

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

Dunham's Athleisure Corporation)	
Petitioner,)	
)	
v.)	Cancellation No. 92046260
)	
New Balance Athletic Shoe, Inc.)	
Registrant.)	



04-30-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt #11

**REGISTRANT'S MOTION FOR SUMMARY
JUDGMENT DISMISSING PETITION**

Certificate of First Class Mailing (37 CFR 1.8(a))

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April 26, 2007
Date of Signature and of Mail Deposit

By: Thomas V. Smurzynski
Thomas V. Smurzynski
Reg. No. 24,798
Attorney for Registrant

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I. MOTION

Registrant in this cancellation action, New Balance Athletic Shoe, Inc. (hereinafter "New Balance") hereby requests that it be granted a summary judgment dismissing the cancellation petition of Petitioner, Dunham Athleisure Corporation (hereinafter "Athleisure"). The ground for the motion is that there are existing registrations owned by New Balance for essentially the same mark for essentially the same goods as the registration in this action. The Petitioner in this cancellation action cannot be further injured by the registration it is attempting to cancel. It cannot, under the law, object to an additional registration that does not add to the injury.

II. MATERIAL FACTS NOT IN DISPUTE

A summary judgment motion requires that the facts on which it relies not be in dispute.

The facts are these:

The trademark registration owned by New Balance that is the subject of this cancellation action is registration no. 3,016,520 for the mark DUNHAM (in standard characters) for "clothing, namely, t-shirts, golf shirts, denim shirts, and wind resistant jackets," in class 25.

New Balance also owns three other registrations. Certified copies of the three registrations are attached to this motion as Exhibit A. The registrations are the following:

Registration No. 859,088 is for the mark DUNHAM (in standard characters) for "footwear," in class 25. The registration issued July 21, 1970.

Registration No. 740,975 is for the mark DUNHAM TYROLEANS (in standard characters) for "shoes," in old class 37, what would now be class 25. The registration issued November 20, 1962.

Registration No. 973,456 is for the mark DUNHAM WAFFLE-STOMPERS (in standard characters) for “leather outdoor shoes for hiking, climbing and casual wear,” in class 25. The registration issued November 20, 1973.

The Petitioner, Athleisure, is the owner of three pending trademark applications set forth in its petition for cancellation. Registrant admits the existence of the applications in its answer to the petition for cancellation. As set forth by Athleisure, the applications are the following :

Application Serial No. 78/828,267 is for the mark DUNHAM’S (in standard characters) for “retail store services featuring sporting goods and clothing,” in class 35.

Application Serial No. 75/828,266 is for the mark DUNHAM’S SPORTS (in standard characters) for “retail store services featuring sporting goods and clothing,” in class 35.

Application Serial No. 76/618,514 is for DUNHAM’S SPORTS (in design form) for “retail store services and online retail store services featuring sporting goods and apparel,” in class 35.

Athleisure states as a reason for its petition that New Balance’s registration no. 3,016,520 has been cited as a barrier to these three applications under Section 2(d).

In its answer, New Balance points out that the three other registrations owned by New Balance have also been cited as a barrier to these three applications under Section 2(d).

III. ARGUMENT

A. **Under the Morehouse Doctrine, Petitioner Cannot be Injured By the Registration It Is Attempting to Cancel**

In Morehouse, the Court of Customs and Patent Appeals set forth the doctrine that

“as a matter of law, the opposer cannot be damaged, within the meaning of section 13 of the statute, by the issuance to the applicant of a second registration where applicant already has an existing registration of the same mark for the same goods. Implicit in this are the corollaries that if opposer cannot procure the cancellation of the existing registration it cannot prevent the granting of the second registration; that there is not added damage from the second registration of the same mark if the goods named in it are in fact the same; and that if there is no added damage, there is no ground for sustaining the opposition.” Morehouse Mfg. Corp. v. Strickland & Co., 407 F.2d 881, 160 U.S.P.Q. 715, 717 (C.C.P.A. 1969).

In Morehouse, the Court affirmed a decision by the Trademark Trial and Appeal Board to dismiss an opposition against an application to register BLUE MAGIC for “pressing oil,” after it decided opposer could not cancel applicant’s pre-existing registration of BLUE MAGIC for “hair dressing.” The Court found that “pressing oil” and “hair dressing” were different words for the same product. Since no additional injury to the opposer over and above the first registration would be created by the second registration, the opposition was dismissed appropriately.

The Court of Customs and Patent Appeals referred to several earlier decisions by the Trademark Trial and Appeal Board along the same line and, in Morehouse, approved and defined what the Board had been doing. While Morehouse speaks in terms of opposition, there is nothing that justifies not applying its rationale to a petition to cancel a Supplemental registration, which is the petitioner’s first change to do anything about the registration. Oppositions against Supplemental registrations are impossible because the registrations are not published for opposition.

In this cancellation action, Athleisure is attempting to eliminate one registration, while three others, just as pertinent, are left untouched. The Morehouse doctrine is applicable.

B. Petitioner is Not Further Injured Because the Earlier Registrations Are As Pertinent As the Later Registration

Petitioner, Athleisure, will be no more hurt by the registration it is attempting to cancel, that it is by the registrations it is not attempting to cancel.

Athleisure's three applications to register variations of "Dunham" for "retail store services featuring sporting goods and clothing," are just as affected by New Balance's registrations for "Dunham" for footwear as they are by New Balance's registration of "Dunham" for shirts and jackets. Both footwear and shirts and jackets are clothing articles, and registrations for such goods are equally pertinent to asserted rights to the same mark for "retail store services featuring sporting goods and clothing."

Certainly the Examining Attorney handling petitioner's three applications thinks so, because the Examining Attorney has cited all four of New Balance's registrations against each of Athleisure's three applications.

It will be meaningless for Athleisure to succeed in this cancellation action, when three other registrations owned by the same registrant bar its applications and affect its rights.

Petitioner has long known of registrant's other three registrations and has done nothing about them. In fact, quite the opposite has occurred. Two of the applications Petitioner is concerned about cite Petitioner's former registration no. 1,496,249 as a prior owned registration. That registration was obtained in 1988 for the mark SINCE 1937 DUNHAM'S SPORTS OUTFITTERS for "retail store services for the sale of sporting goods, exclusive of footwear and clothing" (emphasis added). A TARR report on the registration is attached as Exhibit B. The underlined proviso was inserted at the demand of a predecessor of New Balance, which had opposed the application based on the earlier three registrations. Petitioner has long been aware that its rights to register its mark could not include "footwear and clothing," because of the three registrations.

C. The Earlier Registrations Do Not Have to Be Identical to the Later Registration to Be Effective Under Morehouse

The registration in this cancellation action is for DUNHAM for “clothing, namely, t-shirts, denim shirts and wind resistant jackets.” The three earlier registrations of New Balance are for DUNHAM for “footwear,” DUNHAM TYROLEANS for “shoes,” and DUNHAM WAFFLE-STOMPERS for “leather outdoor shoes for hiking, climbing, and casual wear.” At least one of the earlier registrations is for an identical mark, but none are for goods identical to those of the registration in the cancellation action.

New Balance asserts that they need not be identical. If both the mark and the goods of an earlier registration were identical to those of the later one, there would not need to be a later registration, because it would be redundant. Instead, several cases have held that the similarity of mark and goods need only be close enough in the context of the issues raised in the Board proceeding to make the Morehouse doctrine applicable.

For example, in a Trademark Trial and Appeal Board decision that preceded Morehouse, but applied the same principle, the Board held that an earlier registration of a mark for “dressed poultry, dressed rabbits, and eggs” was the basis for dismissal of an opposition to a later application for the mark for “dressed poultry, dressed rabbits, fresh eggs, eviscerated poultry, in canned and packaged form, and frozen chicken,” where the opposer claimed use of a similar mark on “various cooked and canned food products, including chicken and chicken products.”

College Inn Food Products Corp. v College Hill Poultry, 133 U.S.P.Q. 346 (T.T.A.B. 1962).

The Court of Customs and Patent Appeals itself, a few years after Morehouse, affirmed a decision of the Trademark Trial and Appeal Board to dismiss an opposition to an application to register SPORTEMPOS for “suits, jackets, and skirts; trousers and slacks; outer shorts, coats,

outer dresses and sport shirts, blouses, shells, with and without sleeves; sweaters, shifts; and caps, all for women, young women and girls” because applicant already owned a registration no. 428,190 of SPORTEMPOS for “ladies suits, jackets and skirts,” where opposer relied on ownership of a registration of TEMPO for “men’s, boys’ and children’s outer garments consisting of coats, vest, pants and trousers.” Joseph & Feiss Co. v. Sportempos, Inc., 451 F.2d 1402, 172 U.S.P.Q. 235 (C.C.P.A. 1971). (Attached as Exhibit C is a copy of registration no. 428,190, the goods of which are not set forth in the opinion). The Court approved the Board’s reasoning that:

“the mark which applicant is presently seeking to register is identical to the mark which serves as the subject matter of Registration No. 428,190, and that the goods specified in applicant’s registration and application are in part identical and otherwise considered substantially the same, or so related as to represent in law a distinction without a difference.” 172 U.S.P.Q. at 236.

In Place for Vision, Inc. v. Pearle Vision Center, Inc., 218 U.S.P.Q. 1022 (T.T.A.B. 1983), the Board dismissed an opposition to an application for a design incorporating PEARLE VISION CENTER for “retail optical store, optometric and opticians’ services” because of the applicant’s two registrations of VISION CENTER, one for “optical, contact lens and sun glass service, namely, examination of eyes, prescription of eyeglasses and custom fitting of eyeglasses, and sunglasses,” and the other for “eyeglasses and sunglasses,” where the opposer asserted rights to VISION CENTRE for “optical and related goods and services.”

Finally, in Missouri Silver Pages Directory v. Southwestern Bill Media, 6 U.S.P.Q.2d 1028 (T.T.A.B. 1988), the Board dismissed an opposition to an application to register SILVER PAGES for “compiling a telephone directory; promoting the goods and services of others through placing advertisements and listings in directories,” in class 35 and “publication of

telephone directories, ” in class 41 because of applicant’s ownership of a registration of SILVER PAGES for a “telephone and discount directory addressed to senior citizens,” where the opposer asserted rights to SILVER PAGES for a senior citizens directory.

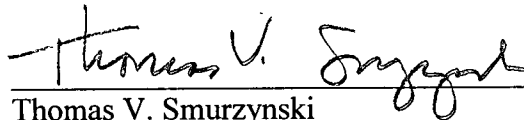
These cases demonstrate that how close the mark and goods of the challenged registration must be to the mark and goods of the prior registrations depends on the issue in the proceeding before the Trademark Trial and Appeal Board. In this proceeding the challenged registration is DUNHAM for “clothing, namely t-shirts, golf shirts, denim shirts and wind resistant jackets.” The prior registration is DUNHAM for “footwear.” “Footwear” is a form of clothing, for the feet. Footwear and clothing for the rest of the body are strongly associated with each other, and in the context of an opponent who claims rights to DUNHAM for “retail store services featuring sporting goods and clothing,” a registration of the same mark for footwear is the functional equivalent of a registration of the same mark for other clothing.

IV. CONCLUSION

Because Registrant New Balance in this cancellation already owns registrations of DUNHAM (and variations of DUNHAM) for footwear, which registrations are not being challenged, its registration of DUNHAM for clothing, namely shirts and jackets is no more injurious than they are, to the petitioner Athleisure. All four of registrant New Balance’s registrations (one challenged and three unchallenged) are equally detrimental to Athleisure’s position and to its three applications. Athleisure has done nothing about the earlier three

registrations. It should not be permitted to challenge this fourth, similar registration. The cancellation petition should be dismissed.

Respectfully submitted,

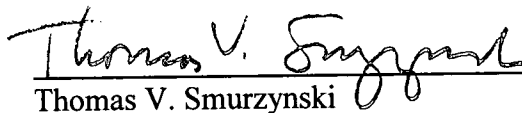


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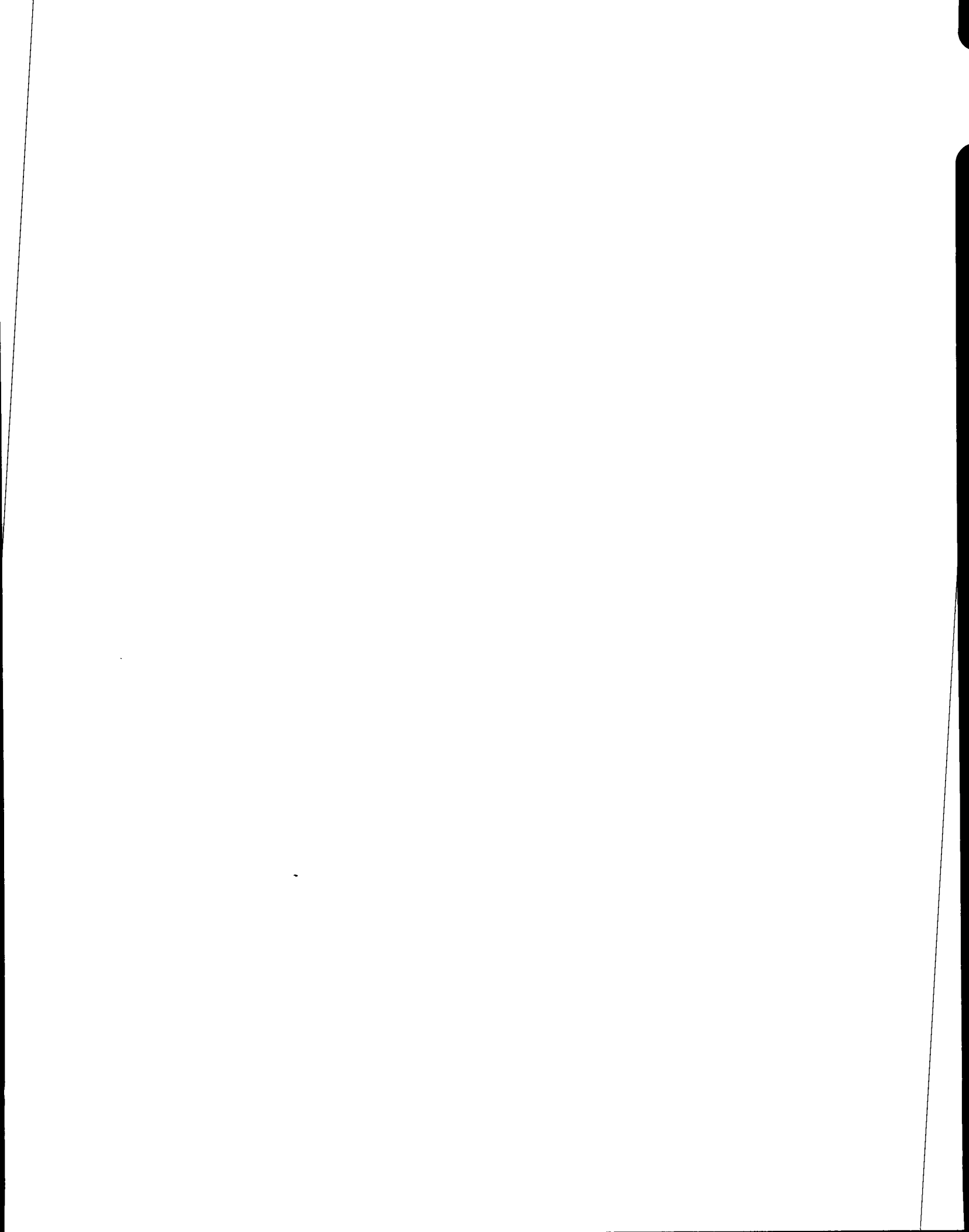
Dated: April 26, 2007

CERTIFICATE OF SERVICE

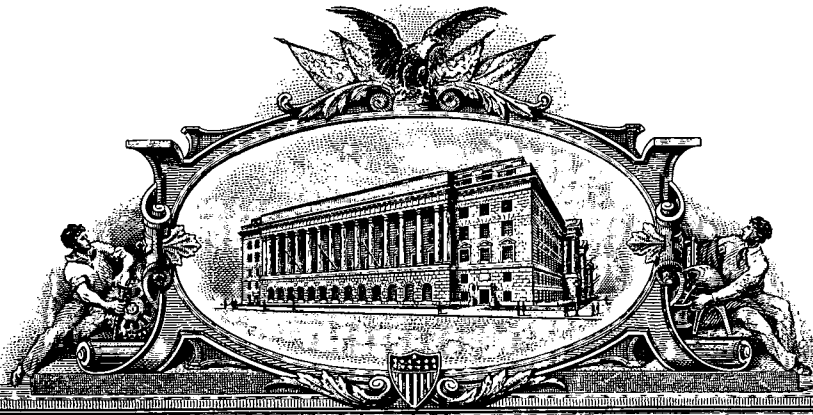
I hereby certify that a true copy of the foregoing REGISTRANT'S MOTION FOR SUMMARY JUDGMENT DISMISSING PETITION was served by first-class mail, postage prepaid, on Petitioner's counsel, Ronald Nabozny, Esq., Brooks Kushman PC, 1000 Town Center, Southfield, MI 48075, on this 26th day of April, 2007.



Thomas V. Smurzynski



7060844



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

April 04, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 895,088 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM July 21, 1970
2nd RENEWAL FOR A TERM OF 10 YEARS FROM July 21, 2003
SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT (SEC7) ISSUED
SAID RECORDS SHOW TITLE TO BE IN:

*NEW BALANCE ATHLETIC SHOE, INC.
A MASSACHUSETTS CORPORATION*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. BASSFORD
Certifying Officer



Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 895,088
Registered July 21, 1970
Renewal Approved Nov. 8, 1990

**TRADEMARK
PRINCIPAL REGISTER**

DUNHAM

DUNHAM BROTHERS COMPANY (VER-
MONT CORPORATION)
P.O. BOX 813
BRATTLEBORO, VT 05301

FOR: FOOTWEAR , IN CLASS 39 (INT.
CL. 25).
FIRST USE 9-0-1959; IN COMMERCE
9-0-1959.

OWNER OF U.S. REG. NO. 740,975.

SER. NO. 72-326,362, FILED 5-5-1969.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 18, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Amendment

Registered July 01, 1970

Registration No. 895,088

Dunham Brothers Company

Application to amend having been made by Dunham Brothers Company, owner of the registration above identified, the drawing is amended to appear as follows:

DUNHAM

Such amendment has been entered upon the records of the Patent and Trademark Office and the said original registration should be read as so amended.

Signed and sealed this 13th day of April 1976.

[SEAL]

Attest:

JANIE COOKSEY,
Attesting Officer.

C. MARSHALL DANN,
Commissioner.

United States Patent Office

895,088
Registered July 21, 1970

PRINCIPAL REGISTER Trademark

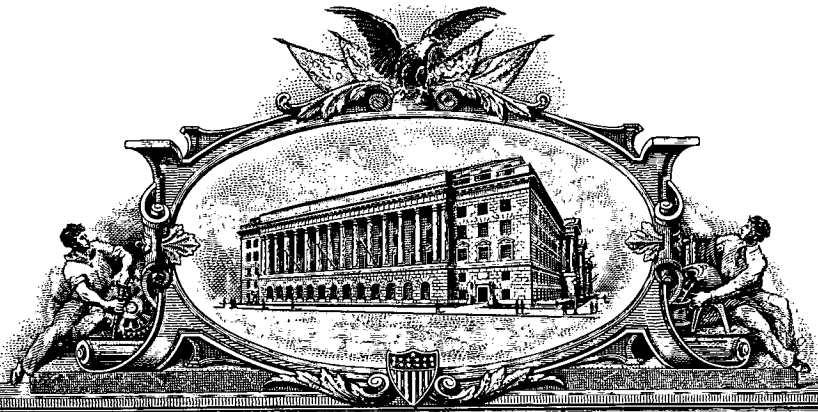
Ser. No. 326,362, filed May 5, 1969

DUNHAM'S

Dunham Brothers Company (Vermont corporation)
Vernon Drive
Brattleboro, Vt. 05301

For: FOOTWEAR, in CLASS 39 (INT. CL. 25).
First use September 1959; in commerce September 1959.
Owner of Reg. No. 740,975.

7060844



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

April 04, 2007

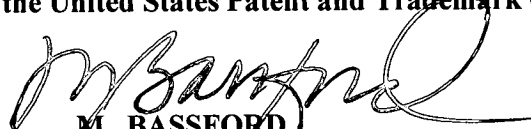
THE ATTACHED U.S. TRADEMARK REGISTRATION 973,456 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM November 20, 1973
2nd RENEWAL FOR A TERM OF 10 YEARS FROM November 20, 2003
SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT (SEC7) ISSUED
SAID RECORDS SHOW TITLE TO BE IN:

*NEW BALANCE ATHLETIC SHOE, INC.
A MASSACHUSETTS CORPORATION*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. BASSFORD
Certifying Officer



Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 973,456
Registered Nov. 20, 1973
Renewal Term Begins Nov. 20, 1993

**TRADEMARK
PRINCIPAL REGISTER**

DUNHAM WAFFLE-STOMPERS

FALCON SHOE MANUFACTURING
COMPANY (MAINE CORPORATION)
TWO CEDAR STREET
LEWISTON, ME 04243, BY ASSIGN-
MENT, CHANGE OF NAME AND AS-
SIGNMENT FROM DUNHAM BROTH-
ERS COMPANY (VERMONT CORPO-
RATION) BRATTLEBORO, VT

OWNER OF U.S. REG. NOS. 740,975
AND 895,088.

NO EXCLUSIVE RIGHT IS CLAIMED
IN THE REPRESENTATION OF THE
SHOE SOLE APART FROM THE MARK
AS A WHOLE.

FOR: LEATHER OUTDOOR SHOES
FOR HIKING, CLIMBING AND CASUAL
WEAR, IN CLASS 39 (INT. CL. 25).

FIRST USE 4-3-1970; IN COMMERCE
4-3-1970.

SER. NO. 72-427,031, FILED 6-12-1972.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 14, 1993.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Amendment

Registered November 20, 1973

Registration No. 973,456

Dunham Brothers Company

Application to amend having been made by Dunham Brothers Company, owner of the registration above identified, the drawing is amended to appear as follows:

**DUNHAM
WAFFLE-STOMPERS**

Such amendment has been entered upon the records of the Patent and Trademark Office and the said original registration should be read as so amended.

Signed and sealed this 11th day of May 1976.

[SEAL]

Attest:

JANIE COOKSEY,
Attesting Officer.

C. MARSHALL DANN,
Commissioner.

United States Patent Office

973,456
Registered Nov. 20, 1973

PRINCIPAL REGISTER Trademark

Ser. No. 427,031, filed June 12, 1972



Dunham Brothers Company (Vermont corporation)
Vernon Drive
Brattleboro, Vt. 05301

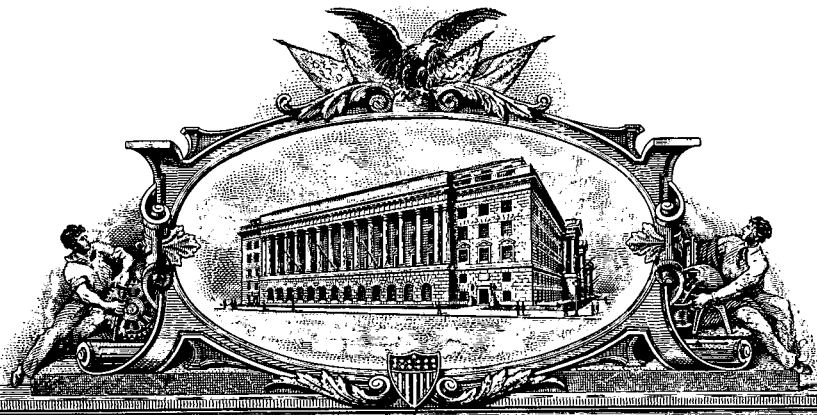
For: LEATHER OUTDOOR SHOES FOR HIKING,
CLIMBING AND CASUAL WEAR, in CLASS 39 (INT.
CL. 25).

First use Apr. 3, 1970; in commerce Apr. 3, 1970.

No exclusive right is claimed in the representation of the
shoe sole apart from the mark as a whole.

Owner of Reg. Nos. 740,975 and 895,088.

7060844



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

April 04, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 740,975 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *November 20, 1962*
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *November 20, 2002*
SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED
SAID RECORDS SHOW TITLE TO BE IN:

NEW BALANCE ATHLETIC SHOE, INC.
A MASSACHUSETTS CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. BASSFORD
Certifying Officer



Amendment

Registered November 20, 1962

Registration No. 740,975

Dunham Brothers Company

Application to amend having been made by Dunham Brothers Company, owner of the registration above identified, the drawing is amended to appear as follows:

DUNHAM TYROLEANS

Such amendment has been entered upon the records of the Patent and Trademark Office and the said original registration should be read as so amended.

Signed and sealed this 13th day of April 1976.

[SEAL]

Attest:

JANIE COOKSEY,
Attesting Officer.

C. MARSHALL DANN,
Commissioner.

United States Patent Office

740,975
Registered Nov. 20, 1962

PRINCIPAL REGISTER Trademark

Ser. No. 137,512, filed Feb. 8, 1962

DUNHAM'S TYROLEANS

Dunham Brothers Company (Vermont corporation)
135 Main St.
Brattleboro, Vt.

For: SHOES, in CLASS 39.
First use May 14, 1956; in commerce May 14, 1956.
Owner of Reg. No. 652,541.

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-04-26 15:23:32 ET

Serial Number: 73617880 Assignment Information

Registration Number: 1496249

Mark (words only): SINCE 1937 DUNHAM'S SPORTS OUTFITTERS

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 1995-01-16

Filing Date: 1986-09-02

Transformed into a National Application: No

Registration Date: 1988-07-12

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1988-07-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DUNHAM'S ATHLEISURE CORPORATION

Address:

DUNHAM'S ATHLEISURE CORPORATION
5000 DIXIE HIGHWAY
DRAYTON PLAINS, MI 48020
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 042

Class Status: Section 8 - Cancelled

RETAIL STORE SERVICES FOR THE SALE OF SPORTING GOODS, EXCLUSIVE OF FOOTWEAR AND CLOTHING

Basis: 1(a)

First Use Date: 1937-00-00

First Use in Commerce Date: 1937-00-00

ADDITIONAL INFORMATION

Disclaimer: "SPORTS OUTFITTERS"

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1995-01-16 - Canceled Section 8 (6-year)
1988-07-12 - Registered - Principal Register
1988-05-16 - Opposition terminated for Proceeding
1987-05-11 - Opposition instituted for Proceeding
1987-01-06 - Published for opposition
1986-12-07 - Notice of publication
1986-11-05 - Approved for Pub - Principal Register (Initial exam)
1986-11-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

RONALD M. NABOZNY

Correspondent

RONALD M. NABOZNY
BROOKS AND KUSHMAN
SUITE 2000
2000 TOWN CENTER
SOUTHFIELD, MI 48075

Registered Mar. 11, 1947

Trade-Mark 428,190

Republished, under the Act of 1946, Dec. 28, 1948, by
Jack Baker Sportswear Co., Inc., New York, N.Y.

Affidavit under Section 8 accepted.

Affidavit under Section 15 received, Jan. 15, 1954.

UNITED STATES PATENT OFFICE

Jack Baker Sportswear Co. Inc., New York, N. Y.

Act of February 20, 1905

Application May 14, 1946, Serial No. 502,056

S P O R T E M P O S

STATEMENT

To the Commissioner of Patents:

Jack Baker Sportswear Co. Inc., a corporation organized and existing under the laws of the State of New York, having an office and place of business at 70 West Houston Street, in the Borough of Manhattan, city, county, and State of New York, has adopted and used the trade-mark shown in the accompanying drawing, for LADIES' SUITS, JACKETS AND SKIRTS, in Class 39, Clothing, and presents herewith five (5) specimens of the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent

Office in accordance with the act of February 20, 1905.

The trade-mark has been continuously used and applied to said goods in applicant's business since January 15, 1946.

The trade-mark has been continuously applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed or lithographed label on which the mark is shown, and in other ways customary in the trade.

JACK BAKER SPORTSWEAR CO. INC.,

By **JACK M. BAKER,**

President.