letters "D" and "C" interconnected and a seven pointed star.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Word Mark** DC

**Goods and Services** IC 025. US 022 039. G & S: clothing, namely, shoes, T-shirts, jackets, caps. FIRST USE: 19970301. FIRST USE IN COMMERCE: 19970301

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

**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points  
26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

**Serial Number** 75356845

**Filing Date** September 15, 1997

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 23, 1999

**Registration Number** **2317622**

**Registration Date** February 15, 2000

**Owner** (REGISTRANT) CIRCUS DISTRIBUTION INC. DBA DC SHOE CO. USA CORPORATION CALIFORNIA 1333 KEYSTONE WAY, UNIT A VISTA CALIFORNIA 92083  
  
(LAST LISTED OWNER) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100219.

**Renewal** 1ST RENEWAL 20100219

**Live/Dead Indicator** LIVE

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**Word Mark** DC

**Goods and Services** IC 025. US 022 039. G & S: Athletic clothing, namely t-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, namely athletic shoes, casual athletic shoes, hiking boots, snowboard boots and boots. FIRST USE: 19970301. FIRST USE IN COMMERCE: 19970301

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

**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points  
26.09.21 - Squares that are completely or partially shaded

**Serial Number** 76016909

**Filing Date** April 3, 2000

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 14, 2000

**Registration Number** 2427124

**Registration Date** February 6, 2001

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110208.

**Renewal** 1ST RENEWAL 20110208

**Live/Dead Indicator** LIVE

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**Word Mark** DC

**Goods and Services** IC 018. US 001 002 003 022 041. G & S: Backpacks, duffel bags, athletic-style bags, all-purpose sports bags, gym bags, knapsacks and fanny packs. FIRST USE: 19980301. FIRST USE IN COMMERCE: 19980301

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

**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points

**Serial Number** 78394374

**Filing Date** March 31, 2004

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** October 18, 2005

**Registration Number** **3040219**

**International Registration Number** 0842369

**Registration Date** January 10, 2006

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2317622;2427124

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the letters "DC" and a star in a stylized design.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160315.

**Renewal** 1ST RENEWAL 20160315

**Live/Dead Indicator** LIVE

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**Word Mark** DC

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: cell phone cases, cell phone covers, cell phone holders. FIRST USE: 20120625. FIRST USE IN COMMERCE: 20120625

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

**Design Search Code** 01.01.06 - Stars with rays or radiating lines

**Serial Number** 85602187

**Filing Date** April 19, 2012

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** September 18, 2012

**Registration Number** 4377433

**Registration Date** July 30, 2013

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2317622;2427124;3040219;AND OTHERS

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of "DC" and a 7-pointed star.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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IC 025. US 022 039. G &amp; S: Caps; Hats; Footwear, namely, athletic shoes; Athletic clothing, namely, jackets, pants, t-shirts, sweatshirts. FIRST USE: 20110601. FIRST USE IN COMMERCE: 20110601

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points  
26.11.13 - Rectangles (exactly two rectangles); Two rectangles  
26.11.16 - Rectangles touching or intersecting  
26.11.21 - Rectangles that are completely or partially shaded**Serial Number** 85336214**Filing Date** June 2, 2011**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** October 25, 2011**Registration Number** 4214966**Registration Date** September 25, 2012**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Josh Green**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a rectangle with a seven point star and two adjacent rectangles, one with the letters "DC" and a seven point star.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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# DC SHOES

**Word Mark** DC SHOES

**Goods and Services** IC 025. US 022 039. G & S: Shoes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75528674

**Filing Date** July 31, 1998

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** January 18, 2000

**Registration Number** **2340040**

**Registration Date** April 11, 2000

**Owner** (REGISTRANT) DC SHOES, INC. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2074045

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SHOES" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100414.

**Renewal** 1ST RENEWAL 20100414

**Live/Dead Indicator** LIVE

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# DC SHOES

**Word Mark** DC SHOES

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Cases for mobile phones; Computer bags; Earphones and headphones; Pre-recorded digital media featuring sports and sporting events. FIRST USE: 20120701. FIRST USE IN COMMERCE: 20120701

**Standard Characters Claimed**

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

**Serial Number** 85197673

**Filing Date** December 14, 2010

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** April 26, 2011

**Registration Number** 4576179

**Registration Date** July 29, 2014

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# DCSHOECO

**Word Mark** DCSHOECO

**Goods and Services** IC 018. US 001 002 003 022 041. G & S: All-purpose carrying bags; Backpacks. FIRST USE: 20120525. FIRST USE IN COMMERCE: 20120525

IC 025. US 022 039. G & S: Headwear; Jackets; Shirts; Shorts; Sweatshirts; Vests; Pants; Footwear. FIRST USE: 20120525. FIRST USE IN COMMERCE: 20120525

**Standard Characters Claimed**

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

**Serial Number** 85625391

**Filing Date** May 15, 2012

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** September 25, 2012

**Registration Number** **4889793**

**Registration Date** January 19, 2016

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2074045;2449069;3040220;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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(LAST LISTED OWNER) DC SHOES, INC. CORPORATION BY CHANGE OF NAME CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Josh Green**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070606.**Renewal** 1ST RENEWAL 20070606**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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# DCSHOECOUSA

**Word Mark** DCSHOECOUSA

**Goods and Services** IC 025. US 022 039. G & S: Clothing, namely, t-shirts, sweatshirts, pants, jackets, caps, hats, socks, shoes including athletic shoes, casual shoes, snowboard boots and boots. FIRST USE: 19950801. FIRST USE IN COMMERCE: 19950801

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 76003245

**Filing Date** March 17, 2000

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** February 13, 2001

**Registration Number** **2449069**

**Registration Date** May 8, 2001

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2074045

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110523.

**Renewal** 1ST RENEWAL 20110523

**Live/Dead Indicator** LIVE

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# DCSHOECOUSA

<b>Word Mark</b>	DCSHOECOUSA
<b>Goods and Services</b>	IC 028. US 022 023 038 050. G & S: Snowboards, snowboard bags and travel cases. FIRST USE: 20080801. FIRST USE IN COMMERCE: 20080801
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77982777
<b>Filing Date</b>	November 11, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 19, 2011
<b>Registration Number</b>	<b>4102875</b>
<b>Registration Date</b>	February 21, 2012
<b>Owner</b>	(REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Josh Green
<b>Prior Registrations</b>	2074045;2449069;3040220
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Word Mark** DC KING

**Goods and Services** IC 041. US 100 101 107. G & S: Entertainment services, namely, organization and conducting of events and contests in the nature of extreme sports such as skateboarding. FIRST USE: 20060501. FIRST USE IN COMMERCE: 20060501

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

**Design Search Code** 01.01.05 - Stars - one or more stars with seven or more points  
24.11.02 - Crowns open at the top

**Serial Number** 77775988

**Filing Date** July 7, 2009

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** April 27, 2010

**Registration Number** **3931825**

**Registration Date** March 15, 2011

**Owner** (REGISTRANT) DC Shoes, Inc. CORPORATION CALIFORNIA 5600 Argosy Circle, Building 100 Legal Department HUNTINGTON BEACH CALIFORNIA 92649

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Josh Green

**Prior Registrations** 2317622;2427124;AND OTHERS

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the wording "DC KING," with "DC" superimposed over the design of a crown, a small seven-point star between the two ends of the "C," and the word "KING" below the crown.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**CERTIFICATE OF SERVICE**

This is to certify that on the 2<sup>nd</sup> day of May 2016, the undersigned served the foregoing NOTICE OF OPPOSITION via First Class Mail, postage prepaid, on Applicant's attorney of record as follows:

Charles Shelton, Esq.  
9521 Jumilla Ave  
Chatsworth, California  
91311-5609

/lmdougherty/  
Linda M. Dougherty