

ESTTA Tracking number: **ESTTA748079**

Filing date: **05/23/2016**

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	5.11, Inc.		
Entity	Corporation	Citizenship	California
Address	4300 Spyres Way Modesto, CA 95356 UNITED STATES		

Attorney information	Susan B. Meyer Gordon & Rees LLP 101 W. Broadway, Ste. 2000 San Diego, CA 92101 UNITED STATES ipdocket@gordonrees.com, smeyer@gordonrees.com, sflaherty@gordonrees.com, jalvord@gordonrees.com Phone:(619) 696-6700		
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### Applicant Information

Application No	86831780	Publication date	04/26/2016
Opposition Filing Date	05/23/2016	Opposition Period Ends	05/26/2016
Applicant	Lubin, Tobias 147 Arlington Street Hyde Park, MA 02136 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hats; Jeans; Pants; Shirts; Socks; Sweaters
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### 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.	4504303	Application Date	04/08/2013
Registration Date	04/01/2014	Foreign Priority Date	NONE
Word Mark	BEYOND		

Design Mark	<b>BEYOND</b>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/01/01 First Use In Commerce: 1998/06/01 SHIRTS, PANTS, TROUSERS, OVERALLS, RAINPROOF PANTS, WATER-PROOF PANTS, WIND PANTS, SNOWBOARD PANTS, HUNTING PANTS, JACKETS, COATS, PARKAS, VESTS, RAINPROOF JACKETS, WATER-PROOF JACKETS, SHELL JACKETS, WIND JACKETS, SNOWBOARD JACKETS, HUNTINGJACKETS; SKI WEAR; HEADWEAR; UNDERWEAR,BASELAYER BOTTOMS, BASELAYER TOPS

U.S. Registration No.	4104761	Application Date	05/25/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE


Word Mark	BEYOND CLOTHING
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Design Mark	<b>Beyond Clothing</b>
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1996/09/01 First Use In Commerce: 1996/11/01 Camouflage jackets; Camouflage pants; Capri pants; Cargo pants; Clothing, namely, base layers; Custom made to measure suits for men and women; Heavy jackets; Hunting jackets; Hunting pants; Jacket liners; Jackets; Jackets and socks; Jogging pants; Long jackets; Men's and women'sjackets, coats, trousers, vests; Motorcycle jackets; Outer jackets; Pants; Rainjackets; Rainproof jackets; Shell jackets; Ski jackets; Ski pants; Sleeved or sleeveless jackets; Snow pants; Snowboardjackets; Snowboard pants; Sports jackets; Sports pants; Stretch pants; Waterproof jackets and pants; Wind resistant jackets; Wind-jackets
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U.S. Registration No.	4082856	Application Date	04/25/2011
Registration Date	01/10/2012	Foreign Priority Date	NONE

Word Mark	BEYOND
Design Mark	
Description of Mark	The mark consists of a hexagonal shape in 3d form, known as a hexane, with one side bending inward to the center. To the right of the hexane is the stylized text "BEYOND".
Goods/Services	Class 025. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 Camouflage pants; Cargo pants; Hunting pants; Men's and women's jackets, coats, trousers, vests; Outer jackets; Pants; Rain jackets; Rainproof jackets; Shell jackets; Ski jackets; Ski pants; Sleeved or sleeveless jackets; Snow pants; Snowboard jackets; Snowboard pants; Waterproof jackets and pants; Wind resistant jackets

Attachments	85898471#TMSN.png( bytes ) 85329756#TMSN.png( bytes ) 85303524#TMSN.png( bytes ) Notice of opposition with exhibits.pdf(556209 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 Overnight Courier on this date.

Signature	/s/ Susan B. Meyer
Name	Susan B. Meyer
Date	05/23/2016



2. Opposer's Marks have been registered with United States federal trademark registrations with the United States Patent and Trademark Office as Registration Number 4504303 for the mark BEYOND (see Exhibit A, TSDR webpage); Registration Number 4104761 for the mark BEYOND CLOTHING (see Exhibit B, TSDR webpage); and Registration Number 4082856 for BEYOND (stylized with design) (see Exhibit C, TSDR webpage) (hereinafter, together, "Opposer's U.S. Registrations").

3. Opposer's Marks are currently in use and each has been in use for over ten years.

4. Opposer's Mark, BEYOND is used to identify the following goods in class 25: shirts, pants, trousers, overalls, rainproof pants, waterproof pants, wind pants, snowboard pants, hunting pants, jackets, coats, parkas, vests, rainproof jackets, waterproof jackets, shell jackets, wind jackets, snowboard jackets, hunting jackets; ski wear; headwear; underwear, baselayer bottoms, baselayer tops. (See Exhibit A.)

5. Opposer's Mark, BEYOND CLOTHING is used to identify the following goods in class 25: camouflage jackets; camouflage pants; capri pants; cargo pants; clothing, namely, base layers; custom made to measure suits for men and women; heavy jackets; hunting jackets; hunting pants; jacket liners; jackets; jackets and socks; jogging pants; long jackets; men's and women's jackets, coats, trousers, vests; motorcycle jackets; outer jackets; pants; rain jackets; rainproof jackets; shell jackets; ski jackets; ski pants; sleeved or sleeveless jackets; snow pants; snowboard jackets; snowboard pants; sports jackets; sports pants; stretch pants; waterproof jackets and pants; wind resistant jackets; and wind-jackets. (See Exhibit B.)

6. Opposer's Mark, BEYOND (stylized with design) is used to identify the following goods in class 25: camouflage pants; cargo pants; hunting pants; men's and women's jackets, coats, trousers, vests; outer jackets; pants; rain jackets; rainproof jackets; shell jackets;

ski jackets; ski pants; sleeved or sleeveless jackets; snow pants; snowboard jackets; snowboard pants; waterproof jackets and pants; and wind resistant jackets. (See Exhibit C.)

7. Applicant's mark BEYOND THE STITCH, Serial No. 86/831,780, (hereinafter "Applicant's Mark"), published for opposition on April 26, 2016. (See Exhibit D, TSDR webpage.)

8. Applicant's Mark was filed as "intent to use" and, on information and belief, is currently not in use.

9. Applicant's Mark is allegedly intended to be used to identify the following goods in class 25: hats; jeans; pants; shirts; socks; and sweaters. (See Exhibit D)

10. Registration of Applicant's Mark will confer rights on the Applicant's Mark inconsistent with the rights of Opposer to use Opposer's Mark in the United States, thus damaging Opposer.

11. The Applicant's Mark so resembles the Opposer's Marks such that when applied to the goods identified in the specification of the Applicant's Mark, it is likely to cause confusion, mistake, or deception among purchasers, users, and the public, thereby damaging Opposer in violation of 2(d) of the Trademark Act. Moreover, because Opposer's Marks were applied for and in use prior to the filing of the Applicant's Mark, Opposer's Marks are entitled to priority over the Applicant's Mark.

12. The goods purported to be provided by Applicant are identical and/or highly related to those provided by Opposer, specifically, clothing, (See Exhibits A-D) and thus Opposer has sufficient interest in preventing registration of Applicant's Mark.

WHEREFORE, Opposer prays that Application Serial No. 86/831,780 be refused and denied registration as Opposer believes and avers that it will be damaged by the registration of Serial No. 86/831,780 filed November 25, 2015, as aforesaid and requests that Applicant be required to answer the allegations of this Notice of Opposition and that the opposition to the said application be sustained.

This Notice of Opposition is being submitted electronically. The required fee is authorized to be charged against the Deposit Account No. 501990 of the Attorney for Opposer.

DATE: May 23, 2016

Respectfully submitted,

GORDON & REES LLP

/s/ Susan Meyer  
Susan Meyer  
Sean Flaherty  
Gordon & Rees, LLP  
101 W. Broadway, Suite 1600  
San Diego, CA 92101  
(619) 696-6700  
smeyer@gordonrees.com  
sflaherty@gordonrees.com  
Attorneys for Opposer, 5.11, Inc.

**Certificate of Mailing by “Federal Express Delivery”**

I hereby certify that a copy of this NOTICE OF OPPOSITION is being served by Federal Express service and e-mail, to Addressees on May 23, 2016 as follows:

Tobias Lubin  
147 Arlington Street  
Hyde Park, MA 02136  
Federal Express No.:

Matthew H. Swyers  
The Trademark Company, PLLC  
344 Maple Ave. W., suite 151  
Vienna, VA 22180  
admin@thetrademarkcompany.com  
Federal Express No.:

Date of Mailing: May 23, 2016  
Printed Name: Kelsey M. Knapp

/s/ Kelsey Knapp



# EXHIBIT A

Some users are unable to retrieve data from TSDR using the Internet Explorer browser. The USPTO is working to resolve the system problem. As a workaround, please open TSDR in a different browser, such as Google Chrome, Safari, or Mozilla Firefox. For additional assistance, email [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**STATUS**      **DOCUMENTS**

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**Generated on:** This page was generated by TSDR on 2016-05-18 17:19:02 EDT

**Mark:** BEYOND

# BEYOND

**US Serial Number:** 85898471

**Application Filing Date:** Apr. 08, 2014

**US Registration Number:** 4504303

**Registration Date:** Apr. 01, 2014

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the USPTO.

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

**Status Date:** Apr. 01, 2014

**Publication Date:** Jan. 14, 2014

## Mark Information

**Mark Literal Elements:** BEYOND

**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

## Related Properties Information

**International Registration** [1178487](#)  
**Number:**

**International Application** [A0037770/1178487](#)  
**(s) /Registration(s) Based**  
**on this Property:**

**Claimed Ownership of US** [2922594](#), [4082856](#), [4104761](#)  
**Registrations:**

## 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:** SHIRTS, PANTS, TROUSERS, OVERALLS, RAINPROOF PANTS, WATERPROOF PANTS, W HUNTING PANTS, JACKETS, COATS, PARKAS, VESTS, RAINPROOF JACKETS, WATERP WIND JACKETS, SNOWBOARD JACKETS, HUNTING JACKETS; SKI WEAR; HEADWEAR; U BASELAYER TOPS

**International Class(es):** 025 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 01, 1998

**Use in Commerce:** Jun. 01, 19

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** 5.11, Inc.

**Owner Address:** 4300 Spyres Way  
Modesto, CALIFORNIA UNITED STATES 95356

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNI

## Attorney/Correspondence Information

**Attorney of Record**

**Attorney Name:** Sean D. Flaherty

**Attorney Primary Email Address:** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Sean D. Flaherty

Gordon & Rees LLP

101 W. Broadway  
Suite 2000  
San Diego, CALIFORNIA UNITED STATES 92101

**Phone:** (619) 696-6700

**Fax:** (619) 696-

**Correspondent e-mail:** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)  
[sflaherty@gordonrees.com](mailto:sflaherty@gordonrees.com)  
[smeyer@gordonrees.com](mailto:smeyer@gordonrees.com)  
[stthomas@gordonrees.com](mailto:stthomas@gordonrees.com)  
[kknapp@gordonrees.com](mailto:kknapp@gordonrees.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 20, 2016	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 20, 2016	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 21, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 01, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 14, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 14, 2014	PUBLISHED FOR OPPOSITION	
Dec. 25, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Dec. 03, 2013	ASSIGNED TO LIE	70884
Nov. 07, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 29, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 29, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 29, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Jul. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Jul. 25, 2013	NON-FINAL ACTION WRITTEN	76419
Jul. 22, 2013	ASSIGNED TO EXAMINER	76419
Apr. 15, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2013	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 01, 2013

**Assignment Abstract Of Title Information - Click to Load**

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# EXHIBIT B

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**Mark:** BEYOND CLOTHING

# Beyond Clothing

**US Serial Number:** 85329756

**Application Filing Date:** May 25, 2011

**US Registration Number:** 4104761

**Registration Date:** Feb. 28, 2012

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the USPTO.

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

**Status Date:** Feb. 28, 2012

**Publication Date:** Dec. 13, 2011

## Mark Information

**Mark Literal Elements:** BEYOND CLOTHING

**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:** "CLOTHING"

## 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:** Camouflage jackets; Camouflage pants; Capri pants; Cargo pants; Clothing, namely, base layer men and women; Heavy jackets; Hunting jackets; Hunting pants; Jacket liners; Jackets; Jackets

Men's and women's jackets, coats, trousers, vests; Motorcycle jackets; Outer jackets; Pants; Rain jackets; Ski jackets; Ski pants; Sleeved or sleeveless jackets; Snow pants; Snowboard jackets; pants; Stretch pants; Waterproof jackets and pants; Wind resistant jackets; Wind-jackets

**International Class(es):** 025 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 01, 1996

**Use in Commerce:** Nov. 01, 1

### Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** 5.11, INC.

**Owner Address:** 4300 SPYRES WAY  
MODESTO, CALIFORNIA UNITED STATES 95356

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNI

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Sean D. Flaherty

**Attorney Primary Email Address:** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)

**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** Sean D. Flaherty

Gordon & Rees LLP  
101 W. Broadway  
Suite 2000  
San Diego, CALIFORNIA UNITED STATES 92101

**Phone:** (619) 696-6700

**Fax:** (619) 696-

**Correspondent e-mail:** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)  
[sflaherty@gordonrees.com](mailto:sflaherty@gordonrees.com)  
[smeyer@gordonrees.com](mailto:smeyer@gordonrees.com)

**Correspondent e-mail Authorized:** Yes



[stthomas@gordonrees.com](mailto:stthomas@gordonrees.com)[kknapp@gordonrees.com](mailto:kknapp@gordonrees.com)**Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 20, 2016	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 20, 2016	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 17, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 28, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 13, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 13, 2011	PUBLISHED FOR OPPOSITION	
Nov. 23, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 08, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Nov. 07, 2011	ASSIGNED TO LIE	73797
Oct. 13, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 12, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 12, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2011	NON-FINAL ACTION WRITTEN	74887
Sep. 12, 2011	ASSIGNED TO EXAMINER	74887
May 31, 2011		

NEW APPLICATION OFFICE SUPPLIED  
DATA ENTERED IN TRAM

May 28, 2011

NEW APPLICATION ENTERED IN TRAM

### **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 28, 2011

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

# EXHIBIT C

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**Mark:** BEYOND



**US Serial Number:** 85303524

**Application Filing Date:** Apr. 25, 2011

**US Registration Number:** 4082856

**Registration Date:** Jan. 10, 2012

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the USPTO.

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

**Status Date:** Jan. 10, 2012

**Publication Date:** Oct. 25, 2011

### Mark Information

**Mark Literal Elements:** BEYOND

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of a hexagonal shape in 3d form, known as a hexane, with one side bending. The word "BEYOND" is stylized within the hexane.

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Lining and Stippling Statement:** The stippling is for shading purposes only.

**Design Search Code(s):** 26.01.21 - Circles that are totally or partially shaded.  
 26.01.31 - Circles - five or more; Five or more circles  
 26.15.03 - Incomplete polygons and polygons made of broken or dotted lines; Polygons (incomplete)  
 26.15.07 - Polygons with a decorative border, including scalloped, ruffled and zig-zag edges  
 26.15.28 - Miscellaneous designs with overall polygon shape; Polygonal shapes (miscellaneous)

## Related Properties Information

Claimed Ownership of US [2922594](#)

Registrations:

## 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:** Camouflage pants; Cargo pants; Hunting pants; Men's and women's jackets, coats, trousers, ve  
Rainproof jackets; Shell jackets; Ski jackets; Ski pants; Sleeved or sleeveless jackets; Snow pa  
pants; Waterproof jackets and pants; Wind resistant jackets

**International Class(es):** 025 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 01, 2004

**Use in Commerce:** Jun. 01, 20

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** 5.11, INC.

**Owner Address:** 4300 SPYRES WAY  
MODESTO, CALIFORNIA UNITED STATES 95356

**Legal Entity Type:** CORPORATION

**State or Country Where** CALIFORNI  
**Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Sean D. Flaherty

**Attorney Primary Email** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)

**Attorney Email Authorized:** Yes

**Address:**

**Correspondent**

**Correspondent** Sean D. Flaherty  
**Name/Address:** Gordon & Rees LLP  
 101 W. Broadway  
 Suite 2000  
 San Diego, CALIFORNIA UNITED STATES 92101

**Phone:** (619) 696-6700

**Fax:** (619) 696-

**Correspondent e-mail:** [ipdocket@gordonrees.com](mailto:ipdocket@gordonrees.com)  
[sflaherty@gordonrees.com](mailto:sflaherty@gordonrees.com)  
[smeyer@gordonrees.com](mailto:smeyer@gordonrees.com)  
[sthomas@gordonrees.com](mailto:sthomas@gordonrees.com)  
[kknapp@gordonrees.com](mailto:kknapp@gordonrees.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 20, 2016	ATTORNEY REVOKED AND/OR APPOINTED	
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Jan. 28, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 28, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Jan. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 25, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 25, 2011	PUBLISHED FOR OPPOSITION	
Sep. 22, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Sep. 20, 2011	ASSIGNED TO LIE	73296
Sep. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 29, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 29, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 22, 2011	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326

Jun. 22, 2011	EXAMINER'S AMENDMENT/PRIORITY ACTION 6326 E-MAILED
Jun. 22, 2011	EXAMINERS AMENDMENT AND/OR PRIORITY 67516 ACTION - COMPLETED
Jun. 15, 2011	ASSIGNED TO EXAMINER 67516
Apr. 29, 2011	NOTICE OF DESIGN SEARCH CODE MAILED
Apr. 28, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Apr. 28, 2011	NEW APPLICATION ENTERED IN TRAM

## TM Staff and Location Information

**TM Staff Information - None**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jan. 10, 2011

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# EXHIBIT D



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**Mark:** BEYOND THE STITCH

## BEYOND THE STITCH

**US Serial Number:** 86831780

**Application Filing Date:** Nov. 25, 2015

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

**Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined and published in a way that provides an opportunity for opposition.

**Status:** Application has been published for opposition. The opposition period begins on the date of publication.

**Status Date:** Apr. 26, 2016

**Publication Date:** Apr. 26, 2016

### Mark Information

**Mark Literal Elements:** BEYOND THE STITCH

**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:** Hats; Jeans; Pants; Shirts; Socks; Sweaters

**International Class(es):** 025 - Primary Class

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

**Class Status:** ACTIVE

Basis: 1(b)

### Basis Information (Case Level)

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

### Current Owner(s) Information

**Owner Name:** Lubin, Tobias

**Owner Address:** 147 Arlington Street  
Hyde Park, MASSACHUSETTS UNITED STATES 02136

**Legal Entity Type:** INDIVIDUAL **Citizenship:** UNITED S

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Matthew H. Swyers, **Docket Number:** 26851

**Attorney Primary Email Address:** [admin@thetrademarkcompany.com](mailto:admin@thetrademarkcompany.com) **Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** MATTHEW H. SWYERS,  
THE TRADEMARK COMPANY, PLLC  
344 MAPLE AVE. W., SUITE 151  
VIENNA, VIRGINIA UNITED STATES 22180

**Phone:** 800-906-8626 x100 **Fax:** 877-351-5

**Correspondent e-mail:** [admin@thetrademarkcompany.com](mailto:admin@thetrademarkcompany.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
Apr. 26, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 26, 2016	PUBLISHED FOR OPPOSITION	
Apr. 06, 2016		

	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 17, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 16, 2016	ASSIGNED TO EXAMINER	83224
Dec. 01, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 28, 2015	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information**

**TM Attorney:** ELLINGER FATHY, JESSIC

**Law Office Assigned:** LAW OFF

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 21, 2

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