

ESTTA Tracking number: **ESTTA811894**

Filing date: **04/06/2017**

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	Otto International, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	4665 Coates Drive Fairburn, GA 30213 UNITED STATES		

Attorney information	Lindette C. Hassan FOX ROTHSCHILD LLP 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648-2311 UNITED STATES IPDocket@FoxRothschild.com, lhassan@foxrothschild.com, lkozak@foxrothschild.com Phone:610-397-6518		
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Applicant Information

Application No	87199261	Publication date	03/07/2017
Opposition Filing Date	04/06/2017	Opposition Period Ends	04/06/2017
Applicant	People For Bikes SA de CV Local 4, Col. Polanco Chapultepec Mexico, D.F., 11560 MEXICO		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Cyclists' jerseys; Socks; Wind resistant jackets; Wind-resistant vests; Cyclingshorts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2947026	Application Date	09/25/1998
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	OTTO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 CLOTHING, NAMELY CAPS, HATS AND SUNVISORS		
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U.S. Registration No.	2947027	Application Date	09/25/1998
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Registration Date	05/10/2005	Foreign Priority Date	NONE
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Word Mark	OTTO		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 CLOTHING, NAMELY CAPS, HATS AND SUNVISORS		
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U.S. Registration No.	2932768	Application Date	07/03/2003
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Registration Date	03/15/2005	Foreign Priority Date	NONE
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Word Mark	OTTO		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 035. First use: First Use: 1997/09/01 First Use In Commerce: 1997/09/01 Online wholesale services for headwears		
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U.S. Registration No.	3035238	Application Date	10/21/2004
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Registration Date	12/27/2005	Foreign Priority Date	NONE
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Word Mark	OTTO		
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Design Mark			
Description of Mark	The mark consists of OTTO and design.		
Goods/Services	Class 018. First use: First Use: 1988/04/01 First Use In Commerce: 1988/05/02 handbags, sport bags, fanny packs, and luggages		

U.S. Registration No.	3046778	Application Date	07/03/2003
Registration Date	01/17/2006	Foreign Priority Date	NONE
Word Mark	OTTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/05/01 First Use In Commerce: 2002/05/01 Online [retail and] wholesale store, outlet and distributorship services for clothing, [computer peripherals,] luggage, bags, [buckets, housewares, tablewares, giftwares, novelties, ornaments, key chains, picture frames, office supplies, paper goods, printed matters, tools, calculators, flash lights, radios, CD players, DVD players, clocks, watches, toys, umbrellas,] sporting goods [, fancygoods, stress relievers, towels, toiletries, and leather goods]		


U.S. Registration No.	3920566	Application Date	07/06/2009
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	OTTO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 2009/08/19 First Use In Commerce: 2009/09/24 Clothings, namely, Sports shirts; T-shirts		
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U.S. Registration No.	5133200	Application Date	06/23/2016
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Registration Date	01/31/2017	Foreign Priority Date	NONE
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Word Mark	OTTO		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 023. First use: First Use: 2015/04/10 First Use In Commerce: 2015/04/10 Thread		
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U.S. Registration No.	3905411	Application Date	10/09/2009
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Registration Date	01/11/2011	Foreign Priority Date	NONE
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Word Mark	OTTOFIT		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 2010/01/26 First Use In Commerce: 2010/01/26 Caps; Hats; Headwear; Shirts; Sun visors; T-shirts		
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U.S. Registration No.	2821103	Application Date	06/17/2002
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Registration Date	03/09/2004	Foreign Priority Date	NONE
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Word Mark	OTTO FLEX		
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Design Mark			
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Description of	NONE		
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Mark	
Goods/Services	Class 025. First use: First Use: 2001/01/14 First Use In Commerce: 2001/01/14 Headwear, namely, baseball caps, hats, and sun visors

Attachments	75558947#TMSN.png(bytes) 78503949#TMSN.png(bytes) 77774658#TMSN.png(bytes) 87081671#TMSN.png(bytes) 77845520#TMSN.png(bytes) Notice_of_Opposition_OLIVER_OTTO.PDF(223305 bytes) Opposition_Exhibit_A_OLIVER_OTTO.PDF(1144693 bytes)
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Signature	/Lindette C. Hassan/
Name	Lindette C. Hassan
Date	04/06/2017

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

Otto International, Inc.,)	
)	Trademark Application
Opposer,)	Serial No. 87/199,261
)	
v.)	Filed: October 11, 2016
)	
People For Bikes SA de CV,)	Mark: OLIVER OTTO [and Design]
)	
Applicant)	Published: March 7, 2017

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Otto International, Inc., by and through its undersigned attorneys, believes that it will be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 87/199,261 for the mark OLIVER OTTO [and Design] in International Class 25 and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Upon information and belief, People For Bikes SA de CV (hereinafter “Applicant”), is a Mexico corporation with an address of Local 4, Col. Polanco Chapultepec Goldsmith 53 Mexico, D.F. MEXICO 11560.
2. Upon information and belief, Applicant seeks to register the mark OLIVER OTTO [and Design] (“Applicant’s Mark”) for goods described as “Cyclists' jerseys; Socks; Wind resistant jackets; Wind-resistant vests; Cycling shorts” in Class 25 (hereinafter “Applicant’s Goods”).

3. Upon information and belief, the subject application was filed under Section 1B on October 11, 2016, and was published for opposition on March 7, 2017.
4. Opposer Otto International, Inc. (hereinafter “Opposer”) is a Georgia corporation with an address of 4665 Coates Drive, Fairburn, GA 30213.
5. Opposer develops, sells, and distributes clothing and clothing accessories.
6. Opposer is the owner of the following U.S. registrations:

Mark	Reg. No.	Class
OTTO	2947026	25
OTTO	2947027	25
OTTO	2932768	35
OTTO	3035238	18
OTTO	3046778	35
OTTO	3920566	25
OTTO	5133200	23
OTTOFIT	3905411	25
OTTO FLEX	2821103	25

Please see attached as **Exhibit A** printouts from the U.S. Patent & Trademark Office (“USPTO”) online TESS database.

7. Opposer actively uses its OTTO trademarks, and Opposer’s rights in the marks predate any date that may be lawfully be claimed by Applicant.
8. Opposer’s OTTO trademarks are registered on the Principal Register and such registrations constitute *prima facie* evidence of the validity of the marks, the registrations therefor, Opposer’s ownership of the marks, and Opposer’s exclusive rights to use the marks in commerce.
9. The mark in Application Serial No. 86/199,261, OLIVER OTTO [and Design], is very similar to Opposer’s OTTO trademarks.

10. The Applicant's Goods and Opposer's goods and services both relate to clothing and clothing accessories.
11. The Applicant's Goods and Opposer's goods and services both include goods in Class 25.
12. The Applicant's Goods and Opposer's goods and services are and will be marketed and sold to the same consumers in the same and related channels of trade.
13. Applicant's use of the highly similar mark in connection with the Applicant's Goods is likely to result in confusion, mistake, and/or deception in that the public will wrongly assume that Opposer has approved of Applicant, is affiliated with Applicant, or has otherwise sanctioned, sponsored or licensed the goods of Applicant, and/or may result in reverse confusion in the marketplace.
14. Applicant's use of the mark OLIVER OTTO [and Design] in connection with the Applicant's Goods is likely to cause confusion with Opposer's OTTO trademarks as used in connection with Opposer's goods and services.
15. Opposer would be damaged by the registration of the mark OLIVER OTTO [and Design] by Applicant as the registration will result in confusion, mistake, and/or deception, and Applicant will be able to trade on Opposer's goodwill and reputation.
16. The registration of Applicant's mark will cause the dilution of the distinctive quality of Opposer's trademarks, to Opposer's irreparable damage.

WHEREFORE, Opposer prays that this opposition be granted and that Applicant's Application Serial No. 87/199,261 for the mark OLIVER OTTO [and Design] be abandoned.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: 4/6/2017

By: Lindette C. Hassan
Lindette C. Hassan
Lori S. Kozak
Attorneys for Opposer
Otto International, Inc.

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lkozak@foxrothschild.com

EXHIBIT A



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Typed Drawing

Word Mark OTTO
Goods and Services IC 025. US 022 039. G & S: CLOTHING, NAMELY CAPS, HATS AND SUNVISORS. FIRST USE: 19840201. FIRST USE IN COMMERCE: 19840201
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75558946
Filing Date September 25, 1998
Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 2, 2002
Registration Number 2947026
Registration Date May 10, 2005
Owner (REGISTRANT) OTTO INTERNATIONAL, INC. CORPORATION CALIFORNIA 3550-A East Jurupa Street Ontario CALIFORNIA 91761
 (LAST LISTED OWNER) OTTO INTERNATIONAL, INC. CORPORATION GEORGIA 4665 Coates Drive Fairburn GEORGIA 30213
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record THOMAS T. CHAN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141011.
Renewal 1ST RENEWAL 20141011
Other Data The word "OTTO" as shown in the mark does not identify a living individual.
Live/Dead Indicator LIVE

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Word Mark	OTTO
Goods and Services	IC 025. US 022 039. G & S: CLOTHING, NAMELY CAPS, HATS AND SUNVISORS. FIRST USE: 19840201. FIRST USE IN COMMERCE: 19840201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	09.05.25 - Batting helmets; Caps, nurses; Caps, swimming; Dunce caps; Football helmets; Helmets, athletic; Helmets, construction; Helmets, military; Helmets, protective; Safety helmets
Serial Number	75558947
Filing Date	September 25, 1998
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 2, 2002
Registration Number	2947027
Registration Date	May 10, 2005
Owner	(REGISTRANT) OTTO INTERNATIONAL, INC. CORPORATION CALIFORNIA 3550-A East Jurupa Street Ontario CALIFORNIA 91761 (LAST LISTED OWNER) OTTO INTERNATIONAL, INC. CORPORATION GEORGIA 4665 Coates Drive Fairburn GEORGIA 30213
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record THOMAS T. CHAN
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141011.
Renewal 1ST RENEWAL 20141011
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark OTTO
Goods and Services IC 035. US 100 101 102. G & S: Online wholesale services for headwears. FIRST USE: 19970901. FIRST USE IN COMMERCE: 19970901
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78270541
Filing Date July 3, 2003
Current Basis 1A
Original Filing Basis 1A
Published for Opposition May 11, 2004
Registration Number 2932768
Registration Date March 15, 2005
Owner (REGISTRANT) **Otto International, Inc.** CORPORATION CALIFORNIA 3550-A East Jurupa Street Ontario CALIFORNIA 91761
 (LAST LISTED OWNER) **OTTO INTERNATIONAL, INC.** CORPORATION GEORGIA 4665 COATES DRIVE FAIRBURN GEORGIA 30213
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Thomas T. Chan
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141015.
Renewal 1ST RENEWAL 20141015
Other Data The name Otto does not identify a living individual.
Live/Dead Indicator LIVE

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Word Mark	OTTO
Goods and Services	IC 018. US 001 002 003 022 041. G & S: handbags, sport bags, fanny packs, and luggages. FIRST USE: 19880401. FIRST USE IN COMMERCE: 19880502
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.26 - Coils; Spirals; Swirls 26.11.21 - Rectangles that are completely or partially shaded 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	78503949
Filing Date	October 21, 2004
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 4, 2005
Registration Number	3035238
Registration Date	December 27, 2005
Owner	(REGISTRANT) Otto International, Inc. CORPORATION CALIFORNIA 3550-A East Jurupa St. Ontario CALIFORNIA 91761 (LAST LISTED OWNER) OTTO INTERNATIONAL, INC. CORPORATION GEORGIA 4665 COATES DRIVE FAIRBURN GEORGIA 30213 ASSIGNMENT RECORDED

**Assignment
Recorded**

Attorney of Record Thomas T. Chan

Description of Mark Color is not claimed as a feature of the mark. The mark consists of OTTO and design.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150202.

Renewal 1ST RENEWAL 20150202

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark OTTO
Goods and Services IC 035. US 100 101 102. G & S: Online [retail and] wholesale store, outlet and distributorship services for clothing, [computer peripherals,] luggage, bags, [buckets, housewares, tablewares, giftwares, novelties, ornaments, key chains, picture frames, office supplies, paper goods, printed matters, tools, calculators, flash lights, radios, CD players, DVD players, clocks, watches, toys, umbrellas,] sporting goods [, fancy goods, stress relievers, towels, toiletries, and leather goods]. FIRST USE: 20020501. FIRST USE IN COMMERCE: 20020501
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78270533
Filing Date July 3, 2003
Current Basis 1A
Original Filing Basis 1B
Published for Opposition July 26, 2005
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 3046778
Registration Date January 17, 2006
Owner (REGISTRANT) Otto International, Inc. CORPORATION CALIFORNIA 3550 Jurupa Street Ontario CALIFORNIA 91761
 (LAST LISTED OWNER) OTTO INTERNATIONAL, INC. CORPORATION GEORGIA 4665 COATES DRIVE FAIRBURN GEORGIA 30213
Assignment Recorded ASSIGNMENT RECORDED
 Thomas T. Chan

Attorney of Record

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160319.

Renewal 1ST RENEWAL 20160319

Live/Dead Indicator LIVE

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List At: OR to record: **Record 15 out of 30**

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OTTO

Word Mark	OTTO
Goods and Services	IC 025. US 022 039. G & S: Clothings, namely, Sports shirts; T-shirts. FIRST USE: 20090819. FIRST USE IN COMMERCE: 20090924
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77774658
Filing Date	July 6, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 20, 2010
Registration Number	3920566
Registration Date	February 15, 2011
Owner	(REGISTRANT) Otto International, Inc. CORPORATION GEORGIA 4665 Coates Drive Fairburn GEORGIA 30213
Attorney of Record	Lindette C. Hassan
Prior Registrations	2947026;2947027;3046778
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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List At: OR to record: **Record 1 out of 30**

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OTTO

Word Mark	OTTO
Goods and Services	IC 023. US 043. G & S: Thread. FIRST USE: 20150410. FIRST USE IN COMMERCE: 20150410
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87081671
Filing Date	June 23, 2016
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 15, 2016
Registration Number	5133200
Registration Date	January 31, 2017
Owner	(REGISTRANT) Otto International, Inc. CORPORATION GEORGIA 4665 Coates Drive Fairburn GEORGIA 30213
Attorney of Record	Lori S. Kozak
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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OTTOFIT

Word Mark OTTOFIT
Goods and Services IC 025. US 022 039. G & S: Caps; Hats; Headwear; Shirts; Sun visors; T-shirts. FIRST USE: 20100126. FIRST USE IN COMMERCE: 20100126
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code LETS-2 OTTO Two letters or combinations of multiples of two letters
Serial Number 77845520
Filing Date October 9, 2009
Current Basis 1A
Original Filing Basis 1B
Published for Opposition March 23, 2010
Registration Number 3905411
Registration Date January 11, 2011
Owner

(REGISTRANT) **Otto International, Inc.** CORPORATION GEORGIA 4665 Coates Drive Fairburn
GEORGIA 30213

Attorney of Record Lindette C. Hassan
Prior Registrations 2947026;2947027;3046778;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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Typed Drawing

Word Mark OTTO FLEX
Goods and Services IC 025. US 022 039. G & S: Headwear, namely, baseball caps, hats, and sun visors. FIRST USE: 20010114. FIRST USE IN COMMERCE: 20010114
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78136230
Filing Date June 17, 2002
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 16, 2003
Registration Number 2821103
Registration Date March 9, 2004
Owner (REGISTRANT) **Otto International, Inc.** CORPORATION CALIFORNIA 3550-A East Jurupa Street Ontario CALIFORNIA 91761
 (LAST LISTED OWNER) **OTTO INTERNATIONAL, INC.** CORPORATION GEORGIA 4665 COATES DRIVE FAIRBURN GEORGIA 30213
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Thomas T. Chan
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLEX" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140117.
Renewal 1ST RENEWAL 20140117
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