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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Novus Inc.

Mark: Novus (IC 03, 09, 014, and 025)

App. Serial No.: 88034895

Mailing Date: October 30, 2018

Filing Date: July 12, 2018

Examining Attorney: Steven W. Ferrell Jr.

Commissioner for Trademarks

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**APPLICANT'S RESPONSE TO OFFICE ACTION**

**I. Introduction**

On July 12, 2018, applicant Novus, Inc. ("Applicant" and/or "Novus") filed an application with the United States Patent and Trademark Office ("USPTO") to register the word mark NOVUS in:

- International Class ("IC") 003 for Shoe cream; Shoe polish; Shoe wax
- IC 09 for sunglasses
- IC 014 for Jewelry and imitation jewelry; and
- IC 025 for Belts; Jerseys; Socks; Fashion hats

This application was assigned U.S. Application Serial Number 88034895 ("the Application"). On October 30, 2018, the USPTO issued an Office Action refusing registration of the Application in IC 25 (for Belts; Jerseys; Socks; Fashion hats) because of likelihood of confusion with the mark in U.S. Registration No. 3661936 issued for the NOVOUS mark ("Reg. No. 3661936" or "NOVOUS") and in IC 14 (Jewelry and imitation jewelry) for likelihood of confusion with the mark in U.S. Registration No. 5339677 issued for the NOVAS mark ("Reg. No. 5339677" or "NOVAS") (the "Registered Marks").

The NOVOUS mark is registered in IC 25 for "[c]lothing, namely, arm warmers, knee warmers, leg warmers, apparel, namely, men's, women's and children's clothing, namely, shirts, pants, jackets, dress, shorts, skirts, underwear, bra tops, tank tops, swim wear, sweaters, outerwear, ski jackets, snow pants, cycling chamois shorts, and jerseys." Meanwhile, the NOVAS mark is registered in IC 14 for "precious stones; charms for jewelry; Jewelry chains; Jewelry; Earrings; jewelry boxes; Key chains comprised of split rings with decorative fobs or trinkets; paste jewelry; wristwatches; works of art of precious metal".

The Office Action also issued an advisory notice of a prior-filed application, U.S. Application Serial No. 87870138 in IC 25 for "Hats; Leggings; Shirts; Sweatshirts; Tank-tops" under the mark NOVUS THREADS, which preceded Applicant's filing date. As a threshold

matter, it is worth noting that per the USPTO database the U.S. Application Serial No. 87870138 has been abandoned given applicant's failure to respond or filed a late response to an Office action. Thus, U.S. Application Serial No. 87870138 is no longer active and does not warrant discussion in this response.

Applicant here respectfully traverses the examining attorney's decision to partially refuse registration of Applicant's mark in IC 25 and IC 14, and hereby submits this response to Office Action.

## **II. Section 2(d) Refusal/Likelihood of Confusion**

Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services.<sup>1</sup> Assessing the likelihood of confusion between two marks requires an examination of the now classic thirteen (13) factors discussed in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) ("*DuPont* factors"). Those factors are:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression.
2. The similarity or dissimilarity and nature of the goods . . . described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely-to-continue trade channels.
4. The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
5. The fame of the prior mark.
6. The number and nature of similar marks in use on similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and the conditions under which there has been concurrent use without evidence of actual confusion.
9. The variety of goods on which a mark is or is not used.
10. The market interface between the applicant and the owner of a prior mark.
11. The extent to which applicant has a right to exclude others from use of its mark on its goods.
12. The extent of potential confusion.
13. Any other established fact probative of the effect of use.

Not all of the *DuPont* factors may be relevant or of equal weight in a given case, and "any one of the factors may control a particular case." *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). Likelihood of confusion must be analyzed on a case-by-case basis, considering all evidence actually relevant to that inquiry. *In re E. I. DuPont*, at 1361. The overriding concern is to prevent buyers' confusion as to the source of the goods and/or

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<sup>1</sup> 15 U.S.C. § 1052(d); TMEP §1207.01.

services. *See, In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed.Cir.1993).<sup>2</sup> In some cases, a determination that there is no likelihood of confusion may be appropriate, even where the marks share common terms. Additions or deletions to marks may be sufficient to avoid likelihood of confusion if the marks in their entireties convey significantly different commercial impressions, are used in connection with different goods and services, or are used in connection with goods and/or services purchased by a sophisticated consumer. *See* TEMP §1207.01(b)(iii).

In the instant case, this agency's refusal was premised on the *DuPont* factors dealing with the similarity of the marks, the similarity of the goods described in the application/registration and their trade channels. The USPTO concluded that NOVUS and the NOVOUS marks are essentially phonetic equivalents and thus sound similar. It added that the NOVUS and NOVAS marks could also be pronounced the same, look similar and have an identical arbitrary connotation sharing therefore a similar commercial impression. Also, that goods to be offered under the NOVUS mark presumably encompass all the goods offered under the registration issued for the NOVAS mark, and that it is assumed that the goods offered under the NOVOUS mark and those listed in the application are sold everywhere that is normal for such items and to the same classes of purchasers and as such, their goods are considered related for likelihood of confusion purposes. Applicant disagrees.

#### Comparison of marks:

#### **Reg. No. 3661936- NOVOUS**

The factor dealing with similarity of the marks must take into consideration "the marks in their entireties as to appearance, sound, connotation and commercial impression". *In re Viterra, Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012). In this case, Applicant acknowledges that its NOVUS mark and the Registered Mark NOVOUS differ a single letter at the middle (to wit, "O"). However, it is Applicant's position that the marks have verifiable pronunciations that are demonstrably different from each other. The phonogram **ou** as used in the Registered Mark has four possible sounds, which are the following: (i) **/ow/ as in found** (i.e. about, house, shout, mouse, count, loud, sound, hound; (ii) **long o as in four** (i.e., pour, course, court, gourd, mourn, fourth; (iii) **/oo/ as in you** (i.e., your, tour, crouton, group, coup, and (iv) **/uh/ as in country** (i.e. cousin, double). *See Exhibit A.*<sup>3</sup> Pursuant to Romalda Spalding's *The Writing Road to Reading* these sounds are presented in order of frequency, the first sound **/ow/** is the most common, the second less common, and so on. *See, Id.* In contrast, Applicant's Mark has a clear and unequivocal "u" sound at the end, therefore sounding as *no.wus*. *See Exhibit B.*<sup>4</sup> As such, the marks simply do not sound the same and cannot be said to be phonetic equivalents. Further, while NOVOUS is an arbitrary word with no inherent meaning in the English language, the word NOVUS means "NEW" in Latin, creating therefore a different commercial impression and allowing the public to distinguish between the marks based on their meaning (or lack thereof). *See*

<sup>2</sup> *See also, In re Majestic Distilling Co.*, 315 F.3d 1311, 1314, 65 U.S.P.Q.2d 1201 (Fed. Cir. Jan. 2, 2003) ("We determine likelihood of confusion by focusing on the question whether the purchasing public would mistakenly assume that the applicant's goods originate from the same source as, or are associated with, the goods in the cited registrations.")

<sup>3</sup> "The Four Sounds of the Spelling OU." *Daily Writing Tips*, [www.dailywritingtips.com/the-four-sounds-of-the-spelling-ou/](http://www.dailywritingtips.com/the-four-sounds-of-the-spelling-ou/) (accessed 4/18/2019).

<sup>4</sup> "Novus." *Wiktionary*, [en.wiktionary.org/wiki/novus](http://en.wiktionary.org/wiki/novus). (accessed 4/18/2019).

**Exhibit C.** *Compare with, In re Product Innovation Research LLC*, Serial No, 77912065 (January 22, 2014) (Unreported)<sup>5</sup> (where the Trademark Trial and Appeal Board ruled that HAUTE MESS and HOT MESS marks were not likely to cause confusion as they had different meanings and commercial impressions).

**Reg. No. 5339677 - NOVAS**

Courts have held that to assess the similarity of the marks, “[t]he proper test is ‘not side-by-side comparison’ but ‘whether the labels create the same overall [commercial] impression when viewed separately’”. *See, Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 713 (3rd Cir. 2004). The “overall commercial impression of the marks is analyzed by ‘mov[ing] into the mind of the roving consumer,’ . . . and ‘compar[ing] the appearance, sound and meaning of the marks.’” *Componentone LLC v. Componentart, Inc.*, 2008 WL 4790661 (W.D. Pa. 2008) (citing, *A & H Sportswear, Inc. v. Victoria’s Secret Stores, Inc.*, 237 F.3d 198, 2016 (3rd Cir. 2000).

Here, when the NOVUS and NOVAS marks are compared in appearance and overall commercial impression the dissimilarity is evident. Applicant’s mark is different in its visual appearance from Reg. No. 5339677. The use of the vowel “A” in NOVAS versus the use of the vowel “U” in NOVUS is telling and makes consumer confusion unlikely taking into consideration both words consist of only two syllables. Additionally, spoken aloud, NOVAS does not sound similar to NOVUS.

More significantly (and assuming only for the sake of discussion that the marks are similar in sound), Applicant points out that, contrary to the USPTO’s assertion that both NOVUS and NOVAS have “an identical arbitrary connotation” they do in fact have meanings which happen to convey very different commercial impressions. On the one hand, Applicant’s mark “NOVUS” means “NEW” in Latin.<sup>6</sup> On the other, “NOVAS” is the plural form of “NOVA”, which refers to a star that suddenly increases its light output tremendously and then fades away to its former obscurity in a few months or years.<sup>7</sup> *See Exhibit D.* In other words, while the word NOVUS alludes to novelty, something fresh and unusual, the word NOVAS has a clear astronomical connotation. *Compare with, In re Manuel E. Tellez*, Serial No. 87229195 (November 3, 2017) (holding that although “prey” and “pray” are phonetic equivalents, their meanings differ sharply, therefore conveying different impressions; adding that “there is not only a transposition but different words with different meanings”.)

In fact, the USPTO has consistently held that differing connotations themselves can be determinative in the likelihood of confusion analysis, even where identical marks, with identical meanings are used, which --as explained above-- is *not* even the case at hand. *See for example, Revlon, Inc. v. Jerrell, Inc.*, 713 F. Supp. 93, 98 (S.D.N.Y. 1989) where the Court ruled no likelihood of confusion because the meaning and connotation of the marks THE NINES (used to

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<sup>5</sup> Applicant recognizes that this and other non-citable decisions of the TTAB are not binding on the examining attorney, but includes them for their persuasive value, in accordance with the Official Gazette Notice of January 23, 2007 by Chief Administrative Trademark Judge J. David Sams.

<sup>6</sup> *See*, FN4.

<sup>7</sup> “nova.” (plural, “novas”) <https://www.merriam-webster.com/dictionary/nova>. (accessed 4/30/2019); and “nova” <https://dictionary.cambridge.org/dictionary/english/nova> (accessed 4/30/2019).

identify bays of cosmetic counters) and INTO THE NINETIES (used in connection with defendant's marketing program) are not related, stating in relevant, that "[t]he NINES suggests the number nine, or nine of something in a group. INTO THE NINETIES is a reference to the decade of the 1990's." Relevantly, the Court also reiterated that "such differences of connotation and meaning are key factors in determining the likelihood of confusion [and that] [d]iffering connotations themselves can be determinative, even where identical words with identical meanings are used". Id. (supplied emphasis). *See also, Clarks of England, Inc v. Glen Shoe Company, Inc.*, 485 F. Supp. 375, 379 (S.D.N.Y. 1960), where plaintiff alleged that defendant's use of the STAR TREK mark for children's running shoes, plastic sandals and canvas sneakers infringed its TREK mark, used in connection with footwear. Even though the allegedly conflicting marks were used in similar products (i.e. footwear), the Court held that "although plaintiff and defendant produced footwear, their shoes differ substantially. The Court added that "the TREK mark conveys an image of rusticity and durability, while STAR TREK connotes space travel".

In conclusion, NOVUS and NOVAS are different not only visually but in meaning and connotation, a determinative factor supporting a finding that the marks are not likely to be confused in the marketplace.

#### Comparison of Goods:

Applicant acknowledges that it intends to use its NOVUS mark in connection with apparel (although for different goods than those listed in the NOVOUS registration). It also acknowledges that the goods listed under its IC14 application are similar to the ones covered in the registration issued for the NOVAS mark. However, it is Applicant's contention that this factor -by itself- should not be dispositive of the likelihood of confusion analysis. As stated before, similar marks can coexist and be used for similar or related goods if they both have different meanings and connotations and therefore display different commercial impressions, as in this case. *See, Clarks of England, Inc v. Glen Shoe Company, Inc., supra.*

Moreover, and also related to the factor dealing with the number and nature of similar marks in use on similar goods (which the Office Action failed to address) Applicant posits that other similar marks used for similar or related goods confirm the existence of a crowded market and minimizes any risk of likelihood of confusion resulting from the registration of Applicant's mark.

The common (and dominant) portion of the marks is the prefix "NOV" its roots coming from the Portuguese word "NOVO", which translates to "NEW". *See Exhibit E.*<sup>8</sup> The USPTO records show that "NOVO" has been adopted as the prefix of a number of trademarks used to identify different types of apparel, crediting the weakness of the NOVOUS mark and its scope of protection. Illustratively, the USPTO records show that the following formatives of the prefix "NOVO" are being used by third parties involved in the marketing and sale of goods within IC 25:

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<sup>8</sup>*Google Search*, Google, [www.google.com/pr/search?q=novo meaning in english&sa=X&ved=2ahUKEwinvMj58tfhAhUwmuAKHX71DcwQIQIoAHoECAcQAQ&cshid=1555530634908436&biw=1536&bih=747](http://www.google.com/pr/search?q=novo+meaning+in+english&sa=X&ved=2ahUKEwinvMj58tfhAhUwmuAKHX71DcwQIQIoAHoECAcQAQ&cshid=1555530634908436&biw=1536&bih=747) (accessed 4/18/2019).

NOVOLIDO (IC 025) (Bathing suits; Chemisettes; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Coats; Collars; Down jackets; Hats; Hosiery; Jumpers; Knitwear, namely, shirts, dresses, sweaters,; Pajamas; Shirts; Shoes; Skirts; Sports jerseys; Suits; Tee shirts; Trouser socks; Underpants; Underwear; Waterproof jackets and pants)	Reg. No. 5437357
NOVOWEAR (IC 025) (Apparel, namely, men's, women's and children's clothing, namely, shirts, pants, jackets, dresses, shorts, skirts, underwear, bra tops, tank tops, swimwear, sweaters, jersey tops, t-shirts, outerwear, namely, ski jackets, windproof jackets, snow pants and hats)	Reg. No. 3847720
NOVOGRATZ (IC 025) (Aprons; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' cloth bibs; Children's headwear; Children's underwear; Sleepwear; Body suits for children; Bottoms as clothing for children; Coats for children; Costumes for use in children's dress up play; Dresses for children; Hats for infants, babies, toddlers and children; Hooded sweatshirts for children; Jackets for children; Pajamas for children; Pants for children; Shirts for infants, babies, toddlers and children; Shirts for children; Shoes for children; Shorts for children; Swaddling clothes; Sweaters for children; Sweatpants for children; Sweatshirts for children; T-shirts for children; Tops as clothing for children; Trousers for children; Woven shirts for children)	Serial No. 87904661
NOVOSNUG (IC 025) (Heelpieces for footwear; Hosiery; Inner soles; Insoles; Non-slip socks; Non-slip soles for footwear; Sandals; Scarfs; Shirts; Slippers)	Serial No. 88243541
NOVOS & design (IC035) (On-line retail store services featuring clothing; On-line retail store services featuring a wide variety of consumer goods of others).	Reg. No. 5587744

Printouts of the registrations and applications identified above, taken from the electronic database of the USPTO, are hereby attached as **Exhibit F** so that they be made part of the record. *See In re Ruffin Gaming, LLC*, 66 USPQ2d 1924,1925 n. 3 (Fed. Cir. 2002).

Like the case with NOVOUS, the USPTO's records show registrations incorporating the singular term NOVA in connection with identical goods offered under Registration No. 5339677 and to be offered by Applicant under IC14. *See, illustratively*, Registration No. 5655474 for the NOVA RUDE mark in IC14 (Body jewelry; Bracelets; Jewelry; Jewelry charms; Necklaces; Rings); Registration No. 5276297 for the FASHION NOVA mark in IC14 (jewelry)<sup>9</sup>; and

<sup>9</sup> Disclaiming the word "fashion".

Registration No. 5638984 for the NOVAKIDS mark in IC35 (covering on line retail store featuring [...] fashion accessories), attached as **Exhibit G**.<sup>10</sup>

It is well known that evidence of third-party use of similar marks -as in this case- can “show that customers ‘have been educated to distinguish between different ... marks....’” 2 McCarthy on Trademarks and Unfair Competition §11:88 (4<sup>th</sup> ed. 2015) (quoting *Standard Brands, Inc. v. RJR Foods, Inc.*, 192 USPQ 383 (T.T.A.B 1976)). See also, *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3<sup>rd</sup> 1369, 73 USPQ2d 1689 (Fed. Cir. 2005), stating that “the purpose of an applicant introducing third-party uses is to show that customers have become so conditioned by a plethora of such similar marks that customers have been educated to distinguish between different such marks on the basis of *minute distinctions*.” (supplied emphasis).

Relevant to the controversy at hand, in *Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3<sup>rd</sup> 1334, 1338-1339 (Fed. Cir. 2015) the Court questioned the Trademark Trial and Appeal Board’s inadequate consideration to the strength or weakness of the opposer’s mark when addressing the question of likelihood of confusion, stating:

[t]he weaker an opposer’s mark, the closer and applicant’s mark can come without causing a likelihood of confusion and thereby invading what amounts to its comparatively narrower range of protection. (internal citations omitted) Evidence of third-party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.

Therefore, the weakness of the registered marks, the existing third-party usage (and registration) weights in favor of registration of Applicant’s mark. See *In re Primary Investments Grp. Ltd.*, *supra*, where the Trademark Trial and Appeal Board concluded, in pertinent:

...where a party’s mark is commonly used by others for similar products, it will similarly be entitled to a limited scope of protection. As such, these *duPont* factors weight heavily against finding a likelihood of confusion.

...  
[t]here are instances [...] where a single *du Pont* factor is dispositive (citations omitted) outweighs these other *du Pont* factors. Such is the case here where the terminology in the cited mark renders it commercially and conceptually weak such that the public will look to other elements to distinguish the source of the goods or services.

Turning to the factor dealing with the similarity of the trade channels, there is no evidence that the goods of the Applicant and those of the Reg. No. 5339677 and Reg. No. 3661936 are being sold in the same channels of trade. In fact, in this case the channels of trade do not overlap since

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<sup>10</sup> The Trademark Trial and Appeal Board has commonly held that confusion is likely where there are similar marks and one mark is for goods and the other is for a service related to those goods. See *In re Hyper Shoppes (Ohio) Inc.*, 37 F.2d 463, 6 U.S.P.Q.2d 1025 (Fed. Cir. 1988), where the mark BIGG’S & Design for general merchandise store services was held likely to cause confusion with BIGGS & Design for furniture. Therefore, the relevance of pointing out the existing registrations under IC35 to wit: NOVOS for on-line retail store selling clothing and NOVAKIDS for online retail store featuring, among others, fashion accessories.

the Applicant will sell the products *exclusively* at Applicant's specialty stores located in Puerto Rico and Florida and through the Applicant's website ([www.novushoes.com](http://www.novushoes.com)). The different channels of trade support a finding of no likelihood of confusion between the parties' goods.

Applicant's ownership of the Novus mark in related goods:

Finally, and of outmost importance, it is Applicant's proposition that registration of its NOVUS mark is also warranted because Applicant is the owner of Registration 4707352 issued by the USPTO for the word and design mark "NOVUS" in IC 035 for "[r]etail store services featuring shoes, wallets, backpacks, handbags, sunglasses, **jewelry**, perfume, shoe polisher, shoe oils, shoe sprays, and shoeshine with sponge applicator, shoe brushes and shoe sponges, **clothing**, namely, hats, belts, socks, shoes, scarves, tights, non-slip shoes, and shoe inserts, namely, foot cushions and heel grips, and hair accessories" (supplied emphasis) (the "Novus Service Mark"). See **Exhibit H**. Applicant applied for Registration 4707352 in year 2014 but prior to that date Applicant was the owner of Registration 3176118 issued by the USPTO for the word and (now outdated) design NOVUS also in IC 035 for "Retail Store services featuring shoes, wallets, backpacks, and handbags, sunglasses, **jewelry**, perfume, shoe polisher, shoe oils, shoe sprays, and shoeshine with sponge applicator, shoe brushes and shoe sponges, **clothing**, namely, hats, belts, socks, shoes, scarves, tights, non-slip shoes, and shoe inserts, namely, foot cushions and heel grips, and hair accessories". (supplied emphasis). Applicant applied for U.S. Registration 3176118 in year 2005. See **Exhibit I**.<sup>11</sup>

As evidenced by the certificates of registration issued by the USPTO for the Novus Service Mark, Applicant has used said mark in commerce since 1973 (that is, for over forty-five years now), therefore achieving extensive public recognition and goodwill. Indeed, and in addition to its stand-alone NOVUS stores, since 1999 Applicant owns and operates a website under the domain name [www.novushoes.com](http://www.novushoes.com) ("Applicant's website"). See **Exhibit J**.<sup>12</sup> Taking all of this into account and considering that the overriding concern in the likelihood of confusion test is to prevent buyers' confusion as to the source of the goods<sup>13</sup>, here, given the longstanding use by Applicant of the Novus Service Mark in connection with retail store services covering the sale of **jewelry and clothing**, confusion as to the source of the goods is *unquestionably* not likely to occur. Compare with *In re Hyper Shoppes (Ohio) Inc.*, *supra* (ruling that confusion is likely where there are similar marks and one mark is for goods and the other is for a service related to those goods).

Applicant's prior and current ownership of the Novus Service Mark in conjunction with the fact that these marks have co-existed --for over ten years-- with the NOVUS mark and since the inception of the NOVUS mark in year 2017, without any evidence of any actual confusion, warrants registration of Applicant's mark. It has been held that the coexistence of the applicant's other registration can "tip the scales in favor of applicant and [in favor of] a finding of no likelihood of confusion." *In Re Strategic Partners, Inc.*, 102 U.S.P.Q. 2d 1397 (TTAB 2012). In *In Re*

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<sup>11</sup> Registration 4707352 claims ownership of prior Registration 3176118.

<sup>12</sup> See also Registration 4049804 issued by the USPTO on behalf of Applicant for the Big Red Box mark, for the shipment of goods purchased at Applicant's website, and of supporting specimens of use filed with this agency in connection therewith. See **Exhibit K**.

<sup>13</sup> See *In re Shell Oil Co.*, 992 F.2d at 1208.



*Strategic Partners, Inc.*, the Trial and Appeal Board applied a “pseudo-morehouse”<sup>14</sup> approach in an ex-parte proceeding, rebutting a conflict with a prior registration when the applicant's mark ANYWEAR (stylized) for footwear was rejected due to the registration of the mark ANYWEAR BY JOSIE NATORI & design for wearing apparel such as jackets, shirts and pants. For over five years applicant had been the owner of the mark ANYWEARS (in standard characters) for footwear. The Board recognized that there would be conflict between the applied-for mark and the cited mark but held that in this “unusual situation” the coexistence of the marks (as in the instant case) meant that there would be no likelihood of confusion. The Trademark Trial and Appeal Board stated:

We must balance the similarities between the marks and goods against the facts that applicant already owns a registration for a substantially similar mark for the identical goods, and that applicant’s registration and the cited registration have coexisted for over five years.

It has been held by the Trial and Appeal Board that “each case must be decided on its own specific and, sometimes, unique facts.” Id. Fittingly, the thirteenth *du Pont* factor provides for “any other established fact probative of the effect of use.” This factor “accommodates the need for flexibility in assessing each unique set of facts.” In *In Re Strategic Partners, Inc.*, supra. In this case, it is Applicant’s position that this final factor weights in favor of registration of Applicant’s mark, taking into consideration the particularities of the market developed and maintained by Applicant with its NOVUS family mark in the retailing industry.

All in all, in the present case there is little likelihood of confusion as to the origin or source of the respective goods in issue. As demonstrated above, the fact that the marks are different in sound, meaning and commercial impression, together with the fact that the goods in question are being sold in different channels of trade, in addition to the complete absence of actual consumer confusion weight in Applicant’s favor. Applicant’s mark can co-exist without likelihood of confusion. Consequently, the refusal to register in IC 025 and IC 14 should be withdrawn and Applicant’s mark should be published for opposition.

Should refusal of registration in IC25 and/or IC14 be sustained, on this date, Applicant filed a Request to Divide form requesting the separation of goods in the remaining classes (IC 03 and IC 09), which have not been refused registration and are not subject of the Office Action, so that the mark may proceed toward publication for opposition.

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<sup>14</sup> The Morehouse defense, an equitable affirmative defense, available in situations in which the applicant already owns a registration for the same mark for substantially similar goods or services. The rationale for the theory is that a registration opposer cannot be injured by the registration sought because there already exists a similar registration and, therefore, an additional registration for the same mark for substantially identical goods and services causes no added injury to the plaintiff than the prior registration. See *Morehouse Mfg. Corp. v. J. Strickland & Co.*, 407 F. 2d 881 (C.C.P.A. 1969).

/Shylene De Jesus/  
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Position: Attorney for Applicant  
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Respectfully submitted,

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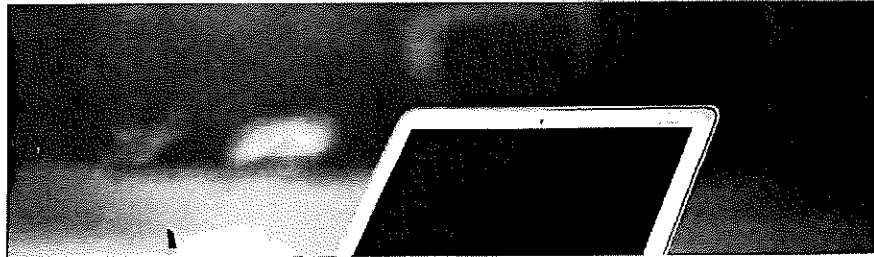
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In response to the post on "all a rouse," Paul Wilkins wrote

I am wondering why people are misusing *rouse* to mean *ruse*.

What other spellings of common words are there that would cause them to think that rouse is pronounced in the same way as ruse? The only one that comes to mind is the -use word ending for words such as hypotenuse.

Actually, there are several English words in which the spelling ou represents the /oo/ sound: you, your, tour, crouton, group, coup

The reference on which I most rely for discussing the sounds and spelling of English is Romalda Spalding's *The Writing Road to Reading*.

Spalding based the teaching guidelines in her book on the work of Samuel Orton and his student Anne Gillingham. Both the Spalding Method and the Orton-Gillingham Method organize the sounds and symbols of English into 46 sounds (phonemes) and 70 written symbols (phonograms).

In the Spalding method phonograms that represent more than one sound are presented in order of frequency. That is, if a letter or letter combination can represent more than one sound, the first sound is the most common, the second less common, and so on. When encountering an unfamiliar word, the beginning reader is taught to try the first sound first. If that doesn't produce a recognizable word, then the second sound is to be tried.

In Spalding the four sounds of the phonogram ou are presented in this order:

1. /ow/ as in found  
about, house, shout, mouse, count, loud, sound, hound
2. long o as in four  
pour, course, court, gourd, mourn, fourth
3. /oo/ as in you  
your, tour, crouton, group, coup
4. /uh/ as in country  
cousin, double

As one might expect, American pronunciation has undergone changes since Orton and his students did their research back in the 1920s and 1930s. Television has spread many pronunciations and words that were once considered regional rather than standard. For example, the word tour [tur] is often heard pronounced to rhyme with "chore."

In answer to the reader's question, the bloggers who spell the word ruse with the phonogram ou have never seen the word in print. They are associating the spelling ou with its third sound and not its most common sound.

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As the writing population continues to read less, many conventional spellings will be lost. They will be replaced by forms that "look right" to writers who are not used to seeing them in print.

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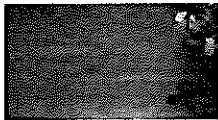
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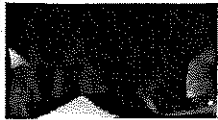
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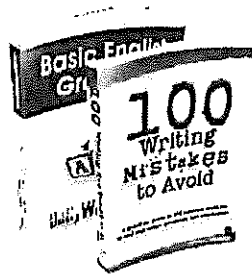
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**13 Responses to "The Four Sounds of the Spelling OU"**

Charu on July 17, 2009 2:13 pm

Hello, I really love your tips. They really help me. I vaguely remember that you had once told that the word "anyways" spoken in a carefree way, is actually "anyway"? Please help me, am I right?

like we say: "anyways, I am always there for you," So how will we write this sentence?

Andy Knoedler on July 18, 2009 4:01 am

In your article "The Four Sounds of the Spelling OU", you say the following: "For example, the word tour [tʊr] is often heard pronounced to rhyme with 'chore'."

Fortunately this abomination hasn't spread to my part of the world.

Maeve on July 19, 2009 2:19 pm

Charu, "Anyways" is a nonstandard form of "anyway," but is heard everywhere in informal conversation.

Andy, Be assured that it's on its way.



**Mark** on July 23, 2009 1:52 pm

In your article, there are multiple instances where you indicate that the word "your" is pronounced in such a way that it shares the same "ou" sound as "tour" and "coup." When I read it, though, I read it so that it rhymes with "four" and "pour." Is this a regional thing? I am assuming that the word "your" that you are using is the possessive. I do pronounce "you're" in such a way that it rhymes with "tour." I see these words used in each other's place often, and so I try to make sure that my pronunciation clearly indicates which word I am trying to use. Am I crazy?

**Maeve** on July 24, 2009 1:59 pm

Mark,  
I don't think you're crazy, I suppose it's a regional thing. I would pronounce all of the following with the same vowel sound (not the vowel sound in four):

You're my friend.  
Is this your book?  
This book is yours.

**Phillip Rayment** on October 29, 2010 5:38 am

This Australian also pronounces "your" the same as "pour" and unlike "tour".

**Kris** on January 06, 2011 8:44 am

My new married last name is Wouts. It is Dutch and in The Netherlands would be pronounced with a V. We live in California and every new person we meet trips over the pronunciation of our last name. It is Wouts, as in rhymes with bouts. Commonly we get the sound of Woots. I never understood how people could so easily mangle such a simple, yet uncommon name until I read your article here, it helps, but I still think it is silly that they instantly want to take it to the oo sound. I was wanting to give them an English lesson, but now I know better. Thanks!

**Retta McSweeney** on September 27, 2011 3:52 pm

I was born near Pittsburgh, PA, where the regional language there is Pittsburghese. After college, I was an English teacher and had to "clean up" my speech. However, I moved to the middle of that state and taught in a S. York Co. school, near Lancaster Co., where the regional language was far worse than that in Pgh. In fact, the students told me I was wrong when I said that the plural for you is "you". There they go by "youns", thinking "you ones" is right since plural means more than one. It took me quite a while to familiarize myself with their language. However, it was almost impossible to teach them correct English, for many of them held to their native tongue and declined to speak as I did! Now it is funny when I think about it.

**Kim Iris Clamons** on February 17, 2015 7:49 pm

Retta, I remember you and me laughing ourselves silly over "yous" at the diner near Hanover. Teaching French, I try to draw comparisons between the French plural "vous" and the English plural "yous", but my western New York students do not get it, just when I want them to understand yous, they don't.

**Diane** on May 14, 2015 5:06 pm

Today my son's first grade class divided words into columns of long and short vowel sounds. A classmate placed the word would into the short vowel column, but the teacher corrected him, saying it has a long o sound. My son agrees with his classmate, as do I. If his teacher was correct, I'd love to read a logical explanation. She previously attempted to convince the class that oi, as in choice, also has a long o sound. She told me the sounds are "tricky and not always what they seem."

**Maeve** on May 18, 2015 10:19 am

Diane,  
Would belongs in neither column. The only time ou represents the "long vowel" sound of o is when it is followed by the letter r as in pour. The "short sound" of o is heard in mop. The vowel sound in would is the vowel sound heard in hood. This sound is neither "short" nor "long."  
The sounds of the alphabet:

**Carole** on August 21, 2015 3:06 pm

According to Spalding's Writing Road to Reading, the four sounds for ou are "ow as in round; long O as in soul; oo as in you; and short U as in touch. I don't hear long O in pour or four. However according to Merriam Webster, the pronunciation guide does have the ou sounding long O. I'm not sure I agree as yet. I think I will treat the (ou) long O phonogram as in under Marking Conventions from Spalding's Writing Road to Reading: "..... phonograms not given on the phonogram cards, and uncommon sounds are underlined twice". As in the word half, underline the f, friend underline the ie and now personally four,

pour, the ou should be underlined twice. Ill leave soul alone as it definitely so long O. OR is a phonogram that say OR and so four will say FOR and pour will say por.

Frank on December 17, 2015 12:53 pm

"ou"sounds: though, through, bough, rough, ought, should, pour, sour, soul, sour

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# novus

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## Contents

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### Latin

- Etymology
- Pronunciation
- Adjective
  - Inflection
  - Derived terms
  - Descendants
- References

## Latin


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### Etymology

From Proto-Italic *\*nowos*, from Proto-Indo-European *\*néwos*. Cognates include Old English *nīwe* (English *new*), Ancient Greek *νέος* (*néos*) and Sanskrit नव (*náva*).

Proto-Italic *\*nowos* fails to become Latin *\*nuus* due to specific conditions in the development of Latin, namely *-o-(w)-* being in the first syllable, whereas *\*dē nowōd* (“anew”) became *dēnuō*.

### Pronunciation

- (Classical) IPA<sup>(key)</sup>: /ˈno.wus/, [ˈno.wus]
- (Ecclesiastical) IPA<sup>(key)</sup>: /ˈno.vus/, [ˈnoː.vus]
- Audio (Classical)  : 0:00  MENU

### Adjective

**novus** (*feminine* **nova**, *neuter* **novum**); *first/second declension*

1. new [quotations ▼]
2. fresh, young
3. recent
4. unusual, extraordinary

### Inflection

First/second declension.

Number	Singular			Plural		
	Masculine	Feminine	Neuter	Masculine	Feminine	Neuter
<b>Nominative</b>	novus	nova	novum	novī	novae	nova
<b>Genitive</b>	novī	novae	novī	novōrum	novārum	novōrum
<b>Dative</b>	novō	novae	novō	novīs	novīs	novīs
<b>Accusative</b>	novum	novam	novum	novōs	novās	nova
<b>Ablative</b>	novō	novā	novō	novīs	novīs	novīs
<b>Vocative</b>	nove	nova	novum	novī	novae	nova

- *comparative*: novior, *superlative*: novissimus

**Derived terms**

- dēnuō
- novē
- novellus
- novitās
- novō
- renovō
- novae tabernae or Novae (the new shops—many money-changer shops in the Forum burned down, and those built on their sites were called Novae, shops that remained standing) Veteres (*vide. vetus*)
- sub Novīs
- novae tabulae (new account-books, the making of which cancelled old debts)  
(*trope*) beneficiorum novae tabulae (forgetfulness of benefits)
- Novum Testāmentum
- novus homō or homō novus (the first of his family who obtained a curule office, a man newly ennobled, an upstart)
- nova nupta (a bride)
- novae rēs (new things, novelties)
- nūntius

**Descendants**

- Aromanian: nău, nou
- Asturian: nuevu, ñuevu
- Catalan: nou
- Corsican: novu
- Dalmatian: nuf
- Extremaduran: nuevu
- Franco-Provençal: nôf, nouveu
- French: neuf, nouveau
- Friulian: gnôf, gnôv
- Galician: novu
- Guinea-Bissau Creole: nobu, novu
- Istriot: nuo
- Italian: novu, nuovo
- Kabuverdianu: nobu
- Norman: neu, neuf



- Ladin: nuef
- Mirandese: nuobo
- Occitan: nòu, nau
- Papiamentu: nobo
- Portuguese: novu
- Romanian: nou
- Romansch: nov, niev, nouv
- Sardinian: nobu, nou, novu
- Sicilian: novu
- Spanish: nuevo
- Venetian: novu, nóvo
- Walloon: noû

## References

- novus (<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0059:entry=novus>) in Charlton T. Lewis and Charles Short (1879) *A Latin Dictionary*, Oxford: Clarendon Press
- novus (<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0060:entry=novus>) in Charlton T. Lewis (1891) *An Elementary Latin Dictionary*, New York: Harper & Brothers
- novus (<http://micmap.org/dicfro/search/gaffiot/novus>) in Gaffiot, Félix (1934) *Dictionnaire Illustré Latin-Français*, Hachette
- Carl Meissner; Henry William Auden (1894) *Latin Phrase-Book*<sup>[1]</sup> (<https://www.gutenberg.org/files/50280/50280-h/50280-h.htm>), London: Macmillan and Co.[7 phrases]

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## Latin definition for: novus, nova

### novus, nova

adjective

#### Definitions:

1. (novae res, f. pl. = revolution)
2. new, fresh, young
3. unusual, extraordinary

- Age: In use throughout the ages/unknown
- Area: All or none
- Geography: All or none
- Frequency: Very frequent, in all Elementry Latin books, top 1000+ words
- Source: General, unknown or too common to say

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## NOVUS

See: eccentric, extraordinary, novel, unprecedented

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## Wikipedia

### Novus

The word **novus** means "new" in Latin.

**Novus** may also refer to:

### Novus (role-playing game)

**Novus** is a fantasy role-playing game created by Tim Dugger for Firehawk Games (FHG).

### Related phrases:

- ✓ Novus homo
- ✓ Novus ordo seclorum
- ✓ Novus Ordo Seclorum (William Control EP)



## Usage examples of "novus".

Sol Novus, itself a planet in relation to the Sun, revolved a lifeless Satellite, Hesperides, that seemed to offer remarkable opportunities for human colonization.

Sol Novus, not as bright as the major Sun, was only fifty million miles away from Hesperides.

Sol Novus, together with Hesperides, swung so far out away from the Sun, that connections with Earth and Mars became difficult, and were finally lost.

Anio Novus, like the Vetus, was at first derived from the river of the same name at the forty-second milestone of the road to Subiaco, great precautions being taken for purifying the water.

The Anio Novus reached Rome in its own channel after a course of 86,964 meters, but for the last seven miles it ran on the same arches with the Aqua Claudia.

The Anio Novus was the largest of all Roman aqueducts, discharging nearly three hundred thousand cubic meters per day.

How often had he seen his father do this, in the subterranean reservoir of the Claudia and the Anio Novus on the Esquiline Hill?

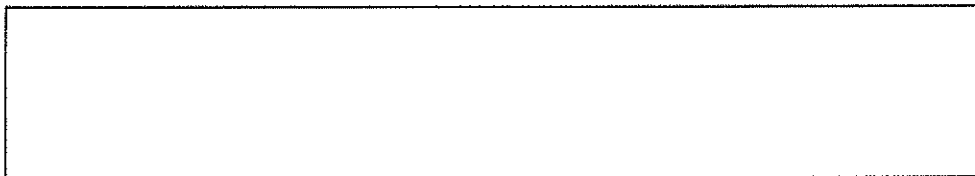
The Great Seal of the United States, reproduced on the dollar bill, also includes two phrases of Latin: Annuit coeptis ("He has favored our undertakings) and Novus ordo seclorum ("A new order of the ages").

Randy fires up a piece of software that is technically called Novus Ordo Seclorum but that everyone calls Ordo for short.

Then John Cantrell (who is on the board of Novus Ordo Seclorum Systems Inc.

They point to the incomplete pyramid capped with a glorified eye and the reference to Novus Ordo Seclorum, the New Secular Order.

But instead of Novus Ordo Seclorum on the banner beneath, there were these words: Fornit Some Fornus.



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# nova

noun (1)

no·va | \ 'nō-və \

plural novae or novae \ 'nō-(,)vē , -,vī \

## Definition of *nova*

(Entry 1 of 2)

: a star that suddenly increases its light output tremendously and then fades away to its former obscurity in a few months or years

nova


noun (2), often capitalized

Definition of *nova* (Entry 2 of 2)

: cured and smoked salmon especially : salmon that has been cured in a mixture of salt and sugar and smoked at a low temperature

## Other Words from *nova*

Noun (1)

novalike \ 'nō-və-,līk  \ adjective

## First Known Use of *nova*

Noun (1)

1927, in the meaning defined above

Noun (2)

1964, in the meaning defined above

## History and Etymology for *nova*

Noun (1)

borrowed from New Latin, "newly visible star or nebula" (probably originally as ellipsis of *nebula nova*, later taken as ellipsis of *stella nova* "new star"), from feminine of Latin *novus* "new" — more at [new entry 1](#)

Noun (2)

short for *Nova Scotia salmon*

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Meaning of **nova** in English



# nova

*noun* [C] • UK /'nəʊ.və/ US /'noʊ.və/ PLURAL **novae** SPECIALIZED

- ★ **a type of star that shines much more brightly for a few months as a result of a nuclear explosion**

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planetoid   Pleiades   plough   **the morning star**  
**the North Star**   **the solar system**   **the Southern Cross**  
**umbra**

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## Examples of "nova"

These examples are from the Cambridge English Corpus and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

Search English

This mechanism for particle acceleration could account for the injection population of cosmic ray particles in super nova remnants.

From Cambridge English Corpus

Once again, scale figures are especially notable, though this style is in general more reserved than the other chants of the nova historia.

From Cambridge English Corpus

Unfortunately, the beginning of the nova historia is lacking in this manuscript.

From Cambridge English Corpus

The progressivism and idealism of bossa nova's first generation was greatly tested.

From Cambridge English Corpus

This veritable ' skeleton in the closet' continues to trouble both ars nova aesthetics and the musicologists who concern themselves with this repertory.

From Cambridge English Corpus

Such a course of events appears to me as analogous to conceivable confrontations upon the introduction of a nova historia.

From Cambridge English Corpus

It is another compositional tour de force, another demonstration of ars nova virtuosity.

From Cambridge English Corpus

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Some grains have formed in carbon stars, some in nova or supernovae, while others are of indeterminable origin.


From Cambridge English Corpus   

If the nova historia was not part of their liturgical use, they could turn to the chants of the commune  
liturgy instead.


Search English

From Cambridge English Corpus    


Testing astrophysical radiation hydrodynamics codes with hypervelocity jet experiments on the nova  
laser.

From Cambridge English Corpus 

This modernity fused internationally with that of 'cool' jazz, resulting in the canonisation of bossa nova  
within certain jazz communities.

From Cambridge English Corpus 


Here again, a numerical ordering according to mode is abandoned, and the responsories receive a  
different arrangement from that found in the secular nova historia.

From Cambridge English Corpus 


Because the notational system of the music of the ars nova is so far removed from our own, decoding  
the musical surface is not always a straightforward task.

From Cambridge English Corpus 

In a carefully constructed ars nova polyphonic song, however, a web of interrelated rhythmic-melodic  
motifs dominates the musical surface, contributing to a sense of both continuity and coherence.

From Cambridge English Corpus 

The results have shown that perpendicular shocks, such as might be associated with solar flares,  
coronal mass ejection or super nova remnant shocks, produce ion ring distributions.

From Cambridge English Corpus 

### Translations of "nova"

in Chinese (Traditional) 

新星 (一類由於核爆炸而在數月間異常明亮的恒星) ... 

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What is the pronunciation of nova?

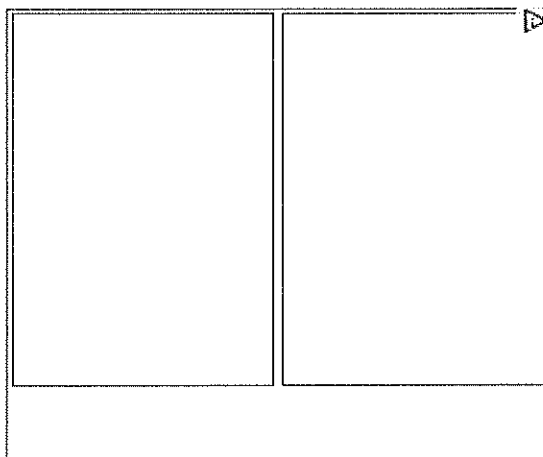


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novo meaning in english



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English



NO THANKS YES

novo

new

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People also ask

What does Novo stand for?



What does Novo mean in Spanish?



What is ex novo?



What does Nuvo mean?



Feedback

Novo definition and meaning | Collins English Dictionary

https://www.collinsdictionary.com/dictionary/portuguese-english/novo/related

Novo definition: Collins Dictionary Definition | Meaning, pronunciation, translations and examples.

Novo- | Definition of Novo- by Merriam-Webster

https://www.merriam-webster.com/dictionary/novo-

Novo- definition is - ... You must — there are over 200,000 words in our free online dictionary, but you are looking for one that's only in the Merriam-Webster ...

Novo | Spanish to English Translation - SpanishDict

https://www.spanishdict.com/translate/novo

Translate Novo. See authoritative translations of Novo in English with example sentences and audio pronunciations.

novo - Wiktionary

https://en.wiktionary.org/wiki/novo

novo m (feminine singular nova, masculine plural novos, feminine plural novas) ... English: novate; Spanish: novar ... novo in Charlton T. Lewis (1891) An Elementary Latin Dictionary, New York: Harper & Brothers; novo in Gaffiot, Félix (1934) ... Galician · Italian · Latin · Portuguese

What does NOVO mean? - Definitions.net

https://www.definitions.net/definition/NOVO

Definition of NOVO in the Definitions.net dictionary. Meaning of NOVO. ... Arabic: نوڤو; Danish: novo; Spanish: novo; Persian: نوڤو; French: novo; Hindi: नोवो; ...

De novo | Define De novo at Dictionary.com

https://www.dictionary.com/browse/de-novo

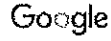
de novo. Latin, literally "anew, afresh."

Urban Dictionary: Novo

https://www.urbandictionary.com/define.php?term=Novo

Due to its unusual etymology (which will not be introduced in the interest of brevity), the word can assume a polysemous form -- that is, it can mean everything. ...





De novo - definition of de novo by The Free Dictionary  
<https://www.thefreedictionary.com/de+novo> ▼

Define de novo. de novo synonyms, de novo pronunciation, de novo translation, English dictionary definition of de novo. adv. & adj. Over again, anew. adv from ...



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novo | definition in the Portuguese-English Dictionary - Cambridge ...

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De novo - Wikipedia

[https://en.wikipedia.org/wiki/De\\_novo](https://en.wikipedia.org/wiki/De_novo) ▼

In general usage, de novo (literally 'of new') is Latin expression used in English to mean 'from the beginning'.

Searches related to novo meaning in english

- de novo meaning in english
- novo meaning in french
- novo meaning in hindi
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# United States of America

United States Patent and Trademark Office

## NovoLido

**Reg. No. 5,437,357**

**Registered Apr. 03, 2018**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

shenzhenshi jianchuanghui guangdian youxiangongsi (CHINA limited company (Ltd.))  
Longgangjiedao, longdongshequshangjinglqu  
16-1hao Erlou Longgangqu  
Shenzhenshi, CHINA 518116

CLASS 25: Bathing suits; Chemisettes; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Coats; Collars; Down jackets; Hats; Hosiery; Jumpers; Knitwear, namely, shirts, dresses, sweaters,; Pyjamas; Shirts; Shoes; Skirts; Sports jerseys; Suits; Tee shirts; Trouser socks; Underpants; Underwear; Waterproof jackets and pants

FIRST USE 7-30-2017; IN COMMERCE 7-30-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

The wording "NovoLido" has no meaning in a foreign language.

SER. NO. 87-590,924, FILED 08-30-2017



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**NOTE:** A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

# United States of America

United States Patent and Trademark Office

## NOVOWEAR

**Reg. No. 3,847,720**

**Registered Sep. 14, 2010**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

NOVOGRATZ, JOSEPH F. (UNITED STATES INDIVIDUAL)  
8303 AUDUBON ROAD  
CHANHASSEN, MN 55317 AND

NOVOGRATZ, CHRISTOPHER M. (UNITED STATES INDIVIDUAL)  
8303 AUDUBON ROAD  
CHANHASSEN, MN 55317

FOR: APPAREL, NAMELY, MEN'S, WOMEN'S AND CHILDREN'S CLOTHING, NAMELY, SHIRTS, PANTS, JACKETS, DRESSES, SHORTS, SKIRTS, UNDERWEAR, BRA TOPS, TANK TOPS, SWIMWEAR, SWEATERS, JERSEY TOPS, T-SHIRTS, OUTERWEAR, NAMELY, SKI JACKETS, WINDPROOF JACKETS, SNOW PANTS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-1-2005; IN COMMERCE 4-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-933,809, FILED 2-11-2010.

IRA J. GOODSAY, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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# Novogratz

Word Mark NOVOGRATZ

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: serving trays; vases; flower vases; Bath accessories, namely, cup holders; Bath brushes; Bath products, namely, body sponges; Bath products, namely, loofah sponges; Bath products, namely, natural sea sponges; Bath sponges; Bathroom pails; Caddies for holding bath and cosmetic products for household use; Shower caddies; Shower racks; Soap brackets; Soap dispensers; Soap holders; Soap holders and boxes; Toilet brush and toilet brush holder sets; Toilet brushes; Toilet paper holders; Toilet tissue holders; Inflatable bath tubs for babies; Plastic buckets for storing bath accessories and bath toys; Wall soap dishes; candle holders. FIRST USE: 20141001. FIRST USE IN COMMERCE: 20141001

IC 025. US 022 039. G & S: Aprons; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' cloth bibs; Children's headwear; Children's underwear; Sleepwear; Body suits for children; Bottoms as clothing for children; Coats for children; Costumes for use in children's dress up play; Dresses for children; Hats for infants, babies, toddlers and children; Hooded sweatshirts for children; Jackets for children; Pajamas for children; Pants for children; Shirts for infants, babies, toddlers and children; Shirts for children; Shoes for children; Shorts for children; Swaddling clothes; Sweaters for children; Sweatpants for children; Sweatshirts for children; T-shirts for children; Tops as clothing for children; Trousers for children; Woven shirts for children. FIRST USE: 20160901. FIRST USE IN COMMERCE: 20160901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87904661

Filing Date May 2, 2018

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 26, 2019

4/25/2019

Trademark Electronic Search System (TESS)

**Owner** (APPLICANT) Sixx Nouveaux Design Services LLC LIMITED LIABILITY COMPANY NEW YORK P.O. Box 93548  
Los Angeles CALIFORNIA 90093

**Attorney of Record** Adam Kotok

**Prior Registrations** 4209646;4440365;4590979;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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# NOVOSNUG

**Word Mark** NOVOSNUG

**Translations** The wording "NOVOSNUG" has no meaning in a foreign language.

**Goods and Services** IC 025, US 022 039, G & S: Heelpieces for footwear; Hosiery; Inner soles; Insoles; Non-slip socks; Non-slip soles for footwear; Sandals; Scarfs; Shirts; Slippers. FIRST USE: 20130331. FIRST USE IN COMMERCE: 20160331

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 88243541

**Filing Date** December 27, 2018

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 30, 2019

**Owner** (APPLICANT) Dongguan Lanhui Commodity Technology Co., Ltd LIMITED LIABILITY COMPANY CHINA Room 207, Block D, Xinjidi Creative Indu Nancheng District Dongguan, Guangdong CHINA 523076

**Attorney of Record** Willy H. Wong

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# United States of America

United States Patent and Trademark Office



**Reg. No. 5,587,744**

**Registered Oct. 16, 2018**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Roy, Zaynee (UNITED STATES INDIVIDUAL)  
1198 W Grab Creek Road,  
Dickson, TENNESSEE 37055

CLASS 35: On-line retail store services featuring clothing; On-line retail store services featuring a wide variety of consumer goods of others

FIRST USE 1-00-2018; IN COMMERCE 1-00-2018

The mark consists of literal elements "NOVOS" having the first "O" shaped as world globe and below that literal elements there is a smile, a horizontal line is placed between the literal elements and smile. All the literal elements, horizontal line and the smile is inside a big oval shaped image.

The English Translation of the word "NOVOS" in the mark is "NEW"

SER. NO. 87-608,972, FILED 09-14-2017



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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# United States of America

United States Patent and Trademark Office

## NOVA RUDE

**Reg. No. 5,655,474**

**Registered Jan. 15, 2019**

**Int. Cl.: 14**

**Trademark**

**Principal Register**

ROYAL ENCOUNTERS, LLC (OHIO LIMITED LIABILITY COMPANY), DBA NOVA  
RUDE

Po Box 3729  
222 Merchandise Mart Plaza  
Chicago, ILLINOIS 606543729

CLASS 14: Body jewelry; Bracelets; Jewelry; Jewelry charms; Necklaces; Rings

FIRST USE 2-1-2018; IN COMMERCE 2-1-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY  
PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-950,514, FILED 06-06-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## FASHION NOVA

**Reg. No. 5,276,297**

**Registered Aug. 29, 2017**

**Int. Cl.: 14**

**Trademark**

**Principal Register**

Fashion Nova, Inc. (CALIFORNIA CORPORATION)  
8401 Van Nuys Blvd. #23  
Panorama City, CA 91402

CLASS 14: Jewelry

FIRST USE 11-1-2006; IN COMMERCE 11-1-2006

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4785079, 4785854

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"FASHION"

SER. NO. 87-326,008, FILED 02-06-2017  
CHARLES L JENKINS JR, EXAMINING ATTORNEY



*Joseph Matol*

Performing the Functions and Duties of the  
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Intellectual Property and Director of the  
United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## NOVAKIDS

**Reg. No. 5,638,984**

**Registered Dec. 25, 2018**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Fashion Nova, Inc. (CALIFORNIA CORPORATION)  
8401 Van Nuys Blvd. #23  
Panorama City, CALIFORNIA 91402

CLASS 35: On-line retail store services featuring apparel, fashion accessories, and footwear

FIRST USE 10-23-2018; IN COMMERCE 10-23-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4785079, 4785854

SER. NO. 87-565,460, FILED 08-11-2017



*Andrew L. Han*

Director of the United States  
Patent and Trademark Office

United States of America  
United States Patent and Trademark Office

**NOVUS**

Reg. No. 4,707,352

Registered Mar. 24, 2015

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

NOVUS, INC. (PUERTO RICO CORPORATION)  
LOS NIÑOS INDUSTRIAL PARL 655 CUBITAS ST  
GUAYNABO, PUERTO RICO 00969

FOR: RETAIL STORE SERVICES FEATURING SHOES, WALLETS, BACKPACKS, HANDBAGS, SUNGLASSES, JEWELRY, PERFUME, SHOE POLISHER, SHOE OILS, SHOE SPRAYS, AND SHOESHINE WITH SPONGE APPLICATOR, SHOE BRUSHES AND SHOE SPONGES, CLOTHING, NAMELY, HATS, BELTS, SOCKS, SHOES, SCARVES, TIGHTS, NON-SLIP SHOES, AND SHOE INSERTS, NAMELY, FOOT CUSHIONS AND HEEL GRIPS, AND HAIR ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-1-1973; IN COMMERCE 4-1-1973.

OWNER OF U.S. REG. NO. 3,176,118.

THE MARK CONSISTS OF STYLIZED WORDING "NOVUS".

SER. NO. 86-339,387, FILED 7-16-2014.

PARKER HOWARD, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

*First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

*Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**NOTE:** A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,176,118

United States Patent and Trademark Office

Registered Nov. 28, 2006

SERVICE MARK  
PRINCIPAL REGISTER



NOVUS, INC. (PUERTO RICO CORPORATION)  
LOS NIÑOS INDUSTRIAL PARK  
655 CUBITAS STREET  
GUAYNABO, PUERTO RICO 00969

FIRST USE 4-1-1973; IN COMMERCE 4-1-1973.

THE COLOR(S) RED AND WHITE IS/ARE  
CLAIMED AS A FEATURE OF THE MARK.

FOR: RETAIL STORE SERVICES FEATURING  
SHOES, WALLETS, BACKPACKS, AND HAND-  
BAGS, SUNGLASSES, JEWELRY, PERFUME, SHOE  
POLISHER, SHOE OILS, SHOE SPRAYS, AND SHOE-  
SHINE WITH SPONGE APPLICATOR, SHOE BRU-  
SHES AND SHOE SPONGES, CLOTHING, NAMELY,  
HATS, BELTS, SOCKS, SHOES, SCARVES, TIGHTS,  
NON-SLIP SHOES, AND SHOE INSERTS, NAMELY,  
FOOT CUSHIONS AND HEEL GRIPS, AND HAIR  
ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND  
102).

THE MARK CONSISTS OF A RED OVAL WITH  
WHITE STYLIZED LETTERS THAT READ NOVUS.

SER. NO. 78-561,034, FILED 2-4-2005.

MELISSA VALLILLO, EXAMINING ATTORNEY



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# United States of America

United States Patent and Trademark Office

## BIG RED BOX

Reg. No. 4,049,804

Registered Nov. 1, 2011

Int. Cls.: 35 and 39

SERVICE MARK

PRINCIPAL REGISTER

NOVUS, INC. (PUERTO RICO CORPORATION)  
LOS NINOS INDUSTRIAL PARK  
655 CUBITAS STREET  
GUAYNABO, PUERTO RICO 00969

FOR: COMPUTERIZED ON-LINE RETAIL STORE SERVICES IN THE FIELD OF SHOES, ACCESSORIES, HANDBAGS, BELTS.; ON-LINE RETAIL STORE SERVICES FEATURING SHOES, ACCESSORIES, HANDBAGS, BELTS; ON-LINE RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF CLOTHING, ACCESSORIES, SYNTHETIC PU LEATHER AND LEATHER GOODS OF OTHERS; RETAIL STORE AND ON-LINE STORE SERVICES FEATURING SHOES, ACCESSORIES, HANDBAGS, BELTS; RETAIL STORES FEATURING SHOES, ACCESSORIES, HANDBAGS, BELTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009.

FOR: SHIPPING OF GOODS; DELIVERY OF GOODS; DELIVERY OF GOODS BY TRUCK; DISTRIBUTION SERVICES, NAMELY, DELIVERY OF SHOES, ACCESSORIES, HANDBAGS, BELTS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-849,795, FILED 10-15-2009.

DAWN FELDMAN, EXAMINING ATTORNEY



*David S. Kybas*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

*First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

*Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**Trademark/Service Mark Statement of Use  
(15 U.S.C. Section 1051(d))**

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77849795
LAW OFFICE ASSIGNED	LAW OFFICE 111
EXTENSION OF USE	NO
MARK SECTION	
MARK	BIG RED BOX
OWNER SECTION (current)	
NAME	Novus, Inc.
STREET	Los Ninos Industrial Park
CITY	Guaynabo
ZIP/POSTAL CODE	00969
COUNTRY	Puerto Rico
OWNER SECTION (proposed)	
NAME	Novus, Inc.
STREET	Los Ninos Industrial Park
CITY	Guaynabo
ZIP/POSTAL CODE	00969
COUNTRY	Puerto Rico
PHONE	(787)272-4546
FAX	(787)272-4500
EMAIL	shylenc.dejesus@oneillborges.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
CURRENT IDENTIFICATION	Computerized on-line retail store services in the field of shoes, accessories, handbags, belts.; On-line retail store services featuring shoes, accessories, handbags, belts; On-line retail store services featuring a wide variety of clothing, accessories, synthetic PU leather and leather goods of others; Retail store and on-line store services featuring shoes, accessories, handbags, belts; Retail stores featuring shoes, accessories, handbags, belts
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	11/01/2009
FIRST USE IN COMMERCE DATE	11/01/2009
SPECIMEN FILE NAME(S)	

ORIGINAL PDF FILE	SPN0-2005026170-143648575 , especimen Cl. 35.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT\1\IMAGEOUT\11\778\497\77849795\xml3\SOU0002.JPG
SPECIMEN DESCRIPTION	print out of checkout section of Novus' website, displaying items at purchaser's Big Red Box bag.
INTERNATIONAL CLASS	039
CURRENT IDENTIFICATION	Shipping of goods; Delivery of goods; Delivery of goods by truck; Distribution services, namely, delivery of shoes, accessories, handbags, belts
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	11/01/2009
FIRST USE IN COMMERCE DATE	11/01/2009
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\1\IMAGEOUT\11\778\497\77849795\xml3\SOU0003.JPG
SPECIMEN DESCRIPTION	box used for shipping products purchased through Novus' website.
REQUEST TO DIVIDE	NO
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	200
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/shylene de jesus/
SIGNATORY'S NAME	Shylene De Jesus
SIGNATORY'S POSITION	attorney
DATE SIGNED	09/07/2011
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Sep 07 14:53:21 EDT 2011
TEAS STAMP	USPTO/SOU-XXX.XX.XX.XXX-2 0110907145321302158-77849 795-4809fededb9b698b3919b faae7954327ca5-CC-1197-20 110907143648575226

**Trademark/Service Mark Statement of Use  
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** BIG RED BOX  
**SERIAL NUMBER:** 77849795

The applicant, Novus, Inc., having an address of  
Los Ninos Industrial Park  
Guaynabo, 00969  
Puerto Rico  
is submitting the following allegation of use information:

For International Class 035:

Current identification: Computerized on-line retail store services in the field of shoes, accessories, handbags, belts.; On-line retail store services featuring shoes, accessories, handbags, belts; On-line retail store services featuring a wide variety of clothing, accessories, synthetic PU leather and leather goods of others; Retail store and on-line store services featuring shoes, accessories, handbags, belts; Retail stores featuring shoes, accessories, handbags, belts

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/01/2009, and first used in commerce at least as early as 11/01/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) print out of checkout section of Novus' website, displaying items at purchaser's Big Red Box bag..

**Original PDF file:**

[SPN0-2005026170-143648575 , especimen Cl. 35.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

For International Class 039:

Current identification: Shipping of goods; Delivery of goods; Delivery of goods by truck; Distribution services, namely, delivery of shoes, accessories, handbags, belts

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/01/2009, and first used in commerce at least as early as 11/01/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) box used for shipping products purchased through Novus' website..

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

**Declaration**

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and 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.

Signature: /shylene de jesus/ Date Signed: 09/07/2011

Signatory's Name: Shylene De Jesus

Signatory's Position: attorney

RAM Sale Number: 1197

RAM Accounting Date: 09/08/2011

Serial Number: 77849795

Internet Transmission Date: Wed Sep 07 14:53:21 EDT 2011

TEAS Stamp: USPTO/SOU-XXX.XX.XX.XXX-2011090714532130

2158-77849795-4809fcdedb9b698b3919bfaae7

954327ca5-CC-1197-20110907143648575226



TORY BURCH

WOMEN | MEN |

HANDSHIS | ACCESSORIES |

NEW ARRIVALS |

SALE

BIG RED BOX

2 items | \$220.00

Search

HOME

SHOP BY BRANDS

GIFT CARDS

STORE LOCATOR

WISDOMIE GUEST LOGIN



WOMEN |



### Checkout

Click Remove to delete an item from your Big Red Box, click Continue Shopping to add more items, or Checkout to complete your purchase. If you change the quantity of any item(s) in your Big Red Box, the subtotal will be recalculated.

ITEM DETAILS: BRANDSTYLE COLOR SIZE UNIT PRICE QUANTITY TOTAL

JEFFREY CAMPBELL FOR IDORE FRIENDS TAUPE



Dark Badge

Size: 6

2

\$110.00

\$220.00 in Stock

Sub-total \$220.00

Promotion Code / Award Certificate

Calculate your shipping options

Shipping Options

Tax MA

Discount -60.00





**FEE RECORD SHEET**

**Serial Number:** 77849795



**RAM Sale Number:** 1197

**Total Fees:** \$200

**RAM Accounting Date:** 20110908

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20110907	\$100	2	\$200

**Transaction Date:** 20110907



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	4049804
REGISTRATION DATE	11/01/2011
SERIAL NUMBER	77849795
MARK SECTION	
MARK	BIG RED BOX
ATTORNEY SECTION (new)	
NAME	Shylene De Jesus
FIRM NAME	Adsuar Muniz Goyco
INTERNAL ADDRESS	208 Ponce de Leon Ave.
STREET	Suite 1600
CITY	San Juan
POSTAL CODE	00918
COUNTRY	Puerto Rico
PHONE	787-281-1966
FAX	787-756-9010
EMAIL	sdejesus@amgprlaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (current)	
NAME	NOVUS, INC.
STREET	LOS NINOS INDUSTRIAL PARK
CITY	GUAYNABO
STATE	New York
POSTAL CODE	00969
COUNTRY	United States
CORRESPONDENCE SECTION (proposed)	
NAME	Shylene De Jesus
FIRM NAME	Adsuar Muniz Goyco
INTERNAL ADDRESS	208 Ponce de Leon Ave.
STREET	Suite 1600
CITY	San Juan

**POSTAL CODE** 00918  
**COUNTRY** Puerto Rico  
**PHONE** 787-281-1966  
**FAX** 787-756-9010  
**EMAIL** sdejesus@amgpirlaw.com;acasellas@amgpirlaw.com  
**AUTHORIZED TO COMMUNICATE VIA E-MAIL** Yes

**GOODS AND/OR SERVICES SECTION**

**INTERNATIONAL CLASS** 035  
 Computerized on-line retail store services in the field of shoes, accessories, handbags, belts.; On-line retail store services featuring shoes, accessories, handbags, belts; On-line retail store services featuring a wide variety of clothing, accessories, synthetic PU leather and leather goods of others; Retail store and on-line store services featuring shoes, accessories, handbags, belts; Retail stores featuring shoes, accessories, handbags, belts  
**GOODS OR SERVICES**

**SPECIMEN FILE NAME(S)**

**ORIGINAL PDF FILE** SPN0-64247164154-20161101110332620451\_IC 35 SPECIMEN 368423 .pdf

**CONVERTED PDF FILE(S)** \\TICRS\EXPORT17\IMAGEOUT17\778\497\77849795\xml\1\8150002.JPG  
 (2 pages)

**SPECIMEN DESCRIPTION** Screenshot of webpage displaying checkout sections

**INTERNATIONAL CLASS** 039

**GOODS OR SERVICES** Shipping of goods; Delivery of goods; Delivery of goods by truck; Distribution services, namely, delivery of shoes, accessories, handbags, belts

**SPECIMEN FILE NAME(S)** \\TICRS\EXPORT17\IMAGEOUT 17\778\497\77849795\xml\1\ 8150004.JPG

**SPECIMEN DESCRIPTION** Shipping box

**OWNER SECTION (current)**

**NAME** Novus, Inc.  
**INTERNAL ADDRESS** Los Ninos Industrial Park  
**STREET** 655 Cubitas Street  
**CITY** Guaynabo  
**ZIP/POSTAL CODE** 00969  
**COUNTRY** Puerto Rico  
**PHONE** (787)272-4546  
**FAX** (787)272-4500  
**EMAIL** shylenc.dejesus@oneillborges.com

**OWNER SECTION (proposed)**

**NAME** Novus, Inc.  
**INTERNAL ADDRESS** Los Ninos Industrial Park  
**STREET** 655 Cubitas Street  
**CITY** Guaynabo

ZIP/POSTAL CODE 00969  
COUNTRY Puerto Rico  
PHONE (787)281-1966  
FAX (787)756-9010  
EMAIL sdejesus@amgprlaw.com  
AUTHORIZED TO COMMUNICATE VIA E-MAIL Yes

**LEGAL ENTITY SECTION (current)**

TYPE corporation  
STATE/COUNTRY OF INCORPORATION Puerto Rico

**PAYMENT SECTION**

NUMBER OF CLASSES 2  
NUMBER OF CLASSES PAID 2  
SUBTOTAL AMOUNT 600  
TOTAL FEE PAID 600

**SIGNATURE SECTION**

SIGNATURE /shylenedejesus/  
SIGNATORY'S NAME Shylene De Jesus  
SIGNATORY'S POSITION Attorney  
DATE SIGNED 11/01/2016  
SIGNATORY'S PHONE NUMBER 787-281-1966  
PAYMENT METHOD CC

**FILING INFORMATION**

SUBMIT DATE Tue Nov 01 11:14:26 EDT 2016  
USPTO/S08N15-XX.XXX.XXX.X  
XX-20161101111426832285-4  
049804-570f4ad0ccf2097be7  
9d63ff925fcbd6d4532b51abe  
5984733c25293f5661948-CC-  
8863-20161101110332620451

TEAS STAMP

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OMB No. 0705-0188 (Rev. 06/2008)  
OMB No. 0705-0188 (Exp. 09/2011)

## Combined Declaration of Use and Incontestability under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 4049804

REGISTRATION DATE: 11/01/2011

MARK: (BIG RED BOX)

The owner, Novus, Inc., a corporation of Puerto Rico, having an address of

Los Ninos Industrial Park

655 Cubitas Street

Guaynabo, 00969

Puerto Rico

(787)281-1966

(787)756-9010

sdejesus@amgprlaw.com (authorized)

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 035, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Computerized on-line retail store services in the field of shoes, accessories, handbags, belts.; On-line retail store services featuring shoes, accessories, handbags, belts; On-line retail store services featuring a wide variety of clothing, accessories, synthetic PU leather and leather goods of others; Retail store and on-line store services featuring shoes, accessories, handbags, belts; Retail stores featuring shoes, accessories, handbags, belts; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods/**all** services, or to indicate membership in the collective membership organization, listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Screenshot of webpage displaying checkout sections.

**Original PDF file:**

[SPN0-64247164154-20161101110332620451 . IC 35 SPECIMEN 368423 .pdf](#)

**Converted PDF file(s) (2 pages)**

[Specimen File1](#)

[Specimen File2](#)

For International Class 039, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Shipping of goods; Delivery of goods; Delivery of goods by truck; Distribution services, namely, delivery of shoes, accessories, handbags, belts; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods/**all** services, or to indicate membership in the collective membership organization, listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Shipping box.

[Specimen File1](#)

The registrant's current Correspondence Information: NOVUS, INC.

LOS NINOS INDUSTRIAL PARK

GUAYNABO, New York 00969

United States

The registrant's proposed Correspondence Information: Shylene De Jesus of Adsuar Muniz Goyco  
208 Ponce de Leon Ave.  
Suite 1600  
San Juan, 00918  
Puerto Rico

The phone number is 787-281-1966.

The fax number is 787-756-9010.

The email address is sdejesus@amgprlaw.com;acasellas@amgprlaw.com.  
The registrant hereby appoints Shylene De Jesus of Adsuar Muniz Goyco  
208 Ponce de Leon Ave.  
Suite 1600  
San Juan, 00918  
Puerto Rico

to submit this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant.

The phone number is 787-281-1966.

The fax number is 787-756-9010.

The email address is sdejesus@amgprlaw.com.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

#### Declaration

*The mark is in use in commerce on or in connection with the goods/services, or to indicate membership in the collective membership organization, identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. § 1062(c), and is still in use in commerce on or in connection with all goods/services, or to indicate membership in the collective membership organization, listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods/services, or to indicate membership in the collective membership organization, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the United States Patent and Trademark Office or in a court.*

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 this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /shylenedejesus/ Date: 11/01/2016  
Signatory's Name: Shylene De Jesus  
Signatory's Position: Attorney  
Signatory's Phone Number: 787-281-1966

Mailing Address:  
Adsuar Muniz Goyco  
Suite 1600  
San Juan, 00918

Serial Number: 77849795  
Internet Transmission Date: Tue Nov 01 11:14:26 EDT 2016

TEAS Stamp: USPTO/S08N15-XX.XXX.XXX.XXX-201611011114  
26832285-4049804-570f4ad0ccf2097be79d63f  
f925fcbd6d4532b51abe5984733c25293f566194  
8-CC-8863-20161101110332620451





Search

HOME SHOP BY BRAND STORE LOCATOR GIFT CARDS WELCOME,GUEST (SIGN OUT)

**FREE SHIPPING ON ORDERS OVER \$100 + FREE IN-STORE RETURNS**

WOMEN MEN HANDBAGS ACCESSORIES NEW ARRIVALS SALE BIG RED BOX 1 items | \$79.99 ▼

Checkout - Shipping Address

Shipping Address Shipping Method Billing Address Payment Order Review

BIG RED BOX

Item total **\$79.99**

Step 1: Shipping Address

Enter a shipping address

Shipping **N/A**

Tax **N/A**

**First Name**  
Add your first name

**Last Name**  
Last name

**Address Line 1**  
Add a valid address

**Address Line 2**  
(optional)

Discount **-\$0.00**

**City**  
Add your city

**Country**  
Select your country -select country-

Total **\$79.99**

**State**  
Add your state -select state-

**Zip Code**  
Add a valid zip

**Email**  
Primary address

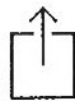
**Phone Num**  
Daytime number

Continue »

1-800-858-8585

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**ABOUT ESL CERTIFICATES**





Search

HOME SHOP BY BRAND STORE LOCATOR GIFT CARDS WELCOME, GUEST | LOGIN

**FREE SHIPPING ON ORDERS OVER \$100 + FREE IN-STORE RETURNS**

WOMEN MEN HANDBAGS ACCESSORIES NEW ARRIVALS SALE BIG RED BOX 1 items | \$79.99 ▾



Before submitting your order you must become a member in order to enjoy its benefits.

• If you have a Inner Circle account, before submitting your purchase validate your number at [innercircleloyalty.com](http://innercircleloyalty.com)

• If you are registered at [innercircleloyalty.com](http://innercircleloyalty.com) use the same username and password to login

Checkout

Click Remove to delete an item from your Big Red Box, click Continue Shopping to add more items, or Checkout to complete your purchase. If you change the quantity of any item(s) in your Big Red Box, the subtotal will be recalculated.

ITEM DETAILS	BRAND/STYLE	COLOR	SIZE	UNIT PRICE	QUANTITY	TOTAL
	ISADORA <u>TANCO</u>	Red	Size: 6	\$79.99	1	\$79.99 Available



Sub-total	\$79.99
Promotion Code / Award Certificate	Calculate your shipping options

27 Nov 2010 10:01 AM

Do not create multiple accounts! If you have any problems with your registration feel free to contact us.

customerservice@nowshoes.com  
Call Us: 1 888 530 4546  
Monday-Friday  
9AM to 6PM EST

OUR BIGGEST SELECTION IS NOW ON SALE.  
HURRY UP, THEY WON'T LAST LONG!

TAKE EXTRA **30%\*** OFF ON SALE

SHOP WOMEN >  
SHOP MEN >

\*Maximum discount of 30% off all items. Excludes sale items. Some items may not be eligible for this offer.

Enter number: Enter zip code:

OK OK

Shipping Options Select

Tax NA

Discount -\$0.00

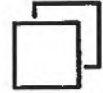
Total \$79.99

Continue shopping

Check out

[About Us](#) [Customer Service](#) [Privacy Policy](#) [Legal Notice](#) [Contact Us](#)

ABOUT XSL CERTIFICATES





**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 4049804



**Serial Number:** 77849795



**RAM Sale Number:** 4049804

**RAM Accounting Date:** 20161101

**Total Fees:** \$600

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20161101	\$100	2	2	\$200
§15 affidavit	7208	20161101	\$200	2	2	\$400

Physical Location: OUT - IN TRANSIT OUT TO WAREHOUSE

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20161101

