

ESTTA Tracking number: **ESTTA918065**Filing date: **08/24/2018**

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	LUXOTTICA GROUP S.P.A.
Granted to Date of previous extension	08/25/2018
Address	VIA CESARE CANTU, 2 20123 Milan (MI), 0 ITALY
Correspondence information	Karen Kreider Gaunt Dinsmore & Shohl LLP 255 East Fifth Street, Suite 1900 Cincinnati, OH 45202 UNITED STATES karen.gaunt@dinsmore.com, govinda.davis@dinsmore.com, tmdocket@dinsmore.com, robin.bissantz@dinsmore.com 513-977-8200

### Applicant Information

Application No	87690818	Publication date	06/26/2018
Opposition Filing Date	08/24/2018	Opposition Period Ends	08/25/2018
Applicant	TIJ Limited 3402 Shun Tak Centre West Tower 168 Connaught Road Central Sheung Wan HONG KONG		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer application software for mobile devices that ranks loyalty program benefits; Computer application software for mobile devices, namely, software for ranking benefits of a loyalty program member against loyalty program benefits of others, in the same and different loyalty rewards programs. Computer application software for mobile devices that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs; Downloadable mobile application for ranking loyalty program member benefits; Downloadable mobile application for ranking a loyalty program member's benefits against benefits of other members in the same and different loyalty rewards programs; Downloadable mobile application that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs
Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Customer loyalty services, namely, providing a loyalty program benefit ranking program through a mobile web application promoting the sale of products and services of others by providing members exclusive advantages and benefits that incorporates discounts, bonuses, gift incentives, sweepstakes, credits, rebates, value added offers and coupons from participating merchants

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing temporary use of online non-downloadable software for use in creating a digital scorecard which ranks loyalty programs benefits of one person against the loyalty program member benefits of others

## Grounds for Opposition

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

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	595513	Application Date	10/23/1953
Registration Date	09/21/1954	Foreign Priority Date	NONE
Word Mark	WAYFARER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1953/03/11 First Use In Commerce: 1953/03/11 SUN GLASSES		

Attachments	WAYFARER Notice of Opposition and Exhibits TIJ Limited.pdf(2723678 bytes )
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Signature	/Govinda M. Davis/
Name	Govinda M. Davis
Date	08/24/2018

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

In the Matter of Application Serial No. 87/690,818  
Published on June 26, 2018

Luxottica Group S.p.A.,	)	
	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	Mark: WAYFARER
	)	
TIJ Limited,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer, Luxottica Group S.p.A. (hereinafter “Luxottica” or “Opposer”), is a corporation of the country of Italy with an address of Piazzale Cadorna 3, Milan, 20123.

Opposer believes that it will be damaged by registration of the mark “**Wayfarer**” shown in Application Serial No. 87/690,818 (the “Application”) and hereby opposes registration of the Application for the goods and services set forth therein, namely:

“Providing temporary use of online non-downloadable software for use in creating a digital scorecard which ranks loyalty programs benefits of one person against the loyalty program member benefits of others” in Class 042; “Customer loyalty services, namely, providing a loyalty program benefit ranking program through a mobile web application promoting the sale of products and services of others by providing members exclusive advantages and benefits that incorporates discounts, bonuses, gift incentives, sweepstakes, credits, rebates, value added offers and coupons from participating merchants” in Class 035; and “Computer application software for mobile devices that ranks loyalty program benefits; Computer application software for mobile devices, namely, software for ranking benefits of a loyalty program member against loyalty program benefits of others, in the same and different loyalty rewards programs. Computer application software for mobile devices that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs; Downloadable mobile application for ranking loyalty program member benefits; Downloadable mobile

application for ranking a loyalty program member's benefits against benefits of other members in the same and different loyalty rewards programs; Downloadable mobile application that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs” in Class 009.

The Application was filed on November 20, 2017 under Section 1(b) of the Trademark Act for all goods and services set forth in the Application, and published in the Official Gazette of June 26, 2018. The deadline to oppose the Application was set to expire on July 26, 2018. Opposer obtained an extension of time to oppose the Application, which extended Opposer's deadline to oppose to August 25, 2018. Therefore, this Opposition is timely.

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of an incontestable U.S. federal trademark registration for its distinctive and famous WAYFARER Mark, long used by Opposer on, and registered for sunglasses, eyeglasses and eyewear goods in Class 009.

2. Opposer is the owner of the registered trademark WAYFARER, Registration No. 595,513 dated September 21, 1954 with a first Use in Commerce date of March 11, 1953, registered for goods in Class 009 identified as “sunglasses” (hereinafter the “WAYFARER Mark”). A copy of Opposer's United States registration certificate and TSDR status page for the WAYFARER Mark are attached hereto as Exhibit A. Opposer also owns numerous trademark registrations for its famous WAYFARER Mark in at least the following countries: Argentina, Italy, Chile, Brazil, Hong Kong, Taiwan, India, and Benelux.

3. The above listed WAYFARER registration is valid, subsisting, and in good standing and has been registered on the Principal Register at the U.S. Patent and Trademark Office for at least five years.

4. Opposer owns and uses its WAYFARER Mark in connection with distinctive and recognizable frame shapes for sunglasses, and eyewear goods, sold and promoted on its website [www.RAY-BAN.com](http://www.RAY-BAN.com), and in various other retail and other outlets. *See* attached Exhibit B showing Opposer's well-known WAYFARER sunglasses and eyewear products.

5. Opposer engages in widespread advertising, promotional and sales activities under its distinctive and famous WAYFARER Mark. Opposer's goods bearing its WAYFARER Mark have been prominently featured in movies as well as worn by celebrities and public figures for many decades.

6. Opposer uses and has used its WAYFARER Mark in connection with various promotional products and sponsorships associated with its RAY-BAN brand for decades in the United States and around the world.

7. Opposer's WAYFARER branded products are heavily promoted under its RAY-BAN social media accounts such as Facebook, Twitter, Instagram, YouTube, Pinterest and Google+. Opposer's 14,938,001 Facebook followers, 463,000 Twitter followers, 5,100,000 Instagram followers, 40,509 YouTube subscribers, 33,798 Pinterest followers and 516,975 Google+ followers have viewed posts and advertisements containing products offered under the WAYFARER Mark.

8. The WAYFARER Mark is so well recognized that it has a dedicated Wikipedia page: [https://en.wikipedia.org/wiki/Ray-Ban\\_Wayfarer](https://en.wikipedia.org/wiki/Ray-Ban_Wayfarer).

9. Opposer also operates a loyalty club for customers of its RAY-BAN branded products and uses products offered under the WAYFARER Mark to advertise its loyalty club. A website printout advertising Opposer's loyalty club is attached hereto as Exhibit C.

10. Opposer also provides discounts to students on its eyewear products, which include products sold under the WAYFARER Mark. A website printout advertising Opposer's student discount is attached hereto as Exhibit D.

11. Opposer has engaged in open, notorious and extensive widespread promotion and advertising of its WAYFARER Mark for sunglasses and eyewear goods since at least as early as 1953, and Opposer is very well-known and well-recognized as the source of sunglass and eyewear goods bearing Opposer's WAYFARER Mark.

12. Opposer has expended substantial amounts of time, money and effort in advertising and promoting its WAYFARER Mark over many years, and in establishing and preserving the goodwill associated therewith, and the goodwill associated with Opposer's WAYFARER Mark are valuable assets to Opposer.

13. Opposer has used its WAYFARER Mark in U.S. commerce in connection with sunglasses and eyewear goods, with related goods and services and on promotional items, on a continuous and exclusive basis since at least as early as 1953, the year of first use cited in Opposer's U.S. Registration No. 595,513 for WAYFARER for "sun glasses."

14. Opposer's WAYFARER Mark has become distinctive of, and associated in the minds of the trade and purchasing public with Opposer as a well-known provider of sunglasses and eyewear, and related services offered under its WAYFARER Mark. By virtue of Opposer's efforts, Opposer has gained a significant and valuable reputation for the sunglasses and eyewear and services associated with its WAYFARER Mark.

15. Opposer's WAYFARER Mark is famous and distinctive within the meaning of the Lanham Act.

16. Declarations have been filed and accepted by the U.S. Patent and Trademark Office pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§1058 and 1065 for Registration No. 595,513, and therefore this registration is incontestable.

17. Upon information and belief, TIJ Limited, is the owner of U.S. Trademark Application Serial No. 87/690,818 for the mark WAYFARER for the following goods: *“Providing temporary use of online non-downloadable software for use in creating a digital scorecard which ranks loyalty programs benefits of one person against the loyalty program member benefits of others”* in Class 042; *“Customer loyalty services, namely, providing a loyalty program benefit ranking program through a mobile web application promoting the sale of products and services of others by providing members exclusive advantages and benefits that incorporates discounts, bonuses, gift incentives, sweepstakes, credits, rebates, value added offers and coupons from participating merchants”* in Class 035; and *“Computer application software for mobile devices that ranks loyalty program benefits; Computer application software for mobile devices, namely, software for ranking benefits of a loyalty program member against loyalty program benefits of others, in the same and different loyalty rewards programs. Computer application software for mobile devices that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs; Downloadable mobile application for ranking loyalty program member benefits; Downloadable mobile application for ranking a loyalty program member's benefits against benefits of other members in the same and different loyalty rewards programs; Downloadable mobile application that analyzes loyalty program benefits and ranks one individual's loyalty program benefits against the loyalty program benefits of others in the same and different loyalty benefit programs”* in Class 009.

18. Upon information and belief, Applicant is a limited liability company, having an address of 3402 Shun Tak Centre West Tower, 168 Connaught Road Central, Sheung Wan, Hong Kong.

19. Applicant filed U.S. Trademark Application Serial No. 87/690,818 under Section 1(b) of the Trademark Act on November 20, 2017 and Applicant has not alleged use of the trademark.

20. Priority is not at issue: Opposer's longstanding prior use and prior registration of its WAYFARER Mark as described above are well prior to Applicant's filing date for the Application.

21. Applicant is not entitled to use or register the mark that is the subject of the Application for which it seeks registration in Application Serial No. 87/690,818, either on November 20, 2017, the date of filing said application, or on June 26, 2018, the date of publication thereof in the Official Gazette.

22. Applicant's purported "Wayfarer" mark is identical to, and confusingly similar to Opposer's WAYFARER Mark in sight, sound, meaning, and commercial impression, and is intended to be used with products and services marked to the same core classes of consumers as products and services offered by Opposer under its WAYFARER Mark. Applicant's alleged "Wayfarer" mark is likely to be confused with Opposer's WAYFARER Mark.

23. Applicant's purported "Wayfarer" mark so closely resembles Opposer's WAYFARER Mark as to be likely, when applied to the goods and or services of Applicant, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's goods and services originate with or come from Opposer, or are authorized, licensed,



endorsed, sponsored by, or are connected in some way with Opposer, and therefore, the registration thereof by Applicant would be injurious to Opposer.

24. Consumers are likely to believe that goods and services offered by Applicant under its purported “Wayfarer” mark are within the natural zone of expansion of Opposer’s products and services offered under Opposer’s WAYFARER Mark.

25. Opposer’s WAYFARER Mark is famous.

26. Opposer’s WAYFARER Mark became famous in the United States prior to Applicant’s application date for its purported “Wayfarer” trademark.

27. Opposer’s WAYFARER Mark became famous prior to any actual use by Applicant of the purported “Wayfarer” trademark.

28. If Applicant has not yet begun use of the purported “Wayfarer” trademark in connection with the applied-for goods and services in United States commerce, any subsequent use of “Wayfarer” by Applicant would be after Opposer’s trademark became famous.

29. Applicant’s purported “Wayfarer” trademark is identical to Opposer’s WAYFARER Mark.

30. Applicant’s purported “Wayfarer” mark so closely resembles Opposer’s WAYFARER Mark as to be likely to dilute the distinctive character of Opposer’s WAYFARER Mark, which would be injurious to Opposer.

31. Applicant’s purported “Wayfarer” mark is likely to diminish and dilute the value and distinctive character of Opposer’s famous WAYFARER Mark, thus damaging Opposer.

32. Applicant knew or should have known of Opposer’s WAYFARER Mark when Applicant adopted its purported “Wayfarer” mark.

33. Applicant's adoption and use of Applicant's purported "Wayfarer" mark is without the license or permission of Opposer.

34. Registration of Applicant's purported "Wayfarer" mark is barred by the provisions of 15 U.S.C. § 1052(d) and 15 U.S.C. § 1125(a), for the reason that it consists of or comprises a mark which so resembles Opposer's WAYFARER Mark previously registered in the United States Patent and Trademark Office, previously used by Opposer and not abandoned, as to be likely, when used in connection with the goods and services of Applicant, to cause confusion, mistake, or to deceive.

35. For the above reasons, any use of Applicant's purported "Wayfarer" mark by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods and services offered under Applicant's purported "Wayfarer" mark emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). This likelihood of confusion will damage Opposer within the meaning of 15 U.S.C. § 1063.

36. Applicant's use and attempted registration of Applicant's purported "Wayfarer" mark is likely to cause confusion or mistake with respect to a false affiliation with Opposer and Opposer's WAYFARER Mark. Applicant's use and attempted registration of Applicant's purported "Wayfarer" mark should be denied registration pursuant to 15 U.S.C. § 1125(a) since it will damage Opposer within the meaning of 15 U.S.C. § 1063.

37. Applicant's use and attempted registration of Applicant's purported "Wayfarer" mark is likely to lessen the capacity of Opposer's famous and distinctive WAYFARER Mark to distinguish and identify Opposer's goods and services from those of others, thereby diluting the

distinctive quality of Opposer's WAYFARER Mark in violation of 15 U.S.C. § 1125(c), and thereby causing damage to Opposer within the meaning of 15 U.S.C. § 1063.

38. Registration of Applicant's purported "Wayfarer" mark to Applicant would create statutory rights in favor of Applicant, and thereby restrict, interfere with and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

39. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's purported "Wayfarer" mark to Applicant on the Principal Register.

40. The opposition fee in the amount of \$1,200.00 is filed herewith. The Commissioner is authorized to charge any underpayment to Deposit Account No. 04-1133 in case of any deficiency.

WHEREFORE, Opposer prays that said Application Serial No. 87/690,818 be rejected; that registration of Applicant's purported "Wayfarer" mark be refused and denied; and that this Opposition be sustained in Opposer's favor.

Opposer requests such other and further relief as the Board may deem just and proper.

Date: August 24, 2018

Respectfully submitted,

DINSMORE & SHOHL LLP

s/Karen Kreider Gaunt/

Karen Kreider Gaunt

Govinda M. Davis

Dinsmore & Shohl LLP

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govinda.davis@dinsmore.com

Attorneys for Opposer, *Luxottica Group S.p.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition has been served upon the following by first class mail, and by email on counsel of record, this 24<sup>th</sup> day of August, 2018:

TIJ Limited  
3402 Shun Tak Centre West Tower  
168 Connaught Road Central  
Sheung Wan, Hong Kong

and

Geza C. Ziegler, Jr.  
Ziegler IP Law Group  
55 Greens Farms Road  
Westport, CT 06880  
ptomail@gziplaw.com

s/Karen Kreider Gaunt/  
Karen Kreider Gaunt  
Attorney for Opposer, Luxottica Group, S.p.A.  
Email: Karen.Gaunt@dinsmore.com

13126231v1

# EXHIBIT A

Int. Cl.: 9

Prior U.S. Cl.: 26

Reg. No. 595,513

United States Patent and Trademark Office

Registered Sep. 21, 1954

10 Year Renewal

Renewal Term Begins Sep. 21, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**WAYFARER**

BAUSCH & LOMB INCORPORATED  
(NEW YORK CORPORATION)  
ONE CHASE SQUARE  
P.O. BOX 54  
ROCHESTER, NY 14604, BY CHANGE OF  
NAME FROM BAUSCH & LOMB OPTI-  
CAL COMPANY (NEW YORK CORPO-  
RATION) ROCHESTER, NY

FOR: SUN GLASSES, IN CLASS 26  
(INT. CL. 9).

FIRST USE 3-11-1953; IN COMMERCE  
3-11-1953.

SER. NO. 71-655,230, FILED 10-23-1953.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Nov. 29, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

# UNITED STATES PATENT OFFICE

Registered Sept. 21, 1954

595,513

PRINCIPAL REGISTER

Trade-Mark

Ser. No. 655,230, filed Oct. 23, 1953

## WAYFARER

Bausch & Lomb Optical Company (New York  
corporation)  
635 St. Paul St.  
Rochester, N. Y.

For: SUN GLASSES, in CLASS 26.  
First used Mar. 11, 1953, and in commerce Mar.  
11, 1953.


COMB. AFF. SEC. 8 & 15

NOV 6 1959

TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2018-08-24 13:50:37 EDT				
<b>Mark:</b> WAYFARER		No Image exists for this case.		
<b>US Serial Number:</b> 71655230		<b>Application Filing Date:</b> Oct. 23, 1953		
<b>US Registration Number:</b> 595513		<b>Registration Date:</b> Sep. 21, 1954		
<b>Register:</b> Principal				
<b>Mark Type:</b> Trademark				
<b>TM5 Common Status Descriptor:</b> 		LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.		
<b>Status:</b> The registration has been renewed.				
<b>Status Date:</b> Jul. 02, 2014				
<b>▼ Mark Information</b> <span style="float: right;">▲ Collapse All</span>				
<b>Mark Literal Elements:</b> WAYFARER				
<b>Standard Character Claim:</b> No				
<b>Mark Drawing Type:</b> 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)				
<b>▼ Goods and Services</b>				
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>				
<b>For:</b> SUN GLASSES				
<b>International Class(es):</b> 009		<b>U.S Class(es):</b> 026 - Primary Class		
<b>Class Status:</b> ACTIVE				
<b>Basis:</b> 1(a)				
<b>First Use:</b> Mar. 11, 1953		<b>Use in Commerce:</b> Mar. 11, 1953		
<b>▼ Basis Information (Case Level)</b>				
<b>Filed Use:</b> Yes		<b>Currently Use:</b> Yes		<b>Amended Use:</b> No
<b>Filed ITU:</b> No		<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		
<b>▼ Current Owner(s) Information</b>				
<b>Owner Name:</b> LUXOTTICA GROUP S.P.A.				



<b>Owner Address:</b>	VIA CESARE CANTU, 2 20123 MILAN (MI) ITALY		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	No Place Where Organized Found

### ▼ Attorney/Correspondence Information

#### Attorney of Record

<b>Attorney Name:</b>	Karen Kreider Gaunt		
<b>Attorney Primary Email Address:</b>	<a href="mailto:karen.gaunt@dinsmore.com">karen.gaunt@dinsmore.com</a>	<b>Attorney Email Authorized:</b>	Yes

#### Correspondent

<b>Correspondent Name/Address:</b>	Karen Kreider Gaunt Dinsmore & Shohl LLP 255 East Fifth Street, Suite 1900 Cincinnati, OHIO UNITED STATES 45202		
<b>Phone:</b>	513-977-8200	<b>Fax:</b>	513-977-8141
<b>Correspondent e-mail:</b>	<a href="mailto:karen.gaunt@dinsmore.com">karen.gaunt@dinsmore.com</a> <a href="mailto:govinda.davis@dinsmore.com">govinda.davis@dinsmore.com</a> <a href="mailto:tmdocket@dinsmore.com">tmdocket@dinsmore.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes

#### Domestic Representative

<b>Domestic Representative Name:</b>	Karen Kreider Gaunt		
<b>Fax:</b>	513-977-8141	<b>Phone:</b>	513-977-8200
<b>Domestic Representative e-mail:</b>	<a href="mailto:karen.gaunt@dinsmore.com">karen.gaunt@dinsmore.com</a>	<b>Domestic Representative e-mail Authorized:</b>	Yes

### ▼ Prosecution History

Date	Description	Proceeding Number
Jul. 16, 2018	NOTICE OF SUIT	
Jun. 27, 2018	NOTICE OF SUIT	
Jun. 27, 2018	NOTICE OF SUIT	
Jun. 22, 2018	NOTICE OF SUIT	
Jun. 22, 2018	NOTICE OF SUIT	
Jun. 18, 2018	NOTICE OF SUIT	
Jun. 18, 2018	NOTICE OF SUIT	
May 31, 2018	NOTICE OF SUIT	
Apr. 30, 2018	NOTICE OF SUIT	
Apr. 18, 2018	NOTICE OF SUIT	
Mar. 15, 2018	NOTICE OF SUIT	
Feb. 23, 2018	NOTICE OF SUIT	
Feb. 05, 2018	NOTICE OF SUIT	
Dec. 29, 2017	NOTICE OF SUIT	
Nov. 06, 2017	NOTICE OF SUIT	
Nov. 01, 2017	NOTICE OF SUIT	
Aug. 10, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 10, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 25, 2017	NOTICE OF SUIT	
Jul. 25, 2017	NOTICE OF SUIT	
Jun. 21, 2017	NOTICE OF SUIT	
Jun. 21, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	

Jun. 12, 2017	NOTICE OF SUIT	
Jun. 12, 2017	NOTICE OF SUIT	
Jun. 07, 2017	NOTICE OF SUIT	
Jun. 07, 2017	NOTICE OF SUIT	
May 10, 2017	NOTICE OF SUIT	
May 10, 2017	NOTICE OF SUIT	
May 08, 2017	NOTICE OF SUIT	
May 08, 2017	NOTICE OF SUIT	
Apr. 18, 2017	NOTICE OF SUIT	
Apr. 18, 2017	NOTICE OF SUIT	
Apr. 14, 2017	NOTICE OF SUIT	
Apr. 14, 2017	NOTICE OF SUIT	
Apr. 14, 2017	NOTICE OF SUIT	
Apr. 14, 2017	NOTICE OF SUIT	
Mar. 29, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 29, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 09, 2016	NOTICE OF SUIT	
Nov. 09, 2016	NOTICE OF SUIT	
Sep. 29, 2016	NOTICE OF SUIT	
Sep. 29, 2016	NOTICE OF SUIT	
Sep. 15, 2016	NOTICE OF SUIT	
Aug. 05, 2016	NOTICE OF SUIT	
Aug. 05, 2016	NOTICE OF SUIT	
Jul. 28, 2016	NOTICE OF SUIT	
Jul. 28, 2016	NOTICE OF SUIT	
Jul. 19, 2016	NOTICE OF SUIT	
Jul. 19, 2016	NOTICE OF SUIT	
Jun. 03, 2016	NOTICE OF SUIT	
Jun. 03, 2016	NOTICE OF SUIT	
May 06, 2016	NOTICE OF SUIT	
May 06, 2016	NOTICE OF SUIT	
May 06, 2016	NOTICE OF SUIT	
May 06, 2016	NOTICE OF SUIT	
May 02, 2016	NOTICE OF SUIT	
May 02, 2016	NOTICE OF SUIT	
Apr. 21, 2016	NOTICE OF SUIT	
Apr. 21, 2016	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Jul. 02, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 02, 2014	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	69471
Jul. 02, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Jul. 02, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jun. 23, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jun. 09, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 23, 2009	CASE FILE IN TICRS	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2005	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	61619

Dec. 12, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED
Jun. 07, 2005	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9
Jun. 07, 2005	PAPER RECEIVED
Jan. 31, 2005	POST REGISTRATION ACTION MAILED - SEC. 8 & 9
Dec. 06, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
Dec. 06, 2004	PAPER RECEIVED
Oct. 17, 1994	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)
Aug. 26, 1994	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8
Sep. 21, 1974	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)

### ▼ Maintenance Filings or Post Registration Information

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

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

**Renewal Date:** Sep. 21, 2014

### ▼ TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jul. 02, 2014

### ▼ Assignment Abstract Of Title Information

#### Summary

▼ Conveyance Filter

**Total Assignments:** 7

**Registrant:** BAUSCH & LOMB OPTICAL COMPANY

#### ▼ Assignment 1 of 7

▲ Collapse All

**Conveyance:** CHANGE OF NAME 19600331

**Reel/Frame:** [0075/0022](#)

**Pages:** 3

**Date Recorded:** Mar. 02, 1961

**Supporting Documents:** No Supporting Documents Available

#### Assignor

**Name:** [BAUSCH & LOMB OPTICAL COMPANY, INCORPORATED MAR. 20, 1908.](#)

**Execution Date:** Feb. 28, 1961

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

#### Assignee

**Name:** [BAUSCH & LOMB INCORPORATED](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

#### Correspondent

**Correspondent Name:** BAUSCH & LOMB INC.

**Correspondent Address:** PATENT DEPT.  
ROCHESTER 2, NY

#### Domestic Representative - Not Found

#### ▼ Assignment 2 of 7

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [2035/0187](#)

**Pages:** 10

**Date Recorded:** Feb. 04, 2000

**Supporting Documents:** [assignment-tm-2035-0187.pdf](#)

#### Assignor

**Name:** [BAUSCH & LOMB INCORPORATED](#)

**Execution Date:** Nov. 15, 1999

<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	NEW YORK
<b>Assignee</b>			
<b>Name:</b>	<a href="#">LUXOTTICA LEASING S.P.A.</a>		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	ITALY
<b>Address:</b>	VIA VALCOZZENA AGORDO (BELLUNO), ITALY 32021		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	ARENT FOX KINTNER PLOTKIN & KAHN, PLLC		
<b>Correspondent Address:</b>	MICHAEL A. GROW 1050 CONNECTICUT AVE., NW WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>▼ Assignment 3 of 7</b>			
<b>Conveyance:</b>	CHANGE IN LEGAL STATUS		
<b>Reel/Frame:</b>	<a href="#">3203/0851</a>	<b>Pages:</b>	5
<b>Date Recorded:</b>	Apr. 29, 2005		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-3203-0851.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">LUXOTTICA LEASING S.P.A.</a>	<b>Execution Date:</b>	May 10, 2004
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	ITALY
<b>Assignee</b>			
<b>Name:</b>	<a href="#">LUXOTTICA LEASING S.R.L.</a>		
<b>Legal Entity Type:</b>	LIMITED LIABILITY ITALY	<b>State or Country Where Organized:</b>	No Place Where Organized Found
<b>Address:</b>	VIA VALCOZZENA 10 AGORDO (BL), ITALY 32021		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	MICHAEL A. GROW		
<b>Correspondent Address:</b>	ARENT FOX PLLC 1050 CONNECTICUT AVENUE NW WASHINGTON, DC 20036		
<b>Domestic Representative - Not Found</b>			
<b>▼ Assignment 4 of 7</b>			
<b>Conveyance:</b>	NUNC PRO TUNC ASSIGNMENT		
<b>Reel/Frame:</b>	<a href="#">3155/0893</a>	<b>Pages:</b>	8
<b>Date Recorded:</b>	Apr. 29, 2005		
<b>Supporting Documents:</b>	<a href="#">assignment-tm-3155-0893.pdf</a>		
<b>Assignor</b>			
<b>Name:</b>	<a href="#">LUXOTTICA LEASING S.R.L.</a>	<b>Execution Date:</b>	Feb. 28, 2005
<b>Legal Entity Type:</b>	LIMITED LIABILITY CO	<b>State or Country Where Organized:</b>	ITALY
<b>Assignee</b>			
<b>Name:</b>	<a href="#">KILLER LOOP EYEWEAR S.R.L.</a>		
<b>Legal Entity Type:</b>	LIMITED LIABILITY CO	<b>State or Country Where Organized:</b>	ITALY
<b>Address:</b>	VIA VALCOZZENA 10 AGORDO (BL), ITALY 32021		
<b>Correspondent</b>			
<b>Correspondent Name:</b>	MICHAEL A. GROW		
<b>Correspondent Address:</b>	ARENT FOX PLLC 1050 CONNECTICUT AVENUE, NW		

WASHINGTON, DC 20036

**Domestic Representative - Not Found****▼ Assignment 5 of 7**

Conveyance: CHANGE IN LEGAL STATUS

Reel/Frame: [3205/0429](#)

Pages: 6

Date Recorded: Oct. 06, 2005

Supporting Documents: [assignment-tm-3205-0429.pdf](#)**Assignor**Name: [KILLER LOOP EYEWEAR S.R.L.](#)

Execution Date: Feb. 28, 2005

Legal Entity Type: LIMITED LIABILITY CO

State or Country Where  
Organized: No Place Where Organized Found**Assignee**Name: [KILLER LOOP EYEWEAR S.P.A.](#)

Legal Entity Type: UNKNOWN

State or Country Where  
Organized: No Place Where Organized FoundAddress: VIA VALCOZZENA 10  
AGORDO (BL), ITALY 32021**Correspondent**

Correspondent Name: MICHAEL A. GROW

Correspondent Address: ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036**Domestic Representative - Not Found****▼ Assignment 6 of 7**

Conveyance: MERGER

Reel/Frame: [3230/0499](#)

Pages: 11

Date Recorded: Jan. 19, 2006

Supporting Documents: [assignment-tm-3230-0499.pdf](#)**Assignor**Name: [KILLER LOOP EYEWEAR S.P.A.](#)

Execution Date: Sep. 16, 2005

Legal Entity Type: CORPORATION

State or Country Where  
Organized: ITALY**Assignee**Name: [LUXOTTICA S.R.L.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: ITALYAddress: VIA VALCOZZENA, 10  
32021 AGORDO (BL), ITALY**Correspondent**

Correspondent Name: MICHAEL A. GROW

Correspondent Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036**Domestic Representative**Domestic Representative  
Name: MICHAEL A. GROWDomestic Representative  
Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036**▼ Assignment 7 of 7**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3695/0294](#)

Pages: 9

Date Recorded: Jan. 14, 2008

Supporting Documents: [assignment-tm-3695-0294.pdf](#)


<b>Assignor</b>			
Name:	<a href="#">LUXOTTICA S.R.L.</a>	Execution Date:	Dec. 20, 2007
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	ITALY
<b>Assignee</b>			
Name:	<a href="#">LUXOTTICA GROUP S.P.A.</a>		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	No Place Where Organized Found
Address:	VIA CESARE CANTU, 2 20123 MILAN (MI), ITALY		
<b>Correspondent</b>			
Correspondent Name:	MICHAEL A. GROW		
Correspondent Address:	1050 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036		
<b>Domestic Representative</b>			
Domestic Representative Name:	MICHAEL A. GROW		
Domestic Representative Address:	1050 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036		
<b>▼ Proceedings</b>			
Summary		▼ Party type	▼ Proceeding type
Number of Proceedings: 1			
▼ Type of Proceeding: Opposition			▲ Collapse All
Proceeding Number:	<a href="#">91240033</a>	Filing Date:	Mar 14, 2018
Status:	Terminated	Status Date:	Aug 06, 2018
Interlocutory Attorney:	ELIZABETH WINTER		
<b>Defendant</b>			
Name:	Roy Burchett		
Correspondent Address:	ROY BURCHETT SUNBELT USA INC P O BOX 760 LA VERNE CA UNITED STATES , 91750		
Correspondent e-mail:	<a href="mailto:royb@sunbeltusainc.com">royb@sunbeltusainc.com</a>		
<b>Associated marks</b>			
Mark	Application Status	Serial Number	Registration Number
WAYVIATOR	Abandoned - After Inter-Partes Decision	<a href="#">87507399</a>	
<b>Plaintiff(s)</b>			
Name:	Luxottica Group S.p.A.		
Correspondent Address:	KAREN KREIDER GAUNT DINSMORE & SHOHL LLP 255 E 5TH ST STE 1900 CINCINNATI OH UNITED STATES , 45202		
Correspondent e-mail:	<a href="mailto:karen.gaunt@dinsmore.com">karen.gaunt@dinsmore.com</a> , <a href="mailto:robin.bissantz@dinsmore.com">robin.bissantz@dinsmore.com</a> , <a href="mailto:govinda.davis@dinsmore.com">govinda.davis@dinsmore.com</a> , <a href="mailto:muwunsche@dinsmore.com">muwunsche@dinsmore.com</a>		
<b>Associated marks</b>			
Mark	Application Status	Serial Number	Registration Number
WAYFARER	REGISTERED AND RENEWED	<a href="#">71655230</a>	<a href="#">595513</a>
<b>Prosecution History</b>			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 14, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 14, 2018	Apr 23, 2018
3	PENDING, INSTITUTED	Mar 14, 2018	
4	D REQ TO W/DRAW AS ATTORNEY	Apr 12, 2018	

5	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 23, 2018	May 23, 2018
6	D REQ TO W/DRAW AS ATTORNEY	May 15, 2018	
7	RESPONSE DUE 30 DAYS (DUE DATE)	May 18, 2018	Jun 17, 2018
8	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 27, 2018	Jul 27, 2018
9	BD DECISION: SUSTAINED	Aug 06, 2018	
10	TERMINATED	Aug 06, 2018	

# EXHIBIT B





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## EYEGLASSES

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When an oval shape meets a double bridge a new, unmissable Pre-Release is born.

**SHOP THE PRE-RELEASE**

**SCROLL DOWN**



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Two times iconic. Two times original. Only a few pairs. Get them before they're gone.

**SHOP THE LIMITED EDITION**



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[View all Most Popular](#)





ROUND DOUBLE BRIDGE

\$ 188.00



AVIATOR OPTICS

\$ 168.00

**REMIX**   
ONLY AVAILABLE ON RAY-BAN.COM

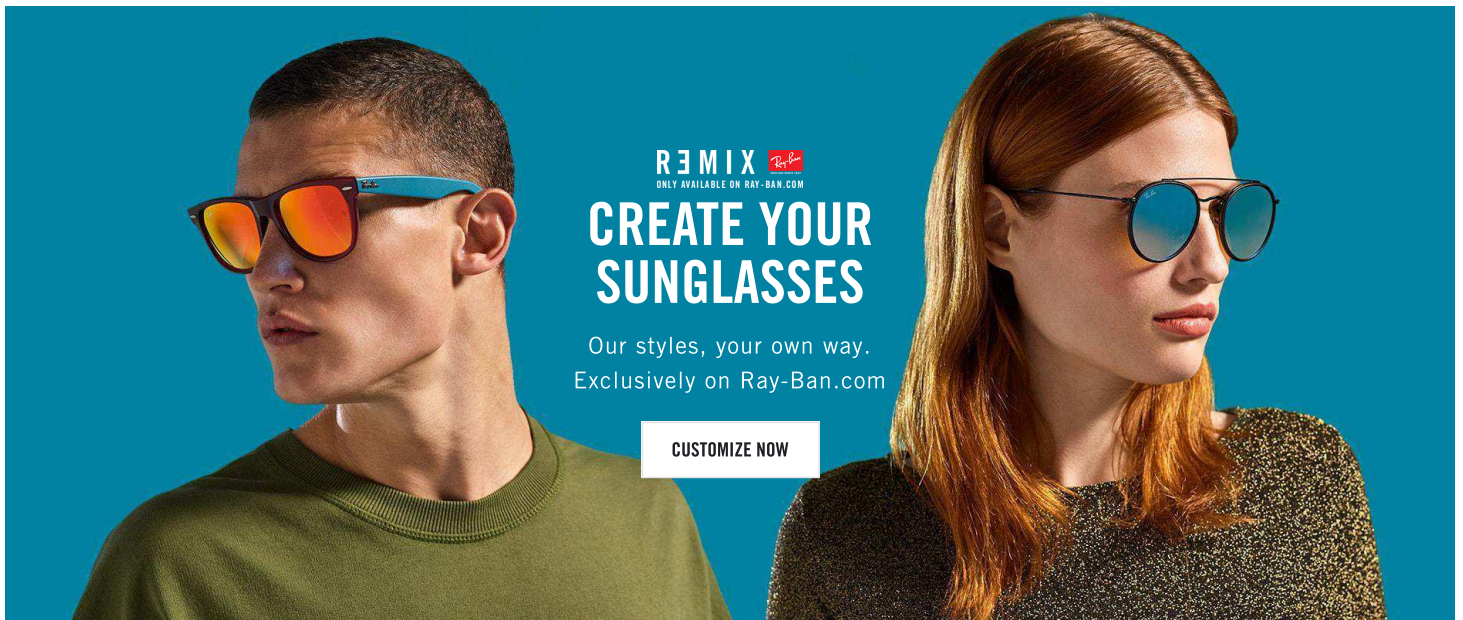
AVIATOR


CUSTOMIZE NOW



SPECIAL EDITION RUGGED CASE

\$ 25.00



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ONLY AVAILABLE ON RAY-BAN.COM

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Our styles, your own way.  
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RAY-BAN STUDIOS

A new incredible project. Two unique models by The Martinez Brothers.

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SCUDERIA FERRARI COLLECTION

Since setting the pace requires a certain dose of attitude.

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RAY-BAN BEAT

We love festivals too. That's why we created this new, colorful gem.

SHOP THE FRAME

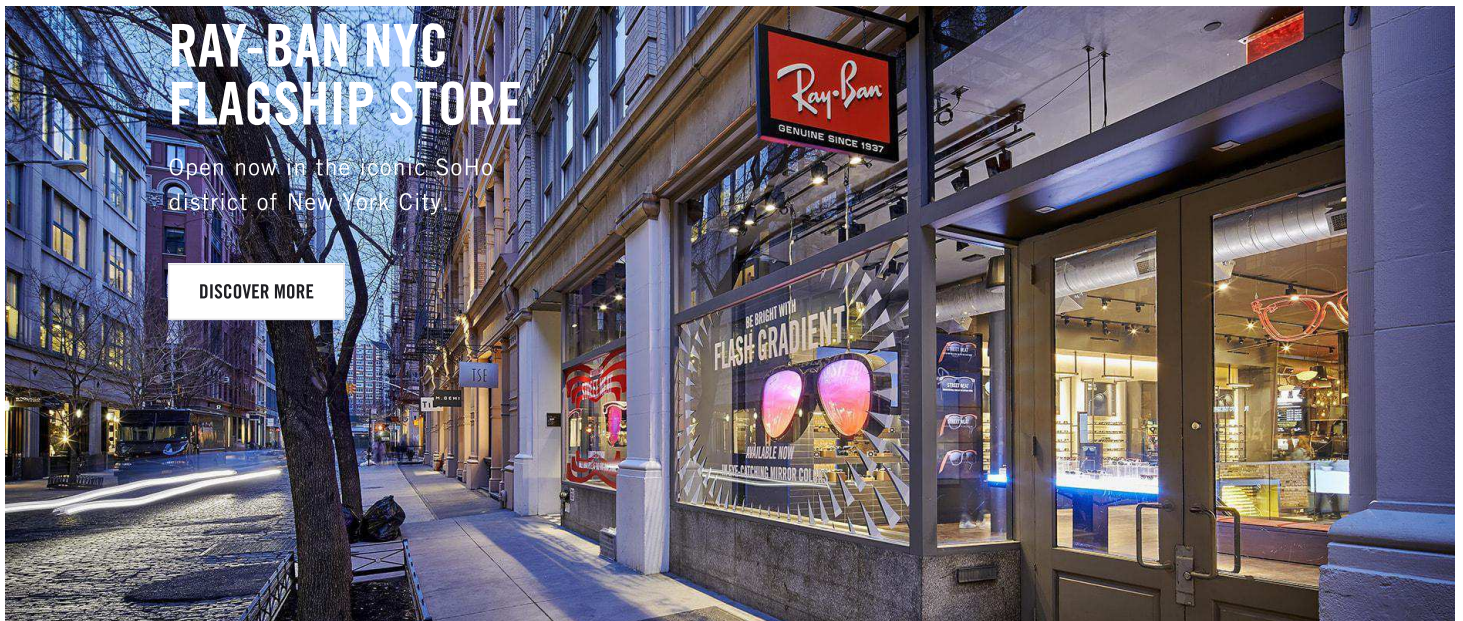
THE ONES



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BECOME ONE OF US.

The Ray-Ban world is all yours with the  
exclusive  
perks offered by The Ones Club

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New Arrivals

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## TIMELESS WAYFARER

### ORIGINAL WAYFARER CLASSIC



6 COLORS

from \$ 150.00

### ORIGINAL WAYFARER @COLLECTION



3 COLORS

from \$ 153.00



### CUSTOMIZE NOW Wayfarer



### WAYFARER EASE



8 COLORS

from \$ 153.00

### WAYFARER FOLDING CLASSIC



4 COLORS

from \$ 153.00

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### ORIGINAL WAYFARER FLORAL



2 COLORS

from \$ 175.00

### ORIGINAL WAYFARER PIXEL



3 COLORS

from \$ 175.00

### ORIGINAL WAYFARER DENIM



1 COLOR

from \$ 200.00

## ORIGINAL WAYFARER BICOLOR



2 COLORS

from \$ 175.00

## WAYFARER FOLDING FLASH LENSES



4 COLORS

from \$ 178.00

## ORIGINAL WAYFARER CAMOUFLAGE



1 COLOR

from \$ 175.00

## WAYFARER POP



4 COLORS

from \$ 203.00

## THE MARTINEZ BROTHERS WAYFARER



2 COLORS

from \$ 183.00

## TECH WAYFARER

## RB4195M SCUDERIA FERRARI COLLEC...



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from \$ 233.00

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New Arrivals

SORT BY:

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## NEW WAYFARER

### NEW WAYFARER CLASSIC



7 COLORS

from \$ 143.00

### NEW WAYFARER @COLLECTION



4 COLORS

from \$ 140.00



### CUSTOMIZE NOW New Wayfarer



## COLORFUL NEW WAYFARER

### NEW WAYFARER COLOR MIX



11 COLORS

from \$ 143.00

### NEW WAYFARER FLASH LENSES



5 COLORS

from \$ 165.00

### NEW WAYFARER FLASH GRADIENT LEN...



3 COLORS

from \$ 158.00

### NEW WAYFARER WITH ALCANTARA®



4 COLORS

from \$ 143.00

### NEW WAYFARER BICOLOR



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EYEGLASSES

CUSTOMIZE



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Thrill, Priority, Plus: the Ray-Ban world is all yours with the exclusive perks offered by The Ones Club

ENJOY ALL THE BENEFITS OF THE ONES





## THRILLS

As a The Ones member, you are at the front of the line at all the Ray-Ban events: concerts, festivals and lifestyle happenings.



## PRIORITY

Join The Ones and gain privileged access to unreleased Collections and to limited-edition capsule collections.



## PLUS

Enjoy many fantastic exclusive services for your Ray-Ban glasses, reserved to The Ones club members only.



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