

ESTTA Tracking number: **ESTTA1007434**

Filing date: **10/08/2019**

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	Action Products, Inc.
Granted to Date of previous extension	10/13/2019
Address	954 SWEENEY DRIVE HAGERSTOWN, MD 21740 UNITED STATES

Attorney information	THOMAS J. VANDE SANDE HALL & VANDE SANDE, LLC 10220 RIVER ROAD, SUITE 200 POTOMAC, MD 20854 UNITED STATES tv@hvslc.com 301-983-2500
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Applicant Information

Application No	88216936	Publication date	04/16/2019
Opposition Filing Date	10/08/2019	Opposition Period Ends	10/13/2019
Applicant	ILOVEGOODIE@BAG PTE LTD 8 SUFFOLK WALK #05-10 Singapore, 307465 SINGAPORE		

Goods/Services Affected by Opposition

Class 028. First Use: 2018/07/01 First Use In Commerce: 2018/07/01 All goods and services in the class are opposed, namely: Athletic equipment, namely, hand wraps; Athletic sporting goods, namely, athletic wrist and joint supports; Athletic sporting goods, namely, under-eye grease for reducing glare; Hand wraps for sportsuse; Knee guards for athletic use; Muscle training braces to be worn on the back for support when playing sports; Protective supports for shoulders and elbows; Wrist guards for athletic use


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1346201	Application Date	07/23/1982
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Registration Date	07/02/1985	Foreign Priority Date	NONE
Word Mark	ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1970/03/23 First Use In Commerce: 1970/03/23 Pads and/or Cushions for Beds, Chairs, Operating Tables, and Bassinets		

U.S. Registration No.	1346202	Application Date	07/23/1982
Registration Date	07/02/1985	Foreign Priority Date	NONE
Word Mark	ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1974/04/16 First Use In Commerce: 1974/06/21 Pads and/or Cushions for Beds, Chairs, Operating Tables, and Bassinets		

U.S. Registration No.	1398590	Application Date	08/16/1985
Registration Date	06/24/1986	Foreign Priority Date	NONE
Word Mark	ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/07/15 First Use In Commerce: 1984/07/15 [ELASTOMERIC SHOE INSOLES] Class 028. First use: First Use: 1970/03/23 First Use In Commerce: 1970/03/23 ELASTOMERIC HAND EXERCISERS		

U.S. Registration No.	1289020	Application Date	06/15/1983
Registration Date	08/07/1984	Foreign Priority Date	NONE
Word Mark	AKTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1982/10/26 First Use In Commerce: 1982/10/26		

	Viscoelastic Polymeric Material in Sheet Form and Cast Shapes for Use in Manufacture
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U.S. Application No.	87061400	Application Date	06/06/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ACTION		
Design Mark	<h1>ACTION</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 elastomeric shoe insoles		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ACTION		
Goods/Services	various medical goods including braces, supports, positioning, cushioning, padding goods for human use as to which common law rights are claimed		

Attachments	73376186#TMSN.png(bytes) 87061400#TMSN.png(bytes) Not. of Opp. SN 88216936.pdf(1015082 bytes) Not. of Opp. SN 88216936 Exhibit A.pdf(2962499 bytes) Not. of Opp. SN 88216936 Exhibit B.pdf(611597 bytes)
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Signature	/thomasjvandesande/
Name	THOMAS J. VANDE SANDE
Date	10/08/2019

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

In the matter of: Serial No. 88216936
Date of Filing: December 4, 2018
Mark: ACTION TRIBEX and design
Date of Publication: April 16, 2019

Action Products, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
ILOVEGOODIE@BAG PTE LTD. dba Action Tribex)	
Limited Liability Company)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer, Action Products, Inc. (hereinafter, "Opposer") is a corporation duly organized and existing under the laws of the state of Maryland, with a principal place of business at 954 Sweeney Drive, Hagerstown, Maryland 21740.

Action Products, Inc. believes it will be damaged by the registration of U.S. Trademark Application Serial No. 88216936 for ACTION TRIBEX and design ("Applicant's Mark") covering "athletic equipment, namely, hand wraps; athletic sporting goods, namely, athletic wrist and joint supports; athletic sporting goods, namely, under-eye grease for reducing glare; hand wraps for sports use; knee guards for athletic use; muscle training braces to be worn on the back for support when playing sports; protective supports for shoulders and elbows; wrist guards for athletic use," in class 28 and hereby opposes the same.

As grounds in support for this opposition, Opposer alleges the following:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term ACTION in the advertisement, promotion and offering of its goods.
2. Opposer has significant common law interests and common law rights in and to ACTION as a trademark, trade name which has been in use by Opposer in interstate commerce since at least as early as 1970.
3. In addition, Opposer owns the following registrations ("Opposer's Registrations") for Opposer's Marks:

Mark	Registration No.	Registration Date
ACTION	1346201	July 2, 1985
ACTION and Design	1346202	July 2, 1985
ACTION	1398590	June 24, 1986
AKTON	1289020	August 7, 1984

The aforesaid registrations are valid and subsisting. Printouts from the electronic records of the United States Patent and Trademark Office showing the current status and title of Opposer's Registrations are attached to this Notice of Opposition as Exhibit A.

4. Opposer has also filed an application ("Opposer's Application") pending registration for Opposer's mark:

Mark	Serial No.	Filing Date
ACTION	87061400	June 6, 2016

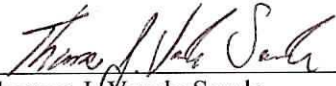
The aforesaid application is valid and was published for opposition on November 8, 2016. A printout from the electronic record of the United States Patent and Trademark Office showing the current status and title of Opposer's Application is attached to this Notice of Opposition as Exhibit B.

5. Each of the registrations identified in Paragraph 3 constitutes *prima facie* evidence of validity and of Opposer's ownership of and exclusive right to use the referenced marks in commerce, and provides constructive notice of ownership thereof by Opposer.
6. Opposer's Registrations were issued prior to the filing date of the Opposed Application.
7. Opposer has continuously used each of Opposer's Marks since long before the date of first use claimed in the Opposed Application.
8. The Opposed Application seeks to register the mark ACTION TRIBEX and design for goods which are identical, substantially similar, or closely related to Opposer's Goods.
9. Applicant's Goods and Opposer's Goods are likely to be advertised and sold in the same or similar channels of trade.
10. Applicant's Goods and Opposer's Goods are likely to be purchased by the same classes of consumers.
11. Applicant's Mark so closely resembles each of Opposer's Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive. As such, Applicant's mark is not entitled to registration pursuant to 15 U.S.C. § 1052(d).
12. Given Opposer's longstanding and prior trademark rights in and to its ACTION marks, any federal trademark registration for ACTION TRIBEX and design conferring exclusive, nationwide rights, would be improper and would interfere with Opposer's prior rights.
13. For the reasons stated above, Opposer is likely to be damaged by the registration of Applicant's Mark.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of the ACTION TRIBEX and design mark in Class 28 be refused.

Respectfully submitted,

Date: 10/8/19




Thomas J. Vande Sande
Lucas T. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, Maryland 20854
Tel: 301-983-2500
Attorneys for Opposer

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION and Exhibits A and B thereto are being filed electronically with the TTAB via ESTTA on this 8th day of October, 2019.

Date: 10/8/19



Thomas J. Vande Sande
Lucas T. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, Maryland 20854
Tel: 301-983-2500
Attorneys for Opposer

Notice of Opposition

Serial No. 88216936

Exhibit A

Generated on: This page was generated by TSDR on 2019-10-08 11:56:16 EDT

Mark: ACTION

US Serial Number: 73553795

Application Filing Date: Aug. 16, 1985

US Registration Number: 1398590

Registration Date: Jun. 24, 1986

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 27, 2016

Publication Date: Apr. 01, 1986

Mark Information

Mark Literal Elements: ACTION

Standard Character Claim: No

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

Related Properties Information

Claimed Ownership of US Registrations: 1289020, 1346201, 1346202

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: [ELASTOMERIC SHOE INSOLES]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Jul. 15, 1984

Use in Commerce: Jul. 15, 1984

For: ELASTOMERIC HAND EXERCISERS

International Class(es): 028 - Primary Class

U.S Class(es): 022

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 1970

Use in Commerce: Mar. 23, 1970

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	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: ACTION PRODUCTS, INC.
Owner Address: 954 Sweeney Drive
HAGERSTOWN, MARYLAND UNITED STATES 21740
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: THOMAS J VANDE SANDE
Docket Number: 4001.380
Attorney Primary Email Address: tv@hvsllc.com dnappi@hvsllc.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: THOMAS J VANDE SANDE
HALL & VANDE SANDE LLC
10220 RIVER RD STE 200
POTOMAC, MARYLAND UNITED STATES 20854
Phone: 301-983-2500
Fax: 301-983-2100
Correspondent e-mail: tv@hvsllc.com dnappi@hvsllc.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 27, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Aug. 27, 2016	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	64591
Aug. 27, 2016	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	64591
Aug. 27, 2016	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	64591
Aug. 27, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jun. 06, 2016	TEAS SECTION 8 & 9 RECEIVED	
Jun. 09, 2008	CASE FILE IN TICRS	
Aug. 09, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59807
Aug. 09, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 04, 2006	ASSIGNED TO PARALEGAL	59807
May 11, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 11, 2006	PAPER RECEIVED	
Feb. 23, 2005	PAPER RECEIVED	
Apr. 30, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 18, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 24, 1986	REGISTERED-PRINCIPAL REGISTER	
Apr. 01, 1986	PUBLISHED FOR OPPOSITION	
Mar. 04, 1986	NOTICE OF PUBLICATION	

Feb. 03, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 29, 1986	EXAMINERS AMENDMENT MAILED	
Dec. 18, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 21, 1985	NON-FINAL ACTION MAILED	
Oct. 10, 1985	ASSIGNED TO EXAMINER	59548
Sep. 28, 1985	ASSIGNED TO EXAMINER	59548

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Aug. 27, 2016

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91210143](#) Filing Date: Apr 09, 2013

Status: Terminated Status Date: Jun 27, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Aspen Medical Products, Inc.

Correspondent Address: MEI TSANG
FISH & ASSOCIATES PC
2603 MAIN ST, SUITE 1000
IRVINE CA UNITED STATES , 92614-4271

Correspondent e-mail: rdcan@fishiplaw.com, hcastro@fishiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTION-BACK	Abandoned - After Inter-Partes Decision	85359924	

Name: Action Products, Inc.

Correspondent Address: THOMAS J VANDE SANDE
HALL & VANDE SANDE LLC
10220 RIVER ROAD, SUITE 200
POTOMAC MD UNITED STATES , 20854

Correspondent e-mail: tv@hvsllc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTION	REGISTERED AND RENEWED	73376185	1346201
ACTION	REGISTERED AND RENEWED	73376186	1346202
ACTION	REGISTERED AND RENEWED	73553795	1398590

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 09, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2013	May 19, 2013
3	PENDING, INSTITUTED	Apr 09, 2013	
4	D MOT FOR EXT W/ CONSENT	May 10, 2013	
5	EXTENSION OF TIME GRANTED	May 10, 2013	

6	W/DRAW OF APPLICATION	Jun 13, 2013
7	BD DECISION: DISMISSED W/O PREJ	Jun 27, 2013
8	TERMINATED	Jun 27, 2013

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Mark: AKTON

US Serial Number: 73430287

Application Filing Date: Jun. 15, 1983

US Registration Number: 1289020

Registration Date: Aug. 07, 1984

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jul. 14, 2014

Publication Date: May 15, 1984

Mark Information

Mark Literal Elements: AKTON

Standard Character Claim: No

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

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: Viscoelastic Polymeric Material in Sheet Form and Cast Shapes for Use in Manufacture

International Class(es): 017 - Primary Class

U.S Class(es): 001

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 26, 1982

Use in Commerce: Oct. 26, 1982

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: Action Products, Inc.

Owner Address: 954 Sweeney Drive
Hagerstown, MARYLAND UNITED STATES 21740

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Thomas J. Vande Sande

Docket Number: 4001.620

Attorney Primary tv@hvsilc.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent Name/Address: Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MARYLAND UNITED STATES 20854

Phone: 301-983-2500

Fax: 301-983-2100

Correspondent e-mail: tv@hvsilc.com dnappi@hvsilc.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 14, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 14, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Jul. 14, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Jul. 09, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2011	CASE FILE IN TICRS	
Mar. 10, 2011	CASE FILE IN TICRS	
Sep. 26, 2006	REVIEW OF CORRESPONDENCE COMPLETE	59315
Feb. 23, 2005	PAPER RECEIVED	
Sep. 28, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 28, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 04, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 22, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 22, 2004	TEAS SECTION 8 & 9 RECEIVED	
Oct. 30, 1989	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Sep. 22, 1989	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 07, 1984	REGISTERED-PRINCIPAL REGISTER	
May 15, 1984	PUBLISHED FOR OPPOSITION	
Mar. 27, 1984	NOTICE OF PUBLICATION	
Feb. 03, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 1984	ASSIGNED TO EXAMINER	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 14, 2014

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Mark: ACTION

US Serial Number: 73376185

Application Filing Date: Jul. 23, 1982

US Registration Number: 1346201

Registration Date: Jul. 02, 1985

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 11, 2015

Publication Date: Apr. 23, 1985

Mark Information

Mark Literal Elements: ACTION

Standard Character Claim: No

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

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: Pads and/or Cushions for Beds, Chairs, Operating Tables, and Bassinets

International Class(es): 020 - Primary Class

U.S Class(es): 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 1970

Use in Commerce: Mar. 23, 1970

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: Action Products, Inc.

Owner Address: 954 Sweeney Drive
Hagerstown, MARYLAND UNITED STATES 21740

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: THOMAS J. VANDE SANDE

Docket Number: 4001.630

Attorney Primary tv@hvslc.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent THOMAS J. VANDE SANDE
Name/Address: HALL & VANDE SANDE, LLC
10220 RIVER RD STE 200
POTOMAC, MARYLAND UNITED STATES 20854

Phone: 301-983-2500

Fax: 301-983-2100

Correspondent e- tv@hvslc.com dnappi@hvslc.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 11, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 11, 2015	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	69471
Feb. 11, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Feb. 11, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jan. 30, 2015	TEAS SECTION 8 & 9 RECEIVED	
May 29, 2008	CASE FILE IN TICRS	
Sep. 09, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 09, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 01, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 07, 2005	ASSIGNED TO PARALEGAL	65765
Jul. 01, 2005	PAPER RECEIVED	
Mar. 11, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 17, 1990	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 02, 1985	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 1985	PUBLISHED FOR OPPOSITION	
Sep. 14, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 28, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 28, 1984	NON-FINAL ACTION MAILED	
Feb. 13, 1984	ASSIGNED TO EXAMINER	
Nov. 07, 1983	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 04, 1983	NON-FINAL ACTION MAILED	
Apr. 21, 1983	ASSIGNED TO EXAMINER	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 11, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91210143

Filing Date: Apr 09, 2013

Status: Terminated

Status Date: Jun 27, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Aspen Medical Products, Inc.

Correspondent Address: MEI TSANG, FISH & ASSOCIATES PC, 2603 MAIN ST, SUITE 1000, IRVINE CA UNITED STATES, 92614-4271

Correspondent e-mail: rdean@fishiplaw.com, hcastro@fishiplaw.com

Associated marks

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Row 1: ACTION-BACK, Abandoned - After Inter-Partes Decision, 85359924.

Name: Action Products, Inc.

Correspondent Address: THOMAS J VANDE SANDE, HALL & VANDE SANDE LLC, 10220 RIVER ROAD, SUITE 200, POTOMAC MD UNITED STATES, 20854

Correspondent e-mail: tv@hvslc.com

Associated marks

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Rows: ACTION, REGISTERED AND RENEWED, 73376185, 1346201; ACTION, REGISTERED AND RENEWED, 73376186, 1346202; ACTION, REGISTERED AND RENEWED, 73553795, 1398590.

Prosecution History

Table with 4 columns: Entry Number, History Text, Date, Due Date. Rows 1-8 detailing the history of the application from filing to termination.

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Mark: ACTION



US Serial Number: 73376186

Application Filing Date: Jul. 23, 1982

US Registration Number: 1346202

Registration Date: Jul. 02, 1985

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 11, 2015

Publication Date: Apr. 23, 1985

Mark Information

Mark Literal Elements: ACTION

Standard Character Claim: No

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

Design Search Code(s): 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

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: Pads and/or Cushions for Beds, Chairs, Operating Tables, and Bassinets

International Class(es): 020 - Primary Class

U.S Class(es): 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 16, 1974

Use in Commerce: Jun. 21, 1974

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: Action Products, Inc.
Owner Address: 954 Sweeney Drive
Hagerstown, MARYLAND UNITED STATES 21740
Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Thomas J. Vande Sande
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Docket Number: 4001.640
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 11, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 11, 2015	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Feb. 11, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Feb. 11, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jan. 30, 2015	TEAS SECTION 8 & 9 RECEIVED	
May 29, 2008	CASE FILE IN TICRS	
Sep. 12, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 12, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 12, 2005	ASSIGNED TO PARALEGAL	73376
Jul. 01, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 01, 2005	PAPER RECEIVED	
Mar. 11, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 17, 1990	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 02, 1985	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 1985	PUBLISHED FOR OPPOSITION	
Sep. 17, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 28, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 27, 1984	NON-FINAL ACTION MAILED	
Feb. 13, 1984	ASSIGNED TO EXAMINER	
Nov. 07, 1983	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 04, 1983	NON-FINAL ACTION MAILED	
Apr. 21, 1983	ASSIGNED TO EXAMINER	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 11, 2015

Proceedings

Summary

Number of 2

Proceedings:

Type of Proceeding: Opposition

Proceeding Number: [91210143](#)

Filing Date: Apr 09, 2013

Status: Terminated

Status Date: Jun 27, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Aspen Medical Products, Inc.

Correspondent Address: MEI TSANG
FISH & ASSOCIATES PC
2603 MAIN ST, SUITE 1000
IRVINE CA UNITED STATES , 92614-4271

Correspondent e-mail: rdean@fishiplaw.com , hcastro@fishiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTION-BACK	Abandoned - After Inter-Partes Decision	85359924	

Name: Action Products, Inc.

Correspondent Address: THOMAS J VANDE SANDE
HALL & VANDE SANDE LLC
10220 RIVER ROAD, SUITE 200
POTOMAC MD UNITED STATES , 20854

Correspondent e-mail: tv@hvslc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTION	REGISTERED AND RENEWED	73376185	1346201
ACTION	REGISTERED AND RENEWED	73376186	1346202
ACTION	REGISTERED AND RENEWED	73553795	1398590

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 09, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2013	May 19, 2013
3	PENDING, INSTITUTED	Apr 09, 2013	
4	D MOT FOR EXT W/ CONSENT	May 10, 2013	
5	EXTENSION OF TIME GRANTED	May 10, 2013	
6	W/DRAW OF APPLICATION	Jun 13, 2013	
7	BD DECISION: DISMISSED W/O PREJ	Jun 27, 2013	
8	TERMINATED	Jun 27, 2013	

Type of Proceeding: Opposition

Proceeding Number: [91165126](#)

Filing Date: May 04, 2005

Status: Terminated

Status Date: Feb 01, 2006

Interlocutory Attorney: PETER W CATALDO

Defendant

Name: LANGER, INC.

Correspondent Address: William H. Murray, Esquire
Duane Morris LLP
One Liberty Place
Philadelphia PA UNITED STATES , 19103-7396

Associated marks

Mark	Application Status	Serial Number	Registration Number
GEL ACTION	Abandoned - After Inter-Partes Decision	78166899	
	Plaintiff(s)		

Name: ACTION PRODUCTS, INC.

Correspondent THOMAS J. VANDE SANDE
Address: HALL, MYERS, VANDE SANDE & PEQUIGNOT, LLP
 10220 RIVER ROAD, SUITE 200
 POTOMAC MD UNITED STATES , 20854

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTION	REGISTERED AND RENEWED	73376186	1346202
	Prosecution History		

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 04, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 10, 2005	Jun 19, 2005
3	PENDING, INSTITUTED	May 10, 2005	
4	DEF'S CONSENTED MOTION FOR AN EXTENSION OF TIME TO FILE AN ANSWER	Jun 20, 2005	
5	REQUEST TO EXTEND GRANTED; ANSWER DUE 8/18/05	Jul 01, 2005	
6	NOTICE OF DEFAULT	Nov 08, 2005	
7	BOARD'S DECISION: SUSTAINED	Feb 01, 2006	
8	TERMINATED	Feb 01, 2006	

Notice of Opposition

Serial No. 88216936

Exhibit B

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Mark: ACTION

ACTION

US Serial Number: 87061400

Application Filing Date: Jun. 06, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jun. 19, 2019

Publication Date: Nov. 08, 2016

Notice of Allowance Date: Jan. 03, 2017

Mark Information

Mark Literal Elements: ACTION

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: elastomeric shoe insoles

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: Action Products, Inc.

Owner Address: 954 Sweeney Drive

Hagerstown, MARYLAND UNITED STATES 21740

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Thomas J. Vande Sande

Docket Number: 4001.930

Attorney Primary Email Address: tv@hvslc.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: THOMAS J. VANDE SANDE
HALL & VANDE SANDE, LLC
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POTOMAC, MARYLAND UNITED STATES 20854

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Correspondent e-mail: tv@hvslc.com dnappi@hvslc.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 19, 2019	EXTENSION 5 GRANTED	71034
Jun. 17, 2019	EXTENSION 5 FILED	71034
Jun. 19, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Jun. 17, 2019	TEAS EXTENSION RECEIVED	
Nov. 14, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 12, 2018	EXTENSION 4 GRANTED	98765
Nov. 12, 2018	EXTENSION 4 FILED	98765
Nov. 12, 2018	TEAS EXTENSION RECEIVED	
May 01, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 27, 2018	EXTENSION 3 GRANTED	98765
Apr. 27, 2018	EXTENSION 3 FILED	98765
Apr. 27, 2018	TEAS EXTENSION RECEIVED	
Oct. 27, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 25, 2017	EXTENSION 2 GRANTED	98765
Oct. 25, 2017	EXTENSION 2 FILED	98765
Oct. 25, 2017	TEAS EXTENSION RECEIVED	
May 17, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 15, 2017	EXTENSION 1 GRANTED	98765
May 15, 2017	EXTENSION 1 FILED	98765
May 15, 2017	TEAS EXTENSION RECEIVED	
Jan. 03, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 08, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2016	PUBLISHED FOR OPPOSITION	
Oct. 19, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 24, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2016	ASSIGNED TO EXAMINER	76503
Jun. 13, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CROSS, TRACY L

Law Office Assigned: LAW OFFICE 109