

ESTTA Tracking number: **ESTTA844912**

Filing date: **09/11/2017**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Disney Enterprises, Inc.
Granted to Date of previous extension	09/13/2017
Address	500 South Buena Vista Street Burbank, CA 91521 UNITED STATES

Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, N.W., Suite 610 WASHINGTON, DC 20036 UNITED STATES Email: linda.mcleod@kelly-ip.com, clint.taylor@kelly-ip.com, lit-docketing@kelly-ip.com
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**Applicant Information**

Application No	87263495	Publication date	05/16/2017
Opposition Filing Date	09/11/2017	Opposition Period Ends	09/13/2017
Applicant	12th Bean, LLC 2302 Lake View Ave. Los Angeles, CA 90039 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 020. First Use: 2016/04/01 First Use In Commerce: 2016/04/01  
All goods and services in the class are opposed, namely: Inflatable lounge furniture

**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)


**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2895969	Application Date	08/27/1998
Registration Date	10/19/2004	Foreign Priority Date	NONE
Word Mark	WALT DISNEY'S DUMBO		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 2003/03/20 First Use In Commerce: 2003/03/20 [ Bubble bath ]</p> <p>Class 009. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Decorative refrigerator magnets; sunglasses; [ computer software featuring music videos, information trivia games, and animated stories for children and adults; ] pre-recorded [ audio and video cassettes, ] compact discs, [ motion picture films, and laser video discs all ] featuring family music, stories, and entertainment</p> <p>Class 014. First use: First Use: 2003/02/15 First Use In Commerce: 2003/02/15 Jewelry, clocks, and watches</p> <p>Class 016. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 [ General-purpose paper bags; ] playingcards [ and greeting cards; ] calendars; [ stationery; gift wrapping paper; ] stickers; [ address books; and ] books [ and magazines ] featuring children's stories, games and activities</p> <p>Class 018. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Travel bags, [ all-purpose sports bags,backpacks, wallets, ] hand bags, luggage [ and umbrellas ]</p> <p>Class 021. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Glassware, dishes, [ figures made of porcelain, ] beverageware [ , household utensils, namely, spatulas and whisks, hairbrushes, tea kettles, and soap dishes ]</p> <p>Class 024. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Fabrics and textile goods, namely, bathlinens, bed blankets, towels [ , and table linens ]</p> <p>Class 025. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Adult and children's apparel, namely, sweaters, shirts, T-shirts, sweatshirts, pants, [shorts, undergarments, ] dresses, [ hosiery, footwear, ] hats, baseball caps, pajamas, [ nightgowns, ] jackets, [ masquerade costumes, ][ ties ][ and swimwear ]</p> <p>Class 028. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 toy and sporting goods, namely, plush toys, action figures, board games, dolls,puzzles, golf balls, [ children's play cosmetics, ] soft sculpture toys, and stuffed toys</p>

	Class 030. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 [ Coffee, tea, ] [ sugar, pastry, ][ candy, chocolate, ] [ white chocolate, ] [cocoa mixes, cookies, ][ lollipops, ] [macaroni, pasta, ][ peppermint candy sweets, fruit gummy candies, ] [ and pretzels ]
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U.S. Registration No.	3838241	Application Date	04/11/2007
Registration Date	08/24/2010	Foreign Priority Date	NONE
Word Mark	DUMBO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2009/10/26 First Use In Commerce: 2009/10/26 Toys, games, and playthings, namely, toy action figures and accessories therefor; board games; card games; children's multiple activity toys; bath toys; (( baseballs; )) bean bag dolls; toy building blocks; children's play cosmetics; Christmas tree decorations except confectionary or illumination articles; Christmas tree ornaments; collectable toy figures; crib toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; golf balls; musical toys; plush toys; snow globes; squeeze toys; stuffedtoys; talking toys; teddy bears; toy vehicles; toy cars; toy figures; toy banks; toy trucks		

U.S. Registration No.	3846594	Application Date	03/13/2007
Registration Date	09/07/2010	Foreign Priority Date	NONE
Word Mark	DUMBO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/10/23 First Use In Commerce: 2009/10/23 Audio and visual recordings featuring live action and animated entertainment for children, motion picture films, television shows, music, stories, games, and activ-		

	<p>ities in the nature of entertainment for children; video game [ cartridges and ] discs featuring music, stories, games, and activities for children; [ consumer electronics, namely, cameras, computers, MP3 players; ] computer game software featuring music, stories, games, and activities for children; sunglasses</p> <p>Class 014. First use: First Use: 2009/10/23 First Use In Commerce: 2009/10/23 Jewelry, watches, clocks; jewelry boxes not made of precious metals</p> <p>Class 016. First use: First Use: 2009/12/12 First Use In Commerce: 2009/12/12 Paper articles, namely, posters, [ stickers; ] books, namely, autograph books, a series of fiction books, books featuring stories, games and activities for children, children's activity books, [ comic books, ] diaries, photograph albums, picture books, [ recipe books; ] stationery; office supplies, namely, ball point pens, [ staplers; ] school supplies, namely, arts and craft paint kits, color pencils, erasers, felt pens, notebooks, pencils, pencil sharpeners, pen and pencil cases, pens, [ rubber stamps, ] writing implements</p> <p>Class 018. First use: First Use: 2009/10/23 First Use In Commerce: 2009/10/23 articles made from imitations of leather, namely, luggage; bags, namely, backpacks, book bags, duffel bags, overnight bags; shopping bags of textile; tote bags; purses; handbags; wallets; umbrellas; beach bags</p> <p>Class 020. First use: First Use: 2009/12/11 First Use In Commerce: 2009/12/11 Picture frames; mirrors; pillows</p> <p>Class 021. First use: First Use: 2009/12/13 First Use In Commerce: 2009/12/13 Housewares, namely, bowls, cookie cutters, cups, dishes, figurines made of crystal or porcelain, mugs, plates, [ soap dishes, ] thermal insulated containers for food and beverage, trays not of precious metal, [ waste baskets, ] containers for household use; dinnerware; beverage ware; plastic cups; cookie jars</p> <p>Class 024. First use: First Use: 2009/12/11 First Use In Commerce: 2009/12/11 Bath towels; bed sheets; blanket throws; comforters; [ curtains; fabric flags; ] golf towels; hand towels; kitchen towels; oven mitts; pillow cases; pot holders; throws; towels; (( washcloths; )) bedlinen; bath linen; household linen</p> <p>Class 025. First use: First Use: 2009/12/11 First Use In Commerce: 2009/12/11 Clothing, namely, aprons, beach cover-ups, beachwear, [ bikinis, ] cloth bibs for babies, dresses, gloves, Halloween costumes, hosiery, infantwear, jackets, [ mittens, ] nightshirts, nightgowns, [ overalls, ] pajamas, pants, polo shirts, rainwear, robes, scarves, shirts, shorts, slippers, sleepwear, socks, sweaters, sweat pants, sweat shirts, swimsuits, tank tops, t-shirts, underwear, (( vest; )) footwear and headwear</p> <p>Class 030. First use: First Use: 2009/10/23 First Use In Commerce: 2009/10/23 [ Coffee; tea ]</p>
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U.S. Registration No.	3112603	Application Date	09/24/2003
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	DUMBO THE FLYING ELEPHANT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1955/08/16 First Use In Commerce: 1955/08/16 Amusement park services		

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	DUMBO
Goods/Services	Motion picture films; audio and visual recordings featuring motion picture films; amusement park services; dolls; toys; clothing; bags; books; linens; bed linens; pillows; blankets; towels; lamps; frames; picture frames; window curtains; clocks; housewares; dishes; glassware; beverage ware; magnets; sunglasses; compact discs; jewelry; watches; printed materials; bags; luggage; fabrics and textiles; games and toys; and all other goods and services listed in the notice of opposition.

Attachments	75544253#TMSN.png( bytes ) 77154365#TMSN.png( bytes ) 77979919#TMSN.png( bytes ) DUMBO LOUNGE SACKS - NOO.pdf(2517378 bytes )
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Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	09/11/2017

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

<p>DISNEY ENTERPRISES, INC.,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>12TH BEAN, LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.:</p> <p>Mark: DUMBO LOUNGE SACKS Serial No.: 87263495 Filed: December 9, 2016</p>
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**NOTICE OF OPPOSITION**

Opposer, Disney Enterprises, Inc. (“Opposer”), a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521, believes that it is being damaged, and will be damaged, by the registration of the mark DUMBO LOUNGE SACKS shown in Application Serial No. 87263495, and hereby opposes the same. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to Opposer’s own acts, and upon information and belief as to other matters:

**Opposer and its Business**

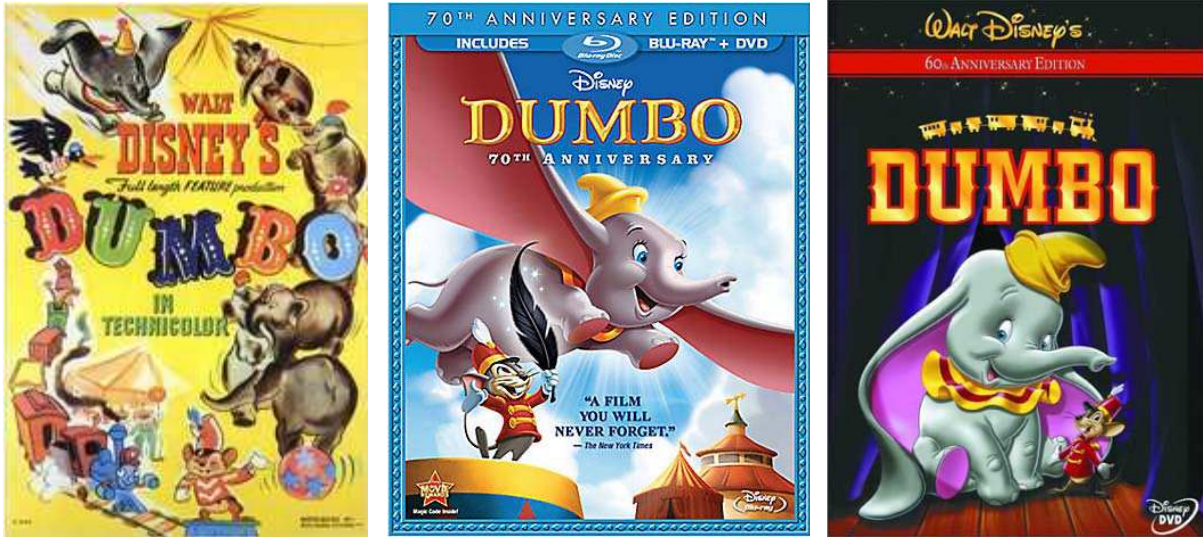
1. Opposer, Disney Enterprises, Inc., is a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521.
2. Opposer, through its related companies and licensees, is one of the world’s leading producers and providers of entertainment, films, music, and consumer products. Opposer engages in a vast licensing program under which it uses or licenses the use of its properties and characters in connection with a wide variety of products

and services, including but not limited to entertainment services, television programs, motion picture films, interactive theme parks, comic books, toys, dolls, sporting goods, bags, personal care products, linens, towels, pillows, furniture, lamps, picture frames, clocks, housewares, textiles, paper products, jewelry, watches, apparel, food items, online games, computer games, video games, music, mobile applications, among many other things.

**Opposer and its Common Law Rights in its DUMBO Mark**

3. Since at least 1941, Opposer, through its predecessors, related companies, and licensees, has used its DUMBO mark in commerce in connection with its well-known *Dumbo* films and franchise. Opposer's first *Dumbo* animated film about a flying circus elephant named "Dumbo" was released on October 23, 1941. The *Dumbo* animated film was enormously popular upon release, and it received a number of awards and accolades, including an Academy Award for Original Music Score and a nomination for the Academy Award for Best Song, and Best Animation Design at the 1947 Cannes Film Festival.

4. The *Dumbo* animated film was re-released in theaters in 1949, 1959, 1972, and 1976, and it was remastered and released on VHS, Laserdisc, and DVD in 1986, 1991, and 2006, respectively, and special editions of the film were released on Blu-Ray, DVD and VHS for its 50<sup>th</sup>, 60<sup>th</sup>, and 70<sup>th</sup>, anniversaries (collectively the "*Dumbo* Film Franchise"). Representative images of the poster and Blu-Ray and DVD covers for the film showing prominent use of the DUMBO character, name, and mark are shown below.



5. Since at least 1955, Opposer has used its DUMBO mark, including its DUMBO THE FLYING ELEPHANT mark, in connection with amusement park services. Over the years, hundreds of millions of consumers have visited Opposer's Disneyland and Disney World amusement parks and related websites, where they have been exposed to Opposer's DUMBO mark and DUMBO-branded products and services. Representative images of Opposer's DUMBO amusement park services are shown below.



## Dumbo the Flying Elephant Overview




Welcome to the delightful Dumbo the Flying Elephant attraction—get ready for a magical ride.

Show Disney.com [Sign In or Create Account](#)

**Disneyland** Parks & Tickets Places to Stay Things to Do Annual Passports Help

[Home](#) > [Attractions](#) > [Disneyland Park Attractions](#)

### Dumbo the Flying Elephant



**Disneyland Park**  
Fantasyland

**Guests Can Be**  
Any Height


**Age Interest**  
Preschoolers, Kids

**Thrill Level**  
Slow Rides, Spinning

[Accessibility and Other Information](#)

**Hours**  
Thursday  
September 7, 2017   
10:00 AM to 8:00 PM

**Extra Magic Hours**  
9:00 AM to 10:00 AM

**Map**  


**SHARE**

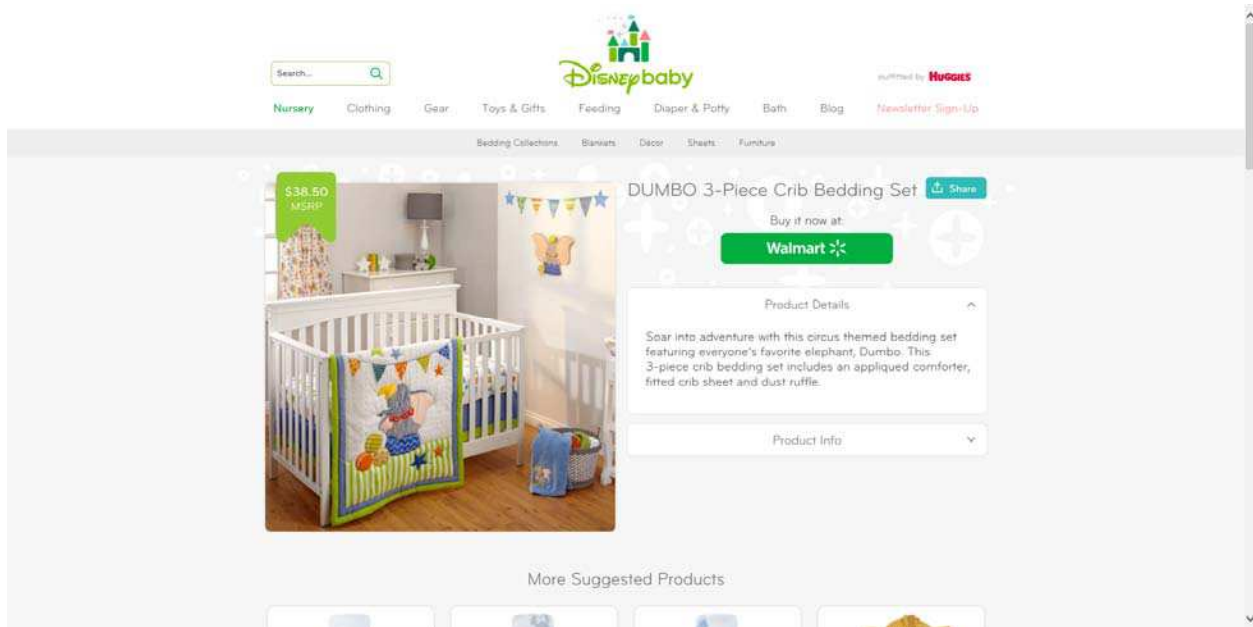
**Take Flight**  
Hop atop Dumbo and take off into the air on a joyful journey amid the jubilant sounds of circus music. Based on Disney's 1941 animated classic *Dumbo*, *Dumbo the Flying Elephant* invites you to accompany everybody's favorite circus elephant as he discovers his unique ability to fly.

**A Breezy Adventure**  
As a jovial organ melody begins, Dumbo gracefully lifts off from the ground and magically begins to fly round and round above a dancing water fountain. Feel the wind race across your face as faithful friend Timothy Q. Mouse—resting on a decorative hot-air balloon in the center of what looks to be a vintage circus-themed toy—directs the action with help from his "magic" feather.

It's an exhilarating thrill that is sure to lift your spirit and remind you that, if you believe in yourself, anything is

6. In addition, Opposer has long history of licensing and merchandising its characters, names, and marks from its *Dumbo* Film Franchise, including the DUMBO mark, in connection with a wide variety of merchandise, such as dolls, toys, clothing, bags, books, linens, pillows, blankets, towels, lamps, frames, window curtains, clocks, housewares, glassware, and many other things.

7. Since at least December 2009, Disney has used its DUMBO mark in commerce in connection with pillows, picture frames, and bed linens, among other things. Representative samples of such products prominently bearing Opposer's DUMBO mark are shown below.




Sign In My Account Stores Customer Service **FREE PICK UP IN-STORE**  
\* GET EXTRA 20% OFF! For Club Members

**macy's** Search or enter web ID My Bag (0)

WOMEN MEN HOME **BED & BATH** SHOES HANDBAGS BEAUTY KIDS JUNIORS JEWELRY WATCHES ACTIVE BRANDS

MACY'S PRESENTS: **THE EDIT** The Gift Guide Lists Deals & Promotions Gift Cards **Wedding Registry**



**Disney**  
Dumbo Dream Big Baby Bedroom Collection

Be the first to **Write A Review**


**FREE SHIP AT \$49** Details

**SHOP COLLECTION**


Put a high-flying finish on your nursery's decor with this Dream Big baby bedroom collection from Disney, featuring an adorable Dumbo motif and relaxing shades of gray, yellow, turquoise and white.

- Sets include: comforter, bedskirt and fitted crib sheet
- Select specific item for details
- Web ID: 5010216


customers also shopped



\$109.00  
Now \$49.97  
EXTRA 20% OFF  
USE: LEDAY  
★★★★ (35)




\$10.00  
Now \$19.99  
FREE SHIP AT \$49  
★★★★ (156)



\$10.00  
Now \$29.97

**wayfair** Departments Photo Gallery Sale Find anything for your home... Account Cart

Lighting / Lamps / Table Lamps / Blue Table Lamps / SKU: DYS1877



**Dumbo Dream Big 15.85" Table Lamp**  
by Disney  
★★★★★ (2)

**\$86.99** ~~999.99 -95% Off~~

Out of Stock (back in stock by Sep 26, 2017)  
Enter your email to be notified when it's available.

Enter Your Email Address



Send me exclusive sales and daily discounts!

**Get In-Stock Alert**

Save to Idea Board

Frequently Bought Together →

Customers Also Viewed



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Baby & Kids / Shop By Character / Shop All Characters / SKU: DYS1852



**Dumbo Polyester Throw Pillow**  
by Disney  
★★★★★  
**\$23.99** ~~\$29.99~~ 20% Off  
Free Shipping on orders over \$49.00  
Get it by **Mon, Sep 11**  
Ship To: Washington - 20009

Qty 1

Add to Cart

Save to Idea Board


Shop This Collection  
Dumbo by Disney

Customers Also Viewed



wayfair Departments Photo Gallery Sale Q Find anything for your home... Account Cart

Décor & Pillows / Home Accents / Picture Frames / Single Picture Picture Frames / SKU: DYS1879



**Dumbo Dream Big Photo Frame**  
by Disney  
★★★★★  
**\$32.99** ~~\$33.99~~ 3% Off  
Free Shipping on orders over \$49.00  
Get it by **Tue, Sep 12**  
Ship To: Grenada - 67346


Qty 1

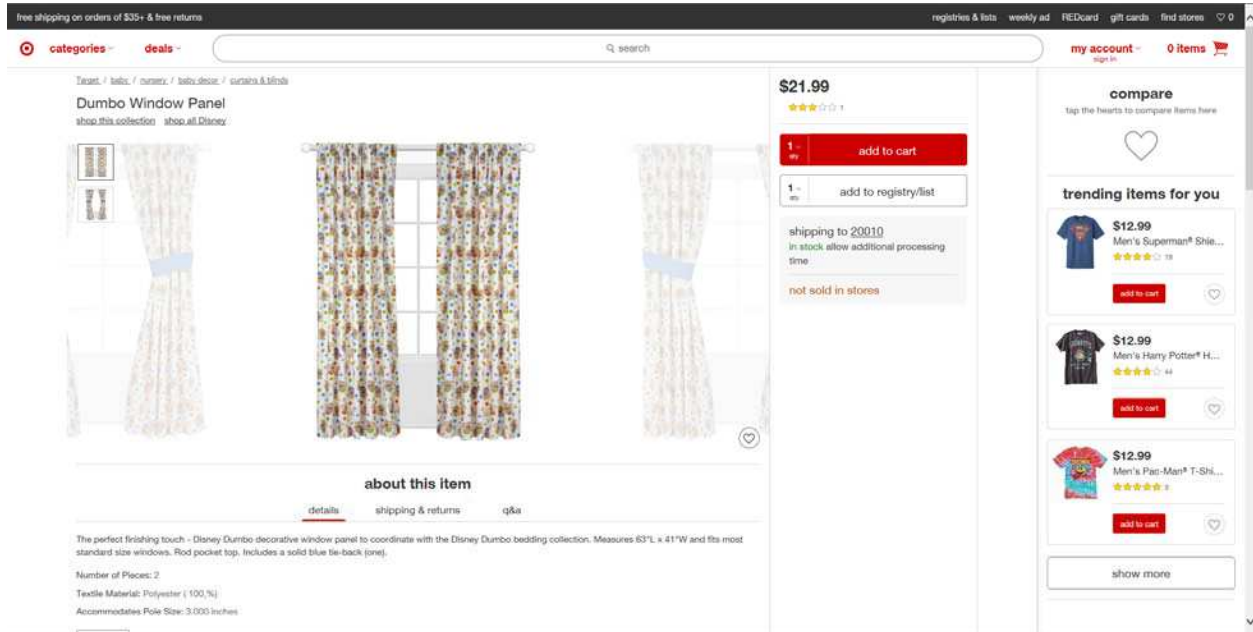
Add to Cart

Save to Idea Board

Frequently Bought Together

Customers Also Viewed



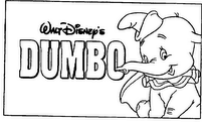


8. Since at least August 31, 2002, Opposer has used its DUMBO mark in commerce in connection with magnets, sunglasses, compact discs, jewelry, clocks, watches, printed materials, bags, luggage, glassware, dishes, beverage ware, fabrics and textiles, apparel, and games and toys.

9. Further, Opposer has engaged in extensive, nationwide advertising, promotion, and use of its DUMBO mark and *Dumbo* Film Franchise. Opposer has had extensive sales of goods and services in connection with its DUMBO mark and *Dumbo* Film Franchise. Opposer's DUMBO mark has been exposed to tens of millions of consumers in commerce nationwide. As a result, Opposer's DUMBO mark has become distinctive and famous long before the filing date of Application Serial No. 87263495, and any date of first use that Applicant can prove.

**Opposer's Registration Rights in its DUMBO Mark**

10. In addition to common law rights in its DUMBO mark and *Dumbo* Film Franchise, Opposer owns the following valid and subsisting United States trademark registrations for the DUMBO marks set forth below:

Mark	Reg. No. / Reg. Date	Goods and Services (First Use in Commerce)
	<b>Reg.</b> 2895969 <b>Issued</b> 19-OCT-2004	<p><b>INT. CL. 9</b> DECORATIVE REFRIGERATOR MAGNETS; SUNGLASSES; PRE-RECORDED COMPACT DISCS, FEATURING FAMILY MUSIC, STORIES, AND ENTERTAINMENT (August 31, 2002)</p> <p><b>INT. CL. 14</b> JEWELRY, CLOCKS, AND WATCHES (February 15, 2003)</p> <p><b>INT. CL. 16</b> PLAYING CARDS, CALENDARS, STICKERS; BOOKS FEATURING CHILDREN'S STORIES, GAMES, AND ACTIVITIES (August 31, 2002)</p> <p><b>INT. CL. 18</b> TRAVEL BAGS, HAND BAGS, LUGGAGE (August 31, 2002)</p> <p><b>INT. CL. 21</b> GLASSWARE, DISHES, BEVERAGEWARE (August 31, 2002)</p> <p><b>INT. CL. 24</b> FABRICS AND TEXTILE GOODS, NAMELY, BATH LINENS, BED BLANKETS, TOWELS (August 31, 2002)</p> <p><b>INT. CL. 25</b> ADULT AND CHILDREN'S APPAREL, NAMELY, SWEATERS, SHIRTS, T-SHIRTS, SWEATSHIRTS, PANTS, DRESSES, HATS, BASEBALL CAPS, PAJAMAS, JACKETS (August 31, 2002)</p> <p><b>INT. CL. 28</b> TOY AND SPORTING GOODS, NAMELY, PLUS TOYS, ACTION FIGURES, BOARD GAMES, DOLLS, PUZZLES, GOLF BALLS, SOFT SCULPTURE TOYS, AND STUFFED TOYS (August 31, 2002)</p>
<b>DUMBO</b>	<b>Reg.</b> 3838241 <b>Issued</b> 24-AUG-2010	<p><b>INT. CL. 28</b> TOYS, GAMES, AND PLAYTHINGS, NAMELY, TOY ACTION FIGURES AND ACCESSORIES THEREFOR; BOARD GAMES; CARD GAMES; CHILDREN'S MULTIPLE ACTIVITY TOYS; BATH TOYS; BASEBALLS; BEAN BAG DOLLS; TOY BUILDING BLOCKS; CHILDREN'S PLAY COSMETICS; CHRISTMAS TREE DECORATIONS EXCEPT CONFECTIONARY OR ILLUMINATION ARTICLES; CHRISTMAS TREE ORNAMENTS; COLLECTABLE TOY FIGURES; CRIB TOYS; DOLLS; DOLL CLOTHING; DOLL ACCESSORIES; DOLL PLAYSETS; ELECTRIC ACTION TOYS; GOLF BALLS; MUSICAL TOYS; PLUSH TOYS; SNOW GLOBES; SQUEEZE TOYS; STUFFED TOYS; TALKING TOYS; TEDDY BEARS; TOY VEHICLES; TOY CARS; TOY FIGURES; TOY BANKS; TOY TRUCKS (October 26, 2009)</p>
<b>DUMBO</b>	<b>Reg.</b> 3846594 <b>Issued</b> 07-SEP-2010	<p><b>INT. CL. 9</b> AUDIO AND VISUAL RECORDINGS FEATURING LIVE ACTION AND ANIMATED ENTERTAINMENT FOR CHILDREN, MOTION PICTURE FILMS, TELEVISION SHOWS, MUSIC STORIES, GAMES, AND ACTIVITIES</p>

Mark	Reg. No. / Reg. Date	Goods and Services (First Use in Commerce)
		<p>IN THE NATURE OF ENTERTAINMENT FOR CHILDREN; VIDEO GAME DISCS FEATURING MUSIC, STORIES, GAMES, AND ACTIVITIES FOR CHILDREN; COMPUTER GAME SOFTWARE FEATURING MUSIC, STORIES, GAMES, AND ACTIVITIES FOR CHILDREN; SUNGLASSES (October 23, 2009)</p> <p><b>INT. CL. 14</b> JEWELRY, WATCHES, CLOCKS; JEWELRY BOXES NOT MADE OF PRECIOUS METALS (October 23, 2009)</p> <p><b>INT. CL. 16</b> PAPER ARTICLES, NAMELY, POSTERS, BOOKS, NAMELY, AUTOGRAPH BOOKS, A SERIES OF FICTION BOOKS, BOOKS FEATURING STORIES, GAMES AND ACTIVITIES FOR CHILDREN, CHILDREN'S ACTIVITY BOOKS, DIARIES, PHOTOGRAPH ALBUMS, PICTURE BOOKS, STATIONERY; OFFICE SUPPLIES, NAMELY, BALL POINT PENS, SCHOOL SUPPLIES, NAMELY, ARTS AND CRAFT PAINT KITS, COLOR PENCILS, ERASERS, FELT PENS, NOTEBOOKS, PENCILS, PENCIL SHARPENERS, PEN AND PENCIL CASES, PENS, WRITING IMPLEMENTS (December 12, 2009)</p> <p><b>INT. CL. 18</b> ARTICLES MADE FROM IMITATIONS OF LEATHER, NAMELY, LUGGAGE; BAGS, NAMELY, BACKPACKS, BOOK BAGS, DUFFEL BAGS, OVERNIGHT BAGS; SHOPPING BAGS MADE OF TEXTILE; TOTE BAGS; PURSES; HANDBAGS; WALLETS; UMBRELLAS; BEACH BAGS (October 23, 2009)</p> <p><b>INT. CL. 20</b> PICTURE FRAMES; MIRRORS; PILLOWS (December 11, 2009)</p> <p><b>INT. CL. 21</b> HOUSEWARES, NAMELY, BOWLS, COOKIE CUTTERS, CUPS, DISHES, FIGURINES MADE OF CRYSTAL OR PORCELAIN, MUGS, PLATES, THERMAL INSULATED CONTAINERS FOR FOOD AND BEVERAGE, TRAYS NOT OF PRECIOUS METAL, CONTAINERS FOR HOUSEHOLD USE; DINNERWARE; BEVERAGEWARE; PLASTIC CUPS; COOKIE JARS (December 13, 2009)</p> <p><b>INT. CL. 24</b> BATH TOWELS; BED SHEETS; BLANKET THROWS; COMFORTERS; GOLF TOWELS; HAND TOWELS; KITCHEN TOWELS; OVEN MITTS; PILLOW CASES; POT HOLDERS; THROWS; TOWELS; WASHCLOTHS; BED LINEN; BATH LINEN; HOUSEHOLD LINEN (December 11, 2009)</p> <p><b>INT. CL. 25</b> CLOTHING, NAMELY, APRONS, BEACH COVER-UPS, BEACHWEAR, CLOTH BIBS FOR BABIES, DRESSES, GLOVES, HALLOWEEN COSTUMES, HOSIERY, INFANTWEAR, JACKETS, NIGHTSHIRTS, NIGHTGOWNS, PAJAMAS, PANTS, POLO SHIRTS, RAINWEAR, ROBES, SCARVES, SHIRTS, SHORTS, SLIPPERS, SLEEPWEAR, SOCKS, SWEATERS, SWEAT PANTS, SWEAT SHIRTS, SWIMSUITS, TANK TOPS, T-SHIRTS, UNDERWEAR, VEST; FOOTWEAR AND HEADWEAR</p>

Mark	Reg. No. / Reg. Date	Goods and Services (First Use in Commerce)
		(December 11, 2009)
<b>DUMBO THE FLYING ELEPHANT</b>	Reg. 3112603 Issued 04-JUL-2006	<b>INT. CL. 41</b> AMUSEMENT PARK SERVICES (August 16, 1955)

Attached as Exhibit A are printouts of the TSDR and assignment records from the USPTO database showing the current status and title of the registrations for the marks in the chart above.

11. The above prior registrations are valid and constitute *prima facie* evidence of the validity of the marks and registrations, and of Opposer’s ownership of and exclusive right to use these marks in commerce on or in connection with the products and services recited in these registrations. (Collectively, the marks set forth in Paragraphs 3-10, are referred to as “Opposer’s DUMBO Name and Marks” and the goods and services listed in those paragraphs are collectively referred to as “Opposer’s Goods and Services.”)

**Applicant and its DUMBO LOUNGE SACKS Mark**

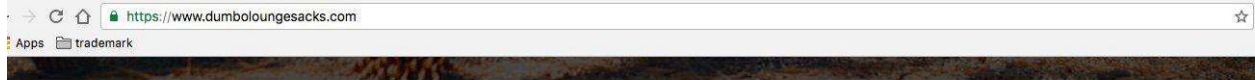
12. Applicant 12th Bean, LLC (“Applicant”), is a California limited liability company having an address of 2302 Lake View Ave., Los Angeles, California 90039.

13. Applicant is the listed owner of Application Serial No. 87263495 (the “Application”), filed on December 9, 2016 under Section 1(a), 15 U.S.C. § 1051(a), for the mark DUMBO LOUNGE SACKS for inflatable lounge furniture in International Class 20 (the “DUMBO LOUNGE SACKS Mark”). The Application has a claimed first use date of April 1, 2016.

14. Applicant filed the specimen of use shown below during the prosecution of



Application Serial No. 87263495, which shows its DUMBO LOUNGE SACKS Mark with the face and trunk of an elephant as the letter “M” in DUMBO.



**Portability**  
Dumbo is super lightweight weighing in at only 2.7lbs, and can hold up to 500lbs

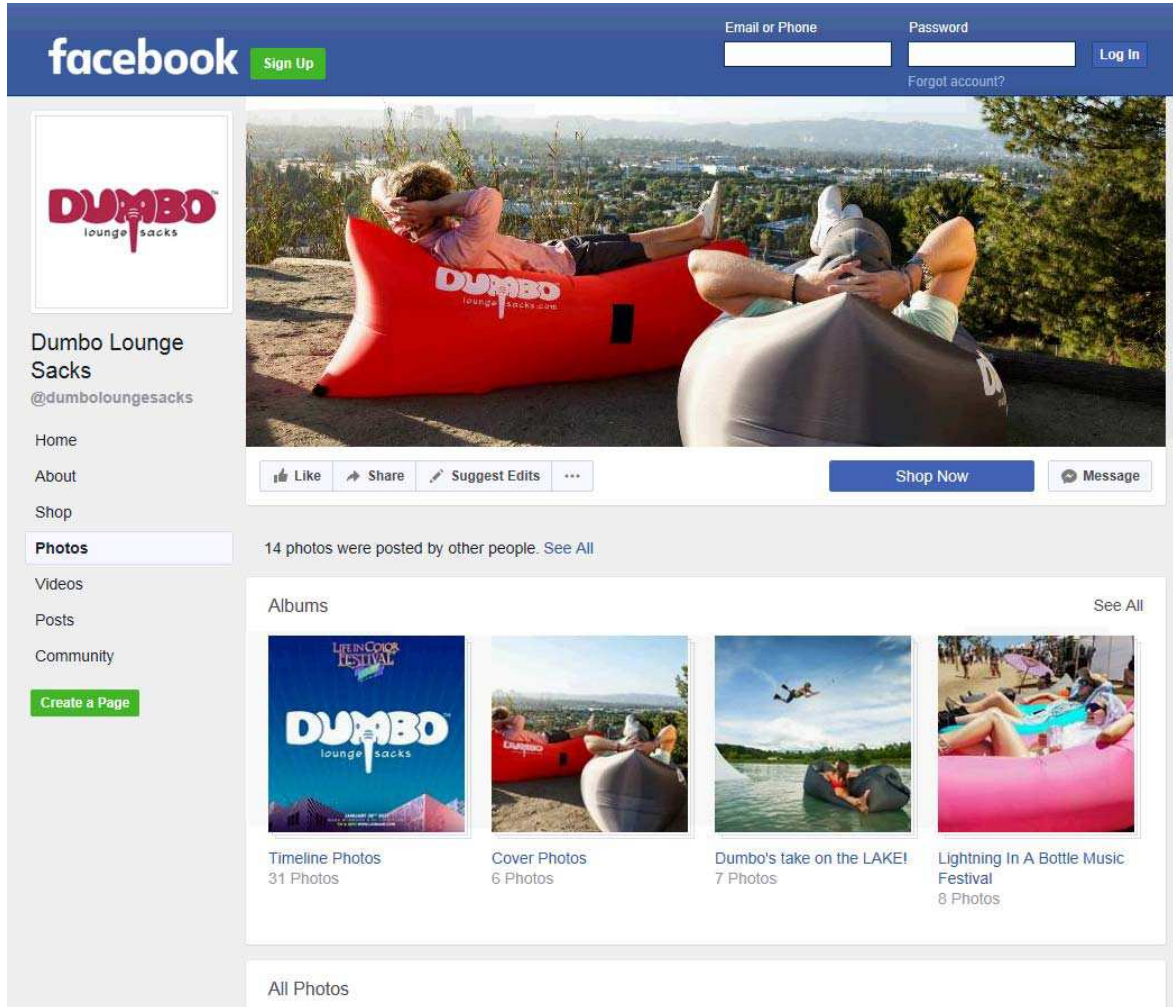
**Durability**  
Dumbo uses a 200% stronger Nylon blend than other loungers on the market

**Innovation**  
Dumbo come equips with bottle openers, cup holders, stakes, and phone pockets

**Originality**  
Don't fall for the fakes, Dumbo is the real original lounger of the US.



15. Applicant also uses its DUMBO LOUNGE SACKS Mark with an elephant face and trunk on its Facebook page as shown below.



16. On May 16, 2017, Applicant's DUMBO LOUNGE SACKS Mark was published for opposition in the *Trademark Official Gazette* (TMOG), and Opposer timely filed an extension of time to oppose on June 12, 2017.

**Count One**  
**Likelihood of Confusion, 15 U.S.C. § 1052(d)**

17. Opposer repeats and realleges each and every allegation set forth above.

18. Opposer has priority based on its valid and subsisting registrations for Opposer's DUMBO Name and Marks. Opposer also has priority based on its prior common law use of Opposer's DUMBO Name and Marks in commerce in connection

with Opposer's Goods and Services before the filing date of the opposed Application Serial No. 87263495 and any date of first use that may be alleged by Applicant.

19. Applicant's DUMBO LOUNGE SACKS Mark is highly similar in sound, appearance, and connotation to Opposer's DUMBO Name and Marks. Indeed, Applicant's DUMBO LOUNGE SACKS Mark encompasses Opposer's DUMBO mark in its entirety, and DUMBO is the first and dominant word in Applicant's DUMBO LOUNGE SACKS Mark.

20. Applicant's Goods listed in the Application are highly related to Opposer's Goods and Services advertised, promoted, offered, rendered, and/or sold by Opposer under Opposer's DUMBO Name and Marks. For example, the Application covers inflatable furniture and Opposer has offered furniture-related goods for many years under Opposer's DUMBO Name and Marks, including but not limited to, textiles, fabrics, linens, pillows, blankets, towels, lamps, picture frames, clocks, housewares, and other items. Further, many of Opposer's Goods and Services, such as pillows and blankets, may be used in connection with Applicant's Goods.

21. Moreover, given the distinctiveness and fame of Opposer's DUMBO Name and Mark, and Opposer's long history of licensing products under its film and character names and marks, consumers are accustomed to seeing Opposer's DUMBO Name and Mark used in connection with a wide range of products and services, including furniture-related products.

22. Upon information and belief, Applicant filed its Application with an intent to trade-off the goodwill of Opposer, Opposer's Goods and Services, and Opposer's DUMBO Name and Marks by prominently featuring and using an image of an elephant

in connection with Applicant's DUMBO LOUNGE SACKS Mark. Opposer's DUMBO character is an elephant, and Opposer frequently uses elephant images with its DUMBO Name and Marks and DUMBO-branded products. Here, Applicant's use of an elephant design with the word DUMBO evidences bad faith, and increases a likelihood of confusion.

23. Accordingly, Applicant's DUMBO LOUNG SACKS Mark so resembles Opposer's previously used and registered Opposer's DUMBO Name and Marks as to be likely, when registered and used in connection with the goods covered by Application Serial No. 87263495, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

**Count Two**  
**Dilution, 15 U.S.C. §1125(c)(1)**

24. Opposer repeats and realleges each and every allegation set forth above.

25. Opposer has engaged in extensive, nationwide advertising, promotion, and use of Opposer's DUMBO Name and Marks. Further, Opposer has had significant sales of Opposer's Goods and Services under its DUMBO Name and Marks nationwide for decades.

26. Opposer's DUMBO Name and Marks have for many years received extensive media attention and publicity nationwide. Such extensive and frequent media attention and publicity has had a substantial impact on the public, and has long created an association in the minds of consumers between Opposer and Opposer's DUMBO Name and Marks.

27. Opposer's DUMBO Name and Marks are distinctive and became famous before the filing date of the Application and any date of first use that may be alleged by Applicant.

28. In view of the similarities of the parties' marks and the fame of Opposer's DUMBO Name and Marks, Applicant's DUMBO LOUNGE SACKS Mark so closely resembles Opposer's famous DUBMO Name and Marks as to be likely to dilute the distinctive quality of the same.

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark shown in Application Serial No. 87263495, and requests that the opposition be sustained, and that registration to Applicant be refused.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 506154.

Respectfully submitted,

Dated: September 11, 2017

By: /Linda K. McLeod/  
David M. Kelly  
david.kelly@kelly-ip.com  
Linda K. McLeod  
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Attorneys for Opposer  
Disney Enterprises, Inc.

# **EXHIBIT A**

**Generated on:** This page was generated by TSDR on 2017-09-11 14:06:37 EDT

**Mark:** WALT DISNEY'S DUMBO



**US Serial Number:** 75544253

**Application Filing Date:** Aug. 27, 1998

**US Registration Number:** 2895969

**Registration Date:** Oct. 19, 2004

**Register:** Principal

**Mark Type:** Trademark

**Status:** The registration has been renewed.

**Status Date:** Aug. 14, 2014

**Publication Date:** Apr. 17, 2001

**Notice of Allowance Date:** Jul. 10, 2001

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## Mark Information

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**Mark Literal Elements:** WALT DISNEY'S DUMBO

**Standard Character Claim:** No

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

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

**Design Search Code(s):** 03.03.01 - Mammoths; Elephants; Mastodons

03.03.24 - Stylized Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas

03.03.26 - Costumed Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas

09.05.25 - Helmets, athletic; Helmets, military; Helmets, protective; Safety helmets; Football helmets; Dunce caps; Caps, swimming; Caps, nurses; Batting helmets; Helmets, construction

26.11.02 - Plain single line rectangles; Rectangles (single line)

**Name Portrait Consent:** The mark does not identify a particular living individual.

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 0826419, 0827189, 2310987

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## Goods and Services

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

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

**For:** [ Bubble bath ]

**International Class(es):** 003 - Primary Class

**U.S Class(es):** 001, 004, 006, 050, 051, 052

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Mar. 20, 2003

**Use in Commerce:** Mar. 20, 2003

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**For:** Decorative refrigerator magnets; sunglasses; [ computer software featuring music videos, information trivia games, and animated stories for children and adults; ] pre-recorded [ audio and video cassettes, ] compact discs, [ motion picture films, and laser video discs

all ] featuring family music, stories, and entertainment

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** Jewelry, clocks, and watches

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027, 028, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 15, 2003

**Use in Commerce:** Feb. 15, 2003

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**For:** [ General-purpose paper bags; ] playing cards [ and greeting cards; ] calendars; [ stationery; gift wrapping paper; ] stickers; [ address books; and ] books [ and magazines ] featuring children's stories, games and activities

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** Travel bags, [ all-purpose sports bags, backpacks, wallets, ] hand bags, luggage [ and umbrellas ]

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** Glassware, dishes, [ figures made of porcelain, ] beverageware [ , household utensils, namely, spatulas and whisks, hair brushes, tea kettles, and soap dishes ]

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** Fabrics and textile goods, namely, bath linens, bed blankets, towels [ , and table linens ]

**International Class(es):** 024 - Primary Class

**U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** Adult and children's apparel, namely, sweaters, shirts, T-shirts, sweatshirts, pants, [shorts, undergarments, ] dresses, [ hosiery, footwear, ] hats, baseball caps, pajamas, [ nightgowns, ] jackets, [ masquerade costumes, ][ ties ][ and swimwear ]

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

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**For:** toy and sporting goods, namely, plush toys, action figures, board games, dolls, puzzles, golf balls, [ children's play cosmetics, ] soft sculpture toys, and stuffed toys

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002



**For:** [ Coffee, tea, ] [ sugar, pastry, ] [ candy, chocolate, ] [ white chocolate, ] [ cocoa mixes, cookies, ] [ lollipops, ] [ macaroni, pasta, ] [ peppermint candy sweets, fruit gummy candies, ] [ and pretzels ]

**International Class(es):** 030 - Primary Class

**U.S Class(es):** 046

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Aug. 31, 2002

**Use in Commerce:** Aug. 31, 2002

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**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:** Disney Enterprises, Inc.

**Owner Address:** 500 South Buena Vista Street  
Burbank, CALIFORNIA 91521  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Steve Ackerman

**Docket Number:** 10257

**Attorney Primary Email Address:** [Trademarks@disney.com](mailto:Trademarks@disney.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Steve Ackerman  
THE WALT DISNEY COMPANY  
500 S. Buena Vista Street  
Intellectual Property - Trademark Group  
BURBANK, CALIFORNIA 91521  
UNITED STATES

**Phone:** 818-560-1030

**Fax:** 818-848-6424

**Correspondent e-mail:** [Trademarks@disney.com](mailto:Trademarks@disney.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
May 20, 2015	NOTICE OF SUIT	
May 19, 2015	NOTICE OF SUIT	
Aug. 14, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Aug. 14, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Aug. 14, 2014	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	76293
Aug. 14, 2014	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	76293
Aug. 12, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 24, 2014	NOTICE OF SUIT	
Oct. 01, 2010	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Sep. 29, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76293

Sep. 30, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Sep. 29, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jun. 04, 2008	NOTICE OF SUIT	
Mar. 03, 2008	NOTICE OF SUIT	
Feb. 18, 2008	NOTICE OF SUIT	
May 31, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 19, 2004	REGISTERED-PRINCIPAL REGISTER	
Aug. 17, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	72589
Aug. 17, 2004	ASSIGNED TO LIE	72589
Aug. 06, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 29, 2004	ASSIGNED TO EXAMINER	73359
Jul. 28, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 16, 2004	USE AMENDMENT FILED	
Jul. 01, 2004	CASE FILE IN TICRS	
Jun. 16, 2004	PAPER RECEIVED	
Jan. 31, 2004	EXTENSION 5 GRANTED	
Dec. 24, 2003	EXTENSION 5 FILED	
Dec. 29, 2003	PAPER RECEIVED	
Jun. 30, 2003	EXTENSION 4 GRANTED	
May 28, 2003	EXTENSION 4 FILED	
Jun. 02, 2003	PAPER RECEIVED	
Jan. 02, 2003	EXTENSION 3 GRANTED	
Dec. 03, 2002	EXTENSION 3 FILED	
Dec. 04, 2002	PAPER RECEIVED	
Jul. 28, 2002	EXTENSION 2 GRANTED	
Jul. 05, 2002	EXTENSION 2 FILED	
Jul. 05, 2002	PAPER RECEIVED	
Dec. 14, 2001	EXTENSION 1 GRANTED	
Dec. 14, 2001	EXTENSION 1 FILED	
Jul. 10, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 17, 2001	PUBLISHED FOR OPPOSITION	
Apr. 04, 2001	NOTICE OF PUBLICATION	
Jan. 16, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 16, 2001	ASSIGNED TO EXAMINER	73359
Dec. 18, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 27, 2000	NON-FINAL ACTION MAILED	
Mar. 08, 2000	EXAMINER'S AMENDMENT MAILED	
Sep. 20, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 18, 1999	NON-FINAL ACTION MAILED	
Mar. 11, 1999	ASSIGNED TO EXAMINER	75596
Feb. 24, 1999	ASSIGNED TO EXAMINER	73701

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## Maintenance Filings or Post Registration Information

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

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

**Renewal Date:** Oct. 19, 2014

**Change in Registration:** Yes

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** TMO LAW OFFICE 110

**Date in Location:** Aug. 14, 2014

# Proceedings

## Summary

Number of  
Proceedings: 4

### Type of Proceeding: Opposition

Proceeding  
Number: [91202709](#)

Filing Date: Nov 23, 2011

Status: Terminated

Status Date: Mar 13, 2012

Interlocutory  
Attorney: ELIZABETH WINTER

## Defendant

Name: Tung Ling Industrial Co., Ltd.

Correspondent  
Address: PHILIP R ZENDER  
SQUIRE SANDERS DEMPSEY LLP  
275 BATTERY ST , STE 2600  
SAN FRANCISCO CA , 94111 3356  
UNITED STATES

Correspondent e-  
mail: [trademark@ssd.com](mailto:trademark@ssd.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	<a href="#">85145623</a>	

## Plaintiff(s)

Name: Disney Enterprises, Inc.

Correspondent  
Address: LINDA K MCLEOD  
FINNEGAN HENDERSON FARABOW GARRETT ET AL  
901 NEW YORK AVENUE NW  
WASHINGTON DC , 20001 4413  
UNITED STATES

Correspondent e-  
mail: [docketing@finnegan.com](mailto:docketing@finnegan.com) , [linda.mcleod@finnegan.com](mailto:linda.mcleod@finnegan.com) , [judy.valusek@finnegan.com](mailto:judy.valusek@finnegan.com) , [susannah.kolstad@finnegan.com](mailto:susannah.kolstad@finnegan.com) , [trademarks@disney.com](mailto:trademarks@disney.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
D FIT	Cancelled - Section 8	<a href="#">77574814</a>	<a href="#">3737859</a>
D-SIGNED	Registered	<a href="#">77982018</a>	<a href="#">4020223</a>
D-SIGNED	Registered	<a href="#">77982017</a>	<a href="#">4020222</a>
D COLOR YOUR WORLD WITH IMAGINATION	Cancelled - Section 8	<a href="#">77695022</a>	<a href="#">3695376</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976857</a>	<a href="#">3613777</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149537</a>	<a href="#">3767867</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149525</a>	<a href="#">3683565</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149511</a>	<a href="#">3576914</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149536</a>	<a href="#">3583897</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149532</a>	<a href="#">3576915</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149514</a>	<a href="#">3640232</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149523</a>	<a href="#">3693045</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77977917</a>	<a href="#">3713374</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976854</a>	<a href="#">3613776</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976282</a>	<a href="#">3565813</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976185</a>	<a href="#">3548154</a>
DISNEY UNDERGROUND	Registered	<a href="#">77919359</a>	<a href="#">3918758</a>
DISNEY BABY	Cancelled - Section 8	<a href="#">77149515</a>	<a href="#">3550879</a>
WALT DISNEY'S DUMBO	Renewed	<a href="#">75544253</a>	<a href="#">2895969</a>
WALT DISNEY'S ALICE IN WONDERLAND	Renewed	<a href="#">75544251</a>	<a href="#">2895968</a>

WALT DISNEY'S LADY AND THE TRAMP	Renewed	<a href="#">75544231</a>	<a href="#">2897511</a>
WALT DISNEY'S SLEEPING BEAUTY	Renewed	<a href="#">75543891</a>	<a href="#">2895966</a>
WALT DISNEY'S SNOW WHITE & THE SEVEN DWARFS	Renewed	<a href="#">75544254</a>	<a href="#">2891463</a>
WALT DISNEY'S PINOCCHIO	Cancelled - Section 8	<a href="#">75545690</a>	<a href="#">2920964</a>
WALT DISNEY'S CINDERELLA	Renewed	<a href="#">75543711</a>	<a href="#">3057988</a>
WALT DISNEY'S BAMBI	Renewed	<a href="#">75544252</a>	<a href="#">2889386</a>
WALT DISNEY'S THE JUNGLE BOOK	Cancelled - Section 8	<a href="#">75543712</a>	<a href="#">2976340</a>
WALT DISNEY'S PETER PAN	Renewed	<a href="#">75544250</a>	<a href="#">2895967</a>
D-SIGNED	Abandoned - No Statement Of Use Filed	<a href="#">77895042</a>	
D-SIGNED	Abandoned - No Statement Of Use Filed	<a href="#">77895049</a>	
D-SIGNED	Abandoned - No Statement Of Use Filed	<a href="#">77895058</a>	
D SIGNED	Abandoned - No Statement Of Use Filed	<a href="#">77895030</a>	
DESTINATION D D23 P-R-E-S-E-N-T-S DISNEYLAND '55 ANAHEIM CA. 2010	Abandoned - No Statement Of Use Filed	<a href="#">85099455</a>	
DESTINATION D D23 P-R-E-S-E-N-T-S DISNEYLAND '55 ANAHEIM CA. 2010	Abandoned - No Statement Of Use Filed	<a href="#">85099451</a>	
DESTINATION D D23 "P-R-E-S-E-N-T-S DISNEYLAND' 55 ANAHEIM CA. 2010	Abandoned - No Statement Of Use Filed	<a href="#">85099449</a>	
DESTINATION D D23 P-R-E-S-E-N-T-S DISNEYLAND' 55 ANAHEIM CA. 2010	Abandoned - No Statement Of Use Filed	<a href="#">85099448</a>	
DESTINATION D D23 P-R-E-S-E-N-T-S DISNEYLAND' 55 ANAHEIM CA. 2010	Abandoned - No Statement Of Use Filed	<a href="#">85099446</a>	
DISNEY DFIT	Abandoned - No Statement Of Use Filed	<a href="#">85119218</a>	
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149518</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 23, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 26, 2011	Jan 05, 2012
3	PENDING, INSTITUTED	Nov 26, 2011	
4	CORRECTED CERTIFICATE OF SERVICE	Nov 28, 2011	
5	NOTICE OF DEFAULT	Jan 24, 2012	
6	BOARD'S DECISION: SUSTAINED	Mar 13, 2012	
7	TERMINATED	Mar 13, 2012	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91200358](#) **Filing Date:** Jun 22, 2011  
**Status:** Terminated **Status Date:** Oct 05, 2011  
**Interlocutory Attorney:** ELIZABETH WINTER

#### Defendant

**Name:** Shantou Chenghai Homkey Plastics Co., Ltd  
**Correspondent Address:** SHANTOU CHENGHAI HOMKEY PLASTICS CO LTD  
 CHENGHAI DISTRICT, GUANMEI INDUSTRIAL AREA LONGDU TOWN  
 SHANTOU CHINA  
**Correspondent e-mail:** [782914753@qq.com](mailto:782914753@qq.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
HOMKEY	Abandoned - After Inter-Partes Decision	<a href="#">85124552</a>	

#### Plaintiff(s)

**Name:** Disney Enterprises, Inc.  
**Correspondent Address:** LINDA K MCLEOD  
 FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP  
 901 NEW YORK AVE NW  
 WASHINGTON DC , 20001-4413  
 UNITED STATES  
**Correspondent e-mail:** [docketing@finnegan.com](mailto:docketing@finnegan.com) , [linda.mcleod@finnegan.com](mailto:linda.mcleod@finnegan.com) , [judy.valusek@finnegan.com](mailto:judy.valusek@finnegan.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
DISNEY STORE	Cancelled - Section 8	<a href="#">77977700</a>	<a href="#">3684430</a>
DISNEY'S WIDE WORLD OF SPORTS	Cancelled - Section 8	<a href="#">78894644</a>	<a href="#">3473934</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976857</a>	<a href="#">3613777</a>
DISNEY STORE	Cancelled - Section 8	<a href="#">77388280</a>	<a href="#">3832378</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149537</a>	<a href="#">3767867</a>
WALT DISNEY'S BAMBI	Renewed	<a href="#">75544252</a>	<a href="#">2889386</a>
WALT DISNEY'S DUMBO	Renewed	<a href="#">75544253</a>	<a href="#">2895969</a>
WALT DISNEY'S ALICE IN WONDERLAND	Renewed	<a href="#">75544251</a>	<a href="#">2895968</a>
WALT DISNEY'S PETER PAN	Renewed	<a href="#">75544250</a>	<a href="#">2895967</a>
WALT DISNEY'S LADY AND THE TRAMP	Renewed	<a href="#">75544231</a>	<a href="#">2897511</a>
WALT DISNEY'S SLEEPING BEAUTY	Renewed	<a href="#">75543891</a>	<a href="#">2895966</a>
WALT DISNEY'S SNOW WHITE & THE SEVEN DWARFS	Renewed	<a href="#">75544254</a>	<a href="#">2891463</a>
WALT DISNEY'S PINOCCHIO	Cancelled - Section 8	<a href="#">75545690</a>	<a href="#">2920964</a>
WALT DISNEY'S CINDERELLA	Renewed	<a href="#">75543711</a>	<a href="#">3057988</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149525</a>	<a href="#">3683565</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149511</a>	<a href="#">3576914</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149536</a>	<a href="#">3583897</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149532</a>	<a href="#">3576915</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149514</a>	<a href="#">3640232</a>
DISNEY BABY	Cancelled - Section 8	<a href="#">77149498</a>	<a href="#">3640231</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149523</a>	<a href="#">3693045</a>
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149518</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 24, 2011	Aug 03, 2011
3	PENDING, INSTITUTED	Jun 24, 2011	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Aug 17, 2011	
5	NOTICE OF DEFAULT	Aug 18, 2011	
6	BOARD'S DECISION: SUSTAINED	Oct 05, 2011	
7	TERMINATED	Oct 05, 2011	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91188877](#)

**Filing Date:** Feb 17, 2009

**Status:** Terminated

**Status Date:** May 29, 2009

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** Robert A. Champine

**Correspondent Address:** Sepehr Daghighian  
Law Offices of Sepehr Daghighian, P.C.  
433 North Camden Dr., 4th Floor  
Beverly Hills CA , 90210  
UNITED STATES

**Correspondent e-mail:** [sepehr@daghighian.com](mailto:sepehr@daghighian.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
PAWS TOTAL PET STUDIO	Abandoned - After Inter-Partes Decision	<a href="#">77430931</a>	

#### Plaintiff(s)

**Name:** Disney Enterprises, Inc.

**Correspondent** David M. Kelly  
**Address:** Finnegan, Henderson, Farabow, Garrett, et al.  
 901 New York Avenue, N.W.  
 Washington DC , 20001-4413  
 UNITED STATES

**Correspondent e-mail:** [docketing@finnegan.com](mailto:docketing@finnegan.com) , [naresh.kilaru@finnegan.com](mailto:naresh.kilaru@finnegan.com) , [susannah.kolstad@finnegan.com](mailto:susannah.kolstad@finnegan.com)

<b>Associated marks</b>			
<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
WALT DISNEY'S SNOW WHITE & THE SEVEN DWARFS	Renewed	<a href="#">75544254</a>	<a href="#">2891463</a>
WALT DISNEY'S CINDERELLA	Renewed	<a href="#">75543711</a>	<a href="#">3057988</a>
WALT DISNEY'S THE JUNGLE BOOK	Cancelled - Section 8	<a href="#">75543712</a>	<a href="#">2976340</a>
WALT DISNEY'S LADY AND THE TRAMP	Renewed	<a href="#">75544231</a>	<a href="#">2897511</a>
WALT DISNEY'S PETER PAN	Renewed	<a href="#">75544250</a>	<a href="#">2895967</a>
WALT DISNEY'S ALICE IN WONDERLAND	Renewed	<a href="#">75544251</a>	<a href="#">2895968</a>
WALT DISNEY'S BAMBI	Renewed	<a href="#">75544252</a>	<a href="#">2889386</a>
WALT DISNEY'S SLEEPING BEAUTY	Renewed	<a href="#">75543891</a>	<a href="#">2895966</a>
WALT DISNEY'S PINOCCHIO	Cancelled - Section 8	<a href="#">75545690</a>	<a href="#">2920964</a>
WALT DISNEY'S DUMBO	Renewed	<a href="#">75544253</a>	<a href="#">2895969</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78604307</a>	<a href="#">3341092</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78604303</a>	<a href="#">3313624</a>
DISNEY'S FAST PLAY	Renewed	<a href="#">78347723</a>	<a href="#">3197261</a>
DISNEY INTERACTIVE	Renewed	<a href="#">76423568</a>	<a href="#">2926141</a>
DISNEY'S ANIMAL KINGDOM	Cancelled - Section 8	<a href="#">75931089</a>	<a href="#">2531368</a>
DISNEY PRESS	Cancelled - Section 8	<a href="#">74148635</a>	<a href="#">1703188</a>
WALT DISNEY RECORDS	Renewed	<a href="#">75538293</a>	<a href="#">2310987</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976282</a>	<a href="#">3565813</a>
DISNEY BABY	Cancelled - Section 8	<a href="#">77149515</a>	<a href="#">3550879</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77976185</a>	<a href="#">3548154</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149525</a>	<a href="#">3683565</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149511</a>	<a href="#">3576914</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149536</a>	<a href="#">3583897</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149532</a>	<a href="#">3576915</a>
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149521</a>	
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149514</a>	<a href="#">3640232</a>
DISNEY BABY	Cancelled - Section 8	<a href="#">77149498</a>	<a href="#">3640231</a>
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149509</a>	
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149558</a>	
DISNEY BABY	Abandoned - No Statement Of Use Filed	<a href="#">77149518</a>	
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149537</a>	<a href="#">3767867</a>
DISNEY BABY	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77149523</a>	<a href="#">3693045</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Cancelled - Section 8	<a href="#">77295027</a>	<a href="#">3722910</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - No Statement Of Use Filed	<a href="#">77295030</a>	
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Registered	<a href="#">77295033</a>	<a href="#">4077375</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - No Statement Of Use Filed	<a href="#">77295040</a>	
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - No Statement Of Use Filed	<a href="#">77295044</a>	
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - Failure to Respond	<a href="#">77295054</a>	
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - No Statement Of Use Filed	<a href="#">77295049</a>	
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Abandoned - No Statement Of Use Filed	<a href="#">77295057</a>	

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Feb 17, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2009	Mar 29, 2009
3	PENDING, INSTITUTED	Feb 17, 2009	

4	NOTICE OF DEFAULT	Apr 14, 2009
5	BOARD'S DECISION: SUSTAINED	May 29, 2009
6	TERMINATED	May 29, 2009

**Type of Proceeding: Opposition**

**Proceeding Number:** [91186237](#) **Filing Date:** Sep 08, 2008  
**Status:** Terminated **Status Date:** Dec 19, 2008  
**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** NINGBO BEAUTEX IMPORT & EXPORT COMPANY LIMITED  
**Correspondent Address:** ERIC CHAN  
42 PIN OAK DR  
PHOENIXVILLE PA , 19460-1145  
UNITED STATES  
**Correspondent e-mail:** [admin@chinahk-ip.com](mailto:admin@chinahk-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DEAR DEER	Abandoned - After Inter-Partes Decision	<a href="#">77285205</a>	

**Plaintiff(s)**

**Name:** Disney Enterprises, Inc.  
**Correspondent Address:** David M. Kelly  
Finnegan, Henderson, Farabow, Garrett et al.  
901 New York Avenue, N.W.,  
Washington DC , 20001-4413  
UNITED STATES  
**Correspondent e-mail:** [docketing@finnegan.com](mailto:docketing@finnegan.com) , [naresh.kilaru@finnegan.com](mailto:naresh.kilaru@finnegan.com) , [david.kelly@finnegan.com](mailto:david.kelly@finnegan.com) , [susannah.kolstad@finnegan.com](mailto:susannah.kolstad@finnegan.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
WALT DISNEY'S SNOW WHITE & THE SEVEN DWARFS	Renewed	<a href="#">75544254</a>	<a href="#">2891463</a>
WALT DISNEY'S CINDERELLA	Renewed	<a href="#">75543711</a>	<a href="#">3057988</a>
WALT DISNEY'S THE JUNGLE BOOK	Cancelled - Section 8	<a href="#">75543712</a>	<a href="#">2976340</a>
WALT DISNEY'S LADY AND THE TRAMP	Renewed	<a href="#">75544231</a>	<a href="#">2897511</a>
WALT DISNEY'S PETER PAN	Renewed	<a href="#">75544250</a>	<a href="#">2895967</a>
WALT DISNEY'S ALICE IN WONDERLAND	Renewed	<a href="#">75544251</a>	<a href="#">2895968</a>
WALT DISNEY'S PINOCCHIO	Cancelled - Section 8	<a href="#">75545690</a>	<a href="#">2920964</a>
WALT DISNEY'S DUMBO	Renewed	<a href="#">75544253</a>	<a href="#">2895969</a>
D	Renewed	<a href="#">75254400</a>	<a href="#">2169245</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78604307</a>	<a href="#">3341092</a>
DISNEY'S SODA FOUNTAIN AND STUDIO STORE	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78604303</a>	<a href="#">3313624</a>
DISNEY'S FAST PLAY	Renewed	<a href="#">78347723</a>	<a href="#">3197261</a>
DISNEY INTERACTIVE	Renewed	<a href="#">76423568</a>	<a href="#">2926141</a>
DISNEY'S ANIMAL KINGDOM	Cancelled - Section 8	<a href="#">75931089</a>	<a href="#">2531368</a>
DISNEY PRESS	Cancelled - Section 8	<a href="#">74148635</a>	<a href="#">1703188</a>
WALT DISNEY RECORDS	Renewed	<a href="#">75538293</a>	<a href="#">2310987</a>
WALT DISNEY'S BAMBI	Renewed	<a href="#">75544252</a>	<a href="#">2889386</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 08, 2008	Oct 18, 2008
3	PENDING, INSTITUTED	Sep 08, 2008	
4	NOTICE OF DEFAULT BOARD'S DECISION: SUSTAINED	Nov 04, 2008	

5

Dec 19, 2008

6

TERMINATED

Dec 19, 2008



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Mark: DUMBO

# DUMBO

US Serial Number: 77154365

Application Filing Date: Apr. 11, 2007

US Registration Number: 3838241

Registration Date: Aug. 24, 2010

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: Aug. 17, 2016

Publication Date: Apr. 08, 2008

Notice of Allowance Date: Jul. 01, 2008

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## Mark Information

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Mark Literal Elements: DUMBO

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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Claimed Ownership of US Registrations: 2895969, 3112603

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## Goods and Services

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

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

**For:** Toys, games, and playthings, namely, toy action figures and accessories therefor; board games; card games; children's multiple activity toys; bath toys; (( baseballs; )) bean bag dolls; toy building blocks; children's play cosmetics; Christmas tree decorations except confectionary or illumination articles; Christmas tree ornaments; collectable toy figures; crib toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; golf balls; musical toys; plush toys; snow globes; squeeze toys; stuffed toys; talking toys; teddy bears; toy vehicles; toy cars; toy figures; toy banks; toy trucks

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 26, 2009

Use in Commerce: Oct. 26, 2009

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## Basis Information (Case Level)

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Filed Use: No  
Filed ITU: Yes  
Filed 44D: No  
Filed 44E: No  
Filed 66A: No  
Filed No Basis: No

Currently Use: Yes  
Currently ITU: No  
Currently 44D: No  
Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

Amended Use: No  
Amended ITU: No  
Amended 44D: No  
Amended 44E: No

## Current Owner(s) Information

**Owner Name:** Disney Enterprises, Inc.

**Owner Address:** 500 South Buena Vista Street  
Burbank, CALIFORNIA 91521  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Steve Ackerman

**Docket Number:** 38615

**Attorney Primary Email Address:** [trademarks@disney.com](mailto:trademarks@disney.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Steve Ackerman  
The Walt Disney Company  
500 SOUTH BUENA VISTA STREET  
IP Department - Trademark Group  
BURBANK, CALIFORNIA 91521  
UNITED STATES

**Phone:** 818-560-1030

**Fax:** 818-848-6424

**Correspondent e-mail:** [trademarks@disney.com](mailto:trademarks@disney.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 25, 2016	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Aug. 25, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Aug. 25, 2016	SEC. 15 ACKNOWLEDGEMENT - MAILED	
Aug. 25, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - MAILED	
Aug. 17, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Aug. 17, 2016	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Aug. 17, 2016	REGISTERED - SEC. 15 ACKNOWLEDGED	75184
Aug. 17, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED	75184
Aug. 16, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Aug. 15, 2016	TEAS SECTION 15 RECEIVED	
Aug. 15, 2016	TEAS SECTION 8 RECEIVED	
Aug. 24, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 24, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 20, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	76532
Jul. 09, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 01, 2010	STATEMENT OF USE PROCESSING COMPLETE	76874
Jun. 21, 2010	USE AMENDMENT FILED	76874
Jun. 21, 2010	TEAS STATEMENT OF USE RECEIVED	
Feb. 10, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 04, 2010	EXTENSION 3 GRANTED	76874
Dec. 24, 2009	EXTENSION 3 FILED	76874
Dec. 24, 2009	TEAS EXTENSION RECEIVED	
Jul. 23, 2009	EXTENSION 2 GRANTED	76874
Jun. 30, 2009	EXTENSION 2 FILED	76874
Jul. 23, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Jun. 30, 2009	TEAS EXTENSION RECEIVED	

Dec. 01, 2008	EXTENSION 1 GRANTED	98765
Dec. 01, 2008	EXTENSION 1 FILED	98765
Dec. 01, 2008	TEAS EXTENSION RECEIVED	
Jul. 01, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 08, 2008	PUBLISHED FOR OPPOSITION	
Mar. 19, 2008	NOTICE OF PUBLICATION	
Mar. 04, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76532
Mar. 04, 2008	ASSIGNED TO LIE	76532
Feb. 08, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 08, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 08, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 08, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 09, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 09, 2007	NON-FINAL ACTION E-MAILED	6325
Jul. 09, 2007	NON-FINAL ACTION WRITTEN	74784
Jul. 06, 2007	ASSIGNED TO EXAMINER	74784
Apr. 16, 2007	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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

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

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Aug. 25, 2016

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Mark: DUMBO

# DUMBO

US Serial Number: 77979919

Application Filing Date: Mar. 13, 2007

US Registration Number: 3846594

Registration Date: Sep. 07, 2010

Register: Principal

Mark Type: Trademark

Status: A partial Section 8 declaration has been accepted.

Status Date: Aug. 26, 2016

Publication Date: Apr. 08, 2008

Notice of Allowance Date: Jul. 01, 2008

---

## Mark Information

---

Mark Literal Elements: DUMBO

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: 2895969, 3112603

Child Of: 77130160

---

## 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:** Audio and visual recordings featuring live action and animated entertainment for children, motion picture films, television shows, music, stories, games, and activities in the nature of entertainment for children; video game [ cartridges and ] discs featuring music, stories, games, and activities for children; [ consumer electronics, namely, cameras, computers, MP3 players; ] computer game software featuring music, stories, games, and activities for children; sunglasses

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 23, 2009

Use in Commerce: Oct. 23, 2009

**For:** Jewelry, watches, clocks; jewelry boxes not made of precious metals

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 23, 2009

Use in Commerce: Oct. 23, 2009

**For:** Paper articles, namely, posters, [ stickers; ] books, namely, autograph books, a series of fiction books, books featuring stories, games and activities for children, children's activity books,[ comic books, ] diaries, photograph albums, picture books, [ recipe books; ]

stationery; office supplies, namely, ball point pens, [ staplers; ] school supplies, namely, arts and craft paint kits, color pencils, erasers, felt pens, notebooks, pencils, pencil sharpeners, pen and pencil cases, pens, [ rubber stamps, ] writing implements

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 12, 2009

**Use in Commerce:** Dec. 12, 2009

**For:** articles made from imitations of leather, namely, luggage; bags, namely, backpacks, book bags, duffel bags, overnight bags; shopping bags of textile; tote bags; purses; handbags; wallets; umbrellas; beach bags

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 23, 2009

**Use in Commerce:** Oct. 23, 2009

**For:** Picture frames; mirrors; pillows

**International Class(es):** 020 - Primary Class

**U.S Class(es):** 002, 013, 022, 025, 032, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 11, 2009

**Use in Commerce:** Dec. 11, 2009

**For:** Housewares, namely, bowls, cookie cutters, cups, dishes, figurines made of crystal or porcelain, mugs, plates, [ soap dishes, ] thermal insulated containers for food and beverage, trays not of precious metal, [ waste baskets, ] containers for household use; dinnerware; beverageware; plastic cups; cookie jars

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 13, 2009

**Use in Commerce:** Dec. 13, 2009

**For:** Bath towels; bed sheets; blanket throws; comforters; [ curtains; fabric flags; ] golf towels; hand towels; kitchen towels; oven mitts; pillow cases; pot holders; throws; towels; (( washcloths; )) bed linen; bath linen; household linen

**International Class(es):** 024 - Primary Class

**U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 11, 2009

**Use in Commerce:** Dec. 11, 2009

**For:** Clothing, namely, aprons, beach cover-ups, beachwear, [ bikinis, ] cloth bibs for babies, dresses, gloves, Halloween costumes, hosiery, infantwear, jackets, [ mittens, ] nightshirts, nightgowns, [ overalls, ] pajamas, pants, polo shirts, rainwear, robes, scarves, shirts, shorts, slippers, sleepwear, socks, sweaters, sweat pants, sweat shirts, swimsuits, tank tops, t-shirts, underwear, (( vest; )) footwear and headwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 11, 2009

**Use in Commerce:** Dec. 11, 2009

**For:** [ Coffee; tea ]

**International Class(es):** 030 - Primary Class

**U.S Class(es):** 046

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Oct. 23, 2009

**Use in Commerce:** Oct. 23, 2009

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 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:** Disney Enterprises, Inc.  
**Owner Address:** 500 South Buena Vista Street  
 Burbank, CALIFORNIA 91521  
 UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Steve Ackerman  
**Attorney Primary Email Address:** [trademarks@disney.com](mailto:trademarks@disney.com)  
**Docket Number:** 65180  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Steve Ackerman  
 The Walt Disney Company  
 500 South Buena Vista Street  
 IP Department - Trademark Group  
 Burbank, CALIFORNIA 91521  
 UNITED STATES  
**Phone:** 818-560-1030  
**Fax:** 818-848-6424  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 26, 2016	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Aug. 26, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - MAILED	
Aug. 26, 2016	REGISTERED - SEC. 15 ACKNOWLEDGED	59136
Aug. 26, 2016	REGISTERED - SEC. 15 ACKNOWLEDGED	59136
Aug. 26, 2016	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	59136
Aug. 25, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	59136
Aug. 24, 2016	TEAS SECTION 15 RECEIVED	
Aug. 24, 2016	TEAS SECTION 8 RECEIVED	
Sep. 07, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 19, 2015	NOTICE OF SUIT	
May 19, 2015	NOTICE OF SUIT	
Sep. 07, 2010	REGISTERED-PRINCIPAL REGISTER	
Aug. 03, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 31, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Jul. 31, 2010	ASSIGNED TO LIE	66213
Jul. 19, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 19, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 19, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Jul. 19, 2010	EXAMINERS AMENDMENT E-MAILED	
Jul. 19, 2010	SU-EXAMINER'S AMENDMENT WRITTEN	74784
Jul. 19, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 13, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	

Jul. 08, 2010	STATEMENT OF USE PROCESSING COMPLETE	66230
Jun. 25, 2010	USE AMENDMENT FILED	66230
Jul. 08, 2010	DIVISIONAL PROCESSING COMPLETE	
Jun. 25, 2010	DIVISIONAL REQUEST RECEIVED	
Jun. 25, 2010	FAX RECEIVED	
Feb. 10, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 06, 2010	EXTENSION 3 GRANTED	66230
Dec. 24, 2009	EXTENSION 3 FILED	66230
Dec. 24, 2009	TEAS EXTENSION RECEIVED	
Jul. 23, 2009	EXTENSION 2 GRANTED	66230
Jun. 30, 2009	EXTENSION 2 FILED	66230
Jul. 23, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jun. 30, 2009	TEAS EXTENSION RECEIVED	
Dec. 01, 2008	EXTENSION 1 GRANTED	98765
Dec. 01, 2008	EXTENSION 1 FILED	98765
Dec. 01, 2008	TEAS EXTENSION RECEIVED	
Jul. 01, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 08, 2008	PUBLISHED FOR OPPOSITION	
Mar. 19, 2008	NOTICE OF PUBLICATION	
Mar. 04, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Mar. 04, 2008	ASSIGNED TO LIE	71441
Feb. 08, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 08, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 08, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 08, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 08, 2008	EXAMINERS AMENDMENT -WRITTEN	74784
Jan. 08, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 08, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 08, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 09, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 09, 2007	NON-FINAL ACTION E-MAILED	6325
Jul. 09, 2007	NON-FINAL ACTION WRITTEN	74784
Jun. 21, 2007	ASSIGNED TO EXAMINER	74784
Jun. 21, 2007	ASSIGNED TO EXAMINER	83176
Mar. 16, 2007	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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

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

**Change in Registration:** Yes

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Aug. 26, 2016

**Generated on:** This page was generated by TSDR on 2017-09-11 14:08:48 EDT

**Mark:** DUMBO THE FLYING ELEPHANT

**US Serial Number:** 78305056

**Application Filing Date:** Sep. 24, 2003

**US Registration Number:** 3112603

**Registration Date:** Jul. 04, 2006

**Register:** Principal

**Mark Type:** Service Mark

**Status:** The registration has been renewed.

**Status Date:** Aug. 16, 2016

**Publication Date:** Apr. 26, 2005

**Notice of Allowance Date:** Jul. 19, 2005

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## Mark Information

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**Mark Literal Elements:** DUMBO THE FLYING ELEPHANT

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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

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

**For:** Amusement park services

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 16, 1955

**Use in Commerce:** Aug. 16, 1955

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** Yes

**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:** Yes

**Currently No Basis:** No

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## Current Owner(s) Information

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**Owner Name:** Disney Enterprises, Inc.

**Owner Address:** 500 South Buena Vista Street  
Burbank, CALIFORNIA 91521  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Brian Rupp

**Docket Number:** 43623

**Attorney Primary** [trademarks@disney.com](mailto:trademarks@disney.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Brian Rupp  
**Name/Address:** THE WALT DISNEY COMPANY  
500 SOUTH BUENA VISTA STREET  
IP Department - Trademark Group  
BURBANK, CALIFORNIA 91521  
UNITED STATES

**Phone:** 818-560-2313

**Fax:** 818-848-6424

**Correspondent e-** [trademarks@disney.com](mailto:trademarks@disney.com)  
**mail:**

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

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 16, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 16, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Aug. 16, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Aug. 16, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
May 24, 2016	TEAS SECTION 8 & 9 RECEIVED	
Jul. 04, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Sep. 09, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 09, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Sep. 08, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Aug. 01, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jul. 04, 2006	REGISTERED-PRINCIPAL REGISTER	
May 22, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Mar. 24, 2006	ASSIGNED TO LIE	69712
Mar. 17, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 21, 2006	STATEMENT OF USE PROCESSING COMPLETE	70565
Jan. 17, 2006	USE AMENDMENT FILED	70565
Jan. 17, 2006	PAPER RECEIVED	
Jul. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 26, 2005	PUBLISHED FOR OPPOSITION	
Apr. 06, 2005	NOTICE OF PUBLICATION	
Feb. 08, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Feb. 08, 2005	ASSIGNED TO LIE	73787
Feb. 07, 2005	ASSIGNED TO LIE	76539
Feb. 07, 2005	ASSIGNED TO LIE	70138
Jan. 21, 2005	ASSIGNED TO LIE	73787
Oct. 30, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 29, 2004	AMENDMENT FROM APPLICANT ENTERED	76568
Oct. 18, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Oct. 29, 2004	ASSIGNED TO LIE	76568
Oct. 18, 2004	PAPER RECEIVED	

Apr. 20, 2004 NON-FINAL ACTION E-MAILED  
Mar. 31, 2004 ASSIGNED TO EXAMINER

6325  
77301

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## Maintenance Filings or Post Registration Information

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

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

**Renewal Date:** Jul. 04, 2016

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## TM Staff and Location Information

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**TM Staff Information - None**  
**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Aug. 16, 2016