

ESTTA Tracking number: **ESTTA828180**

Filing date: **06/20/2017**

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    | Fabricut, Inc.  |             |          |
| Entity  | Corporation   | Citizenship | Oklahoma |
| Address | 9303 East 46th Street<br>Tulsa, OK 74145<br>UNITED STATES |             |          |

|                      |   |  |  |
|----------------------|---|--|--|
| Attorney information | Penina Michlin Chiu<br>Frederic Dorwart, Lawyers PLLC<br>Old City Hall<br>124 East Fourth Street<br>Tulsa, OK 74103<br>UNITED STATES<br>Email: pchiu@fdlaw.com<br>Phone: 918-583-9922 |  |  |
|----------------------|---|--|--|

### Applicant Information

|                                |   |                                 |            |
|--------------------------------|---|---------------------------------|------------|
| Application No                 | 86754994  | Publication date                | 06/06/2017 |
| Opposition Filing Date         | 06/20/2017  | Opposition Period Ends          | 07/06/2017 |
| International Registration No. | NONE  | International Registration Date | NONE       |
| Applicant                      | Noel Edward Harvey<br>15 Evans Wharf<br>Hemel Hempstead, HP39WU<br>UNITED KINGDOM |                                 |            |


### Goods/Services Affected by Opposition


Class 008. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Hand tools, namely, fabric cutters; hand operated cutting tools; knives for hobby use; hand tools, namely, knives for cutting fabric

### Grounds for Opposition


|                                      |  |
|--------------------------------------|--|
| Priority and likelihood of confusion | Trademark Act Section 2(d)   |
| The mark is merely descriptive       | Trademark Act Section 2(e)(1)  |
| Dilution by blurring                 | Trademark Act Sections 2 and 43(c)   |
| Other                                | No priority date or registration based on Section 44(d) or 44(e) because the applied-for mark is not the same mark as the foreign registration. 15 USC 1126. |


## Marks Cited by Opposer as Basis for Opposition

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 4776876   | Application Date      | 11/25/2014 |
| Registration Date     | 07/21/2015  | Foreign Priority Date | NONE       |
| Word Mark             | FABRICUT  |                       |            |
| Design Mark           |           |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 027. First use: First Use: 2013/05/31 First Use In Commerce: 2013/05/31 Wallcoverings |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4300808  | Application Date      | 07/06/2012 |
| Registration Date     | 03/12/2013   | Foreign Priority Date | NONE       |
| Word Mark             | FABRICUT   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | The mark consists of the stylized word "FABRICUT".   |                       |            |
| Goods/Services        | Class 020. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 drapery hardware, namely, poles, brackets, finials, holdbacks, wands and rings<br>Class 024. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 textile fabrics for home and commercialinteriors<br>Class 026. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 furnishing trimmings, namely, cord on tape, welt, soutache, braid, border, tape, gimp, fringe, bullion, tassel, chair tie, tie-back, rope holdback, frog, rosette and button |                       |            |

|                   |         |                  |            |
|-------------------|---------|------------------|------------|
| U.S. Registration | 4295466 | Application Date | 07/03/2012 |
|-------------------|---------|------------------|------------|

|                     |   |                       |      |
|---------------------|---|-----------------------|------|
| No.                 |   |                       |      |
| Registration Date   | 02/26/2013  | Foreign Priority Date | NONE |
| Word Mark           | FABRICUT CONTRACT   |                       |      |
| Design Mark         |   |                       |      |
| Description of Mark | The mark consists of the stylized word "FABRICUT" above the stylized word "CONTRACT" with a horizontal line in between the two words. |                       |      |
| Goods/Services      | Class 024. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01<br>Fabric for drapery, bed coverings and upholstery     |                       |      |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3530510  | Application Date      | 03/31/2008 |
| Registration Date     | 11/11/2008   | Foreign Priority Date | NONE       |
| Word Mark             | FABRICUT   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 024. First use: First Use: 1959/07/31 First Use In Commerce: 1959/07/31<br>Fabrics for upholstery, drapery, bedspreads and decorative applications; woven and non-woven fabrics for home and commercial interiors<br>Class 026. First use: First Use: 1994/04/30 First Use In Commerce: 1994/04/30<br>Trimmings for drapery, upholstery, bedspreads and decorative applications, namely, beads other than for making jewelry, braids, borders, banding, bullion fringe, buttons, fringe, chair ties and tie-backs, decorative cord, frogs, rosettes, tassels, gimp, and welt |                       |            |

|             |  |
|-------------|--|
| Attachments | 86464660#TMSN.png( bytes )<br>85670233#TMSN.png( bytes )<br>85668316#TMSN.png( bytes )<br>77435873#TMSN.png( bytes )<br>2017-06-20 Notice of Opposition - Fabricut - for filing 2.pdf(335715 bytes ) |
| Signature   | /Penina Michlin Chiu/  |
| Name        | Penina Michlin Chiu  |
| Date        | 06/20/2017   |

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

|                               |   |                                    |
|-------------------------------|---|------------------------------------|
| FABRICUT, INC., an            | ) |                                    |
| Oklahoma corporation,         | ) | Opposition No.: _____              |
|                               | ) |                                    |
| Opposer,                      | ) | IN THE MATTER OF                   |
|                               | ) |                                    |
|                               | ) | Application Serial No.: 86/754,994 |
|                               | ) | Filed: September 12, 2015          |
| v.                            | ) | Mark: <b>FABRI CUT</b>             |
|                               | ) | Class: 08                          |
|                               | ) | Published: June 6, 2017            |
| NOEL EDWARD HARVEY, an        | ) |                                    |
| individual and citizen of the | ) |                                    |
| United Kingdom,               | ) |                                    |
| Applicant.                    | ) |                                    |

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**NOTICE OF OPPOSITION**

Fabricut, Inc., an Oklahoma corporation (“*Opposer*”) believes that it will be damaged by registration of the mark identified above in International Class 8, and hereby opposes same under the provisions of 15 U.S.C. §1063. As grounds for opposition, Opposer asserts that:

1. Opposer is a corporation organized under the laws of the State of Oklahoma, having a principal place of business at 9303 East 46th Street, Tulsa, Oklahoma 74145.
2. Opposer has adopted and has long and continuously used the mark FABRICUT and related marks such as FABRICUT CONTRACT (hereinafter referred to individually and collectively as the “*FABRICUT Mark*”), in connection with textile fabrics for home and commercial interiors, drapery hardware, trim, wallcoverings and other related goods.
3. Opposer’s FABRICUT Mark is inherently distinctive, serving to identify and indicate the source of Opposer’s goods to the consuming public, and to distinguish Opposer’s goods from those of others.
4. Additionally, as a result of Opposer’s use and promotion of its FABRICUT Mark, the marks have become distinctive and are recognized by consumers. Opposer has invested significant effort and resources in advertising and promoting its FABRICUT Mark and the goods sold under the mark, with the result that the purchasing public has come to know,

rely on, and recognize the goods of Opposer by such Fabricut Mark. Opposer has established valuable goodwill in its FABRICUT Mark.

5. Opposer's FABRICUT Mark is famous pursuant to 15 U.S.C. § 1125.
6. Opposer's FABRICUT Mark became famous prior to both of Applicant's priority date and filing date.
7. In addition to its extensive common law rights, Opposer is the owner of four U.S. Registrations for its FABRICUT Mark, as shown in the following chart:

| <b>Mark</b>                  | <b>Reg No.</b> | <b>Reg Date</b> | <b>First Use</b>  | <b>Goods</b>  |
|------------------------------|----------------|-----------------|---|---|
| FABRICUT                     | 3,530,510      | Nov. 11, 2008   | July 31, 1959 in Class 24;<br><br>April 30, 1994 in Class 26. | Fabrics for upholstery, drapery, bedspreads and decorative applications; woven and non-woven fabrics for home and commercial interiors, in Class 24;<br><br>Trimmings for drapery, upholstery, bedspreads and decorative applications, namely, beads other than for making jewelry, braids, borders, banding, bullion fringe, buttons, fringe, chair ties and tie-backs, decorative cord, frogs, rosettes, tassels, gimp, and welt, in Class 26 |
| FABRICUT CONTRACT (& design) | 4,295,466      | Feb. 26, 2013   | June 1, 2008  | Fabric for drapery, bed coverings and upholstery, in Class 24   |
| FABRICUT (stylized)          | 4,300,808      | March 12, 2013  | June 1, 2008  | Drapery hardware, namely, poles, brackets, finials, holdbacks, wands and rings, in Class 20;<br><br>Textile fabrics for home and commercial interiors, in Class 24;<br><br>Furnishing trimmings, namely, cord on tape, welt, soutache, braid, border, tape, gimp, fringe, bullion, tassel, chair tie, tie-back, rope holdback, frog, rosette and button, in Class 26  |
| FABRICUT                     | 4,776,876      | July 21, 2015   | May 31, 2013  | Wallcoverings, in Class 27  |

Attached as **EXHIBIT A** are printouts of the TSDR and assignment records from the U.S. Patent and Trademark Office database showing the current status and title of the registrations listed in the chart above.

8. Each of the registrations listed in the chart above is valid and subsisting, and the first is incontestable pursuant to 15 U.S.C. § 1065, constituting conclusive evidence of Opposer's exclusive right to use the FABRICUT mark in connection with the products recited in the registration.
9. Applicant Noel Edward Harvey is an individual and citizen of the United Kingdom having an address of 15 Evans Wharf, Hemel Hempstead, United Kingdom HP39WU. Applicant filed Application Serial Number 86/754,994 (the "**Application**") based on Section 44(d) and 1(b) of the Trademark Act on September 12, 2015 for the mark FABRI-CUT; Applicant later-amended his applied-for-mark from FABRI-CUT to the as-published FABRI CUT (hereinafter referred to as "**Applicant's Mark**") for "Hand tools, namely, fabric cutters; hand operated cutting tools; knives for hobby use; hand tools, namely, knives for cutting fabric" in Class 8.
10. Opposer has priority based on its prior use and registration of its FABRICUT Mark in the United States.
11. Applicant's Mark is confusingly similar to Opposer's FABRICUT Mark, and the goods in the Application are highly related to the goods for which Opposer uses and has registered its FABRICUT Mark.
12. Opposer has not given Applicant permission or approval to use or register Applicant's Mark.
13. Applicant's mark so resembles Opposer's FABRICUT Mark as to be likely, when used on or in connection with the identified goods of Applicant, to cause confusion, or to cause mistake, or to deceive. Registration therefore should be refused under 15 U.S.C. §1052(d).
14. Opposer is one of the largest providers of decorative fabrics in the world, supplying exquisite fabrics and trimmings for more than fifty years. Applicant's Mark is likely to cause dilution by blurring of Opposer's famous FABRICUT Mark, and registration should also be refused under 15 U.S.C. §1125(c).

15. Applicant's Mark is also opposed on the ground that it merely describes a characteristic, function or feature of Applicant's goods of "Hand tools, namely, fabric cutters; hand operated cutting tools; knives for hobby use; hand tools, namely, knives for cutting fabric," under 15 U.S.C. §1052(e). The term *fabri cut* is the phonetic equivalent and/or combination of "fabric cut", which describes Applicant's fabric cutters that cut fabric.
16. Applicant is not entitled to a priority date or registration based on Section 44(d) or 44(e) of the Trademark Act because Applicant's applied for mark for FABRI CUT is not the same mark as the foreign registration, as required by 15 U.S.C. §1126.
17. Registration of Applicant's Mark on the Principal Register would be inconsistent with Opposer's rights under the aforementioned registrations and common law, and would be damaging to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 86/754,994 be rejected, and that registration of the mark therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 CFR 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Frederic Dorwart, Lawyers PLLC, Account No. 506040 in the instance there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: June 20, 2017

/Penina Michlin Chiu/

Penina Michlin Chiu  
Frederic Dorwart, Lawyers PLLC  
Old City Hall  
124 East Fourth Street  
Tulsa, OK 74103  
(918) 583-9922  
pchiu@fdlaw.com  
ATTORNEYS FOR OPPOSER



# **EXHIBIT A**

TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

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**Generated on:** This page was generated by TSDR on 2017-06-20 12:14:08 EDT

**Mark:** FABRICUT

No Image exists for this case.

**US Serial Number:** 77435873

**Application Filing Date:** Mar. 31, 2

**US Registration Number:** 3530510

**Registration Date:** Nov. 11, 2

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered w

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Nov. 28, 2014

**Publication Date:** Aug. 26, 2008

## Mark Information

**Mark Literal Elements:** FABRICUT

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

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**International Registration** [1142522](#)  
**Number:**

**International Application** [A0031634/1142522](#)  
**(s) /Registration(s) Based**  
**on this Property:**

## 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:** Trimmings for drapery, upholstery, bedspreads and decorative applications, namely, beads other borders, banding, bullion fringe, buttons, fringe, chair ties and tie-backs, decorative cord, frogs,

**International Class(es):** 026 - Primary Class **U.S Class(es):** 037, 039, 1

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 30, 1994 **Use in Commerce:** Apr. 30, 19

**For:** Fabrics for upholstery, drapery, bedspreads and decorative applications; woven and non-woven interiors

**International Class(es):** 024 - Primary Class **U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 31, 1959 **Use in Commerce:** Jul. 31, 19

### Basis Information (Case Level)

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

### Current Owner(s) Information

**Owner Name:** Fabricut, Inc.

**Owner Address:** 9303 East 46th Street  
Tulsa, OKLAHOMA UNITED STATES 74145

**Legal Entity Type:** CORPORATION **State or Country Where Organized:** OKLAHOMA

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Penina Michlin Chiu **Docket Number:** 2796.44

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

**Correspondent**

**Correspondent** PENINA MICHLIN CHIU  
**Name/Address:** FREDERIC DORWART, LAWYERS  
 124 EAST FOURTH STREET  
 TULSA, OKLAHOMA UNITED STATES 74103

**Phone:** 918-583-9922

**Fax:** 918-583-8

**Correspondent e-mail:** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

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

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

| <b>Date</b>   | <b>Description</b>                                 | <b>Proceeding Number</b> |
|---------------|--|--------------------------|
| Nov. 28, 2014 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED     |                          |
| Nov. 28, 2014 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 68335                    |
| Nov. 28, 2014 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL       | 68335                    |
| Nov. 10, 2014 | TEAS SECTION 8 & 15 RECEIVED                       |                          |
| Nov. 11, 2008 | REGISTERED-PRINCIPAL REGISTER                      |                          |
| Aug. 26, 2008 | PUBLISHED FOR OPPOSITION                           |                          |
| Aug. 06, 2008 | NOTICE OF PUBLICATION                              |                          |
| Jul. 24, 2008 | LAW OFFICE PUBLICATION REVIEW COMPLETED            | 78413                    |
| Jul. 24, 2008 | ASSIGNED TO LIE                                    | 78413                    |
| Jul. 24, 2008 | APPROVED FOR PUB - PRINCIPAL REGISTER              |                          |
| Jul. 24, 2008 | EXAMINER'S AMENDMENT ENTERED                       | 88888                    |
| Jul. 24, 2008 | NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED       | 6328                     |
| Jul. 24, 2008 | EXAMINERS AMENDMENT E-MAILED                       | 6328                     |
| Jul. 24, 2008 | EXAMINERS AMENDMENT -WRITTEN                       | 85330                    |
| Jul. 08, 2008 | ASSIGNED TO EXAMINER                               | 85330                    |
| Apr. 04, 2008 | NOTICE OF PSEUDO MARK MAILED                       |                          |
| Apr. 03, 2008 | NEW APPLICATION ENTERED IN TRAM                    |                          |

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

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## **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** TMO LAW OFFICE 115

**Date in Location:** Nov. 28, 2

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**Assignment Abstract Of Title Information - None recorded**

**Proceedings - None recorded**

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TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

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**Mark:** FABRICUT CONTRACT

FABRICUT  
CONTRACT

**US Serial Number:** 85668316

**Application Filing Date:** Jul. 03, 20

**US Registration Number:** 4295466

**Registration Date:** Feb. 26, 2

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered w

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

**Status Date:** Feb. 26, 2013

**Publication Date:** Dec. 11, 2012

## Mark Information

**Mark Literal Elements:** FABRICUT CONTRACT

**Standard Character Claim:** No

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

**Description of Mark:** The mark consists of the stylized word "FABRICUT" above the stylized word "CONTRACT" with words.

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

**Disclaimer:** "CONTRACT"

**Design Search Code(s):** 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)  
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizo

## Related Properties Information

**Claimed Ownership of US [3530510](#)****Registrations:****Goods and Services****Note:**

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

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

**For:** Fabric for drapery, bed coverings and upholstery**International Class(es):** 024 - Primary Class**U.S Class(es):** 042, 050**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Jun. 01, 2008**Use in Commerce:** Jun. 01, 20**Basis Information (Case Level)****Filed Use:** Yes**Currently Use:** Yes**Filed ITU:** No**Currently ITU:** No**Filed 44D:** No**Currently 44D:** No**Filed 44E:** No**Currently 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No**Current Owner(s) Information****Owner Name:** Fabricut, Inc.**Owner Address:** 9303 East 46th Street  
Tulsa, OKLAHOMA UNITED STATES 74145**Legal Entity Type:** CORPORATION**State or Country Where Organized:** OKLAHOM**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Penina Michlin Chiu**Docket Number:** 2796.60**Attorney Primary Email Address:** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)**Attorney Email Authorized:** No**Correspondent****Correspondent Name/Address:** PENINA MICHLIN CHIU

FREDERIC DORWART, LAWYERS

124 E 4TH ST  
TULSA, OKLAHOMA UNITED STATES 74103-5027

Phone: 918-583-9922

Fax: 918-583-8

Correspondent e-mail: [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

| Date          | Description   | Proceeding Number |
|---------------|---|-------------------|
| Feb. 26, 2013 | REGISTERED-PRINCIPAL REGISTER                           |                   |
| Dec. 11, 2012 | OFFICIAL GAZETTE PUBLICATION<br>CONFIRMATION E-MAILED   |                   |
| Dec. 11, 2012 | PUBLISHED FOR OPPOSITION                                |                   |
| Nov. 21, 2012 | NOTIFICATION OF NOTICE OF<br>PUBLICATION E-MAILED       |                   |
| Nov. 07, 2012 | LAW OFFICE PUBLICATION REVIEW<br>COMPLETED              | 68171             |
| Nov. 07, 2012 | ASSIGNED TO LIE   | 68171             |
| Oct. 23, 2012 | APPROVED FOR PUB - PRINCIPAL<br>REGISTER                |                   |
| Oct. 23, 2012 | EXAMINER'S AMENDMENT ENTERED                            | 88888             |
| Oct. 23, 2012 | NOTIFICATION OF EXAMINERS<br>AMENDMENT E-MAILED         | 6328              |
| Oct. 23, 2012 | EXAMINERS AMENDMENT E-MAILED                            | 6328              |
| Oct. 23, 2012 | EXAMINERS AMENDMENT -WRITTEN                            | 76843             |
| Oct. 23, 2012 | ASSIGNED TO EXAMINER                                    | 76843             |
| Jul. 12, 2012 | NOTICE OF DESIGN SEARCH CODE<br>MAILED                  |                   |
| Jul. 11, 2012 | NEW APPLICATION OFFICE<br>SUPPLIED DATA ENTERED IN TRAM |                   |
| Jul. 06, 2012 | NEW APPLICATION ENTERED IN<br>TRAM                      |                   |

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 26, 2

**Assignment Abstract Of Title Information - None recorded**



**Proceedings - None recorded**

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**Mark:** FABRICUT

# FABRICUT

**US Serial Number:** 85670233

**Application Filing Date:** Jul. 06, 20

**US Registration Number:** 4300808

**Registration Date:** Mar. 12, 2

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered w

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

**Status Date:** Mar. 12, 2013

**Publication Date:** Dec. 25, 2012

## Mark Information

**Mark Literal Elements:** FABRICUT

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FO

**Description of Mark:** The mark consists of the stylized word "FABRICUT".

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

## Related Properties Information

**Claimed Ownership of US** [3530510](#)

**Registrations:**

## Goods and Services

**Note:**

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

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

**For:** furnishing trimmings, namely, cord on tape, welt, soutache, braid, border, tape, gimp, fringe, bull holdback, frog, rosette and button

**International Class(es):** 026 - Primary Class **U.S Class(es):** 037, 039, 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 01, 2008 **Use in Commerce:** Jun. 01, 2008

**For:** textile fabrics for home and commercial interiors

**International Class(es):** 024 - Primary Class **U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 01, 2008 **Use in Commerce:** Jun. 01, 2008

**For:** drapery hardware, namely, poles, brackets, finials, holdbacks, wands and rings

**International Class(es):** 020 - Primary Class **U.S Class(es):** 002, 013, 020

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 01, 2008 **Use in Commerce:** Jun. 01, 2008

### Basis Information (Case Level)

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

### Current Owner(s) Information

**Owner Name:** Fabricut, Inc.

**Owner Address:** 9303 East 46th Street  
Tulsa, OKLAHOMA UNITED STATES 74145

**Legal Entity Type:** CORPORATION **State or Country Where Organized:** OKLAHOMA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Penina Michlin Chiu

**Docket Number:** 2796.60

**Attorney Primary Email** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

**Attorney Email Authorized:** No

**Address:**

### Correspondent

**Correspondent** PENINA MICHLIN CHIU

**Name/Address:** FREDERIC DORWART, LAWYERS  
124 E 4TH ST  
TULSA, OKLAHOMA UNITED STATES 74103-5027

**Phone:** 918-583-9922

**Fax:** 918-583-8

**Correspondent e-mail:** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

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

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description   | Proceeding Number |
|---------------|---|-------------------|
| Mar. 12, 2013 | REGISTERED-PRINCIPAL REGISTER                           |                   |
| Dec. 25, 2012 | OFFICIAL GAZETTE PUBLICATION<br>CONFIRMATION E-MAILED   |                   |
| Dec. 25, 2012 | PUBLISHED FOR OPPOSITION                                |                   |
| Dec. 05, 2012 | NOTIFICATION OF NOTICE OF<br>PUBLICATION E-MAILED       |                   |
| Nov. 17, 2012 | LAW OFFICE PUBLICATION REVIEW<br>COMPLETED              | 73797             |
| Nov. 16, 2012 | ASSIGNED TO LIE   | 73797             |
| Nov. 16, 2012 | ASSIGNED TO LIE   | 77312             |
| Oct. 31, 2012 | APPROVED FOR PUB - PRINCIPAL<br>REGISTER                |                   |
| Oct. 31, 2012 | EXAMINER'S AMENDMENT ENTERED                            | 88888             |
| Oct. 31, 2012 | NOTIFICATION OF EXAMINERS<br>AMENDMENT E-MAILED         | 6328              |
| Oct. 31, 2012 | EXAMINERS AMENDMENT E-MAILED                            | 6328              |
| Oct. 31, 2012 | EXAMINERS AMENDMENT -WRITTEN                            | 76843             |
| Oct. 23, 2012 | ASSIGNED TO EXAMINER                                    | 76843             |
| Jul. 14, 2012 | NOTICE OF PSEUDO MARK MAILED                            |                   |
| Jul. 13, 2012 | NEW APPLICATION OFFICE<br>SUPPLIED DATA ENTERED IN TRAM |                   |
| Jul. 10, 2012 |   |                   |

NEW APPLICATION ENTERED IN  
TRAM

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

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 12, 2

**Assignment Abstract Of Title Information - None recorded**

**Proceedings - None recorded**

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TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

[STATUS](#)[DOCUMENTS](#)[MAINTENANCE](#)[Back to Search](#)[Print](#)

**Generated on:** This page was generated by TSDR on 2017-06-20 12:20:45 EDT

**Mark:** FABRICUT

# FABRICUT

**US Serial Number:** 86464660

**Application Filing Date:** Nov. 25, 2014

**US Registration Number:** 4776876

**Registration Date:** Jul. 21, 2015

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the USPTO.

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

**Status Date:** Jul. 21, 2015

**Publication Date:** May 05, 2015

## Mark Information

**Mark Literal Elements:** FABRICUT

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

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** [3530510](#), [4295466](#), [4300808](#)

## 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:** Wallcoverings

**International Class(es):** 027 - Primary Class

**U.S Class(es):** 019, 020, 1

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 31, 2013

**Use in Commerce:** May 31, 21

### Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** Fabricut, Inc.

**Owner Address:** 9303 East 46th Street  
Tulsa, OKLAHOMA UNITED STATES 74145

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** OKLAHOM

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Penina Michlin Chiu

**Docket Number:** 2796.44

**Attorney Primary Email Address:** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** PENINA MICHLIN CHIU  
FREDERIC DORWART, LAWYERS  
124 E 4TH ST  
TULSA, OKLAHOMA UNITED STATES 74103-5027

**Phone:** 918-583-9922

**Fax:** 918-583-8

**Correspondent e-mail:** [pchiu@fdlaw.com](mailto:pchiu@fdlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

### Prosecution History

| Date          | Description   | Proceeding Number |
|---------------|---|-------------------|
| Jul. 21, 2015 | REGISTERED-PRINCIPAL REGISTER                           |                   |
| May 05, 2015  | OFFICIAL GAZETTE PUBLICATION<br>CONFIRMATION E-MAILED   |                   |
| May 05, 2015  | PUBLISHED FOR OPPOSITION                                |                   |
| Apr. 15, 2015 | NOTIFICATION OF NOTICE OF<br>PUBLICATION E-MAILED       |                   |
| Mar. 11, 2015 | APPROVED FOR PUB - PRINCIPAL<br>REGISTER                |                   |
| Mar. 10, 2015 | ASSIGNED TO EXAMINER                                    | 91235             |
| Dec. 04, 2014 | NOTICE OF PSEUDO MARK E-MAILED                          |                   |
| Dec. 03, 2014 | NEW APPLICATION OFFICE<br>SUPPLIED DATA ENTERED IN TRAM |                   |
| Nov. 28, 2014 | NEW APPLICATION ENTERED IN<br>TRAM                      |                   |

### TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 21, 20

**Assignment Abstract Of Title Information - None recorded**

**Proceedings - None recorded**