

ESTTA Tracking number: **ESTTA1351429**
Filing date: **04/10/2024**

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	Nolah Technologies, LLC
Granted to date of previous extension	04/10/2024
Address	5301 W BETHANY HOME ROAD GLENDALE, AZ 85031 UNITED STATES

Correspondence information	TIMOTHY C. BRADLEY CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009 UNITED STATES Primary email: tmdocket@cgolaw.com Secondary email(s): aszypa@cgolaw.com, tbradley@cgolaw.com, akur-etich@cgolaw.com 2489888360
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Applicant information

Application no.	98047407	Publication date	12/12/2023
Opposition filing date	04/10/2024	Opposition period ends	04/10/2024
Applicant	NEW ORLEANS PELICANS NBA, LLC 5800 AIRLINE DRIVE METAIRIE, LA 70003 UNITED STATES		


Goods/services affected by opposition


Class 024. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Cloth banners, cloth wall hangings, cloth and fabric pennants; bed, bath, and household linens; bed sheets; bed blankets, lap blankets; blankets for outdoor use; comforters, curtains, draperies, quilts, bedspreads, towels, pillowcases, and shams, dish towels, golf towels, textile tablecloths, and placemats, stadium blankets, throw blankets, cloth handkerchiefs, cloth flags, unfitted fabric furniture covers, shower curtains; sleeping bags; plastic flags; coasters of textile and not being of table linen

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. application no.	98388595	Application date	02/02/2024
Registration date	NONE	Foreign priority date	NONE
Word mark	NOLAH		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 020. First use: First Use: Jul 1, 2016 First Use In Commerce: Jul 1, 2016 Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations</p> <p>Class 024. First use: First Use: Nov 30, 2018 First Use In Commerce: Nov 30, 2018 Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters</p> <p>Class 035. First use: First Use: Jul 1, 2016 First Use In Commerce: Jul 1, 2016 Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames</p>		


U.S. application no.	98388629	Application date	02/02/2024
Registration date	NONE	Foreign priority date	NONE
Word mark	NOLAH		
Design mark			
Description of mark	The mark consists of the word NOLAH with a semicircle under the letters OLA forming a smiling face.		
Goods/services	Class 020. First use: First Use: Jul 1, 2016 First Use In Commerce: Jul 1, 2016		

	<p>Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations</p> <p>Class 024. First use: First Use: Nov 30, 2018 First Use In Commerce: Nov 30, 2018</p> <p>Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters</p> <p>Class 035. First use: First Use: Jul 1, 2016 First Use In Commerce: Jul 1, 2016</p> <p>Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames</p>
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Attachments	<p>98388595#TMSN.png(bytes)</p> <p>98388629#TMSN.png(bytes)</p> <p>04-10-2024 NOLA Notice of Opposition.pdf(145514 bytes)</p> <p>Exhibit A.pdf(188003 bytes)</p> <p>Exhibit B.pdf(145522 bytes)</p>
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Signature	/Timothy C. Bradley/
Name	TIMOTHY C. BRADLEY
Date	04/10/2024

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

Nolah Technologies, LLC,)	
)	Opposition No. _____
Opposer,)	
)	Serial No. 98/047,407
v.)	
)	Mark:
New Orleans Pelicans NBA, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Nolah Technologies, LLC, a Delaware corporation with an address of 5301 W Bethany Home Road, Glendale, Arizona 85031 (“Opposer”) believes it will be damaged by registration of the stylized mark (the “NOLA Mark”) shown in Ser. No. 98/047,407 (the “Application”) filed by New Orleans Pelicans NBA, LLC, a Delaware limited liability company having an address of 5800 Airline Drive, Metairie, Louisiana 70003 (“Applicant”).

Opposer brings this opposition against the Application under 15 U.S.C. §1063. Opposer asserts as its grounds for opposition priority and likelihood of confusion under 15 U.S.C. §1052(d) based on Opposer’s common-law rights.

As grounds for opposition, Opposer alleges:


1. By the Application filed on June 16, 2023, Applicant seeks to obtain a registration on the Principal Register for Applicant's Mark for various bedding and blanket-related goods in International Class 24 based on an alleged intent-to-use Applicant's Mark in interstate commerce.

2. In particular, in the Application, Applicant seeks registration for the following goods in International Class 24: "Cloth banners, cloth wall hangings, cloth and fabric pennants; bed, bath, and household linens; bed sheets; bed blankets, lap blankets; blankets for outdoor use; comforters, curtains draperies, quilts, bedspreads, towels, pillowcases, and shams, dish towels, golf towels, textile tablecloths, and placemats, stadium blankets, throw blankets, cloth handkerchiefs, cloth flags, unfitted fabric furniture covers, shower curtains; sleeping bags; plastic flags; coasters of textile and not being of table linen" (hereinafter "Applicant's Goods").

3. Opposer is the owner of US Trademark Application Serial No. 98/388,595 (Exhibit A) for the word mark "Nolah" (hereinafter the Nolah Word Mark") for the goods and services listed in the table below (the "Nolah Goods and Services").

4. Opposer is also the owner of U.S. Trademark Application Serial No. 98/388,629 (Exhibit B) for the stylized "Nolah" mark shown below (hereinafter the "Nolah Logo") for the same goods and services. Collectively, the Nolah Word Mark

and the Nolah Logo will be referred to as the “Nolah Marks” herein.

Mark	Serial No.	Goods / Services
NOLAH	98/388,595	<p><u>International Class 20</u>: Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations</p> <p><u>International Class 24</u>: Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters</p> <p><u>International Class 35</u>: Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames</p>
	98/388,629	(Same goods and services as the Nolah Word Mark)

5. Opposer has been continuously using the Nolah Marks in connection with the sale of its class 20, 24, and 35 goods and services since before the filing date of US Trademark Application Serial Nos. 98/388,595 and 98/388,629.

6. Since at least 2016, long before the filing date of the Application, Opposer has been continuously using the Nolah Marks for its class 20 goods and class 35 services.

7. Since at least 2018, also long before the filing date of the Application, Opposer has been continuously using the Nolah Marks for the sale of its class 24 goods.

8. Opposer has priority in its Nolah Marks over Applicant's priority date in the NOLA Mark.

9. Applicant's NOLA Mark is confusingly similar to the Opposer's Nolah Marks.

10. Applicant's Goods are identical or closely related to the Nolah Goods and Services, including, but not limited to, as shown in the table below.

Opposer's Class 24 Goods	Applicant's Class 24 Goods
Blankets; weighted blankets; blanket throws; bed blankets	Bed blankets, lap blankets; blankets for outdoor use; stadium blankets, throw blanket
Comforters	Comforters; bedspreads
Bed sheets	Bed sheets
Pillowcases	Pillowcases
Mattress covers	Unfitted fabric furniture covers

11. Purchasers and prospective purchasers are likely to believe that Applicant's Goods are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer or the Nolah Goods and Services.

12. Upon information and belief, Applicant's Goods will travel in the same or similar channels of trade as the Nolah Goods and Services and will be purchased by the same or similar types of consumers who purchase and use the Nolah Goods and Services.

13. Opposer has not given Applicant permission to use or register Applicant's Mark or any other marks confusingly similar to the Nolah Marks.

14. Applicant's Mark so resembles the Nolah Marks as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive as to the source of origin of Applicant's goods.

15. Therefore, the Application should be refused registration under 15 U.S.C. §1052(d).

16. Applicant seeks an unrestricted federal registration for Applicant's Mark for Applicant's Goods in Class 24. As such, if a registration issues for the Application, such registration will constitute prima facie evidence of Applicant's exclusive right to use the NOLA Mark in commerce on or in connection with

Applicant's Goods throughout the United States with no limitation thereon.

17. Applicant's Mark so resembles the Nolah Marks as to be likely, when used on or in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive. Applicant's Goods are identical or closely related to the Nolah Goods and Services offered by Opposer under the Nolah Marks. Purchasers and prospective purchasers are likely to believe that Applicant's Goods offered under Applicant's Mark are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer or the Nolah Goods and Services.

18. The Application should thus be refused registration under 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 98/047,407 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

This Notice of Opposition is being filed electronically, along with the requisite filing fee. The Commissioner is authorized to draw on Deposit Account 50-1482, in the name of Carlson, Gaskey & Olds, P.C., if there is any problem with the processing of the electronically submitted fee, and is further authorized to credit the same account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

/Timothy C. Bradley/

Timothy C. Bradley

Alex Szypa

Attorneys for Petitioner

400 West Maple Road, Suite 350

Birmingham, Michigan 48009

(248) 988-8360

Dated: April 10, 2024

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO)! You have started the legal process to federally register your mark.

This filing receipt confirms that you successfully submitted your application, which now must be reviewed to see if it qualifies for registration. Registration is not *automatic or guaranteed*. Below you will see your mark, the serial number assigned to your application, and a description of what happens next in the application process. Carefully review this information to make sure it is correct and so you know what to expect. We also highly recommend keeping a copy for your records.

Please pay attention to the section below regarding scams and read the [Protect against scams section](#) on our website. Also, we encourage you to take advantage of the resources we have linked at the end for first-time applicants, startups, and women entrepreneurs.

Your mark

NOLAH (Standard Characters, mark.jpg)

The literal element of the mark consists of NOLAH. The mark consists of standard characters, without claim to any particular font style, size, or color.

Your serial number

Your application was assigned serial number '98388595'. You must refer to your serial number in all communications about your application.

What you should do right now

Review your application data below for any errors. If you find an error, visit the [After You File webpage](#) for information on correcting errors. You can also watch the [After you file video](#) for an overview of the most important issues to be aware of after filing.

What we do next

Now that your application has been submitted, it will eventually be assigned to an examining attorney. The examining attorney reviews your application to make sure it meets all of the legal requirements and that your mark is registrable. To learn more, please visit the [Examination of your application webpage](#) and the [Trademark basics webpage](#).

Marks with a design element

If your mark includes a design element, we'll assign it one or more [design search codes](#). We'll notify you of these codes within the next several weeks and you can suggest that we add or delete a design search code from your file.

Timing

It will take some time before you hear from the examining attorney. Check out [what impacts how long it takes to register](#) your mark and the [current average processing times](#).

Office actions

If your application does not meet all of the requirements, you'll receive a communication from your examining attorney called an "office action." This doesn't automatically mean your mark isn't registrable. It describes any issues the examining attorney found in your application. Your reply to an office action is an opportunity to resolve the issues. You must reply by the deadline to continue the application process and avoid abandonment of your application.

If you have questions, see [how to respond to office actions](#) or call the assigned examining attorney. The attorney's contact information is included in the office action. They can help clarify the issues raised in the office action at no cost to you. Please keep in mind that they cannot provide you with legal advice.

What else you should do

These are things to monitor while your application moves through the examination process.

Keep your addresses current in USPTO records

If your postal or email address changes, you must update the owner's address using the [electronic filing forms](#) on our website. We don't extend filing deadlines if you don't receive USPTO mail or email.

Check your application status in our database every three to four months

To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

TSDR contains your complete application record. It includes every communication we send you and every action related to your application.

Watch out for scams

Recognizing common signs of a scam can help you avoid costly mistakes. Scammers pretend to be from the USPTO, often state there's some sort of problem with your application, pressure you to act immediately, and tell you to pay some sort of fee or provide personal information. Some will even call you and use names, numbers, and locations of real USPTO employees to try to steal your money or personal information. USPTO employees will never ask you for your personal or payment information over the phone.

If you receive a notification about paying to publish your trademark in a directory, avoid doing so. Trademark directory listings aren't necessary. They're unofficial and not associated with the USPTO.

All official communications will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you're unsure about whether a communication is from us, call or email the [Trademark Assistance Center](#) or check your records in our database, [TSDR](#). Any official communications we send you will be uploaded to your records in TSDR. Visit [protect against scams](#) on our website.

Stay current with USPTO

Sign up to get Trademark Alert emails to stay up to date with changes in the USPTO that may impact your application or registration. This may include upcoming system changes, events and roundtables, rules changes, and other operational matters.

How to sign up

On our [subscription center](#) webpage, select the Subscribe button, enter your email address, and select the Submit button. Consent to the privacy policy and select the Submit button. You can choose to receive emails about all United States Patent and Trademark (USPTO) topics or specific topics (e.g., Trademark Alerts). Pick your areas of interest, then select the Submit button.

Provide feedback

You may receive a survey invitation in a separate email. Let us know how we can improve your experience.

Resources for new applicants

We have many resources available for small business owners, first-time applicants, and entrepreneurs taking the first step to protect their trademark. Read the [welcome letter](#) from our leaders for details.



Kathi

Kathi Vidal
Under Secretary of Commerce for
Intellectual Property and Director of
the United States Patent and
Trademark Office



Derrick Brent
Deputy Under Secretary of Commerce for
Intellectual Property and Deputy Director
of the United States Patent and
Trademark Office

The information submitted in the application appears below:

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

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	98388595

MARK INFORMATION	
*MARK	NOLAH
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	NOLAH
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Nolah Technologies, LLC
*MAILING ADDRESS	5301 W Bethany Home Road
*CITY	Glendale
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	85031
*EMAIL ADDRESS	consult-tdono@cerberusoperations.com
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	020
*IDENTIFICATION	Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/01/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/01/2016
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221 93120261255_._Class_20_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot
WEBPAGE URL	https://www.nolahmattress.com/products/nolah-evolution-15
WEBPAGE DATE OF ACCESS	01/22/2024
INTERNATIONAL CLASS	024

*IDENTIFICATION	Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/30/2018
FIRST USE IN COMMERCE DATE	At least as early as 11/30/2018
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221 93120261255_._Class_24_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot
WEBPAGE URL	https://www.nolahmattress.com/products/nolah-bamboo-throw
WEBPAGE DATE OF ACCESS	01/22/2024
INTERNATIONAL CLASS	035
*IDENTIFICATION	Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/01/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/01/2016
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221 93120261255_._Class_35_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot
WEBPAGE URL	https://www.nolahmattress.com/
WEBPAGE DATE OF ACCESS	01/22/2024
ATTORNEY INFORMATION	
NAME	Timothy C. Bradley
ATTORNEY DOCKET NUMBER	68521-001 T1
ATTORNEY BAR MEMBERSHIP NUMBER	P72625
YEAR OF ADMISSION	2009
U.S. STATE/ COMMONWEALTH/ TERRITORY	Michigan
FIRM NAME	Carlson, Gaskey & Olds, P.C.
STREET	400 West Maple Road, Suite 350
CITY	Birmingham

STATE	Michigan
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	48009
PHONE	248-988-8360
FAX	248-988-8363
EMAIL ADDRESS	tmdocket@cgolaw.com
OTHER APPOINTED ATTORNEY	Alex Szypa
RECOGNIZED CANADIAN ATTORNEY/AGENT	Timothy Charles Bradley
CORRESPONDENCE INFORMATION	
NAME	Timothy C. Bradley
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	tmdocket@cgolaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tbradley@cgolaw.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	3
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	1050
*TOTAL FEES PAID	1050
SIGNATURE INFORMATION	
SIGNATURE	/Timothy C. Bradley/
SIGNATORY'S NAME	Timothy C. Bradley
SIGNATORY'S POSITION	Attorney of record
SIGNATORY'S PHONE NUMBER	248-988-8360
DATE SIGNED	02/02/2024
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

Serial Number: 98388595

Filing Date: 02/02/2024

To the Commissioner for Trademarks:

The applicant, Nolah Technologies, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

5301 W Bethany Home Road
Glendale, Arizona 85031
United States
consult-tdono@cerberusoperations.com

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 020: Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations

In International Class 020, 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 07/01/2016, and first used in commerce at least as early as 07/01/2016, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255 _ _Class_20_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/products/nolah-evolution-15>

Webpage Date of Access: 01/22/2024

International Class 024: Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters

In International Class 024, 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 11/30/2018, and first used in commerce at least as early as 11/30/2018, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255 _ _Class_24_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/products/nolah-bamboo-throw>

Webpage Date of Access: 01/22/2024

International Class 035: Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames

In International Class 035, 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 07/01/2016, and first used in commerce at least as early as 07/01/2016, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255 _ _Class_35_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/>

Webpage Date of Access: 01/22/2024

The owner's/holder's proposed attorney information: Timothy C. Bradley. Other appointed attorneys are Alex Szypa. Recognized Canadian attorney(s)/agent(s) is/are Timothy Charles Bradley. Timothy C. Bradley of Carlson, Gaskey & Olds, P.C., is a member of the Michigan bar, admitted to the bar in 2009, bar membership no. P72625, and the attorney(s) is

located at

400 West Maple Road, Suite 350
Birmingham, Michigan 48009
United States
248-988-8360(phone)
248-988-8363(fax)
tmdocket@cgolaw.com

The docket/reference number is 68521-001 T1.

Timothy C. Bradley 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:

Timothy C. Bradley

PRIMARY EMAIL FOR CORRESPONDENCE: tmdocket@cgolaw.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tbradley@cgolaw.com

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 \$1050 has been submitted with the application, representing payment for 3 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: /Timothy C. Bradley/ Date: 02/02/2024

Signatory's Name: Timothy C. Bradley

Signatory's Position: Attorney of record

Signatory's Phone Number: 248-988-8360

Signature method: Signed directly within the form

Thank you,

The TEAS support team

Fri Feb 02 13:30:31 ET 2024

STAMP: USPTO/BAS-23.115.90.137-20240202133031629563-98388595-

8703a2d282b4c6521204f9bdc0c062dadb6c8147ff34776ba527504795d4a48041-DA-30317887-20240202132039843126

EXHIBIT B

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO)! You have started the legal process to federally register your mark.

This filing receipt confirms that you successfully submitted your application, which now must be reviewed to see if it qualifies for registration. Registration is not *automatic or guaranteed*. Below you will see your mark, the serial number assigned to your application, and a description of what happens next in the application process. Carefully review this information to make sure it is correct and so you know what to expect. We also highly recommend keeping a copy for your records.

Please pay attention to the section below regarding scams and read the [Protect against scams section](#) on our website. Also, we encourage you to take advantage of the resources we have linked at the end for first-time applicants, startups, and women entrepreneurs.

Your mark

NOLAH (stylized and/or with design, MRK2311590137-133122288_._Logo.jpg)

The literal element of the mark consists of NOLAH. The applicant is not claiming color as a feature of the mark. The mark consists of the word NOLAH with a semicircle under the letters OLA forming a smiling face.

Your serial number

Your application was assigned serial number '98388629'. You must refer to your serial number in all communications about your application.

What you should do right now

Review your application data below for any errors. If you find an error, visit the [After You File webpage](#) for information on correcting errors. You can also watch the [After you file video](#) for an overview of the most important issues to be aware of after filing.

What we do next

Now that your application has been submitted, it will eventually be assigned to an examining attorney. The examining attorney reviews your application to make sure it meets all of the legal requirements and that your mark is registrable. To learn more, please visit the [Examination of your application webpage](#) and the [Trademark basics webpage](#).

Marks with a design element

If your mark includes a design element, we'll assign it one or more [design search codes](#). We'll notify you of these codes within the next several weeks and you can suggest that we add or delete a design search code from your file.

Timing

It will take some time before you hear from the examining attorney. Check out [what impacts how long it takes to register](#) your mark and the [current average processing times](#).

Office actions

If your application does not meet all of the requirements, you'll receive a communication from your examining attorney called an "office action." This doesn't automatically mean your mark isn't registrable. It describes any issues the examining attorney found in your application. Your reply to an office action is an opportunity to resolve the issues. You must reply by the deadline to continue the application process and avoid abandonment of your application.

If you have questions, see [how to respond to office actions](#) or call the assigned examining attorney. The attorney's contact information is included in the office action. They can help clarify the issues raised in the office action at no cost to you. Please keep in mind that they cannot provide you with legal advice.

What else you should do

These are things to monitor while your application moves through the examination process.

Keep your addresses current in USPTO records

If your postal or email address changes, you must update the owner's address using the [electronic filing forms](#) on our website. We don't extend filing deadlines if you don't receive USPTO mail or email.

Check your application status in our database every three to four months

To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

TSDR contains your complete application record. It includes every communication we send you and every action related to your application.

Watch out for scams

Recognizing common signs of a scam can help you avoid costly mistakes. Scammers pretend to be from the USPTO, often state there's some sort of problem with your application, pressure you to act immediately, and tell you to pay some sort of fee or provide personal information. Some will even call you and use names, numbers, and locations of real USPTO employees to try to steal your money or personal information. USPTO employees will never ask you for your personal or payment information over the phone.

If you receive a notification about paying to publish your trademark in a directory, avoid doing so. Trademark directory listings aren't necessary. They're unofficial and not associated with the USPTO.

All official communications will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you're unsure about whether a communication is from us, call or email the [Trademark Assistance Center](#) or check your records in our database, [TSDR](#). Any official communications we send you will be uploaded to your records in TSDR. Visit [protect against scams](#) on our website.

Stay current with USPTO

Sign up to get Trademark Alert emails to stay up to date with changes in the USPTO that may impact your application or registration. This may include upcoming system changes, events and roundtables, rules changes, and other operational matters.

How to sign up

On our [subscription center](#) webpage, select the Subscribe button, enter your email address, and select the Submit button. Consent to the privacy policy and select the Submit button. You can choose to receive emails about all United States Patent and Trademark (USPTO) topics or specific topics (e.g., Trademark Alerts). Pick your areas of interest, then select the Submit button.

Provide feedback

You may receive a survey invitation in a separate email. Let us know how we can improve your experience.

Resources for new applicants

We have many resources available for small business owners, first-time applicants, and entrepreneurs taking the first step to protect their trademark. Read the [welcome letter](#) from our leaders for details.



Kathi

Kathi Vidal
Under Secretary of Commerce for
Intellectual Property and Director of
the United States Patent and
Trademark Office



Derrick Brent

Derrick Brent
Deputy Under Secretary of Commerce for
Intellectual Property and Deputy Director
of the United States Patent and
Trademark Office

The information submitted in the application appears below:

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

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	98388629

MARK INFORMATION	
*MARK	MRK2311590137-133122288_._Logo.jpg
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NOLAH
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word NOLAH with a semicircle under the letters OLA forming a smiling face.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	593 x 325
APPLICANT INFORMATION	
*OWNER OF MARK	Nolah Technologies, LLC
*MAILING ADDRESS	5301 W Bethany Home Road
*CITY	Glendale
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY/REGION/JURISDICTION/U. S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	85031
*EMAIL ADDRESS	consult-tdono@cerberusoperations.com
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/ U.S. TERRITORY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	020
*IDENTIFICATION	Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/01/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/01/2016
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221 93120261255_._Class_20_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot

WEBPAGE URL	https://www.nolahmattress.com/products/nolah-evolution-15
WEBPAGE DATE OF ACCESS	01/22/2024
INTERNATIONAL CLASS	024
*IDENTIFICATION	Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/30/2018
FIRST USE IN COMMERCE DATE	At least as early as 11/30/2018
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221_93120261255_._Class_24_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot
WEBPAGE URL	https://www.nolahmattress.com/products/nolah-bamboo-throw
WEBPAGE DATE OF ACCESS	01/22/2024
INTERNATIONAL CLASS	035
*IDENTIFICATION	Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/01/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/01/2016
SPECIMEN FILE NAME(S)	SPE0-2311590137-202401221_93120261255_._Class_35_s p ecimen.pdf
SPECIMEN DESCRIPTION	Website screenshot
WEBPAGE URL	https://www.nolahmattress.com/
WEBPAGE DATE OF ACCESS	01/22/2024
ATTORNEY INFORMATION	
NAME	Timothy C. Bradley
ATTORNEY DOCKET NUMBER	68521-001 T3
ATTORNEY BAR MEMBERSHIP NUMBER	P72625
YEAR OF ADMISSION	2009
U.S. STATE/ COMMONWEALTH/ TERRITORY	Michigan

FIRM NAME	Carlson, Gaskey & Olds, P.C.
STREET	400 West Maple Road, Suite 350
CITY	Birmingham
STATE	Michigan
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	48009
PHONE	248-988-8360
FAX	248-988-8363
EMAIL ADDRESS	tmdocket@cgolaw.com
OTHER APPOINTED ATTORNEY	Alex Szypa
RECOGNIZED CANADIAN ATTORNEY/AGENT	Timothy Charles Bradley
CORRESPONDENCE INFORMATION	
NAME	Timothy C. Bradley
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	tmdocket@cgolaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tbradley@cgolaw.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	3
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	1050
*TOTAL FEES PAID	1050
SIGNATURE INFORMATION	
SIGNATURE	/Timothy C. Bradley/
SIGNATORY'S NAME	Timothy C. Bradley
SIGNATORY'S POSITION	Attorney of record
SIGNATORY'S PHONE NUMBER	248-988-8360
DATE SIGNED	02/02/2024
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

Serial Number: 98388629

Filing Date: 02/02/2024

To the Commissioner for Trademarks:

The applicant, Nolah Technologies, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

5301 W Bethany Home Road
Glendale, Arizona 85031
United States
consult-tdono@cerberusoperations.com

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 020: Beds; mattresses; pillows; mattress foundations; mattress toppers; bed frames; bed pillows; beds; mattresses; pillows; sleep products, namely, mattresses, spring mattresses, and mattress foundations

In International Class 020, 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 07/01/2016, and first used in commerce at least as early as 07/01/2016, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255_._Class_20_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/products/nolah-evolution-15>

Webpage Date of Access: 01/22/2024

International Class 024: Blankets; weighted blankets; blanket throws; duvet covers; pillowcases; bed blankets; bed sheets; mattress covers; mattress pads; comforters

In International Class 024, 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 11/30/2018, and first used in commerce at least as early as 11/30/2018, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255_._Class_24_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/products/nolah-bamboo-throw>

Webpage Date of Access: 01/22/2024

International Class 035: Online retail store services featuring mattresses, mattress accessories, and bedding; online retail store services featuring mattress toppers mattress covers, mattress pads, and mattress encasements; online retail store services featuring pillows and pillowcases; online retail store services featuring bed sheets, comforters, blankets, and duvet covers; online retail store services featuring mattress foundations; online retail store services featuring mattress protectors; online retail store services featuring beds; online retail store services featuring bed frames

In International Class 035, 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 07/01/2016, and first used in commerce at least as early as 07/01/2016, 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) Website screenshot.

Specimen-1 [SPE0-2311590137-202401221 93120261255_._Class_35_sp ecimen.pdf]

Webpage URL: <https://www.nolahmattress.com/>

Webpage Date of Access: 01/22/2024

The owner's/holder's proposed attorney information: Timothy C. Bradley. Other appointed attorneys are Alex Szypa. Recognized Canadian attorney(s)/agent(s) is/are Timothy Charles Bradley. Timothy C. Bradley of Carlson, Gaskey & Olds,

P.C., is a member of the Michigan bar, admitted to the bar in 2009, bar membership no. P72625, and the attorney(s) is located at

400 West Maple Road, Suite 350
Birmingham, Michigan 48009
United States
248-988-8360(phone)
248-988-8363(fax)
tmdocket@cgolaw.com

The docket/reference number is 68521-001 T3.

Timothy C. Bradley 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:

Timothy C. Bradley

PRIMARY EMAIL FOR CORRESPONDENCE: tmdocket@cgolaw.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tbradley@cgolaw.com

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 \$1050 has been submitted with the application, representing payment for 3 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: /Timothy C. Bradley/ Date: 02/02/2024

Signatory's Name: Timothy C. Bradley

Signatory's Position: Attorney of record

Signatory's Phone Number: 248-988-8360
Signature method: Signed directly within the form

Thank you,

The TEAS support team

Fri Feb 02 13:37:59 ET 2024

STAMP: USPTO/BAS-23.115.90.137-20240202133758896880-98388629-

870b7418e6a38e276b8c21a57e310529ba6ef724368f4e1ae56cbcbc224fe547-DA-37588305-20240202133122288555