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Filing date: **01/10/2023**

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

Proceeding no.	91281645
Party	Plaintiff Lee S Dickinson
Correspondence address	JACE WILLIAMS GATEHOUSE LAW 3108 BLUE LAKE DRIVE SUITE 200 VESTAVIA HILLS, AL 35173 UNITED STATES Primary email: jace@gatehouse.law Secondary email(s): lee@iamanempress.com, leesdickinson@gmail.com, trademarks@gatehouse.law 2052089595
Submission	Opposition/Response to Motion
Filer's name	Jace Williams
Filer's email	jace@gatehouse.law
Signature	/Jace Williams/
Date	01/10/2023
Attachments	2023-01-10- response to motion to dismiss - dickinson.pdf(519799 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
SERIAL NO. 97105218**

<b>LEE S. DICKINSON,</b>	)	
<b>AN INDIVIDUAL</b>	)	
	)	
<b>OPPOSER,</b>	)	
	)	
<b>V.</b>	)	<b>OPPOSITION NO: 91281645</b>
	)	
<b>PRAY NOT PREY APPAREL, LLC</b>	)	
<b>A MARYLAND LIMITED</b>	)	
<b>LIABILITY COMPANY</b>	)	
	)	
<b>APPLICANT.</b>	)	

**OPPOSER’S RESPONSE TO APPLICANT’S MOTION TO DISMISS AND AMENDED**

**NOTICE OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.107(a) and Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, Lee S. Dickinson, an Individual (“Opposer”) amends her Notice of Opposition and respectfully opposes Pray Not Prey Apparel, LLC’s (“Applicant”), a Limited Liability Company organized under the laws of the state of Maryland, application for the alleged mark in Serial Number: 97105218.

As grounds for opposition, Opposer alleges as follows:

**Background and Statement of the facts.**

1. Opposer is an individual residing in the state of Georgia, operating a sole proprietorship and doing business as “iamanempres.” Among other legal business activities, Opposer markets and sells clothing and other apparel items in connection with the marks.

2. Opposer has used the mark “Not Prey” on clothing and other apparel items continuously since at least February of 2019. *See* Exhibit A.
3. Opposer has used the mark “#NotPrey” on clothing and other apparel items continuously since at least January of 2018. *See* Exhibit A.
4. Opposer has used the mark “Women Are Not Prey” on clothing and other apparel items continuously since at least January of 2020. *See* Exhibit A.
5. Opposer is the owner of the following trademarks registered on the Principal Register: U.S. Trademark Registration No. 5886020 “Not Prey,” U.S. Trademark Registration No. 5886035 “#NotPrey,” and U.S. Trademark Registration No. 6069563 “Women Are Not Prey.” Attached as Exhibit B are true and correct copies from the United States Patent and Trademark Office electronic database showing the current status and title of the registrations as of December 21, 2022.
6. The “Not Prey” mark’s registration covers “Hoodies; Baseball caps; Baseball caps and hats; Blouses; Boxer shorts; Fleece pullovers; Fleece tops; Graphic T-shirts; Halter tops; Headwear; Knitted caps; Ladies' underwear; Motorcycle jackets; Polo shirts; Scarves; Shirt fronts; Sleeping garments; Sleeveless jerseys; Stocking caps; Sweat shirts; Sweatshirts; T-shirts; Tank-tops; Undershirts; Women's athletic tops with built-in bras” in International Class 25.
7. The “#NotPrey” mark’s registration covers “Hats; Hoodies; T-shirts; Tank-tops; Tank tops; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts; Small hats; Stocking hats” in International Class 25.
8. The “Women Are Not Prey” mark’s registration covers “Tank-tops; Tank tops; Dresses for women and children; Hoodies; Jackets; Mantles; Pajamas for men, women, and children;

Shirts for men, women, and children; Shoes for men, women, and children; Shorts for men, women, and children; Sweatshirts for men, women, and children; T-shirts for men, women, and children; Trousers for men, women, and children” in International Class 25.

9. Opposer’s above referenced marks’ registrations are valid and subsisting. Opposer, by this Opposition, gives notice in accordance with Trademark Rule 2.122(d)(2) that it will rely on such registrations as evidence in this proceeding.
10. The “Not Prey,” “#NotPrey,” and “Women Are Not Prey” Trademarks are inherently distinctive; as each is an arbitrary term or terms with traditional meanings unrelated to clothing and other apparel.
11. Since introducing its “Not Prey” product in 2019, Opposer has spent substantial time, effort, and money to promote the sale of the product in the United States under the “Not Prey” mark. Opposer has sold and continues to sell substantial quantities of “Not Prey”-branded products in the United States and has spent substantial time, effort, and money promoting the sale of products under the “Not Prey” mark.
12. Since introducing its “#NotPrey” product in 2017, Opposer has spent substantial time, effort, and money to promote the sale of the product in the United States under the “#NotPrey” mark. Opposer has sold and continues to sell substantial quantities of “#NotPrey”-branded products in the United States and has spent substantial time, effort, and money promoting the sale of products under the “#NotPrey” mark.
13. Since introducing its “Women Are Not Prey” product in 2019, Opposer has spent substantial time, effort, and money to promote the sale of the product in the United States under the “Not Prey” mark. Opposer has sold and continues to sell substantial quantities of “Women Are Not Prey”-branded products in the United States and has spent substantial

time, effort, and money promoting the sale of products under the “Women Are Not Prey” mark.

14. By virtue of Opposer's substantial use, sales, advertising, and promotion of the “Not Prey,” “#NotPrey,” and “Women Are Not Prey” marks throughout the United States, the publicity and media attention accorded the marks, and the inherently distinctive nature of the marks, the “Not Prey,” “#NotPrey,” and “Women Are Not Prey” marks have become well-known marks and has become distinctive of Opposer's product.
15. Despite Opposer's long prior common law and statutory rights in the “Not Prey,” “#NotPrey,” and “Women Are Not Prey” marks, Applicant, with both constructive and actual notice of Opposer’s federal registrations, and long after Opposer established rights in and to the “Not Prey,” “#NotPrey,” and “Women Are Not Prey” marks, adopted and filed an application for registration of the mark “Pray Not Prey” for “Clothing, namely, shirts, tops, pants, bottoms, and socks; Headwear; Footwear,” as set forth in the Notice of Publication for the subject application.
16. Opposer’s “Not Prey” mark has priority over Applicant's mark because the filing date of Opposer's trademark application for the “Not Prey” mark is December 26, 2017, and Opposer's date of first use is January 2019 (and first use in commerce February of 2019), well prior to the November 2, 2021, filing date of Applicant's application.
17. Opposer's “#NotPrey” mark has priority over Applicant's mark because the filing date of Opposer's trademark application for the “Not Prey” mark is January 5, 2018, and Opposer's date of first use is December 2017 (and first use in commerce January 2018), well prior to the November 2, 2021, filing date of Applicant's application.

18. Opposer's "Women Are Not Prey" mark has priority over Applicant's mark because the filing date of Opposer's trademark application for the "Not Prey" mark is January 2, 2020, and Opposer's date of first use is December 2019 (and first use in commerce January of 2020), well prior to the November 2, 2021, filing date of Applicant's application.
19. In addition to the priority considerations detailed in Paragraphs 16, 17, and 18 of this response, Applicant's applied-for mark "Pray Not Prey" is merely a 1(b) intent to use filing and such has no priority over the already in existence and federally registered marks.
20. Applicant is a limited Liability Company which was organized under the laws of Maryland on September 20, 2021.
21. Applicant's "Pray Not Prey" mark is substantially or highly similar to Opposer's marks, "Not Prey," "#NotPrey," and "Women Are Not Prey," in sound, appearance, and commercial impression.
22. The goods and services set forth in the subject application are highly related to the products for which Opposer's "Not Prey," "#NotPrey," and "Women Are Not Prey" marks are registered and used. That is that the various goods and services set forth in the subject application could encompass products (or services related to products) offered for the same or similar indications as Opposer's "Not Prey," "#NotPrey," and "Women Are Not Prey" products, or could reasonably be expected to originate from the same source as products offered under the "Not Prey," "#NotPrey," and "Women Are Not Prey" marks. Consumers who encounter Applicant's "Pray Not Prey" mark in connection with such products and services are likely to think that Applicant or Applicant's "Pray Not Prey" products are authorized by, sponsored by, licensed by, affiliated with, or related to the company that

offers Opposer's "Not Prey," "#NotPrey," and "Women Are Not Prey" products. A copy of that application is attached as Exhibit C.

23. Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the services of the parties. *See* 15 U.S.C. §1052(d).
24. Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973) (called the "du Pont factors"); *see also In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 U.S.P.Q.2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are "relevant and of record" need be considered. *M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 1382, 78 U.S.P.Q.2d 1944, 1947 (Fed. Cir. 2006) (citing *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1241, 73 U.S.P.Q.2d 1350, 1353 (Fed. Cir. 2004)); *see In re Inn at St. John's, LLC*, 126 U.S.P.Q.2d 1742, 1744 (TTAB 2018).
25. Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 U.S.P.Q.2d at 1747 (*quoting Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 U.S.P.Q.2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 U.S.P.Q. 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

26. Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 U.S.P.Q.2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 U.S.P.Q.2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 U.S.P.Q.2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 U.S.P.Q.2d 1810, 1812 (TTAB 2014)); TMEP §1207.01(b).
27. When comparing marks, “[t]he proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that [consumers] who encounter the marks would be likely to assume a connection between the parties.” *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1370, 127 U.S.P.Q.2d 1797, 1801 (Fed. Cir. 2018) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 U.S.P.Q.2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Inn at St. John’s, LLC*, 126 U.S.P.Q.2d 1742, 1746 (TTAB 2018) (citing *In re St. Helena Hosp.*, 774 F.3d 747, 750-51, 113 U.S.P.Q.2d 1082, 1085 (Fed. Cir. 2014); *Geigy Chem. Corp. v. Atlas Chem. Indus., Inc.*, 438 F.2d 1005, 1007, 169 U.S.P.Q. 39, 40 (CCPA 1971)); TMEP §1207.01(b).
28. In this case, the applied-for mark “Pray Not Prey” is similar in sound, appearance, and meaning to the registered marks “Not Prey,” “#NotPrey,” and “Women Are Not Prey” because the marks share the dominant wording “Not Prey” and consumers are likely to



focus on this wording when retaining the overall commercial impression of the respective marks.

29. The services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc.*, 668 F.3d 1356, 1369-71, 101 U.S.P.Q.2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc.*, 308 F.3d 1156, 1165, 64 U.S.P.Q.2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).
30. The compared services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 U.S.P.Q.2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 U.S.P.Q.2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc.*, 668 F.3d 1356, 1369, 101 U.S.P.Q.2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 U.S.P.Q.2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).
31. In this case, the application and registered marks both encompass “Clothing” under International Class 025 and are identical in part. Thus, Applicant’s and Opposer’s services (as amended) are legally identical. *See Exhibit C-1.*
32. As a result, Applicant’s applied-for mark “Pray Not Prey,” if used in conjunction with the goods and services set forth in the subject application, is likely to cause confusion, mistake, or to deceive as to the origin, source, sponsorship, or affiliation of Applicant’s goods.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

/s Jace Williams  
Jace Williams  
Jace@gatehouse.law  
Attorney for Opposer

**OF COUNSEL:**

Gatehouse Law  
3108 Blue Lake Drive, Suite 200  
Birmingham, Alabama 35243  
Telephone: (205) 208-9595  
Facsimile: (205) 208-9596

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Amended Opposition Notice has been served by forwarding said copy on January 10, 2023, via email to:

Morris E. Turek  
YourTrademarkAttorney.com  
167 Lamp and Lantern Village, #220  
Chesterfield, MO 63017-8208  
Tel: (314) 749-4059  
Fax: (800) 961-0363  
morris@yourtrademarkattorney.com

/s Jace Williams  
Jace Williams  
Jace@gatehouse.law  
Attorney for Opposer

# Exhibit A

# United States of America

United States Patent and Trademark Office

## Not Prey

**Reg. No. 5,886,020**

**Registered Oct. 15, 2019**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

Lee Dickinson (UNITED STATES INDIVIDUAL), DBA iamanempress  
2388 Kings Point Drive  
Dunwoody, GEORGIA 30338

CLASS 25: Hoodies; Baseball caps; Baseball caps and hats; Blouses; Boxer shorts; Fleece pullovers; Fleece tops; Graphic T-shirts; Halter tops; Headwear; Knitted caps; Ladies' underwear; Motorcycle jackets; Polo shirts; Scarves; Shirt fronts; Sleeping garments; Sleeveless jerseys; Stocking caps; Sweat shirts; Sweatshirts; T-shirts; Tank-tops; Undershirts; Women's athletic tops with built-in bras

FIRST USE 1-10-2019; IN COMMERCE 2-22-2019

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

SER. NO. 87-734,165, FILED 12-26-2017



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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# United States of America

United States Patent and Trademark Office

## #NotPrey

**Reg. No. 5,886,035**

Lee Dickinson (UNITED STATES INDIVIDUAL), DBA iamanempres  
2388 Kings Point Dr  
Dunwoody, GEORGIA 30338

**Registered Oct. 15, 2019**

**Int. Cl.: 25**

CLASS 25: Hats; Hoodies; T-shirts; Tank-tops; Tank tops; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts; Small hats; Stocking hats

**Trademark**

FIRST USE 12-30-2017; IN COMMERCE 1-25-2018

**Principal Register**

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

SER. NO. 87-744,662, FILED 01-05-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

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# United States of America

United States Patent and Trademark Office

## Women are Not Prey

**Reg. No. 6,069,563**

**Registered Jun. 02, 2020**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

Lee Smith Dickinson (UNITED STATES INDIVIDUAL)  
2388 Kings Point Dr  
Dunwoody, GEORGIA 30338

CLASS 25: Tank-tops; Tank tops; Dresses for women and children; Hoodies; Jackets; Mantles; Pajamas for men, women, and children; Shirts for men, women, and children; Shoes for men, women, and children; Shorts for men, women, and children; Sweatshirts for men, women, and children; T-shirts for men, women, and children; Trousers for men, women, and children

FIRST USE 12-26-2019; IN COMMERCE 1-2-2020

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

SER. NO. 88-745,146, FILED 01-02-2020



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



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# Exhibit B



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Mark: NOT PREY

# Not Prey

US Serial Number: 87734165

Application Filing Date: Dec. 26, 2017

US Registration Number: 5886020

Registration Date: Oct. 15, 2019

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

Status Date: Oct. 15, 2019

Publication Date: Nov. 13, 2018

Notice of Allowance Date: Jan. 08, 2019



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Mark: #NOTPREY

# #NotPrey

US Serial Number: 87744662

Application Filing Date: Jan. 05, 2018

US Registration Number: 5886035

Registration Date: Oct. 15, 2019

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

Status Date: Oct. 15, 2019

Publication Date: Nov. 13, 2018

Notice of Allowance Date: Jan. 08, 2019



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Mark: WOMEN ARE NOT PREY

# Women are Not Prey

US Serial Number: 88745146

Application Filing Date: Jan. 02, 2020

US Registration Number: 6069563

Registration Date: Jun. 02, 2020

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

Status Date: Jun. 02, 2020

Publication Date: Mar. 17, 2020

# Exhibit C

## Trademark/Service Mark Application, Principal Register

Serial Number: 97105218

Filing Date: 11/02/2021

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	97105218
<b>MARK INFORMATION</b>	
*MARK	<a href="#">PRAY NOT PREY</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PRAY NOT PREY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Pray Not Prey Apparel, LLC
*MAILING ADDRESS	10731 Wickwood Ct.
*CITY	Ellicott City
*STATE (Required for U.S. applicants)	Maryland
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	21042
*EMAIL ADDRESS	XXXX
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Maryland
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing; Headwear; Footwear; Online retail store services featuring clothing, apparel, and fashion accessories
FILING BASIS	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
NAME	Morris E. Turek
ATTORNEY DOCKET NUMBER	P299 001TM
ATTORNEY BAR MEMBERSHIP NUMBER	XXX



<b>YEAR OF ADMISSION</b>	XXXX
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	XX
<b>FIRM NAME</b>	YourTrademarkAttorney.com
<b>INTERNAL ADDRESS</b>	#220
<b>STREET</b>	167 Lamp and Lantern Village
<b>CITY</b>	Chesterfield
<b>STATE</b>	Missouri
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	63017-8208
<b>PHONE</b>	314-749-4059
<b>FAX</b>	(800) 961-0363
<b>EMAIL ADDRESS</b>	pto@yourtrademarkattorney.com
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Morris E. Turek
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	pto@yourtrademarkattorney.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Standard
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	350
<b>*TOTAL FEES DUE</b>	350
<b>*TOTAL FEES PAID</b>	350
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/met20/
<b>SIGNATORY'S NAME</b>	Morris E. Turek
<b>SIGNATORY'S POSITION</b>	Attorney of record, Missouri bar member
<b>SIGNATORY'S PHONE NUMBER</b>	314-749-4059
<b>DATE SIGNED</b>	11/02/2021
<b>SIGNATURE METHOD</b>	Sent to third party for signature

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 97105218**

**Filing Date: 11/02/2021**

### To the Commissioner for Trademarks:

**MARK:** PRAY NOT PREY (Standard Characters, see [mark](#))

The literal element of the mark consists of PRAY NOT PREY. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Pray Not Prey Apparel, LLC, a limited liability company legally organized under the laws of Maryland, having an address of  
10731 Wickwood Ct.

Ellicott City, Maryland 21042

United States

XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Clothing; Headwear; Footwear; Online retail store services featuring clothing, apparel, and fashion accessories

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The owner's/holder's proposed attorney information: Morris E. Turek. Morris E. Turek of YourTrademarkAttorney.com, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

#220

167 Lamp and Lantern Village

Chesterfield, Missouri 63017-8208

United States

314-749-4059(phone)

(800) 961-0363(fax)

pto@yourtrademarkattorney.com

The docket/reference number is P299 001TM.

Morris E. Turek submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Morris E. Turek

PRIMARY EMAIL FOR CORRESPONDENCE: pto@yourtrademarkattorney.com      SECONDARY EMAIL ADDRESS(ES)  
(COURTESY COPIES): NOT PROVIDED

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

### Declaration

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the

goods/services in the application;

- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /met20/ Date: 11/02/2021

Signatory's Name: Morris E. Turek

Signatory's Position: Attorney of record, Missouri bar member

Signatory's Phone Number: 314-749-4059

Signature method: Sent to third party for signature

Payment Sale Number: 97105218

Payment Accounting Date: 11/02/2021

Serial Number: 97105218

Internet Transmission Date: Tue Nov 02 19:12:18 ET 2021

TEAS Stamp: USPTO/BAS-XXXX:XXXX:XXXX:XXXX:XXXX:XXXX:

XXXX:XXXX-20211102191218356770-97105218-

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1102170301170132

**PRAY NOT PREY**

# Exhibit C-1

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	97105218
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 114
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="#">mark</a>
<b>LITERAL ELEMENT</b>	PRAY NOT PREY
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	025
<b>DESCRIPTION</b>	
Clothing; Headwear; Footwear; Online retail store services featuring clothing, apparel, and fashion accessories	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	025
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Clothing; Clothing, namely, shirts, tops, pants, bottoms, and socks; Headwear; Footwear; Online retail store services featuring clothing, apparel, and fashion accessories</del>	
<b>FINAL DESCRIPTION</b>	
Clothing, namely, shirts, tops, pants, bottoms, and socks; Headwear; Footwear	
<b>WEBPAGE URL</b>	None Provided
<b>WEBPAGE DATE OF ACCESS</b>	None Provided
<b>FILING BASIS</b>	Section 1(b)
<b>CORRESPONDENCE INFORMATION (current)</b>	
<b>NAME</b>	MORRIS E. TUREK
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	pto@yourtrademarkattorney.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>DOCKET/REFERENCE NUMBER</b>	P299 001TM
<b>CORRESPONDENCE INFORMATION (proposed)</b>	
<b>NAME</b>	Morris E. Turek
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	pto@yourtrademarkattorney.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER	P299 001TM
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/met20/
SIGNATORY'S NAME	Morris E. Turek
SIGNATORY'S POSITION	Attorney of record, Missouri bar member
SIGNATORY'S PHONE NUMBER	(314) 749-4059
DATE SIGNED	09/22/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Sent to third party for signature
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Sep 22 16:30:27 ET 2022
TEAS STAMP	USPTO/ROA-XXXX:XXXX:XXXX: XXXX:XXXX:XXX:XXXX:XXXX-2 0220922163027193862-97105 218-800d25a5a56bad6da95a5 43be4a4776c09ffee79cb79f5 0f7f8646450a78ea247e-N/A- N/A-20220922123325480621

PTO-1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **97105218** PRAY NOT PREY(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/97105218/large>) has been amended as follows:

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

#### Applicant proposes to amend the following:

##### Current:

Class 025 for Clothing; Headwear; Footwear; Online retail store services featuring clothing, apparel, and fashion accessories

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date. **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

##### Proposed:

**Tracked Text Description:** ~~Clothing;~~ Clothing, namely, shirts, tops, pants, bottoms, and socks; Headwear; Footwear; ~~Online retail store services~~

~~featuring clothing, apparel, and fashion accessories~~

Class 025 for Clothing, namely, shirts, tops, pants, bottoms, and socks; Headwear; Footwear

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date. **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Webpage URL: None Provided

Webpage Date of Access: None Provided

**Correspondence Information (current):**

MORRIS E. TUREK

PRIMARY EMAIL FOR CORRESPONDENCE: pto@yourtrademarkattorney.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is P299 001TM.

**Correspondence Information (proposed):**

Morris E. Turek

PRIMARY EMAIL FOR CORRESPONDENCE: pto@yourtrademarkattorney.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is P299 001TM.

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

**SIGNATURE(S)**

**Response Signature**

Signature: /met20/ Date: 09/22/2022

Signatory's Name: Morris E. Turek

Signatory's Position: Attorney of record, Missouri bar member

Signatory's Phone Number: (314) 749-4059 Signature method: Sent to third party for signature

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: MORRIS E. TUREK  
YOURTRADEMARKATTORNEY.COM  
#220

167 LAMP AND LANTERN VILLAGE  
CHESTERFIELD, Missouri 63017-8208

Mailing Address: Morris E. Turek  
YOURTRADEMARKATTORNEY.COM  
#220

167 LAMP AND LANTERN VILLAGE  
CHESTERFIELD, Missouri 63017-8208



Serial Number: 97105218

Internet Transmission Date: Thu Sep 22 16:30:27 ET 2022

TEAS Stamp: USPTO/ROA-XXXX:XXXX:XXXX:XXXX:XXXX:XXX:X

XXX:XXXX-20220922163027193862-97105218-8

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