

Mark: VARI
Serial Number: 88496390

Likelihood of Confusion

The Examiner has refused registration of the above-referenced mark on the basis that it is purportedly confusingly similar to Registration Number 5401060 for VARICOLOR. For the reasons described in more detail below, Applicant respectfully disagrees with the Examiner's determination and requests that it be withdrawn.

I. Applicant Claims Rights to Prior registrations for VARI-Formative Marks

Because Applicant is the prior owner of registrations for VARI for similar goods (lamps, desk lamps, furniture, see TESS printouts included as Attachment A), the coexistence of these marks with the cited mark is an indication that confusion is not likely.

The Trademark Trial and Appeal Board has previously ruled on this issue in *In re Strategic Partners, Inc.*, 102 USPQ2d 1397 (TTAB 2012), where it reversed a refusal to register the mark ANYWEAR (in stylized text), for "footwear," finding no likelihood of confusion with the registered mark ANYWEAR BY JOSIE NATORI (and design), for "jackets, shirts, pants, stretch T-tops and stoles." The reason for the reversal was that the applicant owned a prior registration for ANYWEARS for the same goods, which caused the Board "to 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." *Id.* at 1399. Applicant's prior registration of ANYWEARS for goods including footwear was substantially similar to the applied-for mark ANYWEAR for the same goods, and the registration had achieved incontestable status. *Id.* Basing its decision on the thirteenth *du Pont* factor, which "relates to 'any other established fact probative of the effect of use,'" the Board determined that this factor outweighed the others and confusion was unlikely. *Id.* at 1399-1400 (quoting *du Pont*, 476 F.2d at 1361, 177 USPQ at 567).

The TMEP further dictates that when an applicant owns a prior registration, the Examiner should consider the following:

- (1) Whether the applicant's prior registered mark is the same as the applied-for mark or is otherwise not meaningfully different;
- (2) whether the identifications of goods/services in the application and the applicant's prior registration are identical or identical in relevant part;
- (3) the length of time the applicant's prior registration has co-existed with the registration being considered as the basis for the §2(d) refusal

T.M.E.P. §1207.01

In the present case, all of these factors weigh against the likelihood of confusion refusal. First, Applicant's prior registered marks are very similar to the applied-for mark. The VARI marks are identical. Accordingly, the applied-for mark and Applicant's prior registrations are the same.

Second, the prior registrations cover highly related goods to the applied-for mark -- lamps, desk lamps and furniture. As office supplies, the applied-for floor mats are used in connection desk lamps and office furniture; this makes the goods highly related.

Finally, Applicant's prior registrations have coexisted with the cited registration since February 2018. They also pre-date the cited registration.


Insomuch as the present mark covers a mark that is identical to the prior registrations, there is no reason to believe confusion between it and the cited mark is now likely since it hasn't been a problem since 2018.



Furthermore, by the Examiner's reasoning, the cited registration would not have been able to register over Applicant's prior registrations because these marks share the VARI component and are used in connection with goods that are covered by a number of third-party registrations (see Attachment B). However, because these registrations did not block the cited mark (nor were they raised against the cited mark), this is an indication that the marks are not confusingly similar to Applicant's applied-for mark. Moreover, since the applied-for mark is an identical mark and has related services as the prior registrations, the co-existence of the marks indicates that the applied-for mark may too coexist.

Based on the foregoing, and in accordance with the prior jurisprudence of the TTAB and guidance of the TMEP, the applied-for mark is not likely to be confused with the cited registrations.


II. Consumers Will Recognize Applicant's Mark as Emanating from Applicant

In addition to the above-referenced VARI marks, Applicant owns a number of VARI-formative marks for related goods and services, including the following:

| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|---|---|---|---|
| VARI.COM RN: 5381352 SN: 86983385 | Registered January 16, 2018 Int'l Class: 20 First Use: March 28, 2016 Filed: March 3, 2016 | (Int'l Class: 20) furniture | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARI.COM and Design  RN: 5436428 SN: 87371952 | Registered April 3, 2018 Int'l Class: 11 First Use: March 15, 2017 Filed: March 15, 2017 | (Int'l Class: 11) lamps; desk lamps | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARICHAIR RN: 5096032 SN: 86456202 | Registered December 6, 2016 Int'l Class: 20 First Use: April 26, 2016 Filed: November 17, 2014 | (Int'l Class: 20) furniture; chairs; office chairs; ergonomic chairs | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |

| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|---|---|---|--|
| VARIDESK RN: 4425043 SN: 85869440 | Registered 8 & 15 January 22, 2019 Int'l Class: 20 First Use: June 5, 2013 Filed: March 7, 2013 Registered: October 29, 2013 | (Int'l Class: 20) furniture; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks | Varidesk, LLC (Texas Limited Liability Company) 117 Wrangler Drive, Suite 100 Coppell Texas 75019 |
| VARIDESK and Design  RN: 5211819 SN: 86927192 | Registered May 30, 2017 Int'l Class: 20,35 First Use: May, 2015 Filed: March 3, 2016 | (Int'l Class: 20) adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks (Int'l Class: 35) retail store services and on- line retail store services featuring office furniture and office products | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIDESK and Design  RN: 5282069 SN: 86927658 | Registered September 5, 2017 Int'l Class: 20,35 First Use: June, 2016 Filed: March 3, 2016 | (Int'l Class: 20) adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks (Int'l Class: 35) retail store services and on- line retail store services featuring office furniture and office products | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIDESK RN: 5451054 SN: 87368853 | Registered April 24, 2018 Int'l Class: 35 First Use: May, 2015 Filed: March 13, 2017 | (Int'l Class: 35) retail store services and on- line retail store services featuring office furniture and office products | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIDESK.C OM and Design | Registered May 23, 2017 Int'l Class: 20 First Use: April, 2016 Filed: March 31, 2016 | (Int'l Class: 20) adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |


| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|--|---|--|--|
|  RN: 5207542 SN: 86959760 | | desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks | |
| VARIDESK.COM RN: 5625523 SN: 87671138 | Registered December 11, 2018 Int'l Class: 09,27 First Use: April, 2016 Filed: November 3, 2017 | (Int'l Class: 09) Computer monitor arms (Int'l Class: 27) floor mats; floor mats for exercise; anti-fatigue floor mats | Varidesk, LLC (Texas Limited Liability Company) 1221 S. Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIDESK.COM RN: 5322754 SN: 87371932 | Registered October 31, 2017 Int'l Class: 11 First Use: March 15, 2017 Filed: March 15, 2017 | (Int'l Class: 11) lamps; desk lamps | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIFRESH RN: 5152799 SN: 87012895 | Registered February 28, 2017 Int'l Class: 35 First Use: June 1, 2016 Filed: April 25, 2016 | (Int'l Class: 35) food kiosk services; vending in the field of beverages, snacks and foods | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIFRESH and Design  RN: 5183432 SN: 87059451 | Registered April 11, 2017 Int'l Class: 35 First Use: June 1, 2016 Filed: June 3, 2016 | (Int'l Class: 35) food kiosk services; vending in the field of beverages, snacks and food | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIFRESH and Design  RN: 5183431 SN: 87059437 | Registered April 11, 2017 Int'l Class: 35 First Use: June 1, 2016 Filed: June 3, 2016 | (Int'l Class: 35) food kiosk services; vending in the field of beverages, snacks and food | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIFRESH RN: 5240918 SN: 87259026 | Registered July 11, 2017 Int'l Class: 09 First Use: June 1, 2016 Filed: December 6, 2016 | (Int'l Class: 09) computer application software for mobile phones and handheld computers, namely, software for use in connection with beverage, snack and food purchasing | Varidesk, LLC (Texas Limited Liability Company) 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |
| VARIFRESH and Design | Registered July 4, 2017 Int'l Class: 09 | (Int'l Class: 09) computer application software for mobile phones | Varidesk, LLC (Texas Limited Liability Company) |

| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|--|--|---|--|
|  RN: 5236929 SN: 87259037 | First Use: June 1, 2016 Filed: December 6, 2016 | and handheld computers, namely, software for use in connection with beverage, snack and food purchasing | 1221 Beltline Rd, Suite 500 Coppell Texas 75019 |

(see TESS printouts included as Attachment C). The VARI component in these marks is a recognizable common characteristic that consumers will associate with Applicant.

By contrast, VARICOLOR is the only VARI-formative mark owned by the cited Registrant. Instead, the cited Registrant owns a number of COLOR-formative marks, including the following:

| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|---|--|---|---|
| COLORBURST RN: 5613487 SN: 87722783 | Registered November 20, 2018 Int'l Class: 27 First Use: January 10, 2018 Filed: December 15, 2017 | (Int'l Class: 27) Carpet tiles; Carpets | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Dalton Georgia 30721 |
| COLORBURST VARIABLE COLOR TECHNOLOGY and Design  RN: 5613488 SN: 87722791 | Registered November 20, 2018 Int'l Class: 27 First Use: July, 2018 Filed: December 15, 2017 | (Int'l Class: 27) Carpet tiles; Carpets | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Dalton Georgia 30721 |
| CONTINUOUS COLOR SN: 87449326 | Allowed - Intent to Use 3rd Extension of Time Granted January 15, 2020 Filed: May 15, 2017 | (Int'l Class: 27) carpets, floorcoverings | Engineered Floors, LLC (Georgia Limited Liability Company) 114 N. Pentz Street Dalton Georgia 30720 |
| PRECISIONCO LOR TECHNOLOGY (Stylized)  RN: 5741398 SN: 87886883 | Registered April 30, 2019 Int'l Class: 27 First Use: October 1, 2018 Filed: April 20, 2018 | (Int'l Class: 27) Yarn sold as a component of carpet tiles; yarn sold as a component of carpet | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Dalton Georgia 30721 |
| PRECISIONCO LOR TECHNOLOGY RN: 5759052 SN: 87886876 | Registered May 21, 2019 Int'l Class: 27 First Use: October 1, 2018 Filed: April 20, 2018 | (Int'l Class: 27) Yarn sold as a component of carpet tiles; yarn sold as a component of carpet | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Dalton Georgia 30721 |

| Mark | Status/Key Dates | Full Goods/Services | Owner/Designations |
|---|--|---|--|
| PURECOLOR RN: 3903739 SN: 85045134 | Renewed January 11, 2021 Int'l Class: 22 First Use: April 1, 2010 Filed: May 21, 2010 Registered: January 11, 2011 | (Int'l Class: 22) polyester fibers | Engineered Floors, LLC (Georgia Limited Liability Company) 1502 Coronet Drive Dalton Georgia 30721 |
| PURECOLOR PLUS RN: 4442529 SN: 85770794 | Registered 8 & 15 April 9, 2019 Int'l Class: 22 First Use: May 10, 2012 Filed: November 2, 2012 Registered: December 3, 2013 | (Int'l Class: 22) polyester fibers sold as an integral component of carpets | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Dalton Georgia 30701 |
| PURECOLOR S2 WITH SOILSHIELD and Design  RN: 4142119 SN: 85420980 | Registered 8 & 15 August 30, 2017 Int'l Class: 22 First Use: July 1, 2011 Filed: September 13, 2011 Registered: May 15, 2012 | (Int'l Class: 22) synthetic fibers and filaments for use in the manufacture of fabrics, textiles, yarns, and carpets | Engineered Floors, LLC. (Georgia Limited Liability Company) 3510 Corporate Dr Dalton Georgia 30721 |
| PURECOLOR SOFT RN: 4442528 SN: 85770792 | Registered 8 & 15 April 9, 2019 Int'l Class: 22 First Use: May 10, 2012 Filed: November 2, 2012 Registered: December 3, 2013 | (Int'l Class: 22) polyester fibers sold as an integral component of carpets | Engineered Floors, LLC (Georgia Limited Liability Company) 3510 Corporate Drive Calhoun Georgia 30701 |
| PURECOLOR SOFT NYLON RN: 4799498 SN: 86511420 | Registered August 25, 2015 Int'l Class: 27 First Use: January 2, 2015 Filed: January 22, 2015 | (Int'l Class: 27) carpeting | Engineered Floors, LLC (Georgia Limited Liability Company) 114 N. Pentz St. Dalton Georgia 30720 |

(see TESS printouts included as Attachment D). Based on this, there will be no reason for consumers to believe that further VARI-formative marks are owned by the cited Registrant. Further, since the Registrant owns a number of COLOR-formative marks for identical goods, consumers will focus on the COLOR component when determining the source of the cited mark.

Accordingly, there is no likelihood of source confusion as between the applied-for mark and the cited mark. Consumers seeing Applicant's mark for Applicant's goods will recognize that it is associated with Applicant's other VARI-formative marks, since these marks are in many cases very similar and cover similar or identical goods. In view of this, there is no likelihood of confusion.

Conclusion

Applicant's identical prior registered marks have coexisted with the cited mark for goods that would be considered related by the Examiner's standards. Additionally, consumers will recognize the applied-for mark as emanating from Applicant because Applicant has a number of VARI-formative registrations, while Registrant has only one VARI-formative mark.

For all of the foregoing reasons, a likelihood of confusion does not exist between Applicant's Mark and the mark in the cited registration. Further, Applicant has complied with all of the procedural requirements raised in the Office Action. Therefore, it is respectfully requested that refusal to register be withdrawn and the Application be approved for publication.



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VARI

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|------------------------------------|--|
| Word Mark | VARI |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Furniture. FIRST USE: 20160328. FIRST USE IN COMMERCE: 20160707 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 86983386 |
| Filing Date | March 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | September 6, 2016 |
| Registration Number | 5381353 |
| Registration Date | January 16, 2018 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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VARI

| | |
|------------------------------------|--|
| Word Mark | VARI |
| Goods and Services | IC 011. US 013 021 023 031 034. G & S: Lamps; desk lamps. FIRST USE: 20170315. FIRST USE IN COMMERCE: 20170315 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87371943 |
| Filing Date | March 15, 2017 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | November 14, 2017 |
| Registration Number | 5389821 |
| Registration Date | January 30, 2018 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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| Word Mark | D |
| Goods and Services | IC 011. US 013 021 023 031 034. G & S: electric lighting fixtures, flourescent lighting tubes, and chandeliers. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531 |
| | IC 020. US 002 013 022 025 032 050. G & S: outdoor furniture, office furniture, home furniture and sculptures made of [bone, ivory,] plaster, plastic and/or wood. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531 |
| | IC 024. US 042 050. G & S: tapestries of textiles. FIRST USE: 19881030. FIRST USE IN COMMERCE: 19881030 |
| | IC 027. US 019 020 037 042 050. G & S: carpets and rugs; carpets and rugs made of textiles. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 04.05.01 - Dragons ; Griffons 27.01.02 - Animals composed of letters or numerals ; Letters forming animals ; Numbers forming animals ; Punctuation forming animals |
| Trademark Search Facility Classification Code | LETS-1 D A single letter, multiples of a single letter or in combination with a design MYTH Mythological characters such as angels, cupids, fairies, dragons, devils SHAPES-MISC Miscellaneous shaped designs |
| Serial Number | 77616542 |
| Filing Date | November 18, 2008 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | March 31, 2009 |

Registration Number 3639154
Registration Date June 16, 2009
Owner (REGISTRANT) WILKINSON, HUTTON INDIVIDUAL UNITED STATES 1354 Dawnridge Dr. Beverly Hills CALIFORNIA 90210
Attorney of Record Irene Y. Lee
Description of Mark Color is not claimed as a feature of the mark. The mark consists of three fanciful dragon-like creatures forming a stylized "D".
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20181116.
Renewal 1ST RENEWAL 20181116
Live/Dead Indicator LIVE

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Word Mark IKEA
Goods and Services IC 011. US 021. G & S: LIGHTING FIXTURES, LAMPS, LAMP SHADES AND PARTS THEREOF. FIRST USE: 19630000. FIRST USE IN COMMERCE: 19660124

IC 020. US 002 013 022 025 032 050. G & S: FURNITURE, COMPRISING TABLES, CHAIRS, SOFAS, COUCHES, BEDS, SHELVES, MODULAR STORAGE UNITS, MODULAR WALL UNITS, BED FRAMES, HEADBOARDS, STOOLS, OTTOMANS, SECTIONAL SEATING BENCHES, DESKS, CREDENZAS, SIDEBOARDS, CHESTS, CUPBOARDS, CABINETS, BAR CABINETS, DRESSERS, VANITIES, BOOKCASES, TEA CARTS, SERVING TROLLEYS, RECORD PLAYER BENCHES, CORNER CUPBOARDS, STORAGE CABINETS, STORAGE BOXES, HAT RACKS, COAT RACKS, NIGHT STANDS, WARDROBES, CRIBS, [CRADLES,] BUNKS, BUNK LADDERS, PEDESTALS, MAGAZINE STANDS AND SHOE STANDS; MIRRORS; MATTRESSES, CRIB MATTRESSES, PILLOWS AND CUSHIONS; CURTAIN RODS; [CARPENTERS' BENCHES,] WALL BARS, VALANCES AND CLOTHES HANGERS, ALL SPECIFICALLY IN THE NATURE OF FURNITURE. FIRST USE: 19630000. FIRST USE IN COMMERCE: 19660124

IC 021. US 013. G & S: COFFEE POTS (NON-ELECTRIC), TEA SERVICE SETS (OF NON-PRECIOUS METAL). FIRST USE: 19630000. FIRST USE IN COMMERCE: 19660124

IC 024. US 042. G & S: WOVEN FABRICS, BED AND TABLE COVERS, SHEETS, PILLOW CASES, QUILTS, BEDSPREADS AND CURTAINS. FIRST USE: 19630000. FIRST USE IN COMMERCE: 19660706

IC 027. US 042 050. G & S: CARPETS, RUGS, MATS AND NON-TEXTILE WALL HANGINGS. FIRST USE: 19630000. FIRST USE IN COMMERCE: 19681120

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.03.02 - Ovals, plain single line ; Plain single line ovals

Search Code 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 73118839

Filing Date March 14, 1977

Current Basis 1A

Original Filing Basis 1A

Registration Number 1118706

Registration Date May 22, 1979

Owner (REGISTRANT) IKEA SVENSKA AKTIEBOLAG CORPORATION SWEDEN ALMHULT SWEDEN

(LAST LISTED OWNER) INTER-IKEA SYSTEMS B.V. CORPORATION BY ASSIGNMENT NETHERLANDS
OLOF PALMESTRAAT 14 DELFT, 2616 LR NETHERLANDS

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Robert A. Becker

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20190624.

Renewal 3RD RENEWAL 20190624

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JAMIE DRAKE

Word Mark JAMIE DRAKE

Goods and Services IC 011. US 013 021 023 031 034. G & S: Bathroom fixtures, namely, faucets and shower heads. FIRST USE: 20060422. FIRST USE IN COMMERCE: 20060422

IC 020. US 002 013 022 025 032 050. G & S: Towel racks, plastic tissue box covers, furniture, namely, tables, chairs, sofas, chests, mirrors and armoires. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 021. US 002 013 023 029 030 033 040 050. G & S: Bath accessories, namely, ceramic tissue box covers, waste baskets, soap dishes, soap dispensers, vanity trays and bath cups. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 024. US 042 050. G & S: Fabrics for textile use. FIRST USE: 20070424. FIRST USE IN COMMERCE: 20070424

IC 026. US 037 039 040 042 050. G & S: Bath accessories, namely, fabric and/or textile tissue box covers. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 027. US 019 020 037 042 050. G & S: Rugs and carpets. FIRST USE: 20030923. FIRST USE IN COMMERCE: 20030923

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 77387814**Filing Date** February 4, 2008**Current Basis** 1A**Original Filing** 1A

Basis**Published for
Opposition**

January 27, 2009

**Registration
Number****3605045****Registration Date**

April 14, 2009

Owner

(REGISTRANT) MKD Interiors Limited CORPORATION NEW YORK 12th Floor 67 Irving Place New York NEW YORK 10003

**Attorney of
Record**

Sheldon Palmer

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20181218.

Renewal

1ST RENEWAL 20181218

Other Data

"Jamie Drake" identifies a living individual whose consent is of record.

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Indicator**

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Typed Drawing

Word Mark JOSEF FRANK

Goods and Services

(CANCELLED) IC 006. US 002 012 013 014 023 025 050. G & S: [statues of common metals]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

(CANCELLED) IC 008. US 023 028 044. G & S: [hand tools, namely, cutlery and tableware, namely, knives, forks, and spoons]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 011. US 013 021 023 031 034. G & S: electric lighting fixtures, namely, table lamps, ceiling lamps, wall lamps and pole lamps. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 014. US 002 027 028 050. G & S: goods cast in precious metals and their alloys, namely, [holiday ornaments,] serving trays, [napkin rings, candle extinguishers,] candlesticks, [salt cellars, pepper pots, salt shakers, flasks and kitchen utensils, and horological and chronometric instruments, namely, table and wall clocks]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 016. US 002 005 022 023 029 037 038 050. G & S: paper table napkins, paper table mats, paper table linen, paper table cloths, paper place mats of paper, [writing tablets, paperweights,] letter trays [, bookends, stands for pens and pencils, coasters of paper and traced cloth for embroidery patterns]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 020. US 002 013 022 025 032 050. G & S: furniture, namely, sofas, coffee tables, cocktail tables, couches, chairs, stools, dining tables, dining chairs, curio cabinets, bookshelves, desks, [dressers,] cabinets for stationery [, furniture mirrors, picture frames; curtain rails and non-metal curtain rings, textile window blinds and fitted fabric furniture covers]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 021. US 002 013 023 029 030 033 040 050. G & S: household and kitchen utensils, namely, [food containers, drinking glasses, jars for jams and jelly, empty bottles, mosaics not for buildings, glass boxes, flower pots, pepper mills, pepper pots, cruet stands for oil and vinegar not of precious metal, serving trays not of precious metal, napkin rings, candlesticks,] flower pots, [serving trays and spoons, candle extinguishers] and candlesticks not of precious metal[, epergnes, and shoe horns]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 024. US 042 050. G & S: bed linens, namely, bed covers, bed spreads, quilts, [mattress covers,] bed

blankets, [bed sheets,] pillow shams; household linens, textile towels; table linens, namely, coasters, tablecloths, place mats, table mats, napkins; textile materials, namely, [buckram, brocade, chenille fabric, damask, eiderdown,] door curtains, [cloth banners,] cotton fabric used in the manufacture of furniture and wall coverings, [flannel, textile linings for garments, frieze, gauze fabrics, hemp cloth, fabric jersey material, calico, dimity,] upholstery fabric, unfitted fabric furniture covers[, handkerchiefs, silk cloth, textile printers' blankets, tulle]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

IC 027. US 019 020 037 042 050. G & S: carpets, rugs, [linoleum for floors, and non-textile wall hangings]. FIRST USE: 19330000. FIRST USE IN COMMERCE: 19520000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75086762

Filing Date April 10, 1996

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 24, 1998

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2165042

Registration Date June 16, 1998

Owner (REGISTRANT) SVENSKT TENN AB CORPORATION SWEDEN Strandvagen 5, Box 5478 114 84 Stockholm SWEDEN

Attorney of Record R. Peter Spies

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20180706.

Renewal 2ND RENEWAL 20180706

Other Data The mark "JOSEF FRANK" does not identify a living individual.

Live/Dead Indicator LIVE

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Typed Drawing

| | |
|--|---|
| Word Mark | MICHAEL S SMITH |
| Goods and Services | IC 011. US 013 021 023 031 034. G & S: lamps. FIRST USE: 20070905. FIRST USE IN COMMERCE: 20070905 |
| | IC 020. US 002 013 022 025 032 050. G & S: furniture, mirrors, [picture frames] and cabinets. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300 |
| | IC 024. US 042 050. G & S: textile fabrics for the manufacture of [clothing,] upholstery and home furnishings; [textile linings for garments; textile napkins; textile place mats;] textile wall hangings; decorative fabrics; chenille fabric; [cheviot fabric;] cotton fabric; [curtain fabric]. FIRST USE: 19940100. FIRST USE IN COMMERCE: 19940100 |
| | IC 027. US 019 020 037 042 050. G & S: carpets, rugs; [cork for use as a floor covering; hard surface coverings for floors; protective floor coverings; resilient hard surface covering for floors; vinyl floor coverings]. FIRST USE: 20070823. FIRST USE IN COMMERCE: 20070823 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Trademark Search Facility Classification Code | LETS-1 S A single letter, multiples of a single letter or in combination with a design |
| Serial Number | 78274226 |
| Filing Date | July 15, 2003 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | August 24, 2004 |
| Registration Number | 3415489 |
| Registration Date | April 22, 2008 |

Owner (REGISTRANT) Michael S Smith, Inc. CORPORATION CALIFORNIA 1646 19th Street Santa Monica CALIFORNIA 90404

Attorney of Record Robert Weisbein

Type of Mark Register TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180717.

Renewal 1ST RENEWAL 20180717

Other Data The name "Michael S. Smith" identifies a living individual whose consent is of record.

Live/Dead Indicator LIVE

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ORLA KIELY

Word Mark Goods and Services

ORLA KIELY

IC 016. US 002 005 022 023 029 037 038 050. G & S: paper, cardboard and goods made from these materials, not included in other classes, namely, paper boxes, cardboard boxes, wrapping paper, paper bags, paper gift bags, gift boxes, notebooks, sketch pads, diaries; printed matter, namely, books in the field of interior design, home decorating and architecture, brochures and leaflets about interior design; bookbinding material, namely, bookbinding tape, bookbinding wire, cloth for bookbinding, bookbindings; photographs; stationery; adhesive for stationery or household purposes; artists' materials, namely, artists' brushes, artists' pastels, artists' pencils, artists' pens; paint brushes; typewriters and office requisites, namely, envelope sealing machines, punches, staplers, rubber bands, pens, pencils, pen holders; printed instructional and teaching material in the field of design; plastic materials for packaging, namely, plastic bubble packs for packaging; printers' type; printing blocks; paper bags; household goods made of paper, namely, paper bags for household use; paper napkins

IC 020. US 002 013 022 025 032 050. G & S: furniture; mirrors; picture frames; bins of wood or plastic; bottle racks; boxes of wood or plastic; cases of wood or plastic, namely, display cases; coat hangers; curtain hooks, rails, rods; door fittings not of metal; non-metal tent pegs; umbrella stands

IC 021. US 002 013 023 029 030 033 040 050. G & S: household or kitchen utensils and containers, namely, strainers, graters, wire baskets, containers for household use, household containers for foods and drinks; combs and cleaning sponges; brushes, namely, brushes for pets, bath brushes, dishwashing brushes, hairbrushes, toothbrushes; brush-making materials; articles for cleaning purposes, namely, cleaning cloths, cleaning combs, cleaning pads; steel wool for cleaning; unworked or semi-worked glass except glass used in building; crockery, namely, mugs, plates, cups, saucers, bowls, serving dishes; china, namely, figures of china, dishes; beverage glassware, porcelain and earthenware, namely, porcelain mugs, porcelain and earthenware doorknobs, plates, cups, saucers, bowls, serving dishes

IC 024. US 042 050. G & S: textiles and textile goods, namely, textile fabrics for the manufacture of clothing, textile napkins, hand towels of textile, bed blankets, bed sheets, bed spreads, quilt covers, namely, duvets;

bed and table covers, namely, bed spreads, bed linen, bed sheets, table cloths not of paper; pillow cases; fabric valances; sheets, namely, bath sheets; fitted bed sheets; duvet covers; blankets, namely, bed blankets, blanket throws, children's blankets, pet blankets, receiving blankets

IC 027. US 019 020 037 042 050. G & S: carpets, rugs, mats and matting, linoleum for covering existing floors; non-textile wall hangings; wallpaper; bath mats, rugs and carpet; floor mats for cars; floor coverings

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77084009

Filing Date January 16, 2007

Current Basis 44E

Original Filing Basis 1B;44D;44E

Published for Opposition August 26, 2008

Registration Number 3529693

Registration Date November 11, 2008

Owner (REGISTRANT) Kiely, Orla INDIVIDUAL UNITED KINGDOM 59 Killian Road London UNITED KINGDOM SW82XS

(REGISTRANT) Rowan, DJ INDIVIDUAL UNITED KINGDOM 59 Killian Road London UNITED KINGDOM SW82XS

Attorney of Record William H. Cox

Priority Date July 24, 2006

Prior Registrations 2619238

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20190619.

Renewal 1ST RENEWAL 20190619

Other Data The name "ORLA KIELY" identifies a living individual whose consent is of record.

Live/Dead Indicator LIVE

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STEPEVI

| | |
|------------------------------------|---|
| Word Mark | STEPEVI |
| Translations | The wording STEPEVI in the mark does not have meaning in a foreign language. |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Furniture, mirrors, picture frames; antique furniture; bathroom furniture; bedroom furniture; cabinets; chairs; coat racks; cupboards; desks; door furniture; doors for furniture; dressers; drawers; furniture for the home; leather furniture; patio furniture; storage furniture; tables; fitted textile covers for furniture; wine racks; wooden furniture; curtain tie backs; cushions; magazine racks; pillows; wall plaques; sleeping bags; stools; mug racks; plate racks; towel racks and towel holders; coat stands; doorstops of wood; hampers; bean bag chairs |
| | IC 027. US 019 020 037 042 050. G & S: Carpets, rugs, mats and mattings; non-textile wall hangings; wallpaper |
| | IC 035. US 100 101 102. G & S: Retail store and online retail store services and mail order catalog store services featuring, furniture, home furnishings, kitchen furnishings, bathroom furnishings, floor coverings and wall coverings and accessories; providing consumer information via a web site on furniture, home furnishings, kitchen furnishings, bathroom furnishings, floor coverings and wall coverings and accessories; gift registry services |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 77002970 |
| Filing Date | September 20, 2006 |
| Current Basis | 44E |
| Original Filing Basis | 1B |
| Published for Opposition | January 6, 2009 |

Registration Number 3593617
Registration Date March 24, 2009
Owner (REGISTRANT) STEP Halicilik ve Magazacilik San ve TicAS CORPORATION TURKEY Apt. No: 101/2, 34365 Tesvikiye Tesvikiye Cad. Belveder Istanbul TURKEY 0
Attorney of Record Nicholas D. Wells
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20190424.
Renewal 1ST RENEWAL 20190424
Live/Dead Indicator LIVE

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TONY DUQUETTE

**Word Mark
Goods and
Services**

TONY DUQUETTE

IC 011. US 013 021 023 031 034. G & S: Electric lighting fixtures, fluorescent lighting tubes, and chandeliers. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531

IC 014. US 002 027 028 050. G & S: Jewelry; sculptures made of precious metals and jewelry. FIRST USE: 19971030. FIRST USE IN COMMERCE: 19971030

IC 020. US 002 013 022 025 032 050. G & S: Outdoor furniture, office furniture, home furniture and sculptures made of bone, ivory, plaster, plastic and/or wood. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531

IC 024. US 042 050. G & S: Tapestries of textiles. FIRST USE: 19981030. FIRST USE IN COMMERCE: 19981030

IC 027. US 019 020 037 042 050. G & S: Carpets and rugs; carpets and rugs made of textiles. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020531

**Standard
Characters
Claimed**

**Mark Drawing
Code**

(4) STANDARD CHARACTER MARK

Serial Number

78872616

Filing Date

April 28, 2006

Current Basis

1A

**Original Filing
Basis**

1B

Published for Opposition January 2, 2007
Registration Number 3545292
Registration Date December 9, 2008
Owner (REGISTRANT) WILKINSON, HUTTON INDIVIDUAL UNITED STATES 1354 Dawnridge Dr. Beverly Hills CALIFORNIA 90210
Attorney of Record Irene Y. Lee
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20181116.
Renewal 1ST RENEWAL 20181116
Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live/Dead Indicator LIVE

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ALEX AND ZOE

Word Mark ALEX AND ZOE**Goods and Services**

IC 011. US 013 021 023 031 034. G & S: Indoor electrical lighting fixtures; lighting fixtures; lamps; lamp shades; indoor and outdoor electric light decorative strings; seasonal lighting, namely, holiday-themed indoor and outdoor electric string lights. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

IC 016. US 002 005 022 023 029 037 038 050. G & S: Table linens made of paper, paper coasters, paper tablecloths, paper placemats, paper napkins, paper towels, and hostess sets comprised of paper guest towels, paper napkins and paper coasters; books, namely, books containing removable wine labels, cookbooks, calendars, address books, picture books, recipe books, children's activity books, coloring books, engagement books, exercise books, wine journals, cross-word puzzles, blank journals, notebooks, diaries, scrapbooks and calendars; lap boards for reading; stationery, stationery boxes, folders, writing paper, envelopes, writing pads, note cards, holiday cards, paper gift cards, greeting cards, occasion cards, craft paper, gift wrapping paper, paper gift bags, paper bows for gift wrap and paper ribbons; holiday-themed decorations of paper or cardboard; prints, photo prints, photo albums, pictures, photo storage boxes, art prints, graphic and printed art reproductions, posters, wall art, namely, paintings, photographic prints, art prints, pictorial prints, pictures; calligraphy prints and collages; office and desk accessories, namely, desk blotters, desk pads, desk sets, desk baskets for desk accessories, personal organizers, daily planners, pen and pencil holders, letter holders, letter openers and paperweights; pens, pencils, crayons, markers, rubber stamps, stencils, stickers, inking pads; bags, namely, gift bags and paper bags for packaging. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

IC 020. US 002 013 022 025 032 050. G & S: bathroom accessories, namely, tissue box covers of plastic, fabric or wood; picture frames; photo frames; gardening accessories, namely, non-metal decorative garden stakes, wind chimes and bells in the nature of decorative garden objects; non-metal fabric storage bins; boxes, namely, hat boxes and shoe boxes made of plastic or wood; shoe holders, namely, shoe racks, non-metal fabric hanging closet organizers, non-metal fabric hanging shoe and clothing organizers; pet furniture; pet beds; plush pet playhouses. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

IC 021. US 002 013 023 029 030 033 040 050. G & S: Bakeware and cookware, namely, pots, pans, skillets, casserole dishes, colanders, tea pots, mixing bowls, woks, steamer baskets, cake molds, kettles and Dutch ovens; serve ware, namely, serving trays, serving platters, pitchers and serving bowls; dinnerware, namely,

dishes, cups, saucers, creamer pitchers, gravy boats and bowls; cooking and household utensils, namely, serving spoons and forks, kitchen tongs, spatulas, mixing spoons, garlic presses, vegetable brushes, scoops, whisks, chopsticks and pie servers; drinkware, namely, drinking glasses, water glasses, champagne flutes, mugs; flasks and vacuum bottles; barware, namely, cocktail shakers and stirrers, seltzer bottles, wine charms not of precious metal, corkscrews, ice buckets, wine buckets and champagne buckets, cocktail picks, bottle openers, plastic coasters, bottle stands; bar mix ware, namely, champagne flutes, goblets, shot glasses and glass beverage ware; kitchen accessories, namely, trivets, cutting boards and blocks, coffee presses, canister sets, colanders, salt and pepper shakers, hand-operated grinders, salt cellars and salt and pepper mills, strainers for household purposes, turners in the nature of household utensils, napkin holders, rolling pins, spice racks, steamer baskets, trashcans, watering cans, bowls, vases, cookie cutters, non-electric coffee pots, domestic bread baskets, glass jars, funnels, dining trays and stands, graters in the nature of household utensils, lemon squeezers, decanters, bread boxes, muffin tins, counter top paper towel holders; plastic containers for storing household goods; woven baskets for domestic use; fitted picnic baskets; general purpose storage baskets and bins for household use; bathroom accessories, namely, soap dishes, soap and lotion dispensers sold empty, toothbrush holders, wastebaskets, laundry baskets, clothes hampers for household use, towel bars and rings, bath and shower caddies, toilet paper holders, drinking cups, cosmetic trays, shaving brush stands, clothes brushes, cotton ball holders, ceramic tissue box covers. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

IC 024. US 042 050. G & S: Bath linens, namely, towels, wash cloths and shower curtains; bedding, namely, bed sheets, pillow cases, comforters, bedspreads, duvets, quilts, pillow shams, bed skirts and ruffles, throws, mattress pads, bed blankets, afghans, bed canopies and quilts; infant bedding, namely, crib bumpers, crib canopies, crib sheets, pillow shams, bed skirts and comforters; kitchen textiles, namely, kitchen towels, table napkins, tablecloths, table runners, table scarves, placemats and coasters; fabric window treatments, namely, window valances, panels, curtains, swags and drapes; pet towels and blankets. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

IC 027. US 019 020 037 042 050. G & S: Rugs and mats for covering existing floors; indoor and outdoor floor runners; pet feeding mats; carpeting. FIRST USE: 20161201. FIRST USE IN COMMERCE: 20161201

**Standard
Characters
Claimed**

Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86928153

Filing Date March 3, 2016

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 20, 2018

Registration Number 5633259

Registration Date December 18, 2018

Owner (REGISTRANT) The TJX Companies, Inc. CORPORATION DELAWARE 770 Cochituate Road Framingham MASSACHUSETTS 01701

Attorney of Record Michele M. Glessner

Type of Mark TRADEMARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

Live/Dead Indicator LIVE

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BARCLAY BUTERA

Word Mark

B BARCLAY BUTERA

Goods and Services

IC 004. US 001 006 015. G & S: Candles. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 011. US 013 021 023 031 034. G & S: Candle lanterns; Chandeliers; Floor lamps; Lamps; Luminaries; Pendant lighting fixtures; Sconce lighting fixtures; Outdoor lighting, namely, paver lights. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 014. US 002 027 028 050. G & S: Clocks; Pendants; Presentation boxes for watches. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 016. US 002 005 022 023 029 037 038 050. G & S: Bookends; Books in the field of interior design; Desk baskets for desk accessories; Paintings; Photographs. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 019. US 001 012 033 050. G & S: Hard wood flooring; Sculptures of stone. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 020. US 002 013 022 025 032 050. G & S: Accent pillows; Bed frames; Bed headboards; Bed pillows; Beds; Benches; Bookcases; Buffets; Cabinets; Chairs; Chaise lounges; Console tables; Desks; Dining chairs; Dining tables; Dressers; End tables; Etagere; Feather beds; Furniture; Furniture chests; Living room furniture; Love seats; Magazine racks; Mattresses; Mirrors; Nightstands; Occasional tables; Ottomans; Outdoor furniture; Pillows; Rocking chairs; Sculptures of wood; Seating furniture; Settees; Shadow boxes; Sideboards; Sofas; Stools; Tables; Wood boxes; Wooden sculptures; Furniture in the nature of sectionals. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 021. US 002 013 023 029 030 033 040 050. G & S: Candle holders; Decorative centerpieces of ceramic; Sculptures of ceramic. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 024. US 042 050. G & S: Bed blankets; Bed covers; Bed linen; Bed sheets; Bed skirts; Bed spreads; Bed throws; Comforters; Coverlets; Duvet covers; Mattress pads; Pillowcases; Quilts; Shams; Unfitted fabric slipcovers for furniture; Upholstery fabrics. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 027. US 019 020 037 042 050. G & S: Carpets; Door mats; Floor coverings made of textiles; Rugs; Wallpaper. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 035. US 100 101 102. G & S: On-line retail store services featuring consumer goods, namely, bedding, pillows, candles, custom upholstery, home décor, lighting, mirrors, rugs, wall coverings; Retail store services featuring consumer goods, namely, bedding, pillows, candles, custom upholstery, home décor, lighting, mirrors, rugs, wall coverings. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 042. US 100 101. G & S: Design of interior decor; Furniture design services; Graphic arts design; New product design services. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.09.02 - Plain single line squares ; Squares, plain single line

Serial Number 87596256

Filing Date September 5, 2017

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 13, 2018

Registration Number 5457884

Registration Date May 1, 2018

Owner (REGISTRANT) Barclay Butera Development Inc. CORPORATION CALIFORNIA 17335 Mt Wynne Circle Fountain Valley CALIFORNIA 92708

Attorney of Record Hui-Wen (Amy) Hsiao

Prior Registrations 3333369

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a script capital "B" in a square box above the terms "BARCLAY BUTERA" in a stylized font.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark identifies Barclay Butera, whose consent(s) to register is made of record.

Live/Dead Indicator LIVE

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CARBON LOFT

Word Mark

CARBON LOFT

Goods and Services

IC 011. US 013 021 023 031 034. G & S: Lamps; Lighting fixtures. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 014. US 002 027 028 050. G & S: Clocks. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 016. US 002 005 022 023 029 037 038 050. G & S: Prints. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 020. US 002 013 022 025 032 050. G & S: Beds; Furniture. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 024. US 042 050. G & S: Bed covers; Bed linen. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 027. US 019 020 037 042 050. G & S: Carpets; Rugs. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

IC 035. US 100 101 102. G & S: On-line retail store services featuring general consumer merchandise. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 87926256**Filing Date** May 17, 2018**Current Basis** 1A**Original Filing Basis** 1A**Published for**

Opposition April 30, 2019
Registration Number **5803411**
Registration Date July 16, 2019
Owner (REGISTRANT) Overstock.com, Inc. CORPORATION DELAWARE 799 West Coliseum Way Midvale UTAH 84341
Attorney of Record E. Glen Nickle
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LOFT" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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CASTLE & CRANE

Word Mark CASTLE & CRANE**Goods and Services**

IC 011. US 013 021 023 031 034. G & S: Kitchen sinks; bath sinks; laundry tub sinks; toilets; toilet seats; faucets, namely, lavatory faucets, kitchen faucets, bar sink faucets, roman tub faucets, bathroom faucets, and faucet handles; shower and tub fixtures, namely, tub spouts, shower heads, shower mixing valves, hand held shower heads; shower head body sprayers; bathtubs and showers; electrical light fixtures for walls, ceilings and bathrooms; lamps; floor lamps; table lamps; lampshades; lamp and lighting accessories, namely, swags in the nature of lamp shades, swag kits comprising electric lighting fixtures and light shades, pendant light fixtures; lamp globes; light fixture globes; picture lights for illuminating artwork; ceiling fixtures, namely, fluorescent ceiling lights, chandeliers, kitchen island lights, flush mount and semi-flush mount lights, sconce lighting fixtures, track lights and track light kits for making lighting fixtures, pendant lights, and dining room lighting fixtures; bathroom vanity wall lights; indoor and outdoor electrical lanterns and lighting fixtures; electric nightlights and bulbs; low voltage landscape, path, deck, step, pier, and well lights in the nature of landscape lighting installations, LED landscape lights, lighting fixtures for use in parking decks, lights for illuminating stairs, and lighting fixtures and light kits for making lighting fixtures; solar powered landscape path lights; accent lighting fixtures for home interiors and exteriors; lights for illuminating stairs, doors and other portions of buildings; outdoor flush mount LED lighting fixtures for outdoor lighting applications, light post luminaires and wall lights post; low voltage LED and halogen spot and flood lights; pond and fountain lights in the nature of low voltage lighting fixtures for outdoor lighting applications; lamp finials; electrified candlesticks; ceiling fans; electric fireplaces; outdoor fireplaces; fireplaces, namely, wood burning pits for containing fire; decorative water fountains; barbecue grills and replacement parts therefor, namely, replacement gas burners, and wire grills used for grilling food; outdoor pizza cooking ovens; food barbecue smokers; outdoor kitchens consisting of sinks, refrigerators, and cooking stoves. FIRST USE: 20170829. FIRST USE IN COMMERCE: 20170829

IC 020. US 002 013 022 025 032 050. G & S: Furniture and home furnishings, namely, tables, chairs, hutch buffets, hutch cabinets, corner curios in the nature of cabinets for display purposes, baker's racks, benches, glider benches, sideboards, bistro tables, armoires, bar chairs, bar stools, beverage serving carts in the nature of bar carts, bar cabinets being furniture, work desks, magazine racks, computer desks, coat racks, hall trees for hanging coats in the nature of ornamental coat racks, non-metal clothes hooks, dining sets consisting of tables and chairs, end tables, nesting tables, ottomans, sofas, sectional sofas, sleeper sofas, curio cabinets being furniture, coffee tables, loveseats, shelving units, bathroom shelving units, wine racks, recliners, arm chairs, accent chairs, room dividers, fireplace screens, bathroom shelf units, accent pillows, mirrors, bed frames, bed headboards, side tables, occasional tables, mattresses and pillows, media and TV stands in the

nature of television stands and entertainment centers, etageres, shelves, dressers, bathroom vanities and file cabinets; outdoor furnishings, namely, benches made of wood, metal, and plastic; tables made of wood and metal; chairs made of wood, metal, and plastic; wicker furniture, namely, tables and chairs; drawer organizers; non-metal storage bins and boxes of wood or plastic and shelving units for use as bathroom and closet organizers; non-metal storage bins and boxes of wood or plastic for use in shelf organizers; non-metal storage bins and boxes of wood or plastic for use as bathroom storage organizers; bathroom furniture, namely, vanities, medicine cabinets, corner shelf units, bath etageres; mirrors, mirror frames; accent pillows; drapery hardware, namely, traverse rods, drapery rods, poles, curtain hooks, curtain rods, and finials; window blinds; window shades; venetian blinds; outdoor beverage serving carts in the nature of bar carts; outdoor bar carts; outdoor patio tables and chairs; plastic beverage tubs; non-metal mailboxes; non-metal weather vane; non-metal hose hangers; hand-operated non-metal garden hose reels; plastic landscape edging; potting benches; non-metal rain barrels; decorative mobiles; wind chimes; non-metal garden stakes; plant stands; gazing globe stands being furniture; flagpoles and plastic flags; fitted fabric covers for patio, lawn and garden furniture; fitted fabric furniture covers for outdoor furniture; non-metal knobs for use as replacement parts for barbeque grills. FIRST USE: 20170829. FIRST USE IN COMMERCE: 20170829

IC 021. US 002 013 023 029 030 033 040 050. G & S: Bathroom towel bars; toilet paper holders; bathroom towel rings; shower caddies; soap dishes; toothbrush holders; toothpaste tumbler holder set comprised of tumblers for use as drinking glasses and toothbrush holders; portable outdoor coolers; portable beverage dispensers; portable ice chests for food and beverages; non-electric bottle openers; barware, namely, ice scoops; barbecue utensils and accessories, namely, tongs, forks, spatulas, and turners; basting brushes; grill scrapers and grill brushes in the nature of cleaning brushes for barbecue grills; cooking utensils in the nature of wire barbecue grill baskets and wire grill turners; cooking skewers; grill mats in the nature of non-stick barbecue grill cooking mats for use on grill; serving trays; watering cans; planters for flowers and plants; picnic baskets sold empty; plastic plates and drinking glasses; bird houses; bird feeders; bird baths; gazing mirror balls; disposable serving spoons. FIRST USE: 20170829. FIRST USE IN COMMERCE: 20170829

IC 024. US 042 050. G & S: Shower curtains and shower curtain liners; window treatments, namely, draperies, curtains, fabric valances and fabric curtain tie-backs in the nature of in the nature of textile curtain holders; tapestries of textile; decorative seasonal flags and banners made of cloth or polyester material, namely, banners and flags of textile and cloth. FIRST USE: 20170829. FIRST USE IN COMMERCE: 20170829

IC 027. US 019 020 037 042 050. G & S: Area rugs; bath rugs; rugs, namely, floor runners; bath mats; door mats; carpet tiles; indoor carpeting; outdoor carpeting; outdoor rugs; carpeting and rug pads, namely, carpet padding; grill mats in the nature of barbecue grill floor mats. FIRST USE: 20170829. FIRST USE IN COMMERCE: 20170829

Standard Characters Claimed

Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87097512

Filing Date July 8, 2016

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 13, 2017

Registration Number 5444039

Registration Date April 10, 2018

Owner (REGISTRANT) LF, LLC LIMITED LIABILITY COMPANY DELAWARE 1000 Lowe's Boulevard Mooresville NORTH CAROLINA 28117

Attorney of Record Scott W. Goode

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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VARI.COM

| | |
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| Word Mark | VARI.COM |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Furniture. FIRST USE: 20160328. FIRST USE IN COMMERCE: 20160707 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 86983385 |
| Filing Date | March 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | September 6, 2016 |
| Registration Number | 5381352 |
| Registration Date | January 16, 2018 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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VARI.COM

| | |
|---------------------------------|--|
| Word Mark | VARI.COM |
| Goods and Services | IC 011. US 013 021 023 031 034. G & S: Lamps; desk lamps. FIRST USE: 20170315. FIRST USE IN COMMERCE: 20170315 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal |
| Serial Number | 87371952 |
| Filing Date | March 15, 2017 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | January 16, 2018 |
| Registration Number | 5436428 |
| Registration Date | April 3, 2018 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppel TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the words "VARI.COM" above three horizontal lines that thicken in width from top to bottom. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |



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VARICHAIR

Word Mark VARICHAIR

Goods and Services IC 020. US 002 013 022 025 032 050. G & S: Furniture; chairs; office chairs; ergonomic chairs. FIRST USE: 20160426. FIRST USE IN COMMERCE: 20160426

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86456202

Filing Date November 17, 2014

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 10, 2015

Registration Number **5096032**

Registration Date December 6, 2016

Owner (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019

Attorney of Record Rebecca Liebowitz

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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VARIDESK

| | |
|------------------------------------|---|
| Word Mark | VARIDESK |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Furniture; Desks; Adjustable height desks; Furniture parts, namely, adjustable ergonomic platforms for desks; Furniture parts, namely, adjustable height platforms for desks. FIRST USE: 20130605. FIRST USE IN COMMERCE: 20130610 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85869440 |
| Filing Date | March 7, 2013 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | August 13, 2013 |
| Change In Registration | CHANGE IN REGISTRATION HAS OCCURRED |
| Registration Number | 4425043 |
| Registration Date | October 29, 2013 |
| Owner | (REGISTRANT) Gemmy Industries Corporation CORPORATION TEXAS 117 Wrangler Drive, Suite 100 Coppell TEXAS 75019 (LAST LISTED OWNER) VARIDESK, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
| Live/Dead Indicator | LIVE |



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| | |
|---------------------------------|---|
| Word Mark | VARIDESK |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks. FIRST USE: 20150500. FIRST USE IN COMMERCE: 20150500 |
| | IC 035. US 100 101 102. G & S: Retail store services and on-line retail store services featuring office furniture and office products. FIRST USE: 20150500. FIRST USE IN COMMERCE: 20150500 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal |
| Serial Number | 86927192 |
| Filing Date | March 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | NO FILING BASIS |
| Published for Opposition | March 14, 2017 |
| Registration Number | 5211819 |
| Registration Date | May 30, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Prior Registrations | 4425043 |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the word "VARIDESK" with three lines extending from the top of the "K". |
| Type of Mark | TRADEMARK. SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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| | |
|---------------------------------|---|
| Word Mark | VARIDESK |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks. FIRST USE: 20160600. FIRST USE IN COMMERCE: 20160600 |
| | IC 035. US 100 101 102. G & S: Retail store services and on-line retail store services featuring office furniture and office products. FIRST USE: 20160600. FIRST USE IN COMMERCE: 20160600 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal |
| Serial Number | 86927658 |
| Filing Date | March 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | NO FILING BASIS |
| Published for Opposition | March 14, 2017 |
| Registration Number | 5282069 |
| Registration Date | September 5, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Prior Registrations | 4425043 |
| Description of Mark | The color(s) blue is/are claimed as a feature of the mark. The mark consists of the word "VARIDESK" with three lines extending from the top of the "K" all appearing in blue. |
| Type of Mark | TRADEMARK. SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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VARIDESK

Word Mark VARIDESK

Goods and Services IC 035. US 100 101 102. G & S: Retail store services and on-line retail store services featuring office furniture and office products. FIRST USE: 20150500. FIRST USE IN COMMERCE: 20150500

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87368853

Filing Date March 13, 2017

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 6, 2018

Registration Number **5451054**

Registration Date April 24, 2018

Owner (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019

Attorney of Record Rebecca Liebowitz

Prior Registrations 4425043

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE



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| | |
|---------------------------------|---|
| Word Mark | VARIDESK.COM |
| Goods and Services | IC 020. US 002 013 022 025 032 050. G & S: Adjustable height desktop; furniture; chairs; office chairs; ergonomic chairs; desks; adjustable height desks; furniture parts, namely, adjustable ergonomic platforms for desks; furniture parts, namely, adjustable height platforms for desks. FIRST USE: 20160400. FIRST USE IN COMMERCE: 20160600 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal |
| Serial Number | 86959760 |
| Filing Date | March 31, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | March 7, 2017 |
| Registration Number | 5207542 |
| Registration Date | May 23, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Prior Registrations | 4425043 |
| Description of Mark | The color(s) blue is/are claimed as a feature of the mark. The mark consists of the word "VARIDESK.COM" with three lines extending from the top of the "K" all appearing in blue. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |



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VARIDESK.COM

Word Mark VARIDESK.COM**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer monitor arms. FIRST USE: 20160400. FIRST USE IN COMMERCE: 20160400

IC 027. US 019 020 037 042 050. G & S: floor mats; floor mats for exercise; anti-fatigue floor mats. FIRST USE: 20160400. FIRST USE IN COMMERCE: 20160400

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 87671138**Filing Date** November 3, 2017**Current Basis** 1A**Original Filing Basis** NO FILING BASIS**Published for Opposition** September 25, 2018**Registration Number** 5625523**Registration Date** December 11, 2018**Owner** (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 S. Beltline Rd, Suite 500 Coppell TEXAS 75019**Attorney of Record** Rebecca Liebowitz**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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VARIDESK.COM

| | |
|------------------------------------|--|
| Word Mark | VARIDESK.COM |
| Goods and Services | IC 011. US 013 021 023 031 034. G & S: Lamps; desk lamps. FIRST USE: 20170315. FIRST USE IN COMMERCE: 20170315 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87371932 |
| Filing Date | March 15, 2017 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | August 15, 2017 |
| Registration Number | 5322754 |
| Registration Date | October 31, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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VARIFRESH

Word Mark VARIFRESH

Goods and Services IC 035. US 100 101 102. G & S: Food kiosk services; vending in the field of beverages, snacks and foods. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20160601

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number **87012895**

Filing Date April 25, 2016

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 27, 2016

Registration Number 5152799

Registration Date February 28, 2017

Owner (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019

Attorney of Record Rebecca Liebowitz

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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| | |
|---------------------------------|--|
| Word Mark | VARIFRESH |
| Goods and Services | IC 035. US 100 101 102. G & S: Food kiosk services; vending in the field of beverages, snacks and food. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20160601 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 05.03.25 - Leaf, single; Other leaves |
| Serial Number | 87059451 |
| Filing Date | June 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | November 22, 2016 |
| Registration Number | 5183432 |
| Registration Date | April 11, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Description of Mark | The color(s) green is/are claimed as a feature of the mark. The mark consists of the word "VARIFRESH" with a leaf extending from the "H" and over the "S", all appearing in green. |
| Type of Mark | SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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The logo for VARIFRESH features the word "VARIFRESH" in a bold, sans-serif font. A stylized leaf is positioned above the letter "H", extending from the top of the "H" and curving over the "S".

| | |
|---------------------------------|--|
| Word Mark | VARIFRESH |
| Goods and Services | IC 035. US 100 101 102. G & S: Food kiosk services; vending in the field of beverages, snacks and food. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20160601 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 05.03.25 - Leaf, single; Other leaves |
| Serial Number | 87059437 |
| Filing Date | June 3, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | November 22, 2016 |
| Registration Number | 5183431 |
| Registration Date | April 11, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the word "VARIFRESH" with a leaf extending from the "H" and over the "S". |
| Type of Mark | SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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VARIFRESH

| | |
|------------------------------------|--|
| Word Mark | VARIFRESH |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile phones and handheld computers, namely, software for use in connection with beverage, snack and food purchasing. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20161201 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87259026 |
| Filing Date | December 6, 2016 |
| Current Basis | 1A |
| Original Filing Basis | NO FILING BASIS |
| Published for Opposition | April 25, 2017 |
| Registration Number | 5240918 |
| Registration Date | July 11, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |



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The logo for VARIFRESH features the word "VARIFRESH" in a bold, sans-serif font. A stylized leaf is positioned above the letter "H", extending from the top of the "H" and curving over the "S".

| | |
|---------------------------------|--|
| Word Mark | VARIFRESH |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile phones and handheld computers, namely, software for use in connection with beverage, snack and food purchasing. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20161201 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 05.03.25 - Leaf, single; Other leaves |
| Serial Number | 87259037 |
| Filing Date | December 6, 2016 |
| Current Basis | 1A |
| Original Filing Basis | NO FILING BASIS |
| Published for Opposition | April 18, 2017 |
| Registration Number | 5236929 |
| Registration Date | July 4, 2017 |
| Owner | (REGISTRANT) Varidesk, LLC LIMITED LIABILITY COMPANY TEXAS 1221 Beltline Rd, Suite 500 Coppell TEXAS 75019 |
| Attorney of Record | Rebecca Liebowitz |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the word "VARIFRESH" with a leaf extending from the "H" and over the "S". |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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COLORBURST

| | |
|------------------------------------|--|
| Word Mark | COLORBURST |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Carpet tiles; Carpets. FIRST USE: 20180110. FIRST USE IN COMMERCE: 20180110 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87722783 |
| Filing Date | December 15, 2017 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | March 27, 2018 |
| Registration Number | 5613487 |
| Registration Date | November 20, 2018 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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| | |
|---------------------------------|--|
| Word Mark | COLORBURST VARIABLE COLOR TECHNOLOGY |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Carpet tiles; Carpets. FIRST USE: 20180700. FIRST USE IN COMMERCE: 20180700 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 01.15.25 - Coal ; Dust ; Light rays ; Liquids, spilling ; Pouring liquids ; Sand ; Spilling liquids |
| Serial Number | 87722791 |
| Filing Date | December 15, 2017 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | April 10, 2018 |
| Registration Number | 5613488 |
| Registration Date | November 20, 2018 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VARIABLE COLOR TECHNOLOGY" APART FROM THE MARK AS SHOWN |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the stylized word "COLORBURST" next to paint brush-strokes over the words "VARIABLE COLOR TECHNOLOGY". |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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| | |
|------------------------------------|---|
| Word Mark | CONTINUOUSCOLOR |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Carpets, floorcoverings |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87449326 |
| Filing Date | May 15, 2017 |
| Current Basis | 1B |
| Original Filing Basis | 1B |
| Published for Opposition | July 3, 2018 |
| Owner | (APPLICANT) ENGINEERED FLOORS, LLC LIMITED LIABILITY COMPANY GEORGIA 114 N. PENTZ STREET DALTON GEORGIA 30720 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | Bradley K. Groff |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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PrecisionColor Technology

| | |
|---------------------------------|---|
| Word Mark | PRECISIONCOLOR TECHNOLOGY |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Yarn sold as a component of carpet tiles; yarn sold as a component of carpet. FIRST USE: 20181001. FIRST USE IN COMMERCE: 20181001 |
| Mark Drawing Code | (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM |
| Serial Number | 87886883 |
| Filing Date | April 20, 2018 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | July 24, 2018 |
| Registration Number | 5741398 |
| Registration Date | April 30, 2019 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TECHNOLOGY" APART FROM THE MARK AS SHOWN |
| Description of Mark | Color is not claimed as a feature of the mark. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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| | |
|------------------------------------|---|
| Word Mark | PRECISIONCOLOR TECHNOLOGY |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Yarn sold as a component of carpet tiles; yarn sold as a component of carpet. FIRST USE: 20181001. FIRST USE IN COMMERCE: 20181001 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87886876 |
| Filing Date | April 20, 2018 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | July 24, 2018 |
| Registration Number | 5759052 |
| Registration Date | May 21, 2019 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TECHNOLOGY" APART FROM THE MARK AS SHOWN |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
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PURECOLOR

| | |
|------------------------------------|---|
| Word Mark | PURECOLOR |
| Goods and Services | IC 022. US 001 002 007 019 022 042 050. G & S: Polyester fibers. FIRST USE: 20100401. FIRST USE IN COMMERCE: 20100401 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85045134 |
| Filing Date | May 21, 2010 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | October 26, 2010 |
| Registration Number | 3903739 |
| Registration Date | January 11, 2011 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 1502 Coronet Drive Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20200304. |
| Renewal | 1ST RENEWAL 20200304 |
| Live/Dead Indicator | LIVE |

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PureColor Plus

| | |
|------------------------------------|--|
| Word Mark | PURECOLOR PLUS |
| Goods and Services | IC 022. US 001 002 007 019 022 042 050. G & S: Polyester fibers sold as an integral component of carpets. FIRST USE: 20120510. FIRST USE IN COMMERCE: 20120525 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85770794 |
| Filing Date | November 2, 2012 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | September 17, 2013 |
| Registration Number | 4442529 |
| Registration Date | December 3, 2013 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Dalton GEORGIA 30701 |
| Attorney of Record | Bradley K. Groff |
| Prior Registrations | 3903739;4142119 |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
| Live/Dead Indicator | LIVE |

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PureColor
with **SoilSHIELD**



| | |
|---------------------------------|--|
| Word Mark | PURECOLOR S2 WITH SOILSHIELD |
| Goods and Services | IC 022. US 001 002 007 019 022 042 050. G & S: Synthetic fibers and filaments for use in the manufacture of fabrics, textiles, yarns, and carpets. FIRST USE: 20110701. FIRST USE IN COMMERCE: 20110701 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon |
| Serial Number | 85420980 |
| Filing Date | September 13, 2011 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | February 28, 2012 |
| Registration Number | 4142119 |
| Registration Date | May 15, 2012 |
| Owner | (REGISTRANT) Engineered Floors, LLC. LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Dr Dalton GEORGIA 30721 |
| Attorney of Record | Bradley K. Groff |
| Prior Registrations | 3903739 |
| Description of Mark | The color(s) light green, dark green, gray and white is/are claimed as a feature of the mark. The mark consists of the following: the text "PureColor with SoilShield" in gray. A shield that includes shades of green from light to dark with gray outline that is located next to the text. Within the shield is the letter and number combination "S2" in white and outlined in gray. No claim is made to the background color. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
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PureColor Soft

| | |
|------------------------------------|--|
| Word Mark | PURECOLOR SOFT |
| Goods and Services | IC 022. US 001 002 007 019 022 042 050. G & S: Polyester fibers sold as an integral component of carpets. FIRST USE: 20120510. FIRST USE IN COMMERCE: 20120525 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85770792 |
| Filing Date | November 2, 2012 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | September 17, 2013 |
| Registration Number | 4442528 |
| Registration Date | December 3, 2013 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 3510 Corporate Drive Calhoun GEORGIA 30701 |
| Attorney of Record | Bradley K. Groff |
| Prior Registrations | 3903739;4112119 |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFT" APART FROM THE MARK AS SHOWN |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
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PureColor Soft Nylon

| | |
|------------------------------------|---|
| Word Mark | PURECOLOR SOFT NYLON |
| Goods and Services | IC 027. US 019 020 037 042 050. G & S: Carpeting. FIRST USE: 20150102. FIRST USE IN COMMERCE: 20150116 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 86511420 |
| Filing Date | January 22, 2015 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | June 9, 2015 |
| Registration Number | 4799498 |
| Registration Date | August 25, 2015 |
| Owner | (REGISTRANT) Engineered Floors, LLC LIMITED LIABILITY COMPANY GEORGIA 114 N. Pentz St. Dalton GEORGIA 30720 |
| Attorney of Record | Bradley K. Groff |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NYLON" APART FROM THE MARK AS SHOWN |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
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