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

Proceeding	91231822
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Attachments	1. Poison Ivy SJ Brief.pdf(2420894 bytes ) 2a Declaration of Laura Washington part1of2.pdf(5970868 bytes ) 2b Declaration of Laura Washington part2of2_.pdf(3243630 bytes ) 3 Dora Vargas Declaration.pdf(5500261 bytes ) 4a Declaration of Mady Margadant IVY PARK part1of3.pdf(2377643 bytes ) 4b Declaration of Mady Margadant IVY PARK part2of3.pdf(5260569 bytes ) 4c Declaration of Mady Margadant IVY PARK part3of3.pdf(3590774 bytes )

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**OPPOSER’S MOTION FOR DEFAULT JUDGMENT  
OR IN THE ALTERNATIVE SUMMARY JUDGMENT**

Opposer Parkwood Topshop Athletic Limited (“Parkwood”) moves for an order granting default judgment in its favor pursuant to 37 C.F.R. § 2.120(h), based on Applicant 47 | 72 Inc.’s (“Applicant”) failure to comply with the Board’s November 7, 2017 Order compelling Applicant to respond to Parkwood’s outstanding Requests for Production and Interrogatories (collectively, the “Discovery Requests”).

Alternatively, Parkwood moves for summary judgment pursuant to Federal Rule of Civil Procedure 56(a), Trademark Rule of Practice 2.127(e), and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 528. The undisputed material facts establish that Parkwood is entitled to summary judgment because registration of Applicant’s POISON IVY PARK mark would create a likelihood of confusion with, and dilution of, Parkwood’s IVY PARK mark. Applicant’s attempt to register the mark should therefore be denied.

Dated: April 5, 2018

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Mark: **POISON IVY PARK**

**MEMORANDUM IN SUPPORT OF OPPOSER’S MOTION FOR DEFAULT JUDGMENT OR  
IN THE ALTERNATIVE SUMMARY JUDGMENT**

Applicant 47 | 72 Inc. (“Applicant”), led by its CEO Mike Lin (“Lin”), is a nascent T-shirt company, and self-proclaimed scourge of the United States Patent and Trademark Office (“USPTO”). Applicant’s intent-to-use application for the confusingly similar POISON IVY PARK mark (the “Application”) is yet another example of its mission to capitalize on the recognition and goodwill generated by famous marks. Indeed, Applicant has a well-documented history of applying for marks identical or nearly identical to well-known marks owned by celebrities and entertainment companies.<sup>1</sup> Applicant boasts that its applications are “an FU to major corporations, the 1% and celebrities,” and views its disputes with celebrities, like Beyoncé Knowles Carter (“Mrs. Carter”), as “great marketing for [its] fledgling T-shirt business.” It is no secret: Applicant specifically seeks to generate media attention from its celebrity-focused trademark applications and that celebrity’s inevitable opposition. It is the perfect marketing plan for the modern internet age—generating the biggest splash at the lowest cost, based on someone else’s hard work and resulting fame.

Applicant’s complete lack of respect for trademark rights and the USPTO is only further demonstrated by its failure to adhere to its discovery obligations and comply with this Board’s Order. On

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<sup>1</sup> Applicant has filed at least 69 intent-to-use applications since March 2016.

July 20, 2017, Parkwood TopShop Athletic Limited (“Parkwood”) served Applicant with its First Set of Interrogatories (“Interrogatories”), Requests for Production of Documents (“RFPs,” and collectively, the “Discovery Requests”), and Requests for Admission (“RFAs”). Applicant did not respond. Parkwood then filed a motion to compel. On November 7, 2017, this Board granted Parkwood’s motion, ruling the RFAs were admitted by Applicant’s default, and ordered Applicant to respond to the remaining outstanding Discovery Requests. Now, five months later, Applicant still has not complied with the Board’s order. Applicant’s transparent discovery abuse and flagrant disrespect of the Board and these proceedings warrants terminating sanctions. As such, Parkwood respectfully requests the Board impose a default judgment in Parkwood’s favor.

If the Board is unwilling to grant terminating sanctions, this proceeding should nevertheless be resolved by summary judgment. Parkwood is entitled to summary judgment because the undisputed evidentiary record establishes that registration of Applicant’s POISON IVY PARK mark would create a likelihood of confusion with, and dilution of, Parkwood’s IVY PARK mark.

### **UNDISPUTED FACTS**

#### **I. Parkwood Launches the IVY PARK Brand.**

On February 4, 2016, Parkwood applied for the IVY PARK mark in International Classes 003, 014, 018, 025, and 035 for use with various toiletry items, jewelry, bags, wallets, clothing, and online and retail store services. Declaration of Laura R. Washington (“Washington Decl.”), Ex. C. Registration for the IVY PARK mark issued on March 28, 2017.<sup>2</sup> Washington Decl. ¶ 4, Exs. D, E. Parkwood has continuously used the IVY PARK mark in connection with its products and services in the United States

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<sup>2</sup> On August 10, 2016, Parkwood filed an additional application to add International Classes 009, 021, and 027 for use with downloadable electronic publications, computer application software, electronics, containers for household or kitchen use, and yoga mats. Washington Decl., Ex. H. The examining attorney initially cited a likelihood of confusion with Applicant’s Application for the POISON IVY PARK as a potential ground for refusal, but issued the expanded registration on December 26, 2017 after determining the IVY PARK mark had priority over the POISON IVY PARK mark by virtue of its earlier-filed application. *Id.* ¶ 7, Ex. I.

since April 14, 2016. Declaration of Mady Margadant (“Parkwood Decl.”) ¶ 2; Washington Decl., Ex. R at RFA No. 3.<sup>3</sup> Parkwood’s products sold under the IVY PARK mark are offered for sale nationwide on the internet, as well as in retail stores such as Topshop, Nordstrom, Hudson’s Bay, Revolve and Lady Foot Locker. Parkwood Decl. ¶ 5.

The IVY PARK brand is jointly owned by, and publicly associated with, worldwide music icon Mrs. Carter. *Id.* ¶ 2. Mrs. Carter has won 22 Grammy Awards; performed at the 2013 and 2016 Super Bowl halftime shows; been featured on the cover of thousands of magazines, including *GQ*, *Sports Illustrated*, and *Rolling Stone*; appeared on *Time*’s “100 Most Influential People” list; and was deemed by *Forbes* as the most powerful female in entertainment. Declaration of Dora Melissa Vargas (“Vargas Decl.”) ¶ 2. Mrs. Carter’s ownership and endorsement of the IVY PARK brand is significant. By closely intertwining her public persona with the IVY PARK brand, Mrs. Carter has expertly linked her millions of album sales, global concert tours, public appearances, and immense goodwill to the IVY PARK brand. *Id.* ¶ 3. As a result, the IVY PARK mark is readily identified by consumers as an extension of Mrs. Carter’s personal brand, and has been the subject of significant media attention, including hundreds of news articles from sources such as *Vogue*, *Elle*, *Rolling Stone*, *Us Weekly*, *Billboard*, *W Magazine*, *Huffington Post* and *Forbes*. *Id.* ¶ 4, Ex. A. IVY PARK identifies Parkwood and Mrs. Carter as the source of its high-quality goods, rendering the IVY PARK mark internationally famous and a substantial commercial asset. Vargas Decl. ¶¶ 2-11; Parkwood Decl. ¶¶ 6-7; Washington Decl., Ex. R at RFA No. 4.

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<sup>3</sup> The Board previously ruled that all RFAs have been admitted. *See* T.T.A.B. Order to Compel at p. 1, n. 1; Fed. R. Civ. P. 36(a)(3). Moreover, Applicant does not deny any of the RFAs. Washington Decl., Ex. T at Response to Interrogatory No. 20.

**II. Applicant Has Filed 69 Trademark Applications with the Specific Goal of Harassing Owners of Established Marks.**

Applicant is a nascent T-shirt company, owned and operated by Mike Lin, the self-dubbed “Banksy<sup>4</sup> of trademarks.” Washington Decl., Ex. R at RFA No. 48. Applicant has filed at least 69 intent-to-use applications since March 2016—many of which are identical or nearly identical to well-known marks owned by celebrities and entertainment companies.<sup>5</sup> *Id.* at RFA No. 58, Ex. T at Response to RFP No. 24. In Applicant’s own words, its applications are “an ‘FU’ to major corporations, the 1% and celebrities.” *Id.*, Ex. R at RFA No. 47.

Applicant’s strategy is to file as many trademark applications as possible on the off chance that one of them may survive opposition and prove profitable. As Lin explained in an interview with the World Trademark Review:

“[I]n the Silicon Valley, nine out of 10 startups will fail – so [YOU are] playing to the same philosophy; [YOUR] 71 trademarks all represent 71 brands, so if nine in 10 fail, [YOU] should still get some that actually work. That’s fine, that’s something.”

*Id.* at RFA No. 46. More pointedly, Applicant uses the proceedings as “great marketing for [its] fledgling T-shirt business,” trading on the newsworthiness of celebrities—like Mrs. Carter—compelled to enforce their trademark rights. *Id.* at RFA No. 45.

Notably, in its untimely, compelled responses to Parkwood’s Interrogatories, Applicant states of the instant Application: “Yes, this was a long con. . . . Score 1 for Mike Lin . . . yes, I’m a little bit crazy.” *Id.*, Ex. T at Response to Interrogatory No. 7. Applicant even antagonizes the USPTO and Mrs. Carter, gloating that it has already “punk’d the USPTO” by filing a trademark application for

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<sup>4</sup> Banksy is a famous—but anonymous—British graffiti artist, well known for poking fun at big companies and sending political messages through his work. *Who is the street artist Banksy?*, BBC (September 18, 2017), <http://www.bbc.co.uk/newsround/27050301>.

<sup>5</sup> Applicant has also filed applications for multiple Disney-related marks, and THE BLACK MAMBA, which is a nickname associated with NBA star Kobe Bryant. Washington Decl. ¶ 10, Ex. R at RFA Nos. 49-50. These applications are currently being opposed. *Id.* at ¶¶ 11-12, Exs. L-O.

IUIUIEMONCÉ in “lower case letters” to mask its intentional infringement of the LULULEMON and BEYONCÉ marks. *Id.*

### **III. Parkwood Opposes the Application.**

Notwithstanding Parkwood’s prior rights in the IVY PARK mark, on April 14, 2016—the same day the IVY PARK clothing line was launched—Applicant filed a calculated intent-to-use Application for POISON IVY PARK, covering “online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, throw pillows, mugs, tote bags” in International Class 035. Washington Decl. ¶ 8, Exs. J, R at RFA No. 16; Parkwood Decl. ¶ 2. On December 19, 2016, Parkwood opposed the Application on the basis that the POISON IVY PARK mark was likely to cause consumer confusion and deceptiveness. Washington Decl. ¶ 9; Notice of Opp. ¶ 22. Parkwood further opposed the Application because the POISON IVY PARK mark so closely resembles its IVY PARK mark that it dilutes the IVY PARK mark by blurring and tarnishing its distinctive quality. *Id.*; Notice of Opp. ¶ 24.

### **IV. Applicant Fails to Comply with its Discovery Obligations and the Board’s Order.**

On July 20, 2017, Parkwood served Applicant with the Discovery Requests and the RFAs. Washington Decl. ¶ 14. Applicant never responded. *Id.* ¶ 15. Following Applicant’s complete failure to respond to Parkwood’s Discovery Requests, on August 22, 2017, Parkwood informed Applicant the RFAs were deemed admitted by its default. *Id.* Applicant did not respond. *Id.* ¶¶ 15-16. On September 20, 2017, Parkwood moved to compel Applicant’s responses to the Discovery Requests. *Id.* ¶ 16. On November 7, 2017, the Board granted Parkwood’s motion, ruling the RFAs were admitted and ordered Applicant to respond to the Discovery Requests by December 22, 2017 (the “Order”).<sup>6</sup> *Id.* ¶ 17; Order at 1-2.

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<sup>6</sup> Rather than contest the merits of Parkwood’s motion to compel, Applicant—after ignoring Parkwood’s attempts to resolve the discovery dispute—responded by providing only an unsubstantiated doctor’s note purporting to excuse its failure to respond to the Discovery Requests. Reply Declaration of

Applicant violated that Order, and failed to respond to the discovery requests on December 22. Washington Decl. ¶ 18. Nine days later, Applicant produced untimely—and incomplete—responses to the Interrogatories. *Id.*, Ex. T. As of the date of this motion, Applicant has still not produced a single document in response to the Requests.<sup>7</sup> *Id.* ¶ 18.

### ARGUMENT

Applicant’s Application should be terminated and denied. First, Applicant failed to comply with the Board’s Order compelling it to respond to Parkwood’s outstanding Discovery Requests. This failure alone is a sufficient basis to terminate Applicant’s trademark application. Second, irrespective of Applicant’s defiance of the Board’s Order, Parkwood is entitled to summary judgment, as the undisputed material facts demonstrate that registration of Applicant’s POISON IVY PARK mark would create a likelihood of confusion with, and dilution of, Parkwood’s IVY PARK mark.

#### **I. The Board Should Grant Default Judgment in Parkwood’s Favor.**

When “a party fails to comply with an order of the Trademark Trial and Appeal Board relating to disclosure or discovery . . . the Board may make any appropriate order.” 37 C.F.R. § 2.120(h). “The sanctions that may be entered by the Board include, *inter alia*, striking all or part of the pleadings of the disobedient party; refusing to allow the disobedient party to support or oppose designated claims or defenses; prohibiting the disobedient party from introducing designated matters in evidence; and entering judgment against the disobedient party.” TBMP § 527.01(a) (2017-06). “The law is clear that if a party fails to comply with an order of the Board relating to discovery, including an order compelling discovery, the Board may order . . . entry of judgment.” *MHW Ltd. v. Simex Aussenhandelsgesellschaft Savelsberg KG*, 59 U.S.P.Q.2d 1477, 1478 (T.T.A.B. 2000). Applicant’s violation of the Board’s Order warrants a default judgment.

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Jonathan R. Sandler (“Sandler Reply Decl.”) ¶¶ 2-3, Ex. 1.

<sup>7</sup> Discovery closed on February 20, 2018.



First, Applicant failed to timely respond to the Discovery Requests by the Board's imposed deadline. Washington Decl. ¶¶ 17-18. While Applicant did eventually provide *incomplete* responses to the Interrogatories *after* the deadline, it nevertheless was in plain violation of the Board's Order. *See* Order at p. 4; Washington Decl. ¶ 18, Ex. T.

Second, Applicant further violated the Order by refusing to produce documents in response to the RFPs when responsive documents exist. Washington Decl. ¶ 18, Ex. T at Response to RFP No. 25. Applicant conceded they exist, yet still failed to produce them. *Id.* For example, while acknowledging the existence of the requested documents, Applicant refused to produce any documents in response to Parkwood's request for documents related to "any other litigation, opposition, or other dispute involving a trademark for which YOU have filed an application with the United States Patent and Trademark Office." *Id.* Instead, Applicant merely directed Parkwood to the USPTO website: "All documents are on the USPTO site. Do a search for 'The Black Mamba', 'To Infinity & Beyond'. [sic] 'Mortimer Mouse', 'House of Mouse', 'Just Keep Swimming', Let it Go'." *Id.* Applicant responded in the same manner—refusing to produce relevant documents while acknowledging their existence—to several other RFPs related to its attempts to register other trademarks, including variations of marks related to or incorporating IVY PARK, with the USPTO. *Id.* at Response to RFP Nos. 23-24.

Not only did Applicant flout its discovery obligations, it even went so far as to taunt both Parkwood and the USPTO in its untimely, noncompliant responses. Indeed, Applicant boasts about other acts of infringement, like registering the username "@WeAreIvyPark" on Periscope, where it has over 700 usernames. *Id.*, Ex. T at Response to RFP No. 6. Similarly, Applicant brags about having filed another trademark that infringes upon Mrs. Carter's trademark rights: "I punk'd the USPTO by filing my trademark with lower case letters." *Id.* at Response to Interrogatory No. 7.

Moreover, Applicant disregarded the Board's Order with full knowledge there would be ramifications. It was expressly warned by the Board that "[i]n the event that Applicant fails to serve full responses as ordered herein, Opposer's remedy may lie in a motion for sanctions, as appropriate." Order at 4. As the Board explicitly advised Applicant that its failure to comply with discovery could result in

sanctions, the “[a]pplicant’s willful failure to comply with the Board’s order . . . entitles opposer to the sanction of judgment in its favor.” *Virgin Enters. Ltd. v. Urban Ingenuity*, Opposition No. 111,633, 2001 WL 777064, at \*2 (T.T.A.B. July 11, 2001). In light of Applicant’s utter failure to treat this proceeding seriously and provide timely and complete responses to the Discovery Requests, Parkwood requests the Board grant a default judgment in its favor. *See MySpace Inc. v. Mitchell*, 91 U.S.P.Q.2d 1060 (T.T.A.B. 2009) (judgment granted as sanction when respondent failed to comply with discovery requests and disregarded Board order compelling responses to those discovery requests); *see also Smith Mountain Lake Marine Volunteer Fire/Rescue Dep’t, Inc. v. Sea Tow Servs. Int’l, Inc.*, Cancellation No. 92059856, 2017 WL 4386987, at \*6 (T.T.A.B. September 29, 2017) (“Respondent’s failure to serve the discovery responses promptly and in the unified form dictated by the Board is sufficient reason to grant Petitioner’s motion [for judgment as a discovery sanction].”)

Alternatively, if the Board finds Applicant’s dilatory tactics somehow insufficient to warrant a default judgment and does not grant summary judgment, Parkwood requests the Board, at minimum, enter preclusive sanctions prohibiting Applicant from relying on any undisclosed discovery materials responsive to the Discovery Requests. *Sukljian v. Ate My Heart, Inc.*, Opposition No. 91205046, 2015 WL 496140, at \*1 (T.T.A.B. Jan. 20, 2015) (sanctioning disobedient party by “precluding her ‘from using as evidence at trial any information or documents that would have been responsive to [Opposer’s] discovery requests, but were not produced prior to [Opposer’s] filing of the motion for discovery sanctions.’”) (internal citations omitted); *M.C.I. Foods, Inc. v. Bunte*, 86 U.S.P.Q.2d 1044, 1048 (T.T.A.B. 2008) (sanctioned party prohibited from relying on documents produced after sanctions entered); *HighBeam Mktg., LLC v. HighBeam Research, LLC*, 85 U.S.P.Q.2d 1902, 1905 (T.T.A.B. 2008) (opposer may not rely at trial on discovery materials disclosed after entry of sanctions); *Amazon.com, Inc. v. Kalaydjian*, Opposition No. 91122000, 2005 WL 3611776 at \*4 (T.T.A.B. Dec. 22, 2005) (“The Board may entertain various forms of sanctions, including the preclusion of evidence at trial.”).

## **II. The Board Should Grant Summary Judgment in Parkwood's Favor.**

Putting aside Applicant's failure to comply with the Board's Order, the undisputed evidentiary record demonstrates that the Board should grant summary judgment. First, the POISON IVY PARK mark so closely resembles the IVY PARK mark that it is likely to cause confusion as to the source of the goods created in connection with the mark. Second, the POISON IVY PARK mark is likely to dilute the IVY PARK mark by blurring the distinctiveness of the mark and tarnishing its reputation. As such, the Board should deny the registration of Applicant's mark.

### **A. Summary Judgment Standard.**

Summary judgment is appropriate when, as here, "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). Only if, on the evidence of record, a reasonable fact finder could resolve the matter in favor of the non-moving party should summary judgment be denied. See *Octocom Sys., Inc. v. Houston Comput. Servs., Inc.*, 918 F.2d 937, 940, 16 U.S.P.Q.2d 1783 (Fed. Cir. 1990); *Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 1562, 4 U.S.P.Q.2d 1793, 1795 (Fed. Cir. 1987) (dispute is genuine "only if, on the entirety of the record, a reasonable jury could resolve a factual matter in favor of the nonmovant").

### **B. The POISON IVY PARK Mark is Confusingly Similar to the IVY PARK Mark.**

A trademark may be refused registration where it "[c]onsists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office . . . as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive." 15 U.S.C. § 1052(d).<sup>8</sup> The Board determines likelihood of confusion based on the factors set forth in *In re E.*

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<sup>8</sup> While "the question of priority does not arise against a registered mark in an opposition proceeding," *Anderson, Clayton & Co. v. Krier*, 478 F.2d 1246, 1247 (C.C.P.A. 1973), it is undisputed that Parkwood's IVY PARK mark has priority over Applicant's POISON IVY PARK mark. Washington Decl., Ex. R at RFA Nos. 2-3, 17, Ex. T at Response to Interrogatory No. 17.

*I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973) (“*DuPont*” factors).<sup>9</sup> The *DuPont* factors include:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
2. The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use;
3. The similarity or dissimilarity of established, likely-to-continue trade channels;
4. The conditions under which and buyers to whom sales are made;
5. The fame of the prior mark;
6. The number and nature of similar marks in use on similar goods;
7. The nature and extent of any actual confusion;
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion;
9. The variety of goods on which a mark is or is not used;
10. The market interface between applicant and the owner of a prior mark;
11. The extent to which applicant has a right to exclude others from use of its mark on its goods;
12. The extent of potential confusion; and
13. Any other established fact probative of the effect of use, such as bad faith.

“[O]nly factors of significance to the particular mark need be considered.”<sup>10</sup> *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 U.S.P.Q.2d 1257 (Fed. Cir. 2010). The two primary factors are (1) the

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<sup>9</sup> It is well settled that the relevant test is likelihood of confusion, not actual confusion; thus, “it is unnecessary to show actual confusion in establishing likelihood of confusion.” *In re Big Pig*, 81 U.S.P.Q.2d 1436, 1439-40 (T.T.A.B. 2006).

<sup>10</sup> The sixth, seventh, eighth, ninth, and eleventh *DuPont* factors are of little or no significance here. Under the sixth factor, Applicant has not alleged any evidence of widespread use of other marks sufficiently similar to “TVY PARK” that might “diminish the strength of [Parkwood’s] mark and thus the scope of protection to which [Parkwood’s] mark is entitled.” *Nike, Inc. v. WNBA Enters., LLC*, 85 U.S.P.Q.2d 1187, 2007 WL 763166, at \*13 (T.T.A.B. 2007). The seventh and eighth factors are afforded no weight, as absence of actual confusion is irrelevant where the Application is based on an intent-to-use. *Schering-Plough HealthCare Prods., Inc. v. Ing-Jing Huang*, 84 U.S.P.Q.2d (BNA) 1323, 2007 WL

similarities of the marks and (2) the similarities of the goods and services to be sold under those marks.<sup>11</sup> See *In re Iolo Techs., LLC*, 95 U.S.P.Q.2d 1498, 1499 (T.T.A.B. 2010). Any doubt as to whether there is a likelihood of confusion must be resolved in Parkwood’s favor. See *In re Shell Oil Co.*, 992 F.2d 1204, 1209, 26 U.S.P.Q.2d 1687, 1691 (Fed. Cir. 1993).

**1. The Undisputed Facts Establish Consumer Confusion is Likely.**

The Board has already ruled that all RFAs have been admitted due to Applicant’s failure to provide timely responses.<sup>12</sup> See Order at 1, n. 1; Fed. R. Civ. P. 36(a)(3). As such, Applicant’s admissions alone establish a likelihood of confusion. See *Golfino AG v. Gady Desler*, Opposition No. 91183317, 2010 WL 2946839, at \*1-3 (T.T.A.B. July 12, 2010) (Board relied on RFAs in determining a likelihood of confusion existed); *Click and Park, LLC v. Park On Line, Inc.*, Cancellation No. 92049573, 2009 WL 4086594, at \*4 (T.T.A.B. 2009) (“Based on Applicant’s admissions . . . we conclude that there are no genuine issues of material fact that a likelihood of confusion exists in this case.”); *Nike, Inc. v. Maher*, 100 U.S.P.Q.2d 1018, 1020 (T.T.A.B. 2011) (admission that opposer’s mark is famous is sufficient for likelihood of confusion purposes).

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1751193 (T.T.A.B. 2007). The ninth factor, which considers how diverse the registrant’s goods are, carries little weight when the parties’ goods are closely related, as the second *DuPont* factor will naturally outweigh this inquiry. See *Genesco Inc. v. Martz*, 66 U.S.P.Q.2d 1260, 2003 WL 1154482, at \*13 (T.T.A.B. 2003). The eleventh factor favors Parkwood because “there is no evidence that [Applicant] has any right to exclude others from using [the mark],” as it is undisputed that Applicant has never created, produced, or sold any products under the POISON IVY PARK mark. *Margaritaville Enters., LLC v. Bevis*, Opposition Nos. 91219403 & 91221395, 2017 WL 1345072, at \*15 (T.T.A.B. March 16, 2017); Washington Decl., Exs. J, R at RFA No. 18.

<sup>11</sup> “The likelihood of confusion is determined on the basis of the goods as they are identified in the application and registration at issue.” *In re Thor Tech, Inc.*, 90 U.S.P.Q.2d 1634, 1635 (T.T.A.B. 2009).

<sup>12</sup> Moreover, Applicant also concedes—in an untimely Interrogatory response—that it does not deny any of the RFAs. Washington Decl., Ex. T at Response to Interrogatory No. 20.

Applicant's admission of the following dispositive facts ends the inquiry:

- Applicant's POISON IVY PARK mark wholly incorporates and usurps the IVY PARK mark, creating a mark that is similar in sight, sound, and overall commercial impression to Parkwood's. Washington Decl., Ex. R at RFA Nos. 24-27.<sup>13</sup>
- Applicant's goods and services are identical and/or closely related to the goods and services of Parkwood. *Id.* at RFA Nos. 22-23.
- Applicant's use and registration of the POISON IVY PARK mark is likely to cause consumers to mistakenly believe that services rendered under the POISON IVY PARK mark emanate from Parkwood. *Id.* at RFA No. 29.
- Applicant's use and registration of the POISON IVY PARK mark is likely to cause consumers to mistakenly believe that Applicant is in some way associated with Parkwood. *Id.* at RFA No. 30.
- Applicant intended for the public to draw an association or connection between the POISON IVY PARK mark and the IVY PARK mark. *Id.* at RFA No. 31.
- Applicant's conduct is likely to confuse the public regarding the source of Applicant's products advertised, promoted, and/or sold under the POISON IVY PARK mark. *Id.* at RFA No. 32.<sup>14</sup>

These admissions establish registration of the POISON IVY PARK mark is likely to cause confusion as to the source of the goods and services offered under the mark, and cause consumers mistakenly to believe there is a connection between Applicant and Parkwood, and their respective marks. This is precisely the type of confusion 15 U.S.C. § 1052(d) is designed to prevent. Moreover, Applicant's admissions conclusively establish that the two primary *DuPont* factors—the similarities of the marks and the similarities of the goods and services to be sold under those marks—weigh in Parkwood's favor. *See In re Iolo Techs., LLC*, 95 U.S.P.Q.2d at 1499. As such, it is undisputed that registration of Applicant's mark would create a high likelihood of confusion.

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<sup>13</sup> Applicant concedes it has no facts to support its contention that the two marks are (1) different, (2) different in appearance, (3) different in spelling, and (4) create different commercial impressions. Washington Decl., Ex. R at RFA Nos. 36-39, Ex. T at Response to RFP Nos. 35-38 & Response to Interrogatory Nos. 12-15.

<sup>14</sup> It is undisputed that Applicant has no facts upon which it could base its contention that the POISON IVY PARK mark is “not likely to cause confusion, mistake or deception to purchasers as to the source of [Parkwood's] goods or services.” *Id.* at RFA No. 40.

Nonetheless, for completeness, Parkwood provides the following additional undisputed evidence demonstrating a likelihood of confusion between the marks.

**a. Factor 1: Applicant’s Mark is Confusingly Similar to Parkwood’s Mark.**

Applicant’s proposed mark, “POISON IVY PARK,” completely incorporates Parkwood’s mark, “IVY PARK,” thereby creating a mark that is similar in appearance, sound, connotation, and commercial impression. *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 U.S.P.Q. 419 (C.C.P.A. 1977) (“CALIFORNIA CONCEPT” confusingly similar to “CONCEPT”); *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 U.S.P.Q. 105 (C.C.P.A. 1975) (“BENGAL LANCER” confusingly similar to “BENGAL”); *La Maur, Inc. v. Matney*, 167 U.S.P.Q. (BNA) 559, 562 (T.T.A.B. 1970) (“ITALIAN STYLE” confusingly similar to “STYLE”). This factor favors finding a likelihood of confusion.

**b. Factor 2: The Goods and Services Described in the Application are Identical to Those Described in Parkwood’s Registration.**

In determining the similarity of the goods, “the more similar the marks at issue, the less similar the goods or services need to be for the Board to find a likelihood of confusion.” *In re Iolo Techs., LLC*, 95 U.S.P.Q.2d at 1500. Because the marks at issue are substantially identical, “it is only necessary that there be a viable relationship between the goods or services to support a holding of likelihood of confusion.” *In re Concordia Int’l Forwarding Corp.*, 222 U.S.P.Q. 355, 356 (T.T.A.B. 1983); *In re Shell Oil Co.*, 26 U.S.P.Q.2d at 1689 (“even when the goods or services are not competitive or intrinsically related, the use of identical marks can lead to the assumption that there is a common source”).

Parkwood’s registration for IVY PARK includes, among other things, use with clothing, bags, jewelry, cosmetics, and online retail services. *See* Washington Decl., Ex. E. The POISON IVY PARK Application covers online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, throw pillows, mugs, tote bags. *Id.*, Ex. J. The overlap between the goods identified in the Application and Parkwood’s registration establish that the

goods and services are closely related, if not identical. *Id.*, Ex. R at RFA Nos. 24-27, 34-40. This factor also supports finding a likelihood of confusion.

**c. Factors 3 & 4: Applicant's and Parkwood's Trade Channels and Purchasers are Identical.**

Because neither the Applicant's nor Parkwood's registration provide for any trade channel or purchaser limitations, it is presumed that both parties' goods are, or would be, sold through all normal trade channels and to all normal classes of purchasers for such goods. *WNBA Enters., LLC*, 85 U.S.P.Q.2d at 1193; *Barbaras Bakery, Inc. v. Barbara Landesman*, 82 U.S.P.Q.2d (BNA) 1283, 2007 WL 196406, at \*4 (T.T.A.B. 2007); *see* Washington Decl., Exs. E, J, R at RFA No. 19. Moreover, because (as established above) the goods identified in the Application and Parkwood's registration are virtually identical, "they must be presumed to travel in the same channels of trade, and be sold to the same class of purchasers." *In re Smith and Mehaffey*, 31 U.S.P.Q.2d 1531, 1531 (T.T.A.B. 1994); *see also Maher*, 100 U.S.P.Q.2d at 1020 (clothing is presumed "sold in the same channels of trade and to the same classes of consumers"). Further, when clothes are the products at issue, "[i]t has often been stated that purchasers of such products are held to a lesser standard of purchasing care and, thus, are more likely to be confused as to the source of the goods." *The Wet Seal, Inc. v. FD Mgmt., Inc.*, 82 U.S.P.Q.2d 1629, 1639 (T.T.A.B. 2007); *WNBA Enters., LLC*, 85 U.S.P.Q.2d at 1195 (finding it unlikely clothing and bags would be "purchased with the exercise of a great deal of care"). Factors 3 and 4 thus also support finding a likelihood of confusion.

**d. Factor 5: Parkwood's Mark is Famous.**

The fame of opposer's mark, "when present, plays a 'dominant' role in the process of balancing the *DuPont* factors," as famous marks "enjoy a wide latitude of legal protection." *Recot Inc. v. Becton*, 214 F.3d 1322, 1327, 54 U.S.P.Q.2d 1894, 1899 (Fed. Cir. 2000). "As a mark's fame increases, the [Lanham] Act's tolerance for similarities in competing marks falls." *Kenner Parker Toys Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353, 22 U.S.P.Q.2d 1453 (Fed. Cir. 1992). Fame exists "as long as a significant portion of the relevant consuming public . . . recognizes the mark as a source indicator." *Palm*



*Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1375, 73 U.S.P.Q.2d 1689 (Fed. Cir. 2005).

It is undisputed that the IVY PARK mark is famous. Washington Decl., Ex. R at RFA No. 13; *see Maher*, 100 U.S.P.Q.2d at 1020 (finding applicant's admission that opposer's mark is famous sufficient to establish likelihood of confusion); *Lacoste Alligator S.A. v. Maxoly, Inc.*, 91 U.S.P.Q.2d 1594, 1597 (T.T.A.B. 2009) ("In view of applicant's admission that opposer's . . . mark is famous, we find that opposer's mark is famous for purposes of likelihood of confusion"); *Nike, Inc. v. Capital E Fin. Co., LLC*, Opposition No. 91221511, 2016 WL 3771778, at \*5 (T.T.A.B. June 24, 2016) ("Given Applicant's admission in its answer that Opposer's mark JUST DO IT is famous under the more stringent standard required for dilution, we deem such admissions as a concession that Opposer's mark is also famous for likelihood of confusion purposes for the goods identified in the involved registrations.").

Additional evidence further demonstrates that the IVY PARK mark is famous. It is undisputed that the IVY PARK mark is well known by its consumers, the general public, and in the relevant industries. Washington Decl., Ex. R at RFA Nos. 6-8. It is further undisputed that the IVY PARK mark (1) is recognized and relied upon as identifying Parkwood's high-quality goods and as distinguishing them from the goods of others; (2) has come to represent and symbolize extremely valuable goodwill belonging exclusively to Parkwood; and (3) is recognized as being associated with Mrs. Carter. *Id.* at RFA Nos. 9-12. Given Mrs. Carter's worldwide fame, the importance of her ownership and endorsement of the IVY PARK brand cannot be overstated. She has won 22 Grammy Awards; performed at multiple Super Bowl halftime shows; been featured on the cover of thousands of magazines; appeared numerous times on *Time*'s "100 Most Influential People" list; and was named by *Forbes* as the most powerful female in entertainment. Vargas Decl. ¶ 2. The IVY PARK brand has benefitted significantly from the exposure gained through Mrs. Carter's own fame and profile: (1) Mrs. Carter frequently wears clothing bearing the IVY PARK mark during public appearances; (2) Mrs. Carter and her music are prominently featured in its marketing; and (3) Mrs. Carter promotes the IVY PARK mark through her personal social media accounts, where she has over 180 million followers across Instagram, Facebook, and Twitter. *Id.* ¶

3. As a result, the IVY PARK mark has been featured in hundreds of news articles from various high profile publications, such as *Vogue*, *Elle*, *Rolling Stone*, *US Weekly*, *Billboard*, *W Magazine*, *Huffington Post* and *Forbes*. *Id.* ¶ 4, Ex. A. The fame of the mark is further reinforced by the widespread sales, advertising, and promotion of the goods offered under the IVY PARK mark. *Id.* ¶¶ 5-11; *Bose Corp. v. QSC Audio Prods., Inc.*, 293 F.3d 1367, 1371 (Fed. Cir. 2002) (“[F]ame of a mark may be measured . . . by the volume of sales and advertising expenditures of the goods traveling under the mark”). IVY PARK’s fame thus also weighs in favor of finding a likelihood of confusion.

**e. Factor 10: Applicant’s Use Has Not Been Authorized By Parkwood.**

This factor weighs in Parkwood’s favor, as it is undisputed that Parkwood has never authorized—or even communicated with—Applicant regarding the IVY PARK mark. *Margaritaville Enters., LLC*, 2017 WL 1345072 at \*14; Parkwood Decl. ¶¶ 8-9; Washington Decl., Ex. R at RFA Nos. 14-15, 33, Ex. T at Response to RFP No. 28.

**f. Factor 12: There is Significant Potential for Confusion.**

Potential confusion is great when inexpensive products, such as moderately priced clothes, are at issue, as “[t]hese are the type of goods that would be marketed to and purchased by significant numbers of purchasers exercising only ordinary care.” *In re Davey Prods. Pty Ltd.*, 92 U.S.P.Q.2d 1198, 1204 (T.T.A.B. 2009); *see* Parkwood Decl. ¶¶ 3-4. Here, both Applicant and Parkwood are selling clothes—inexpensive goods—and thus there is a significant potential for confusion. *See* Parkwood Decl. ¶¶ 3-4.

**g. Factor 13: Applicant’s Bad Faith Favors a Finding of Consumer Confusion.**

“Under the thirteenth *du Pont* factor, evidence of applicant’s bad faith adoption of his mark is relevant to our likelihood of confusion analysis.” *L’Oreal S.A. v. Marcon*, Opposition No. 91184456 (T.T.A.B. March 20, 2012) (citing *L.C. Licensing, Inc. v. Berman*, 86 U.S.P.Q.2d (BNA) 1883, 1890 (T.T.A.B. 2008)). Bad faith is present when the applicant intentionally selects a mark to trade off the goodwill associated with that mark. *See* 4 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 23:113 (5th ed.).

The undisputed evidence overwhelmingly establishes that Applicant—the self-dubbed “Banksy of trademarks”—filed this Application in bad faith. First, Applicant’s CEO has made several statements strongly suggesting—if not patently admitting—a bad faith filing. He admits that his trademark applications are “a bit of an ‘FU’ to major corporations, the 1% and celebrities.” Washington Decl., Ex. R at RFA No. 47. He has also welcomes the attention he has derived from celebrities like Mrs. Carter opposing his applications, as it is “great marketing for [his] fledgling T-shirt business.” *Id.* at RFA No. 46.

Second, Applicant has filed at least 69 intent-to-use applications, many of which are for marks that are identical or nearly identical to well-known marks owned by celebrities and entertainment studios. *Id.* at RFA Nos. 49-52. Such pattern is indicative of bad faith. *L’Oreal*, Opposition No. 91184456 (“Applicant’s demonstrated pattern of filing applications to register various well-known marks convinces us that applicant’s adoption of the L’OREAL PARIS mark was in bad faith, with the intention to trade off of opposer’s famous L’OREAL and L’OREAL PARIS marks.”).

Third, Applicant inexplicably taunts Parkwood in its responses to the Discovery Requests. Notably, Applicant admits to other acts of infringement, like registering the username “@WeAreIvyPark” on Periscope. Washington Decl., Ex. T at Response to RFP No. 6. Applicant also boasts about having “punk’d the USPTO” by filing another trademark which it *intended* to infringe upon Mrs. Carter’s and lululemon’s trademark rights. *Id.* at Response to Interrogatory No. 7. Most recently, in response to an innocuous email regarding a change of correspondence, Lin responded, “Seems like Beyoncé should have put a ring on it for her legal team” and provided a link to Mrs. Carter’s music video. *Id.*, Ex. U. Lin then reiterated his earlier taunts regarding the IUIUIEMONCÉ mark by writing “LULULEMONCÉ ® to me” and posting a link to the registration. *Id.* In his final line, Lin warned that “I’m coming close to settling with Kobe. *I’ve got a lot of free time on my hands to do subversive stuff.*” *Id.* (emphasis added). Such behavior is clear evidence of bad faith.

Finally, Applicant has also admitted that falsely implying an association or connection with Mrs. Carter was its intention when applying for the mark. *Id.*, Ex. R at RFA No. 31. Accordingly, Applicant’s intentional bad faith conduct weighs in favor of finding a likelihood of confusion.

Based on the foregoing undisputed evidence, Parkwood is entitled to a finding of likelihood of confusion as a matter of law. Applicant’s attempt to register POISON IVY PARK should be denied.

**C. The POISON IVY PARK Mark Will Dilute the IVY PARK Mark.**

The POISON IVY PARK mark so closely resembles Parkwood’s IVY PARK mark as to cause dilution by blurring and tarnishment. To prevail on a dilution claim, an opposer must show that: (1) it owns a famous mark that is distinctive; (2) the applicant is using a mark in commerce that dilutes the opposer’s famous mark; (3) the applicant’s use of its mark began after the opposer’s mark became famous; and (4) the applicant’s use of its mark is likely to cause dilution by blurring or tarnishment. 15 U.S.C. § 1125(c); *Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1372, 101 U.S.P.Q.2d 1713 (Fed. Cir. 2012). Registration should thus be denied, as Applicant’s mark would both blur and tarnish the IVY PARK brand.

**1. The IVY PARK Mark is Famous and Distinctive.**

A mark is famous if it “is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark’s owner.” 15 U.S.C. § 1125(c)(2)(A). It is undisputed—as Applicant *admits*—that the IVY PARK mark “has become famous within the meaning of Section 43(c) of the Lanham Act, as amended 15 U.S.C. § 1125(c),” that it is “distinctive,” and that it was famous “prior to April 14, 2016.” Washington Decl., Ex. R at RFA Nos. 13, 34. These admissions alone are sufficient to establish that the mark is distinctive and famous under the more stringent dilution standard. *See N.Y. Yankees P’ship v. IET Prods. and Servs., Inc.*, 114 U.S.P.Q.2d 1497, 1500-01 (T.T.A.B. 2015) (admission that opposer’s mark was famous and distinctive sufficient for dilution purposes); *Capital E Fin. Co., LLC*, 2016 WL 3771778, at \*5 (admission sufficient to establish opposer’s “mark is famous for dilution purposes”); *Maher*, 100 U.S.P.Q.2d at 1023 (“Even under the ‘higher and more rigorous standard for dilution fame . . . applicants have admitted the fame of opposer’s mark.’”).

In addition to Applicant’s conclusive judicial admissions, further evidence demonstrates the mark’s fame. It is undisputed that the IVY PARK mark (1) has established a significant social media presence across multiple platforms including Facebook, Instagram, and Twitter; (2) has been advertised extensively—by itself and third parties—across various platforms including print media, television, and social media; and (3) has been the subject of significant unsolicited media attention. *See Chanel, Inc. v. Makarczyk*, 110 U.S.P.Q.2d 2013, 2020-23 (T.T.A.B. 2014) (finding opposer’s history of advertising on multiple platforms and its high unsolicited media attention demonstrate the mark enjoy widespread recognition among the public); Vargas Decl. ¶¶ 4-11, Exs. A, B; Parkwood Decl. ¶¶ 6-7.

Finally, it is undisputed that the IVY PARK mark is associated with Mrs. Carter, whose association with the mark contributes significantly to its fame. Washington Decl., Ex. R at RFA No. 12; Parkwood Decl. ¶¶ 6-7; *see also Chanel, Inc.*, 110 U.S.P.Q.2d at 2021 (association with “prominent celebrities and fashion icons *such as Beyoncé*, Penelope Cruz, and Sarah Jessica Parker” also weighs in favor of finding that a mark is famous) (emphasis added). The IVY PARK brand has benefitted significantly from the exposure gained through Mrs. Carter’s own fame and profile. *See supra* at Section II.B.1.d. IVY PARK is unquestionably famous and distinctive.

**2. Applicant is Using POISON IVY PARK in Commerce.**

Applicant’s intent-to-use Application satisfies the use-in-commerce requirement. *Chanel, Inc.*, 110 U.S.P.Q.2d at 2024.

**3. Applicant Began Using the POISON IVY PARK Mark After the IVY PARK Mark Became Famous.**

It is undisputed—as Applicant *admits*—that the IVY PARK mark was famous prior to April 14, 2016—the date that Applicant applied for the POISON IVY PARK mark. *See* Washington Decl., Ex. J, Ex. R at RFA No. 13; *Capital E Fin. Co., LLC*, 2016 WL 3771778 at \*5 (admission sufficient to establish that opposer’s “mark is famous for dilution purposes and that it became famous prior to the filing date of Applicant’s application”); *N.Y. Yankees P’ship*, 114 U.S.P.Q.2d at 1501 (same).

Moreover, additional evidence demonstrates the IVY PARK mark was famous before the POISON IVY PARK Application was filed. On March 31, 2016, Mrs. Carter announced that she would appear on two separate covers of *Elle* magazine to promote her new IVY PARK brand along with an in-depth interview describing her objectives for the brand. Vargas Decl., Ex. E. That same day, Mrs. Carter also released a promotional video, titled “Where Is Your Park” providing viewers a glimpse of her clothing line and a narration explaining the origin and significance of the brand and its name. *Id.* Soon after—and prior to its April 14, 2016 launch— IVY PARK was labeled “the most popular fashion brand on Instagram,” with engagement “seven times higher” than the other leading fashion brands like Brandy Melville, Rolex, and Victoria’s Secret.<sup>15</sup> Vargas Decl., Ex. B.

4. **Applicant’s Use of the POISON IVY PARK Mark Dilutes the IVY PARK Mark Through Blurring.**

A mark dilutes a famous mark through blurring when it creates an “association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark.” 15 U.S.C. § 1125(c)(2)(C). Courts consider six non-exclusive factors to determine dilution by blurring: (i) the degree of similarity between the mark or trade name and the famous mark; (ii) the degree of inherent or acquired distinctiveness of the famous mark; (iii) the extent to which the owner of the famous mark is engaging in substantial exclusive use of the mark; (iv) whether the user of the mark or trade name intended to create an association with the famous mark; and (v) any actual association between the mark or trade name and the famous mark. 15 U.S.C. § 1125(c)(2)(B)(i)-(vi). These factors plainly establish that the POISON IVY PARK mark dilutes the IVY PARK mark by blurring as a matter of law.

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<sup>15</sup> Internet materials may be admitted into evidence. 37 CFR § 2.122(e)(2); *see also* TBMP § 704.08(b); *Alcatraz Media Inc. v. Chesapeake Marine Tours Inc.*, 107 U.S.P.Q.2d 1750, 1758 (T.T.A.B. 2013) (finding internet printouts “are competent evidence”).

**Similarity.** Applicant concedes the IVY PARK mark and the POISON IVY PARK marks are identical in all material respects. *See supra* at Section II.B.1. This factor strongly favors finding dilution. *See Chanel, Inc.*, 110 U.S.P.Q.2d at 2026.

**Distinctiveness.** “The more inherently distinctive and memorable the mark, the more it is likely to be blurred by the use of other identical or similar marks.” *Id.* It is undisputed that the IVY PARK mark is distinctive and arbitrary. Washington Decl., Ex. R at RFA No. 34. Moreover, the fame of the mark also demonstrates its distinctiveness. *Chanel, Inc.*, 110 U.S.P.Q.2d at 2026 (opposer’s “extensive evidence” of fame of its mark “more than sufficiently establishes that opposer’s CHANEL mark has acquired a high degree of distinctiveness”); *see supra* at Section II.B.1.d. The distinctiveness and uniqueness of the IVY PARK mark entitle it to the highest level of protection. *See id.*

**Exclusive Use.** It is undisputed that Parkwood has maintained exclusive use of the IVY PARK mark since April 14, 2016, and has not permitted any third parties to use the mark. *Id.*; Parkwood Decl. ¶ 2; Washington Decl., Ex. R at RFA No. 3.

**Recognition.** Courts consider the degree of recognition of a mark to determine the extent of a mark’s protection—“the more famous the mark, the more likely there will be an association between the famous mark and the defendant’s mark.” *Citigroup, Inc. v. Capital City Bank Grp., Inc.*, 94 U.S.P.Q.2d 1645, 1671 (T.T.A.B. 2010). It is undisputed that the mark is famous. *See* Washington Decl., Ex. R at RFA No. 13. The goods and services associated with the IVY PARK mark have received massive media attention. *See supra* at Section II.B.1.d. Mrs. Carter’s endorsement of the brand has also exponentially increased its prominence. Parkwood Decl. ¶ 7. This factor also weighs in favor of finding dilution.

**Intentional Association.** Where “the allegedly diluting mark was created with an intent to associate with the famous mark, this factor favors a finding of a likelihood of dilution.” *Starbucks Corp. v. Wolfe’s Borough Coffee, Inc.*, 588 F.3d 97, 109, 92 U.S.P.Q.2d 1769 (2d Cir. 2009). It is undisputed that Applicant intended to falsely imply an association or connection between Parkwood’s IVY PARK mark and its POISON IVY PARK mark. Washington Decl., Exs. J, R at RFA No. 31. It is also

undisputed that Applicant’s CEO relies on trademark disputes—like this opposition—as “great marketing for [his] fledgling T-shirt business.” *Id.*, Ex. R at RFA No. 45. This factor favors finding dilution.<sup>16</sup>

Based on the foregoing undisputed evidence, Parkwood is entitled to a finding of likelihood of dilution by blurring as a matter of law.

5. **Applicant’s Use of the POISON IVY PARK Mark Dilutes Parkwood’s Famous Mark by Tarnishment.**

Applicant’s mark also dilutes Parkwood’s mark by tarnishment—“an association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.” 15 U.S.C. § 1125(c)(2)(C); *see also* 4 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 24:89 (5th ed.) (citing RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 25, comment g (AM. LAW. INST. 1995)).

Appropriating Parkwood’s mark wholesale and placing the word “poison” in front of it damages the positive feelings associated with the mark.<sup>17</sup> *See Toys “R” Us, Inc. v. Akkaoui*, No. C 96-3381 CW, 1996 WL 772709, at \*3 (N.D. Cal., Oct. 29, 1996) (“‘Adults R Us’ tarnishes the ‘R Us’ family of marks by associating them with a line of sexual products that are inconsistent with the image Toys ‘R’ Us has striven to maintain for itself.”). Associating harmful substances with a mark undoubtedly damages its reputation. *See Coca-Cola Co. v. Gemini Rising, Inc.*, 346 F. Supp. 1183, 1189 (E.D.N.Y. 1972) (“To associate such a noxious substance as cocaine with plaintiff’s wholesome beverage as symbolized by its “Coca-Cola” trademark and format would clearly have a tendency to impugn that product and injure plaintiff’s business reputation.”). Attaching a word meaning the impairment of health to a mark used for

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<sup>16</sup> Applicant has not yet sold any products under the POISON IVY PARK mark nor has it advertised any products under the mark to the public; therefore, the sixth factor is deemed neutral. *See Chanel, Inc.*, 110 U.S.P.Q.2d at 1028; Washington Decl., Ex. R at RFA Nos. 18, 20, Ex. T at Response to Interrogatory No. 4.

<sup>17</sup> The board may take judicial notice of dictionary definitions. *Syngenta Crop Protection, Inc. v. Bio-Chek LLC*, 90 U.S.P.Q.2d 1112, 1115 (T.T.A.B. 2009). Poison is defined as “a substance with an inherent property that tends to destroy life or impair health.” *See* Opposer’s Request for Judicial Notice, Ex. A.



athletic wear is clear tarnishment. Moreover, it is undisputed that Applicant has no facts to support its contention that its mark is not likely to disparage Parkwood's mark and thus diminish the mark's reputation and commercial value. Washington Decl., Ex. R at RFA No. 41. In light of these undisputed facts, this Board should find that registration of the POISON IVY PARK mark would likely tarnish the IVY PARK mark.

### **III. CONCLUSION.**

For the foregoing reasons, Parkwood respectfully requests the Board grant its motion for default judgment or, in the alternative, for summary judgment.

Dated: April 5, 2018

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**OPPOSER’S REQUEST FOR JUDICIAL NOTICE**

Pursuant to 37 C.F.R. §2.122, TBMP 704.12, and Fed. R. Evid. 201, Opposer Parkwood Topshop Athletic Limited (“Parkwood”) hereby makes of record and requests the Board to take judicial notice of the attached dictionary definition of the word “poison” from dictionary.com.

Good cause exists for the Board to grant this Request for Judicial Notice. Fed. R. Ev. 201 (b) provides that “a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”

The definition Parkwood seeks to introduce is a proper subject for judicial notice. TBMP § 1208.04 (“The Board may take judicial notice of dictionary definitions”); *In re White Jasmine LLC*, 106 U.S.P.Q.2d 1392 n.23 (T.T.A.B. 2013) (Board may take judicial notice of online dictionaries that exist in printed format or have regular fixed editions); *Syngenta Crop Protection, Inc. v. Bio-Chek LLC*, 90 U.S.P.Q.2d 1112, 1117 (T.T.A.B. 2009). Here, the Board has been provided with a copy of the dictionary definition from the webpage dictionary.com. The webpage identifies its source and the date and time of capture.

Pursuant to Fed. R. Ev. Rule 201, the Board should take judicial notice of the

dictionary definition attached as **Exhibit A**.

Dated: April 5, 2018

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# **EXHIBIT A**



definitions

# poison

[**poi-zuh** n]

Spell

Syllables

[Synonyms](#)   [Examples](#)   [Word Origin](#)

[See more synonyms on Thesaurus.com](#)

## noun

1. a substance with an inherent property that tends to destroy life or impair health.
2. something harmful or pernicious, as to happiness or well-being:  
*the poison of slander.*
3. *Slang.* any variety of alcoholic liquor:  
*Name your poison!*

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

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47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**APPENDIX OF NON-PRECEDENTIAL CASES**

1. *Amazon.com, Inc. v. Von Eric Lerner Kalaydjian*, Opp. No. 91122000, 2005 WL 3611776 (T.T.A.B. December 22, 2005)
2. *Sukljian v. Ate My Heart, Inc.*, Opp. No. 91205046, 2015 WL 496140 (T.T.A.B. January 20, 2015)
3. *Click and Park, LLC*, Cancellation No. 92049573, 2009 WL 4086594 (T.T.A.B. September 24, 2009)
4. *Golfino AG v. Gady Desler*, Opp. No. 91183317, 2010 WL 2946839 (T.T.A.B. July 12, 2010)
5. *Lacoste Alligator S.A., v. Maxoly, Inc.*, Opp. No. 91177866, 91 U.S.P.Q. 2d 1594 (T.T.A.B. April 27, 2009)
6. *Margaritaville Enterprises, LLC v. Rachel A. Bevis DBA Rachel A. Bevis*, Opp. Nos. 91239403 and 91221395, 2017 WL 1345072 (T.T.A.B. March 16, 2017)
7. *Nike, Inc. v. Capital E Finance Co., LLC*, Opp No. 91221511, 2016 WL 3771778 (T.T.A.B. June 24, 2016)
8. *Smith Mountain Lake Marine Volunteer Fire/Rescue Department, Inc. v. Sea Tow Services International, Inc.*, Cancellation No. 92059856, 2017 WL 4386987,

(T.T.A.B. September 29, 2017).

9. *Virgin Enterprises Limited v. Urban Ingenuity International Records Corp. DBA Virgin Tought Productions Entertainment*, Opp. No. 111633, 2001 WL 777064,  
(T.T.A.B July 11, 2001)

Dated: April 5, 2018

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# Exhibit 1



2005 WL 3611776 (Trademark Tr. & App. Bd.)

THIS DISPOSITION IS NOT CITABLE AS PRECEDENT OF THE T.T.A.B.

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

AMAZON.COM, INC.

v.

VON ERIC LERNER KALAYDJIAN

Opposition No. 91122000

December 22, 2005

\*1 Before [Bucher](#), [Drost](#) and [Zervas](#)  
Administrative Trademark Judges

**By the Board:**

On March 8, 2000, applicant (proceeding pro se) applied to register the mark COSMETICSAMAZON for “retail store and on-line ordering services featuring skin tanning preparations, namely, lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning preparations, namely, facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfume” in International Class 35, alleging a bona fide intent to use the mark in commerce.<sup>1</sup> On February 3, 2001, opposer filed a notice of opposition against applicant's application on the grounds that applicant's applied-for mark (1) so resembles opposer's previously used and registered marks that they are likely to cause confusion, mistake, or deceive prospective consumers under Section 2(d) of the Lanham Act; and (2) dilutes the distinctive quality of opposer's marks under Section 43(c) of the Lanham Act as amended. In the notice of opposition, opposer pleaded ownership of the following registered marks: AMAZON.COM for “computerized on line ordering service featuring the wholesale and retail distribution of books” in International Class 35;<sup>2</sup>

AMAZON.COM for “computerized on line search and ordering service featuring the wholesale and retail distribution of books, music, motion pictures, multimedia products and computer software in the form of printed books, audiocassettes, videocassettes, compact disks, floppy disks, CD ROMs, and direct digital transmission” in International Class 35;<sup>3</sup> and

AMAZON.COM BOOKS for “computerized on line ordering service featuring the wholesale and retail distribution of books” in International Class 42.<sup>4</sup>

Opposer did not plead ownership of any other registrations,<sup>5</sup> prior trademark use or prior use analogous to trademark use in the notice of opposition.

This case now comes up for consideration of opposer's (1) motion for summary judgment on opposer's claims of likelihood of confusion and dilution; and (2) motion for sanctions. The motion for summary judgment is contested.

The Board has carefully reviewed the parties' respective arguments and accompanying exhibits, although the Board has not repeated the parties' complete arguments in this order.

## I. Opposer's Motion for Summary Judgment

First, the Board will consider opposer's motion for summary judgment. Summary judgment is an appropriate method of disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. *See Fed. R. Civ. P. 56(c)*. A party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact, and that it is entitled to summary judgment as a matter of law. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548 (1986). In a motion for summary judgment, the evidentiary record and all reasonable inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. *See Lloyd's Food Products Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993).

### A. Opposer's Motion for Summary Judgment on Opposer's Claim of Likelihood of Confusion

\*2 In order to prevail on a claim of likelihood of confusion on summary judgment, opposer must prove the absence of a genuine issue of material fact (1) that applicant's mark, as applied to its goods or services, so resembles opposer's trademark or trade name as to be likely to cause confusion, mistake, or deception; and (2) priority of use. *See Fed. R. Civ. P. 56(c)*; *see also, King Candy Co., Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

In moving for summary judgment on this claim, opposer states that on January 24, 2000, prior to the filing date of applicant's application, opposer announced a business alliance with another Internet retail provider in the field of health, beauty and personal products. Opposer, did not rely on the three registrations pleaded in its notice of opposition, but rather relies on the following three registrations which were not pleaded, as a basis for refusing registration under Section 2(d):

Registration No. 2837138 for AMAZON.COM for automated and computerized trading of goods and online mail ordering services featuring, among other things "soaps, perfumery, cosmetics" and "cosmetic utensils;" filed April 27, 2000; registered April 27, 2004; and alleging November 14, 2000 as the date of first use anywhere and in commerce;

Registration No. 2832943 for AMAZON for electronic retailing services via computer and an online searchable database featuring among other things "soaps, perfumery, cosmetics" and "cosmetic utensils;" filed April 21, 2000; registered April 13, 2004; alleging October 31, 2001 as the date of first use anywhere and in commerce; and

Registration No. 2649373 for AMAZON.COM OUTLET for electronic retailing services via computer and an online searchable database featuring among other things "soaps, perfumery, cosmetics" and "cosmetic utensils;" filed March 22, 2000, registered November 12, 2002; alleging March 15, 2000 as the date of first use anywhere and in commerce.

As a threshold matter, it is well established that a party may not obtain summary judgment on an unpleaded issue. *See Fed. R. Civ. P. 56(a)* and *56(b)*; *S. Industries, Inc. v. Lamb-Weston, Inc.*, 45 USPQ2d 1293 (TTAB 1997). However, opposer's notice of opposition does not assert Registration Nos. 2837138, 2832943 and 2649373<sup>6</sup> and is devoid of any allegations regarding priority of use with respect to the marks and services contained in these registrations. The notice of opposition is also silent regarding the business alliance with the other Internet retailer mentioned above. Opposer is therefore precluded from relying on Registration Nos. 2837138, 2832943 and 2649373 and on common law usage as evidence of prior use. Prior to filing the instant summary judgment motion, opposer should have moved to amend its pleading in order to properly rely on these registrations. *See e.g. Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 USPQ2d 1503 (TTAB 1993).

\*3 Insofar as opposer has sought summary judgment on unpleaded grounds, opposer's motion for summary judgment on the claim of likelihood of confusion is denied.

### B. Opposer's Motion for Summary Judgment on Dilution

Turning next to opposer's claim of dilution under Section 43(c) of the Lanham Act as amended, Section 43(c)(1) of the Trademark Act, 15 U.S.C. § 1145, provides that “[t]he owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection.” This ground is made available for opposition proceedings by Section 13(a) of the Act. Pursuant to the Act and the case law, the Board must consider when opposer's mark purportedly became famous in determining whether applicant's mark dilutes opposer's pleaded mark(s). See *Toro Co. v. Torohead Inc.*, 61 USPQ2d 1164 (TTAB 2001). Where an intent-to-use application is the subject of an opposition, the opposer must establish that its mark became famous prior to the filing date of the application. See *Id.* In addition, in determining whether a mark has attained the requisite fame and distinctiveness to meet the standard for dilution, the following factors are considered:

- (A) the degree of inherent or acquired distinctiveness of the mark;
- (B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;
- (C) the duration and extent of advertising and publicity of the mark;
- (D) the geographical extent of the trading area in which the mark is used;
- (E) the channels of trade for the goods or services with which the mark is used;
- (F) the degree of recognition of the mark in the trading areas and channels of trade used by the mark's owner and the person against whom the injunction is sought;
- (G) the nature and extent of use of the same or similar marks by third parties; and
- (H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register. See *Id.*

After reviewing the record, we find that opposer has failed to introduce sufficient evidence of fame of its mark prior to applicant's filing date. As such, a genuine issue of material fact exists as to the fame of opposer's mark, and opposer's motion for summary judgment on its claim of dilution is denied as well.<sup>7</sup>

## II. Opposer's Motion for Sanctions

On April 12, 2005, the Board ordered applicant to serve a response to opposer's Interrogatory No. 1 in opposer's first set of interrogatories. According to opposer, applicant has failed to respond. As a sanction for applicant's failure to meet his discovery obligations, opposer has requested that the Board preclude applicant from introducing any evidence at trial responsive to opposer's Interrogatory No. 1.

\*4 The Board is not in receipt of any brief in opposition to opposer's motion for sanctions. Applicant therefore has conceded opposer's motion pursuant to [Trademark Rule 2.127\(a\)](#).

Opposer's motion is also well taken. [Trademark Rule 2.120\(g\)](#) provides the Board with the discretion to impose sanctions against a party failing to comply with a Board order compelling discovery. The Board may entertain various forms of sanctions, including the preclusion of evidence at trial. See TBMP § 527.01(a) (2d ed. rev. 2004) and cases cited therein; *c.f.* [Fed. R. Civ. P. 37\(c\)\(1\)](#).

Insofar as applicant failed to comply with the Board's April 12, 2005 order, and conceded opposer's motion for sanctions, opposer's motion for sanctions is granted. Applicant is hereby precluded from introducing any evidence at trial responsive to opposer's Interrogatory No. 1 in opposer's first set of interrogatories. The interrogatory reads as follows:

To the extent YOUR response to any of the Requests for Admission set forth in the accompanying Opposer's First Set of Requests for Admission to Applicant is anything other than an unqualified admission, please (i) state all facts upon which YOUR refusal to admit is based; (ii) IDENTIFY all PERSONS with knowledge of such facts; (iii) IDENTIFY all DOCUMENTS that support YOUR refusal to admit.

Applicant is therefore precluded at trial from introducing the testimony of persons with knowledge of, as well as all documents relating to, applicant's denials (or qualified admissions) of opposer's first set of requests for admission.

The imposition of the aforementioned sanction does not, however, mean that applicant is effectively barred from defending against opposer's claims in this case. Indeed, applicant may rest on his application in putting forth his defense. As such, any motion for summary judgment filed by opposer on the basis of this sanction would be denied by the Board.

### III. Trial Dates Reset

Proceedings herein are resumed and trial dates, including the period for discovery, are reset as follows:

<b>THE PERIOD FOR DISCOVERY TO CLOSE:</b>	<b>CLOSED</b>
30-day testimony period for party in position of plaintiff to close:	3/5/06
30-day testimony period for party in position of defendant to close:	5/4/06
15-day rebuttal testimony period for plaintiff to close:	6/18/06

\*5 In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. [Trademark Rule 2.125](#).

Briefs shall be filed in accordance with [Trademark Rules 2.128\(a\)](#) and [\(b\)](#).

An oral hearing will be set only upon request filed as provided by [Trademark Rule 2.129](#).

- 1 Application Serial No. 75938128.
- 2 Registration No. 2078496, registered on July 15, 1997, alleging April 15, 1995 as the date of first use anywhere and in commerce, Section 8 affidavit accepted and Section 15 affidavit acknowledged.
- 3 Registration No. 2167345, registered on June 23, 1998, alleging April 15, 1995 as the date of first use anywhere and in commerce, Section 8 affidavit accepted and Section 15 affidavit acknowledged.
- 4 Registration No. 2078494, registered on July 15, 1997, alleging April 15, 1995 as the date of first use anywhere and in commerce, Section 8 affidavit accepted and Section 15 affidavit acknowledged, with a disclaimer of BOOKS.

- 5 Opposer did, however, plead ownership of numerous applications.
- 6 The Board acknowledges that the underlying applications which these registrations are based upon did not mature into registration until after opposer filed its notice of opposition.
- 7 The parties should note that all evidence submitted in support of and in opposition to applicant's motion for summary judgment is of record only for consideration of that motion. Any such evidence to be considered at final hearing must be properly introduced in evidence during the appropriate trial periods. See *Levi Strauss & Co. v. Josephs Sportswear Inc.*, 28 USPQ2d 1464 (TTAB 1993); and *Pet Inc. v. Bassetti*, 219 USPQ 911 (TTAB 1983).

2005 WL 3611776 (Trademark Tr. & App. Bd.)

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# Exhibit 2

2015 WL 496140 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

CHRISTINA SUKLJIAN

v.

ATE MY HEART, INC.

ATE MY HEART, INC.

v.

CHRISTINA SUKLJIAN

Opposition No. 91205046; Cancellation No. 92055279

January 20, 2015

\*1 Before [Bucher](#), [Mermelstein](#) and Greenbaum  
Administrative Trademark Judges

**By the Board:**

Christina Sukljian, appearing *pro se*, opposes registration of Ate My Heart, Inc.'s (“AMH”) mark, HAUS OF GAGA in standard characters for cosmetics and other goods in Class 3<sup>1</sup> on the grounds of deceptiveness and false suggestion of a connection under Trademark Act § 2(a), dilution under Trademark Act § 43(c), and likelihood of confusion under Trademark Act § 2(d) with her pleaded Registration No. 2898544 for the mark GAGA PURE PLATINUM in typed form.<sup>2</sup> AMH filed a petition to cancel Ms. Sukljian's pleaded registration on the ground of abandonment. AMH also claims ownership, in the cancellation proceeding, of three registrations for the mark LADY GAGA in standard character form,<sup>3</sup> and three pending trademark applications, including the one at issue in the opposition proceeding.

On September 20, 2012, AMH filed a motion to compel for Ms. Sukljian's failure to serve her initial disclosures and failure to respond to AMH's discovery requests in the cancellation proceeding. As Ms. Sukljian did not respond to the motion, on November 6, 2012, the Board granted the motion as conceded. Thereafter, in the opposition, AMH served Ms. Sukljian with essentially the same discovery requests that it previously had served in the cancellation. Ms. Sukljian responded to the discovery in both proceedings by objecting to all but three requests with a claim of privilege, but she did not provide a description of the privilege claimed or a description of the nature of the documents or things which were not produced or disclosed. Proceedings were then consolidated by the Board's December 12, 2012, order.

On August 5, 2013, in response to AMH's motions to compel discovery responses in the opposition proceeding and for discovery sanctions in the cancellation proceeding, the Board ordered Ms. Sukljian to respond to AMH's discovery requests in both proceedings without objection as to the merits. Additionally, the Board warned Ms. Sukljian that failure to properly respond to AMH's discovery requests as ordered by the Board may result in sanctions, including the entry of judgment in the cancellation proceeding.

On September 26, 2013, AMH filed another motion for sanctions in the now-consolidated proceedings, alleging that Ms. Sukljian failed to comply with the Board's August 5, 2013 order because her responses to AMH's discovery requests contained numerous objections on the merits. AMH further sought sanctions on the basis that Ms. Sukljian failed to respond to AMH's notice of deposition. In its January 28, 2014 order, the Board, finding Ms. Sukljian failed to fully

comply with the Board's August 5, 2013 order regarding discovery, sanctioned Ms. Sukljian by precluding her "from using as evidence at trial any information or documents that would have been responsive to AMH's discovery requests, but were not produced prior to AMH's filing of the motion for discovery sanctions." Additionally, although the Board declined to also issue sanctions for Ms. Sukljian's failure to respond to AMH's deposition notice,<sup>4</sup> the Board, giving AMH additional time to notice and conduct a discovery deposition, warned Ms. Sukljian that "failure to appear for the noticed deposition may result in entry of judgment against her." On June 12, 2014, the Board granted AMH's motion to extend its time to take the deposition of Ms. Sukljian until June 30, 2014, in Albany, N.Y., where Ms. Sukljian resides, or wherever the parties may agree, and again reminded Ms. Sukljian that failure to appear for a noticed deposition may result in judgment against her.

\*2 Now before the Board is AMH's August 12, 2014 motion for sanctions in the form of default judgment in the consolidated proceedings based on Ms. Sukljian's failure to appear for her re-scheduled deposition. The motion has been fully briefed.

As alleged by AMH in its motion, supported by a declaration of its attorney, the timeline preceding the motion for sanctions is as follows:

- June 17, 2014 at approximately 3:30 pm -- AMH left a voicemail message with Ms. Sukljian's receptionist about scheduling her deposition -- no return call was received by AMH;
- June 17, 2014 at approximately 4:55 pm -- AMH called Ms. Sukljian again and left another voicemail message with her receptionist about scheduling her deposition -- no return call was received by AMH;
- June 17, 2014 -- after not receiving a return phone call, AMH served a deposition notice on Ms. Sukljian via FedEx to her address of record for 10:00 am on June 26, 2014, at the Albany Marriott in Albany, N.Y.;
- June 24, 2014<sup>5</sup> -- AMH received a letter from Ms. Sukljian dated June 20, 2014, indicating she was unavailable for the deposition on the scheduled date but would be available in August;
- June 24, 2014 at approximately 10:28 am -- AMH called Ms. Sukljian and left a message with her receptionist requesting she call him back by no later than 4:00 pm that day in view of the Board's June 30, 2014 deadline to hold the deposition -- no return call was received by AMH;
- June 24, 2014 at approximately 12:11 pm -- AMH sent an email to Ms. Sukljian at her address of record stating, in pertinent part:  
Had you deigned to either return our calls or send an email message, we would have had more flexibility in: scheduling a deposition ... and accommodating your request to be deposed on different dates.... Now it is two days before the noticed deposition.... Unless we hear from you by close of business today to discuss an alternative deposition date in July, and agree in writing to an extension of the Board's internal deadline, which must be approved by the Board, we will appear in Albany at the designated time and place to conduct your deposition. Your failure to appear may result in sanctions.... Considering the circumstances, the only way we will consider changing the scheduled deposition date of June 26 is if you return our phone call or respond to our email before 4:00 p.m. today. If we do not hear from you by then, we will expect your attendance on June 26. We will seek sanctions against you if you fail to appear.

No return call or email was received by AMH.

- June 25, 2014 -- AMH travels to Albany, N.Y. for the scheduled deposition; and



• June 26, 2014 -- AMH arrives at the Albany Marriott hotel at 8:40 am and a stenographer arrive at 9:15 am. At 10:04 am and later at 11:01 am, additionally supported by a notarized deposition transcript, AMH appears on record, noting that Ms. Sukljian did not arrive for the scheduled deposition.

\*3 In response to AMH's motion, Ms. Sukljian does not dispute<sup>6</sup> that AMH attempted to contact her on June 17 and 24, 2014, but instead argues, *inter alia*, that AMH “unilaterally scheduled its notice of deposition”; that she notified AMH of her unavailability for the scheduled deposition; and that she was unable to return AMH's calls from June 17, 2014 and June 24, 2014, because she was “unavailable and out of the office.”

As a matter of convenience and courtesy, parties should attempt to schedule depositions by agreement rather than unilaterally setting the deposition date. *See* TBMP § 404.01 (2014). Nonetheless, it is not unusual for a deposing party to notice a deposition and subsequently discuss alternative dates with the party deposed. *See id.* If taking a deposition on notice alone, the deposing party must give reasonable notice in writing to the adverse party. *See Fed. R. Civ. P. 30(b)(1)*. Whether notice is reasonable depends on the circumstances of each case. *See Gaudreau v. Am. Promotional Events, Inc.*, 82 USPQ2d 1692, 1696 (TTAB 2007); *Duke Univ. v. Haggard Clothing Co.*, 54 USPQ2d 1443, 1444 (TTAB 2000). It is the Board's practice to apply *Fed. R. Civ. P. 30(b)(1)*, together with *Trademark Rule 2.123(c)*, to determine the reasonableness of notice in the case of testimony and discovery depositions. *See Gaudreau*, 82 USPQ2d at 1696; *Duke Univ.*, 54 USPQ2d at 1444.

The record indicates that the Board's June 12, 2014 order gave AMH until June 30, 2014 to schedule, serve notice of and take the deposition of Ms. Sukljian. On June 17, 2014, five days after the Board's order issued, and with thirteen days left before the Board's deadline, AMH twice attempted to discuss with Ms. Sukljian the scheduling of her deposition, but Ms. Sukljian did not respond.<sup>7</sup> On that same day, AMH served (by FedEx) its written notice of deposition providing the exact day, time and location of the deposition. *See Fed. R. Civ. P. 30(b)(1)*.

Given that AMH had but eighteen days to schedule, serve notice and take the deposition of Ms. Sukljian, under the circumstances of this case, the Board finds that notice on June 17, 2014, for a June 26, 2014 deposition was reasonable. *See Sunrider Corp. v. Raats*, 83 USPQ2d 1648, 1653 (TTAB 2007) (six days reasonable notice for deposition). It is also clear from the record that although Ms. Sukljian indicated her unavailability for the scheduled deposition, Ms. Sukljian chose to do so by USPS Priority Mail rather than calling or emailing AMH, which left AMH with little time to reschedule. In addition, the record is clear that, AMH had not canceled the deposition and intended to conduct the deposition as planned in view of the Board's deadline, unless Ms. Sukljian contacted AMH on June 24, 2014, to discuss rescheduling the deposition and contacting the Board for prior approval. As noted above, Ms. Sukljian did not respond to this overture. Nor did Ms. Sukljian file a motion or contact the Board attorney assigned to this case to request a telephone conference. *See Gaudreau*, 82 USPQ2d at 1693 n.2; TBMP § 521. *Trademark Rule 2.120(i)(1)*; TBMP §§ 502.06 and 521 (“When time is of the essence, the moving party should telephone the Board attorney to whom the case is assigned and ask that the motion be resolved by telephone conference call.”); *see also Spier Wines (PTY) Ltd. v. Shepherd*, 105 USPQ2d 1239, 1240 (TTAB 2012). Instead, notwithstanding the Board's repeated warnings that failure to appear for a properly scheduled deposition could result in judgment against her, Ms. Sukljian neither appeared for the scheduled deposition nor took any other action to resolve the matter. Having heard nothing further from Ms. Sukljian, AMH's counsel traveled from New York City to Albany, hired a court reporter, and waited until the time scheduled for the deposition had passed.

\*4 *Trademark Rule 2.120(g)(2)* provides:

[i]f a party ... fails to attend the party's or person's discovery deposition, after being served with proper notice, ..., the Board may make any appropriate order, as specified in paragraph (g)(1) of this section.

Trademark Rule 2.120(g)(1) permits sanctions provided under Fed. R. Civ. P. 37(b)(2). The cited Federal Rule allows entry of a variety of sanctions including “dismissing the action or proceeding in whole or in part.” Fed. R. Civ. P. 37(b)(2)(A)(v). “Moreover, the Board has the authority to control the disposition of cases, which necessarily includes the inherent power to enter sanctions.” *Patagonia, Inc. v. Azzolini*, 109 USPQ2d 1859, 1861 n.8 (TTAB 2014) citing *Carrini Inc. v. Carla Carini S.R.L.*, 57 USPQ2d 1067, 1071 (TTAB 2000).

After careful consideration of the parties' arguments and explanations, in light of Ms. Sukljan's failure to appear for the scheduled deposition, and given the continuing nature of Ms. Sukljan's violations despite multiple warnings from the Board, we conclude that any sanction short of judgment would be futile and unfair to AMH. See *Patagonia*, 109 USPQ2d 1859; *MySpace Inc. v. Mitchell*, 91 USPQ2d 1060 (TTAB 2009); *MHW Ltd. v. Simex, Aussenhandelsgesellschaft Savelsberg KG*, 59 USPQ2d 1477 (TTAB 2000); *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 USPQ2d 1848 (TTAB 2000).

In view thereof, the sanction of judgment is hereby entered against Ms. Sukljan. The petition to cancel is **GRANTED**, and Registration No. 2898544 will be cancelled in due course; and the notice of opposition is **DISMISSED**, with prejudice. See Fed. R. Civ. P. 37(b)(2)(A)(v), and Trademark Rule 2.120(g).

- 1 Application Serial No. 85215017, filed January 11, 2011, pursuant to Trademark Act § 1(b). The following statements are of record, “[t]he English translation of ‘HAUS’ is ‘HOUSE’”; and “[t]he name ‘Gaga’ identifies the stage name of Stefani Germanotta, a living individual whose consent is of record.”
- 2 Registration No. 2898544, issued November 2, 2004, for “cosmetics; namely nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara” in Class 3, claiming a date of first use of July 23, 2000, and first use in commerce of June 7, 2001. A § 8 affidavit was accepted June 5, 2010, and a § 15 affidavit was acknowledged. “Typed drawing” form is now known as standard character form. See Trademark Rule 2.52 (a): “Standard character (typed) drawing.”
- 3 Registration No. 3695129, registered October 13, 2009, for clothing in Class 25, claiming dates of use and first use in commerce of June 2008; Registration No. 3695038, registered October 13, 2009, for entertainment services in Class 41, claiming dates of use and first use in commerce of September 1, 2006; and Registration No. 3960468, registered May 17, 2011, for various goods in Class 9. The following statement is of record in all three registrations: “‘Lady Gaga’ identifies the stage name of Stefani Germanotta, a living individual whose consent is of record.”
- 4 The Board, citing Trademark Rule 2.120(b); Fed. R. Civ. P. 30, explained that “[w]hile attendance at a duly-noticed deposition is required, the applicable rules do not require any specific response to such a notice” (emphasis in original).
- 5 Ms. Sukljan alleges that her June 20, 2014 letter was delivered via USPS Priority Mail on June 23, 2014 at 3:30 pm.
- 6 Indeed, Ms. Sukljan does not dispute any of AMH's salient factual allegations.
- 7 We note that this five day period included an intervening weekend.

2015 WL 496140 (Trademark Tr. & App. Bd.)

# Exhibit 3

2009 WL 4086594 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

Click and Park, LLC

v.

Park On Line, Inc.

Cancellation No. 92049573

September 24, 2009

\*1 Before [Walters](#), [Walsh](#), and [Ritchie](#)  
Administrative Trademark Judges

**By the Board:**

On June 26, 2008, Click and Park, LLC (“petitioner”) filed a petition to cancel Park on Line, Inc.’s (“respondent”) registration for the mark CLICK TO PARK (typed drawing) for “parking lot services, namely, online reservation of parking spaces for others.”<sup>1</sup>

As grounds for the cancellation, petitioner alleges priority of use and likelihood of confusion, asserting a date of first use anywhere and a date of first use in commerce at least as early as September 4, 2003.

Petitioner pleads ownership of two pending applications for the marks CLICK AND PARK.COM (stylized) for “parking space reservation service; travel demand management services, namely, providing customized driving instructions through use of an online parking reservation system”<sup>2</sup> and CLICK AND PARK (standard character mark) for “parking space reservation service; traffic management services, namely, creating special event traffic plans for others; travel demand management services, namely, providing customized driving instructions through use of an online parking reservation system.”<sup>3</sup>

In its petition to cancel, petitioner asserts that its application for the stylized mark CLICK AND PARK.COM has been refused registration based on a likelihood of confusion with respondent’s registration. Petitioner pleads its belief that its application for the mark CLICK AND PARK will also be refused registration for the same reasons.

In its answer, respondent admits that petitioner purports to own the pleaded applications and that petitioner’s application Serial No. 77054446 was refused registration. Respondent otherwise denies the essential allegations of the petition to cancel. Respondent asserts the affirmative defenses of laches and equitable estoppel. Respondent further asserts that petitioner is estopped from claiming use prior to November 2003 (the date of use claimed in petitioner’s pending application Serial No. 77054446) and that respondent is entitled to priority as of the September 9, 2003 filing date of its underlying application.

In accordance with the Board’s order dated September 17, 2008, the discovery period was last set to close on March 21, 2009. This case is now before the Board for consideration of petitioner’s motion for summary judgment, filed February 26, 2009. The motion is fully briefed.

In support of its motion, petitioner argues that respondent failed to respond to its requests for admissions<sup>4</sup> (“RFAs”) and that the admissions are therefore deemed admitted under Fed. R. Civ. P. 36(a)(3). Petitioner notes respondent did not respond to any of petitioner's written discovery requests. Petitioner contends that, by virtue of respondent's effective admissions, there are no genuine issues of material fact with respect to petitioner's standing, petitioner's priority, and petitioner's claim of likelihood of confusion between the parties' marks, and that, as a consequence, petitioner is entitled to judgment as a matter of law. In particular, petitioner argues, *inter alia*, that respondent effectively admitted the following facts relevant to petitioner's likelihood of confusion claim:<sup>5</sup>

\*2 - petitioner is the prior user of its marks CLICK AND PARK.COM and CLICK AND PARK (RFA Nos. 10, 11, 46, and 47; *see also* RFA Nos. 1-9);

- respondent is not entitled to priority from any date prior to September 9, 2003 (RFA No. 54);

- respondent is aware of actual confusion, mistake or deception (RFA No. 22);

- the parties' marks travel in similar channels of trade, to similar classes of consumers, and in similar geographic areas (RFA Nos. 23-27);

- respondent's mark is visually and phonetically identical to petitioner's marks (RFA Nos. 31 and 33);

- respondent's services are similar to petitioner's services (RFA No. 28);

- the parties' marks convey the same commercial impression and have the same meanings (RFA Nos. 35 and 37);

- the conditions of sale of each party's services under its respective marks are similar (RFA No. 49); and

- the sophistication of the consumers for each party's services under its respective marks is similar (RFA No. 50.)

Petitioner's first set of admissions are introduced by an affidavit from its counsel, Michael Hudzinski, who also attests to respondent's failure to respond to any of petitioner's discovery requests.<sup>6</sup>

The day after petitioner's motion for summary judgment was filed, respondent's counsel requested permission to withdraw as attorney of record for respondent, informed the Board that respondent intended to represent itself, and requested an extension of time for respondent to respond to the summary judgment motion. In an order dated May 6, 2009, the Board granted the request of respondent's counsel to withdraw as attorney of record and allowed respondent additional time to respond to the summary judgment motion. On June 8, 2009, respondent, proceeding *pro se*, filed its response.

In its response, respondent disputes and denies the substance of all of the requests for admissions relied upon by petitioner in its motion for summary judgment. Respondent further alleges that petitioner's motion for summary judgment is barred by laches and equitable estoppel and that, as a consequence, petitioner cannot claim a priority of use date before November 2003. Respondent's response is accompanied by a variety of attachments, including: unspecified advertising, a copy of its registration certificate, advertisements apparently from petitioner's website, TESS printouts of petitioner's pending applications, a copy of the Office Action refusing registration to petitioner's application Serial No. 77499904 under Trademark Act §2(d) based on respondent's registration, various correspondence from respondent to third parties concerning parking reservations, and respondent's business plan.

\*3 On June 26, 2009, petitioner filed its reply to respondent's brief, arguing that respondent's failure to respond to petitioner's requests for admission establishes that no genuine issues of material fact exist with respect to the substance of petitioner's claims; that respondent has not introduced any evidence contradicting the admissions; that none of respondent's exhibits were supported by affidavit or deposition; and that respondent's brief was devoid of facts, properly supported evidence or legal arguments that present a genuine issue of fact. With respect to respondent's arguments on its laches and equitable estoppel affirmative defenses, petitioner argues that respondent has not provided any evidence to support its conclusory statements and that respondent has not explained why these defenses apply.

Summary judgment is an appropriate method of disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. See *Fed. R. Civ. P. 56(c)*. A party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact, and that it is entitled to summary judgment as a matter of law. See *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). All justifiable inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. See *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992). In considering the propriety of summary judgment, the Board may not resolve issues of material fact; it may only ascertain whether such issues are present. See *Lloyd's Food Products Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993).

We find petitioner's assertions regarding respondent's effective admissions to be well taken. *Fed. R. Civ. P. 36(a)(3)* provides that requests for admissions are deemed admitted unless written answers or objections thereto are received by the requesting party within 30 days of service of the request for admissions. In this case, respondent did not make any attempt to submit either its answers or objections in a timely fashion to petitioner. Once the admissions became effective for respondent's failure to serve timely responses, respondent had two options should it have been interested in withdrawing or amending the effective admissions: 1) file a motion to reopen its time to serve responses showing that its failure to timely respond was due to excusable neglect or 2) file a motion to withdraw or amend its admissions pursuant to *Fed. R. Civ. P. 36(b)*. See *Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc.*, 14 USPQ2d 2064 (TTAB 1990)(if a party upon whom requests for admission have been served fails to timely respond thereto, the requests will stand admitted unless the party is able to show that its failure to timely respond was the result of excusable neglect; or unless a motion to withdraw or amend the admissions is filed pursuant to, and granted by the Board). See also *Giersch v. Scripps Networks Inc.*, 85 USPQ2d 1306 (TTAB 2007). Respondent failed to avail itself of either option and cannot rely merely on "disputing" petitioner's reliance on the effective admissions as it did in its response.

\*4 In determining the issue of likelihood of confusion and, in this case, whether there is any genuine issue of material fact relating to the ultimate legal question, we must consider the pertinent evidentiary factors listed in *In re E.I. du Pont de Nemours & Co.*, 476 F. 2d 1357, 177 USPQ 563 (CCPA 1973). Respondent, by its effective admissions, has conceded the most significant factors of the likelihood of confusion analysis.<sup>7</sup>

First, by admitting that petitioner owns its asserted applications and that one of these applications has been refused registration based on respondent's registration, there are no genuine issues of material fact that petitioner has established its standing.<sup>8</sup>

With regard to respondent's CLICK TO PARK mark and petitioner's CLICK AND PARK.COM and CLICK AND PARK marks, as mentioned earlier, respondent admitted that the parties' marks are visually and phonetically identical and have the same meaning. We note, too, that the marks are similar in sound, appearance and connotation inasmuch as they share the common terms CLICK and PARK in the same sequence separated by a conjunction. Thus, no genuine issue of material fact exists, and the parties' marks are similar in sight, sound and meaning.

Respondent further effectively admitted that the parties' services are the same and travel in the same channels of trade. Each party's recitation of services indicates that both parties offer online parking reservation services. Neither party has

limited or restricted its recitation in any way. Thus, there is no genuine issue of material fact that the parties' respective services, as recited, are the same, at least in part, and travel in the same channels of trade.

Based on applicant's admissions and our analysis of the *Du Pont* likelihood of confusion factors, and viewing these facts in the light most favorable to respondent, we conclude that there are no genuine issues of material fact that a likelihood of confusion exists in this case.

Additionally, as a result of respondent's admission that petitioner has an earlier date of use, and, again, viewing the facts in the light most favorable to respondent, we conclude that there remain no genuine issues of material fact that petitioner has established its priority.

We consider next respondent's arguments with respect to its laches and equitable estoppel affirmative defenses. Respondent argues that the defenses apply “[b]ased on the maxim that equity aids the vigilant and not those who procrastinate regarding their rights” without further explanation or evidence. Respondent also argues that petitioner is estopped from claiming a date of first use earlier than November 2003, again without further explanation and evidence.

The elements of laches are (1) unreasonable delay in asserting one's rights against another and (2) material prejudice to the latter attributable to the delay. The elements of equitable estoppel are (1) misleading conduct, which may include not only statements and action but silence and inaction, leading another to reasonably infer that rights will not be asserted against it; (2) reliance upon this conduct; and (3) due to this reliance, material prejudice if the delayed assertion of such rights is permitted. As applied in trademark cancellation proceedings, these defenses must be tied to a party's registration of a mark ....” *Lincoln Logs Ltd. v. Lincoln Pre-Cut Log Homes Inc.*, 971 F.2d 732, 23 USPQ2d 1701, 1703 (Fed. Cir. 1992).

\*5 Respondent has not explained, let alone made any showing, of how petitioner unreasonably delayed in asserting its rights and how material prejudice accrued to respondent based on such delay. Nor has respondent explained or shown that petitioner engaged in any misleading conduct.<sup>9</sup>

Thus, respondent has failed to establish either that a genuine issue of material fact exists with respect to petitioner's claims in relation to such affirmative defenses or that respondent is entitled to judgment in its favor on such defenses as a matter of law. Here, the facts deemed admitted leave us no genuine issues of fact that would permit applicant to establish the defenses of laches and equitable estoppel. (RFA's 51-53). Accordingly, we have given these defenses no further consideration.

In sum, we find on this record that no genuine issues of material fact remain as to petitioner's standing, likelihood of confusion, and priority and that petitioner is entitled to judgment as a matter of law. In view thereof, petitioner's motion for summary judgment is granted, the petition to cancel is granted and respondent's Registration No. 3335851 will be cancelled in due course.

\*\*\*

<sup>1</sup> Registration No. 3335851, issued on November 13, 2007, claiming a date of first use anywhere and a date of first use in commerce of August 17, 2007. The underlying application which matured into the registration was filed on September 9, 2003.

<sup>2</sup> Application Serial No. 77054446, filed on November 30, 2006, claiming a date of first use anywhere and a date of first use in commerce at least as early as November 2003.

<sup>3</sup> Application Serial No. 77499904, filed on June 16, 2008, claiming a date of first use anywhere and a date of first use in commerce at least as early as September 4, 2003.

- 4 Requests for admissions were served on respondent's counsel January 16, 2009, and responses were due February 20, 2009.
- 5 *See In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973).
- 6 The admissions regarding respondent's abandonment of its mark and lack of a *bona fide* intention to use the mark in commerce as of its filing date are relied upon by petitioner, in part, with respect to its argument that it has priority of use. However, because abandonment and a lack of a *bona fide* intent to use are not claims pleaded by petitioner, no consideration is given to petitioner's reliance on the requests for admission (Nos. 12 and 13) to the extent they are intended to prove respondent has abandoned its mark and did not have a *bona fide* intention to use its mark as of the filing date of the underlying application. *See Fed. R. Civ. P. 15(a)*; and TBMP 528.07(a) (2d ed. rev. 2004).
- 7 Respondent also effectively admitted conclusions of law, including that there is a likelihood of confusion between the parties marks (RFA Nos. 20 and 21). However, our determination, with respect to petitioner's priority of use and likelihood of confusion claims, is based on respondent's factual admissions.
- 8 The Board notes that a petitioner has standing in a cancellation proceeding where the record establishes that its pleaded application has been refused registration under Trademark Act §2(d) based on a respondent's involved registration. *See Great Seats Ltd. v. Great Seats, Inc.*, 84 USPQ2d 1235 (TTAB 2007).
- 9 A responding party may not rest merely upon the allegations or denials of its pleadings, but must set forth specific facts, by way of affidavit or as otherwise provided by *Fed. R. Civ. P. 56*, showing there exists a genuine issue of material fact for trial. *See Fed. R. Civ. P. 56(c) and (e)*. As indicated earlier in this order, respondent's exhibits were not properly introduced into the record. The evidence is of the type that must be introduced by affidavit or declaration because it is not self-authenticating. *See Raccioppi v. Apogee, Inc.*, 47 USPQ2d 1368 (TTAB 1998); and TBMP §528.05 (2d ed. rev. 2004).  
The Board notes that consideration of respondent's submissions would not have changed our determination herein.

2009 WL 4086594 (Trademark Tr. & App. Bd.)



# Exhibit 4

2010 WL 2946839 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE T.T.A.B.

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

Golfino AG

v.

Gady Desler

Opposition No. 91183317 to [application Serial No. 77104364](#) filed on February 10, 2007

July 12, 2010

\*1 [Joseph R. Dreitler](#) of Bricker & Eckler LLP for Golfino AG Gady Desler, pro se

Before [Hairston](#), [Kuhlke](#) and [Bergsman](#)

Administrative Trademark Judges

Opinion by [Kuhlke](#)

Administrative Trademark Judge:

Applicant, Gady Desler, seeks registration of the mark shown below for goods identified in the application as “dress shirts; golf shirts; polo shirts; shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; sport shirts” in International Class 25.<sup>1</sup> The application includes a disclaimer for the wording GOLF SPORT and a statement that color is not claimed as a feature of the mark.



Opposer, Golfino AG, has opposed registration of applicant's mark on the ground that, as applied to applicant's goods, the mark so resembles opposer's previously used GOLFINO trade name, and previously used and registered GOLFINO trademarks for a variety of clothing items as to be likely to cause confusion under 2(d) of the Lanham Act, [15 U.S.C. §1052\(d\)](#). Notice of Opposition ¶¶ 12- 13.

Applicant has filed an answer denying the salient allegations.

The evidence of record consists of the pleadings herein and the file of the opposed application. In addition, opposer submitted, under a notice of reliance, certified copies of opposer's three pleaded registrations, which show that the registrations are subsisting and owned by opposer, and opposer's discovery requests, including requests for admissions and an accompanying declaration from counsel for opposer that no responses to the requests were served by applicant. The requests for admissions are therefore deemed admitted because of applicant's failure to respond. See [Fed. R. Civ. P. 36](#). Opposer also submitted the testimony deposition upon written questions of Mr. Christian Gesing, opposer's Chief Operating Officer, Managing Director. Applicant did not take any testimony, file a notice of reliance or file a brief.<sup>2</sup>

**STANDING, PRIORITY AND LIKELIHOOD OF CONFUSION**

The pleaded registrations made of record, which are in full force and effect and are owned by opposer, are summarized as follows:

Registration No. 2612951 for the mark shown below



**GOLFINO**

for “clothing, namely, hats, visors, caps, shoes, socks, stockings, leggings, knickers, pants, shorts, gloves, scarves, jumpers, sweaters, vests, shirts, T-shirts, skirts, vests, undershirts, underpants, sweatshirts, golf shirts, jackets, rain jackets and tank tops” in International Class

\*2 25, filed on December 31, 1997, issued on August 27, 2002, Section 8 declaration accepted;<sup>3</sup> and

Registration No. 2788307 for the mark shown below for “handbags” in International Class 18, filed on July 25, 2002, issued on December 2, 2003, Section 8 and 15 combined declaration accepted and acknowledged.<sup>4</sup>



Because opposer has made the pleaded registrations summarized above properly of record, opposer has established its standing to oppose registration of applicant's mark and its priority is not in issue. See [King Candy Co., Inc. v. Eunice King's Kitchen, Inc.](#), 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

Our likelihood of confusion determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the factors set forth in *In re E. I. du Pont de Nemours and Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). See also, *In re Majestic Distilling Co., Inc.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003). Two key considerations are the similarities between the marks and the similarities between the goods. See *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24 (CCPA 1976). We confine our analysis to opposer's mark in Registration No. 2612951.

We turn first to a consideration of the goods, channels of trade and class of purchasers. We must make our determinations under these factors based on the goods as they are recited in the registrations and application. See *In re Elbaum*, 211 USPQ 639 (TTAB 1981). The goods need not be identical or directly competitive in order for there to be a likelihood of confusion. Rather, the respective goods need only be related in some manner or the conditions surrounding their marketing be such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984).

The “golf shirts” and “shirts” listed in the identifications in both the subject application and Registration No. 2612951 are identical. In addition, the “shirts” and “t-shirts” in Registration No. 2612951 encompass respectively applicant's “polo shirts,” “sport shirts” and “short-sleeved shirts,” and applicant's “short-sleeved or long-sleeved t-shirts,” and, as such, are legally identical.

Considering the channels of trade and classes of purchasers, because the goods are identical and there are no limitations as to channels of trade or classes of purchasers in either the application or opposer's registration, we must presume that applicant's and opposer's goods will be sold in the same channels of trade and will be bought by the same classes of purchasers. See *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001 (Fed. Cir. 2002); *Canadian Imperial Bank v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Genesco Inc. v. Martz*, 66 USPQ2d 1260, 1268 (TTAB 2003) and *In re Smith and Mehaffey*, 31 USPQ2d 1531 (TTAB 1994). The record also establishes that all of the involved goods are general clothing items that would be sold in golf stores, golf pro shops, general merchandise stores, and department stores. See Admission Nos. 4-5. The effective admissions are sufficient to excuse opposer from having to prove this element of its claim of priority and likelihood of confusion under Section 2(d). See *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 73 USPQ2d 1689 (Fed. Cir. 2005).

\*3 In view of the above, the du Pont factors of the similarity of the goods, the channels of trade and classes of purchasers favor a finding of likelihood of confusion.

With regard to the conditions of sale, these goods include general clothing products that would not be purchased with a great deal of care or require purchaser sophistication, which increases the likelihood of confusion. See Admission No. 12. [Recot Inc. v. M.C. Becton](#), 214 F.3d 1322, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000) (“When products are relatively low-priced and subject to impulse buying, the risk of likelihood of confusion is increased because purchasers of such products are held to a lesser standard of purchasing care”) (citations omitted). Moreover, since we are bound by the description of goods in the application and registration and since the descriptions of goods are not restricted as to price, the goods at issue must include inexpensive as well as expensive clothing. See [In re Bercut-Vandervoort & Co.](#), 229 USPQ 763, 764 (TTAB 1986) (evidence that relevant goods are expensive wines sold to discriminating purchasers must be disregarded given the absence of any such restrictions in the application or registration). Thus, this factor also favors opposer.

We now consider the similarity or dissimilarity of the marks when compared in their entireties in terms of appearance, sound, connotation and commercial impression, keeping in mind that “when marks would appear on virtually identical goods or services, the degree of similarity necessary to support a conclusion of likely confusion declines.” [Century 21 Real Estate Corp. v. Century Life of America](#), 970 F.2d 874, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992).

As noted above, for purposes of our determination we may rely on the admissions alone. By Admission No. 1, applicant has admitted that “the Applicant's Mark is virtually identical to Opposer's Marks in sound, appearance, and meaning.” We also find that the design of the golfer in each mark is similar and that the design in applicant's mark predominates over the descriptive wording GOLF SPORT. [Parfum de Coeur Ltd. v. Lazarus](#), 83 USPQ2d 1012, 1016 (TTAB 2007); [In re Hamilton Bank](#), 222 USPQ 174, 179 (TTAB 1984). We further note that the marks are similar in sound and connotation in that both begin with the word GOLF.

Thus, we find the marks to be similar in appearance, sound, connotation and commercial impression and this factor weighs in favor of a likelihood of confusion.

Thus, considering the marks in their entireties, we conclude that the evidence and admissions of record as they pertain to the relevant du Pont factors support a finding of a likelihood of confusion as between applicant's GOLF SPORT and design mark and opposer's GOLFINO and design mark, such that registration of applicant's mark is barred under Trademark Act Section 2(d). As noted above, applicant has not submitted any evidence, taken any testimony or presented any legal argument to rebut opposer's showing and is deemed to have admitted the most relevant du Pont factors.

**\*4 Decision:** The opposition is sustained as to opposer's claim of priority and likelihood of confusion under Section 2(d) of the Trademark Act.

<sup>1</sup> Serial No. 77104364, filed February 10, 2007, alleging a bona fide intent to the use the mark in commerce under Section 1(b) of the Trademark Act, [15 U.S.C. §1051\(b\)](#). The application was originally filed under Section 44(d) based on a foreign application filed on November 12, 2006. Although the basis has been amended applicant retains the foreign filing date as the priority date. [37 C.F.R. 2.35\(b\)\(3\) and \(4\)](#); TMEP Section 806.03(d) (6<sup>th</sup> ed. rev. 2010).

<sup>2</sup> The material attached to applicant's answer is not evidence on behalf of the party to whose pleading the exhibit is attached unless identified and introduced in evidence as an exhibit during the period for the taking of testimony. [Trademark Rule 2.122\(c\)](#), [37 C.F.R. §1.122\(c\)](#). See also [Republic Steel Co. v. M.P.H. Mfg. Corp.](#), 312 F.2d 940, 136 USPQ 447, 448 (CCPA 1963) and [Hard Rock Cafe Intl \(USA\) Inc. v. Elsea](#), 56 USPQ2d 1504, 1511 (TTAB 2000).

<sup>3</sup> We note the Section 8 affidavit specifically deleted “shoes, stocking, leggings, rain jackets” from the registration but the deletion does not appear in the listing of the goods in TARR.

<sup>4</sup> Opposer's third pleaded Registration No. 2294869 was just recently cancelled for failure to file a declaration of continued use under Sections 8 and 9 of the Trademark Act.

End of Document

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# Exhibit 5

91 U.S.P.Q.2d 1594 (Trademark Tr. & App. Bd.), 2009 WL 1227922

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

Lacoste Alligator S.A.,

v.

Maxoly, Inc.

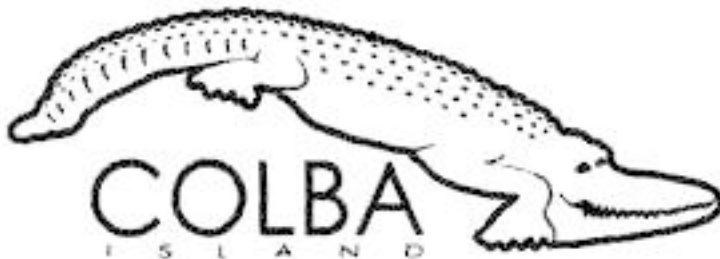
Opposition No. 91177866 to [application Serial No. 78933465](#) filed on July 20, 2006

April 27, 2009

\*1 [Richard Z. Lehv](#) of Fross Zelnick Lehrman & Zissu, P.C. for Lacoste Alligator S.A.  
Maxoly, Inc. pro se

Before [Kuhlke](#), [Bergsman](#) and [Ritchie](#)  
Administrative Trademark Judges  
Opinion by [Bergsman](#)  
Administrative Trademark Judge:

Maxoly, Inc. (“applicant”) filed a use-based application on the Principal Register for the mark COLBA ISLAND and design, shown below, for “belts, caps, pants, shirts, shoes, shorts and t-shirts,” in Class 25.

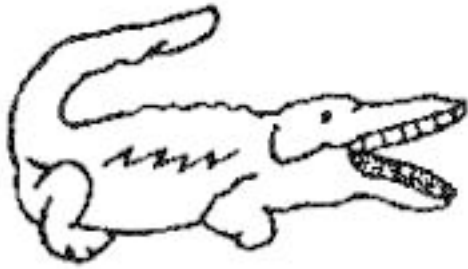


Applicant claimed June 8, 2006 as its date of first use anywhere and first use in commerce. Applicant described its mark as “a drawing of an alligator in the general shape of the island of Cuba and the words colba island (sic) positioned underneath the alligator.”

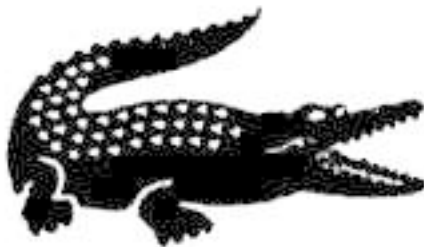
Lacoste Alligator S.A. (“opposer”) filed a notice of opposition against the registration of applicant's mark on the grounds of priority of use and likelihood of confusion pursuant to Section 2(d) of the Trademark Act of 1946, [15 U.S.C. §1052\(d\)](#), and dilution pursuant to Section 43(c) of the Trademark Act of 1946, [15 U.S.C. §1125 \(c\)](#). Opposer alleged that it has been continuously using marks consisting of alligator designs in connection with clothing and other products prior to any date on which applicant may rely, that opposer's alligator design marks have become famous prior to applicant's first use of its mark, and that applicant's mark is likely to cause confusion with opposer's marks and is likely to dilute the distinctive quality of opposer's marks. Opposer also alleged ownership of the following registered marks:

1. Registration No. 1108987 for the design of an alligator shown below for “men's, women's and children's sport shirts and sweaters, men's socks, outer shorts, hats and caps, women's and children's dresses.”<sup>1</sup>





2. Registration No. 200314 for the design of an alligator shown below for “polo shirts, sweatshirts, blousons,<sup>2</sup> shirts, pants, shorts, skirts, dresses, jogging suits, sweaters, jackets, parkas, headwear, robes, swimwear, footwear, socks, belts, gloves.”<sup>3</sup>



Applicant, in its answer, admitted that opposer had prior use of its mark and that opposer's marks had become famous prior to applicant's first use of its mark. Applicant denied the remaining allegations in the notice of opposition.

#### The Record

By rule, the record includes applicant's application file and the pleadings. [Trademark Rule 2.122\(b\)](#), [37 CFR §2.122\(b\)](#). In addition, the parties introduced the following testimony and evidence:

##### A. Opposer's evidence.

\*2 1. A notice of reliance on certified copies of opposer's pleaded registrations showing the current status and title to the registrations;

2. A notice of reliance on the following articles from online magazines:

a. A September 18, 2005 article entitled “Lacoste's Riposte” from the *Time Magazine* website; and,

b. A March 24, 2006 article entitled “Lacoste's new look” from the *Business 2.0 Magazine* at “CNNMoney.com.”

3. The testimony deposition of Christian Vicquery, opposer's Vice President, with attached exhibits.

##### B. Applicant's evidence.

1. The testimony deposition of Jackie Sarracino, an employee of applicant and the wife of applicant's principal shareholder, with attached exhibits; and,

2. A notice of reliance with numerous exhibits.

Opposer lodged numerous objections to applicant's exhibits during the testimony deposition of Ms. Sarracino and reasserted the objections in its brief, as well as lodging objections to the exhibits attached to applicant's notice of reliance. There is no need to discuss any of the objections because none of applicant's evidence is relevant or material to the likelihood of confusion factors or elements of dilution that we must use in our analysis.

Standing

Because opposer has properly made its pleaded registrations of record, opposer has established its standing. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000); *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).

Priority

Because applicant admitted that opposer had priority and because opposer has properly made its pleaded registrations of record, Section 2(d) priority is not an issue in this case as to the marks and the goods covered by the registrations. *King Candy Co. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

Likelihood of Confusion

Our determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the factors bearing on the issue of likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973). *See also, In re Majestic Distilling Company, Inc.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003).

A. The fame of opposer's alligator design marks.

This *du Pont* factor requires us to consider the fame of opposer's of marks. Fame, if it exists, plays a dominant role in the likelihood of confusion analysis because famous marks enjoy a broad scope of protection or exclusivity of use. A famous mark has extensive public recognition and renown. *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002); *Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000); *Kenner Parker Toys, Inc. v. Rose Art Industries, Inc.*, 963 F.2d 350, 22 USPQ2d 1453, 1456 (Fed. Cir. 1992).

\*3 Fame may be measured indirectly by the volume of sales and advertising expenditures of the goods and services identified by the marks at issue, “by the length of time those indicia of commercial awareness have been evident,” widespread critical assessments and notice by independent sources of the products identified by the marks, as well as the general reputation of the products and services. *Bose Corp. v. QSC Audio Products Inc.*, 63 USPQ2d at 1305-1306 and 1309. Although raw numbers of product sales and advertising expenses may have sufficed in the past to prove fame of a mark, raw numbers alone may be misleading. Some context in which to place raw statistics may be necessary (*e.g.*, the substantiality of the sales or advertising figures for comparable types of products or services). *Bose Corp. v. QSC Audio Products Inc.*, 63 USPQ2d at 1309.

Finally, because of the extreme deference that we accord a famous mark in terms of the wide latitude of legal protection it receives, and the dominant role fame plays in the likelihood of confusion analysis, it is the duty of the party asserting that its mark is famous to clearly prove it. *Leading Jewelers Guild Inc. v. LJOW Holdings LLC*, 82 USPQ2d 1901, 1904 (TTAB 2007).

In addition to applicant's admission in the answer that opposer's alligator design is a famous trademark, opposer proffered the following evidence to demonstrate the fame of its marks:

1. Opposer first began selling clothing bearing the alligator design marks at least as early as 1950.<sup>4</sup>
2. Opposer believes that it is the first clothing manufacturer to embroider its logo on the outside of the clothing.<sup>5</sup>
3. Opposer made of record the revenues generated and units of product sold from 2003 through half of 2008, as well as its associated advertising expenditures. The revenue figures and advertising figures were designated confidential so we may only refer to them in general terms. We can say that on their face the numbers are relatively large.
4. The September 18, 2005 article entitled "Lacoste's Riposte" from the *Time Magazine* website in which the author wrote that "[l]ike many Americans, Siegel [opposer's CEO] remembered a time when the ubiquitous French amphibian adorned the chests of the country-club set."<sup>6</sup>
5. The March 24, 2006 article entitled "Lacoste's new look" from the *Business 2.0 Magazine* at "[CNNMoney.com](http://CNNMoney.com)" in which the author reported on opposer's new line of fall and winter fashions. The author made the following statements:  

Lacoste's famous logo - actually a crocodile but more commonly referred to as an alligator - was stitched onto cherry-red moon boots, shearling jackets, and leather porkpie hats. The models strutting down the runway looked more suited to 1970's Brooklyn than the 80's country clubs where the croc once famously roamed.<sup>7</sup>

\*4 In view of applicant's admission that opposer's alligator mark is famous, we find that opposer's mark is famous for purposes of likelihood of confusion. While opposer's evidentiary showing is far from impressive, it would be unduly prejudicial to require more evidence from opposer in light of applicant's admission.<sup>8</sup>

**B. The similarity or dissimilarity and nature of the goods described in the application and registrations.**

The goods in the application and opposer's registration are so similar as to be legally identical.

Applicant's products	Opposer's products
belts, caps, pants, shirts, shoes, shorts and t-shirts	<b>sport shirts</b> and sweaters, men's socks, <b>outer shorts</b> , hats and <b>caps</b> , dresses (Reg. No. 1108987)
	polo shirts, sweatshirts, blousons, <b>shirts</b> , <b>pants</b> , shorts, skirts, dresses, jogging suits, sweaters, jackets, parkas, headwear, robes, swimwear, <b>footwear</b> , socks, <b>belts</b> , gloves (Reg. No. 2004314)

Applicant argues that "[t]he logo design represents, identifies and symbolizes 'Cuban Heritage' and 'Cuban Culture' in clothing that is directed to the Cuban Community in the United States or the entire world."<sup>9</sup> However, with respect to

the goods, the question of likelihood of confusion must be determined on the basis of the goods set forth in the application and opposer's registrations, rather than on what any evidence may show those goods to be. *Canadian Imperial Bank of Commerce v. Well Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813, 1815 (Fed. Cir. 1987). Both applicant's and opposer's clothing products are broadly identified without any restrictions or limitations as to the type of clothing, channels of trade or classes of consumers. Therefore, we must assume that both applicant's and opposer's clothing encompass all types of clothing, and, as discussed more fully below, that they are sold in the same channels of trade and to the same classes of consumers.

C. The similarity or dissimilarity of likely-to-continue trade channels and classes of consumers.

\*5 Because the goods described in the application and the cited registration are identical, we must presume that the channels of trade and classes of purchasers are the same. See *Genesco Inc. v. Martz*, 66 USPQ2d 1260, 1268 (TTAB 2003) (“Given the in-part identical and in-part related nature of the parties' goods, and the lack of any restrictions in the identifications thereof as to trade channels and purchasers, these clothing items could be offered and sold to the same classes of purchasers through the same channels of trade”); *In re Smith and Mehaffey*, 31 USPQ2d 1531, 1532 (TTAB 1994) (“Because the goods are legally identical, they must be presumed to travel in the same channels of trade, and be sold to the same class of purchasers”).

D. The similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression.

We now turn to the *du Pont* likelihood of confusion factor focusing on the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression. *In re E. I. du Pont De Nemours & Co.*, *supra*. In a particular case, any one of these means of comparison may be critical in finding the marks to be similar. *In re White Swan Ltd.*, 9 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1042 (TTAB 1988). In comparing the marks, we are mindful that where, as here, the goods are in part identical, the degree of similarity necessary to find likelihood of confusion need not be as great as where there is a recognizable disparity between the services. *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992); *Schering-Plough Healthcare Products Inc. v. Ing-Jing Huang*, 84 USPQ2d 1323, 1325 (TTAB 2007); *Jansen Enterprises Inc. v. Rind*, 85 USPQ2d 1104, 1108 (TTAB 2007).

Furthermore, we are mindful that the test is not whether the marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression so that confusion as to the source of the goods and services offered under the respective marks is likely to result. *San Fernando Electric Mfg. Co. v. JFD Electronics Components Corp.*, 565 F.2d 683, 196 USPQ 1, 3 (CCPA 1977); *Spoons Restaurants Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd unpublished*, No. 92-1086 (Fed. Cir. June 5, 1992). The proper focus is on the recollection of the average customer, who retains a general rather than a specific impression of the marks. *Winnebago Industries, Inc. v. Oliver & Winston, Inc.*, 207 USPQ 335, 344 (TTAB 1980); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975).

\*6 While the alligator design in applicant's mark and opposer's marks exhibit differences, the similarities of the designs outweigh the differences. The trademark designs of the parties are readily discernable as alligators or crocodiles. Because of the fame of opposer's alligator designs, the addition of the words “Colba Island” is not sufficient to distinguish applicant's mark from opposer's marks. With little opportunity for a side-by-side comparison and the fallibility of human recall, consumers encountering applicant's mark may mistakenly believe that applicant's clothing products are a new line for opposer. See *Grandpa Pidgeon's of Missouri, Inc. v. Borgsmiller*, 477 F.2d 586, 177 USPQ 573, 574 (CCPA 1973) (two differently portrayed elderly figures, one in conjunction with the word “Grandpa,” used in connection with identical services, are likely to cause confusion); *Philip Morris, Inc. v. Rembrandt Tobacco Corp. (Overseas) Ltd.*, 185 USPQ 823, 824 (TTAB 1975) (applicant's registration of the mark PAUL REVERE in association with a picture of a cowboy

on a horse for cigarettes is likely to cause confusion with opposer's use of Marlboro with numerous representations of cowboys and a western motif in connection with cigarettes).

Applicant contends that Cubans recognize the crocodile design of applicant's mark as representing the reptile shape of Cuba, and that as such the mark "represents, identifies and symbolizes 'Cuban Heritage' and 'Cuban Culture' in clothing."<sup>10</sup> However, applicant has filed for a trademark registration that is national in scope, and, as indicated above, the products are not restricted to the Cuban community but are available to all consumers. Accordingly, there is nothing to suggest that the vast majority of consumers will recognize applicant's entire mark, including the word COLBA ISLAND, as representing Cuban Heritage.

E. The Cuban crocodile as a national symbol.

Applicant contends that its mark represents a national symbol of Cuba. Even assuming that applicant's mark is a national symbol, that status does not make the mark registrable if it is likely to cause confusion with a previously registered mark. Section 2(a) of the Trademark Act of 1946, 15 U.S.C. §1052(a), does not automatically confer registrability on a mark because it comprises a national symbol. Section 2(a) simply prohibits the registration of marks that disparage or falsely suggest a connection with national symbols.

F. Balancing the factors.

In view of the fame of opposer's alligator design marks, the similarity of the marks and goods and the presumption that the channels of trade and classes of consumers are the same, we find that applicant's registration of its mark COLBA ISLAND and design for "belts, caps, pants, shirts, shoes, shorts and t-shirts" is likely to cause confusion with opposer's alligator design marks for "men's, women's and children's sport shirts and sweaters, men's socks, outer shorts, hats and caps, women's and children's dresses" and "polo shirts, sweatshirts, blousons, shirts, pants, shorts, skirts, dresses, jogging suits, sweaters, jackets, parkas, headwear, robes, swimwear, footwear, socks, belts, gloves.

\*7 Because we have found that there is a likelihood of confusion, we do not decide the issue of dilution.

Decision: The opposition is sustained and registration to applicant is refused.

<sup>1</sup> Issued December 12, 1978; Sections 8 and 15 affidavits accepted and acknowledged; renewed.

<sup>2</sup> A "blouson" is a dress or shirt with a fitted waistband over which material blouses.

<sup>3</sup> Issued October 1, 1996; Sections 8 and 15 affidavits accepted and acknowledged; renewed. Opposer also pleaded ownership of Registration No. 2506262 for the mark ALLIGATOR, in typed drawing form, for shirts, and Registration No. 2643738 for the mark CROCODILE, in typed drawing form, for polo shirts. Because the design marks are closer to applicant's mark than the word marks, we limit our discussion to opposer's design marks.

<sup>4</sup> Vicquery Dep., p. 10.

<sup>5</sup> Vicquery Dep., pp. 9-10.

<sup>6</sup> This article also reports on opposer's resurgence over the last three years that corrected bad management decisions that caused the brand to have been pulled from the U.S. market "even though it had ruled fashion for a while." Mr. Siegel revived a brand "that was considered to be dead."

<sup>7</sup> This article also reports on how Mr. Siegel rescued opposer. "[T]he crocodile polo had its U.S. heyday in the late 70's and early 80's. But during the 1980's, American shoppers moved on." The brand languished until 2002, when opposer hired Mr. Siegel to revive its fortunes.

8 Although we have found that the alligator design is famous for purposes of opposer's likelihood of confusion claim, we have not addressed the question of whether it is famous in the context of a dilution claim. Fame for likelihood of confusion and dilution is not the same. Fame for dilution requires a more stringent showing. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 73 UPQP2d 1689, 1694 (Fed. Cir. 2005); *Toro Co. v. ToroHead Inc.*, 61 USPQ2d 1164, 1170 (TTAB 2001). Likelihood of confusion fame “varies along a spectrum from very strong to very weak” while dilution fame is an either/or proposition - it either exists or it does not exist. *Id.* See also *Carefirst of Maryland Inc. v. FirstHealth of the Carolinas Inc.*, 77 USPQ2d 1492, 1507 (TTAB 2005) (likelihood of confusion “[f]ame is relative ... not absolute”). A mark, therefore, may have acquired sufficient public recognition and renown to be famous for purposes of likelihood of confusion without meeting the more stringent requirement for dilution fame. *Toro Co. v. ToroHead Inc.*, 61 USPQ2d at 1170, citing *I.P. Lund Trading ApS v. Kohler Co.*, 163 F.3d 27, 47 USPQ2d 1225, 1239 (1<sup>st</sup> Cir. 1998) (“[T]he standard for fame and distinctiveness required to obtain anti-dilution protection is more rigorous than that required to seek infringement protection”).

9 Applicant's Brief, p. 7.

10 Applicant's Brief, pp. 7 and 8.

91 U.S.P.Q.2d 1594 (Trademark Tr. & App. Bd.), 2009 WL 1227922

# Exhibit 6

2017 WL 1345072 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

MARGARITAVILLE ENTERPRISES, LLC

v.

RACHEL A. BEVIS DBA RACHEL A. BEVIS

Opposition Nos. 91219403 and 91221395<sup>1</sup>

March 16, 2017

Hearing: February 28, 2017

\*1 [Joel R. Feldman](#) and [Jamie N. Shipp](#) of Greenberg Traurig, LLP for Margaritaville Enterprises, LLC  
Rachel A. Bevis DBA Rachel A. Bevis, pro se<sup>2</sup>

Before [Kuhlke](#), [Lykos](#) and Heasley

Administrative Trademark Judges

Opinion by [Lykos](#)

Administrative Trademark Judge:

Rachel A. Bevis DBA Rachel A. Bevis (“Applicant”) has applied to register the mark MARIJUANAVILLE in standard characters on the Principal Register for “T-Shirts, Hats, Sweat Shirts, sweat pants, Jackets, Socks” in International Class 25<sup>3</sup> and “Drive-through retail store services featuring coffee and related goods; Retail apparel stores; Retail clothing stores” in International Class 35.<sup>4</sup>

Margaritaville Enterprises, LLC (“Opposer”) opposed the registration of Applicant's mark on the ground of likelihood of confusion under Section 2(d) of the Trademark Act, [15 U.S.C. § 1052\(d\)](#), based on Opposer's previously used and registered MARGARITAVILLE marks. Opposer pleaded ownership of and submitted with its notices of opposition copies of multiple pleaded registrations obtained from the U.S. Patent and Trademark Office's (“USPTO”) Trademark Status and Document Retrieval (“TSDR”) database (thereby making them of record pursuant to [Trademark Rule 2.122\(d\)\(1\)](#)), including the following:

Registration No. 1642132 for the mark MARGARITAVILLE in typed format<sup>5</sup> on the Principal Register for “clothing, namely, shirts, sweaters, sun visors and caps” in International Class 25 and “nightclub services; retail clothing, gift and souvenir store services; mail order services in the field of clothing, gifts and souvenirs” in International Class 42; registered April 23, 1991; renewed. (pleaded in both Opposition Nos. 91219403 and 91221395).

Registration No. 3117262 for the mark MARGARITAVILLE in standard characters on the Principal Register for “Clothing, namely, pants, sweat shirts, shorts [, and dresses]” in International Class 25; registered July 18, 2006; Sections 8 and 15 affidavits accepted and acknowledged. (pleaded in both Opposition Nos. 91219403 and 91221395).

\*2 In her amended/operative answer (filed January 23, 2015) to the notice of opposition in Opposition No. 91219403, Applicant denied the salient allegations.<sup>6</sup> However, in her answer to the notice of opposition in Opposition No. 91221395, filed approximately three months later, the *pro se* Applicant admitted several salient allegations, including the following:



Jimmy Buffet, an internationally-famous musician, songwriter, and entertainer, is an owner of Margaritaville's parent company, Margaritaville Holdings, LLC. ¶ 2.

Margaritaville is the successor-in-interest to trademarks filed and registered by Jimmy Buffet. ¶ 3.

Margaritaville provides goods and services associated with Jimmy Buffet and Jimmy Buffet-related themes such as beaches, tropics, leisure activities, and islands. ¶ 4.

Margaritaville regularly commercializes Jimmy Buffet's song titles and lyrics as trademarks, notably “Margaritaville.” ¶ 5.

The MARGARITAVILLE mark is a coined term based on Jimmy Buffet's famous “Margaritaville” song. ¶ 6.

Due to the longstanding and widespread use of the MARGARITAVILLE mark, including extensive use of the mark adjacent to Jimmy Buffet's name, the MARGARITAVILLE mark is strongly associated with Margaritaville and Jimmy Buffet. ¶ 20.

The MARGARITAVILLE mark has been used on a wide variety of goods and services for many years. As a result the mark is a commercially strong source indicator for Margaritaville's various goods and services. ¶ 22.

By virtue of Margaritaville's continuous and exclusive, and widespread use of the distinctive MARGARITAVILLE mark, Margaritaville is entitled to a broad scope of protection for the MARGARITAVILLE mark. ¶ 23.

MARIJUANAVILLE and MARGARITAVILLE, which share the same first three and last six letters, are similar in appearance. ¶ 28.<sup>7</sup>

The remaining salient allegations were denied.

The Board denied Opposer's fully briefed motion for summary judgment on January 29, 2016. 29 TTABVUE.

#### *I. The Record; Accelerated Case Resolution*

On August 6, 2016, the parties stipulated to resolve this proceeding under the Board's Accelerated Case Resolution (“ACR”) procedure, agreeing that the Board may resolve any genuine issues of material fact.<sup>8</sup> See Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 528.05(a)(2) (Jan. 2017). The parties are commended for pursuing this expeditious, cost-efficient alternative to trial. In lieu of separate assigned testimony and briefing periods, the parties agreed to treat the summary judgment motion evidence as part of the final record, with the option of filing supplemental ACR briefs in summary judgment format with additional evidentiary submissions attached thereto.

\*3 The record includes the pleadings and, pursuant to [Trademark Rule 2.122\(b\)](#), Applicant's application file. Opposer submitted with its motion for summary judgment the following evidence:

- Declaration of Mary Martha Adkins (“Adkins Declaration I”), paralegal employed by Greenberg Traurig, LLP with exhibits attached thereto.<sup>9</sup>

Opposer also submitted with its ACR supplemental brief the following:<sup>10</sup>

- Declaration of Jimmy Buffett (“Buffett Declaration”), a singer/songwriter and the original owner of the MARGARITAVILLE trademarks.
- Declaration of Laura McConnell (“McConnell Declaration”), Chief Financial Officer of Opposer.
- Declaration of Kristen Fancher (“Fancher Declaration”), Chief Legal Officer and General Counsel of Opposer.
- Declaration of Tamara Baldanza-Dekker (“BaldanzaDekker Declaration”), Chief Marketing Officer of Opposer.
- Declaration of John P. Moreton, a marketing consultant (“Morton Declaration”) (redacted and confidential versions).
- Declaration of David K. Barnhart, a lexicographer and linguistic consultant (“Barnhart Declaration”) (redacted and confidential versions).
- Declaration of Mark Eddie, a songwriter, musician, and comedian (“Eddie Declaration”).
- Declaration of Mary Martha Adkins (“Adkins Declaration II”) with exhibits attached thereto.<sup>11</sup>

Applicant did not make any evidence of record. Nonetheless, Opposer, as plaintiff in this proceeding, bears the burden of proof by a preponderance of the evidence. In reaching our decision, we have not considered any statements made by either party in their briefs that are unsupported by evidence properly in the record. *See, e.g., Saul Zaentz Co. v. Bumb*, 95 USPQ2d 1723, 1725 n.7 (TTAB 2010). *See also* TBMP § 704.06(b).

## II. Standing

Standing is a threshold issue that must be proven by the plaintiff in every *inter partes* case. *See Empresa Cubana Del Tabaco v. Gen. Cigar Co.*, 753 F.3d 1270, 111 USPQ2d 1058, 1062 (Fed. Cir. 2014), *cert. denied*, 135 S. Ct. 1401 (2015). Our primary reviewing court, the U.S. Court of Appeals for the Federal Circuit, has enunciated a liberal threshold for determining standing, namely that a plaintiff must demonstrate that it possesses a “real interest” in a proceeding beyond that of a mere intermeddler, and “a reasonable basis for his belief of damage.” *Empresa Cubana Del Tabaco* 111 USPQ2d at 1062 (citing *Ritchie v. Simpson*, 170 F.3d 1902, 50 USPQ2d 1023, 1025-26 (Fed. Cir. 1999)). A “real interest” is a “direct and personal stake” in the outcome of the proceeding. *Ritchie v. Simpson*, 50 USPQ2d at 1026.

\*4 Opposer has demonstrated through the USPTO database printouts made of record with its notices of opposition that it is the owner of its pleaded registrations and that the registrations are valid and subsisting. Because Opposer's registrations are of record, Opposer has established its standing. *See Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000); *Lipton Ind., Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).

## III. Section 2(d) Claim

We will now consider Opposer's Section 2(d) claim, focusing on Opposer's registered mark MARGARITAVILLE for the goods and services identified in Registration Nos. 1642132 and 3117262 pleaded and made of record with both notices of opposition. In our view, these two registrations, coupled with their corresponding identified goods and services, are most likely to support a likelihood of confusion claim. If Opposer could prevail on its Section 2(d) claim on these registrations, then consideration of others would be unnecessary; and if Opposer could not, then consideration of other less relevant registrations would not assist Opposer. *See, e.g., In re Max Capital Group Ltd.*, 93 USPQ2d 1243, 1245 (TTAB 2010).

### A. Priority

Priority is not at issue in view of Opposer's ownership of the valid and subsisting registrations noted above for the goods and services identified therein. See *King Candy, Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

### B. Likelihood of Confusion

We base our determination under Section 2(d) on an analysis of all of the probative evidence of record bearing on a likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (“*du Pont*”). See also, *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). “Not all of the *DuPont* factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010). For example, the Board can “focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods.” *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) (quoting *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001)). The fame of the prior mark can also be critical. *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002). These factors, and the other relevant *du Pont* factors are discussed below.

#### *Fame of the Prior Mark*

\*5 We begin with the fame of Opposer's MARGARITAVILLE mark. Fame of the prior mark, if it exists, plays a dominant role in balancing the likelihood of confusion factors. *Bose Corp.*, 63 USPQ2d at 1305. Fame for likelihood of confusion purposes and fame for dilution purposes are distinct concepts. See *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1694 (Fed Cir. 2005). Unlike dilution, fame for likelihood of confusion purposes does not require the opposer to show fame among every segment of the U.S. population. Rather, fame for likelihood of confusion purposes arises as long as a “significant portion of the relevant consuming public ... recognizes the mark as a source indicator.” *Id.* Fame for likelihood of confusion purposes may be measured indirectly by the volume of sales and advertising expenditures of the goods sold under the mark, for example, and other factors such as length of time of use of the mark; widespread critical assessments; notice by independent sources of the products identified by the marks; and the general reputation of the products and services. *Bose Corp.*, 63 USPQ2d at 1308.

Jimmy Buffett, the original owner of Opposer's pleaded marks, explains the genesis of the MARGARITAVILLE brand for clothing and retail stores featuring clothing in his declaration:

4. In 1977, I released a song titled “Margaritaville.”

5. The song “Margaritaville” appeared on the album *Changes in Latitudes, Changes in Attitudes*.

6. Since 1977, I have performed the song “Margaritaville” at each of my concerts.

7. The title of the song, “Margaritaville,” is a term that I coined to describe a fictional location.

8. I regularly refer to “Margaritaville” as a state of mind inspired by margaritas.

9. The images I most commonly associate with “Margaritaville” are beaches, tropics, leisure activities, islands and escapism.

10. In 2016, my song “Margaritaville” was inducted into the GRAMMY Hall of Fame.

11. Based on the success of my song “Margaritaville” and loyalty of my fan base, in 1985 I opened a retail store named “Margaritaville” in Key West, Florida. In addition to selling MARGARITAVILLE-branded souvenirs, including clothing in Key West, Florida, this retail store mailed newsletters, named *The Coconut Telegraph*, to my fans to purchase MARGARITAVILLE-branded souvenirs, including clothing by mail and phone.

12. MARGARITAVILLE-branded retail stores have operated continuously since 1985.

13. MARGARITAVILLE-branded clothing and other souvenir items have been continuously available since 1985.<sup>12</sup>

Thus, the record shows that Opposer, through its predecessor in interest, has continuously used the MARGARITAVILLE mark for over 30 years to identify clothing items and retail stores featuring clothing, and that the mark has its origins in a well-known song by Jimmy Buffet, symbolic of a “state of mind.”

\*6 By 2013, Opposer and its licensees had expanded its MARGARITAVILLE-branded retail stores to 14 locations in the United States: Las Vegas, NV; Orlando, FL; Myrtle Beach, SC; Key West, FL; New Orleans, LA; Glendale, AZ; Panama City, FL; Uncasville, CT; Honolulu, HI; Nashville, TN; Pensacola, FL; Chicago, IL; Cincinnati, OH; and Atlantic City, NJ.<sup>13</sup> Opposer's U.S. revenues from merchandise sold in its stores from 2008-2013 are of record but are designated confidential; suffice to say that the annual dollar value figures are impressive.<sup>14</sup> Although the stores sell a wide variety of goods, at least half of the revenues are derived from clothing and headwear sales.<sup>15</sup> Having said this, we can conclude that the U.S. revenues derived from clothing product sales alone remain equally impressive.

From 1985-2013, Opposer and its predecessors in interest published a magazine entitled *The Coconut Telegraph* in print format to promote the sale of MARGARITAVILLE-branded clothing items to Jimmy Buffett fans. Opposer now has a significant online presence through its own direct-to-consumer sales e-commerce website “Margaritaville.com” which has actively operated an online retail store since 1999.<sup>16</sup> Within the past several years, the website has received a significant number of visits.<sup>17</sup> In addition, through social media platforms, Opposer has expanded the reach of its brand exposure for its MARGARITAVILLE mark with 677,485 followers on Facebook, 12,600 followers on Twitter and 58,000 followers on Instagram.<sup>18</sup>

In terms of direct evidence of consumer recognition, in 2010, Opposer commissioned a brand awareness survey showing that of 841 respondents, 73% were familiar with the MARGARITAVILLE brand.<sup>19</sup> While the survey is seven years old, it is entitled to some probative weight insofar as it was commissioned prior to the instant litigation and was used in the ordinary course of business. See *Chanel, Inc. v. Makarczyk*, 110 USPQ2d 2013, 2022 (TTAB 2014).

In addition, Opposer has presented strong evidence of unsolicited media recognition of the MARGARITAVILLE trademark in connection with clothing reminiscent of the “Margaritaville” lifestyle embodied in the song and the retail stores offering for sale such items:

*New York Times* (April 24, 2016)--

Mr. Buffett, patron saint of the untroubled, has long been known for his business acumen. In some ways, with his approach to concert merchandise and tour sponsorship in the 1980s, he created the model of musician-as-entrepreneur that managers for artists like Madonna and Dave Matthews have pursued more recently. Other singers have parlayed their personas into business empires - Dolly Parton, for instance, with her Dollywood theme park, Dixie Stampede dinner

theaters, Dolly slot machines and “Coat of Many Colors” merchandise -- but none are as singularly sprawling as Mr. Buffett's Margaritaville.<sup>20</sup>

\*7 *Billboard* (November 22, 1986)--

One of the most successful business side ventures initiated by a recording artist is thriving in the 48 contiguous states' southernmost city, Key West, Fla.

That's where Jimmy Buffett lives when he's not slumming at his other pads in Aspen, Colo.; Mobile, Ala.; and the isle of St. Bart in the Caribbean. (It's a tough job, but someone has to live in those places.) And Key West is where Buffett's Margaritaville Store has been doing business in Buffett memorabilia and trivia.

Known for his relaxed music flavorings, Buffett takes advantage of the image by offering tropical clothing and gift items for sale at the store or through his monthly newsletter, The Coconut Telegraph. The Telegraph is distributed through subscription sales and as a free advertising tool at the Margaritaville Store. Its 9,000 subscribers include Buffett fans in the U.S., Canada, Taiwan, Israel, England, Germany, and Australia.

Besides cataloging items available for mail-order sale, the newsletter, effectively edited by Carol Shaughnessy, focuses on the Margaritaville lifestyle as exemplified by Buffett.<sup>21</sup>

*Forbes* (January 16, 1995)--

Business savvy sure runs in the family. Warren Buffett's distant relative (*FORBES*, *July 18, 1994*), writer and singer of Caribbean rock songs Jimmy Buffett, has found almost as many ways to capitalize on his particular talent as “Uncle” Warren has on his.

\* \* \*

Showing he was made of the same stuff as his “uncle,” Jimmy Buffett lost no time expanding his new franchise. With his long-time friend Sunshine Smith, Buffett opened a 400-square-foot shop in Key West called Margaritaville Store that sold T shirts and beach trinkets, later adding a mail-order catalog, newsletter, nightclub and cafe. Buffett expanded to New Orleans three years ago, with a much bigger cafe and retail operation.

\* \* \*

All of which is a textbook lesson in how to cross-market music, restaurants and retailing. Last year Buffett sold more than \$50 million worth of CDs, tapes, concert tickets, books, T shirts, trinkets and food, helping to make him one of the highest-earning entertainers in the word (*FORBES*, *Sept. 26, 1994*).<sup>22</sup>

*Playboy* (February 1998)--

In the years since, Buffett's many albums have created their own sort of legendary geography, an elusive mythical place whose capital is Margaritaville.

\* \* \*

Today, along with his current sailboat, the *Savannah Jane*, and his two seaplanes--the flying boat is his latest passion--Buffett owns a bar on Duval Street, just down the street from where he used to play for beers years ago. This proves not only that what goes around comes around, but that sometimes you're able to buy it. The Margaritaville Store adjoins the Margaritaville Bar. (There are Margaritavilles in Key West and New Orleans.)

\* \* \*

“When I saw all those Hawaiian shirts out there that night, I started thinking, Well, why don't I do that? Why should somebody else make these shirts for me? Why don't I own and control this? And I guess I was one of the first artists to own his own T-shirt concession, which now consist of multimillion-dollar corporations.”

\*8 So began the diversification of Margaritaville, Inc.<sup>23</sup>

The MARGARITAVILLE trademark has also been the subject of numerous non-fiction books as an example of successful marketing of “lifestyle” brands. See excerpts from *Thank You for Firing Me!*, by Kitty Martini & Candice Reed © 2010; *Brand Like a Rock Star*, by Steve Jones © 2012; *Creating Breakthrough Products* (Second Edition), by Jonathan Cagan and Craig Vogel © 2013; and *Music Marketing for the DIY Musician*, by Bobby Borg © 2014.<sup>24</sup> It also appears in works of non-fiction as representing a state of mind that says, ‘Kick back on the front porch, chill out, have a beer and gaze mindlessly at the tropical surroundings. Anything that is a problem will have to wait until tomorrow because right now I'm enjoying my own little paradise.’

*Key West 101: Discovering Paradise!*, by Christopher Schulz and David Sloan © 2005.<sup>25</sup> And as illustrated below, the trademark MARGARITAVILLE is closely associated with a particular style of clothing: *Thunder Island*, by Meryl Sawyer © 1999--

He pretended to check the merchandise in Margaritaville's store. Instead, he eyed the passing crowd, examining the people for familiar faces. Nothing.

“Don't you just love Jimmy Buffett?”

Kyle looked down at the cute brunette at his elbow. “The mogul of margaritas is my kind of guy. Remember, Margaritaville is just a state of mind--not a place.”<sup>26</sup>

*Bit the Jackpot: A Tale of Vegas Vampires*, by Erin McCarthy © 2006--

“Actress,” Alexis said, pointing to Kelsey. “They're filming a movie here in the casino. *Vampires in Vegas*.”

“Really? That's exciting,” the one wearing a Margaritaville T-shirt said.”<sup>27</sup>

*The Telltale Turtle*, by Joyce & Jim Lavene © 2008--

“He didn't seem to, no like when he saw Charlene.” Danny pulled into the drive beside the building. The goat man, in jeans and a faded Margaritaville T-shirt with a broad rimmed straw hat on his gray hair, was sitting outside the clinic on a bench.<sup>28</sup>

*Trick My Truck But Don't Mess With My Heart*, by LuAnn McLane © 2008--

“You seriously need Stacy and Clinton to clean out your closet,” Sarah says why holding up my prized Jimmy Buffett Margaritaville T-shirt and tosses it at me. Do you actually wear this stuff?” “Hey, I'm a parrot-head and proud of it,” I tell her, referring to what huge Jimmy Buffett fans are called, me being one of them.<sup>29</sup>

*After A While You Just Get Used To It*, by Gwendolyn Knapp © 2015--

\*9 “Fine,” he said. He tucked in his Margaritaville shirt, felt the back of his shorts for his wallet, and awaited his orders from the Sarge, but they never came.<sup>30</sup>

*Nine Months: Candace*, by Maggie Wells © 2016--

Sam was ancient, *in his forties*, Candace thought. He was sunburned and balding, but kind of dapper in his Margaritaville shirt, flip-flops and Gap shorts that were frayed at the hems. He was also unsteady on his feet. *He seems harmless*, she thought. So she accepted the beer and took a big gulp.<sup>31</sup>

These excerpts show that Opposer's MARGARITAVILLE marks have been the subject of widespread media and popular culture exposure with regard to clothing and traditional brick-and-mortar as well as online retail stores featuring clothing.

Opposer has established that its pleaded MARGARITAVILLE mark is, for purposes of the likelihood of confusion analysis, famous for “clothing, namely, shirts, sweaters, sun visors and caps” and “retail clothing, gift and souvenir store services; mail order services in the field of clothing, gifts and souvenirs” as set forth in for Registration No. 1642132 and “[c]lothing, namely, pants, sweat shirts, shorts” as set forth in Registration No. 3117262.<sup>32</sup> This factor weighs heavily in Opposer's favor.

#### *The Goods and Trade Channels*

The next step in our analysis is a comparison of the goods identified in Applicant's application vis-à-vis the goods identified in Opposer's pleaded registrations. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014); *Octocom Systems, Inc. v. Houston Computers Services Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990). See also, *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001 (Fed. Cir. 2002).

At the outset, we note that the involved applications and Opposer's pleaded registrations include goods and services that are identical, at least in part. Applicant's Application Serial No. 86293056 and Opposer's Registration No. 3117262 both include sweat shirts. Likewise, Applicant's Application Serial No. 86346860 and Opposer's Registration No. 1642132 both include retail clothing stores. Given that the goods and services are identical in part in each of these consolidated proceedings, this *du Pont* factor weighs in favor of finding a likelihood of confusion.

Because the goods and services are legally identical in part, and neither Opposer's registrations nor the involved applications contain any limitations on the channels of trade and classes of purchasers, we must presume that the channels

of trade and classes of purchasers are the same for these identical goods and services. *See Stone Lion*, 110 USPQ2d at 1161; *In re Yawata Iron & Steel Co., Ltd.*, 403 F.2d 752, 159 USPQ 721, 723 (CCPA 1968) (where there are legally identical goods, the channels of trade and classes of purchasers are considered to be the same); *American Lebanese Syrian Associated Charities Inc. v. Child Health Research Institute*, 101 USPQ2d 1022, 1028 (TTAB 2011). *See also In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining likelihood of confusion). For this reason, Applicant's argument that she intends to market and offer her goods and services solely in locations that support the marijuana industry is unpersuasive. As such, the *du Pont* factor regarding the similarity or dissimilarity of established, likely to continue trade channels also favors a finding of likelihood of confusion.

#### *Conditions of Sale*

\*10 Next we consider the conditions under which the goods and services are likely to be purchased, e.g., whether on impulse or after careful consideration, as well as the degree, if any, of sophistication of the consumers. Purchaser sophistication or degree of care may tend to minimize likelihood of confusion. Conversely, impulse purchases of inexpensive items may tend to have the opposite effect. *Palm Bay*, 73 USPQ2d at 1695.

Applicant contends that it intends to direct its goods and services to consumers connected with the cannabis industry, and therefore, confusion as to source is unlikely to occur. But the identifications in the applications and Opposer's registrations do not include any limitations regarding marketing. In addition, they both include retail clothing store services and apparel offered at no specified price point. We cannot assume, as Applicant urges, that these goods and services are rendered to different classes of buyers in different marketing contexts at different prices. Rather, we must presume that the goods and services are marketed to all ordinary consumers of clothing in the usual marketing channels. Ordinary consumers of apparel are likely to exercise only ordinary care, and given the lack of price restrictions in the identifications, may buy inexpensive clothing items on impulse. *See Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000) (“When products are relatively low-priced and subject to impulse buying, the risk of likelihood of confusion is increased because purchasers of such products are held to a lesser standard of purchasing care.”). Accordingly, this factor also favors a likelihood of confusion.

#### *The Marks*

Keeping in mind that where the goods and services are identical, the degree of similarity between the marks necessary to support a determination that confusion is likely declines, *see Bridgestone Americas Tire Operations, LLC v. Fed. Corp.*, 673 F.3d 1330, 102 USPQ2d 1061, 1064 (Fed. Cir. 2012), we now consider the first *du Pont* likelihood of confusion factor, which involves an analysis of the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression. *See Palm Bay*, 73 USPQ2d at 1691 (quoting *du Pont*, 177 USPQ at 567). “The proper test is not a side-by-side comparison of the marks, but instead ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that persons who encounter the marks would be likely to assume a connection between the parties.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012) (internal citation omitted). The focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975). Our analysis cannot be predicated on dissection of the involved marks. *Stone Lion*, 110 USPQ2d at 1161. Rather, we are obliged to consider the marks in their entireties. *Id.* *See also Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 212 USPQ 233, 234 (CCPA 1981) (“It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.”). Nonetheless, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on a consideration of the marks in their entireties. *Stone Lion*, 110 USPQ2d at 1161.



\*11 Applicant argues that the marks in question MARGARITAVILLE and MARIJUANAVILLE are “completely different,” as the prefix “margarita” denotes a mixed cocktail whereas “marijuana” constitutes a plant.<sup>33</sup> Opposer, however, argues that the marks are similar in sound, appearance, connotation and commercial impression. In support thereof, Opposer has submitted the declaration of David K. Barnhart, an expert lexicographer and linguistic consultant. He was tasked with evaluating “the linguistic status of the term Margaritaville and Marijuanaville as brand names for retail stores and apparel.”<sup>34</sup> In this regard, he consulted “a broad cross-section of reference books including dictionaries, thesauruses, encyclopedias, word counts, and handbooks of usage” and surveyed “examples of usage from independently collected evidence of the use of the term Margaritaville and Marijuanaville.”<sup>35</sup> Ultimately, he offered the opinion “that due to the shared linguistic properties of the two terms *Margaritaville* and *Marijuanaville*, when used in the contexts enumerated above [internal citation omitted] these two terms are similar and may result in consumer confusion.”<sup>36</sup>

“The issue of likelihood of confusion is the ultimate conclusion of law to be decided by the Board [internal citation omitted]. Further, the Board has consistently held that although opinion testimony on the question of likelihood of confusion is admissible, it is entitled to little or no weight.” *The Land-O-Nod Co. v. Paulison*, 220 USPQ 61, 63 (TTAB 1983). See also *The Mennen Co. v. Yamanouchi Pharmaceutical Co., Ltd.*, 203 USPQ 302, 305 (TTAB 1979). For this reason, we cannot, as Opposer urges, rely on Dr. Barnhart's opinion testimony.<sup>37</sup> The Board also generally does not rely on linguistics experts to explain how a mark is pronounced. *Plyboo America Inc. v. Smith & Fong Co.*, 51 USPQ2d 1633, 1640 (TTAB 1999); *Fisons Ltd. v. UAD Laboratories, Inc.*, 219 USPQ 661, 663 (TTAB 1983); *The Mennen Co. v. Yamanouchi Pharmaceutical Co., Ltd.*, 203 USPQ 302, 305 (TTAB 1979). But see *Research in Motion Ltd. v. Defining Presence Marketing Group Inc.*, 102 USPQ2d 1187, 1193 (TTAB 2012) (Board pointed to expert testimony presented by Applicant that “there is certainly undeniable phonological similarity between BlackBerry and Crackberry. They sound alike. ...”). We can, however, rely on the evidentiary materials made of record to his declaration in reaching our own determination.

\*12 Turning now to our comparison of the marks MARGARITAVILLE and MARIJUANAVILLE, in terms of sound and appearance, both marks are similar insofar as they are single-term 14 letter marks comprised of five syllables, each commencing with the same letter string “mar-” and ending with the suffix “-ville.” As to their connotation and commercial impression, the record shows a public association between the two terms as representing a similar “state of mind” induced by either a cocktail or marijuana. According to the record, the suffix “-ville” is a slang term frequently combined with other words to denote a “state of being”:

**-ville combining form.** *U.S. Slang.* in a state of, being in or from: *He's despairville, see... and he's fed up with humanity* (S.J. Perelman). *I just finished it [a book] and all I can say is like War and Peaceville* (Bruce Jay Friedman). [*< -ville, place name suffix, as in Nashville, Louisville*]. Source: *The World Book Dictionary*. Chicago, World Book, Inc., 1992.<sup>38</sup>

“Margarita” and “marijuana” are defined as follows”

The term *margarita*, designating a cocktail, is well-established, being attested in print from at least as early as 1950. ... The Merriam-Webster Collegiate Dictionary cites *margarita* from 1956. The Random House Dictionary (Unabridged Edition) states the earliest date as 1960-1965.<sup>39</sup>

The term *marijuana*, designating a plant with addictive properties, is well-established, being attested in print at least as early as 1918 (as recorded in *The Barnhart Dictionary of Etymology*) and the variant form *mariguan* from 1874. The ultimate origin is unknown. The electronic edition of the *Oxford English Dictionary* cites 1874 for the earliest evidence.<sup>40</sup>

Thus, combining MARGARITA and MARIJUANA with -VILLE results in coined marks connoting a “state of being” associated with either a cocktail or marijuana.

Opposer also made of record the following evidence showing popular culture and media usage of the term “Marijuanaville” as an allusion to “Margaritaville”:

In 1998, *Orlando Sentinel* columnist George Diaz wrote “Plug in the Jimmy Buffett CD. Everybody sing along to that catchy tune, ‘Wasted Away Again in Marijuanaville,’ in honor of pin head Chris Webber. The erstwhile Wiz Kid, who became Sacramento's headache in the offseason, was detained for possession of marijuana in Puerto Rico earlier this week.”<sup>41</sup>

In 1998, Scott McCabe of *The Examiner* wrote in his “Stupid Crimes” column: “Wasted away again in Marijuanaville: A Florida Keys teen was arrested after deputies say he left his MySpace page called up on a computer at a home that had been burglarized . . . Deputies found no one inside, but they did find an empty soda and snack containers, and some marijuana on a coffee table.”<sup>42</sup>

\*13 In a November 10, 2015 column titled “Five reasons South Florida should decriminalize street pot,” *Sun Sentinel* columnist Daniel Vazquez wrote: “Think Marijuanaville. Tourists would prefer getting high in the sun and surf . . . Hunger-inducing weed will drive people to local clubs, bars and restaurants. Along with Margaritaville in Hollywood [Florida], we could have *Marijuanaville*.”<sup>43</sup>

In a July 15, 2014 blog post titled “Perfect Names for the 6 New California States--The Bold Italic--San

Francisco, author Jules Suzdaltsev wrote: “Jefferson = New Greenland . . . Honorable Mention: Marijuanaville--like Margaritaville but with more buffets and less Buffett.”<sup>44</sup>

Singer, songwriter, and comedian Mark Eddie has co-written and performs a tribute song entitled “Marijuanaville” “based on the music and lyrics of Jimmy Buffett's song “Margaritaville.” During live performances he introduces the song as his version of Jimmy Buffet's “Margaritaville.” YouTube videos featuring the song have received over 2 million views.<sup>45</sup>

The connection between MARGARITAVILLE and MARIJUANAVILLE is also reflected on social media platform Twitter showing a connection between the two terms among members of the general public:<sup>46</sup>



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Thus the overall connotation and commercial impression of the marks is highly similar -- a chemically induced mental paradise. The public is likely to perceive Applicant's mark as an extension of Opposer's lifestyle brand. Based on this evidence we find that Opposer's mark MARGARITAVILLE and Applicant's mark MARIJUANAVILLE are similar in connotation and commercial impression.

In sum, this first *du Pont* factor, regarding the sound, appearance, connotation and commercial impression of the involved marks, taken in their entireties, weighs in favor of finding a likelihood of confusion as well.

#### *The Number and Nature of Similar Marks in Use on Similar Goods*

We now consider the number and nature of similar marks in use on similar goods, the sixth *du Pont* factor. Applicant essentially contends that Opposer cannot monopolize the commonly shared suffix “-ville” derived from the French word for town. Applicant, however, has submitted no evidence regarding either third-party use or registration of Opposer's mark MARGARITAVILLE for the same or similar goods and services. See *Palm Bay*, 73 USPQ2d at 1694 (“[t]he purpose of defendant introducing third-party uses is to show that customers have become so conditioned by a plethora of such similar marks that customers have been educated to distinguish between different such marks on the bases of minute distinctions.”). See also *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129, 1136 (Fed. Cir. 2015); *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1675-76 (Fed. Cir. 2015) (internal citations omitted).

\*14 As Opposer correctly notes, its mark is a coined term, arbitrary in relation to the goods and services, making it inherently strong. See *American Lebanese Syrian Associated Charities v. Child Health Research Institute*, 101 USPQ2d at 1028 (“In determining the strength of a mark, we consider both its inherent strength based on the nature of the mark itself and its commercial strength, based on the marketplace recognition value of the mark.”) (internal citations omitted). According, this *du Pont* factor favors a finding of likelihood of confusion.

#### *Actual Confusion and Contemporaneous Use*

We turn to the seventh *du Pont* factor (nature and extent of any actual confusion) and the related eighth *du Pont* factor (extent of the opportunity for actual confusion) as argued by Opposer.

As Opposer correctly observes, the current filing basis for both of the involved applications is intent-to-use, and we have no evidence that Applicant has used its applied-for mark in commerce. Actual confusion cannot yet occur and evidence of actual confusion cannot yet exist. Accordingly, these *du Pont* factors are neutral.

#### *The Variety of Goods*

Opposer next raises the ninth *du Pont* factor, the variety of goods on which a mark is or is not used (house mark, “family” mark, product mark). *du Pont*, 177 USPQ at 567. Opposer argues that both parties agree that Opposer sells a wide variety of goods in multiple retail channels. However, because our finding of fame is limited to clothing and retail clothing stores, we deem this factor neutral in our *du Pont* analysis.

#### *Market Interface*

Opposer also discusses the tenth *du Pont* factor, “the market interface between applicant and the owner of a prior mark.” *du Pont*, 177 USPQ at 567. This *du Pont* factor consists of a mere “consent” to register or use; agreement provisions designed to preclude confusion, i.e. limitations on continued use of the marks by each party; assignment of mark, application, registration and good will of the related business; and/or laches and estoppel attributable to owner of prior mark and indicative of lack of confusion. *Id.*

According to the record, there is no market interface between Applicant and Opposer. In other words, Opposer has not consented to Applicant's use or registration of the mark; nor have the parties entered into any co-existence agreements. The tenth *du Pont* factor therefore favors a finding of likelihood of confusion.

#### *Right to Exclude Others*

\*15 The next *du Pont* factor raised by Opposer is the extent to which Applicant has a previous right to exclude others from use of its mark on its goods. There is no evidence that Bevis has any right to exclude others from using MARIJUANAVILLE except for any rights based on the subject Applications, which are opposed in this proceeding. For this reason, the eleventh *du Pont* factor favors a likelihood of confusion.

#### *Extent of Potential Confusion*

Last, we consider the extent of potential confusion, i.e., whether *de minimis* or substantial. With regard to this factor, Applicant argues that there is no “realistic” potential for confusion. Opposer points out that the clothing and retail store goods and services involved here are directly competitive.<sup>48</sup> Since these are the type of goods and services that would be marketed to and purchased by significant numbers of purchasers, the potential for confusion therefore cannot be deemed *de minimis*. Accordingly, this *du Pont* factor favors Opposer.

#### *Balancing the du Pont Factors*

The record shows that Opposer's mark MARGARITAVILLE is famous in connection with clothing and retail stores featuring clothing and is inherently strong. As such, it is entitled to a wide scope of protection. *Bose Corp.*, 63 USPQ2d at 1308-9. *Recot*, 54 USPQ2d at 1897 (“Famous marks are accorded more protection precisely because they are more likely to be remembered and associated in the public mind than a weaker mark.”). The goods and services involved are identical in part and are therefore presumed to travel through the same trade channels and be purchased by the same classes

of consumers, ordinary consumers. Ordinary consumers of apparel are likely to exercise only ordinary care, and may buy inexpensive clothing items on impulse. When considered in their entirety, the marks MARGARITAVILLE and MARIJUANAVILLE are similar in appearance, sound, meaning and commercial impression. “In a correct assessment of the du Pont factors”, the fame of Opposer’s MARGARITAVILLE mark “magnifies” these similarities. *See Kenner Parker Toys Inc. v. Rose Arts Industries, Inc.*, 22 USPQ2d 1453, 1457 (Fed. Cir. 1992). *See also Research in Motion*, 102 USPQ2d at 1194 (“[A] potential consumer who is aware of opposer’s famous mark is even more likely to be attuned to its similarity to applicants’ mark upon encountering the latter”). The remaining *du Pont* factors discussed either favor a finding of likelihood of confusion or are neutral.

\*16 Accordingly, we find that Opposer has proved its Section 2(d) claim by a preponderance of the evidence in both proceedings.

**Decision:** The opposition is sustained on Opposer’s Section 2(d) claim in both Opposition Nos. 91219403 and 91221395.

1 On June 11, 2015, the Board granted Opposer’s contested motion to consolidate the instant proceedings. 17 TTABVUE 2-3. Citations to the record are to Opposition No. 91219403 (the parent case) and the corresponding TTABVUE entry and page number, the Board’s online docketing system, unless otherwise noted. Portions of the record have been designated confidential and have been treated as such in this opinion.

2 Applicant was originally represented by legal counsel but then chose to represent herself. 14, 15 TTABVUE. While acknowledging that parties may appear pro se, the Board advised Applicant to secure the services of an attorney familiar with Board inter partes proceedings. 16 TTABVUE 2-4.

3 Application Serial No. 86293056, filed May 28, 2014, filed under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), alleging a bona fide intent to use the mark in commerce.

4 Application Serial No. 86346860, filed July 24, 2014. The current basis for the application is Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

5 Prior to November 2, 2003, “standard character” drawings were known as “typed” drawings. A typed mark is the legal equivalent of a standard character mark. Trademark Manual of Examining Procedure (“TMEP”) § 807.03(i) (January 2017).

6 11 TTABVUE.

7 Opp. No. 91221395, 4 TTABVUE.

8 34 TTABVUE.

9 A list of the exhibits is provided at Appendix I.

10 Opposer submitted both confidential and redacted versions of its supplemental ACR brief.

11 A list of exhibits is provided at Appendix II.

12 Buffett Declaration; 39 TTABVUE 28-29.

13 McConnell Declaration ¶ 20; 39 TTABVUE 32-33.

14 McConnell Declaration ¶¶ 13-20; 39 TTABVUE 31-33.

15 McConnell Declaration at ¶ 21; 39 TTABVUE 33.

16 Baldanza-Dekker Declaration at ¶ 4; 39 TTABVUE 267. Since 1997, the Margaritaville.com website has also provided information for Jimmy Buffett fans such as tour dates and song lyrics.

- 17 Baldanza-Dekker Declaration at ¶ 6-11 (confidential); 39 TTABVUE 268.
- 18 Baldanza-Dekker Declaration at ¶ 12-15; 39 TTABVUE 268.
- 19 Moreton Declaration at ¶¶ 2, 4-5, Ex. 1 (confidential).
- 20 Adkins Declaration II at ¶ 6, Ex. 4; 39 TTABVUE 101-105.
- 21 Adkins Declaration II at ¶ 7, Ex. 5; 39 TTABVUE 113-114.
- 22 Adkins Declaration II at ¶ 9, Ex. 7; 39 TTABVUE 113-114.
- 23 Adkins Declaration II at ¶ 10, Ex. 8; 39 TTABVUE 117-120.
- 24 Adkins Declaration II at ¶ 13-16, Ex. 13-16; 39 TTABVUE 138-168.
- 25 Adkins Declaration II at ¶ 19, Ex. 17; 39 TTABVUE 169-170.
- 26 Adkins Declaration II at ¶ 26, Ex. 24; 39 TTABVUE 204-207.
- 27 Adkins Declaration II at ¶ 27, Ex. 25; 39 TTABVUE 208-210.
- 28 Adkins Declaration II at ¶ 29, Ex. 27; 39 TTABVUE 215-220.
- 29 Adkins Declaration II at ¶ 30, Ex. 28; 39 TTABVUE 221-224.
- 30 Adkins Declaration II at ¶ 31, Ex. 29; 39 TTABVUE 225-227.
- 31 Adkins Declaration II at ¶ 32, Ex. 30; 39 TTABVUE 228-232.
- 32 Opposer did not submit evidence to support a finding that the mark MARGARITAVILLE is famous for “nightclub services” as identified in Registration No. 1642132.
- 33 Applicant's Supplemental ACR Brief, 38 TTABVUE 3.
- 34 Barnhart Declaration ¶ 6; 39 TTABVUE 275.
- 35 Barnhart Declaration at ¶ 7; 39 TTABVUE 275.
- 36 Barnhart Declaration at ¶ 14; 39 TTABVUE 279.
- 37 Likewise, as to the connotation and commercial impression of the marks, we will not consider singer/songwriter/comedian Mark Eddie's opinion that “the commercial impression of “Marijuanaville” is a marijuana themed version of Margaritaville.” Eddie Declaration at ¶ 14; 39 TTABVUE 406.
- 38 Barnhart Declaration at ¶ 8(b); 39 TTAVUE 276.
- 39 Barnhart Declaration at ¶ 8(c); 39 TTAVUE 276.
- 40 Barnhart Declaration at ¶ 8(d); 39 TTAVUE 276-77.
- 41 Adkins Declaration II at ¶ 37, Ex. 35; 39 TTABVUE 248-250.
- 42 Adkins Declaration II at ¶ 38, Ex. 36; 39 TTABVUE 251-253.
- 43 Adkins Declaration II at ¶ 39, Ex. 37; 39 TTABVUE 254-255.
- 44 Adkins Declaration II at ¶ 40, Ex. 38; 39 TTABVUE 257-258.
- 45 Eddie Declaration at ¶¶ 9-20; 39 TTABVUE 404-408.

- 46 Because we have no evidence regarding the extent of exposure of the social media “tweets” made of record, while relevant, we have accorded this evidence only limited probative value.
- 47 Adkins Declaration II at ¶ 41, Ex. 39; 39 TTABVUE 259-265.
- 48 Opposer's Motion for Summary Judgment pp. 16-17, 20 TTABVUE 17-18.

## APPENDIX I

### Exhibit List to Declaration of Mary Martha Adkins (“Adkins Declaration I”)

- \*17 Ex. 1: Wikipedia entry entitled “Margaritaville.”
- Ex. 2: Sheet music for the song “Margaritaville” by Jimmy Buffett.
- Ex. 3: Printout from [www.allmusic.com](http://www.allmusic.com) listing Billboard awards given to Jimmy Buffett's Changes in Lattitudes, Changes in Attitudes album.
- Ex. 4: Printout from [www.allmusic.com](http://www.allmusic.com) listing the albums on which the song “Margaritaville” appears.
- Ex. 5: Printout from [www.riaa.com](http://www.riaa.com) of the search results for “Songs You Know by Heart” in the Recording Industry of America Gold & Platinum database.
- Ex. 6: Printout from [www.riaa.com](http://www.riaa.com) of the search results for “Boats, Beaches, Bars & Ballads “in the Recording Industry of America Gold & Platinum database.
- Ex. 7: An article entitled “Nashville Scene” from November 22, 1985 Billboard magazine.
- Ex. 8: Screenshot from [www.margaritaville.com/shop](http://www.margaritaville.com/shop).
- Ex. 9: Screenshot from [www.hsn.com/margaritaville/](http://www.hsn.com/margaritaville/).
- Ex. 10: Screenshot from [www.frontgate.com/homeplusstyle/margaritaville/](http://www.frontgate.com/homeplusstyle/margaritaville/).
- Ex. 11: Opposer's First Set of Interrogatories in Opp. No. 91219403.
- Ex. 12: Applicant's Responses to Opposer's First Set of Interrogatories in Opp. No. 91219403.
- Ex. 13: Opposer's First Set of Interrogatories in Opp. No. 91221395.
- Ex. 14: Applicant's Responses to Opposer's First Set of Interrogatories in Opp. No. 91221395.
- Ex. 15: Dictionary entry for “margarita” from [dictionary.reference.com](http://dictionary.reference.com).
- Ex. 16: Dictionary entry for “marijuana” from [dictionary.reference.com](http://dictionary.reference.com).
- Ex. 17: Dictionary entry for “-ville” from [dictionary.reference.com](http://dictionary.reference.com).
- Ex. 18: Printout from [www.cosmickitchen.com](http://www.cosmickitchen.com) of the song “Margaritaville.”

## APPENDIX II

### Exhibit List to Declaration of Mary Martha Adkins (“Adkins Declaration II”)

Exs. 1-2: Copies of The Coconut Telegraph, Vol. 9, No. 5, dated Sept.-Oct. 1993 and Vol. 29, No. 5, dated Holiday 2013.

Ex. 3: A screenshot from <http://www.margaritaville.com/coconut-telegraph>.

Ex. 4: A printout from the LexisNexis® data-base of a The New York Times article dated April 24, 2016 titled “Easy, Breezy, Boozy and Lucrative” and a photocopy of the first page of the article as it appeared in the printed The New York Times.

Ex. 5: A photocopy of an article titled “Nashville Scene” that appeared in the November 22, 1985 issue of Billboard.

Ex. 6: A printout from the LexisNexis® data-base of a Chicago Tribune article dated April 30, 1992 titled “Jimmy Buffett starts his own record label.”

Ex. 7: A printout from the LexisNexis® data-base of a Forbes article dated January 16, 1995 titled “Margarita marketing.”

Ex. 8: A photocopy of an article titled “The CEO of Margaritaville” that appeared in the November 22, 1985 issue of Playboy, along with a photocopy of the issue's cover.

\*18 Ex. 9: A printout from the LexisNexis® data-base of a The International Herald Tribune article dated July 7, 2007 titled “Wasting away? No way; Margaritaville now an empire; SPOTLIGHT.”

Ex. 10: A printout from the LexisNexis® data-base of a Los Angeles Times article dated December 30, 2008 titled “Buffett's booming empire; No, this is Jimmy's. His ventures bring him an annual net income of about \$40 million.”

Ex. 11: A printout from <https://www.bostonglobe.com/arts/music/2012/06/21/listen-jimmy-buffett-before-was-mayormargaritaville/TjcZVRVLHRhFZR54ZtDU5J/story.html> of an article titled “Before he was mayor of Margaritaville...” that first appeared on Bos-tonGlobe.com on June 22, 2012.

Ex. 12: A printout from <http://www.bloomberg.com/news/articles/201305-26/welcome-to-margaritaville-the-mostlucrative-song-ever> of an article titled “Welcome to ‘Margaritaville,’ the Most Lucrative Song Ever” that first appeared on Bloomberg.com on May 26, 2013.

Ex. 13: Photocopies of the cover page, copyright page, and pages 116 and 117 of the book titled Thank You for Firing Me! by Kitty Martini and Candice Reed.

Ex. 14: Photocopies of the cover page, copyright page, and pages 1, 2, and 51 -- 68 of the book titled Brand Like a Rock Star by Steve Jones.

Ex. 15: Photocopies of the copyright page and pages 15, 16, and 17 of the book titled Creating Breakthrough Products (Second Edition) by Jonathan Cagan and Craig M. Vogel.

Ex. 16: Photocopies of the cover page, copyright page, and pages 16 and 87 of the book titled Music Marketing for the DIY Musician by Bobby Borg.



Ex. 17: Photocopies of the cover page, copyright page, and page 88 of the book titled Key West 101: Discovering Paradise by Christopher Schultz and David Sloan.

Ex. 18: Photocopies of the cover page, copyright page, and page 99 of the book titled The Writing Diet by Julia Cameron.

Ex. 19: Photocopies of the cover page, copyright page, and pages 217 -- 218 of the book titled The New Encyclopedia of Southern Culture, Volume 8: Environment, edited by Martin Melosi.

Ex. 20: Photocopies of the cover page, copyright page, and pages 191 -- 193 of the book titled The New Encyclopedia of Southern Culture, Volume 12: Music, edited by Bill C. Malone.

Ex. 21: Photocopies of the cover page, copyright page, and page 63 of the book titled 301 Smart Answers to Tough Business Etiquette Questions by Vicky Oliver.

Ex. 22: Photocopies of the cover page, copyright page, and page 20 of the book titled Fodor's South Florida 2015 by Lynne Helm, Jill Martin, and Paul Rubio.

Ex. 23: Photocopies of the cover page, copyright page, and page 173 of the book titled Moon Handbooks Cape Cod by Ray Bartlett.

Ex. 24: Photocopies of the cover page, copyright page, and pages 12 -- 13 of the book titled Thunder Island by Meryl Sawyer.

Ex. 25: Photocopies of the cover page, copyright page, and page 238 of the book titled Bit the Jackpot A Tale of Vegas Vampires by Erin McCarthy.

\*19 Ex. 26: Photocopies of the cover page, copyright page, and page 8 of the book titled Never Happened by Debra Webb.

Ex. 27: Photocopies of the cover page, copyright page, and pages 120 -- 121 of the book titled The Telltale Turtle by Joyce & Jim Lavene.

Ex. 28: Photocopies of the cover page, copyright page, and page 83 of the book titled Trick My Truck But Don't Mess With My Heart by LuAnn McLane.

Ex. 29: Photocopies of the cover page, copyright page, and page 69 of the book titled After A While You Just Get Used To It by Gwendolyn Knapp.

Ex. 30: Photocopies of the cover page, copyright page, and page 72 of the book titled Nine Months Candace by Maggie Wells.

Ex. 31: A screenshot from [http://www.imdb.com/title/tt1397941/?ref\\_=ttep\\_ep3](http://www.imdb.com/title/tt1397941/?ref_=ttep_ep3). This screenshot was captured on October 7, 2016.

Ex. 32: A screenshot from <http://www.emmys.com/awards/nominees-winners/2009/outstanding-short-format-animatedprogram>.

Ex. 33: A printout from <http://www.hollywoodreporter.com/heat-vision/jurassic-world-has-a-brookstone-802161> of an article titled “‘Jurassic World’ Has a Brookstone? Product Placement Runs Wild in the Park” article dated June 13, 2015.

Ex. 34: A printout from <http://www.hollywoodreporter.com/news/jimmybuffettmusical-sets-san-906663> of an article titled “Jimmy Buffett Musical Sets San Diego Premiere” article dated June 27, 2016.

Ex. 35: A printout from the LexisNexis® data-base of a Orlando Sentinel article dated August 21, 1998 titled “Webber Goes Up in Smoke.”

Ex. 36: A printout from the LexisNexis® database of a The Examiner article dated November 12, 2010 titled “Stupid Crimes.”

Ex. 37: A printout from <http://www.sun-sentinel.com/opinion/todaysbuzz/sfl-south-florida-pot-laws-20151110-story.html> of an article dated November 10, 2015 titled “Five reasons South Florida should decriminalize street pot.”

2017 WL 1345072 (Trademark Tr. & App. Bd.)

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# Exhibit 7

2016 WL 3771778 (Trademark Tr. & App. Bd.)

This Opinion is Not a Precedent of the TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

NIKE, INC.

v.

CAPITAL E FINANCE CO., LLC

Opposition No. 91221511

June 24, 2016

\*1 [Helen Hill Minsker](#) and [Audra C. Eidem Heinze](#) of Banner & Witcoff, Ltd. for NIKE, Inc.  
Capital E Finance Co., LLC, pro se

Before [Wolfson](#), [Lykos](#) and Masiello

Administrative Trademark Judges

Opinion by [Lykos](#)

Administrative Trademark Judge:

On July 8, 2014, Capital E Finance Co., LLC (“Applicant”) filed an application under Section 1(b) of the Trademark Act, [15 U.S.C. § 1051\(b\)](#), to register on the Principal Register the mark **Just Did It** in standard characters for the following goods in International Class 25: <sup>1</sup>

Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shirts; Button down shirts; Button-front aloha shirts; Clothing for athletic use, namely, padded shirts; Collared shirts; Golf shirts; Graphic T-shirts; Hooded sweat shirts; Knit shirts; Long-sleeved shirts; Maternity clothing, namely, shirts; Night shirts; Open-necked shirts; Polo shirts; Rugby shirts; Shirts and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Sport shirts; Sports shirts; Sports shirts with short sleeves; Sun protective clothing, namely, shirts; Sweat shirts; T-shirts; Tee shirts; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Wearable garments and clothing, namely, shirts; Yoga shirts.

NIKE, Inc. (“Opposer”) opposed the registration of Applicant's mark on the grounds of likelihood of dilution by blurring under Section 43(c) of the Trademark Act, [15 U.S.C. § 1125\(c\)](#), and likelihood of confusion under Section 2(d) of the Trademark Act, [15 U.S.C. § 1052\(d\)](#), based on Opposer's previously used and registered JUST DO IT marks. Opposer pleaded ownership of and submitted with its notice of opposition copies of the following registrations obtained from the U.S. Patent and Trademark Office's (“USPTO”) Trademark Status and Document Retrieval (“TSDR”) database, thereby making them of record pursuant to [Trademark Rule 2.122\(d\)\(1\)](#):

Registration No. 1875307 for the mark **JUST DO IT**. in typed format <sup>2</sup> on the Principal Register for “clothing, namely t-shirts, sweatshirts and caps” in International Class 25; registered January 24, 1995; renewed.

\*2 Registration No. 4350316 for the mark **JUST DO IT** in standard characters on the Principal Register for “eyeglass frames; sunglasses” in International Class 9; registered on June 11, 2013.

Registration No. 4704671 for the mark **JUST DO IT** in standard characters on the Principal Register for “[c]ell phone cases; parts and accessories for cell phones, namely, cell phone covers; specialty carrying cases for cell phones; cases for hand-held computing devices; protective covers for hand-held computing devices; eyewear; sunglasses” in International Class 9; registered on March 17, 2015.

Opposer also pleaded ownership of pending Application Serial No. 86444421 which subsequently matured into the registration listed below.

Registration No. 4764071 for the mark **JUST DO IT** in standard characters on the Principal Register for “All purpose sport bags; Backpacks” in International Class 18 and “Footwear; Headbands; Headwear; Pants; Shorts; Sports bras; Tank tops; Tights; Warm up suits” in International Class 25; registered June 30, 2015.

In its answer to the notice of opposition, Applicant admitted Opposer's ownership of its pleaded registrations and application. In addition, Applicant admitted the allegations that “Opposer's use ... of its **JUST DO IT** Mark is long prior to the filing date of the opposed Application” (§ 14); that Opposer's **JUST DO IT** mark “which has been in use in commerce for more than twenty-five years” is “famous within the meaning of Section 43(c) of the [Trademark] Act, 15 U.S.C. § 1125(c)” (§ 20); and that “Opposer's **JUST DO IT** Mark became famous prior to the filing date of the Application for Applicants' Mark and prior to any date of first use or first use in commerce of Applicants' Mark” (§ 21).<sup>3</sup> (TTABVUE Entry # 5). Otherwise Applicant denied the salient allegations therein.

#### *I. The Record; Accelerated Case Resolution*

The record includes the pleadings and, pursuant to [Trademark Rule 2.122\(b\)](#), Applicant's application file.

The parties stipulated to resolve this proceeding under the stipulated record model of the Board's Accelerated Case Resolution (“ACR”) procedure, and are commended for pursuing this expeditious, cost-efficient alternative to trial. *See* “Stipulation of the Parties for Use of Accelerated Case Resolution (ACR) Procedure” (TTABVUE Entry #10) (hereinafter referred to as “ACR agreement”). Under the ACR model selected by the parties, in lieu of separate assigned testimony and briefing periods, each party submitted briefs with evidentiary submissions attached thereto, effectively merging the trial and briefing periods into a single phase. Witness testimony was presented in declaration form. *Id.* In addition, the evidentiary record has been stipulated to in substantial part. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 702.04(d) (2015) (“ACR using Stipulated Record and Trial Briefs”).

\*3 Pursuant to their ACR Agreement, the parties entered into various procedural stipulations approved by the Board, including the following:

The parties waived all disclosures;

Neither party shall conduct discovery or rely on expert testimony;

The parties shall forego trial and an oral hearing;

The parties shall submit briefs, accompanied by evidence which may be submitted in the form of declarations or affidavits and exhibits thereto, similar to the format for summary judgment; evidence that may be submitted under notice of reliance under normal trial procedures may also be submitted as attachments to the parties' briefs;

The page limit for the parties' briefs shall be the page limit permitted for trial briefs pursuant to [Trademark Rule 2.128\(b\)](#);

The parties may raise substantive objections to evidence pursuant to the Federal Rules of Evidence; and

The parties agreed that the Board may resolve genuine disputes of material fact and issue a final ruling based on the parties' ACR submissions.

In addition, as per their ACR stipulation, the parties stipulated to numerous facts as not in dispute (TTABVue Entry # 12), including the following:

“NIKE is a leading sport and fitness company and leading provider of a broad range of clothing, footwear, sporting goods, athletic equipment and related products and services.” (¶ 1)

Opposer has standing to bring this proceeding based on its prior pleaded registrations and application which subsequently matured into registration. (¶ 2)

“NIKE began using the trademark JUST DO IT in connection with the goods cited in its pleaded registrations prior to the filing date of [Applicant's] application on July 8, 2014.” (¶ 6)

“NIKE has used the trademark JUST DO IT in commerce continuously since January 26, 1989.” (¶ 7)

“NIKE's trademark JUST DO IT is famous.” (¶ 8)

“NIKE's trademark JUST DO IT became famous before [Applicant] filed its application for JUST DID IT on July 8, 2014.” (¶ 9)

Opposer has successfully opposed or petitioned to cancel numerous trademark applications and registrations of the marks including the phrase “JUST ... IT.” (¶ 15)

“Applicant is a company primarily engaged in the business of financing or arranging financing for energy and environmental related projects.” (¶ 16)

“[Applicant] does not claim rights to JUST DID IT as a trademark in connection with any of the goods set forth in its application prior to the filing date of its application on July 8, 2014.” (¶ 19)

“[Applicant] did not use JUST DID IT as a trademark in connection with any of the goods set forth in its application prior to the filing date of its application on July 8, 2014.” (¶ 20)

\*4 “Since filing its Application Serial No. 86/330,661, [Applicant] has not made use, or use in commerce, of its mark JUST DID IT as a trademark in connection with the goods set forth in its application.” (¶ 21)

“NIKE has never given [Applicant] any consent or permission or otherwise authorized [Applicant] to use or register the JUST DO IT mark in connection with any goods or services, nor has Applicant requested the same.” (¶ 22)

“There is no connection or affiliation between NIKE and [Applicant] or [Applicant's] goods or services.” (¶ 23)

It was proper to stipulate to all of the aforementioned facts as undisputed. We are compelled, however, to comment on some of the other “stipulated facts” entered into by the parties. In particular, the parties “stipulated” as to certain portions of a prior Board decision involving Opposer as plaintiff and an unrelated defendant, *Nike Inc. v. Maher*, 100 USPQ2d 1018 (TTAB 2011) where the Board sustained both Opposer's Section 2(d) and dilution by blurring claims. For example, the parties “stipulated” that in the *Nike v. Maher* case, the Board “held that NIKE's trademark is famous for both likelihood of confusion and dilution purposes.” ACR Stipulation ¶10. Assuming that the parties' characterization of this earlier case is correct, this stipulation does not function to establish, for purposes of this proceeding, the findings made in that proceeding.

Opposer timely submitted an ACR brief accompanied by the following declarations with exhibits attached thereto: (1) Jaime Lemons, Opposer's Global Counsel, Trademark and Copyright; (2) Melanie Sedler, a trademark paralegal and employee of Opposer since 1979; and (3) Nathan Kappes, a litigation paralegal at Banner & Witcoff, Ltd. In addition, Opposer properly made of record under notice of reliance its pleaded application which matured into Registration No. 4764071<sup>4</sup> as well as numerous articles and advertisements featuring or discussing Opposer's JUST DO IT trademark.

Applicant also filed an ACR brief,<sup>5</sup> and Opposer in turn filed a reply.

As noted above, the parties have stipulated to many of the critical facts, and Applicant submitted no admissible evidence. Nonetheless, as plaintiff in this proceeding, Opposer bears the burden of proving its standing and claims by a preponderance of the evidence.

## II. *Standing*

The parties stipulated that Opposer has standing to bring the claims asserted in this proceeding.<sup>6</sup>

## III. *Dilution by Blurring*

Turning now to the substantive matters before us, we commence with Opposer's claim of dilution by blurring. The Trademark Act provides a cause of action for the dilution of famous marks. *See* Sections 13 and 43(c) of the Trademark Act, 15 U.S.C. §§ 1063 and 1125(c). Section 43(c) provides as follows:

\*5 Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

The Trademark Act defines dilution by blurring as follows:

“[D]ilution by blurring” is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark.

Section 43(c)(2)(B) of the Trademark Act, 15 U.S.C. § 1125(c)(2)(B). “Dilution diminishes the ‘selling power that a distinctive mark or name with favorable associations has engendered for a product in the mind of the consuming public.’”

*Toro Co. v. ToroHead Inc.*, 61 USPQ2d 1164, 1182 (TTAB 2001) (internal citation omitted) (“*Toro*”). In oppositions to intent-to-use applications filed under Trademark Act Section 1(b), the Board applies the following three-prong test for dilution by blurring:

1. Whether Opposer's mark is famous<sup>7</sup> and distinctive;<sup>8</sup>
2. Whether Opposer's mark became famous prior to applicant's date of constructive use or filing date; and
3. Whether Applicant's mark is likely to cause dilution by blurring the distinctiveness of Opposer mark.

See e.g., *National Pork Board v. Supreme Lobster and Seafood Co.*, 96 USPQ2d 1479, 1494-95 (TTAB 2010).<sup>9</sup>

Applicant, in its answer, admitted that Opposer's JUST DO IT mark is famous for dilution purposes and that it became famous prior to the filing date of Applicant's application.<sup>10</sup> Answer ¶¶ 20 and 21.<sup>11</sup> We further find that in addition to being famous for dilution purposes, Opposer's mark is “distinctive” within the meaning of Section 43(c) of the Act. As noted above, each of Opposer's pleaded registrations for the mark JUST DO IT are subsisting on the Principal Register, evidence that the mark is inherently distinctive. Thus, the crux of Opposer's dilution by blurring claim hinges on our analysis of the third prong - - whether Applicant's JUST DID IT mark is likely to cause dilution by blurring the distinctiveness of Opposer's JUST DO IT mark.

Dilution by blurring is an “association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark,” 15 U.S.C. § 1125(c)(2)(B), and may be found “regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury,” 15 U.S.C. § 1125(c)(1). Dilution by blurring occurs when a substantial percentage of consumers, upon seeing the junior party's use of a mark on its goods or services, are immediately reminded of the famous mark and associate the junior party's use with the owner of the famous mark, even if they do not believe, for example, that the goods or services come from the famous mark's owner, or that the famous mark's owner approves the goods or services. In addition, we must determine not only whether there is an ‘association’ arising from the similarity of the marks, but whether such association is likely to ‘impair’ the distinctiveness of the famous mark. *Nike Inc. v. Maher*, 100 USPQ2d at 1023. In determining whether a mark or trade name is likely to cause dilution by blurring, the Board may consider the following non-exhaustive list of six factors:

- \*6 (i) The degree of similarity between the mark or trade name and the famous mark.
- (ii) The degree of inherent or acquired distinctiveness of the famous mark.
- (iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.
- (iv) The degree of recognition of the famous mark.
- (v) Whether the user of the mark or trade name intended to create an association with the famous mark.
- (vi) Any actual association between the mark or trade name and the famous mark.

15 U.S.C. § 1125(c)(2)(B)(i)-(vi). We now consider each of these factors in turn.



**(i) The degree of similarity between the mark or trade name and the famous mark**

Applicant argues that while Opposer's JUST DO IT mark projects a “call to arms, encouraging consumers to follow through with their goals” and to “compete, work, hustle,” Applicant's mark JUST DID IT “embodies a call to celebrate and reflect on one's successes such as graduation, birth, marriage, etc... and a call for others to recognize that success.” Applicant's ACR Brief, 23 TTABVUE 11.

Applicant's argument is unpersuasive. The marks in question are almost identical. Applicant's mark JUST DID IT merely is the past tense version of Opposer's JUST DO IT mark. As such, the marks are “sufficiently similar to trigger consumers to conjure up a famous mark when confronted with the second mark.” *National Pork Board*, 96 USPQ2d at 1497. This factor therefore favors finding a likelihood of dilution by blurring.

**(ii) The degree of inherent or acquired distinctiveness of the famous mark**

“This factor requires us to analyze how distinctive or ‘unique’ the mark is to the public. The inquiry is made even when it is undisputed that opposer's mark is registered on the Principal Register.” *Chanel, Inc. v. Makarczyk*, 110 USPQ2d 2013, 2025 (TTAB 2014) (quoting *NASDAQ Stock Market Inc. v. Antartica S.r.l.*, 69 USPQ2d 1718, 1735 (TTAB 2003)). “The more inherently distinctive and memorable the mark, the more it is likely to be blurred by the use of other identical or similar marks. The more descriptive the mark, the less likely it is to be blurred by uses of identical or similar marks.” Testimony of Anne Gundelfinger, President, International Trademark Association, before House Subcommittee on Courts, the Internet and Intellectual Property, Committee on the Judiciary, February 17, 2005 (109th Cong., 1st Sess.), 2005 WL 408425.

As noted above, Opposer's mark JUST DO IT is inherently distinctive as evidenced by its registrations on the Principal Register. Moreover, there is no evidence that JUST DO IT has any descriptive meaning as applied to Opposer's goods, nor is there any evidence showing that its distinctiveness is weakened by suggestiveness in the relevant field. In addition, the record shows that Opposer's JUST DO IT mark has acquired a high degree of acquired distinctiveness among consumers. At its initial launch in 1988, Opposer distinguished its JUST DO IT brand name from other competitors in the athletic apparel industry by introducing a series of commercials featuring ordinary people. Sedler Decl. ¶¶ 8-14, Exs. D-1 (internal document explaining “Just Do It” campaign), D-2 (television commercial featuring eighty-year old man running across San Francisco Bay Bridge), D-3 (screenshots of television commercial featuring former smoker and New York marathon winner Priscilla Welch); 19 TTABVUE 4-7, 14-31. To promote its new slogan, Opposer spent over \$5.6 million in television and print advertisements in a three-month period. *Id.* at ¶¶ 8-14, 19 TTABVUE 4-7. Opposer's promotional efforts to garner consumer recognition of its mark were initiated throughout the entire company, as evidenced by the display of the JUST DO IT slogan in the lobby of NIKE buildings and retail stores, automated telephone greetings and messages consisting of “NIKE - JUST DO IT”, and the inclusion of the slogan on shipping cartons and outgoing correspondence. *Id.* at ¶ 9-10, 19 TTABVUE 4-5. The high level of expenditures continued after the launch - since 2008, Opposer estimates that it has spent approximately \$200 million on advertisements and promotions of its JUST DO IT mark. *Id.* at ¶ 26, 19 TTABVUE 12. Many of Opposer's JUST DO IT television commercials are so popular with consumers that they are viewed repeatedly via YouTube. *Id.* at ¶ 20, 19 TTABVUE 9 (e.g., Charles Barkley “Role Model”; “If You Let Me Play”). For example, in 2008, Opposer aired a commercial during the 2008 Olympics featuring Carl Lewis to commemorate the 20<sup>th</sup> anniversary of the JUST DO IT campaign which subsequently received over 1 million views on YouTube. *Id.* In addition to print and television advertising, Opposer reaches consumers with its JUST DO IT slogan via social media platforms such as Facebook, Instagram and Twitter. *Id.* at ¶ 25, 19 TTABVUE 11; Kappes Decl. ¶¶ 4-6, Exs. E-3 to E5 (Facebook, Instagram and Twitter screenshots), 20 TTABVUE 3-4, 66-118. Opposer's substantial sales of its JUST DO IT branded apparel and ancillary goods reflect these efforts, with estimated sales totaling over 27.5 million units “in every state in the United States” between 1989-2009. Lemons Decl. ¶ 11, Ex. C-2

(product sales spreadsheet), 18 TTABVUE 6, 13-251. “Since 2009, Opposer has sold over 30 million additional units of products bearing the JUST DO IT trademark in every state of the United States.” *Id.* at ¶ 12, 18 TTABVUE 6.

\*7 Applicant contends that Opposer's mark JUST DO IT is not distinctive “because it has been and will continue to be used in regular conversation, unrelated to NIKE or sports, for decades.” Applicant's ACR Brief, 14 TTABVUE 11. Applicant's argument reflects a misunderstanding of the concept of distinctiveness. As noted above, the record more than amply supports this finding. This factor also favors a finding of likelihood of dilution.

**(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark**

Opposer's JUST DO IT slogan is one of its most valuable trademarks (Lemons Decl. ¶ 6, 18 TTABVUE 4), and has been the subject of unauthorized copying (*Id.* at ¶ 20, 18 TTABVUE 9). Consequently, Opposer has a long history of vigorously enforcing its rights against third parties. *Id.* at ¶ 6, 18 TTABVUE 4. Opposer has sent numerous cease and desist letters to unauthorized users of its mark, and has also pursued legal action in numerous court proceedings. *Id.* at ¶¶ 21 and 23, Exs. C-5 (cease and desist letters), 18 TTABVUE 9-10, 265-305. In addition, the parties stipulated that Opposer has successfully challenged before this tribunal thirty-four applications and registrations incorporating the phrase “JUST ... IT.” ACR Stipulation ¶ 15. Opposer typically declines requests from third parties seeking permission to use JUST DO IT or JUST \_\_\_ IT (Lemons Decl. at ¶ 21, 18 TTABVUE 9). Accordingly, we find that Opposer has made “substantially exclusive” use of the JUST DO IT trademark, and therefore, this dilution factor weighs in favor of a likelihood of dilution.

**(iv) The degree of recognition of the famous mark**

The record shows that Opposer's JUST DO IT mark is universally recognized throughout the United States. Opposer's customers include “men, women and children of essentially all age groups and backgrounds, including those who do not consider themselves athletes.” Sedler Decl. ¶ 7, 19 TTABVUE 4. One unsolicited survey referred to the slogan “as one of the most famous and easily recognized advertising slogans in advertising history.” Lemons Decl. ¶ 17, Ex. C-3 (Center for Applied Research, “*Mini-case Study: Nike's 'Just Do It' Advertising Campaign*”), 18 TTABVUE 8, 254-258. The mark has been the subject of an extensive level of unsolicited media coverage and accolades. *See* Opposer's Notice of Reliance (15, 16 TTABVUE). By way of illustration, we highlight the following:

“Nike's “Just Do It” is arguably the best tagline of the 20<sup>th</sup> century. It cut across age and class barriers, linked Nike with success - and made consumers believe they could be successful too just by wearing its products.” *History of Advertising: No. 118: Nike's 'Just Do It' tagline*, Campaign Live. Jan. 22, 2015 (Kappes Decl. ¶ 23, Ex. E-22, 20 TTABVUE 8, 223-233).

\*8 “*Just do it.*” Those three little words have inspired a whole host of people the world over to do just that. They compete. They work. They hustle. They just *do* it. That phrase, which has become synonymous with success, with strength, with perseverance *is* Nike's brand.” Wright, Meghan, *Just Do It: Nike's Marketing Strategy and How They're Getting it Done*, Advat, May 28, 2015 (Kappes Decl. ¶ 25, Ex. E-24, 20 TTABVUE 9, 244-253).

“Nike dominates the U.S. athletic shoe industry, testimony to a marketing machine so successful that the company's “Just Do It” slogan and “swoosh” logo are part of popular culture.” *Nike Does What Customers Want*, Plain Dealer (Cleveland, OH) Jan. 6, 1996 (Opposer's Notice of Reliance at 15 TTABVUE 124).

Even Applicant in its brief acknowledges as much, conceding that the mark JUST DO IT is “so famous and widespread as to be unassailable in its position and ties to the NIKE brand of clothing.” Applicant's ACR Brief, 14 TTABVUE 9. This unusually high degree of consumer recognition strongly favors a likelihood of dilution.

**(v) Whether the user of the mark or trade name intended to create an association with the famous mark**

Opposer has presented no evidence demonstrating that Applicant intended to create an association with Opposer's famous JUST DO IT mark. As such, this dilution factor is neutral.

**(vi) Any actual association between the mark or trade name and the famous mark**

Insofar as the parties have stipulated that Applicant has not made any use of its applied-for mark in commerce, we also deem this factor neutral. ACR Stipulation ¶¶ 20, 21.

**(vii) Other factors**

The aforementioned factors are non-exhaustive, meaning that the Board may consider other factors. See *Nike v. Maher*, 100 USPQ2d at 1030. Here, we note that Applicant's and Opposer's goods are in part identical. “[C]ourts have observed that ‘the closer the products are to one another [in the marketplace], the greater the likelihood of both confusion and dilution.’” *Toro*, 61 USPQ2d at 1184 (internal citations omitted). This factor also favors finding a likelihood of dilution.

**Conclusion**

Each factor, with the exception of the fifth and sixth factors discussed above which were deemed neutral, favors a finding of likelihood of dilution by blurring.

The statute also requires Opposer to prove impairment of the distinctiveness of Opposer's famous mark. See *Nike Inc. v. Maher*, 100 USPQ2d at 1023. See also *Louis Vuitton Malletier S.A. v. Haute Diggity Dog LLC*, 507 F.3d 252, 84 USPQ2d 1969 (4<sup>th</sup> Cir. 2007). We find impairment based on the fact that the application contemplates that Applicant's mark would be used in direct competition with Opposer.

\*9 In summary, we find that, based on the record before us, Opposer has demonstrated by a preponderance of the evidence that Applicant's mark JUST DID IT is likely to cause dilution by blurring of its JUST DO IT trademark.

**IV. Section 2(d) Claim**

We will now consider Opposer's Section 2(d) claim, focusing on Opposer's registered marks JUST DO IT. and JUST DO IT for the goods identified in Registration Nos. 1875307 and 4764071.

**A. Priority**

Priority is not at issue in view of Opposer's ownership of valid and subsisting registrations for the goods identified therein. See *King Candy, Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

**B. Likelihood of Confusion**

We base our determination under Section 2(d) on an analysis of all of the probative evidence of record bearing on a likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (“*du Pont*”). See also, *In re Majestic Distilling Company, Inc.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). “Not all of the du Pont factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010). For example, the Board can “focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods.” *Herbko Int'l*,

*Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) (citation omitted). These factors, and the other relevant *du Pont* factors are discussed below.

### 1. *Fame of the Prior Mark*

We begin with the fame of Opposer's **JUST DO IT** mark. Fame of the prior mark, if it exists, plays a dominant role in a likelihood of confusion analysis. *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 63 USPQ2d 1303 (Fed. Cir. 2002); *Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 54 USPQ2d 1894 (Fed. Cir. 2000). Fame for likelihood of confusion purposes and fame for dilution purposes are distinct concepts.<sup>12</sup> See *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (“*Palm Bay Imports*”). Given Applicant's admission in its answer that Opposer's mark **JUST DO IT** is famous under the more stringent standard required for dilution, we deem such admissions as a concession that Opposer's mark is also famous for likelihood of confusion purposes for the goods identified in the involved registrations. Moreover, the evidence presented in support of Opposer's dilution claim, discussed *supra*, equally supports Opposer's claim that its mark is famous for Section 2(d) purposes. This factor strongly favors a likelihood of confusion.

### 2. *The Goods and Trade Channels*

**\*10** The next step in our analysis is a comparison of the goods identified in Applicant's application vis-à-vis the goods identified in Opposer's pleaded registrations. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014); *Octocom Systems, Inc. v. Houston Computers Services Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990). See also, *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001 (Fed. Cir. 2002).

At the outset, we note that the involved application and Opposer's pleaded Registration Nos. 1875307 and 4764071 involve goods that are either identical or legally identical, at least in part. This is because Opposer's broadly worded “clothing, namely t-shirts, sweatshirts and caps” identified in its pleaded Registration No. 1875307 and “footwear; headbands; headwear; pants; shorts; sports bras; tank tops; tights; warm up suits” identified in Registration No. 4764071 necessarily encompass many of Applicant's more narrowly identified clothing items such as “athletic apparel, namely pants, ... footwear, hats and caps, clothing for athletic use, namely, graphic t-shirts; hooded sweat shirts.” Given that the goods are either identical or legally identical, at least in part, this *du Pont* factor weighs in favor of finding a likelihood of confusion.

Because the goods are legally identical in part, and neither Opposer's registration nor the involved application contain any limitations on the channels of trade and classes of purchasers, we must presume that the channels of trade and classes of purchasers are the same. See *Stone Lion*, 110 USPQ2d at 1161; *In re Yawata Iron & Steel Co.*, 403 F.2d 752, 159 USPQ 721, 723 (CCPA 1968) (where there are legally identical goods, the channels of trade and classes of purchasers are considered to be the same); *American Lebanese Syrian Associated Charities Inc. v. Child Health Research Institute*, 101 USPQ2d 1022, 1028 (TTAB 2011). See also *In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining likelihood of confusion). As such, the *du Pont* factor regarding the similarity or dissimilarity of established, likely to continue trade channels also favors a finding of likelihood of confusion.

### 3. *The Marks*

**\*11** We now turn to the *du Pont* likelihood of confusion factor regarding the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression. See *Palm Bay Imports*, 73 USPQ2d at 1692.

Applicant contends that the marks in question have “completely different connotations,” with Opposer's JUST DO IT mark meaning a “[c]all to action” versus Applicant's JUST DID IT mark signifying “[a] [c]all to relax and celebrate.” Applicant's Brief, 15 TTABVUE 12. Applicant's arguments are unpersuasive. Applicant's mark is merely the past tense version of Opposer's slogan. Thus, the marks are nearly identical not only in how they look and sound but also in connotation and commercial impression.<sup>13</sup> And because Applicant's mark is in standard characters and Opposer's registered marks are in typed format, they could conceivably be used in the same stylized format. See Trademark Rule 2.52(a). See also Trademark Manual of Examining Procedure (“TMEP”) § 807.03(a) (April 2016) (“If the applicant files an application on paper that includes a standard character claim, the applicant may depict the mark in any font or style; may use bold or italicized letters; and may use both uppercase and lowercase letters, all uppercase letters, or all lowercase letters, since no claim is made to any particular font style, size, or color.”) (emphasis in original). We therefore find that Opposer's marks and Applicant's mark are similar in appearance, sound, connotation and commercial impression. This first *du Pont* factor weighs in favor of finding a likelihood of confusion as well.

#### 4. *Balancing the du Pont Factors*

In the present case, the *du Pont* factors discussed above favor a finding of likelihood of confusion. Accordingly, we find that Opposer has proved its Section 2(d) claim by a preponderance of the evidence.

**Decision:** The opposition is sustained on Opposer's claim of dilution by blurring and Opposer's Section 2(d) claim.

- 1 Application Serial No. 86330661, alleging a *bona fide* intent to use the mark in commerce.
- 2 Prior to November 2, 2003, “standard character” drawings were known as “typed” drawings. A typed mark is the legal equivalent of a standard character mark. Trademark Manual of Examining Procedure (“TMEP”) § 807.03(i) (April 2016).
- 3 We construe Applicant's responses in its answer that “Applicant concurs/agrees” as admissions. See Fed. R. Civ. P. 8(e) (“Pleadings must be construed so as to do justice.”). See also Trademark Rule 2.106(b)(1) (“An answer shall state in short and plain terms the applicant's defenses to each claim asserted and shall admit or deny the averments upon which the opposer relies.”).
- 4 Opposer's submission under notice of reliance of its other pleaded registrations was superfluous since they were properly made of record with its notice of opposition.
- 5 We sustain Opposer's objection to the evidence submitted under notice of reliance with Applicant's ACR brief consisting of website links purportedly to listings showing third-party usage of the slogan “Just Do It.” It is well established that “Internet search summaries, which essentially are links to the website pages, are not admissible under notice of reliance.” TBMP § 704.08(b). Cf. *In re King Koil Licensing Co.*, 79 USPQ2d 1048, 1050 (TTAB 2006) (in the *ex parte* context, web site links “do little to show the context within which a term is used on the web page that could be accessed by the link.”). By logical extension, hyperlinks utterly devoid of content offer no probative value and clearly do not meet the requirements for admissibility under notice of reliance as set forth in *Safer, Inc. v. OMS Investments, Inc.*, 94 USPQ2d 1031 (TTAB 2010). This is because the content associated with each link can change at any given moment.
- 6 And even absent a stipulation, Opposer, by submitting printouts obtained from the USPTO electronic database records showing the current status and title of its pleaded registrations, has established its standing. See *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000); *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).
- 7 Under § 1125(c)(2)(A), a mark is “famous” for dilution purposes --  
... if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

- (i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.
- (ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.
- (iii) The extent of actual recognition of the mark.
- (iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

8 “[A] mark must be not only famous, but also so distinctive that the public would associate the term with the owner of the famous mark even when it encounters the term apart from the owner's goods or services, i.e., devoid of its trademark context.” *Toro*, 61 USPQ2d at 1177 (citing H.R. REP. No. 104-374, at 3 (1995) (“the mark signifies something unique, singular, or particular”). See also *Coach Services Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1723-24 (Fed. Cir. 2012) (“*Coach Services*”).

9 Our primary reviewing court, the Court of Appeals for the Federal Circuit, has set forth a slightly different test for oppositions against use-based applications filed under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(b). See *Coach Services*, 101 USPQ2d at 1723-24.

10 Regardless, there is ample evidence in the record showing that Opposer's JUST DO IT mark achieved fame for dilution purposes prior to July 8, 2014, the filing date of the involved application.

11 Because the ACR stipulation stipulates merely that Opposer's JUST DO IT mark is “famous” but does not specify that it is famous for dilution or Section 2(d) purposes, we rely instead on Applicant's admissions in its answers. See ACR Stipulation ¶¶ 8 and 9.

12 Unlike dilution, fame for likelihood of confusion does not require the opposer to show fame among every segment of the U.S. population. Rather, fame for likelihood of confusion purposes arises as long as a “significant portion of the relevant consuming public ... recognizes the mark as a source indicator.” *Palm Bay Imports*, 73 USPQ2d at 1694. See e.g., *Weider Publ'ns, LLC v. D&D Beauty Care Co.*, 109 USPQ2d 1347, 1355 n.20 (TTAB 2014) (Board found opposer's pleaded SHAPE marks famous for purposes of the likelihood of confusion analysis for magazines in print and online form as well as the provision of related online Internet content but not for clothing.).

13 The period in the mark JUST DO IT. in Opposer's Registration No. 1875307 does little to change the mark's commercial impression.

2016 WL 3771778 (Trademark Tr. & App. Bd.)

# Exhibit 8

2017 WL 4386987 (Trademark Tr. & App. Bd.)

THIS ORDER IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

SMITH MOUNTAIN LAKE MARINE VOLUNTEER FIRE/RESCUE DEPARTMENT, INC.

v.

SEA TOW SERVICES INTERNATIONAL, INC.

Cancellation No. 92059856

September 29, 2017

\*1 Before Richey, Deputy Chief Administrative Trademark Judge, Lykos, and Kuczma  
Administrative Trademark Judges

By the Board:

This case comes up on Petitioner's motion for judgment as a discovery sanction under [Trademark Rule 2.120\(h\)\(1\)](#) and [Fed. R. Civ. P. 37\(b\)\(2\)](#). The motion is fully briefed.

On September 8, 2009, Registration No. 3678375 issued on the Principal Register pursuant to a claim of acquired distinctiveness under Trademark Act Section 2(f) for a mark comprising the color yellow applied to the boat vessels used in performing Respondent's services "marine emergency and non-emergency transportation by boats; diving and underwater salvage; marine salvage; vessel salvage; boat delivery, namely, towing by boat; delivery of fuel and other supplies by boat" as shown below:<sup>1</sup>



On August 27, 2014, Petitioner, a volunteer marine fire and rescue service, filed a petition to cancel Respondent's registration on the grounds that the mark is functional under Trademark Act Section 2(e)(5), and has not acquired distinctiveness as a mark within the meaning of Section 2(f). In its answer, Respondent denied the salient allegations and asserted various affirmative defenses.

#### CHRONOLOGY OF DISCOVERY DISPUTE

As necessary background to the discovery dispute, the Board notes that on October 9, 2008 Respondent submitted the affidavit of the late Joseph Frohnhoefer, founder, chairman, and CEO, in support of its claim of acquired distinctiveness. The affidavit avers, in part:

13. Sea Tow's membership magazine LIFELINES has a circulation of nearly 175,000 which ranks among the largest publications in the marine industry. Sea Tow's Yellow Hull Service mark is featured throughout the publication (Exhibit D).



The attached exhibit D comprises a website printout of a LIFELINES article titled “The Sea Tow Story: From Inspiration to Industry” by Louisa Beckett which states:

In a far-sighted move, Joe and Georgia engaged a marketing firm that recommended all Sea Tow licensees present a unified image to the public -- right down to the color of their boats. “They came up with the color strategy,” Joe recalled. “I said, ‘I like yellow because it's highly visible on the water.’”

On March 18, 2015, Petitioner served Respondent with discovery requests, including the following interrogatories:

7. Identify all communications which officers, directors, employees and agents, or any of them, of Respondent Sea Tow Services International, Inc. have made among themselves, or others except your attorneys, which relate to the visibility of the color yellow.

\*2 8. Identify all documents in your possession, custody or control which relate to the visibility of the color yellow.

9. State the basis of your claim in your fifth affirmative defense that Petitioner's claims are barred by the doctrines of estoppel, waiver, acquiescence and/or unclean hands.

and document requests:

1. All documents, including electronically stored information, which you have identified in response to the foregoing Interrogatories.

2. All documents, including electronically stored information, to which you have referred in responding to these Requests for Admission, Interrogatories, and requests for the Production of Documents.

On July 1, 2015, following Respondent's failure to respond to Petitioner's motion alleging that Respondent's discovery responses largely comprised objections, and had resulted in the production of no responsive documents, the Board issued an order compelling Respondent to provide full responses to Petitioner's discovery requests.

On February 8, 2016, following review of Respondent's supplemented responses, the Board found that Respondent did not provide full responses as ordered, but served responses which were evasive and nonresponsive, and granted Petitioner's motion for discovery sanctions. The Board closed discovery for Respondent, barred Respondent from seeking unconsented extensions of time, and ordered Respondent to serve a privilege log, supplemental responses to Interrogatory Nos. 7-9 and Document Request Nos. 1-2 (set forth above), with those declarations and signatures required by the federal rules, sworn and signed copies of its earlier responses to interrogatories and document requests, and all responsive documents, labelled to indicate the request to which the document is responsive.

On September 6, 2016, the Board issued a second order granting discovery sanctions against Respondent. The Board noted that the compelled responses to both Interrogatory Nos. 7 and 8 stated “Respondent remains unclear of the meaning of the phrase ‘visibility of the color yellow’ which it interprets, in accordance with the February 8, 2016 Order, to mean acquired distinctiveness” and, with respect to the two document requests:

Documents responsive to this request are being produced herewith and in two [categories] per the February 8, 2016 Order:

1. Acquired distinctiveness (Bates Nos. STSI-100001 - 101398).

2. Affirmative defenses (Bates Nos. STSI-101399 - 101487).

The Board found that Respondent did not identify communications or documents regarding the visibility of the color yellow, did not state that it had no communications or documents regarding the visibility of the color yellow, and made clear that if the communication or document did not state the term “functional” in relation to the visibility of the color yellow, it was not produced.

\*3 The Board found that identifying and producing only communications and documents demonstrating that the color yellow had acquired distinctiveness as Respondent's mark, instead of all communications and documents which relate to the visibility of the color yellow, was not a reasonable construction of the Board's order. The Board barred Respondent from objecting to the discovery requests or producing business records in lieu of interrogatory responses, and, for the third time, ordered Respondent to produce full responses and documents in response to Interrogatories 7, 8, and 9, and Document Request Nos. 1 and 2 in the form described in the order, and stated that if there was “any doubt as to whether the reference to the color yellow in a communication or document relates to visibility”, Respondent must identify or produce it.

Because it is pertinent to the instant motion, the Board sets forth the additional discovery response requirements made as a sanction in the September 16, 2016 order (emphasis added):

With respect to Interrogatory No. 7, Respondent must set forth the discovery request, and then identify every communication relating to the visibility of the color yellow made by or to any of the individuals listed in the interrogatory. The identification of each communication must be in chronological order and each communication must identify the date, the setting (staff meeting, telephone call with paint supplier), and the participants, as well as the substance of the communication. If a written communication has already been produced, it must be identified by the date the communication took place, and also the date it was produced and the Bates number appearing on the document must be listed. If a responsive communication is listed on the privilege log, it must be identified by date and number where it was identified on the privilege log. If a communication has not already been produced, it either must be produced as an attachment to the interrogatory response, or must be listed in an amended version of the privilege log which is served with these responses. To be clear, the response to this interrogatory must list ALL responsive communications. If [Respondent] has any doubt as to whether the reference to the color yellow in a communication relates to visibility, [Respondent] must identify the communication.

With respect to Interrogatory No. 8, Respondent must set forth the discovery request, and then identify every document relating to the visibility of the color yellow. The identification must be in chronological order and if the document has already been produced, it must be identified by the date it was produced, and the Bates number appearing on the document must be listed. If a responsive document is listed on the privilege log, it must be identified by date and number where it was identified on the privilege log. If a document has not already been produced, it either must be produced as an attachment to the interrogatory response, or must be listed in an amended version of the privilege log which is served with these responses. To be clear, the response to this interrogatory must list ALL responsive documents. If [Respondent] has any doubt as to whether the reference to the color yellow in a document relates to visibility, [Respondent] must identify the document.

\*4 With respect to Interrogatory 9, Respondent must set forth the discovery request, and under sub-headings for each affirmative defense of estoppel, waiver, acquiescence and unclean hands, separately state the basis for each defense.

With respect to Document Request No. 1, Respondent must set forth the discovery request, and list all responsive documents indicating a) the interrogatory in which the document was identified, and b) whether it was produced previously and if so, on what date and with what Bates number OR that it is attached to Interrogatory No. 8 as ordered above, OR that it is listed in the privilege log, and provide the privilege log number where the document is described.

With respect to Document Request No. 2, Respondent must set forth the discovery request, and list all responsive documents indicating a) the discovery request which required reference to the document and b) whether it was produced

previously and if so, on what date and with what Bates number OR that it is attached to Interrogatory No. 8 as ordered above, OR that it is listed in the privilege log, and provide the privilege log number where the document is described.

The Board stated that discovery would be extended for Petitioner only to make sure Petitioner could conduct depositions after written discovery was complete.

On February 16, 2017, the Board denied Respondent's request for reconsideration of the September 16, 2016 order and Respondent's motion for a protective order which would allow less than full compliance with the Board's order. The Board found that its previous "order that Respondent should produce any document about which it held any doubt is a direct result of Respondent's unreasonable claim that it was unable to determine which documents and communications relate to the visibility of the color yellow", and further found:

In sum, even if a protective order was the appropriate means for seeking revision of a Board discovery order (which it is not); and even if Respondent had provided the required detailed showing of good cause for the order (which Respondent did not); these considerations would be outweighed by the Board's need to craft a discovery sanction which results in Petitioner receiving relevant discovery from a party that the Board previously has found to be both uncooperative and unreasonable.

On March 20, 2017, Respondent served Petitioner with supplemental discovery responses which referred to the attached separate spreadsheets -- one titled "Privilege Log Revised" (39 TTABVUE 20-23) and the other "Overall Excel Sheet" (39 TTABVUE 35-87). The privilege log lists email communications dated March 12, 2006 to October 5, 2011, and no documents. In six instances, attorney client privilege is asserted for a communication between Respondent's prior attorney and, among others, third party witnesses, including Louisa Beckett, author of the article Respondent submitted in support of its claim of acquired distinctiveness. Among the responsive documents was an email chain dated April 1, 2015 to April 6, 2015 in which a draft of an article about Respondent apparently was forwarded to Respondent, who then responded with another draft and copied, among other people, Louisa Beckett.<sup>2</sup>

\*5 On March 22, 2017, Petitioner sent Respondent an email pointing out that a document which was listed on the spreadsheet had not been supplied. 43 TTABVUE 80-81. On March 31, 2017, Respondent sent Petitioner its "Overall Excel Sheet" and attachments (39 TTABVUE 35-87).

On May 17, 2017, Respondent refused Petitioner's request to supplement the privilege log which listed no documents and no communications after October 5, 2011. 29 TTABVUE 25. On May 18, 2017, Petitioner again requested an update to the privilege log. 29 TTABVUE 27. On May 22, 2017, Petitioner sent an email titled "Updated Production" to all three attorneys for Respondent, in which Petitioner asked for confirmation that the March 31, 2017 spreadsheet is "your current list of documents produced" so that Petitioner could disregard the earlier version. Petitioner also noted difficulties in locating documents based on the spreadsheet format, and requested alternate organization, and that Respondent update the spreadsheet of documents produced so that it is current. Petitioner requested that Respondent provide the attachments to the email messages already produced in the document production, and that Respondent abandon claims of privilege regarding Ms. Beckett or any other third party witness. 29 TTABVUE 31-32. Respondent did not respond to this request.

#### MOTION FOR JUDGMENT AS A DISCOVERY SANCTION

The law is clear that if a party fails to comply with an order of the Board relating to discovery, including an order compelling discovery, the Board may order appropriate sanctions as defined in [Trademark Rule 2.120\(h\)\(1\)](#) and [Fed. R. Civ. P. 37\(b\)\(2\)](#), including entry of judgment. *MHW Ltd. v. Simex Aussenhandelsgesellschaft Savelsberg KG*, 59 USPQ2d 1477, 1478 (TTAB 2000). "[T]he Board has the authority to control the disposition of cases, which necessarily includes

the inherent power to enter sanctions.” *Patagonia, Inc. v. Azzolini*, 109 USPQ2d 1859, 1861 n.8 (TTAB 2014) (citing *Carrini Inc. v. Carla Carini S.R.L.*, 57 USPQ2d 1067, 1071 (TTAB 2000)). Although default judgment is a harsh remedy, it is justified where no less drastic remedy would be effective and there is a strong showing of willful evasion. *Unicut Corp. v. Unicut, Inc.*, 222 USPQ 341, 344 (TTAB 1984).

Respondent plainly did not comply with the Board's order requiring Respondent, among other things, to set forth the two discovery requests, and then “identify every communication [or document] relating to the visibility of the color yellow made by or to any of the individuals listed in the interrogatory,” noting which communication [or document] had been produced or was being produced with the response, and which had been withheld and was described on the privilege log, and to do so within thirty days. Instead, on March 20, 2017, Respondent provided supplemental discovery responses which referred to the attached separate spreadsheets comprising a privilege log limited as to both date and content, and a preliminary spreadsheet on document production. Eleven days after the Board's deadline, on March 31, 2017, at Petitioner's request, Respondent supplemented its spreadsheet on document production.

\*6 Respondent's failure to serve the discovery responses promptly and in the unified form dictated by the Board is sufficient reason to grant Petitioner's motion.<sup>3</sup> The Board is justified in enforcing its procedures and deadlines. *Hewlett-Packard Co. v. Olympus Corp.*, 931 F.2d 1551, 18 USPQ2d 1710, 1713 (Fed. Cir. 1991); *PolyJohn Enters. Corp. v. 1-800-Toilets Inc.*, 61 USPQ2d 1860, 1862 (TTAB 2002). In this case, the Board issued more general orders which allowed some flexibility in compliance, and Respondent failed to comply with those orders. As a direct result of Respondent's feigned confusion and foot-dragging over the production of clearly relevant information, the Board issued an order with detailed instructions and a specific deadline. This order plainly was designed to ensure that Petitioner, which has been seeking this clearly relevant information since 2015, and which has been put to the expense and delay of filing these multiple discovery motions, would have all responsive information, in the easily understood form dictated by the Board, by March 20, 2017. Yet Respondent did not comply.

It is not the case that some extraordinary event caused a brief delay before Respondent complied by providing the required substantive response, albeit in the form chosen by Respondent and not the Board, so that the defects in timing and form could be overlooked. In fact, Respondent did not provide the required substantive response, and has not produced or described in its privilege log all documents or communications relating to the visibility of the color yellow.

In support of its contention that document production remains incomplete, Petitioner points to the single document which Respondent produced regarding Louisa Beckett, the author of the article in Respondent's membership magazine which mentions the visibility of the color yellow on Respondent's boats, and which Respondent submitted in support of its October 9, 2008 claim of acquired distinctiveness for the color yellow applied to Respondent's boats. Petitioner notes that the 2008 article written by Ms. Beckett for Respondent, and published in Respondent's membership magazine, and then submitted as evidence of acquired distinctiveness, was not produced. In addition, no communications relating to the article, either when first published or when selected as the evidence to be submitted in support of the claim of acquired distinctiveness were produced, or described on the privilege log.

Respondent does not address this argument with an unequivocal statement that Respondent does not have a copy of the article, or any communications regarding this article, or contend that the article was part of the subject registration file and did not have to be produced.<sup>4</sup> Instead, Respondent makes the argument that the issue whether a third party witness such as Ms. Beckett has produced documents in compliance with Petitioner's subpoena deuces tecum must be left to the district court, and that, with respect to the missing attachments to the one document relevant to Ms. Brooks which Respondent did produce, Respondent is still “searching for” the missing attachments, and will “update” if the attachments are located.

\*7 Petitioner points out that Respondent's reference to the request for documents from third party witnesses is a red herring, and the issue is not obtaining documents from a third party, but Respondent's refusal to produce responsive

documents more than two years after the documents were first requested, and despite issuance of multiple orders requiring production. Petitioner also notes that, as of the filing of the reply brief, Respondent has not produced the attachments to the email already produced, and contends that this is part and parcel with the lack of candor that Respondent has exhibited throughout this proceeding.

In addition, Respondent admits non-compliance with respect to the Board's order requiring "every communication" and "every document" regarding the visibility of the color yellow to be either produced or listed on the privilege log. Despite the Board's unequivocal order, Respondent has not listed on the privilege log every responsive communication and document which Respondent failed to produce, but only those which were subject to a privilege claim before institution of this proceeding. Respondent contends that "the further requirement to complete a privilege log to list and detail the nature of each individual document created after the commencement of the proceedings essentially amounts to busy work, in light of the fact that such privileged documents are presumably created for, and in anticipation of the instant litigation, and thus not subject to production." 43 TTABVUE 90.

What Respondent regards as "busy work," the Board regards as the necessary protection of Petitioner's right to assess claims of privilege by an adverse party already the subject of multiple sanctions for failing to produce information. The federal rules impose requirements on a party which "withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material." [Fed. R. Civ. P. 26\(b\)\(5\)\(A\)](#). The purpose of these requirements, which were to be met in this proceeding by service of Respondent's privilege log as ordered by the Board, are to "enable other parties to assess the claim." *Id. Accord ClearValue Inc. v. Pearl River Polymers Inc.*, 560 F.3d 1291, 90 USPQ2d 1358, 1363-1364 (Fed. Cir. 2009) ("The conclusion the court drew from this email was that Waggett understood the nature of the work product privilege doctrine but chose to willfully conceal the Lark and Texas Oil test results. As a result of these findings, the district court concluded that the failure to produce the Lark and Texas Oil test results was 'an ongoing act of willful concealment,' sanctionable under [Fed. R. Civ. P. 26](#) and [37](#) and the court's inherent powers.").

\*8 The Board agrees with Respondent, that the Board, like the courts, has the discretion to limit the burden of preparing a [Rule 26\(b\)\(5\)](#) privilege log.<sup>5</sup> However, to the extent that each case cited by Respondent acknowledges that a privilege log may be limited to privilege claims which arose before the litigation, the courts make clear that it is not an absolute rule, and that comprehensive privilege logs may be appropriate.<sup>6</sup> See [Benson v. Rosenthal, Civil Action No. 15-782 \(E.D. LA March 16, 2016\)](#) ("It is entirely conceivable that correspondence or other items responsive to defendant's requests that are only arguably privileged or work product could have been generated or sent after the lawsuit was filed."); *U.S. v. Bouchard Transportation*, No. 08CV4490 (NGG) (ALC) (E.D. NY April 14, 2010) ("Without an exhaustive privilege log, Plaintiff would be unable to specifically identify all documents to which it believes it is entitled."); *Ryan Inv. Corp. v. Pedregal De Cabo San Lucas*, No. C 06-3219 JW (RS) (N.D. Cal. Dec. 18, 2009) ("Plaintiff's motion to compel is therefore denied to the extent it seeks to require a log of post-litigation counsel communications and work product, but is granted to the extent that any other materials withheld on privilege grounds must be accounted for on a privilege log."). Moreover, unlike the present case, in none of the cases cited by Respondent had the court issued a series of discovery orders finding the withholding party to be evasive, uncooperative, and unreasonable.<sup>7</sup>

The Board agrees with Petitioner that Respondent's failure to provide a complete privilege log casts serious doubt on Respondent's compliance with the Board's order. In addition to the unexplained lacuna in document production, and Respondent's equivocation on whether its document search is complete, Petitioner contends, and the privilege log confirms, that Respondent has designated no responsive documents as privileged, and no email communications after October 5, 2011. In other words, once the registration was challenged, Respondent withheld responsive communications and documents regarding the visibility of the color yellow and failed to list them on a privilege log, precluding Petitioner from any opportunity to challenge Respondent's decision to withhold those communications and documents, and

Respondent continued to do so after issuance of the Board's sanction order flatly informing Respondent that it was required to list all responsive communications and documents.

## DECISION

After careful consideration of the parties' arguments, Respondent's inadequate explanation, or in some cases omitted explanation, and the lack of legal support for the explanation offered for its failure to comply with the Board's prior sanctions, we find that Respondent failed to comply with the order compelling responses to interrogatories and document requests, and has failed to describe those documents withheld on the grounds of privilege in a privilege log as ordered. As a result it is clear that the multiple lesser sanctions already imposed upon Respondent have had little effect, and there is no prospect of future compliance. Any sanction short of judgment would be futile and unfair to Petitioner. *See Benedict v. Super Bakery Inc.*, 665 F.3d 1263, 101 USPQ2d 1089, 1093 (Fed. Cir. 2011) (“The remedy of default judgment was within the Board's discretion in view of Mr. Benedict's repeated failures to comply with established and reasonable procedures orders.”); *Patagonia, Inc.*, 109 USPQ2d at 1862 (“[G]iven the continuing nature of respondent's violations despite multiple prior admonitions from the Board, we conclude that any sanction short of judgment would be futile and unfair to petitioner, which brought this case well over a year ago and has been unable, despite diligent efforts, to move it forward, due to respondent's intransigence.”); *MySpace Inc. v. Mitchell*, 91 USPQ2d 1060, 1061-62 (TTAB 2009) (“In view of our previous warning that we would enter judgment unless he complied with our order and his continued blatant non-compliance, the sanction of entry of judgment is now warranted.”).

\*9 In view thereof, the motion for entry of sanctions under [Trademark Rule 2.120\(h\)\(1\)](#) is granted. The petition to cancel is granted, judgment is hereby entered against Respondent, and Registration No. 3678375 will be cancelled in due course.

- 1 The registration alleges September 1, 1983 as the date of first use anywhere and in commerce; Section 8 declaration of continued use accepted on March 24, 2016. The description of the mark is as follows: “The mark consists of the color yellow applied to the boat vessels used in performing the services.”
- 2 The email chain has been designated as confidential and will not be described in greater detail.
- 3 Petitioner's decisions not to raise the issue of the timeliness of Respondent's production, and to withdraw its argument that the document production was not organized as ordered, do not dictate that the Board must disregard points of non-compliance when considering sanctions.
- 4 The Board's February 8, 2016 order required Respondent to identify the name of the person or persons knowledgeable about the evidence of acquired distinctiveness of the yellow hull mark which was submitted to USPTO in 2008, and the Board's September 6, 2016 order extended discovery for Petitioner only to allow the deposition of a [Fed. R. Civ. P. 30\(b\)\(6\)](#) witness after all written discovery responses had been produced. Because Respondent knew the Beckett article was part of the evidence of acquired distinctiveness and would be needed for depositions, the presence of the Beckett article in the registration file would not excuse a failure to produce the article as ordered. In addition, any erroneous assumption regarding the article would not account for a failure to disclose the communications surrounding the article.
- 5 “Because it is impossible to set out in a rule all the circumstances that may require limitations on discovery or the kinds of limitations that may be needed, the rules, instead, ‘permit the broadest scope of discovery and leave it to the enlightened discretion of the ... court to decide what restrictions may be necessary in a particular case’.” *Pioneer Kabushiki Kaisha dba Pioneer Corp. v. Hitachi High Technologies Am., Inc.*, 74 USPQ2d 1672, 1674 (TTAB 2005) (quoting Wright & Miller, 8 FED. PRAC. & PROC. CIV.2d § 2036 (1990)).
- 6 The Board also notes that the cases cited by Respondent are unpublished interlocutory decisions, and would not be binding on the Board. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 101.03 (June 2017).

7 In the Board's first sanction order issued February 8, 2016, the Board found that Respondent demonstrated a "consistent lack of cooperation in discovery", and found its responses to discovery requests to be "evasive and nonresponsive." In the Board's second sanction order issued September 6, 2016, the Board found that Respondent's limited compliance was not a reasonable construction of the Board's order and advised Respondent that "[w]ith the issuance of the Board's order, Respondent became obligated to provide the compelled information, whether or not it was easy or convenient for it to do so." Finally, in its February 16, 2017 order denying Respondent's request for reconsideration of the September 6, 2016 order, the Board noted that Respondent obtained a registration for the color yellow, and that its objections that Respondent could not understand "what Petitioner is actually seeking here" with its requests for documents and communications relating to the visibility of the color yellow had been previously addressed, found without merit, and would not be revisited.

2017 WL 4386987 (Trademark Tr. & App. Bd.)

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End of Document

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# Exhibit 9



2001 WL 777064 (Trademark Tr. & App. Bd.)

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

VIRGIN ENTERPRISES LIMITED

v.

URBAN INGENUITY INTERNATIONAL RECORDS CORP.

DBA VIRGIN TOGHT PRODUCTIONS ENTERTAINMENT

Opposition No. 111,633

July 11, 2001

\*1 Before Cissel, [Quinn](#) and [Hohein](#)  
Administrative Trademark Judges.  
Opinion by Cissel  
Administrative Trademark Judge:

This case now comes up before the Board on applicant's motion to dismiss, filed May 31, 2000, as well as on applicant's motion to extend and opposer's motion for sanctions. Action on applicant's motion to extend time to file an amended response to opposer's April 7, 2000 motion for sanctions was deferred pending resolution of applicant's motion to dismiss.

Applicant's motion to dismiss is denied. Neither the motion nor the rambling narrative submitted with it provides any legal or factual basis for dismissing this proceeding in favor of applicant.

Opposer filed its Notice of Opposition on August 26, 1998. After applicant failed to comply with opposer's discovery requests, on January 10, 2000, the Board granted opposer's September 30, 1999 motion to compel, noting that applicant's continued failure to comply could result in the imposition of sanctions against applicant. After applicant still did not fully comply with opposer's discovery requests, on April 7, 2000 opposer moved for sanctions in the form of judgment in its favor. On the day applicant's response to the motion for judgment was due, applicant requested an extension of time in which to file an "amended response" to opposer's motion. Applicant stated that additional time was necessary "in order that applicant be able to file a more artful and explanatory response for the board's consideration." Opposer filed a brief in opposition to applicant's request.

As opposer points out, applicant has not provided a proper basis for extending the period in which to respond to opposer's motion. Applicant has not alleged facts which establish good cause or that extenuating circumstances exist which would excuse its failure to comply with the order of the Board. Accordingly, applicant's motion to extend is denied. Although on May 12, 2000, applicant filed a response to opposer's motion for sanctions, that response does not establish a reasonable basis for ruling in favor of applicant on opposer's motion for sanctions, so even if we had granted applicant's requested extension and considered the May 12, 2000 as applicant's timely response to opposer's motion, the outcome in this proceeding would be no different.

We therefore turn to opposer's April 7, 2000 motion for sanctions, which seeks the entry of judgment against applicant, sustaining the opposition on the basis that applicant has failed to comply with the Board's January 10, 2000 order compelling full and complete responses to opposer's discovery requests. The motion is supported by the declaration (with exhibits) of Catherine Kaczowka, an attorney for opposer.

The declaration and its associated exhibits establish that after the Board granted opposer's motion to compel, applicant sent opposer unsigned, unsworn "answers" which failed to provide even basic information such as the address of applicant's principal place of business or the full names and addresses of individuals knowledgeable of facts relating to applicant's use of the mark sought to be registered. Additionally, the cover page of applicant's response included the following inflammatory declaration: "HERE ARE THE ANSWERS TO THE INTERROGATORIES, SUCKER!" Counsel for opposer later received a package containing a shirt, bumper stickers and drawings with no written explanation or acknowledgement of the request for other items relating to applicant's use of the mark. Opposer's counsel informed applicant by letter that applicant had failed to respond fully, and therefore was in violation of the Board's order compelling discovery, but applicant did not respond further, either to that letter or to the outstanding discovery requests.

\*2 As noted above, in granting opposer's motion to compel, the Board advised applicant that continued failure to comply with discovery requirements could result in the imposition of sanctions against applicant. Applicant's willful failure to comply with the Board's order of January 10, 2000 under these circumstances entitles opposer to the sanction of judgment in its favor under [Trademark Rule 2.120\(g\)\(1\)](#). The unsigned, unsworn, incomplete responses have left opposer unable to conduct further meaningful discovery in this case. Applicant's conduct, including his profane attacks on opposer (Exhibits I, J and L), has unnecessarily protracted this proceeding and needlessly obstructed the resolution of the dispute on its merits. The only sanction that provides opposer with appropriate relief is granting judgment in its favor. See [Unicut Corp. v. Unicut, Inc., 222 USPQ 341 \(TTAB 1984\)](#). Accordingly, opposer's motion for sanctions is granted. [Trademark Rule 2.120\(g\)\(1\)](#). The opposition is sustained and registration to applicant is refused.

2001 WL 777064 (Trademark Tr. & App. Bd.)

**CERTIFICATE OF SERVICE**

I, Eileen Longo, hereby certify that on April 5, 2018, I served true and correct copies of:

- **OPPOSER’S MOTION FOR DEFAULT JUDGMENT OR IN THE ALTERNATIVE SUMMARY JUDGMENT;**
- **DECLARATION OF LAURA R. WASHINGTON IN SUPPORT OF OPPOSER’S MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT;**
- **DECLARATION OF MADY MARGADANT IN SUPPORT OF OPPOSER’S MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT;**
- **DECLARATION OF DORA MELISSA VARGAS IN SUPPORT OF OPPOSER’S MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT.**

by electronic mail, upon:

Mike Lin  
47 | 72, Inc.  
900 East 1<sup>st</sup> Street, Unit 110  
Los Angeles, CA 90012  
mikelinsf@gmail.com

/Eileen Longo/  
Eileen Longo

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**DECLARATION OF LAURA R. WASHINGTON IN SUPPORT OF OPPOSER'S  
MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY  
JUDGMENT**

I, Laura R. Washington, declare as follows:

1. I am an attorney with the law firm of Latham & Watkins LLP, which represents Opposer Parkwood Topshop Athletic Limited (“Parkwood”) in the above-captioned action. The facts set forth below are based on my personal knowledge, including knowledge gained through my review of and familiarity with files and documents in this matter. If called as a witness in this action, I could and would testify competently thereto.

**Registration of the IVY PARK Mark**

2. On August 11, 2015, Parkwood applied for a European Union trademark (or “EUTM”) for IVY PARK. The IVY PARK EUTM was registered and published on December 15, 2015. A true and correct copy of the August 11, 2015 EUTM application is attached hereto as **Exhibit A**. A true and correct copy of the December 11, 2015 EUTM registration is attached hereto as **Exhibit B**.

3. On February 4, 2016, Parkwood applied to register the IVY PARK mark in the United States for uses in International Classes 003, 014, 018, 025, and 035. A true and correct copy of the February 4, 2016 application is attached hereto as **Exhibit C**.

4. The IVY PARK mark was published on January 10, 2017, and registered on March 28, 2017. A true and correct copy of the Trademark Official Gazette Publication Confirmation reflecting the January 10, 2017 publication date is attached hereto as **Exhibit D**. A true and correct copy of the March 28, 2017 certificate of registration is attached hereto as **Exhibit E**.

5. On August 10, 2016, Parkwood applied for an extension of protection of the IVY PARK mark to include International Classes 009, 021, and 027. A true and correct copy of the August 10, 2016 application is attached hereto as **Exhibit F**.

6. The application for extension of protection was published on October 10, 2017, and registration of the additional International Classes issued on December 26, 2017. A true and correct copy of the Trademark Official Gazette Publication Confirmation reflecting the October 10, 2017 publication date is attached hereto as **Exhibit G**. A true and correct copy of the December 26, 2017 certificate of registration is attached hereto as **Exhibit H**.

7. Although the application for extension was eventually approved, at first, the United States Patent and Trademark Office (“USPTO”) issued a provisional full refusal based on a likelihood of confusion between the IVY PARK mark and U.S. Application Serial No. 87/001440, which is 47 | 72 Inc.’s application for the POISON IVY MARK. A true and correct copy of the USPTO’s office action issuing a provisional full refusal is attached hereto as **Exhibit I**.

#### **Applicant’s Abuse of the Trademark Process**

8. On April 14, 2016, Mike Lin’s company, 47 | 72 Inc. (“Applicant”), filed an application for a trademark for POISON IVY PARK. The application seeks protection for the mark in connection with International Class 035 (on-line retail store services featuring shirts,

hoodies, sweatshirts, and other goods). A true and correct copy of the April 14, 2016 application is attached hereto as **Exhibit J**.

9. On December 19, 2016, Parkwood filed its opposition to Applicant's application for the POISON IVY PARK mark, which initiated the current proceeding.

10. Applicant has filed for other trademarks that bear relationships to celebrities, corporations, or other well-known intellectual property. For instance, Applicant filed to trademark several Disney-related marks, including HOUSE OF MOUSE, LET IT GO, and TO INFINITY AND BEYOND. (Opposer's First Set of Requests for Admission to Applicant 47 | 72 Inc. ("RFAs") Nos. 49-50.) In addition, Applicant filed to trademark THE BLACK MAMBA, a nickname associated with Kobe Bryant, a former National Basketball Association player. A true and correct copy of Applicant's application to trademark THE BLACK MAMBA is attached hereto as **Exhibit K**.

11. Disney Enterprises, Inc. ("Disney") opposed each of the above-mentioned applications for HOUSE OF MOUSE, LET IT GO, and TO INFINITY AND BEYOND. A true and correct copy of Disney's opposition to Applicant's HOUSE OF MOUSE application is attached hereto as **Exhibit L**. A true and correct copy of Disney's opposition to Applicant's LET IT GO application is attached hereto as **Exhibit M**. A true and correct copy of Disney's opposition to Applicant's TO INFINITY AND BEYOND application is attached hereto as **Exhibit N**.

12. Similarly, Kobe Bryant filed an opposition to Applicant's application to trademark THE BLACK MAMBA. A true and correct copy of Mr. Bryant's opposition is attached hereto as **Exhibit O**. Mr. Bryant also sent a cease and desist letter to Applicant regarding Applicant's attempt to trademark THE BLACK MAMBA. (RFA No. 57.)

13. Attached hereto as **Exhibit P** is a November 3, 2016 article titled “*I’m the Banksy of trademarks*” – millionaire applicant of *NASTY WOMAN* regards cease-and-desist from Beyoncé as “great marketing”, written by Tim Lince, and featured in the World Trademark Review.

**Applicant’s Failure to Timely Respond to Parkwood’s Discovery Requests**

14. On July 20, 2017, my office served Applicant with three sets of discovery requests via email: (1) Opposer’s First Set of Interrogatories to Applicant 47 | 72 Inc. (“Interrogatories”); (2) the RFAs; and (3) Opposer’s First Set of Requests for Production of Documents to Applicant 47 | 72 Inc. (“RFPs” and collectively, with the Interrogatories, the “Discovery Requests”). A true and correct copy of the Interrogatories is attached hereto as **Exhibit Q**. A true and correct copy of the RFAs is attached hereto as **Exhibit R**. A true and correct copy of the RFPs is attached hereto as **Exhibit S**.

15. As of August 19, 2017, thirty days after service of the Discovery Requests, Applicant had not provided any response. As such, on August 22, 2017, my colleague, Jonathan Sandler, emailed Mr. Lin, with myself cc’d, to explain that the deadline to respond to Parkwood’s Discovery Requests had lapsed and that Parkwood’s RFAs were deemed admitted as a result. He also inquired as to whether Applicant intended to provide any responses.

16. On September 20, 2017, after Applicant ignored my colleague’s initial email and later communications regarding the Discovery Requests, my office filed Opposer Parkwood Topshop Athletic Limited’s Motion to Compel and Extend Time (“Motion to Compel”).

17. On November 7, 2017, the Trademark Trial and Appeal Board (“Board”) granted the Motion to Compel, ordering Applicant to respond to Parkwood’s Discovery Requests by December 22, 2017.

18. Applicant failed to respond by the December 22, 2017 deadline. Instead, on December 31, 2017, after responses were due, Applicant served its responses to the Interrogatories, but produced absolutely no documents in response to the RFPs. Applicant's belated responses to the Interrogatories and RFPs are attached hereto as **Exhibit T**.

**The IVY PARK Mark**

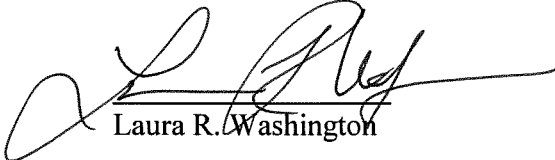
19. On April 5, 2018, I used the USPTO's Trademark Electronic Search System ("TESS") tool to search for the phrase "Ivy Park." TESS returned only three results, including Parkwood's registration and extension of IVY PARK and Applicant's POISON IVY PARK application. As such, besides Parkwood and Applicant, there do not appear to be any others using "Ivy Park" as a mark.

**Applicant's Most Recent Email**

20. On March 8, 2018, a paralegal at my law firm, Eileen Longo, emailed Mr. Lin, with myself cc'd, a Change of Correspondence Address. Later that day, Mr. Lin responded to that email. A true and correct copy of that email exchange is attached hereto as **Exhibit U**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 5th day of April 2018 at Los Angeles, California.

  
\_\_\_\_\_  
Laura R. Washington



# **EXHIBIT A**



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
(Trade Marks and Designs)

**Application for a Community trade mark**

Date of letter of receipt (DD/MM/YYYY) 11/08/2015		Number of pages (including this one) 5	
<b>Language</b>		<b>Your reference:</b> TM5577EU00.NB.TW	
First language	English		
Second language	French		
I want to receive all correspondence in the second language <input type="checkbox"/>			
I will provide translations of the Disclaimer, Description and List of goods and services in the second language: <input type="checkbox"/>			
<b>Applicant(s)</b>			
	<b>Applicant number 1</b>	<b>Applicant OHIM ID</b>	569407
Applicant Type:	Company		
Name	Valensys Limited		
Legal form:	Private limited company		
Country of registration:	United Kingdom		
Address:	269 Farnborough Road		
Town/City:	Farnborough		
State/Province:	Hampshire		
Post code:	GU14 7LY		
Country:	United Kingdom		
Postal address	Valensys Limited 269 Farnborough Road Farnborough Hampshire GU14 7LY United Kingdom		
Telephone number:			
Fax number:			
Email address:			
Website:			
<b>Representative(s)</b>			
	<b>Representative ID number 1</b>	<b>Representative OHIM ID</b>	50799
Representative type:	Association		
Association Name:	SIPARA LIMITED		
Nationality	United Kingdom		
Address:	Seacourt Tower Third Floor West Way		
Town/City:	Oxford		
State/Province:			
Post code:	OX2 0JJ		
Country:	United Kingdom		
Postal address	SIPARA LIMITED Seacourt Tower Third Floor West Way Oxford OX2 0JJ United Kingdom		
Telephone number:	00 44-8442253570		



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
(Trade Marks and Designs)

**Application for a Community trade mark**

<b>Representative(s)</b>	
Fax number:	00 44-1865593580
Email address:	mail@sipara.com
Website:	http://www.sipara.com

<b>Trade mark</b>	
Trade mark type	Word mark
Representation of mark:	IVY PARK
Disclaimer	
Collective mark	<input type="checkbox"/>

**List of goods and services**

Class	Goods and services	Language
3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; soaps; perfumes; perfumery; eau de cologne; toilet waters; essential and herbal oils; cosmetics; make-up preparations; lipsticks; nail varnishes; nail varnish removers; non-medicated toilet preparations; hair lotions; hair sprays and hair gels; preparations for use in the bath or shower; bath and shower oils, gels, creams and foams; face and body masks; face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturizers; blemish creams and blemish gels; deodorants; antiperspirants; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; after-shave preparations; pre-shave preparations; talcum powders; toiletries; dentifrices; toothpastes.	EN

Class	Goods and services	Language
14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments; imitation jewellery; semi-precious stones; necklaces; rings; earrings; bracelets; anklets; bangles; pendants; brooches; tiaras; parts and fittings for all the aforesaid goods.	EN



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
(Trade Marks and Designs)

**Application for a Community trade mark**

**List of goods and services**

Class	Goods and services	Language
18	Leather and imitations of leather and goods made of these materials and not included in other classes; trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; bags; handbags; shoulder bags; toiletry bags; carrier bags; rucksacks; backpacks; bumbags; sports bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; garment bags and carriers; tie cases; notecases; notebook holders; document cases and holders; credit card cases and holders; wallets; purses; umbrellas; walking sticks; leather shoulder belts; parts and fittings for all the aforesaid goods.	EN

Class	Goods and services	Language
25	Articles of clothing; womenswear; childrenswear; shirts, blouses, casual shirts, T-shirts, vests, camisoles, bodysuits, polo shirts, sports shirts, football and rugby shirts; trousers, jeans, shorts, sports shorts, swimwear; underwear; lingerie; tracksuits; articles of outerwear, coats, jackets, casual jackets, waterproof and weatherproof jackets and coats, parkas, body warmers; suits; dresses; skirts; culottes; jumpsuits, playsuits; sweatshirts; knitwear; jumpers, shrugs and cardigans; leggings; legwarmers; neckties; waistcoats; sleepwear, nightwear, pyjamas, dressing gowns; footwear; boots, shoes, slippers, sandals, trainers, socks and hosiery; headgear; hats; caps; berets; scarves; shawls; gloves; mittens; belts (being articles of clothing); headbands and wristbands.	EN



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
(Trade Marks and Designs)

**Application for a Community trade mark**

**List of goods and services**

Class	Goods and services	Language
35	Retail services connected with the sale of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear; the bringing together in a retail outlet, for the benefit of others, of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear in a catalogue, thereby to enable customers conveniently to view and to purchase those goods by mail order; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration; all included in Class 35.	EN

<b>Fee</b>	
Pay by:	OHIM current account
Basic fee:	900.00
National search fee	
Extra Class Fee	300.00
Total:	



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
(Trade Marks and Designs)

**Application for a Community trade mark**

1200.00	
<i>Signature</i>	
First name and surname	Capacity of signatory
Nick Baker	OHIM professional representative

# **EXHIBIT B**



D113

OAMI OFICINA DE ARMONIZACIÓN DEL MERCADO INTERIOR (MARCAS, DIBUJOS Y MODELOS)  
HABM HARMONISIERUNGSAMT FÜR DEN BINNENMARKT (MARKEN, MUSTER UND MODELLE)  
OHIM OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS)  
OHMI OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR (MARQUES, DESSINS ET MODÈLES)  
UAMI UFFICIO PER L'ARMONIZZAZIONE NEL MERCATO INTERNO (MARCHI, DISEGNI E MODELLI)

**Copia Certificada · Beglaubigte Abschrift · Certified Copy  
Copia Certifiée · Copia Autenticata**

Código de identificación · Identifizierungscode · Identification code ·  
Code d'identification · Codice di identificazione: **RNDSXA62DFPVD4LEVMIZZ4JYQY**

Por el presente se certifica que el documento que se adjunta es una copia conforme del certificado de registro para la marca comunitaria cuyo número y fecha de registro aparecen a continuación. El documento original puede ser consultado en el enlace de la OAMI <http://oami.europa.eu> introduciendo el código de identificación indicado más arriba.

*Hiermit wird bestätigt, daß die Abschrift, die diesem Beleg beigeheftet ist, eine genaue Abschrift der Eintragungsurkunde ist, die für die Gemeinschaftsmarke mit der nachstehenden Eintragsnummer und dem nachstehenden Eintragungstag ausgestellt wurde.  
Das Originaldokument kann mittels Eingabe eines Identifizierungscode bei folgender Webadresse <http://oami.europa.eu> eingesehen werden.*

This is to certify that the attached document is an exact copy of the certificate of registration issued for the Community trade mark bearing the registration number and date indicated below. The original document can be consulted introducing the identification code indicated above at the following OHIM web page link <http://oami.europa.eu>.

*Par la présente, il est certifié que le document annexé est une copie conforme du certificat d'enregistrement délivré pour la marque communautaire portant le numéro et la date d'enregistrement qui figurent ci-après.  
Le document original peut être consulté sur le site web de l'OHMI <http://oami.europa.eu> en introduisant le code d'identification indiqué ci-dessus.*

Con la presente si certifica che il documento allegato è una copia conforme del certificato di registrazione per il marchio comunitario contrassegnato dal numero e dalla data di registrazione riportati sotto. Il Documento originale può essere consultato introducendo il codice di identificazione sopra indicato, nel indirizzo <http://oami.europa.eu> della pagina Web della UAMI.

Núm./Nr./No/n°/n.	Fecha/Datum/Date/Date/Data
<b>014454755</b>	<b>11/12/2015</b>

Alicante, 31/12/2015

*Birgit Filtenborg*

**Birgit Filtenborg**  
Tel. +34 96 513 8864

Departamento de Servicios al Cliente  
Hauptabteilung Kundendienstleistungen  
Customer Services Department  
Département «Services aux Clients»  
Dipartimento Servizi ai Clienti







Copia Certificada / Beglaubigte Abschrift/ Certified Copy / Copie Certifiée / Copia Autenticata  
 Certificado de registro de marca comunitaria / Eintragungsurkunde der Gemeinschaftsmarke / Registration certificate of community trade mark / Certificat  
 d'enregistrement de marque communautaire / Certificato registrazione di marchio comunitario



Registered / Enregistré 11/12/2015

No 014454755

**OHIM – OFFICE FOR HARMONIZATION IN THE  
 INTERNAL MARKET  
 TRADE MARKS AND DESIGNS**

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
 Community Trade Mark identified below. The  
 corresponding entries have been recorded in the  
 Register of Community Trade Marks.



IVY PARK

**OHMI – OFFICE DE L'HARMONISATION DANS LE  
 MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES**

**CERTIFICAT D'ENREGISTREMENT**

Le présent Certificat d'Enregistrement est délivré pour  
 la marque communautaire identifiée ci-joint. Les  
 mentions et les renseignements qui s'y rapportent ont  
 été inscrits au Registre des Marques Communautaires.

The President / Le Président

António Campinos

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 MARQUES, DESSINS ET MODÈLES

210 014454755  
 220 11/08/2015  
 400 03/09/2015  
 151 11/12/2015  
 450 15/12/2015  
 186 11/08/2025  
 541 JUY PARK  
 521 0  
 732 PARKWOOD TOPSHOP ATHLETIC LIMITED  
 COLEGRAVE HOUSE, 70 BERNERS STREET  
 LONDON W1T 3NL  
 GB  
 740 SIPARA LIMITED  
 Seacourt Tower  
 Third Floor  
 West Way  
 Oxford OX2 0JJ  
 GB  
 270 EN FR  
 511 BG - 3  
 Препарати за избелване и пране; Препарати за почистване, полиране, обезмасляване и шлифоване; Лечебни препарати за прилагане, омекотяване и грижа за косата, кожата на главата, кожата и ноктите; Сапуни; Парфюми; Парфюмерия; Одеколон; Тоалетна вода; Етерични и билкови масла; Козметични средства; Грим; Червила; Лак за нокти; Лакочистители; Нелечебни тоалетни препарати; Лосиони за коса; Гелове и спрейове за коса; Препарати за употреба за вана или душ; Масло за вана и душ, гелове, кремове и лъни; Маски за лице и тяло; Ексфолиращи продукти за лице и тяло; Средства за измиване на лице [козметични]; Препарати за почистване на кожата и хидратанти; Тоници за кожа; Препарати за овлажняване на кожата; Кремове и гелове против петна; Дезодоранти; Препарати против изпотване [козметични тоалетни принадлежности]; Препарати за и след бръснене; Сапун за бръснене; Крем за бръснене; Гел за бръснене; Лосиони за след бръснене; Препарати за употреба преди бръснене; Талк на прах за поддържане на тоалета; Козметични тоалетни принадлежности; Средства за почистване на зъби; Паста за зъби.  
 BG - 14  
 Благородни метали и техни сплави; Бижутерия, скъпоценни камъни; Часовници и хронометрични уреди; Бижута от изкуствени скъпоценни камъни [евтина бижутерия]; Полускъпоценни камъни; Колиета; Пръстени за пръст; Обици; Гривни; Гривни за глезени; Гривни; Пendants; Брошки; Диадеми; Части, елементи и принадлежности за всички горевизброени стоки.  
 BG - 18  
 Кожа и имитация на кожа; Куфары и пътни чанти; Пътнически куфари; Багажи; Ръчни куфари; Изделия за пренасяне на багаж; Пътни чанти с две отделения; Куфари; Всекидневни чанти; Ръчни чанти; Чанти с дръжка за рамо; Чанти за тоалетни принадлежности; Пазарски чанти; Раници; Раници; Банан (чанта); Чанти за спортни артикули; Всекидневни чанти; Куфарчета за документи; Дипломатически куфарчета за книга; Калъфи за музикални инструменти; Ученически чанти; Дамски чантички за тоалетни принадлежности [неокомплектовани]; Калъфи и чанти за дрехи; Калъфи за вратовръзки; Визитници; Калъфи за бележници; Куфарчета за документи и калъфи за документи; Калъфи за кредитни

карти; Портфейли (Джобни -); Портмонета; Чадъри; Бастуни; Патрондаши; Части, елементи и принадлежности за всички горевизброени стоки.

BG - 25  
 Дрехи; Дамско облекло; Детско облекло; Ризи, блузи, блузи, ризи за ежедневна употреба, тениски, потници, корсажи, бодикостюми, трикотажни ризи, спортни тениски, футболни топки и горница за ръб; Панталони, дънкови облекла, престилки, шорти за спорт, бански костюми игащета; Бельо; Фино дамско бельо; Спортни анцузи; Артикули от материя за връхни облекла, Палта, Якета, Всекидневни якета, Якета и палта, водонепромокаеми и вятъроустойчиви, Анорак, Грейки [елеци без ръкав за затопляне на тялото]; Костюми; Рокли; Поли; Полипанталони; Дълъг и къс комбинезон; Суитшърти без цип; Трикотажно и плетено облекло; Пуловери, болера и плетени жилетки; Чорапогащници за спортуване; Калци [гети]; Вратовръзки; Жилетки за костюми; Нощници, Нощници, Пижами, Пеньоари; Обувки; Ботуши, обувки, пантофи, сандали, маратонки, къси чорали и трикотажни изделия; Шапки и други принадлежности за глава; Шапки и други принадлежности за глава; Каскети; Барети; Шалчета; Шалове; Ръкавици [облекло]; Ръкавици с един пръст [дрехи]; Колани (облекло); Ленти за глава и ленти за китки.

BG - 35  
 Услуги за търговия на дребно в областите на козметични средства, храни и напитки, бонбони, сладкарски продукти, сладкиши, безалкохолни напитки, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри; Събиране на едно място във верига за търговия на дребно, в полза на трети лица, на козметични средства, храни и напитки, бонбони, сладкарски продукти, сладкиши, безалкохолни напитки, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри, което позволява на клиентите удобно да разглеждат и купуват тези стоки; Събиране на едно място, в полза на трети лица, на разнообразие от описания на, или изображения на, козметични средства, храни и напитки, бонбони, сладкарски продукти, сладкиши, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри в интернет уебсайт, което позволява на клиентите удобно да разглеждат и купуват тези стоки чрез средствата на телекомуникации; Събиране на едно място, в полза на трети страни на разнообразие от описания на или на изображения на козметични средства, храна и напитки, шоколади, бонбони, сладкиши, безалкохолни напитки, безалкохолни напитки и алкохолни напитки в интернет уебсайт, което позволява на потребителите да разглеждат и да купуват тези стоки чрез интернет или чрез други онлайн средства; Събиране на едно място, в полза на трети страни на разнообразие от описания на или на изображения на облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, чанти, шапкарски стоки, бижута, имитация на бижута, инструменти за писане, канцеларски материали, книги, ръчни часовници и очила в интернет уебсайт, което позволява на потребителите удобно да разглеждат и да купуват тези стоки чрез интернет или

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чрез други онлайн средства; Предоставянето на информация, съвет и съдействие за клиенти във връзка с горепосочените услуги; Поддръждане на витрини; Поддръждане на витрини; Търговска администрация; Всички преди това посочени услуги, включени в клас 35.

ES - 3

Preparaciones para blanquear y otras sustancias para lavar la ropa; Preparaciones para limpiar, pulir, desengrasar y raspar; Preparaciones no medicinales de aplicación en el cabello, cuero cabelludo, piel y uñas, y para su acondicionamiento y cuidado; Jabones; Perfumes; Productos de perfumería; Colonia; Agua de tocador; Aceites esenciales y de hierbas; Cosméticos; Productos de maquillaje; Pintalabios; Esmaltes de uñas; Quitaesmaltes de uñas; Productos de tocador no medicinales; Lociones capilares; Lacas para el cabello y geles capilares; Preparados para baños y duchas; Aceites, geles, cremas y espumas de baño y ducha; Mascarillas faciales y corporales; Exfoliadores faciales y corporales; Limpiadores faciales; Limpiadores e hidratantes cutáneos; Tónicos para la piel; Hidratante para la piel; Cremas y geles para ocultar imperfecciones; Desodorantes; Productos antitranspirantes [artículos de tocador]; Preparaciones para antes y después del afeitado; Jabón de afeitar; Cremas de afeitar; Geles para el afeitado; Preparación para después del afeitado; Productos para antes del afeitado; Polvos de talco; Artículos de tocador; Dentífricos; Pastas dentífricas.

ES - 14

Metalas preciosas y sus aleaciones; Artículos de joyería, bisutería, piedras preciosas; Artículos de relojería e instrumentos cronométricos; Bisutería [joyas de fantasía]; Piedras semipreciosas; Collares [artículos de joyería]; Anillos para los dedos; Pendientes; Brazaletes y pulseras; Tobilleras; Brazaletes y pulseras; Colgantes; Prendedor; Diademas; Piezas y accesorios para todos los productos citados.

ES - 16

Cuero e imitaciones del cuero; Baúles y maletas; Estuches de viaje [artículos de marroquinería]; Equipajes; Maletas de mano; Bolsos; Maletas de viaje; Maletas; Bolsas; Bolsos de mano; Bolsos para colgar al hombro; Bolsas de tocador; Bolsas para llevar; Mochilas; Mochilas; Riñoneras; Bolsas de deporte; Bolsas; Portadocumentos; Malelines para documentos; Portafolios para partituras; Carteras escolares; Estuches para artículos de tocador; Bolsas y soportes de prendas de vestir; Estuches para corbatas; Billetero; Carteras para blocs de notas; Estuches y fundas para documentos; Estuches y fundas para tarjetas de crédito; Billeteras; Monederos; Paraguas; Bastones; Bandoleras de cuero; Piezas y accesorios para todos los productos citados.

ES - 25

Prendas de vestir; Ropa para señoras; Ropa para niños; Camisas, blusas, camisas informales, camisetas, chalecos, cubrecorsets, bodis, camisas polo, camisetas de deporte, camisas de fútbol y camisas de rugby; Pantalones largos, vaqueros, pantalones cortos, pantalones cortos de deportes, ropa de baño; Lencería; Lencería femenina; Chándales; Artículos de ropa exterior; Abrigos; Chaquetas, Chaquetas informales, Impermeables y chaquetas y abrigos impermeables, Parkas, Chalecos térmicos acolchados; Trajes [vestuario]; Vestidos; Faldas; Faldas pantalón; Combinación larga y corta; Sudaderas; Prendas de punto; Jerseys, boleros y rebecas; Leotardos; Calentadores de piernas; Corbatas; Chalecos; Prendas para dormir; Prendas para dormir, Pijamas, Balines; Calzado; Botas, zapatos, zapatillas, sandalias, zapatillas de deporte, calcetines y medias y ropa interior de punto; Artículos de sombrerería; Sombreros; Gorros; Boinas; Fulars; Chales; Guantes [prendas de vestir]; Mitones; Cinturones (que sean prendas de vestir); Cintas para la frente y muñequeras.

ES - 35

Servicios de venta minorista en relación con la venta de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos; Recopilación, en beneficio de terceros, de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos, para que los consumidores puedan ver y adquirir cómodamente estos productos; Recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos, para que los consumidores puedan ver y adquirir cómodamente dichos productos por medio de telecomunicaciones; La recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de cosméticos, comidas y bebidas, bombones, dulces, caramelos, refrescos, bebidas sin alcohol y bebidas alcohólicas en un sitio web de Internet, para permitir a los clientes ver y comprar cómodamente esos productos a través de Internet u otros medios en línea; La recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de prendas de vestir, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, artículos de joyería, artículos de bisutería, instrumentos para escribir, artículos de papelería, libros, relojes de pulsera y artículos para los ojos en un sitio web de Internet, para que los clientes vean y compren cómodamente esos productos a través de Internet o por otros medios en línea; Suministro de información, asesoramiento y asistencia a clientes relacionados con los servicios mencionados; Decoración de escaparates; Decoración de escaparates; Administración comercial; Todos los servicios mencionados, comprendidos en la clase 35.

CS - 3

Přípravky pro bělení a jiné práci prostředky; Přípravky pro čištění, leštění, odmašťování a broušení; Neléčebné přípravky používané na vlasy, pokožku hlavy, pleť a nehty, pro jejich ošlepení a péči o ně; Mýdla; Parfémy; Voňavkářské výrobky; Kořínková voda; Toaletní voda; Eterické a rostlinné oleje; Kosmetika; Líčidla; Rtlénky; Laky na nehty; Odlakovače nehtů; Neléčebné toaletní přípravky; Přípravky na vlasy [mléka]; Vlasové spreje a vlasové gely; Koupelové a sprchové přípravky; Koupelové a sprchové oleje, gely, krémy a pěny; Pleťové a tělové masky; Pleťové a tělové abrazivní krémy; Obličejové mycí přípravky; Pleťové čistící a hydratační přípravky; Pleťové tonikum; Pleťové hydratační přípravky; Krémy a gely pro líčivý skvrnám; Deodoranty; Antiperspiranty [toaletní potřeby]; Přípravky před holením a po holení; Holicí mýdlo; Krémy na holení; Gely na holení; Přípravky po holení; Přípravné prostředky pro holení; Mastkový prášek, toaletní; Kosmetické přípravky, parfumerie, přípravky pro osobní hygienu, Zubní pasty; Zubní pasty.

CS - 14

Vzácné kovy a jejich slitiny; Klenoty, bižuterie, drahokamy; Hodinařské potřeby a chronometrické přístroje; Napodobeniny šperků; Polodrahokamy; Náhrdelníky, Prsteny na prst; Náuš-

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nice; Ozdobné kroužky a náramky; Nákotníky; Ozdobné kroužky a náramky; Přívěšky na krk; Brože; Čelenky; Části a vybavení veškerého výše uvedeného zboží.

CS - 18

Kůže a imitace kůže; Kufry a cestovní tašky; Cestovní kufry; Zavazadla; Kufry; Tašky cestovní; Cestovní zavazadla (portmanteaux); Malá zavazadla; Tašky; Kabelky; Brašny přes rameno; Toaletní tašky; Odnosné tašky; Batohy; Batohy; Ledvinky; Tašky (sportovní); Tašky; Aktovky, příruční tašky; Aktovky diplomaty; Desky na noly; Tašky školní (aktovky); Kosmetické kufříky (prázdné); Cestovní kufříky a nosiče; Pouzdra na kravaty; Náprsní tašky; Obaly na notebooky; Desky a obaly na dokumenty; Pouzdra a obaly na kreditní karty; Peněženky (na papírové peníze); Dámské peněženky; Deštníky; Vycházkové hole; Řemeny závěsné kožené; Části a vybavení veškerého výše uvedeného zboží.

CS - 25

Oblečení; Dámské oblečení; Dětské oděvy; Košile, halenky, košile pro volný čas, trička, vesty, krátké kabátky, spodní prádlo, polokošile, sportovní košile, košile na fotbal a ragby; Kalhoty, džíny, krátké kalhoty, sportovní krátké kalhoty, plavky; Spodní prádlo; Spodní prádlo pro ženy; Oděvy pro sport; Venkovní oděvy, Kabáty, Saka, Bluzony, Nepromokavé a vůči nepříznivému počasí odolné bundy a pláště, Parky (bundy s kapucí), Teplé vesty; Kostýmy, obleky; Župany; Sukně; Kalhotové sukně; Dlouhé a krátké kombiné; Mikiny; Pletené oděvní výrobky; Šatové sukně, přehozy přes ramena a pletené vesty; Legíny; Návleky na nohy; Kravaty; Vesty; Noční košile a pyžama, Noční košile a pyžama, Pyžama, Župany; Obuv; Boty nad kotníky, polobotky, trepky, sandály, cvičební obuv, ponožky a stávkové zboží; Pokrývky hlavy; Pokrývky hlavy; Čepice; Barety; Šátky, šály; Šály; Rukavice [oděvy]; Palčáky [rukavice]; Pásky (součástí oblečení); Čelenky a manžety.

CS - 35

Maloobchodní služby související s prodejem kosmetiky, potravin a nápojů, čokolády, sladkostí, bonbonů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, stávkového zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí; Sjednocení kosmetiky, potravin a nápojů, čokolády, cukrovinek, bonbonů, nealkoholických nápojů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, pleteného zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí v maloobchodní prodejně v zájmu třetích osob, aby si mohli zákazníci toto zboží pohodlně prohlédnout a koupit; Sjednocení různých popisů nebo obrázků kosmetiky, potravin a nápojů, čokolády, cukrovinek, bonbonů, nealkoholických nápojů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, pleteného zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí v zájmu třetích osob v katalogu, aby si mohli zákazníci toto zboží pohodlně prohlédnout a koupit prostřednictvím poštovní objednávky; Sjednocení různých popisů nebo obrázků kosmetiky, potravin a nápojů, čokolády, sladkostí, bonbonů, nealkoholických nápojů, nealkoholických nápojů a alkoholických nápojů v zájmu druhých na internetové webové stránce, aby si zákazníci mohli toto zboží pohodlně prohlédnout a koupit prostřednictvím internetu nebo jinými on-line prostředky; Sjednocení různých popisů nebo obrázků oděvů, obuvi, punčochového zboží, doplňků do vlasů, módních doplňků, tašek, módního zboží, klenotů, bižuterie, nástrojů na psaní, papírenského zboží, knih, hodinek a oční optiky v zájmu druhých na internetové webové stránce, aby si zákazníci mohli toto zboží pohodlně prohlédnout a koupit prostřednictvím internetu nebo jinými on-line prostředky; Poskytování informa-

ci, poradenství a pomoci zákazníkům vztahující se k výše uvedeným službám; Aranžování výkladů; Aranžování výkladů; Obchodní administrativa; Všechny výše uvedené služby zahrnuté do třídy 35.

DA - 3

Bløgemidler og andre midler til tøjvask; Præparater til rengøring, polering, skuring og slibning; Ikke-medicinske præparater til behandling og pleje af hår, hovedbund, hud og negle; Søber; Parfumer; Parfumeriverer; Eau de cologne; Eau de cologne; Æteriske olier og urteolier; Kosmetiske præparater; Make-up; Læbestifter; Neglelak; Neglelakfjerner; Ikke-medicinske toiletpræparater; Hårfolioner; Hårsprayer og hårgelée; Bade- eller brusepræparater; Kar- og brusebadsolier, geléer, cremer og skum; Ansigts- og kropsmasker; Skrubbesæbe til ansigt og krop; Rensmidler til ansigtet [kosmetik]; Rensmidler og fugtighedsmidler til huden; Skintonic; Fugtighedspræparater til huden; Geleer og cremer mod urenheder; Desodoriseringsmidler; Antiperspiranter; Præparater til anvendelse før og efter barbering; Barbersæbe; Barbercremer; Babergel; Aftershavepræparater; Præparater til brug før barbering; Talkumpulver til toiletbrug; Toiletartikler; Tandplejemidler; Tandpasta.

DA - 14

Ædle metaller og legeringer heraf; Juvelerarbejder, smykker, ædelstene; Ure og kronometriske instrumenter; Smil; Halvædelstene; Hals Smykker; Fingerringe; Øreringe; Armbånd; Ankelringe; Armbånd; Smykkevedhæng; Brocher; Diademer; Dele og tilbehør til alle ovennævnte varer.

DA - 18

Læder og læderimitationer; Kufferter og rejsetasker, Rejsekufferter; Bagage; Kufferter; Rejsetasker; Store rejsekufferter; Håndkufferter; Tasker; Håndtasker, Skuldertasker, Toilettasker; Bæreposer; Rygsække; Rygsække; Bæltetasker; Sportstasker; Tasker; Dokumentkuffert; Attachémapper; Nodemapper; Skuldertasker; Toilettasker, ikke indbyggede; Dragtposer og garderobetasker; Slipsetuier; Pengeseddelmapper; Notesbogholder; Dokumentmapper og dokumentomslag; Etuier og holdere til kredittkort; Punge; Håndtasker; Paraplyer; Spadseretokke; Bandolerer af læder; Dele og tilbehør til alle ovennævnte varer.

DA - 25

Beklædningsgenstande; Dametøj; Børnetøj; Skjorter, bluser, fritidsskjorter, t-shirts, veste, undertrøjer, ud-i-ét-dragter, poloskjorter, sportsskjorter, fodbolds- og rugbyskjorter; Benklæder, cowboypbukser, shorts, sportsskorts, badetøj; Undertøj; Linger; Træningsdragter; Yderbeklædning, Frakker, Jakkert, Fritidssjakkert, Vand- og vindtætte jakker og frakker, Parkacoats, Kropsvarmere; Spadseredragter; Kjoler; Nederdele; Buksenederdele; Dragter med lange eller korte ben, Sweatshirts; Strikkede beklædningsgenstande; Pullovere, boleroer og cardiganer, Gamacher; Benvarmere; Slips; Veste; Nattøj, Nattøj, Pyjamasser, Slåbrokke; Fodtøj; Støvler, sko, hjemmesko, sandaler, træningssko, sokker og strømpevarer; Hovedbeklædning; Hovedbeklædning; Kasketter; Baretter; Tørklæder; Sjaler; Handsker [beklædning]; Muffedisser; Bælter (beklædningsgenstande); Pandebånd og bånd til håndledet.

DA - 35

Detailhandel i forbindelse med salg af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, læskedrikke, ikke-alkoholholdige drikke, alkoholholdige drikke, beklædningsgenstande, fodtøj, Irikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, smilsmykker, skriveinstrumenter, papirhandlervarer, bøger, armbåndsure og briller og kontaklinser; Sammensætning i en detailforretning, til fordel for andre, af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, ikke-alkoholholdige drikke, ikke-alkohol-

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**COPY**

*Bogit Jørgensen*



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holdige drikke, alkoholholdige drikke, beklædningsgenstande, fodbeklædning, trikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, similismykker, skrivemidler, papirhandlervarer, bøger, armbåndsøre og briller og kontaktlinser, hvorved kunder bekvemt kan se og købe disse varer; Sammensætning, til fordel for andre, af en række beskrivelser af eller billeder af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, ikke-alkoholholdige drikke, alkoholholdige drikke, beklædningsgenstande, fodbeklædning, trikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, similismykker, skrivemidler, papirhandlervarer, bøger, armbåndsøre og briller i et katalog, hvorved kunder bekvemt kan se og købe disse varer via postordre; Sammensætning, til fordel for tredje part, af en række kosmetiske præparater, fødevarer og drikke, pralineer, bolsjer, slik, læskedrikke, ikke-alkoholholdige drikke og alkoholholdige drikke på et websted på internettet, således at kunderne kan se og købe disse varer på en bekvem måde via internettet eller andre onlinemedier; Sammensætning, til fordel for andre, af en række beskrivelser eller billeder af beklædningsgenstande, fodtøj, trikotagevarer, hårpynt, modeltilbehør, tasker, bælter, halstørklæder, modeartikler, juvelerarbejder, similismykker, skriveskaber, papirhandlervarer, bøger, armbåndsøre og briller på et websted på internettet, hvilket gør det muligt for kunder at se og købe disse varer via internettet eller via andre onlinemedier; Information, rådgivning og bistand udbudt til kunder vedrørende ovennævnte tjenesteydelser; Dekoration af butiksvinduer; Dekoration af butiksvinduer; Forretningsadministration; Alle ovennævnte tjenester indeholdt i klasse 35.

DE - 3  
 Wasch- und Bleichmittel; Putz-, Polier-, Fettentfernungs- und Schleifmittel; Nichtmedizinische Präparate zum Auftragen auf und zur Konditionierung und Pflege von Haar, Kopfhaut, Haut und Nägeln; Seifen; Parfüms; Parfümeriewaren; Kölnisch Wasser; Eau de Toilette; Ätherische und Kräuteröle; Kosmetika; Make-up; Lippenstifte; Nagellack; Nagellackentferner; Nichtmedizinische Toilettenpräparate; Haarlotionen; Haarsprays und Haargele; Präparate zum Baden und Duschen; Bade- und Duschöle, -gele, -kremes und -schäume; Gesichts- und Körpermasken; Gesichts- und Körperpeelings; Gesichtswaschmittel [Kosmetika]; Hautreinigungsmittel und feuchtigkeitspendende Mittel für die Haut; Tonic für die Hautpflege; Feuchtigkeitsbalsam für die Haut; Abdeckcremes und Abdeckgele; Desodoranten; Anlitranspiranten [schweißhemmende Toilettemittel]; Präparate zur Verwendung vor und nach der Rasur; Rasierseife; Rasiercremes; Rasiergele; Rasierwasser; Rasierzubereitungs-mittel; Talkumpuder für Toilette-zwecke, Körperpflegemittel; Zahnpulver; Zahnpasta.

DE - 14  
 Edelmetalle und deren Legierung; Juwelierwaren, Schmuckwaren, Edelsteine; Uhren und Zeitmessinstrumente; Strass [Edelsteinimitation]; Halbedelsteine; Halsketten [Schmuck]; Fingerringe; Ohrhaken; Armbänder, Fußgelenkkelchen; Armbänder, Anhänger [Schmuck]; Broschen; Tiaren; Teile und Zubehör für alle vorgenannten Waren.

DE - 18  
 Leder und Lederimitationen; Reise- und Handkoffer; Koffer für Reisezwecke; Gepäck; Handkoffer [Suitcases]; Reisetaschen; Großtaschen; Handkoffer; Freizeittaschen; Handtaschen; Schultertaschen; Kulturbeutel; Tragtaschen; Rucksäcke; Rucksäcke, Bauchtaschen; Sporttaschen; Freizeittaschen; Aktentaschen, Dokumentenmappen; Dokumentenkoffer; Notenmappen; Schultaschen; Kosmetikkoffer; Kleiderbeutel und -koffer; Krawattentaschen, Geldscheineltuis, Notizbuchhalter; Dokumententaschen und -mappen; Kreditkartentuis und -hüllen; Brieftaschen; Geldbörsen; Regenschirme; Spa-

zierstöcke; Schulterriemen; Teile und Zubehör für alle vorgenannten Waren.

DE - 25  
 Bekleidungsartikel; Damenbekleidung; Kinderbekleidung; Hemden, Blusen, Freizeithemden, T-Shirts, Westen, Korsett-leibchen, Bodysuits, Polo hemden, Sporthemden, Football und Rugbyhemden; Hosen, Jeans, Shorts, Sportshorts, Badebekleidung; Unterwäsche, Lingerie [Wäschestücke für Damen]; Sportbekleidung; Oberbekleidungsstücke, Mäntel, Jacken, Freizeitjacken, Wasserdichte und wetterfeste Jacken und Mäntel, Parkas, Körperwärmer; Anzüge; Kittel; Röcke; Hosenträger; Lange und kurze Kombinationen; Sweatshirts; Trikot-kleidung; Pullis, Boleros und Strickjacken; Leggings, Beinwärmer; Krawatten; Wämser; Schlafgewänder, Schlafgewänder, Pyjamas, Frisiermäntel; Schuhwaren; Stiefel, Schuhe, Hausschuhe, Sandalen, Trainingsschuhe, Strumpfwaren und gewirkte und gewebte Unterwäsche, Kopfbedeckungen; Hüte; Kappen; Basenmützen; Halstücher; Umhängeltücher; Handschuhe [Bekleidung]; Fausthandschuhe [Bekleidung]; Gürtel [als Bekleidungsartikel]; Stirnbänder und Armbänder.

DE - 35  
 Einzelhandelsdienstleistungen in Verbindung mit dem Verkauf von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen; Zusammenstellung von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholischen Getränken, alkoholfreien Getränken, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen in einem Katalog für Dritte, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren zu ermöglichen; Zusammenstellung von verschiedenen Beschreibungen oder Bildern von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen in einem Katalog für Dritte, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren per Versandhandel zu ermöglichen; Zusammenstellung für Dritte von verschiedenen Beschreibungen oder Abbildungen von Kosmetika, Lebensmitteln und Getränken, Schokolade, Süßigkeiten, Bonbons, Erfrischungsgetränken, alkoholfreien Getränken und alkoholischen Getränken auf einer Internet-Website, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren über das Internet oder über andere Online-Kanäle zu ermöglichen; Zusammenstellung von verschiedenen Beschreibungen und Abbildungen von Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibgeräten, Papier- und Schreibwaren, Armbanduhrn und Brillenerzeugnissen für Dritte auf einer Internet-Website, um Verbrauchern eine bequeme Ansicht und den Erwerb dieser Waren über das Internet oder über andere Online-Kanäle zu ermöglichen; Information, Beratung und Kundendienst in Bezug auf die vorstehend genannten Leistungen; Schaufensterdekoration; Schaufensterdekoration; Unternehmensverwaltung; Alle vor-

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OHMI – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
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stehend genannten Dienstleistungen, soweit sie in Klasse 35  
 enthalten sind.

ET - 3

Pleegilusained ja muud pesuained; Puhastus-, poleer-,  
 küürimisained, abrasiivöötlusvahendid; Mittemeditiinilised  
 preparaadid juuste, peanaha, naha ja küünthe hoolduseks ja  
 raviks; Seebid; Parfüüm; Parfümeeriatooted; Kölni vesi; Tua-  
 lettvesi; Essents- ja ürdiõlid; Kosmeetikavahendid; Meigiva-  
 hendid; Jumestusvahendid; Huulepulgad; Küünelakid; Küüne-  
 lakieemaldajad; Mitteraviotstarbised tualettvahendid; Ravi-  
 toimetajad juukseveed; Juukselakid ja -geelid; Vanni- ja  
 dušipreparaadid; Vanni- ja dušifõlid, -geelid, -kreemid ja -va-  
 hud; Maskid näole ja kehale; Näo- ja kehakoorigid;  
 Näo puhastusvahendid [kosmeetikatooteid]; Nahapuhastusva-  
 hendid ja niisutajad; Näonaha toonikud; Naha niisutusvahe-  
 did; Nahavigade kattekreemid ja -geelid; Deodorandid; An-  
 tiperspirandid [hügieenivahendid]; vahendid kasutamiseks  
 enne ja pärast habemeajamist; Habemeajamisseepe; Raseeri-  
 miskreemid; Raseerimisgeel; Habemeajamisjärgsed näo-  
 veed; Raseerimise ettevalmistusvahendid; Talgipulber [tualett-tarve];  
 Tualett-tarbed; Hambapastad; Hambapasta.

ET - 14

Väärismetallid ja nende sulamid; Juveeltooted, vääriskivid;  
 Hortoloogilised ja kronomeetrised instrumendid (kellad ja  
 kronomeetrid); Strassid juveeltooted; Poolvääriskivid; Kae-  
 lakeed [juveeltooteid]; Sõrmused; Kõrvarõngad; Kää- ja jalavõ-  
 rud; Jalavõrud; Kää- ja jalavõrud; Ripatsid [ehted]; Prossid;  
 Diadeemid; Osad ja tarvikud kõigile eelpoolmainitud kaupade-  
 le.

ET - 18

Nahk ja kunstnahk; Reisikohvrid ja -kotid; Reisikohvrid; Pagas;  
 Kohvrid; Reisikotid; Rahataskud; Sumadandid; Vaba aja kotid;  
 Käekotid; Olakotid; Tualett-tarvete kotid; Kandekotid; Seljakot-  
 tid; Seljakotid; Võõkotid; Spordikotid; Vaba aja kotid;  
 Dokumentidapid, portfellid; Diplomaadikohvrid, portfellid;  
 Noodidapid; Koolikotid; Kosmeetikakotid (tühjad); Rõivakotid  
 ja -kandurid; Lipsukarbid; Kirjamapid; Märkmikukaaned;  
 Dokumentidataskud ja -hoidikud; Krediidikaarditaskud ja -hoid-  
 dikud; Rahakotid; Peenrahakotid; Vihmavarjud; Jalutuskepid;  
 Rihmad (Nahast õla -), nahast õlarihmad; Osad ja tarvikud  
 kõigile eelpoolmainitud kaupadele.

ET - 25

Rõivad; Naiste riietuseseemed; Rõivad (laste); Särgid, pluusid,  
 vabaajäsärgid, T-särgid, vestid, naistesärgid, bodid, polosärgid,  
 spordisärgid, jalgpall- ja ragbisärgid; Püksid, teksased,  
 šortsid, lühikesed spordipüksid, ujumisrõivad; Alusrõivad, -  
 riided, -pesu; Naistepesu; Spordirõivad; Välisrõivad, Mantlid,  
 jakid, Jakid, Blusoonid, Veekindlad ja ilmastikukindlad jakid  
 ja mantlid, Parkad, Kehasoojendid; Ülikonnad, kostüümid;  
 Öhtutualetid; Seelikud; Püksiseelikud; Lühikesed ja pikad  
 kombinesoonid; Treeningpluusid; Kudumid (rõivad); Džempriid,  
 õlajakid ja nõõbitavad villased kampsunid; Säärised; Säärised;  
 Kaelasidemed, lipsud; Vestid; Ööriided, Ööriided, Pidžaamad,  
 Hommikumantlid, hommikukleidid; Jalatsid; Saapad, kingad,  
 tuhvid, sandaalid, spordijalatsid, sokid ja sukakaubad;  
 Peakatted; Peakatted; Mütsid; Baretid; Sallid; Sallid, kaelasal-  
 lid; Kindad (rõivad); Käpikud (rõivad); Võõd, rihmad (riietusese-  
 med); Peapaelad ja randmepaelad.

ET - 35

Kosmeetikumide, toidu ja joogi, šokolaadide, maiustuste,  
 kompekkide, karastusjookide, alkoholvabade jookide, alko-  
 hoolsete jookide, rõivaste, jalatsite, trikootaazkaupade, juukse-  
 tarvikute, moetanvikute, kottide, kübarakaupade, juveeltootele,  
 tehisvääriskivide, kirjutusvahendite, kirjatarvete, raamatute,  
 käekellade ja prillide müüjiga seotud jaemüügitreenused;  
 Kolmandate isikute heaolu nimel kosmeetika, šokolaadide,  
 maiustuste, kompekkide, karastusjookide, alkoholvabade

jookide, mittealkohoolsete jookide, alkohoolsete jookide, rõi-  
 vaste, jalatsite, trikootaazi, juukseakssuuaaride, moeakssu-  
 aaride, kottide, peakatete, juveeltootele, tehisvääriskivide,  
 kirjutusvahendite, kirjatarvete, raamatute, kellade ja prillide  
 toomine ühte jaemüügipunkti koondamine, et võimaldada  
 klientidel neid tooteid mugavalt vaadata ja osta; Kolmandate  
 isikute heaolu nimel kosmeetikavahendite, toidu ja joogi,  
 šokolaadide, maiustuste, kompekkide, karastusjookide,  
 alkoholvabade jookide, mittealkohoolsete jookide, alkohool-  
 sete jookide, rõivaste, jalatsite, trikootaazi, juukseakssuuaari-  
 de, moeakssuuaaride, kottide, peakatete, juveeltootele, te-  
 hisvääriskivide, kirjutusvahendite, kirjatarvete, raamatute,  
 kellade ja prillide kirjelduste või piltide ühte kohta koondamine,  
 et võimaldada klientidel neid tooteid mugavalt vaadata ja  
 posti teel osta; Mitmesuguste kaupade kirjelduste ja piltide  
 koondamine kolmandatele isikutele interneti veebilehel: kos-  
 meetikatooteid, toiduained ja joogid, šokolaad, maiustused,  
 kommid, karastusjoogid, mittealkohoolsete joogid ja alkohol-  
 joogid, et klientid saaksid neid kaupu interneti kaudu või  
 muude sidusvahendite abil mugavalt vaadata ja osta; Mitme-  
 suguste kaupade kirjelduste ja piltide koondamine kolmanda-  
 tele isikutele interneti veebilehel; rõivad, jalatsid, sukakaubad,  
 juukseakssuuaarid, moeakssuuaarid, kottid, naistekübarad,  
 juveeltooted, kirjutusvahendid, kirjatarbed, raamatud,  
 käekellad ja prillid, et klientid saaksid neid kaupu interneti  
 kaudu või muude sidusvahendite abil mugavalt vaadata ja  
 osta; Kliendinfo, -nõustamise ja -abi pakkumine seoses eel-  
 nimetatud teenustega; Poeakende (vaateakende) kaunistamine,  
 dekoreerimine; Poeakende (vaateakende) kaunistamine,  
 dekoreerimine; Ärikorraldus; Kõik eelpool nimetatud teenused,  
 mis kuuluvad klassi 35.

EL - 3

Λευκαντικά παρασκευάσματα και άλλες ουσίες για πλύσιμο-  
 Παρασκευάσματα καθαρισμού, στίλβωσης, αφαίρεσης λίπους  
 και απόξεσης. Μη φαρμακευτικά παρασκευάσματα για  
 εφαρμογή σε, βαθιά φροντίδα και περιποίηση των μαλλιών,  
 του τριχωτού της κεφαλής, του δέρματος και των νυχιών.  
 Σαπούνια: Αρωμα- Είδη αρωματοποίησης. Κολώνιες. Eau de  
 toilette. Ανθέρια και φυτικά έλαια. Καλλυντικά. Μακιγιάζ.  
 Κραγιόν. Βερνίκια νύχτων. Προϊόντα για την αφαίρεση  
 βερνίκιων νυχιών. Μη φαρμακευτικά παρασκευάσματα  
 ατομικής περιποίησης. Λοσιόν για τα μαλλιά. Λακ μαλλιών  
 και ζελέ για τα μαλλιά. Προϊόντα για χρήση στο μπάνιο και το  
 ντους. Έλαια, ζελέ, κρέμες και αφρόλουτρα για το μπάνιο και το  
 ντους. Μάσκες προσώπου και σώματος. Προϊόντα  
 απολέπισης προσώπου και σώματος. Προϊόντα καθαρισμού  
 προσώπου. Προϊόντα καθαρισμού και ενυδάτωσης του  
 δέρματος. Τονωτικές λοσιόν για το δέρμα. Προϊόντα  
 ενυδάτωσης του δέρματος. Κρέμες και ζελέ για τις ατέλειες  
 του δέρματος. Αποσμητικά. Προϊόντα κατά της εφίδρωσης  
 (για ατομική περιποίηση). Παρασκευάσματα για χρήση πριν  
 ή μετά το ξύρισμα. Σαπούνια ξυρίσματος. Κρέμες ξυρίσματος.  
 Ζελέ ξυρίσματος. Προϊόν για μετά το ξύρισμα (after shave).  
 Παρασκευάσματα για την προετοιμασία του ξυρίσματος. Τάλκ  
 για ατομική περιποίηση. Καλλυντικά. Οδοντοσκευάσματα.  
 Οδοντόκρεμες.

EL - 14

Πολύτιμα μέταλλα και κράματα αυτών. Κοσμήματα, είδη  
 χρυσοχοίας, πολύτιμοι λίθοι. Είδη ωρολογοποιίας και άλλα  
 χρονομετρικά όργανα. Ατομική περιποίηση. Πέτρρες  
 ημιπολύτιμες. Περιδέραια. Δαχτυλίδια. Σκουλαρίκια. Βραχιόλια.  
 Περισφύρια. Βραχιόλια. Μενταγιόν και πανταφί. Γυναικείες  
 καρφίτσες (πόρτες). Τιάρες. Μέρη και εξαρτήματα για όλα τα  
 προαναφερθέντα είδη.

EL - 18

Δέρμα και αποσμητικές δερματός. Κιβώτια και βαλίτσες  
 ταξιδιού. Είδη ταξιδιού. Αποσκευές. Βαλίτσες. Ταξιδιωτικοί

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σάκιο· Μπισούλα-βαλίτσες για τη μεταφορά ρούχων·  
 Βαλιτσάκια· Τσάντες για ανεπίσημο ντύσιμο· Τσάντες· Τσάντες  
 με λουρί για τον ώμο· Τσαντάκια για είδη προσωπικής  
 περιποίησης· Τσάντες μεταφοράς· Σακιάκια πλάτης· Σακιάκια  
 πλάτης· Τσαντάκια που προσαρμόζονται στη ζώνη· Αθλητικοί  
 σάκιοι· Τσάντες για ανεπίσημο ντύσιμο· Βαλίτσες για έγγραφα·  
 Χαρταφύλακες· Μουσική (θήκες για παρτιτούρες)· Σχολικές  
 σάκες· Βαλιτσάκια για είδη καλλωπισμού, χωρίς χωρίσματα·  
 Ιματισθήκες και θήκες για τη μεταφορά ενδυμάτων· Θήκες για  
 γραβιάτες· Θήκες για σημειωματάρια· Θήκες και υποδοχές για  
 σημειώσεις· Θήκες για έγγραφα και φάκελοι· Θήκες και  
 υποδοχές για πιστωτικές κάρτες· Πορτοφόλια τσέπης· Θήκες  
 ταξιδιού και πορτοφόλια σε σχήμα πογκοπού· Ομπρέλες  
 βραχί· Ράβδοι περιπάτου· Δερμάτινοι μάντες (λουριά) για  
 τον ώμο· Μέρη και εξαρτήματα για όλα τα προαναφερθέντα  
 είδη.

EL - 25

Είδη ρουχισμού· Γυναικεία ενδύματα· Παιδικά ενδύματα·  
 Παιδικά, μπλούζες, πουκάμισα για ανεπίσημο ντύσιμο,  
 κοντομάνικες μπλούζες, γιλέκα, γυναικεία φανελάκια,  
 κορμικά, μπλουζές πόλο, αθλητικές φανέλες, φανέλες  
 αμερικανικού ποδοσφαίρου και ράγκμπι· Παντελόνια,  
 παντελόνια τζην, παντελόνια κοντά, αθλητικά κοντά παντελόνια,  
 μαγιό· Εσώρουχα· Γυναικεία εσώρουχα· Αθλητικές εξωτερικές  
 στολές· Είδη εξωτερικής ένδυσης, Παλιτά, Μπουφάν, Πρόχειρα  
 μπουφάν, Αδιάβροχα και ανθεκτικά στις καιρικές συνθήκες  
 μπουφάν και παλιτά, Άνορακ, Γιλέκα με επένδυση· Κοστούμια  
 (επίσημα ενδύματα)· Βραδινές τουαλέτες· Φούστες·  
 Παντελονόφοιτες (ζίπ-κλιότ)· Μακιέζ και κοντές κομπινεζόν·  
 Φούτερ (κολλεγιακές μπλουζές)· Πλεκτά [ενδύματα]·  
 Πουλόβερ, μπολερό και ζακέτες· Κολάν· Γκέτες· Γραβιάτες·  
 Γιλέκα· Ενδύματα ύπνου, Ενδύματα ύπνου, Πιτζάμες,  
 Διάφανες ρόμπες τύπου ρεϊνφοϊ· Υποδήματα· Μπότς,  
 παπούτσια, παντόφλες, σανδάλια, αθλητικά παπούτσια,  
 καλοσάν, κάλτσες και πλεκτά είδη εσωρούχων· Είδη πιλοποιας·  
 Είδη πιλοποιας· Σκούφοι· Μπερδέες· Μαντήλια για το λαιμό·  
 Σάλια [ενδύματα]· Γάντια· Γάντια χωρίς χωρίσματα για τα  
 δάκτυλα [ενδύματα]· Ζώνες (ως είδος ένδυσης)· Κεφαλάδεσμα  
 και περικάρπια.

EL - 35

Υπηρεσίες λιανικής πώλησης για πώληση σε σχέση με  
 καλλυντικά, τρόφιμα και ποτά, σοκολάτες, γλυκά, καραμέλες,  
 αναψυκτικά, μη οισοννευματώδη ποτά, οισοννευματώδη ποτά,  
 ενδύματα, υποδήματα, είδη καλλοσοποιίας, συμπληρώματα  
 (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μόδας,  
 τσάντες, είδη πιλοποιας, κοσμήματα, ψεύτικα κοσμήματα,  
 όργανα γραφής, είδη χαρτοπωλείου, βιβλία, ρολόγια χειρός  
 και οπτικά είδη· Συγκέντρωση σε πρατήριο λιανικής πώλησης,  
 προς εξυπηρέτηση τρίτων, ειδών όπου περιλαμβάνονται  
 καλλυντικά, τρόφιμα και ποτά, σοκολάτες, γλυκά, καραμέλες,  
 αναψυκτικά, μη οισοννευματώδη ποτά, οισοννευματώδη ποτά,  
 ενδύματα, υποδήματα, είδη καλλοσοποιίας, συμπληρώματα  
 (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μόδας,  
 τσάντες, είδη πιλοποιας, κοσμήματα, ψεύτικα κοσμήματα,  
 όργανα γραφής, είδη χαρτοπωλείου, βιβλία, ρολόγια χειρός  
 και οπτικά είδη, γεγονός που παρέχει στους πελάτες τη  
 δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη  
 αυτά· Συγκέντρωση, προς εξυπηρέτηση τρίτων, ποικιλίας  
 περιγραφών ή εικόνων καλλυντικών, τροφίμων και ποτών,  
 σοκολατών, γλυκών, καραμελών, αναψυκτικών, μη  
 οισοννευματωδών ποτών, οισοννευματωδών ποτών,  
 ενδυμάτων, υποδημάτων, ειδών καλλοσοποιίας,  
 συμπληρωμάτων (αξεσουάρ) μαλλιών, συμπληρωμάτων  
 (αξεσουάρ) μόδας, τσαντών, ειδών πιλοποιας, κοσμημάτων,  
 ψεύτικων κοσμημάτων, οργάνων γραφής, ειδών  
 χαρτοπωλείου, βιβλίων, ρολογιών χειρός και οπτικών ειδών  
 σε κατάλογο, γεγονός που παρέχει στους πελάτες τη  
 δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη

αυτά μέσω ταχυδρομικής παραγγελίας· Συγκέντρωση, προς  
 εξυπηρέτηση τρίτων, ποικιλίας περιγραφών ή εικόνων σε  
 σχέση με καλλυντικά, τρόφιμα και ποτά, σοκολατάκια, γλυκά,  
 καραμέλες, αναψυκτικά, μη οισοννευματώδη ποτά και  
 οισοννευματώδη ποτά σε ιστοθέση στο Διαδίκτυο, γεγονός  
 που προσφέρει στους πελάτες τη δυνατότητα να βλέπουν και  
 να αγοράζουν με άνεση τα είδη αυτά μέσω του Διαδικτύου ή  
 με άλλα μέσα επί γραμμής· Συγκέντρωση, προς εξυπηρέτηση  
 τρίτων, ποικιλίας περιγραφών ή εικόνων σε σχέση με  
 ενδύματα, υποδήματα, είδη καλλοσοποιίας, συμπληρώματα  
 (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μόδας,  
 τσάντες, ζώνες, μαντήλια για τον λαιμό, είδη πιλοποιας,  
 κοσμήματα, ψεύτικα κοσμήματα, όργανα γραφής, είδη  
 χαρτοπωλείου, βιβλία, ρολόγια χειρός και οπτικά είδη σε  
 ιστοθέση στο Διαδίκτυο, γεγονός που παρέχει στους πελάτες  
 τη δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη  
 αυτά μέσω του Διαδικτύου ή με άλλα μέσα επί γραμμής·  
 Παροχή πληροφοριών, συμβουλών και βοήθειας σε πελάτες  
 σχετικά με τις προαναφερόμενες υπηρεσίες· Διακόσμηση  
 βιτρινών· Διακόσμηση βιτρινών· Διαχείριση επιχειρήσεων·  
 Όλες οι προαναφερόμενες υπηρεσίες περιλαμβάνόμενες στην  
 κλάση 35.

EN - 3

Bleaching preparations and other substances for laundry use;  
 cleaning, polishing, scouring and abrasive preparations; non-  
 medicated preparations for the application to, conditioning  
 and care of hair, scalp, skin and nails; soaps; perfumes; per-  
 fumery; eau de cologne; toilet waters; essential and herbal  
 oils; cosmetics; make-up preparations; lipsticks; nail varnishes;  
 nail varnish removers; non-medicated toilet preparations; hair  
 lotions; hair sprays and hair gels; preparations for use in the  
 bath or shower; bath and shower oils, gels, creams and foams;  
 face and body masks; face and body scrubs; facial washes;  
 skin cleansers and hydrators; skin toners; skin moisturizers;  
 blemish creams and blemish gels; deodorants; antiperspirants;  
 preparations for use before shaving and after shaving; shaving  
 soaps; shaving creams; shaving gels; after-shave prepara-  
 tions; pre-shave preparations; talcum powders; toiletries;  
 dentifrices; toothpastes.

EN - 14

Precious metals and their alloys; jewellery, precious stones;  
 horological and chronometric instruments; imitation jewellery;  
 semi-precious stones; necklaces; rings; earrings; bracelets;  
 anklets; bangles; pendants; brooches; tiaras; parts and fittings  
 for all the aforesaid goods.

EN - 18

Leather and imitations of leather; trunks and travelling bags;  
 travel cases; luggage; suitcases; holdalls; portmanteaux;  
 valises; bags; handbags; shoulder bags; toiletry bags; carrier  
 bags; rucksacks; backpacks; bumbags; sports bags; casual  
 bags; briefcases; attaché cases; music cases; satchels; beauty  
 cases; garment bags and carriers; tie cases; notecases;  
 notebook holders; document cases and holders; credit card  
 cases and holders; wallets; purses; umbrellas; walking sticks;  
 leather shoulder bells; parts and fittings for all the aforesaid  
 goods.

EN - 25

Articles of clothing; womenswear; childrenswear; shirts,  
 blouses, casual shirts, T-shirts, vests, camisoles, bodysuits,  
 polo shirts, sports shirts, football and rugby shirts; trousers,  
 jeans, shorts, sports shorts, swimwear; underwear; lingerie;  
 trackuits; articles of outerwear, coats, jackets, casual jackets,  
 waterproof and weatherproof jackets and coats, parkas, body  
 warmers; suits; dresses; skirts; culottes; jumpsuits, playsuits,  
 sweatshirts; knitwear; jumpers, shrugs and cardigans; leg-  
 gings; legwarmers; neckties; waistcoats; sleepwear, nightwear,  
 pyjamas, dressing gowns; footwear; boots, shoes, slippers,

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 MARQUES, DESSINS ET MODÈLES

sandals, trainers, socks and hosiery; headgear; hats; caps; berets; scarves; shawls; gloves; mittens; bells (being articles of clothing); headbands and wristbands.

EN - 35

Retail services connected with the sale of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear; the bringing together in a retail outlet, for the benefit of others, of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear in a catalogue, thereby to enable customers conveniently to view and to purchase those goods by mail order; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration; all included in Class 35.

FR - 3

Préparations pour blanchir et autres substances pour lessiver; Préparations pour nettoyer, polir, dégraisser et abraser; Préparations non médicinales à appliquer, pour le traitement et le soin des cheveux, du cuir chevelu, de la peau et des ongles; Savons; Parfums; Produits de parfumerie; Eau de Cologne; Eaux de toilette; Huiles essentielles et à base d'herbes; Cosmétiques; Produits de maquillage; Rouge à lèvres; Vernis à ongles; Dissolvants pour vernis à ongles; Produits de toilette non médicinaux; Lotions capillaires; Sprays pour les cheveux et gels pour les cheveux; Préparations pour bains et douches; Huiles, gels, crèmes et mousse pour le bain et la douche; Masques pour le visage et pour le corps; Exfoliants pour le visage et le corps; Nettoyants pour le visage [cosmétiques]; Produits nettoyants et hydratants pour la peau; Lotions toniques pour la peau; Hydratants pour la peau; Crèmes contre les impuretés et gels contre les impuretés; Déodorants; Produits de toilette contre la transpiration; Produits pour le pré-rasage et l'après-rasage; Savon à barbe; Crèmes à raser; Gels de rasage; Lotions après-rasage; Produits pour le rasage; Talcs; Produits de toilettes; Dentifrices; Pâtes dentifrices.

FR - 14

Métaux précieux et leur alliage; Joaillerie, bijouterie, pierres précieuses; Horlogerie et instruments chronométriques;

Strass; Pierres fines; Colliers; Bagues; Boucles d'oreilles; Bracelets; Bracelets de cheville; Bracelets; Pendentifs; Broches; Diadèmes; Pièces et parties constitutives et accessoires de tous ces articles.

FR - 18

Cuir et imitations du cuir; Malles et valises; Caisses de voyage; Bagages; Mallettes; Fourre-tout; Mallettes de voyage; Valises; Sacs de tous les jours; Sacs à main; Sacs à bandoulière; Trousses de toilette; Sacs à porter; Sacs à dos; Sacs à dos; Sacs banane; Sacs de sport; Sacs de tous les jours; Porte-documents; Mallettes pour documents; Porte-musique; Cartables; Coffrets destinés à contenir des articles de toilette dits "vanity cases"; Housses à vêtements; Étuis pour cravates; Porte-billets; Porte-calepin; Porte-documents; Étuis à cartes de crédit; Portefeuilles; Bourses; Parapluies; Cannes; Bandoulières [courroies] en cuir; Pièces et parties constitutives et accessoires de tous ces articles.

FR - 25

Articles d'habillement; Vêtements pour dames; Vêtements pour enfants; Chemises, chemisiers, chemises décontractées, tee-shirts, gilets, cache-corsets, maillots, chemises polos, maillots de sport, maillots de football et de rugby; Pantalons, jeans, shorts, shorts de sport, maillots de bain; Sous-vêtements; Articles de lingerie; Survêtements; Vêtements d'extérieur, manteaux, Vestes, Vestes de loisirs, Vestes et manteaux imperméables et résistant aux intempéries, Parkas, Gilets sans manches molletonnés; Costumes; Robes; Jupes; Jupes-culottes; combinaison longue et courte; Sweat-shirts; Tricots [vêtements]; Pulls, boléros et cardigans; Collants; Jambières; Cravates; Gilets; Vêtements de nuit, Vêtements de nuit, Pyjamas, Peignoirs; Chaussures; Bottes, chaussures, pantoufles, sandales, baskets, chaussures et bonneterie; Chapellerie; Chapeaux; Couvre-chefs; Berets; Foulards; Châles; Gants [habillement]; Mitaines; Ceintures (articles d'habillement); Bandeaux et manchettes.

FR - 35

Services de vente au détail liés à la vente de produits cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons sans alcool, boissons non alcooliques, boissons alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes; Le rassemblement dans un magasin de détail, pour des tiers, de cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons rafraîchissantes, boissons non alcooliques, boissons alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes, afin de permettre aux clients de visualiser et d'acheter facilement ces produits; Le rassemblement, pour des tiers, d'une variété de descriptions ou d'images de cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons rafraîchissantes, boissons non alcooliques, boissons alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes sur un site web sur l'internet, permettant aux clients de visualiser et d'acheter facilement ces produits par voie de télécommunications; Rassemblement, pour le compte de tiers, d'une variété de descriptions ou d'images de produits cosmétiques, aliments et boissons, chocolats, bonbons, friandises, boissons sans alcool et boissons alcoolisées sur un site internet en ligne, permettant ainsi aux clients de visualiser et d'acheter facilement ces produits par le biais de l'internet ou d'autres voies en ligne; Rassemblement, pour le compte

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 TRADE MARKS AND DESIGNS

OHMI – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES

de liers, d'une variété de descriptions ou d'images de vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, bijouterie, strass, instruments d'écriture, papeterie, livres, montres et articles pour la vue sur un site internet en ligne, permettant ainsi aux clients de visualiser et d'acheter facilement ces produits par le biais de l'internet ou d'autres voies en ligne; Fourniture d'informations, de conseils et d'assistance aux clients concernant tous les services précités; Décoration de vitrines; Décoration de vitrines; Administration commerciale; Tous les services précités compris dans la classe 35.

IT - 3

Preparati per la sbianca e altre sostanze per il bucato; Preparati per pulire, lucidare, sgrassare e abraderare; Preparati non medicati da applicare sui capelli, il cuoio capelluto, la pelle e le unghie, per il trattamento e la cura dei medesimi; Saponi; Profumo; Prodotti di profumeria; Acqua di colonia; Eau de toilette; Olii essenziali e olii a base di erbe; Cosmetici; Make-up; Rossetti; Smalti per le unghie; Solventi per smalti; Preparati non medicati per la toilette; Lozione per capelli; Spray e gel per capelli; Preparati per il bagno o la doccia; Olii, gel, creme e schiume per il bagno e la doccia; Maschere per il viso e il corpo; Esfolianti per il viso e il corpo; Detergenti per il viso [per uso cosmetico]; Detergenti e idratanti per la pelle; Tonici per il viso; Idratanti per la pelle; Creme e gel contro le macchie della pelle; Deodoranti; Antitraspiranti; Preparati da utilizzare prima e dopo la rasatura; Sapone da barba; Creme da barba; Gel per la rasatura; Lozioni dopobarba; Prodotti per la preparazione alla rasatura; Talco per toilette; Toiletteria; Dentifrici; Dentifricio.

IT - 14

Metalli preziosi e loro leghe; Oreficeria, gioielleria, pietre preziose; Orologeria e strumenti cronometrici; Bigiotteria; Pietre fini [semipreziosi]; Collane [gioielleria]; Anelli da dito; Orecchini; Braccialetti; Cavigliere; Braccialetti; Ciondoli [gioielleria]; Spille; Diademi; Parti ed accessori per tutti i prodotti summenzionati.

IT - 18

Cuoio e imitazioni di cuoio; Bauli e valigie; Custodie da viaggio; Baggagli; Articoli di valigeria; Sacchi da viaggio; Valigie armadio; Valigie; Borse casual; Borselle; Borse a spalla; Astucci da toilette; Sacchetti; Zaini; Zaini; Marsupi; Borse da sport; Borse casual; Cartelle, buste [articoli di pelle]; Valigette per documenti; Porta-musica; Cartelle scolastiche; Bauli destinati a contenere articoli da toilette detti vanity cases; Borse e contenitori per vestiti; Custodie per cravatte; Portafogli; Porta-taccuini; Cartelle per documenti e portadocumenti; Astucci e custodie per carte di credito; Portafogli; Borsellini; Parapioggia; Bastoni da passeggio; Bandoliere [corregge] in cuoio; Parti ed accessori per tutti i prodotti summenzionati.

IT - 25

Articoli d'abbigliamento; Abbigliamento da donna; Articoli d'abbigliamento per bambini; Camicie, camicette, camicie casual, T-shirt, giubbotti, copribusti, body, polo, maglie sportive, maglie da calcio e da rugby; Pantaloni, jeans, pantaloncini, pantaloncini da ginnastica, costumi da bagno; Biancheria personale; Lingerie; Articoli d'abbigliamento per lo sport; Articoli di abbigliamento esterno, Cappotti, Giacche, Giacche casual, Giacche e cappotti impermeabili, Parka, Gilet termici; Abiti [completi]; Camicie; Gonne; Gonne, gonne pantalone; Completi lunghi e corti; Felpe; Indumenti lavorati a maglia; Maglioni, bolero e cardigan; Gambali; Scaldamuscoli; Cravatte; Panciotti; Biancheria da notte, Biancheria da notte, Pigiama, Accappatoi; Scarpe; Stivali, scarpe, pantofole, sandali, scarpe da ginnastica, calzini e calzetteria; Cappelleria; Cappelleria; Cappellini, Berretti; Foulards [fazzoletti]; Scialli; Guanti [ab-

bigliamento]; Manopole [abbigliamento]; Cinture (come articoli di abbigliamento); Fasce per la testa e per i polsi.

IT - 35

Vendita al dettaglio di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici; Raccolta, a beneficio di terzi, in un punto vendita, di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto; Raccolta, a beneficio di terzi, di svariate descrizioni ed immagini di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto tramite telecomunicazione; Raccolta su un sito Internet, a beneficio di terzi d'una varietà di descrizioni o immagini di cosmetici, alimenti e bevande, cioccolatini, caramelle, canditi, bevande analcoliche, bevande gassate e bevande alcoliche, per facilitare ai clienti la visione e l'acquisto via Internet o tramite altri mezzi on-line; Raccolta, a beneficio di terzi, di svariate descrizioni ed immagini d'indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, articoli di cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto dei prodotti tramite Internet o mezzi on-line; Informazioni, consulenza ed assistenza destinate ai clienti in materia dei suddetti servizi; Decorazione di vetrine; Decorazione di vetrine; Amministrazione commerciale; Tutti i suddetti servizi compresi nella classe 35.

LV - 3

Mazgāšanas un balināšanas līdzekļi; Tīrīšanas, pulēšanas, attaukošanas un abrazīvie līdzekļi; Nemedicīniski līdzekļi, kas paredzēti matu, galvas ādas, ādas un nagu uzlabošanai un kopšanai; Ziepes; Parfīmi; Parfīmērijas izstrādājumi; Odekoloni; Tuāletes ūdeņi; Ēteriskās un augu eļļas; Kosmētiskie līdzekļi; Dekoratīvā kosmētika; Lūpkurāšanas; Nagu lakas; Nagu lakas noņēmēji; Ķermeņa kopšanas līdzekļi bez ārstnieciskas iedarbības; Matu losjoni; Matu lakas un želeļas; Vannas un dušas preparāti; Vannas un dušas eļļas, želeļas, krēmi un putas; Kosmētiskās ķermeņa un sejas maskas; Sejas un ķermeņa skrubiņi; Sejas mazgāšanas līdzekļi; Ādas tīrīšanas un mitrināšanas līdzekļi; Ādas toniki; Ādas mitrināšanas līdzekļi; Krēmi un geli ādas defektu pārklāšanai; Dezodoranti; Pretsviedru līdzekļi; Līdzekļi pirms un pēc skūšanās; Skūšanās ziepes; Skūšanās krēmi; Skūšanās želeļas; Pēcskūšanās līdzekļi; Pirmsskūšanās līdzekļi; Talka pūderis ķermenim; Personiskās tuāletes līdzekļi; Zobu kopšanas līdzekļi; Zobu pastas.

LV - 14

Dārgmetāli un to sakausējumi; Juvelierizstrādājumi, rotaslietas, dārgakmeņi; Pulksteņi un hronometriskie instrumenti; Bizūterija; Pusdārgakmeņi; Kaklarotas; Roku gredzeni; Auskari; Rokasprādes; Kājspārdzes; Rokasprādes; Karuļi; Piespraudes; Diadēmas; Detaļas un piederumi visām iepriekšminētajām precām.

LV - 18

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OHIM – OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
 TRADE MARKS AND DESIGNS

OHIM – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES

Āda un ādas imitācijas; Ceļasomas un čemodāni; Koferi; Ba-  
 gāžas somas un čemodāni; Ceļasomas; Ietilpīgas mīkstās  
 somas; Cietas ādas ceļojumu somas; Nelieli koferi; Somas;  
 Rokassomas; Plecu somas; Kosmētikas somiņas; Iekraušanas  
 maisi; Mugursomas; Mugursomas; Jostas somas; Sporta so-  
 mas; Somas; Dokumentu portfeļi; Plakani dokumentu portfeļi  
 ("diplomāti"); Nošu mapes; Skolēnu somas; Tualetes maciņi,  
 bez tualetes piederumiem; Apģērbu somas un nešanas tualetī-  
 nādājumi; Kakišķiņi futrāļi; Kabatas portfeļi; Piezīmju  
 grāmatīņu maciņi; Dokumentu vāki un turētāji; Kredītkaršu  
 somas un maki; Kabatas portfeļi; Mazas plānas somiņas;  
 Lietuassargi; Spieķi; Plecu siksnas no ādas; Detaļas un pieder-  
 umi visām iepriekšminētajām precēm.

LV - 25

Apģērbu izstrādājumi; Apģērbī sievietēm; Bērnu apģērbī;  
 Krekli, blūzes, krekli, T krekli, vestes, pļeburi, triko, teniskrekli,  
 sporta krekli, futbola un regbija krekli; Bikses, džinsi, šorti,  
 sporta šorti, peldkostīmi; Apakšveļa; Sieviešu veļa; Sporta  
 apģērbī; Virsdrēbes, Mēleļi, Zaketes, Bluzoni, Ūdens izturīgās  
 un laika apstākļu izturīgās žaketes, kā arī mēleļi, Sillās vēja-  
 kas ar kapuci, Valētās sillās vestes; Uzvalki; Kleitas; Svārkī;  
 Bikšusvārkī, Ļsi vai garī kombinezoni; Sporta krekli ar garām  
 piedurknēm; Trikotāžas izstrādājumi; Džemperī, šalles un vil-  
 nas jakas, Zeķubikses bez apakšdaļas; Geltras; Kaklasaites;  
 Vestes; Naktsveļa, Naktsveļa, Pīdžamas, Apmetņi un halāļi;  
 Apavi; Zābaki, kurpes, rītakurpes, sandales, Irenītkurpes,  
 zeķes un zeķu izstrādājumi; Galvassegas; Galvassegas; Ce-  
 pure; Beretes; Kaklauti; Šalles; Cimdī; Dōraiņi; Jostas (ap-  
 ģērbu piederumi); Galvassegas un piedurkņu aproces.

LV - 35

Mazumtirdzniecības pakalpojumi saistībā ar kosmētikas,  
 pārtikas un dzērienu, šokolādes, saldumu, konfekšu, bezalko-  
 holisko dzērienu, alkoholisko dzērienu, apģērbu, apavu, ap-  
 akšveļas, matu piederumu, modes aksesuāru, somu, galantē-  
 rijas, juvelierizstrādājumu imitāciju, rakstāmpiederumu, kan-  
 celejas piederumu, grāmatu, pulksteņu un brīļu tirdzniecību;  
 Mazumtirdzniecības veikalu apkopošana citu labā, lai sniegtu  
 klientiem iespēju ērti apskatīties un iegādāties šīs preces,  
 viss ir saistīts ar kosmētikas, pārtikas un dzērienu, šokolādes,  
 saldumu, konfekšu, bezalkoholisko dzērienu, alkoholisko  
 dzērienu, apģērbu, apavu, apakšveļas, matu piederumu,  
 modes aksesuāru, somu, galantērijas, juvelierizstrādājumu  
 imitācijas, rakstāminstrumentu, kancelejas piederumu,  
 grāmatu, pulksteņu un brīļu jomu; Dažādu aprakstu, attēlu  
 apkopošana citu labā, lai sniegtu klientiem iespēju ērti apsk-  
 atīties un iegādāties šīs preces pasūtīt pa pastu, vis ir saistīts  
 ar kosmētikas, pārtikas un dzērienu, šokolādes, saldumu,  
 konfekšu, bezalkoholisko dzērienu, alkoholisko dzērienu, ap-  
 ģērbu, apavu, apakšveļas, matu piederumu, modes aksesuāru,  
 somu, galantērijas, juvelierizstrādājumu imitācijas, rakstāminst-  
 rumentu, kancelejas piederumu, grāmatu, pulksteņu un brīļu  
 jomu; Dažādu aprakstu vai attēlu komplektēšana interneta  
 tīmekļa vietnē trešām personām saistībā ar šādām precēm:  
 kosmētika, pārtikas produkti un dzērieni, šokolāde, saldumi,  
 konfektes, bezalkoholiskie dzērieni un alkoholiskie dzērieni,  
 ļaujot klientiem ērti aplūkot un iegādāties šīs preces ar inter-  
 neta vai citu tiešsaistes līdzekļu starpniecību; Dažādu aprakstu  
 vai attēlu komplektēšana interneta tīmekļa vietnē trešām  
 personām saistībā ar šādām precēm: apģērbī, epavī, trikotāžas  
 izstrādājumi, piederumi matiem, modes aksesuāri, somas,  
 sievietes cepures, juvelierizstrādājumi, bižutērija, rakstāmpie-  
 derumi, kancelejas piederumi, grāmatas, rokas pulksteņi un  
 brīles, ļaujot klientiem ērti aplūkot un iegādāties šīs preces  
 ar interneta vai citu tiešsaistes līdzekļu starpniecību; Informāci-  
 jas, ieteikumu un palīdzības sniegšana klientiem saistībā ar  
 iepriekš minētajiem pakalpojumiem; Veikalu skatlogu noformē-  
 šana; Veikalu skatlogu noformēšana; Uzņēmumu pārval-  
 dīšana; Visi iepriekš minētie pakalpojumi ietverti 35. klasē.

LT - 3

Balinimo preparāti ir kitos skalbimo medžiagos; Valymo,  
 poliravimo, šveitimo ir švitrinamojo apdirbimo preparatai; Ne  
 medicininiai preparatai plaukų, galvos odos, odos ir nagų  
 kompresams, gerai būklei palaikyti ir prižiūrėti; Mullas; Kvepa-  
 lai; Parfumerijos gaminiai; Odekolonas; Tualetinis vanduo;  
 Ekstraktai ir žolių aliejai; Kosmetika; Grimas; Lūpų dažai;  
 Nagų lakas; Nagų lako nuėmikai; Negydomeji tualetiniai  
 preparatai; Plaukų losjonai; Plaukų lakas ir plaukų želė; Vonių  
 ir dušo kosmetiniai preparatai; Vonios ir dušo aliejai, želė,  
 kremai ir putas; Vėldo ir kūno kaukės; Vėldo ir kūno šveitikliai;  
 Vėldo prausikliai [kosmetiniai]; Odos valikliai ir drėkikliai; Odos  
 tonikai; Odos drėkinamosios priemonės; Odos defektus šali-  
 nantys kremai ir želė; Dezodorantai; Antiperspirantai [tualetu  
 reikmenys]; Preparatai, vartojami prieš ir po skutimosi; Skuti-  
 mosi muilas; Skutimosi kremai; Skutimosi gelis; Losjonai po  
 skutimosi; Paruošiamosios skutimo priemonės; Talko milteliai  
 (tualetu reikmenys); Tualeto reikmenys; Dantų milteliai ir pa-  
 stos; Dantų pasta.

LT - 14

Brangieji metalai ir jų lydiniai; Juvelyriniai dirbiniai, brangak-  
 meniai; Laikrodžiai ir laikmačiai; Strazai [drabužių puošmenos  
 iš dirbtinių silko brangakmenių]; Pusbrangiai akmenys; Karo-  
 liai [juvelyriniai dirbiniai]; Rankų žiedai; Auskarai; Apyrankės;  
 Pėdutės; Apyrankės; Pakabučiai; Sėgės; Diademos; Aukščiai  
 nurodytų prekių dalys ir priedai.

LT - 18

Oda ir odos imitacijos; Lagaminai, kelioniniai krepšiai; Kelioni-  
 niai lagaminai; Bagažas; Lagaminai; Kellonmašiai; Dvieju  
 dalių lagaminai; Sakvojažai; Kasdieniai krepšiai; Rankinukai;  
 Rankinės per petį; Tualeto reikmenų krepšėliai; Nešiojimo  
 krepšiai; Kuprinės; Kuprinės; Priė juosmens tvirtinamos pin-  
 ginės; Sportiniai krepšiai; Kasdieniai krepšiai; Portfeliai; Doku-  
 mentų dėklai; Natų portfeliai; Mokykliniai portfeliai; Reikmeni-  
 nės (Kliėnėnės tualetinės -) [tuščios]; Rūbų krepšiai; Kaki-  
 raiščių dėžutės; Piniginės; Užrašų knygelė aplankai; Doku-  
 mentų dėklai ir laikikliai; Kreditingų kortelių dėklai ir aplankai;  
 Kliėnėnės piniginės; Piniginės; Skėčiai; Lazdos (kriukiai);  
 Antipeliniai diržai (Odiniai -); Aukščiai nurodytų prekių dalys  
 ir priedai.

LT - 25

Drabužiai; Moterų aprangos prekės; Valkiški drabužiai; Ma-  
 rškiniai, palaidinukės, sportiniai marškiniai, teniso marški-  
 nėliai, liemenės, palaidinės, naktiniai drabužiai, polo marški-  
 nėliai, sportiniai marškiniai, futbolo ir regbio marškiniai;  
 Keinės, džinsai, trumpikės, sportiniai šortai, maudymosi ap-  
 ranga; Apaliniai drabužiai; Moteriški apatiniai; Sporto ir sporto  
 salės apranga; Viršūniniai drabužiai, Paltai, Švarkai, Bluzonai,  
 Neperšlampamieji ir neperpučiamieji švarkai ir paltai; Strūkės  
 su gobtuvu, Šiltos liemenės; Kostiumai; Moteriški drabužiai;  
 Sijonai; Sijonėlinės; Ilgas ir trumpas kombinezoni; Sportiniai  
 džemperiai; Megzti drabužiai; Megztiniai, trumpi švarkeliai ir  
 nertiniai; Tamprės; Blauzdinės; Kaklaraiščiai; Liemenės;  
 Naktiniai drabužiai, Naktiniai drabužiai, Pizamos, Chalatai;  
 Avalynė; Batai, Šlepetės, sandalai, sportbačiai, puskojinės ir  
 trikotažas; Galvos apdangalai; Galvos apdangalai; Kepurės;  
 Beretės; Salikai; Skaros; Pirštinės [drabužiai]; Kumštinės pir-  
 štinės; Diržai (drabužių priedai); Galvos/plaukų raiščiai ir ran-  
 kogaliai.

LT - 35

Mažmeninės prekybos pastaugos, susijusios su prekyba  
 kosmetika, maistu ir gėrimais, šokoladais, saldainiais, ledinui-  
 kais, gaiviešiais gėrimais, nealkoholiniais gėrimais, svaigiai-  
 sliais gėrimais, drabužiais, avalyne, kojinių gaminiais, plaukų  
 papuošalais, aprangos aksesuarais, krepšiais, skrybėlaitėmis,  
 juvelyriniais dirbiniais, bižuterija, rašymo priemonėmis, raštinės  
 reikmenimis, knygomis, laikrodžiais ir akiniais; Kosmetikos,

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OHIM – OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
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OHIM – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
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maisto ir gėrimų, šokoladinių saldainių, saldumynų, saldainių (ledinukų), gaiviųjų gėrimų, gaiviųjų gėrimų, svaigiųjų gėrimų, drabužių, aprangos, avalynės, trikotažo gaminių, plaukų papuošalų, madingų aksesuarų, maišelių, skrybėlačių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės prekių, knygų, laikrodžių ir akininių asortimento sudarymas mažmeninės prekybos parduotuvėse kitų labui, taip suteikiant klientams galimybę patogiai apžiūrėti ir įsigyti šių prekių; Įvairių kosmetikos, maisto ir gėrimų, šokoladinių saldainių, saldumynų, saldainių (ledinukų), gaiviųjų gėrimų, gaiviųjų gėrimų, svaigiųjų gėrimų, drabužių, aprangos, avalynės, trikotažo gaminių, plaukų papuošalų, madingų aksesuarų, maišelių, skrybėlačių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės prekių, knygų, laikrodžių ir akininių aprašymų ar atvaizdų asortimento sudarymas kitų labui interneto tinklalapiuose, taip suteikiant klientams galimybę patogiai apžiūrėti ir įsigyti šių prekių užsisakant jų telekomunikacijų priemonėmis; Asortimento sudarymas iš įvairių kosmetikos, maisto ir gėrimų, šokoladų, saldainių, ledinukų, gaiviųjų gėrimų, nealkoholinių gėrimų ir alkoholinių gėrimų aprašymų ir atvaizdų interneto svetainėje, leidžiantis pirktiems patogiai apžiūrėti šias prekes ir jų įsigyti internetu arba kitomis prijungtinėmis priemonėmis; Asortimento sudarymas iš įvairių drabužių, avalynės, kojinių gaminių, plaukų aksesuarų, madingų aksesuarų, krepšių, skrybėlačių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės priemonių, knygų, laikrodžių ir regos produktų aprašymų ir atvaizdų interneto svetainėje, leidžiantis pirktiems patogiai apžiūrėti šias prekes ir jų įsigyti internetu arba kitomis prijungtinėmis priemonėmis; Informacijos, patarimų ir pagalbos telkimas klientams, susijęs su pirmiau minėtomis paslaugomis; Parduotuvių vitrinų puošimas [tvarkymas]; Parduotuvių vitrinų puošimas [tvarkymas]; Verslo tvarkymas; Visos anksčiau nurodytos paslaugos, priskirtos prie 35 klasės.

HR - 3  
 Preparatų za bijeljenje i ostale tvani za pranje rublja; Preparati za čišćenje, poliranje, odmaščivanje i struganje; Preparati koji nisu ljevakiti za primjenu pri regeneriranju i njezi; kose, vasišta, kože i noktiju; Sapuni, Parfem, Parfimerijski proizvodi; Kolonjska voda; Toaletna voda; Esencijalna i biljna ulja; Kozmetički proizvodi; Šminika; Ruž [rumenilo] za usne; Lak za nokte; Odstranjivač laka za nokte; Nemedicinski higijenski pripravci; Losion za kosu; Sprejevi i gelovi za kosu; Preparati za uporabu prilikom tuširanja ili kupanja; Ulja, gelovi, kreme i pjene za kupanje i tuširanje; Maske za lice i tijelo; Pilići za lice i tijelo; Sredstva za čišćenje lica [kozmetika]; Preparati za čišćenje i vlaženje kože; Tonici za lice; Proizvodi za hidrataciju kože; Kreme i gelovi protiv crvenila; Dezodoransi; Antiperspiranti [toaletni proizvodi]; Preparati za korištenje prije brljanja i nakon brljanja; Sapun za brljanje; Krema za brljanje; Gel za brljanje; Losioni za upotrebu poslije brljanja; Proizvodi za brljanje; Puder za toaletne potrebe; Toaletni proizvodi; Proizvodi za njegu zubi; Pasta za zube.

HR - 14  
 Plemeniti metali i njihove legure; Nakit, drago kamenje, Urarski proizvodi i kronometarski instrumenti; Bižuterija; Poludrago kamenje; Ogrice; Rupice; Naušnice; Narukvice; Steznici za gležnjeve; Narukvice; Prvičesci za lančice; Pripadaće; Dijadem; Dijelovi i oprema za sve gore navedene proizvode.

HR - 18  
 Koža i imitacije kože; Kovčezi i putne torbe; Putni kovčezi i torbe; Prtljaga; Putne torbe; Torbe za putovanje; Putne torbe [portmanteau]; Putna torba; Torbe; Ručne torbe; Torbe za nošenje preko ramena; Neseseri; Vrećice; Ruksaci; Ruksaci; Pojasne torbice; Sportske torbe; Torbe; Aktovke; Poslovne torbe; Torbe za note; Torbe na rame; Prazne kozmetičke torbice; Nosaiči i vreće za odjeću; Futrole za kravate [eluj]; Držači za notes; Držači bilježnica; Korice i držači za

dokumente; Držači i futrole za kreditne kartice; Lisnice; Novčanici za kovanice; Kišobrani; Štapovi za hodanje; Kožno remenje za rame; Dijelovi i oprema za sve gore navedene proizvode.

HR - 25  
 Odjeća; Ženska odjeća; Odjeća za novorođenčad; Košulje, bluze, ležerna košulje, majice, prsluci, ženske potkošulje, bodiji, polo majice, sportske majice, majice za nogomet i ragbi; Hlače, traperice, kratke hlače, sportske kratke hlače, odjeća za pivanje; Donje rublje; Ženska donje rublje; Trenirke; Odjeća za prirodu; Kaputi. Jakne, Sportske jakne, Vodootporna jakne i kaputi za sve vremenske prilike, Parke [sportske jakne s kapuljačom], Punjeni prsluci; Nošnje; Dugačke haljine; Suknje; Suknja-hlače; Kombinezoni i kratki kombinezoni; Gornji dijelovi trenirke; Pletena odjeća [odjevni predmeti]; Džemper, bolera i veste; Tajce; Grijači za noge; Kravate; Prsluci; Noćna odjeća, Noćna odjeća, Pldžame, Kućni ogrtači; Obuća; Čizme, cipele, papuče, sandale, tenisice, kratke čarape i trikotažni odjevni predmeti; Pokrivala za glavu; Pokrivala za glavu; Kape; Beretke; Rupci [fulari]; Šalovi; Rukavice; Rukavice bez prstiju; Remeni za nošenje; Trake za glavu i znojnice.

HR - 35  
 Maloprodajne usluge u vezi s prodajom proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, sprave za pisanje, pribor za pisanje, knjige, satovi i naočale; Zdrživanje u maloprodajnoj trgovini, za korist drugih, proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, pisanje (sprave za pisanje), pribor za pisanje, knjige, satovi i naočale u katalogu, pri čemu se kupcima omogućuje jednostavan pregled i kupnja proizvoda; Zdrživanje, u korist drugih, raznih opisa i slika proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, pisanje (sprave za pisanje), pribor za pisanje, knjige, satovi i naočale u katalogu, pri čemu se kupcima omogućuje jednostavan pregled i kupovina te robe putem poštanske narudžbe; Zdrživanje, u korist drugih, raznih opisa i slika proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića na internetskoj stranici, kako bi se omogućilo kupcima da na praktičan način pregledavaju i kupuju te proizvode putem interneta ili drugog online načina kupovine; Zdrživanje, u korist drugih, raznih opisa i slika proizvoda kao što su odjeća, obuća, pokrivala za glavu, trikotaža, dodaci za kosu, modni dodaci, torbe, nakit, bižuterija, pisači instrumenti, uredski pribor, knjige, satovi i naočale na internetskoj stranici, kako bi se omogućilo kupcima da na praktičan način pregledavaju i kupuju te proizvode putem interneta ili drugog online načina kupovine; Ponuda informacija, savjeta i podrške korisnicima u vezi sa svim navedenim uslugama; Uređenje izloga; Uređenje izloga; Komercijalna administracija; Sve uključeno u razred 35.

HU - 3  
 Fehértőkészítmények és egyéb, másásra szolgáló anyagok; Tisztító-, fényszűrő-, sűrítő-, és csiszológyszerek; Nem gyógyanyagokkal telített készítmények a haj, a fejbőr, a bőr és a köröm ápolásában és kondicionálásában való alkalmazásra; Szappanok; Parfümök; Parfüméria, illatszerek; Kőlinviz; Eau de toilette; Esszenciális és növényi olajok; Kozmetikai szerek; Smink; Ajakkrúzok; Körömlakkok; Körömfesték-lemosók;

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Gyógyanyagokat nem tartalmazó toalett célra szolgáló készítmények; Hajvizek, hajszeszek; Hajbeszűrő és hajszelél; Fürdő- és zuhanyzókészítmények; Fürdő és tusoló olajok, zselék, krémek és habok; Arc és test maszkok/pakolások; Arc- és testápolók; Arclemosók [kozmetikumok]; Bőrleisztítók és hidratálók [vizefelvétel segítő]; Bőrtonifikáló szerek, bőrtónikók; Bőrhidratálók; Szépséghibát eltakaró krémek és zselék; Deodorok; Izadásgátlók; Borotválkozás előtt és után használatos készítmények; Borotvaszappan; Borotvakrém; Borotválkozó zselé; Borotválkozás utáni arcszeszek; Borotválkozást előkészítő szerek; Hintőpor, pipere célokra; Testápolási cikkek; Fogkrémek; Fogpaszta.

HU - 14

Nemesfémek és ötvözeleik; Ékszerek, drágakövek; Órák és más időmérő eszközök; Strassz [drágakő utánzat]; Félrágakövek; Nyakláncok; Ujjgyűrűk; Fülbevalók; Karperecek és karkötők; Bokláncok; Karperecek és karkötők; Függők; Brosok; Diadémok, fejékek; Alkatrészek és szerelvények az összes fent említett áruhoz.

HU - 18

Bőr és műbőr/bőrutánzatok; Utazótáskák és bőröndök; Kofferek [kis utazótáskák]; Pogyász; Bőröndök; Utazótáskák; Nagyméretű bőr útítasok [portmanteaux]; Bőröndök, kézitáskák; Hétköznapi, utcai táskák; Kézitáskák; Válltáskák, tarisznyák; Piperetáskák, neszesszerek; Bevásárlószatyrok; Hátizsákok, hátizsákak; Hátizsákok, hátizsákak; Övtáskák; Alléikai táskák; Hétköznapi, utcai táskák; Irattáskák, aktatáskák; Diplomata táskák; Kottamappák, kottatokok; Sálchél táskák; Piperetáskák üresen; Ruhátáskák és -hordozó eszközök; Nyakkendő tokok; Mappák; Jegyzetfüzet tartók/fedeleik; Irattartók és tasakok; Hitelekártya tartók és tokok; Levélírárcák; Erszények, pénztárcák; Ernyők, esernyők; Sétapálcák; Bőr vállszijak [hevederek]; Alkatrészek és szerelvények az összes fent említett áruhoz.

HU - 25

Ruházati cikkek, Női ruházati cikkek; Ruházat (gyermek-); Ingek, blúzok, laza ingek, pólók, mellények, trikó kombinék, body-k, póló ingek, sportingek, futball- és rögbilingek; Nadrágok, farmernadrágok, rövidnadrágok, sportnadrágok, úszódrésszek; Alsóruházat, fehérneműk; Fehérnemű; Tornaruhák; Felsőruházati cikkek, Kabátok, dzsekik, Dzsekik, Ingkabátok, szélvédő dzsekik, Vízálló és időjárásálló dzsekik és kabátok, Parkák, Bélelt mellények; Öltönyök; Talárok; Szoknyák; Nadrágszoknyák; Hosszú és rövid kezeltábas; Melegítő felsők; Kötöttárú [ruházat]; Pulóverek, bolero és kardigánok; Leggingek; Lábszármeglejtők; Nyakkendők; Mellények; Pizsama, Pizsama, Pizsamák, Köntösök, pongyolák; Lábbelik; Magasszárú cipők/bakancsok, cipők, papucsok, szandálok, edzőcipők, zoknik és harisnyák; Kalapárúk; Kalapárúk; Sapkák; Svájcsapkák, barettek; Sálak; Vállkendők, nyakendők; Kesztyűk [ruházat]; Egyujjas kesztyűk; Övek (ruhadarabok); Fejszalagok és kézelők.

HU - 35

Kiskereskedelmi szolgáltatások a következők értékesítésével kapcsolatban: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttárú, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutánzatok, íróeszközök, papírárúk, könyvek, órák és látással kapcsolatos eszközök; A következők összehozása mások javára egy kiskereskedelmi elárusítóhelyen: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttárú, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutánzatok, íróeszközök, papírárúk, könyvek, órák és szemreválók - ezáltal lehetővé téve a vásárlóknak ezen termékek kényelmes megtekintését és megvásárlását; A következők leírás-

ainak vagy képeinek összehozása mások javára: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttárú, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutánzatok, íróeszközök, papírárúk, könyvek, órák és szemreválók - ezáltal lehetővé téve a vásárlóknak ezen termékek kényelmes megtekintését és megvásárlását postai rendeléssel; Mások megbízásából az alábbiak egy helyre gyűjtése, lehetővé téve a vásárlók számára, hogy kényelmesen megtekintessék és megvásárolhassák ezeket az internet vagy más online eszköz segítségével: kozmetikai cikkek, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok és alkoholos italok; Ruházat, lábbelik, kötöttárú, hajkiegészítők, divatkiegészítők, táskák, fejedők, ékszerek, ékszerutánzatok, íróeszközök, papírárú, könyvek, karórák és szemviselet többféle leírásán vagy képeinek összegyűjtése egy internetes weboldalon, lehetővé téve, hogy a vevők kényelmesen megtekintessék és megvásárolhassák ezeket a termékeket az interneten vagy online módon; Az összes fent említett szolgáltatásra vonatkozóan tájékoztatás, tanácsadás és segédnyújtás ügyfelek részére; Kirakalrendezés; Kirakatrendezés; Kereskedelmi adminisztráció; 35 osztályhoz tartozó összes fentemlített szolgáltatás.

MT - 3

Preparazzjonijiet ta' blić u sustanzi oħra għall-ħasli tal-ħwejjeġ; Preparazzjonijiet għat-tindif, għall-lustrar, biex toghrok u biex tobrox; Preparazzjonijiet mhux medikali għall-applikazzjoni fuq il-ħabbalżmar u l-kura tax-xagħar, il-qurriegħa, il-ġilda u d-dwiefer; Sapun; Fwejjaħ; Prodotti ta' fwejjaħ; Eau-de-Cologne (fwejħa); Ilma mfewwaħ għall-użu fuq il-ġilda; Żjut essenżjali u erbali; Kozmetiċi; Mejkapp; Lipsiċi; Verniċ tad-dwiefer; Sustanzi għat-tneħħija tal-lostru tad-dwiefer; Preparazzjonijiet tal-twaletta mhux medikali; Lożjonijiet tax-xagħar; Sprejs tax-xagħar u ġellijiet tax-xagħar; Preparazzjonijiet għall-banijiet u għad-doċċa; Żjut tal-banju u tad-doċċja, ġel, kremi u ragħwiet; Maskli għall-wiċċ u l-ġisem; Għorik għall-wiċċ u għall-ġisem; Aġenti tal-tindif għall-wiċċ [kozmetiċi]; Aġenti għat-tindif u l-idratazzjoni tal-ġilda; Toner tal-ġilda; Kremi għat-trattib tal-ġilda; Kremi għat-tbajja u ġellijiet għat-tbajja; Deodoranti; Antiperspiranti [prodotti tal-twaletta]; Preparazzjonijiet għall-użu qabel u wara l-lqaxxir tal-lejħa; Sapun għat-tqaxxir tal-lejħa; Kremi għat-tqaxxir tal-lejħa; Ġellijiet għat-tqaxxir; Lożjonijiet ta' wara l-lqaxxir tal-lejħa; Prodotti għat-tqaxxir tal-lejħa; Terra għal użu fil-twaletta; Preparazzjonijiet tal-twaletta; Denlifrċi; Dentifriċi.

MT - 14

Materjal prezzjuż u l-igi tagħhom; Ġojjelli, haġar prezzjuż; Strumenti li juru l-ħin u kronometriċi; Ġojjelli foloż; Haġar semi-prezzjuż; Kullani [ġojjellerija]; Ċrieket tas-subgħajni; Imsielet tal-widnejni; Brazzuletti / Ċlepet; Brazzuletti ta' ma' l-ghaksa tas-sieq; Brazzuletti / Ċlepet; Pendenti; Labar ta' l-ingravata jew labar milbusa fl-ibbles tan-nisa; Dijadem; Partijiet u tagħmir għall-affarijiet kolha imsemmija.

MT - 18

Ġilda jew imitazzjoni tal-ġilda; Baġolli u basktijiet ta' l-ħvijjaġġar; Baġolli għall-ħvijjaġġar; Valliġi; Valliġi; Basktijiet għall-ħvijjaġġar; Valliġi; Valliġi diversi; Basktijiet ta' kuljum; Basktijiet tal-id; Basktijiet ta' fuq l-ispaļlejn; Boroz għall-oġġetti tal-twaletta; Basktijiet tax-xiri; Barzakki ta' fuq id-dahaħ; Barzakki ta' fuq id-dahaħ; Basktijiet-ħinturin; Basktijiet għall-isports; Basktijiet ta' kuljum, Kartieri tad-dokumenti; Baġalji għad-dokumenti; Kontenituri tal-mużika; Basktijiet tal-iskola [satchels]; Kaxxetti tal-kozmetiċi, mhux mgħammra; Basktijiet u ġamiera ta' ħwejjeġ; Kaxxetti tal-ingravati; Portafolli għad-ħekkiġijiet; Kontenituri għat-takkwini, Kaxxetti u kontenituri tad-dokumenti; Kaxxetti u kontenituri għall-karti ta' kreditu; Portafolli tal-but; Portmoni; Umbrelel; Bsaten; Cinturini tal-is-

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palla tal-ġilda; Partijiet u taghmir għall-affarijiet kollha imsem-  
 mija.

**MT - 25**

Artikli tal-hwejjeġ; Artikli tal-hwejjeġ għan-nisa; Hwejjeġ għat-  
 ta; Qomos, bluza, qomos każwali, t-shirts, sdieri, għekkiġiet  
 ta' taht irrakkmati, bodisjuts, powloxters, topps għall-isports,  
 topps tal-futbol u tar-ragbi; Qliezet, ġinsijiet, xorzjiet, xorzjiet  
 tal-isports, lbies tal-ghawm; Hwejjeġ ta' taht; lbies ta' taht  
 għan-nisa; lbies għall-ġinnasju; Oġġetti ta' hwejjeġ għal barra,  
 Kowtjiet, Ġkieket, Blousons, Ġkieket u kowtjiet li ma jgħaddix  
 ilma minnhom u li tajbin għall-maltemp, Parkas, Hwejjeġ li  
 jzommu l-ġisem sħun; Libsa Intiera; lbiesi twal tan-nisa;  
 Dbielet; Qliezet wesgħin li jidhru qlshom dublett; lbiesi twal  
 u qosra; Flokkijiet komdi li jinlbu su waqt eżerċizzji fiżiċi; Xogħol  
 tal-malja [lbies]; Gampers, lbies ta' fuq l-isports u kardigans;  
 Getti; Tgeżwir biex iżomm l-għekiesi sħan; Ingravati; Sdieri;  
 lbies ta' bil-lejl, lbies ta' bil-lejl, Pigamas, Gagagi tal-banju;  
 Xedd is-saqajn; Stvail, zraben, papoċċ, sandli, trainers, kalzetti  
 u maljerja; Xedd ir-ras; Xedd ir-ras; Brieret; Berġijiet; Xalpi;  
 Xalel; Ingwanti; Ingwanti mingħajr swaba [lbies]; Cinturini  
 (bħala artikli ta' hwejjeġ); Strixxi tad-drapp ta' mar-ras u  
 pulziera tal-qomos.

**MT - 35**

Servizzi ta' bejgħ bl-imnut konnessi mal-bejgħ ta' kozmetiċi,  
 ikel u xorb, ċikkulata, helu, hlewviet, luminati, xorb mhux  
 alkoħoliku, xorb alkoħoliku, hwejjeġ, xedd is-saqajn, maljerja,  
 aċċessorji tax-xagħar, aċċessorji tal-moda, basktijiet, xogħol  
 ta' kpiepel, gojjellerija, gojjellerija artifiċjali, strumenti għall-  
 kitba, kartolerija, kotba, arloġġi tal-id u xedd l-għajnejn; l-  
 ġabra flimkien l'awtlet tal-bejgħ bl-imnut, għall-benefiċċju ta'  
 oħrajn, ta' kozmetiċi, ikel u xorb, ċikkulata, helu, konfettura,  
 luminati, xorb mhux alkoħoliku, xorb alkoħoliku, hwejjeġ, xedd is-  
 saqajn, maljerja, aċċessorji tax-xagħar, aċċessorji tal-moda,  
 basktijiet, xogħol tal-hjata, gojjelli, kopja artifiċjali ta' gojjelli,  
 strumenti għall-kitba, kartoleriji, kotba, arloġġi tal-id u xedd  
 tal-għajnejn, sabieħ jippermettu li l-klijenti jaraw u jixtru bil-  
 kumdità dawk l-oġġetti; l-ġabra flimkien, għall-benefiċċju ta'  
 oħrajn, ta' varjetà ta' deskrizzjonijiet ta', jew ta' immaġni ta',  
 kozmetiċi, ikel u xorb, ċikkulata, helu, konfettura, luminati,  
 xorb mhux alkoħoliku, xorb alkoħoliku, hwejjeġ, xedd is-  
 saqajn, maljerja, aċċessorji tax-xagħar, aċċessorji tal-moda,  
 basktijiet, xogħol tal-hjata, gojjelli, kopja artifiċjali ta' gojjelli,  
 strumenti għall-kitba, kartoleriji, kotba, arloġġi tal-id u xedd  
 tal-għajnejn f'katalgu, sabieħ jippermettu li l-klijenti jaraw u  
 jixtru bil-kumdità dawk l-oġġetti b'ordni bil-posta; l-ġabra  
 flimkien, għall-benefiċċju ta' oħrajn, ta' varjetà ta' deskrizzjonij-  
 jiet ta', jew immaġni ta', kozmetiċi, ikel u xorb, ċikkulati, helu,  
 zokkor kandju, softdrinks, xorb mhux alkoħoliku u xorb  
 alkoħoliku fuq websajt tal-Internet, li jippermetti li l-klijenti jaraw  
 u jixtru bil-kumdità dawk il-prodotti permezz tal-Internet jew  
 permezz ta' mezzi oħra onlajn; l-ġabra flimkien, għall-bene-  
 fiċċju ta' oħrajn, ta' varjetà ta' deskrizzjonijiet ta', jew immaġni  
 ta', hwejjeġ, xedd is-saqajn, maljerja, aċċessorji tax-xagħar,  
 aċċessorji tal-moda, basktijiet, kpiepel, gojjelli, gojjelli artifiċjali,  
 strumenti tal-kitba, kartolerija, kotba, arloġġi tal-id u xedd  
 u nuċċalijiet fuq websajt tal-Internet, li jippermetti li l-klijenti jaraw  
 u jixtru bil-kumdità dawk l-oġġetti permezz tal-Internet jew  
 permezz ta' mezzi oħra onlajn; il-provvista ta' informazzjoni,  
 pariri u assistenza lil-klijenti dwar is-servizzi msemmijin qabel;  
 Arranġament ta' vetrini tal-hwienet; Arranġament ta' vetrini  
 tal-hwienet; L-amministrazzjoni ta' negozju; Is-servizzi kollha  
 hawn fuq imsemmija inkluzi fil-klassi 35.

**NL - 3**

Bleekmiddelen en andere wasmiddelen; Reinigings-, polijst-,  
 ontvettings- en schuurmiddelen; Niet-medicinale middelen  
 toepassing op, conditionering en verzorging van het haar, de  
 hoofdhuid, de huid en de nagels; Zepen; Parfums; Parfume-

rien; Eau de Cologne; Eau de toilette; Ethische oliën en  
 kruidenoliën; Cosmetica; Make-up; Lippenstift; Nagellak; Na-  
 gellak-removers; Niet-medicinale toiletpreparaten; Haarolions;  
 Haarlak en haargel; Preparaten voor gebruik in bad of onder  
 de douche; Bad- en doucheoliën, -gels, -crèmes en -schuim;  
 Maskers voor het gezicht en lichaam; Scrubs voor het gezicht  
 en lichaam; Gezichtsreinigingsmiddelen [cosmetica]; Reini-  
 gende en vochtinbrengende middelen voor de huid; Toners  
 voor de huid; Vochtinbrengende middelen voor de huid; Crè-  
 mes en gels tegen puistjes; Deodorantia; Toiletverzorgings-  
 middelen tegen transpiratie; Preparaten voor gebruik vóór en  
 na het scheren; Scheerzeep; Scheercrèmes; Scheergels; Af-  
 ter-shave lotions; Voorbereidingsmiddelen voor het scheren;  
 Talkpoeder voor toiletverzorging; Producten voor de toiletver-  
 zorging; Tandreinigingsmiddelen; Tandpasta's.

**NL - 14**

Edele metalen en hun legeringen; Juwelen, bijouterieën,  
 edelstenen; Uurwerken en tijdmeetinstrumenten; Namaakju-  
 welen; Halfedelstenen; Halskettingen [juwelierswaren]; Vin-  
 gerringen; Oorbellen; Arm- en enkelbanden; Enkelbanden;  
 Arm- en enkelbanden; Hangers; Broches; Diademen; Delen  
 en onderdelen voor alle voornoemde goederen.

**NL - 18**

Leder en kunstleder; Reiskoffers en koffers; Reiskoffers; Ba-  
 gage; Koffers; Reistasen; Koffers (Grote -); Koffers (Reis -);  
 Vrijtijdstassen; Handtassen; Schouderstassen; Toiletstassen;  
 Draagtassen; Rugzakken; Rugzakken; Heuptasjes; Sporttas-  
 sen; Vrijtijdstassen; Aktentassen; Alttachekoffers; Muziek-  
 mappen; Schoollassen; Beauty-cases [leeg]; Kledingtassen  
 en -dragers; Etluis voor stropdassen; Portefeuilles; Houdera  
 voor notitieboekjes; Mappen en houders voor documenten;  
 Etluis en houders voor creditcards; Portefeuilles; Portemon-  
 nees; Paraplu's; Wandelstokken; Schouderriemen van leder;  
 Delen en onderdelen voor alle voornoemde goederen.

**NL - 25**

Kledingartikelen; Dameskleding; Kinderkleding; Herden,  
 blouses, vrijtjdsverhemden, T-shirts, vesten, korsellijfes,  
 bodysuits, poloshirts, sporthemden, voetbal- en rugbyshirts;  
 Pantalons, spijkerbroeken, shorts, korte sportbroeken,  
 zwmekleding; Ondergoed; Lingerie, Atletiekleding; Bovenkle-  
 ding, Mantels [jassen], Jasjes, Vrijtjdsjasjes, Waterdichte  
 en winddichte jasjes en mantels, Parka's, Bodywarmers;  
 Pakken; Japonnen; Rokken; Broekrokken; Monosuits en  
 shorties; Sweatshirts; Gebreide kleding; Chemisettes,  
 schoudermantels en cardigans; Leggings; Beenwarmers;  
 Dassen; Vesten; Nachtkleding, Nachtkleding, Pyjama's,  
 Peignoirs; Schoeisel; Laarzen, schoenen, pantoffels, sandalen,  
 trainingsschoenen, sokken en kousen en geweven of gebreid  
 ondergoed; Hoofddeksels; Hoofddeksels; Petten, Baretten;  
 Halsdoeken; Sjaals; Handschoenen [kleding]; Wanten [kle-  
 ding]; Ceintuurs (kledingstukken); Hoofdbanden en polsban-  
 den.

**NL - 35**

Detailhandel met betrekking tot de verkoop van cosmetische  
 middelen, voedingsmiddelen en dranken, chocolaatjes,  
 snoepjes, snoepgoed, frisdranken, alcoholvrije dranken, alco-  
 holhoudende dranken, kledingstukken, schoeisel, breigoede-  
 ren, haaraccessoires, modeaccessoires, tassen, modeartike-  
 len, juwelierswaren, imitatiejuwelierswaren, schrijfinstrumen-  
 ten, schrijfbehoeften, boeken, horloges en brillen; Het samen-  
 brengen in een detailhandelszaak, ten gunste van derden,  
 van cosmetische middelen, voedingsmiddelen en dranken,  
 chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije  
 dranken, alcoholhoudende dranken, kledingstukken, schoeisel,  
 breigoederen, haaraccessoires, modeaccessoires, tassen,  
 modeartikelen, juwelierswaren, imitatiejuwelierswaren,  
 schrijfinstrumenten, papierwaren, schrijfbehoeften, boeken,

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horloges en brillen, om klanten in de gelegenheid te stellen die goederen op hun gemak te bekijken en te kopen; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van cosmetische middelen, voedingsmiddelen en dranken, chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije dranken, alcoholhoudende dranken, kledingstukken, schoeisel, breigoederen, haaraccessoires, modeaccessoires, tassen, modeartikelen, juwelierswaren, imitatiejewelierswaren, schrijfinstrumenten, papierwaren, schrijfbehoeften, boeken, horloges en brillen in een catalogus, om klanten in de gelegenheid te stellen die goederen op hun gemak te bekijken en te kopen via postorder; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van cosmetische middelen, voedingsmiddelen en dranken, chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije en alcoholhoudende dranken op een internetwebsite, om klanten in de gelegenheid te stellen deze goederen op hun gemak te bekijken en te kopen via internet of andere online media; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van kledingstukken, schoeisel, breigoederen, haaraccessoires, modeaccessoires, tassen, modeartikelen, juwelierswaren, imitatiejewelierswaren, schrijfinstrumenten, schrijfbehoeften, boeken, horloges en brillen op een internetwebsite, om klanten in de gelegenheid te stellen deze goederen op hun gemak te bekijken en te kopen via internet of andere online media; Inlichtingen, advisering en ondersteuning aan klanten met betrekking tot alle voornoemde diensten; Decoratie van etalages; Decoratie van etalages; Zakelijke administratie; Alle voornoemde diensten, voor zover begrepen in klasse 35.

PL - 3  
 Środki wybielające i inne substancje stosowane w praniu; Środki do czyszczenia, polerowania, szorowania i ścierania; Nielecznicze preparaty do pielęgnacji, upiększania i stosowania na włosy, skórę głowy, skórę i paznokcie; Mydła; Perfumy; Produkty perfumeryjne; Woda kolońska; Woda toaletowa; Olejki esencjonalne i roślinne; Kosmetyki; Kosmetyki do makijażu; Pomadki do ust; Lakier do paznokci; Zmywacze do paznokci; Niemedyczne preparaty toaletowe; Płyny do włosów; Włosów (lakier i żele do -); Preparaty kosmetyczne do kąpieli i pod prysznic; Olejki, żele, kremy i piany do kąpieli i pod prysznic; Maseczki do twarzy i ciała; Pilingi do twarzy i ciała; Płyny do mycia twarzy [kosmetyki]; Środki oczyszczające i nawilżające skórę; Toniki do skóry; Nawilżacze skóry; Kremy i żele do wywabiania plam; Dezodoranty; Antyperspiranty [przybory toaletowe]; Preparaty do użycia przed i po goleniu; Mydło do golenia; Kremy do golenia; Żele do golenia; Środki stosowane po goleniu; Środki do stosowania przed goleniem; Talk kosmetyczny; Środki toaletowe; Środki do czyszczenia zębów; Pasta do zębów.

PL - 14  
 Metale szlachetne i ich stop; Wyroby jubilerskie, kamienie szlachetne; Przyrządy zegarmistrzowskie i chronometryczne; Bizuteria sztuczna; Kamienie półszlachetne; Naszyjniki [bizuteria]; Pierścionki na palce; Kolczyki; Bransolety; Łańcuszki na nogę; Bransolety; Wisiorki; Broszki; Diademy; Części i akcesoria do wszystkich uprzednio wymienionych towarów.

PL - 18  
 Skóra i imitacja skóry; Walizy i torby podróżne; Walizki podróżne; Bagaż; Walizki; Torby podróżne; Walizy; Walizeczki; Torby; Torebki; Torebki na ramię; Kosmetyczki [szaszetki na przybory toaletowe]; Sklepowe torebki do pakowania zakupów; Plecak, Plecaki; Torebki na biodra [nerki]; Torby sportowe; Torby; Aktówki; Teki, dyplomatki, Teczki na nuly; Torby szkolne [z paskiem na ramię]; Kosmetyczki bez wyposażenia; Worki i torby na garderobę; Etui na krawaty; Portfele; Etui na notatniki; Etui i okładki na dokumenty; Kart kredytowych (fute-

raty do -) i portfele; Portfele; Portmonetki; Parasole; Laski; Skórzane pasy na ramię; Części i akcesoria do wszystkich uprzednio wymienionych towarów.

PL - 25  
 Odzież; Odzież damska; Odzież dla dzieci; Koszule, bluzki, koszule codzienne, koszulki, kamizelki, koszulki na ramiączkach, body, koszulki polo, koszule sportowe, koszulki do gry w piłkę nożną i rugby; Spodnie, jeansy, szorty, spodnie sportowe, stroje kąpielowe; Bielizna osobista; Bielizna damska; Odzież gimnastyczna; Odzież wierzchnia, Płaszcz, Kurtki, Bluzy, Kurtki i płaszcze wodoodporne i odporne na czynniki atmosferyczne, Kurtki z kapturem chroniące przed zimnem i wiatrem, Ocieplane kamizelki; Garnitury; Długie luźne stroje; Spódnice, Spódnico-spodnie; Krokcie i długie kombinezony; Bluzy sportowe; Działania [odzież]; Swetry, bolerka i swetry rozpinane; Legginsy; Ocieplacze na nogi [getry]; Krawaty; Kamizelki; Bielizna nocna, Bielizna nocna, Piżamy, Podomki [szlafrok]; Obuwie; Botki, buty, pantofle domowe, sandały, buty sportowe, skarpetki i pończosznicze (wyroby -); Nakrycia głowy; Nakrycia głowy; Czapki; Berety; Szalki; Szale; Rękawiczki [odzież]; Rękawiczki z jednym palcem; Paski (części odzieży); Opaski na głowę i mankiety.

PL - 35  
 Usługi sprzedaży detalicznej w dziedzinie kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów pończoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów; Gromadzenie w punktach sprzedaży detalicznej na rzecz osób trzecich kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów pończoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów w celu umożliwienia klientom dogodnego oglądania i zakupu tych towarów; Gromadzenie na rzecz osób trzecich różnych opisów lub obrazów kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów pończoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów na stronie internetowej w celu umożliwienia klientom dogodnego oglądania i zakupu tych towarów za pośrednictwem telekomunikacji; Gromadzenie, na rzecz innych osób, różnorodnych opisów lub obrazów kosmetyków, żywności i napojów, czekoladek, cukierków, słodczy, napojów bezalkoholowych, napojów bezalkoholowych i napojów alkoholowych na stronie internetowej w celu umożliwienia klientom wygodnego oglądania i kupowania tych towarów za pośrednictwem internetu lub innych środków online; Gromadzenie, na rzecz innych osób, różnych opisów lub obrazów odzieży, obuwia, wyrobów pończoszniczych, akcesoriów do włosów, dodatków odzieżowych, toreb, kapeluszy, biżuterii, sztucznej biżuterii, przyborów do pisania, materiałów biurowych, książek, zegarków i okularów na stronie internetowej w celu umożliwienia klientom obejrzenia i dokonania zakupu tych towarów za pomocą internetu lub innych środków online; Udzielanie klientom informacji, porad i pomocy w związku z wyżej wymienionymi usługami; Dekoracja wystaw sklepowych; Dekoracja wystaw sklepowych; Administrowanie działalności gospodarczej; Wszystkie wymienione wyżej usługi, ujęte w klasie 35.

PT - 3

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**COPY**

*Birgit J. J. J.*



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Preparações para branquear e outras substâncias para a lavagem; Preparações para limpar, polir, desengordurar e raspar; Produtos não medicinais para aplicação, condicionamento e cuidados dos cabelos, couro cabeludo, pele e unhas; Sabões; Perfumes; Perfumaria; Água de colónia; Águas de toilette; Óleos essenciais e à base de ervas; Cosméticos; Maquilhagem; Batons para os lábios; Vernizes para as unhas; Substâncias para remover o verniz das unhas; Preparações de toilette não medicinais; Loções capilares; Lacas e geles para os cabelos; Produtos para banho e duche; Óleos, geles, cremes e espumas de banho e duche; Máscaras para o rosto e o corpo; Esfoliantes para o rosto e o corpo; Produtos para lavar a rosto [cosméticos]; Produtos de limpeza e hidratantes para a pele; Tónicos para a pele; Hidratante para a pele; Cremes para combater borbulhas ou outras imperfeições e geles para combater borbulhas ou outras imperfeições; Desodorizantes; Produtos antitranspirantes para a toilette; Produtos para antes e depois de barbear; Sabão para a barba; Creme de barbear; Gel para barbear; Loções pós-barba [after-shave]; Produtos para antes do barbear; Pó de talco [para uso cosmético]; Artigos de higiene pessoal; Dentífricos; Pasta de dentes.

PT - 14

Metals preciosos e ligas dos mesmos; Joalharia, bijutaria, pedras preciosas; Relojoaria e instrumentos cronométricos; Bijutaria; Pedras finas [semi-preciosas]; Colares; Anéis; Brincos de orelhas; Pulseiras; Pulseiras para os tornozelos; Pulseiras; Pingentes [joalharia]; Broches; Diademas; Peças e acessórios para todos os artigos atrás referidos.

PT - 18

Couro e similar-couros; Malas e maletas de viagem; Estojos de viagem; Artigos de viagem; Malas de mão; Sacos de viagem; Maletas com compartimentos iguais (estilo portmanteau); Malas de viagem; Sacos de lazer; Sacos de mão; Sacos de tiracolo; Sacos de toilette; Sacos; Mochilas com duas alças; Mochilas com duas alças; Bolsas de cintura; Sacos de desporto; Sacos de lazer; Pastas [marroquinaria] [porta-documentos]; Maletas para documentos; Porta-música; Pastas para estudantes; Nécessaires de maquilhagem [vazios]; Sacos para vestuário e porta-fatos; Estojos para gravatas; Portanotas; Porta-blocos de notas; Estojos e carteiras para documentos; Carteiras e porta-cartões de crédito; Carteiras de bolso; Bolsas; Chapéus-de-chuva; Bengalas; Bandoleiras [correias] em couro; Peças e acessórios para todos os artigos atrás referidos.

PT - 25

Artigos de vestuário; Vestuário para senhora; Vestuário para crianças; Camisas, blusas, camisas informais, t-shirts, coletes, corpetes interiores, bodies, polos, camisolas de desporto, camisolas para futebol e rãguebi; Calças, calças de ganga, calções, calções para desporto, fatos de banho; Roupa interior; Lingerie; Fatos de treino; Artigos de vestuário exterior, Capotes [casacos], Jaquetas, Casacos informais, Gabardinas e casacos de protecção contra as intempéries e casacos, Parkas, Coletes acolchoados; Fatos; Vestidos clássicos [frocks]; Saias; Saias-calças; Combinações compridas e curtas; Sweatshirts; Roupa de malha; Camisolas, casacos de malha curtos e casacos de malha; Leggings; Perneiras; Gravatas; Coletes; Roupa de noite, Roupa de noite, Pijamas, Robes de senhora; Calçado; Botas, sapatos, chinelas, sandálias, sapatos de ténis, peúgas e artigos de malha; Chapelaria; Chapelaria; Bonês; Bóinas; Cachecóis; Xales; Luvas [vestuário]; Mitenes; Cintos (sendo artigos de vestuário); Faixas para a cabeça e faixas para os pulsos.

PT - 35

Serviços retalhistas relacionados com a venda de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refri-

gerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalharia, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica; A reunião num estabelecimento de venda a retalho, em benefício de terceiros, de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refrigerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias e peúgas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalharia, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica (óculos), para desse modo permitir aos clientes ver e comprar comodamente esses produtos; A reunião, em benefício de terceiros, de uma série de descrições, ou de imagens, de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refrigerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias e peúgas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalharia, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica (óculos) num catálogo, para desse modo permitir aos clientes ver e comprar comodamente esses produtos através de encomenda por correspondência; Agrupamento, para terceiros, de uma variedade de descrições ou de imagens de cosméticos, alimentos e bebidas, chocolates, doces, rebuçados, refrigerantes, bebidas não alcoólicas e bebidas alcoólicas, num sítio Web na Internet, permitindo aos clientes ver e comprar comodamente esses produtos através da Internet ou de outros meios em linha; Agrupamento, para terceiros, de uma variedade de descrições ou de imagens de vestuário, calçado, malhas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalharia, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de ótica, num sítio Web, permitindo aos clientes ver e comprar comodamente esses produtos através da Internet ou de outros meios em linha; Prestação de informações, assessoria e assistência a clientes relacionadas com os serviços atrás referidos; Decoração de montras; Decoração de montras; Administração comercial; Todos os serviços atrás referidos incluídos na classe 35.

RO - 3

Preparate pentru albit și alte substanțe pentru spălat; Preparate pentru curățare, lustruire, degresare și șlefuire; Nu pentru uz medical; Săpunuri; Parfumuri; Parfumerie (Produse de -); Apă de colonie; Toaletă (Ape de -); Uleiuri esențiale și din terburii aromatice; Cosmetice; Farduri; Ruj de buze; Ojă de unghii; Dizolvant pentru lacuri de unghii; Preparate de toaletă nemedicinale; Loțiuni capilare; Spray-uri pentru păr și geluri pentru păr; Preparate pentru baie sau dus; Uleiuri, geluri, creme și spume pentru baie și dus; Măști pentru față și corp; Masti exfoliante de fata si corp; Produse cosmetice pentru spălarea feței; Produse pentru curățarea și hidratarea pielii; Produse pentru tonifierea pielii; Produse pentru hidratarea pielii; Creme si geluri pentru indepartarea petelor; Produse de dezodorizare; Deodorante; Preparate folosite înainte și după ras; Bărbierit (Săpun pentru -); Creme de ras; Gel pentru bărbierit; Loțiune după bărbierit; Preparat pentru pregătirea rasului; Pudră de talc pentru toaletă; Produse pentru toaletă; Produse pentru îngrijirea dinților; Paste de dinți.

RO - 14

Metale prețioase și aliajul lor, Giuvaergerie, bijuterii, pietre prețioase; Ceasornicării și instrumente pentru măsurarea timpului; Ștrasuri; Pietre semiprețioase; Coliere (bijuterii); Inele pentru degete; Cercei, Brățări; Inele ornamentale pentru purtat în jurul gleznei; Brățări, Pandantive; Broșe; Diademe; Piese, racorduri și accesorii pentru toate bunurile menționate anterior.

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**RO - 18**

Piele si imitatii de piele; Geamantane si valize; Genți de călătorie; Articole de voiaj; Genți; Saci de voiaj; Portmantouri; Valize; Genți; Poșete mici [genți de mână]; Genți de umăr; Truse de toaletă (marochinărie); Sac mare de hartie; Rucsacuri; Rucsacuri; Borsete; Genți sportive; Genți; Serviete [marochinărie]; Documente (Mape pentru -); Genți pentru instrumente și partituri (muzică); Serviete pentru școlari; Casete pentru accesorii de frumusețe; Huse și suporturi pentru haine; Cutii pentru cravată; Carnete; Suporturi pentru agende; Portacte și suporturi pentru documente; Cutii și suporturi pentru cărți de credit; Portofele; Portmonee; Umbrele; Bastoane; Curele de umăr din piele; Piese, racorduri și accesorii pentru toate bunurile menționate anterior.

**RO - 25**

Articole de îmbrăcăminte; Articole vestimentare pentru femei; Articole de îmbrăcăminte pentru copii; Cămăși, bluze, cămăși sport, tricouri, veste, camizole, salopete, tricouri, tricouri sport, tricouri de fotbal și rugby; Pantaloni, blugi, pantaloni scurți, pantaloni scurți sport, articole pentru înot; Lenjerie de corp; Lenjerie de damă; Treninguri (pentru sport); Articole de îmbrăcăminte de protecție, Mantouri, Jachete, Jachete casual, Jachete și haine rezistente la apă și la precipitații, Haine tip parka, Veste termice; Costume bărbătești și țăoare; Rochii lungi de seară; Fuste; Fuste-pantaloni; Combinezon lung și scurt; Bluze sport; Tricouri [îmbrăcăminte]; Pulovere, bolerouri și cardigane; Jambiere; Egân; Cravate; Veste; Îmbrăcăminte de noapte, Îmbrăcăminte de noapte, Pijamale, Halate de casă; Articole de încălțăminte; Cizme, pantofi, papuci de casă, sandale, încălțăminte pentru sport, șosete și articole de galanterie; Articole pentru acoperirea capului; Articole pentru acoperirea capului; Sepci; Berete; Eșarfe; Șaluri; Mănuși [articole de îmbrăcăminte]; Mitene [îmbrăcăminte]; Curele (ca articole de îmbrăcăminte); Benlile de cap și de mână.

**RO - 35**

Servicii de comerț cu amănuntul de produse cosmetice, alimente și băuturi, ciocolată, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice, băuturi alcoolice, articole de îmbrăcăminte, articole de încălțăminte, tricotate, articole decorative pentru păr, accesorii la modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, articole de papetărie, cărți, ceasuri și articole de purtat la ochi; Comasarea într-un magazin de vânzare cu amănuntul, în beneficiul terților, de cosmetice, alimente și băuturi, ciocolată, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice, băuturi alcoolice, îmbrăcăminte, articole de încălțăminte, bonetărie, articole decorative pentru păr, accesorii la modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, articole de papetărie, cărți, ceasuri și articole de purtat la ochi pe un site web de pe Internet, astfel încât să permită clienților să vizualizeze și să achiziționeze aceste produse într-un mod convenabil prin mijloace de telecomunicații; Strângerea la un loc, în beneficiul terților, a unor diverse descrieri sau imagini de cosmetice, alimente și băuturi, ciocolată, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice și băuturi alcoolice pe un site web de internet, pentru a permite clienților să le vadă și să le achiziționeze cât mai comod prin intermediul internetului sau prin alte mijloace online; Strângerea la un loc, în beneficiul terților, a unor diverse descrieri sau imagini de îmbrăcăminte,

încălțăminte, ciorapi de damă, accesorii pentru păr, accesorii de modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, papetărie, cărți, ceasuri de mână și ochelari pe un site web de internet, pentru a permite clienților să le vadă și să le achiziționeze cât mai comod prin intermediul internetului sau prin alte mijloace online; Furnizare de informații, consiliere și asistență pentru clienți referitoare la serviciile mai susmenționate; Decorarea vitrinelor; Decorarea vitrinelor; Administrație comercială; Toate serviciile menționate anterior, cuprinse în clasa 35.

**SK - 3**

Bieliace a iné prípravky na pranie a čistenie bielizne; Prípravky na čistenie, leštenie, odmasťovanie a brúsenie; Prípravky bez liečivých prísad na nanášanie na vlasy, hlavu, pleť a nechty, na ich úpravu a ošetrovanie; Mydla; Parfums; Voňavkárske výrobky; Kósmické vody; Toaletné vody; Éterické a rastlinné oleje; Kozmetické prípravky; Líčidlá; Růž na peru; Lak na nechty; Odlakovače na nechty; Toaletné prípravky bez liečivých prísad; Vlasové lotión; Spreje na vlasy a gely na vlasy; Prípravky do kúpeľa a sprchové prípravky; Kúpeľové a sprchovacie oleje, gély, krémy a peny; Pleťové a telové masky; Peelingové prípravky na tvár a telo; Prípravky na čistenie tváre [kozmetika]; Čistiace a hydratačné prípravky na pleť; Pleťové tonikum; Pleťové hydratačné prípravky; Krémy a gély na škvrny; Dezodoranty; Antiperspiranty [toaletné prípravky]; Prípravky na použitie pred holením a po holení; Mydlo na holenie; Krém na holenie; Gél na holenie; Prípravky po holení; Prípravky na holenie; Mastencový prášok (toaletný pudér); Kozmetické výrobky; Prípravky na čistenie zubov; Zubné pasty.

**SK - 14**

Drahé kovy a ich zliatiny; Šperky, drahokamy; Hodinárske výrobky a chronometre; Bižutéria; Polodrahokamy; Náhrdelníky; Prstene; Náušnice; Náramky; Náramky na členky; Náramky; Prívesky na krk; Brošne; Korunky; Časli a vybavenia pre všetky vyššie uvedené tovary.

**SK - 18**

Koža a koženka; Kufre a cestovné tašky; Cestovné kufre; Batožina; Kufre; Cestovné tašky; Kufre [portmanteaux]; Príručné cestovné kufre; Tašky; Kably; Plecniačky; Toaletné taštičky; Batožinové vaky; Ruksaky; Ruksaky; Ladvinčky; Športové tašky; Tašky; Kufrik; Aktovky; Obaly na partitúry (tašky a dosky); Školské tašky [aktovky]; Prázdne kufriky na toaletné potreby; Obaly a puzdrá na tašky; Puzdrá na kravaty; Peňaženky; Obaly na poznámkové bloky; Puzdrá a obaly na doklady; Puzdrá na kreditné karty; Peňaženky, Dámske peňaženky; Dáždniky; Vychádzkové palice; Kožené popruhy na ramená; Časli a vybavenia pre všetky vyššie uvedené tovary.

**SK - 25**

Časli odevu; Dámske odevy; Odevy pre deti; Košele, blúzy, športové košele, trička, vesty, krátke kabáliky, body ako bielizeň, športové košele, športové košele, futbalové lopty a rugby košele; Nohavice, džínsy, krátke, športové obuv, plavky; Bielizeň [spodné ťaštvlo]; Dámska spodná bielizeň; Športové uniformy; Vrchné oblečenie, Bundy, saká, Bundy, Velrovky, Vodovzdorné a vetruvzdorné bundy a plášte, Parky [bundy siahajúce nad kolena s kapucňou], Teplé vesty, Kostýmy a obleky; Šaty; Sukne; Nohavicové sukne; Dlhé a krátke kombiné, Teplákové bundy [mikiny], Pleteniny [oblečenie]; Náprsenky, deky a kardigány; Športové pančuchové nohavice; Navleky na nohy; Kravaty; Vesty; Nočné odevy, Nočné odevy, Pyžamá, Župany; Obuv; Vysoká obuv, topánky, šlapky, sandále, tenisiky, ponožky a pletený tovar; Pokryvky hlavy, Pokryvky hlavy; Čiapky, Baretky; Šatky a šaly; Veľké šaly; Rukavice; Palčičky [oblečenie]; Opasky (ako časli oblečenia); Čelenky a manžety/náramky.

**SK - 35**

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Maloobchodné služby v oblasti predaja kozmetiky, potravín a nápojov, čokolády, sladkostí, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papier-nických výrobkov, kníh, hodínok a okuliarov, Zhromažďovanie kozmetiky, potravín a nápojov, čokolády, sladkostí, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papier-nických výrobkov, kníh, hodínok a okuliarov v maloobchodnej predajni, umožňujúc tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky; Zhromažďovanie rôznych vyobrazení a popisov kozmetiky, potravín a nápojov, čokolády, sladkostí, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papier-nických výrobkov, kníh, hodínok a okuliarov v katalógu, umožňujúc tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky na dobierku; Zhromažďovanie rôznych popisov, alebo vyobrazení tovaru, akým sú kozmetické prípravky, jedlo a nápoje, čokoláda, sladkosti, cukriky, nealkoholické nápoje, nealkoholické nápoje a alkoholické nápoje prostredníctvom webovej stránky, umožňujúc tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky prostredníctvom internetu alebo on-line; Zhromažďovanie rôznych popisov, alebo vyobrazení tovaru, akým sú odevy, obuv, pančuchovy lovar, vlasové doplnky, módne doplnky, tašky, klobučnícke výrobky, šperky, bižutéria, písacie nástroje, papier-nický tovar a písacie potreby, knihy, hodinky a okuliare prostredníctvom webovej stránky, umožňujúc tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky prostredníctvom internetu alebo on-line; Poskytovanie informácií, poradenstva a pomoci pre zákazníkov v oblasti vyššie uvedených služieb; Aranžovanie výkladov, Aranžovanie výkladov; Obchodná administrácia; Všetky výše uvedené služby zahrnuté do kategórie 35.

SL - 3  
 Přípravky za beljenje in druge snovi za pranje; Přípravky za čišćenje, poliranje, razmašćenje in brušenje; Naravní preparati za utrjevanje in nego las, lasišča, kože in nohlov; Míla; Parfumi; Parfumerijski izdelki; Kolonjska voda; Toaletna voda; Eterična in zeliščna olja; Kozmetični izdelki; Ličila; Šminke za ustnice; Lak za nohte; Odstranjevalci laka za nohte; Naravná toaletna sredstva; Losjoni za lase; Laki za lase in geli za lase; Přípravky za kopanje in prhanje; Kopalna olja in olja za prhanje, kreme in pene; Maske za obraz in telo; Sredstva za globinsko čišćenje kože obraza in telesa; Sredstva za umivanje obraza [kozmetična sredstva]; Čistilna sredstva za kožo in hidratanti; Toniki za kožo; Vlažilna sredstva za kožo; Kreme in geli za prekrivanje; Deodoranti; Sredstva proti potenju (antiperspiranti); Sredstva za uporabo pred in po britju; Mílo za britje; Krema za britje; Gel za britje; Vodica za po britju; Sredstva za prípravu britja; Talkum (smukec) za toaletno uporabo; Toaletna sredstva; Sredstva za čišćenje zob; Zobna pasta.

SL - 14  
 Žahnte kovine in njihove zlitine; Zlatarski izdelki, nakit, dragi kamni; Ure in kronometrski instrumenti; Bižuterija (cenení modní nakit); Poldragí kamni; Ogrlice (nakit); Prstani; Uhani; Zapestnice; Obročki za gležnje; Zapestnice; Obeski [nakit]; Broške; Diademi; Deli in oprema za vse omenjeno blago.

SL - 18  
 Usnje in imitacije usnja; Kovčki in potovalne torbe; Potovalní kovčki; Prtljaga; Kovčki; Potovalke; Usnjeni kovčki; Kovčki (roční); Torbe; Ročne torbice; Naramne torbice; Toaletne torbice; Nosilne torbe; Nahrbtníki; Nahrbtníki; Torbice za pas;

Športne torbe; Torbe; Aktovke, Poslovní kovčki, Škatle za gl-asbila; Šolske torbe z jermenom; Kozmetiční kovčki (prazní); Torbe in vrečke za obleke; Torbice za kravate; Listnice; Ovitki za beležnice; Etuiji in ovitki za dokumente; Etuiji in držalníki za kreditne kartice; Denarnice; Drobižnice, Dežníki; Spreháj-alne palice; Usnjeni naramní pasoví; Deli in oprema za vse omenjeno blago.

SL - 25  
 Oblačila; Oblačila za ženske; Oblačila za otroke; Srajce, bluze, vsakdanje majice, T-majice, telovníki, kamižole, bodíji, polo srajce, športne srajce, majice za nogomet in rugby; Hlače, jeans, kratke hlače, športne kratke hlače, plavalna oblačila; Spodnje perilo; Žensko spodnje perilo; Oblačila za telovadbo; Vrhnja oblačila, Plašči, Jakne, Bluzoni, Vodoodporní in na vremenske razmere odporni sukniči in plašči, Parke (daljše jakne s kapuco), Grelníki za telo; Obleke; Halje; Ženska krila; Hlačna krila; Dolg in kratek kombinjezon; Majice; Pletenine [oblačila]; Jopice, ogrinjala in pletene jopice; Športní trikoji; Gamaše (nogavice brez stopala), Kravate; Telovníki; Oblačila za spanje, Oblačila za spanje, Pižame, Domača halja; Obutev, Škornji, čevlji, copati nalikači, sandali, športne nogavice, kratke nogavice in pletene nogavice; Pokrivala; Pokrivala; Kape; Baretko; Ovratne rute; Šali; Rokavice, Palčniki [oblačila], Pasoví (kot delí oblačíl); Naglavní trakoví in zapestní trakoví.

SL - 35  
 Maloprodajne storitve na področju prodaje kozmetičnih sredstev, hrane in pijače, čokolade, sladkarij, bombonov, sladkih gaziranih pijač, brezalkoholnih pijač, alkoholnih pijač, oblačil, obutve, pletenin, nogavic, lasnih dodatkov, modnih dodatkov, torb, klobučarskih izdelkov in nakita, imitacij nakita, priprav za pisanje, pisarniškega materiala, knjig, zapestnih ur in očal; Združevanje v maloprodajni trgovini za kozmetičnih sredstev, hrane in pijače, čokolade, sladkarij, bombonov, brezalkoholnih pijač, alkoholnih pijač, alkoholnih pijač, oblačil, obutve, pletenin, nogavic, lasnih dodatkov, modnih dodatkov, torb, pokrival, zlatarskih izdelkov in nakita, umetnega nakita, priprav za pisanje, pisarniškega materiala, knjig, zapestnih ur in očal v korist drugih, kar strankam omogoča udoben pregled in nakup teh izdelkov; Združevanje raznovrstnih opisov in slik kozmetičnih sredstev, hrane in pijače, čokolade, sladkarij, bombonov, brezalkoholnih pijač, alkoholnih pijač, oblačil, obutve, pletenin, nogavic, lasnih dodatkov, modnih dodatkov, torb, pokrival, zlatarskih izdelkov in nakita, umetnega nakita, priprav za pisanje, pisarniškega materiala, knjig, zapestnih ur in očal v korist drugih, kar potrošnikom omogoča udoben pregled in nakup teh izdelkov preko telekomunikacijskih sredstev; Združevanje opisov ali slik kozmetičnih sredstev, hrane in pijače, čokolad, sladkarij, bombonov, osvežilnih pijač, brezalkoholnih in alkoholnih pijač v korist drugih na internetnem mestu, kar strankam omogoča udoben ogled in nakup navedenega blaga na internetu ali po drugih spletnih sredstvih; Združevanje različnih opisov ali slik oblačil, obutve, pletenin, nogavic, lasnih dodatkov, modnih dodatkov, torb, klobukov, zlatarskih izdelkov, nakita, umetnega nakita, pisalnih pripomočkov, pisarniškega materiala, knjig, ročnih ur in očal v korist drugih na internetnem mestu, kar strankam omogoča udoben pregled in nakup navedenega blaga na internetu ali po drugih spletnih sredstvih; Nudenje informacij, svetlovanja in pomoči strankam v zvezi z navedenimi storitvami; Aranžiranje izložb; Aranžiranje izložb; Poslovna administracija; Vse omenjene storitve, vključene v razred 35.

FI - 3  
 Valkaisuluotteet ja muut vaatteiden pesussa käytettävät al-neet; Puhdistus-, kiillotus-, lahranpoisto- ja hiontavälmisteet; Lääkeaineita sisältämättömät välmisteet käytettäväksi hiusten, päannanahan, ihon ja kynsien hoitoon; Saippuat; Parfyymit;

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Parfymerialuotteet; Kölinnivesi; Toalettivesi; Eteenset öljyt ja yrttiöljyt; Kosmeettiset aineet, Meikkivalmisteet; Huulipulkot; Kynsilakka; Kynsilakanpoistoaineet, Lääkeaineita sisältämättömät toaletti-valmisteet, Voiteet hiustenhoitoon; Hiussuihkeet ja -geelit; Kylpy- ja suihkuvalmisteet; Kylpy- ja suihkuöljyt, -geelit, -voiteet ja -vaahdot; Kasvo- ja vartalonaamiot, Kasvojen ja vartalon kuorinta-aineet; Kasvojenpesuaineet [kosmetiikka]; Ihonpuhdistus- ja -kosteutusaineet; Kasvovesi, Kosteusvoiteet; Voiteet ja geelit epäpuhtauksien hoitoon; Hajunpoistoaineet; Antiperspirantit [hygieniatuotteet]; Parranajoa ennen ja sen jälkeen käytettävät valmisteet; Parranajosaippua; Parranajovaahdot; Parranajogeeli, After shave -valmisteet; Parranajon valmisteluun tarkoitetut tuotteet; Taikki toalettikäyttöön; Kosmeettiset ja peseytymisvalmisteet; Hampaidenpuhdistusaineet; Hammastahnat.

FI - 14

Jalot metallit ja niiden seokset; Korut, jalokivet; Kellot ja ajanmittauslaitteet; Korulasiesineet [vaatekoruina]; Puolijalokivet; Kaulanauhut [koruina]; Sormukset; Korvarenkaat; Rannerenkaat; Niikkarenkaat; Rannerenkaat; Riipukset; Rintaneulat; Tiarat; Kaikkien edellä mainittujen tavaroiden osat ja tarvikkeet.

FI - 18

Nahat ja nahan jäljitelmät; Matka-arkut ja -laukut; Kantolaukut; Matkatavaralaukut; Laukut (Matka -); Matkakassit; Syvät kantolaukut [portmanteaut]; Pienet kädessä kannettavat matkalaukut [Valises]; Vapaa-ajanlaukut; Käsilaukut; Olkalaukut; Toalettiartikkelit; Kantolaukut; Selkäreppu; Selkäreppu; Vyökotelot; Urheilukassit; Vapaa-ajanlaukut; Salkut; Asiakirjasalkut; Nuottisalkut; Koululaisten olkalaukut; Meikkilaukut [varustamattomina]; Vaatepussit ja pukupussit; Solmiokotelot; Setelilompakot; Muistikirjakotelot; Asiakirjakotelot ja -kansiot; Luottokorttikotelot ja -pidikkeet; Lompakot; Rahapussit; Sateenvarjat; Kävelykepit; Patruunavyöt; Kaikkien edellä mainittujen tavaroiden osat ja tarvikkeet.

FI - 25

Vaatekappaleet, Naisten vaatteet; Lasten vaatteet; Paidat, puserot, vapaa-ajan paidat, T-paidat, liivit, aluspaidat, bodyt, poolopaidat, urheilupaidat, jalkapallo- ja rugbypaidat; Housut, farkut, shortsit, urheilusortsit, uimapuvut; Alusvaatteet; Naisten alusvaatteet; Kuntosalivaatteet; Päällysvaatteet, Takit, Puserot, Kaavut; Hameet; Housuhameet; Pitkät ja lyhyet haalarit; Collegepaidat; Neulevaatteet; Neulepuserot, bolerot ja villatakit; Leggingsit; Säärysimet; Solmiot; Alusnutut; Yövaatteet, Yövaatteet, Pyjamat, Kaavut; Jalkineet; Saappaat, kengät, tossut, sandaalit, lenkkikengät, sukut ja trikooalusvaatteet; Päähineet; Päähineet; Lakit; Barellit; Hulvit; Saalit; Käsiineet; Kintaat [vaatteet]; Vyöt (vaatekappaleina); Olsanauhut ja rannekkeet.

FI - 35

Vähittäismyyntipalvelut, jotka liittyvät seuraavien myyntiin: kosmeettiset tuotteet, ruoat ja juomat, suklaat, makeiset, karamellit, virvoitusjuomat, alkoholitomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, hiussomisteet, muotiasusteet, laukut, naisten hatut, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatarvikkeet, kirjot, rannekellet ja silmälasitarvikkeet; Seuraavien tavaroiden kokoaminen yhteen vähittäismyymälään niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita: kosmeettiset tuotteet, ruoka ja juoma, suklaamakeiset, makeiset, karamellit, virvoitusjuomat, alkoholitomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, päähineet, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatarvikkeet, kirjot, rannekellet ja silmälasitarvikkeet; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen

Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita tietoliikenteen kautta: kosmeettiset tuotteet, ruoka ja juoma, suklaamakeiset, makeiset, karamellit, virvoitusjuomat, alkoholitomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, päähineet, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatarvikkeet, kirjot, rannekellet ja silmälasitarvikkeet; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen muiden lukuun Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita Internetin tai muiden online-palvelujen kautta: erilaiset kosmeettiset tuotteet, ruoka ja juomat, suklaat, makeiset, karamellit, virvoitusjuomat, alkoholitomat juomat ja alkoholi-juomat; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen muiden lukuun Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita Internetin tai muiden online-palvelujen kautta: vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, naisten hatut, jalokivikorut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatarvikkeet, kirjot, rannekellet ja silmälasitarvikkeet; Edellä mainittuihin palveluihin liittyvän tiedotuksen, neuvonnan ja avun tarjoaminen asiakkaille; Näyteikkunoiden somistelu; Näyteikkunoiden somistelu; Yrityshallinto; Kaikki edellä mainitut palvelut sisältyen luokkaan 35.

SV - 3

Blekningspreparat och andra ämnen för användning vid tvätt; Rengörings-, poler-, skur- och slipmedel; Icke-medicinska preparat för användning till, konditionering och vård av hår, hårbotten, hud och naglar; Tvål; Parfymer; Parfymerivaror; Eau de cologne; Eau-de-toilette; Eteriska oljor och örteroljor; Kosmetika; Kosmetika; Läppstift; Nagellack; Nagellackborttagningsmedel; Icke-medicinska toalettpreparat; Hårfotoner; Hårsprej och -gelé; Preparat för bad och dusch; Oljor, geler, krämer och skum för bad och dusch; Ansikts- och kroppsmasker; Avfagningspreparat för ansikte och kropp; Ansiktsrengöringsmedel; Hudrengöringsmedel och fuktbevarande medel; Hudstärkande medel [kosmetika]; Fuktbevarande medel för huden; Täckkräm och -geléer; Deodoranter, Antiperspiranter [toalettariklar]; Preparat för användning före och efter rakning; Raktvål; Rakkrämer; Rakgeléer; Aftershave; Förberedningsmedel för rakning; Talkpuder för toalettdämning; Toalettariklar; Tandpulver, -kräm och -pastor; Tandkräm.

SV - 14

Ädla metaller och deras legeringar; Smycken, ädelstenar; Ur och tidmättningsinstrument; Bijouterier; Halvädelstenar; Halsband [juvelerarvaror]; Fingerringar; Örhängen; Armringar; Ankelringar; Armringar; Hängsmycken; Broscher; Diadem; Delar och komponenter till alla nämnda varor.

SV - 18

Läder och läderimitationer; Koffertar och resväskor; Reskof-fertar; Bagage; Resväskor; Rymliga resebagar; Kappsäckar; Mindre kappsäckar; Fritidsväskor; Handväskor; Axelväskor; Toalettväskor; Bärkassar; Ryggsäckar; Ryggsäckar; Bällesväskor; Sportväskor; Fritidsväskor; Portföljer; Attacheväskor; Musikportföljer; Skolväskor med axelremmar; Beautyboxar [oinredda]; Resegaraderober och bagagehållare; Slipsfodral; Plånböcker; Hållare för anteckningsböcker; Dokumentfodral och dokumenthållare; Kreditkortsfodral; Plånböcker; Handväskor; Paraplyer; Promenadkäppar; Axelgehäng av läder; Delar och komponenter till alla nämnda varor.

SV - 25

Klädesartiklar; Damkläder; Bamkläder; Skjortor, blusar, fritids-skjortor, t-tröjor, tröjor, spetslinnen, bodies, polo tröjor, sport-tröjor, fotbolls- och rugbytröjor; Byxor, jeans, shorts, sportkort-byxor, simkläder; Underkläder; Damunderkläder; Tränings-dräkter; Ytterkläder, Rockar, Kavajer, Fritidsjackor, Vanttätta

No 014454755

17/18

Identification Code: RNSXA62DFPVD4LEVWZ4JYXJ

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MARQUES, DESSINS ET MODÈLES

och vindtäta jackor och kappor, Parkasor, Vadderade västar, Kostymer, Finklänningar, Kjolor, Byxkjolar, Långa och korta dräkter; Träningströjor; Trikåvaror [kläder]; Jumpsor, koftor och koftor; Leggings; Benvärmare; Slipsar; Västar; Nattkläder, Nattkläder, Pyjamasor, Badkappor; Fotbeklädnader; Stövlar, kängor, skor, tofflor, sandaler, träningskor, sockor, strump- och trikåvaror; Huvudbonader, Huvudbonader; Kepsor, Baskor; Scarves; Sjalor, Handskar; Vantar, Bälten (kiäartiklar); Pannband och armbandsband.

SV - 35

Detaljhandelstjänster i samband med försäljning av kosmetika, mat och dryck, chokladprodukter, smågodis, godis, läskedrycker, isotoniska alkoholfria drycker, alkoholhaltiga drycker, kläder, fotbeklädnader, strumpvaror, håraccessoarer, modeaccessoarer, väskor, modistvaror, smycken, smyckesimitationer, skrivredskap, pappersvaror (skriv- och kontorsmateriel), böcker, armbandsur och glasögon; Sammanförande i en detaljhandelsbutik, till fördel för andra, av kosmetika, livsmedel och dryck, chokladprodukter, smågodis, godis, läskedrycker, isotoniska icke alkoholhaltiga drycker, alkoholfria drycker, kläder, fotbeklädnader, strumpvaror, håraccessoarer, modeaccessoarer, väskor, modistvaror, smycken, smyckesimitationer, skrivredskap, pappersvaror (skriv- och kontorsmateriel), böcker, armbandsur och glasögon, och därigenom möjliggöra för kunder att bekvämt se och köpa dessa varor; Sammanförande, till fördel för andra, av olika beskrivningar av, eller bilder av kosmetika, livsmedel och dryck, chokladprodukter, smågodis, godis, läskedrycker, isotoniska icke alkoholhaltiga drycker, alkoholfria drycker, kläder, fotbeklädnader, strumpvaror, håraccessoarer, modeaccessoarer, väskor, modistvaror, smycken, smyckesimitationer, skrivredskap, pappersvaror (skriv- och kontorsmateriel), böcker, armbandsur och glasögon i en katalog, och därigenom möjliggöra för kunder att bekvämt se och köpa dessa varor via postorder; Sammanställning, för andras räkning, av en rad olika beskrivningar av, eller bilder av, kosmetika, livsmedel och dryck, chokladprodukter, smågodis, godis, läskedrycker, alkoholfria drycker och alkoholhaltiga drycker via webbsidor på Internet, med möjlighet för kunder att på ett bekvämt sätt kunna se och köpa dessa varor på Internet eller via direktanslutna hjälpmedel; Sammanförande, till fördel för andra, av olika beskrivningar av, eller bilder av, kläder, fotbeklädnader, strumpvaror, håraccessoarer, modeaccessoarer, väskor, modevaror, smycken, skrivinstrument, kontorsmateriel, böcker, armbandsur och glasögon, på en webbplats på Internet, och därigenom möjliggöra för kunder att bekvämt kunna se och köpa dessa på Internet eller via direktanslutna hjälpmedel; Information, rådgivning och assistanstjänster för kunder avseende nämnda tjänster; Skyllning av skyltfönster; Skyllning av skyltfönster; Företagsadministration; Alla tidigare nämnda tjänster ingående i klass 35.

No 014454755

18/18

# **EXHIBIT C**

## Trademark/Service Mark Application, Principal Register

**Serial Number: 86897192**

**Filing Date: 02/04/2016**

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86897192
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">IVY PARK</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	IVY PARK
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Parkwood Topshop Athletic Limited
<b>*STREET</b>	Colegrave House, 70 Berners Street
<b>*CITY</b>	London
<b>*COUNTRY</b>	Great Britain
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants)	W1T3NL
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	private company limited by shares (prc)
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	England
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	003
<b>*IDENTIFICATION</b>	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; soaps; perfumes; perfumery; eau de cologne; toilet waters; essential and herbal oils; cosmetics; make-up preparations; lipsticks; nail varnishes; nail varnish removers; non-medicated toilet preparations; hair lotions; hair sprays and hair gels; preparations for use in the bath or shower; bath and shower oils, gels, creams and foams; face and body masks; face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturizers; blemish creams and blemish gels; deodorants; antiperspirants; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; after-shave preparations; pre-shave preparations; talcum powders; toiletries; dentifrices; toothpastes.
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)

<b>FOREIGN APPLICATION NUMBER</b>	014454755
<b>FOREIGN APPLICATION COUNTRY</b>	European Community
<b>FOREIGN FILING DATE</b>	08/11/2015
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
<b>FILING BASIS</b>	SECTION 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	014454755
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	12/11/2015
<b>FOREIGN REGISTRATION EXPIRATION DATE</b>	08/11/2025
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	
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<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>INTERNATIONAL CLASS</b>	014

<b>*IDENTIFICATION</b>	Precious metals and their alloys; jewellery, precious stones; horological and chronometric instruments; imitation jewellery; semi-precious stones; necklaces; rings; earrings; bracelets; anklets; bangles; pendants; brooches; tiaras; parts and fittings for all the aforesaid goods.
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	014454755
<b>FOREIGN APPLICATION COUNTRY</b>	European Community
<b>FOREIGN FILING DATE</b>	08/11/2015
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
<b>FILING BASIS</b>	SECTION 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	014454755
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	12/11/2015
<b>FOREIGN REGISTRATION EXPIRATION DATE</b>	08/11/2025
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">reg-1-389416710-175117444_._File_Certificate_of_Registration_014454755_39886.pdf</a>
<b>CONVERTED PDF FILE(S) (20 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\971\86897192\xml1\RFA0003.JPG</a>
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<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>INTERNATIONAL CLASS</b>	018
<b>*IDENTIFICATION</b>	Leather and imitations of leather; trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; bags; handbags; shoulder bags; toiletry bags; carrier bags; rucksacks; backpacks; bumbags; sports bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; garment bags and carriers; tie cases; notecases; notebook holders; document cases and holders; credit card cases and holders; wallets; purses; umbrellas; walking sticks; leather shoulder belts; parts and fittings for all the aforesaid goods.
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	014454755
<b>FOREIGN APPLICATION COUNTRY</b>	European Community
<b>FOREIGN FILING DATE</b>	08/11/2015
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
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<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>INTERNATIONAL CLASS</b>	025
<b>*IDENTIFICATION</b>	Articles of clothing; womenswear; childrenswear; shirts, blouses, casual shirts, T-shirts, vests, camisoles, bodysuits, polo shirts, sports shirts, football and rugby shirts; trousers, jeans, shorts, sports shorts, swimwear; underwear; lingerie; tracksuits; articles of outerwear, coats, jackets, casual jackets, waterproof and weatherproof jackets and coats, parkas, body warmers; suits; dresses; skirts; culottes; jumpsuits, playsuits; sweatshirts; knitwear; jumpers, shrugs and cardigans; leggings; legwarmers; neckties; waistcoats; sleepwear, nightwear, pyjamas, dressing gowns; footwear; boots, shoes, slippers, sandals, trainers, socks and hosiery; headgear; hats; caps; berets; scarves; shawls; gloves; mittens; belts (being articles of clothing); headbands and wristbands.
<b>FILING BASIS</b>	SECTION 1(b)
<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	014454755
<b>FOREIGN APPLICATION COUNTRY</b>	European Community
<b>FOREIGN FILING DATE</b>	08/11/2015
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
<b>FILING BASIS</b>	SECTION 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	014454755
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	12/11/2015
<b>FOREIGN REGISTRATION EXPIRATION DATE</b>	08/11/2025
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	
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<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES
<b>INTERNATIONAL CLASS</b>	035
<b>*IDENTIFICATION</b>	Retail services connected with the sale of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear; the bringing together in a retail outlet, for the benefit of others, of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear in a catalogue, thereby to enable customers conveniently to view and to purchase those goods by mail order; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration.
<b>FILING BASIS</b>	SECTION 1(b)

<b>FILING BASIS</b>	SECTION 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	014454755
<b>FOREIGN APPLICATION COUNTRY</b>	European Community
<b>FOREIGN FILING DATE</b>	08/11/2015
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
<b>FILING BASIS</b>	SECTION 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	014454755
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	12/11/2015
<b>FOREIGN REGISTRATION EXPIRATION DATE</b>	08/11/2025
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<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES

<b>ATTORNEY INFORMATION</b>	
NAME	Brad D. Rose, Esq.
ATTORNEY DOCKET NUMBER	20003.00007
FIRM NAME	Pryor Cashman LLP
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CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10036-6569
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FAX	212 798 6369
EMAIL ADDRESS	tlee@pryorcashman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Teresa Lee, Dyan Finguerra-DuCharme, Philippe Zylberg, and Muzamil Huq
<b>DOMESTIC REPRESENTATIVE INFORMATION</b>	
NAME	Teresa Lee, Esq.
FIRM NAME	Pryor Cashman LLP
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CITY	New York
STATE	New York
COUNTRY	United States
ZIP CODE	10036-6569
PHONE	212 326 0831
FAX	212 798 6915
EMAIL ADDRESS	tlee@pryorcashman.com
<b>CORRESPONDENCE INFORMATION</b>	
NAME	Brad D. Rose, Esq.
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CITY	New York
STATE	New York
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*EMAIL ADDRESS	tlee@pryorcashman.com;tmdocketing@pryorcashman.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS RF
<b>NUMBER OF CLASSES</b>	5
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE DUE</b>	1375
<b>*TOTAL FEE PAID</b>	1375
<b>SIGNATURE INFORMATION</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">hw_389416710-175117444_ . Declaration de Rosa.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\971\86897192\xml1\RFA0023.JPG</a>
<b>SIGNATORY'S NAME</b>	Ali de Rosa
<b>SIGNATORY'S POSITION</b>	Director

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 86897192**

**Filing Date: 02/04/2016**

### To the Commissioner for Trademarks:

**MARK:** IVY PARK (Standard Characters, see below )

The literal element of the mark consists of IVY PARK.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Parkwood Topshop Athletic Limited, a private company limited by shares (prc) legally organized under the laws of England, having an address of

Colegrave House, 70 Berners Street  
London W1T3NL  
Great Britain

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; soaps; perfumes; perfumery; eau de cologne; toilet waters; essential and herbal oils; cosmetics; make-up preparations; lipsticks; nail varnishes; nail varnish removers; non-medicated toilet preparations; hair lotions; hair sprays and hair gels; preparations for use in the bath or shower; bath and shower oils, gels, creams and foams; face and body masks; face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturizers; blemish creams and blemish gels; deodorants; antiperspirants; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; after-shave preparations; pre-shave preparations; talcum powders; toiletries; dentifrices; toothpastes.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Community application number 014454755, filed 08/11/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of European Community registration number 014454755, and/or proof of renewal, registered 12/11/2015 with a renewal date of \_\_\_\_\_ and an expiration date of 08/11/2025, and translation thereof, if appropriate.

### Original PDF file:

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The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act includes a claim of standard characters or the country of origin's standard character equivalent.

International Class 014: Precious metals and their alloys; jewellery, precious stones; horological and chronometric instruments; imitation jewellery; semi-precious stones; necklaces; rings; earrings; bracelets; anklets; bangles; pendants; brooches; tiaras; parts and fittings for all the aforesaid goods.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Community application number 014454755, filed 08/11/2015. INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of European Community registration number 014454755, and/or proof of renewal, registered 12/11/2015 with a renewal date of \_\_\_\_\_ and an expiration date of 08/11/2025, and translation thereof, if appropriate.

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The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act includes a claim of standard characters or the country of origin's standard character equivalent.

International Class 018: Leather and imitations of leather; trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; bags; handbags; shoulder bags; toiletry bags; carrier bags; rucksacks; backpacks; bumbags; sports bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; garment bags and carriers; tie cases; notecases; notebook holders; document cases and holders; credit card cases and holders; wallets; purses; umbrellas; walking sticks; leather shoulder belts; parts and fittings for all the aforesaid goods.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified

goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Community application number 014454755, filed 08/11/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of European Community registration number 014454755, and/or proof of renewal, registered 12/11/2015 with a renewal date of \_\_\_\_\_ and an expiration date of 08/11/2025, and translation thereof, if appropriate.

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The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act includes a claim of standard characters or the country of origin's standard character equivalent.

International Class 025: Articles of clothing; womenswear; childrenswear; shirts, blouses, casual shirts, T-shirts, vests, camisoles, bodysuits, polo shirts, sports shirts, football and rugby shirts; trousers, jeans, shorts, sports shorts, swimwear; underwear; lingerie; tracksuits; articles of outerwear, coats, jackets, casual jackets, waterproof and weatherproof jackets and coats, parkas, body warmers; suits; dresses; skirts; culottes; jumpsuits, playsuits; sweatshirts; knitwear; jumpers, shrugs and cardigans; leggings; legwarmers; neckties; waistcoats; sleepwear, nightwear, pyjamas, dressing gowns; footwear; boots, shoes, slippers, sandals, trainers, socks and hosiery; headgear; hats; caps; berets; scarves; shawls; gloves; mittens; belts (being articles of clothing); headbands and wristbands.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Community application number 014454755, filed 08/11/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of European Community registration number 014454755, and/or proof of renewal, registered 12/11/2015 with a renewal date of \_\_\_\_\_ and an expiration date of 08/11/2025, and translation thereof, if appropriate.

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[Foreign Registration-20](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act includes a claim of standard characters or the country of origin's standard character equivalent.

International Class 035: Retail services connected with the sale of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear; the bringing together in a retail outlet, for the benefit of others, of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear in a catalogue, thereby to enable customers conveniently to view and to purchase those goods by mail order; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear on an Internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Community application number 014454755, filed 08/11/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of European Community registration number 014454755, and/or proof of renewal, registered 12/11/2015 with a renewal date of \_\_\_\_\_ and an expiration date of 08/11/2025, and translation thereof, if appropriate.

**Original PDF file:**

[reg-1-389416710-175117444 . File Certificate of Registration 014454755 39886.pdf](#)

**Converted PDF file(s)** (20 pages)

[Foreign Registration-1](#)  
[Foreign Registration-2](#)  
[Foreign Registration-3](#)  
[Foreign Registration-4](#)  
[Foreign Registration-5](#)  
[Foreign Registration-6](#)

[Foreign Registration-7](#)  
[Foreign Registration-8](#)  
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[Foreign Registration-19](#)  
[Foreign Registration-20](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act includes a claim of standard characters or the country of origin's standard character equivalent.

The applicant's current Attorney Information:

Brad D. Rose, Esq. and Teresa Lee, Dyan Finguerra-DuCharme, Philippe Zylberg, and Muzamil Huq of Pryor Cashman LLP 7 Times Square  
New York, New York 10036-6569  
United States  
212 326 0875(phone)  
212 798 6369(fax)  
tlee@pryorcashman.com (authorized)

The attorney docket/reference number is 20003.00007.

The applicant hereby appoints Teresa Lee, Esq. of Pryor Cashman LLP

7 Times Square  
New York New York 10036-6569  
United States  
212 326 0831(phone)  
212 798 6915(fax)  
tlee@pryorcashman.com (not authorized)

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Brad D. Rose, Esq.  
Pryor Cashman LLP  
7 Times Square  
New York, New York 10036-6569  
212 326 0875(phone)  
212 798 6369(fax)  
tlee@pryorcashman.com;tmdocketing@pryorcashman.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$1375 has been submitted with the application, representing payment for 5 class(es).

#### **Declaration**

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a

bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: Not Provided Date: Not Provided

Signatory's Name: Ali de Rosa

Signatory's Position: Director

RAM Sale Number: 86897192

RAM Accounting Date: 02/04/2016

Serial Number: 86897192

Internet Transmission Date: Thu Feb 04 11:27:17 EST 2016

TEAS Stamp: USPTO/BAS-XX.XX.XXX.XX-20160204112717502

235-86897192-550853fe7ca875601c8dbfac2e2

2b2ae93bfbf3ec5d2c48b4e8980faef7dab40da-

DA-11229-20160204105212995168

IVY PARK



D113

**OAMI** OFICINA DE ARMONIZACIÓN DEL MERCADO INTERIOR (MARCAS, DIBUJOS Y MODELOS)  
**HABM** HARMONISIERUNGSAMT FÜR DEN BINNENMARKT (MARKEN, MUSTER UND MODELLE)  
**OHIM** OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS)  
**OHMI** OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR (MARQUES, DESSINS ET MODÈLES)  
**UAMI** UFFICIO PER L'ARMONIZZAZIONE NEL MERCATO INTERNO (MARCHI, DISEGNI E MODELLI)

**Copia Certificada • Beglaubigte Abschrift • Certified Copy  
Copie Certifiée • Copia Autenticata**

*Código de identificación • Identifizierungscode • Identification code •  
Code d'identification • Codice di identificazione: RND SXA62DFPVD4LEVMI ZZ4JYQY*

Por el presente se certifica que el documento que se adjunta es una copia conforme del certificado de registro para la marca comunitaria cuyo número y fecha de registro aparecen a continuación.  
El documento original puede ser consultado en el enlace de la OAMI <http://oami.europa.eu> introduciendo el código de identificación indicado más arriba.

*Hiermit wird bestätigt, daß die Abschrift, die diesem Beleg beigeheftet ist, eine genaue Abschrift der Eintragungsurkunde ist, die für die Gemeinschaftsmarke mit der nachstehenden Eintragsnummer und dem nachstehenden Eintragungstag ausgestellt wurde.  
Das Originaldokument kann mittels Eingabe eines Identifizierungscode bei folgender Webadresse <http://oami.europa.eu> eingesehen werden.*

This is to certify that the attached document is an exact copy of the certificate of registration issued for the Community trade mark bearing the registration number and date indicated below.  
The original document can be consulted introducing the identification code indicated above at the following OHIM web page link <http://oami.europa.eu>.

*Par la présente, il est certifié que le document annexé est une copie conforme du certificat d'enregistrement délivré pour la marque communautaire portant le numéro et la date d'enregistrement qui figurent ci-après.  
Le document original peut être consulté sur le site web de l'OHMI <http://oami.europa.eu> en introduisant le code d'identification indiqué ci-dessus.*

Con la presente si certifica che il documento allegato è una copia conforme del certificato di registrazione per il marchio comunitario contrassegnato dal numero e dalla data di registrazione riportati sotto.  
Il Documento originale può essere consultato introducendo il codice di identificazione sopra indicato, nel indirizzo <http://oami.europa.eu> della pagina Web della UAMI.

Núm./Nr./No/n°/n.	Fecha/Datum/Date/Date/Data
<b>014454755</b>	<b>11/12/2015</b>

Alicante, 31/12/2015

*Birgit Filtenborg*



**Birgit Filtenborg**  
Tel. +34 96 513 8864

Departamento de Servicios al Cliente  
Hauptabteilung Kundendienstleistungen  
Customer Services Department  
Département «Services aux Clients»  
Dipartimento Servizi ai Clienti



Copia Certificada / Beglaubigte Abschrift / Certified Copy / Copie Certifiée / Copia Autenticata  
 Certificado de registro de marca comunitaria / Eintragungsurkunde der Gemeinschaftsmarke / Registration certificate of community trade mark / Certificat  
 d'enregistrement de marque communautaire / Certificato registrazione di marchio comunitario





*Registered / Enregistré 11/12/2015*

**No 014454755**

**OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS**

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

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**OHMI – OFFICE DE L'HARMONISATION DANS LE  
MARCHÉ INTÉRIEUR  
MARQUES, DESSINS ET MODÈLES**

**CERTIFICAT D'ENREGISTREMENT**

Le présent Certificat d'Enregistrement est délivré pour  
la marque communautaire identifiée ci-joint. Les  
mentions et les renseignements qui s'y rapportent ont  
été inscrits au Registre des Marques Communautaires.

IVY PARK

*The President / Le Président*

  
*António Campinos*

Identification Code: RND5X62DFPVD4LEWZ24JYQZ

Page 1 of 19	<b>COPY</b>	CTM 014454755	Alicante, 31/12/2015	<i>Bégit Frenking</i>
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OHIM – OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
 TRADE MARKS AND DESIGNS

OHMI – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES

210 014454755  
 220 11/08/2015  
 400 03/09/2015  
 151 11/12/2015  
 450 15/12/2015  
 186 11/08/2025  
 541 IVY PARK  
 521 0  
 732 PARKWOOD TOPSHOP ATHLETIC LIMITED  
 COLEGRAVE HOUSE, 70 BERNERS STREET  
 LONDON W1T 3NL  
 GB  
 740 SIPARA LIMITED  
 Seacourt Tower  
 Third Floor  
 West Way  
 Oxford OX2 0JJ  
 GB  
 270 EN FR  
 511 **BG** - 3  
 Препарати за избелване и пране; Препарати за почистване, полиране, обезмасляване и шлифование; Лечебни препарати за прилагане, омекотяване и грижа за косата, кожата на главата, кожата и ноктите; Сапуни; Парфюми; Парфюмерия; Одеколон; Тоалетна вода; Етерични и билкови масла; Козметични средства; Грим; Червила; Лак за нокти; Лаконистители; Нелечебни тоалетни препарати; Лосиони за коса; Гелове и спрейове за коса; Препарати за употреба за вама или душ; Масла за вама и душ, гелове, кремове и пени; Маски за лице и тяло; Ексфолиращи продукти за лице и тяло; Средства за измиване на лице [козметични]; Препарати за почистване на кожата и хидратанти; Тоници за кожа; Препарати за овлажняване на кожата; Кремове и гелове против петна; Дезодоранти; Препарати против изпотване [козметични тоалетни принадлежности]; Препарати за и след бръснене; Сапун за бръснене; Крем за бръснене; Гел за бръснене; Лосиони за след бръснене; Препарати за употреба преди бръснене; Талк на прах за поддържане на тоалета; Козметични тоалетни принадлежности; Средства за почистване на зъби; Паста за зъби.  
**BG** - 14  
 Благородни метали и техни сплави; Бижутерия, скъпоценни камъни; Часовници и хронометрични уреди; Бижута от изкуствени скъпоценни камъни [евтина бижутерия]; Полускъпоценни камъни; Колиета; Пръстени за пръст; Обици; Гривни; Гривни за глезени; Гривни; Панданти; Брошки; Диадеми; Части, елементи и принадлежности за всички гореназброени стоки.  
**BG** - 18  
 Кожа и имитация на кожа; Куфари и пътни чанти; Пътнически куфари; Багажи; Ръчни куфари; Изделия за пренасяне на багаж; Пътни чанти с две отделения; Куфари; Всекидневни чанти; Ръчни чанти; Чанти с дръжка за рамо; Чанти за тоалетни принадлежности; Пазарски чанти; Раницы; Раницы; Банани (чанта); Чанти за спортни артикули; Всекидневни чанти; Куфарчета за документи; Дипломатически куфарчета за книга; Калъфи за музикални инструменти; Ученически чанти; Дамски чантички за тоалетни принадлежности [некомплектвани]; Калъфи и чанти за дрехи; Калъфи за вратовързки; Виолончели; Калъфи за балетници; Куфарчета за документи и калъфи за документи; Калъфи за кредитни

карти; Портфейли (Джобни -); Портмонета; Чадъри; Бастуи; Патрондаши; Части, елементи и принадлежности за всички гореназброени стоки.  
**BG** - 25  
 Дрехи; Дамско облекло; Детско облекло; Ризи, блузи, блузи, ризи за ежедневна употреба, тениски, потници, корсажи, бодикюстими, трикотажни ризи, спортни тениски, футболни топки и горница за ръбци; Панталони, дънкови облекла, престилили, шорти за спорт; Бански костюми; Игрещета; Бельо; Фино дамско бельо; Спортни анцузи; Артикули от материя за връхни облекла, Палта, Якета, Всекидневни якета, Якета и палта, водонепромокеими и ветроустойчиви, Анорак, Грейни [велоци без ръкава за затопляне на тялото]; Костюми; Роуди; Поли; Полипанталони; Дълъг и къс комбинезон; Сунитшърти без цип; Трикотажно и плетено облекло; Пуловери, болера и плетени жилетки; Чорапогачици за спортване; Калци [гети]; Вратовързки; Жилетки за костюми; Нощници; Нощници; Пижамы, Пеньоари; Обувки; Ботуши, обувки, пантофи, сандали, маратонки, къси чорапи и трикотажни изделия; Шапки и други принадлежности за глава; Шапки и други принадлежности за глава; Каскети; Барети; Шалчета; Шалове; Ръкавици [облекло]; Ръкавици с един пръст [дрехи]; Колани (облекло); Ленти за глава и ленти за нитки.  
**BG** - 35  
 Услуги за търговия на дребно в областите на козметични средства, храна и напитки, бонбони, сладкарски продукти, сладниши, безалкохолни напитки, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри; Събиране на едно място във верига за търговия на дребно, в полза на трети лица, на козметични средства, храна и напитки, бонбони, сладкарски продукти, сладниши, безалкохолни напитки, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри, което позволява на клиентите удобно да разглеждат и купуват тези стоки; Събиране на едно място, в полза на трети лица, на разнообразие от описания на, или изображения на, козметични средства, храна и напитки, бонбони, сладкарски продукти, сладниши, безалкохолни напитки, безалкохолни напитки, алкохолни напитки, облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, торби, шапкарски стоки, бижутерия, бижутерийна имитация, приспособления за писане, канцеларски материали, книги, часовници и очуляри в интернет уебсайт, което позволява на клиентите удобно да разглеждат и купуват тези стоки чрез средствата на телекомуникации; Събиране на едно място, в полза на трети страни на разнообразие от описания на или на изображения на козметични средства, храна и напитки, шоколади, бонбони, сладниши, безалкохолни напитки, безалкохолни напитки и алкохолни напитки в интернет уебсайт, което позволява на потребителите да разглеждат и да купуват тези стоки чрез интернет или чрез други онлайн средства; Събиране на едно място, в полза на трети страни на разнообразие от описания на или на изображения на облекло, обувки, трикотаж, аксесоари за коса, модни аксесоари, чанти, шапкарски стоки, бижута, имитация на бижута, инструменти за писане, канцеларски материали, книги, ръчни часовници и очила в интернет уебсайт, което позволява на потребителите удобно да разглеждат и да купуват тези стоки чрез интернет или

No 014454755

1/18

Identificati on Code : ENDSX3M2DFPVD4LEWMI2Z4JYQY



OHIM – OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
 TRADE MARKS AND DESIGNS

OHMI – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES

чрез други онлайн средства; Предоставянето на информация, съвет и съдействие за клиенти във връзка горепосочените услуги; Подреджване на витрини; Подреджване на витрини; Търговска администрация; Всички преди това посочени услуги, включени в клас 35.

**ES - 3**

Preparaciones para blanquear y otras sustancias para lavar la ropa; Preparaciones para limpiar, pulir, desengrasar y raspar; Preparaciones no medicinales de aplicación en el cabello, cuero cabelludo, piel y uñas, y para su acondicionamiento y cuidado; Jabones; Perfumas; Productos de perfumería; Colonia; Agua de tocador; Aceites esenciales y de hierbas; Cosméticos; Productos de maquillaje; Pintalabios; Esmaltes de uñas; Quitae-smaltes de uñas; Productos de tocador no medicinales; Lociones capilares; Lacas para el cabello y geles capilares; Preparados para baños y duchas; Aceites, geles, cremas y espumas de baño y ducha; Mascarillas faciales y corporales; Exfoliadores faciales y corporales; Limpiadores faciales; Limpiadores e hidratantes cutáneos; Tónicos para la piel; Hidratante para la piel; Cremas y geles para ocultar imperfecciones; Desodorantes; Productos antitranspirantes [artículos de tocador]; Preparaciones para antes y después del afeitado; Jabón de afeitar; Cremas de afeitar; Geles para el afeitado; Preparación para después del afeitado; Productos para antes del afeitado; Polvos de talco; Artículos de tocador; Dentífricos; Pastas dentíficas.

**ES - 14**

Metales preciosos y sus aleaciones; Artículos de joyería, bisutería, piedras preciosas; Artículos de relojería e instrumentos cronométricos; Bisutería [joyas de fantasía]; Piedras semipreciosas; Collares [artículos de joyería]; Anillos para los dedos; Pendientes; Brazales y pulseras; Tobilleras; Brazales y pulseras; Colgantes; Prendedor; Diademas; Piezas y accesorios para todos los productos citados.

**ES - 18**

Cuero e imitaciones del cuero; Baúles y maletas; Estuches de viaje [artículos de marroquinería]; Equipajes; Maletas de mano; Bolsos; Maletas de viaje; Maletas; Bolsas; Bolsos de mano; Bolsos para colgar al hombro; Bolsos de tocador; Bolsos para llevar; Mochilas; Mochilas; Riñoneras; Bolsos de deporte; Bolsos; Portadocumentos; Maletines para documentos; Portafolios para partituras; Carteras escolares; Estuches para artículos de tocador; Bolsos y soportes de prendas de vestir; Estuches para corbatas; Billetero; Carteras para blocs de notas; Estuches y fundas para documentos; Estuches y fundas para tarjetas de crédito; Billeteras; Monederos; Paraguas; Bastones; Bandoleras de cuero; Piezas y accesorios para todos los productos citados.

**ES - 25**

Prendas de vestir; Ropa para señoras; Ropa para niños; Camisas, blusas, camisas informales, camisetas, chalecos, cubrecorazóns, bodis, camisas polo, camisetas de deporte, camisas de fútbol y camisas de rugby; Pantalones largos, vaqueros, pantalones cortos, pantalones cortos de deportes, ropa de baño; Lencería; Lencería femenina; Chándales; Artículos de ropa exterior; Abrigos, Chaquetas, Chaquetas informales, Impermeables y chaquetas y abrigos impermeables, Parkas, Chalecos térmicos acolchados; Trajes [vestuario]; Vestidos; Faldas; Faldas pantalón; Combinación larga y corta; Sudaderas; Prendas de punto; Jerseys, boleros y rebecas; Leotardos; Calentadores de piernas; Corbatas; Chalecos; Prendas para dormir; Prendas para dormir, Pijamas, Batines; Calzado; Bots, zapatos, zapatillas, sandalias, zapatillas de deporte, calcetines y medias y ropa interior de punto; Artículos de sombrerería; Sombreros; Gorros; Boinas; Fulars; Chales; Guantes [prendas de vestir]; Mitones; Cinturones (que sean prendas de vestir); Cintas para la frente y muelleteras.

**ES - 35**

Servicios de venta minorista en relación con la venta de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos. Recopilación, en beneficio de terceros, de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos, para que los consumidores puedan ver y adquirir cómodamente estos productos. Recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de cosméticos, alimentación y bebida, bombones, dulces, golosinas, refrescos, bebidas sin alcohol, bebidas alcohólicas, vestidos, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, joyería, artículos de bisutería, instrumentos de escritura, útiles de escritorio, libros, relojes de pulsera y de bolsillo y artículos para los ojos en un sitio web de Internet, para que los consumidores puedan ver y adquirir cómodamente dichos productos por medio de telecomunicaciones. La recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de cosméticos, comidas y bebidas, bombones, dulces, caramelos, refrescos, bebidas sin alcohol y bebidas alcohólicas en un sitio web de Internet, para permitir a los clientes ver y comprar cómodamente esos productos a través de Internet u otros medios en línea; La recopilación, en beneficio de terceros, de una variedad de descripciones o imágenes de prendas de vestir, calzados, prendas de punto, accesorios para el cabello, accesorios de moda, bolsas, sombreros de señora, artículos de joyería, artículos de bisutería, instrumentos para escribir, artículos de papelería, libros, relojes de pulsera y artículos para los ojos en un sitio web de Internet, para que los clientes vean y compren cómodamente esos productos a través de Internet o por otros medios en línea; Suministro de información, asesoramiento y asistencia a clientes relacionados con los servicios mencionados; Decoración de escaparates; Decoración de escaparates; Administración comercial. Todos los servicios mencionados, comprendidos en la clase 35.

**CS - 3**

Přípravky pro bělení a jiné práci prostředky; Přípravky pro čištění, leštění, odmašťování a broušení; Neléčebné přípravky používané na vlasy, pokožku hlavy, pleť a nehty; pro jejich ošetření a péči o ně; Mýdla; Parfémy; Voňavkářské výrobky; Kolínská voda; Toaletní voda; Eterické a rostlinné oleje; Kosmetika; Líčidla; Rtěňky; Laky na nehty; Odlakovače nehtů; Neléčebné toaletní přípravky; Přípravky na vlasy [mléka]; Vlasové spreje a vlasové gely; Koupelové a sprchové přípravky; Koupelové a sprchové oleje, gely, krémy a pěny; Pletové a tělové masky; Pletové a tělové abrazivní krémy; Obličejové mycí přípravky; Pletové čistící a hydratační přípravky; Pletové tonikum; Pletové hydratační přípravky; Krémy a gely proti skvrnám; Deodoranty; Antiperspiranty [toaletní potřebý]; Přípravky před holením a po holení; Holicí mýdlo; Krémy na holení; Gely na holení; Přípravky po holení; Přípravné prostředky pro holení; Mاستkový prášek, toaletní; Kosmetické přípravky, parfumerie, přípravky pro osobní hygienu; Zubní pasty; Zubní pasty.

**CS - 14**

Vzácné kovy a jejich slitiny; Klenoty, bižuterie, drahokamy; Hodinářské potřeby a chronometrické přístroje; Napodobenní šperky; Polodrahokamy; Náhrdelníky; Prsteny na prst; Náuš-

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nice; Ozdobné kroužky a náramky; Nákotníky; Ozdobné kroužky a náramky; Přívěšky na krk; Brože; Čelenky; Části a vybavení veškerého výše uvedeného zboží.

**CS - 18**

Kůže a imitace kůže; Kufry a cestovní tašky; Cestovní kufry; Zavazadla; Kufry; Tašky cestovní; Cestovní zavazadla [portmanteaux]; Malá zavazadla; Tašky; Kabelky; Brašny přes rameno; Toaletní tašky; Odnosné tašky; Batohy; Batohy; Ledvinky; Tašky (sportovní); Tašky; Aktovky, příruční tašky; Aktovky diplomatky; Desky na noty; Tašky školní (aktovky); Kosmetické kufříky (prázdné); Cestovní kufříky a nosiče; Pouzdra na kravaty; Náprsní tašky; Obaly na notebooky; Desky a obaly na dokumenty; Pouzdra a obaly na kreditní karty; Peněženky [na papírové peníze]; Dámské peněženky; Deštníky; Vycházkové hole; Remeny závěsné kožené; Části a vybavení veškerého výše uvedeného zboží.

**CS - 25**

Oblečení; Dámské oblečení; Dětské oděvy; Košile, halenky, košile pro volný čas, trička, vesty, krátké kabátky, spodní prádlo, polokošile, sportovní košile, košile na fotbal a ragby; Kalhoty, džíny, krátké kalhoty, sportovní krátké kalhoty, plavky; Spodní prádlo; Spodní prádlo pro ženy; Oděvy pro sport; Venkovní oděvy, Kabáty, Saka, Bluzony, Nepromokavé a vůči nepříznivému počasí odolné bundy a pláště, Parky (bundy s kapucí), Teplé vesty; Kostýmy, obleky; Župany; Sukně; Kalhotové sukně; Dlouhé a krátké kombiné; Mikiny; Plátěné oděvní výrobky; Satové sukně, přehozy přes ramena a plátěná vesty; Legíny; Návleky na nohy; Kravaty; Vesty; Noční košile a pyžama; Noční košile a pyžama, Pyžama, Župany; Obuv; Boty nad kotníky, polobotky, trepky, sandály, cvičební obuv, ponožky a stávkové zboží; Pokrývky hlavy; Pokrývky hlavy; Čepice; Barety; Šátky, šály; Šály; Rukavice [oděvy]; Patičky [rukavice]; Pásky (součásti oblečení); Čelenky a manžety.

**CS - 35**

Malobchodní služby související s prodejem kosmetiky, potravin a nápojů, čokolády, sladkosti, bonbonů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, stávkového zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí; Sjednocení kosmetiky, potravin a nápojů, čokolády, cukrovinek, bonbonů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, pleteného zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí v zájmu třetích osob, aby si mohli zákazníci toto zboží pohodlně prohlédnout a koupit; Sjednocení různých popisů nebo obrázků kosmetiky, potravin a nápojů, čokolády, cukrovinek, bonbonů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, pleteného zboží, doplňků do vlasů, módních doplňků, tašek, kloboučnického zboží, klenotů, bižuterie, psacích potřeb, papírenského zboží, knih, hodinek a brýlí v zájmu třetích osob v katalogu, aby si mohli zákazníci toto zboží pohodlně prohlédnout a koupit prostřednictvím poštovní objednávky; Sjednocení různých popisů nebo obrázků kosmetiky, potravin a nápojů, čokolády, cukrovinek, bonbonů, nealkoholických nápojů, alkoholických nápojů, oděvů, obuvi, punčochového zboží, doplňků do vlasů, módních doplňků, tašek, módního zboží, klenotů, bižuterie, nástrojů na psaní, papírenského zboží, knih, hodinek a oční optiky v zájmu třetích osob na internetové webové stránce, aby si zákazníci mohli toto zboží pohodlně prohlédnout a koupit prostřednictvím internetu nebo jinými on-line prostředky; Sjednocení různých popisů nebo obrázků oděvů, obuvi, punčochového zboží, doplňků do vlasů, módních doplňků, tašek, módního zboží, klenotů, bižuterie, nástrojů na psaní, papírenského zboží, knih, hodinek a oční optiky v zájmu třetích osob na internetové webové stránce, aby si zákazníci mohli toto zboží pohodlně prohlédnout a koupit prostřednictvím internetu nebo jinými on-line prostředky; Poskytování informa-

ci, poradenství a pomoci zákazníkům vztahující se k výše uvedeným službám; Aranžování výkladů; Aranžování výkladů; Obchodní administrativa; Všechny výše uvedené služby zahrnuté do třídy 35.

**DA - 3**

Blégemidler og andre midler til tøjvask; Præparater til rengøring, polering, skuring og slibning; Ikke-medicinske præparater til behandling og pleje af hår, hovedbund, hud og negle; Sæber; Parfumer; Parfumerivarer; Eau de cologne; Eau de cologne; Æteriske olier og urteolier; Kosmetiske præparater; Make-up; Løbestifter; Neglelak; Neglelakfjerner; Ikke-medicinske toiletpræparater; Hårlotioner; Hårsprayer og hårgelée; Bade- eller brusepræparater; Kar- og brusebadsolier, gelée, cremer og skum; Ansigt- og kropsmasker; Skrubbesæbe til ansigt og krop; Rensningsmidler til ansigtet [kosmetik]; Rensningsmidler og fugtighedsmidler til huden; Skintonic; Fugtighedspræparater til huden; Gelée og cremer mod urenheder; Desodoriseringsmidler; Antiperspiranter; Præparater til anvendelse før og efter barbering; Barbersæbe; Barbercremer; Babergel; Aftershavepræparater; Præparater til brug før barbering; Talkum puder til toiletbrug; Toiletartikler; Tandplejemidler; Tandpasta.

**DA - 14**

Ædle metaller og legeringer heraf; Juvelerarbejder, smykker, ædelstene; Ure og kronometriske instrumenter; Smlil; Halvædelstene; Hals Smykker; Fingerringe; Øreringe; Armbånd; Ankelringe; Armbånd; Smykkevedhæng; Brocher; Diadem; Dele og tilbehør til alle ovennævnte varer.

**DA - 18**

Læder og lædenimitationer, Kufferter og rejsetasker, Rejsekufferter, Bagage; Kufferter; Rejsetasker; Store rejsekufferter; Håndkufferter; Tasker, Håndtasker; Skuldertasker, Toilettasker; Bæreposer; Rygsække; Rygsække; Bæltetasker; Sportstasker; Tasker; Dokumentkuffert; Attachemapper; Nødemapper; Skuldertasker; Toilettasker, ikke indbyggede; Dragtposer og garderobtasker; Slipseuluer; Pengeaddemapper; Notesbogholder; Dokumentmapper og dokumentormslag; Etuier og holdere til kreditkort; Punge; Håndtasker; Paraplyer; Spadseserastokke; Båndolerer af læder; Dele og tilbehør til alle ovennævnte varer.

**DA - 25**

Beklædningsgenstande; Dametøj; Børnetøj; Skjorter, bluser, fritidsskjorter, t-shirts, veste, undertøjer, ud-ét-dragter, polo-skjorter, sportsskjorter, fodbold- og rugbyskjorter; Benklæder, cowboybukser, shorts, sportssshorts, badetøj; Undertøj; Linger; Træningsdragter; Yderbeklædning, Frakker, Jakker, Fritidsjakker, Vand- og vindtætte jakker og frakker, Parkaer, Kropsvarmere; Spadseredragter; Kjoler; Nederdele; Buksenederdele; Dragter med lange eller korte ben; Sweatshirts; Strikkede beklædningsgenstande; Pullover, boleroer og cardiganer; Gamacher; Bøvnvarmere; Slips; Veste; Nattøj, Nattøj, Pyjamaser, Slåbrokke; Fodtøj; Støvler, sko, hjemmesko, sandaler, træningssko, sokker og strømpevarer; Hovedbeklædning; Hovedbeklædning; Kasketter; Baretter; Tørklæder; Sjaler; Handsker [beklædning]; Muffadisser; Bælter (beklædningsgenstande); Pandeband og bånd til håndledet.

**DA - 35**

Detailhandel i forbindelse med salg af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, læsdedrikke, ikke-alkoholholdige drikke, alkoholholdige drikke, beklædningsgenstande, fodtøj, trikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, similismykker, skrivemidler, papirhandlervarer, bøger, armbåndsure og briller og kontaktlinser; Sammensætning i en detailforretning, til fordel for andre, af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, ikke-alkoholholdige drikke, ikke-alkohol-

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holdige drikke, alkoholholdige drikke, bklædningsgenstande, fodbklædning, trikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, similismykker, skrivestrumenter, papirhandlervarer, bøger, armbåndsøre og briller og kontaktilenser, hvorved kunder bekvemt kan se og købe disse varer. Sammensætning, til fordel for andre, af en række beskrivelser af eller billeder af kosmetiske præparater, næringsmidler og drikke, pralineer, slik, ikke-alkoholholdige drikke, alkoholholdige drikke, bklædningsgenstande, fodbklædning, trikotagevarer, hårpynt, modeltilbehør, tasker, modeartikler, juvelerarbejder, smykker, similismykker, skrivestrumenter, papirhandlervarer, bøger, armbåndsøre og briller i et katalog, hvorved kunder bekvemt kan se og købe disse varer via postordre; Sammensætning, til fordel for tredjepart, af en række kosmetiske præparater, fødevarer og drikke, pralineer, bolsjer, slik, læskedrikke, ikke-alkoholholdige drikke og alkoholholdige drikke på et websted på internettet, således at kunderne kan se og købe disse varer på en bekvem måde via internettet eller andre onlinemedier; Sammensætning, til fordel for andre, af en række beskrivelser eller billeder af bklædningsgenstande, fodto, trikotagevarer, hårpynt, modeltilbehør, tasker, bæltter, halstørklæder, modeartikler, juvelerarbejder, similismykker, skriveskåber, papirhandlervarer, bøger, armbåndsøre og briller på et websted på internettet, hvilket gør det muligt for kunder at se og købe disse varer via internettet eller via andre onlinemedier; Information, rådgivning og bistand udbudt til kunder vedrørende ovennævnte tjenesteydelser; Dekoration af butiksvinduer; Dekoration af butiksvinduer; Forretningsadministration; Alle ovennævnte tjenester indeholdt i klasse 35.

**DE - 3**

Wasch- und Bleichmittel; Putz-, Polier-, Fettentfernungs- und Schleifmittel; Nichtmedizinische Präparate zum Auftragen auf und zur Konditionierung und Pflege von Haar, Kopfhaut, Haut und Nägeln; Seifen; Parfüms; Parfümeriewaren; Kölnisch Wasser; Eau de Toilette; Ätherische und Kräuteröle; Kosmetika; Make-up; Lippenstifte; Nagellack; Nagellackentferner; Nichtmedizinische Toilettenpräparate; Haarlotionen; Haarsprays und Haargele; Präparate zum Baden und Duschen; Bada- und Duschöle, -gele, -krams und -schäume; Gesicht- und Körpermasken; Gesicht- und Körperpeelings; Gesichtswaschmittel [Kosmetika]; Hautreinigungsmittel und feuchtigkeitsspendende Mittel für die Haut; Tonic für die Hautpflege; Feuchtigkeitss Balsam für die Haut; Abdeckcremes und Abdeckgele; Desodoranten; Antitranspirantien [schweißhemmende Toilettenmittel]; Präparate zur Verwendung vor und nach der Rasur; Rasierseife; Rasiercremes; Rasiergele; Rasierwasser; Rasierzubereitungsmitel; Talkumpuder für Toiletzzwecke; Körperpflegemittel; Zahnputzmittel; Zahnpasta.

**DE - 14**

Edelmetalle und deren Legierung; Juwelierwaren, Schmuckwaren, Edelsteine; Uhren und Zeitmessinstrumente; Straas [Edelsteinimitation]; Halbedelsteine; Halsketten [Schmuck]; Fingerringe; Ohrringe; Armbänder; Fußgelenkkettchen; Armbänder; Anhänger [Schmuck]; Broschen; Tiaren; Teile und Zubehör für alle vorgenannten Waren.

**DE - 18**

Leder und Lederimitationen; Reise- und Handkoffer; Koffer für Reisezwecke; Gepäck; Handkoffer [Suitcases]; Reisetaschen; Großtaschen; Handkoffer; Freizeittaschen; Handtaschen; Schultertaschen; Kulturbeutel; Tragtaschen; Rucksäcke; Rucksäcke; Bauchtaschen; Sporttaschen; Freizeittaschen; Aktentaschen, Dokumentenmappen, Dokumentenkoffer, Notizenmappen; Schultaschen; Kosmetikkoffer; Kleiderbeutel und -koffer; Krawattentaschen; Geldscheinbeutel; Notizbuchhalter; Dokumententaschen und -mappen; Kreditkartenbeutel und -hüllen; Brieftaschen; Geldbörsen; Regenschirme; Spa-

zierstöcke; Schulterriemen; Teile und Zubehör für alle vorgenannten Waren.

**DE - 25**

Bekleidungsartikel; Damenbekleidung; Kinderbekleidung; Hemden, Blusen, Freizeithemden, T-Shirts, Westen, Korsettleichen, Bodysuits, Polo hemden, Sportheimen, Football und Rugbyhemden; Hosen, Jeans, Shorts, Sportsshorts, Badebekleidung; Unterwäsche; Lingerie [Waschestücke für Damen]; Sportkleidung; Oberbekleidungsstücke, Mäntel, Jacken, Freizeitjacken, Wasserdichte und wasserfeste Jacken und Mäntel, Parkas, Körperwärmer; Anzüge; Kittel; Rocks; Hosenträger; Lange und kurze Kombinationen; Sweatshirts; Trikotkleidung, Pullis, Boleros und Strickjacken; Leggings; Beinwärmer; Kravatten; Wamsjer; Schlafgewänder, Schlafgewänder, Pyjamas, Frisiermäntel; Schuhwaren; Stiefel, Schuhe, Hausschuhe, Sandalen, Trainingsschuhe, Strumpfwaren und gewirkte und gewebte Unterwäsche; Kopfbedeckungen; Hüte; Kappen; Baskenmützen; Halstücher; Umhängetücher; Handschuhe [Bekleidung]; Fausthandschuhe [Bekleidung]; Gürtel [als Bekleidungsartikel]; Stirnbänder und Armbänder.

**DE - 35**

Einzelhandelsdienstleistungen in Verbindung mit dem Verkauf von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen, Zusammenstellung von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen für Dritte in einem Einzelhandelsgeschäft, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren zu ermöglichen; Zusammenstellung von verschiedenen Beschreibungen oder Bildern von Mitteln zur Körper- und Schönheitspflege, Speisen und Getränken, Pralinen, Süßigkeiten, Bonbons, alkoholfreien Getränken, alkoholfreien Getränken, alkoholischen Getränken, Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibinstrumenten, Schreibwaren, Büchern, Taschenuhren/Armbanduhrn und Brillenerzeugnissen für Dritte auf einer Internet-Website, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren über das Internet oder über andere Online-Kanäle zu ermöglichen; Zusammenstellung von verschiedenen Beschreibungen und Abbildungen von Kosmetika, Lebensmitteln und Getränken, Schokolade, Süßigkeiten, Bonbons, Erfrischungsgetränken, alkoholfreien Getränken und alkoholischen Getränken auf einer Internet-Website, um dem Verbraucher eine bequeme Ansicht und den Erwerb dieser Waren über das Internet oder über andere Online-Kanäle zu ermöglichen; Zusammenstellung von verschiedenen Beschreibungen und Abbildungen von Bekleidungsstücken, Schuhwaren, Strumpfwaren, Haaraccessoires, Modeaccessoires, Taschen, Hüten, Juwelierwaren, Schmuckimitationen, Schreibgeräten, Papier- und Schreibwaren, Armbanduhrn und Brillenerzeugnissen für Dritte auf einer Internet-Website, um Verbrauchern eine bequeme Ansicht und den Erwerb dieser Waren über das Internet oder über andere Online-Kanäle zu ermöglichen; Information, Beratung und Kundendienst in Bezug auf die vorstehend genannten Leistungen; Schaufensterdekoration; Schaufensterdekoration; Unternehmensverwaltung; Alle vor-

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stehend genannten Dienstleistungen, soweit sie in Klasse 35  
 enthalten sind.

**ET - 3**

Pilegitusained ja muud pesuained; Puhastus-, poleer-,  
 küümnisained, abrasiivtöötlusvahendid; Mittemeditsiinilised  
 preparaadid juuste, peanaha, naha ja küünte hoolduseks ja  
 raviks; Geelid; Parfüüm; Parfümeeritooted; Kõlvi vesi; Tua-  
 lettvesi; Essents- ja ürdiõlid; Kosmeetikavahendid; Meigiva-  
 hendid, jumestusvahendid; Huulepulgad; Küünelakid; Küüne-  
 lakiemaldajad; Mitteraviotstarbised tualettvahendid; Ravi-  
 toimata juukseveed; Juukseelakid ja -geelid; Vanni- ja  
 dušipreparaadid; Vanni- ja dušioõlid, -geelid, -kreemid ja -va-  
 hud; Maskid näole ja kehale; Näo- ja kehakoorijad;  
 Näopuhastusvahendid [kosmeetikatooted]; Nahapuhastusva-  
 hendid ja niisutajad; Näonaha toonikud; Naha niisutusvahen-  
 did; Nahavigade kattedkreemid ja -geelid; Deodorandid; An-  
 tiperspirandid [hügieenivahendid]; Vahendid kasutamiseks  
 enne ja pärast habemeajamist; Habemeajamisseeb; Raseeri-  
 miskreemid; Raseerimisgeel, Habemeajamisjärgsed näoveed;  
 Raseerimise ettevalmistusvahendid; Taljipulber [tualett-tarve];  
 Tualett-tarbed; Hambapasta; Hambapasta.

**ET - 14**

Väärismetallid ja nende sulamid; Juveeltooted, vääriskivid;  
 Hortoloogilised ja kronomeetrilised instrumendid (kellad ja  
 kronomeetrid); Stressist juveeltooted; Poolvääriskivid; Kae-  
 lakäed [juveeltooted]; Sõrmused; Kõrvarõngad; Kää- ja jala-  
 võrud; Jalavõrud; Kää- ja jalavõrud; Ripatsid [ehted]; Prossid;  
 Diadeemid; Osad ja tarvikud kõigile eelpoolmainitud kaupade-  
 le.

**ET - 18**

Nahk ja kunstnahk; Reisikohvrid ja -kotid; Releikohvrid; Pagas;  
 kõhvid; Reiskotid; Rahataskud; Sumadandid; Vaba aja kotid;  
 Kaekotid; Olakotid; Tualett-tarvete kotid; Kandekotid; Seljakoti-  
 tid; Seljakotid; Võokotid; Spordikotid; Vaba aja kotid;  
 Dokumendimapid, portfellid; Diplomaadikohvrid, portfellid;  
 Noodimapid; Koolikotid; Kosmeetikakotid (tühjad); Rõivakotid  
 ja -kandurid; Lipsukarbid; Kirjamepid; Märkimikukaaned;  
 Dokumenditaskud ja -hoidikud; Kreditikaarditaskud ja -hoid-  
 dikud; Rahakotid; Peenrahakotid; Viimsarvjud; Jalutuskepid;  
 Rihmad (Nahast õla -), nahast õlarihmad; Osad ja tarvikud  
 kõigile eelpoolmainitud kaupadele.

**ET - 25**

Rõivad; Naiste riietuseseemed; Rõivad (laste); Särgid, pluusid,  
 vabaajäsärgid, T-särgid, vestid, naistesärgid, bodid, polosärg-  
 id, spordisärgid, jalgpalli- ja ragbisärgid; Püksid, teksased,  
 šortsid, lühikesed spordipüksid, ujumisrõivad; Alusrõivad, -  
 riielid, -pesu; Naistepesu; Spordirõivad; Välisarõivad, Mantlid,  
 jakid, Jakid, Blusoonid, Veekindlad ja ilmastikukindlad jakid  
 ja mantlid, Parkad, Kehasoojendid; Üllikonnad, kostüümid;  
 Öhtuualetid; Seelikud; Pükseseelikud; Lühikesed ja pikad  
 kombiesoonid; Treeningpluusid; Kudumid (rõivad); Džempriid,  
 õiajakid ja nõõbitavad villased kampsunid; Säärised; Säärised,  
 Kaeslasidemed, lipsud; Vestid; Oõnid, Oõnid, Pidaamad,  
 Hommikumantlid, hommikuleidid; Jalatsid; Saapad, kingad,  
 tuhvid, sandaalid, spordijalatsid, sokid ja sukakaubad;  
 Peakatted; Peakatted; Mütsid; Baretid; Sallid; Sallid, kaelasaal-  
 lid; Kindad [rõivad]; Kääpikud [rõivad]; Võõd, rihmad [riietusese-  
 med]; Peapaelad ja randmeapaelad.

**ET - 35**

Kosmeetikumide, toidu ja joogi, šokolaadide, maiustuste,  
 kompvekkide, karastusjookide, alkoholivabade jookide, alko-  
 hoolsete jookide, rõivaste, jalatsite, trikotaazkaupade, juukse-  
 tarvikute, moetarvikute, kottide, kübarakaupade, juveeltoote-  
 te, tehisvääriskivide, kirjutusvahendite, kirjatavete, raamatute,  
 kaekellade ja prillide müüjiga seotud jäemüüjiteenused;  
 Kolmandate isikute heaolu nimel kosmeetika, šokolaadide,  
 maiustuste, kompvekkide, karastusjookide, alkoholivabade

jookide, mittealkohoolsete jookide, alkoholsete jookide, rõi-  
 vaste, jalatsite, trikotaazi, juukseakssuaaride, moeakssua-  
 aride, kottide, peakatete, juveeltoote, tehisvääriskivide,  
 kirjutusvahendite, kirjatavete, raamatute, kellade ja prillide  
 toomine ühte jäemüüjipunkti koondamine, et võimaldada  
 klientidel neid tooteid mugavalt vaadata ja osta; Kolmandate  
 isikute heaolu nimel kosmeetikavahendite, toidu ja joogi,  
 šokolaadide, maiustuste, kompvekkide, karastusjookide,  
 alkoholivabade jookide, mittealkohoolsete jookide, alko-  
 hoolsete jookide, rõivaste, jalatsite, trikotaazi, juukseakssuaari-  
 de, moeakssuaaride, kottide, peakatete, juveeltoote, teh-  
 hisvääriskivide, kirjutusvahendite, kirjatavete, raamatute,  
 kellade ja prillide kirjelduste või piltide ühte kohta koondamine,  
 et võimaldada klientidel neid tooteid mugavalt vaadata ja  
 posti teel osta; Mitmesuguste kaupade kirjelduste ja piltide  
 koondamine kolmandatele isikutele interneti veebilehel: kos-  
 meetikatooted, toiduained ja joogid, šokolaad, maiustused,  
 kommid, karastusjoogid, mittealkohoolised joogid ja alkoholi-  
 joogid, et klientid saaksid neid kaupi interneti kaudu või  
 muude sidusvahendite abil mugavalt vaadata ja osta; Mitme-  
 suguste kaupade kirjelduste ja piltide koondamine kolmanda-  
 tele isikutele interneti veebilehel: rõivad, jalatsid, sukakaubad,  
 juukseakssuaarid, moeakssuaarid, kottid, naistekübarad,  
 juveeltooted, kirjutusvahendid, kirjatarbed, raamatud,  
 kaekellad ja prillid, et klientid saaksid neid kaupi interneti  
 kaudu või muude sidusvahendite abil mugavalt vaadata ja  
 osta; Kliendilinfo, -nõustamine ja -abi pakumine seoses eel-  
 nimetatud teenustega; Poeakende (vaateakende) kaunistamine,  
 dekoreerimine; Poeakende (vaateakende) kaunistamine,  
 dekoreerimine; Ärikonaldus; Kõik eelpool nimetatud teenused,  
 mis kuuluvad klassi 35.

**EL - 3**

Λευκαντικά παρασκευάσματα και άλλες ουσίες για πλήρη/μια-  
 Παρασκευάσματα καθαρισμού, στίλβωσης, αφαιρέσης λίπους  
 και απόξεσης. Μη φαρμακευτικά παρασκευάσματα για  
 εφαρμογή σε, βαθιά φροντίδα και περιποίηση των μαλλιών,  
 του τριχωτού της κεφαλής, του δέρματος και των νυχιών.  
 Σαπούνια Άρωμα: Είδη αρωματισμού. Κολώνιες Eau de  
 toilette Αιθέρα και φυτικά έλαια Καλλυντικά: Μακιγιάζ  
 Κραγιόν Βερνίκια ανύχων Προϊόντα για την αφαίρεση  
 βερνικιών νυχιών. Μη φαρμακευτικά παρασκευάσματα  
 ατομικής περιποίησης. Λοσιόν για τα μαλλιά. Λακ μαλλιών  
 και ζελέ για τα μαλλιά. Προϊόντα για χρήση στο μπάνιο και το  
 ντους. Έλαια, ζελέ, κρέμες και αφρόλουτρα για το μπάνιο και το  
 ντους. Μάσκες προσώπου και σώματος. Προϊόντα  
 απολέπισης προσώπου και σώματος. Προϊόντα καθαρισμού  
 προσώπου. Προϊόντα καθαρισμού και ενυδάτωσης του  
 δέρματος. Τωντικές λοσιόν για το δέρμα. Προϊόντα  
 ενυδάτωσης του δέρματος. Κρέμες για τις στέλες  
 του δέρματος. Απασμητικά. Προϊόντα κατά της εφίδρωσης  
 [για ατομική περιποίηση]. Παρασκευάσματα για χρήση πριν  
 ή μετά το ξύρισμα. Σαπούνια ξυρίσματος. Κρέμες ξυρίσματος.  
 Ζελέ ξυρίσματος. Προϊόν για μετά το ξύρισμα (after shave).  
 Παρασκευάσματα για την προετοιμασία του ξυρίσματος. Τάλκ  
 για ατομική περιποίηση. Καλλυντικά. Οδοντοσκευάσματα.  
 Οδοντόκρέμες.

**EL - 14**

Πολύτιμα μέταλλα και κράματα αυτών. Κοσμήματα, είδη  
 χρυσοχόας, πολύτιμοι λίθοι. Είδη ωρολογιοποιίας και άλλα  
 χρονομετρικά όργανα. Απομιμήσεις κοσμημάτων. Πέτρες  
 ημιπολυμέρες. Περιδέραια. Δαχτυλίδια. Σκουλαρικήα. Βραχιόλια.  
 Περισφύρια. Βραχιόλια. Μένταγιόν και πανταφί. Τυνακίεις  
 καρφίτες (πάρτες). Τάρες. Μέρη και εξαρτήματα για όλα τα  
 προαναφερθέντα είδη.

**EL - 18**

Δέρμα και απομιμήσεις δέρματος. Κιβώτια και βαλίτσες  
 ταξιδίου. Είδη ταξιδίου. Απασκευές. Βαλίτσες. Ταξιδιωτικά

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σάκι· Μπαούλα-Βολίτσες για τη μεταφορά ρούχων· Βολιτσάκια Τσάντες για ανεπίσημο ντύσιμο· Τσάντες Τσάντες με λουρί για τον ώμο· Τσαντάκια για είδη προσωπικής περιποίησης· Τσάντες μεταφοράς· Σακίδια πλάτης· Σακίδια πλάτης· Τσαντάκια που προσαρμύζονται στη ζώνη· Αθλητικά σάκι· Τσάντες για ανεπίσημο ντύσιμο· Βολιτσές για έγγραφα· Χαρτοφύλακες· Μουσική (θήκες για παρτιτούρες)· Σχολικές σάκες· Βολιτσάκια για είδη καλλωπισμού, χωρίς χωρίσματα γραπτοθήκες και θήκες για τη μεταφορά ενδυμάτων· Θήκες για γραβάτες· Θήκες για σημειωματάρια· Θήκες και υποδοχές για σημειώσεις· Θήκες για έγγραφα και φάκελοι· Θήκες και υποδοχές για πιστωτικές κάρτες· Πορτοφόλια τσέπης· Θήκες ταξιδιού και πορτοφόλια σε σχήμα πουγκιού· Ομπρέλες βροχής· Ράβδοι περιπάτου· Δερμάτινοι μαντές (λουριά) για τον ώμο· Μέρη και εξαρτήματα για όλα τα προαναφερθέντα είδη.

**EU - 25**  
 Είδη ρουχισμού· Γυναικεία ενδύματα· Παιδικά ενδύματα· Παικιάκια, μπλουζές, ποικάκια για ανεπίσημο ντύσιμο, κονταμάνικες μπλούζες, γιλέκα, γυναικεία φανελάκια, κορμάκια, μπλουζές πόλο, αθλητικές φανέλες, φανέλες αμερικανικού ποδοσφαίρου και ράγκμπι· Παντελόνια, παντελόνια τόν, παντελόνια κοντά, αθλητικά κοντά παντελόνια, μαγιό· Εσώρουχα· Γυναικεία εσώρουχα· Αθλητικές εξωτερικές στολές· Είδη εξωτερικής ένδυσης, Παλτά, Μπουφάν, Πρόχειρα μπουφάν, Αδιάβροχα και ανθεκτικά στις καιρικές συνθήκες μπουφάν και παλτά, Άνωρακ, Γιλέκα με επένδυση· Κοστούμια (επίσημα ενδύματα)· Βραδινές τουαλέτες· Φούστες· Παντελονόφουστες (ζιπ-κίλोट)· Μακιέρις και κοντές κομπινεζόν· Φούτερ (καλλεγιακές μπλούζες)· Πλεκτά [ενδύματα]· Πουλόβερ, υπολερό και ζακέτες· Κολλά· Γκέτες· Γραβάτες· Γιλέκα· Ενδύματα ύπνου, Ενδύματα ύπνου, Πιτζάμες, Διάφανες ρομπές τύπου ρεϊνμπού· Υποδήματα· Μπότες, παπούτσια, παντόφλες, σανδάλια, αθλητικά παπούτσια, καλσόν, κάλτσες και πλεκτά είδη εσώρουχων· Είδη πιλοτσιόλας· Είδη πιλοτσιόλας· Σκούφοι· Μπερδέες· Μαντήλια για το λαιμό· Σάλια [ενδύματα]· Γάντια· Γάντια χωρίς χωρίσματα για τα δάκτυλα [ενδύματα]· Ζώνες (ως είδος ένδυσης)· Κεφαλοδέσμοι και περικάρπια.

**EU - 35**  
 Υψηλότες λιανικής πώλησης για πώληση σε σχέση με καλλυντικά, τρόφιμα και ποτά, σοκολάτες, γλυκά, καραμέλες, αναμικτικά, μη οισιπνευματώδη ποτά, οισιπνευματώδη ποτά, ενδύματα, υποδήματα, είδη καλτισοποιίας, συμπληρώματα (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μύδας, τσάντες, είδη πιλοτσιόλας, κοσμήματα, ψεύτικα κοσμήματα, όργανα γραφής, είδη χαρτοπωλείου, βιβλία, ρολόγια χειρός και οπτικά είδη· Συγκέντρωση σε πρατήριο λιανικής πώλησης, προς εξυπηρέτηση τρίτων, ειδών όπου περιλαμβάνονται καλλυντικά, τρόφιμα και ποτά, σοκολάτες, γλυκά, καραμέλες, αναμικτικά, μη οισιπνευματώδη ποτά, οισιπνευματώδη ποτά, ενδύματα, υποδήματα, είδη καλτισοποιίας, συμπληρώματα (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μύδας, τσάντες, είδη πιλοτσιόλας, κοσμήματα, ψεύτικα κοσμήματα, όργανα γραφής, είδη χαρτοπωλείου, βιβλία, ρολόγια χειρός και οπτικά είδη, γεγονός που παρέχει στους πελάτες τη δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη αυτά· Συγκέντρωση, προς εξυπηρέτηση τρίτων, ποικιλίας περιγραφών ή εικόνων καλλυντικών, τροφίμων και ποτών, σοκολατών, γλυκών, καραμελών, αναμικτικών, μη οισιπνευματωδών ποτών, οισιπνευματωδών ποτών, ενδυμάτων, υποδημάτων, ειδών καλτισοποιίας, συμπληρωμάτων (αξεσουάρ) μαλλιών, συμπληρωμάτων (αξεσουάρ) μύδας τσαντών, ειδών πιλοτσιόλας, κοσμημάτων, ψεύτικων κοσμημάτων, οργάνων γραφής, ειδών χαρτοπωλείου, βιβλίων, ρολογιών χειρός και οπτικών ειδών σε κατάλογο, γεγονός που παρέχει στους πελάτες τη δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη

αυτά μέσω ταχυδρομικής παραγγελίας· Συγκέντρωση, προς εξυπηρέτηση τρίτων, ποικιλίας περιγραφών ή εικόνων σε σχέση με καλλυντικά, τρόφιμα και ποτά, σοκολατάκια, γλυκά, καραμέλες, αναμικτικά, μη οισιπνευματώδη ποτά και οισιπνευματώδη ποτά σε ιστοθέρση στα Διαδίκτυο, γεγονός που προσφέρει στους πελάτες τη δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη αυτά μέσω του Διαδικτύου ή με άλλα μέσα επί γραμμής· Συγκέντρωση, προς εξυπηρέτηση τρίτων, ποικιλίας περιγραφών ή εικόνων σε σχέση με ενδύματα, υποδήματα, είδη καλτισοποιίας, συμπληρώματα (αξεσουάρ) μαλλιών, συμπληρώματα (αξεσουάρ) μύδας, τσάντες, ζώνες, μαντήλια για τον λαιμό, είδη πιλοτσιόλας, κοσμήματα, ψεύτικα κοσμήματα, όργανα γραφής, είδη χαρτοπωλείου, βιβλία, ρολόγια χειρός και οπτικά είδη σε ιστοθέρση στα Διαδίκτυο, γεγονός που παρέχει στους πελάτες τη δυνατότητα να βλέπουν και να αγοράζουν με άνεση τα είδη αυτά μέσω του Διαδικτύου ή με άλλα μέσα επί γραμμής· Παροχή πληροφοριών, συμβουλών και βοήθειας σε πελάτες σχετικά με τις προαναφερόμενες υπηρεσίες· Διακόσμηση βιτρινών· Διακόσμηση βιτρινών· Διαχείριση επιχειρήσεων· Όλες οι προαναφερόμενες υπηρεσίες περιλαμβάνόμενες στην κλάση 35.

**EN - 3**  
 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; soaps; perfumes; perfumery; eau de cologne, toilet waters, essential and herbal oils; cosmetics; make-up preparations; lipsticks; nail varnishes; nail varnish removers; non-medicated toilet preparations; hair lotions; hair sprays and hair gels; preparations for use in the bath or shower; bath and shower oils, gels, creams and foams; face and body masks, face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturizers; blemish creams and blemish gels; deodorants; antiperspirants; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; after-shave preparations; pre-shave preparations; talcum powders; toiletries; dentifrices; toothpastes.

**EN - 14**  
 Precious metals and their alloys; jewellery, precious stones; horological and chronometric instruments; imitation jewellery; semi-precious stones; necklaces; rings; earrings; bracelets; anklets; bangles; pendants; brooches; tiaras; parts and fittings for all the aforesaid goods.

**EN - 18**  
 Leather and imitations of leather; trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; bags; handbags; shoulder bags; toiletry bags; carrier bags; rucksacks; backpacks; bumbags; sports bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; garment bags and carriers; tie cases; notecases; notebook holders; document cases and holders; credit card cases and holders; wallets; purses; umbrellas; walking sticks; leather shoulder belts; parts and fittings for all the aforesaid goods.

**EN - 25**  
 Articles of clothing; womenswear; childrenswear; shirts, blouses, casual shirts, T-shirts, vests, camisoles, bodysuits, polo shirts, sports shirts, football and rugby shirts; trousers, jeans, shorts, sports shorts, swimwear; underwear; lingerie; trackuits; articles of outerwear, coats, jackets, casual jackets, waterproof and weatherproof jackets and coats, parkas, body warmers; suits; dresses; skirts; culottes; jumpsuits, playsuits; sweatshirts; knitwear; jumpers, shrugs and cardigans; leggings; legwarmers; neckties; waistcoats; sleepwear; nightwear; pyjamas, dressing gowns; footwear; boots, shoes, slippers.

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sandals, trainers, socks and hosiery; headgear; hats; caps; berets; scarves; shawls; gloves; mittens; belts (being articles of clothing); headbands and wristbands.

**EN - 35**

Retail services connected with the sale of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewellery, imitation jewellery, writing instruments, stationery, books, watches and eyewear on an internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; the bringing together, for the benefit of others, of a variety of descriptions of, or of images of, cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages on an internet website, thereby to enable customers conveniently to view and to purchase those goods via the internet or by other on-line means; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration; all included in Class 35.

**FR - 3**

Préparations pour blanchir et autres substances pour lessiver; Préparations pour nettoyer, polir, dégraisser et abraser; Préparations non médicinales à appliquer, pour le traitement et le soin des cheveux; du cuir chevelu, de la peau et des ongles; Savons; Parfums; Produits de parfumerie; Eau de Cologne; Eaux de toilette; Huiles essentielles et à base d'herbes; Cosmétiques; Produits de maquillage; Rouge à lèvres; Vernis à ongles; Dissolvants pour vernis à ongles; Produits de toilette non médicinaux; Lotions capillaires; Sprays pour les cheveux et gels pour les cheveux; Préparations pour bains et douches; Huiles, gels, crèmes et mousse pour le bain et la douche; Masques pour le visage et pour le corps; Exfoliants pour le visage et le corps; Nettoyants pour le visage [cosmétiques]; Produits nettoyants et hydratants pour la peau; Lotions toniques pour la peau; Hydratants pour la peau; Crèmes contre les impuretés et gels contre les impuretés; Déodorants; Produits de toilette contre la transpiration; Produits pour le pré-rasage et l'après-rasage; Savon à barbe; Crèmes à raser; Gels du rasage; Lotions après-rasage; Produits pour le rasage; Talcs; Produits de toilettes; Dentifrices; Pâtes dentifrices.

**FR - 14**

Métaux précieux et leur alliage; Joaillerie, bijouterie, pierres précieuses; Horlogerie et instruments chronométriques;

Strass; Pierres fines; Colliers; Bagues; Boucles d'oreilles; Bracelets; Bracelets de cheville; Bracelets; Pendentifs; Broches; Diadèmes; Pièces et parties constitutives et accessoires de tous ces articles.

**FR - 18**

Cuir et imitations du cuir; Malles et valises; Caisses de voyage; Bagages; Mallettes; Fourre-tout; Mallettes de voyage; Valises; Sacs de tous les jours; Sacs à main; Sacs à bandoulière; Trousse de toilette; Sacs à porter; Sacs à dos; Sacs à dos; Sacs banane; Sacs de sport; Sacs de tous les jours; Porte-documents; Mallettes pour documents; Porte-musique; Cartables; Coffrets destinés à contenir des articles de toilette dits "vanity cases"; Housses à vêtements; Étuis pour cravates; Porte-billets; Porte-calepin; Porte-documents; Étuis à cartes de crédit; Portefeuilles; Bourses; Parapluies; Cannes; Bandoulières [courroies] en cuir; Pièces et parties constitutives et accessoires de tous ces articles.

**FR - 25**

Articles d'habillement; Vêtements pour dames; Vêtements pour enfants; Chemises, chemisiers, chemises décontractées; Tee-shirts, gilets, cache-corsets, maillots, chemises polos, maillots de sport, maillots de football et de rugby; Pantalons, jeans, shorts, shorts de sport, maillots de bain; Sous-vêtements; Articles de lingerie; Survêtements; Vêtements d'extérieur; Manteaux, Vestes, Vestes de loisirs, Vestes et manteaux imperméables et résistant aux intempéries, Parkas, Gilets sans manches molletonnés; Costumes; Robes; Jupes; Jupes-culottes; combinaison longue et courte; Sweat-shirts; Tricot [vêtements]; Pulls, boléros et cardigans; Colliers; Jambières; Cravates; Gilets; Vêtements de nuit, Vêtements de nuit, Pyjamas, Peignoirs; Chaussures; Bottes, chaussures, pantoufles, sandales, baskets, chaussettes et bonneterie; Chapellerie; Chapeaux; Couvre-chefs; Bârets; Foulards; Châles; Gants [habillement]; Mitaines; Ceintures (articles d'habillement); Bandeaux et manchettes.

**FR - 35**

Services de vente au détail liés à la vente de produits cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons sans alcool, boissons non alcooliques, boissons alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux; accessoires de mode, sacs, chapellerie, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes; Le rassemblement dans un magasin de détail, pour des tiers, de cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons rafraichissantes, boissons non alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes, afin de permettre aux clients de visualiser et d'acheter facilement ces produits; Le rassemblement, pour des tiers, d'une variété de descriptions ou d'images de cosmétiques, aliments et boissons, chocolats, sucreries, bonbons, boissons rafraichissantes, boissons non alcooliques, boissons alcooliques, vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, joaillerie, imitations de bijoux, instruments d'écriture, papeterie, livres, montres et lunettes sur un site web sur l'internet, permettant aux clients de visualiser et d'acheter facilement ces produits par voie de télécommunications; Rassemblement, pour le compte de tiers, d'une variété de descriptions ou d'images de produits cosmétiques, aliments et boissons, chocolats, bonbons, friandises, boissons sans alcool et boissons alcoolisées sur un site internet en ligne, permettant ainsi aux clients de visualiser et d'acheter facilement ces produits par le biais de l'internet ou d'autres voies en ligne; Rassemblement, pour le compte

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de tiers, d'une variété de descriptions ou d'images de vêtements, chaussures, bonneterie, accessoires pour les cheveux, accessoires de mode, sacs, chapellerie féminine, bijouterie, strass, instruments d'écriture, papeterie, livres, montres et articles pour la vue sur un site internet en ligne, permettant ainsi aux clients de visualiser et d'acheter facilement ces produits par le biais de l'internet ou d'autres voies en ligne; Fourniture d'informations, de conseils et d'assistance aux clients concernant tous les services précités; Décoration de vitrines; Décoration de vitrines; Administration commerciale; Tous les services précités compris dans la classe 35.

**IT - 3**

Preparati per la sbianca e altre sostanze per il bucato; Preparati per pulire, lucidare, sgrassare e abrader. Preparati non medicati da applicare sui capelli, il cuoio capelluto, la pelle e le unghie, per il trattamento e la cura dei medesimi; Saponi; Profumo; Prodotti di profumeria; Acqua di colonia; Eau de toilette; Olii essenziali e olii a base di erbe; Cosmetici; Make-up; Rossetti; Smalti per le unghie; Solventi per smalti; Preparati non medicati per la toilette; Lozione per capelli; Spray e gel per capelli; Preparati per il bagno o la doccia; Olii, gel, creme e schiume per il bagno e la doccia; Maschere per il viso e il corpo; Esfolianti per il viso e il corpo; Detergenti per il viso [per uso cosmetico]; Detergenti e idratanti per la pelle; Tonici per il viso; Idratanti per la pelle; Creme e gel contro le macchie della pelle; Deodoranti; Antitraspiranti; Preparati da utilizzare prima e dopo la rasatura; Sapone da barba; Creme da barba; Gel per la rasatura; Lozioni dopobarba; Prodotti per la preparazione alla rasatura; Talco per toilette; Toiletteria; Dentifrici; Dentifricio.

**IT - 14**

Metalli preziosi e loro leghe; Oreficeria, gioielleria, pietre preziose; Orologeria e strumenti cronometrici; Bigiotteria; Pietre fini [semipreziosi]; Collane [gioielleria]; Anelli da dito; Orecchini; Braccialetti; Cavigliere; Braccialetti; Ciondoli [gioielleria]; Spille; Diademi; Parti ed accessori per tutti i prodotti summenzionati.

**IT - 18**

Cuoio e imitazioni di cuoio; Bauli e valigie; Custodie da viaggio; Bagagli; Articoli di valigeria; Sacchi da viaggio; Valigie armadio; Valigie; Borse casual; Borsette; Borse a spalla; Astucci da toilette; Sacchetti; Zaini; Zaini; Marsupi; Borse da sport; Borse casual; Cartelle, buste [articoli di pelle]; Valigette per documenti; Porta-musica; Cartelle scolastiche; Bauletti destinati a contenere articoli da toilette detti vanity cases; Borse e contenitori per vestiti; Custodie per cravatte; Portafogli; Porta-taccuini; Cartelle per documenti e portadocumenti; Astucci e custodie per carte di credito; Portafogli; Borsellini; Parapioggia; Bastoni da passeggio; Bandoliere [correggile] in cuoio; Parti ed accessori per tutti i prodotti summenzionati.

**IT - 25**

Articoli d'abbigliamento; Abbigliamento da donna; Articoli d'abbigliamento per bambini; Camicie, camicette, camicie casual, T-shirt, giubbotti, copribusti, body, polo, maglie sportive, maglie da calcio e da rugby; Pantaloni, jeans, pantaloncini, pantaloncini da ginnastica, costumi da bagno; Biancheria personale; Lingerie; Articoli d'abbigliamento per lo sport; Articoli di abbigliamento esterno; Cappotti, Giacche, Giacche casual, Giacche e cappotti impermeabili, Parka, Gilet termici; Abiti [completi]; Camicie; Gonne; Gonne, gonna pantalone; Completi lunghi e corti; Felpe; Indumenti lavorati a maglia; Maglioni, bolero e cardigan; Gambali; Scaldamuscoli; Cravatte; Panciotti; Biancheria da notte, Biancheria da notte, Pigiama, Accappotto; Scarpe; Stivali, scarpe, pantofole, sandali, scarpe da ginnastica, calzini e calze; Cappelleria; Cappelleria; Cappellini; Berretti; Foulards [fazzoletti]; Scialli; Guanti [ab-

bigliamento]; Manopole [abbigliamento]; Cintura (come articoli di abbigliamento); Fasce per la testa e per i polsi.

**IT - 35**

Vendita al dettaglio di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici; Raccolta, a beneficio di terzi, in un punto vendita, di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto; Raccolta, a beneficio di terzi, di svariate descrizioni ed immagini di cosmetici, alimenti e bevande, cioccolatini, bonbon, caramelle, bevande gassate, bevande analcoliche, bevande alcoliche, indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto tramite telecomunicazione; Raccolta su un sito Internet, a beneficio di terzi d'una varietà di descrizioni o immagini di cosmetici, alimenti e bevande, cioccolatini, caramelle, canditi, bevande analcoliche, bevande gassate e bevande alcoliche, per facilitare ai clienti la visione e l'acquisto via Internet o tramite altri mezzi on-line; Raccolta, a beneficio di terzi, di svariate descrizioni ed immagini d'indumenti, calzature, maglieria, accessori per capelli, accessori moda, borse, articoli di modisteria, gioielleria, bigiotteria, strumenti per scrivere, articoli di cartoleria, libri, orologi (da polso e da tasca) e articoli ottici su un sito Internet, per consentire ai clienti la comoda visione ed acquisto dei prodotti tramite Internet o mezzi on-line; Informazioni, consulenza ed assistenza destinate ai clienti in materia dei suddetti servizi; Decorazione di vetrine; Decorazione di vetrine; Amministrazione commerciale; Tutti i suddetti servizi compresi nella classe 35.

**LV - 3**

Mazgāšanas un balināšanas līdzekļi; Tīrīšanas, pulēšanas, eļļošanas un abrazīvie līdzekļi; Nemedicīniskie līdzekļi, kas paredzēti matu, galvas ādas, ādas un nagu uzlabošanai un kopšanai; Zīepes; Parfimi; Parfimerijas izstrādājumi; Odekoloni; Tuāletes līdzekļi; Eteriskās un augu eļļas; Kosmētiskie līdzekļi; Dekoratīva kosmētika; Lūpukrāsas; Nagu lakas; Nagu lakas noņēmēji; Ķermeņa kopšanas līdzekļi bez ārstnieciskās iedarbības; Matu losjoni; Matu lakas un želejas; Vannas un dušas preparāti; Vannas un dušas eļļas, želejas, putas; Kosmētiskās ķermeņa un sejas maskas; Sejas ķermeņa skrubiņi; Sejas mazgāšanas līdzekļi; Ādas tīrīšanas un mitrināšanas līdzekļi; Ādas toniki; Ādas mitrināšanas līdzekļi; Krēmi un geli ādas defektu parklāšanai; Dezodoranti; Pretsviedru līdzekļi; Līdzekļi pirms un pēc skušanās; Skušanās ziepes; Skušanās krēmi; Skušanās želejas; Pēcskušanās līdzekļi; Pirmskušanās līdzekļi; Talka pūderis ķermeņim; Personiskās tuāletes līdzekļi; Zību kopšanas līdzekļi; Zību pastas.

**LV - 14**

Dārgmetāli un to sakausējumi; Juvēlizerizstrādājumi; rotaslietas; dārgakmeņi; Pulksteņi un hronometriskie instrumenti; Bīzūstehija; Pusdārgakmeņi; Kaklarotas; Roku gredzeni; Auskari; Rokassprādzes; Kājspārdzes; Rokassprādzes; Kanuļi; Piespraudes; Diadēmas; Detaļas un piederumi visām iepriekšminētajām precēm.

**LV - 18**

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Āda un ādas imitācijas; Ceļasomas un ģemodāni; Koferi; Ba-  
 gāžas somas un ģemodāni; Ceļasomas; Ietilpīgas mīkstas  
 somas; Cietas ādas ceļojumu somas; Nelieli koferi; Somas;  
 Rokassomas; Plecu somas; Kosmētikas somiņas; Iekraušanas  
 maisi; Mugursomas, Mugursomas; Jostas somas; Sporta so-  
 mas; Somas; Dokumentu portfeļi; Plakani dokumentu portfeļi  
 ("diplomāti"); Nošu mapes; Skolēnu somas; Tualetes maciņi,  
 bez tualetes piederumiem; Apģērbu somas un nešanas izstrā-  
 dājumi; Kaklasaišu futrāļi; Kabatas portfeļi; Piezīmju  
 grāmatīņu maciņi; Dokumentu vāki un turētāji; Kredītkaršu  
 somas un maki; Kabatas portfeļi; Mazas plānas somiņas;  
 Lietussargi; Spieķi; Plecu siksnas no ādas; Detaļas un piederu-  
 rumi visām iepriekšminētajām precēm.

**LV - 25**

Apģērbu izstrādājumi; Apģērbi sievietēm; Bēmu apģērbi;  
 Kreklis, blūzes, kreklis, T kreklis, vestes, gieburi, triko, teniskreklis,  
 sporta kreklis, futbola un regbija kreklis; Bikses, džinsi, šorti,  
 sporta šorti, peldkostīmi; Apakšveļa; Sieviešu veļa; Sporta  
 apģērbi; Virsdrēbes, Mētelj, Žaketes, Bluzoni, Ūdens izturīgās  
 un laika apstākļu izturīgās žaketes, kā arī mētelj, Siltas vēja-  
 kās ar kapuci, Vatetas siltas vestes; Uzvalki; Kleitas; Svarki,  
 Bikšusvārci; Iši vai garl kombinējoni; Sporta kreklis ar garam  
 piedurknēm; Trikotāžas izstrādājumi; Džemperī, šalles un vil-  
 nas jakas; Zeļubikses bez apakšdaļas; Getras; Kaklasaites;  
 Vestes; Naktsveļa, Naktsveļa, Pidzomas, Apmetņi un halāti;  
 Apavi; Zābakli, kurpes, rītakurpes, sandales, treniņkurpes,  
 zeļes un zeļu izstrādājumi; Galvassegas; Galvassegas; Ce-  
 pures; Beretes; Kaklauri; Šalles; Cimdi; Durāņi; Jostas (ap-  
 ģērbu piederumi); Galvasaites un piedurkņu aproces.

**LV - 35**

Mazumtirzniecības pakalpojumi saistībā ar kosmētikas,  
 pārtikas un dzērienu, šokolādes, saldumu, konfekšu, bezalko-  
 holisko dzērienu, alkoholisko dzērienu, apģērbu, apavu, ap-  
 akšveļas, matu piederumu, modes aksesuāru, somu, galantē-  
 rijas, juvelierizstrādājumu imitāciju, rakstāmpiederumu, kan-  
 celejas piederumu, grāmatu, pulksteņu un brīļļu tirdzniecību;  
 Mazumtirzniecības veikalu apkopšana citu labā, lai sniegtu  
 klientiem iespēju ērti apskatīties un iegādāties šīs preces,  
 viss ir saistīts ar kosmētikas, pārtikas un dzērienu, šokolādes,  
 saldumu, konfekšu, bezalkoholisko dzērienu, alkoholisko  
 dzērienu, apģērbu, apavu, apakšveļas, matu piederumu,  
 modes aksesuāru, somu, galantērijas, juvelierizstrādājumu  
 imitācijas, rakstāminstrumentu, kancelejas piederumu,  
 grāmatu, pulksteņu un brīļļu jomu; Dažādu aprakstu, attēlu  
 apkopšana citu labā, lai sniegtu klientiem iespēju ērti apskatī-  
 ties un iegādāties šīs preces pasūtīt pa pastu, viss ir saistīts  
 ar koamētikas, pārtikas un dzērienu, šokolādes, saldumu,  
 konfekšu, bezalkoholisko dzērienu, alkoholisko dzērienu, ap-  
 ģērbu, apavu, apakšveļas, matu piederumu, modes aksesuāru,  
 somu, galantērijas, juvelierizstrādājumu imitācijas, rakstāminst-  
 rumentu, kancelejas piederumu, grāmatu, pulksteņu un brīļļu  
 jomu; Dažādu aprakstu vai attēlu komplektēšana interneta  
 tīmekļa vietnē trešām personām saistībā ar šādām precēm;  
 kosmētika, pārtikas produkti un dzērieni, šokolāde, saldumi,  
 konfektes, bezalkoholiskie dzērieni un alkoholiskie dzērieni,  
 ļaujot klientiem ērti aplūkot un iegādāties šīs preces ar inter-  
 neta vai citu tiešsaistes līdzekļu starpniecību; Dažādu aprakstu  
 vai attēlu komplektēšana interneta tīmekļa vietnē trešām  
 personām saistībā ar šādām precēm; apģērbi, apavi, trikotāžas  
 izstrādājumi, piederumi matiem, modes aksesuāri, somas,  
 sieviešu cepures, juvelierizstrādājumi, bižuterija, rakstāmpie-  
 derumi, kancelejas piederumi, grāmatas, rokas pulksteņi un  
 brilles, ļaujot klientiem ērti aplūkot un iegādāties šīs preces  
 ar interneta vai citu tiešsaistes līdzekļu starpniecību; Informāci-  
 jaa, ieteikumu un palīdzības sniegšana klientiem saistībā ar  
 iepriekš minētajiem pakalpojumiem; Veikalu skatlogu nofor-  
 mēšana; Veikalu skatlogu noformēšana; Uzņēmumu pārval-  
 dīšana; Visi iepriekš minētie pakalpojumi ietilpst 35. klasē.

**LT - 3**

Balinimo preparāti ir kitos skalbimo medžiagos; Valymo,  
 poliravimo, šveitimo ir švitrinamojo apdirbimo preparatai; Ne  
 medicininiai preparatai plauku, galvos odos, odos ir nagų  
 kompresams, gerai būkliai palaikyti ir prižiūreti; Muilas; Kvepa-  
 lai; Parfumerijos gaminiai; Odekolonas; Tualietinis vanduo;  
 Ekstraktai ir žolių aliejai; Kosmatika; Gamas; Lūpų dažai;  
 Nagų lakas; Nagų lako nuėmikliai; Negydomieji tualietiniai  
 preparatai; Plaukų losjonai; Plaukų lakas ir plaukų želė; Vonių  
 ir dušo kosmetiniai preparatai; Vonios ir dušo aliejai, želė,  
 kremai ir putas; Veido ir kūno kaukės; Veido ir kūno šveitikliai;  
 Veido prausikliai [kosmetiniai]; Odos vaikičiai ir drėkikliai; Odos  
 tonikai; Odos drėkinamosios priemonės; Odos defektus šalinan-  
 tys kremai ir želė; Dezodorantai; Antiperspirantai [tualetu  
 reikmenys]; Preparatai, vartojami prieš ir po skutimosi; Skuti-  
 mosi muilas; Skutimosi kremai; Skutimosi gėlis; Losjonai po  
 skutimosi; Paruošiamosios skutimo priemonės; Talko milteliai  
 [tualetu reikmenys]; Tualetu reikmenys; Dantų milteliai ir pa-  
 stos; Dantų pasta.

**LT - 14**

Brangieji metalai ir jų lydiniai; Juvelyriniai dirbiniai; brangsk-  
 meniai; Laikrodžiai ir laikmačiai; Stražai [drabužių puošmenos  
 iš dirbtinių stiklo brangakmenių]; Pusbrangiai akmenys; Karo-  
 liai [juvelyriniai dirbiniai]; Rankų žiedai, Auskarai; Apyrankės;  
 Pėdutės; Apyrankės; Pakabučiai; Segės; Diademos; Aukščiau  
 nurodytų prekių dalys ir priedai.

**LT - 18**

Oda ir odos imitācijas; Lagaminal, kelioniniai krepšiai; Kelio-  
 niai lagaminal; Bagažas; Lagaminal; Kelionmaišiai; Dvieju  
 dalių lagaminal; Sakvojažai; Kasdieniai krepšiai; Rankinukai;  
 Rankinės per pelti; Tualetu reikmenų krepšeliai; Nešiojimo  
 krepšiai; Kuprinės; Kuprinės; Prie jusmens tvirtinamos pin-  
 ginės; Sportiniai krepšiai; Kasdieniai krepšiai; Portfeliai; Dok-  
 umentų dėklai; Natų portfeliai; Mokykliniai portfeliai; Reikmeni-  
 nės (Kišeninės tualetinės -) [tuščios]; Rubų krepšiai; Kaka-  
 raiščių dėžutės; Piginės; Užrašų knygelė aplankai; Dok-  
 umentų dėklai ir laikikliai; Kreditinių kortelių dėklai ir aplankai;  
 Kišeninės piginės; Piginės; Skečiai; Lazdos (kriukiai);  
 Antpelniai diržai [Odiniai -]; Aukščiau nurodytų prekių dalys  
 ir priedai.

**LT - 25**

Drabužiai; Moterų aprangos prekės; Vaikiški drabužiai; Ma-  
 rškiniai, palaidinukės, sportiniai marškinėliai, teniso marški-  
 nėliai, liemenės, palaidinės, naktiniai drabužiai, polo marški-  
 nėliai, sportiniai marškinėliai, futbolo ir regbio marškinėliai;  
 Kelnės, džinsai, trumpikės, sportiniai šortai, maudymsi ap-  
 ranga; Apatiniai drabužiai; Moteriški apatiniai; Sporto ir sporto  
 salės apranga; Viršutiniai drabužiai, Paltai, Švarkai, Bluzonai,  
 Nėperšlampamieji ir nēperpučiamieji švarkai ir paltai, Striukiės  
 su gobtuvu, Šiltos liemenės; Kostiumai; Moteriški drabužiai;  
 Sijonai; Sijonkelnės; Ilgas ir trumpas kombinėzonai; Sportiniai  
 džemperiai; Megzti drabužiai; Megztiniai; trumpi švarkeliai ir  
 nartiniai; Tampriės; Blaudzinės; Kaklaratėšiai; Liemenės;  
 Naktiniai drabužiai, Naktiniai drabužiai, Pizamos, Chalelai;  
 Avalynė; Batai; šlepatės, sandalai, sportbačiai, puskojinės ir  
 trikotāžas; Galvos apdangalai; Galvos apdangalai; Kepurės;  
 Beretės; Šalikai; Škaros; Pirštinės [drabužiai]; Kumštinės pir-  
 štinės; Diržai [drabužių priedai]; Galvos/plaukų rausčiai ir ran-  
 kogaliai.

**LT - 35**

Mažmeninēs prekybos paslaugos, susijusios su prekyba  
 kosmētika, maistu ir gērimais, šokoladais, saldinais, ledinu-  
 kais, gaiviaisais gērimais, nealkoholiniais gērimais, svaigai-  
 siais gērimais, drabužiais, avalyne, kojinių gaminiiais, plaukų  
 papuošalais, aprangos aksesuārais, krepšiais, skrybelaitėmis,  
 juvelyriniais dirbiniais, bižuterija, rašymo priemonėmis, raštinēs  
 reikmenimis, knygomis, laikrodžiais ir akiniais; Kosmētikos.

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maisto ir gėrimų, šokoladinių saldainių, saldumynų, saldainių (ledinukų), gaiviųjų gėrimų, gaiviųjų gėrimų, svaigusių gėrimų, drabužių, aprangos, avalynės, trikotažo gaminių, plaukų papošuolių, madingų aksesuarų, maišelių, skrybėlaičių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės prekių, knygų, laikrodžių ir akininių asortimento sudarymas mažmeninės prekybos parduotuvėse kitų labui, taip suteikiant klientams galimybę patogiai apžiūrėti ir įsigyti šių prekių, įvairių kosmetikos, maisto ir gėrimų, šokoladinių saldainių, saldumynų, saldainių (ledinukų), gaiviųjų gėrimų, gaiviųjų gėrimų, svaigusių gėrimų, drabužių, aprangos, avalynės, trikotažo gaminių, plaukų papošuolių, madingų aksesuarų, maišelių, skrybėlaičių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės prekių, knygų, laikrodžių ir akininių aprašymų ar atvaizdų asortimento sudarymas kitų labui interneto tinklalapiuose, taip suteikiant klientams galimybę patogiai apžiūrėti ir įsigyti šių prekių užsisakant jų telekomunikacijų priemonėmis; Asortimento sudarymas iš įvairių kosmetikos, maisto ir gėrimų, šokoladų, saldainių, ledinukų, gaiviųjų gėrimų, nealkoholinių gėrimų ir alkoholinių gėrimų aprašymų ir atvaizdų interneto svetainėje, leidžiantis pirkejams patogiai apžiūrėti šias prekes ir jų įsigyti internetu arba kitomis prijungtinėmis priemonėmis; Asortimento sudarymas iš įvairių drabužių, avalynės, kojinių gaminių, plaukų aksesuarų, madingų aksesuarų, krepšių, skrybėlaičių, juvelyrinių dirbinių, bižuterijos, rašymo priemonių, raštinės priemonių, knygų, laikrodžių ir regos produktų aprašymų ir atvaizdų interneto svetainėje, leidžiantis pirkejams patogiai apžiūrėti šias prekes ir jų įsigyti internetu arba kitomis prijungtinėmis priemonėmis; Informacijos, patarimų ir pagalbos teikimas klientams, susijęs su pirmiau minėtomis paslaugomis; Parduotuvių vitrinų puošimas [tvarkymas]; Parduotuvių vitrinų puošimas [tvarkymas]; Verslo tvarkymas; Visos anksčiau nurodytos paslaugos, priskirtos prie 35 klasės.

**HR - 3**

Preparatų bei bijeljenje i ostale tvari za pranje rublja; Preparati za čišćenje, poliranje, odmaščivanje i struganje; Preparati koji nisu [ekvivalenti za primjenu pri regeneriranju i njezi kose, vlasišta, kože i noktiju; Sapuni; Parfemi; Parfimerijski proizvodi; Kolonjaska voda; Toaletna voda; Esencijalna i biljna ulja; Kosmetički proizvodi; Šminke; Ruž [umenilo] za usne; Lak za nokte; Odstranjivač laka za nokte; Nemedicinski higijenski pripravci; Lošion za kosu; Sprejevi i gelovi za kosu; Preparati za uporabu pri likom tuširanju ili kupanja; Ulja, gelovi, kreme i pjene za kupanje i tuširanje; Maske za lice i tijelo; Pilići za lice i tijelo; Sredstva za čišćenje lica [kozmetika]; Preparati za čišćenje i vlaženje kože; Tonici za lice; Proizvodi za hidrataciju kože; Kreme i gelovi protiv crvenila; Dezodoransi; Antiperspiranti [toaletni proizvodi]; Preparati za korištenje prije brljanja i nakon brljanja; Sapun za brljanje; Krema za brljanje; Gel za brljanje; Lošioni za upotrebu poslije brljanja; Proizvodi za brljanje; Puder za toaletne potrebe; Toaletni proizvodi; Proizvodi za njegu zubi; Pasta za zube.

**HR - 14**

Plemeniti metali i njihove legure; Nakit, drago kamenje; Uraski proizvodi i kronometarski instrumenti; Bižuterija; Poludrago kamenja; Ogričice; Rupice; Naušnice; Narukvice; Steznici za glaznjeve; Narukvice; Priljesci za lančice; Pripadača; Dijadem; Dijelovi i oprema za sve gore navedene proizvode.

**HR - 18**

Koža i imitacije kože; Kovčezai i putne torbe; Putni kovčezai i torbe; Prtljaga; Putne torbe; Torbe za putovanje; Putne torbe [portmanteau]; Putna torba; Torbe; Ručne torbe; Torbe za nošenje preko ramena; Neseseri; Vrećice; Ruksaci; Ruksaci; Pojasne torbe; Sportske torbe; Torbe; Aktovke; Poslovne torbe; Torbe za note; Torbe na rama; Prazne kozmetičke torbe; Nosači i vreće za odjeću; Futrole za kravate [tali]; Držači za notesu; Držači bilježnica; Korice i držači za

dokumente; Držači i futrole za kreditne kartice; Lisnice; Novčanici za kovanice; Kišobrani; Štapovi za hodanje; Kožno remenje za rama; Dijelovi i oprema za sve gore navedene proizvode.

**HR - 25**

Odjeća; Ženska odjeća; Odjeća za novorođenčad; Košulje, bluze, ležerne košulje, majice, prsluci, ženske potkošulje, bodiji, polo majice, sportske majice, majice za nogomet i ragbi; Hlače, traperice, kratke hlače, sportske kratke hlače, odjeća za plivanje; Donje rublje; Žensko donje rublje; Trenirke; Odjeća za prazdu; Kaputi; Jakne, Sportske jakne, Vodootopna jakna i kaputi za sve vremenske prilike, Parke [sportske jakne s kapuljačom], Punjeni prsluci; Nošnje; Dugačke haljine, Suknje; Suknja-hlače; Kombinezoni i kratki kombinezoni, Gornji dijelovi trenirke; Pletena odjeća [odjevni predmeti]; Džemperi, bolera i veste; Tajice; Grijači za noge; Kravate; Prsluci; Noćna odjeća, Noćna odjeća, Pližame, Kućni ogrtači; Obuća; Čizme, cipele, papuče, sandale, tenisice, kratke čarape i trikotažni odjevni predmeti; Pokrivala za glavu; Pokrivala za glavu; Kape; Beretke; Rupci [fulari]; Šalovi; Rukavice; Rukavice bez prstiju; Remeni za nošenje; Trake za glavu i znojnice.

**HR - 35**

Maloprodajne usluge u vezi s prodajom proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, sprave za pisanje, pribor za pisanje, knjige, satovi i naočale; Zdručivanje u maloprodajnoj trgovini, za korist drugih, proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, sprave za pisanje, pribor za pisanje, knjige, satovi i naočale, pri čemu se kupcima omogućuje jednostavan pregled i kupnja proizvoda; Zdručivanje, u korist drugih, raznih opisa i slika proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića, odjeća, obuća, trikotažni odjevni predmeti, dodaci za kosu, modni dodaci, torbe, šeširi, nakit, nakit, pisanje (sprave za pisanje), pribor za pisanje, knjige, satovi i naočale u katalogu, pri čemu se kupcima omogućuje jednostavan pregled i kupovina te roba putem poštanske narudžbe; Zdručivanje, u korist drugih, raznih opisa i slika proizvoda kao što su kozmetički proizvodi, prehrana i pića, čokolade, slatkiši, bomboni, bezalkoholna pića, bezalkoholna pića, alkoholna pića na internetskoj stranici, kako bi se omogućilo kupcima da na praktičan način pregledavaju i kupuju te proizvode putem interneta ili drugog online načina kupovine; Zdručivanje, u korist drugih, raznih opisa i slika proizvoda kao što su odjeća, obuća, pokrivala za glavu, trikotaža, dodaci za kosu, modni dodaci, torbe, nakit, bižuterija, pisači instrumenti, uredski pribor, knjige, satovi i naočale na internetskoj stranici, kako bi se omogućilo kupcima da na praktičan način pregledavaju i kupuju te proizvode putem interneta ili drugog online načina kupovine; Ponuda informacija, savjeta i podrške korisnicima u vezi sa svim navedenim uslugama; Uređenje izloga; Uređenje izloga; Komercijalna administracija; Sve uključeno u razred 35.

**HU - 3**

Fehértőkészítmények és egyéb, mosásra szolgáló anyagok; Tisztító-, fényszerelő-, sűrítő-, és csiszolószerek; Nem gyógyanyagokkal feltöltött készítmények a haj, a fejbőr, a bőr és a köröm ápolásában és kondicionálásában való alkalmazásra; Szappanok; Parfümök; Parfüméria, illatszertölt; Kólinviz; Eau de toilette; Esszenciális és növényi olajok; Kozmetikai szerek; Smink; Ajakrúzsok; Körömlakkok; Körömfesték-lemosók;

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Gyógyanyagokat nem tartalmazó toalett célra szolgáló készítmények; Hajvizek; hajszeszek; Hajbeszűrő és hajszelő; Furdó- és zuhanyzókészítmények; Furdó és tusoló olajok; zselék, krémek és habok; Arc és test maszkok/pakolások; Arc- és testradírok; Arclemosók [kozmetikumok]; Bőrtisztítók és hidratálók [vízfelvétel segítő]; Bőrtonifikáló szerek, bőrtónikok; Bőrhidratálók; Szépségápoló altakaró krémek és zselék; Dezodorok; Izzadásgátlók; Borotválkozás előtt és után használatos készítmények; Borotvaszappan; Borotvakrém; Borotválkozó zselé; Borotválkozás utáni arczsaszek; Borotválkozás előkészítő szerek; Hintőpor, pipare célokra; Testápolási cikkek; Fogkrémek; Fogpaszta.

**HU - 14**

Nemesfémek és ötvözetek; Ékszerek, drágakövek. Órák és más időmérő eszközök; Strassz [drágakő utántal]; Feldrágakó-vek; Nyakláncok; Ujjgyűrűk; Fülbevalók; Karpercek és karkötők; Bokaláncok; Karpercek és karkötők; Függők; Brosok; Diadémok, fejek; Alkatrészek és szerelvények az összes fent említett áruhoz.

**HU - 18**

Bőr és műbőr/borotvázatok; Utazótáskák és bőröndök; Kofferek [kis utazótáskák]; Poggyász; Bőröndök; Utazótáskák; Nagyméretű bőr utatáska [portmanteaux]; Bőröndök, kézitáskák; Hétköznapi, utcai táskák; Kézitáskák; Váltotáska; tarisznyák; Píperetáskák, meszeszerek; Bevásárlószatyrok; Hátizsákok, hátizsák; Hátizsákok, hátizsák; Övtáskák; Áttáskák táskák; Hétköznapi, utcai táskák; Irattáskák, aktatáskák; Diplomata táskák; Kottamappák, kottatokok; Satchel táskák; Píperetáskák üresen; Ruhátáskák és -hordozó eszközök; Nyakkendő tokok; Mappák; Jegyzetfüzet tartók/fedelei; Irattartók és tasakok; Hírlapkártya tartók és tokok; Levéltárcák; Erszények, pénztárcák; Ernyők, esernyők; Sétálpálcák; Bőr valiszlijak [hevderék]; Alkatrészek és szerelvények az összes fent említett áruhoz.

**HU - 25**

Ruházati cikkek; Női ruházati cikkek; Ruházat (gyermek-); Ingek, blúzok, laza ingek, pólók, mellények, trikó kombinék, body-k, póló ingek, sportingek, futball- és rögbilingek; Nadrágok, farmenadrágok, rövidnadrágok, sportnadrágok, úszódrésszek; Alsóruházat, fehérneműk; Fehérnemű; Tornaruhák; Fejszőruházati cikkek; Kabátok, dzsekik, Dzssekik, Ingkabátok, szelődzsekik; Vízálló és időjárásálló dzsekik és kabátok; Parkák, Bélelt mellények; Öltönyök; Talérok; Szoknyák; Nadrágszoknyák; Hosszú és rövid kezazslábas; Melegítő felsők; Kötöttáru [ruházat]; Pulóverek, bolerók és kardigánok; Leggingek; Lábszármegátlók; Nyakkendő; Mellények; Pizsama, Pizsama, Pizsamák; Kötösök, pongyolák; Lábbelik; Magasszárú cipők/bakancsok, cipők, papucsok, szandálok, edzőcipők, zoknik és harisnyák; Kalapárúk; Kalapárúk; Sapkák; Svájccsapkák, barettek; Sálak; Vállkendők, nagykendők; Kesztyűk [ruházat]; Egyujjas kesztyűk; Övek (ruhadarabok); Fejzalagok és kiegészítők.

**HU - 35**

Kiskereskedelmi szolgáltatások a következők értékesítésével kapcsolatban: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttáru, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutántzatok, íróeszközök, papírárúk, könyvek, órák és látással kapcsolatos eszközök; A következők összehozása mások javára egy kiskereskedelmi elárulótóhelyen: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttáru, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutántzatok, íróeszközök, papírárúk, könyvek, órák és szemreválók - ezáltal lehetővé téve a vásárlóknak ezen termékek kényelmes megtekintését és megvásárlását. A következők leírás-

aínak vagy képeinek összehozása mások javára: kozmetikumok, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok, alkoholos italok, ruházat, lábbelik, kötöttáru, hajkellékek, divatkellékek, táskák, kalapárúk, ékszerek, ékszerutántzatok, íróeszközök, papírárúk, könyvek, órák és szemreválók - ezáltal lehetővé téve a vásárlóknak ezen termékek kényelmes megtekintését és megvásárlását postal rendeléssel; Mások megbízásából az alábbiak egy helyre gyűjtése, lehetővé téve a vásárlók számára, hogy kényelmesen megtekintessék és megvásárolhassák ezeket az internet vagy más online eszköz segítségével: kozmetikai cikkek, ételek és italok, csokoládék, édességek, cukorkák, üdítőitalok, alkoholmentes italok és alkoholos italok; Ruházat, lábbelik, kötöttáru, hajkiegészítők, divatkiegészítők, táskák, fejedők, ékszerek, ékszerutántzatok, íróeszközök, papírárúk, könyvek, karórák és szemviselet többféle leírásának vagy képeinek összegyűjtése egy internetes weboldalon, lehetővé téve, hogy a vevők kényelmesen megtekintessék és megvásárolhassák ezeket a termékeket az interneten vagy online módon; Az összes fent említett szolgáltatásra vonatkozóan tájékoztatás, tanácsadás és segédnyújtás ügyfelek részére; Kirakatrendezés; Kirakatrendezés; Kereskedelmi adminisztráció: 35 osztályhoz tartozó összes fentemlített szolgáltatás.

**IT - 3**

Preparazzjonijet ta' bič u sustanzi oħra għall-fesil tal-hwejjeg; Preparazzjonijet għat-tindif, għall-lustrar, biex toghrok u biex tobrox. Preparazzjonijet mhux medikati għall-applikazzjoni fuq, l-iġbalzmar u l-kura tax-xagħar, il-qurriġha, il-gilda u d-dwiefer; Sapun, Fwejjah; Prodotti ta' fwejjah; Eau-de-Cologne (wieħa); Lima mfewwaha għall-użu fuq il-gilda; Żjut essenzzjali u erbali; Kożmetiċi; Mejkapp; Lipstick; Verniċ tad-dwiefer; Sustanzi għat-tneħħja tal-lostru tad-dwiefer; Preparazzjonijet tat-twaletta mhux medikati; Lozjonijet tax-xagħar; Sprejs tax-xagħar u għelijiet tax-xagħar; Preparazzjonijet għall-banjijiet u għad-doċċa; Żjut tal-banju u tad-doċċja, gel, kremi u ragħwiet; Maskil għall-wiċċ u l-gisem; Għorik għall-wiċċ u għall-gisem; Aġenti tat-tindif għall-wiċċ [kożmetiċi]; Aġenti għat-tindif u l-idratazzjoni tal-gilda; Toner tal-gilda; Kremi għat-trattib tal-gilda; Kremi għat-tbajja u għelijiet għat-tbajja; Deodoranti; Antiperspiranti [prodotti tat-twaletta]; Preparazzjonijet għall-użu qabel u wara t-tqaxxir tal-leħja; Sapun għat-tqaxxir tal-leħja; Kremi għat-tqaxxir tal-leħja; Għelijiet għat-tqaxxir; Lozjonijet ta' wara t-tqaxxir tal-leħja; Prodotti għat-tqaxxir tal-leħja; Terra għal użu fit-twaletta; Preparazzjonijet tat-twaletta; Dentifriċi; Dentifriċi.

**IT - 14**

Materjal prezzjuż u l-igi tagħhom; Gojjelli, haġar prezzjuż; Strumenti li juru l-fin u kronometriċi; Gojjelli foloz; Haġar semi-prezzjuż; Kullani [gojjellerija]; Criket tas-subgħajn; Imsiet tal-widnejn; Brazzuletti / Cpiepet; Brazzuletti ta' ma' l-għaksa tas-sieq; Brazzuletti / Cpiepet; Pendent; Labar ta' l-ingravata jew labar milbusa fil-bies tan-nias; Dijademi; Partijiet u tagħmir għall-affarijiet kollha imsemmija.

**IT - 18**

Gilda jew imitazzjoni tal-gilda; Bagoli u basktijiet ta' l-ivvjaġġar; Bagoli għall-ivvjaġġar; Valiġġi; Valiġġi, Basktijiet għall-ivvjaġġar; Valiġġi; Valiġġi diversi; Basktijiet ta' kuljum; Basktijiet tal-id; Basktijiet ta' fuq l-ispallejn; Borż għall-oġġetti tat-twaletta; Basktijiet tax-xin; Barżakkli ta' fuq id-dahar; Barżakkli ta' fuq id-dahar; Basktijiet-cinturin; Basktijiet għall-isporta; Basktijiet ta' kuljum; Kartieri tad-dokumenti; Bagalji għad-dokumenti; Kontanturi tal-mużika; Basktijiet tal-iskola [satchels]; Kaxxetti tal-kożmetiċi, mhux mgħammra; Basktijiet u ġarriera ta' hwejjeg; Kaxxetti tal-ingravati; Portafolli għoċ-ċekkiġi; Kontenituri għat-takkvini; Kaxex u kontenituri tad-dokumenti; Kaxxetti u kontenituri għall-karti ta' kreditu; Portafolli tal-but; Portmoni; Umbrelle; Bsaten; Cinturini tal-is-

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palla tal-gilda; Partijiet u tagħmir għall-affarijiet kollha imsem-  
 mija.

**IT - 26**

Artikli tal-fwejjeġ; Artikli tal-fwejjeġ għan-nisa; Fwejjeġ għat-  
 faf; Qomos, bluża, qomos każwali, t-shirts, sdieri, għekkiġiet  
 ta' taħt irakkmati, bodisjuts, powlovers, topps għall-isports,  
 topps tal-futbol u tar-ragbi; Qliezet, ginsijiet, xorzjiet, xorzjiet  
 tal-isports, libies tal-ghawm; Fwejjeġ ta' taħt; libies ta' taħt  
 għan-nisa; Libies għall-ginnasju; Oġġetti ta' fwejjeġ għal barra,  
 Kowtjiet, Gkieket, Blousons, Gkieket u kowtjiet li ma jgħaddix  
 ilma minnha u li tajjin għall-maltemp, Parkas, Fwejjeġ li  
 jzommu l-għsem sħun; Libsa intiera; libiesi twal tan-nisa;  
 Oblet, Qliezet wesghin li jidru qishom dublett; libiesi twal  
 u qosra; Flokkijiet komdi li jintlibsu waqt eżerċizzji fiżiċi, Xogħol  
 tal-melja [libies]; Gampers, libies ta' fuq l-ispalla u kardigans;  
 Getti, Tgeżwir biex izommu l-għekiesi sħan; Ingravati; Sdieri;  
 libies ta' bil-lej, libies ta' bil-lej, Pigamas, Gagagi tal-banju;  
 Xedd is-saqajn; Svali, zraġen, papoċċ, sandli, trainers, kalzetti  
 u maljerja; Xedd ir-ras; Xedd ir-ras, Brieret, Bererjet; Xalpi;  
 Xalel; Ingwanti; Ingwanti mingħajr swaba [libies]; Ċinturini  
 (bħala artikli ta' fwejjeġ); Strixxi tad-drapp ta' mar-ras u  
 pulzieri tal-qomos.

**IT - 35**

Servizzi ta' bejgħ bi-implant konnessi mal-bejgħ ta' kozmetiċi,  
 ikel u xorb, ċikkulata, helu, hlewvlet, luminati, xorb mhux  
 alkoholiku, xorb alkoholiku, fwejjeġ, xedd is-saqajn, maljerja,  
 aċċessorji tax-xagħar, aċċessorji tal-moda, basktijiet, xogħol  
 ta' kpiepel, gojjellerija, gojjellerija artifiċjali, strumenti għall-  
 kitba, kartolerija, kotba, arloġġi tal-id u xedd l-għajnejn; li-  
 gabra filmkien f'avvint tal-bejgħ bi-implant, għall-benefiċċju ta'  
 oħrajn, ta' kozmetiċi, ikel u xorb, ċikkulata, helu, konfettura,  
 luminati, xorb mhux alkoholiku, xorb alkoholiku, fwejjeġ, xedd  
 is-saqajn, maljerja, aċċessorji tax-xagħar, aċċessorji tal-moda,  
 basktijiet, xogħol tal-hjata, gojjelli, kopja artifiċjali ta' gojjelli,  
 strumenti għall-kitba, kartolerija, kotba, arloġġi tal-id u xedd  
 tal-għajnejn, sabix jippermettu li l-klijenti jaraw u jixru bil-  
 kumdità dawk l-oġġetti; li-gabra filmkien, għall-benefiċċju ta'  
 oħrajn, ta' varjetà ta' deskrizzjonijiet ta', jew ta' immagni ta',  
 kozmetiċi, ikel u xorb, ċikkulata, helu, konfettura, luminati,  
 xorb mhux alkoholiku, xorb alkoholiku, fwejjeġ, xedd is-  
 saqajn, maljerja, aċċessorji tax-xagħar, aċċessorji tal-moda,  
 basktijiet, xogħol tal-hjata, gojjelli, kopja artifiċjali ta' gojjelli,  
 strumenti għall-kitba, kartolerija, kotba, arloġġi tal-id u xedd  
 tal-għajnejn f'katolgi, sabix jippermettu li l-klijenti jaraw u  
 jixru bil-kumdità dawk l-oġġetti permezz tal-internet jew  
 permezz ta' mezz oħra onlajn; li-gabra filmkien, għall-bene-  
 fiċċju ta' oħrajn, ta' varjetà ta' deskrizzjonijiet ta', jew immagni  
 ta', fwejjeġ, xedd is-saqajn, maljerja, aċċessorji tax-xagħar,  
 aċċessorji tal-moda, basktijiet, kpiepel, gojjelli, gojjelli artifiċjali,  
 strumenti tal-kitba, kartolerija, kotba, arloġġi tal-id u  
 nuċċalijiet fuq websajt tal-internet, li tippemmetti li l-klijenti jaraw  
 u jixru bil-kumdità dawk l-oġġetti permezz tal-internet jew  
 permezz ta' mezz oħra onlajn; li-provvista ta' informazzjoni,  
 parri u assistenza lill-klijenti dwar is-servizzi msemmijin qabel;  
 Arrangement ta' vetrini tal-hwienet; Arrangement ta' vetrini  
 tal-hwienet; L-amministrazzjoni ta' negozju; is-servizzi kollha  
 hawn fuq imsemmija inkluzi fil-klassi 35.

**NL - 3**

Bleakmiddelen en andere wasmiddelen; Reinigings-, polijst-,  
 ontvettings- en schuummiddelen; Niet-medicinale middelen  
 toepassing op, conditionering en verzorging van het haar, de  
 hoofdhuid, de huid en de nagels; Zepen; Parfums; Parfume-

riën; Eau de Cologne; Eau de toilette; Etherische oliën en  
 kruidenoliën; Cosmetics; Make-up; Lippenstift; Nagellak;  
 Nagellak-removers; Niet-medicinale toiletpreparaten; Haarlotions;  
 Haarlak en haargel; Preparaten voor gebruik in bad of onder  
 de douche; Bad- en doucheoliën, -gels, -crèmes en -schuim;  
 Maskers voor het gezicht en lichaam; Scrubs voor het gezicht  
 en lichaam; Gezichtsreinigingsmiddelen [cosmetica]; Reini-  
 gende en vochtinbrengende middelen voor de huid; Toners  
 voor de huid; Vochtinbrengende middelen voor de huid; Crèmes  
 en gels tegen puistjes; Deodorantia; Toiletverzorgings-  
 middelen tegen transpiratie; Preparaten voor gebruik vóór en  
 na het scheren; Scheerzeep; Scheercremes; Scheergels; Af-  
 ter-shave lotions; Voorbereidingsmiddelen voor het scheren;  
 Talkpoeder voor toiletverzorging; Producten voor de toiletver-  
 zorging; Tandreinigingsmiddelen; Tandpasta's.

**NL - 14**

Edele metalen en hun legeringen; Juwelen, bijouterieën,  
 edelstenen; Uurwerken en tijdmeetinstrumenten; Namaakju-  
 welen; Halfedelstenen; Halskettingen [juwelierswaren]; Vin-  
 gerringen; Oorbellen; Arm- en enkelbanden; Enkelbanden;  
 Arm- en enkelbanden; Hangers; Broches; Diademen; Delen  
 en onderdelen voor alle voornoemde goederen.

**NL - 18**

Leder en kunstleder; Reiskoffers en koffers; Reiskoffers; Ba-  
 gage; Koffers; Reistasen; Koffers (Grote -); Koffers (Reis -);  
 Vrijtijdstassen; Handtassen; Schouderstassen; Toiletstassen;  
 Draagtassen; Rugzakken; Rugzakken; Heuptasjes; Sporttas-  
 sen; Vrijtijdstassen; Aktentassen; Attachekoffers; Muziek-  
 mappen; Schoottassen; Beauty-cases [leeg]; Kledingtassen  
 en -dragers; Etuis voor stropdassen; Portefeuilles; Houders  
 voor notitieboekjes; Mappen en houders voor documenten;  
 Etuis en houders voor creditcards; Portefeuilles; Portemon-  
 nees; Paraplu's; Wandelstokken; Schouderriemen van leder;  
 Delen en onderdelen voor alle voornoemde goederen.

**NL - 25**

Kledingartikelen; Dameskleding; Kinderkleding; Hemden,  
 blouses, vrijetijdsoverhemden, T-shirts, vesten, korselijfes,  
 bodysuits, polo-shirts, sporthemden, voetbal- en rugbyshirts;  
 Pantalons, spijkerbroeken, shorts, korte sportbroeken,  
 zwemkleding; Ondergoed; Lingerie; Atletiekleding; Bovenkle-  
 ding; Mantels [jassen], Jasjes, Vrijtijdjasjes, Waterdichte  
 en winddichte jasjes en mantels; Parka's, Bodywarmers;  
 Pakken; Japonnen; Rokken; Broekrokken; Monosuits en  
 shorties; Sweatshirts; Gebreide kleding; Chemisettes,  
 schoudermantels en cardigans; Leggings; Beenwarmers;  
 Dassen; Veaten; Nachtkleding, Nachtkleding, Pyjama's,  
 Peignoirs; Schoeisel; Laarzen, schoenen, pantoffels, sandalen,  
 trainingsschoenen, sokken en kousen en geweven of gebreid  
 ondergoed; Hoofddeksels; Hoofddeksels; Petten; Barretten;  
 Haisdoeken; Sjaals; Handschoenen [kleding]; Wanten [kle-  
 ding]; Ceintuurs (kledingstukken); Hoofdbanden en polsban-  
 den.

**NL - 35**

Detailhandel met betrekking tot de verkoop van cosmetische  
 middelen, voedingsmiddelen en dranken, chocolaatjes,  
 snoepjes, snoepgoed, frisdranken, alcoholvrije dranken, alco-  
 holhoudende dranken, kledingstukken, schoeisel, breigoede-  
 ren, haaraccessoires, modeaccessoires, tassen, modeartike-  
 len, juwelierswaren, imitatiejuwelierswaren, schrijfinstru-  
 menten, schrijfbehoeften, boeken, horloges en brillen. Het samen-  
 brengen in een detailhandelszaak, ten gunste van derden,  
 van cosmetische middelen, voedingsmiddelen en dranken,  
 chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije  
 dranken, alcoholhoudende dranken, kledingstukken, schoeisel,  
 breigoederen, haaraccessoires, modeaccessoires, tassen,  
 modeartikelen, juwelierswaren, imitatiejuwelierswaren,  
 schrijfinstrumenten, papierwaren, schrijfbehoeften, boeken,

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horloges en brillen, om klanten in de gelegenheid te stellen die goederen op hun gemak te bekijken en te kopen; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van cosmetische middelen, voedingsmiddelen en dranken, chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije dranken, alcoholhoudende dranken, kledingstukken, schoeisel, breigoederen, haaraccessoires, modeaccessoires, tassen, modeartikelen, juwelierswaren, imitatiejuwelierswaren, schrijfinstrumenten, papierenwaren, schrijfbehoeften, boeken, horloges en brillen in een catalogus, om klanten in de gelegenheid te stellen die goederen op hun gemak te bekijken en te kopen via postorder; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van cosmetische middelen, voedsel en dranken, chocolaatjes, snoepjes, snoepgoed, frisdranken, alcoholvrije en alcoholhoudende dranken op een internetwebsite, om klanten in de gelegenheid te stellen deze goederen op hun gemak te bekijken en te kopen via internet of andere onlinemedia; Het samenbrengen, ten gunste van derden, van een breed scala aan beschrijvingen of afbeeldingen van kledingstukken, schoeisel, breigoederen, haaraccessoires, modeaccessoires, tassen, modeartikelen, juwelierswaren, imitatiejuwelierswaren, schrijfinstrumenten, schrijfbehoeften, boeken, horloges en brillen op een internetwebsite, om klanten in de gelegenheid te stellen deze goederen op hun gemak te bekijken en te kopen via internet of andere onlinemedia; Inlichtingen, advisering en ondersteuning aan klanten met betrekking tot alle voornoemde diensten; Decoratie van etalages; Decoratie van etalages, Zakelijke administratie, Alle voornoemde diensten, voor zover begrepen in klasse 35.

**PL - 3**

Srodki wybielajace i inne substancje stosowane w praniu; Srodki do czyszczenia, polerowania, szorowania i scierania; Nielecznicze preparaty do pielagnacji, upiekszania i stosowania na wlosy, skore glowy, skore i paznokcie; Mydla; Perfumy; Produkty perfumeryjne; Woda kolonjska; Woda toaletowa; Olejki esencjonalne i roslinne; Kosmetyki; Kosmetyki do makijazu; Pomadki do ust; Lakierzy do paznokci; Zmywacze do paznokci; Niemedyczne preparaty toaletowe; Plyn do wlosow; Wlosow (lakierzy i zele do -); Preparaty kosmetyczne do kapieli i pod prysznic; Olejki, zele, kremy i piany do kapieli i pod prysznic; Maseczki do twarzy i ciata; Pilingi do twarzy i ciata; Plyn do mycia twarzy [kosmetyki]; Srodki oczyszczajace i nawilzajace skore; Toniki do skory; Nawilzaczce skory; Kremy i zele do wywabiania plam; Dezodoranty; Antyperspiranty [przybory toaletowe]; Preparaty do uzycia przed i po goleniu; Mydlo do golenia; Kremy do golenia; Zele do golenia; Srodki stosowane po goleniu; Srodki do stosowania przed goleniem; Talk kosmetyczny; Srodki toaletowe; Srodki do czyszczenia zebow; Pasta do zebow.

**PL - 14**

Metale szlachetne i ich stop; Wyroby jubilerskie, kamienie szlachetne; Przyrzady zegarmistrzowskie i chronometryczne; Biuzuteria sztuczna; Kamienie polszlachetne; Naszyjniki [biuzuteria]; Pierścionki na palce; Kolczyki; Bransolety; LANCUSZKI na noge; Bransolety; Wisiorki; Broszki; Diadem; Czesci i akcesoria do wszystkich uprzednio wymienionych towarow

**PL - 18**

Skóra i imitacja skóry; Walizy i torby podróżne; Walizki podróżne; Bagaż; Walizki; Torby podróżne; Walizy; Walizeczki; Torby; Torebki; Torebki na ramię; Kosmetyczki [szaszki na przybory toaletowe]; Sklepowe torebki do pakowania zakupów; Plecak; Plecak; Torebki na biodra [neki]; Torby sportowe; Torby; Aktówki; Taki, dyplomatki; Teczki na nuty; Torby szkolne [z paskiem na ramię]; Kosmetyczki bez wyposażenia; Worki i torby na garderobę; Etui na krawaty; Portfele; Etui na notatniki; Etui i okładki na dokumenty; Kart kredytowych (fute-

rały do -) i portfele; Portfele; Portmonetki; Parasole; Laski; Skórzane pasy na ramie; Czesci i akcesoria do wszystkich uprzednio wymienionych towarow.

**PL - 25**

Odzież; Odzież damska; Odzież dla dzieci; Koszule, bluzki, koszule codzienne, koszulki, kamizelki, koszulki na ramiączkach, body, koszulki polo, koszule sportowe, koszulki do gry w piłkę nożną i rugby; Spodnie; Jeansy, szorty, spodnie sportowe, stroje kąpielowe; Bielizna osobista; Bielizna damska; Odzież gimnastyczna; Odzież wierzchnia, Płaszcz, Kurtki, Bluzy, Kurtki i płaszcze wodoodporne i odporna na czynniki atmosferyczne, Kurtki z kapturem chroniace przed zimnem i wiatrem, Ocieplane kamizelki; Garnitury; Długie luźne stroje, Spodnice; Spódnico-spodnie; Krótkie i długie kombinezony; Bluzy sportowe; Dzianina [odzież]; Swetry, bolerka i swetry rozpinane; Legginsy; Ocieplacze na nogi [getry]; Krawaty; Kamizelki; Bielizna nocna, Bielizna nocna, Piżamy, Podomki [szlafrok]; Obuwie; Botki, buty, pantofle domowe, sandały, buty sportowe, skarpetki i północznice (wyroby -); Nakrycia glowy, Nakrycia glowy; Czapki; Berety; Szaliki; Szale; Rękawiczki [odzież]; Rękawiczki z jednym palcem; Paski (czesci odzieży); Opaski na glowę i mankiety.

**PL - 35**

Usługi sprzedaży detalicznej w dziedzinie kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów półcoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów; Gromadzenie w punktach sprzedaży detalicznej na rzecz osób trzecich kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów półcoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów w celu umożliwienia klientom dogodnego oglądania i zakupu tych towarów; Gromadzenie na rzecz osób trzecich różnych opisów lub obrazów kosmetyków, artykułów spożywczych i napojów, czekolad, cukierków, cukierków, napojów bezalkoholowych, napojów alkoholowych, odzieży, obuwia, wyrobów półcoszniczych, akcesoriów do włosów, modnych dodatków, toreb, nakryć głowy, wyrobów jubilerskich, imitacji biżuterii, przyrządów do pisania, materiałów papierniczych, książek, zegarków i okularów na stronie internetowej w celu umożliwienia klientom dogodnego oglądania i zakupu tych towarów za pośrednictwem telekomunikacji; Gromadzenie, na rzecz innych osób, różnorodnych opisów lub obrazów kosmetyków, żywności i napojów, czekoladek, cukierków, słodyczy, napojów bezalkoholowych, napojów bezalkoholowych i napojów alkoholowych na stronie internetowej w celu umożliwienia klientom wygodnego oglądania i kupowania tych towarów za pośrednictwem internetu lub innych środków online; Gromadzenie, na rzecz innych osób, różnych opisów lub obrazów odzieży, obuwia, wyrobów półcoszniczych, akcesoriów do włosów, dodatków odzieżowych, toreb, kapełuszy, biżuterii, sztucznej biżuterii, przyborów do pisania, materiałów biurowych, książek, zegarków i okularów na stronie internetowej w celu umożliwienia klientom obejrzenia i dokonania zakupu tych towarów za pomocą internetu lub innych środków online; Udzielanie klientom informacji, porad i pomocy w związku z wyżej wymienionymi usługami; Dekoracja wystaw sklepowych; Dekoracja wystaw sklepowych; Administrowanie działalności gospodarczej; Wszystkie wymienione wyżej usługi, ujęte w klasie 35.

**PL - 3**

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Alicante, 31/12/2015

*Bogdan Stawinski*



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Preparações para branquear e outras substâncias para a lavagem; Preparações para limpar, polir, desengordurar e raspar; Produtos não medicinais para aplicação, condicionamento e cuidados dos cabelos, couro cabeludo, pele e unhas; Sabões; Perfumes; Perfumaria; Água de colônia; Águas de toilette; Óleos essenciais e à base de ervas; Cosméticos; Maquiagem; Batons para os lábios; Vernizes para as unhas; Substâncias para remover o verniz das unhas; Preparações de toilette não medicinais; Loções capilares; Lacas e geles para os cabelos; Produtos para banho e duche; Óleos, geles, cremes e espumas de banho e duche; Máscaras para o rosto e o corpo; Esfoliantes para o rosto e o corpo; Produtos para lavar o rosto (cosméticos); Produtos de limpeza e hidratantes para a pele; Tónicos para a pele; Hidratante para a pele; Cremes para combater borbulhas ou outras imperfeições e geles para combater borbulhas ou outras imperfeições; Desodorizantes; Produtos antitranspirantes para a toilette; Produtos para antes e depois de barbear; Sabão para a barba; Creme de barbear; Gel para barbear; Loções pós-barba (after-shave); Produtos para antes do barbear; Pó de talco (para uso cosmético); Artigos de higiene pessoal; Dentífricos; Pasta de dentes.

**PT - 14**

Metais preciosos e ligas dos mesmos; Joalheria, bijutaria, pedras preciosas; Relojoaria e instrumentos cronométricos; Bijutaria; Pedras finas [semi-preciosas]; Colares; Anéis; Brincos de orelhas; Pulseiras; Pulseiras para os tornozelos; Pulseiras, Pingentes [joalheria]; Broches; Diademas; Peças e acessórios para todos os artigos atrás referidos.

**PT - 18**

Couro e simili-couro; Malas e maletas de viagem; Estojos de viagem; Artigos de viagem; Malas de mão; Sacos de viagem; Maletas com compartimentos iguais (estilo portmanteau); Malas de viagem; Sacos de lazer; Sacos de mão; Sacos de tiracolo; Sacos de toilette; Sacos; Mochilas com duas alças; Mochilas com duas alças; Bolsas de cintura; Sacos de desporto; Sacos de lazer; Pastas [marroquinaria] [porta-documentos]; Maletas para documentos; Porta-música; Pastas para estudantes; Necessaires de maquiagem [vazios]; Sacos para vestuário e porta-fatos; Estojos para gravatas; Porta-notas; Porta-blocos de notas; Estojos e carteiras para documentos; Carteiras e porta-cartões de crédito; Carteiras de bolso; Bolsas; Chapéus-de-chuva; Bengalas; Bandoleiras [correias] em couro; Peças e acessórios para todos os artigos atrás referidos.

**PT - 25**

Artigos de vestuário; Vestuário para senhora; Vestuário para crianças; Camisas, blusas, camisas informais, t-shirts, coletes, corpetes interiores, bodys, polos, camisolas de desporto, camisolãs para futebol e rúgubi; Calças, calças de ganga, calções, calções para desporto, fatos de banho; Roupa interior; Lingerie; Fatos de treino; Artigos de vestuário exterior; Capotes [casacos]; Jaquetas, Casacos informais, Gabardinas e casacos de protecção contra as intempéries e casacos, Parkas, Coletes acolchoados; Fatos; Vestidos clássicos [frocks]; Saias; Saias-calças; Combinações compridas e curtas; Sweatshirts; Roupa de malha; Camisóides, casacos de malha curtos e casacos de malha; Leggings; Pernieiras; Gravatas; Coletes; Roupa de noite, Roupa de noite, Pijamas, Robes de senhora; Calçado; Botas, sapatos, chinelas, sandálias, sapatos de ténis, peúgas e artigos de malha; Chapelaria; Chapelaria; Bonés; Bóinas; Cachecóis; Xales; Luvas [vestuário]; Miñetas; Cintos (sendo artigos de vestuário); Faixas para a cabeça e faixas para os pulsos.

**PT - 35**

Serviços retalhistas relacionados com a venda de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refri-

gerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalheria, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica; A reunião num estabelecimento de venda a retalho, em benefício de terceiros, de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refrigerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias e peúgas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalheria, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica (óculos), para desse modo permitir aos clientes ver e comprar comodamente esses produtos; A reunião, em benefício de terceiros, de uma série de descrições, ou de imagens, de cosméticos, alimentos e bebidas, chocolates, doçarias, guloseimas, refrigerantes, bebidas não alcoólicas, bebidas alcoólicas, vestuário, calçado, meias e peúgas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalheria, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de óptica (óculos) num catálogo, para desse modo permitir aos clientes ver e comprar comodamente esses produtos através de encomenda por correspondência; Agrupamento, para terceiros, de uma variedade de descrições ou de imagens de cosméticos, alimentos e bebidas, chocolates, doces, rebuçados, refrigerantes, bebidas não alcoólicas e bebidas alcoólicas, num sítio Web na Internet, permitindo aos clientes ver e comprar comodamente esses produtos através da Internet ou de outros meios em linha; Agrupamento, para terceiros, de uma variedade de descrições ou de imagens de vestuário, calçado, malhas, acessórios para os cabelos, acessórios de moda, sacos, artigos de chapelaria para senhora, joalheria, bijutaria, instrumentos de escrita, artigos de papelaria, livros, relógios de pulso e artigos de ótica, num sítio Web, permitindo aos clientes ver e comprar comodamente esses produtos através da Internet ou de outros meios em linha; Prestação de informações, assessoria e assistência a clientes relacionadas com os serviços atrás referidos; Decoração de montras; Decoração de montras; Administração comercial; Todos os serviços atrás referidos incluídos na classe 35.

**RO - 3**

Preparate pentru albii și alte substanțe pentru spălat; Preparate pentru curățare, lustruire, degresare și gelifuire; Nu pentru uz medical; Săpunuri; Parfumuri; Parfumerie (Produse de -); Apă de colonie, Toaletă (Apă de -); Uleiuri esențiale și din verburii aromatice; Cosmetice; Farduri; Ruj de buze; Ojă de unghii; Dizolvant pentru lacuri de unghii; Preparate de toaletă nemedicinală; Loțiuni capilare; Spray-uri pentru păr și geluri pentru păr; Preparate pentru baie sau dus; Uleiuri, geluri, creme și spume pentru baie și dus; Măști pentru față și corp; Măști exfoliante de față și corp; Produse cosmetice pentru spălarea feței; Produse pentru curățarea și hidratarea pielii; Produse pentru tonifierea pielii; Produse pentru hidratarea pielii; Creme și geluri pentru îndepărtarea petelor; Produse de dezodorizare; Deodorante; Preparate folosite înainte și după ras; Bărbierii (Săpun pentru -); Creme de ras, Gel pentru bărbierii; Loțiune după bărbierii; Preparat pentru pregătirea rasului; Pudră de talc pentru toaletă; Produse pentru toaletă; Produse pentru îngrijirea dinților; Paste de dinți.

**RO - 14**

Metale prețioase și aliajul lor; Giuvaergerie, bijuterii, pietre prețioase, Cașionificările și instrumente pentru măsurarea timpului; Ștrasuri; Pietre semiprețioase; Coliere [bijuterii]; Inele pentru degete; Cercei; Brățări; Inele ornamentale pentru purtat în jurul gleznei; Brățări; Pandantive; Broșe; Diademe; Piese, recorduri și accesorii pentru toate bunurile menționate anterior.

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**RO - 18**

Piele și imitații de piele; Geamantane și valize; Genți de călătorie; Articole de voiaj; Genți; Saci de voiaj; Portantouri; Valize; Genți; Poșete mici [genți de mână]; Genți de umăr; Truse de toaletă (marochinării); Sac mare de hartie; Rucsacuri; Rucsacuri; Borsete; Genți sportive; Genți; Serviete [marochinării]; Documente (Mape pantu -); Genți pentru instrumente și partituri (muzică); Serviete pentru școlari; Casete pentru accesorii de frumusețe; Huse și suporturi pentru haine; Culi pentru cravată; Caramete; Suporturi pentru agende; Portacte și suporturi pentru documente; Culi și suporturi pentru cărți de credit; Portofele; Portmonee; Umbrele; Bastoane; Curele de umăr din piele; Plase, racorduri și accesorii pentru toate bunurile menționate anterior.

**RO - 25**

Articole de îmbrăcăminte; Articole vestimentare pentru femei; Articole de îmbrăcăminte pentru copii; Cămași, bluze, cămăși sport, tricouri, veste, camizole, salopete, tricouri, tricouri sport, tricouri de fotbal și rugby; Pantaloni, blugi, pantaloni scurți, pantaloni scurți sport, articole pentru înot; Lenjerie de corp; Lenjerie de damă; Trăneruri (pentru sport); Articole de îmbrăcăminte de protecție, Mantouri, Jachete, Jachete casual, Jachete și haine rezistente la apă și la precipitații, Haine tip parka, Veste termice, Costume bărbătești și taioare; Rochii lungi de seară; Fuste; Fuste-pantaloni; Combinezon lung și scurt. Bluze sport; Tricoturi [îmbrăcăminte]; Pulovere, bolerouri și cardigane; Jambiere; Egări; Cravate; Veste; Îmbrăcăminte de noapte, Îmbrăcăminte de noapte, Pijamale, Halate de casă, Articole de încălțăminte; Cizme, pantofi, papuci de casă, sandale, Încălțăminte pentru sport, șosete și articole de galanterie; Articole pentru acoperirea capului; Articole pentru acoperirea capului; Șepci; Berete; Eșarfe; Șaluri; Mănuși [articole de îmbrăcăminte]; Mitene [îmbrăcăminte]; Curele (ca articole de îmbrăcăminte); Bentile de cap și de mână.

**RO - 35**

Servicii de comerț cu amănuntul de produse cosmetice, alimente și băuturi, ciocolate, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice, băuturi alcoolice, articole de îmbrăcăminte, articole de încălțăminte, tricotate, articole decorative pentru păr, accesorii la modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, articole de papetărie, cărți, ceasuri și articole de purtat la ochi, Comasarea într-un magazin de vânzare cu amănuntul, în beneficiul terților, de cosmetice, alimente și băuturi, ciocolate, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice, băuturi alcoolice, îmbrăcăminte, articole de încălțăminte, bonetărie, articole decorative pentru păr, accesorii la modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, articole de papetărie, cărți, ceasuri și articole de purtat la ochi pe un site web de pe Internet, astfel încât să permită clienților să vizualizeze și să achiziționeze aceste produse în mod convenabil, Comasarea, în beneficiul terților, a unei varietăți de descrieri de, sau imagini de cosmetice, alimente și băuturi, ciocolate, dulciuri, bomboane, băuturi răcoritoare, băuturi nealcoolice și băuturi alcoolice pe un site web de internet, pentru a permite clienților să le vadă și să le achiziționeze cât mai comod prin intermediul internetului sau prin alte mijloace online; Strângerea la un loc, în beneficiul terților, a unor diverse descrieri sau imagini de îmbrăcăminte,

Încălțăminte, ciorapi de damă, accesorii pentru păr, accesorii de modă, genți, pălării de damă, bijuterii, imitații de bijuterii, instrumente de scris, papetărie, cărți, ceasuri de mână și ochelari pe un site web de internet, pentru a permite clienților să le vadă și să le achiziționeze cât mai comod prin intermediul internetului sau prin alte mijloace online; Furnizare de informații, consiliere și asistență pentru clienți referitoare la serviciile mai susmenționate; Decorarea vitrinelor; Decorarea vitrinelor; Administrație comercială; Toate serviciile menționate anterior, cuprinse în clasa 35.

**SK - 3**

Bielice a iné prípravky na pranie a čistenie bielizne; Prípravky na čistenie, leštenie, odmastovanie a brúserie; Prípravky bez liečivých prísad na nanášanie na vlasy, hlavu, pleť a nechty, na ich úpravu a ošetrovanie; Mydla; Parfumy; Voňavkové výrobky; Kolínske vody; Toaletné vody; Eterické a rastlinné oleje; Kozmetické prípravky; Líčidlá; Ruž na pery; Lak na nechty; Odľakovače na nechty; Toaletné prípravky bez liečivých prísad; Vlasové lotion; Spreje na vlasy a gely na vlasy; Prípravky do kúpeľa a sprchové prípravky; Kúpeľové a sprchovacie oleje, gély, krémy a peny; Pletové a telové masky; Peelíngové prípravky na tvár a telo; Prípravky na čistenie tváre [kozmetika]; Čistiace a hydratačné prípravky na pleť; Pletové tonikum; Pletové hydratačné prípravky; Krémy a gély na škvrny; Dezodoranty; Antiperspiranty [toaletné prípravky]; Prípravky na použitie pred holením a po holení; Mydlo na holenie; Krém na holenie; Gél na holenie; Prípravky po holení; Prípravky na holenie; Mastencový prášok [toaletný pudr]; Kozmetické výrobky; Prípravky na čistenie zubov; Zubné pasty.

**SK - 14**

Drahé kovy a ich zliatiny; Šperky, drahokamy; Hodinárske výrobky a chronometre; Bizutena; Polodrahokamy; Náhrdelníky; Prstene; Náušnice; Náramky; Náramky na členky; Náramky; Privesky na krk; Brošne; Korunky; Časti a vybavenia pre všetky vyššie uvedené tovary.

**SK - 18**

Koža a koženka; Kufre a cestovné tašky; Cestovné kufre; Batožina; Kufre; Cestovné tašky; Kufre [portmanteaux]; Príručné cestovné kufre; Tašky; Kabely; Plecniaky; Toaletné taštičky; Batožinové vaky; Ruksáky; Ruksáky; Ladvinky; Sportové tašky; Tašky; Kufrik; Aktovky; Obaly na partitúry (tašky a dosky); Školské tašky [aktovky]; Prázdne kufriky na toaletné potreby; Obaly a puzdrá na tašky; Puzdrá na kravaty; Peňaženky; Obaly na poznámkové bloky; Puzdrá a obaly na doklady; Puzdrá na kreditné karty; Peňaženky; Dámske peňaženky; Dažníčky; Vychádzkové palice; Kožené popruhy na ramena; Časti a vybavenia pre všetky vyššie uvedené tovary.

**SK - 25**

Časti odevu; Dámske odevy; Odevy pre deti; Košele, blúzy, športové košele, trička, vesty, krátke kabátičky, body ako bielizeň, športové košele, športové košele, futbalové lopty a rugby košele; Nohavice, džínsy, krátke, športové obuv, plavky; Bielizeň [spodné šatstvo]; Dámska spodná bielizeň; Športové uniformy; Vrchné oblečenie, Bundy, saka, Bundy; Vetrovky, Vodovzdorné a vetruvzdorné bundy a plášte; Parky [bundy siahajúce nad kolena s kapucňou]; Teplé vesty; Kostýmy a obleky; Šaty; Sukne; Nohavice; Sukne; Dlhé a krátke kombiné; Teplákové bundy [minky]; Pleteniny [oblečenie]; Náprsenky, deky a kardigány; Športové pančuchové nohavice; Návleky na nohy; Kravaty; Vesty; Nočné odevy, Nočné odevy, Pyžamá, Župany; Obuv; Vysoká obuv, topánky, šlapy, sandále, tenisiky, ponožky a pletený tovar; Pokrývky hlavy; Pokrývky hlavy; Čiapky; Baretky; Šatky a šály; Veľké šály; Rukavice; Palčiatky [oblečenie]; Opasky (ako časti oblečenia); Čelenky a manžety/náramky.

**SK - 35**

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**COPY**

*Biznik*



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Maloobchodné služby v oblasti predaja kozmetiky, potravín a nápojov, čokolády, sladkosti, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papierických výrobkov, kníh, hodiniek a okuliarov; Zhromažďovanie kozmetiky, potravín a nápojov, čokolády, sladkosti, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papierických výrobkov, kníh, hodiniek a okuliarov v maloobchodnej predajni, umožňujú tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky; Zhromažďovanie rôznych vyobrazení a popisov kozmetiky, potravín a nápojov, čokolády, sladkosti, cukrikov, nealkoholických nápojov, alkoholických nápojov, odevov, obuvi, pletiar-ských výrobkov, vlasových doplnkov, módnych doplnkov, tašiek, pokrývok hlavy, šperkov, imitácie šperkov, náčinia na písanie, papierických výrobkov, kníh, hodiniek a okuliarov v katalogu, umožňujú tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky na dobierku; Zhromažďovanie rôznych popisov, alebo vyobrazení tovaru, akým sú kozmetické prípravky, jedlo a nápoje, čokoláda, sladkosti, cukriky, nealkoholické nápoje, nealkoholické nápoje a alkoholické nápoje prostredníctvom webovej stránky, umožňujú tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky prostredníctvom internetu alebo on-line; Zhromažďovanie rôznych popisov, alebo vyobrazení tovaru, akým sú odevy, obuv, pantucho-vý tovar, vlasové doplnky, módne doplnky, tašky, klobučnícke výrobky, šperky, bižuteria, písacie nástroje, papierický tovar a písacie potreby, knihy, hodinky a okuliare prostredníctvom webovej stránky, umožňujú tak zákazníkovi pohodlne prezerať a zakúpiť tieto výrobky prostredníctvom internetu alebo on-line; Poskytovanie informácií, poradenstva a pomoci pre zákazníkov v oblasti vyššie uvedených služieb; Aranžovanie výkladov; Aranžovanie výkladov; Obchodná administratíva; Všetky vyššie uvedené služby zahnuté do kategórie 35.

**SL - 3**  
 Prípravki za beljenje in druge snovi za pranje; Prípravki za čištenje, poliranje, razmaščevanje in brušenje; Naravní preparati za utrjevanje in nego las, lasišča, kože in nohtov; Milla; Parfumi; Parfumerijski izdelki; Kolonjska voda; Toaletna voda; Eterična in zeliščna olja; Kozmetični izdelki; Ličila; Šminke za ustnice; Lak za nohte; Odstranjevalci laka za nohte; Naravna toaletna sredstva; Losjoni za lase; Laki za lase in geli za prhanje; Kreme in pene; Maske za obraz in telo; Sredstva za globinsko čiščenje kože obraza in telesa; Sredstva za umivanje obraza [kozmetična sredstva]; Čistilna sredstva za kožo in hidratanti; Toniki za kožo; Vlažilna sredstva za kožo; Kreme in geli za prekrivanje; Deodoranti; Sredstva proti potjenju (antiperspiranti); Sredstva za uporabo pred in po britju; Milo za britje; Krema za britje; Gel za britje; Vodica za po britju; Sredstva za pripravo britja; Talkum (smukec) za toaletno uporabo; Toaletna sredstva; Sredstva za čiščenje zob; Zobna pasta.

**SL - 14**  
 Zlathne kovine in njihove zlitine; Zlatarski izdelki, nakit; dragi kamni; Ure in kronometrski instrumenti; Bižuterija (cenení modní nakit); Poldrugi kamni; Ogrlice (nakit); Prstani; Uhani; Zapastnice; Obročki za gležnje; Zapastnice; Obaski [nakit]; Broške; Diademi; Deli in oprema za vse omenjeno blago.

**SL - 18**  
 Usnje in imitacije usnja; Kovčki in potovalne torbe; Potovalni kovčki; Prtljage; Kovčki; Potovalke; Usnjeni kovčki; Kovčki (ročni); Torbe; Ročne torbice; Naramni torbice; Toaletne torbice; Nosilne torbe; Nahrbniki; Nahrbniki; Torbice za pas;

Športne torbe; Torbe; Aktovke; Poslovni kovčki; Škatle za gl-  
 asbila; Šolske torbe z jermenom; Kozmetični kovčki (prazni);  
 Torbe in vrečke za obleke; Torbice za kravate; Listnice; Ovitki  
 za beležnice; Etuiji in ovitki za dokumente; Etuiji in držalniki  
 za kreditne kartice; Denarnice; Drobnice; Dežniki; Sprehaj-  
 alne palice; Usnjeni naramni pasovi; Deli in oprema za vse  
 omenjene blago.

**SL - 25**  
 Oblečila; Oblečila za ženske; Oblečila za otroke; Šrajce, bluze,  
 vsakdanje majice, T-majice, telovniki, kamizole, bodiji, polo  
 srajce, športne srajce, majice za nogomet in rugby; Hlače,  
 jeans, kratke hlače, športne kratke hlače, plavalna oblečila;  
 Spodnje perilo, ženske spodnje perilo; Oblečila za telovadbo;  
 Vrhnja oblečila, Plašči, Jakne, Bluzoni, Vodoodporni in na  
 vremenske razmere odporni suljnji in plašči, Parke (dajše  
 jakne s kapuco), Grelniki za telo; Obleke; Halje; Ženska krila;  
 Hlačna krila; Dolg in kratek kombinizon; Majice; Pletenine  
 [oblečila]; Jopice, ogrinjala in pletene jopice; Športni trikoji;  
 Gamaše (nogavice brez stopala); Kravate; Telovniki; Oblečila  
 za sranje; Oblečila za sranje; Pižama; Domača halja; Obutev;  
 Škompi, čevlji, copati natikači, sandali, športne nogavice, kratke  
 nogavice in pletene nogavice; Pokrivala; Pokrivala; Kape;  
 Baretko; Ovratne rute; Šalir; Rokavice; Palčniki [oblečila]; Pa-  
 sovi (kot deli oblečil); Naglavni trakovi in zapestni trakovi.

**SL - 35**  
 Maloprodajne storitve na področju prodaje kozmetičnih sred-  
 stev, hrane in pijače, čokolade, sladkarij, bombonov, sladkih  
 gaziranih pijač, brezalkoholnih pijač, alkoholnih pijač, oblačil,  
 obutve, pletenin, nogavic, lasnih dodatkov, modnih dodatkov,  
 torb, klobučarskih izdelkov, zlatarskih izdelkov in nakita, imi-  
 tacij nakita, priprav za pisanje, pisarniškega materiala, knjig,  
 zapestnih ur in očal; Združevanje v maloprodajni trgovini za  
 kozmetičnih sredstev, hrane in pijače, čokolade, sladkarij,  
 bombonov, brezalkoholnih pijač, nealkoholnih pijač, alkoholnih  
 pijač, oblačil, obutve, pletenin, nogavic, lasnih dodatkov,  
 modnih dodatkov, torb, pokrival, zlatarskih izdelkov in nakita,  
 umetnega nakita, priprav za pisanje, pisarniškega materiala,  
 knjig, zapestnih ur in očal v korist drugih, kar strankam omogo-  
 ča udoben pregled in nakup teh izdelkov; Združevanje razn-  
 ovrstnih opisov in slik kozmetičnih sredstev, hrane in pijače,  
 čokolade, sladkarij, bombonov, brezalkoholnih pijač, nealkoh-  
 olnih pijač, alkoholnih pijač, oblačil, obutve, pletenin, nogavic,  
 lasnih dodatkov, modnih dodatkov, torb, pokrival, zlatarskih  
 izdelkov in nakita, umetnega nakita, priprav za pisanje, pisarni-  
 škega materiala, knjig, zapestnih ur in očal v katalogu v korist  
 drugih, kar potrošnikom omogoča udoben pregled in nakup  
 teh izdelkov preko telekomunikacijskih sredstev; Združevanje  
 opisov ali slik kozmetičnih sredstev, hrane in pijače, čokolad,  
 sladkarij, bombonov, osvežilnih pijač, brezalkoholnih in alkoh-  
 olnih pijač na internetnem mestu, kar strankam omogoča  
 udoben ogled in nakup navedenega blaga na internetu ali po  
 drugih spletnih sredstvih; Združevanje različnih opi-  
 sov ali slik oblačil, obutve, pletenin, nogavic, lasnih dodatkov,  
 modnih dodatkov, torb, klobukov, zlatarskih izdelkov, nakita,  
 umetnega nakita, pisalnih pripomočkov, pisarniškega materi-  
 ala, knjig, ročnih ur in očal v korist drugih na internetnem  
 mestu, kar strankam omogoča udoben pregled in nakup  
 navedenega blaga na internetu ali po drugih spletnih sredstvih;  
 Nudanje informacij, svetovanja in pomoči strankam v zvezi z  
 navedenimi storitvami; Aranžiranje izložb; Aranžiranje izložb;  
 Poslovna administracija; Vse omenjene storitve, vključene v  
 razred 35.

**FI - 3**  
 Valkaisutustuotteet ja muut vaatteen pesussa käytettävät ai-  
 neet; Puhdistus-, kiillotus-, tahrainpoisto- ja hiontavalmisteet;  
 Lääkeaineita sisältämättömät valmisteet käytettäväksi hiusten,  
 päällänahan, ihon ja kynsien hoitoon; Saippuat; Parfyymit;

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Parfumeriatuotteet; Kölninvesi; Toalettivesi; Eteeriset öljyt ja yrttöljyt; Kosmeettiset aineet; Meikkivalmisteet; Huuлиpuikot; Kynsilakka; Kynsilakanpoistoaineet; Lääkeaineita sisältämätömät toalettivalmisteet; Voiteet hiustenhoitoon; Hiussuihkeet ja -geelit; Kylpy- ja suihkuvalmisteet; Kylpy- ja suihkuöljyt, -geelit, -voiteet ja -vaahdot; Kasvo- ja vartalonaamiot; Kasvojen ja vartalon kuorinta-aineet; Kasvojenpesuaineet [kosmetiikka]; Ihonpuhdistus- ja -kosteutusaineet; Kasvovesi; Kosteusvoiteet; Voiteet ja geelit epäpuhtauksien hoitoon; Hajunpoistoaineet; Antiperspirantit [hygieniatuotteet]; Parranajoa ennen ja sen jälkeen käytettävät valmisteet; Parranajosaippua; Parranajovaahdot; Parranajogeeli; After shave -valmisteet; Parranajon valmisteluun tarkoitettut tuotteet; Talkki toalettikäyttöön; Kosmeettiset ja peseytymisvalmisteet; Hampaidenpuhdistusaineet; Hammastahnat.

**FI - 14**

Jalot metallit ja niiden seokset; Korut, jalokivet; Kellot ja ajanmittauslaitteet; Korulasiesineet [vaatekoruina]; Puolijalokivet; Kaulanauhut [koruina]; Somukset; Korvarenkaat; Rannerenkaat; Niikkarrenkaat; Rannerenkaat; Ripukset; Rintanauhat; Tiarat; Kaikkien edellä mainittujen tavaroitten osat ja tarvikkeet.

**FI - 18**

Nahat ja nehen jäljitelmat; Matka-arkut ja -laukut; Kantolaukut; Matkataveralaukut; Laukut (Matka -); Matkakassit; Syvät kantolaukut [portmanteaut]; Pienet kädessä kannettavat matkalaukut [valisee]; Vapaa-ajanlaukut; Käsilaukut; Olkalaukut; Toalettitaveralaukut; Kantolaukut; Selkäreppu; Selkäreppu; Vyökotelot; Urheilukassit; Vapaa-ajanlaukut; Salkut; Asiakirjasalkut; Nuottisalkut; Koululaisten olkalaukut; Meikkilaukut [varustamattomina]; Vaatepussit ja pukupussit; Solmio-kotelot; Setelilompakot; Muistikirjakotelot; Asiakirjakotelot ja -kansiot; Luottokorttikotelot ja -pidikkeet; Lompakot; Rahapussit; Sateenvarjat; Kävelykepit; Patruunusvyöt; Kaikkien edellä mainittujen tavaroitten osat ja tarvikkeet.

**FI - 25**

Vaatekappaleet; Naisten vaatteet; Lasten vaatteet. Paidat, puserot, vapaa-ajan paidat, T-paidat, liivit, aluspaidat, bodyt, poolopaidat, urheilupaidat, jalkapallo- ja rugbypaidat, Housut, farkut, shortsit, urheilushortsit, uimapuvut; Alusvaatteet; Naisten alusvaatteet; Kuntosalivaatteet; Päälyysvaatteet, Takit, Puserot, Vapaa-ajan puserot, Vedenpitävät ja säänkestävät puserot ja takit, Anorakit ja hupputakit, Liivit [Bodywarmer]; Puvut; Kaavut; Hameet; Housuhameet; Pitkät ja lyhyet haalarit; Collegepaidat; Naulevaatteet; Neulepuserot, bolerot ja villatakit; Leggingsit; Saarysrimmet; Solmiot; Alusnutut; Yövaatteet, Yövaatteet, Pyjamat, Kaavut, Jalkineet; Saappaat, kengät, tossut, sandaalit, lenkkikengät, sukat ja trikooalusvaatteet; Päähineet, Päähinaet; Lakit; Baretit; Huivit; Saalit; Käsiineet; Kintaat [vaatteet]; Vyöt (vaatekappaleina); Otsanauhut ja rannekkeet.

**FI - 35**

Vähittäismyyntipalvelut, jotka liittyvät seuraavien myyntiin: kosmeettiset tuotteet, ruoat ja juomat, suklaat, makeiset, karamellit, virvoitusjuomat, alkohollittomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, hiussomisteet, muotiasusteet, laukut, naisten hatut, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatavarat, kirjat, rannekellet ja silmälasitarvikkeet. Seuraavien tavaroitten kokoaminen yhteen vähittäismyymälään niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita: kosmeettiset tuotteet, ruoka ja juoma, suklaamakeiset, makeiset, karamellit, virvoitusjuomat, alkohollittomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, päähineet, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatavarat, kirjat, rannekellet ja silmälasitarvikkeet; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen

Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita tietoliikenteen kautta: kosmeettiset tuotteet, ruoka ja juoma, suklaamakeiset, makeiset, karamellit, virvoitusjuomat, alkohollittomat juomat, alkoholi-juomat, vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, päähineet, korut, jäljitelmäkorut, kirjoitusvälineet, paperikauppatavarat, kirjat, rannekellet ja silmälasitarvikkeet; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen muiden lukuun Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita Internetin tai muiden online-palvelujen kautta: erilaiset kosmeettiset tuotteet, ruoka ja juomat, suklaat, makeiset, karamellit, virvoitusjuomat, alkohollittomat juomat ja alkoholi-juomat; Seuraavia tavaroita koskevien kuvausten tai kuvien kokoaminen yhteen muiden lukuun Internetin WWW-sivustolle niin, että asiakkaat voivat vaivattomasti katsella ja ostaa kyseisiä tavaroita Internetin tai muiden online-palvelujen kautta: vaatteet, jalkineet, sukkatuotteet, kampaustarvikkeet, muotiasusteet, laukut, naisten hatut, jalokivikorut, jäljitelmäkorut, kirjoitustarvikkeet, paperikauppatavarat, kirjat, rannekellet ja silmälasitarvikkeet; Edellä mainittuihin palveluihin liittyvän tiedotuksen, neuvonnan ja avun tarjoaminen asiakkaille; Näytekkunoiden somistelu; Näytekkunoiden somistelu; Yrityshallinto; Kaikki edellä mainitut palvelut sisältyen luokkaan 35.

**SV - 3**

Blekningspreparat och andra ämnen för användning vid tvätt; Rengörings-, poler-, skur-och slipmedel; Icke-medicinska preparat för användning till, konditionering och vård av hår, hårbotten, hud och naglar; Tvål; Parfymer; Parfymerivaror; Eau de cologne; Eau-de-toilette; Eteriska oljor och örter; Kosmetika; Kosmetika; Lappsift; Nagellack; Nagellackbortagningsmedel; Icke-medicinska toalettpreparat; Hår lotioner; Hårspjett och -geler; Preparat för bad och dusch; Oljor, geler, krämer och skum för bad och dusch; Ansikts- och kroppsmasker; Avfagningspreparat för ansikte och kropp; Ansiktsrengöringsmedel; Hudrengöringsmedel och fuktbevarande medel; Hudstärkande medel [kosmetika]; Fuktbevarande medel för huden; Täckkräm och -geler; Deodoranter; Antiperspiranter [toaletttartiklar]; Preparat för användning före och efter rakning; Raktvål; Rakkrämer; Rakgeler; Aftershave; Förberedningsmedel för rakning; Talkpuder för toalettdämål; Toaletttartiklar; Tandpulver, -kräm och -pastor; Tandkräm.

**SV - 14**

Ädla metaller och deras legeringar; Smycken, ädelstenar; Ur och tidmättningsinstrument; Bijouterier; Halvädelstenar; Halsband [juvelerarvaror]; Fingerringar; Örhängen; Armingar; Ankelringar; Armingar, Hängsmycken; Broscher; Diadem; Delar och komponenter till alla nämnda varor.

**SV - 18**

Läder och läderimitationer; Koffertar och resväskor; Reskofertar; Bagage; Resväskor; Rymliga resebagar; Kappsäckar; Mindre kappsäckar; Fritidsväskor; Handväskor; Axelväskor; Toalettväskor; Bärkassar; Ryggäckar; Ryggäckar; Bältesväskor; Sportväskor; Fritidsväskor; Portföljer; Attacheväskor; Musikportföljer; Skolväskor med axelremmar; Beautyboxar (omredda); Resagarderobor och bagagehållare; Silpsfodral; Plånböcker; Hållare för anteckningsböcker; Dokumentfodral och dokumenthållare; Kreditkortsfodral; Plånböcker; Handväskor; Paraplyer; Promanadkappor; Axelgehäng av läder; Delar och komponenter till alla nämnda varor.

**SV - 25**

Klädesartiklar; Damkläder; Barnkläder; Skjortor, blusar, fritidskjortor, t-tröjor, tröjor, spetslinnen, bodier, polo tröjor, sporttröjor, fotbolls- och rugbytröjor; Byxor, jeans, shorts, sportkortbyxor, simkläder; Underkläder; Damunderkläder; Träningsdräkter; Ytterkläder; Rockar; Kavajer; Fritidsjackor; Vattentäta

No 014454755

17/18

**COPY**

*Bizjak*



OM  
 HARM  
 OHIM  
 OHMI  
 UAMI

Copia Certificada / Beglaubigte Abschrift / Certified Copy / Copie Certifiée / Copia Autenticata  
 Certificado de registro de marca comunitaria / Eintragungsurkunde der Gemeinschaftsmarke / Registration  
 certificate of community trade mark / Certificat d'enregistrement de marque communautaire / Certificato  
 registrazione di marchio comunitario



OHIM – OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
 TRADE MARKS AND DESIGNS

OHMI – OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
 MARQUES, DESSINS ET MODÈLES

och vindlåta jackor och kappor, Parkasor, Vadderade västar;  
 Kostymer; Finklänningar; Kjolar; Byxkjolar; Långa och korta  
 dräkter; Träningsströjor; Trikåvaror [kläder]; Jumpsor, koftor  
 och koftor; Leggingar; Benvärmare; Slipsar; Västar; Nattkläder;  
 Nattkläder; Pyjamasor; Badkappor; Fotbeklädnader; Stövlar,  
 kängor, skor, tofflor; sandaler, träningskor, sockor, strump-  
 och trikåvaror; Huvudbonader; Huvudbonader; Kapsor;  
 Baskor; Scarves; Sjalor; Handskar; Vantar; Bälten (klädarti-  
 lar); Pannband och armbandsband.

**SV - 35**

Detaljhandelstjänster i samband med försäljning av kosmetika,  
 mat och dryck, chokladprodukter, smågodis, godis, läskedryc-  
 ker, isotoniska alkoholfria drycker, alkoholhaltiga drycker,  
 kläder, fotbeklädnader, strumpvaror, håraccessoarer, mode-  
 accessoarer, väskor, modistvaror, smycken, smyckesimitatio-  
 ner, skrivredskap, pappersvaror (skriv- och kontorsmateriel),  
 böcker, armbandsur och glasögon; Sammanförande i en de-  
 taljhandelsbutik, till fördel för andra, av kosmetika, livsmedel  
 och dryck, chokladprodukter, smågodis, godis, läskedrycker,  
 isotoniska alkoholfria drycker, alkoholhaltiga drycker, kläder,  
 fotbeklädnader, strumpvaror, håraccessoarer, modeaccesso-  
 arer, väskor, modistvaror, smycken, smyckesimitationer,  
 skrivredskap, pappersvaror (skriv- och kontorsmateriel), böc-  
 ker, armbandsur och glasögon, och därigenom möjliggöra för  
 kunder att bekvämt se och köpa dessa varor; Sammanförande,  
 till fördel för andra, av olika beskrivningar av, eller bilder av  
 kosmetika, livsmedel och dryck, chokladprodukter, smågodis,  
 godis, läskedrycker, isotoniska icke alkoholhaltiga drycker,  
 alkoholhaltiga drycker, kläder, fotbeklädnader, strumpvaror,  
 håraccessoarer, modeaccessoarer, väskor, modistvaror,  
 smycken, smyckesimitationer, skrivredskap, pappersvaror  
 (skriv- och kontorsmateriel), böcker, armbandsur och glasögon  
 i en katalog, och därigenom möjliggöra för kunder att bekvämt  
 se och köpa dessa varor via postorder; Sammanställning, för  
 andras räkning, av en rad olika beskrivningar av, eller bilder  
 av, kosmetika, livsmedel och dryck, chokladprodukter, små-  
 godis, godis, läskedrycker, alkoholfria drycker och alkoholhal-  
 tiga drycker via webbsidor på Internet, med möjlighet för  
 kunder att på ett bekvämt sätt kunna se och köpa dessa varor  
 på Internet eller via direktanslutna hjälpmedel; Sammanförande,  
 till fördel för andra, av olika beskrivningar av, eller bilder  
 av, kläder, fotbeklädnader, strumpvaror, håraccessoarer,  
 modeaccessoarer, väskor, modevaror, smycken, skrivinstru-  
 ment, kontorsmateriel, böcker, armbandsur och glasögon, på  
 en webbplats på Internet, och därigenom möjliggöra för kunder  
 att bekvämt kunna se och köpa dessa på Internet eller via  
 direktanslutna hjälpmedel; Information, rådgivning och assi-  
 stanstjänster för kunder avseende nämnda tjänster; Skytning  
 av skyltöster; Skytning av skyltöster; Företagsadministra-  
 tion; Alla tidigare nämnda tjänster ingående i klass 35.

No 014454755

18/18

Identificati on Code : ENDSXN5ZDFPVD4LEVMIZZ4JYQY

**COPY**

*Bergsch*



## DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of Applicant; she believes Applicant to be the owner of the Mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b) and 1126(d), she believes Applicant to be entitled to use such Mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association, has the right to use the above-identified Mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Dated: January 27, 2016

**PARKWOOD TOPSHOP ATHLETIC LIMITED**

By: 

Name: Ali de Rosa, Esq.

Title: Director

# **EXHIBIT D**

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, January 10, 2017 00:41 AM  
**To:** tlee@pryorcashman.com  
**Cc:** tmdocketing@pryorcashman.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86897192: IVY PARK: Docket/Reference No. 20003.00007

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### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 86897192  
**Mark:** IVY PARK  
**International Class(es):** 003, 014, 018, 025, 035  
**Owner:** Parkwood Topshop Athletic Limited  
**Docket/Reference Number:** 20003.00007

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jan 10, 2017.

#### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2017-01-10&serialNumber=86897192>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

#### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=86897192&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=86897192&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=86897192&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=86897192&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

# **EXHIBIT E**

# United States of America

United States Patent and Trademark Office

## IVY PARK

**Reg. No. 5,169,457**

Parkwood Topshop Athletic Limited (ENGLAND private company limited by shares (prc) )  
Colegrave House, 70 Berners Street

**Registered Mar. 28, 2017**

London GREAT BRITAIN W1T3NL

**Int. Cl.: 3, 14, 18, 25, 35**

**Service Mark**

**Trademark**

**Principal Register**

CLASS 3: Non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; body care, bath, hand and face soaps; perfumes; perfumery; eau de cologne; toilet waters; essential and herbal oils; cosmetics; make-up preparations; lipsticks; nail varnishes; nail varnish removers; hair lotions; hair sprays and hair gels; preparations for use in the bath or shower, not for medical purposes; bath and shower oils, gels, creams and foams; face and body masks; face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturizers; blemish creams and blemish gels, not for medical purposes; deodorants; antiperspirants; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; after-shave preparations; pre-shave preparations; talcum powders; non-medicated toiletries; dentifrices; toothpastes

CLASS 14: Precious metals and their alloys; jewelry; precious stones; horological and chronometric instruments; imitation jewelry; semi-precious stones; necklaces; rings; earrings; bracelets; anklets; bangles; pendants; brooches; tiaras; parts and fittings for all the aforesaid goods

CLASS 18: Leather and imitations of leather; trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; beach, clutch, cosmetic, duffel, leather, messenger and tote bags; handbags; shoulder bags; toiletry bags sold empty; animal carrier bags; rucksacks; backpacks; bumbags; sports bags; briefcases; attaché cases; music cases; satchels; cosmetic cases sold empty; garment bags and carriers; tie cases; note card cases; notebook cases and holders; document cases and holders; credit card cases and holders; wallets; purses; umbrellas; walking sticks; leather shoulder belts; parts and fittings for all the aforesaid goods

CLASS 25: Articles of clothing, namely, shirts, casual shirts, T-shirts, vests, bodysuits, polo shirts, sports shirts, football and rugby shirts, trousers, jeans, shorts, sports shorts, tracksuits, suits, jumpsuits, playsuits, sweatshirts, neckties and waistcoats; womenswear, namely, blouses, camisoles, dresses, skirts, culottes, lingerie, leggings and legwarmers; childrenswear, namely, layettes, infantwear, infants sleepers, booties and baby bibs not of paper; swimwear; underwear; articles of outerwear, namely, coats, jackets, casual jackets, waterproof and weatherproof jackets and coats, parkas and body warmers; knitwear, namely, jumpers, shrugs and cardigans; nightwear, namely, pajamas and dressing gowns; footwear; boots; shoes; slippers; sandals; athletic training shoes; socks and hosiery; headgear, namely, hats, caps and berets; scarves; shawls; gloves; mittens; belts; headbands and wristbands

CLASS 35: Retail store services featuring cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewelry, imitation jewelry,



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

writing instruments, stationery, books, watches and eyewear; retail store outlets featuring cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewelry, imitation jewelry, writing instruments, stationery, books, watches and eyewear, thereby to enable customers conveniently to view and to purchase those goods; mail order catalog services featuring cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages, alcoholic beverages, clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewelry, imitation jewelry, writing instruments, stationery, books, watches and eyewear; online retail store services featuring cosmetics, food and drink, chocolates, sweets, candies, soft drinks, non-alcoholic beverages and alcoholic beverages; online retail store services featuring clothing, footwear, hosiery, hair accessories, fashion accessories, bags, millinery, jewelry, imitation jewelry, writing instruments, stationery, books, watches and eyewear; provision of information, advice and assistance to customers relating to the aforementioned services; window dressing; window display arrangement services; business administration services

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM) APPLICATION NO. 014454755, FILED 08-11-2015, REG. NO. 014454755, DATED 12-11-2015, EXPIRES 08-11-2025

SER. NO. 86-897,192, FILED 02-04-2016  
JEFFREY S DEFORD, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **EXHIBIT F**



# REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79202057

FILING DATE: 08/10/2016

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
IMAGE	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\792\020\79202057\xml1\APP0002.JPG</a>
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	YES
MARK IN COLOR	NO
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
TM IMAGE: COLOR	NO
IMAGE FILE NAME	\\TICRS\EXPORT17\IMAGEOUT17\792\020\79202057\xml1\APP0002.JPG
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	IVY PARK
<b>HOLDER DETAILS</b>	
CLIENT IDENTIFIER	972285
NOTIFICATION LANGUAGE	ENGLISH
NAME	PARKWOOD TOPSHOP ATHLETIC LIMITED
ADDRESS	Colegrave House, 70 Berners Street London W1T 3NL
COUNTRY	United Kingdom
ENTITLEMENT DOMICILED	GB
LEGAL NATURE	Limited Company
LEGAL NATURE: PLACE INCORPORATED	United Kingdom
CORRESPONDENCE INDICATOR	YES
<b>BASIC GOODS AND SERVICES</b>	
VERSION OF NICE CLASSIFICATION USED	10-2016
NICE CLASSIFICATION	09
GOODS AND SERVICES	Downloadable electronic publications; downloadable mobile phone applications; computer game software; speakers; loud speakers; wireless speakers; portable speakers; personal speakers; speakers for portable media players; headphones; wireless headphones; music headphones; eyewear; sunglasses; cases for sunglasses; mobile phone cases; parts and fittings for all the aforesaid goods.
NICE CLASSIFICATION	21
GOODS AND SERVICES	Household and kitchen containers; lunch boxes; wash bags; fitted vanity cases; food storage containers; drinks containers; plastic drinks containers [empty]; stainless steel drinks containers [empty]; sports bottles [empty]; hydration packs comprising a fluid

NICE CLASSIFICATION	reservoir and a delivery tube.
GOODS AND SERVICES	27 Yoga mats; gymnasium exercise mats.
<b>PARIS PRIORITY DETAILS</b>	
PARIS PRIORITY CODE:	European Union
PARIS PRIORITY APPLICATION NUMBER	EU15097851
PARIS PRIORITY APPLICATION DATE	02/10/2016
<b>BASE REGISTRATION DETAILS</b>	
BASE APPLICATION NUMBER	UK00003179056
BASE APPLICATION DATE	08/08/2016
<b>REPRESENTATIVE DETAILS</b>	
CLIENT IDENTIFIER	978231
NAME	Sipara Limited
ADDRESS	Seacourt Tower, Third Floor, West Way Oxford OX2 0JJ
COUNTRY	United Kingdom
<b>INTENT TO USE GROUP</b>	
CONTRACTING PARTY CODE	United States of America
<b>DESIGNATIONS</b>	
DESIGNATIONS UNDER THE PROTOCOL	United States of America
<b>INTERNATIONAL REGISTRATION DETAILS</b>	
INTERNATIONAL REGISTRATION NUMBER	1332134
INTERNATIONAL REGISTRATION DATE OF MARK	08/10/2016
INTERNATIONAL REGISTRATION EXPIRY DATE	08/10/2026
EFFECTIVE DATE OF MODIFICATION	08/10/2016
NOTIFICATION DATE	02/23/2017
DATE OF RECORDAL IN INTERNATIONAL REGISTER	02/08/2017
IB DOCUMENT ID	1001382201
OFFICE OF ORIGIN CODE	United Kingdom
OFFICE REFERENCE	79202057
TRANSACTION TYPE VALUES	Initial Designation
ORIGINAL LANGUAGE	ENGLISH
INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED	Protocol
DURATION OF MARK (YEARS)	10



**IVY PARK**

# **EXHIBIT G**

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, October 10, 2017 00:50 AM  
**To:** ipdocket@lw.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 79202057: IVY PARK: Docket/Reference No. 057825-0011

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**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 79202057  
**Mark:** IVY PARK  
**International Class(es):** 009, 021, 027  
**Owner:** PARKWOOD TOPSHOP ATHLETIC LIMITED  
**Docket/Reference Number:** 057825-0011

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Oct 10, 2017.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2017-10-10&serialNumber=79202057>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=79202057&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=79202057&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=79202057&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=79202057&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

# **EXHIBIT H**

# United States of America

United States Patent and Trademark Office

## IVY PARK

**Reg. No. 5,362,003**

**Registered Dec. 26, 2017**

**Int. Cl.: 9, 21, 27**

**Trademark**

**Principal Register**

PARKWOOD TOPSHOP ATHLETIC LIMITED (UNITED KINGDOM Limited Company )  
Colegrave House, 70 Berners Street  
London W1t 3nl  
UNITED KINGDOM

CLASS 9: Downloadable electronic publications in the nature of books, magazines, brochures, newsletters in the field of entertainment, cultural and sporting events, educational topics, business or general interest; computer application software for mobile phones, namely software for accessing digital versions of the aforementioned electronic publications; computer game software; audio speakers; loud speakers; wireless indoor and outdoor speakers; portable audio speakers; personal speakers system namely audio speakers for portable media players; headphones; wireless headphones; music headphones; eyewear; sunglasses; cases for sunglasses; mobile phone cases

CLASS 21: Containers for household or kitchen use; lunch boxes; fitted vanity cases; household containers for foods ; insulated containers for beverages; plastic drinks containers sold empty; reusable stainless steel water bottles sold empty; sports bottles sold empty; hydration packs comprising a fluid reservoir and a delivery tube

CLASS 27: Yoga mats; gymnasium exercise mats

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

PRIORITY DATE OF 02-10-2016 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1332134 DATED 08-10-2016, EXPIRES 08-10-2026

SER. NO. 79-202,057, FILED 08-10-2016



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**PART 2:**  
**TO THE DECLARATION OF LAURA R. WASHINGTON**

# **EXHIBIT I**

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 79202057

MARK: IVY PARK

**\*79202057\***

**CORRESPONDENT ADDRESS:**

Sipara Limited  
Seacourt Tower, Third Floor,  
West Way  
Oxford OX2 0JJ  
UNITED KINGDOM

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** PARKWOOD TOPSHOP ATHLETIC LIMITED

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

**INTERNATIONAL REGISTRATION NO. 1332134**

**STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION:** TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**PRIOR-FILED APPLICATION**

The filing date of pending U.S. Application Serial No. 87/001440 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of

applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

## REQUIREMENT

Before this application can be suspended pending disposition of the prior-filed conflicting application, the following issue must be addressed.

### A. Identification of Goods

A portion of the wording in the identification of goods is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Suggestions for amendment are presented below, in bold type:

Downloadable electronic publications **in the nature of [specify form of publication; for example, magazines, books, brochures, etc.] in the field of [specify subject matter or field]; ~~downloadable mobile phone applications~~ computer application software for mobile phones, namely software for [identify function and field of the software]**; computer game software; audio speakers; loud speakers; wireless **indoor and outdoor** speakers; portable **[specify as "vibration" or "audio"]** speakers; **personal speakers [applicant must clarify the nature of these goods]**; audio speakers for portable media players; headphones; wireless headphones; music headphones; eyewear; sunglasses; cases for sunglasses; mobile phone cases; parts and fittings for all the aforesaid goods, **namely [identify the nature of the parts and fittings]**; in International Class 9;

**Household and kitchen containers** [amend to "Containers for household or kitchen use"]; lunch boxes; **wash bags** [clarify the nature of these goods – it is not clear they fall within International Class 21]; fitted vanity cases; **food storage containers** [amend to "household containers for foods"]; **drinks containers** [amend to "insulated containers for beverages" if accurate]; plastic drinks containers empty; **stainless steel drinks containers empty** [amend to, if accurate, "reusable stainless steel water bottles sold empty"]; sports bottles **sold** empty; hydration packs comprising a fluid reservoir and a delivery tube; in International Class 21;

Yoga mats; gymnasium exercise mats; in International Class 27

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably narrowed. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably narrowed. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

## ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to

this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:** Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. See 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. See 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

**DESIGNATION OF DOMESTIC REPRESENTATIVE:** The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; see 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Jeri Fickes  
/Jeri Fickes/  
Trademark Examining Attorney  
Law Office 107  
USPTO  
571/272-9157  
jeri.fickes@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Mar 1, 2017

87001440

**DESIGN MARK**

**Serial Number**

87001440

**Status**

OPPOSITION PENDING

**Word Mark**

POISON IVY PARK

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

47 / 72 Inc. CORPORATION DELAWARE 900 East 1st St. #110 Los Angeles  
CALIFORNIA 90012

**Goods/Services**

Class Status — ACTIVE. IC 035. US 100 101 102. G & S: Online  
retail store services featuring shirts, hooded sweatshirts,  
sweatshirts, one-piece clothing for babies, mobile electronics cases,  
posters, throw pillows, mugs, tote bags.

**Filing Date**

2016/04/14

**Examining Attorney**

MULLEN, MARK T.

**Attorney of Record**

Luke Brean



# POISON IVY PARK

# **EXHIBIT J**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87001440

Filing Date: 04/14/2016

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">POISON IVY PARK</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	POISON IVY PARK
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	47 / 72 Inc.
*STREET	900 East 1st St. #110
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	90012
EMAIL ADDRESS	tmsupport@breanlaw.com
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	On-line retail store services featuring <b>Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed</b>

<b>*IDENTIFICATION</b>	<b>Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories</b>
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Luke Brean
<b>FIRM NAME</b>	BreanLaw, LLC
<b>STREET</b>	P.O. Box 4120, ECM #72065
<b>CITY</b>	Portland
<b>STATE</b>	Oregon
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	97208
<b>PHONE</b>	5035494854
<b>EMAIL ADDRESS</b>	tmsupport@breanlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Jackson MacDonald
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Luke Brean
<b>FIRM NAME</b>	BreanLaw, LLC
<b>*STREET</b>	P.O. Box 4120, ECM #72065
<b>*CITY</b>	Portland
<b>*STATE</b> (Required for U.S. addresses)	Oregon
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	97208
<b>PHONE</b>	5035494854
<b>*EMAIL ADDRESS</b>	tmsupport@breanlaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus

<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/LB/
<b>* SIGNATORY'S NAME</b>	Luke Brean
<b>* SIGNATORY'S POSITION</b>	Attorney of Record, Oregon State Bar
<b>SIGNATORY'S PHONE NUMBER</b>	5035494854
<b>* DATE SIGNED</b>	04/14/2016

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87001440**

**Filing Date: 04/14/2016**

#### To the Commissioner for Trademarks:

**MARK:** POISON IVY PARK (Standard Characters, see [mark](#))

The literal element of the mark consists of POISON IVY PARK.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, 47 / 72 Inc., a corporation of Delaware, having an address of  
900 East 1st St. #110  
Los Angeles, California 90012  
United States  
tmsupport@breanlaw.com (not authorized)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: On-line retail store services featuring Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Luke Brean and Jackson MacDonald of BreanLaw, LLC P.O. Box 4120, ECM #72065  
Portland, Oregon 97208  
United States  
5035494854(phone)  
tmsupport@breanlaw.com (authorized)

#### The applicant's current Correspondence Information:

Luke Brean  
BreanLaw, LLC  
P.O. Box 4120, ECM #72065  
Portland, Oregon 97208  
5035494854(phone)  
tmsupport@breanlaw.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /LB/ Date Signed: 04/14/2016

Signatory's Name: Luke Brean

Signatory's Position: Attorney of Record, Oregon State Bar

RAM Sale Number: 87001440

RAM Accounting Date: 04/15/2016

Serial Number: 87001440

Internet Transmission Date: Thu Apr 14 19:09:36 EDT 2016

TEAS Stamp: USPTO/FTK-XX.XXX.XX.XXX-2016041419093655

2284-87001440-55089f41216ba96e2a35fc65b8

1417157bc44acb66fd3c5287aff18204dd48010-

CC-5913-20160414190858760997

# POISON IVY PARK



# **EXHIBIT K**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87005861

Filing Date: 04/19/2016

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">THE BLACK MAMBA</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	THE BLACK MAMBA
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	47 / 72 Inc.
*STREET	900 East 1st St. #110
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	90012
EMAIL ADDRESS	tmsupport@breanlaw.com
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	On-line retail store services featuring <b>Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed</b>

<b>*IDENTIFICATION</b>	<b>Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories</b>
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Luke Brean
<b>FIRM NAME</b>	BreanLaw, LLC
<b>STREET</b>	P.O. Box 4120, ECM #72065
<b>CITY</b>	Portland
<b>STATE</b>	Oregon
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	97208
<b>PHONE</b>	5035494854
<b>EMAIL ADDRESS</b>	tmsupport@breanlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Jackson MacDonald
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Luke Brean
<b>FIRM NAME</b>	BreanLaw, LLC
<b>*STREET</b>	P.O. Box 4120, ECM #72065
<b>*CITY</b>	Portland
<b>*STATE</b> (Required for U.S. addresses)	Oregon
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	97208
<b>PHONE</b>	5035494854
<b>*EMAIL ADDRESS</b>	tmsupport@breanlaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus

<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/LB/
<b>* SIGNATORY'S NAME</b>	Luke Brean
<b>* SIGNATORY'S POSITION</b>	Attorney of Record, Oregon State Bar
<b>SIGNATORY'S PHONE NUMBER</b>	5035494854
<b>* DATE SIGNED</b>	04/19/2016

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87005861

Filing Date: 04/19/2016

#### To the Commissioner for Trademarks:

**MARK:** THE BLACK MAMBA (Standard Characters, see [mark](#))

The literal element of the mark consists of THE BLACK MAMBA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, 47 / 72 Inc., a corporation of Delaware, having an address of  
900 East 1st St. #110  
Los Angeles, California 90012  
United States  
tmsupport@breanlaw.com (not authorized)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: On-line retail store services featuring Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Luke Brean and Jackson MacDonald of BreanLaw, LLC P.O. Box 4120, ECM #72065  
Portland, Oregon 97208  
United States  
5035494854(phone)  
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#### The applicant's current Correspondence Information:

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P.O. Box 4120, ECM #72065  
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**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /LB/ Date Signed: 04/19/2016

Signatory's Name: Luke Brean

Signatory's Position: Attorney of Record, Oregon State Bar

RAM Sale Number: 87005861

RAM Accounting Date: 04/19/2016

Serial Number: 87005861

Internet Transmission Date: Tue Apr 19 12:58:22 EDT 2016

TEAS Stamp: USPTO/FTK-XX.XXX.XX.XXX-2016041912582270

1746-87005861-55017932d9eed81a6c1f9faf2c

e3a08e4910b538c8bdc026c9a53fed137e9fb87-

CC-10820-20160419125717134080

# THE BLACK MAMBA

# **EXHIBIT L**



ESTTA Tracking number: **ESTTA797334**

Filing date: **01/25/2017**

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	Disney Enterprises, Inc.
Granted to Date of previous extension	01/25/2017
Address	500 South Buena Vista Street Burbank, CA 91521 UNITED STATES
Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, N.W., Suite 610 WASHINGTON, DC 20036 UNITED STATES Linda.McLeod@kelly-ip.com, DisneyOpp@kelly-ip.com, lit-docketing@kelly-ip.com

**Applicant Information**

Application No	87007599	Publication date	09/27/2016
Opposition Filing Date	01/25/2017	Opposition Period Ends	01/25/2017
Applicant	47 / 72 Inc. 900 East 1st St. #110 Los Angeles, CA 90012 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HOUSE OF MOUSE		
Goods/Services	entertainment services, television programs and series, motion picture films, comic books, toys, dolls, sporting goods, bags, personal care products, linens, towels, apparel, footwear, food, theme parks, online games, computer games, home videos; prerecorded DVDs and videos; video games, music, and mobile applications; streaming videos, films, music, and shows; and websites featuring the foregoing		

Attachments	HOUSE OF MOUSE - Notice of Opposition.pdf(2838236 bytes )
-------------	---

Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	01/25/2017

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

<p>DISNEY ENTERPRISES, INC.,</p> <p style="text-align:center">Opposer</p> <p style="text-align:center">v.</p> <p>47 / 72 Inc.,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No.:</p> <p>Mark: HOUSE OF MOUSE</p> <p>Serial No.: 87007599</p> <p>Filed: April 20, 2016</p>
--	---

**NOTICE OF OPPOSITION**

Disney Enterprises, Inc. (“Opposer” or “Disney”), a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521, believes that it is being damaged by the application and will be damaged by the registration of the mark shown in Application Serial No. 87007599, and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Opposer and its Business**

1. Opposer, Disney Enterprises, Inc., is a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California 91521.

2. Opposer, through its related companies and licensees, is one of the world’s leading producers and providers of entertainment, films, music, toys, and other consumer products. Opposer engages in a vast licensing program under which it uses or licenses the use of its properties, characters, and trademarks in connection with a variety of products and services, including but not limited to entertainment services, television

programs, motion picture films, comic books, toys, dolls, sporting goods, bags, personal care products, linens, towels, apparel, footwear, food, theme parks, online games, computer games, video games, music, and mobile applications.

3. Opposer, since long before the filing date of the opposed application and any date of use that may be proven by Applicant, has been known by the name and corporate identity—HOUSE OF MOUSE—which is based on Opposer’s famous MICKEY MOUSE character name and mark. Indeed, for decades, the national media and consumers have referred to and recognized Opposer by its nickname and corporate identity—HOUSE OF MOUSE—and variations thereof, such as MOUSE HOUSE.

4. Further, as early as 2001, before the filing date of the opposed application and any date of use that may be proven by Applicant, Opposer’s HOUSE OF MOUSE mark was used in commerce in connection with a television series that aired on ABC and with affiliated home videos, music, and a website. Opposer’s HOUSE OF MOUSE show also aired on Disney Channel and Toon Disney (now Disney XD).

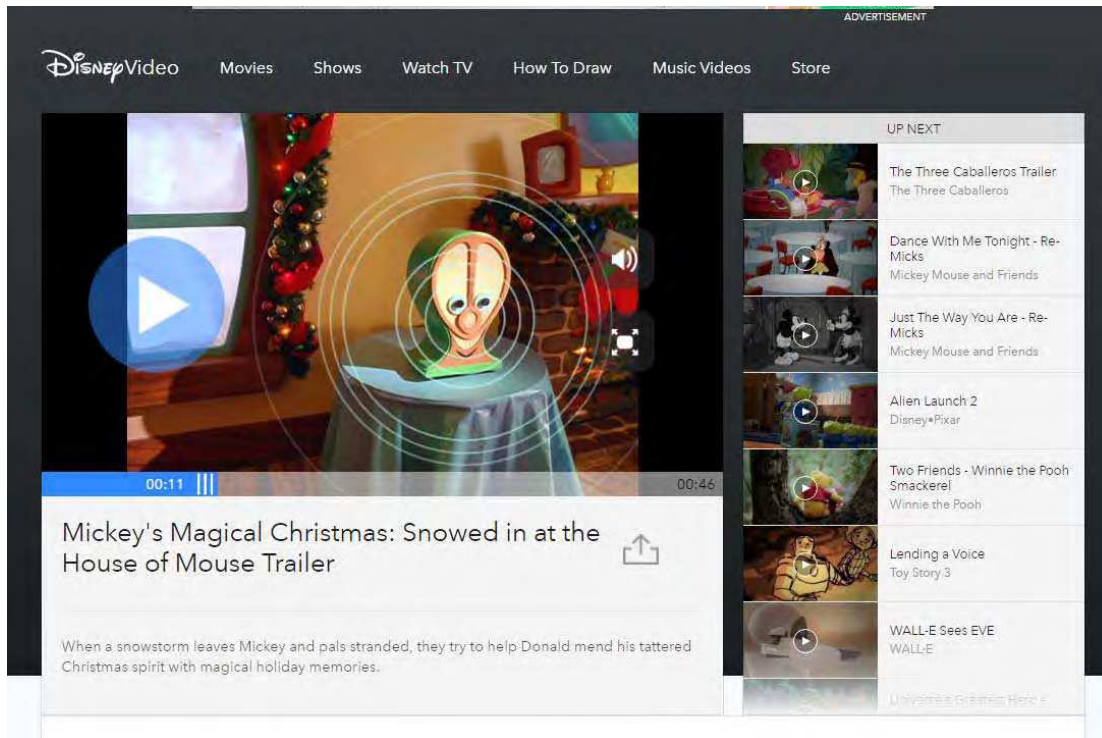
5. Opposer’s HOUSE OF MOUSE music and video are currently available on DVD and via streaming on Amazon and on Disney.com, as shown in the representative examples below.



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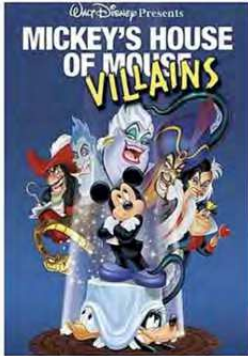


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Movies & TV Science Fiction & Fantasy Science Fiction Animation



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### Mickey's House of Villains

DVD

Wayne Allwine (Actor), Tony Anselmo (Actor), Jamie Mitchell (Director), Rated: NR

★★★★★ 120 customer reviews

Amazon Video \$17.99 **DVD \$66.99**

Additional DVD options	Edition	Discs	Price	New from	Used from
DVD (Sep 03, 2002)	—	1	\$66.99	\$32.99	\$2.02
DVD	—	1	—	\$53.97	\$14.99

Watch Instantly with **amazon video** Rent Buy  
Mickey's House Of Villains — \$17.99



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Movies & TV Walt Disney Studios Home Entertainment All Disney Titles



Click to open expanded view



### Mickey's House of Mouse - Villains VHS

VHS

Rated: NR

★★★★★ 120 customer reviews

Amazon Video \$17.99 **DVD \$66.99**

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Mickey's House Of Villains — \$17.99



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amazon.com/mickey-house-villains/vhs/...  
NEW & INTERESTING FINDS ON AMAZON EXPLORE  
amazon Prime  
Amazon Video  
Departments -  
Mickey's House Of Villains 2002 [TV-14] CC  
★★★★★ (120) 6.6/10  
Buy Movie HD \$17.99  
Watch Trailer  
It's Halloween at the House of Mouse & the villains try to take over.  
Starting: Jonathan Freeman, Susanne Blakeslee, Pat Carroll  
Runtime: 1 hour, 8 minutes  
Available to watch on supported devices.  
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music  
Amazon Music Unlimited Prime Music CDs & Vinyl - Download Store - Settings  
Customers who viewed House of Mouse also viewed  
Disney Mickey Mouse: Season 1  
★★★★★ 156  
\$8.24 Prime  
44 used and new from \$4.89  
Mickey's House of Villains  
★★★★★ 120  
\$66.99 Prime  
44 used and new from \$2.02  
Mickey's House of Mouse - Villains [VHS]  
★★★★★ 120  
\$5.51  
38 used and new from \$0.74

CDs & Vinyl > Children's Music > Disney  
House of Mouse  
Audio CD  
Various Artists (Artist)  
★★★★★ 4 customer reviews  
See all 3 formats and editions  
Streaming Unlimited MP3 \$14.49 Audio CD from \$8.74  
Listen with our Free App  
15 Used from \$8.74  
8 New from \$48.24  
1 Collectible from \$42.99  
Share  
music  
Go Unlimited  
Start your 30-day free trial  
Listen to any song, anywhere with Amazon Music Unlimited. Learn More  
Buy Used \$24.99  
FREE Shipping on orders over \$49.

The screenshot shows the Amazon.com search results for "house of mouse". The top navigation bar includes the Amazon logo, a search bar with "house of mouse" entered, and the slogan "New Year. New You." with a "Sponsored by H&R BLOCK" tag. Below the navigation bar, there are links for "Departments", "Your Amazon.com", "Today's Deals", "Gift Cards & Registry", "Sell", and "Help". On the right, there are links for "Hello, Sign in", "Account & Lists", "Orders", "Try Prime", and a shopping cart icon with "0" items.

The search results for "house of mouse" are displayed. A link "Back to search results for 'house of mouse'" is visible. The main product listing is for "Mickey's Magical Christmas - Snowed in at the House of Mouse" DVD. The product image shows Mickey Mouse and other Disney characters in a snowy winter setting. The title is "Mickey's Magical Christmas - Snowed in at the House of Mouse" and it is a DVD. The cast includes Wayne Allwine (Actor), Bill Farmer (Actor), and Burny Mattinson (Director, Writer). The rating is "G" and it has 193 customer reviews.

Price information shows "Amazon Video" at \$17.99 and "DVD" starting from \$10.83. A table of "Additional DVD options" is provided:

Additional DVD options	Edition	Discs	Price	New from	Used from
DVD	—	1	—	\$17.26	—
DVD	—	—	—	\$50.00	\$38.00
DVD	—	1	\$89.99	\$65.88	\$13.81
DVD	(Nov 03, 2009)	—	—	—	—
DVD	(Nov 06, 2001)	1	—	\$99.99	\$10.83

Below the table, there is a "See More" link. The "Watch Instantly with amazon video" section shows the title "Mickey's Magical Christmas: Snowed in at the House of Mouse" with a "Rent" price of — and a "Buy" price of \$17.99. There is also a "Trade in your item" section offering up to a \$0.69 Gift Card.

At the bottom, there is a "Unlimited Streaming with Amazon Prime" section with a play button icon and the text "Start your 30-day free trial to stream thousands of movies & TV shows included with".

The screenshot shows the Amazon.com movie page for "Mickey's Magical Christmas: Snowed in at the House of Mouse". The top navigation bar is similar to the previous screenshot, but with "Amazon Video" and "Originals" highlighted in the "Departments" section. The search bar still contains "house of mouse".

The movie title "Mickey's Magical Christmas: Snowed in at the House of Mouse" is prominently displayed, along with a "G" rating and "CC" (Creative Commons) icon. The IMDb rating is 6.7/10. A "Watch Trailer" button is visible. The product image shows Mickey Mouse and other Disney characters in a snowy winter setting.

Below the image, there is a description: "Starring Mickey Mouse and 35 of the world's most beloved characters, this one-of-a-kind adventure joyously captures the spirit of Christmas and is sure to delight the entire family." The cast includes Carlos Alazraqui and Wayne Allwine. The runtime is 1 hour, 1 minute. It is available to watch on supported devices.

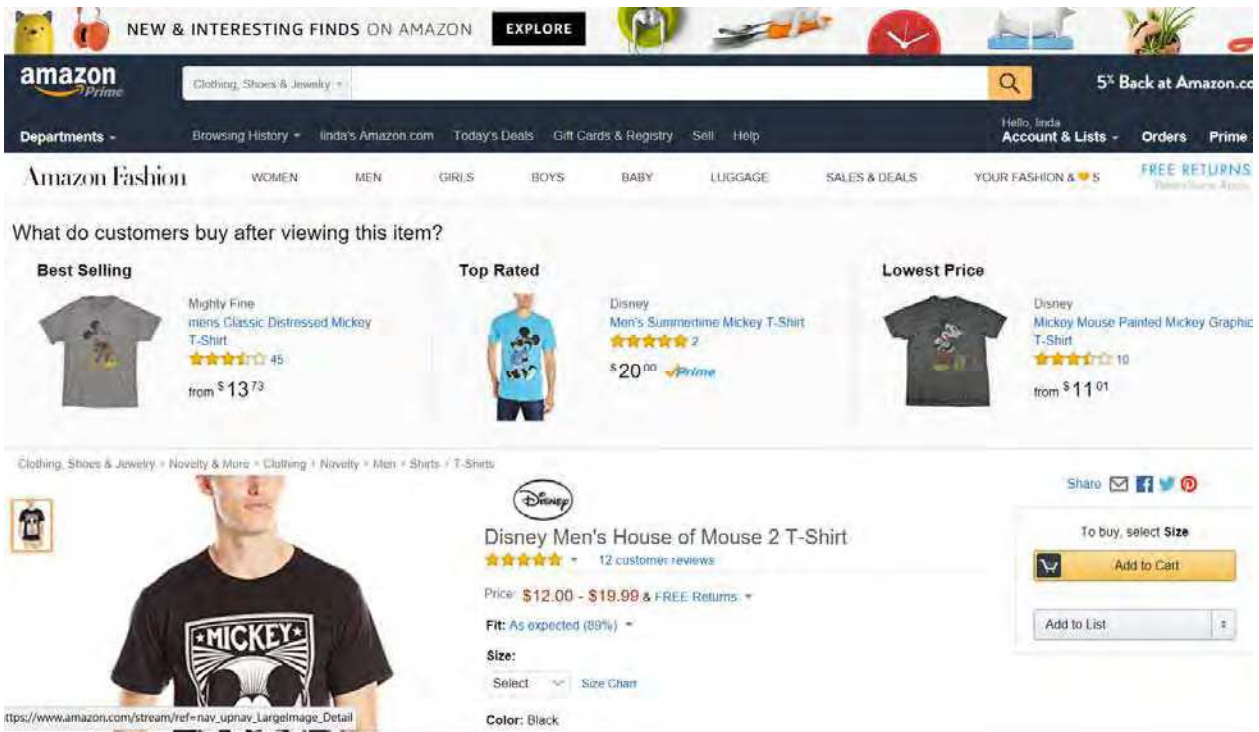
There is a "Disney Movies Anywhere" section with a play button icon and the text "This digital movie is a part of the Disney Movies Anywhere program. With Disney Movies Anywhere, you can watch your favorite Disney, Disney•Pixar, Marvel, and Star Wars movies anywhere you go. Learn More".

At the bottom, there are three buttons: "Buy Movie HD \$17.99", "More Purchase Options", and "Add to Watchlist".

6. Opposer's HOUSE OF MOUSE show was nominated for and won multiple awards, and was well received by the media and public.



7. Moreover, before the filing date of the opposed application and any date of use that may be proven by Applicant, Opposer has used its HOUSE OF MOUSE mark in commerce in connection with clothing as shown in the representative images below. (Collectively, the names and marks and goods and services in Paragraphs 2-7 are respectively referred to as “Opposer’s HOUSE OF MOUSE Name and Mark” and “Opposer’s Goods and Services”).





**Applicant and its HOUSE OF MOUSE Application**

8. 47 / 72 Inc. (“Applicant”), the listed owner of Application Serial No. 87007599 (“the Application”), is a Delaware corporation with an address of 900 East 1<sup>st</sup> Street, #100, Los Angeles, California 90012.

9. On April 20, 2016, Applicant filed the Application under Section 1(b), 15 U.S.C. § 1051(b), to register the HOUSE OF MOUSE mark (“Applicant’s HOUSE OF MOUSE Mark”) for “online retail store services featuring shirts, hooded sweatshirts, one-piece clothing for babies, mobile electronic cases, posters, pillows, mugs, tote bags” in Class 35 (“Applicant’s Services”).

10. On April 20, 2016, Applicant’s attorney, Luke Brean, signed a declaration in support of the Application, stating, in relevant part: “the applicant is the owner of the trademark/service mark sought to be registered; the applicant has a bona fide intention,

and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true" (the "Declaration").

11. On September 27, 2016, Applicant's HOUSE OF MOUSE Mark was published for opposition in the *Trademark Official Gazette* (TMOG), and Opposer timely filed an extension of time to oppose on October 21, 2016.

12. Applicant has an established pattern of filing numerous intent-to-use applications for marks that are identical or nearly identical to well-known marks owned by Opposer and others.

13. For example, in 2016, Applicant filed six other applications for the marks below that are owned by and associated with Opposer as a source identifier. Printouts for each of these applications from the PTO's TSDR database are collectively attached as Exhibit A.

Mark	App.	Classes and Goods and Services	Applicant Name
LET IT GO	App 87109413 App 19-JUL-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, PILLOWS, MUGS, BAGS, AND MOBILE ELECTRONICS CASES AND	47 / 72 INC.

Mark	App.	Classes and Goods and Services	Applicant Name
		COVERS	
JUST KEEP SWIMMING	App 87086259 App 28-JUN-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, ART PRINTS ON CANVAS, STICKERS, MUGS, PILLOWS, BAGS, MOBILE PHONE CASES	47 / 72 INC.
OHANA MEANS FAMILY	App 87027954 App 06-MAY-2016	INT. CL. 35: ONLINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, PILLOWS, MUGS, BAGS, AND MOBILE ELECTRONICS CASES AND COVERS	47 / 72 INC.
TO INFINITY AND BEYOND	App 87045934 App 21-MAY-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.
ELENA OF VALORA	App 87045460 App 20-MAY-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.
MORTIMER MOUSE	App 86943069 App 16-MAR-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS,	47 / 72 INC.

Mark	App.	Classes and Goods and Services	Applicant Name
		FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	

**COUNT I: Likelihood of Confusion, 15 U.S.C. § 1052(d)**

14. Opposer repeats and realleges each and every allegation set forth above.

15. Opposer has priority based on its prior use in commerce of Opposer's HOUSE OF MOUSE Name and Mark in connection with Opposer's Goods and Services and as Opposer's name and corporate identity before the filing date of the Application, and before any date of first use that may be proven by Applicant.

16. Applicant's HOUSE OF MOUSE Mark is identical in sound, appearance, and connotation to Opposer's HOUSE OF MOUSE Name and Mark.

17. Applicant's Services are identical or related to Opposer's Goods and Services. Indeed, Opposer has used its HOUSE OF MOUSE Name and Mark in connection with clothing offered through online retail outlets. Further, given Opposer's wide ranging licensing program for its entertainment properties, characters, and trademarks for decades, and the public's awareness of and expectation that Opposer licenses its marks in association with clothing, the public is likely to mistakenly believe that Applicant's Services are affiliated with or authorized by Opposer.

18. Applicant's HOUSE OF MOUSE Mark shown in the Application is identical to Opposer's HOUSE OF MOUSE Name and Mark, and when registered and used in connection with Applicant's Services, is likely to cause confusion, or to cause mistake, or

to deceive in violation of Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

**COUNT II: False Suggestion of Connection, 15 U.S.C. § 1052(a)**

19. Opposer repeats and realleges each and every allegation set forth above.

20. Opposer is and has been known by the name and corporate identity HOUSE OF MOUSE, and variations thereof, such as MOUSE HOUSE, since long before the filing date of the Application, and any date of first use that may be proven by Applicant.

21. For decades, the media and the public have used and recognized HOUSE OF MOUSE, and variations thereof such as MOUSE HOUSE, as the name and/or corporate identity of Opposer. Further, the HOUSE OF MOUSE name and identity, and variations thereof such as MOUSE HOUSE, have a strong reputation and are well-known and famous names that point uniquely to Opposer.

22. Applicant's HOUSE OF MOUSE Mark is identical to Opposer's HOUSE OF MOUSE Name and Mark and HOUSE OF MOUSE name and corporate identity, and virtually identical to Opposer's MOUSE HOUSE mark and MOUSE HOUSE name and corporate identity, and it will be recognized as such by the public.

23. Opposer is not connected to Applicant or Applicant's Services intended to be registered, offered, or sold by Applicant under Applicant's HOUSE OF MOUSE Mark.

24. Opposer's HOUSE OF MOUSE Name and Mark, and HOUSE OF MOUSE name and corporate identity and Opposer's MOUSE HOUSE name and corporate identity are so well-known and have such a strong reputation that when Applicant's HOUSE OF

MOUSE Mark is registered and used in connection with Applicant's Services, a false connection with Opposer will be presumed.

25. Accordingly, Applicant's HOUSE OF MOUSE Mark consists of matter which falsely suggests a connection with Opposer in violation of Section 2(a) of the Lanham Act, as amended, 15 U.S.C. § 1052(a), and thus it should be refused registration.

**COUNT III: Lack of Bona Fide Intent to Use, 15 U.S.C. § 1051(b)**

26. Opposer repeats and realleges each and every allegation set forth above.

27. On information and belief, Applicant lacked the requisite bona fide intent to use the mark in commerce under Section 1(b), 15 U.S.C. § 1051(b), on or in connection with all of Applicant's Services as of the filing date of the Application, and continuing to date.

28. On information and belief, Applicant did not have the requisite bona fide intent to use the applied-for mark in connection with any services as of the filing date of the Application, and continuing to date.

29. Further, on information and belief, Applicant was aware of Opposer's prior name and corporate identity—HOUSE OF MOUSE and MOUSE HOUSE— and Opposer's prior use of HOUSE OF MOUSE as a mark in connection with a television series and associated music before filing the opposed application, and any date of first use that may be proven by Applicant.

30. On information and belief, Applicant filed the Application for the HOUSE OF MOUSE Mark in Class 35 with a bad-faith intent to trade-off of the goodwill of Opposer and Opposer's HOUSE OF MOUSE Name and Mark.

31. On information and belief, Applicant has a pattern of filing U.S. trademark

applications for well-known names and marks owned by Opposer and others with a bad faith intent to trade-off of the goodwill of Opposer and others and such marks to the damage and detriment of Opposer and others.

32. On information and belief, Applicant's pattern of bad-faith trademark filings is further evidence of its lack of a bona fide intent to use Applicant's HOUSE OF MOUSE Mark in commerce.

33. Accordingly, Applicant lacks the required bona fide intent to use the mark in commerce, and the Application should be held void and refused registration.

**COUNT IV: Fraud**

34. Opposer repeats and realleges each and every allegation set forth above.

35. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on April 20, 2016, Applicant was aware of Opposer's HOUSE OF MOUSE Name and Mark, and HOUSE OF MOUSE and MOUSE HOUSE names and corporate identities.

36. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on April 20, 2016, Applicant knew or acted in a reckless disregard of the truth that it did not have a bona fide intent to use its mark in commerce; that it intended to trade-off of the goodwill of Opposer's HOUSE OF MOUSE Name and Mark and HOUSE OF MOUSE and MOUSE HOUSE names and corporate identities, and that it intended to commit fraud on the PTO to gain a registration for Applicant's HOUSE OF MOUSE Mark for which it was not entitled.

37. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on April 20, 2016,



Applicant knew or acted in a reckless disregard of the truth that it was not the owner of Applicant's HOUSE OF MOUSE Mark; that it was not entitled to such use in commerce; that Opposer was the owner of Opposer's HOUSE OF MOUSE Name and Mark, and HOUSE OF MOUSE and MOUSE HOUSE names and corporate identities and that Opposer has superior and exclusive rights in such names and mark.

38. On information and belief, at the time Applicant signed and filed the Application and supporting Declaration on April 20, 2016, Applicant knew or acted in a reckless disregard of the truth with respect to its claims that Applicant "has a bona fide intention and is entitled to use the mark in commerce," and that "no other persons... have the right to use the mark in commerce, either in identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such person, to cause confusion or mistake, or to deceive," because such claims were false and misleading with an intent to deceive the PTO and were material statements.

39. The PTO accepted and relied on Applicant's false and misleading material statements in its Declaration in approving the Application for Applicant's HOUSE OF MOUSE Mark for publication, by issuing the Notice of Publication on September 7, 2016, and by publishing the Applicant's HOUSE OF MOUSE Mark on September 27, 2016.

40. On information and belief, but for Applicant's false and misleading material statements in its Declaration, the PTO would not have approved the Application for Applicant's HOUSE OF MOUSE Mark for publication, and it would not have allowed the mark to be published.

41. On information and belief, Applicant, in making such false and misleading material statements in its Application and supporting Declaration filed before the PTO, intended to procure a registration to which it was not entitled, and thus committed fraud on the PTO.

WHEREFORE, Opposer believes that it is being damaged, and will be damaged, by the registration of the mark shown in the Application, and requests that the opposition be sustained, and that registration to Applicant be refused.

Respectfully submitted,

DISNEY ENTERPRISES, INC.

Dated: January 25, 2017

By: /Linda K. McLeod/  
David M. Kelly  
david.kelly@kelly-ip.com  
Linda K. McLeod  
linda.mcleod@kelly-ip.com  
Kelu L. Sullivan  
kelu.sullivan@kelly-ip.com  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
Washington, D.C. 20036  
Telephone: 202-808-3570  
Facsimile: 202-354-5232  
Attorneys for Opposer

# **EXHIBIT A**

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Mark: LET IT GO

# LET IT GO

US Serial Number: 87109413

Application Filing Date: Jul. 19, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 23, 2016

Publication Date: Oct. 25, 2016

## Mark Information

Mark Literal Elements: LET IT GO

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: On-line retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St., Unit #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 503-549-4854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 23, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 25, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 25, 2016	PUBLISHED FOR OPPOSITION	
Oct. 05, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2016	ASSIGNED TO EXAMINER	72505
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
Jul. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 22, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** DE JONGE, KATHLEEN RUS

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 16, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87109413](#)

**Filing Date:** Nov 23, 2016

**Status:** Not Instituted

**Status Date:** Nov 23, 2016

**Interlocutory Attorney:**

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

### Associated marks

Mark	Application Status	Serial Number	Registration Number
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**Potential Opposer(s)****Name:** Disney Enterprises, Inc**Correspondent** Kelu L. Sullivan**Address:** Kelly IP, LLP1919 M Street, NWSuite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 23, 2016	
2	EXTENSION OF TIME GRANTED	Nov 23, 2016	

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Mark: JUST KEEP SWIMMING

JUST KEEP SWIMMING

US Serial Number: 87086259

Application Filing Date: Jun. 28, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 10, 2016

Publication Date: Oct. 11, 2016

## Mark Information

Mark Literal Elements: JUST KEEP SWIMMING

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: On-line retail store services featuring clothing, posters, art prints on canvas, stickers, mugs, pillows, bags, mobile phone cases

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 503-549-4854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 10, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 11, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 11, 2016	PUBLISHED FOR OPPOSITION	
Sep. 21, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 02, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
Jul. 01, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 01, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** WILLISTON, JENNIFER LY

**Law Office Assigned:** LAW OFFICE 105

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 05, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87086259](#)

**Filing Date:** Nov 10, 2016

**Status:** Not Instituted

**Status Date:** Nov 10, 2016

**Interlocutory Attorney:**

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

### Associated marks

Mark	Application Status	Serial Number	Registration Number
JUST KEEP SWIMMING	Request For Extension of Time to File Opposition	<a href="#">87086259</a>	



**Potential Opposer(s)**

**Name:** Disney Enterprises, Inc

**Correspondent** Linda K. McLeod

**Address:** Kelly IP, LLP  
1919 M Street, NWSuite 610  
WASHINGTON DC , 20036  
UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 10, 2016	
2	EXTENSION OF TIME GRANTED	Nov 10, 2016	

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Mark: OHANA MEANS FAMILY

OHANA MEANS FAMILY

US Serial Number: 87027954

Application Filing Date: May 06, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 02, 2016

Publication Date: Nov. 08, 2016

## Mark Information

Mark Literal Elements: OHANA MEANS FAMILY

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

Translation: The English translation of "OHANA" in the mark is "family".

## 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: Online retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 08, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2016	PUBLISHED FOR OPPOSITION	
Oct. 19, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 27, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT -WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 11, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 10, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NGUYEN, NICOLE ASHLEY

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 30, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87027954](#)

**Filing Date:** Dec 02, 2016

**Status:** Not Instituted

**Status Date:** Dec 02, 2016

**Interlocutory Attorney:**

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

Associated marks			
Mark	Application Status	Serial Number	Registration Number

OHANA MEANS FAMILY	Request For Extension of Time to File Opposition	<a href="#">87027954</a>	
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**Potential Opposer(s)**

**Name:** Disney Enterprises, Inc.

**Correspondent** Linda K. McLeod

**Address:** Kelly IP, LLP  
 1919 M Street, N.W., Suite 610  
 Washington DC , 20036  
 UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 02, 2016	
2	EXTENSION OF TIME GRANTED	Dec 02, 2016	

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**Mark:** TO INFINITY AND BEYOND

TO INFINITY AND BEYOND

**US Serial Number:** 87045934

**Application Filing Date:** May 21, 2016

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jan. 03, 2017

**Publication Date:** Dec. 06, 2016

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## Mark Information

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**Mark Literal Elements:** TO INFINITY AND 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

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## Goods and Services

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**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:** Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, cases for mobile phones, phone accessories, posters, pillows, mugs, tote bags

**International Class(es):** 035 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**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:** 47 / 72 Inc.

**Owner Address:** 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

---

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 03, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 06, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 06, 2016	PUBLISHED FOR OPPOSITION	
Nov. 16, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 23, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 21, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 21, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 05, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2016	NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2016	NON-FINAL ACTION WRITTEN	72505
Oct. 05, 2016	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 04, 2016	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Sep. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2016	ASSIGNED TO EXAMINER	72505
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
May 27, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 25, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** DE JONGE, KATHLEEN RUS

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 28, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87045934](#)

**Filing Date:** Jan 03, 2017

**Status:** Not Instituted

**Status Date:** Jan 03, 2017

**Interlocutory**

**Attorney:****Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO INFINITY AND BEYOND	Request For Extension of Time to File Opposition	<a href="#">87045934</a>	

**Potential Opposer(s)****Name:** Disney Enterprises, Inc.**Correspondent Address:** Linda K. McLeod  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 03, 2017	
2	EXTENSION OF TIME GRANTED	Jan 03, 2017	

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Mark: ELENA OF VALORA

ELENA OF VALORA

US Serial Number: 87045460

Application Filing Date: May 20, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 27, 2016

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## Mark Information

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Mark Literal Elements: ELENA OF VALORA

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

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

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## Goods and Services

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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: On-line retail store services featuring Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St., Unit 110  
Los Angeles, CALIFORNIA 90012



UNITED STATES

Legal Entity Type: CORPORATION

State or Country CALIFORNIA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Luke Brean

Attorney Primary Email Address: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

Phone: 5035494854

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 26, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 24, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: NGUYEN, NICOLE ASHLEY

Law Office Assigned: LAW OFFICE 107

### File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Sep. 27, 2016

Generated on: This page was generated by TSDR on 2017-01-25 09:32:32 EST

Mark: MORTIMER MOUSE

MORTIMER MOUSE

US Serial Number: 86943069

Application Filing Date: Mar. 16, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: Jurisdiction restored to the examining attorney to take further action on the file.

Status Date: Jan. 17, 2017

## Mark Information

Mark Literal Elements: MORTIMER MOUSE

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: online retail store services featuring shirts, hoodies, sweatshirts, one-piece clothing for babies, cases for mobile phones, posters, pillows, mugs, tote bags

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA UNITED STATES 90012

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Luke Brean

Attorney Primary Email Address: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: EUGENE BELIY  
BREANLAW LLC  
P O BOX 4120  
PORTLAND, OREGON UNITED STATES 97208

Phone: 5035494854

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2017	JURISDICTION RESTORED TO EXAMINING ATTORNEY	943069
Jan. 10, 2017	EX PARTE APPEAL-INSTITUTED	943069
Jan. 10, 2017	EXPARTE APPEAL RECEIVED AT TTAB	
Dec. 04, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 04, 2016	FINAL REFUSAL E-MAILED	
Dec. 04, 2016	FINAL REFUSAL WRITTEN	90292
Nov. 17, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 10, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION WRITTEN	90292
Jun. 10, 2016	ASSIGNED TO EXAMINER	90292
Apr. 05, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 05, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 21, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 19, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: CHANG, ELIZABETH YI HS

Law Office Assigned: LAW OFFICE 115

### File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Dec. 04, 2016

## Proceedings

### Summary

Number of Proceedings: 1

### Type of Proceeding: Exparte Appeal

Proceeding Number: [86943069](#)

Filing Date: Jan 10, 2017

Status: Pending

Status Date: Jan 10, 2017

**Interlocutory  
Attorney:**

**Plaintiff(s)**

**Name:** 47 / 72 Inc.

**Correspondent Address:** EUGENE BELIY  
BREANLAW LLC  
P O BOX 4120  
PORTLAND OR UNITED STATES , 97208

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com) , [luke@breanlaw.com](mailto:luke@breanlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MORTIMER MOUSE	Jurisdiction Restored to Examiner	<a href="#">86943069</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jan 10, 2017	
2	APPEAL ACKNOWLEDGED	Jan 10, 2017	
3	INSTITUTED	Jan 10, 2017	
4	APPEAL BRIEF	Jan 10, 2017	
5	APPEAL FORWARDED TO EXAMINER FOR BRIEF	Jan 17, 2017	

# **EXHIBIT M**

ESTTA Tracking number: **ESTTA803037**

Filing date: **02/22/2017**

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	Disney Enterprises, Inc
Granted to Date of previous extension	02/22/2017
Address	500 South Buena Vista Street Burbank, CA 20036 UNITED STATES

Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, NW Suite 610 WASHINGTON, DC 20036 UNITED STATES Linda.McLeod@kelly-ip.com, DisneyOpp@kelly-ip.com, lit-docketing@kelly-ip.com
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**Applicant Information**

Application No	87109413	Publication date	10/25/2016
Opposition Filing Date	02/22/2017	Opposition Period Ends	02/22/2017
Applicant	47 / 72 Inc. 900 East 1st St., Unit #110 Los Angeles, CA 90012 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: On-line retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers
--

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
------------------------------------	------	------------------	------

Registration Date	NONE
Word Mark	LET IT GO
Goods/Services	entertainment services, motion picture films, music, ringtones, clothing, toys, jewelry, watches, bags, backpacks, books, DVDs, CDs, figurines.

Related Proceedings	Opposition Nos. 91232469 and 91232732.
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Attachments	Notice of Opposition - LET IT GO.pdf(845104 bytes ) Exhibit A.pdf(156064 bytes )
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Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	02/22/2017

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

<p>DISNEY ENTERPRISES, INC.,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>47 / 72 Inc.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.:</p> <p>Mark: LET IT GO</p> <p>Serial No.: 87109413</p> <p>Filed: July 19, 2016</p>
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**NOTICE OF OPPOSITION**

Disney Enterprises, Inc., a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521, believes that it is being damaged by the application and will be damaged by the registration of the mark shown in Application Serial No. 87109413, and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Opposer and its Business**

1. Opposer, Disney Enterprises, Inc., is a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California 91521.
2. Opposer, through its related companies and licensees (collectively, "Opposer" or "Disney"), is one of the world's leading producers and providers of entertainment, films, music, toys, and other consumer products. Opposer engages in a



vast licensing program under which it uses or licenses the use of its properties, characters, and trademarks in connection with a variety of products and services, including but not limited to entertainment services, television programs, motion picture films, comic books, toys, dolls, decals, stickers, mugs, sporting goods, bags, personal care products, linens, towels, apparel, footwear, food, theme parks, online games, computer games, video games, music, and mobile applications.

3. Opposer, since long before the filing date of the opposed application and any date of use that may be proven by Applicant, has been using the mark LET IT GO, which was first used in connection with Opposer's well-known animated film *Frozen* (2013) and associated music.

4. Opposer's *Frozen* film featuring its LET IT GO mark has been enormously successful, earning millions of dollars in box-office sales, and nominations and awards, including two Oscars for Best Animated Feature and Best Original Song for *LET IT GO*.

5. Before the filing date of the opposed application and any date of use that may be proven by Applicant, Opposer has used and/or licensed the use of its LET IT GO mark in commerce in connection with clothing as shown in the representative images below. These products are offered and sold through major online retail outlets, including amazon.com, Walmart (walmart.com), and other outlets.

# CLOTHING

NEW & INTERESTING FINDS ON AMAZON EXPLORE

amazon Prime


Search: "LET IT GO" DISNEY SHIRT

fire \$49.99 \$39.99 Limited-time offer

Departments: [Browse by History](#) [Invite to Amazon.com](#) [Today's Deals](#) [Gift Cards & Registry](#) [Sell](#) [Help](#)

Amazon Fashion WOMEN MEN GOLF BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & FIT FREE RETURNS

Back to search results for "LET IT GO" DISNEY SHIRT



Disney  
Disney Frozen Elsa Let It Go Blue Short Sleeve Shirt  
Be the first to review this item

Price: \$12.07 **Prime & FREE** features

Size: X-SMALL (4-5) Size Chart

Only 1 left in stock - order soon

Wash by someone. Feb. 27 Order within 8 hrs 13 mins and choose **One Day Shipping** at checkout. Details

Shipped by Amazon. Packaging and fulfilled by Amazon. Delivery date available

- 100% Cotton
- Disney Frozen Elsa T-Shirt
- "Let It Go" Lyrics Printed On Shirt
- Blue T-Shirt with Collar
- Available in sizes XS, SM, MD, LG, XL
- 100% Cotton Machine Washable

Report incorrect product information

Amazon Rapids - Amazon reading app for kids 7-12  
Turn device time into reading time. Learn more

Share: [Facebook](#) [Twitter](#) [Pinterest](#)

**Add to Cart**

View or edit shipping to this address

Ship to: Linda Mikesel-Rye - 10000

**ADD TO CART**

ADD to your Default Address

[https://www.amazon.com/dp/B0087H7F0E/ref=cm\\_cr\\_pain\\_top\\_magnify\\_1?\\_encoding=UTF\\_8](#)

NEW & INTERESTING FINDS ON AMAZON EXPLORE

amazon Prime


Search: "LET IT GO" DISNEY

fire \$49.99 \$39.99 Limited-time offer

Departments: [Browse by History](#) [Invite to Amazon.com](#) [Today's Deals](#) [Gift Cards & Registry](#) [Sell](#) [Help](#)

Amazon Fashion WOMEN MEN GIRLS BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & FIT FREE RETURNS

Back to search results for "LET IT GO" DISNEY



style code **WATCH & SHOP NOW**

Disney  
Disney Frozen Womens' Juniors Let It Go Sweater & Bag - 2 Piece Gift Set  
Be the first to review this item

Price: \$36.00

Save: \$20.99 **Prime & Free** Return on some sizes and colors

You Save: \$9.01 (25%)

Size:  [Size Chart](#)

- 91% Polyester/9% Cotton
- Imported
- Machine Wash
- Set Includes: Sweater and Reusable Gift Bag
- Lightweight sweater with long sleeves
- Crewneck
- Frozen graphic prints
- Made in China

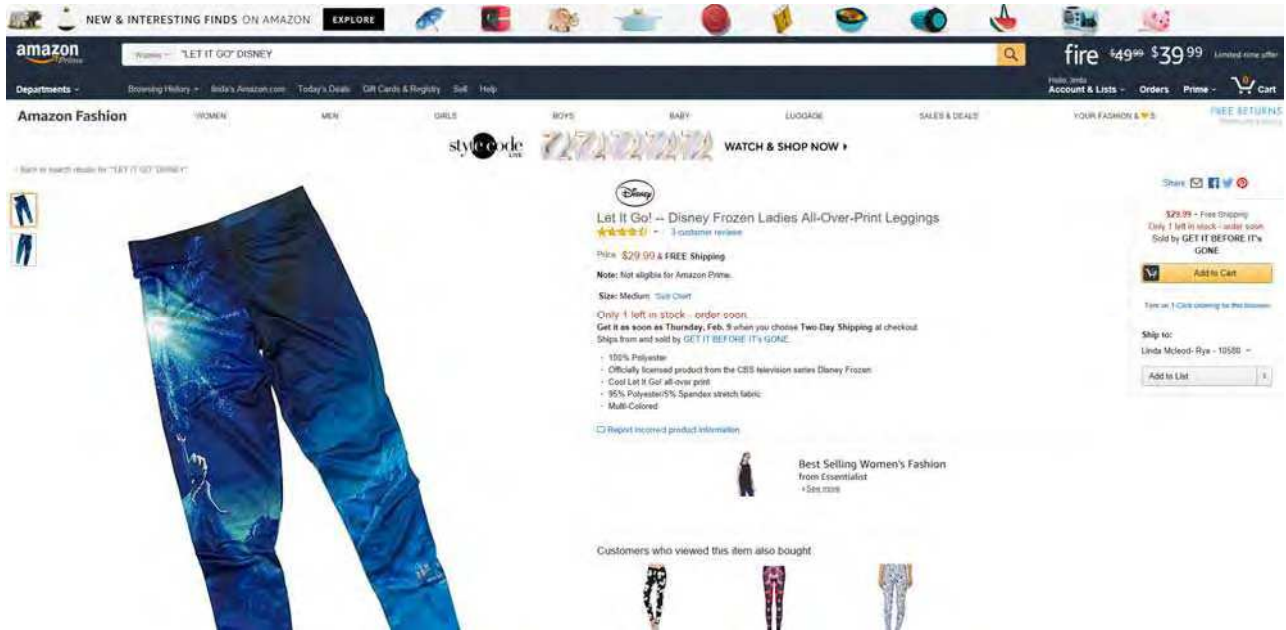
Report incorrect product information

**To buy selected Size**

**Add to Cart**

**ADD TO LIST**

**Best Selling Women's Fashion**  
From Essentialsist  
+ See more



6. In addition, since long before the filing date of the opposed application and any date of use that may be proven by Applicant, Opposer has used and/or licensed the use of its LET IT GO mark in commerce in connection with a wide variety of other goods, including but not limited to toys, jewelry, watches, bags, backpacks, books, DVDs, CDs, ringtones, figurines, and more. Many of these products are offered and sold through major brick-n-mortar retail outlets, including Target (target.com), Walmart (walmart.com), Toys R US (toysrus.com), and other outlets. Representative samples of such products bearing Opposer's LET IT GO mark are shown below. (Collectively, the names and marks and goods and services in Paragraphs 2-6 are respectively referred to as "Opposer's LET IT GO Mark" and "Opposer's Goods and Services").

# JEWELRY

NEW & INTERESTING FINDS ON AMAZON EXPLORE

amazon Prime

Search: "LET IT GO" DISNEY

Departments: Women, Men, Girls, Boys, Baby, Luggage, Sales & Deals

Amazon Fashion

style code

WATCH & SHOP NOW

Disney

Disney Sterling Silver Teardrop "Let It Go" Snowflake Pendant Necklace, 18"

Be the first to review this item

Price: \$35.00 Prime & FREE Returns

In Stock

Want it tomorrow, Feb. 27? Order within 2 hrs, 11 mins and choose One-Day Shipping at checkout.

Ships from and sold by Amazon.com. Gift-wrap available.

- Elegant necklace featuring sterling silver infinity pendant engraved with "Let It Go" on back and embellished with small snowflake at center.
- Cable chain with spring-ring clasp.
- Made in Thailand.

Report incorrect product information

See product specifications

Deal of the Day

Save on Diamond Rings & Wedding Bands

Today only, save on select wedding and diamond rings, including bridal sets and anniversary bands. Select styles and sizes. Prices as marked. See more

Customers who viewed this item also bought

- Disney \$25.00
- Disney \$39.00
- Disney \$11.47 - \$50.00
- Disney \$30.00

Share: Email, Facebook, Twitter, Print

Qty: 1

Add to Cart

Turn on 1-Click ordering for this browser

Ship to: Linda Meland - Rye, 10589

Add to List

Add to your Dash Button

# BACKPACKS

NEW & INTERESTING FINDS ON AMAZON EXPLORE

amazon Prime

Search: "LET IT GO" DISNEY

Departments: Women, Men, Girls, Boys, Baby, Luggage, Sales & Deals

Amazon Fashion

Disney

Disney Frozen (Keep Calm & Let It Go) Backpack With Lunch Kit

4.5 stars (8 customer reviews)

Save \$11.00 + \$5.93 shipping

Note: Not eligible for Amazon Prime. Available with free Prime shipping from other sellers on Amazon.

Only 1 left in stock - order soon.

Get it as soon as Thursday, Feb. 9 when you choose Two-Day Shipping at checkout.

Ships from and sold by COOKIES&KIDS

Color: Turquoise

Size: One Size

- Disney Frozen backpack and lunchbox combo
- Adjustable padded shoulder straps
- Lunchbox with carrying handle
- Mesh side pockets
- Ages 3+

New (1) from \$11.40 + \$5.93 shipping

Report incorrect product information

Share: Email, Facebook, Twitter, Print

\$11.00 + \$5.93 shipping

Only 1 left in stock - order soon.

Sold by COOKIES&KIDS

Add to Cart

Turn on 1-Click ordering for this browser

Ship to: Linda Meland - Rye, 10589

Add to List

Other Sellers on Amazon

\$11.00 + \$5.93 shipping

Sold by MARYBOOKS09

New (1) from \$11.99 + \$5.93 shipping

Have one to sell? Sell on Amazon

floto

MADE IN ITALY

Handmade Full Grain Leather Duffie Bag

# FIGURINES



The Hamilton Collection

Shop by Theme | Previous Months | Ladies of Elegance | Sports | NASCAR | Flags & Cores

You Are Here: [2nd Lumber Collection](#) | [Disney](#) | [Disney FROZEN "Let It Go" Elsa The Snow Queen Figurine](#)

Photos | Video

### Disney FROZEN "Let It Go" Elsa The Snow Queen Figurine

Handcrafted figurine captures Elsa in a dramatic pose, with crystalline snowflakes, 18 Swarovski® crystals, glitter and elegant mirror base.

Measures 7-1/2" H

**Price: \$99.96 US**

Available in 4 installments of \$24.99 US

Express Ship Available!

Add to Cart

Buy the Collection in 4 installments. This item is part of a collection. Subscribe to receive 25% value in this collection by clicking "Add Collection to Cart."

**Price: \$99.96 US**

Add Collection to Cart

View Collection Details

Description | Features

Disney's "FROZEN" is the biggest animated movie of all time! Now, celebrate the enchantment of this Academy Award-winning film with the Disney Let It Go Figurine, licensed by Disney and available from The Hamilton Collection. Exquisitely showcasing Elsa, the Snow Queen, in a dramatic pose, further enhanced with the twinkle of freshly fallen snow, capturing the excitement of the movie and recalling the story of "FROZEN" in glittering style!

Inspired by original Disney artwork, this fully hand-sculpted and hand-painted Elsa Let It Go figurine is masterfully handcrafted by Master Craftsmen and adorned with a flurry of sparkling accents. From her shimmering crystalline snowflakes to her 18 crystal-clear Swarovski® crystals and hand-applied silver glitter. Plus, an elegant mirror base makes Elsa dazzle even brighter. Strong demand is anticipated for the Let It Go Figurine and the edition is limited to 95 casting days, so don't delay, order now!

A fine collectible, not intended for children. California Residents click here for Proposition 65 notice.

Top of Page

This collection Disney FROZEN Elsa Figurine from The Hamilton Collection features:

- Celebrate the movie and the enchantment of Academy Award-winning Disney film "FROZEN" with the Disney Let It Go Figurine, available from The Hamilton Collection.
- Licensed by Disney.
- Inspired by original Disney artwork, this Elsa figurine is hand-sculpted by Master Craftsmen and hand-cast in collector-quality artist's resin, then hand-painted to capture every detail of the Snow Queen in a dramatic pose.
- Sparkles with shimmering crystalline snowflakes, hand-applied silver glitter and 18 crystal-clear Swarovski® crystals for extra dazzle.
- An elegant mirror base makes Elsa dazzle even brighter.
- Edition limited to 95 casting days, so order now!
- Hand-numbered and accompanied by a matching Certificate Authenticating your figurine is an original from The Hamilton Collection.
- Measures 7-1/2" H, 19.1 cm H

Top of Page

Buy This Item Now: Disney FROZEN "Let It Go" Elsa The Snow Queen Figurine

Disney FROZEN Elsa The Snow Queen Let It Go Figurine. Disney FROZEN Elsa Figurine Sparkle with Swarovski Crystals

Item no. 10397002

**Price: \$99.96 US**

Available in 4 installments of \$24.99 US

Add to Cart

Due to the intricate handcrafting of each Figurine, this item is eligible for the Single Item's 25% value in your subscription that Disney's The Hamilton Collection.

©2014 The Hamilton Collection

Shop Similar Items

- See All Disney Princess
- See All Disney
- See All Ladies of Elegance
- See All Figurines
- See All Porcelain
- See All For Granddaughter

You May Also Like

- Disney Princess Elsa Figurine with Swarovski Crystals
- Disney Princess Elsa Figurine with Swarovski Crystals
- Disney Princess Elsa Figurine with Swarovski Crystals

# CLOCKS



## WATCHES



### Applicant and its LET IT GO Application

7. 47 / 72 Inc. (“Applicant”), the listed owner of Application Serial No. 87109413 (“Application”), is a Delaware corporation with an address of 900 East 1<sup>st</sup> Street, Unit #110, Los Angeles, California 90012.

8. On July 19, 2016, after the release of Opposer’s *Frozen* film and after the first use of Opposer’s LET IT GO mark, Applicant filed the Application under Section 1(b), 15 U.S.C. § 1051(b), seeking to register the LET IT GO mark (“Applicant’s LET IT GO Mark”) for “on-line retail store services featuring clothing, posters, pillows, mugs, bags, mobile electronic cases and covers” in Class 35 (“Applicant’s Services”).

9. On July 19, 2016, Applicant’s attorney, Luke Brean, signed a declaration

in support of the Application, stating, in relevant part: “the applicant is the owner of the trademark/service mark sought to be registered ... the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are true” (the “Declaration”).

10. On October 25, 2016, Applicant’s LET IT GO Mark was published for opposition in the *Trademark Official Gazette* (TMOG), and Opposer timely filed an extension of time to oppose on November 23, 2016.

11. In addition to the opposed Application, Applicant has an established pattern of filing numerous intent-to-use applications for marks that are identical or nearly identical to well-known marks owned by Opposer and others.

12. For example, in 2016, Applicant filed six other applications for the marks below that are owned by and associated with Opposer as a source identifier. Printouts for each of these applications from the PTO’s TSDR database are collectively attached as Exhibit A.



Mark	App. No./Date	Classes and Goods and Services	Applicant Name
JUST KEEP SWIMMING	87086259 28-JUN-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, ART PRINTS ON CANVAS, STICKERS, MUGS, PILLOWS, BAGS, MOBILE PHONE CASES	47 / 72 INC.
HOUSE OF MOUSE	87007599 20-APR-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODED SWEATSHIRTS, ONE-PIECE CLOTHING FOR BABIES, MOBILE ELECTRONIC CASES, POSTERS, PILLOWS, MUGS, TOTE BAGS	47 / 72 INC.
OHANA MEANS FAMILY	87027954 06-MAY-2016	INT. CL. 35: ONLINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, PILLOWS, MUGS, BAGS, AND MOBILE ELECTRONICS CASES AND COVERS	47 / 72 INC.
TO INFINITY AND BEYOND	87045934 21-MAY-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.
ELENA OF VALORA	87045460 20-MAY-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.
MORTIMER MOUSE	86943069 16-MAR-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.

13. Moreover, on information and belief, Applicant has an interest in and/or offers clothing through RageOn!, an online retailer for clothing and other products located at [www.rageon.com](http://www.rageon.com).

14. On information and belief, [www.rageon.com](http://www.rageon.com) offers clothing and other products featuring images and marks from Opposer's well-known *Frozen* film, including the representative samples below.





♡ 20 ☆ 1 💬 0

Cover Frozen  
\$29.99 ~~\$39.99~~



♡ 16 ☆ 0 💬 0

Frozen  
\$89.99 ~~\$99.99~~



♡ 14 ☆ 0 💬 0

Kattoure Frozen Hoodie  
\$89.99 ~~\$99.99~~



♡ 8 ☆ 0 💬 0

Frozen Cast Fleece Blanket  
\$64.99 ~~\$79.99~~



♡ 10 ☆ 0 🗨 0

Frozen

\$44.99 ~~\$59.99~~



♡ 4 ☆ 1 🗨 2

Frozen Elsa iPhone Case

\$29.99 ~~\$39.99~~

**COUNT I: Likelihood of Confusion. 15 U.S.C. § 1052(d)**

15. Opposer repeats and realleges each and every allegation set forth above.

16. Opposer has priority based on its prior use in commerce of Opposer's LET IT GO Mark in connection with Opposer's Goods and Services before the filing date of the Application, and before any date of first use that may be proven by Applicant.

17. Applicant's LET IT GO Mark is identical in sound, appearance, and connotation to Opposer's LET IT GO Mark.

18. Applicant's Services are highly related to Opposer's Goods and Services. Indeed, Opposer has used its LET IT GO Mark in commerce in connection with clothing, jewelry, and bags offered through major online retail outlets. Further, Opposer itself owns and operates an online retail store located at [disneystore.com](http://disneystore.com) that features the very same types of products covered by the Application.

19. Moreover, in view of Opposer's extensive licensing program for its entertainment properties, characters, and trademarks for decades, including products and services from its *Frozen* film and under Opposer's LET IT GO Mark, the public understands and is accustomed to Opposer offering the very same types of products covered by the opposed Application. Under these circumstances, there is an increased likelihood that consumers will mistakenly believe that Applicant's Services, and the products offered thereunder, are affiliated with or authorized by Opposer.

20. In addition, the fact that Applicant has engaged in a pattern of bad faith conduct by filing numerous applications for well-known marks owned by Opposer (and others), and has engaged in bad faith by offering products on a website that also offers

unauthorized products bearing images and marks from Opposer's well-known and popular *Frozen* film, further enhances a likelihood of confusion in this case.

21. Accordingly, Applicant's LET IT GO Mark, when registered and used in connection with Applicant's Services, is likely to cause confusion, or to cause mistake, or to deceive with Opposer's LET IT GO Mark and Opposer's Goods and Services in violation of Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

**COUNT II: Lack of Bona Fide Intent to Use, 15 U.S.C. § 1051(b)**

22. Opposer repeats and realleges each and every allegation set forth above.

23. On information and belief, Applicant lacked the requisite bona fide intent to use the mark in commerce under Section 1(b), 15 U.S.C. § 1051(b), on or in connection with all of Applicant's Services as of the filing date of the Application, and continuing to date.

24. On information and belief, Applicant did not have the requisite bona fide intent to use the applied-for mark in connection with any services as of the filing date of the Application, and continuing to date.

25. Further, on information and belief, Applicant was aware that Opposer has prior rights in and to Opposer's LET IT GO Mark in connection with Opposer's Goods and Services before filing the opposed application, and any date of first use that may be proven by Applicant.

26. On information and belief, Applicant filed the Application for Applicant's LET IT GO Mark in Class 35 with a bad-faith intent to trade-off of the goodwill of Opposer, Opposer's Goods and Services, and Opposer's LET IT GO Mark.

27. On information and belief, Applicant has a pattern of filing U.S. trademark applications for well-known marks owned by Opposer (and others) with a bad faith intent to trade-off of the goodwill of Opposer and its marks to the damage and detriment of Opposer.

28. On information and belief, Applicant's pattern of bad-faith trademark filings is further evidence of its lack of a bona fide intent to use Applicant's LET IT GO Mark in commerce.

29. Accordingly, Applicant lacks the required bona fide intent to use the mark in commerce, and the Application should be held void and refused registration.

**COUNT III: Fraud**

30. Opposer repeats and realleges each and every allegation set forth above.

31. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on July 19, 2016, Applicant was aware of Opposer's LET IT GO Mark and Opposer's Goods and Services.

32. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on July 19, 2016, Applicant knew or acted in a reckless disregard of the truth that it did not have a bona fide intent to use its mark in commerce; that it intended to trade-off of the goodwill of Opposer's LET IT GO Mark, and that it intended to commit fraud on the PTO to gain a registration for Applicant's LET IT GO Mark for which it was not entitled.

33. On information and belief, at the time Applicant, through counsel, signed

and filed the Application and supporting Declaration before the PTO on July 19, 2016, Applicant knew or acted in a reckless disregard of the truth that it was not the owner of the LET IT GO mark; that it was not entitled to use such mark in commerce; that Opposer is the owner of Opposer's LET IT GO Mark, and that Opposer has superior and exclusive rights in such mark.

34. On information and belief, at the time Applicant signed and filed the Application and supporting Declaration on July 19, 2016, Applicant knew or acted in a reckless disregard of the truth with respect to its claims that Applicant "has a bona fide intention and is entitled to use the mark in commerce," and that "no other persons... have the right to use the mark in commerce, either in identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such person, to cause confusion or mistake, or to deceive," because such claims were false and misleading with an intent to deceive the PTO and were material statements.

35. The PTO accepted and relied on Applicant's false and misleading material statements in its Declaration in approving the Application for Applicant's LET IT GO Mark for publication, by issuing the Notice of Publication on October 5, 2016, and by publishing the Applicant's LET IT GO Mark on October 25, 2016.

36. On information and belief, but for Applicant's false and misleading material statements in its Declaration, the PTO would not have approved the Application for Applicant's LET IT GO Mark for publication, and it would not have allowed the mark to be published.

37. On information and belief, Applicant, in making such false and misleading material statements in its Application and supporting Declaration filed before



the PTO, intended to procure a registration to which it was not entitled, and thus committed fraud on the PTO.

WHEREFORE, Opposer believes that it is being damaged by the Application, and will be damaged by the registration of the mark shown in the Application, and requests that the opposition be sustained, and that registration to Applicant be refused.

Respectfully submitted,

DISNEY ENTERPRISES, INC.

Dated: February 22, 2017

By: Linda K. McLeod/  
David M. Kelly  
david.kelly@kelly-ip.com  
Linda K. McLeod  
linda.mcleod@kelly-ip.com  
Kelu L. Sullivan  
kelu.sullivan@kelly-ip.com  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
Washington, D.C. 20036  
Telephone: 202-808-3570  
Facsimile: 202-354-5232  
Attorneys for Opposer

# **EXHIBIT A**

**Generated on:** This page was generated by TSDR on 2017-02-22 14:58:58 EST

**Mark:** JUST KEEP SWIMMING

**US Serial Number:** 87086259

**Application Filing Date:** Jun. 28, 2016

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Feb. 07, 2017

**Publication Date:** Oct. 11, 2016

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## Mark Information

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**Mark Literal Elements:** JUST KEEP SWIMMING

**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

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## Goods and Services

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**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:** On-line retail store services featuring clothing, posters, art prints on canvas, stickers, mugs, pillows, bags, mobile phone cases

**International Class(es):** 035 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

---

## Basis Information (Case Level)

---

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**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:** 47 / 72 Inc.

**Owner Address:** 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES, CALIFORNIA 90012  
UNITED STATES

**Phone:** 503-549-4854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Feb. 07, 2017	OPPOSITION INSTITUTED NO. 999999	232732
Nov. 10, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 11, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 11, 2016	PUBLISHED FOR OPPOSITION	
Sep. 21, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 02, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
Jul. 01, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 01, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** WILLISTON, JENNIFER LY

**Law Office Assigned:** LAW OFFICE 105

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 05, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91232732](#)

**Filing Date:** Feb 07, 2017

**Status:** Pending

**Status Date:** Feb 07, 2017

**Interlocutory Attorney:** ANDREW P BAXLEY

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES, CA , 90012

UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JUST KEEP SWIMMING	Opposition Pending	<a href="#">87086259</a>	

**Plaintiff(s)**

**Name:** Disney Enterprises, Inc

**Correspondent Address:** LINDA K MCLEOD  
KELLY IP LLP  
1919 M ST NW STE 610  
WASHINGTON DC , 20036  
UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JUST KEEP SWIMMING			

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 07, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 07, 2017	Mar 19, 2017
3	PENDING, INSTITUTED	Feb 07, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Feb 07, 2017	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 13, 2017	Mar 15, 2017

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [87086259](#) **Filing Date:** Nov 10, 2016

**Status:** Terminated **Status Date:** Feb 08, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** 47 / 72 Inc.

**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JUST KEEP SWIMMING	Opposition Pending	<a href="#">87086259</a>	

**Potential Opposer(s)**

**Name:** Disney Enterprises, Inc

**Correspondent Address:** Linda K. McLeod  
Kelly IP, LLP  
1919 M Street, NWSuite 610  
WASHINGTON DC , 20036  
UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 10, 2016	
2	EXTENSION OF TIME GRANTED	Nov 10, 2016	

Generated on: This page was generated by TSDR on 2017-02-22 15:00:17 EST

Mark: HOUSE OF MOUSE

HOUSE OF MOUSE

US Serial Number: 87007599

Application Filing Date: Apr. 20, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jan. 25, 2017

Publication Date: Sep. 27, 2016

## Mark Information

Mark Literal Elements: HOUSE OF MOUSE

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: Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** 47 / 72 INC  
900 EAST 1ST STREET #110  
LOS ANGELES, CALIFORNIA 90012  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 25, 2017	OPPOSITION INSTITUTED NO. 999999	232469
Oct. 21, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 27, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2016	PUBLISHED FOR OPPOSITION	
Sep. 07, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 25, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Aug. 24, 2016	ASSIGNED TO LIE	66213
Aug. 08, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 06, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 05, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 05, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2016	NON-FINAL ACTION WRITTEN	82435
Aug. 03, 2016	ASSIGNED TO EXAMINER	82435
Apr. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** BOONE, JOHN C

**Law Office Assigned:** LAW OFFICE 108

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 25, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91232469](#)

**Filing Date:** Jan 25, 2017

**Status:** Pending

**Status Date:** Jan 25, 2017

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

### Defendant



**Name:** 47 / 72 Inc.

**Correspondent** 47 / 72 INC  
**Address:** 900 EAST 1ST STREET #110  
LOS ANGELES CA , 90012  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE	Opposition Pending	<a href="#">87007599</a>	

**Plaintiff(s)**

**Name:** Disney Enterprises, Inc.

**Correspondent** LINDA K MCLEOD  
**Address:** KELLY IP LLP  
1919 M STREET, N W SUITE 610  
WASHINGTON DC , 20036  
UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE			

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 25, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 25, 2017	Mar 06, 2017
3	PENDING, INSTITUTED	Jan 25, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Jan 30, 2017	
5	SUSPENDED	Feb 07, 2017	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [87007599](#)

**Filing Date:** Oct 21, 2016

**Status:** Terminated

**Status Date:** Jan 25, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** 47 / 72 Inc.

**Correspondent** LUKE BREAN  
**Address:** BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE	Opposition Pending	<a href="#">87007599</a>	

**Potential Opposer(s)**

**Name:** Disney Enterprises, Inc.

**Correspondent** Linda K. McLeod  
**Address:** Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
WASHINGTON DC , 20036  
UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE			

**Prosecution History**

Entry Number	History Text	Date	Due Date
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1

INCOMING - EXT TIME TO OPPOSE FILED

Oct 21, 2016

2

EXTENSION OF TIME GRANTED

Oct 21, 2016

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Mark: OHANA MEANS FAMILY

OHANA MEANS FAMILY

US Serial Number: 87027954

Application Filing Date: May 06, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 02, 2016

Publication Date: Nov. 08, 2016

## Mark Information

Mark Literal Elements: OHANA MEANS FAMILY

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

Translation: The English translation of "OHANA" in the mark is "family".

## 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: Online retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 08, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2016	PUBLISHED FOR OPPOSITION	
Oct. 19, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 27, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT -WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 11, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 10, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NGUYEN, NICOLE ASHLEY

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 30, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87027954](#)

**Filing Date:** Dec 02, 2016

**Status:** Not Instituted

**Status Date:** Dec 02, 2016

**Interlocutory Attorney:**

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

Associated marks			
Mark	Application Status	Serial Number	Registration Number

OHANA MEANS FAMILY	Request For Extension of Time to File Opposition	<a href="#">87027954</a>	
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**Potential Opposer(s)**

**Name:** Disney Enterprises, Inc.

**Correspondent** Linda K. McLeod

**Address:** Kelly IP, LLP  
 1919 M Street, N.W., Suite 610  
 Washington DC , 20036  
 UNITED STATES

**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 02, 2016	
2	EXTENSION OF TIME GRANTED	Dec 02, 2016	

**Generated on:** This page was generated by TSDR on 2017-02-22 15:01:25 EST

**Mark:** TO INFINITY AND BEYOND

TO INFINITY AND BEYOND

**US Serial Number:** 87045934

**Application Filing Date:** May 21, 2016

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jan. 03, 2017

**Publication Date:** Dec. 06, 2016

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## Mark Information

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**Mark Literal Elements:** TO INFINITY AND 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

---

## 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:** Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, cases for mobile phones, phone accessories, posters, pillows, mugs, tote bags

**International Class(es):** 035 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

---

## Basis Information (Case Level)

---

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**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:** 47 / 72 Inc.

**Owner Address:** 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

---

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 03, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 06, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 06, 2016	PUBLISHED FOR OPPOSITION	
Nov. 16, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 23, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 21, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 21, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 05, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2016	NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2016	NON-FINAL ACTION WRITTEN	72505
Oct. 05, 2016	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 04, 2016	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Sep. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2016	ASSIGNED TO EXAMINER	72505
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
May 27, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 25, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** DE JONGE, KATHLEEN RUS

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 28, 2016

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87045934](#)

**Filing Date:** Jan 03, 2017

**Status:** Not Instituted

**Status Date:** Jan 03, 2017

**Interlocutory**

**Attorney:****Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO INFINITY AND BEYOND	Request For Extension of Time to File Opposition	<a href="#">87045934</a>	

**Potential Opposer(s)****Name:** Disney Enterprises, Inc.**Correspondent Address:** Linda K. McLeod  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 03, 2017	
2	EXTENSION OF TIME GRANTED	Jan 03, 2017	



Generated on: This page was generated by TSDR on 2017-02-22 15:02:03 EST

Mark: ELENA OF VALORA

ELENA OF VALORA

US Serial Number: 87045460

Application Filing Date: May 20, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 27, 2016

## Mark Information

Mark Literal Elements: ELENA OF VALORA

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

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

## 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: On-line retail store services featuring Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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:** 47 / 72 Inc.

**Owner Address:** 900 East 1st St., Unit 110  
Los Angeles, CALIFORNIA UNITED STATES 90012

**Legal Entity Type:** CORPORATION

**State or Country** CALIFORNIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON UNITED STATES 97208

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 26, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 24, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NGUYEN, NICOLE ASHLEY

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Sep. 27, 2016

Generated on: This page was generated by TSDR on 2017-02-22 15:03:31 EST

Mark: MORTIMER MOUSE

MORTIMER MOUSE

US Serial Number: 86943069

Application Filing Date: Mar. 16, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: Review prior to publication completed.

Status Date: Feb. 02, 2017

Publication Date: Mar. 07, 2017

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## Mark Information

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Mark Literal Elements: MORTIMER MOUSE

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

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## Goods and Services

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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: Online retail store services featuring cases for mobile phones, posters, pillows, mugs, tote bags

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

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## Basis Information (Case Level)

---

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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

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## Current Owner(s) Information

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Owner Name: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

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## Attorney/Correspondence Information

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**Attorney of Record****Attorney Name:** Luke Brean**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** EUGENE BELIY  
BREANLAW LLC  
P O BOX 4120  
PORTLAND, OREGON 97208  
UNITED STATES**Phone:** 5035494854**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 31, 2017	EXPARTE APPEAL TERMINATED	943069
Jan. 30, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 30, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 30, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 30, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 30, 2017	EXAMINERS AMENDMENT -WRITTEN	90292
Jan. 17, 2017	JURISDICTION RESTORED TO EXAMINING ATTORNEY	943069
Jan. 10, 2017	EX PARTE APPEAL-INSTITUTED	943069
Jan. 10, 2017	EXPARTE APPEAL RECEIVED AT TTAB	
Dec. 04, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 04, 2016	FINAL REFUSAL E-MAILED	
Dec. 04, 2016	FINAL REFUSAL WRITTEN	90292
Nov. 17, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 10, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION WRITTEN	90292
Jun. 10, 2016	ASSIGNED TO EXAMINER	90292
Apr. 05, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 05, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 21, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 19, 2016	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information****TM Attorney:** CHANG, ELIZABETH YI HS**Law Office Assigned:** LAW OFFICE 115**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Feb. 02, 2017**Proceedings****Summary****Number of Proceedings:** 1**Type of Proceeding:** Exparte Appeal

Proceeding [86943069](#)  
Number:

Filing Date: Jan 10, 2017

Status: Terminated

Status Date: Jan 31, 2017

Interlocutory  
Attorney:

**Plaintiff(s)**

Name: 47 / 72 Inc.

Correspondent EUGENE BELIY  
Address: BREANLAW LLC  
P O BOX 4120  
PORTLAND OR , 97208  
UNITED STATES

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com) , [luke@breanlaw.com](mailto:luke@breanlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MORTIMER MOUSE	Publication/Issue Review Complete	<a href="#">86943069</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jan 10, 2017	
2	APPEAL ACKNOWLEDGED	Jan 10, 2017	
3	INSTITUTED	Jan 10, 2017	
4	APPEAL BRIEF	Jan 10, 2017	
5	APPEAL FORWARDED TO EXAMINER FOR BRIEF	Jan 17, 2017	
6	TERMINATED	Jan 31, 2017	

# **EXHIBIT N**

ESTTA Tracking number: **ESTTA811411**

Filing date: **04/04/2017**

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	Disney Enterprises, Inc.
Granted to Date of previous extension	04/05/2017
Address	500 South Buena Vista Street Burbank, CA 91521 UNITED STATES
Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, N.W., Suite 610 WASHINGTON, DC 20036 UNITED STATES Linda.McLeod@kelly-ip.com, DisneyOpp@kelly-ip.com, lit-docketing@kelly-ip.com

**Applicant Information**

Application No	87045934	Publication date	12/06/2016
Opposition Filing Date	04/04/2017	Opposition Period Ends	04/05/2017
Applicant	47 / 72 Inc. 900 East 1st St. #110 Los Angeles, CA 90012 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, cases for mobile phones, phone accessories, posters, pillows, mugs, tote bags
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registra-	NONE	Application Date	NONE
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tion No.			
Registration Date	NONE		
Word Mark	TO INFINITY AND BEYOND		
Goods/Services	Entertainment services; films; television shows; books; prerecorded DVDs; prerecorded videos; online and streaming films; clothing; toys		

Attachments	NOO against 47 - 72 Inc.'s TO INFINITY AND BEYOND.pdf(1115964 bytes )
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Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	04/04/2017





vast licensing program under which it uses or licenses the use of its properties, characters, and trademarks in connection with a variety of products and services, including but not limited to entertainment services, television programs, motion picture films, comic books, toys, dolls, decals, stickers, mugs, sporting goods, bags, personal care products, linens, towels, apparel, footwear, food, theme parks, online games, computer games, video games, music, and mobile applications.

3. Opposer, since long before the filing date of the opposed application and any date of use that may be proven by Applicant, has been using the mark TO INFINITY AND BEYOND, which was first used in connection with Opposer's well-known animated film *Toy Story* (1995).

4. Opposer's *Toy Story* film featuring its TO INFINITY AND BEYOND mark has been enormously successful, earning millions of dollars in box-office sales, received three Academy Award nominations and won a Special Achievement Academy Award in 1995. Following the success of Opposer's *Toy Story* film, Opposer has produced two film sequels and a third sequel, *Toy Story 4*, scheduled for 2019 release, as part of its *Toy Story* film franchise and series. Many of Opposer's films from its *Toy Story* franchise are available on DVD and streaming online.

5. Before the filing date of the opposed application and any date of use that may be proven by Applicant, Opposer has used and/or licensed the use of its TO INFINITY AND BEYOND mark in commerce in connection with clothing as shown in the representative samples below. These products are offered and sold through major online retail outlets, including amazon.com and other outlets. (Collectively, the products and services identified in Paragraphs 3-5 are referred to as "Opposer's Goods and

Services”).

This screenshot shows the Amazon product page for "Disney Boys Buzz Lightyear PJ PALS Pajamas". The page features a large image of the pajamas on the left, which are a long-sleeved top and matching pants with a yellow, white, and blue color scheme and a Buzz Lightyear graphic. The top of the top has "INFINITY" and "AND BEYOND" printed on it. On the right, the product title is "Disney Boys Buzz Lightyear PJ PALS Pajamas" with a price range of \$18.26 - \$27.92. Below the title, there are options for size and color, and a list of product features including "Genuine, Original, Authentic Disney Store" and "Ribbed collar and cuffs". A "Customers who viewed this item also bought" section shows four related items with their prices.

amazon Prime  
Clothing, Shoes & Jewelry - buzz lightyear  
St. Patrick's Day  
Departments - Browsing History - India's Amazon.com - Today's Deals - Gift Cards & Registry - Sell - Help  
Amazon Fashion  
WOMEN MEN GIRLS BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & S FREE RETURNS  
- Back to search results for "buzz lightyear"  
Share  
To buy, select Size  
Add to Cart  
Add to List

Disney  
Disney Boys Buzz Lightyear PJ PALS Pajamas  
Be the first to review this item  
Price: \$18.26 - \$27.92 & Free Return on some sizes and colors  
Size:  
Select - Size Chart  
- Genuine, Original, Authentic Disney Store  
- Ribbed collar and cuffs  
- Coordinating elastic-waist pajama pants  
- Screen art  
- Please note: Children's sleepwear can meet safety requirements by fitting snugly and/or being flame resistant. This item is snug fitting. Please order size accordingly.  
Report incorrect product information.

Customers who viewed this item also bought

Disney	Disney	RH Disney	Disney
\$24.95	\$14.84	\$4.99	\$19.99

This screenshot shows the Amazon product page for "Disney Pixar Toy Story Buzz Lightyear To Infinity T-shirt". The page features a large image of the white t-shirt on the left, which has a black silhouette of Buzz Lightyear and the text "TO INFINITY" and "AND BEYOND". On the right, the product title is "Disney Pixar Toy Story Buzz Lightyear To Infinity T-shirt" with a price range of \$18.95 - \$20.99. Below the title, there are options for size and color, and a list of product features including "Adult Size T-shirt" and "100% Cotton". A "Customers who viewed this item also bought" section shows four related items with their prices.


amazon Prime  
Clothing, Shoes & Jewelry - buzz lightyear  
St. Patrick's Day  
Departments - Browsing History - India's Amazon.com - Today's Deals - Gift Cards & Registry - Sell - Help  
Amazon Fashion  
WOMEN MEN GIRLS BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & S FREE RETURNS  
- Back to search results for "buzz lightyear"  
Share  
To buy, select Size  
Add to Cart  
Add to List

Disney  
Disney Pixar Toy Story Buzz Lightyear To Infinity T-shirt  
11 customer reviews  
Price: \$18.95 - \$20.99 & Free Return on some sizes and colors  
Fit: As expected (77%)  
Size:  
Select - Size Chart  
Color: White  
- Adult Size T-shirt  
- Officially licensed  
- 100% Cotton  
Report incorrect product information.

Customers who viewed this item also bought

Disney	Disney	Pixar	Disney
\$11.11 - \$23.49	\$17.95 - \$24.95	\$9.95 - \$27.97	\$14.84

amazon.com/TOY-Story-Bullseye-Pajama-Pants/...  
 NEW & INTERESTING FINDS ON AMAZON EXPLORE  
 amazon Clothing, Shoes & Jewelry buzz lightyear  
 Departments Browsing History Linda's Amazon.com Today's Deals Gift Cards & Registry Sell Help  
 Hello, Linda Account & Lists Orders Prime Cart  
 Amazon Fashion WOMEN MEN GIRLS BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & FREE RETURNS  
 Back to search results for "buzz lightyear"




**Disney**  
**TOY STORY Boy's Size 4 Woody, Buzz and Bullseye Pajama Pants Set**  
 Be the first to review this item.  
 Price: \$29.99 + \$4.99 shipping  
 Note: Not eligible for Amazon Prime  
 Only 1 left in stock - order soon  
 Get it as soon as Thursday, March 9 when you choose Two-Day Shipping at checkout  
 Ships from and sold by Little Dreamers Pajamas.

- 100% Cotton
- He'll love this colorful Toy Story pj set featuring Buzz, Woody and Bullseye.
- Blue sleeves and red ribbed collar
- The pajama pants have a print throughout.
- Of a cozy, 100% cotton, to be worn snug-fitting
- Disney Size 4

Report incorrect product information

Share  
 \$29.99 - \$4.99 shipping  
 Only 1 left in stock - order soon  
 Sold by Little Dreamers Pajamas  
 Add to Cart  
 Turn on 1-Click ordering for this browser  
 Ship to:  
 Linda McLeod-Rye - 10580  
 Add to List

amazon.com/Story-Little-Beyond-Block-Headband/...  
 NEW & INTERESTING FINDS ON AMAZON EXPLORE  
 amazon Clothing, Shoes & Jewelry buzz lightyear  
 Departments Browsing History Linda's Amazon.com Today's Deals Gift Cards & Registry Sell Help  
 Hello, Linda Account & Lists Orders Prime Cart  
 Amazon Fashion WOMEN MEN GIRLS BOYS BABY LUGGAGE SALES & DEALS YOUR FASHION & FREE RETURNS  
 Back to search results for "buzz lightyear"



**Disney**  
**Disney Toy Story Boys' Buzz Goes Beyond T-Shirt**  
 4.5 stars (5 customer reviews)  
 Price: \$16.99 + \$4 shipping  
 Note: Not eligible for Amazon Prime  
 Fit: As expected (75%)  
 Special Size: Toddler Boys  
 Size: 2T Size Chart  
 Color: Red/Black Heather  
 In Stock  
 Get it as soon as Thursday, March 9 when you choose Two-Day Shipping at checkout  
 Ships from and sold by Stylin-Online.

- 60% Cotton/40% Polyester
- Made in the USA and imported
- Machine Wash
- Toddler tees
- Polyester/cotton hees

Report incorrect product information

Customers who viewed this item also bought

Disney \$5.69 - \$13.96	Disney \$13.97 - \$14.62	Disney \$5.70 - \$14.63	Disney \$8.73 - \$16.59

Share  
 Qty: 1  
 \$16.99 - \$4.00 shipping  
 In Stock. Sold by Stylin-Online  
 Add to Cart  
 Turn on 1-Click ordering for this browser  
 Ship to:  
 Linda McLeod-Rye - 10580  
 Add to List

https://www.amazon.com/stores/ref\_aui\_new\_image\_7L\_detail

### **Applicant and its INFINITY AND BEYOND Application**

6. 47 / 72 Inc. (“Applicant”), the listed owner of Application Serial No. 87045934 (“Application”), is a Delaware corporation with an address of 900 East 1<sup>st</sup> Street, Unit #110, Los Angeles, California 90012.

7. On May 21, 2016, after the release of Opposer’s *Toy Story* film and after the first use of Opposer’s TO INFINITY AND BEYOND mark, Applicant filed the Application under Section 1(b), 15 U.S.C. § 1051(b), seeking to register the TO INFINITY AND BEYOND mark (“Applicant’s TO INFINITY AND BEYOND Mark”) for “on-line retail store services featuring shirts, hooded sweatshirts, one-piece clothing for babies, cases for mobile phones, phone accessories, posters, pillows, mugs, tote bags” in Class 35 (“Applicant’s Services”).

8. On May 21, 2016, Applicant’s attorney, Luke Brean, signed a declaration in support of the Application, stating, in relevant part: “the applicant is the owner of the trademark/service mark sought to be registered ... the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory’s knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration

resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are true” (the “Declaration”).

9. On December 6, 2016, Applicant’s TO INFINITY AND BEYOND Mark was published for opposition in the *Trademark Official Gazette* (TMOG), and Opposer timely filed an extension of time to oppose on January 3, 2017.

10. In addition to the opposed Application, Applicant has an established pattern of filing numerous intent-to-use applications for marks that are identical or nearly identical to well-known marks owned by Opposer and others.

11. For example, in 2016, Applicant filed six other applications for the marks below that are owned by and associated with Opposer as a source identifier. Printouts for each of these applications from the PTO's TSDR database are collectively attached as Exhibit A.

Mark	App. No./Date	Classes and Goods and Services	Applicant Name
JUST KEEP SWIMMING	87086259 28-JUN-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, ART PRINTS ON CANVAS, STICKERS, MUGS, PILLOWS, BAGS, MOBILE PHONE CASES	47 / 72 INC.
HOUSE OF MOUSE	87007599 20-APR-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODED SWEATSHIRTS, ONE-PIECE CLOTHING FOR BABIES, MOBILE ELECTRONIC CASES, POSTERS, PILLOWS, MUGS, TOTE BAGS	47 / 72 INC.
LET IT GO	87109413 19-JUL-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, PILLOWS, MUGS, BAGS, AND MOBILE ELECTRONICS CASES AND COVERS	47 / 72 INC.
OHANA MEANS FAMILY	87027954 06-MAY-2016	INT. CL. 35: ONLINE RETAIL STORE SERVICES FEATURING CLOTHING, POSTERS, PILLOWS, MUGS, BAGS, AND MOBILE ELECTRONICS CASES AND COVERS	47 / 72 INC.
ELENA OF VALORA	87045460 20-MAY-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.
MORTIMER MOUSE	86943069 16-MAR-2016	INT. CL. 35 ON-LINE RETAIL STORE SERVICES FEATURING SHIRTS, HOODIES, SWEATSHIRTS, LEGGINGS, SCARVES, PENCIL SKIRTS, LOOKBOOKS, BABY ONE PIECES, CASES AND SKINS, STICKERS, POSTERS, CANVAS PRINTS, PHOTOGRAPHIC PRINTS, ART PRINTS, FRAMED PRINTS, METAL PRINTS, THROW PILLOWS, MUGS, TRAVEL MUGS, GREETING CARDS, POSTCARDS, CALENDARS, SPIRAL NOTEBOOKS, HARDCOVER JOURNALS, TOTE BAGS, STUDIO POUCHES, DRAWSTRING BAGS, LAPTOP SLEEVES, PHONE ACCESSORIES, LAPTOP ACCESSORIES	47 / 72 INC.

12. Moreover, on information and belief, Applicant has an interest in and/or offers clothing through RageOn!, an online retailer for clothing and other products located at [www.rageon.com](http://www.rageon.com).

13. On information and belief, and without authorization or consent from Opposer, [www.rageon.com](http://www.rageon.com) offers clothing featuring characters, images, and marks from Opposer's well-known *Toy Story* film franchise, including the representative samples below.



GUYS GIRLS KIDS SWEATSHIRTS HOME DECOR SALE READY TO SHIP MORE AFFILIATES

**"Toy Story 4" Shirt**  
by: SwlpeDesigns  
\$39.99 USD **Save 38%**  
**\$24.99 USD**

Size  
**PICK A SIZE** [Sizing Chart](#)

- Standard - Single Sided (?)
- Premium - Double Sided (?)
- Ultra Premium - Double Sided (?)

Quantity [Save Money! Order In Bulk](#)  
1

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**About** [Sign in](#) [Sign up](#)

Estimated 10 business days production time - **shipping time** unless coupled with products that have a longer stated production time.

**NEED SOMETHING FAST?  
SHOP READY TO SHIP.**

[Report Design](#)





### Toy Story Splatter T-Shirt

by: Let's Rage  
\$39.99 USD **Save 38%**  
**\$24.99 USD**

Size: **PICK A SIZE** [Size Chart](#)

- Standard - Single Sided (2)
- Premium - Double Sided (2)
- Ultra Premium - Double Sided (7)

Quantity:  [Save Money! Order In Bulk](#)

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Share [f](#) [t](#) [p](#) [w](#)

About

Estimated 10 business days production time + shipping time, unless coupled with products that have a longer stated production time.

Check out Buzz, Woody and Mr. Potato Head from the computer-animated buddy-comedy and adventure film produced by Pixar in this sick all-over print Toy Story Splatter T-Shirt design! Keep the 90's animated movies alive and go get this sick t-shirt today!!

Care Instructions: Machine Wash Cold, Tumble Dry Low



### What's In Your Toy Box.

by: waldo\_forreals  
\$174.99 USD **Save 31%**  
**\$119.99 USD**

Title:

Size: **PICK A SIZE** [Size Chart](#)

Quantity:  [Save Money! Order In Bulk](#)

**ADD TO CART**

Share to earn 15% commission. [Learn more.](#)

Share [f](#) [t](#) [p](#) [w](#)

About

Estimated 10 business days production time + shipping time, unless coupled with products that have a longer stated production time.



[Report Design](#)

**COUNT I: Likelihood of Confusion, 15 U.S.C. § 1052(d)**

14. Opposer repeats and realleges each and every allegation set forth above.

15. Opposer has priority based on its prior use in commerce of Opposer's TO INFINITY AND BEYOND Mark in connection with Opposer's Goods and Services before the filing date of the Application, and before any date of first use that may be proven by Applicant.

16. Applicant's TO INFINITY AND BEYOND Mark is identical in sound, appearance, and connotation to Opposer's TO INFINITY AND BEYOND Mark.

17. Applicant's Services are highly related to Opposer's Goods and Services. Indeed, Opposer has used its TO INFINITY AND BEYOND Mark in commerce in connection with clothing. Further, Opposer itself owns and operates an online retail store located at [disneystore.com](http://disneystore.com) that features the very same types of products identified in the Application.

18. Moreover, in view of Opposer's extensive licensing program for its entertainment properties, characters, and trademarks for decades, including products and services in connection with its *Toy Story* film franchise, the public understands and is accustomed to Opposer offering the very same types of products identified in the opposed Application. Under these circumstances, there is an increased likelihood that consumers will mistakenly believe that Applicant's Services, and the products offered thereunder, are affiliated with or authorized by Opposer.

19. In addition, the fact that Applicant has engaged in a pattern of bad faith conduct by filing numerous applications for well-known marks owned by Opposer (and

others), and has engaged in bad faith by offering products on a website that also offers unauthorized products bearing images and marks from Opposer's well-known and popular *Toy Story* film franchise, further enhances a likelihood of confusion in this case.

20. Accordingly, Applicant's TO INFINITY AND BEYOND Mark, when registered and used in connection with Applicant's Services, is likely to cause confusion, or to cause mistake, or to deceive with Opposer's TO INFINITY AND BEYOND Mark and Opposer's Goods and Services in violation of Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

**COUNT II: Lack of Bona Fide Intent to Use, 15 U.S.C. § 1051(b)**

21. Opposer repeats and realleges each and every allegation set forth above.

22. On information and belief, Applicant lacked the requisite bona fide intent to use the mark in commerce under Section 1(b), 15 U.S.C. § 1051(b), on or in connection with all of Applicant's Services as of the filing date of the Application, and continuing to date.

23. On information and belief, Applicant did not have the requisite bona fide intent to use the applied-for mark in connection with any services as of the filing date of the Application, and continuing to date.

24. Further, on information and belief, Applicant was aware that Opposer has prior rights in and to Opposer's TO INFINITY AND BEYOND Mark in connection with Opposer's Goods and Services before filing the opposed application, and any date of first use that may be proven by Applicant.

25. On information and belief, Applicant filed the Application for Applicant's

TO INFINITY AND BEYOND Mark in Class 35 with a bad-faith intent to trade-off of the goodwill of Opposer, Opposer's Goods and Services, and Opposer's TO INFINITY AND BEYOND Mark.

26. On information and belief, Applicant has a pattern of filing U.S. trademark applications for well-known marks owned by Opposer (and others) with a bad faith intent to trade-off of the goodwill of Opposer and its marks to the damage and detriment of Opposer.

27. On information and belief, Applicant's pattern of bad-faith trademark filings is further evidence of its lack of a bona fide intent to use Applicant's TO INFINITY AND BEYOND Mark in commerce.

28. Accordingly, Applicant lacks the required bona fide intent to use the mark in commerce, and the Application should be held void and refused registration.

**COUNT III: Fraud**

29. Opposer repeats and realleges each and every allegation set forth above.

30. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on May 21, 2016, Applicant was aware of Opposer's TO INFINITY AND BEYOND Mark and Opposer's Goods and Services.

31. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on May 21, 2016, Applicant knew or acted in a reckless disregard of the truth that it did not have a bona fide intent to use its mark in commerce; that it intended to trade-off of the goodwill of

Opposer's TO INFINITY AND BEYOND Mark, and that it intended to commit fraud on the PTO to gain a registration for Applicant's TO INFINITY AND BEYOND Mark for which it was not entitled.

32. On information and belief, at the time Applicant, through counsel, signed and filed the Application and supporting Declaration before the PTO on May 21, 2016, Applicant knew or acted in a reckless disregard of the truth that it was not the owner of the TO INFINITY AND BEYOND mark; that it was not entitled to use such mark in commerce; that Opposer is the owner of Opposer's TO INFINITY AND BEYOND Mark, and that Opposer has superior and exclusive rights in such mark.

33. On information and belief, at the time Applicant signed and filed the Application and supporting Declaration on May 21, 2016, Applicant knew or acted in a reckless disregard of the truth with respect to its claims that Applicant "has a bona fide intention and is entitled to use the mark in commerce," and that "no other persons... have the right to use the mark in commerce, either in identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such person, to cause confusion or mistake, or to deceive," because such claims were false and misleading with an intent to deceive the PTO and were material statements.

34. The PTO accepted and relied on Applicant's false and misleading material statements in its Declaration in approving the Application for Applicant's TO INFINITY AND BEYOND Mark for publication, by issuing the Notice of Publication on November 16, 2016, and by publishing the Applicant's TO INFINITY AND BEYOND Mark on December 6, 2016.

35. On information and belief, but for Applicant's false and misleading

material statements in its Declaration, the PTO would not have approved the Application for Applicant's TO INFINITY AND BEYOND Mark for publication, and it would not have allowed the mark to be published.

36. On information and belief, Applicant, in making such false and misleading material statements in its Application and supporting Declaration filed before the PTO, intended to procure a registration to which it was not entitled, and thus committed fraud on the PTO.

37. Accordingly, the oppositions should be sustained and the Application should be refused registration on the ground of fraud.

WHEREFORE, Opposer believes that it is being damaged by the Application, and will be damaged by the registration of the mark shown in the Application, and requests that the opposition be sustained, and that registration to Applicant be refused.

Respectfully submitted,

DISNEY ENTERPRISES, INC.

Dated: April 4, 2017

By: /Linda K. McLeod/  
David M. Kelly  
david.kelly@kelly-ip.com  
Linda K. McLeod  
linda.mcleod@kelly-ip.com  
Kelu L. Sullivan  
kelu.sullivan@kelly-ip.com  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
Washington, D.C. 20036  
Telephone: 202-808-3570  
Facsimile: 202-354-5232  
Attorneys for Opposer

# **EXHIBIT A**



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Mark: JUST KEEP SWIMMING

JUST KEEP SWIMMING

US Serial Number: 87086259

Application Filing Date: Jun. 28, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Feb. 07, 2017

Publication Date: Oct. 11, 2016

## Mark Information

Mark Literal Elements: JUST KEEP SWIMMING

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: On-line retail store services featuring clothing, posters, art prints on canvas, stickers, mugs, pillows, bags, mobile phone cases

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES, CALIFORNIA 90012  
UNITED STATES

**Phone:** 503-549-4854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 07, 2017	OPPOSITION INSTITUTED NO. 999999	232732
Nov. 10, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 11, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 11, 2016	PUBLISHED FOR OPPOSITION	
Sep. 21, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 02, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
Jul. 01, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 01, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** WILLISTON, JENNIFER LY

**Law Office Assigned:** LAW OFFICE 105

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 05, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91232732](#)

**Filing Date:** Feb 07, 2017

**Status:** Pending

**Status Date:** Feb 07, 2017

**Interlocutory Attorney:** ANDREW P BAXLEY

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES, CA , 90012  
UNITED STATES

### Associated marks

Mark	Application Status	Serial Number	Registration Number
JUST KEEP SWIMMING	Opposition Pending	<a href="#">87086259</a>	

**Plaintiff(s)****Name:** Disney Enterprises, Inc**Correspondent Address:** LINDA K MCLEOD  
KELLY IP LLP  
1919 M ST NW STE 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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JUST KEEP SWIMMING

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 07, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 07, 2017	Mar 19, 2017
3	PENDING, INSTITUTED	Feb 07, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Feb 07, 2017	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 13, 2017	Mar 15, 2017

**Type of Proceeding: Extension of Time****Proceeding Number:** [87086259](#)**Filing Date:** Nov 10, 2016**Status:** Terminated**Status Date:** Feb 08, 2017**Interlocutory Attorney:****Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208**Associated marks**

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

JUST KEEP SWIMMING

Opposition Pending

[87086259](#)**Potential Opposer(s)****Name:** Disney Enterprises, Inc**Correspondent Address:** Linda K. McLeod  
Kelly IP, LLP  
1919 M Street, NWSuite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 10, 2016	
2	EXTENSION OF TIME GRANTED	Nov 10, 2016	

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Mark: HOUSE OF MOUSE

HOUSE OF MOUSE

US Serial Number: 87007599

Application Filing Date: Apr. 20, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jan. 25, 2017

Publication Date: Sep. 27, 2016

## Mark Information

Mark Literal Elements: HOUSE OF MOUSE

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: Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** MIKE LIN  
47 / 72 INC  
900 EAST 1ST STREET #110  
LOS ANGELES, CALIFORNIA 90012  
UNITED STATES

**Phone:** 5035494854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 25, 2017	OPPOSITION INSTITUTED NO. 999999	232469
Oct. 21, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 27, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2016	PUBLISHED FOR OPPOSITION	
Sep. 07, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 25, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Aug. 24, 2016	ASSIGNED TO LIE	66213
Aug. 08, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 06, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 05, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 05, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2016	NON-FINAL ACTION WRITTEN	82435
Aug. 03, 2016	ASSIGNED TO EXAMINER	82435
Apr. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** BOONE, JOHN C

**Law Office Assigned:** LAW OFFICE 108

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 25, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91232469](#)

**Filing Date:** Jan 25, 2017

**Status:** Pending

**Status Date:** Jan 25, 2017

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** MIKE LIN  
47 / 72 INC  
900 EAST 1ST STREET #110  
LOS ANGELES CA , 90012  
UNITED STATES**Correspondent e-mail:** [mikelinsf@gmail.com](mailto:mikelinsf@gmail.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE	Opposition Pending	<a href="#">87007599</a>	

**Plaintiff(s)****Name:** Disney Enterprises, Inc.**Correspondent Address:** LINDA K MCLEOD  
KELLY IP LLP  
1919 M STREET NW, SUITE 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE			

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 25, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 25, 2017	Mar 06, 2017
3	PENDING, INSTITUTED	Jan 25, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Jan 30, 2017	
5	SUSPENDED	Feb 07, 2017	
6	D APPEARANCE / POWER OF ATTORNEY	Mar 06, 2017	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 11, 2017	Apr 10, 2017

**Type of Proceeding: Extension of Time****Proceeding Number:** [87007599](#)**Filing Date:** Oct 21, 2016**Status:** Terminated**Status Date:** Jan 25, 2017**Interlocutory Attorney:****Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HOUSE OF MOUSE	Opposition Pending	<a href="#">87007599</a>	

**Potential Opposer(s)****Name:** Disney Enterprises, Inc.**Correspondent Address:** Linda K. McLeod  
Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 21, 2016	
2	EXTENSION OF TIME GRANTED	Oct 21, 2016	

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Mark: LET IT GO

# LET IT GO

US Serial Number: 87109413

Application Filing Date: Jul. 19, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Feb. 22, 2017

Publication Date: Oct. 25, 2016

## Mark Information

Mark Literal Elements: LET IT GO

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: On-line retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St., Unit #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Luke Brean

**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES, CALIFORNIA 90012  
UNITED STATES

**Phone:** 503-549-4854

**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 22, 2017	OPPOSITION INSTITUTED NO. 999999	233037
Nov. 23, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 25, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 25, 2016	PUBLISHED FOR OPPOSITION	
Oct. 05, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2016	ASSIGNED TO EXAMINER	72505
Aug. 12, 2016	ASSIGNED TO EXAMINER	80802
Jul. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 22, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** DE JONGE, KATHLEEN RUS

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 16, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91233037](#)

**Filing Date:** Feb 22, 2017

**Status:** Pending

**Status Date:** Feb 22, 2017

**Interlocutory Attorney:** MIKE WEBSTER

### Defendant

**Name:** 47 / 72 Inc.

**Correspondent Address:** 47 / 72 INC  
900 EAST 1ST ST #110  
LOS ANGELES CA , 90012  
UNITED STATES

### Associated marks

Mark	Application Status	Serial Number	Registration Number
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**Plaintiff(s)****Name:** Disney Enterprises, Inc**Correspondent Address:** LINDA K MCLEOD  
KELLY IP LLP  
1919 M STREET NW , SUITE 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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LET IT GO

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 22, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 22, 2017	Apr 03, 2017
3	PENDING, INSTITUTED	Feb 22, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Feb 23, 2017	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 28, 2017	Mar 30, 2017

**Type of Proceeding: Extension of Time****Proceeding Number:** [87109413](#)**Filing Date:** Nov 23, 2016**Status:** Terminated**Status Date:** Feb 22, 2017**Interlocutory Attorney:****Defendant****Name:** 47 / 72 Inc.**Correspondent Address:** LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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LET IT GO

Opposition Pending

[87109413](#)**Potential Opposer(s)****Name:** Disney Enterprises, Inc**Correspondent Address:** Kelu L. Sullivan  
Kelly IP, LLP  
1919 M Street, NWSuite 610  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 23, 2016	
2	EXTENSION OF TIME GRANTED	Nov 23, 2016	

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Mark: OHANA MEANS FAMILY

OHANA MEANS FAMILY

US Serial Number: 87027954

Application Filing Date: May 06, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Mar. 08, 2017

Publication Date: Nov. 08, 2016

## Mark Information

Mark Literal Elements: OHANA MEANS FAMILY

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

Translation: The English translation of "OHANA" in the mark is "family".

## 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: Online retail store services featuring clothing, posters, pillows, mugs, bags, and mobile electronics cases and covers

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

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

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

Amended Use: No  
Amended ITU: No  
Amended 44D: No  
Amended 44E: No

## Current Owner(s) Information

Owner Name: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA UNITED STATES 90012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Luke Brean

Attorney Primary Email Address: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: 47 / 72 INC  
900 E 1ST ST #110  
LOS ANGELES, CALIFORNIA UNITED STATES 90012

Phone: 5035494854

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2017	OPPOSITION INSTITUTED NO. 999999	233308
Dec. 02, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 08, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2016	PUBLISHED FOR OPPOSITION	
Oct. 19, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2016	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 27, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 27, 2016	EXAMINERS AMENDMENT -WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 11, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 10, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: NGUYEN, NICOLE A

Law Office Assigned: LAW OFFICE 107

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 30, 2016

## Proceedings

### Summary

Number of Proceedings: 2

### Type of Proceeding: Opposition

Proceeding Number: [91233308](#)

Filing Date: Mar 08, 2017

Status: Pending

Status Date: Mar 08, 2017

Interlocutory Attorney: ANDREW P BAXLEY

### Defendant

Name: 47 / 72 Inc.

Correspondent 47 / 72 INC  
Address: 900 E 1ST ST #110  
LOS ANGELES CA UNITED STATES , 90012

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OHANA MEANS FAMILY	Opposition Pending	<a href="#">87027954</a>	

**Plaintiff(s)**

Name: Disney Enterprises, Inc.

Correspondent LINDA K MCLEOD  
Address: KELLY IP LLP  
1919 M ST NW STE 610  
WASHINGTON DC UNITED STATES , 20036

Correspondent e-mail: [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OHANA MEANS FAMILY			

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 08, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 08, 2017	Apr 17, 2017
3	PENDING, INSTITUTED	Mar 08, 2017	
4	D REQ TO W/DRAW AS ATTORNEY	Mar 10, 2017	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 16, 2017	Apr 15, 2017

**Type of Proceeding: Extension of Time**

Proceeding Number: [87027954](#) Filing Date: Dec 02, 2016  
Status: Terminated Status Date: Mar 08, 2017  
Interlocutory Attorney:

**Defendant**

Name: 47 / 72 Inc.

Correspondent LUKE BREAN  
Address: BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND OR , 97208

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OHANA MEANS FAMILY	Opposition Pending	<a href="#">87027954</a>	

**Potential Opposer(s)**

Name: Disney Enterprises, Inc.

Correspondent Linda K. McLeod  
Address: Kelly IP, LLP  
1919 M Street, N.W., Suite 610  
Washington DC UNITED STATES , 20036

Correspondent e-mail: [Linda.McLeod@kelly-ip.com](mailto:Linda.McLeod@kelly-ip.com) , [DisneyOpp@kelly-ip.com](mailto:DisneyOpp@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 02, 2016	
2	EXTENSION OF TIME GRANTED	Dec 02, 2016	

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Mark: ELENA OF VALORA

ELENA OF VALORA

US Serial Number: 87045460

Application Filing Date: May 20, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 27, 2016

## Mark Information

Mark Literal Elements: ELENA OF VALORA

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

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

## 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: On-line retail store services featuring Shirts, Hoodies, Sweatshirts, Leggings, Scarves, Pencil Skirts, Lookbooks, Baby One Pieces, Cases and Skins, Stickers, Posters, Canvas Prints, Photographic Prints, Art Prints, Framed Prints, Metal Prints, Throw Pillows, Mugs, Travel Mugs, Greeting Cards, Postcards, Calendars, Spiral Notebooks, Hardcover Journals, Tote Bags, Studio Pouches, Drawstring Bags, Laptop Sleeves, Phone Accessories, Laptop Accessories

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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: 47 / 72 Inc.

Owner Address: 900 East 1st St., Unit 110  
Los Angeles, CALIFORNIA 90012

UNITED STATES

Legal Entity Type: CORPORATION

State or Country CALIFORNIA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Luke Brean

Attorney Primary Email Address: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: LUKE BREAN  
BREANLAW, LLC  
P.O. BOX 4120, ECM #72065  
PORTLAND, OREGON 97208  
UNITED STATES

Phone: 5035494854

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2016	NON-FINAL ACTION WRITTEN	91170
Aug. 12, 2016	ASSIGNED TO EXAMINER	91170
May 26, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 24, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: NGUYEN, NICOLE A

Law Office Assigned: LAW OFFICE 107

### File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Sep. 27, 2016

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Mark: MORTIMER MOUSE

MORTIMER MOUSE

US Serial Number: 86943069

Application Filing Date: Mar. 16, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

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

Status Date: Mar. 07, 2017

Publication Date: Mar. 07, 2017

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## Mark Information

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Mark Literal Elements: MORTIMER MOUSE

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

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## Goods and Services

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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: Online retail store services featuring cases for mobile phones, posters, pillows, mugs, tote bags

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

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

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## Current Owner(s) Information

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Owner Name: 47 / 72 Inc.

Owner Address: 900 East 1st St. #110  
Los Angeles, CALIFORNIA 90012  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

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## Attorney/Correspondence Information

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**Attorney of Record****Attorney Name:** Luke Brean**Attorney Primary Email Address:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** EUGENE BELIY  
BREANLAW LLC  
P O BOX 4120  
PORTLAND, OREGON 97208  
UNITED STATES**Phone:** 5035494854**Correspondent e-mail:** [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 31, 2017	EXPARTE APPEAL TERMINATED	943069
Jan. 30, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 30, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 30, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 30, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 30, 2017	EXAMINERS AMENDMENT -WRITTEN	90292
Jan. 17, 2017	JURISDICTION RESTORED TO EXAMINING ATTORNEY	943069
Jan. 10, 2017	EX PARTE APPEAL-INSTITUTED	943069
Jan. 10, 2017	EXPARTE APPEAL RECEIVED AT TTAB	
Dec. 04, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 04, 2016	FINAL REFUSAL E-MAILED	
Dec. 04, 2016	FINAL REFUSAL WRITTEN	90292
Nov. 17, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 10, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2016	NON-FINAL ACTION WRITTEN	90292
Jun. 10, 2016	ASSIGNED TO EXAMINER	90292
Apr. 05, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 05, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 21, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 19, 2016	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information****TM Attorney:** CHANG, ELIZABETH YI HS**Law Office Assigned:** LAW OFFICE 115**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Feb. 02, 2017**Proceedings****Summary**

Number of 1

Proceedings:

**Type of Proceeding: Exparte Appeal**

Proceeding Number: [86943069](#)

Filing Date: Jan 10, 2017

Status: Terminated

Status Date: Jan 31, 2017

Interlocutory Attorney:

**Plaintiff(s)**

Name: 47 / 72 Inc.

Correspondent Address: EUGENE BELIY  
BREANLAW LLC  
P O BOX 4120  
PORTLAND OR , 97208  
UNITED STATES

Correspondent e-mail: [tmsupport@breanlaw.com](mailto:tmsupport@breanlaw.com) , [luke@breanlaw.com](mailto:luke@breanlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MORTIMER MOUSE	Published For Opposition	<a href="#">86943069</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jan 10, 2017	
2	APPEAL ACKNOWLEDGED	Jan 10, 2017	
3	INSTITUTED	Jan 10, 2017	
4	APPEAL BRIEF	Jan 10, 2017	
5	APPEAL FORWARDED TO EXAMINER FOR BRIEF	Jan 17, 2017	
6	TERMINATED	Jan 31, 2017	

# **EXHIBIT O**

ESTTA Tracking number: **ESTTA798507**

Filing date: **01/31/2017**

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	Kobe Bryant
Granted to Date of previous extension	02/01/2017
Address	c/o Saltz Matkov P.C., 998 Old Eagle School Road, Suite 1206 Wayne, PA 19087 UNITED STATES

Attorney information	KOBE BRYANT C/O SALTZ MATKOV PC 998 OLD EAGLE SCHOOL ROAD, SUITE 1206 WAYNE, PA 19087 UNITED STATES mmatkov@saltzmatkov.com, pgalick@saltzmatkov.com, glauer@saltzmatkov.com Phone:4843187225
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**Applicant Information**

Application No	87005861	Publication date	10/04/2016
Opposition Filing Date	01/31/2017	Opposition Period Ends	02/01/2017
Applicant	47 / 72 Inc. 900 East 1st St. #110 Los Angeles, CA 90012 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Online retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of	Trademark Act Section 2(c)

the surviving spouse	
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	87021141	Application Date	05/02/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLACK MAMBA		
Design Mark	<h1>Black Mamba</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Athletic footwear; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Athletic uniforms; Baseball caps and hats; Baselayer bottoms; Baselayer tops; Basketball sneakers; Beanies; Hooded sweatshirts; Knitted caps; Long sleeve pullovers; Pants; Shorts; Sweatshirts; Tank tops; Tee shirts; Athletic shorts; Clothing, namely, base layers; Gym pants; Gym shorts; Jogging pants; Short-sleeved or long-sleeved t-shirts; Sleeveless jerseys; Sports jerseys; Sports pants; Sweat shorts; Wind pants		

Attachments	87021141#TMSN.png( bytes ) Notice of Opposition - Black Mamba application serial no. 87005861.pdf(142328 bytes )
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Signature	/Matthew D. Matkov/
Name	KOBE BRYANT
Date	01/31/2017

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

KOBE BRYANT,

Opposer,

v.

47 / 72 INC.,

Applicant.

In re Application Serial No. 87/005,861  
Mark: The Black Mamba

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer Mr. Kobe Bryant (hereinafter “Kobe” or “Opposer”), by and through his counsel, Saltz Matkov P.C., hereby files this Notice of Opposition against Applicant 47 / 72 Inc.

(hereinafter “Applicant”). Kobe believes he will be damaged by registration of the designation “The Black Mamba” (the “Applicant’s Designation”) as shown in Application Serial No.

87/005,861, filed on April 19, 2016 in International Class 35 by Applicant in connection with

[o]nline retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags.

Kobe hereby opposes registration of the Applicant’s Designation under the provisions of Sections 2(a), (c), (d), and 13 of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(a), (c), (d), and 1063.

As grounds for opposition, Opposer alleges that:

1. Kobe Bryant is an individual residing in the State of California. Kobe is an internationally recognized, famous, recently retired professional basketball player who previously played in the National Basketball Association (“NBA”) for the Los Angeles Lakers.

2. Kobe is a five-time NBA champion (2000-2002, 2009-2010); two-time NBA Finals MVP (2009-2010); one-time NBA Most Valuable Player (2008); eighteen-time NBA All Star (1998, 2000-2016); four-time NBA All-Star Game MVP (2002, 2007, 2009, 2011); eleven-time All-NBA First Team (2002-2004, 2006-2013); two-time All-NBA Second Team (2000-2001); two-time All-NBA Third Team (1999, 2005); nine-time NBA All-Defensive First Team (2000, 2003-2004, 2006-2011); three-time NBA All-Defensive Second Team (2001-2002, 2012); two-time NBA scoring champion (2006-2007); NBA Slam Dunk Contest champion (1997); NBA All-Rookie Second Team (1997); Los Angeles Lakers all-time leading scorer and the third leading scorer in NBA history. In 2006, he scored a career-high 81 points against the Toronto Raptors, the second most points scored in a single game in NBA league history. Kobe played the final NBA game of his career on April 13, 2016.

3. For many years, and long before April 19, 2016, the filing date of the intent-to-use application for Applicant's Designation, Kobe's nickname has been recognized worldwide to be the "Black Mamba" or simply "Mamba." Kobe's "Black Mamba" nickname has been the subject of numerous media articles and advertisements detailing the inception, widespread use, public knowledge and general recognition of his nickname across the globe.

4. For many years, and long before April 19, 2016, the filing date of the intent-to-use application for Applicant's Designation, Kobe and his authorized business partners, sponsors, and/or licensees (collectively "Licensees"), have used Kobe's name and likeness and the "Black Mamba" mark and variations thereof (collectively, "Opposer's Marks") in the United States in connection with, *inter alia*, the sale and licensing of: shirts and tee shirts; athletic footwear; hats, caps; base-layers; athletic uniforms; sweatshirts; posters; trading cards; backpacks; phone cases; and water bottles.

5. As a result of the use of Opposer's Marks by Kobe and his Licensees since at least as early as 2007, Kobe owns significant and extensive common law rights in Opposer's Marks. During the longstanding, widespread and continuous use of Opposer's Marks, Kobe and his Licensees have expended considerable time, effort, and money on advertising and promotion of products and services bearing the Opposer's Marks. As a result, Opposer's Marks have become well known by the general public and are recognized and relied upon as identifying Opposer's goods and services and as distinguishing them from the goods and services of others, and have come to represent and symbolize extremely valuable goodwill belonging exclusively to Kobe.

6. For example, in anticipation of and in commemoration of Kobe's final game in the NBA, Nike, Inc. declared April 13 to be "Mamba Day." World-class athletes from around the globe wore black and gold Kobe shoes and reflected on Kobe's far-reaching impact on sports as a whole in the days leading up to "Mamba Day" as part of a tribute to Kobe's long and accomplished career in the NBA.

7. One of Kobe's Licensees recently applied to register the "Black Mamba" mark with the U.S. Patent and Trademark Office, Application No. 87/021,141.

8. On April 19, 2016, six (6) days after the final NBA game of Kobe's career, Applicant filed an intent-to-use application under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for federal registration of the Applicant's Designation shown in Application Serial No. 87/005,861 covering:

[o]nline retail store services featuring shirts, hooded sweatshirts, sweatshirts, one-piece clothing for babies, mobile electronics cases, posters, pillows, mugs, tote bags

in International Class 35.



9. On May 4, 2016, Kobe filed a Letter of Protest against Applicant's Designation, Application Serial No. 87/005,861, arguing that the registration of Applicant's Designation would falsely suggest a connection with Kobe pursuant to 15 U.S.C. § 1052(a) and that Applicant's Designation consists of the name of Kobe, a living individual who has not provided written consent to the Applicant's Designation pursuant to 15 U.S.C. § 1052(c).

10. On June 2, 2016, the Office of the Deputy Commissioner for Trademark Examination Policy issued a Letter of Protest Memorandum accepting the May 4, 2016 Letter of Protest and forwarded the evidence offered to the Examining Attorney.

11. Applicant's Designation, Application Serial No. 87/005,861, was published for opposition in the *Official Gazette* on October 4, 2016.

12. The Trademark Trial and Appeal Board extended the opposition period for Applicant's Designation by granting Opposer's timely requests for extensions. The opposition period for Application Serial No. 87/005,861 is currently set to expire on February 1, 2017. Opposer therefore timely files this opposition.

13. Kobe's rights in Opposer's Marks are vastly superior to Applicant's rights in Applicant's Designation. A review of Applicant's other filed registrations shows that Applicant has established a pattern and practice of filing applications for well-known and recognized names and phrases, including characters and phrases associated with companies like Disney or entertainers such as Taylor Swift, Beyonce Knowles, and Jay Z. It is clear that Applicant is not the proper owner of these well-known and recognized terms and phrases, and that these filings are made in bad faith for the purpose of taking advantage of the goodwill associated with these marks. Such marks include, but are not limited, to the following: "To Infinity and Beyond"; "Let it Go"; "Nanu Nanu"; "Just Keep Swimming"; "Haters Gonna Hate"; "Nothing Compares 2 U"; "Ohana

Means Family”; “Poison Ivy Park”; “Swiper no Swiping”; “Elena of Valora”; “99 Problems”; and “Mortimer Mouse.”

14. On November 3, 2016, an article was published in the World Trademark Review wherein the Applicant admits to filing over seventy-one (71) well-known and widely recognized marks in International Class 35. Applicant admits that oppositions such as Kobe’s are “great marketing” for his various “brands.”

15. Similarly, Applicant’s filing of the application for Applicant’s Designation here is an improper filing made solely for the purpose of taking advantage of the goodwill associated with Kobe’s name and reputation.

**FIRST GROUND FOR OPPOSITION TO REGISTRATION**  
**False Suggestion of a Connection**

16. Kobe is a person within the meaning of the Lanham Act who has a right to privacy and publicity in his nickname. Kobe’s nickname is recognized worldwide as the “Black Mamba” or “Mamba.”

17. The Applicant’s Designation includes the identical nickname used by Kobe. The Applicant’s Designation would be recognized as the name or identity of a person, in that it points uniquely and unmistakably to Kobe.

18. Kobe is not connected with the goods intended to be offered by the Applicant.

19. The fame or reputation of Kobe is such that, when the mark is used with the Applicant's goods or services, a connection with Kobe would be presumed.

20. Registration should therefore be refused pursuant to 15 U.S.C. § 1052(a).

**SECOND GROUND OF OPPOSITION**  
**Mark Consists of Name of Living Individual Without His Consent**

21. The Applicant’s Designation comprises a stage name and/or nickname of Kobe in violation of his rights of privacy and publicity.

22. The public will recognize and understand the Applicant's Designation as identifying Kobe because he is so well-known, both generally and in the Applicant's proposed class of goods, that the public will reasonably assume a connection between Kobe and the goods in connection with which the Applicant's Designation would be used.

23. Kobe has not consented to Applicant's application or the registration of Applicant's Designation.

24. Registration should therefore be refused pursuant to 15 U.S.C. § 1052(c).

### **THIRD GROUND OF OPPOSITION**

#### **Likelihood of Confusion**

25. Applicant's Designation is similar to Opposer's Marks, such that it is likely to cause confusion, to cause mistake, or to deceive.

26. The goods applied for by Applicant under Applicant's Designation are identical to or related to the goods Opposer and its Licensees offer and have offered under Opposer's Marks.

27. Kobe believes he will be damaged by registration of Applicant's Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that Applicant's Designation so resembles Opposer's Marks used by Opposer in the United States and elsewhere as to be likely to cause confusion, mistake or to deceive consumers when used on or in connection with the goods identified in the application for Applicant's Designation, with consequent injury to Opposer and to the public.

28. The registration of Applicant's Designation would grant Applicant rights to which it is not entitled, and would be inconsistent with the prior and established rights of Opposer in Opposer's Marks.

29. Registration should therefore be refused pursuant to 15 U.S.C. § 1052(d).

**WHEREFORE**, Kobe believes he will be damaged by registration of the Applicant's Designation shown in Application Serial No. 87/005,861 and respectfully requests that the registration sought by Applicant be refused.

Dated: January 31, 2017

Respectfully submitted,

By: /s/Matthew D. Matkov  
Matthew D. Matkov, Esquire  
Peter A. Galick, Esquire  
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Attorneys for Kobe Bryant

**CERTIFICATE OF SERVICE**

I, Matthew D. Matkov, Esquire, attorney for Opposer Mr. Kobe Bryant, do hereby certify that on January 31, 2017, I caused the foregoing *Notice of Opposition* to be filed via the Electronic System for Trademark Trials and Appeals, and that by virtue of this filing and pursuant to 37 CFR §2.105, the Trademark Trial and Appeal Board shall prepare a notice of institution, which shall identify the proceeding as an opposition, number of the proceeding, and the application(s) involved; and the notice shall designate a time, not less than thirty (30) days from the mailing date of the notice, within which an answer must be filed. The notice, which will include a web link or web address to access the electronic proceeding record, constitutes service of the notice of opposition upon the applicant's attorney of record below:

Luke Brean, Esq.  
BreanLaw, LLC  
P.O. Box 4120, ECM #72065  
Portland, Oregon 97208

/s/Matthew D. Matkov  
Matthew D. Matkov, Esq.

**EXHIBIT P**

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## “I’m the Banksy of trademarks” – millionaire applicant of NASTY WOMAN regards cease-and-desist from Beyoncé as “great marketing”

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**03**  
NOV 16

Self-proclaimed millionaire Mike Lin, who garnered a significant net worth thanks to being an early employee at LinkedIn, has a trove of politically charged trademark applications that have gathered much media attention. In an exclusive discussion, Lin compares himself to street artist Banksy and reveals that he has received oppositions (so far) from parties including Beyoncé Knowles, Kobe Bryant and Disney.



**Tim Lince**

Lin first entered the public eye for his trademark activity in September following a series of famous domain and slogan-related filings (including PETS.COM, X.COM, 99 PROBLEMS and OH SNAP! CHAT). His profile picked up over the weekend following a short video posted on celebrity gossip website TMZ, in which he spoke about his trademark filing for NASTY WOMAN – filed a day after US presidential contender Donald Trump uttered it to rival Hillary Clinton at the final televised debate – and warned people not to create merchandise featuring the phrase. As the article notes: “Lin says he’s spent thousands on trademarks over the years, and it’s his right to defend them – just like brands [such as] Kleenex would.”

That expense claim is correct, Lin later confirmed to *World Trademark Review*, revealing that he has so far spent around \$35,000 on trademark filings this year (on 71 marks). This spending spree was made possible thanks to his two-decade career in the Silicon Valley, which included being the 43rd employee at LinkedIn and multi-year stints at Yahoo! and Zynga. This led to a “current net worth of around \$3 million”, he claims, as “the LinkedIn IPO made me a multi-millionaire”. But tough times followed; after being laid off by Zynga in 2013, he told us he became severely depressed and suffered some serious mental health issues due to an extended period of unemployment.

After a recovery period which included time with his family in Taiwan, he decided that he would start a new business and, inspired by ongoing societal and political events, created a clothing company called T-Shirts Matter. This led to the spate of

trademark filings, a number of which are politically motivated (including the aforementioned NASTY WOMAN, as well as MAKE AMERIKKKA GREAT AGAIN, COPS SHOOT FIRST, STOP DMCA and FEAR THE HIJAB). Despite the often controversial subject matter, he is confident he will attain the registrations. “I have every intention of getting all my marks registered because my new T-Shirt company will be a force for social good – 11% of net profits will be going to my non-profit ‘T-Shirts Matter Foundation’, which will then donate to other non-profits and the arts,” he claims. “With ‘Nasty Woman’, 47% of net profits [from T-shirts using that phrase] will go to Planned Parenthood.”

Whether that will be enough to convince USPTO examiners remains to be seen, with a number of the marks likely to face opposition from brand owners. For example, a search of his applications (made under the applicant name ‘47 / 72 Inc’) reveals some that appear to be Disney-related (including HOUSE OF MOUSE, LET IT GO and TO INFINITY AND BEYOND). Other terms are the same as the team names featured in mobile game Pokémon Go (TEAM MYSTIC, TEAM INSTINCT and TEAM VALOUR). However, Lin stringently denies any of his marks are related to brands – going as far to deny any knowledge of them. “I claim no knowledge of popular culture,” he stated. “The trademarks are for baseball teams, and I’ve never heard of this ‘Pokémon’ that is being referenced, no clue. I am not going to be associated with false association or false assumption, and I disavow any knowledge of popular culture, especially around Pokémon or Disney.”

His tactic to disavow knowledge of existing brands is one that won’t deter oppositions, and he confirmed that he has received cease-and-desists due to some of the marks – including from Beyoncé Knowles (for POISON IVY PARK) and Kobe Bryant (for THE BLACK MAMBA). But, for Lin, such opposition is seen as a potential coup. “Ultimately, I have north of \$3 million dollars to play with,” he says. “So while I want to make sure that I don’t put myself in a place where I have a lot of really expensive legal fees, I know that spending \$375 for a trademark is worth it because I have people like Beyoncé and Kobe Bryant coming after me. That’s great marketing for a fledgling T-shirt business. Also, in the Silicon Valley, nine out of 10 startups will fail – so I am playing to the same philosophy; my 71 trademarks all represent 71 brands, so if nine in 10 fail, I should still get some that actually work. That’s fine, that’s something.”



Besides denying knowledge of existing brands and marks, Lin is also seeking to evidence use for each term. Most are via T-shirt designs created by his full-time designer in Indonesia. One example relates to the mark MORTIMER MOUSE. The term is the same name that Walt Disney originally gave to the character that would become Mickey Mouse, and it was subsequently used for a character characterised as Mickey's arch-nemesis. Lin explains: "I paid \$1,800 to hire artist Guy Gilchrist, who has worked on shows such as Muppet Babies and Teenage Ninja Turtles. I then art directed *my* version of Mortimer Mouse, and so my trademark refers to my new animated character with *triangular* ears (because Disney went after Deadmau5 for his silhouette with circular ears)."

All of Lin's work has been assisted by a trademark attorney at Portland-based firm BreanLaw (we contacted the firm for comment but have not yet had a response). While this has primarily involved filing work, there has also been advice on which applications shouldn't be lodged. "There has been a number of trademarks that I have wanted to go for but that I was told not to," Lin clarified. "I tried to file for Black Lives Matter, for example, and they said that it is in the public dialogue and I can't do it. So I didn't do it. When I wanted to get MAKE AMERIKKKA GREAT AGAIN, my attorney told me there is a 99.9999% chance that the USPTO would reject this. So I responded that it means there is a 0.0001% chance that I *will* get it – so let's go for it." That application has since been suspended.

Overall, Lin sees his actions – both on designing T-shirts and filing trademarks – as a performance art piece. He says his job role at the T-shirt company is "CTM – chief troublemaker", and says his primary inspirations at the company are "Banksy and the Apple commercial 'Crazy Ones', where historical figures are labelled troublemakers for challenging the status quo", expanding: "This is a bit of an 'FU' to major corporations, the 1% and celebrities – I want to play Robin Hood and give back to non-profits. I'm the Banksy of trademarks and T-shirts. But ultimately, I'm someone that recently went through some difficult times, and I am just trying to move on with life and start over. If I wasn't a multi-millionaire, I could literally be homeless on the streets (in fact, I'm going to try and get homeless veterans to sell the T-shirts to earn money for themselves). Will I fail or be driven in the ground by costly legal fees? I don't know; I'm just trying to survive, to move on in life."

The ‘Robin Hood’ stance of taking on major corporations appears to stand at odds with his earlier statement that he has no knowledge of the companies in question. And no doubt many readers of this site will see Lin’s use of terms that are related to brands in a negative light. However, it highlights how trademarks are sometimes being targeted and used in novel ways – in this instance, as perceived art pieces and as part of marketing the launch of a disruptive fashion company. The conundrum for brands is how to react; there is a need to protect marks but sometimes swinging into action is exactly what the applicant wants.

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## Channels

Business strategy

Registration

National procedures

In-house issues

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## Comments

Please log in or register to leave a comment.

There are no comments on this article

# **EXHIBIT Q**

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT 47 |  
72 INC.**

Opposer, Parkwood Topshop Athletic Limited, pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, hereby serves its first set of interrogatories on Applicant, 47 | 72 Inc., and requests that you provide appropriate written responses (“RESPONSES”) to the below interrogatories (the “INTERROGATORIES”) separately and fully, in writing, under oath, furnishing all such information as is available to it within thirty (30) days of service hereof at the offices of Opposer’s attorneys, Latham & Watkins LLP, Attn: Laura Washington, 10250 Constellation Blvd. Suite 1100, Los Angeles, CA 90067.

### **DEFINITIONS**

1. “APPLICANT,” “YOU,” and “YOUR” shall mean 47 | 72 Inc., Mike Lin, and both of their respective attorneys, attorneys-in-fact, agents, representatives, officers, board members, employees, guardians, insurance companies, servants, accountants, investigators, successors, predecessors, assigns, and anyone else acting on their behalf or subject to their CONTROL.
2. “OPPOSER” shall mean Parkwood Topshop Athletic Limited.
3. “IVY PARK MARK” shall refer to the IVY PARK mark, registered by OPPOSER with the USPTO having Serial No. 86897192 and Registration No. 5169457.
4. The “CONTESTED MARK” shall refer to the POISON IVY PARK mark, which APPLICANT applied for with the USPTO, having Serial No. 87001440.
5. “DOCUMENT(S)” shall mean and refer to any and all written, recorded (by tape, video or otherwise), graphic, or photographic matter, however produced or reproduced, pertaining in any manner to the subject matter indicated and includes, without limiting the generality of the foregoing, all agreements, appointment books, bills, bills of material, books, cablegrams, calendars, cards, cellular telephone data, charts, checks, computer data, computer

hard copy, computer printouts, email communications (including email communications between and/or among any of the following: YOU, OPPOSER and/or any party to the above-captioned matter), contracts, correspondence, credit memoranda, data files, development reports or studies, diaries, electronic mail, expense accounts, feasibility reports or studies, file cards, films, financial statements and reports, insurance policies, invoices, journals, ledgers, letters, logs, manuals, maps, memoranda, memorials of telephone conversations, microfilm, minutes, notebooks, notes, notices, papers, presentations, protocols, publications, purchase orders, receipts, recordings by any medium, records, reports, research, slides, specifications, statements, studies, telegrams, telexes, text messages, timesheets, transcripts, web pages, and any other pertinent information set forth in written language or any electronic representation thereof. DOCUMENT(S) shall further include, without limitation, all preliminary, intermediate, and final drafts or versions of any DOCUMENT, including all originals or copies thereof, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the DOCUMENT is embodied. DOCUMENT(S) shall include all tangible forms of expression within YOUR possession, custody, or CONTROL. The term DOCUMENT(S) specifically includes ELECTRONIC DATA.

6. “ELECTRONIC DATA” shall include writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, and means the original, or identical duplicate when the original is not available, and any non-identical copies, whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations or highlighting of any kind. ELECTRONIC DATA includes, but is not limited to, activity listings of electronic mail receipts and/or transmittals,

output resulting from the use of any software program, including word processing document(s), spreadsheets, database files, charts, graphs and outlines, electronic mail and any and all items stored on electronic media, including, but not limited to, cellular telephones, computer memories, hard disks, floppy disks, CD-ROMs and removable media. The term “ELECTRONIC DATA” also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

7. “COMMUNICATE,” “COMMUNICATED,” or “COMMUNICATION(S)” shall mean and refer to the exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, electronic mail, text message, or other electronic medium, letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

8. “CONTROL,” “CONTROLLED,” or “CONTROLLING” shall mean and refer to the authority, capability, capacity, and/or power to check, command, control, dictate, direct, govern, oversee, regulate, restrain, or otherwise exercise any influence over, or suggest or dictate to any extent the behavior of, any PERSON.

9. “RELATE TO,” “RELATED TO,” or “RELATING TO” shall mean relating to, pertaining to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing, recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the matter addressed in the Request, in whole or in part.

10. “PERSON,” as used herein, shall mean an individual, firm, partnership, company, corporation, proprietorship, association, profit sharing plan, union, federation, domestic or

foreign government body, or any other organization or entity, including but not limited to groups of natural persons acting in an organizational capacity, such as a board of directors or committee of such board, or government entity.

11. As used herein, the term “IDENTIFY” as applied to a DOCUMENT means that the following information shall be provided; in the alternative, the identified DOCUMENT may be produced to defendants along with YOUR RESPONSES to these INTERROGATORIES:

- A. the date appearing on such DOCUMENT, and if no date appears thereon, the answer shall so state and shall give the date or approximate date such DOCUMENT was prepared;
- B. the identifying or descriptive code number, file number, title or label of such DOCUMENT;
- C. the general nature or description of such DOCUMENT (*i.e.*, whether it is a letter, memorandum, drawing, etc.) and the number of pages of which it consists;
- D. the name of the PERSON who signed such DOCUMENT, and if it was not signed, the answer shall so state and shall give the name of the PERSON or PERSONS who prepared it;
- E. the name of the PERSON to whom such DOCUMENT was addressed and the name of each PERSON other than such addressee to whom such DOCUMENT or copies thereof were given or sent;
- F. the name of the PERSON having possession, custody or CONTROL of such DOCUMENT;



- G. whether or not any draft, copy, or reproduction of such DOCUMENT contains any postscript, notation, change, or addendum not appearing on the original of said DOCUMENT, and if so, the answer shall give the description as herein defined of each such draft, copy, or reproduction;
- H. if any DOCUMENT was, but is no longer, in YOUR possession or subject to YOUR CONTROL, state what disposition was made of such DOCUMENT and when;
- I. if any DOCUMENT is claimed to be privileged, state the basis on which the claim of privilege is asserted and describe the subject matter covered in the DOCUMENT; and
- J. if any DOCUMENT is presently located in the hands of legal counsel, the term “identify” additionally means to state the location of the DOCUMENT immediately prior to its coming into the hands of legal counsel and to identify the PERSON who had prior custody of the DOCUMENT.

12. As used herein, the term “IDENTIFY” as applied to a natural person means to give the following information:

- A. full name;
- B. present or last known business address and telephone number;
- C. title or occupation;
- D. present or last known employer; and

- E. if the person's present whereabouts are unknown to YOU, state all information known to YOU that reasonably may be helpful in locating said person.

13. As used herein, the term "IDENTIFY" as applied to a corporation, company or PERSON other than a natural person means to give the following information:

- A. the name;
- B. the place of incorporation or organization;
- C. the principal place of business; and
- D. the identity of all natural persons having knowledge of the matter with respect to which it is named in response to a interrogatory.

14. As used herein, the term "IDENTIFY," when used in reference to a meeting or conversation, shall mean to give the following information:

- A. the date, time, place and duration of the meeting or conversation;
- B. the identity of each attendee or participant at the meeting or conversation;  
and
- C. the identity of each witness or other individual with personal knowledge of the meeting or conversation.

15. Wherever the word "any" appears herein, it shall be read and applied so as to include the word "all," and wherever the word "all" appears herein, it shall be read and applied so as to include the word "any."

16. All references herein to the singular include the plural, and all references to the plural include the singular.

17. The terms "and" and "or" as used herein each mean "and/or."

## INSTRUCTIONS

1. The definitions and requirements contained in the Federal Rules of Civil Procedure are incorporated herein by reference.
2. Answer each INTERROGATORY completely.
3. State the reasons for any objection to any portion of an INTERROGATORY with specificity. If YOUR objection pertains to a word, phrase, or portion of an INTERROGATORY, state the objection with specificity and answer the remainder of the INTERROGATORY. Leave no part of an INTERROGATORY unanswered merely because an objection is interposed to another part of the interrogatory.
4. Each INTERROGATORY should be construed independently and not with reference to any other INTERROGATORY for purposes of limitation.
5. If a DOCUMENT is provided in response to an INTERROGATORY, IDENTIFY which DOCUMENT(S) is (are) being provided to answer that INTERROGATORY; if YOU are asked to IDENTIFY DOCUMENTS, include Bates numbers.
6. Each INTERROGATORY should be responded to upon YOUR entire knowledge from all sources and all information in YOUR possession or otherwise available to YOU, including information from agents, representatives, consultants, or attorneys, and information which is known to each of them.
7. If any of the INTERROGATORIES cannot be responded to in full, respond to the extent possible, specifying the reason for YOUR inability to respond to the remainder. If YOUR responses are qualified in any respect, set forth the terms and an explanation of each such qualification.

8. To the extent YOU produce DOCUMENTS, all DOCUMENTS shall be produced in accordance with the methods described in defendants requests for production of documents served concurrently herewith.

9. If YOU are aware of any DOCUMENT responsive to these INTERROGATORIES which has been destroyed, lost or otherwise disposed of, and which would have been responsive to any of the INTERROGATORIES if the DOCUMENT had not been destroyed, lost or otherwise disposed of, please provide the following information: (1) the author of the DOCUMENT(s); (2) a description of the DOCUMENT(s); (3) the date the DOCUMENT(s) was/were destroyed; (4) the name and address of all witnesses who have knowledge of such loss, destruction or disposal; (5) the name and address of each person to whom the DOCUMENT(s) was/were addressed or who was sent or received a copy of the DOCUMENT(s); (6) the subject matter of the DOCUMENT(s); (7) a list of all DOCUMENTS that relate or refer in any way to the loss, destruction or disposal of the DOCUMENT(s); (8) the reason for destroying or otherwise disposing of the DOCUMENT(s).

10. If in answering these INTERROGATORIES YOU claim any ambiguity in interpreting an INTERROGATORY or definition or instruction applicable thereto, such claim shall not be utilized by YOU as a basis for refusing to respond, but YOU shall provide as part of the RESPONSE YOUR interpretation of the language that YOU deem ambiguous.

11. Where an INTERROGATORY calls for information with respect to “each” one of a particular type of matter, event, or PERSON, of which there is more than one, separately list, set forth or IDENTIFY for each thereof all of the information called for in the INTERROGATORY.

12. If YOU do not possess knowledge of the requested information, YOU should so state YOUR lack of knowledge and describe all efforts made by YOU to obtain the information necessary to answer the INTERROGATORY.

13. In no event should YOU leave any response blank. If the answer to an INTERROGATORY is, for example, “none,” “unknown,” or “not applicable,” such statement should be written as an answer.

14. If YOU have no knowledge regarding an INTERROGATORY, IDENTIFY an individual whom YOU believe to have the knowledge necessary to respond to the INTERROGATORY.

15. These INTERROGATORIES are continuing. If, after providing YOUR initial Response, YOU obtain or become aware of any further information responsive to these INTERROGATORIES, YOU must provide additional and/or supplemental Responses. This paragraph shall not be construed to alter YOUR obligations to comply with all other instructions herein.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

IDENTIFY all PERSONS having information RELATED TO the CONTESTED MARK’s creation, consideration, design, development, selection, adoption or ownership.

### **INTERROGATORY NO. 2:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the CONTESTED MARK’s creation, consideration, design, development, selection, adoption or ownership.

**INTERROGATORY NO. 3:**

IDENTIFY all PERSONS who have or have had responsibility for the marketing, promotion, or sale of products or services in connection with the CONTESTED MARK.

**INTERROGATORY NO. 4:**

IDENTIFY all products or services that have been or will be sold, offered for sale, promoted, or marketed in connection with the CONTESTED MARK, including all geographic locations and online platforms where those products or service have been or will be offered.

**INTERROGATORY NO. 5:**

For each product or service identified in response to INTERROGATORY No. 4, IDENTIFY YOUR monthly sales volume for each respective product or service by unit and dollar amount.

**INTERROGATORY NO. 6:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the products or services that have been or will be sold, offered for sale, promoted, or marketed in connection with the CONTESTED MARK.

**INTERROGATORY NO. 7:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the circumstances under which YOU first discovered the existence of the IVY PARK MARK.

**INTERROGATORY NO. 8:**

IDENTIFY all PERSONS having knowledge or information RELATED TO the circumstances under which YOU first discovered the existence of the IVY PARK MARK.

**INTERROGATORY NO. 9:**

IDENTIFY all PERSONS having knowledge or information RELATED TO any formal or informal trademark search or investigation involving the CONTESTED MARK's language.

**INTERROGATORY NO. 10:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO any formal or informal trademark search or investigation that YOU performed or ordered to be performed involving the CONTESTED MARK.

**INTERROGATORY NO. 11:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK is “unique and distinctive.”

**INTERROGATORY NO. 12:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different.”

**INTERROGATORY NO. 13:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in appearance.”

**INTERROGATORY NO. 14:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in spelling.”

**INTERROGATORY NO. 15:**

State all facts supporting YOUR contention that the CONTESTED MARK and the IVY PARK MARK “create different commercial impressions.”

**INTERROGATORY NO. 16:**

State all facts supporting YOUR contention that the CONTESTED MARK is “not likely to cause confusion, mistake or deception to purchasers as to the source of [OPPOSER’s] goods or services.”

**INTERROGATORY NO. 17:**

State all facts supporting YOUR contention that the CONTESTED MARK is “not likely to disparage or falsely suggest a trade connection between [OPPOSER] and [APPLICANT].”

**INTERROGATORY NO. 18:**

State all facts supporting YOUR contention that the CONTESTED MARK does not infringe the IVY PARK MARK.

**INTERROGATORY NO. 19:**

IDENTIFY all persons who have knowledge RELATED TO any of the responses to these INTERROGATORIES and/or who have assisted in the preparation of YOUR responses to these INTERROGATORIES.

**INTERROGATORY NO. 20:**

If YOU deny, either in whole or in part, any request for admission served by the defendants, state all facts and IDENTIFY all COMMUNICATIONS and DOCUMENTS that form the basis for each denial or partial denial.

Dated: July 20, 2017

LATHAM & WATKINS LLP

By /Marvin S. Putnam/  
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*Attorneys for Opposer,  
Parkwood Topshop Athletic Limited*



**CERTIFICATE OF SERVICE**

I, John Eastly, hereby certify that on July 20, 2017, I served a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT 47 | 72 INC** by electronic mail upon:

Mike Lin, Esq.  
47/72, Inc.  
900 East 1<sup>st</sup> Street, Unit 110  
Los Angeles, CA 90012  
mikelinsf@gmail.com

Counsel for Applicant  
47/72, Inc.

/John M. Eastly/  
John M. Eastly

# **EXHIBIT R**

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO  
APPLICANT 47 | 72 INC.**

Opposer, Parkwood Topshop Athletic Limited, pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, hereby serves its first set of requests for admission (“REQUESTS”) on Applicant, 47 | 72 Inc., and requests that the appropriate responses be produced within thirty (30) days of service hereof at the offices of Opposer’s attorneys, Latham & Watkins LLP, Attn: Laura Washington, 10250 Constellation Blvd. Suite 1100, Los Angeles, CA 90067. Failure to timely respond will result in all REQUESTS being deemed admitted.

### **DEFINITIONS**

1. “APPLICANT,” “YOU,” “YOUR,” and “YOURSELF” shall mean 47 | 72 Inc., Mike Lin, and both of their respective attorneys, attorneys-in-fact, agents, representatives, officers, board members, employees, guardians, insurance companies, servants, accountants, investigators, successors, predecessors, assigns, and anyone else acting on their behalf or subject to their CONTROL.
2. “OPPOSER” shall mean Parkwood Topshop Athletic Limited.
3. “IVY PARK MARK” shall refer to the IVY PARK mark, registered by OPPOSER with the USPTO having Serial No. 86897192 and Registration No. 5169457.
4. “IVY PARK APPLICATION” shall refer to the application for the IVY PARK MARK by OPPOSER, dated February 4, 2016, having Serial No. 86897192.
5. “CONTESTED MARK” shall refer to the POISON IVY PARK mark, which APPLICANT applied for with the USPTO, having Serial No. 87001440.
6. “CONTESTED MARK APPLICATION” shall refer to the application for the CONTESTED MARK by APPLICANT, dated April 14, 2016, having Serial No. 87001440.

7. “ARTICLE” shall refer to an article by Tim Lince, published on November 3, 2016, in *World Trademark Review*, under the title “‘I’m the Banksy of trademarks’ – millionaire applicant of NASTY WOMAN regards cease and desist from Beyoncé as ‘great Marketing.’”

8. “DOCUMENT(S)” shall mean and refer to any and all written, recorded (by tape, video or otherwise), graphic, or photographic matter, however produced or reproduced, pertaining in any manner to the subject matter indicated and includes, without limiting the generality of the foregoing, all agreements, appointment books, bills, bills of material, books, cablegrams, calendars, cards, cellular telephone data, charts, checks, computer data, computer hard copy, computer printouts, email communications (including email communications between and/or among any of the following: YOU, OPPOSER and/or any party to the above-captioned matter), contracts, correspondence, credit memoranda, data files, development reports or studies, diaries, drainage reports or studies, engineering records, environmental reports or studies, electronic mail, expense accounts, feasibility reports or studies, file cards, films, financial statements and reports, insurance policies, invoices, journals, ledgers, letters, logs, manuals, maps, memoranda, memorials of telephone conversations, microfilm, minutes, notebooks, notes, notices, papers, presentations, protocols, publications, purchase orders, receipts, recordings by any medium, records, reports, research, slides, specifications, statements, studies, telegrams, telexes, text messages, timesheets, transcripts, web pages, and any other pertinent information set forth in written language or any electronic representation thereof. DOCUMENT(S) shall further include, without limitation, all preliminary, intermediate, and final drafts or versions of any DOCUMENT, including all originals or copies thereof, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to

the medium in which the DOCUMENT is embodied. DOCUMENT(S) shall include all tangible forms of expression within YOUR custody, possession, or CONTROL. The term DOCUMENT(S) specifically includes ELECTRONIC DATA.

9. “ELECTRONIC DATA” shall include writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, and means the original, or identical duplicate when the original is not available, and any non-identical copies, whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations or highlighting of any kind. ELECTRONIC DATA includes, but is not limited to, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing document(s), spreadsheets, database files, charts, graphs and outlines, electronic mail and any and all items stored on electronic media, including, but not limited to, cellular telephones, computer memories, hard disks, floppy disks, CD-ROMs and removable media. The term “ELECTRONIC DATA” also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

10. “CONTROL,” “CONTROLLED,” or “CONTROLLING” shall mean and refer to the authority, capability, capacity, and/or power to check, command, control, dictate, direct, govern, oversee, regulate, restrain, or otherwise exercise any influence over, or suggest or dictate to any extent the behavior of, any PERSON.

11. “PERSON,” as used herein, shall mean an individual, firm, partnership, company, corporation, proprietorship, association, profit sharing plan, union, federation, domestic or foreign government body, or any other organization or entity, including but not limited to groups

of natural persons acting in an organizational capacity, such as a board of directors or committee of such board, or government entity.

12. Wherever the word “any” appears herein, it shall be read and applied so as to include the word “all,” and wherever the word “all” appears herein, it shall be read and applied so as to include the word “any.”

13. All references herein to the singular include the plural, and all references to the plural include the singular.

14. The terms “and” and “or” as used herein each mean “and/or.”

### **INSTRUCTIONS**

1. Please respond in writing under oath separately to each REQUEST.

2. Each of your responses must be as complete and straightforward as the information reasonably available to YOU permits.

3. It is required that each REQUEST be responded to based upon YOUR knowledge available from all sources, including all information in YOUR possession, custody, or CONTROL that of YOUR agents, employees, attorneys, accountants, investigators, and/or other persons acting or purporting to act on YOUR behalf.

4. Each of YOUR responses must answer the substance of the requested admission, or set forth an objection to the particular request.

5. Each of YOUR responses must:

- a. Admit so much of the matter involved in the request as is true, either as expressed in the request itself or as reasonably and clearly qualified by YOU;
- b. Deny so much of the matter involved in the request as is untrue; or

- c. Specify so much of the matter involved in the request as to the truth of which YOU lack sufficient information or knowledge.

6. If YOU respond that YOU lack information or knowledge as a reason for a failure to admit all or part of a REQUEST, YOU must state in YOUR response that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable YOU to admit the matter.

7. If an objection is made to any REQUEST, the reasons therefore shall be stated.

8. For every objection to a REQUEST on the grounds of privilege, answer the REQUEST with such non-privileged information as is responsive, and then provide the following information:

- a. The name of the person making the communication, the names of the persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;
- b. The date and place of the communication;
- c. The general subject matter of the communication or the nature of the information withheld as privileged; and
- d. The basis for YOUR claim of privilege.

9. In YOUR response, please repeat the full text of each request before YOUR answer and identify each request and answer using the same number and sequence as the corresponding REQUEST herein.

10. If in answering these REQUESTS YOU claim any ambiguity in interpreting an REQUEST or definition or instruction applicable thereto, such claim shall not be utilized by



YOU as a basis for refusing to respond, but YOU shall provide as part of the Response YOUR interpretation of the language that YOU deem ambiguous.

11. These REQUESTS shall be deemed to be continuing until the conclusion of this proceeding. Information sought by these REQUESTS that YOU obtain after YOU serve YOUR responses must be disclosed by supplementary answers pursuant to Federal Rule of Civil Procedure 26(e) and 37 C.F.R. § 2.120.

### **REQUESTS FOR ADMISSION**

#### **REQUEST NO. 1:**

Admit that all DOCUMENTS produced by YOU in this action are authentic.

#### **REQUEST NO. 2:**

Admit that OPPOSER is the owner of the IVY PARK MARK.

#### **REQUEST NO. 3:**

Admit that OPPOSER has exclusively and continuously used the IVY PARK MARK throughout the United States since at least as early as April 14, 2016.

#### **REQUEST NO. 4:**

Admit that the IVY PARK MARK serves to identify OPPOSER as the sole source of high-quality goods bearing the IVY PARK MARK rendered under the IVY PARK MARK.

#### **REQUEST NO. 5:**

Admit that OPPOSER has devoted substantial time and resources to the extensive marketing, advertisement, and promotion of the IVY PARK MARK.

#### **REQUEST NO. 6:**

Admit that the IVY PARK MARK has become well-known by its consumers.

#### **REQUEST NO. 7:**

Admit that the IVY PARK MARK has become well-known by the general public.

**REQUEST NO. 8:**

Admit that the IVY PARK MARK has become well-known in the relevant industries in which it operates.

**REQUEST NO. 9:**

Admit that the IVY PARK MARK is recognized and relied upon as identifying OPPOSER's goods and services.

**REQUEST NO. 10:**

Admit that the IVY PARK MARK serves to distinguish its high-quality goods and services from the goods and services of its competitors.

**REQUEST NO. 11:**

Admit that the IVY PARK MARK has come to represent and symbolize extremely valuable goodwill belonging exclusively to OPPOSER.

**REQUEST NO. 12:**

Admit that the IVY PARK MARK is recognized and relied upon to identify an association with Beyoncé Knowles-Carter.

**REQUEST NO. 13:**

Admit that the IVY PARK MARK has become famous within the meaning of Section 43(c) of the Lanham Act, as amended 15 U.S.C. § 1125(c) prior to April 14, 2016.

**REQUEST NO. 14:**

Admit that YOU are not in any way associated with or connected to OPPOSER.

**REQUEST NO. 15:**

Admit that YOU are not in any way associated with or connected to Beyoncé Knowles-Carter.

**REQUEST NO. 16:**

Admit that on April 14, 2016, YOU filed an intent-to-use application for the CONTESTED MARK.

**REQUEST NO. 17:**

Admit that OPPOSER has priority over YOU by virtue of OPPOSER's continuous and exclusive use of the IVY PARK MARK and pursuant to OPPOSER's US filing date and foreign priority filing date as asserted in the IVY PARK APPLICATION, all of which pre-date the filing date of the CONTESTED MARK APPLICATION.

**REQUEST NO. 18:**

Admit that YOU did not use the CONTESTED MARK in connection with any goods or services prior to April 14, 2016.

**REQUEST NO. 19:**

Admit that the CONTESTED MARK APPLICATION is not limited by channels of trade or by classes of purchasers.

**REQUEST NO. 20:**

Admit that YOU have not used the CONTESTED MARK in connection with any goods or services on or after April 14, 2016.

**REQUEST NO. 21:**

Admit that YOU were aware of the existence of the IVY PARK MARK before YOU adopted the name "Poison Ivy Park" for the CONTESTED MARK.

**REQUEST NO. 22:**

Admit that YOUR goods and/or services are identical to OPPOSER's.

**REQUEST NO. 23:**

Admit that YOUR goods and/or services and OPPOSER's goods and/or services are closely related.

**REQUEST NO. 24:**

Admit that the CONTESTED MARK wholly incorporates and usurps the IVY PARK MARK.

**REQUEST NO. 25:**

Admit that the CONTESTED MARK's incorporation of the IVY PARK MARK creates a mark that is similar in sight to the IVY PARK MARK.

**REQUEST NO. 26:**

Admit that the CONTESTED MARK's incorporation of the IVY PARK MARK creates a mark that is similar in sound to the IVY PARK MARK.

**REQUEST NO. 27:**

Admit that the CONTESTED MARK's incorporation of the IVY PARK MARK creates a mark that is similar in overall commercial impression to the IVY PARK MARK.

**REQUEST NO. 28:**

Admit that YOUR use and registration of the CONTESTED MARK is likely to falsely suggest a connection with OPPOSER and OPPOSER'S IVY PARK MARK.

**REQUEST NO. 29:**

Admit that YOUR use and registration of the CONTESTED MARK is likely to cause consumers to mistakenly believe that services rendered under the CONTESTED MARK emanate from OPPOSER.

**REQUEST NO. 30:**

Admit that YOUR use and registration of the CONTESTED MARK is likely to cause consumers to mistakenly believe that YOU are in some way associated with OPPOSER.

**REQUEST NO. 31:**

Admit that YOU intended for the public to draw an association or connection between the CONTESTED MARK and the IVY PARK MARK.

**REQUEST NO. 32:**

Admit that YOUR conduct is likely to confuse the public regarding the source of YOUR products advertised, promoted, and/or sold under the CONTESTED MARK.

**REQUEST NO. 33:**

Admit that YOUR use of the CONTESTED MARK in connection with the promotion and sale of YOUR goods and/or services is without authorization, license, or permission from OPPOSER.

**REQUEST NO. 34:**

Admit that the IVY PARK MARK is inherently distinctive and arbitrary.

**REQUEST NO. 35:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the CONTESTED MARK “is unique and distinctive.”

**REQUEST NO. 36:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different.”

**REQUEST NO. 37:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in appearance.”

**REQUEST NO. 38:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in spelling.”

**REQUEST NO. 39:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the CONTESTED MARK and the IVY PARK MARK “create different commercial impressions.”

**REQUEST NO. 40:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the CONTESTED MARK is “not likely to cause confusion, mistake or deception to purchasers as to the source of [OPPOSER’s] goods or services.”

**REQUEST NO. 41:**

Admit that YOU have no facts upon which YOU can base YOUR contention that the CONTESTED MARK is “not likely to disparage or falsely suggest a trade connection between [OPPOSER] and [APPLICANT].”

**REQUEST NO. 42:**

Admit that YOU were interviewed in connection with the ARTICLE.

**REQUEST NO. 43:**

Admit that YOU were interviewed by Tim Lince for the ARTICLE.

**REQUEST NO. 44:**

Admit that in all instances, YOU are accurately quoted in the ARTICLE.

**REQUEST NO. 45:**

Admit that in the ARTICLE, YOU are quoted as saying that “Ultimately, [YOU] have north of \$3 million dollars to play with, [s]o while [YOU] want to make sure that [YOU] don’t put [YOURSELF] in a place where [YOU] have a lot of really expensive legal fees, [YOU] know that spending \$375 for a trademark is worth it because [YOU] have people like Beyoncé and Kobe Bryant coming after [YOU]. That’s great marketing for a fledgling T-shirt business.”

**REQUEST NO. 46:**

Admit that in the ARTICLE, YOU are quoted as saying that “[I]n the Silicon Valley, nine out of 10 startups will fail – so [YOU are] playing to the same philosophy; [YOUR] 71 trademarks all represent 71 brands, so if nine in 10 fail, [YOU] should still get some that actually work. That’s fine, that’s something.”

**REQUEST NO. 47:**

Admit that in the ARTICLE, YOU are quoted as saying that “This is a bit of an ‘FU’ to major corporations, the 1% and celebrities – [YOU] want to play Robin Hood and give back to non-profits.”

**REQUEST NO. 48:**

Admit that in the ARTICLE, YOU are quoted as saying that “[YOU are] the Banksy of trademarks and T-shirts.”

**REQUEST NO. 49:**

Admit that YOU have filed trademark applications for the following marks: HOUSE OF MOUSE, LET IT GO, and TO INFINITY AND BEYOND.

**REQUEST NO. 50:**

Admit that HOUSE OF MOUSE, LET IT GO, and TO INFINITY AND BEYOND are Disney-related marks.

**REQUEST NO. 51:**

Admit that YOU have filed trademark applications for the following marks: TEAM MYSTIC, TEAM INSTINCT, and TEAM VALOUR.

**REQUEST NO. 52:**

Admit that TEAM MYSTIC, TEAM INSTINCT, and TEAM VALOUR are Pokémon-related marks.

**REQUEST NO. 53:**

Admit that in the ARTICLE, YOU confirmed that your tactic in filling trademarks is to disavow knowledge of popular culture or existing brands.

**REQUEST NO. 54:**

Admit that in the ARTICLE, YOU are quoted as saying “[YOU] claim no knowledge of popular culture. The trademarks are for baseball teams, and [YOU]’ve never heard of this ‘Pokémon’ that is being referenced, no clue. [YOU are] not going to be associated with false association or false assumption, and [YOU] disavow any knowledge of popular culture, especially around Pokémon or Disney.”

**REQUEST NO. 55:**

Admit that YOU have spent approximately \$35,000 on trademark filings in 2016.

**REQUEST NO. 56:**

Admit that in the ARTICLE, YOU confirmed that YOU have spent \$35,000 on trademark filings in 2016.

**REQUEST NO. 57:**

Admit that YOU have received a cease and desist letter from Kobe Bryant in connection with your application for the THE BLACK MAMBA mark.

**REQUEST NO. 58:**

Admit that since March 2016, YOU have filed at least 69 intent-to-use registrations with the USPTO.

**REQUEST NO. 59:**

Admit that YOU have not created a single product or good in connection with the trademark registrations referenced in REQUEST No. 58.

Dated: July 20, 2017

LATHAM & WATKINS LLP

By /Marvin S. Putnam/  
Marvin S. Putnam (Bar No. 212839)  
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*Attorneys for Opposer,  
Parkwood Topshop Athletic Limited*



**CERTIFICATE OF SERVICE**

I, John Eastly, hereby certify that on July 20, 2017, I served a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT 47 | 72 INC** by electronic mail upon:

Mike Lin, Esq.  
47/72, Inc.  
900 East 1<sup>st</sup> Street, Unit 110  
Los Angeles, CA 90012  
mikelinsf@gmail.com

Counsel for Applicant  
47/72, Inc.

/John M. Eastly/  
John M. Eastly

# **EXHIBIT S**

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO APPLICANT 47 | 72 INC.**

Opposer, Parkwood Topshop Athletic Limited, pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, hereby serves its first set of requests for production of documents on Applicant, 47 | 72 Inc. (“REQUESTS”), and requests that the documents sought be produced within thirty (30) days of service hereof at the offices of Opposer’s attorneys, Latham & Watkins LLP, Attn: Laura Washington, 10250 Constellation Blvd. Suite 1100, Los Angeles, CA 90067. The documents produced shall be labeled to correspond to the REQUESTS for which they are produced.

### **DEFINITIONS**

1. “APPLICANT,” “YOU,” and “YOUR” shall mean 47 | 72 Inc., Mike Lin, and both of their respective attorneys, attorneys-in-fact, agents, representatives, officers, board members, employees, guardians, insurance companies, servants, accountants, investigators, successors, predecessors, assigns, and anyone else acting on their behalf or subject to their CONTROL.

2. “OPPOSER” shall mean Parkwood Topshop Athletic Limited.

3. “IVY PARK MARK” shall refer to the IVY PARK mark, registered by OPPOSER with the USPTO having Serial No. 86897192 and Registration No. 5169457.

4. “CONTESTED MARK” shall refer to the POISON IVY PARK mark, which APPLICANT applied for with the USPTO, having Serial No. 87001440.

5. “DOCUMENT(S)” shall mean and refer to any and all written, recorded (by tape, video or otherwise), graphic, or photographic matter, however produced or reproduced, pertaining in any manner to the subject matter indicated and includes, without limiting the generality of the foregoing, all agreements, appointment books, bills, bills of material, books, cablegrams, calendars, cards, cellular telephone data, charts, checks, computer data, computer

hard copy, computer printouts, email communications (including email communications between and/or among any of the following: YOU, OPPOSER and/or any party to the above-captioned matter), contracts, correspondence, credit memoranda, data files, development reports or studies, diaries, drainage reports or studies, engineering records, environmental reports or studies, electronic mail, expense accounts, feasibility reports or studies, file cards, films, financial statements and reports, insurance policies, invoices, journals, ledgers, letters, logs, manuals, maps, memoranda, memorials of telephone conversations, microfilm, minutes, notebooks, notes, notices, papers, presentations, protocols, publications, purchase orders, receipts, recordings by any medium, records, reports, research, slides, specifications, statements, studies, telegrams, telexes, text messages, timesheets, transcripts, web pages, and any other pertinent information set forth in written language or any electronic representation thereof. DOCUMENT(S) shall further include, without limitation, all preliminary, intermediate, and final drafts or versions of any DOCUMENT, including all originals or copies thereof, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the DOCUMENT is embodied. DOCUMENT(S) shall include all tangible forms of expression within YOUR custody, possession, or CONTROL. The term DOCUMENT(S) specifically includes ELECTRONIC DATA.

6. “ELECTRONIC DATA” shall include writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, and means the original, or identical duplicate when the original is not available, and any non-identical copies, whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations or highlighting of any kind. ELECTRONIC DATA

includes, but is not limited to, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing document(s), spreadsheets, database files, charts, graphs and outlines, electronic mail and any and all items stored on electronic media, including, but not limited to, cellular telephones, computer memories, hard disks, floppy disks, CD-ROMs and removable media. The term “ELECTRONIC DATA” also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

7. “COMMUNICATE,” “COMMUNICATED,” or “COMMUNICATION(S)” shall mean and refer to the exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, electronic mail, text message, or other electronic medium, letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

8. “CONTROL,” “CONTROLLED,” or “CONTROLLING” shall mean and refer to the authority, capability, capacity, and/or power to check, command, control, dictate, direct, govern, oversee, regulate, restrain, or otherwise exercise any influence over, or suggest or dictate to any extent the behavior of, any PERSON.

9. “RELATE TO,” “RELATED TO,” or “RELATING TO” shall mean relating to, pertaining to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing, recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the matter addressed in the REQUEST, in whole or in part.

10. “PERSON,” as used herein, shall mean an individual, firm, partnership, company, corporation, proprietorship, association, profit sharing plan, union, federation, domestic or foreign government body, or any other organization or entity, including but not limited to groups of natural persons acting in an organizational capacity, such as a board of directors or committee of such board, or government entity.

11. Wherever the word “any” appears herein, it shall be read and applied so as to include the word “all,” and wherever the word “all” appears herein, it shall be read and applied so as to include the word “any.”

12. All references herein to the singular include the plural, and all references to the plural include the singular.

13. The terms “and” and “or” as used herein each mean “and/or.”

### **INSTRUCTIONS**

1. Each REQUEST contained herein extends to all DOCUMENTS in YOUR possession, custody, or CONTROL, including DOCUMENTS in the possession of YOUR present and former employees, officers, directors, trustees, representatives, affiliates, and agents, and of other PERSONS acting on YOUR behalf or under YOUR CONTROL.

2. All drafts of responsive DOCUMENTS must be produced, as well as non-identical copies. A DOCUMENT is a non-identical copy if such DOCUMENT includes any change from another responsive DOCUMENT, including without limitation, highlighting, notes, comments, revisions, or alterations. Identical copies of produced DOCUMENTS need not be produced.

3. If a claim of privilege is asserted in objecting to any DOCUMENT demand, or sub-part thereof, and an answer is not provided on the basis of such assertion, YOU shall provide the following information:

- a) the author(s) of the DOCUMENT;
- b) a description of the type of DOCUMENT;
- c) the date of the DOCUMENT;
- d) the name and address of all recipients listed on the DOCUMENT
- e) the number of pages of the DOCUMENT;
- f) the subject matter of the DOCUMENT; and
- g) the basis for not producing the DOCUMENT.

4. If YOU are aware of any DOCUMENT which has been destroyed, lost or otherwise disposed of, and which would have been responsive to any of the REQUESTS if the DOCUMENT had not been destroyed, lost or otherwise disposed of, please provide the following information: (1) the author of the DOCUMENT(s); (2) a description of the DOCUMENT(s); (3) the date the DOCUMENT(s) was/were destroyed; (4) the name and address of all witnesses who have knowledge of such loss, destruction or disposal; (5) the name and address of each person to whom the DOCUMENT(s) was/were addressed or who was sent or received a copy of the DOCUMENT(s); (6) the subject matter of the DOCUMENT(s); (7) a list of all DOCUMENTS that relate or refer in any way to the loss, destruction or disposal of the DOCUMENT(s); (8) the reason for destroying or otherwise disposing of the DOCUMENT(s).

5. If in answering these discovery REQUESTS YOU claim any ambiguity in interpreting a REQUEST or definition or instruction applicable thereto, such claim shall not be



utilized by YOU as a basis for refusing to respond, but YOU shall provide as part of the response YOUR interpretation of the language that YOU deem ambiguous.

6. To the extent possible, all DOCUMENTS should be produced in the form in which they are normally kept, including all electronic DOCUMENTS. If DOCUMENTS are stored in electronic form, please transfer them to an electronic medium that will ensure that they are kept in the same form and organization as when in YOUR possession, custody or CONTROL.

7. All electronically-stored information (“ESI”) shall be produced as Bates-numbered TIFF files with a load file, with the exception of any spreadsheets or databases, which shall be produced in native format. Any TIFF files for DOCUMENTS maintained in electronic format in the usual course of business shall be generated directly from the native file and shall preserve any and all available metadata, including, but not limited to the following fields: “Custodian,” “File Path,” “Subject,” “Conversion Index,” “From,” “To,” “CC,” “BCC,” “Date Sent,” “Time Sent,” “Date Received,” “Time Received,” “Filename,” “Author,” “Date Created,” “Date Modified,” “MD5 Hash,” “File Size,” “File Extension,” “Control Number Begin,” “Control Number End,” “Attachment Range,” “Attachment Begin,” and “Attachment End.”

8. These REQUESTS are continuing. If, after making YOUR initial production, YOU obtain or become aware of any further DOCUMENTS responsive to these REQUESTS. YOU must produce such additional DOCUMENTS consistent with and 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 26(e).

## **REQUESTS FOR PRODUCTION**

### **REQUEST NO. 1:**

All DOCUMENTS RELATED TO OPPOSER.

**REQUEST NO. 2:**

All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and OPPOSER, including without limitation all COMMUNICATIONS RELATING TO the IVY PARK MARK and/or the CONTESTED MARK.

**REQUEST NO. 3:**

All DOCUMENTS and COMMUNICATIONS RELATED TO the IVY PARK MARK or products marketed or sold under the IVY PARK MARK.

**REQUEST NO. 4:**

All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR knowledge of the IVY PARK MARK, including without limitation when you first learned of the IVY PARK MARK.

**REQUEST NO. 5:**

All DOCUMENTS and COMMUNICATIONS RELATED TO the CONTESTED MARK or products that have been or will be marketed or sold under the CONTESTED MARK.

**REQUEST NO. 6:**

DOCUMENTS sufficient to show the corporate organization and structure associated with YOUR business and the responsible PERSONS with respect to the subsidiaries, affiliates, or divisions that are or will be involved with the creation, production, manufacture, sale, research, design, rendering, marketing and/or advertising of goods or products offered, sold, disseminated, demonstrated, conducted, broadcast, aired, or shown, or intended to be offered, sold, disseminated, demonstrated, conducted, broadcast, aired or shown, in connection with the CONTESTED MARK.

**REQUEST NO. 7:**

All DOCUMENTS RELATED TO any and all domain names that YOU own or CONTROL, or previously owned or CONTROLLED, that contain the words “Ivy Park” or any variations or abbreviations of those words.

**REQUEST NO. 8:**

All DOCUMENTS RELATED TO YOUR selection and adoption of the phrase “Poison Ivy Park” for use in connection with YOUR products (or future products) marketed or sold under the CONTESTED MARK, including all DOCUMENTS CONCERNING any and all other phrases that YOU considered as potential alternatives or substitutes for the phrase “Poison Ivy Park.”

**REQUEST NO. 9:**

All DOCUMENTS RELATED TO YOUR application(s) and registration(s) of the CONTESTED MARK.

**REQUEST NO. 10:**

All DOCUMENTS RELATED TO any trademark searches, clearance analyses, studies, reports, and/or investigations conducted by YOU or on YOUR behalf in connection with YOUR selection, adoption, and/or use of the CONTESTED MARK.

**REQUEST NO. 11:**

All DOCUMENTS RELATED TO any search for trademark registrations and uses of names including “Ivy Park” or “Poison Ivy Park.”

**REQUEST NO. 12:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, vendors, customers, and/or potential customers RELATING TO any and all products offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

**REQUEST NO. 13:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, vendors, customers, and/or potential customers RELATING TO the IVY PARK MARK.

**REQUEST NO. 14:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, reporters, media outlets (including social media platforms), vendors, customers, and/or potential customers

RELATING TO any and all instances of confusion between the CONTESTED MARK and/or the IVY PARK MARK.

**REQUEST NO. 15:**

DOCUMENTS sufficient to show when YOU first used the CONTESTED MARK in connection with the offering, advertisement, sales, or promotion of any of YOUR products.

**REQUEST NO. 16:**

All DOCUMENTS RELATED TO any business plans, budgets and projections prepared by or for YOU RELATED TO YOUR use of the CONTESTED MARK.

**REQUEST NO. 17:**

All DOCUMENTS RELATED TO YOUR attempts to sell, monetize, or otherwise earn revenue from any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

**REQUEST NO. 18:**

All DOCUMENTS RELATING TO any revenue YOU have derived from any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

**REQUEST NO. 19:**

All DOCUMENTS RELATING TO YOUR anticipated future revenues expected to be generated by any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

**REQUEST NO. 20:**

All DOCUMENTS RELATED TO any and all past, current, and/or future intended advertising or marketing for each product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

**REQUEST NO. 21:**

All DOCUMENTS RELATED TO any discussion or decision by YOU to cease use of the CONTESTED MARK.

**REQUEST NO. 22:**

DOCUMENTS sufficient to show all products that YOU considered offering, have offered, are offering, or intend to offer in connection with the CONTESTED MARK.

**REQUEST NO. 23:**

All DOCUMENTS RELATED TO any attempts, successful or otherwise, by YOU to register any trademark with the United States Patent and Trademark Office incorporating, or otherwise related to the phrase “Ivy Park.”

**REQUEST NO. 24:**

All DOCUMENTS RELATED TO any other trademark for which YOU filed an application with the United States Patent and Trademark Office.

**REQUEST NO. 25:**

All DOCUMENTS RELATED TO any other litigation, opposition, or other dispute involving a trademark for which YOU have filed an application with the United States Patent and Trademark Office.

**REQUEST NO. 26:**

All DOCUMENTS RELATED TO any settlement agreements between YOU and any third parties arising from any other litigation, opposition, or other dispute involving a trademark for which YOU have filed an application with the United States Patent and Trademark Office.

**REQUEST NO. 27:**

All DOCUMENTS RELATED TO any actual or potential confusion between the CONTESTED MARK (or any and all products offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK), on the one hand, and the IVY PARK MARK (or products marketed or sold under that mark), on the other hand, including any misdirected phone calls, mail, emails, or inquiries RELATED TO whether YOU (or any of YOUR products) are or were associated with, sponsored by, or in any manner connected with the IVY PARK MARK and/or OPPOSER.

**REQUEST NO. 28:**

All DOCUMENTS RELATED TO any actual or potential connection, affiliation, or association between YOU and OPPOSER and/or the IVY PARK MARK.

**REQUEST NO. 29:**

All DOCUMENTS RELATED TO any consumer surveys conducted by or for YOU RELATING TO any actual or potential connection, affiliation, or association between YOU and OPPOSER.

**REQUEST NO. 30:**

All DOCUMENTS RELATED TO any and all logos or labels that YOU have ever used or considered using in connection with YOUR products marketed or sold under or in connection with the CONTESTED MARK.

**REQUEST NO. 31:**

All DOCUMENTS RELATED TO any web page or site(s) on which YOUR products are marketed or sold under or in connection with the CONTESTED MARK.

**REQUEST NO. 32:**

DOCUMENTS sufficient to show all of YOUR products and the retail package sizes for each such products sold under the CONTESTED MARK.

**REQUEST NO. 33:**

All DOCUMENTS RELATED TO any press reports including, but not limited to, press releases, video and audio recordings of TV or radio coverage of YOU or YOUR products under the CONTESTED MARK by news organizations, and press clippings that mention YOU and/or YOUR products under the CONTESTED MARK.

**REQUEST NO. 34:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK “is unique and distinctive.”

**REQUEST NO. 35:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different.”

**REQUEST NO. 36:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in appearance.”

**REQUEST NO. 37:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in spelling.”

**REQUEST NO. 38:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK and the IVY PARK MARK “create different commercial impressions.”

**REQUEST NO. 39:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK is “not likely to cause confusion, mistake or deception to purchasers as to the source of [OPPOSER’s] goods or services.”

**REQUEST NO. 40:**

All DOCUMENTS RELATED TO YOUR allegation that the CONTESTED MARK is “not likely to disparage or falsely suggest a trade connection between [OPPOSER] and [APPLICANT].”

**REQUEST NO. 41:**

All DOCUMENTS not otherwise requested herein that were relied on, referred to, or used by YOU in preparing responses to these REQUESTS, Opposer’s First Set of Interrogatories, or Opposer’s First Set of Requests for Admission.

Dated: July 20, 2017

LATHAM & WATKINS LLP

By /Marvin S. Putnam/  
Marvin S. Putnam (Bar No. 212839)  
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*Attorneys for Opposer,  
Parkwood Topshop Athletic Limited*



**CERTIFICATE OF SERVICE**

I, John Eastly, hereby certify that on July 20, 2017, I served a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO APPLICANT 47 | 72 INC** by electronic mail upon:

Mike Lin, Esq.  
47/72, Inc.  
900 East 1<sup>st</sup> Street, Unit 110  
Los Angeles, CA 90012  
mikelinsf@gmail.com

Counsel for Applicant  
47/72, Inc.

/John M. Eastly/  
John M. Eastly

# **EXHIBIT T**

ESTTA Tracking number: **ESTTA868209**

Filing date: **12/31/2017**

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

Proceeding	91231822
Party	Defendant 47 / 72 Inc.
Correspondence Address	MIKE LIN 47 / 72 INC 900 EAST 1ST ST UNIT 110 LOS ANGELES, CA 90012 UNITED STATES Email: mikelinsf@gmail.com
Submission	Answer
Filer's Name	Mike Lin
Filer's email	mikelinsf@gmail.com
Signature	/Mike Lin/
Date	12/31/2017
Attachments	PoisonIvyParkInterrogatories.pdf(1307521 bytes )

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

---

PARKWOOD TOPSHOP ATHLETIC LIMITED	)	)
Opposer,	)	Opposition No. 91238122
	)	
V.	)	Mark: Poison Ivy Park
	)	
47   72 Inc.,	)	Serial No. 87001440
Applicant.	)	

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**BACKGROUND**

Applicant of POISON IVY PARK, Mike Lin is Bipolar which has impacted his ability to meet deadlines, so he hopes this document will be accepted even though it is 8 days late. Most recently Mr Lin was held at the Beitou Armed Forces Hospital Psych Ward in Taipei, Taiwan from Nov 3, 2017 to Dec 29, 2017. During his time at the hospital, Mr Lin was subjected to being held in an isolation room bound by his wrists as well as legs. Additionally 15 sessions of ECT (Electro Convulsive Therapy aka Electric Shock Therapy) were performed on him. Mr Lin is now taking Seroquel, an anti psychotic to treat his Bipolar. Additionally starting in 2013, Mr Lin was held on 4 separate 5150's (72 hour involuntary psychiatric hold) in the United States as well as having 13 sessions of ECT performed on him. He is now recuperating in Taipei, Taiwan living with his parents at the age of 45.

A true and correct copy of 47 / 72 Inc's Interrogatories is attached hereto as Exhibit 1. A true and correct copy of 47 / 72 Inc's RFPs is attached hereto as Exhibit 2.

**EXHIBIT 1 TO THE DECLARATION  
OF MIKE LIN**

## **APPLICANT'S ANSWERS TO FIRST SET OF INTERROGATORIES**

### **INTERROGATORY NO. 1:**

IDENTIFY all PERSONS having information RELATED TO the CONTESTED MARK's creation, consideration, design, development, selection, adoption or ownership.

- *Applicant Mike Lin as well as his designer out of Indonesia, Gilang are the only people aware of the MARK and it's creation*

### **INTERROGATORY NO. 2:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the CONTESTED MARK's creation, consideration, design, development, selection, adoption or ownership.

- *Communication between Mike Lin and Gilang is via Slack and the creative direction was to take 'Poison Ivy Park' and create designs with a target audience of shoppers of Hot Topic who are into Goth and Punk Rock. Mike Lin also designed the first Hot Topic website in 1996. Additionally, at some point in the future, applicant was hoping to reach out to license out the character 'Poison Ivy'. Applicant has attended the Licensing Expo in Las Vegas the last 2 years.*
- *I am inspired by street artists like Banksy and Shepard Fairey*

***Poison Ivy***





*Designs for Poison Ivy Park*



*Designs for Poison Ivy Park. Mash up of the band Poison, IVY the social university and Linkin Park*



**INTERROGATORY NO. 3:**

IDENTIFY all PERSONS who have or have had responsibility for the marketing, promotion, or sale of products or services in connection with the CONTESTED MARK.

- *Mike Lin is the sole person responsible for marketing at this point in time for his T-Shirt start up 'T-Shirts Matter' which is owned by 47 / 72 Inc. a C Corp out of Delaware*

#### **INTERROGATORY NO. 4:**

IDENTIFY all products or services that have been or will be sold, offered for sale, promoted, or marketed in connection with the CONTESTED MARK, including all geographic locations and online platforms where those products or service have been or will be offered.

- *Designs will be available at my online store on the shopify platform at <http://tshirtsmatter.co> which has print on demand via Printful. Shopify has a global presence. Additionally designs will be available on Merch by Amazon which has a global presence. Products will include T-Shirts, Hoodies, Sweatshirts, Onesies, Posters, Mugs, Tote Bags, and Pillows.*

#### **INTERROGATORY NO. 5:**

For each product or service identified in response to INTERROGATORY No. 4, IDENTIFY YOUR monthly sales volume for each respective product or service by unit and dollar amount.

- *The designs have not been uploaded to tshirtsmatter.co, so sales volume is zero for all items*

#### **INTERROGATORY NO. 6:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the products or services that have been or will be sold, offered for sale, promoted, or marketed in connection with the CONTESTED MARK.

- *See above for designs for 'Poison Ivy Park' that will be offered for sale and marketed*

#### **INTERROGATORY NO. 7:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO the circumstances under which YOU first discovered the existence of the IVY PARK MARK.

- *I first found out about the IVY PARK Mark after reading posts about Lululemon dissing Beyoncé via Twitter when the IVY Park Mark was introduced.*
- *Beyoncé fans and Lululemon trade snarky tweets over Bey's new clothing line - <http://money.cnn.com/2016/03/31/news/companies/lululemon-beyonce-ivy-park/index.html>*
- *I actually filed a trademark mashing up lululemon and beyoncé. I punk'd the USPTO by filing my trademark with lower case letters: 'iuiuiemoncé'. The upper case i appears to look like an 'l'. I have the registration mark for*

*'IUIUIEMONCÉ' which is inspired by Lululemon's fail on their tights and Beyoncé's video for single ladies. Serial #: 87007583*

- [https://www.washingtonpost.com/news/morning-mix/wp/2014/06/23/lululemon-still-suffering-from-sheer-pants-debacle-founder-in-warrior-pose/?utm\\_term=.c3498c0cf239](https://www.washingtonpost.com/news/morning-mix/wp/2014/06/23/lululemon-still-suffering-from-sheer-pants-debacle-founder-in-warrior-pose/?utm_term=.c3498c0cf239)
- [http://tsdr.uspto.gov/#caseNumber=87007583&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87007583&caseType=SERIAL_NO&searchType=statusSearch)
- *Yes, this was a long con and I am familiar with the Beyoncé controversy. Score 1 for Mike Lin ... yes, I'm a little bit crazy.*  
<https://www.rollingstone.com/music/news/beyonce-sues-beyonce-merch-company-over-copyright-infringement-20160405>
-



**INTERROGATORY NO. 8:**

IDENTIFY all PERSONS having knowledge or information RELATED TO the circumstances under which YOU first discovered the existence of the IVY PARK MARK.

- *I, Mike Lin am the sole person to know when I discovered the existence of the IVY PARK MARK*

**INTERROGATORY NO. 9:**

IDENTIFY all PERSONS having knowledge or information RELATED TO any formal or informal trademark search or investigation involving the CONTESTED MARK's language.

• *I hired attorney Luke Brean and used legally.co to file my trademark for 'Poison Ivy Park'*

**INTERROGATORY NO. 10:**

IDENTIFY and describe all information, including all COMMUNICATIONS and DOCUMENTS, RELATED TO any formal or informal trademark search or investigation that YOU performed or ordered to be performed involving the CONTESTED MARK.

- *I most likely performed a search on the USPTO and got the ok from Luke Brean to file my MARK influenced by Goth and Punk Rock.*

**INTERROGATORY NO. 11:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK is “unique and distinctive.”

- *I think we'll need to take this to social media and see if there is confusion between the 2 MARKS. The 'POISON IVY PARK' MARK has a different impression than 'IVY PARK' both through typography and imagery used*

**INTERROGATORY NO. 12:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different.”

- *I think we'd have to do market research to prove indisputably that the 2 MARKS are different*

**INTERROGATORY NO. 13:**

State all facts supporting YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in appearance.”

- *I think the typography between the 2 MARKS are quite different as well as the lack of imagery on the 'IVY PARK' MARK*



*VS*



**INTERROGATORY NO. 14:**

State all facts supporting YOUR contention that the wording of the CONTESTED

MARK and the IVY PARK MARK “are different in spelling.”

- *The addition of the word POISON creates a different impression as it correlates with the ‘POISON IVY’ plant which happens to be found in parks*

#### **INTERROGATORY NO. 15:**

State all facts supporting YOUR contention that the CONTESTED MARK and the IVY PARK MARK “create different commercial impressions.”

- *I think we’ve thoroughly exhausted the various ways in which to phrase this and this has been answered numerous times already*

#### **INTERROGATORY NO. 16:**

State all facts supporting YOUR contention that the CONTESTED MARK is “not likely to cause confusion, mistake or deception to purchasers as to the source of [OPPOSER’s] goods or services.”

- *IVY PARK is being marketed to the athleisure wear market. POISON IVY PARK is marketed to a completely different market: Goths and Punk Rockers*

#### **INTERROGATORY NO. 17:**

State all facts supporting YOUR contention that the CONTESTED MARK is “not likely to disparage or falsely suggest a trade connection between [OPPOSER] and [APPLICANT].”

- *Aside from sharing ‘IVY PARK’ in both MARKS, the MARKS could not be more different compared to the Feyoncé MARK which inappropriately suggested a trade connection between opposer via use of lyrics. IUIUIEMONCÉ on the other hand .... well that’s a registered MARK.*

#### **INTERROGATORY NO. 18:**

State all facts supporting YOUR contention that the CONTESTED MARK does not infringe the IVY PARK MARK.

- *IVY PARK does not have skull and crossbones. Additionally it would not be appropriate at a store like Hot Topic or at The Vans Warped Tour. IVY PARK is laughably the furthest thing from goth or punk rock. IVY PARK is for jocks, whereas POISON IVY PARK is for misfits*

#### **INTERROGATORY NO. 19:**

IDENTIFY all persons who have knowledge RELATED TO any of the responses to these INTERROGATORIES and/or who have assisted in the preparation of YOUR responses to these INTERROGATORIES.

- *My designer Gilang would have knowledge to his designs. Luke Brean has knowledge of filing ‘POISON IVY PARK’ with the USPTO.*



**INTERROGATORY NO. 20:**

If YOU deny, either in whole or in part, any request for admission served by the defendants, state all facts and IDENTIFY all COMMUNICATIONS and DOCUMENTS that form the basis for each denial or partial denial.

- *No Denials*

Dated: Dec 30, 2017

**Taipei, Taiwan**

**47 | 72 Inc.**

By its attorney,

/s/ Mike Lin

Mike Lin  
100 S Alameda St, Unit 267  
Los Angeles, CA 90012  
Tel: (415) 533-1748  
mikelinsf@gmail.com

**CERTIFICATE OF SERVICE**

I, Mike Lin, that on Dec 30, 2017, I served a true and complete copy of the **Applicant's First Set of Interrogatories to opposer Parkwood Topshop Athletic Limited** via the electronic email address of record, [Marvin.Putnam@lw.com](mailto:Marvin.Putnam@lw.com), [Laura.Washington@lw.com](mailto:Laura.Washington@lw.com), [Jonathan.Sadler@lw.com](mailto:Jonathan.Sadler@lw.com), [John.Eastly@lw.com](mailto:John.Eastly@lw.com)

/Mike Lin/

**EXHIBIT 2 TO THE DECLARATION OF  
MIKE LIN**

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

PARKWOOD TOPSHOP ATHLETIC LIMITED Opposer,	)		
	)		Opposition No. 91238122
	)		
V.	)		Mark: Poison Ivy Park
	)		
47   72 Inc., Applicant.	)		Serial No. 87001440
	)		

**APPLICANT’S ANSWERS TO REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:**

All DOCUMENTS RELATED TO OPPOSER.

- *I think all the documents exist on the USPTO Proceeding Documents*

**REQUEST NO. 2:**

All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and OPPOSER, including without limitation all COMMUNICATIONS RELATING TO the IVY PARK MARK and/or the CONTESTED MARK.

- *I think all the documents exist on the USPTO Proceeding Documents*

**REQUEST NO. 3:**

All DOCUMENTS and COMMUNICATIONS RELATED TO the IVY PARK MARK or products marketed or sold under the IVY PARK MARK.

- *I am not in possession of products marketed by IVY PARK MARK*

**REQUEST NO. 4:**

All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR knowledge of the IVY PARK MARK, including without limitation when you first learned of the IVY PARK MARK.

- *This information is provided in the interrogatories above*

**REQUEST NO. 5:**

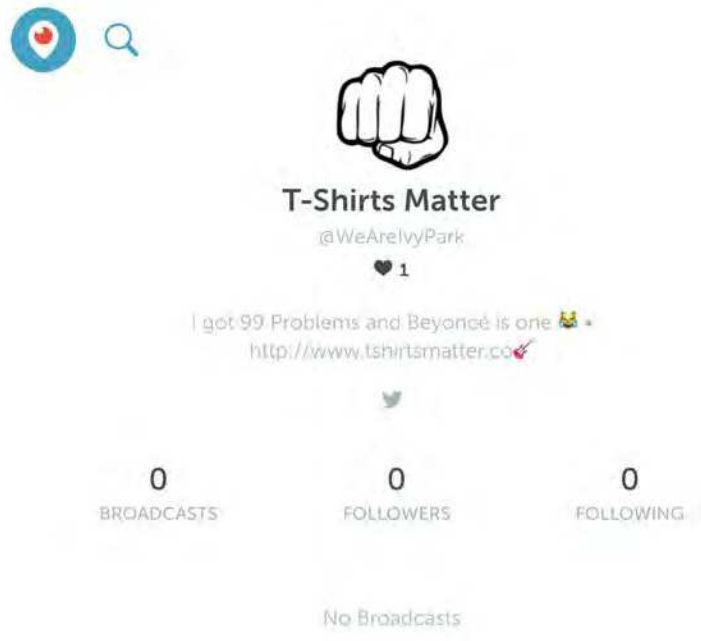
All DOCUMENTS and COMMUNICATIONS RELATED TO the CONTESTED MARK or products that have been or will be marketed or sold under the CONTESTED MARK.

- *This information is provided in the interrogatories above*

**REQUEST NO. 6:**

DOCUMENTS sufficient to show the corporate organization and structure associated with YOUR business and the responsible PERSONS with respect to the subsidiaries, affiliates, or divisions that are or will be involved with the creation, production, manufacture, sale, research, design, rendering, marketing and/or advertising of goods or products offered, sold, disseminated, demonstrated, conducted, broadcast, aired, or shown, or intended to be offered, sold, disseminated, demonstrated, conducted, broadcast, aired or shown, in connection with the CONTESTED MARK.

- *I am a solo entrepreneur, so T-Shirts Matter consists of me, Mike Lin doing everything regarding the CONTESTED MARK aside from my designer out of Indonesia*
- *I have over 700 Periscope usernames including @WeArelvyPark. BTW Ivy Park's Twitter handle is weak sauce and has only 1 post. Periscope is Twitter's live streaming app and most usernames are the same as Twitter. I pwned the Periscope username for IVY PARK*



**REQUEST NO. 8:**

All DOCUMENTS RELATED TO YOUR selection and adoption of the phrase "Poison Ivy Park" for use in connection with YOUR products (or future products) marketed or sold under the CONTESTED MARK, including all DOCUMENTS CONCERNING any and all other phrases that YOU considered as potential alternatives or substitutes for the phrase "Poison Ivy Park."

- *See Interrogatories for designs. Only substitute at the moment is Poison IV Park. IV is 4 in Roman Numerals but is also significant to Beyoncé and Jay-Z*

- <https://www.elitedaily.com/entertainment/celebrity/why-beyonce-and-jay-z-love-the-number-4/2032050>

**REQUEST NO. 9:**

All DOCUMENTS RELATED TO YOUR application(s) and registration(s) of the CONTESTED MARK.

- *All documents are on the USPTO website*

**REQUEST NO. 10:**

All DOCUMENTS RELATED TO any trademark searches, clearance analyses, studies, reports, and/or investigations conducted by YOU or on YOUR behalf in connection with YOUR selection, adoption, and/or use of the CONTESTED MARK.

- *None available*

**REQUEST NO. 11:**

All DOCUMENTS RELATED TO any search for trademark registrations and uses of names including "Ivy Park" or "Poison Ivy Park."

- *None available*

**REQUEST NO. 12:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, vendors, customers, and/or potential customers RELATING TO any and all products offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

- *None available*

**REQUEST NO. 13:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, vendors, customers, and/or potential customers RELATING TO the IVY PARK MARK.

- *None available*

**REQUEST NO. 14:**

All DOCUMENTS RELATING TO COMMUNICATIONS with retailers, reporters, media outlets (including social media platforms), vendors, customers, and/or potential customers  
ATTORNEYS AT LAW LOS ANGELES 10 OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS RELATING TO any and all instances of confusion between the CONTESTED MARK and/or the IVY PARK MARK.

- *None available*

**REQUEST NO. 15:**

DOCUMENTS sufficient to show when YOU first used the CONTESTED MARK in connection with the offering, advertisement, sales, or promotion of any of YOUR products.

- *1 shirt available starting Oct 17, 2017 - Zero sales so far*

- [https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr\\_1\\_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1](https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr_1_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1)

**REQUEST NO. 16:**

All DOCUMENTS RELATED TO any business plans, budgets and projections prepared by or for YOU RELATED TO YOUR use of the CONTESTED MARK.

- *None available*

**REQUEST NO. 17:**

All DOCUMENTS RELATED TO YOUR attempts to sell, monetize, or otherwise earn revenue from any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

- *See answer from request No. 15*

**REQUEST NO. 18:**

All DOCUMENTS RELATING TO any revenue YOU have derived from any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

- *Zero revenue*

**REQUEST NO. 19:**

All DOCUMENTS RELATING TO YOUR anticipated future revenues expected to be generated by any product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

- *There are no such documents*

**REQUEST NO. 20:**

All DOCUMENTS RELATED TO any and all past, current, and/or future intended advertising or marketing for each product offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK.

- *No such documents exist*

**REQUEST NO. 21:**

All DOCUMENTS RELATED TO any discussion or decision by YOU to cease use of the CONTESTED MARK.

- *No such documents exist*

**REQUEST NO. 22:**

DOCUMENTS sufficient to show all products that YOU considered offering, have offered, are offering, or intend to offer in connection with the CONTESTED MARK.

- *See answer in interrogatories as to what products will be available*

**REQUEST NO. 23:**

All DOCUMENTS RELATED TO any attempts, successful or otherwise, by YOU to register any trademark with the United States Patent and Trademark Office incorporating, or otherwise related to the phrase "Ivy Park."

- *All documents are on the USPTO site*

**REQUEST NO. 24:**

All DOCUMENTS RELATED TO any other trademark for which YOU filed an application with the United States Patent and Trademark Office.

- *I've filed 72 trademarks and have at least 19 registered MARKS.*  
<https://www.trademarkia.com/company-47--72-inc-4478532-page-1-2>
- 

**REQUEST NO. 25:**

All DOCUMENTS RELATED TO any other litigation, opposition, or other dispute involving a trademark for which YOU have filed an application with the United States Patent and Trademark Office.

- *All documents are on the USPTO site. Do a search for 'The Black Mamba', 'To Infinity & Beyond'. 'Mortimer Mouse', 'House of Mouse', 'Just Keep Swimming', 'Let It Go'*

**REQUEST NO. 26:**

All DOCUMENTS RELATED TO any settlement agreements between YOU and any third parties arising from any other litigation, opposition, or other dispute involving a trademark for which YOU have filed an application with the United States Patent and Trademark Office.

- *No settlement agreements yet*

**REQUEST NO. 27:**

All DOCUMENTS RELATED TO any actual or potential confusion between the CONTESTED MARK (or any and all products offered, advertised, sold, or otherwise promoted or used by YOU in connection with the CONTESTED MARK), on the one hand, and the IVY PARK MARK (or products marketed or sold under that mark), on the other hand, including any misdirected phone calls, mail, emails, or inquiries RELATED TO whether YOU (or any of YOUR products) are or were associated with, sponsored by, or in any manner connected with the IVY PARK MARK and/or OPPOSER.

- *No such documents exist*

**REQUEST NO. 28:**

All DOCUMENTS RELATED TO any actual or potential connection, affiliation, or association between YOU and OPPOSER and/or the IVY PARK MARK.

- *No such documents exist*

**REQUEST NO. 29:**

All DOCUMENTS RELATED TO any consumer surveys conducted by or for YOU RELATING TO any actual or potential connection, affiliation, or association between YOU and OPPOSER.

- *No such documents exist*

**REQUEST NO. 30:**

All DOCUMENTS RELATED TO any and all logos or labels that YOU have ever used or considered using in connection with YOUR products marketed or sold under or in connection with the CONTESTED MARK.

- *See Interrogatory #2*

**REQUEST NO. 31:**

All DOCUMENTS RELATED TO any web page or site(s) on which YOUR products are marketed or sold under or in connection with the CONTESTED MARK.

- 1 T-Shirt available on Merch by Amazon:  
[https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr\\_1\\_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1](https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr_1_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1)

**REQUEST NO. 32:**

DOCUMENTS sufficient to show all of YOUR products and the retail package sizes for each such products sold under the CONTESTED MARK.

- 1 T-Shirt available on Merch by Amazon:  
[https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr\\_1\\_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1](https://www.amazon.com/Womens-Skull-lightning-zaps-Medium/dp/B076HMZ5SH/ref=sr_1_19?s=apparel&ie=UTF8&qid=1514700108&sr=1-19&nodeID=7141123011&psd=1&th=1)

**REQUEST NO. 33:**

All DOCUMENTS RELATED TO any press reports including, but not limited to, press releases, video and audio recordings of TV or radio coverage of YOU or YOUR products under the CONTESTED MARK by news organizations, and press clippings that mention YOU and/or YOUR products under the CONTESTED MARK.

- <http://www.worldtrademarkreview.com/blog/detail.aspx?q=bae778dc-60dc-4309-ac91-6dce1fd7952f>
- <https://www.worldipreview.com/news/beyonce-and-topshop-speed-up-poison-ivy-park-trademark-battle-14903>
- 

**REQUEST NO. 34:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK “is unique and distinctive.”

- *See Interrogatory #11*



**REQUEST NO. 35:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different.”

- *See Interrogatory #12*

**REQUEST NO. 36:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in appearance.”

- *See Interrogatory #13*

**REQUEST NO. 37:**

All DOCUMENTS RELATED TO YOUR contention that the wording of the CONTESTED MARK and the IVY PARK MARK “are different in spelling.”

- *See Interrogatory #14*

**REQUEST NO. 38:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK and the IVY PARK MARK “create different commercial impressions.”

- *See Interrogatory #15*

**REQUEST NO. 39:**

All DOCUMENTS RELATED TO YOUR contention that the CONTESTED MARK is “not likely to cause confusion, mistake or deception to purchasers as to the source of [OPPOSER’s] goods or services.”

- *See Interrogatory #16*

**REQUEST NO. 40:**

All DOCUMENTS RELATED TO YOUR allegation that the CONTESTED MARK is “not likely to disparage or falsely suggest a trade connection between [OPPOSER] and [APPLICANT].”

- *See Interrogatory #17*

**REQUEST NO. 41:**

All DOCUMENTS not otherwise requested herein that were relied on, referred to, or used by YOU in preparing responses to these REQUESTS, Opposer’s First Set of Interrogatories, or Opposer’s First Set of Requests for Admission.

- *All documents presented*

Dated: Dec 30, 2017

**Taipei, Taiwan**

**47 | 72 Inc.**

By its attorney,

/s/ Mike Lin

Mike Lin

100 S Alameda St, Unit 267

Los Angeles, CA 90012

Tel: (415) 533-1748

mikelinsf@gmail.com

**CERTIFICATE OF SERVICE**

I, Mike Lin, that on Dec 30, 2017, I served a true and complete copy of the **Applicant's First Set of Requests For Production Of Documents to opposer Parkwood Topshop Athletic Limited** via the electronic email address of record, [Marvin.Putnam@lw.com](mailto:Marvin.Putnam@lw.com), [Laura.Washington@lw.com](mailto:Laura.Washington@lw.com), [Jonathan.Sadler@lw.com](mailto:Jonathan.Sadler@lw.com), [John.Eastly@lw.com](mailto:John.Eastly@lw.com)

/Mike Lin/

# **EXHIBIT U**

---

**From:** Mike Lin <mikelinsf@gmail.com>  
**Sent:** Thursday, March 08, 2018 9:05 PM  
**To:** Longo, Eileen (LA)  
**Cc:** Putnam, Marvin (CC); Washington, Laura (CC); Golding, Thomas (CC)  
**Subject:** Re: Parkwood Topshop Athletic, Ltd. v. 47 | 72 Inc., (Poison Ivy Park)

Seems like Beyoncé should have put a ring on it for her legal team:

<https://www.youtube.com/watch?v=4m1EFMoRFvY>

LULULEMONCÉ ® to me.

<https://trademarks.justia.com/870/07/iuiuiemonce-87007583.html>

I'm coming close to settling with Kobe. I've got a lot of free time on my hands to do subversive stuff.



On Fri, Mar 9, 2018 at 6:45 AM, <[Eileen.Longo@lw.com](mailto:Eileen.Longo@lw.com)> wrote:

| Mr. Lin –

Please see the attached Change of Correspondence Address.

Thank you,

**Eileen M. Longo**

Senior Paralegal

**LATHAM & WATKINS LLP**

355 South Grand Avenue, Suite 100

Los Angeles, CA 90071-1560

Direct Dial: [+1.213.891.8908](tel:+12138918908)

Fax: [+1.213.891.8763](tel:+12138918763)

Email: [eileen.longo@lw.com](mailto:eileen.longo@lw.com)

<http://www.lw.com>

---

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**DECLARATION OF DORA MELISSA VARGAS IN SUPPORT OF OPPOSER'S  
MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY  
JUDGMENT**

I, Dora Melissa Vargas, declare as follows:

1. I am currently the Brand Manager for Parkwood Entertainment (“Parkwood”), Beyoncé Giselle Knowles-Carter’s (“Mrs. Carter”) management and entertainment company. The facts set forth below are based on my personal knowledge, and if called as a witness in this action, I could and would testify competently thereto.

2. Mrs. Carter, popularly known as Beyoncé, is a world-renowned singer, songwriter, and performer, and is also a co-founder of the IVY PARK brand. Mrs. Carter has achieved fame through millions of album sales, global concert tours, public appearances, and the sale of merchandise. In addition, she has won 22 Grammy Awards, performed at the 2013 and 2016 Super Bowl halftime shows, and has been featured in countless magazines, including *GQ*, *Sports Illustrated*, and *Rolling Stone*. Mrs. Carter was also listed in Time’s “100 Most Influential People” list and was named the most powerful female in entertainment by *Forbes*.

3. Mrs. Carter frequently wears clothing bearing the IVY PARK mark during public appearances. Mrs. Carter and her music are also prominently featured in its marketing. In addition, Mrs. Carter promotes the IVY PARK mark through her personal social media accounts,

which reach a substantial audience. Mrs. Carter has 107 million followers on Instagram (<https://www.instagram.com/beyonce>), over 64 million followers on Facebook (<https://www.facebook.com/beyonce/>), and over 15 million followers on Twitter (<https://twitter.com/beyonce>). The IVY PARK brand has benefitted significantly from the exposure gained through Mrs. Carter's own fame and profile.

4. In addition to our own marketing, third parties unassociated with Parkwood have written many articles about the IVY PARK brand since its launch. These articles have appeared in a variety of sources, including *Vogue*, *Elle*, *Rolling Stone*, *Us Weekly*, *Billboard*, *W Magazine*, *Huffington Post*, and *Forbes*. Attached hereto as **Exhibit A** are true and correct copies of articles discussing the IVY PARK brand.

5. Attached hereto as **Exhibit B** is a true and correct copy of an April 13, 2016 article written by David Yi, titled *Beyoncé's Ivy Park Is Already The Most Popular Kid On Instagram*, and available at <http://mashable.com/2016/04/13/beyonce-ivy-park-instagram/#A4qi27obhiqw>.

6. Attached hereto as **Exhibit C** is a true and correct copy of an April 14, 2016 article written by Alexandra Mondalek, titled *Beyoncé's Ivy Park Clothing Line Is Nearly Sold Out Just After Launch*, and available at <http://time.com/money/4293703/beyonce-ivy-park-fashion-sold-out/>.

7. Attached hereto as **Exhibit D** is a true and correct copy of an April 14, 2016 article written by Ellen Scott, titled *Beyoncé's Ivy Park Collection Launch Crashed Topshop And Everyone Freaked Out*, and available at <http://metro.co.uk/2016/04/14/beyonces-ivy-park-collection-launch-crashed-topshop-and-everyone-freaked-out-5816566/>.

8. Attached hereto as **Exhibit E** is a true and correct copy of a March 31, 2016 article written by Sally Holmes, titled *This Is What Beyoncé's Fashion Line Ivy Park Means*, and available at <http://www.elle.com/fashion/news/a35244/beyonce-fashion-line-ivy-park-means/>.

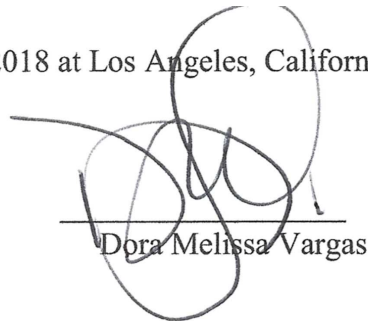
9. Attached hereto as **Exhibit F** is a true and correct copy of a March 31, 2016 article written by Sally Holmes, titled *OMG Beyoncé's Fashion Line Is Heeeeeereeeeeee*, and available at <http://www.elle.com/fashion/news/a35241/beyonce-fashion-line-ivy-park/>.

10. Attached hereto as **Exhibit G** is a true and correct copy of a March 31, 2016 article written by Josh Duboff, titled *Beyoncé Introduces Ivy Park, An Activewear Line*, and available at <http://www.vanityfair.com/style/2016/03/beyonce-ivy-park-activewear-line>.

11. Attached hereto as **Exhibit H** is a true and correct copy of an April 5, 2016 article featured in The Telegraph, titled *Beyoncé Talks About Her Athleisure Brand Ivy Park And The Pressure To Be Perfect*, and available at <http://www.telegraph.co.uk/fashion/brands/beyonce-topshop-athleisure-brand-everything-we-know-information/>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 4 day of April, 2018 at Los Angeles, California.



Dora Melissa Vargas



# **EXHIBIT A**



1 Serena Williams on Her Pregnancy, Motherhood and Making Her Tennis Comeback



2 Meghan Markle Makes Her 2018 Debut With a Messy Bun and No Makeup-Makeup in London

FASHION > SHOPPING

# Beyoncé's New Activewear Line, Ivy Park, Has Arrived

MARCH 31, 2016 3:27 AM  
by MARJON CARLOS

f IVY PARK | SS16 | BEYONCÉ | 'WHERE IS YOUR PARK'

t

i

11



If anyone can motivate young women to jump to their feet, it's Beyoncé. The superstar's hip-switching tunes and breathless dance routines are invigorating inspiration for legions of her fans to get up and really work their stuff. In the video for her hit "Formation," the singer slayed with unprecedented flair, joined by an artillery of female dancers in head-to-toe Gucci. And now, as seen in this exclusive behind-the-scenes footage for her new activewear line, Ivy Park, Beyoncé is poised to inspire another cultural, sartorial, and physical moment.

Showcasing key looks from the 200-piece collection, Beyoncé and her squad of fitness enthusiasts work up a sweat in effortlessly cool activewear. Think: cobalt blue logo-emblazoned sports bras and matching leggings with a "flip-to-low-rise" waistband, honeycombed reflective print jackets that make a chic nod to Queen B's dutiful beehive, sleek and polished bodysuits with mesh trim, and cheeky over-the-thigh varsity socks. It's the product of Beyoncé's first joint venture with Sir Philip Green: high-octane style to match a high-intensity workout. The real standout, though, is the signature seaming system of the line's leggings. They come in three tiers of shapes—"I" (low-rise), "V" (mid-rise), and "Y" (high-rise)—and work from the inside out; their inner contour shorts enhance and flatter a range of physiques.

Simply witness her here at work in the gym. Beyoncé is her own best advertisement for getting into fighting shape, and Ivy Park designs are what

you'll want to wear while you follow suit—and given that prices start at \$30 and cap out at \$200, your wallet will be able to take the strain, too. Here, an exclusive first look at Ivy Park before the collection goes on sale in mid-April at [Nordstrom](#), [Topshop](#), and [Net-a-Porter](#).

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5 / 5

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Photo: Courtesy of Ivy Park

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*In This Story:* [BEYONCÉ](#), [SPORTSWEAR](#), [COLLABORATIONS](#)

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# Beyoncé Tells the Secret to Her Motivation in a New Ivy Park Promo

"I know my body can learn how to bend and not break. I know what it's capable of."



BY KRISTINA RODULFO SEP 29, 2016

898



Today we've been blessed with a new Beyoncé campaign for Ivy Park, the first since she [launched](#) the activewear line last March. As expected, it's glorious.

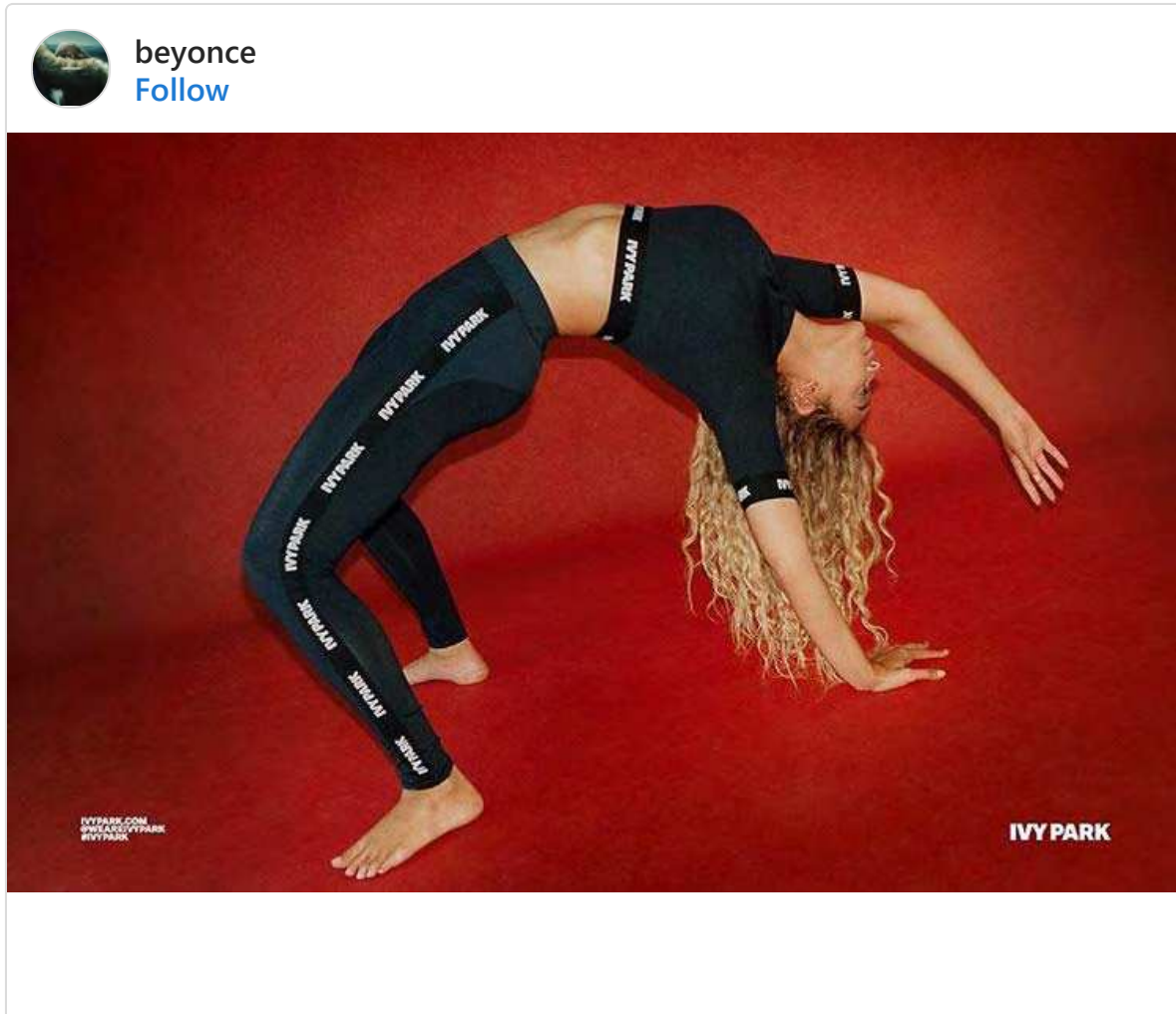


weareivypark

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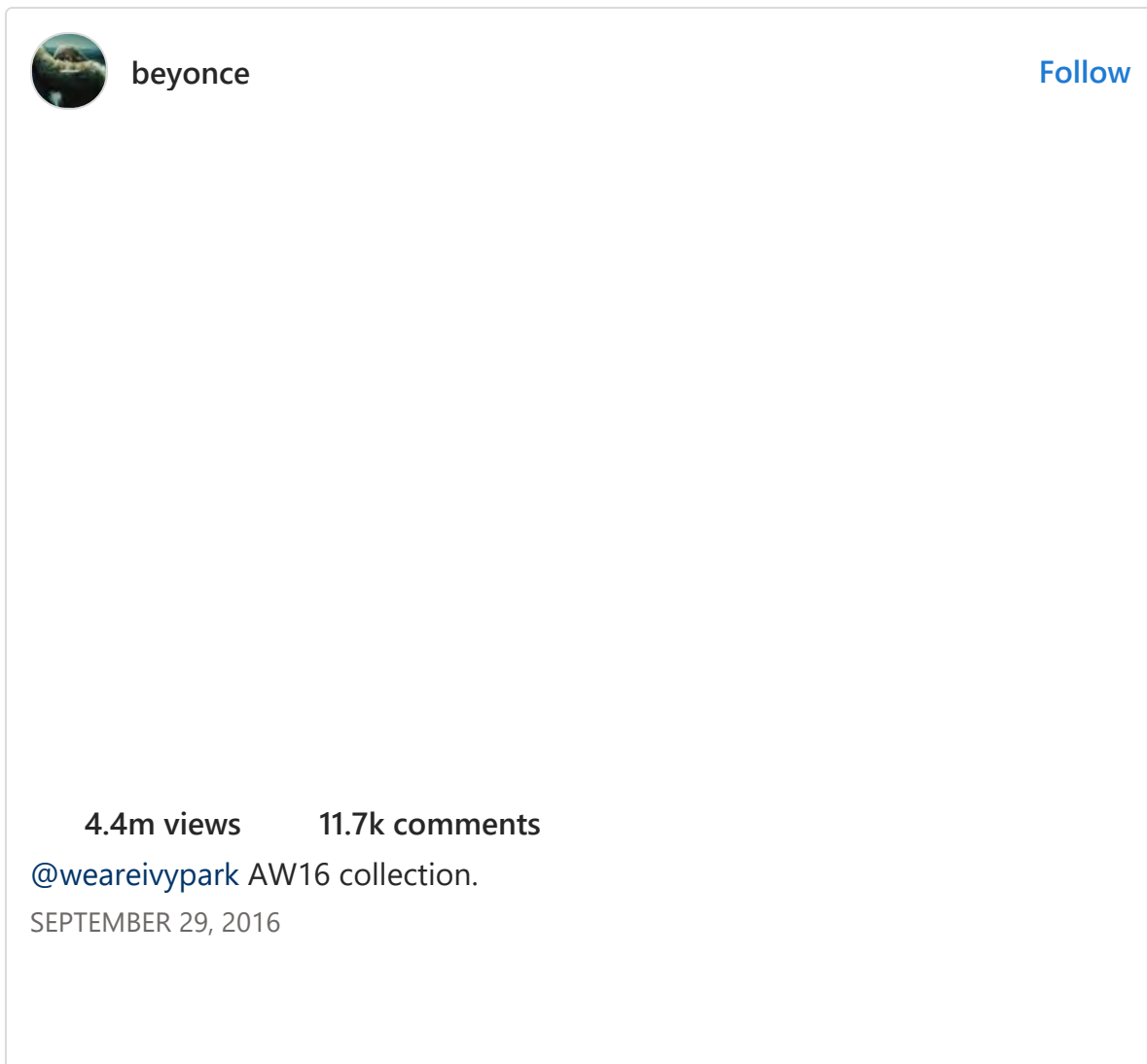
Along with photos, Bey shared a video featuring footage from the Formation World Tour, at rehearsals, with Blue and Jay Z, behind the scenes of the campaign, and at the gym.

She reveals how she motivates herself in a very *Lemonade*-esque, poetic voiceover you'll want to replay the next time you hit the treadmill:

"I stretch my body out like the horizon. I teach my body everyday that I can go a little further. I know my body can learn how to bend and not break. I know what it's capable of. I've seen it perform miracles. Even when my throat is burning, my lungs feel like they're drowning, sweat is stinging my eyes, my feet feel like they're gonna explode. When I'm about to give up, I picture that

one person I love more than anyone. I picture them wherever they are in the world and I imagine myself running towards them. I see their face. And they're smiling and they're cheering. They're shouting my name. And I make it to the end."

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The image shows a YouTube video player interface. At the top left is a circular profile picture of Beyoncé and the name 'beyonce'. At the top right is a blue 'Follow' button. The main area of the player is empty, indicating the video content is not visible. At the bottom left, it shows '4.4m views' and '11.7k comments'. Below that is the video title '@weareivypark AW16 collection.' and the date 'SEPTEMBER 29, 2016'.

The fall range includes camouflage and logo prints, hoodies, slides, a puffer jacket, gym bags, and allll the bodysuits ([of course](#)). You can [shop the new collection](#) now.

---

## WATCH NEXT



## Watch Drag King Spikey Van Dykey's AMAZING Transformation

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[LAVERNE COX IS MODELING FOR BEYONCÉ'S IVY PARK](#)

[BEYONCÉ EVEN WIPES OUT FLAWLESSLY](#)

[BEYONCÉ SLAYS ON THE COVER OF ELLE](#)

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## YEAR IN MUSIC 2017



The Year Pop Went Global: What 'Despacito' and BTS Meant in 2017



2017 No. 1s: How Fan Engagement Led Halsey to Her First Billboard 200 Topper



2017: Billboard's Best Original Photography



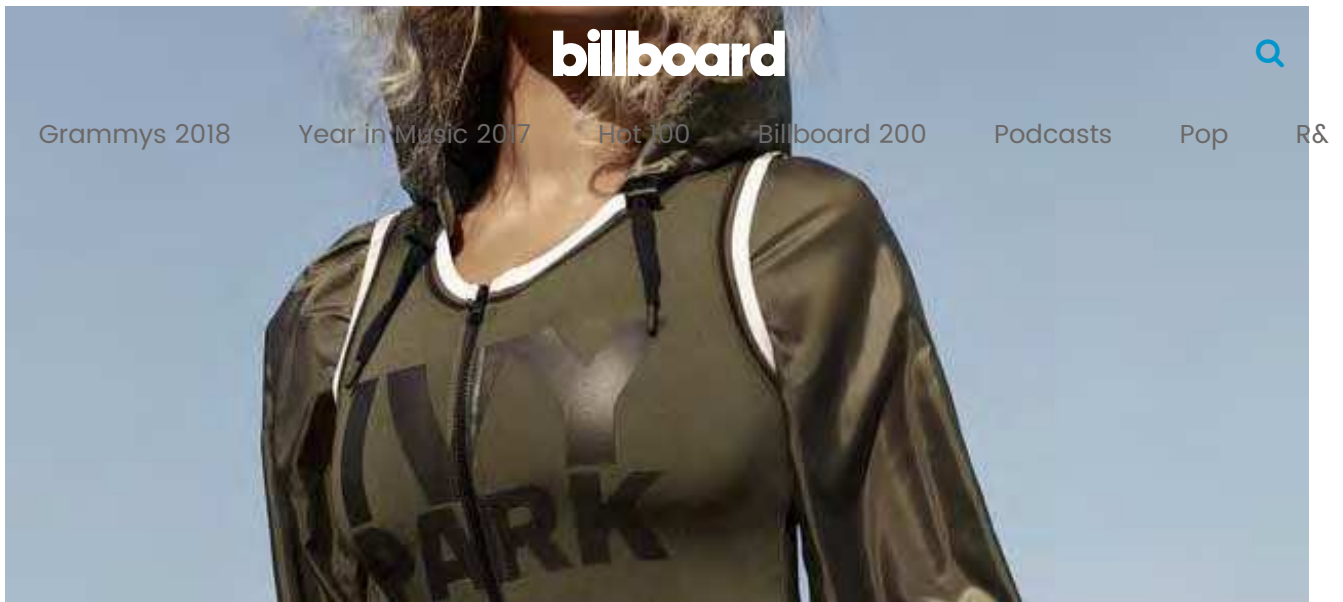
Is Kendrick Lamar the Greatest Rapper Generation? Kehlani, James & Weigh In



# Beyonce's Ivy Park Unveils Spring/Summer 2017 Campaign: Watch

2/1/2017 by [Braudie Blais-Billie](#)



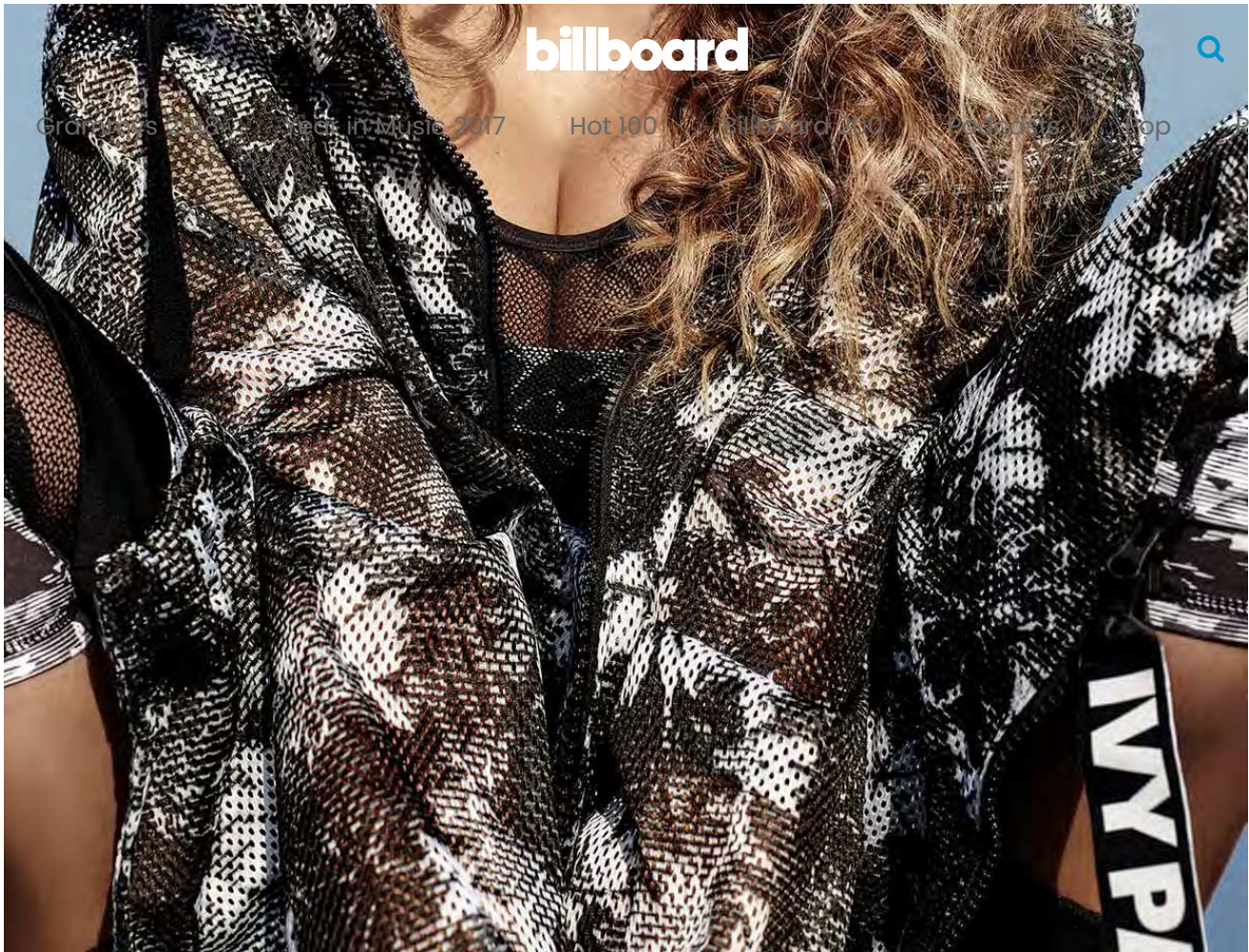


Courtesy of Ivy Park

Beyonce in the Ivy Park Spring/Summer 2017 campaign.

Right before the [news about her pregnancy](#) broke, [Beyonce](#) released a star-studded campaign video all about body positivity for her latest Ivy Park collection. The athleisure brand features the faces of fellow boss ladies [SZA](#) (whose debut album *CTRL* will be out in March via TDE), [Lauryn Hill's](#) daughter Selah Marley, *Black-ish* star Yara Shahidi, model Sophie Koella, and Bey's own protégées the sister duo [Chloe x Halle](#).



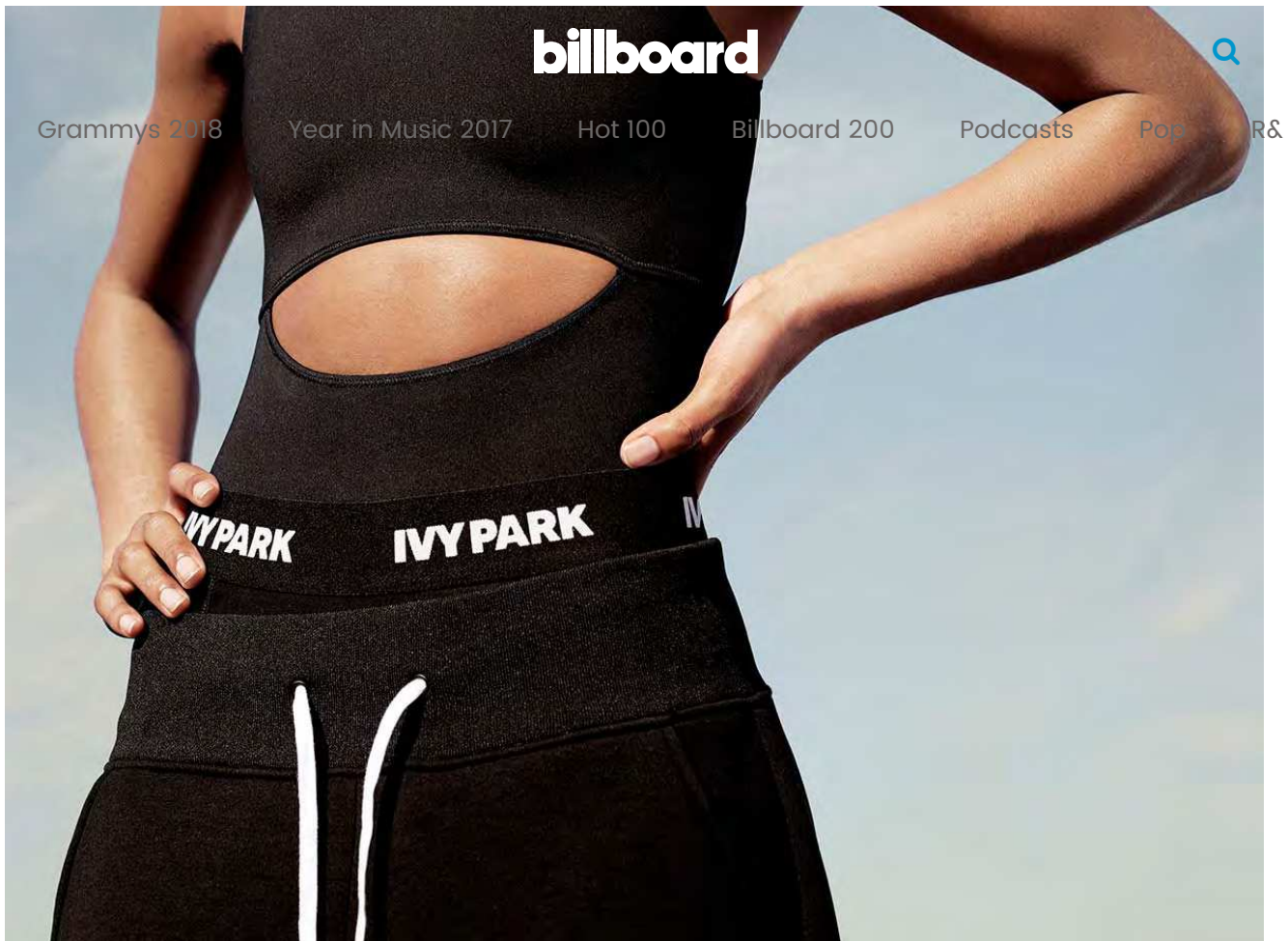


Courtesy of Ivy Park

Beyonce in the Ivy Park Spring/Summer 2017 campaign.

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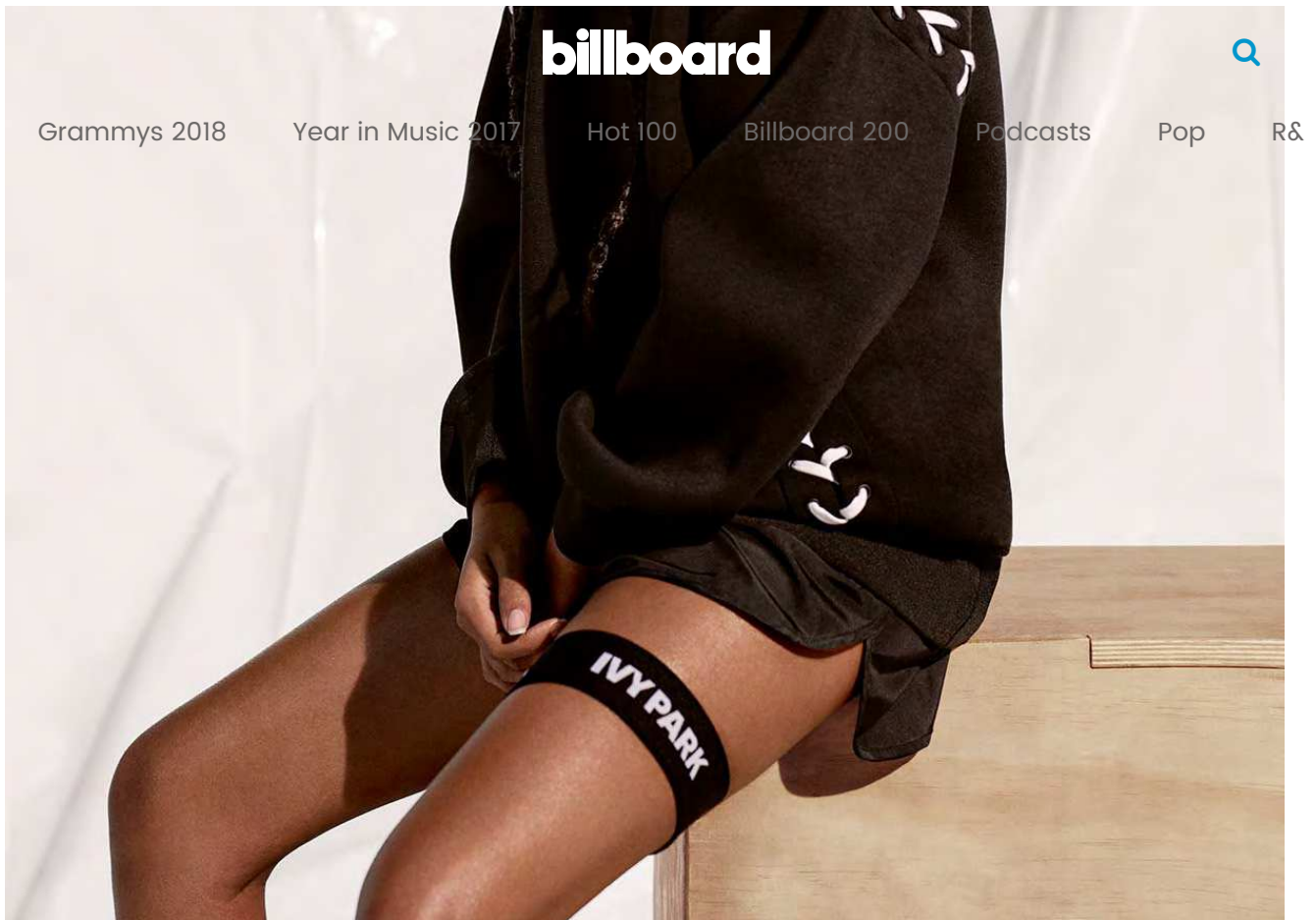


Courtesy of Ivy Park

Selah in the Ivy Park Spring/Summer 2017 campaign.







Courtesy of Ivy Park

Yara in the Ivy Park Spring/Summer 2017 campaign.

### [READ MORE](#)

[Kanye West's Yeezy Season 5 Will Debut at New York Fashion Week: Report](#)

Ivy Park's second campaign features fashion-forward active wear – cutout bodysuits, bold leggings and mesh-lined crop tops, all geared towards a sporty-yet-stylish look for everyday wear. Echoing the brand's mission of female empowerment, each tastemaker talks about their active lives as runners, karate masters (Shahidi is actually a black belt), and soccer players through a feminist lens. And of course, Beyonce's powerful image courses throughout the clip. Watch the campaign below.

## IVY PARK | SS17 | BEYONCÉ



[Grammys 2018](#)

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# **EXHIBIT B**



Lifestyle

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# Beyoncé's Ivy Park is already the most popular kid on Instagram

Share on Facebook

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WHAT'S THIS?



IMAGE: IVY PARK

WE HAVE UPDATED OUR PRIVACY POLICY AND ENCOURAGE YOU TO READ IT BY CLICKING [HERE](#).

The BeyHive sure knows how to make buzz. And they do so loudly.

Beyoncé's Ivy Park athleisure line, announced March 31, hasn't even launched but is now considered to be the most popular fashion brand on Instagram in terms of engagement.



IMAGE: DASH HUDSON

This according to Instagram marketing platform [Dash Hudson](#), which does deep dives into fashion and beauty brands and publications. The agency, which has tracked brands throughout the years and their respective Instagram practices, found that Ivy Park has hit unprecedented engagement levels.

**SEE ALSO: [Beyoncé reveals first look at Ivy Park athleisure collection, complete with adorable peek at little Blue](#)**

The account, [@weareivypark](#), currently has over 126,000 followers and 36 posts. While that's not the most followers of any brand, the activity surrounding the account is striking.

"We've never seen this before and it's a unique moment in time," said Thomas Rankin, CEO of Dash Hudson, to *Mashable*. "We haven't seen this kind of engagement in the past from any other brand."

## TOP POSTS THIS WEEK ⓘ

SEE MORE >

TOTAL AVG. 22.91%



11.07%

APR 6, 2016 5:00 AM ❤️ 13,233 💬 92



10.09%

APR 7, 2016 5:17 AM ❤️ 11,999 💬 137



9.63%

APR 6, 2016 1:30 PM ❤️ 11,433 💬 157



9.12%

APR 7, 2016 8:01 AM ❤️ 10,898 💬 81



8.86%

APR 6, 2016 10:52 AM ❤️ 10,571 💬 96



8.69%

APR 7, 2016 1:02 PM ❤️ 10,341 💬 121

IMAGE: DASH HUDSON

In Rankin's findings, the account has an average engagement rate of 22.91%, an "astronomical" number, he said, given that most brands have a 1% engagement rate. The brand even has more engagement than Beyoncé's own personal Instagram account, which has a little over 1% user engagement.





**weareivypark** FOLLOW

14k likes

**weareivypark** @beyonce wears #IVYPARK in this month's #ELLE

view all 122 comments

**diliii\_** @sheamoisture4u Bey deserves a feature on your page too 😊

**anitanju** @rkariampally athletic wear from B's line - at nordstroms in a few days - wanna go shopping?

**ladyjongray** @angelic\_queenb YASSSS

**ladyjongray** @hmph.chrissy 🍕🍕🍕

**rkariampally** @anitanju lets go check it out Saturday

**nettinuredini** We need a plan @suebysherif @lirijememishi

**lirijememishi** @nettinuredini @suebysherif what's the effing plan? Buy it all?

**nettinuredini** That's what I think @lirijememishi @suebysherif buy it all

♡ Add a comment...

igram.com/p/BD04z95BhGt/?taken-by=weareivypark

IMAGE: [INSTAGRAM.COM/WEAREIVYPARK](https://www.instagram.com/weareivypark)

That percentage might seem small, but Rankin said it's a number that's difficult to reach. For celebrities from Kendall Jenner to brands like Urban Outfitters, having more than 1% engagement is considered successful.



TOP POSTS FEATURING YOU

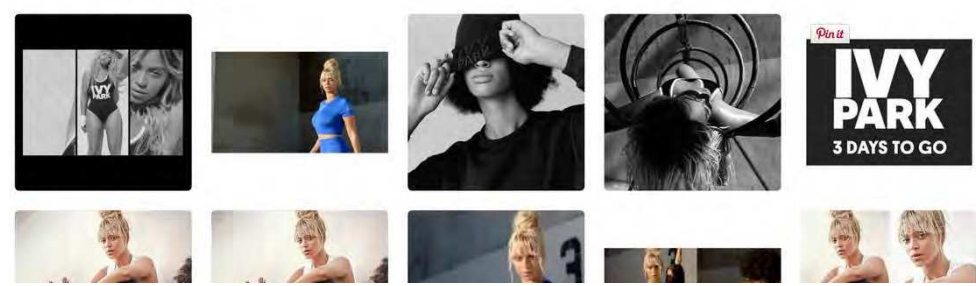
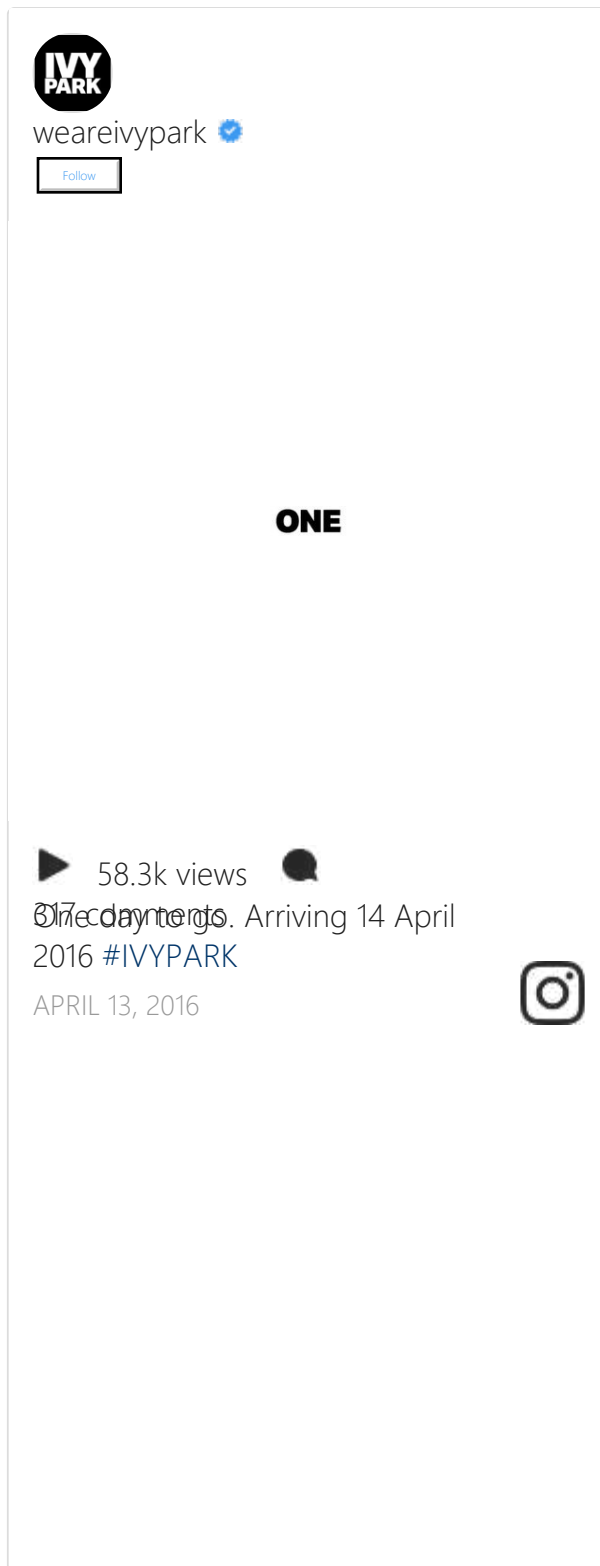


IMAGE: DASH HUDSON

Other fashion brands hitting it out of the park are Brandy Melville, Rolex and VS Pink, with steady engagement at rates like 3.4%, 3.39% and 3.1%, respectively. Ivy Park's is seven times higher than any of these leading accounts.



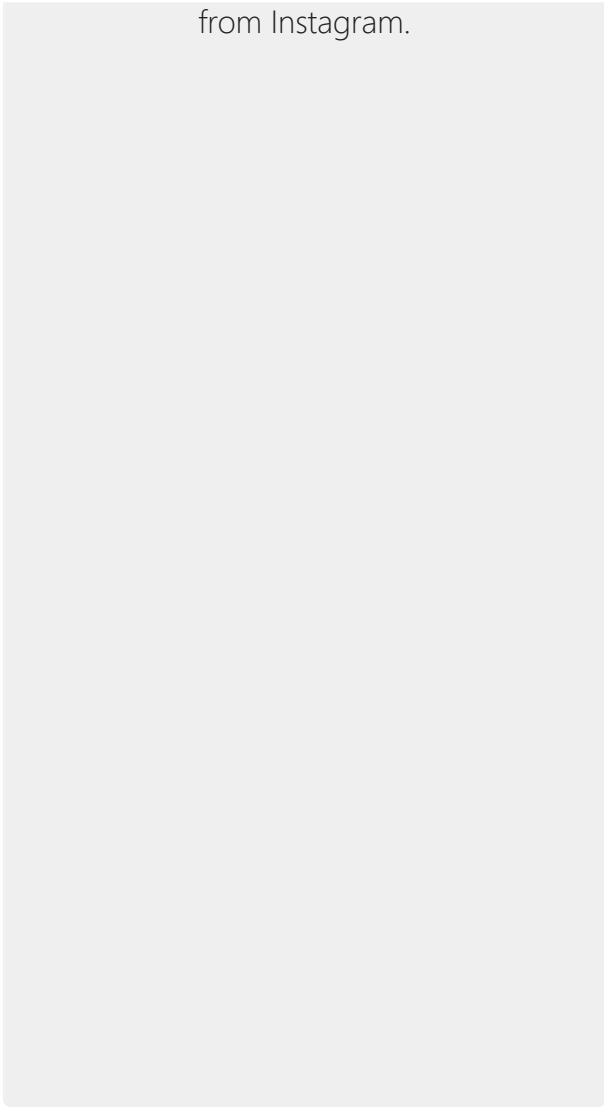
To compare that with other big launches, Ivy Park has seen more than double the engagement of Rihanna's line for Puma. That account had approximately 10-15% of user engagement before its launch.



This photo or video has been removed



from Instagram.



The Beyoncé effect is even helping brands like Topshop with their own social engagement. Topshop's posts on Instagram are performing 50% better when including photos or Ivy Park references.

"It really shows her star power and just how powerful the Beyoncé effect is," Rankin said.

That, and loyalty of the buzzing BeyHive.

To get your own piece of merchandise, head to [Topshop](#), [Net-A-Porter](#) or [Nordstrom](#) on Thursday, April 14.

*Have something to add to this story? Share it in the comments.*

**TOPICS:** ATHLEISURE, BEYONCE, BUSINESS, FASHION, INSTAGRAM, IVY PARK, LIFESTYLE, MARKETING, SOCIAL MEDIA

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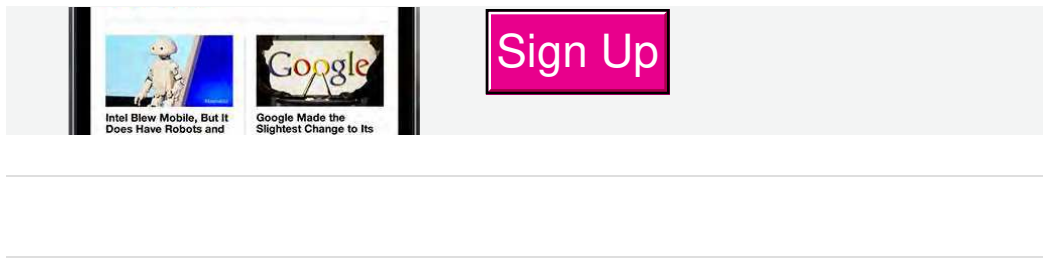
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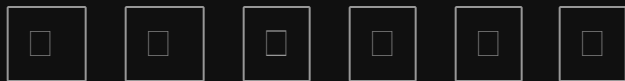
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# How one of your favorite animated characters got her voice



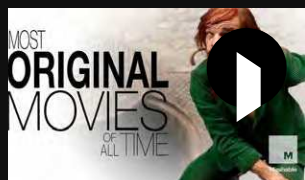
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JESSICA LEIBOWITZ / ABOUT 1 MONTH AGO

John Roberts is a voiceover actor most famous for his character Linda Belcher on FOX's *Bob's Burgers*. Roberts imitated his Brooklyn-born mother in [comedy videos on YouTube](#). *Bob's Burgers* creator Loren Bouchard took note and turned the character into Linda.

Learn more about the life of a voiceover actor in our new series, *Supporting Players*.

## Next Up



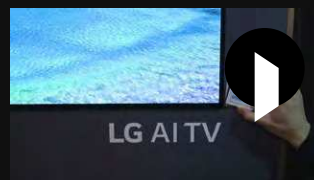
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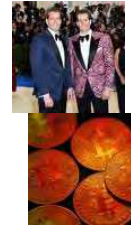


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# Beyoncé's Ivy Park Clothing Line Is Nearly Sold Out Just After Launch



By [ALEXANDRA MONDALEK](#) April 14, 2016

Harvard Business School will have to update its [case study](#) on Beyoncé: It's not enough that pop icon and business mogul rules music, but now she's made a breakthrough into the fashion industry.

Ivy Park, the “athleisure” [clothing line Beyoncé announced](#) as a joint venture with Topshop's Sir Phillip Green, has become available to shoppers after weeks of hype following the release of promotional videos and a new website. As of 1 a.m. ET, the clothes were available to American shoppers online. But by then, Bey-mania had already overtaken physical stores in the U.K.



The collection has just over 100 pieces, with items ranging from \$15 to \$265, according to the Topshop website.

While a few items are still available online, it may be difficult to get the size you want. For example, the Ivy Park Bodysuit, one of the collection's most recognizable pieces, is sold out completely on Nordstrom's website, but available in extra-small, small, and medium over at Topshop online.

Seeing as high-profile [celebrity-endorsed fashion lines](#) have sold out almost immediately, only to pop up and command a premium on resale sites, it's unsurprising the same thing is happening right now. The same bodysuit mentioned above, which has a normal [list price](#) of \$50, is fetching three times that at a whopping \$150 on [eBay](#).

Not everyone is happy with Ivy Park itself, mind you. In addition to [rumored](#) site crashes and high prices, some shoppers are angry over the actual sizing of the clothes.

No word yet on how quickly [retailers](#) will restock the clothes, if at all.

From the Editors of MONEY

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It's really **no surprise** that shoppers would fawn over the line once it hit stores. Mashable reports that, in terms of user engagement on Instagram, Ivy Park was the most popular fashion brand before it even hit stores, an “unprecedented” feat.

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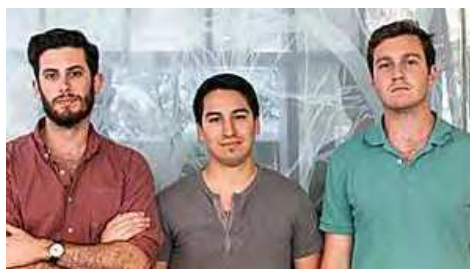
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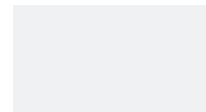
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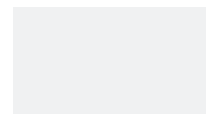
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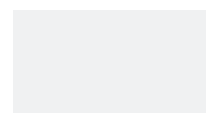
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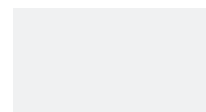
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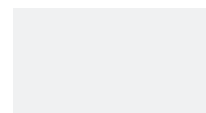
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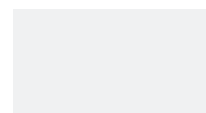
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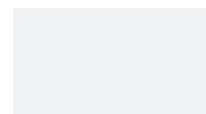
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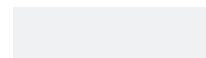
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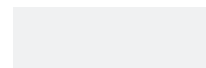
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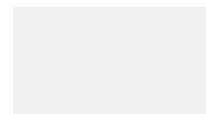


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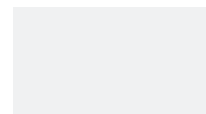
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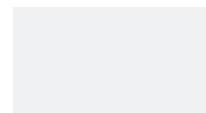
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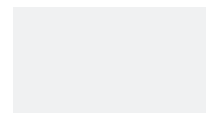
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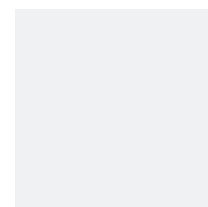
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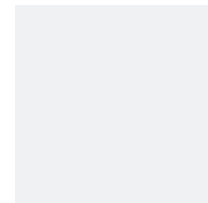
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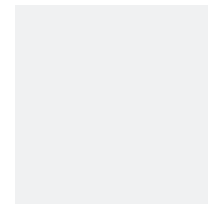
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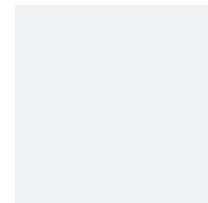
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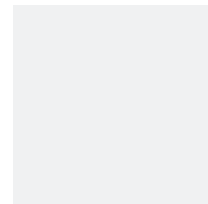
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# **EXHIBIT D**

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# Beyoncé's Ivy Park collection launch crashed Topshop and everyone freaked out



Ellen Scott

Thursday 14 Apr 2016 1:14 pm



67



Beyoncé smiled on us today. (Picture: Ivy Park)

**This morning the world was shaken to its very core.**

The world was slayed, okay, you could say.

Because on this day, April 14, 2016, Beyoncé officially launched her Ivy Park athleisure collection (you can buy it on **Topshop** and **Net-a-Porter**, just FYI)

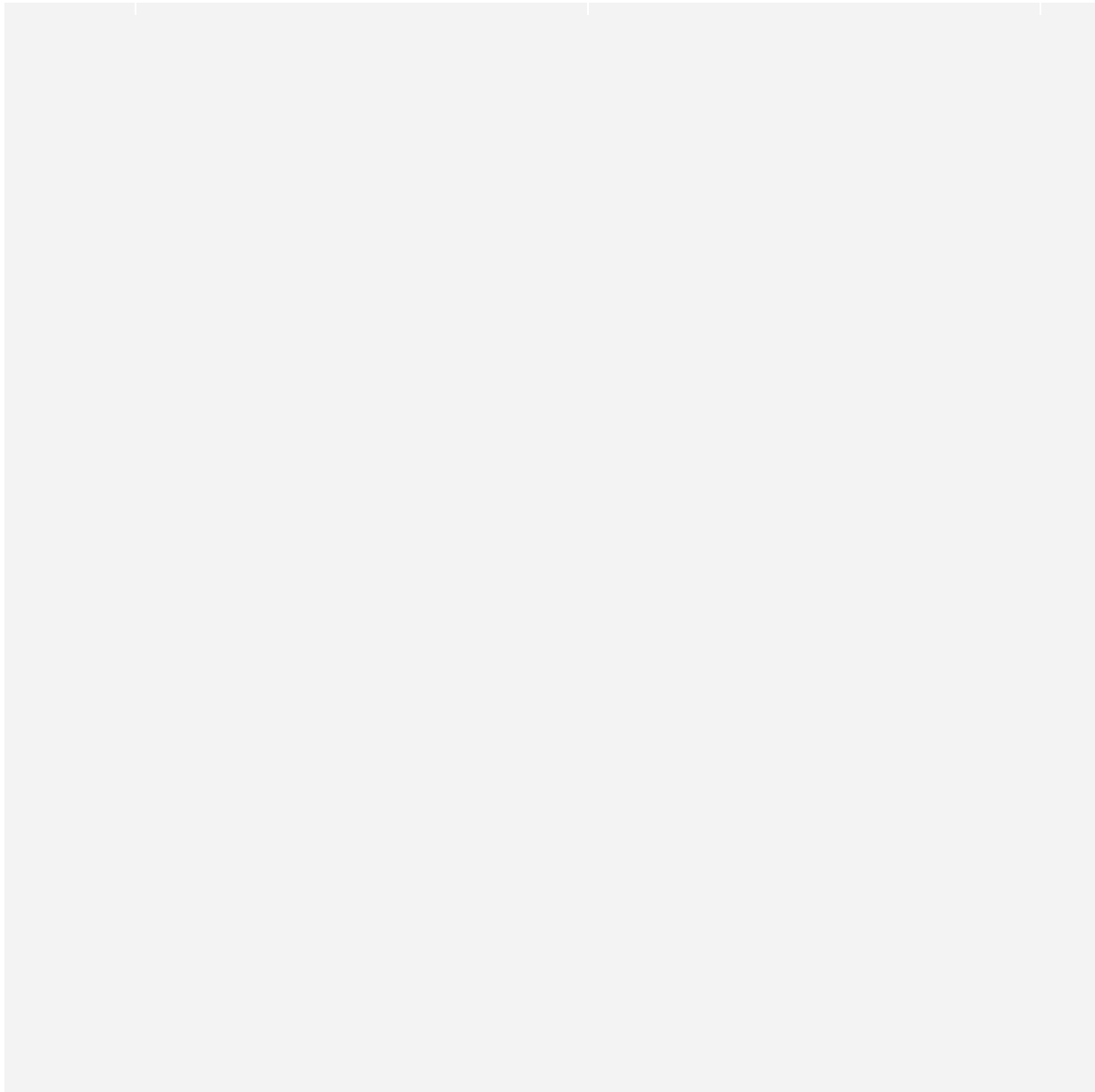
We woke up early. We stocked our online bags in a frenzy. We chose caps we didn't need and sweatpants we had no intention of sweating in.

Then we reached the Topshop checkout. It didn't work. And a meltdown ensued.

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Some of us were blessed by the spirit of Beyoncé, and have emerged victorious with a fully \*\*\*flawless gymwear collection.

Others have been left crying, desperately refreshing the page and wandering the streets to find a branch with a leotard in stock.

Either way, it was intense.

## **1. People were up early and ready to drop some serious cash.**

“I'm ready! #ivypark [nic.twitter.com/KTTHKoer1D](https://www.etsy.com/uk/people/ktthkoer1d)”

NEWS

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— Squirtle (@Notafakepage) April 14, 2016

2. They were ready. Ready to buy more gymwear than they would ever need.



Janet Mock

@janetmock

I've never purchased this much activewear in my life. Thanks, Beyoncé. #IvyPark

9:16 PM - Apr 13, 2016

10

210

598

3. We were shocked to find that our dream sweatpants had not sold out within minutes.



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#### 4. We were excited.



**Emma Gibson**

@emma\_gibs

Ivy park launch means we can basically wear gym clothes to work, thanks bey

3:29 AM - Apr 14, 2016

1

4

4

#### 5. Very excited.



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## 6. It was basically Christmas morning.



## 7. But suddenly things started to disappear.

**“ #IvyPark selling out faster than your faves world tour  
[pic.twitter.com/kyloCU5mVt](https://pic.twitter.com/kyloCU5mVt)**

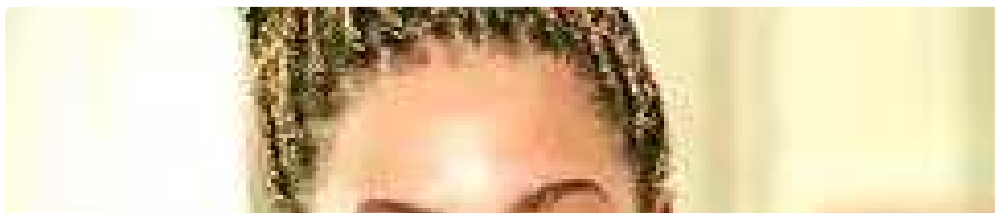
**— Misha Carter (@QueenBKC\_81) April 14, 2016 ”**

## 8. It was happening too fast.

**“ I've literally been reduced to a jersey and a crop top. I hate everyone  
that was up before me. #ivypark [pic.twitter.com/XyYajkCrlx](https://pic.twitter.com/XyYajkCrlx)**

**— Ivy Spark. (@Kwayylo) April 14, 2016 ”**

## 9. GOD DAMN GOD DAMN GOD DAMN GOD DAMN



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## 10. We tried so hard to stay in control.



**Mrs P.**  
@ArmyWagBlog

\*I do not need a Beyoncé Ivy Park leotard, I will not look like Beyoncé in an Ivy Park leotard\*. Repeat.

3:33 AM - Apr 14, 2016

2

## 11. But accidents happen.

*“ Tripped and fell and ordered a top and sports bra from the Ivy Park range in Topshop. Shit happens.*

*— Sarah Edwards (@sareddy) April 14, 2016 ”*

## 12. We may have hit our overdraft limit.



**caraaaa**  
@CaraCairneyx

Defos gonna be in my overdraft by tomorrow after my shift, probs gonna end up buying everything in the Beyoncé range in my work #IvyPark

12:18 PM - Apr 13, 2016

1

7

## 13. But whatevs.





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## 14. Some people were not so lucky.

“*Crying crying Ivy park everything sold*

— *debs white (@TrulyMadDebs) April 14, 2016* ”

## 15. We will cry for them while we parade around in our leotards.



**em**  
@emmiesusername

Thank you to the ivy park clothing line for ensuring that I have no money saved for when I go to uni x

3:34 AM - Apr 14, 2016

1 6

## 16. Soz, b.



**chlo**  
@miaabarneyy

IVY PARK is sold out - this is what disappointment is made of

2:53 AM - Apr 14, 2016

## 17. See you at the gym.

“*#IVYPARK broke the internet.* 🐝”

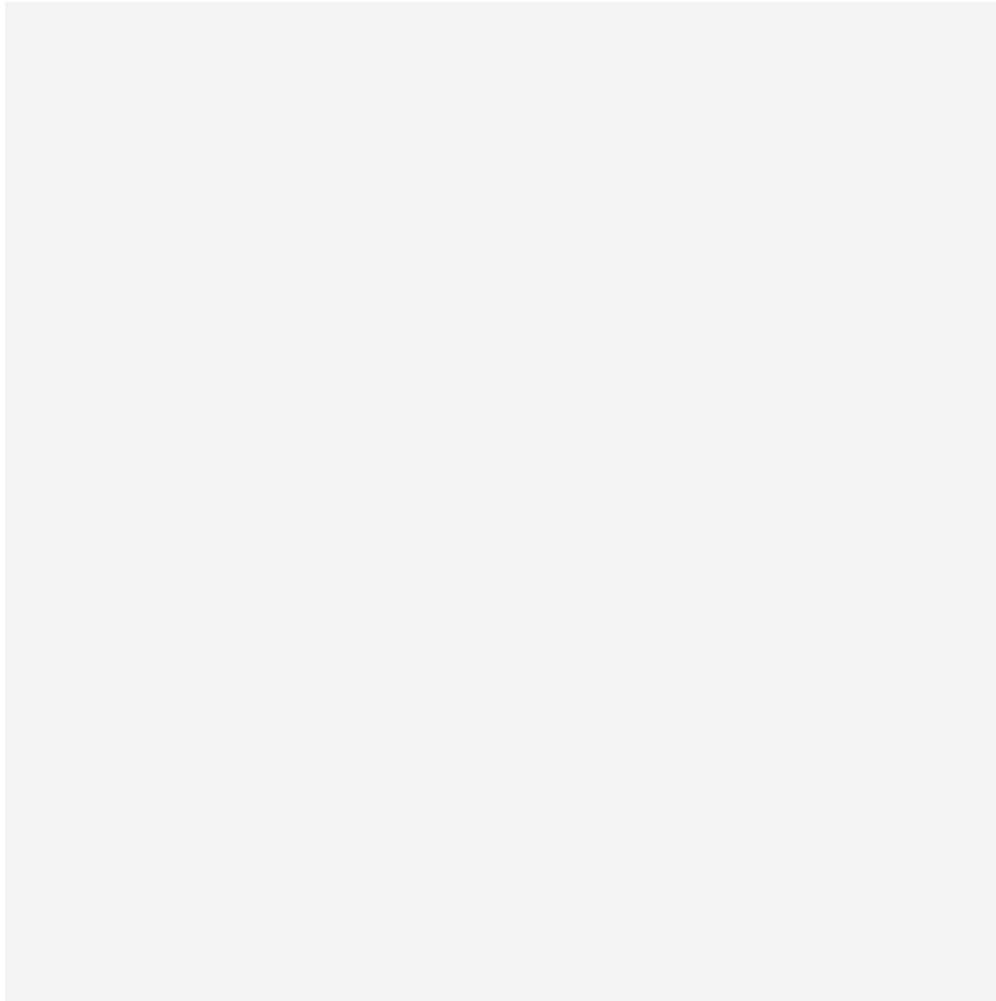
— Aspen Holly (@AspenHB) April 14, 2016

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We'll be the ones slaying.



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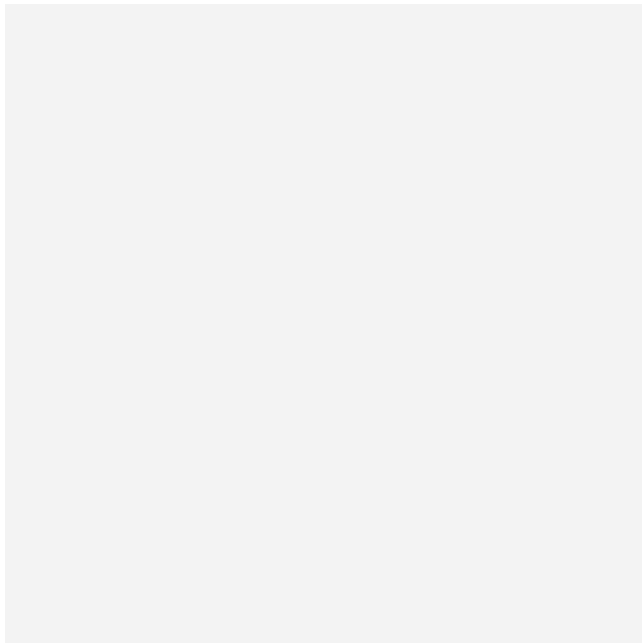
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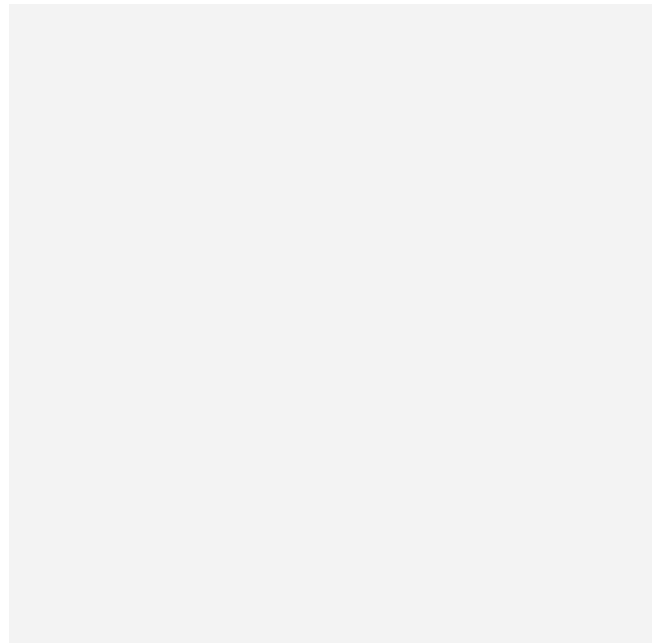
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# **EXHIBIT E**



# This Is What Beyoncé's Fashion Line Ivy Park Means

She explains how she chose the name...

BY [SALLY HOLMES](#) MAR 31, 2016

2.2K



This morning, [Beyoncé announced](#) the name of her brand spanning new line of athleisure fashions: Ivy Park. How she settled on the Ivy part seems obvious enough (hi Blue!), but she explains what it means to her in a video introducing the brand:







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I would wake up in the morning, and my dad would come knocking at my door, telling me it's time to go running. I remember wanting to stop, but I would push myself to keep going. It taught me discipline. And I would think about my dreams. I would think about the sacrifices my parents made for me. I would think about my little sister and how I was her hero. I would look at the beauty around me, the sun shining through the trees. I would keep breathing. There are things I'm still afraid of. When I have to conquer those things, I still go back to that park. Before I hit the stage, I go back to that park. When it was time for me to give birth, I went back to that park. The park became a state of mind. The park became my strength. The park is what made me who I am. Where's your park?

IVY PARK | SS16 | BEYONCÉ | 'WHERE IS YOUR PARK'



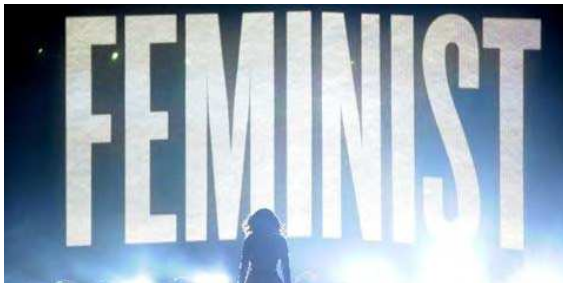
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# **EXHIBIT F**



# OMG Beyoncé's Fashion Line Is HEEEEEEEEEEEEEEEE

Wake up [put on Beyoncé's Ivy Park clothes], flawless.

BY [SALLY HOLMES](#) MAR 31, 2016

11.1K



BIG news this morning: Beyoncé, your queen, is officially launching her own fashion line—not a collaboration line, as many celebs have done before her, but instead producing her very own Bey-originals.

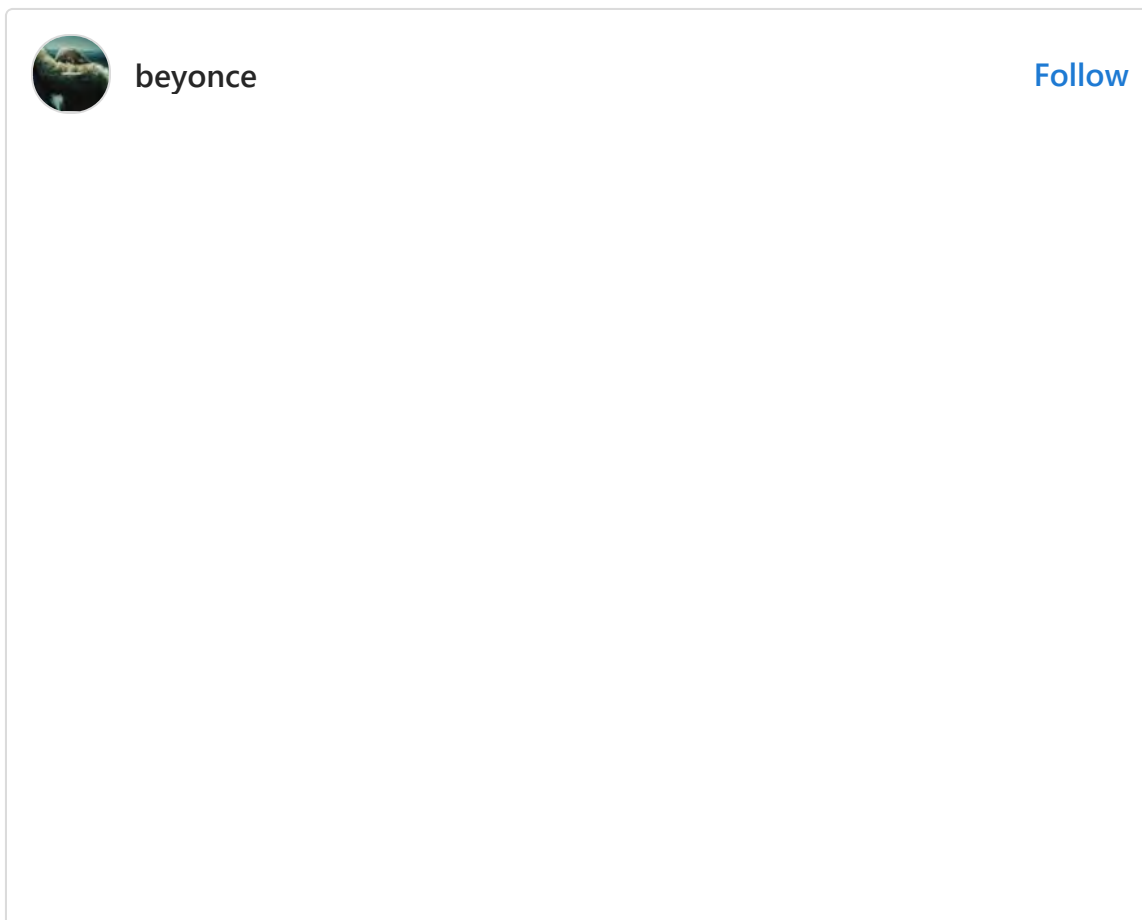
IVY PARK | SS16 | BEYONCÉ | 'WHERE IS YOUR PARK'



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The name of the line is [IVY PARK](#) and the goods (which, will undoubtedly be goooood, because *Beyoncé*) won't actually be available on Bey's website—instead you'll be able to purchase the designs at Net-a-Porter, Topshop, and Nordstrom.

Bey also announced the news on Instagram, captioning her photo [@weareivypark](#), whose landing page links to the brand's website, [ivypark.com](#).





The brand is a joint venture with Sir Philip Green, who's chairman of Arcadia Group, which owns Topshop, Topman, Miss Selfridge, and other retailers.

As for what the stuff actually looks like? Athleisure to the Beyoncé-th degree. And, of course, flawless.



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# **EXHIBIT G**

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BEY SEASON

# Beyoncé Introduces Ivy Park, an Activewear Line

Out in stores in mid-April.

by JOSH DUBOFF

MARCH 31, 2016 12:31 PM



IVY PARK | SS16 | BEYONCÉ | 'WHERE IS YOUR PARK'



Wearing **Beyoncé's** new athleisure line, Ivy Park, while you work out will not make you actually look like Beyoncé while working out, sadly, but it will make for a great Instagram (“I worked out like this,” etc.) and could make you *feel* a little bit more like a Beyoncé, which, of course, is all any of us could wish for a clothing item to provide.

Yes, Beyoncé has released an activewear line. It’s called Ivy Park, and it’s a collaboration with Topshop owner Sir Philip Green (two years ago, the two formed a “50-50 joint venture company,” under which the brand is produced). The line—several pieces of which Beyoncé is wearing herself in

the **images accompanying today's launch**—will be sold in 50 countries at 12 different retail chains. Per [Vogue.com](#), Ivy Park will be comprised of 200 pieces, a mixture of sports bras, leggings, print jackets, bodysuits, varsity socks, and more. (Prices will range from \$30 to \$200.)

Beyoncé released a short video to promote the collection (which she is also wearing **on the cover** of this month's issue of *Elle*), in which she stands in the rain, opens a window, stretches, runs on a treadmill, jumps rope, and otherwise looks perfect and glowing like no person you have seen in your gym or anywhere else. She talks about the park she ran in when she was younger, and uses it as a metaphor for her current life: "Before I hit the stage, I go back to that park. When it was time for me to give birth, I went back to that park. The park became a state of mine. The park became my strength," before asking, "Where's your park?"—to which our answer, uh, may have been: "The closest thing I have to park is probably . . . scrolling through Beyoncé's Instagram account?"

### Watch Now: Whitney Cummings Hijacks a Stranger's Tinder



*Update: A previous version of this article stated that Ivy Park is a collaboration between Topshop and Beyoncé, based on initial reports in the trade press . After receiving updated information from a P.R. representative, the article has been amended to reflect that Ivy Park is a stand-alone line between Beyoncé and Topshop's owner, Sir Philip Green.*

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## Get Beyoncé's To-Die-For Style

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Beyoncé

Photo: From left: by Kevin Winter, by Buda Mendes, and by Kevork Djansezian. All from Getty Images.



Josh Duboff is a VF.com senior writer, based in New York, who covers entertainment and culture.

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## Beyoncé talks about her athleisure brand Ivy Park and the pressure to be perfect



Beyonce

5 APRIL 2016 • 12:00PM



It was announced back in October 2014 that Beyoncé was setting up her own 'athleisure' brand in partnership with Topshop, and we are now on the final countdown, as it hits stores on the 14th April.

To coincide with the collection Beyoncé is wearing her logotastic sportswear on the cover of *ELLE*, and has given one of her first interviews in years.

A photo posted by Beyoncé (@beyonce) (<https://www.instagram.com/p/BDnyuBbvwyo/>) on Mar 31, 2016 at 8:...

She opens up about the pressure to be perfect and where she finds her drive. "We have to care about our bodies and what we put in them," she tells *ELLE*. "Women have to take the time to focus on our mental health — take time for self, for the spiritual, without feeling guilty or selfish. The world will see you the way you see you, and treat you the way you treat yourself."

Introducing IVY PARK a new activewear brand for women. #IVYPARK

(<https://www.instagram.com/p/BDnsbxNBhFW/>)

A photo posted by IVY PARK (@weareivypark) on Mar 31, 2016 at 7:09am PDT

"It's really about changing the conversation. It's not about perfection. It's about purpose," Beyoncé adds. "We have to care about our bodies and what we put in them. Women have to take the time to focus on our mental health—take time for self, for the spiritual, without feeling guilty or selfish. The world will see you the way you see you, and treat you the way you treat yourself."

Here is everything you need to know about Ivy Park...

### How many pieces are in the collection...

There are 200 pieces of sportswear, with Ivy Park branded sweat bands, leggings, t shirts, sliders and more. In a video we can see Beyonce swimming, cycling, running (with Blue Ivy on her back) and dancing in the pieces.

## Where you can buy Ivy Park

The activewear brand will go live on 14th April, and will be sold online and instore at a number of retailers including Topshop, Nordstrom, Zalando, Net A Porter, Selfridges and JD Sports.

Arriving 14.04.16 #IVYPARK (<https://www.instagram.com/p/BDxmiNVBhKE/>)  
**IVY PARK | SS16 | BEYONCE | 'WHERE IS YOUR PARK'**  
A photo posted by IVY PARK (@weareivypark) on Apr 4, 2016 at 3:30am PDT

The name Ivy Park stands for

The name is, of course, a nod to her 4-year-old daughter Blue Ivy and her favourite number four (which is IV in roman numerals). But it also references the park where she used to run in Texas, which she says now represents a state of mind.

In a video about the brand the singer explains why she named it Ivy Park: "I would wake up in the morning, and my dad would come knocking at my door, telling me it's time to go running. I remember wanting to stop, but I would push myself to keep going. It taught me discipline. And I would think about my dreams. I would think about the sacrifices my parents made for me. I would think about my little sister and how I was her hero. I would look at the beauty around me, the sun shining through the trees. I would keep breathing. There are things I'm still afraid of. When I have to conquer those things, I still go back to that park. Before I hit the stage, I go back to that park. When it was time for me to give birth, I went back to that park. The park became a state of mind. The park became my strength. The park is what made me who I am. Where's your park?"

Watch the full video on [ivypark.com](http://ivypark.com) #IVYPARK (<https://www.instagram.com/p/BDqCo7ABhMo/>)

A video posted by IVY PARK (@weareivypark) on Apr 1, 2016 at 5:01am PDT

## Why she decided to launch an athleisure collection

"When I'm working and rehearsing I live in my work out clothes but I didn't feel there was an athletic brand that spoke to me," Beyoncé said in a release. "My goal with Ivy Park is to push

the boundaries of athletic wear to support and inspire women who understand that beauty is more than your physical appearance. True beauty is in the health of our minds, hearts and bodies. I know that when I feel physically strong, I am mentally strong and I wanted to create a brand that made other women feel the same way."

Arriving 14.04.16 #IVYPARK (<https://www.instagram.com/p/BDyTQgQhhHQ/>)

A photo posted by IVY PARK (@weareivypark) on Apr 4, 2016 at 10:00am PDT

## Beyoncé has launched a designated Instagram account for Ivy Park

Now we can get even more of Beyoncé on Instagram, as she has set up a new designated profile for her label, @weareivypark. Here you'll find lots of video clips of Bey training in the logotastic collection and campaign images.

**#IvyPark** ([https://www.instagram.com/p/BDq6O7ioe\\_G/](https://www.instagram.com/p/BDq6O7ioe_G/))

A photo posted by @malaikafirth on Apr 1, 2016 at 1:07pm PDT

## British model Malaika Firth stars in the ad campaign

22-year-old British model Malaika Firth is one of the models in the Ivy Park campaign, wearing the branded leggings with a white sports bra and white mesh jacket.

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

PARKWOOD TOPSHOP ATHLETIC  
LIMITED,

Opposer,

v.

47 | 72 Inc.,

Applicant.

Opposition No. 91231822

Serial No. 87001440

Mark: **POISON IVY PARK**

**DECLARATION OF MADY MARGADANT IN SUPPORT OF OPPOSER'S MOTION  
FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT**

I, Mady Margadant, declare as follows:

1. I am Head of Global Marketing of Parkwood Topshop Athletic Limited ("Parkwood Topshop"). I have worked at Parkwood Topshop since 1 June 2016 and I have worked in fashion marketing and advertising for over 18 years. Prior to joining Parkwood Topshop, I ran the marketing department at Topshop. The Marketing & Communications department at Parkwood Topshop is responsible for all external communications to consumers about the IVY PARK brand and products. The team is comprised of a variety of specialist areas focusing on brand marketing, campaign development, PR, advertising, events, the internet, social media, promotions and market research. I am responsible for a team of 10. My team and I liaise closely with the Buying and Merchandising teams, the Design teams and our retail partners when devising and implementing our marketing initiatives and campaigns. The facts set forth below are based on my personal knowledge, and if called as a witness in this action, I could and would testify competently thereto.

2. Parkwood Topshop is a joint venture between Top Shop / Top Man Limited trading as Topshop (“Topshop”), a fashion retailer, and world-famous recording artist and performer, Mrs. Beyoncé Giselle Knowles-Carter (“Mrs. Carter”). Parkwood Topshop announced the launch of the IVY PARK brand in the United States in March 2016, and the IVY PARK trademark has been in continuous use in the United States since at least April 14, 2016.

3. The IVY PARK trademark is used in connection with several categories of merchandise, including apparel. For example, the IVY PARK trademark is used on a variety of articles of clothing, including T-shirts, sweatshirts, track pants, shorts, hats, and shoes. Attached hereto as **Exhibit A** are true and accurate photographs of IVY PARK branded clothing.

4. IVY PARK branded clothing varies in price depending on the specific item, but generally costs between \$16 and \$200.

5. In North America, IVY PARK clothing is available both online and in stores through several retailers, including Topshop, Nordstrom, Hudson’s Bay, Revolve, Lady Foot Locker, Pacsun, and Six:02. The clothing is also offered through retailers in Europe, Asia, the Middle East, Australia and New Zealand.

6. Further, Parkwood Topshop employs various forms of advertising for the brand, including content on its website at [www.ivypark.com](http://www.ivypark.com), its retailer’s websites, and through the IVY PARK Facebook, Instagram, Pinterest and YouTube pages. The [www.beyonce.com](http://www.beyonce.com) website also links through to the [www.ivypark.com](http://www.ivypark.com) website.

7. The IVY PARK mark has gained significant recognition due to its connection with Mrs. Carter.

8. Parkwood Topshop has never authorized Applicant 47 | 72 Inc., (“Applicant”) to use the IVY PARK mark.

9. Parkwood Topshop has never communicated with Applicant regarding the IVY PARK mark.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 5 day of April, 2018 at London, United Kingdom.



MADY MARGADANT

# **EXHIBIT A**





IVY  
PARK













IVY PARK IVY PARK



IVY PARK





**PART 2:**  
**CONTINUATION OF EXHIBIT A**  
**TO THE DECLARATION OF MADY MARGADANT**

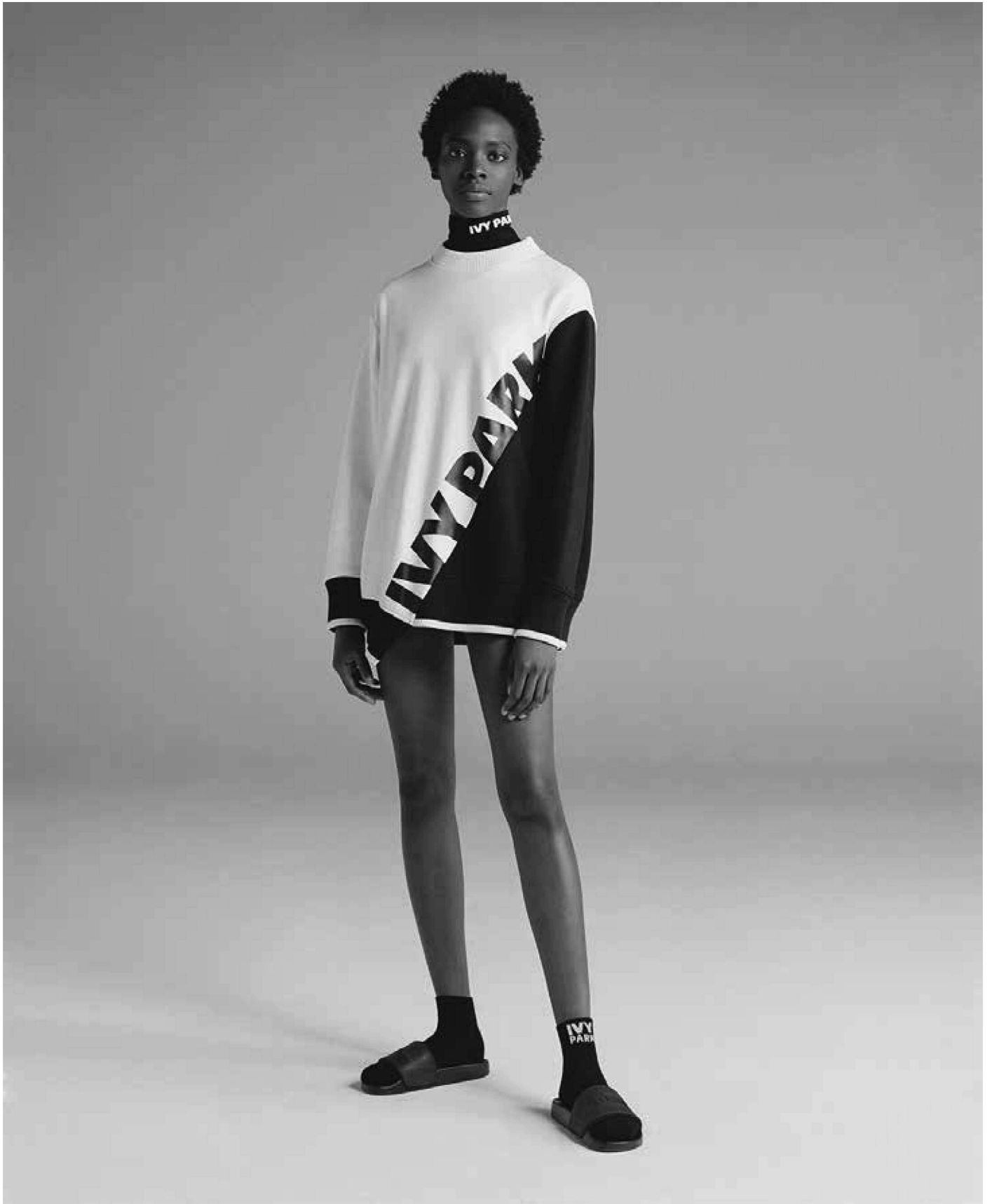
# IVY PARK

*AW17 LOOKBOOK*

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**PART 3:**  
**CONTINUATION OF EXHIBIT A**  
**TO THE DECLARATION OF MADY MARGADANT**

# IVY PARK



**IVY PARK**













FOR SALES ENQUIRIES PLEASE CONTACT: SALES@IVYPARK.COM FOR COMMUNICATIONS PLEASE CONTACT: PRESS@IVYPARK.COM











