ESTTA Tracking number: **ESTTA1344231**
Filing date: **03/06/2024**

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	DK Company A/S
Granted to date of previous extension	03/13/2024
Address	LA COURS VEJ 6 IKAST, DK-7430 DENMARK

Attorney information	MIRIAM D. TRUDELL SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 UNITED STATES Primary email: mtrudell@sheridanross.com Secondary email(s): jschroeder@sheridanross.com, docketing@sheridanross.com 3038639700
Docket no.	6140DKC-20

Applicant information

Application no.	97725963	Publication date	11/14/2023
Opposition filing date	03/06/2024	Opposition period ends	03/13/2024
Applicant	Cheng Cheng TONG 3541 TOYON ST., WEST COVINA, CA 91792 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: Sep 21, 2021 First Use In Commerce: Sep 21, 2021
All goods and services in the class are opposed, namely: Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; clothing jacket; coats

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)

Mark cited by opposer as basis for opposition

U.S. registration no.	6155621	Application date	07/31/2014
Register	Principal		
Registration date	09/22/2020	Foreign priority date	NONE
Word mark	CREAM		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls; foot-wear; all of the aforesaid for females only Class 035. First use: First Use: None First Use In Commerce: None Retail store services and online retail stores services in relation to clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls, footwear, all of the aforesaid for females only		

Attachments	Final Opposition .pdf(166344 bytes) EXHIBIT 1.pdf(122265 bytes) EXHIBIT 2.pdf(1349689 bytes)

Signature	/Julia G. Schroeder/
Name	Julia G. Schroeder
Date	03/06/2024

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

In the Matter of Trademark Application Serial No. 97/725,963
Filed: December 20, 2022
For the mark "CREAM YOGA"
Published in the *Official Gazette* on November 14, 2023

DK Company A/S	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Cheng Cheng TONG	)	
	)	
Applicant.	)	
	)	

NOTICE OF OPPOSITION

Opposer DK Company A/S ("Opposer"), a Denmark aktieselskab, having a place of business at La Cours Vej 6, DK-7430 Ikast, Denmark, believes that it will be damaged by registration on the Principal Register of the mark "CREAM YOGA", as shown in U.S. Trademark Application Serial No. 97/725,963 for "Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; clothing jacket; coats" in Class 25, filed in the name of Cheng Cheng TONG ("Applicant"), which published for opposition on November 14, 2023. As grounds for the opposition, Opposer, by and through its undersigned counsel, alleges the following:

1. Applicant filed U.S. Trademark Application Serial No. 97/725,963 for "CREAM YOGA" ("Applicant's Mark"), on December 20, 2022. The goods in the application, as published,

are for "Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; clothing jacket; coats," in Class 25 ("Applicant's Goods").

2. U.S. Trademark Application Serial No. 97/725,963 for "CREAM YOGA" was filed on December 20, 2022 on a basis of use in commerce with a first use anywhere date of September 21, 2021 and first use in commerce date of September 21, 2021.

3. U.S. Trademark Application Serial No. 97/725,963 for "CREAM YOGA" published on November 14, 2023.

4. On December 11, 2023, Opposer filed a 90-day Request for Extension of Time to Oppose Applicant's "CREAM YOGA" mark. The Extension of Time to Oppose was granted until March 13, 2024.

5. Opposer's filing of this Notice of Opposition is timely pursuant to 37 C.F.R. § 2.101.

6. Opposer is the owner of U.S. Trademark/Service Mark Registration No. 6,155,621 for "CREAM", which was filed on July 31, 2014 under Serial No. 79/151,197, based on Section 66(a) of the Trademark Act, which was a U.S. designation of International Reg. No. 1161920. Opposer's U.S. Registration for "CREAM" registered on September 22, 2020. The registration currently covers "Clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties,

scarves, belts, socks and shawls; footwear; all of the aforesaid for females only" in Class 25 and "Retail store services and online retail stores services in relation to clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls, footwear, all of the aforesaid for females only" in Class 35 (Registration Certificate and TSDR status report attached at *Exhibit 1*. This filing is referred to herein as "Opposer's Mark" and the goods and services covered by the U.S. Trademark/Service Mark Registration No. 6,155,621 are referred to herein as "Opposer's Goods and Services".)

7. Opposer's Mark is inherently distinctive.

8. Opposer's Mark is highly similar in sight, sound, meaning and connotation to Applicant's Mark.

9. Opposer has standing to oppose U.S. Trademark Application Serial No. 97/725,963 based on Opposer's ownership of Opposer's Mark.

10. There is no issue as to priority. Opposer's Mark was filed, registered and used prior to Applicant's filing date and asserted first use and first use in commerce dates. (*See* TSDR status report for Applicant's Mark attached at *Exhibit 2*).

11. Applicant's Goods are highly similar, if not identical, to Opposer's Goods and Services.

12. Applicant's Goods travel in the same channels of trade and are advertised and sold to the same consumers as Opposer's Goods and Services.

13. Consumers are likely to mistakenly believe that Applicant's Goods are manufactured by, sourced by, sponsored by, authorized by, endorsed by, affiliated with or

otherwise approved by Opposer because Applicant's Mark is confusingly similar to Opposer's Mark in appearance, sound, commercial impression and connotation.

14. Applicant's Mark is likely to cause confusion, mistake, or deception in the minds of prospective purchasers as to the origin or source of Applicant's Goods due to the similarity in the marks, goods, consumers, channels of trade, and other factors between Applicant's Mark and Opposer's Mark.

15. Applicant's use of Applicant's Mark and filing of U.S. Trademark Application Serial No. 97/725,963 is without Opposer's consent or authorization.

16. Opposer will be damaged by the registration of U.S. Trademark Application Serial No. 97/725,963 and registration should be refused under 15 U.S.C. 1052(d) because Opposer has standing, priority, and confusion is likely.

WHEREFORE, Opposer prays that registration of the mark in U.S. Trademark Application Serial No. 97/725,963 be refused and that this Opposition be sustained in favor of Opposer. The requisite filing fee is being submitted herewith.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: 03/05/2024

By: /Julia G. Schroeder/
Miriam D. Trudell
Julia G. Schroeder
mtrudell@sheridanross.com
jschroeder@sheridanross.com
1560 Broadway, Suite 1200
Denver, CO 80202
Tel: 303-863-9700
Fax: 303-863-0223
Attorneys for Opposer

Generated on: This page was generated by TSDR on 2024-02-29 20:06:34 EST

Mark: CREAM

US Serial Number: 79151197

Application Filing Date: Jul. 31, 2014

US Registration Number: 6155621

Registration Date: Sep. 22, 2020

Register: Principal

Mark Type: Trademark, Service Mark

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: Sep. 22, 2020

Publication Date: Jul. 07, 2020

Mark Information

Mark Literal Elements: CREAM

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

International Registration Number: 1161920

International Registration Date: Mar. 07, 2013

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: Clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls; footwear; all of the aforesaid for females only

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: Retail store services and online retail stores services in relation to clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls, footwear, all of the aforesaid for females only

International Class(es):	035 - Primary Class	**U.S Class(es):**	100, 101, 102
Class Status:	ACTIVE		
Basis:	66(a)		

Basis Information (Case Level)

Filed Use:	No	**Currently Use:**	No
Filed ITU:	No	**Currently ITU:**	No
Filed 44D:	No	**Currently 44D:**	No
Filed 44E:	No	**Currently 44E:**	No
Filed 66A:	Yes	**Currently 66A:**	Yes
Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name:	DK Company A/S
Owner Address:	La Cours Vej 6 DK-7430 Ikast DENMARK

Legal Entity Type:	aktieselskab	**State or Country Where Organized:**	DENMARK

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Miriam D. Trudell	**Docket Number:**	6140DKC-1
Attorney Primary Email Address:	lhansen@sheridanross.com	**Attorney Email Authorized:**	Yes

Correspondent

Correspondent Name/Address:	MIRIAM D TRUDELL SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, COLORADO UNITED STATES 80202		
Phone:	303-863-9700	**Fax:**	303-863-0223
Correspondent e-mail:	lhansen@sheridanross.com mtrudell@sheridanross.com	**Correspondent e-mail Authorized:**	Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2023	INTERNATIONAL REGISTRATION RENEWED	
Jan. 30, 2021	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jan. 08, 2021	FINAL DISPOSITION NOTICE SENT TO IB	
Jan. 08, 2021	FINAL DISPOSITION PROCESSED	
Dec. 22, 2020	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Sep. 22, 2020	REGISTERED-PRINCIPAL REGISTER	
Jul. 10, 2020	NOTIFICATION PROCESSED BY IB	
Jul. 07, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 07, 2020	PUBLISHED FOR OPPOSITION	
Jun. 17, 2020	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jun. 17, 2020	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jun. 17, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 29, 2020	EXPARTE APPEAL TERMINATED	151197
May 29, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2020	EXAMINER'S AMENDMENT ENTERED	

May 28, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
May 28, 2020	EXAMINERS AMENDMENT E-MAILED	
May 28, 2020	EXAMINERS AMENDMENT -WRITTEN	
May 19, 2020	JURISDICTION RESTORED TO EXAMINING ATTORNEY	151197
Feb. 21, 2020	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Feb. 21, 2020	ACTION DENYING REQ FOR RECON E-MAILED	
Feb. 21, 2020	ACTION CONTINUING FINAL - COMPLETED	
Jan. 10, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	
Jan. 10, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 06, 2020	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 07, 2020	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jan. 06, 2020	EX PARTE APPEAL-INSTITUTED	151197
Jan. 06, 2020	JURISDICTION RESTORED TO EXAMINING ATTORNEY	151197
Jan. 06, 2020	EXPARTE APPEAL RECEIVED AT TTAB	
Jul. 08, 2019	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jul. 08, 2019	FINAL REFUSAL E-MAILED	
Jul. 08, 2019	FINAL REFUSAL WRITTEN	
May 14, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	
May 13, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 13, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 14, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Nov. 14, 2018	NON-FINAL ACTION E-MAILED	
Nov. 14, 2018	NON-FINAL ACTION WRITTEN	
Aug. 30, 2018	SUSPENSION CHECKED - TO ATTORNEY FOR ACTION	
May 31, 2018	NEW REPRESENTATIVE AT IB RECEIVED	
Feb. 21, 2018	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 11, 2017	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 10, 2017	ASSIGNED TO LIE	
Jan. 28, 2017	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jul. 20, 2016	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 12, 2016	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Jan. 27, 2016	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jan. 27, 2016	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Jan. 19, 2016	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 14, 2016	ASSIGNED TO LIE	
Jul. 02, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Jul. 02, 2015	LETTER OF SUSPENSION E-MAILED	
Jul. 02, 2015	SUSPENSION LETTER WRITTEN	
May 22, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	
May 21, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 21, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 12, 2014	REFUSAL PROCESSED BY IB	
Nov. 24, 2014	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Nov. 24, 2014	REFUSAL PROCESSED BY MPU	
Nov. 24, 2014	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Nov. 23, 2014	NON-FINAL ACTION WRITTEN	
Nov. 15, 2014	ASSIGNED TO EXAMINER	
Aug. 29, 2014	APPLICATION FILING RECEIPT MAILED	
Aug. 25, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 22, 2014	LIMITATION FROM ORIGINAL APPLICATION ENTERED	
Aug. 21, 2014	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

International Registration Information (Section 66a)

International Registration 1161920

International Registration Date: Mar. 07, 2013

Number:			
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	**Date of International Registration Status:**	Aug. 21, 2014
Notification of Designation Date:	Aug. 21, 2014	**Date of Automatic Protection:**	Feb. 21, 2016
International Registration Renewal Date:	Mar. 07, 2033		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location:	PUBLICATION AND ISSUE SECTION	**Date in Location:**	Sep. 22, 2020

Proceedings

Summary

Number of Proceedings:	8

Type of Proceeding: Opposition

Proceeding Number:	91289527	**Filing Date:**	Jan 31, 2024
Status:	Pending	**Status Date:**	Jan 31, 2024
Interlocutory Attorney:	JENNIFER KRISP		

Defendant

Name:	Cream Rises Ltd.
Correspondent Address:	KEVIN SCHADICK, ESQ. THE SCHADICK LAW FIRM, LLC 5950 MAYFIELD ROAD #1099 MAYFIELD HEIGHTS OH UNITED STATES , 44124
Correspondent e-mail:	kevin@schadicklaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM RISES		97665278	

Plaintiff(s)

Name:	DK Company A/S
Correspondent Address:	MIRIAM D. TRUDELL SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER CO UNITED STATES , 80202
Correspondent e-mail:	mtrudell@sheridanross.com , docketing@sheridanross.com , jschroeder@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
3	INSTITUTED	Jan 31, 2024	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 31, 2024	Mar 11, 2024
1	FILED AND FEE	Jan 31, 2024	

Type of Proceeding: Opposition

Proceeding Number:	91287955	**Filing Date:**	Oct 31, 2023
Status:	Terminated	**Status Date:**	Jan 31, 2024
Interlocutory Attorney:	JENNIFER KRISP		

Defendant

Name: Hudson Brands, Inc.

Correspondent Address: ROBERT N. COOK
WHITHAM, COOK & FIELDS, P.C. | WC&F
11491 SUNSET HILLS ROAD, SUITE 340
RESTON VA UNITED STATES , 20190

Correspondent e-mail: trademark@wcf-ip.com , trademark@wcf-ip.us

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM & ROUGE		97553321	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D. TRUDELL
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , jschroeder@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Jan 31, 2024	
5	BD DECISION: OPP SUSTAINED	Jan 31, 2024	
4	NOTICE OF DEFAULT	Dec 21, 2023	
3	INSTITUTED	Oct 31, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 31, 2023	Dec 10, 2023
1	FILED AND FEE	Oct 31, 2023	

Type of Proceeding: Opposition

Proceeding Number:	91286573	**Filing Date:**	Aug 15, 2023
Status:	Terminated	**Status Date:**	Nov 29, 2023
Interlocutory Attorney:	ELIZABETH WINTER		

Defendant

Name: Daujne Company

Correspondent Address: DAUJNE COMPANY
11136 WHISPERING OAKS DR
ST LOUIS MO UNITED STATES , 63136

Correspondent e-mail: thecreambrand@hotmail.com , notifications@trademarkengine.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DB CREAM		97486937	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D TRUDELL
SHERIDAN ROSS PC
1560 BROADWAY SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , jschroeder@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
9	TERMINATED	Nov 29, 2023	
8	BD DECISION: OPP SUSTAINED	Nov 29, 2023	
7	NOTICE OF DEFAULT	Oct 17, 2023	
6	TRIAL DATES REMAIN AS SET	Aug 25, 2023	
5	ANSWER	Aug 22, 2023	
4	DELETE ENTRY	Aug 22, 2023	
3	INSTITUTED	Aug 15, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 15, 2023	Sep 24, 2023
1	FILED AND FEE	Aug 15, 2023	

Type of Proceeding: Opposition

Proceeding Number: 91286226 **Filing Date:** Jul 24, 2023

Status: Pending **Status Date:** Jul 24, 2023

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Daujne Company

Correspondent Address: DANTE' HENRY
DAUJNE COMPANY
11136 WHISPERING OAKS DR
ST LOUIS MO UNITED STATES , 63136

Correspondent e-mail: thecreambrand@hotmail.com , notifications@trademarkengine.com , amillioninv@hotmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DB CREAM		97532262	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D TRUDELL
SHERIDAN ROSS PC
1560 BROADWAY SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , jschroeder@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
8	ANSWER	Sep 03, 2023	
7	ANSWER DUE; TRIAL DATES RESET	Sep 01, 2023	
6	TRIAL DATES REMAIN AS SET	Aug 24, 2023	
5	ANSWER	Aug 22, 2023	

4	ANSWER	Aug 22, 2023	
3	INSTITUTED	Jul 24, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 24, 2023	Sep 02, 2023
1	FILED AND FEE	Jul 24, 2023	

Type of Proceeding: Opposition

Proceeding Number: 91282163 **Filing Date:** Dec 05, 2022

Status: Terminated **Status Date:** Mar 08, 2023

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Cream California LLC dba Cream

Correspondent Address: CREAM CALIFORNIA LLC
32048 HUMMINGBIRD WAY
TEMECULA CA UNITED STATES , 92592

Correspondent e-mail: cnbb.tm@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM CA		97197798	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D TRUDELL
SHERIDAN ROSS PC
1560 BROADWAY SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , skmiller@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Mar 08, 2023	
5	BD DECISION: OPP SUSTAINED	Mar 08, 2023	
4	NOTICE OF DEFAULT	Jan 26, 2023	
3	INSTITUTED	Dec 06, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 06, 2022	Jan 15, 2023
1	FILED AND FEE	Dec 05, 2022	

Type of Proceeding: Opposition

Proceeding Number: 91277557 **Filing Date:** Jul 25, 2022

Status: Terminated **Status Date:** Oct 26, 2022

Interlocutory Attorney: KATIE BUKRINSKY

Defendant

Name: Xu Tao

Correspondent Address: HOWARD M. COHN
HOWARD M. COHN AND ASSOCIATES
50 PUBLIC SQUARE, SUITE 2200
CLEVELAND OH UNITED STATES , 44113

Correspondent e-mail: esther@cohnpatents.com , howard@cohnpatents.com , 2885061069@qq.com , jintianqifeila@outlook.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAMX		90805422	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D. TRUDELL
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , skmiller@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Oct 26, 2022	
5	BD DECISION: OPP SUSTAINED	Oct 26, 2022	
4	NOTICE OF DEFAULT	Sep 14, 2022	
3	INSTITUTED	Jul 25, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 25, 2022	Sep 03, 2022
1	FILED AND FEE	Jul 25, 2022	

Type of Proceeding: Opposition

Proceeding Number: 91276780 **Filing Date:** Jun 15, 2022

Status: Terminated **Status Date:** Sep 14, 2022

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Mastermind Agency

Correspondent Address: MASTERMIND AGENCY
216 KROY DRIVE
MONTGOMERY AL UNITED STATES , 36117

Correspondent e-mail: mastermind.cba@gmail.com , lorenzomoore49@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREME		90772692	

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D TRUDELL
SHERIDAN ROSS PC
1560 BROADWAY, SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , skmiller@sheridanross.com , docketing@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	6155621

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Sep 14, 2022	
5	BD DECISION: OPP SUSTAINED	Sep 14, 2022	
4	NOTICE OF DEFAULT	Aug 05, 2022	

3	INSTITUTED	Jun 15, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 15, 2022	Jul 25, 2022
1	FILED AND FEE	Jun 15, 2022	

Type of Proceeding: Exparte Appeal

Proceeding Number: 79151197 **Filing Date:** Jan 06, 2020

Status: Terminated **Status Date:** May 29, 2020

Interlocutory Attorney:

Plaintiff(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D TRUDELL
SHERIDAN ROSS PC
1560 BROADWAY SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , jsinclare@sheridanross.com , lhansen@sheridanross.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM		79151197	

Prosecution History

Entry Number	History Text	Date	Due Date
9	TERMINATED	May 29, 2020	
8	JURISDICTION RESTORED/REMANDED TO EXAMINER	May 19, 2020	
7	APPLICANT REQ FOR REMAND	May 01, 2020	
6	PROCEEDINGS RESUMED	Mar 03, 2020	
5	RECON DENIED	Feb 21, 2020	
4	REQ FOR RECON	Jan 06, 2020	
3	INSTITUTED	Jan 06, 2020	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Jan 06, 2020	
1	APPEAL TO BOARD	Jan 06, 2020	

United States of America

United States Patent and Trademark Office

CREAM

Reg. No. 6,155,621

Registered Sep. 22, 2020

Int. Cl.: 25, 35

Service Mark

Trademark

Principal Register

DK Company A/S (DENMARK aktieselskab)
La Cours Vej 6
Dk-7430 Ikast
DENMARK

CLASS 25: Clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls; footwear; all of the aforesaid for females only

CLASS 35: Retail store services and online retail stores services in relation to clothing, namely, jeans, trousers, coats, jackets, blousons, shirt jackets, skirts, dresses, pants, vests, waistcoats, hats, jump-suits, jump-dresses, caps, gloves, coveralls, overalls, shirts, blouses, sweaters, sweatshirts, T-shirts, polo-shirts, shorts, bathing suits, underwear, ties, scarves, belts, socks and shawls, footwear, all of the aforesaid for females only

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

OWNER OF INTERNATIONAL REGISTRATION 1161920 DATED 03-07-2013, EXPIRES 03-07-2023

SER. NO. 79-151,197, FILED 07-31-2014

Director of the United States
Patent and Trademark Office

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/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

Generated on: This page was generated by TSDR on 2024-02-29 20:07:47 EST

Mark: CREAM YOGA

CREAM YOGA

US Serial Number: 97725963

Application Filing Date: Dec. 20, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:

LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2023

Publication Date: Nov. 14, 2023

Mark Information

Mark Literal Elements: CREAM YOGA

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: "YOGA"

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: Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; clothing jacket; coats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 21, 2021

Use in Commerce: Sep. 21, 2021

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name:	Cheng Cheng TONG
Owner Address:	3541 Toyon St., West Covina, CALIFORNIA UNITED STATES 91792
Legal Entity Type:	INDIVIDUAL
Citizenship:	UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Victor Wu		
Attorney Primary Email Address:	victorwutrademark@gmail.com	**Attorney Email Authorized:**	Yes

Correspondent

Correspondent Name/Address:	Victor Wu LAW OFFICES OF VICTOR WU PO BOX 3188 ONTARIO, CALIFORNIA UNITED STATES 91761		
Phone:	626-688-4306		
Correspondent e-mail:	victorwutrademark@gmail.com	**Correspondent e-mail Authorized:**	Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 11, 2023	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 14, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 14, 2023	PUBLISHED FOR OPPOSITION	
Oct. 25, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 10, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 05, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	
Oct. 05, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 05, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 28, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Sep. 28, 2023	NON-FINAL ACTION E-MAILED	
Sep. 28, 2023	NON-FINAL ACTION WRITTEN	
Sep. 20, 2023	ASSIGNED TO EXAMINER	
Jan. 18, 2023	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Dec. 23, 2022	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney:	RUIZ SANTIAGO, REBECCA	**Law Office Assigned:**	LAW OFFICE 113

File Location

Current Location:	PUBLICATION AND ISSUE SECTION	**Date in Location:**	Oct. 12, 2023

Proceedings

Summary

Number of Proceedings:	1

Type of Proceeding: Extension of Time

Proceeding Number:	97725963	**Filing Date:**	Dec 11, 2023
Status:	Extension of Time to Oppose Filed	**Status Date:**	Dec 11, 2023
Interlocutory Attorney:			

Defendant

Name: Cheng Cheng TONG

Correspondent Address: VICTOR WU
LAW OFFICES OF VICTOR WU
PO BOX 3188
ONTARIO CA UNITED STATES , 91761

Correspondent e-mail: victorwutrademark@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CREAM YOGA		97725963	

Potential Opposer(s)

Name: DK Company A/S

Correspondent Address: MIRIAM D. TRUDELL
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER CO UNITED STATES , 80202

Correspondent e-mail: mtrudell@sheridanross.com , jschroeder@sheridanross.com , docketing@sheridanross.com

Prosecution History

Entry Number	History Text	Date	Due Date
2	EXT GRANTED	Dec 11, 2023	
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 11, 2023	

PTO- 1478
Approved for use through 10/31/2024. OMB 0651-0009
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

Trademark/Service Mark Application, Principal Register

Serial Number: 97725963
Filing Date: 12/20/2022

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97725963
MARK INFORMATION	
***MARK**	CREAM YOGA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CREAM YOGA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Cheng Cheng TONG
***MAILING ADDRESS**	3541 Toyon St.,
***CITY**	West Covina
***STATE** **(Required for U.S. applicants)**	California
***COUNTRY/REGION/JURISDICTION/U.S. TERRITORY**	United States
***ZIP/POSTAL CODE** **(Required for U.S. and certain international addresses)**	91792
***EMAIL ADDRESS**	XXXX
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025
***IDENTIFICATION**	Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; jacket; coats
FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 09/21/2021
FIRST USE IN COMMERCE DATE	At least as early as 09/21/2021
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT 18\977\259\97725963\xml1 \ APP0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\977\259\97725963\xml1 \ APP0004.JPG
SPECIMEN DESCRIPTION	photograph featuring the mark being used on labels for the goods
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use YOGA apart from the mark as shown.
ATTORNEY INFORMATION	
NAME	Victor Wu
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Law Offices of Victor Wu
STREET	PO Box 3188
CITY	Ontario
STATE	California
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	91761
PHONE	626-688-4306
EMAIL ADDRESS	victorwutrademark@gmail.com
CORRESPONDENCE INFORMATION	
NAME	Victor Wu
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	victorwutrademark@gmail.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
SIGNATURE INFORMATION	
SIGNATURE	/victorwu/
SIGNATORY'S NAME	Victor Wu

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	12/20/2022
SIGNATURE METHOD	Signed directly within the form

PTO- 1478
Approved for use through 10/31/2024. OMB 0651-0009
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

Trademark/Service Mark Application, Principal Register

Serial Number: 97725963
Filing Date: 12/20/2022

To the Commissioner for Trademarks:

MARK: CREAM YOGA (Standard Characters, see mark)
The literal element of the mark consists of CREAM YOGA. The mark consists of standard characters, without claim to any particular font style, size, or color.
The applicant, Cheng Cheng TONG, a citizen of United States, having an address of
3541 Toyon St.,
West Covina, California 91792
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: Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; jacket; coats

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/21/2021, and first used in commerce at least as early as 09/21/2021, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) photograph featuring the mark being used on labels for the goods.
Specimen File1
Specimen File2
Webpage URL: None Provided
Webpage Date of Access: None Provided

Disclaimer
No claim is made to the exclusive right to use YOGA apart from the mark as shown.

The owner's/holder's proposed attorney information: Victor Wu. Victor Wu of Law Offices of Victor Wu, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at
PO Box 3188
Ontario, California 91761
United States
626-688-4306(phone)
victorwutrademark@gmail.com

Victor Wu 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:
Victor Wu
PRIMARY EMAIL FOR CORRESPONDENCE: victorwutrademark@gmail.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: /victorwu/ Date: 12/20/2022
Signatory's Name: Victor Wu
Signatory's Position: Attorney of record
Signatory's Phone Number: Not Provided
Signature method: Signed directly within the form
Payment Sale Number: 97725963
Payment Accounting Date: 12/20/2022

Serial Number: 97725963
Internet Transmission Date: Tue Dec 20 19:37:21 ET 2022
TEAS Stamp: USPTO/BAS-XXXX:XXXX:XXX:XXXX:XXXX:XXXX:X
XXX:XXX-20221220193723146741-97725963-85
07f477ab9dd5c1889b31988e7c7f95de53159e84
8d86a5665fd888588734df4-CC-37212252-2022
1220193111867002

CREAM YOGA

CREAM
YOGA

CREAM ATHLETICS & CO.
Cream
Yoga
BODY: 75% NYLON
25% SPANDEX
MESH: 88% NYLON
12% SPANDEX