

ESTTA Tracking number: **ESTTA1295103**

Filing date: **07/03/2023**

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	Victory Films Limited		
Entity	a limited company	Citizenship	United Kingdom
Address	PINEWOOD STUDIOS, PINEWOOD ROAD IVER BUCKS, SL0 0NH UNITED KINGDOM		

Attorney information	DAVID A.W. WONG BARNES & THORNBURG LLP 11 S. MERIDIAN ST INDIANAPOLIS, IN 46204-3535 UNITED STATES Primary email: <a href="mailto:d Wong@btlaw.com">d Wong@btlaw.com</a> Secondary email(s): <a href="mailto:TSDR@btlaw.com">TSDR@btlaw.com</a> 3172361313		
Docket no.	92611-100		

**Registration subject to cancellation**

Registration no.	4759930	Registration date	06/23/2015
Register	Principal		
Registrant	361 USA, INC. SUITE 110 18 GOODYEAR IRVINE, CA 92618 UNITED STATES		

**Goods/services subject to cancellation**

Class 025. First Use: Sep 1, 2014 First Use In Commerce: Sep 1, 2014 All goods and services in the class are subject to cancellation, namely: Footwear and apparel, namely shirts, t-shirts, long sleeve shirts, shorts, athletic pants, jackets, sleeveless vests, tights, skirts, Capri pants, yoga pants, sports bras, and tank tops
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**Grounds for cancellation**

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	ONE DEGREE BEYOND.pdf(31483 bytes )
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	ONE DEGREE BEYOND Exhibits.pdf(112930 bytes )
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Signature	/dwong/
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Name	David A.W. Wong
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Date	07/03/2023
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Victory Films Limited	
Petitioner,	<b>Cancellation No.</b> _____
v.	<b>Mark: ONE DEGREE BEYOND</b>
361 USA, INC.	<b>Registration No. 4759930</b>
Respondent.	

**PETITION FOR CANCELLATION**

1. Victory Films Limited (“Petitioner”) believes it is now and will continue to be damaged by 361 USA, INC.’s (“Respondent”) continued registration of the trademark ONE DEGREE BEYOND, as shown in Registration No. 4759930, (“Respondent’s Mark”), and hereby petitions to cancel said registration. The grounds for this petition are as follows:

2. Respondent is the owner of U.S. Registration No. 4759930 for the Respondent’s Mark in connection with “Footwear and apparel, namely shirts, t-shirts, long sleeve shirts, shorts, athletic pants, jackets, sleeveless vests, tights, skirts, Capri pants, yoga pants, sports bras, and tank tops” (“Respondent’s Goods”). A printout from the TSDR, evidencing the current status and ownership of this registration, is attached as **Exhibit A**.

3. Respondent filed the application to register Respondent’s Mark on October 31, 2014, claiming a date of first use in commerce of September 1, 2014.

4. Respondent filed a Combined Declaration of Use and Incontestability under Sections 8 & 15 on June 23, 2021 declaring that Respondent’s Mark had been in continuous use for at least the five prior years with all of Respondent’s Goods.

5. On August 12, 2021, Petitioner filed the following three U.S. trademark applications to register the following three trademarks (collectively, “Petitioner’s Marks”), each now in connection with “Articles of clothing, namely, tops as clothing, bottoms as clothing, jeans, coats, swimwear, bandanas, socks, scarves, mittens, gloves, sports tops, sports shorts, sport vests, hoodies, sweatpants, sports jackets; footwear; headwear, namely, hats and caps; none of the aforementioned goods in relation to bike shoes or ski boots” (“Petitioner’s Goods”):

- a. Serial No. 79322141 to register the mark 1° & Design;
- b. Serial No. 79321806 to register the mark ONE DEGREE; and
- c. Serial No. 79321805 to register the mark 1 DEGREE.

Printouts from the TSDR, evidencing the current status and ownership of these three applications, are attached as **Exhibit B**.

6. The Trademark Office preliminarily refused registration of Petitioner’s U.S. trademark applications Serial No. 79322141, 79321806, and 79321805 based, in part, on a perceived likelihood of confusion with U.S. Registration No. 4759930.

7. Upon information and belief, Respondent has either has never used, or has discontinued use, of Respondent’s Mark in U.S. commerce in connection with Respondent’s Goods, in whole or in part, with an intent not to resume such use, and Respondent has abandoned the Respondent’s Mark in connection Respondent’s Goods.

8. Upon information and belief, Respondent made false statements and committed fraud upon the United States Patent and Trademark Office (the “Office”) when it alleged to the Office in verified statements that Respondent was using Respondent’s Mark in U.S. commerce with all of Respondent’s Goods at the time of filing the application to register Respondent’s Mark

on October 31, 2014 and at the time of filing of a Combined Declaration of Use and Incontestability under Sections 8 & 15 on June 23, 2021.

9. Continued registration of Respondent's Mark in connection with Respondent's Goods is causing harm to Petitioner by interfering with Petitioner's ability to register and protect Petitioner's Marks in connection with Petitioner's Goods.

WHEREFORE, Petitioner believes that it is, and will continue to be, damaged by the registration of Respondent's Mark and prays that said registration be canceled.

Respectfully submitted,

Date: July 3, 2023

By: /s/ David A.W. Wong  
David A. W. Wong  
**BARNES & THORNBURG LLP**  
11 South Meridian Street  
Indianapolis, Indiana 46204  
317-231-7238  
dwong@btlaw.com  
TSDR@btlaw.com  
Attorneys for Petitioner

Petitioner's email: tmowner@btlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this Petition for Cancellation was filed with the Trademark Trial and Appeal Board via ESTTA on **July 3, 2023**.

By: /s/ David A.W. Wong  
David A. W. Wong  
**BARNES & THORNBURG LLP**

# Exhibit A

Generated on: This page was generated by TSDR on 2023-07-03 13:16:33 EDT

Mark: ONE DEGREE BEYOND

ONE DEGREE BEYOND

US Serial Number: 86441986

Application Filing Date: Oct. 31, 2014

US Registration Number: 4759930

Registration Date: Jun. 23, 2015

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 05, 2021

Publication Date: Apr. 07, 2015

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## Mark Information

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Mark Literal Elements: ONE DEGREE BEYOND

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

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## Goods and Services

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**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:** Footwear and apparel, namely shirts, t-shirts, long sleeve shirts, shorts, athletic pants, jackets, sleeveless vests, tights, skirts, Capri pants, yoga pants, sports bras, and tank tops

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 2014

Use in Commerce: Sep. 01, 2014

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

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## Current Owner(s) Information

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**Owner Name:** 361 USA, INC.

**Owner Address:** Suite 110  
18 Goodyear  
Irvine, CALIFORNIA UNITED STATES 92618

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Michael E. Zall

**Docket Number:** 361-OneDegre

**Attorney Primary Email Address:** [Mike@Zall-Law.com](mailto:Mike@Zall-Law.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Michael E. Zall  
MICHAEL E. ZALL LAW FIRM  
2 YORKSHIRE DR  
SUFFERN, NEW YORK UNITED STATES 10901-7414

**Phone:** (845) 357-6800

**Fax:** (845) 357-4616

**Correspondent e-mail:** [Mike@Zall-Law.com](mailto:Mike@Zall-Law.com) [ZallLawNY@GMail.com](mailto:ZallLawNY@GMail.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Oct. 05, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 05, 2021	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	95151
Oct. 05, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	95151
Jun. 23, 2021	TEAS SECTION 8 & 15 RECEIVED	
Jun. 23, 2020	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jun. 23, 2015	REGISTERED-PRINCIPAL REGISTER	
Apr. 07, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 07, 2015	PUBLISHED FOR OPPOSITION	
Mar. 18, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 12, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 12, 2015	ASSIGNED TO EXAMINER	59810
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Nov. 04, 2014	NEW APPLICATION ENTERED	

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

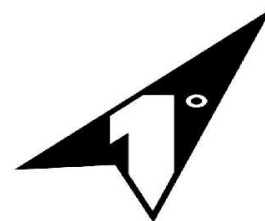
**Current Location:** TMEG LAW OFFICE 101

**Date in Location:** Oct. 05, 2021

# Exhibit B

Generated on: This page was generated by TSDR on 2023-07-03 13:17:27 EDT

Mark: 1°



US Serial Number: 79322141

Application Filing Date: Aug. 12, 2021

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: Jan. 27, 2023

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## Mark Information

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Mark Literal Elements: 1°

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 number one having a degree symbol adjacent to the upper right portion, all inside a quadrilateral with a shaded background.

Design Search Code(s): 26.05.21 - Triangles that are completely or partially shaded

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## Related Properties Information

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International Registration Number: 1617475

International Registration Date: Aug. 12, 2021

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## Goods and Services

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**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:** Articles of clothing, namely, tops as clothing, bottoms as clothing, jeans, coats, swimwear, bandanas, socks, scarves, mittens, gloves, sports tops, sports shorts, sport vests, hoodies, sweatpants, sports jackets; footwear; headwear, namely, hats and caps; none of the aforementioned goods in relation to bike shoes or ski boots

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

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## Basis Information (Case Level)

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

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

## Current Owner(s) Information

**Owner Name:** Victory Films Limited  
**Owner Address:** Pinewood Studios, Pinewood Road  
Iver, Bucks SL0 0NH  
UNITED KINGDOM  
**Legal Entity Type:** Limited company  
**State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** David A.W. Wong  
**Attorney Primary Email Address:** [dwong@btlaw.com](mailto:dwong@btlaw.com)  
**Docket Number:** 92611-370485  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** David A.W. Wong  
Barnes & Thornburg LLP  
11 S. Meridian St  
Barnes & Thornburg LLP  
Indianapolis, INDIANA UNITED STATES 46204  
**Phone:** 13172361313  
**Correspondent e-mail:** [dwong@btlaw.com](mailto:dwong@btlaw.com) [jeffery.johnson@btlaw.com](mailto:jeffery.johnson@btlaw.com) [MINDocket@btlaw.com](mailto:MINDocket@btlaw.com) [trey.cummings@btlaw.com](mailto:trey.cummings@btlaw.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 29, 2023	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Jan. 27, 2023	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 27, 2023	FINAL REFUSAL E-MAILED	
Jan. 27, 2023	FINAL REFUSAL WRITTEN	96799
Sep. 30, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 29, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 29, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 13, 2022	REFUSAL PROCESSED BY IB	
Jun. 16, 2022	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 16, 2022	REFUSAL PROCESSED BY MPU	68359
May 21, 2022	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 20, 2022	NON-FINAL ACTION WRITTEN	96799
May 13, 2022	ASSIGNED TO EXAMINER	96799
Oct. 19, 2021	APPLICATION FILING RECEIPT MAILED	
Oct. 14, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 08, 2021	SN ASSIGNED FOR SECT 66A APPL FROM IB	

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## International Registration Information (Section 66a)

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<b>International Registration Number:</b>	1617475	<b>International Registration Date:</b>	Aug. 12, 2021
<b>Priority Claimed Flag:</b>	Yes	<b>Date of Section 67 Priority Claim:</b>	Feb. 12, 2021
<b>Intl. Registration Status:</b>	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b>	Oct. 08, 2021
<b>Notification of Designation Date:</b>	Oct. 07, 2021	<b>Date of Automatic Protection:</b>	Apr. 07, 2023
<b>International Registration Renewal Date:</b>	Aug. 12, 2031		
<b>First Refusal Flag:</b>	Yes		

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## TM Staff and Location Information

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### TM Staff Information

**TM Attorney:** FOSTER, SHATONI ALEXAN

**Law Office Assigned:** LAW OFFICE 121

### File Location

**Current Location:** TMO LAW OFFICE 121 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Jan. 27, 2023

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Mark: ONE DEGREE

ONE DEGREE

US Serial Number: 79321806

Application Filing Date: Aug. 12, 2021

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: Jan. 27, 2023

## Mark Information

Mark Literal Elements: ONE DEGREE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

International Registration Number: 1616683

International Registration Date: Aug. 12, 2021

## 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:** Articles of clothing, namely, tops as clothing, bottoms as clothing, jeans, coats, swimwear, bandanas, socks, scarves, mittens, gloves, sports tops, sports shorts, sport vests, hoodies, sweatpants, sports jackets; footwear; headwear, namely, hats and caps; none of the aforementioned goods in relation to bike shoes or ski boots

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

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

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

## Current Owner(s) Information

**Owner Name:** Victory Films Limited  
**Owner Address:** Pinewood Studios,  
Pinewood Road, Iver Bucks SL0 0NH  
UNITED KINGDOM  
**Legal Entity Type:** Limited company UK, England and Wales  
**State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** David A.W. Wong  
**Attorney Primary Email Address:** [dwong@btlaw.com](mailto:dwong@btlaw.com)  
**Docket Number:** 92611-370486  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** David A.W. Wong  
Barnes & Thornburg LLP  
11 S. Meridian St  
Barnes & Thornburg LLP  
Indianapolis, INDIANA UNITED STATES 46204  
**Phone:** 13172361313  
**Correspondent e-mail:** [dwong@btlaw.com](mailto:dwong@btlaw.com) [jeffery.johnson@btlaw.com](mailto:jeffery.johnson@btlaw.com) [MINDocket@btlaw.com](mailto:MINDocket@btlaw.com) [trey.cummings@btlaw.com](mailto:trey.cummings@btlaw.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2023	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Jan. 27, 2023	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 27, 2023	FINAL REFUSAL E-MAILED	
Jan. 27, 2023	FINAL REFUSAL WRITTEN	96799
Sep. 29, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 29, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 29, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 12, 2022	REFUSAL PROCESSED BY IB	
Jun. 17, 2022	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 17, 2022	REFUSAL PROCESSED BY MPU	92867
May 20, 2022	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 19, 2022	NON-FINAL ACTION WRITTEN	96799
May 13, 2022	ASSIGNED TO EXAMINER	96799
Oct. 12, 2021	APPLICATION FILING RECEIPT MAILED	
Oct. 08, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 07, 2021	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

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Mark: 1 DEGREE

# 1 DEGREE

US Serial Number: 79321805

Application Filing Date: Aug. 12, 2021

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: Jan. 26, 2023

## Mark Information

Mark Literal Elements: 1 DEGREE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

International Registration Number: 1616682

International Registration Date: Aug. 12, 2021

## Goods and Services

**Note:**

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- 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.

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International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No



Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** Victory Films Limited

**Owner Address:** Pinewood Studios,  
Pinewood Road, Iver Bucks SL0 0NH  
UNITED KINGDOM

**Legal Entity Type:** Limited Company UK, England and Wales

**State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** David A.W. Wong

**Docket Number:** 92611-370487

**Attorney Primary Email Address:** [dwong@btlaw.com](mailto:dwong@btlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** David A.W. Wong  
Barnes & Thornburg LLP  
11 S. Meridian St  
Barnes & Thornburg LLP  
Indianapolis, INDIANA UNITED STATES 46204

**Phone:** 13172361313

**Correspondent e-mail:** [dwong@btlaw.com](mailto:dwong@btlaw.com) [jeffery.johnson@btlaw.com](mailto:jeffery.johnson@btlaw.com) [MINDocket@btlaw.com](mailto:MINDocket@btlaw.com) [trey.cummings@btlaw.com](mailto:trey.cummings@btlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2023	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Mar. 08, 2023	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Jan. 26, 2023	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 26, 2023	FINAL REFUSAL E-MAILED	
Jan. 26, 2023	FINAL REFUSAL WRITTEN	96799
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Sep. 29, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 29, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 05, 2022	REFUSAL PROCESSED BY IB	
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Jun. 15, 2022	REFUSAL PROCESSED BY MPU	67445
May 19, 2022	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 18, 2022	NON-FINAL ACTION WRITTEN	96799
May 13, 2022	ASSIGNED TO EXAMINER	96799
Oct. 12, 2021	APPLICATION FILING RECEIPT MAILED	
Oct. 08, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 07, 2021	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

International 1616682

International Aug. 12, 2021

**Registration Number:**  
**Priority Claimed Flag:** Yes  
**Intl. Registration Status:** REQUEST FOR EXTENSION OF PROTECTION PROCESSED  
**Notification of Designation Date:** Oct. 07, 2021  
**International Registration Renewal Date:** Aug. 12, 2031  
**First Refusal Flag:** Yes

**Registration Date:**  
**Date of Section 67 Priority Claim:** Feb. 12, 2021  
**Date of International Registration Status:** Oct. 07, 2021  
**Date of Automatic Protection:** Apr. 07, 2023

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## TM Staff and Location Information

---

### TM Staff Information

**TM Attorney:** FOSTER, SHATONI ALEXAN

**Law Office Assigned:** LAW OFFICE 121

### File Location

**Current Location:** TMO LAW OFFICE 121 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Jan. 26, 2023

**Registration Number:**  
**Priority Claimed Flag:** Yes  
**Intl. Registration Status:** REQUEST FOR EXTENSION OF PROTECTION PROCESSED  
**Notification of Designation Date:** Oct. 07, 2021  
**International Registration Renewal Date:** Aug. 12, 2031  
**First Refusal Flag:** Yes

**Registration Date:**  
**Date of Section 67 Priority Claim:** Feb. 12, 2021  
**Date of International Registration Status:** Oct. 07, 2021  
**Date of Automatic Protection:** Apr. 07, 2023

---

## TM Staff and Location Information

---

### TM Staff Information

**TM Attorney:** FOSTER, SHATONI ALEXAN

**Law Office Assigned:** LAW OFFICE 121

### File Location

**Current Location:** TMO LAW OFFICE 121 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Jan. 27, 2023