

ESTTA Tracking number: **ESTTA505369**

Filing date: **11/14/2012**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Essential Brands, INC.		
Entity	Corporation	Citizenship	Delaware
Address	3415 Box Hill Corporate Center Drive Abingdon, MD 21009 UNITED STATES		

Attorney information	David L. May Nixon Peabody LLP 401 Ninth Street NW, Suite 900 Washington, DC 20004 UNITED STATES nptm@nixonpeabody.com, was.managing.clerk@nixonpeabody.com, dmay@nixonpeabody.com, jmolino@nixonpeabody.com Phone:202.585.8000
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Registration Subject to Cancellation

Registration No	3341061	Registration date	11/20/2007
Registrant	Aunties Bambino 5924 New Haven Drive Plano, TX 75093 UNITED STATES		

Goods/Services Subject to Cancellation


Class 043. First Use: 2005/08/01 First Use In Commerce: 2005/08/01 All goods and services in the class are cancelled, namely: Child Daycare Center

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation


U.S. Registration No.	2262940	Application Date	05/22/1998
Registration Date	07/20/1999	Foreign Priority Date	NONE
Word Mark	KIDDIE ACADEMY		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Child day care center services		

U.S. Registration No.	2585170	Application Date	08/03/2001
Registration Date	06/25/2002	Foreign Priority Date	NONE
Word Mark	KIDDIE ACADEMY		
Design Mark	<p style="text-align: center;">KIDDIE ACADEMY</p>		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Child day care center services		

U.S. Registration No.	4224097	Application Date	06/10/2011
Registration Date	10/16/2012	Foreign Priority Date	NONE
Word Mark	KIDDIE		
Design Mark	<p style="text-align: center;">KIDDIE</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1991/10/01 First Use In Commerce: 1991/10/01 Franchise services, namely, offering business management assistance in the		

	<p>establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers</p> <p>Class 036. First use: First Use: 2009/12/04 First Use In Commerce: 2009/12/04 Charitable fundraising</p> <p>Class 041. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs</p> <p>Class 043. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Child care; Child day care center services; Providing information in the field of child care and child day care center</p>
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U.S. Registration No.	4224098	Application Date	06/10/2011
Registration Date	10/16/2012	Foreign Priority Date	NONE
Word Mark	KIDDIE ACADEMY		
Design Mark			
Description of Mark	The mark consists of the words "KIDDIE ACADEMY" in stylized form with a facial image of a person wearing a cap positioned next to the word "KIDDIE".		
Goods/Services	<p>Class 035. First use: First Use: 1991/10/01 First Use In Commerce: 1991/10/01 Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers</p> <p>Class 036. First use: First Use: 2009/12/04 First Use In Commerce: 2009/12/04 Charitable fundraising</p> <p>Class 041. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social</p>		

	activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs
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U.S. Registration No.	4224099	Application Date	06/10/2011
Registration Date	10/16/2012	Foreign Priority Date	NONE

Word Mark	KIDDIE ACADEMY
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Description of Mark	NONE
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Goods/Services	<p>Class 035. First use: First Use: 1991/10/01 First Use In Commerce: 1991/10/01 Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers</p> <p>Class 036. First use: First Use: 2009/12/04 First Use In Commerce: 2009/12/04 Charitable fundraising</p> <p>Class 041. First use: First Use: 1985/06/30 First Use In Commerce: 1985/06/30 Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs</p>
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Attachments	<p>75489993#TMSN.gif (1 page)(bytes)</p> <p>76295201#TMSN.gif (1 page)(bytes)</p> <p>85343194#TMSN.jpeg (1 page)(bytes)</p> <p>85343221#TMSN.jpeg (1 page)(bytes)</p>
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	85343230#TMSN.jpeg (1 page)(bytes) Petition_to_Cancel_(KIDDIE_KOLLEGE).pdf (33 pages)(141583 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JSM/
Name	Jeffrey S. Molinoff
Date	11/14/2012

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

In re Registration No. 3,341,061
Date of Registration: November 20, 2007
Mark: KIDDIE KOLLEGE

_____)	
ESSENTIAL BRANDS, INC.,)	
)	
Petitioner,)	
v.)	Cancellation No. _____
)	
AUNTIES BAMBINO CORPORATION)	
)	
Respondent.)	
_____)	

PETITION TO CANCEL

Petitioner, Essential Brands, Inc., believes that it will be damaged by the continued registration of U.S. Registration No. 3,341,061 (the “ ‘061 registration”) and respectfully petitions for cancellation of the ‘061 registration. The grounds for cancellation are as follows:

1) Petitioner is a Delaware corporation that maintains its principal place of business at 3415 Box Hill Corporate Center Drive, Abingdon, Maryland 21009.

2) To the best of Petitioner’s knowledge and belief, Respondent is Aunties Bambino Corporation, a Texas corporation with an address of record at 5924 New Haven Drive, Plano, Texas 75093.

3) Petitioner is the owner of incontestable U.S. Trademark Registration No. 2262940 (the “ ‘940 registration”), registered July 20, 1999 for the mark KIDDIE ACADEMY & Design for use with *Child day care center services*, in Class 42, claiming a date of first use at least as early as June 30, 1985.

4) Petitioner is the owner of incontestable U.S. Trademark Registration No. 2585170 (the “ ‘170 registration”), registered June 25, 2002 for the mark KIDDIE ACADEMY for use with

Child day care center services, in Class 42, claiming a date of first use at least as early as June 30, 1985.

5) Petitioner is the owner of U.S. Trademark Registration No. 4224097 (the “ ‘097 registration”), registered October 16, 2012 for the mark KIDDIE for use with, *inter alia*, *Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers*, in Class 35, claiming a date of first use at least as early as October 1, 1991, *Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs*, in Class 41, claiming a date of first use at least as early as June 30, 1985, and *Child care; Child day care center services; Providing information in the field of child care and child day care center*, in Class 42, claiming a date of first use at least as early as June 30, 1985.

6) Petitioner is the owner of U.S. Trademark Registration No. 4224098 (the “ ‘098 registration”), registered October 16, 2012 for the mark KIDDIE ACADEMY & Design for use with, *inter alia*, Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers, in Class 35, claiming a date of first use at least as early as October 1, 1991, and Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs, in Class 41, claiming a date of first use at least as early as June 30, 1985.

7) Petitioner is the owner of U.S. Trademark Registration No. 4224099 (the “ ‘099 registration”), registered October 16, 2012 for the mark KIDDIE ACADEMY for use with, *inter alia*, Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers, in

Class 35, claiming a date of first use at least as early as October 1, 1991, and *Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs*, in Class 41, claiming a date of first use at least as early as June 30, 1985.

8) According to the records of the USPTO, Respondent is the owner of record of U.S. Registration No. 3,341,061, based on U.S. Application Serial No. 78/586,055, filed on March 12, 2005, pursuant to Trademark Act § 1(b), for federal registration of the mark KIDDIE KOLLEGE for *Child Daycare Center* in Class 43, claiming a date of first use at least as early as August 1, 2005.

9) The dates on which Petitioner first used its KIDDIE, KIDDIE ACADEMY, and KIDDIE ACADEMY & Design marks in connection with at least the goods and services set forth above precede the earliest dates Respondent can possibly claim as its date of first use.

COUNT I – LIKELIHOOD OF CONFUSION

10) Petitioner repeats and re-alleges the above numbered Paragraphs as though fully set forth herein.

11) Petitioner's date of first use of the KIDDIE ACADEMY & Design mark in connection with at least the services set forth within at least Class 42 of the '940 registration is prior to the date set forth within the '061 registration, and is prior to any other date of first use of the mark in U.S. commerce on which Respondent can rely.

12) Petitioner's date of first use of the KIDDIE ACADEMY mark in connection with at least the services set forth within at least Class 42 of the '170 registration are prior to the date set forth within the '061 registration, and are prior to any other date of first use of the mark in U.S. commerce on which Respondent can rely.

13) Petitioner's dates of first use of the KIDDIE mark in connection with at least the services set forth within at least Classes 35, 41, and 43 of the '097 registration are prior to the date set forth within the '061 registration, and are prior to any other date of first use of the mark in U.S. commerce on which Respondent can rely.

14) Petitioner's date of first use of the KIDDIE ACADEMY & Design mark in connection with at least the services set forth within at least Classes 35, 41, and 43 of the '098 registration are prior to the date set forth within the '061 registration, and are prior to any other date of first use of the mark in U.S. commerce on which Respondent can rely.

15) Petitioner's date of first use of the KIDDIE ACADEMY mark in connection with at least the services set forth within at least Classes 35, 41, and 43 of the '099 registration are prior to the date set forth within the '061 registration, and are prior to any other date of first use of the mark in U.S. commerce on which Respondent can rely.

16) Petitioner has prior rights in and to KIDDIE, KIDDIE ACADEMY, and KIDDIE ACADEMY & Design marks and, therefore, is entitled to federal registration of the marks.

17) The continued registration of the '061 registration is likely to create confusion, mistake, and/or deception, either actual or hypothetical, within the meaning of Trademark Act § 2(d), to the detriment of Petitioner.

18) In view of the foregoing, the USPTO improperly registered the '061 registration, which is subject to cancellation.

WHEREFORE, Petitioner respectfully requests that the Board grant its Petition for Cancellation, enter judgment in Petitioner's favor and against Respondent, and cancel U.S. Registration No. 3,341,061.

Dated: November 14, 2012

Respectfully submitted,
NIXON PEABODY LLP

by: /JSM/

David L. May
Jeffrey S. Molinoff

401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128
202-585-8000 (Phone)
202-585-8080 (Facsimile)

was.managing.clerk@uspto.gov
nptm@nixonpeabody.com
dmay@nixonpeabody.com
jmolinoff@nixonpeabody.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition to Cancel was served on November 14, 2012, via first-class mail, postage prepaid, on:

Aunties Bambino
5924 New Haven Drive
Plano, TEXAS 75093

 /JSM/
Jeffrey S. Molinoff

Generated on: This page was generated by TSDR on 2012-11-11 12:57:38 EST

Mark: KIDDIE ACADEMY



US Serial Number: 75489993

Application Filing Date: May 22, 1998

US Registration Number: 2262940

Registration Date: Jul. 20, 1999

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Mar. 13, 2009

Publication Date: Apr. 27, 1999

Mark Information

Mark Literal Elements: KIDDIE ACADEMY

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Disclaimer: "KIDDIE"

Design Search Code(s): 02.05.01 - Busts of children;Children, heads, portraiture, busts;Heads of children
02.05.04 - Children, girl(s);Girls
02.05.05 - Boys;Children, boy(s)
09.05.11 - Hats, graduation (mortarboards);Mortarboards (graduation hats)

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: Child day care center services
International Class: 042 - Primary Class **U.S Class:** 100, 101
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 30, 1985 **Use in Commerce:** Jun. 30, 1985

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: ESSENTIAL BRANDS, INC.
 3415 BOX HILL CORPORATE CENTER DRIVE
Owner Address: ABINGDON, MARYLAND 21009
 UNITED STATES

Legal Entity Type:	CORPORATION	State or Country Where Organized:	DELAWARE
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Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May **Docket Number:** 038856-11

Correspondent

Correspondent David L. May
 Nixon Peabody LLP
 401 9th Street, N.W.

Name/Address: Suite 900
Washington, DISTRICT OF COLUMBIA 20004
UNITED STATES

Phone: 202-585-8000

Fax: 202-585-8080

Correspondent e-mail: nptm@nixonpeabody.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 03, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 01, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 01, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 13, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60234
Mar. 13, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 03, 2009	ASSIGNED TO PARALEGAL	60234
Feb. 25, 2009	TEAS SECTION 8 & 9 RECEIVED	
Feb. 13, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 13, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 09, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 06, 2007	CASE FILE IN TICRS	
Mar. 17, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 29, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 30, 2000	CERTIFICATE OF CORRECTION ISSUED	
Sep. 24, 1999	REQUEST FOR NEW CERTIFICATE FILED	
Jul. 20, 1999	REGISTERED-PRINCIPAL REGISTER	
Apr. 27, 1999	PUBLISHED FOR OPPOSITION	
Mar. 26, 1999	NOTICE OF PUBLICATION	

Dec. 29, 1998 APPROVED FOR PUB - PRINCIPAL REGISTER

Dec. 22, 1998 ASSIGNED TO EXAMINER

59500

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 20, 2009

Change in Registration: Yes

Correction made to Registration: In the statement, column 1, before line 1, "Kiddie Academy International, Inc. (Delaware corporation) 108 Wheel Road, Suite 200, Bel Air, MD 21015, by merger with" should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 13, 2009

Assignment Abstract of Title Information

Summary

Total Assignments: 2

Registrant: Kiddie Academy International, Inc.

Assignment 1 of 2

Conveyance: MERGER

Reel/Frame: [1952/0642](#)

Pages: 4

Date Recorded: Aug. 30, 1999

Supporting Documents: [assignment-tm-1952-0642.pdf](#)

Assignor

Name: [KIDDIE ACADEMY CHILD CARE LEARNING CENTERS, INC.](#)

Execution Date: Jun. 09, 1999

Legal Entity Type: CORPORATION State or Country Where Organized: MARYLAND

Assignee

Name: [KIDDIE ACADEMY INTERNATIONAL, INC.](#)

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: SUITE 200
108 WHEEL ROAD
BEL AIR, MARYLAND 21015

Correspondent

Correspondent Name: WHITEFORD, TAYLOR & PRESTON L.L.P.

Correspondent Address: CHRISTOPHER R. DOLLASE, ESQUIRE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [4139/0842](#) Pages: 3

Date Recorded: Jan. 28, 2010

Supporting Documents: [assignment-tm-4139-0842.pdf](#)

Assignor

Name: [KIDDIE ACADEMY INTERNATIONAL, INC.](#) Execution Date: Dec. 02, 2009

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [ESSENTIAL BRANDS, INC.](#)

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 3415 BOX HILL CORPORATE CENTER DRIVE
ABINGDON, MARYLAND 21009

Correspondent

**Correspondent
Name:** DAVID L. MAY, NIXON PEABODY LLP

**Correspondent
Address:** 401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2012-11-11 12:58:12 EST

Mark: KIDDIE ACADEMY

KIDDIE ACADEMY

US Serial Number: 76295201

Application Filing Date: Aug. 03, 2001

US Registration Number: 2585170

Registration Date: Jun. 25, 2002

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Mar. 29, 2012

Publication Date: Apr. 02, 2002

Mark Information

Mark Literal Elements: KIDDIE ACADEMY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "KIDDIE"

Related Properties Information

Claimed Ownership of US Registrations: [2262940](#)

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: Child day care center services
International Class: 042 - Primary Class **U.S Class:** 100, 101
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 30, 1985 **Use in Commerce:** Jun. 30, 1985

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: ESSENTIAL BRANDS, INC.
3415 BOX HILL CORPORATE CENTER DRIVE
Owner Address: ABINGDON, MARYLAND 21009
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May **Docket Number:** 038856-10

Correspondent

Correspondent Name/Address: David L. May
Nixon Peabody LLP
401 9th Street, N.W.
Suite 900

Washington, DISTRICT OF COLUMBIA 20004
UNITED STATES

Phone: 202-585-8000

Fax: 202-585-8080

Correspondent e-mail: nptm@nixonpeabody.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 29, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 29, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Mar. 29, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Mar. 27, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 03, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 01, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 01, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 03, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jun. 03, 2008	ASSIGNED TO PARALEGAL	77315
May 12, 2008	TEAS SECTION 8 & 15 RECEIVED	
May 09, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 23, 2007	CASE FILE IN TICRS	
Jun. 25, 2002	REGISTERED-PRINCIPAL REGISTER	
Apr. 02, 2002	PUBLISHED FOR OPPOSITION	
Mar. 13, 2002	NOTICE OF PUBLICATION	
Nov. 02, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 18, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 18, 2001	EXAMINERS AMENDMENT MAILED	

Sep. 28, 2001 NON-FINAL ACTION MAILED

Sep. 21, 2001 ASSIGNED TO EXAMINER

78430

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 25, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Mar. 29, 2012

Assignment Abstract of Title Information

Summary

Total Assignments: 1

Registrant: Kiddie Academy International, Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [4139/0842](#)

Pages: 3

Date Recorded: Jan. 28, 2010

Supporting Documents: [assignment-tm-4139-0842.pdf](#)

Assignor

Name: [KIDDIE ACADEMY INTERNATIONAL, INC.](#)

Execution Date: Dec. 02, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [ESSENTIAL BRANDS, INC.](#)

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Mark: KIDDIE

KIDDIE

US Serial Number: 85343194

Application Filing Date: Jun. 10, 2011

US Registration Number: 4224097

Registration Date: Oct. 16, 2012

Register: Principal

Mark Type: Service Mark

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

Status Date: Oct. 16, 2012

Publication Date: Jul. 31, 2012

Mark Information

Mark Literal Elements: KIDDIE

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

Acquired Distinctiveness Claim: In whole

Related Properties Information

Claimed Ownership of US Registrations: [2262940,2585170](#)

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: Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers

International Class: 035 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Oct. 01, 1991 **Use in Commerce:** Oct. 01, 1991

For: Charitable fundraising

International Class: 036 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 04, 2009 **Use in Commerce:** Dec. 04, 2009

For: Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs

International Class: 041 - Primary Class **U.S Class:** 100, 101, 107
Class Status: ACTIVE
Basis: 1(a)

First Use: Jun. 30, 1985

Use in Commerce: Jun. 30, 1985

For: Child care; Child day care center services; Providing information in the field of child care and child day care center

International Class: 043 - Primary Class

U.S Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 1985

Use in Commerce: Jun. 30, 1985

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Essential Brands, Inc.

Owner Address: 3415 Box Hill Corporate Center Drive
Abingdon, MARYLAND 21009
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May

Docket Number: 038857-34

Correspondent

DAVID L. MAY
NIXON PEABODY LLP

Correspondent Name/Address: 401 9TH ST NW STE 900
WASHINGTON, DISTRICT OF COLUMBIA 20004-2145
UNITED STATES

Correspondent e-mail: nptm@nixonpeabody.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2012	REGISTERED-PRINCIPAL REGISTER	
Jul. 31, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 31, 2012	PUBLISHED FOR OPPOSITION	
Jul. 11, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jun. 26, 2012	ASSIGNED TO LIE	66213
Jun. 07, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 12, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 11, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 11, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 23, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 23, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 23, 2012	NON-FINAL ACTION WRITTEN	78484
Mar. 27, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 26, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 26, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 26, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 26, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 26, 2011	NON-FINAL ACTION WRITTEN	78484
Sep. 23, 2011	ASSIGNED TO EXAMINER	78484
Jun. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA	

ENTERED IN TRAM

Jun. 14, 2011 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE
SECTION **Date in Location:** Oct. 16, 2012

Generated on: This page was generated by TSDR on 2012-11-11 12:58:54 EST

Mark: KIDDIE ACADEMY



US Serial Number: 85343221

Application Filing Date: Jun. 10, 2011

US Registration Number: 4224098

Registration Date: Oct. 16, 2012

Register: Principal

Mark Type: Service Mark

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

Status Date: Oct. 16, 2012

Publication Date: Jul. 31, 2012

Mark Information

Mark Literal Elements: KIDDIE ACADEMY

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the words "KIDDIE ACADEMY" in stylized form with a facial image of a person wearing a cap positioned next to the word "KIDDIE".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Acquired Distinctiveness Claim: In whole

Design Search Code(s):

02.05.01 - Busts of children;Children, heads, portraiture, busts;Heads of children
 02.05.04 - Children, girl(s);Girls
 02.05.05 - Boys;Children, boy(s)
 09.05.11 - Hats, graduation (mortarboards);Mortarboards (graduation hats)

Related Properties Information

Claimed Ownership of US Registrations: [2262940,2585170](#)

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: Franchise services, namely, offering business management assistance in the establishment and operation of educational centers and programs; Franchise services, namely, offering business management assistance in the establishment and operation of child care centers

International Class: 035 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Oct. 01, 1991 **Use in Commerce:** Oct. 01, 1991

For: Charitable fundraising

International Class: 036 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 04, 2009 **Use in Commerce:** Dec. 04, 2009

For: Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular

activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs

International Class: 041 - Primary Class **U.S Class:** 100, 101, 107
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 30, 1985 **Use in Commerce:** Jun. 30, 1985

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Essential Brands, Inc.
3415 Box Hill Corporate Center Drive
Owner Address: Abingdon, MARYLAND 21009
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May **Docket Number:** 038857-31

Correspondent

DAVID L. MAY

Correspondent Name/Address: NIXON PEABODY LLP
401 9TH ST NW STE 900
WASHINGTON, DISTRICT OF COLUMBIA 20004-2145
UNITED STATES

Correspondent e-mail: nptm@nixonpeabody.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2012	REGISTERED-PRINCIPAL REGISTER	
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Sep. 23, 2011	ASSIGNED TO EXAMINER	78484

Jun. 16, 2011 NOTICE OF DESIGN SEARCH CODE MAILED
Jun. 15, 2011 NEW APPLICATION OFFICE SUPPLIED DATA
ENTERED IN TRAM
Jun. 14, 2011 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Oct. 16, 2012

Generated on: This page was generated by TSDR on 2012-11-11 12:59:07 EST

Mark: KIDDIE ACADEMY

KIDDIE ACADEMY

US Serial Number: 85343230

Application Filing Date: Jun. 10, 2011

US Registration Number: 4224099

Registration Date: Oct. 16, 2012

Register: Principal

Mark Type: Service Mark

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

Status Date: Oct. 16, 2012

Publication Date: Jul. 31, 2012

Mark Information

Mark Literal Elements: KIDDIE ACADEMY

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

Acquired Distinctiveness Claim: In whole

Related Properties Information

Claimed Ownership of US Registrations: [2262940,2585170](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

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Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 01, 1991 **Use in Commerce:** Oct. 01, 1991

For: Charitable fundraising

International Class: 036 - Primary Class **U.S Class:** 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 04, 2009 **Use in Commerce:** Dec. 04, 2009

For: Education services, namely, providing academic guidance and early childhood instruction to pre-school age children in math, science, social studies, language arts, physical education, creative arts and character education; Summer camps; Summer camp programs providing educational services, field trips, social activities and extracurricular activities for school-age children in reading, writing, science, math, music, sports and art; Before and after school educational programs providing supervised homework and extracurricular activities for school-age children in reading, writing, science, math, music, sports, and art; education services in the nature of early childhood instruction; nursery schools providing age-appropriate learning curriculum; charitable services, namely, providing books to underprivileged children; Providing links to an online library of websites featuring educational programs of others in the fields of parenting, early childhood and school-age educational programs

International Class: 041 - Primary Class **U.S Class:** 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 1985

Use in Commerce: Jun. 30, 1985

Basis Information (Case Level)

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Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Essential Brands, Inc.
3415 Box Hill Corporate Center Drive
Owner Address: Abingdon, MARYLAND 21009
UNITED STATES

Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May
Docket Number: 038857-30

Correspondent

Correspondent Name/Address: DAVID L. MAY
NIXON PEABODY LLP
401 9TH ST NW STE 900
WASHINGTON, DISTRICT OF COLUMBIA 20004-2145
UNITED STATES

Correspondent e-mail: nptm@nixonpeabody.com
Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

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Jun. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Oct. 16, 2012

