

ESTTA Tracking number: **ESTTA827173**

Filing date: **06/14/2017**

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	L&P Property Management Company		
Entity	Corporation	Citizenship	Delaware
Address	4095 Firestone Boulevard South Gate, CA 90280 UNITED STATES		

Attorney information	Clinton G. Newton Shook, Hardy & Bacon L.L.P. 2555 Grand Blvd. Kansas City, MO 64108 UNITED STATES cgntmdocket@shb.com Phone:(816) 474-6550		
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### Applicant Information

Application No	87297295	Publication date	05/16/2017
Opposition Filing Date	06/14/2017	Opposition Period Ends	06/15/2017
Applicant	Future Foam, Inc. 2210 Parview Road Middleton, WI 53562 UNITED STATES		

### Goods/Services Affected by Opposition

Class 019. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Flooring underlayments
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### 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)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3061647	Application Date	06/14/2004
Registration Date	02/28/2006	Foreign Priority Date	NONE
Word Mark	QUIET ELEGANCE		

Design Mark	<b>QUIET ELEGANCE</b>
Description of Mark	NONE
Goods/Services	Class 019. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 LAMINATE FLOORING UNDERLAYMENT

U.S. Registration No.	4150971	Application Date	11/03/2010
Registration Date	05/29/2012	Foreign Priority Date	NONE

Word Mark	WHISPER STEP
Design Mark	<b>WHISPER STEP</b>
Description of Mark	NONE
Goods/Services	Class 019. First use: First Use: 2010/01/01 First Use In Commerce: 2010/01/01 Flooring underlay

Attachments	76597135#TMSN.png( bytes ) 85168441#TMSN.png( bytes ) No- tice_of_Opposition_re__QUIET_WHISPER_with_Exhibits_-_FINAL.pdf(151338 bytes )
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Signature	/CGN #42,930/
Name	Clinton G. Newton
Date	06/14/2017

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

In the matter of: Trademark Application Serial No. 87/297,295  
Application filing date: January 11, 2017  
For the mark: **QUIET WHISPER**  
Published in the Official Gazette: May 16, 2017

L&P PROPERTY MANAGEMENT COMPANY,	)	
Opposer,	)	
	)	
vs.	)	Opposition
	)	Proceeding No. _____
FUTURE FOAM, INC.,	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

L&P Property Management Company, a corporation duly organized under the laws of the State of Delaware and having its principal office and place of business at 4095 Firestone Blvd., South Gate, California 90280 (“Opposer”), believes that it will be damaged by the registration of the mark QUIET WHISPER, shown in application Serial No. 87/297,295, filed by Future Foam, Inc., a Nebraska corporation with a principal place of business at 2210 Parview Road, Middleton, Wisconsin (“Applicant”), for use in connection with “flooring underlayments” in International Class 019, and hereby opposes same.

As grounds in support of its Notice of Opposition, Opposer asserts as follows:

1. Applicant filed an intent-to-use application to register the mark QUIET WHISPER for use in connection with “Flooring underlayments” on January 11, 2017. The QUIET WHISPER application published in the Official Gazette on May 16, 2017. A printout of

Application Serial No. 87/297,295, taken June 14, 2017 from the United States Patent & Trademark Office Trademark System Document Retrieval is attached hereto as Exhibit A.

2. On information and belief, Applicant has not begun using the subject QUIET WHISPER mark in commerce as of June 14, 2017.

3. Long before Applicant filed the QUIET WHISPER application, Opposer adopted and commenced using the marks QUIET ELEGANCE and WHISPER STEP in connection with “laminated flooring underlayment” and “flooring underlay,” respectively (collectively, the “Leggett Marks”).

3. Opposer obtained federal trademark registrations covering the marks QUIET ELEGANCE and WHISPER STEP. Copies of U.S. Trademark Registrations Nos. 3,061,647 and 4,150,971 are attached hereto as Exhibit B.

3. Opposer has used the QUIET ELEGANCE mark in connection with laminated flooring underlayment since at least as early as 2004, and the mark WHISPER STEP in connection with flooring underlay since at least as early as 2010. Since their adoption, the aforementioned Leggett Marks have been in actual and continuous use in connection with their corresponding goods in interstate commerce.

4. Applicant’s goods, in connection with which it intends to use the QUIET WHISPER mark, are so closely related to Opposer’s goods that they will be advertised, promoted, and sold through the same and/or similar channels of trade and to the same and/or similar general class of users and purchasers as Opposer’s goods offered and sold under the Leggett Marks.

5. Applicant’s QUIET WHISPER mark is merely a combination or juxtaposition of the first two words in the respective Leggett Marks, QUIET ELEGANCE and WHISPER STEP.

6. Applicant's mark, which is simply a combination of Opposer's QUIET ELEGANCE and WHISPER STEP marks applied to the goods described in the application, so resembles Opposer's QUIET ELEGANCE and WHISPER STEP marks, as applied to their respective goods, as to create a likelihood of confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act 1946 (15 U.S.C. § 1052(d)). This likelihood of confusion will result in irreparable damage and injury to Opposer.

7. Opposer is not connected or affiliated with Applicant, Applicant's activities, or Applicant's potential QUIET WHISPER mark.

8. Opposer is a competitor of Applicant and, on information and belief, was aware of the Leggett Marks when adopting the QUIET WHISPER mark and did so in an effort to create confusion and pawn off the goodwill associated with the Leggett Marks.

9. Applicant's QUIET WHISPER mark so closely resembles the Leggett Marks that the registration of Applicant's QUIET WHISPER mark will falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946 (15 U.S.C. § 1052(a)), and will result in irreparable damage and injury to Opposer.

10. By reason of Opposer's long-standing and continuous use of the Leggett Marks, since dates long prior to the Applicant's filing date of the QUIET WHISPER application, Opposer has priority of use in the marks QUIET ELEGANCE and WHISPER STEP, and marks confusingly similar thereto, in connection with flooring underlay.

11. Applicant's QUIET WHISPER mark so resembles the Leggett Marks marks as to be likely, when used in connection with Applicant's goods as set forth in the application, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act of 1946 (15 U.S.C. § 1052(d)).

12. Such likelihood of confusion will harm Opposer and calls into question Opposer's rights in the Leggett Marks, thereby damaging Opposer.

13. Registration of Applicant's QUIET WHISPER mark should be denied based on a likelihood of confusion with Opposer's prior Leggett Marks, in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

14. Opposer believes that it will be damaged by the registration of the QUIET WHISPER mark, as set forth in Applicant's application Serial No. 87/297,295, and that if registration of the opposed application is granted and the presumptions accorded to such registration are conferred under the Trademark Act of 1946, as amended, Applicant will receive benefits to which it is not entitled, to the damage and detriment of Opposer and its business.

15. By reason of the foregoing, Opposer believes that it will be irreparably damaged by the issuance to Applicant of a registration of the alleged trademark.

WHEREFORE, Opposer prays that the QUIET WHISPER mark, Serial No. 87/297,295, be refused registration on the Principal Register and this Notice of Opposition be sustained.

This Notice of Opposition is being filed electronically, along with the statutory filing fee of \$400.00, as required for opposing an application covering one class. Please direct all correspondence in conjunction with this matter to attorneys for Opposer at the address given below.

Respectfully submitted,

Dated: June 14, 2017

/Clinton G. Newton/

Clinton G. Newton PTO #42,930/MO Bar #46054  
Patrick J. Koncel MO Bar #68755

**SHOOK, HARDY & BACON L.L.P.**  
2555 Grand Boulevard

Kansas City, MO 64108  
Tel: (816) 474-6550 / Fax: (816) 421-5547  
[cnewton@shb.com](mailto:cnewton@shb.com)  
[pkoncel@shb.com](mailto:pkoncel@shb.com)

ATTORNEYS FOR OPPOSER  
L&P PROPERTY MANAGEMENT COMPANY

**CERTIFICATE OF ELECTRONIC FILING**

I, the undersigned, do hereby certify that the present **Notice of Opposition** was filed electronically with the Trademark Trial and Appeal Board via ESTTA on this 14th day of June 2017, and that notice of the filing was automatically generated to all counsel of record by the electronic filing system.

/Clinton G. Newton/  
Clinton G. Newton #42,930

ATTORNEY FOR OPPOSER



# Exhibit A

Generated on: This page was generated by TSDR on 2017-06-14 10:56:06 EDT

Mark: QUIET WHISPER

QUIET WHISPER

US Serial Number: 87297295

Application Filing Date: Jan. 11, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: May 16, 2017

Publication Date: May 16, 2017

## Mark Information

Mark Literal Elements: QUIET WHISPER

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: Flooring underlayments

International Class(es): 019 - Primary Class

U.S Class(es): 001, 012, 033, 050

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: Future Foam, Inc.

Owner Address: 2210 Parview Road  
Middleton, WISCONSIN 53562  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEBRASKA

## Attorney/Correspondence Information

**Attorney of Record****Attorney Name:** Andrew C. Landsman**Docket Number:** 080694-0016**Attorney Primary Email Address:** [docketing@gklaw.com](mailto:docketing@gklaw.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** ANDREW C. LANDSMAN  
GODFREY & KAHN, S.C.  
833 EAST MICHIGAN STREET, SUITE 1800  
MILWAUKEE, WISCONSIN 53202-5615  
UNITED STATES**Phone:** 414-273-3500**Fax:** 414-273-5198**Correspondent e-mail:** [docketing@gklaw.com](mailto:docketing@gklaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
May 16, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 16, 2017	PUBLISHED FOR OPPOSITION	
Apr. 26, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 30, 2017	ASSIGNED TO EXAMINER	82421
Jan. 18, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 14, 2017	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information****TM Attorney:** LEWIS, SHAILA E**Law Office Assigned:** LAW OFFICE 114**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 10, 2017

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 16, 2017 01:03 AM  
**To:** docketing@gklaw.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87297295: QUIET WHISPER: Docket/Reference No. 080694-0016

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### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87297295  
**Mark:** QUIET WHISPER  
**International Class(es):** 019  
**Owner:** Future Foam, Inc.  
**Docket/Reference Number:** 080694-0016

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 16, 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=2017-05-16&serialNumber=87297295>

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 notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87297295&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87297295&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=87297295&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87297295&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Apr 26, 2017

## NOTICE OF PUBLICATION

1. Serial No.:  
87-297,295
2. Mark:  
QUIET WHISPER  
(STANDARD CHARACTER MARK)
3. International Class(es):  
19
4. Publication Date:  
May 16, 2017
5. Applicant:  
Future Foam, Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

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**Email Address(es):**

docketing@gklaw.com

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 26, 2017 04:33 AM  
**To:** docketing@gklaw.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87297295: QUIET WHISPER: Docket/Reference No. 080694-0016

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 87297295) is scheduled to publish in the *Official Gazette* on May 16, 2017. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=87297295>. If you have difficulty accessing the Notice of Publication, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87297295	FILING DATE	01/11/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEWIS, SHAILA E	L.O. ASSIGNED	114

**PUB INFORMATION**

RUN DATE	04/04/2017		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	04/03/2017		
LITERAL MARK ELEMENT	QUIET WHISPER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	QUIET WHISPER
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Future Foam, Inc.
ADDRESS	2210 Parview Road Middleton, WI 53562
ENTITY	03-CORPORATION

CITIZENSHIP	Nebraska
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**GOODS AND SERVICES**

INTERNATIONAL CLASS	019
DESCRIPTION TEXT	Flooring underlayments

**GOODS AND SERVICES CLASSIFICATION**

INTERNATIONAL CLASS	019	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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**MISCELLANEOUS INFORMATION/STATEMENTS**

CHANGE IN REGISTRATION	NO
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**PROSECUTION HISTORY**

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/03/2017	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
03/30/2017	DOCK	D	ASSIGNED TO EXAMINER	003
01/18/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
01/14/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	Andrew C. Landsman
CORRESPONDENCE ADDRESS	ANDREW C. LANDSMAN GODFREY & KAHN, S.C. 833 EAST MICHIGAN STREET, SUITE 1800 MILWAUKEE, WI 53202-5615
DOMESTIC REPRESENTATIVE	NONE



# QUIET WHISPER

\*\*\* User:settles \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	635	N/A	0	0	0:01	*{"ckq"}\$1uiet*[bi,ti] and live[lid]
02	222	0	222	190	0:01	1 and "019"[cc]
03	573	N/A	0	0	0:02	*w\$1{"iy"}\$1sp\$1r*[bi,ti] and live[lid]
04	163	0	163	146	0:02	3 and "019"[cc]
05	8	0	8	6	0:01	1 and 3

Session started 3/30/2017 4:27:26 PM

Session finished 3/30/2017 4:58:49 PM

Total search duration 0 minutes 7 seconds

Session duration 31 minutes 23 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87297295

# QUIET WHISPER

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87297295

Filing Date: 01/11/2017

*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="#">QUIET WHISPER</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	QUIET WHISPER
*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	Future Foam, Inc.
*STREET	2210 Parview Road
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Nebraska
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	019
*IDENTIFICATION	Flooring underlayments
*FILING BASIS	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION	

(if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>ATTORNEY INFORMATION</b>	
NAME	Andrew C. Landsman
ATTORNEY DOCKET NUMBER	080694-0016
FIRM NAME	Godfrey & Kahn, S.C.
STREET	833 East Michigan Street, Suite 1800
CITY	Milwaukee
STATE	Wisconsin
COUNTRY	United States
ZIP/POSTAL CODE	53202-5615
PHONE	414-273-3500
FAX	414-273-5198
EMAIL ADDRESS	docketing@gklaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	all other attorneys
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Andrew C. Landsman
FIRM NAME	Godfrey & Kahn, S.C.
*STREET	833 East Michigan Street, Suite 1800
*CITY	Milwaukee
*STATE (Required for U.S. addresses)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE	53202-5615
PHONE	414-273-3500
FAX	414-273-5198
*EMAIL ADDRESS	docketing@gklaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225

<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Andrew C. Landsman/
<b>* SIGNATORY'S NAME</b>	Andrew C. Landsman
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>* DATE SIGNED</b>	01/11/2017

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87297295**

**Filing Date: 01/11/2017**

#### To the Commissioner for Trademarks:

**MARK:** QUIET WHISPER (Standard Characters, see [mark](#))

The literal element of the mark consists of QUIET WHISPER.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Future Foam, Inc., a corporation of Nebraska, having an address of  
2210 Parview Road  
Middleton, Wisconsin 53562  
United States

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 019: Flooring underlayments

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:

Andrew C. Landsman and all other attorneys of Godfrey & Kahn, S.C. 833 East Michigan Street, Suite 1800  
Milwaukee, Wisconsin 53202-5615  
United States  
414-273-3500(phone)  
414-273-5198(fax)  
docketing@gklaw.com (authorized)

The attorney docket/reference number is 080694-0016.

#### The applicant's current Correspondence Information:

Andrew C. Landsman  
Godfrey & Kahn, S.C.  
833 East Michigan Street, Suite 1800  
Milwaukee, Wisconsin 53202-5615  
414-273-3500(phone)  
414-273-5198(fax)  
docketing@gklaw.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: /Andrew C. Landsman/ Date Signed: 01/11/2017  
Signatory's Name: Andrew C. Landsman  
Signatory's Position: Attorney of record, Wisconsin bar member

RAM Sale Number: 87297295  
RAM Accounting Date: 01/12/2017

Serial Number: 87297295  
Internet Transmission Date: Wed Jan 11 16:19:06 EST 2017  
TEAS Stamp: USPTO/FTK-XXX.XXX.XXX.XXX-20170111161906  
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86-DA-2948-20170111152748867070



# QUIET WHISPER

# Exhibit B

**Int. Cl.: 19**

**Prior U.S. Cls.: 1, 12, 33 and 50**

**Reg. No. 3,061,647**

**United States Patent and Trademark Office**

**Registered Feb. 28, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**QUIET ELEGANCE**

L&P PROPERTY MANAGEMENT COMPANY  
(DELAWARE CORPORATION)  
4095 FIRESTONE BOULEVARD  
SOUTH GATE, CA 90280

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: LAMINATE FLOORING UNDERLAY-  
MENT, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

SER. NO. 76-597,135, FILED 6-14-2004.

FIRST USE 5-11-2004; IN COMMERCE 5-11-2004.

ZACHARY BELLO, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## WHISPER STEP

**Reg. No. 4,150,971**

L&P PROPERTY MANAGEMENT COMPANY (DELAWARE CORPORATION)  
4095 FIRESTONE BLVD.

**Registered May 29, 2012**

SOUTH GATE, CA 90280

**Int. Cl.: 19**

FOR: FLOORING UNDERLAY, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

**TRADEMARK**

FIRST USE 1-1-2010; IN COMMERCE 1-1-2010.

**PRINCIPAL REGISTER**

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

SN 85-168,441, FILED 11-3-2010.

TOBY BULLOFF, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office