

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EMOJI COMPANY GmbH,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

Case No. 20-cv-7114

Judge

COMPLAINT

Plaintiff, EMOJI COMPANY GmbH, by undersigned counsel, hereby complains of the Partnerships, Unincorporated Associations and others identified in Schedule A attached hereto (collectively, “Defendants”), and hereby alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051 et seq.; 28 U.S.C. § 1338(a) - (b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets consumers in the United States, including Illinois, through at least the fully interactive commercial Internet stores operating under the Defendant Domain Names and/or the Online Marketplace Accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”). Specifically, Defendants are reaching out to do business with Illinois residents in this judicial district by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing counterfeit versions of Plaintiff’s trademarks. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products bearing counterfeit versions of Plaintiff’s federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

INTRODUCTION

3. This action has been filed by Plaintiff to combat e-commerce store operators who trade upon Plaintiff’s reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products using infringing and counterfeit versions of Plaintiff’s federally registered trademarks (the “Counterfeit Products”).

4. Defendants created numerous Internet Stores and design them to appear to be selling genuine Plaintiff’s products, while selling inferior imitations of Plaintiff’s products. Defendant Internet Stores share unique identifiers, such as design elements and similarities of the

counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of Plaintiff's registered trademarks, as well as to protect unknowing consumers from purchasing unauthorized products over the Internet. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seek injunctive and monetary relief.

5. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this Judicial District. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

THE PLAINTIFF

6. Plaintiff designs, manufactures and sells products, which prominently display the internationally recognized and federally registered Plaintiff's trademarks (collectively, the "Plaintiff's Products"). Plaintiff's Products have become very popular, driven by Plaintiff's high quality standards and distinctive design. Among the purchasing public, genuine Plaintiff's Products are instantly recognizable as such. In the United States and worldwide, Plaintiff's brand has come to symbolize high quality and Plaintiff's Products are well recognized.

7. Plaintiff uses a variety of distinctive marks in connection with its various products. As a result of its long-standing use, Plaintiff owns common law trademark rights.

Plaintiff has also registered its trademarks with the U.S. Patent and Trademark Office for which true and correct copies of the registration certificates for U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 are included in Exhibit 1 attached hereto (collectively referred to as “Plaintiff’s Trademarks”).

8. The U.S. registrations for Plaintiff’s Trademarks are valid, subsisting, in full force and effect and incontestable pursuant to 15 U.S.C. § 1065. The registrations for Plaintiff’s Trademarks constitute *prima facie* evidence of their validity and of Plaintiff’s exclusive right to use Plaintiff’s Trademarks pursuant to 15 U.S.C. § 1057(b). Plaintiff’s Trademarks have been used exclusively and continuously by Plaintiff for many years and have never been abandoned.

9. Plaintiff’s Trademarks are exclusive to Plaintiff and are displayed extensively on Plaintiff’s Products and in Plaintiff’s marketing and promotional materials. Plaintiff’s Trademarks have been the subject of substantial and continuous marketing and promotion by Plaintiff at great expense. In fact, Plaintiff has expended significant resources annually in advertising, promoting and marketing featuring Plaintiff’s Trademarks. Plaintiff’s promotional efforts include — by way of example, but not limitation — substantial print media, a website, social media sites, and point of sale materials. Because of these and other factors, Plaintiff’s name and Plaintiff’s Trademarks have become famous worldwide.

10. Plaintiff’s Trademarks are distinctive when applied to Plaintiff’s Products, signifying to the purchaser that the products come from Plaintiff and are manufactured to Plaintiff’s quality standards. Whether Plaintiff manufactures the products itself or licenses others to do so, Plaintiff has ensured that products bearing its trademarks are manufactured to the highest quality standards. Plaintiff’s Trademarks have achieved fame and recognition, which has

only added to the inherent distinctiveness of the marks. As such, the goodwill associated with Plaintiff's Trademarks are incalculable and of inestimable value to Plaintiff.

11. Plaintiff's Trademarks qualify as famous marks, as used in 15 U.S.C. §1125 (c)(1) and have been continuously used and never abandoned.

12. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting its Trademarks. As a result, products bearing the Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff.

THE DEFENDANTS

13. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including Illinois and within this Judicial District, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendants' Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit products to consumers within the United States, including Illinois and this Judicial District.

THE DEFENDANTS' UNLAWFUL CONDUCT

14. The success of Plaintiff's brand has resulted in its counterfeiting. Plaintiff has identified numerous domain names linked to fully interactive websites and marketplace listings on platforms such as iOffer, eBay, PayPal, Amazon, Alipay and DHgate, including the Defendants' Internet Stores, which were offering for sale, selling, and importing counterfeit

products to consumers in this Judicial District and throughout the United States. Defendants have persisted in creating the Defendants' Internet Stores. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by Homeland Security, the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in 2013 was over \$1.74 billion, up from \$1.26 billion in 2012. Internet websites like the Defendants' Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue.

15. Upon information and belief, Defendants facilitate sales by designing the Defendants' Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine products. Many of the Defendants' Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards and eBay, PayPal, Amazon, Alipay and DHgate. Defendants' Internet Stores often include images and design elements that make it very difficult for consumers to distinguish such counterfeit sites from an authorized website. Defendants further perpetuate the illusion of legitimacy by offering "live 24/7" customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos.

16. Plaintiff has not licensed nor authorized Defendants to use its Trademarks and none of the Defendants are authorized retailers of its genuine products.

17. Upon information and belief, Defendants deceive unknowing consumers by using Plaintiff's Trademarks without authorization within the content, text, and/or meta tags of their

websites to attract various search engines looking for websites relevant to consumer searches for Plaintiff's products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendants' Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for Plaintiff's genuine products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As such, Plaintiff seeks to disable the Domain Names owned by Defendants through which their counterfeit products are sold.

18. Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their massive network of Internet Stores. For example, many of Defendants' names and physical addresses used to register their Domain Names are incomplete, contain randomly typed letters, or fail to include cities or states. Other Defendants' Domain Names use privacy services that conceal the owners' identity and contact information. Upon information and belief, some of the tactics used by the Defendants to conceal their identities and the scope and interworking of their counterfeit operations to avoid being shut down include regularly creating new websites and online marketplace accounts on various platforms using the identities listed in Schedule A, as well as other fictitious names and addresses.

19. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendants' Internet Stores. For example, some of the Defendants' websites have identical layouts, even though different aliases were used to register their respective domain names. In addition, the counterfeit products for sale in the Defendants' Internet Stores bear similarities and indicia of being related to one another, suggesting that the counterfeit products were manufactured by a common source and that Defendants are interrelated. The Defendants' Internet

Stores also include other notable common features, including use of the same domain name registration patterns, unique shopping cart platforms, similar payment and check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

20. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, when counterfeiters like Defendants receive notice of a lawsuit they will often register new domain names or online marketplace accounts under new aliases and move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent by brand owners. Counterfeiters will also ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2012 U.S. Customs and Border Protection report on seizure statistics indicated that the Internet has fueled “explosive growth” in the number of small packages of counterfeit goods shipped through the mail and express carriers.

21. Further, counterfeiters such as Defendants typically operate multiple credit cards, merchant and eBay, PayPal, Amazon, Alipay and DHgate accounts behind layers of payment gateways so that they can continue to operate in spite of Plaintiff’s enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their eBay, PayPal, Amazon, Alipay and DHgate accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of eBay, PayPal, Amazon, Alipay and DHgate transaction logs from prior similar cases indicate that offshore counterfeiters regularly move funds

from U.S.-based eBay, PayPal, Amazon, Alipay and DHgate accounts to China-based bank accounts outside the jurisdiction of this Court.

22. On information and belief, Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation and potential new lawsuits.

23. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use Plaintiff's Trademarks in connection with the advertisement, distribution, offering for sale, and sale of counterfeit products into the United States and Illinois over the Internet. Each Defendants' Internet Stores offer shipping to the United States, including Illinois and, on information and belief, each Defendant has offered to sell counterfeit products into the United States, including Illinois.

24. Defendants' use of Plaintiff's Trademarks in connection with the advertising, distribution, offering for sale, and sale of counterfeit products, including the sale of counterfeit products into Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

COUNT I

TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

25. Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs 1-24 of this Complaint.

26. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of Plaintiff's registered Trademarks in

connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. Plaintiff's Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under its Trademarks.

27. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with Plaintiff's trademarks without Plaintiff's permission.

28. Plaintiff is the registered owner of Plaintiff's Trademarks (Exhibit 1). The United States Registrations for Plaintiff's Trademarks are in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in its Trademarks and are willfully infringing and intentionally using Plaintiff's Trademarks on counterfeit products. Defendants' willful, intentional, and unauthorized use of Plaintiff's Trademarks are likely to cause and are causing confusion, mistake, and deception as to the origin and quality of the counterfeit products among the general public.

29. Defendants' activities constitute willful trademark infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.

30. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit Plaintiff's products.

31. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its well-known trademarks.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

32. Plaintiff repeats and incorporates by reference herein the allegations contained in

paragraphs 1-31 of this Complaint.

33. Defendants' promotion, marketing, offering for sale, and sale of counterfeit products have created and are creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' counterfeit products by Plaintiff.

34. By using Plaintiff's Trademarks in connection with the sale of counterfeit products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the counterfeit products.

35. Defendants' conduct constitutes willful false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the counterfeit products to the general public under 15 U.S.C. §§ 1114, 1125.

36. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its brand.

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510/1, et seq.)

37. Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs 1-36 of this Complaint.

38. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their counterfeit products as those of Plaintiff, causing likelihood of confusion and/or misunderstanding as to the source of its goods, causing likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine products,

representing that their products have Plaintiff's approval when they do not, and engaging in other conduct which creates likelihood of confusion or misunderstanding among the public.

39. The foregoing Defendants' acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1 et seq.

40. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to his reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as follows:

1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily preliminarily, and permanently enjoined and restrained from:

- a. using Plaintiff's Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine product or is not authorized by Plaintiff to be sold in connection with Plaintiff's Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine product or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' counterfeit products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's Trademarks and damaging Plaintiff's reputation and goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered including Plaintiff's Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell counterfeit products; and
- h. operating and/or hosting websites at the Defendants' Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's Trademarks or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine product or not authorized by Plaintiff to be sold in connection with its trademarks;

2) That Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under

oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1, a through h, above;

3) Entry of an Order that, at Plaintiff's choosing, the registrant of the Defendants' Domain Names shall be changed from the current registrant to Plaintiff, and that the domain name registries for the Defendants' Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Defendants' Domain Names to a registrar of Plaintiff's selection, and that the domain name registrars take any steps necessary to transfer the Defendants' Domain Names to a registrar of Plaintiff's selection; or that the same domain name registries shall disable the Defendants' Domain Names and make them inactive and untransferable;

4) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces such as iOffer, eBay, PayPal, Amazon, Alipay and DHgate and any related entities, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendants' Domain Names, and domain name registrars, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit products using Plaintiff's Trademarks, including any accounts associated with the Defendants listed in Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit products using Plaintiff's Trademarks; and

c. take all steps necessary to prevent links to the Defendants' Domain Names identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendants' Domain Names from any search index;

5) That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of Plaintiff's Trademarks are increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

6) In the alternative, Plaintiff is awarded statutory damages pursuant to 15 U.S.C. § 1117(c) of not less than \$1,000 and not more than \$2,000,000 for each and every use of its trademarks;

7) That Plaintiff is awarded its reasonable attorneys' fees and costs; and

8) Award any and all other relief that this Court deems just and proper.

Dated: December 2, 2020

Respectfully submitted,

By: /s/ Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
William B. Kalbac (Bar No. 6301771)
Hughes Socol Piers Resnick & Dym, Ltd.
Three First National Plaza
70 W. Madison Street, Suite 4000
Chicago, Illinois 60602
(312) 580-0100 Telephone
(312) 580-1994 Facsimile
mhierl@hsplegal.com

Attorneys for Plaintiff
EMOJI COMPANY GmbH

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Complaint was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on December 2, 2020.

s/Michael A. Hierl

EXHIBIT 1

United States of America
United States Patent and Trademark Office

emoji

Reg. No. 4,868,832

Registered Dec. 15, 2015

Int. Cls.: 3, 16, 17, 18, 21,
22, 25, 26, 27, 29, 30 and
32

TRADEMARK

PRINCIPAL REGISTER

MARCO HÜSGES (FED REP GERMANY INDIVIDUAL)
ESCHENWEG 1 A
40667 MEERBUSCH
FED REP GERMANY

FOR: NON-MEDICATED TOILETRIES; SHAMPOOS FOR PETS; SHAMPOOS; SOAPS; SHOE POLISH; LAUNDRY PREPARATIONS, NAMELY, LAUNDRY BLEACH, LAUNDRY SOAP, LAUNDRY DETERGENT; BEAUTY MASKS; MAKE-UP; OILS FOR TOILET PURPOSES, NAMELY, BABY OIL, BATH OILS, BODY OILS; MAKE-UP PREPARATIONS; POWDER FOR MAKE-UP; OILS FOR PERFUMES AND SCENTS; PERFUMERY; PERFUMES; LIP-STICKS; FALSE NAILS; FALSE EYELASHES; DRY SHAMPOOS; COSMETICS; COSMETIC PENCILS; COSMETICS, NAMELY, SKIN CREAMS; COSMETICS, NAMELY NON-MEDICATED SKIN-CARE PREPARATIONS; HENNA, NAMELY, COSMETIC DYE; HAIRSPRAY; SHAMPOO; HAIR LOTIONS; DEPILATORY PREPARATIONS; DEPILATORY WAX; SCALE REMOVING PREPARATIONS FOR HOUSEHOLD PURPOSES; SCENTED LINEN WATER; JAVELLE WATER, NAMELY, LIQUID SOAPS; DEODORANTS FOR HUMAN BEINGS AND FOR ANIMALS; BATH SALTS, NOT FOR MEDICAL PURPOSES; COSMETIC PREPARATIONS FOR BATHS; TOILETRIES, NAMELY, ANTIPERSPIRANTS; EYEBROW PENCILS; EYEBROW COSMETICS; BREATHFRESHENING STRIPS; BREATHFRESHENING SPRAYS; ESSENTIAL OILS; DECORATIVE TRANSFERS FOR COSMETIC PURPOSES; AFTERSHAVE; CLEANING PREPARATIONS; DENTIFRICES; TEETH WHITENING GELS; POLISHING WAX; SHOE WAX, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).



Nichelle K. Lee

Director of the United States
Patent and Trademark Office

FOR: FOLDERS FOR PAPERS; DOCUMENT FILES; PHOTO, STICKER, COIN ALBUMS; STICKERS; PAPER MATS FOR BEER GLASSES; ERASING PRODUCTS, NAMELY, BLACKBOARD ERASERS, ERASERS, RUBBER ERASERS; POSTAGE STAMPS; WRITING PAPER; SEALING STAMPS; INKING PADS; MARKER PENS; NOTE BOOKS; STENCILS; OFFICE REQUISITES, NAMELY, CARD, DOCUMENT, LETTER FILES; TOWELS OF PAPER; STATIONERY, NAMELY, LEGAL, MEMO, WRITING PADS; GREETINGS CARDS; POSTCARDS; HANDKERCHIEFS OF PAPER; TOILET PAPER; TABLE COVERS OF PAPER; CONICAL PAPER BAGS; PEN CASES; STATIONERY DOCUMENT PORTFOLIOS; BAGS, ENVELOPES AND POUCHES OF PAPER OR PLASTICS, FOR PACKAGING; PASSPORT COVERS; BOOKBINDING MATERIAL; BOOKS IN THE FIELD OF COLORING BOOKS, ACTIVITY BOOKS, LEARNING BOOKS; BOOKBINDINGS; RUBBER ERASERS; DRAFTING INSTRUMENTS, NAMELY, ERASING SHIELDS; NEWSPAPERS; GRAPHIC PRINTS; DRAWING PADS; WRAPPING PAPER; TABLE NAPKINS OF PAPER; STATIONERY, NAMELY, PAPER, PLASTIC TRANSPARENCIES; PACKAGING MATERIAL OF CARD-

Reg. No. 4,868,832 BOARD, NAMELY, CARDBOARD BOXES, CARDBOARD CONTAINERS, CARDBOARD MAILING TUBES; SELF-ADHESIVE TAPES FOR STATIONERY OR HOUSEHOLD PURPOSES; WRITING IMPLEMENTS; WRITING AND DRAWING BOOKS, NAMELY, BLANK WRITING JOURNALS, WRITING PADS, DRAWING PADS; WRITING CASES, NAMELY, STATIONERY CASES; WRITING MATERIALS, NAMELY, WRITING IMPLEMENTS, WRITING PAPER, WRITING INSTRUMENTS; SIGNBOARDS OF PAPER OR CARDBOARD; SHIELDS, NAMELY, PAPER SEALS; MUSICAL GREETINGS CARDS; LUMINOUS PAPER; BIBS OF PAPER; CALENDARS; STATIONERY ENVELOPES; BLANK HANDBOOKS FOR USE AS JOURNALS; ELASTIC BANDS FOR OFFICES; GUMMED TAPE FOR STATIONERY USE; GRAPHIC REPRESENTATIONS; GRAPHIC ART REPRODUCTIONS; OFFICE REQUISITES, NAMELY, CORRECTING FLUIDS FOR TYPE; PLASTIC FILM FOR WRAPPING; FORMS, PRINTED; PRINTS, NAMELY, PHOTOGRAPHS; PICTURES, NAMELY, PAINTINGS, FRAMED OR UNFRAMED; FIGURINES, NAMELY, STATUETTES OF PAPIER MÂCHÉ; BOTTLE WRAPPERS OF CARDBOARD OR PAPER; FILTER PAPER; CHROMOLITHOGRAPHS, NAMELY, CHROMOS; FLAGS OF PAPER; STATIONERY, NAMELY, BOOK, DOCUMENT COVERS; PRINTED MATTER, NAMELY, PRINTED AWARDS, PRINTED ART REPRODUCTIONS, PRINTED CHARTS; COMICS; OFFICE REQUISITES, NAMELY, CABINETS FOR STATIONERY IN THE NATURE OF DESKTOP STATIONERY CABINETS, DESK MOUNTED STATIONERY CABINETS; BANKNOTE CLIPS, NAMELY, MONEY CLIPS; ADDRESS STAMPS; TRACING PAPER; DRAWER LINERS OF PAPER, PERFUMED OR NOT; STATIONERY STICKERS; WRITING TABLETS; NOTEPADS; STATIONERY SCHOOL SUPPLIES, NAMELY, PAPER, CONSTRUCTION PAPER, NOTEBOOKS; PRINTED TICKETS; CARDBOARD; COLOURBOARD, NAMELY, COLOURED PAPERBOARD, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: RINGS OF RUBBER FOR USE AS PIPE CONNECTION SEALS; RUBBER, RAW OR SEMI-WORKED; RUBBER DOOR STOPS; BAGS, ENVELOPES AND POUCHES OF RUBBER, FOR PACKAGING; PLASTICS, SEMI-PROCESSED; SELF-ADHESIVE TAPES, OTHER THAN FOR MEDICAL PURPOSES, FOR STATIONERY OR FOR HOUSEHOLD PURPOSES, NAMELY, SELF ADHESIVE TAPE FOR INDUSTRIAL AND COMMERCIAL USE, DUCT TAPE, DRYWALL JOINT TAPE, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FOR: POCKET WALLETS; BAGS, NAMELY, ENVELOPES AND POUCHES OF LEATHER, FOR PACKAGING; SPORTS BAGS; PARASOLS; RUCKSACKS; TRUNKS; COLLARS FOR ANIMALS; PURSES; IMITATION LEATHER; CREDIT CARD CASES, NAMELY, WALLETS; SADDLE CLOTHS FOR HORSES; CARD CASES, NAMELY, WALLETS; SUITCASES; HANDBAGS; NET BAGS FOR SHOPPING, NAMELY, MESH SHOPPING BAGS; SHOPPING BAGS, NAMELY, REUSABLE SHOPPING BAGS, TEXTILE SHOPPING BAGS, WHEELED SHOPPING BAGS; SCHOOL BAGS; SCHOOL SATCHELS; ATHLETIC BAGS, DUFFLE BAGS, TRAVEL BAGS; KEY CASES; SHOULDER BELTS, NAMELY, STRAPS OF LEATHER; SHOULDER, LEATHER STRAPS FOR SKATES; BOXES OF LEATHER OR LEATHER BOARD; SLINGS FOR CARRYING INFANTS; SLING BAGS FOR CARRYING BABIES; BEACH BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: CLOTHES PEGS; FABRIC CLEANSING WIPES, NAMELY, FABRIC CLEAN ROOM WIPES; LUNCH BOXES; POWDER COMPACTS; PAPER PLATES; COOL BAGS, NAMELY, INSULATED BAGS FOR FOOD OR BEVERAGE FOR DOMESTIC USE, THERMAL INSULATED BAGS FOR FOOD OR BEVERAGES; CUPS OF PAPER OR PLASTIC; SAUCERS; FLASKS; BISCUIT TINS; COMBS; PERFUME VAPORIZERS SOLD EMPTY; TOOTHBRUSHES; TOOTHPICKS; TOOTHBRUSHES, ELECTRIC; CONTAINERS OF GLASS FOR HOUSEHOLD USE; GLASS BOWLS; GLASS RECEPTACLES, NAMELY, GLASS BASINS, DRINKING GLASSES, GLASS DISHES; PAINTED GLASSWARE, NAMELY, PAINTED BEVERAGE GLASSWARE, PAINTED GLASS DISHES; KITCHEN UTENSILS, NAMELY, PUDDING, COOKIE, CAKE MOULDS; ICE CUBE MOULDS; BOTTLES, SOLD EMPTY; DISPOSABLE TABLE PLATES; BUCKETS; BREAD BINS; BREAD BASKETS, DOMESTIC; BREAD BOARDS; FRYING PANS; MUGS; DRINKING GLASSES; DRINKING STRAWS; DRINKING BOTTLES FOR SPORTS; DRINKING VESSELS; NON-ELECTRIC PORTABLE COOLBOXES, NAMELY, NON-ELECTRIC PORTABLE COOLERS; POT LIDS; POTS; TOILET

Reg. No. 4,868,832 SPONGES; TOILET ROLL HOLDERS; SALT AND PEPPER SHAKERS; CAKE MOULDS; TOWEL HOLDERS, NAMELY, COUNTERTOP HOLDERS FOR PAPER TOWELS, TOWEL BARS, TOWEL RINGS, TOWEL RAILS; TOILET UTENSILS, NAMELY, TOILET BRUSHES, TOILET PAPER DISPENSERS, TOILET BRUSH HOLDERS; PLATES; TABLEWARE, NAMELY, PLATES, BOWLS, DISHES, COFFEE SERVICES; TRAYS FOR HOUSEHOLD PURPOSES; BOWLS, NAMELY, BASINS; BISCUIT CUTTERS; KITCHEN AND HOUSEHOLD RECEPTACLES, NAMELY, BOWLS, CONTAINERS FOR HOUSEHOLD OR KITCHEN USE; SPONGES FOR HOUSEHOLD PURPOSES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: BAGS, NAMELY, ENVELOPES AND POUCHES OF TEXTILE, FOR PACKAGING; HAMMOCKS; STRAW FOR STUFFING UPHOLSTERY; ROPES; SAILS FOR SKI SAILING; HARNESS, NOT OF METAL, FOR HANDLING LOADS, NAMELY, NON-METAL SLINGS FOR LOADING, NYLON STRAPS FOR HANDLING LOADS, BELTS, NOT OF METAL, FOR HANDLING LOADS; SAILS; MAIL BAGS; AWNINGS, TARPAULINS; COMMERCIAL, CAMOUFLAGE, FISHING NETS; OUTDOOR BLINDS OF TEXTILE, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FOR: TROUSERS, NAMELY, LEGGINGS; UNDERCLOTHING; UNDERWEAR; T-SHIRTS; SKI GLOVES; SOCKS; SCARVES; LEATHER CLOTHING, NAMELY, LEATHER PANTS, LEATHER SKIRTS, LEATHER JACKETS; BIBS, NOT OF PAPER; PAPER HATS FOR USE AS CLOTHING ITEMS; HEADGEAR, NAMELY, CAPS; OVERALLS; MORNING ROBES; CLOTHING, NAMELY, EAR MUFFS; TIES; CRAVATS; HEADGEAR, NAMELY, HATS, CAPS, BERETS; CLOTHING, NAMELY, JERSEYS; JACKETS; HATS; KNITWEAR CLOTHING, NAMELY, KNIT BOTTOMS, KNIT TOPS, KNIT JACKETS; APRONS; CLOTHING APRONS; CLOTHING HOODS; BRACES; SHIRTS; UNDERGARMENTS, NAMELY, SLIPS; CLOTHING GLOVES; GYMNASITIC CLOTHING, NAMELY, TIGHTS, LEOTARDS; GYMNASITIC SHOES; HALF-BOOTS; NECKERCHIEFS; CLOTHING BELTS; CLOTHING, NAMELY, MONEY BELTS; GALOSHES; SPATS; FOOTBALL BOOTS; SOLES FOR FOOTWEAR; CLOTHING WRISTBANDS; SWEAT-ABSORBENT UNDERCLOTHING, NAMELY, UNDERWEAR; CARNIVAL COSTUMES, NAMELY, COSTUMES FOR USE IN THE AMUSEMENT INDUSTRY, MASQUERADE COSTUMES, HALLOWEEN COSTUMES; INNER SOLES; DRESS HANDKERCHIEFS, NAMELY, DRESS SHIELDS; SHOWER CAPS; HEADGEAR, NAMELY, ANTI-GLARE VISORS; BRAS; BOXER SHORTS; BATHING CAPS; LADIES' DRESSES; KNICKERS; WOMEN'S BRIEFS; UNDERGARMENTS, NAMELY, TEDDIES; NECKLETS, NAMELY, BOAS; BRIEFS; SPORTS JERSEYS; SPORTS SHOES; SPORTS VESTS; PAPER CLOTHING, NAMELY, PAPER APRONS, PAPER HATS FOR USE AS CLOTHING ITEMS; CLOTHING, NAMELY, SHIRTS, PANTS, JACKETS; MOTORISTS' CLOTHING, NAMELY, MOTORCYCLE JACKETS, MOTORCYCLE RAIN SUITS; CLOTHING MADE FROM IMITATIONS OF LEATHER, NAMELY, IMITATION LEATHER TOPS, IMITATION LEATHER BOTTOMS, IMITATION LEATHER JACKETS; COATS; PELISSES; BERETS; LAYETTES FOR CLOTHING; BABIES' PANTS; SWIMSUITS; BATHROBES; BATH SLIPPERS; BATH SANDALS; SUITS; PARKAS; POCKETS FOR CLOTHING; UNIFORMS; WAISTCOATS; SWEATERS; TIGHTS; STOCKING SUSPENDERS; STOCKINGS; BEACH SHOES; BEACH CLOTHES, NAMELY, BEACH COVERUPS, BEACHWEAR; BOOTS; ESPARTO SHOES AND SANDALS; CLOTHING, NAMELY, HEADBANDS; SWIMMING SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: SEWING THIMBLES; SNAP FASTENERS; HEAT ADHESIVE PATCHES FOR REPAIRING TEXTILE ARTICLES; ORNAMENTAL NOVELTY BADGES; SPANGLES FOR CLOTHING; MICA SPANGLES; BELT CLASPS; HAIR ORNAMENTS; HAIR BANDS; ARTIFICIAL GARLANDS; BROOCHES FOR CLOTHING; SHOE LACES; BUCKLES FOR CLOTHING; ZIPPERS; ARTIFICIAL BEADS, OTHER THAN FOR MAKING JEWELLERY; ELASTIC RIBBONS; ORNAMENTAL NOVELTY BADGES FOR WEAR, NOT OF PRECIOUS METAL; BUTTONS; HAIR BANDS; TROUSER CLIPS FOR CYCLISTS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

Reg. No. 4,868,832 FOR: GYMNAS TIC MATS; DOOR MATS; FLOOR COVERINGS OF VINYL; FLOOR COVERINGS; BATH MATS; FLOOR MATS FOR CARS; FLOOR, BEACH, RUBBER MATS; GYMNAS TIC MATS; CARPETS, IN CLASS 27 (U.S. CLS. 19, 20, 37, 42 AND 50).

FOR: POTATO CRISPS; FRUIT JELLIES; FRUIT PULP; FRUIT SALADS; CANDIED, DEHYDRATED FRUIT SNACKS; FRUIT CHIPS; FRUIT PRESERVED IN ALCOHOL; CHEESE; CURD; SOYA MILK; TOFU; RAISINS; NUTS, PREPARED; WHEY; MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; MILK SHAKES; MILK; MARMALADE; MARGARINE; JAMS; COMPOTES; CONDENSED MILK; YOGHURT; EGGS; JELLIES FOR FOOD; QUARK, NAMELY, CURD, IN CLASS 29 (U.S. CL. 46).

FOR: CONFECTIONERY, NAMELY, FROZEN CONFECTIONERY, FONDANTS, CRYSTAL SUGAR PIECES; RUSKS; PASTA; CHOCOLATE; CHOCOLATE MOUSSES; PUDDINGS; POPCORN; PIZZAS; PANCAKES; MUESLI; MARZIPAN; ALMOND CONFECTIONERY, NAMELY, ALMOND CAKE, ALMOND PASTE, SUGAR-COATED ALMONDS; LIQUORICE, CONFECTIONERY; STICK LIQUORICE, CONFECTIONERY; PASTRY; ICE; BISCUITS; KETCHUP; FROZEN YOGHURT, NAMELY, CONFECTIONERY ICES; CAKES; HONEY; SEMOLINA; GROATS FOR HUMAN FOOD, NAMELY, PROCESSED GRAINS; CEREAL FLAKES, NAMELY, BREAKFAST CEREALS, PROCESSED CEREALS; CEREAL BARS; PASTRIES; ROYAL JELLY FOR FOOD PURPOSES; CONFECTIONERY FRUIT JELLIES, NAMELY, FRUIT JELLY CANDY; CONFECTIONERY FONDANTS; ICED TEA; ICE CREAM; CHEESEBURGER SANDWICHES; BREAD; SWEETS; CONFECTIONERY, NAMELY, PASTILLES; CONFECTIONERY FOR DECORATING CHRISTMAS TREES; WAFFLES; SUGAR; TARTS; DOUGH; TEA; ICES; RICE CAKES; RICE-BASED SNACK FOOD; ICE, NATURAL OR ARTIFICIAL; RAVIOLI; POPCORN; PETITS FOURS CAKES; HIGH-PROTEIN CEREAL BARS; OAT-BASED FOOD, NAMELY, CRUSHED OATS, OATMEAL, ROLLED OATS; PASTA; PASTA MEALS, NAMELY, PASTA SALAD, PREPARED PASTA; COCOA BEVERAGES WITH MILK; COFFEE BEVERAGES WITH MILK; MAIZE FLAKES; GINGERBREAD; MAYONNAISE; CRACKERS; CHEWING GUM; COCOA-BASED BEVERAGES; CARAMELS; CANDY; COFFEE-BASED BEVERAGES; ARTIFICIAL COFFEE; CEREAL SNACKS, NAMELY, CEREAL-BASED SNACK FOODS; CONFECTIONERY, NAMELY, DESSERT MOUSSES; BRIOCHE, IN CLASS 30 (U.S. CL. 46).

FOR: PASTILLES FOR EFFERVESCING BEVERAGES, NAMELY, POWDERS FOR MAKING SOFT DRINKS; POWDERS FOR MAKING EFFERVESCING BEVERAGES; BEVERAGES, NAMELY, DRINKING, BOTTLED, MINERAL, AERATED WATERS; TOMATO JUICE BEVERAGES; TABLE WATERS; SORBETS IN THE FORM OF BEVERAGES; SODA WATER; SMOOTHIES; SYRUPS FOR BEVERAGES; SELTZER WATER; PREPARATIONS FOR MAKING BEVERAGES, NAMELY, FRUIT DRINKS; WHEY BEVERAGES; MALT BEER; LEMONADES; SYRUPS FOR MAKING LEMONADE; AERATED WATER; BEVERAGES, NAMELY, VEGETABLE JUICES; FRUIT JUICES; NON-ALCOHOLIC FRUIT NECTARS; ISOTONIC BEVERAGES; COCKTAILS, NON-ALCOHOLIC; BEER; ALOE VERA DRINKS, NON-ALCOHOLIC; APERITIFS, NON-ALCOHOLIC; NON-ALCOHOLIC HONEY-BASED BEVERAGES; NON-ALCOHOLIC FRUIT JUICE BEVERAGES; NON-ALCOHOLIC BEVERAGES, NAMELY, FRUIT JUICES AND FRUIT DRINKS; ESSENCES FOR MAKING NON-ALCOHOLIC BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

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

PRIORITY DATE OF 8-15-2014 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1233267 DATED 8-26-2014, EXPIRES 8-26-2024.

SER. NO. 79-159,338, FILED 8-26-2014.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Emoji

Reg. No. 5,202,078

Registered May 16, 2017

Int. Cl.: 18, 25

Trademark

Principal Register

emoji company GmbH (GERMANY LIMITED LIABILITY COMPANY)
Necklenbroicher Strasse 52-54
40667 Meerbusch
FED REP GERMANY

CLASS 18: All-purpose sport bags, all-purpose carrying bags, athletic bags, beach bags, book bags, courier bags, diaper bags, gym bags, messenger bags, school bags; luggage; carrying cases; purses; parasols; umbrellas

CLASS 25: Clothing, namely, bathing suits, belts, dress suits, gloves, hoods, jackets, jerseys, coats, men's suits, scarfs, shirts, shoes, shorts, socks, sweaters, T-shirts, training suits, pants, underwear, women's suits; footwear; headgear, namely, hats and caps

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

OWNER OF U.S. REG. NO. 4868832, 4595110, 4893876

PRIORITY DATE OF 08-09-2013 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1176467 DATED 08-19-2013, EXPIRES 08-19-2023

SER. NO. 79-136,472, FILED 08-19-2013
LINDA B ORNDORFF, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

emoji

Reg. No. 5,415,510

Registered Mar. 06, 2018

Int. Cl.: 5, 8, 10

Trademark

Principal Register

emoji company GmbH (GERMANY gesellschaft mit beschränkter haftung (gmbh))
Necklenbroicher Straße 52-54
Meerbusch, FED REP GERMANY 40667

CLASS 5: Dietary supplements and dietetic preparations, namely, dietetic foods adapted for medical use; Hygienic preparations and articles, namely, Disinfectants for hygienic purposes, Deodorizing products, namely, all purpose deodorizer preparations for household, commercial and industrial use, disinfectant bathroom cleaners; Medical and veterinary preparations and articles, namely, Acne treatment preparations; Adrenal hormone preparations; Aerosol dispensers for medical use sold filled with allergy medications, hemostatic preparations and hair growth stimulants; Air deodorizing preparations; Air purifying preparations; All purpose deodorizing preparations for household, commercial or industrial use; All purpose disinfecting and deodorizing preparations; Amino acid preparations for medical purposes; Analgesic and muscle relaxant pharmaceutical preparations; Androgen preparations; Anti-arthritis compositions and preparations; Anti-cancer preparations; Anti-inflammatory preparations; Anti-epileptic pharmaceutical preparations; Antidrowsiness treatment preparations; Anti-diabetic preparations; Anti-cavity dental coating preparations containing fluoride; Anti-sarcoma preparations; Anti-tuberculous preparations; Anti-uric preparations; Antibiotic preparations; Antifungal preparations; Antihemorrhoidal preparations; Antimicrobial hand-sanitizing preparations; Antiparasitic preparations; Antipyretic preparations; Antiseptic preparations; Athletes' foot preparations; Bacterial and bacteriological preparations for medical or veterinary purposes; Bacterial preparations for veterinary purposes; Bacterial preparations for medical and veterinary use; Bath preparations for medical purposes; Bath salts and bath preparations for medical purposes; Biological preparations for the treatment of cancer; Biostatic antimicrobial preparations for treating bacteria, mold, mildew, algae and yeast and for inhibiting growth of those organisms; Bowel evacuant preparations; Caffeine preparations for stimulative use; Cardiovascular pharmaceutical preparations; Chemical preparations for treating phylloxera; Chemical preparations for treating mildew; Chemical preparations for the diagnosis of pregnancy; Cold sore treatment preparations; Contact lens cleaning preparations; Contraceptive preparations; Cough treatment preparations; Dental preparations for disclosing plaque; Fertility enhancement preparations; Fumigation preparations for medical purposes; Diagnostic preparations for medical and veterinary use; Estrogen preparations; Medical preparations, namely, foot, hand and skin creams for diabetics; Hormonal preparations; Hand-sanitizing preparations; Medicated dermatological preparations and substances; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated hair care preparations; Mineral preparations for medical purposes; Migraine treatment preparations; Menstrual symptom treatment preparations; Medicinal preparations for stimulating hair growth; Nasal spray preparations; Nail sanitizing preparations; Natural sleep aid preparations; Nausea treatment preparations; Preparation for the relief of pain; Pregnancy testing preparations, namely, pregnancy test kits for home use; Probiotic preparations for medical use; Pest control preparations and articles, namely, Pesticides; Nematode pesticide; Domestic pesticides; Agricultural pesticides; Pesticides for agricultural use; Granular



Andrei Iancu

Director of the United States
Patent and Trademark Office

repellent for burrowing pests; Thymol for use as a pesticide; Pesticides for use, agricultural, commercial, industrial, domestic use; Biocides, germicides, bactericides, virucides, fungicides, insecticides, pesticides and herbicides; Freeze-dried food bait to attract flies for pest control purposes; Herbicides, insecticides, pesticides and fungicides for home, garden and lawn use and for professional use; Dental preparations and articles, namely, Dental polish; Dental waxes; Dental alloys; Dental blanks; Dental sealants; Dental adhesives; Medicated dental floss; Medicated dental rinses; Dental impression materials; Dental abrasives; Medicated anti-cavity dental rinses; Adhesives for dental and dentistry use; Food for babies; Dietary supplements for animals; Medical preparations for slimming purposes, namely, Slimming pills; Anti-oxidant food supplements; Appetite suppressants; Appetite suppressants for medical purposes; Medicated supplements for foodstuffs for animals; Asthmatic tea; Infant formula; Dietary fiber to aid digestion; Bee pollen for use as a dietary food supplement; Diabetic bread adapted for medical use; Diastase for medical purposes; Dietetic infusions for medical use; Dietetic beverages for babies adapted for medical purposes; Dietetic preparations adapted for medical use, namely, dietetic foods adapted for medical use; Herbal dietary supplements for persons special dietary requirements; Dietary supplements for pets in the nature of a powdered drink mix; Liquid vitamin supplements; Nutraceuticals for use as a dietary supplement; Royal jelly for medical purposes; Powdered fruit-flavored dietary supplement drink mix; Glucose for use as an additive to foods for medical purposes; Dietary supplements consisting primarily of calcium; Cod liver oil; Cod-liver oil capsules; Cod-liver oil drops; Liquid herbal supplements; Fish oil for medical purposes; Ground flaxseed fiber for use as a dietary supplement; Dietetic sugar for medical use; Dietetic foods adapted for medical use; Dietetic beverages adapted for medical purposes; Dietetic sugar substitutes for medical use; Nutritional supplement meal replacement bars for boosting energy; Protein dietary supplements; Propolis dietary supplements; Linseed oil dietary supplements; Linseed dietary supplements; Royal jelly dietary supplements; Alginate dietary supplements; Albumin dietary supplements; Dietary supplemental drinks; Nutritional supplements; Multi-vitamin preparations; Calcium fortified candy, for medical purpose; Mineral dietary supplements for humans; Mineral food supplements; Melissa water for pharmaceutical purposes; Milk sugar, for medical purposes; Medicinal tea; Medicinal drinks; Lysine preparations; Mint for pharmaceutical purposes; By-products of the processing of cereals for medical purposes; Natural dietary supplements for treating claustrophobia; Powdered nutritional supplement drink mix; Dietary supplements for infants; Health food supplements for persons with special dietary requirements; Dietary supplements for controlling cholesterol; Food supplements; Dietary food supplements for humans; Wheat germ dietary supplements; Dietary supplements consisting of vitamins; Pollen dietary supplements; Lecithin dietary supplements; Casein dietary supplements; Yeast dietary supplements; Glucose dietary supplements; Enzyme dietary supplements; Food supplements consisting of amino acids; Wheat dietary supplements; Mineral nutritional supplements; Health food supplements made principally of vitamins; Health food supplements made principally of minerals; Vitamin preparations in the nature of food supplements; Prenatal vitamins; Vitamin preparations; Mixed vitamin preparations; Vitamin drinks, namely, Dietary supplemental drinks in the nature of vitamin and mineral beverages; Vitamins and vitamin preparations; Gummy vitamins; Vitamin D preparations; Vitamin C preparations; vitamin tablets; Vitamin B preparations; Vitamin A preparations; Vitamin and mineral supplements; Soy protein dietary supplements; Low-salt bread adapted for medical use; Lipotropic factor preparations; Diet capsules; Protein supplements for animals; Probiotic supplements; dietetic Sugar for medical purposes; Zinc supplement lozenges; Delivery agents in the form of coatings for tablets that facilitate the delivery of nutritional supplements; Delivery agents in the form of dissolvable films that facilitate the delivery of nutritional supplements; Nutritional supplements consisting primarily of zinc; Nutritional supplements consisting of fungal extracts; Nutritional supplements consisting primarily of magnesium; Dietary supplements consisting primarily of magnesium; Nutritional supplements consisting primarily of calcium; Nutritional supplements consisting primarily of iron; Dietary supplements consisting primarily of iron; Vitamin drops; Vitamin supplements; Deodorizers and air purifying preparations for carpets, shoes, automobiles and for household pet litter boxes; Disinfectants and antiseptics; medicated Eye-washes; Chemical preparations for sanitary purposes; Lubricant gels for personal use; Silicone-based personal lubricants; First-aid boxes, filled; Sanitary sterilising preparations; sterilising Cleaners for sterilising surgical instruments; Cleansing solutions for medical use; Compounds for sanitising eggs; Douching preparations for medical purposes; Sanitary preparations for medical purposes; Collyrium;

CLASS 8: Hand-operated cutting tools and implements for treatment of materials, and for construction, repair and maintenance; Hand-operated retrieving tools and implements in the form of clamps for treatment of materials, and for construction, repair and maintenance; Lifting Tools, namely, Hand operated lifting jacks; kitchen knives and cutlery, namely, forks, spoons and flatware; Flat irons; Electric irons; Electric steam irons; Electric irons for styling hair; Electric hair straightening irons; Electric hair crimper; Tweezers; Manual clippers; Cuticle scissors; Farriers' knives; Nail clippers for personal use; Pedicure implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors; Scissors; Shears; Shear blades; Eyelash curlers; Eyelash separators; Hand tools, namely, Priming irons; Mountaineering pickels [ice axes]; hand-operated tin openers, non-electric; Diving knife holders; Miter vises being hand tools; Goffering irons; Palette knives; Thread snips; Ice picks; Ice axes; Ice hammers; Can openers, non-electric; Non-electric flat irons; Ratchets wrenches [hand tools]; Knives for hobby use; Knives made of precious metal; household Knives; Machetes; candle Wick trimmers; Ratchet handles; Scissors for children; Japanese grip scissors; Hand pumps, namely, air pumps, hand-operated; Hand-operated tile spacer removal tools; Hand operated hand shears; Snow shovels; Scissors for household use; Squeegees, namely, Beveled hand tool in the nature of a squeegee for spreading and leveling paint and wax products on cars, motorcycles, planes and boat panels; Pumps for liquids, namely, Displacement pump sprayers attached to a garden hose for spraying liquid herbicides, pesticides, fertilizers and insecticides; Hand tools, namely, Pikes; Seam rippers; Hand-operated Nail extractors; Paper shears; Multi-purpose shears; Throwing knives; Tool pouches for attachment to tool belts; Tool aprons; Tool holders; Tool belts; Extension bars for hand tools; Extensions for hand tools; Diving knives; Pocket shears; Pocket knives; Paring irons; Roll-up fabric container for hand tools; Metal vices; Bench vices; Vice workpiece stops; Golf shoe spike wrenches; Fishing line cutters; Wire Cutters; Die wrenches; Hand jacks; Stands for hand jacks; Lifting jacks, hand-operated; Working knives; Bayonets; Daggers; Harpoons for commercial fishing [not sports articles]; Sword scabbards; Sabres; Sword canes; Spears; Swords; Blades for knives; Knife bags; Razor, shedding, shaving, scissor and planing Blades; Japanese swords; Side arms, other than firearms, namely, swords; Fishing knives; Apple corers; Oyster openers; Bagel slicers; Boxes specially adapted for the storage of cutlery and flatware; Fish scalers; Filleting knives; Cutlery of precious metals; Strawberry hullers; Egg slicers, non-electric; Bread knives; Butter curlers; Can tab puller; Hand-operated cutters for making pasta; French fry cutters; Hand-operated vegetable shredders; Hand operated vegetable slicers; Grapefruit trimmers; Non-electric vegetable peelers; Forks and spoons; Forks made of precious metal; Forks; Table forks; Non-electric fruit peelers; hand-operated choppers, namely, meat choppers; Fish scoops; Non-electric garlic cutters; Scaling knives; Fish slicing kitchen knives; Thin-bladed kitchen knives; Kitchen knives; Cheese slicers, non-electric; Chef knives; Ceramic knives; Hand tools, namely, foundry ladles; Non-electric potato peelers; Japanese chopping kitchen knives; Hand operated carving knives for household use; Serving knives; Paring knives; Hand-operated slicers; Scissors for kitchen use; Bulk sugar scoops; Bulk rice scoops; Pizza cutters, non-electric; Pizza slicers; Fruit knives; Non-electric pasta makers for domestic use; Nonelectric garlic choppers; Zesters; Hand operated food dicers; Hand-operated choppers; Hand-operated food processors; Carving knives; Cake cutters; Stainless steel table knives; Stainless steel table spoons; Stainless steel table forks; Spoons for tea; Sterling silver table knives; Table knives; Sterling silver table spoons; Sterling silver table forks; Vegetable spiralizer, namely, Hand-operated spiral slicers; Pestles for pounding being hand tools; Spatulas being hand tools; Souvenir collector spoons

CLASS 10: Manually-operated exercise equipment for physical therapy purposes; Surgical apparatus and instruments for medical, dental or veterinary use; Prosthetic and filling materials, namely, artificial materials for use in the replacement of bones; Adult sexual stimulation aids, namely, artificial penises, penis enlargers, vibrators, benwa balls, artificial vaginas; sex toys in the form of anal plugs; Massage apparatus; Artificial penises; Artificial penises, being adult sexual aids; Artificial vaginas, being adult sexual aids; Benwa balls, being adult sexual aids; Penis enlargers, being adult sexual aids; Love dolls; Sex toys; Vibrators, being adult sexual aids; Condoms; Ear plugs for medical purposes; Noise protection means in the form of deformable ear plugs; Ear plugs for protection against noise; Ear plugs for sleeping; Hearing aids; Dentures; Triangular elastic bandages; Orthopaedic

insoles, namely, insoles for corrective treatment of conditions of the lower limbs; Orthopaedic insoles, namely, insoles for corrective treatment of conditions of the feet; Bandages, elastic; orthopaedic knee supports for medical use; Medical braces for joint fixation; Air Pillows for orthopedic use; Corsets for medical purposes; Orthopaedic detachable insoles; Orthopedic belts; Plaster support bandages for orthopedic purposes; Bandages for joints, anatomical; Invalid walkers; Walking aids for medical purposes; Arch supports for footwear, namely, arch cushions; Finger splints; Tips for crutches for invalids; Medical elbow braces; Tubular elastic bandages for supporting joints; Tubular elastic bandages for supporting limbs; Supportive bandages; Orthopaedic insoles, namely, orthopaedic foot cushions; Orthopaedic inner soles incorporating arch supports; Arch supports for footwear; Orthopaedic support bandages; Orthopaedic strappings in the form of support bandages; Orthopedic apparatus for talipes; Orthotic inserts for footwear; Supports for the upper body for medical use; Medical braces for, knee, ankle, elbow and foot; Templates for orthopedic purposes; Ankle supports for medical use; Crutches; Medical ankle braces; Knee guards in the nature of medical support; Knee bandages, orthopedic; Tubular support bandages; Splints for medical purposes; Back supports for medical purposes; Rollators; Padding for orthopedic casts; Orthopedic support bandages; Orthopaedic supports for heels; Orthopaedic hosiery; Orthopedic soles; Orthopedic footwear; Orthopedic cushions; Orthopaedic compression supports; Vertebral orthopedic apparatus; Toe separators for orthopedic purposes; Orthopedic device to stretch and exercise the toes and feet, namely, toe regulators; Quad canes for medical purposes; Exercise boots for medical rehabilitative purposes; Suspensory support bandages for joints; Arch supports for orthopaedic boots; Arch supports for orthopaedic shoes; arch support for shoes, namely, arch supports for flat feet; Shoe insoles for orthopedic use; Corsets for therapeutic use; Slings, for medical use; Teething soothers, namely, teething rings; Dissecting tables; Pacifier clips; Babies' pacifiers; Neonatal pacifiers; Feeding cups for medical purposes; Intravenous feeding tubes; Feeding bottle valves; Feeding bottles; Breast pumps; Paediatric pacifiers; Feeding bottle teats; Intravenous feeding bottles; Enteral feeding pumps; Disposable teats; Breast pumps for use by nursing mothers; Breast shields; Teething rings; Teething rings incorporating baby rattles; Breast milk storage bottles; Physical exercise apparatus for therapeutic use; Low frequency electric therapy apparatus; Electric heating cushions, for medical purposes; Chiropractic instruments; Respiratory therapy instruments, namely, respiratory masks for medical purposes; Asymmetrical bars for physical exercise, for medical purposes; Electrical apparatus for the therapeutic stimulation of the body, for rehabilitative medical purposes; Electrical apparatus for the therapeutic stimulation of the muscles, for rehabilitative medical purposes; Apparatus for the electrical stimulation of groups of muscles, for medical purposes; Electrical apparatus for the therapeutic toning of the muscles, for medical rehabilitative purposes; Apparatus for use in toning muscles for medical rehabilitation; Apparatus for use in exercising muscles for medical use; Nasal lavage vessel for therapeutic purposes; Apparatus for electrical muscle stimulation, for medical purposes; Electrical apparatus for the therapeutic toning of the body, for medical rehabilitative purposes; Physiotherapy and rehabilitation equipment, namely, body rehabilitation apparatus for medical purposes; Transcutaneous electrical nerve stimulation electrodes, namely, Electrotherapy devices for providing transcutaneous electrical nerve stimulation, infrared heat and compression; Exercise simulating apparatus for medical purposes; Deep heat massage apparatus; Therapeutic apparatus for children with autism, for medical purpose, namely, apparatus for dispensing non-medical oxygen and aromatherapy that also utilizes light, sound, and vibration for relaxation therapy; Therapeutic nose clips for the prevention of snoring; Therapeutic mouthpieces for the prevention of snoring; Hot air therapeutic apparatus, for medical purpose, namely, empty inhalers for therapeutic use; Step-up machines for use in physiotherapy; Rowing machines for physical exercise for medical purpose; Electro-stimulation apparatus for the body in therapeutic treatment; Mercury arc lamp units for therapeutic purposes; Quartz lamps for medical purposes; Physical exercise apparatus, for medical purposes; Medical apparatus for strengthening muscles of the pelvic floor; Treadmills for medical use in physiotherapeutic exercise; Infrared radiator units for therapeutic purposes; Hot air vibrators for medical purposes, air filters for medical ventilators; Heating cushions, electric, for medical purposes; Hand exercisers for therapeutic use; Belts, electric, for medical purposes; Exercisers for medical therapy, namely, exercise machines for therapeutic purposes; Ultrasonic aspirators for separating soft tissue parts; Stair climbing machines for medical therapeutic use; Anaesthetic drapes for use during surgery; Anti-pressure sore mattresses, for medical purpose; Apparatus for the turning of patients for medical purpose; Inflatable mattresses for orthopaedic purposes; Beds specially made for

medical purposes, namely: Beds for surgical use; Bed bases for beds especially made for medical purposes; Blankets for medical purposes; Pressure relief pads and cushions made for medical purpose; Electric blankets for medical use; Obstetric beds for medical purpose; Obstetric tables for medical purpose; Birthing chairs; Contoured cushions for patients' use on chairs for medical purposes; Contoured inflated pads for patients for medical purposes; Padded cushions for medical purposes; Stretcher straps; Adhesive drapes for surgical use; Invalids' hoists; Blankets, electric, for medical purposes; Medical patient treatment chairs; Air mattresses, for medical purposes; Air mattresses for infants for medical purpose; Air cushions for medical purposes; Air pillows for infants for medical purpose; Air pillows for medical purposes; Support mattresses for medical use; Draw-sheets for sick beds; Hospital gurneys; Ambulance stretchers; Invalid lifts; Hospital beds for use by burn patients; Soporific pillows for insomnia; Pads for preventing pressure sores on patient bodies for medical purposes; Soporific pillows filled with down for insomnia; Pillows for therapeutic use; Cushions for medical use, adapted to support the face; Cushions for medical use for supporting infants being examined; Cushions for medical use for supporting infants while being bathed; Cushions for medical purposes; Hybrid beds being soft sided waterbeds for medical purposes; Incontinence sheets for use with babies; Incontinence sheets for use with infants; Medical instrument tables for use during medical procedures; Medical instrument cabinets for use during medical procedures; Tables for radiology; Retaining belts for restraining patients on stretchers; Patient examination tables; Patient litters in the nature of stretchers; Surgical drapes; Operating tables; Anaesthesia screens in the form of anaesthetic masks; Commode chairs; Furniture for endoscopic examination purposes; Medical examination sheets; Medical tables for examination and treatment purposes; Medical stretchers; Medical blankets for the warming of patients; Medical blankets for the cooling of patients; Medical procedure chairs; Furniture adapted for medical treatment purposes; Incontinence mattress protectors for medical purposes; Mattresses for medical use; Mattresses for hospital patient trolleys; Childbirth mattresses; Sheets made of rubber for incontinence; Operating theatre sheets; Patient stretchers; Stretchers; Stretchers, wheeled; Medical procedure tables; Tables specially made for medical examination; Tables for use in the treatment of patients; Support mattresses for preventing pressure sores for medical purposes; Sterile sheets, surgical; Chairs especially made for medical use; Furniture especially made for dental use; Furniture especially made for medical purposes; Furniture especially made for surgical use; Beds, specially made for medical purposes; Beds specially made for use by burn patients; Patient safety restraints; Armchairs especially made for surgical purposes; Cervical pillows for medical use; Dentists' armchairs; Hydrostatic beds for medical purposes; Bed vibrators; Surgical examination drapes; Hospital examination tables; Examination chairs specially made for dental use; Examination chairs specially made for medical use; Hospital examination chairs; Examination couches specially made for dental use; Examination couches specially made for medical use; Incontinence sheets

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM) APPLICATION NO. 015700222, FILED 07-28-2016, REG. NO. 015700222, DATED 12-09-2016, EXPIRES 07-28-2026

SER. NO. 87-263,075, FILED 12-09-2016