

ESTTA Tracking number: **ESTTA1190987**

Filing date: **02/15/2022**

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	Pem-America, Inc.		
Entity	Corporation	Citizenship	New York
Address	70 WEST 36TH STREET, 2ND FLOOR NEW YORK, NY 10018 UNITED STATES		
Attorney information	RICHARD P. JACOBSON JACOBSON LAW GROUP 445 PARK AVENUE - 9TH FLOOR NEW YORK, NY 10022 UNITED STATES Primary email: Rich@JacobsonTrademark.com Secondary email(s): Rich@JacobsonTrademark.com, suzejacobson@gmail.com 2125197733		
Docket no.			

**Applicant information**

Application no.	88937083	Publication date	01/25/2022
Opposition filing date	02/15/2022	Opposition period ends	02/24/2022
Applicant	Pegasus Home Fashions, Inc 107 TRUMBULL STREET ELIZABETH, NJ 07206 UNITED STATES		

**Goods/services affected by opposition**


Class 020. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Pillows; Bed pillows
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**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.	6273615	Application date	07/10/2019
Register	Principal		
Registration date	02/16/2021	Foreign priority date	NONE

Word mark	TRULY CALM
Design mark	
Description of mark	NONE
Goods/services	Class 024. First use: First Use: Jul 2020 First Use In Commerce: Jul 2020 Textile goods, namely, quilts, comforters, duvet covers, bed sheets, pillow cases, and pillow shams

U.S. registration no.	6092717	Application date	07/10/2019
Register	Principal		
Registration date	06/30/2020	Foreign priority date	NONE
Word mark	TRULY CALM		
Design mark			
Description of mark	NONE		
Goods/services	Class 024. First use: First Use: Aug 2019 First Use In Commerce: Aug 2019 Textile goods, namely, bed blankets, blanket throws		

U.S. registration no.	4273357	Application date	01/27/2012
Register	Principal		
Registration date	01/08/2013	Foreign priority date	NONE
Word mark	TRULY SOFT		

Design mark	<h1>TRULY SOFT</h1>
Description of mark	NONE
Goods/services	Class 024. First use: First Use: Aug 31, 2012 First Use In Commerce: Aug 31, 2012 Bed sheets; Comforters; Shams

U.S. application no.	88871237	Application date	04/14/2020
Registration date	NONE	Foreign priority date	NONE

Word mark TRULY CALM HOME FOR HEALTH

Design mark	<h1>TRULY CALM HOME FOR HEALTH</h1>
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Description of mark NONE

Goods/services

Class 010. First use: First Use: None First Use In Commerce: None  
Personal protective equipment, namely, surgical masks and sanitary masks for medical wellness purposes; surgical masks and respiratory masks for medical purposes; sanitary masks for medical purposes; sanitary masks for virus isolation purposes; medical gowns, surgical gowns; medical wearing apparel in the nature of coveralls; surgical and medical procedure drapes and sheets; patient isolation drapes; medical-equipment isolation drapes; shoe covers for medical purposes

Class 020. First use: First Use: None First Use In Commerce: None  
Bed pillows, decorative pillows, cushion pillows; shower curtain hooks, shower curtain rods; drapery hardware, namely, curtain hooks, curtain rods and finials

Class 021. First use: First Use: None First Use In Commerce: None  
Bath accessories, namely, ceramic, plastic, resin and metal tumblers, soap dishes, soap dispensers, lotion dispensers, shampoo dispensers, toothbrush holders, toilet paper holders, tissue holders, waste baskets, cotton ball jars, toilet brushes

Class 024. First use: First Use: None First Use In Commerce: None  
Textile goods, namely, quilts, comforters, comforter cases, coverlets, duvets, duvet covers, bed blankets, blanket throws, bedspreads, bed sheets, bed skirts,

	<p>pillow cases, pillow shams, dust ruffles, mattress pads, mattress covers; curtains, draperies, fabric valances, curtain tie-backs, curtain panels; table cloths, bath towels, hand towels, wash cloths, fingertip towels, bath mitts; shower curtains, shower curtain liners</p> <p>Class 025. First use: First Use: None First Use In Commerce: None bathrobes</p> <p>Class 027. First use: First Use: None First Use In Commerce: None rugs and floor mats</p>
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Attachments	<p>88507795#TMSN.png( bytes )</p> <p>88977177#TMSN.png( bytes )</p> <p>85526851#TMSN.png( bytes )</p> <p>88871237#TMSN.png( bytes )</p> <p>Notice of Opposition re Pegasus TRULY ADJUSTABLE 21522.pdf(913827 bytes )</p>
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Signature	/Richard P. Jacobson/
Name	Richard P. Jacobson
Date	02/15/2022

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

In the Matter of Application Serial No. 88937083  
Mark: TRULY ADJUSTABLE  
Published in the *Official Gazette* on January 25, 2022

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PEM-AMERICA, INC.,	:	Opposition No.
Opposer,	:	
v.	:	
PEGASUS HOME FASHIONS, INC.,	:	
Applicant.	:	

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**NOTICE OF OPPOSITION**

PEM-AMERICA, INC. (“Opposer”), a New York corporation with its principal place of business at 70 W. 36th St, 2nd Floor, New York, NY, 10018, believes that it will be damaged by the issuance of a registration to PEGASUS HOME FASHIONS, INC. (“Applicant”) for the mark TRULY ADJUSTABLE (“Applicant’s Mark”) as applied for in Application Serial No. 88937083 (the “Application”) for “Pillows; Bed pillows” in Class 20 (“Applicant’s Goods”), and hereby opposes the same and requests that registration to Applicant be refused.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer is the owner of several valid pending and registered trademarks that begin with the term TRULY for bedding and related goods. Opposer is a leading supplier of branded and licensed bedding and related goods to major retailers throughout the United States and has been in business since 1993.

2. Opposer is the owner of the following valid and subsisting trademark registrations on the Principal Register:

Reg. No.	Mark	Reg. Date	Goods
6273615	<b>TRULY CALM</b>	Feb. 16, 2021	Textile goods, namely, quilts, comforters, duvet covers, bed sheets, pillow cases, and pillow shams
6092717	<b>TRULY CALM</b>	June 30, 2020	Textile goods, namely, bed blankets, blanket throws
4273357	<b>TRULY SOFT</b>	Jan. 8, 2013	bed sheets; comforters; shams

Each of the above registrations is conclusive evidence of the validity of the registration, of Opposer's ownership thereof, and of Opposer's exclusive right to use the registered mark in commerce in connection with the goods listed in the registration. Pursuant to Rule 2.122(d), Opposer attaches hereto, as Exhibit A, a printout of each foregoing registration certificate and the current status of said registration from the Trademark Status & Document Retrieval (TSDR) electronic database.

3. Opposer also is the owner of pending Application No. 88871237 of **TRULY CALM HOME FOR HEALTH**, filed April 14, 2020, based on a bona fide intent to use under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b) for the following goods:

Personal protective equipment, namely, surgical masks and sanitary masks for medical wellness purposes; surgical masks and respiratory masks for medical purposes; sanitary masks for medical purposes; sanitary masks for virus isolation purposes; medical gowns, surgical gowns; medical wearing apparel in the nature of coveralls; surgical and medical procedure drapes and sheets; patient isolation drapes; medical-equipment isolation drapes; shoe covers for medical purposes, in Class 10;

Bed pillows, decorative pillows, cushion pillows; shower curtain hooks, shower curtain rods; drapery hardware, namely, curtain hooks, curtain rods and finials, in Class 20;

Bath accessories, namely, ceramic, plastic, resin and metal tumblers, soap dishes, soap dispensers, lotion dispensers, shampoo dispensers, toothbrush holders, toilet paper holders, tissue holders, waste baskets, cotton ball jars, toilet brushes, in Class 21;

Textile goods, namely, quilts, comforters, comforter cases, coverlets, duvets, duvet covers, bed blankets, blanket throws, bedspreads, bed sheets, bed skirts, pillow cases, pillow shams, dust ruffles, mattress pads, mattress covers; curtains, draperies, fabric valances, curtain tie-backs, curtain panels; table cloths, bath towels, hand towels, wash cloths, fingertip towels, bath mitts; shower curtains, shower curtain liners, in Class 24;

Bathrobes, in Class 25;

Rugs and floor mats, in Class 27.

The USPTO issued a Notice of Allowance for the above mark on September 29, 2020, and granted Applicant's second request for an extension of time to file a Statement of Use. A true and correct copy of the current status of the foregoing application from the TSDR electronic database is included in Exhibit A hereto. Opposer's registered marks, TRULY CALM and TRULY SOFT, along with its prior pending application of TRULY CALM HOME FOR HEALTH, are hereinafter referred to as the "TRULY Marks".

4. Long prior to Applicant, Opposer has used and continues to use its TRULY Marks to identify and distinguish its goods from those of others or has established constructive use and therefore priority over Applicant's Mark. As a result of Opposer's rights in and to its TRULY Marks, Opposer has exclusive rights to the TRULY Marks for bedding and related products, including Applicant's Goods, which are sold through the same channels of trade and typically alongside Opposer's bedding and related products.

5. On May 28, 2020, Applicant filed the subject Application to register the mark TRULY ADJUSTABLE for Applicant's Goods in Class 20 based on an alleged bona fide intent to use under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

6. Applicant's Goods are identical in some respects and closely related in other respects to Opposer's goods in its TRULY Marks, and such goods typically are offered to the same classes of customers and through the same channels of trade.

7. Opposer's rights in its TRULY Marks were established long prior to any date on which Applicant may rely. Therefore, Opposer has priority over the earliest date that Applicant can assert for purposes of priority.

8. Applicant's TRULY ADJUSTABLE mark is confusingly similar to Opposer's TRULY Marks because the subject Application incorporates the same first term TRULY, which is the most dominant element of Opposer's TRULY Marks, resulting in marks that are confusing in appearance, meaning and sound.

9. According to the USPTO's Trademark Electronic Search System, no registered marks include TRULY in Class 20 for pillows, and Opposer's pending application of TRULY CALM HOME FOR HEALTH has the earliest priority date among pending applications, including over Applicant's filing date.

10. Applicant's Goods are identical or closely related to the goods specified in the Opposer's TRULY Marks.

11. Applicant's Mark is likely to cause confusion, mistake or deception by causing the public and the trade to erroneously assume or believe that Applicant's Goods originate from Opposer or are otherwise associated with or endorsed by Opposer, all to Opposer's injury and harm.

12. Registration of Applicant's Mark is likely to cause confusion, to cause mistake or to deceive the public into the false belief that Applicant's Goods originate with Opposer or that



Applicant is associated or affiliated with Opposer, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

13. Opposer has not authorized or consented to Applicant's use or application to register Applicant's Mark.

14. By reason of the foregoing, Opposer will be harmed by registration of Applicant's Mark, TRULY ADJUSTABLE.

WHEREFORE, Opposer, PEM-AMERICA, INC., respectfully requests that the opposition be sustained and that Applicant's Mark in Application Serial No. 88937083 be denied registration.

Dated: New York, New York  
February 15, 2022

JACOBSON LAW GROUP PLLC

By: /s/ Richard P. Jacobson  
Richard P. Jacobson  
445 Park Avenue – 9<sup>th</sup> Floor  
New York, New York 10022  
Tel.: (212) 519-7733  
Email: Rich@JacobsonTrademark.com  
Attorneys for Opposer

# United States of America

United States Patent and Trademark Office

## TRULY CALM

**Reg. No. 6,273,615**

**Registered Feb. 16, 2021**

**Int. Cl.: 24**

**Trademark**

**Principal Register**

Pem-America, Inc. (NEW YORK CORPORATION)  
70 West 36th Street, 2nd Floor  
New York, NEW YORK 10018

CLASS 24: Textile goods, namely, quilts, comforters, duvet covers, bed sheets, pillow cases, and pillow shams

FIRST USE 7-00-2020; IN COMMERCE 7-00-2020

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4273357

SER. NO. 88-507,795, FILED 07-10-2019



*Dennis H. ...*

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



EXHIBIT A

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Mark: TRULY CALM

TRULY CALM

US Serial Number: 88507795

Application Filing Date: Jul. 10, 2019

US Registration Number: 6273615

Registration Date: Feb. 16, 2021

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Feb. 16, 2021

Publication Date: Nov. 05, 2019 Notice of Allowance Date: Dec. 31, 2019

## Mark Information

Mark Literal Elements: TRULY CALM

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 4273357

Parent Of: 88977177

## 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: Textile goods, namely, quilts, comforters, duvet covers, bed sheets, pillow cases, and pillow shams

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2020

Use in Commerce: Jul. 2020

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

EXHIBIT A

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

Currently ITU: No  
Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** Pem-America, Inc.  
**Owner Address:** 70 West 36th Street, 2nd Floor  
New York, NEW YORK UNITED STATES 10018  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Richard P. Jacobson  
**Attorney Primary Email Address:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Richard P. Jacobson  
JACOBSON LAW GROUP  
445 PARK AVENUE - 9TH FLOOR  
NEW YORK, NEW YORK UNITED STATES 10022  
**Phone:** 212-519-7733  
**Correspondent e-mail:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com) [suzejacobson@gmail.com](mailto:suzejacobson@gmail.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 16, 2021	REGISTERED-PRINCIPAL REGISTER	
Jan. 15, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 14, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 23, 2020	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 04, 2020	USE AMENDMENT FILED	66530
Dec. 04, 2020	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 22, 2020	EXTENSION 1 GRANTED	66530
Jun. 15, 2020	EXTENSION 1 FILED	66530
Jun. 15, 2020	TEAS EXTENSION RECEIVED	
Mar. 27, 2020	CORRECTED NOA E-MAILED	
Mar. 25, 2020	DIVISIONAL PROCESSING COMPLETE	
Jan. 16, 2020	DIVISIONAL REQUEST RECEIVED	
Feb. 19, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 16, 2020	TEAS REQUEST TO DIVIDE RECEIVED	
Dec. 31, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 05, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 05, 2019	PUBLISHED FOR OPPOSITION	
Oct. 16, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 26, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 2019	ASSIGNED TO EXAMINER	76153
Jul. 17, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 13, 2019	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None  
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 14, 2021

# United States of America

United States Patent and Trademark Office

## TRULY CALM

**Reg. No. 6,092,717**

**Registered Jun. 30, 2020**

**Int. Cl.: 24**

**Trademark**

**Principal Register**

Pem-America, Inc. (NEW YORK CORPORATION)  
70 West 36th Street, 2nd Floor  
New York, NEW YORK 10018

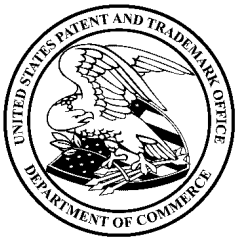
CLASS 24: Textile goods, namely, bed blankets, blanket throws

FIRST USE 8-00-2019; IN COMMERCE 8-00-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4273357

SER. NO. 88-977,177, FILED 07-10-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



EXHIBIT A

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Mark: TRULY CALM

TRULY CALM

US Serial Number: 88977177

Application Filing Date: Jul. 10, 2019

US Registration Number: 6092717

Registration Date: Jun. 30, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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. 30, 2020

Publication Date: Nov. 05, 2019 Notice of Allowance Date: Dec. 31, 2019

## Mark Information

Mark Literal Elements: TRULY CALM

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 4273357

Child Of: 88507795

## 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: Textile goods, namely, bed blankets, blanket throws

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2019

Use in Commerce: Aug. 2019

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

EXHIBIT A

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

Currently ITU: No  
Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** Pem-America, Inc.  
**Owner Address:** 70 West 36th Street, 2nd Floor  
New York, NEW YORK UNITED STATES 10018  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Richard P. Jacobson  
**Attorney Primary Email Address:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Richard P. Jacobson  
JACOBSON LAW GROUP  
445 PARK AVENUE - 9TH FLOOR  
NEW YORK, NEW YORK UNITED STATES 10022  
**Phone:** 212-519-7733  
**Correspondent e-mail:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com) [suzejacobson@gmail.com](mailto:suzejacobson@gmail.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 30, 2020	REGISTERED-PRINCIPAL REGISTER	
May 26, 2020	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 23, 2020	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 02, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 02, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 02, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 23, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 23, 2020	NON-FINAL ACTION E-MAILED	
Apr. 23, 2020	SU - NON-FINAL ACTION - WRITTEN	76153
Apr. 23, 2020	SU - NON-FINAL ACTION - WRITTEN	76153
Mar. 25, 2020	STATEMENT OF USE PROCESSING COMPLETE	66530
Jan. 16, 2020	USE AMENDMENT FILED	66530
Mar. 25, 2020	DIVISIONAL PROCESSING COMPLETE	
Jan. 16, 2020	DIVISIONAL REQUEST RECEIVED	
Feb. 19, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 16, 2020	TEAS REQUEST TO DIVIDE RECEIVED	
Jan. 16, 2020	TEAS STATEMENT OF USE RECEIVED	
Dec. 31, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
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Nov. 05, 2019	PUBLISHED FOR OPPOSITION	
Oct. 16, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 26, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 2019	ASSIGNED TO EXAMINER	76153
Jul. 17, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	



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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 23, 2020

**United States of America**  
United States Patent and Trademark Office

# TRULY SOFT

**Reg. No. 4,273,357**

PEM-AMERICA, INC. (NEW YORK CORPORATION)  
230 FIFTH AVENUE, SUITE 200  
NEW YORK, NY 10001

**Registered Jan. 8, 2013**

**Int. Cl.: 24**

FOR: BED SHEETS; COMFORTERS; SHAMS, IN CLASS 24 (U.S. CLS. 42 AND 50).

**TRADEMARK**

FIRST USE 8-31-2012; IN COMMERCE 8-31-2012.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFT", APART FROM THE MARK AS SHOWN.

SN 85-526,851, FILED 1-27-2012.

GINA HAYES, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

EXHIBIT A

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Mark: TRULY SOFT

# TRULY SOFT

US Serial Number: 85526851

Application Filing Date: Jan. 27, 2012

US Registration Number: 4273357

Registration Date: Jan. 08, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 17, 2018

Publication Date: Jul. 03, 2012 Notice of Allowance Date: Aug. 28, 2012

## Mark Information

Mark Literal Elements: TRULY SOFT

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

Disclaimer: "SOFT"

## 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: Bed sheets; Comforters; Shams

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2012

Use in Commerce: Aug. 31, 2012

## 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

### EXHIBIT A

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** Pem-America, Inc.

**Owner Address:** 70 West 36th Street, 2nd Floor  
New York, NEW YORK UNITED STATES 10018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Richard P. Jacobson

**Attorney Primary Email Address:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Richard P. Jacobson  
JACOBSON LAW GROUP PLLC  
445 Park Avenue, 9th Floor  
NEW YORK, NEW YORK UNITED STATES 10022

**Phone:** 212.519.7733

**Correspondent e-mail:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com) [suzejacobson@gmail.com](mailto:suzejacobson@gmail.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2022	TEAS SECTION 8 & 9 RECEIVED	
Jan. 08, 2022	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 12, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 18, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Feb. 17, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Feb. 17, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Feb. 05, 2018	TEAS SECTION 8 & 15 RECEIVED	
Jan. 08, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Nov. 01, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 01, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 05, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 05, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 08, 2013	REGISTERED-PRINCIPAL REGISTER	
Dec. 05, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 04, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	73787
Nov. 20, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 16, 2012	STATEMENT OF USE PROCESSING COMPLETE	66530
Nov. 12, 2012	USE AMENDMENT FILED	66530
Nov. 15, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Nov. 12, 2012	TEAS STATEMENT OF USE RECEIVED	
Aug. 28, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 03, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 03, 2012	PUBLISHED FOR OPPOSITION	
Jun. 13, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
May 21, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 18, 2012	EXAMINER'S AMENDMENT ENTERED	73787
May 18, 2012	ASSIGNED TO LIE	73787

EXHIBIT A

May 18, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 18, 2012	EXAMINERS AMENDMENT E-MAILED	6328
May 18, 2012	EXAMINERS AMENDMENT -WRITTEN	76734
May 08, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 08, 2012	NON-FINAL ACTION E-MAILED	6325
May 08, 2012	NON-FINAL ACTION WRITTEN	76734
May 07, 2012	ASSIGNED TO EXAMINER	76734
Jan. 31, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 31, 2012	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** TMEG LAW OFFICE 103

**Date in Location:** Feb. 17, 2018

Generated on: This page was generated by TSDR on 2022-02-15 09:07:46 EST

Mark: TRULY CALM HOME FOR HEALTH

TRULY CALM HOME FOR HEALTH

US Serial Number: 88871237

Application Filing Date: Apr. 14, 2020

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 second request for extension of time to file a Statement of Use has been granted.

Status Date: Sep. 09, 2021

Publication Date: Aug. 04, 2020 Notice of Allowance Date: Sep. 29, 2020

## Mark Information

Mark Literal Elements: TRULY CALM HOME FOR HEALTH

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:** Personal protective equipment, namely, surgical masks and sanitary masks for medical wellness purposes; surgical masks and respiratory masks for medical purposes; sanitary masks for medical purposes; sanitary masks for virus isolation purposes; medical gowns, surgical gowns; medical wearing apparel in the nature of coveralls; surgical and medical procedure drapes and sheets; patient isolation drapes; medical-equipment isolation drapes; shoe covers for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(b)

**For:** Bed pillows, decorative pillows, cushion pillows; shower curtain hooks, shower curtain rods; drapery hardware, namely, curtain hooks, curtain rods and finials

International Class(es): 020 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

**For:** Bath accessories, namely, ceramic, plastic, resin and metal tumblers, soap dishes, soap dispensers, lotion dispensers, shampoo dispensers, toothbrush holders, toilet paper holders, tissue holders, waste baskets, cotton ball jars, toilet brushes

International Class(es): 021 - Primary Class

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

Class Status: ACTIVE

EXHIBIT A

**Basis:** 1(b)

**For:** Textile goods, namely, quilts, comforters, comforter cases, coverlets, duvets, duvet covers, bed blankets, blanket throws, bedspreads, bed sheets, bed skirts, pillow cases, pillow shams, dust ruffles, mattress pads, mattress covers; curtains, draperies, fabric valances, curtain tie-backs, curtain panels; table cloths, bath towels, hand towels, wash cloths, fingertip towels, bath mitts; shower curtains, shower curtain liners

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

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

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** bathrobes

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

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

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** rugs and floor mats

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

**U.S Class(es):** 019, 020, 037, 042, 050

**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:** Pem-America, Inc.

**Owner Address:** 70 West 36th Street, 2nd Floor  
New York, NEW YORK UNITED STATES 10018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Richard P. Jacobson

**Attorney Primary Email Address:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Richard P. Jacobson  
JACOBSON LAW GROUP  
445 PARK AVENUE - 9TH FLOOR  
NEW YORK, NEW YORK UNITED STATES 10022

**Phone:** 212-519-7733

**Correspondent e-mail:** [Rich@JacobsonTrademark.com](mailto:Rich@JacobsonTrademark.com) [suzejacobson@mail.com](mailto:suzejacobson@mail.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
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EXHIBIT A

Sep. 11, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2021	EXTENSION 2 GRANTED	98765
Sep. 09, 2021	EXTENSION 2 FILED	98765
Sep. 09, 2021	TEAS EXTENSION RECEIVED	
Mar. 24, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 22, 2021	EXTENSION 1 GRANTED	98765
Mar. 22, 2021	EXTENSION 1 FILED	98765
Mar. 22, 2021	TEAS EXTENSION RECEIVED	
Sep. 29, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 04, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 04, 2020	PUBLISHED FOR OPPOSITION	
Jul. 15, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 02, 2020	ASSIGNED TO LIE	70468
Jun. 30, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 30, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 30, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 30, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 30, 2020	EXAMINERS AMENDMENT -WRITTEN	76137
Jun. 28, 2020	ASSIGNED TO EXAMINER	76137
Apr. 23, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 17, 2020	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** MEIER, SHARON A

**Law Office** LAW OFFICE 112  
**Assigned:**

### File Location

**Current Location:** INTENT TO USE SECTION

**Date in Location:** Sep. 29, 2020