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Filing date: **08/28/2017**

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

Proceeding	91233741
Party	Plaintiff Metal Jeans, Inc.
Correspondence Address	JEFFREY A KOBULNICK BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP 21650 OXNARD ST , SUITE 500 WOODLAND HILLS, CA 91367 UNITED STATES Email: jkobulnick@bg.law, mbernet@bg.law, sbroffman@bg.law
Submission	Other Motions/Papers
Filer's Name	Jeffrey A. Kobulnick
Filer's email	jkobulnick@bg.law, mbernet@bg.law, sbroffman@bg.law
Signature	/Jeffrey A. Kobulnick/
Date	08/28/2017
Attachments	First Amended Notice of Opposition 91233741.pdf(162857 bytes )

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

<b>METAL JEANS, INC.,</b>	)	<b>Opposition No.: 91233741</b>
	)	
<b>Opposer</b>	)	<b>Mark: I'M METAL</b>
	)	
v.	)	<b>Serial No.: 87215950</b>
	)	
<b>CARRIE ESKAY,</b>	)	<b>Filing Date: October 26, 2016</b>
	)	
<b>Applicant.</b>	)	<b>Date of Publication: March 14, 2017</b>
	)	

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**FIRST AMENDED NOTICE OF OPPOSITION**

Metal Jeans, Inc. (“Opposer” or “Metal Jeans”) believes it will be damaged by the registration of the mark I’M METAL shown in United States Trademark Application Serial No. 87215950 filed by Carrie Eskay, an individual residing in Yucaipa, California (“Applicant”), and published for opposition on March 14, 2017; and therefore, Opposer opposes that application.

The grounds for opposition are as follows:

1. Opposer is a corporation organized under the laws of the State of Nevada with an address at 18034 Ventura Boulevard, #102, Encino, California 91316.
2. Opposer is the owner of the registered mark METAL, Registration No. 4299652, which registered on March 12, 2013. Since at least as early as 2001, Opposer has used the METAL Mark on “Clothing, namely, ski jackets and snowboard jackets; clothing, namely, jeans and shirts” in International Class 25. Attached hereto as **Exhibit 1**, and made of record, are a current TSDR status downloaded from the USPTO website located at [www.uspto.gov](http://www.uspto.gov), and a copy of the Certificate of Registration issued by the USPTO.

3. Further, Opposer has established rights to its METAL Mark for use in connection with other goods, including but not limited to apparel accessories, key chains, and license plates. Opposer established its rights to its METAL Mark with such goods long before Applicant's application filing date discussed below.

4. Opposer has advertised and promoted its METAL Mark continuously and extensively, and has made substantial sales of goods under that mark. As a result of Opposer's continuous use and promotion of its METAL Mark, Opposer's METAL Mark has developed and represents valuable goodwill inuring to Opposer's benefit.

5. Applicant is the owner of Application Serial No. 87215950 (the "'950 Application'"), filed on October 26, 2016, on an intent-to-use basis.

6. Applicant's goods set forth in the '950 Application are in International Class 25 and related classes, and are the same as or closely related to Opposer's own goods with which Opposer has established rights to its METAL mark.

7. There is no issue of priority as to the '950 Application because Opposer used its METAL Mark in commerce prior to Applicant's August 10, 2016 filing date. Opposer's use of its METAL Mark commenced at least as early as 2001, approximately fifteen (15) years before Applicant's filing date. Opposer, therefore, has priority over Applicant with respect to the mark at issue in the '950 Application.

8. Applicant's I'M METAL mark, consisting of the words "I'M" and "METAL" in standard characters is confusingly similar to Opposer's well-known METAL Mark in that I'M METAL contains the entirety of Opposer's distinctive "METAL" mark, and both marks are in standard character format. Applicant's mark creates the same commercial impression as the

METAL Mark, such that consumers are likely to be confused, mistaken or deceived as to the source of origin of the goods.

9. Opposer's and Applicant's goods are sold, marketed and offered in the same channels of trade to the same consumers or class of consumers.

10. Due to the similarity of the parties' marks and the goods, customers and potential customers are likely to believe that Applicant's goods and services originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to Opposer.

11. Because the goods are similar, and because the marks are confusingly similar, Applicant's use and registration of I'M METAL is likely to cause confusion, mistake or deception that Applicant's goods are those of Opposer or are otherwise endorsed, sponsored or approved by Opposer for use with Opposer's goods, causing further damage to Opposer.

12. Registration of the mark I'M METAL shown in the '950 Application will result in damage to Opposer pursuant to Section 2(d) of the Trademark Act, in that Applicant's I'M METAL mark "consists 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).

13. Opposer's METAL Mark is famous as it is distinctive in that it is widely recognized by the general consuming public as designating the source of origin of Opposer's goods since at least as early as 2001.

14. Opposer's METAL Mark became famous prior to Applicant's first use or constructive first use of the mark I'M METAL.

15. Opposer has used and advertised its METAL Mark extensively, such that consumers recognize that goods sold under the marks are associated with and emanate from Opposer.

16. Because of the fame of Opposer's METAL Mark, Applicant's use and registration of the mark I'M METAL will result in the dilution of Opposer's METAL Mark.

WHEREFORE, Opposer prays that its opposition to registration of Application Serial No. 87215950 be sustained and that registration of I'M METAL for use in connection with goods in International Classes 12, 14 and 25 therein be refused.

Dated: August 28, 2017

Respectfully submitted,

BRUTZKUS GUBNER ROZANSKY SEROR  
WEBER LLP



By: \_\_\_\_\_

JEFFREY A. KOBULNICK  
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Attorneys for Opposer,  
METAL JEANS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2017, the foregoing **FIRST AMENDED NOTICE OF OPPOSITION** was served on counsel for Applicant via email as follows:

Kenneth Avila, Esq.  
1255 W. Colton Avenue, #528  
Redlands, CA 92374

**E-MAIL: ken@caipattorney.com**



Dated: August 28, 2017

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Sheri Lee Broffman

# Exhibit 1

Generated on: This page was generated by TSDR on 2017-08-23 13:12:19 EDT

Mark: METAL

# METAL

US Serial Number: 77653054

Application Filing Date: Jan. 20, 2009

US Registration Number: 4299652

Registration Date: Mar. 12, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 12, 2013

Publication Date: Nov. 30, 2010

## Mark Information

Mark Literal Elements: METAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

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

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

For: Clothing, namely, ski jackets and snowboard jackets; clothing, namely, jeans and shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 2001

Use in Commerce: 2001

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Metal Jeans, Inc.

Owner Address: 18034 Ventura Boulevard, #102  
Encino, CALIFORNIA 91316  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEVADA



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jeffrey A. Kobulnick **Docket Number:** 4229.007  
**Attorney Primary Email Address:** [jkobulnick@brutzkusgubner.com](mailto:jkobulnick@brutzkusgubner.com) **Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** Jeffrey A. Kobulnick  
 Brutzkus Gubner Rozansky Seror Weber LLP  
 21650 Oxnard Street  
 Suite 500  
 Woodland Hills, CALIFORNIA 91367  
 UNITED STATES

**Phone:** (818) 827-9000 **Fax:** (818) 827-9060

**Correspondent e-mail:** [jkobulnick@brutzkusgubner.com](mailto:jkobulnick@brutzkusgubner.com) [sbroffman@brutzkusgubner.com](mailto:sbroffman@brutzkusgubner.com) [zkusgubner.com](mailto:zkusgubner.com) [srobins@brutzkusgubner.com](mailto:srobins@brutzkusgubner.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2017	NOTICE OF SUIT	
Jun. 20, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
May 12, 2017	NOTICE OF SUIT	
May 12, 2017	NOTICE OF SUIT	
May 11, 2017	NOTICE OF SUIT	
May 11, 2017	NOTICE OF SUIT	
Apr. 26, 2017	NOTICE OF SUIT	
Apr. 26, 2017	NOTICE OF SUIT	
Apr. 28, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 28, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 09, 2015	NOTICE OF SUIT	
Apr. 09, 2015	NOTICE OF SUIT	
Mar. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2013	TTAB RELEASE CASE TO TRADEMARKS	198432
Jan. 31, 2013	OPPOSITION TERMINATED NO. 999999	198432
Jan. 31, 2013	OPPOSITION DISMISSED NO. 999999	198432
Feb. 01, 2011	OPPOSITION INSTITUTED NO. 999999	198432
Jan. 18, 2011	WITHDRAWAL OF ATTORNEY GRANTED	
Jan. 18, 2011	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Dec. 16, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 30, 2010	PUBLISHED FOR OPPOSITION	
Oct. 28, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Oct. 26, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 07, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 06, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 06, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 06, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 06, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 06, 2010	NON-FINAL ACTION E-MAILED	6325
Apr. 06, 2010	NON-FINAL ACTION WRITTEN	83184
Apr. 01, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	70629
Apr. 01, 2010	ASSIGNED TO LIE	70629

Jan. 06, 2010	ASSIGNED TO EXAMINER	83184
Oct. 01, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76984
Oct. 01, 2009	ASSIGNED TO LIE	76984
Apr. 01, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 01, 2009	LETTER OF SUSPENSION E-MAILED	6332
Apr. 01, 2009	SUSPENSION LETTER WRITTEN	66582
Mar. 30, 2009	ASSIGNED TO EXAMINER	66582
Jan. 23, 2009	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 12, 2013

## Proceedings

### Summary

**Number of Proceedings:** 8

### Type of Proceeding: Opposition

**Proceeding Number:** [91235563](#)

**Filing Date:** Jul 13, 2017

**Status:** Pending

**Status Date:** Jul 13, 2017

**Interlocutory Attorney:** ELIZABETH WINTER

### Defendant

**Name:** Cold Steel, Inc.

**Correspondent Address:** GLENN J. DICKINSON  
LIGHTGABLER  
760 PASEO CAMARILLO, SUITE 300  
CAMARILLO CA , 93010

**Correspondent e-mail:** [gdickinson@lightgablerlaw.com](mailto:gdickinson@lightgablerlaw.com) , [bryant@lightgablerlaw.com](mailto:bryant@lightgablerlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
METALGEAR	Opposition Pending	<a href="#">87180460</a>	

### Plaintiff(s)

**Name:** METAL JEANS, INC.

**Correspondent Address:** Jeffrey A. Kobulnick  
Brutzkus Gubner Rozansky Seror Weber LLP  
21650 Oxnard Street, Suite 500  
Woodland Hills CA , 91367  
UNITED STATES

**Correspondent e-mail:** [jkobulnick@bg.law](mailto:jkobulnick@bg.law) , [mbernet@bg.law](mailto:mbernet@bg.law) , [sbroffman@bg.law](mailto:sbroffman@bg.law)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 13, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 13, 2017	Aug 22, 2017
3	PENDING, INSTITUTED	Jul 13, 2017	

### Type of Proceeding: Opposition

**Proceeding Number:** [91233741](#)

**Filing Date:** Mar 31, 2017

Status: Pending

Status Date: Mar 31, 2017

Interlocutory Attorney: ELIZABETH A DUNN

**Defendant**

Name: Carrie Eskay

Correspondent Address: KENNETH AVILA  
1255 W COLTON AVE, #528  
REDLANDS CA , 92374  
UNITED STATES

Correspondent e-mail: [ken@caipattorney.com](mailto:ken@caipattorney.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
I'M METAL	Opposition Pending	<a href="#">87215950</a>	

**Plaintiff(s)**

Name: Metal Jeans, Inc.

Correspondent Address: JEFFREY A KOBULNICK  
BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 OXNARD ST STE 500  
WOODLAND HILLS CA , 91367  
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Correspondent e-mail: [jkobulnick@bg.law](mailto:jkobulnick@bg.law) , [mbernet@bg.law](mailto:mbernet@bg.law) , [sbroffman@bg.law](mailto:sbroffman@bg.law)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 31, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 31, 2017	May 10, 2017
3	PENDING, INSTITUTED	Mar 31, 2017	
4	ANSWER	May 08, 2017	
5	D MOT TO DISMISS: FRCP 12(B)	May 08, 2017	
6	SUSP PEND DISP OF OUTSTNDNG MOT	May 09, 2017	
7	P OPP/RESP TO MOTION	May 26, 2017	
8	TRIAL DATES RESET	Aug 22, 2017	

**Type of Proceeding: Opposition**

Proceeding Number: [91233743](#)

Filing Date: Mar 31, 2017

Status: Pending

Status Date: Mar 31, 2017

Interlocutory Attorney: MARY B MYLES

**Defendant**

Name: Carrie Eskay

Correspondent Address: KENNETH AVILA  
1255 W COLTON AVE, #528  
REDLANDS CA , 92374  
UNITED STATES

Correspondent e-mail: [ken@caipattorney.com](mailto:ken@caipattorney.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
I'M MUSIC I'M FAMILY I'M STRONG I'M METAL	Opposition Pending	<a href="#">87213877</a>	

**Plaintiff(s)**

Name: Metal Jeans, Inc.

**Correspondent** JEFFREY A KOBULNICK  
**Address:** BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 OXNARD STREET, SUITE 500  
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**Correspondent e-mail:** [jkobulnick@bg.law](mailto:jkobulnick@bg.law) , [mbernet@bg.law](mailto:mbernet@bg.law) , [sbroffman@bg.law](mailto:sbroffman@bg.law)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 31, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 31, 2017	May 10, 2017
3	PENDING, INSTITUTED	Mar 31, 2017	
4	ANSWER	May 08, 2017	
5	D MOT TO DISMISS: FRCP 12(B)	May 08, 2017	
6	SUSP PEND DISP OF OUTSTNDNG MOT	May 17, 2017	
7	P OPP/RESP TO MOTION	May 26, 2017	
8	TRIAL DATES RESET	Jun 29, 2017	
9	P'S FIRST AMENDED NOTICE OF OPP	Jul 13, 2017	
10	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Jul 19, 2017	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91232312](#)

**Filing Date:** Jan 17, 2017

**Status:** Terminated

**Status Date:** Apr 21, 2017

**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant**

**Name:** DRI Goods Ltd.

**Correspondent Address:** ADRIANN HELTON  
DRI GOODS LTD  
2105 1/2 S. RIMPAU BLVD  
LOS ANGELES CA , 90016  
UNITED STATES

**Correspondent e-mail:** [dri@iamredcross.com](mailto:dri@iamredcross.com) , [dri.atomicbomb@gmail.com](mailto:dri.atomicbomb@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BEACH METAL	Abandoned - After Inter-Partes Decision	<a href="#">87133282</a>	

**Plaintiff(s)**

**Name:** METAL JEANS, INC.

**Correspondent Address:** JEFFREY A KOBULNICK  
BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 OXNARD STREET, SUITE 500  
WOODLAND HILLS CA , 91367  
UNITED STATES

**Correspondent e-mail:** [jkobulnick@bg.law](mailto:jkobulnick@bg.law) , [mbernet@bg.law](mailto:mbernet@bg.law) , [sbroffman@bg.law](mailto:sbroffman@bg.law)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 17, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 17, 2017	Feb 26, 2017

3	PENDING, INSTITUTED	Jan 17, 2017
4	NOTICE OF DEFAULT	Mar 08, 2017
5	BD DECISION: SUSTAINED	Apr 21, 2017
6	TERMINATED	Apr 21, 2017

**Type of Proceeding: Opposition**

**Proceeding Number:** [91229658](#) **Filing Date:** Aug 23, 2016  
**Status:** Terminated **Status Date:** Dec 02, 2016  
**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** The Upper Deck Company  
**Correspondent Address:** POLLIE GAUTSCH  
G&A LEGAL APC  
665 SAN RODOLFO #124-209  
SOLANA BEACH CA , 92075  
UNITED STATES  
**Correspondent e-mail:** [pollie@gandalegal.com](mailto:pollie@gandalegal.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL UNIVERSE	Abandoned - After Inter-Partes Decision	<a href="#">86941207</a>	

**Plaintiff(s)**

**Name:** Metal Jeans, Inc.  
**Correspondent Address:** JEFFREY A KOBULNICK  
BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 OXNARD STREET, SUITE 500  
WOODLAND HILLS CA , 91367  
UNITED STATES  
**Correspondent e-mail:** [jkobulnick@brutzkusgubner.com](mailto:jkobulnick@brutzkusgubner.com), [mbernet@brutzkusgubner.com](mailto:mbernet@brutzkusgubner.com), [sbroffman@brutzkusgubner.com](mailto:sbroffman@brutzkusgubner.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 23, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 23, 2016	Oct 02, 2016
3	PENDING, INSTITUTED	Aug 23, 2016	
4	ANSWER	Sep 30, 2016	
5	W/DRAW OF APPLICATION	Nov 03, 2016	
6	BD DECISION: SUSTAINED	Dec 02, 2016	
7	TERMINATED	Dec 02, 2016	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91229301](#) **Filing Date:** Aug 02, 2016  
**Status:** Terminated **Status Date:** Nov 14, 2016  
**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Pointless Promotions  
**Correspondent Address:** POINTLESS PROMOTIONS  
132 SAN JOSE DR  
SPRINGDALE AR , 72764  
UNITED STATES  
**Correspondent e-mail:** [pointlessp.ruben@gmail.com](mailto:pointlessp.ruben@gmail.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
METAL LIFE	Abandoned - No Statement Of Use Filed	<a href="#">86806869</a>	

**Plaintiff(s)**

**Name:** Metal Jeans, Inc.

**Correspondent Address:** JEFFREY A KOBULNICK  
BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 OXNARD STREET SUITE 500  
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**Correspondent e-mail:** [jkobulnick@brutzkusgubner.com](mailto:jkobulnick@brutzkusgubner.com) , [agrabell@brutzkusgubner.com](mailto:agrabell@brutzkusgubner.com) , [mbnet@brutzkusgubner.com](mailto:mbnet@brutzkusgubner.com) , [sbroffman@brutzkusgubner.com](mailto:sbroffman@brutzkusgubner.com) , [srobbins@brutzkusgubner.com](mailto:srobbins@brutzkusgubner.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 02, 2016	Sep 11, 2016
3	PENDING, INSTITUTED	Aug 02, 2016	
4	NOTICE OF DEFAULT	Sep 21, 2016	
5	BD DECISION: SUSTAINED	Nov 14, 2016	
6	TERMINATED	Nov 14, 2016	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91198432](#)

**Filing Date:** Jan 27, 2011

**Status:** Terminated

**Status Date:** Jan 31, 2013

**Interlocutory Attorney:** ANDREW P BAXLEY

**Defendant**

**Name:** Metal Jeans, Inc.

**Correspondent Address:** JOHN JAHRMARKT  
JAHRMARKT ASSOCIATES  
2049 CENTURY PARK EAST, SUITE 3850  
LOS ANGELES CA , 90067  
UNITED STATES

**Correspondent e-mail:** [bigdaddy@metaljeans.com](mailto:bigdaddy@metaljeans.com) , [jjlawyer@mail.com](mailto:jjlawyer@mail.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Plaintiff(s)**

**Name:** Metal Mulisha LLC

**Correspondent Address:** JOAN L LONG  
BARNES & THORNBURG LLP  
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UNITED STATES

**Correspondent e-mail:** [long@btlaw.com](mailto:long@btlaw.com) , [ekostiuk@btlaw.com](mailto:ekostiuk@btlaw.com) , [trademarks-ch@btlaw.com](mailto:trademarks-ch@btlaw.com) , [laura.kane@btlaw.com](mailto:laura.kane@btlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
METAL MULISHA	Renewed	<a href="#">76605178</a>	<a href="#">3105613</a>
METAL MULISHA	Cancelled - Section 8	<a href="#">77976013</a>	<a href="#">3544980</a>
METAL MULISHA	Renewed	<a href="#">76234235</a>	<a href="#">2707714</a>

METAL MULISHA	Renewed	<a href="#">76604999</a>	<a href="#">3200055</a>
M/M	Section 8 - Accepted	<a href="#">77707639</a>	<a href="#">3902521</a>
METAL MULISHA	Registered	<a href="#">85114521</a>	<a href="#">4037370</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2011	Mar 13, 2011
3	PENDING, INSTITUTED	Feb 01, 2011	
4	ANSWER	Mar 04, 2011	
5	P'S MOTION TO STRIKE	Jun 09, 2011	
6	TRIAL DATES RESET	Jun 20, 2011	
7	P'S MOTION TO COMPEL DISCOVERY	Nov 11, 2011	
8	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Nov 17, 2011	
9	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Nov 17, 2011	
10	D'S OPPOSITION/RESPONSE TO MOTION	Dec 19, 2011	
11	P'S REPLY IN SUPPORT OF MOTION	Dec 21, 2011	
12	PROCEEDINGS RESUMED	Mar 03, 2012	
13	CHANGE OF CORRESPONDENCE ADDRESS	Mar 13, 2012	
14	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Apr 03, 2012	
15	SUSPENDED	Apr 13, 2012	
16	WITHDRAWAL OF OPPOSITION	Jan 02, 2013	
17	BOARD'S COMMUNICATION	Jan 17, 2013	
18	WITHDRAWAL OF OPPOSITION	Jan 18, 2013	
19	BD'S DECISION: DISMISSED W/ PREJUDICE	Jan 31, 2013	
20	TERMINATED	Jan 31, 2013	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [77653054](#)      **Filing Date:** Dec 16, 2010  
**Status:** Terminated      **Status Date:** Feb 02, 2011  
**Interlocutory Attorney:**

**Defendant**

**Name:** Metal Jeans, Inc.  
**Correspondent Address:** Milord A. Keshishian  
Milord & Associates, P.C.  
2029 Century Park East, Suite 2100  
Los Angeles CA , 90067  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
METAL	Registered	<a href="#">77653054</a>	<a href="#">4299652</a>

**Potential Opposer(s)**

**Name:** Metal Mulisha LLC  
**Correspondent Address:** Seyamack Kouretchian  
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UNITED STATES  
**Correspondent e-mail:** [seyamack@coastlawgroup.com](mailto:seyamack@coastlawgroup.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	Dec 16, 2010	





**United States of America**  
United States Patent and Trademark Office

# METAL

**Reg. No. 4,299,652**

METAL JEANS, INC. (NEVADA CORPORATION)  
18034 VENTURA BOULEVARD, #102  
ENCINO, CA 91316

**Registered Mar. 12, 2013**

**Int. Cl.: 25**

FOR: CLOTHING, NAMELY, SKI JACKETS AND SNOWBOARD JACKETS; CLOTHING,  
NAMELY, JEANS AND SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 0-0-2001; IN COMMERCE 0-0-2001.

**PRINCIPAL REGISTER**

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

SER. NO. 77-653,054, FILED 1-20-2009.

LINDSEY RUBIN, EXAMINING ATTORNEY



*Lisa Street Lee*

Acting 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.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*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 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>.**