

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 79129442

MARK: WALL STREET

79129442

CORRESPONDENT ADDRESS:

Advokat Ida Camilla Hals
Pb. 29 Bragemes
N-3001 Drammen
NORWAY

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Art of Zoltan Harald Zoltan Toth

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1158466

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1rst Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c). *See* below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must address all issues below in a timely manner. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Refusal under Trademark Act Section 2(d) – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3069697 ("WALL STREET COLLECTION") and 3094658 ("WALL STREET"), both owned by Superior Apparel Inc. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See* the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). In the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01.

Among these factors are the similarity of the marks as to appearance, sound, meaning, and overall commercial impression, relatedness of the goods and/or services, and similarity of trade channels of the goods and/or services.

See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.* However, not all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Similarity of the Parties' Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b) (v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods and/or services offered under applicant's and registrant's marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. See *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

In this case, the applicant's mark "WALL STREET" creates a very similar if not identical commercial impression to the cited registered marks "WALL STREET COLLECTION" and "WALL STREET". Consumers encountering the marks for closely-related goods are very likely to confuse the marks given their similarities of sound, meaning, and appearance, and mistake the underlying sources of the goods bearing the marks.

Relatedness of the Parties' Goods

When analyzing an applicant's and registrant's goods and/or services for similarity and relatedness, the determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); see also *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); see TMEP §1207.01(a)(iii).

All circumstances surrounding the sale of the goods and/or services are considered. These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. See *Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. However, absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. See *In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods

in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i). Rather, the respective goods and/or services need only be related in some manner or the conditions surrounding their marketing be such that they will be encountered by the same consumers under circumstances that would lead to the mistaken belief that the goods and/or services originate from the same source. *Gen. Mills Inc. v. Fage Dairy Processing Indus.*, 100 USPQ2d 1584, 1597 (TTAB 2012); TMEP §1207.01(a)(i); see *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d at 1086, 56 USPQ2d at 1475; *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

The applicant identifies its goods as clothing, headgear, and footwear. The cited registrant produces goods that are identical, or at least very closely related, in the nature of clothing, footwear, and headwear. Please see the attached evidence showing the goods produced by the prior registrant and their trademarks.

Consumers are very likely to encounter the parties’ goods in the same commercial contexts and market channels because they serve the same purposes and the same consumer needs. Given the similarities between the parties’ marks, consumers are likely to confuse the marks and mistake the underlying sources of the goods. Registration is refused to prevent such confusion.

Although applicant’s mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

The applicant should also note the following potential grounds for refusal.

Search of Office’s Database of Marks – Application Not Entitled to Register Due to Likelihood of Confusion with Prior Pending Applications

The effective filing dates of pending U.S. Application Serial Nos. 85177533 (“THE WALL STREET JOURNAL”), 85306051 (“EXPRESS WALL ST”), 85472734 (“WALLSTREET GANGSTERS”), 85454550 (“OCCUPY WALL STREET”), 85561533 (“TAKE BACK WALL STREET”), and 85647002 (“WALL STREET CLEAVAGE”) precede the applicant’s filing date. See the attached referenced applications. If any of the marks in the referenced applications registers, applicant’s mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant’s response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, the applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant’s mark and the marks in the referenced applications. The applicant’s election not to submit arguments at this time in no way limits applicant’s right to address this issue later if a refusal under Section 2(d) issues.

The applicant must also address the following requirements.

Entity Legal Nature and Citizenship Unclear

Applicant must specify its form of business or type of legal entity and its national citizenship or foreign country of organization or incorporation. See 37 C.F.R. §§2.32(a)(3)(i)-(ii), 7.25(a)-(b); TMEP §§803.03, 803.04, 1904.02 (a). This information is required in all U.S. trademark applications, including those filed under Trademark Act Section 66(a) (also known as “requests for extension of protection of international registrations to the United States”). See 37 C.F.R. §§2.32(a)(3)(i)-(ii), 7.25(a)-(b); TMEP §§803.03, 803.04, 1904.02(a).

Acceptable entity types include an individual, a partnership, a corporation, a joint venture, or the foreign equivalent. See 37 C.F.R. §2.32(a)(3)(i)-(ii); TMEP §§803.03 *et seq.*

If applicant’s entity type is an individual, applicant must indicate his or her national citizenship for the record. See 37 C.F.R. §2.32(a)(3)(i); TMEP §803.04. If applicant’s entity type is a corporation, association, partnership, joint venture, or the foreign equivalent, applicant must set forth the foreign country under whose laws applicant is organized or incorporated. 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03(b)-(c), 803.04. For an association, applicant must also specify whether the association is incorporated or unincorporated, unless the foreign country and the designation or description “association/associazione” appear in Appendix D of the *Trademark Manual of Examining Procedure* (TMEP). TMEP §803.03(c).

If applicant is organized under the laws of a foreign province or geographical region, applicant should specify both

the foreign province or geographical region and the foreign country in which the province or region is located. *See* TMEP §803.04. To provide this information online via the Trademark Electronic Application System (TEAS) response form, applicant must (1) locate the “Entity Type” heading and select “Other;” (2) locate the “Specify Entity Type” heading and select “Other” under the Foreign Entity option, and enter in the free-text field below both applicant’s entity type and the foreign province or geographical region of its organization (e.g., partnership of Victoria); and (3) locate the “State or Country Where Legally Organized” heading and select the appropriate foreign country (e.g., Australia) under the Non-U.S. Entity option. *See id.*

The applicant must also address the following requirements.

Identifications of Goods Require Amendment

The wording used to describe portions of the applicant’s goods needs clarification because it is indefinite. *See* TMEP §§1401 *et seq.*, 1402.01, 1402.03.

The Trademark Office requires a degree of particularity necessary to identify clearly goods and/or services covered by a mark. *See In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007). Descriptions of goods and services in applications must be specific, explicit, clear and concise. TMEP §1402.01; *see In re Cardinal Labs., Inc.*, 149 USPQ 709, 711 (TTAB 1966); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm’r Pats. 1954). These requirements for specification of the particular goods and/or services apply to applications filed under all statutory bases. *See* 15 U.S.C. §§1051(a)(2), 1051(b)(2), 1053, 1126(d)-(e), 1141f; 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.01(b)-(c).

The application insufficiently describes the following goods:

- In Class 25, the wording “clothing” and “headgear” is indefinite. The applicant must identify particular articles of clothing and headwear by their common commercial (generic) name, or by describing the nature and purpose of particular articles in greater detail.

If accurate, and inserting specific information where directed, the applicant may adopt any or all of the following identifications of goods. *See* TMEP §1402.01.

- Class 25: Clothing, namely, [**applicant must specify particular types/articles of clothing**]; Footwear; Headwear, namely, [**applicant must specify particular types of headwear**].

The applicant should note the following when amending the identifications.

- The applicant may use different wording of its own when amending the identifications of goods and services. The applicant must follow the guidelines discussed herein to ensure specificity and accuracy. Please note that while identifications of goods or services can be clarified or limited by amendment; adding to the goods or services or broadening the scope of the goods or services is not permitted. 37 C.F.R. §2.71 (a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, the applicant may not amend the identification to include goods or services that are not within the scope of the present identification.
- In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66 (a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); *see* TMEP §§1402.07(a), 1904.02(c).
- Careful use of grammar, capitalization, and punctuation helps to clearly group or distinguish goods and services. Generally, **commas** should be used (1) to separate a series of related items or a series of descriptions of characteristics for a single overall category of goods or services (the term “namely” often signifies such a list or series of many items or descriptions under a broader category). TMEP §1402.01(a). **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class. *Id.* For example, the identification of goods “cleaners, namely, glass cleaners, deodorizers for pets, cosmetics” is ambiguous because “cosmetics” and “deodorizers for pets” are not “cleaners,” and thus are not within this category of goods even though they are all in the same international class. *Id.* However, by replacing the commas with semicolons after “glass cleaners” and “deodorizers for pets,” this identification would become acceptable: “Cleaners, namely, glass cleaners; Deodorizers for pets; Cosmetics.” *Id.*

- The applicant must be as complete and specific as possible and avoid the use of indefinite words and phrases. *See* TMEP §§1402.01, 1402.03(a). If applicant uses indefinite wording, such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems,” “products,” “services in connection with,” “such as,” “including,” “and like services,” “concepts,” or “not limited to,” to refer to goods or services, such words must be followed by “namely,” followed by a list of the specific goods or service activities identified by their common commercial names.
- Periodically the Office revises its international classification system and the policies regarding acceptable identifications of goods and services. Identifications are examined in accordance with Rules of Practice and Office policies and procedures in effect on the application filing date. 37 C.F.R. §2.85(e)(1); TMEP §1402.14. Descriptions of goods and services found in earlier-filed applications and registrations are not necessarily considered acceptable identifications when a later-filed application is examined. *See* TMEP §§702.03(a)(iv), 1402.14. **For guidance on writing identifications of goods and/or services and classifying them properly, please use the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>, which is continually updated in accordance with prevailing rules and policies.** *See* TMEP §§70203(a)(iv), 1402.04.

RESPONDING TO THE OFFICE ACTION

The applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

There is no required format or form for responding to an Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. If applicant responds on paper via regular mail, the response should include the title “Response to Office Action” and the following information: (1) the name and law office number of the examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant’s name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

The response must be personally signed by the individual applicant or someone with legal authority to bind a juristic applicant (e.g., applicant’s attorney, a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants, etc.). *See* 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §§611.03(b), 611.06 *et seq.*, 712.01. In the case of joint applicants, all must sign. 37 C.F.R. §2.193(e)(2)(ii); TMEP §§605.02, 611.06(a). In addition, the proper signatory must personally sign or personally enter his/her electronic signature. *See* 37 C.F.R. §2.193(a), (e)(2)(ii); TMEP §§611.01(b), 611.02.

Applicant may wish to hire an attorney to assist in prosecuting this application because of the legal technicalities involved. The Office, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11. Applicant may wish to consult a telephone directory for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from a local bar association attorney-referral service.

If the applicant has questions about the application or this Office Action, please contact the assigned trademark examining attorney at the email address or telephone number below.

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S.

attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States. *See* 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). *See* 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; *see* 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

76548264

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

WALL STREET COLLECTION

Standard Character Mark

No

Registration Number

3069697

Date Registered

2006/03/21

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

SUPERIOR APPAREL INC. CORPORATION MASSACHUSETTS 201 GRIFFIN STREET
FALL RIVER MASSACHUSETTS 02724

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, men's suits, men's sport coats and men's pants; women's office
clothing, namely, blazers, suit jackets, vests, dress pants, skirts,
shorts, and cardigan jackets. First Use: 2003/04/08. First Use In
Commerce: 2003/04/08.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Collection" APART FROM
THE MARK AS SHOWN.

Filing Date

2003/10/01

Examining Attorney

SWAIN, MICHELE

Attorney of Record

Robert Salter

WALL STREET COLLECTION



DESIGN MARK

Serial Number

76582511

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

WALL STREET

Standard Character Mark

Yes

Registration Number

3094658

Date Registered

2006/05/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

SUPERIOR APPAREL INC. CORPORATION MASSACHUSETTS 201 GRIFFIN STREET
FALL RIVER MASSACHUSETTS 02724

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, men's suits; men's sport coats; men's pants; women's office
clothing, namely, blazers, suits, jackets, vests, dress pants, skirts,
shorts, and cardigan jackets. First Use: 2003/04/08. First Use In
Commerce: 2003/04/08.

Filing Date

2004/03/22

Examining Attorney

PIGNATELLO, ELIZABETH

Attorney of Record

Robert Salter

WALL STREET

DESIGN MARK

Serial Number

85177533

Status

FOURTH EXTENSION - GRANTED

Word Mark

THE WALL STREET JOURNAL

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Dow Jones, L.P. DBA Dow Jones Fulfillment Services LIMITED PARTNERSHIP
DELAWARE 84 Second Avenue Chicopee MASSACHUSETTS 01020

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, shirts, t-shirts, sweatshirts, hats, caps, sweat pants, socks, ties, wind-resistant jackets, bicycle jerseys, fleece jackets, fleece sweatshirts, boxer shorts, sweaters, sweater vests, pullovers, polo shirts, rain jackets, and shorts.

Prior Registration(s)

0408379;1368347;1498049;AND OTHERS

Filing Date

2010/11/16

Examining Attorney

RIRIE, VERNA BETH

Attorney of Record

Susan Progoff

THE WALL STREET JOURNAL

DESIGN MARK

Serial Number

85306051

Status

THIRD EXTENSION - GRANTED

Word Mark

ESTABLISHED N.Y.C. EXPRESS WALL ST MEN'S SHOP QUALITY + FIT

Standard Character Mark

No

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Express, LLC LIMITED LIABILITY COMPANY DELAWARE 1 Express Drive
Columbus OHIO 43230

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, t-shirts, shirts, ties, belts, pants, jeans, denim, underwear, coats, jackets, suits, sweatshirts, shoes, flip flops and socks.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services and online retail store services featuring clothing, personal care products and men's accessories.

Prior Registration(s)

1120073;3090209;3797700;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ESTABLISHED N.Y.C." AND "WALL ST MEN'S SHOP" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of A square design, the top of which includes a lion design above the wording Established N.Y.C. above EXPRESS WALL ST above Men's Shop with lines on either side, all above the wording Quality + Fit. Each corner contains a triangle design.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2011/04/27

Examining Attorney

MCMORROW, JANICE L.



ESTABLISHED
N.Y.C.

EXPRESS

WALLST

— MEN'S SHOP —

QUALITY + FIT

DESIGN MARK

Serial Number

85454550

Status

SUSPENSION LETTER - MAILED

Word Mark

OCCUPY WALL STREET

Standard Character Mark

Yes

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Occupy Wall Street AKA Friends of Liberty Park GA UNINCORPORATED
ASSOCIATION NEW YORK 10 Spring Street Suite 1 New York NEW YORK 10012

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:
Entertainment services, namely, providing a web site featuring
photographic, audio, video and prose presentations in the field of
providing educational demonstrations directed against economic and
social inequity. First Use: 2011/07/01. First Use In Commerce:
2011/09/17.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.
G & S: Printed Periodicals and newsletters in the field of social
activism related to economic and social inequity.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,
namely, t-shirts, sweatshirts, headwear, and jackets for men, women
and children. First Use: 2011/07/01. First Use In Commerce:
2011/09/17.

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:
bags, namely, backpacks, gym bags, tote bags, luggage and overnight
bags.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WALL STREET" APART FROM THE MARK AS SHOWN.

Filing Date

2011/10/24

Examining Attorney

PATE, TARA

Attorney of Record

Wylie Stecklow

OCCUPY WALL STREET

DESIGN MARK

Serial Number

85472734

Status

FIRST EXTENSION - GRANTED

Word Mark

WALLSTREET GANGSTERS

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

R&R Elite Management LLC LIMITED LIABILITY COMPANY CALIFORNIA 369
South Doheny Drive, #200 Beverly Hills CALIFORNIA 90211

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Men's, women's and children's clothing, namely, pants, shirts, T-shirts, sweatshirts, jackets, suits, dresses, coats, tops, bottoms, underwear, shoes, socks, slippers, headwear, hats, caps, scarves, sweaters, swimwear, sleepwear.

Filing Date

2011/11/15

Examining Attorney

BROWN, TINA

Attorney of Record

Katherine Koyanagi

WALLSTREET GANGSTERS

DESIGN MARK

Serial Number

85561533

Status

FINAL REFUSAL - MAILED

Word Mark

TAKE BACK WALL STREET

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Lisack, Lawrence INDIVIDUAL UNITED STATES 6420 Double Eagle Dr. Unit
1006 Woodridge ILLINOIS 60517

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, tops, bottoms, hats, polo hats, golf hats, shirts, t-shirts,
polo shirts, golf shirts, scarves, sweatshirts, sweaters, jeans,
hooded sweatshirts, hooded shirts, jackets, footwear, headgear,
namely, hats, caps, headgear, tank tops, long sleeve shirts, caps,
visors, blazers, and pants.

Filing Date

2012/03/06

Examining Attorney

PATE, TARA

TAKE BACK WALL STREET

DESIGN MARK

Serial Number

85647002

Status

PUBLISHED FOR OPPOSITION

Word Mark

WALL STREET CLEAVAGE

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Christopher L. DuComb INDIVIDUAL UNITED STATES 200 West 54th St. Apt.
11E New York NEW YORK 10019

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Neckties; Ties.

Translation Statement

The word(s) "wallstreet cleavage" has no meaning in a foreign language.

Filing Date

2012/06/08

Examining Attorney

DUBOIS, SUSAN LESLIE

Attorney of Record

Barry W. Chapin

Wall Street Cleavage

