

ESTTA Tracking number: **ESTTA951920**

Filing date: **02/04/2019**

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	The Behemoth
Granted to Date of previous extension	02/06/2019
Address	302 Washington Street #616 San Diego, CA 92103 UNITED STATES

Attorney information	Gregory B. Phillips Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com (949) 760-0404
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Applicant Information

Application No	87927933	Publication date	10/09/2018
Opposition Filing Date	02/04/2019	Opposition Period Ends	02/06/2019
Applicant	Royer Productions Studio 123 501 West Fayette Street Syracuse, NY 13204 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment, namely, a continuing animated show broadcast over television, internet and video media
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law rights as asserted in the Notice of Opposition

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2979780	Application Date	01/27/2004
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Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	ALIEN HOMINID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/07/18 First Use In Commerce: 2004/11/17 Computer game programs; computer game discs; interactive video game programs; video game discs		

U.S. Registration No.	4543682	Application Date	08/24/2009
Registration Date	06/03/2014	Foreign Priority Date	NONE
Word Mark	ALIEN HOMINID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2013/03/22 First Use In Commerce: 2013/03/22 Non-metal and non-leather key chains; non-metal key rings; plastic key rings Class 025. First use: First Use: 2003/07/22 First Use In Commerce: 2003/07/22 Clothing, namely, shirts, pants, jackets, sweatshirts, shorts, t-shirts; headwear Class 028. First use: First Use: 2004/07/22 First Use In Commerce: 2004/07/22 Skateboards and parts and accessories therefor, namely, skateboard decks; toys, namely, stuffed toys and action figures		

Attachments	78358383#TMSN.png(bytes) 77811689#TMSN.png(bytes) Notice of Opposition with Exhibit A - BEHE.030M.pdf(244993 bytes)
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Signature	/jacob rosenbaum/
Name	Jacob Rosenbaum
Date	02/04/2019

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

THE BEHEMOTH)	Opposition No.: _____
a California corporation,)	
Opposer,)	U.S. Serial No.:
)	87/927933
v.)	
)	Mark: IDMID THE HOMINID
Royer Productions, composed of Lawrence Royer-)	
USA,)	
a New York Sole Proprietorship,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Opposer, The Behemoth, a California corporation, located and doing business at 302 Washington Street, #616, San Diego, California 92103 (“Opposer”), believes that it will be damaged by the registration of U.S. Serial No. 87/927933 for the mark IDMID THE HOMINID in International Class 41 (the “Application”), filed by Royer Productions, composed of Lawrence Royer-USA, a New York Sole Proprietorship, with an address of 501 West Fayette Street, Studio 123, Syracuse, New York 13204 (“Applicant”), and therefore opposes the same.

A Description of Applicant’s Application is as follows:

Alleged Mark:	IDMID THE HOMINID
Serial No.:	87/927933
Filing Date:	May 18, 2018

Publication Date: October 9, 2018

Int'l Class: 41

Services: Entertainment, namely, a continuing animated show broadcast over television, internet and video media

Filing Basis: Intent to Use – Section 1(b)

As grounds of opposition, Opposer alleges as follows:

1. Since at least as early as 2003, and long before Applicant filed the Application, Opposer has been using, and has registered its ALIEN HOMINID® mark in connection with video games and apparel, including shirts, pants, jackets, sweatshirts, shorts, t-shirts, headwear, as well as key rings, figurines, and sporting goods. The use of Opposer's ALIEN HOMINID® mark is valid and continuous.

2. Opposer is a video game developer and publisher that provides popular video games for play on multiple platforms, including personal computers, video game consoles, and mobile applications. Opposer's ALIEN HOMINID® game is an award winning, side-scroller shooter game that features unique, two-dimensional hand-drawn graphics utilizing bright colors.

3. Opposer is the owner of and relies upon incontestable United States Trademark Registration No. 2979780 for the mark ALIEN HOMINID® for "Computer game programs; computer game discs; interactive video game programs; video game discs" in International Class 9. The application for this mark was filed on January 27, 2004, and registered on July 26, 2005. In connection with the goods listed in the registration, Opposer's ALIEN HOMINID® mark was first used at least as early as July 18, 2003, and was first used in commerce at least as early as November 17, 2004. Opposer first used this mark and obtained its registration long before Applicant filed its Application.

4. Opposer is the owner of and relies upon United States Trademark Registration No. 4543682 for the mark ALIEN HOMINID® for “Non-metal and non-leather key chains; non-metal key rings; plastic key rings” in International Class 20, “Clothing, namely, shirts, pants, jackets, sweatshirts, shorts, t-shirts; headwear” in International Class 25, and “Skateboards and parts and accessories therefore, namely, skateboard decks; toys, namely, stuffed toys and action figures” in International Class 28. The application for this mark was filed on August 24, 2009, and registered on June 3, 2014. In connection with the goods listed in International Class 25 of the registration, Opposer’s ALIEN HOMINID® mark was first used anywhere, and in interstate commerce, at least as early as July 22, 2003. In connection with the goods listed in International Class 28 of the registration, Opposer’s ALIEN HOMINID® mark was first used anywhere, and in interstate commerce, at least as early as July 22, 2004. In connection with the goods listed in International Class 20 of the registration, Opposer’s ALIEN HOMINID® mark was first used anywhere, and in interstate commerce, at least as early as March 22, 2013. Opposer first used this mark and obtained its registration long before Applicant filed its Application.

5. Opposer, through substantial use, advertising and promotion of its goods and services under Opposer’s ALIEN HOMINID® mark, has acquired significant goodwill and consumer recognition, at great expense and effort, in Opposer’s ALIEN HOMINID® mark.

6. Since at least as early as 2003, Opposer has invested substantial amounts of time, effort and money in Opposer’s ALIEN HOMINID® mark throughout the United States. Opposer has used Opposer’s ALIEN HOMINID® mark throughout the United States and such use has been continuous since at least as early as the dates of first use listed above. As such, in addition to the protection afforded Opposer by the federal registrations for Opposer’s ALIEN HOMINID® mark, Opposer has extensive, non-registered statutory and common-law rights in

Opposer's ALIEN HOMINID® mark for its goods and services throughout the United States. Furthermore, Opposer's common law rights for Opposer's ALIEN HOMINID® mark predate the filing date of Applicant's Application.

7. Opposer's registration for Opposer's ALIEN HOMINID® mark as specified in Paragraph 3 is incontestable. As such, it constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Opposer's ownership of its mark, and of Opposer's exclusive right to use the registered mark in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

8. Opposer's registrations for Opposer's ALIEN HOMINID® mark as specified in Paragraphs 3–4 above (collectively "Opposer's ALIEN HOMINID® Registrations") are valid, subsisting, unrevoked, uncanceled, and not abandoned. As such, Opposer's ALIEN HOMINID® Registrations constitute *prima facie* evidence of the validity of the registered Opposer's ALIEN HOMINID® mark and of the registrations thereof, Opposer's ownership of Opposer's ALIEN HOMINID® mark, and Opposer's exclusive right to use Opposer's ALIEN HOMINID® mark in commerce in connection with the goods named therein, without condition or limitation. Opposer's Registrations also constitute notice to Applicant of Opposer's claim of ownership of Opposer's ALIEN HOMINID® mark, all as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946, as amended. True and correct copies of printouts from the electronic database records (TSDR) of the U.S. Patent and Trademark Office showing the current status and title of Opposer's ALIEN HOMINID® Registrations are attached hereto as Exhibit A.

9. Opposer also relies on its senior common law trademark rights in Opposer's ALIEN HOMINID® mark as a ground for this Opposition.

10. Opposer's dates of first use and filing dates for Opposer's ALIEN HOMINID® mark subject of Opposer's ALIEN HOMINID® Registrations precede the Application's filing date.

11. Applicant's IDMID THE HOMINID mark and Opposer's ALIEN HOMINID® mark are highly similar in sight and sound, as well as commercial impression.

12. Applicant's Application is for "Entertainment, namely, a continuing animated show broadcast over television, internet and video media" in International Class 41, which services are identical or highly related to the goods listed in Opposer's ALIEN HOMINID® Registrations.

13. Because the services listed in Applicant's Application are identical or highly related to the goods listed in Opposer's ALIEN HOMINID® Registrations, it is alleged that Applicant's consumers and trade channels are identical or overlapping with Opposer's consumers and trade channels.

14. In view of the above, it is alleged that Applicant's IDMID THE HOMINID mark so resembles Opposer's ALIEN HOMINID® mark that Applicant's IDMID THE HOMINID mark will likely cause confusion or cause mistake or deceive under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). In view of Opposer's prior statutory and common law trademark rights, Applicant is not entitled to registration of the Application pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

CONCLUSION

15. By reason of the foregoing, Opposer will be damaged by the registration of U.S. Trademark Application Serial No. 87/927933 for the mark IDMID THE HOMINID.

WHEREFORE, Opposer requests that U.S. Trademark Application Serial No. 87/927933 for the mark IDMID THE HOMINID be rejected and stricken, that no registration be issued thereon to Applicant, and this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover any additional fees which may be required, including any fees for additional extension of time, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 4, 2019

By: /Jacob R. Rosenbaum/
Gregory B. Phillips
Jacob R. Rosenbaum
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Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
efiling@knobbe.com
Attorneys for Opposer,
THE BEHEMOTH

29778414

EXHIBIT A

Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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Mark: ALIEN HOMINID

ALIEN HOMINID

US Serial Number: 78358383

Application Filing Date: Jan. 27, 2004

US Registration Number: 2979780

Registration Date: Jul. 26, 2005

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 10, 2015

Publication Date: Oct. 26, 2004

Notice of Allowance Date: Jan. 18, 2005

Mark Information

Mark Literal Elements: ALIEN HOMINID

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

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

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

For: Computer game programs; computer game discs; interactive video game programs; video game discs

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 18, 2003

Use in Commerce: Nov. 17, 2004

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The Behemoth

Owner Address: 302 Washington Street, #616
San Diego, CALIFORNIA UNITED STATES 92103

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory B. Phillips

Docket Number: BEHE.004T

Attorney Primary Email Address: efiling@knobbe.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory B. Phillips

KNOBBE, MARTENS, OLSON & BEAR LLP
2040 Main Street, 14th Floor
IRVINE, CALIFORNIA UNITED STATES 92614

Phone: 949-760-0404

Fax: (949) 760-9502

Correspondent e-mail: efiling@knobbe.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 10, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 10, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Feb. 10, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Feb. 10, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jan. 28, 2015	TEAS SECTION 8 & 9 RECEIVED	
Feb. 07, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Feb. 07, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Jan. 25, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jul. 26, 2005	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
May 27, 2005	ASSIGNED TO LIE	68552
May 11, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 11, 2005	STATEMENT OF USE PROCESSING COMPLETE	66121
Apr. 26, 2005	USE AMENDMENT FILED	66121
Apr. 26, 2005	TEAS STATEMENT OF USE RECEIVED	
Jan. 18, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 2004	PUBLISHED FOR OPPOSITION	
Oct. 06, 2004	NOTICE OF PUBLICATION	
Sep. 01, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287

Aug. 27, 2004	ASSIGNED TO LIE	78287
Aug. 18, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2004	ASSIGNED TO EXAMINER	76505
Feb. 05, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 26, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 10, 2015

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceeding type

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91233804](#)

Filing Date: Apr 04, 2017

Status: Terminated

Status Date: Oct 16, 2017

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: HominidGear, LLC

Correspondent Address: LOIS W MAYER
NIELSEN & MAYER PLLC
200 N POPLAR STREET
TOMBALL TX UNITED STATES , 77375

Correspondent e-mail: lmayer@jdnlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
HOMINID GEAR	Abandoned - After Inter-Partes Decision	87085691	

Plaintiff(s)

Name: The Behemoth

Correspondent Address: GREGORY B PHILLIPS
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE CA UNITED STATES , 92614

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ALIEN HOMINID	REGISTERED AND RENEWED	78358383	2979780
ALIEN HOMINID	Registered	77811689	4543682

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 04, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 04, 2017	May 14, 2017
3	PENDING, INSTITUTED	Apr 04, 2017	
4	ANSWER	May 15, 2017	
5	P MOT FOR EXT W/ CONSENT	Jul 06, 2017	
6	EXTENSION OF TIME GRANTED	Jul 13, 2017	
7	P MOT FOR EXT W/ CONSENT	Aug 08, 2017	
8	EXTENSION OF TIME GRANTED	Aug 12, 2017	
9	W/DRAW OF APPLICATION	Oct 10, 2017	
10	BD DECISION: DISMISSED W/O PREJ	Oct 16, 2017	
11	TERMINATED	Oct 16, 2017	

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Starting Oct. 4, 2018, bulk data customers should no longer obtain direct access to TSDR data through tsdrsec.uspto.gov. [There are two alternative ways to receive bulk data from TSDR.](#)

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Mark: ALIEN HOMINID

ALIEN HOMINID

US Serial Number: 77811689

Application Filing Date: Aug. 24, 2009

US Registration Number: 4543682

Registration Date: Jun. 03, 2014

Register: Principal

Mark Type: Trademark

**TM5 Common Status
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jun. 03, 2014

Publication Date: Jan. 25, 2011

Notice of Allowance Date: Mar. 22, 2011

Mark Information

Mark Literal Elements: ALIEN HOMINID

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 [2979780](#)

Registrations:

Goods and Services

Note:

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

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

For: Non-metal and non-leather key chains; non-metal key rings; plastic key rings

International Class(es): 020 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 22, 2013

Use in Commerce: Mar. 22, 2013

For: Clothing, namely, shirts, pants, jackets, sweatshirts, shorts, t-shirts; headwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 22, 2003

Use in Commerce: Jul. 22, 2003

For: Skateboards and parts and accessories therefor, namely, skateboard decks; toys, namely, stuffed toys and action figures

International Class(es): 028 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 22, 2004

Use in Commerce: Jul. 22, 2004

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The Behemoth

Owner Address: 302 Washington Street, #616
San Diego, CALIFORNIA UNITED STATES 92103

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: AnneMarie Kaiser

Docket Number: BEHE.010T

Attorney Primary Email Address: efiling@kmob.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GREGORY B PHILLIPS
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Phone: 949-760-0404

Fax: 949-760-9502

Correspondent e-mail: efiling@kmob.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 03, 2014	REGISTERED-PRINCIPAL REGISTER	
Apr. 29, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 28, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Apr. 27, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 27, 2014	EXAMINER'S AMENDMENT ENTERED	88888

Apr. 27, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Apr. 27, 2014	EXAMINERS AMENDMENT E-MAILED	
Apr. 27, 2014	SU-EXAMINER'S AMENDMENT WRITTEN	74677
Apr. 22, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 22, 2014	NON-FINAL ACTION E-MAILED	
Apr. 22, 2014	SU - NON-FINAL ACTION - WRITTEN	74677
Mar. 27, 2014	STATEMENT OF USE PROCESSING COMPLETE	69302
Mar. 21, 2014	USE AMENDMENT FILED	69302
Mar. 21, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 27, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 26, 2013	EXTENSION 5 GRANTED	69302
Sep. 20, 2013	EXTENSION 5 FILED	69302
Sep. 20, 2013	TEAS EXTENSION RECEIVED	
Apr. 10, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 09, 2013	EXTENSION 4 GRANTED	69302
Mar. 20, 2013	EXTENSION 4 FILED	69302
Apr. 09, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Mar. 20, 2013	TEAS EXTENSION RECEIVED	
Sep. 25, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 22, 2012	EXTENSION 3 GRANTED	76985
Sep. 21, 2012	EXTENSION 3 FILED	76985
Sep. 21, 2012	TEAS EXTENSION RECEIVED	
Apr. 11, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 10, 2012	EXTENSION 2 GRANTED	76985
Mar. 20, 2012	EXTENSION 2 FILED	76985
Mar. 20, 2012	TEAS EXTENSION RECEIVED	
Sep. 24, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 23, 2011	EXTENSION 1 GRANTED	76985
Sep. 21, 2011	EXTENSION 1 FILED	76985
Sep. 23, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Sep. 21, 2011	TEAS EXTENSION RECEIVED	
Mar. 22, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 25, 2011	PUBLISHED FOR OPPOSITION	
Dec. 23, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Dec. 23, 2010	ASSIGNED TO LIE	68123
Dec. 02, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 02, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 02, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 02, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 02, 2010	EXAMINERS AMENDMENT -WRITTEN	74677
Nov. 20, 2010	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Nov. 20, 2010	SUBSEQUENT FINAL EMAILED	
Nov. 20, 2010	SUBSEQUENT FINAL REFUSAL WRITTEN	74677
Nov. 14, 2010	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 15, 2010	EX PARTE APPEAL-INSTITUTED	811689
Nov. 15, 2010	JURISDICTION RESTORED TO EXAMINING ATTORNEY	811689
Nov. 15, 2010	EXPARTE APPEAL RECEIVED AT TTAB	

May 14, 2010	NOTIFICATION OF FINAL REFUSAL EMAILED	
May 14, 2010	FINAL REFUSAL E-MAILED	
May 14, 2010	FINAL REFUSAL WRITTEN	74677
May 13, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 12, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 02, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 02, 2009	NON-FINAL ACTION E-MAILED	6325
Dec. 02, 2009	NON-FINAL ACTION WRITTEN	74677
Nov. 28, 2009	ASSIGNED TO EXAMINER	74677
Aug. 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 27, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 28, 2014

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceeding type

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91233804](#)

Filing Date: Apr 04, 2017

Status: Terminated

Status Date: Oct 16, 2017

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: HominidGear, LLC

Correspondent Address: LOIS W MAYER
 NIELSEN & MAYER PLLC
 200 N POPLAR STREET
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Associated marks

Mark	Application Status	Serial Number	Registration Number
HOMINID GEAR	Abandoned - After Inter-Partes Decision	87085691	

Plaintiff(s)

Name: The Behemoth

Correspondent Address: GREGORY B PHILLIPS
 KNOBBE MARTENS OLSON & BEAR LLP
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 IRVINE CA UNITED STATES , 92614

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Associated marks

Mark	Application Status	Serial Number	Registration Number
ALIEN HOMINID	REGISTERED AND RENEWED	78358383	2979780

ALIEN HOMINID Registered [77811689](#) [4543682](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 04, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 04, 2017	May 14, 2017
3	PENDING, INSTITUTED	Apr 04, 2017	
4	ANSWER	May 15, 2017	
5	P MOT FOR EXT W/ CONSENT	Jul 06, 2017	
6	EXTENSION OF TIME GRANTED	Jul 13, 2017	
7	P MOT FOR EXT W/ CONSENT	Aug 08, 2017	
8	EXTENSION OF TIME GRANTED	Aug 12, 2017	
9	W/DRAW OF APPLICATION	Oct 10, 2017	
10	BD DECISION: DISMISSED W/O PREJ	Oct 16, 2017	
11	TERMINATED	Oct 16, 2017	

Type of Proceeding: Exparte Appeal

Proceeding Number: 77811689	Filing Date: Nov 14, 2010
Status: Terminated	Status Date: Jan 26, 2011
Interlocutory Attorney:	
Plaintiff(s)	
Name: The Behemoth	
Correspondent Address: GREGORY B PHILLIPS KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET, 14TH FLOOR IRVINE CA UNITED STATES , 92614-8214	
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Associated marks

Mark	Application Status	Serial Number	Registration Number
ALIEN HOMINID	Registered	77811689	4543682

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Nov 14, 2010	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Nov 15, 2010	
3	INSTITUTED	Nov 15, 2010	
4	REQUEST FOR RECONSIDERATION	Nov 14, 2010	
5	RECONSIDERATION DENIED	Nov 20, 2010	
6	PROCEEDINGS RESUMED	Dec 01, 2010	
7	APPLICANT'S COMMUNICATION	Jan 24, 2011	
8	BOARD'S DECISION: DISMISSED	Jan 26, 2011	
9	TERMINATED	Jan 26, 2011	