

ESTTA Tracking number: **ESTTA1153297**Filing date: **08/14/2021**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 has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	WOMEN'S BEST GmbH		
Entity	Limited Liability Company	Citizenship	Germany
Address	EDUARD BODEM GASSE 3 INNSBRUCK, A-6020 AUSTRIA		
Attorney information	KEVIN P. HARTLEY TRUST TREE LEGAL, P.C. 798 BERRY ROAD, #41400 ] NASHVILLE, TN 37204 UNITED STATES Primary Email: kevin@trust-tree.com Secondary Email(s): bill@trust-tree.com, docket@trust-tree.com 6154690451		
Docket Number			

**Registration Subject to Cancellation**

Registration No.	5276240	Registration date	08/29/2017
Registrant	SAND ONE LLC 206 W. 4TH ST., SUITE 209 SANTA ANA, CA 92701 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 2016/08/01 First Use In Commerce: 2016/08/01 All goods and services in the class are subject to cancellation, namely: Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats;Tops
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**Grounds for Cancellation**

No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	SAND ONER Petition to Cancel.pdf(100447 bytes ) Exhibit A SAND ONER Petition to Cancel.pdf(61698 bytes ) Exhibit B SAND ONER Petition to Cancel.pdf(3667302 bytes ) Exhibit C SAND ONER Petition to Cancel.pdf(3716205 bytes )
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Signature	/Kevin P. Hartley/
Name	Kevin P. Hartley
Date	08/14/2021

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

<b>WOMEN'S BEST GmbH,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Cancellation No. _____</b>
		<b>U.S. Reg. No. 5,276,240</b>
	)	
<b>SAND ONE LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**PETITION FOR CANCELLATION**

WOMEN’S BEST GmbH, an Austrian limited liability company with an address of Eduard Bodem Gasse 3, Innsbruck, Austria A-6020 (“Petitioner”), believes that it will be damaged by SAND ONE LLC’s (“Respondent”) continued registration of U.S. Trademark Registration No. 5,276,240 for the mark SAND ONER in connection with “Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats; Top” in Class 25 (the “Respondent Registration”) and hereby petitions for cancellation of same on grounds of fraud and non-use pursuant to Section 14 of the Lanham Trademark Act of 1946 (the “Lanham Act”), 15 U.S.C. § 1064 and on grounds of abandonment pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3). As grounds for cancellation, Petitioner alleges as follows:

1. On February 28, 2020, Petitioner filed U.S. Application Serial No. 88/815,408 based on Section 1(b) for registration of the mark ONER (with design) for “Rucksacks; Bags for sports” in Class 18 and “Tops as clothing; Bottoms as clothing;

Clothing for gymnastics, namely, shorts, shirts, leggings, and pants; Track suit bottoms; Jerseys; Gym suits; Tank tops; Shorts; Shirts; T-shirts; Trousers; Pants; Waistcoats; Coats; Headgear, namely, sports caps, hats, toboggan hats, beanies, skull caps, bandanas, headbands, and sweatbands; Headwear; Footwear” in Class 25 (the “ONER Application”).

2. On July 1, 2020, Petitioner filed U.S. Application Serial No. 90/031,906 based on Section 1(b) for registration of the mark ONER ACTIVE (with design) for “Rucksacks; Bags for sports” in Class 18 and “Tops as clothing; Bottoms as clothing; Clothing for gymnastics, namely, shorts, shirts, leggings, and pants; Track suit bottoms; Jerseys; Gym suits; Tank tops; Shorts; Shirts; T-shirts; Trousers; Pants; Waistcoats; Coats; Headgear, namely, sports caps, hats, toboggan hats, beanies, skull caps, bandanas, headbands, and sweatbands; Headwear; Footwear” in Class 25 (the “ONER ACTIVE Application” and together with the “ONER Application” referred to herein as “Petitioner’s Applications”).

3. Petitioner’s Applications are pending. Attached hereto as Exhibit A are true and correct printouts from the United States Patent and Trademark Office (“USPTO”) electronic database reflecting that Petitioner’s Applications are pending.

4. In respective Office Actions dated May 19, 2020, and October 9, 2020, the USPTO cited the Respondent Registration against Petitioner’s Applications (the “Office Actions”), asserting its position that registration of the ONER and ONER ACTIVE marks are likely to cause confusion with the SAND ONER mark. Both Office Actions have since been made final, thereby interfering with Petitioner’s Applications and causing harm to Petitioner. Petitioner therefore has a real interest in seeking cancellation of the Respondent Registration and standing to bring this action.

5. Respondent, a California limited liability company with an address of 206 W. 4th St., Suite 209, Santa Ana, CA 92701, is the current listed owner of the Respondent Registration.

6. On February 3, 2017, Respondent filed Application Serial No. 87/324,492 (“Respondent’s Application”) to register the SAND ONER mark for, in pertinent part, “Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats; Tops” in Class 25 based on purported use of the mark in U.S. commerce under Section 1(a) of the Lanham Act.

7. The specimen submitted with Respondent’s Application shows one digitally created image of an article of clothing. The clothing pictured does not display the SAND ONER mark, does not include a tag displaying the mark, or otherwise include an acceptable specimen showing use of the mark in commerce. A true and correct copy of which is attached hereto as Exhibit B. In Respondent’s Application, a true and correct copy of which is attached hereto as Exhibit C, Respondent’s Attorney of Record, Elizabeth Yang (“Yang”), on Respondent’s behalf, represented to the USPTO that Respondent was actively using the SAND ONER mark in U.S. commerce in connection with “Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats; Tops” in Class 25 (the “Representation”).

#### **COUNT I – FRAUD ON THE U.S. PATENT AND TRADEMARK OFFICE**

8. Petitioner repeats and realleges paragraphs 1 through 7 hereof, as if fully set forth herein.

9. Petitioner seeks to cancel the Registration on the ground that it was obtained as a result of at least one knowingly false statement about use of the SAND ONER mark, which was made with the intent to deceive the USPTO and constitute fraud on the USPTO.

10. On information and belief, the Representation was false at the time Yang made it on Respondent's behalf.

11. The only reasonable inference from the foregoing is that the Representation was made on Respondent's behalf to mislead the USPTO and to cause the USPTO to issue the Respondent Registration.

12. The false Representation was material because, but for the false Representation, the USPTO would not have granted the Respondent Registration. However, in reliance on the false Representation, the USPTO issued the Respondent Registration on August 29, 2017.

13. Petitioner has been and will continue to be harmed by the issuance of the Respondent Registration because it is preventing Petitioner from obtaining a registration for its ONER and ONER ACTIVE marks and Respondent could rely on the Respondent Registration to assert its alleged rights against Petitioner.

14. Based on the foregoing, Respondent obtained the Respondent Registration fraudulently, which is grounds for cancellation of the Respondent Registration in its entirety.

**COUNT II – NO USE OF MARK IN COMMERCE BEFORE  
STATEMENT OF USE**

15. Petitioner repeats and realleges paragraphs 1 through 14 hereof, as if fully set forth herein.

16. As a further basis for cancellation, the Respondent Registration is void *ab initio* because Respondent was not using the SAND ONER mark in connection with any of the goods identified in Respondent's Application when it was filed on February 3, 2017.

### **COUNT III – ABANDONMENT**

17. Petitioner repeats and realleges paragraphs 1 through 16 hereof, as if fully set forth herein.

18. On information and belief, to the extent Respondent ever used the SAND ONER mark in commerce, Respondent has discontinued use of the SAND ONER mark in connection with all the goods identified in the Respondent Registration.

19. Accordingly, Respondent has abandoned the SAND ONER mark and Respondent's Registration is subject to cancellation pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner respectfully requests that its cancellation be sustained, and that Respondent's Registration No. 5,276,240 be cancelled.

Dated: August 14, 2021

Respectfully submitted,

s/ Kevin P. Hartley

Kevin P. Hartley

TRUST TREE LEGAL, P.C.

798 Berry Road, #41400

Nashville, TN 37204

Telephone: (615) 469-0451

Email: [kevin@trust-tree.com](mailto:kevin@trust-tree.com)

Attorney for Petitioner

# **EXHIBIT A**



**Generated on:** This page was generated by TSDR on 2021-08-13 16:00:40 EDT

**Mark:** ONER



**US Serial Number:** 88815408

**Application Filing Date:** Feb. 28, 2020

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Appeal of Refusal Pending

An appeal of the Office's final refusal to register a pending trademark application is currently pending.

**Status:** An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jun. 15, 2021

## Mark Information

**Mark Literal Elements:** ONER

**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 a stylized outline of an upward arrow to the left of the stylized wording "ONER".

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

**Design Search Code(s):** 24.15.04 - Arrowheads  
24.15.25 - Other arrows  
26.17.12 - Chevrons; Angles (geometric)

## 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:** Rucksacks; Bags for sports

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Tops as clothing; Bottoms as clothing; Clothing for gymnastics, namely, shorts, shirts, leggings, and pants; Track suit bottoms; Jerseys; Gym suits; Tank tops; Shorts; Shirts; T-shirts; Trousers; Pants; Waistcoats; Coats; Headgear, namely, sports caps, hats, toboggan hats, beanies, skull caps, bandanas, headbands, and sweatbands; Headwear; Footwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

Owner Name: WOMEN'S BEST GmbH

Owner Address: Eduard Bodem Gasse 3  
Innsbruck AUSTRIA A-6020

Legal Entity Type: gesellschaft mit beschränkter haftung (gmbh)

State or Country AUSTRIA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: KEVIN P. HARTLEY

Attorney Primary Email Address: [kevin@trust-tree.com](mailto:kevin@trust-tree.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Kevin P. Hartley  
TRUST TREE LEGAL, P.C.  
798 BERRY ROAD, #41400  
NASHVILLE, TENNESSEE UNITED STATES 37204

Phone: 615-469-0451

Fax: 6154690451

Correspondent e-mail: [kevin@trust-tree.com](mailto:kevin@trust-tree.com) [docket@trust-tree.com](mailto:docket@trust-tree.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2021	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Jun. 14, 2021	ACTION DENYING REQ FOR RECON E-MAILED	
Jun. 14, 2021	ACTION CONTINUING FINAL - COMPLETED	94484
May 27, 2021	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
May 27, 2021	EX PARTE APPEAL-INSTITUTED	815408
May 27, 2021	JURISDICTION RESTORED TO EXAMINING ATTORNEY	815408
May 27, 2021	EXPARTE APPEAL RECEIVED AT TTAB	
Nov. 27, 2020	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 27, 2020	FINAL REFUSAL E-MAILED	
Nov. 27, 2020	FINAL REFUSAL WRITTEN	94484
Nov. 20, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 19, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 19, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 19, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 19, 2020	NON-FINAL ACTION E-MAILED	6325
May 19, 2020	NON-FINAL ACTION WRITTEN	94484
May 18, 2020	ASSIGNED TO EXAMINER	94484
Mar. 07, 2020	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 06, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 05, 2020	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: OAKES, JEFFREY ALLEN

Law Office Assigned: LAW OFFICE 128

**File Location****Current Location:** TMO LAW OFFICE 128 - EXAMINING  
ATTORNEY ASSIGNED**Date in Location:** Jun. 14, 2021

## Proceedings

**Summary****Number of** 1  
**Proceedings:****Type of Proceeding: Exparte Appeal****Proceeding** [88815408](#)  
**Number:****Filing Date:** May 27, 2021**Status:** Pending**Status Date:** May 27, 2021**Interlocutory**  
**Attorney:****Plaintiff(s)****Name:** WOMEN'S BEST GmbH**Correspondent** KEVIN P. HARTLEY  
**Address:** TRUST TREE LEGAL, P.C.  
798 BERRY ROAD, #41400  
NASHVILLE TN UNITED STATES , 37204**Correspondent e-** [kevin@trust-tree.com](mailto:kevin@trust-tree.com) , [docket@trust-tree.com](mailto:docket@trust-tree.com)  
**mail:****Associated marks**

Mark	Application Status	Serial Number	Registration Number
ONER	Ex Parte Appeal Pending	<a href="#">88815408</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	May 27, 2021	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	May 27, 2021	
3	INSTITUTED	May 27, 2021	
4	RECON DENIED	Jun 14, 2021	
5	RECON DENIED	Jun 14, 2021	
6	PROCEEDINGS RESUMED	Jun 15, 2021	

**Generated on:** This page was generated by TSDR on 2021-08-13 16:02:21 EDT

**Mark:** ONER ACTIVE



**US Serial Number:** 90031906

**Application Filing Date:** Jul. 01, 2020

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** May 20, 2021

## Mark Information

**Mark Literal Elements:** ONER ACTIVE

**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 a stylized outline of an upward arrow to the left of the stylized wording "ONER ACTIVE".

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

**Disclaimer:** "ACTIVE"

**Design Search Code(s):** 24.15.04 - Arrowheads

## 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
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**For:** Rucksacks; Bags for sports

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Tops as clothing; Bottoms as clothing; Clothing for gymnastics, namely, shorts, shirts, leggings, and pants; Track suit bottoms; Jerseys; Gym suits; Tank tops; Shorts; Shirts; T-shirts; Trousers; Pants; Waistcoats; Coats; Headgear, namely, sports caps, hats, toboggan hats, beanies, skull caps, bandanas, headbands, and sweatbands; Headwear; Footwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

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

Currently Use: No  
Currently ITU: Yes  
Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** WOMEN'S BEST GmbH  
**Owner Address:** Eduard Bodem Gasse 3  
Innsbruck AUSTRIA 6020  
**Legal Entity Type:** gesellschaft mit beschränkter haftung (gmbh)  
**State or Country** AUSTRIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Kevin P. Hartley  
**Attorney Primary Email Address:** [kevin@trust-tree.com](mailto:kevin@trust-tree.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Kevin P. Hartley  
TRUST TREE LEGAL, P.C.  
798 BERRY ROAD, #41400  
NASHVILLE, TENNESSEE UNITED STATES 37204  
**Phone:** 615-469-0451  
**Fax:** 6154690451  
**Correspondent e-mail:** [kevin@trust-tree.com](mailto:kevin@trust-tree.com) [docket@trust-tree.com](mailto:docket@trust-tree.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 20, 2021	NOTIFICATION OF FINAL REFUSAL EMAILED	
May 20, 2021	FINAL REFUSAL E-MAILED	
May 20, 2021	FINAL REFUSAL WRITTEN	95362
Apr. 09, 2021	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 09, 2021	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 09, 2021	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 09, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2020	NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2020	NON-FINAL ACTION WRITTEN	95362
Oct. 06, 2020	ASSIGNED TO EXAMINER	95362
Jul. 30, 2020	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 29, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 04, 2020	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** RAFARI-PEARSON, NIYA M  
**Law Office Assigned:** LAW OFFICE 112

### File Location

**Current Location:** TMO LAW OFFICE 112 - EXAMINING ATTORNEY ASSIGNED  
**Date in Location:** May 20, 2021

# **EXHIBIT B**



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# Sand Oner

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Air Freshners

\$10.00



Doll Stickers

\$10.00





Men Annoy Me.. Baseball Tee

\$65.00



Sand Valentines Pillows

2/3/2017

Sand One – Sand Oner  
From \$65.00



Stickers  
\$10.00





Valentines Art Print Edition

\$15.00

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Air Freshners

\$10.00





Doll Stickers

\$10.00



Men Annoy Me.. Baseball Tee

\$65.00



Sand Valentines Pillows

2/3/2017

Sand One – Sand Oner  
From \$65.00



Stickers  
\$10.00





Valentines Art Print Edition

\$15.00

## Latest News

### First post

This is your store's blog. You can use it to talk about new product launches, experiences, tips or other news you want your customers to read about. You can check...

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# EXHIBIT C

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87324492

Filing Date: 02/03/2017

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">SAND ONER</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SAND ONER
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	SAND ONE LLC
*STREET	4423 Tutte Street
*CITY	Commerce
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	90040
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	016
*IDENTIFICATION	Decorative decals for vehicle windows; Paper labels; Stickers; Cardboard hang tags; Decals and stickers for use as home decor; Paper hang tags
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/01/2016

<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/01/2016
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-9923856141-20170203220243043800_. Sand_One_Sand_Oner.pdf</a>
<b>CONVERTED PDF FILE(S) (6 pages)</b>	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0003.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0004.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0005.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0006.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0007.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0008.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screenshot of business webpage depicting mark used in conjunction with goods and services applied for
<b>*INTERNATIONAL CLASS</b>	025
<b>*IDENTIFICATION</b>	Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats; Tops
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/01/2016
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/01/2016
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1-9923856141-20170203220243043800_. Sand_One_Sand_Oner.pdf</a>
<b>CONVERTED PDF FILE(S) (6 pages)</b>	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0009.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0010.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0011.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0012.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0013.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\873\244\87324492\xml1\FTK0014.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screenshot of business webpage depicting mark used in conjunction with goods and services applied for
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/ LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Elizabeth Yang

<b>FIRM NAME</b>	Law & Mediation Offices of Elizabeth Yang
<b>STREET</b>	1001 Fremont Ave #3808
<b>CITY</b>	South Pasadena
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	91030
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<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Elizabeth Yang
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<b>*STREET</b>	1001 Fremont Ave #3808
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<b>*STATE</b> (Required for U.S. addresses)	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	91030
<b>PHONE</b>	8774926452
<b>FAX</b>	8774926452
<b>*EMAIL ADDRESS</b>	elizabeth@yanglawoffices.com; info@yanglawoffices.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	450
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Elizabeth Yang/
<b>* SIGNATORY'S NAME</b>	Elizabeth Yang
<b>* SIGNATORY'S POSITION</b>	Attorney of record, California bar member
<b>SIGNATORY'S PHONE NUMBER</b>	9099965906
<b>* DATE SIGNED</b>	02/03/2017

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87324492**

**Filing Date: 02/03/2017**

#### To the Commissioner for Trademarks:

**MARK:** SAND ONER (Standard Characters, see [mark](#))

The mark in your application is SAND ONER.

The applicant, SAND ONE LLC, a limited liability company legally organized under the laws of California, having an address of  
4423 Tutte Street  
Commerce, California 90040  
United States

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:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 016: Decorative decals for vehicle windows; Paper labels; Stickers; Cardboard hang tags; Decals and stickers for use as home decor; Paper hang tags

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 016, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 08/01/2016, and first used in commerce at least as early as 08/01/2016, 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) screenshot of business webpage depicting mark used in conjunction with goods and services applied for.

#### Original PDF file:

[SPE0-9923856141-20170203220243043800\\_. Sand\\_One\\_Sand\\_Oner.pdf](#)

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[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Body suits; Hats; Leggings; Pants; Shirts; Socks; Sweaters; Tank-tops; Underwear; Bottoms; Hoodies; Hoods; Jackets; Sports caps and hats; Sports caps and hats; Tops

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 08/01/2016, and first used in commerce at least as early as 08/01/2016, 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) screenshot of business webpage depicting mark used in conjunction with goods and services applied for.

**Original PDF file:**

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**Converted PDF file(s)** (6 pages)

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[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

**The applicant's current Attorney Information:**

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8774926452(fax)  
elizabeth@yanglawoffices.com;info@yanglawoffices.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 class(es).

**Declaration**

☒ **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 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
- The facts set forth in the application are true.

**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 on or in connection with the goods/services in the application; and
- The facts set forth in the application are true.

- ☒ 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 that all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Elizabeth Yang/ Date: 02/03/2017

Signatory's Name: Elizabeth Yang

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

Signatory's Phone Number: 9099965906

Payment Sale Number: 87324492

Payment Accounting Date: 02/06/2017

Serial Number: 87324492

Internet Transmission Date: Fri Feb 03 22:15:41 EST 2017

TEAS Stamp: USPTO/FTK-XX.XXX.XX.XXX-2017020322154149

2452-87324492-580c75bd952a232f0d21c3f982

6c28249fba48fe9efad2f82b56b2addf97ed0-CC

-6934-20170203220243043800

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Air Freshners

\$10.00



Doll Stickers

\$10.00



Men Annoy Me.. Baseball Tee

\$65.00



Sand Valentines Pillows



2/3/2017

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From \$65.00



Stickers  
\$10.00



Valentines Art Print Edition

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Sand Valentines Pillows



2/3/2017

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Stickers  
\$10.00



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\$15.00

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