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16 Attorneys for Plaintiff  
17 HUMBLE ABODE, INC.

18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA

20 HUMBLE ABODE, INC., a Delaware  
21 Corporation,

22 Plaintiff,

23 v.

24 REGINA CROSBY, Individually, doing  
25 business as THE HUMBLE ABODE,

26 Defendant.

CASE NO.

**SACV11-00234 JVS (MLGK)**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

27 Plaintiff Humble Abode, Inc. (“Humble Abode” or “Plaintiff”), by its  
28 undersigned counsel, by and for its complaint against defendant Regina Crosby,  
individually, doing business as The Humble Abode (“Defendant”), complains and  
states as follows:

1 **THE PARTIES**

2 1. Humble Abode is Delaware corporation having its principle place of  
3 business located at 3321 Industrial Drive, Santa Rosa, California, and a showroom in  
4 Santa Rosa, California.

5 2. Defendant Regina Crosby is an individual doing business as The  
6 Humble Abode, with her principle place of business located at 228 Avenida Del  
7 Mar, San Clemente, California.

8  
9 **JURISDICTION AND VENUE**

10 3. This Court has original jurisdiction over this action pursuant to 28  
11 U.S.C. §§ 1331 and 1338(a) and (b); 15 U.S.C. §§ 1114 and 1125 *et seq.* This Court  
12 has supplemental jurisdiction over the Plaintiff's state law claims pursuant to 28  
13 U.S.C. § 1367.

14 4. This Court has personal jurisdiction over Defendant in that she is  
15 domiciled in the State of California and is responsible for and participated in the  
16 unlawful activity described herein, including the misappropriation and infringement  
17 of Plaintiff's trademark in the State of California. The Defendant further regularly  
18 conducts business in the State of California.

19 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and  
20 1400(a) because the facts giving rise to the acts or omissions alleged herein took  
21 place in this District and because the Defendant is subject to personal jurisdiction in  
22 this District.

23  
24 **BACKGROUND FACTS**

25  
26 **Humble Abode Trademark and Services**

27 6. Humble Abode is a leader in providing online sales of furniture and  
28 accessories to consumers across the United States and abroad. For over ten years,

1 Humble Abode's reputation for bringing leading edge home décor designs and  
2 innovative products to consumers has developed and expanded across multiple  
3 products and markets.

4 7. Humble Abode is the owner of the entire right, title and interest in and  
5 to the trademark HUMBLE ABODE (the "Mark").

6 8. The Mark is protected under U.S. Federal Trademark Registration  
7 Number 2,834,076, which is registered in International Class 35 for "computerized  
8 on-line retail services in the field of furniture and home furnishings". The United  
9 States Patent and Trademark Office issued the Registration for the Mark on April 20,  
10 2004 (the "Registration"). The Mark has been used in commerce since at least as  
11 early as January 1, 1999. A true and correct copy of the Certificate of Registration is  
12 attached hereto as Exhibit A.

13 9. The Registration is valid and subsisting.

14 10. The Registration enjoys incontestable status under 15 U.S.C. § 1065.

15 11. The U.S. Patent and Trademark Office issued a Notice of Acceptance  
16 and Acknowledgement of Incontestability for the Registration on May 12, 2010. A  
17 true and correct copy of the Notice of Acceptance and Acknowledgement of  
18 Incontestability is attached hereto as Exhibit B.

19 12. In addition to the Registration and the rights subsisting therein, Humble  
20 Abode also owns common law and statutory state rights, including trade name rights,  
21 arising under the laws of California in the Mark.

22 13. Humble Abode displays its Mark in its advertising and promotional  
23 materials and has regularly and consistently done so since at least as early as January  
24 1999.

25 14. Humble Abode operates an Internet website, accessible at the Universal  
26 Resource Locator ("URL") [www.humbleabode.com](http://www.humbleabode.com), which incorporates the Mark  
27 and which takes Internet users directly to Humble Abode's home page.

28 15. As demonstrated in Exhibit C and in the figure below, Humble Abode

1 features the Mark prominently on its website, including but not limited to, the  
2 display of the Mark in a banner appearing in the upper left-hand corner of its  
3 homepage.



16 16. The banner bearing the Mark is shown on derivative web pages, or  
17 "subpage" directories of the Humble Abode website and the Mark bears the Federal  
18 Registration Notice or ® symbol.

19 17. The Mark has been widely used and promoted, both within the State of  
20 California and throughout the United States. Humble Abode's services are  
21 advertised and accessible nationwide via the Internet, with sales localized to the  
22 continental United States. The Mark has been used in interstate commerce in  
23 connection with online retail store sales of home furniture and furnishings since at  
24 least as early as January 1, 1999.

25 18. Humble Abode's operations have resulted in the sale of over 50,000  
26 thousand home furniture and furnishings products since 1999.

27 19. The Mark and the HUMBLE ABODE trade name are identified among  
28 the nation's leading online furniture retailers and are widely recognized by

1 consumers as being associated with Plaintiff.

2 20. Since 1999, Humble Abode has invested millions of dollars in  
3 advertising and promoting its Mark and services, in the process generating millions  
4 of dollars in sales revenue.

5  
6 **Defendant's Infringing Acts**

7 21. Humble Abode's Registration constitutes constructive notice to  
8 Defendant of Humble Abode's ownership of the Mark pursuant to 15 U.S.C. § 1072.

9 22. Notwithstanding Plaintiff's trademark rights and the Defendant's  
10 knowledge of Humble Abode's exclusive rights to utilize the Mark, Defendant, on  
11 information and belief and no later than February 1, 2010, began operating a retail  
12 business under the name "The Humble Abode."

13 23. Defendant's physical store is integrated with and promoted by a website  
14 found at the URL [www.thehumbleabode.net](http://www.thehumbleabode.net) (the "Infringing Website").

15 24. A true and correct copy of the Infringing Website's contact information  
16 is available from an Internet WHOIS directory and is attached hereto as Exhibit D.

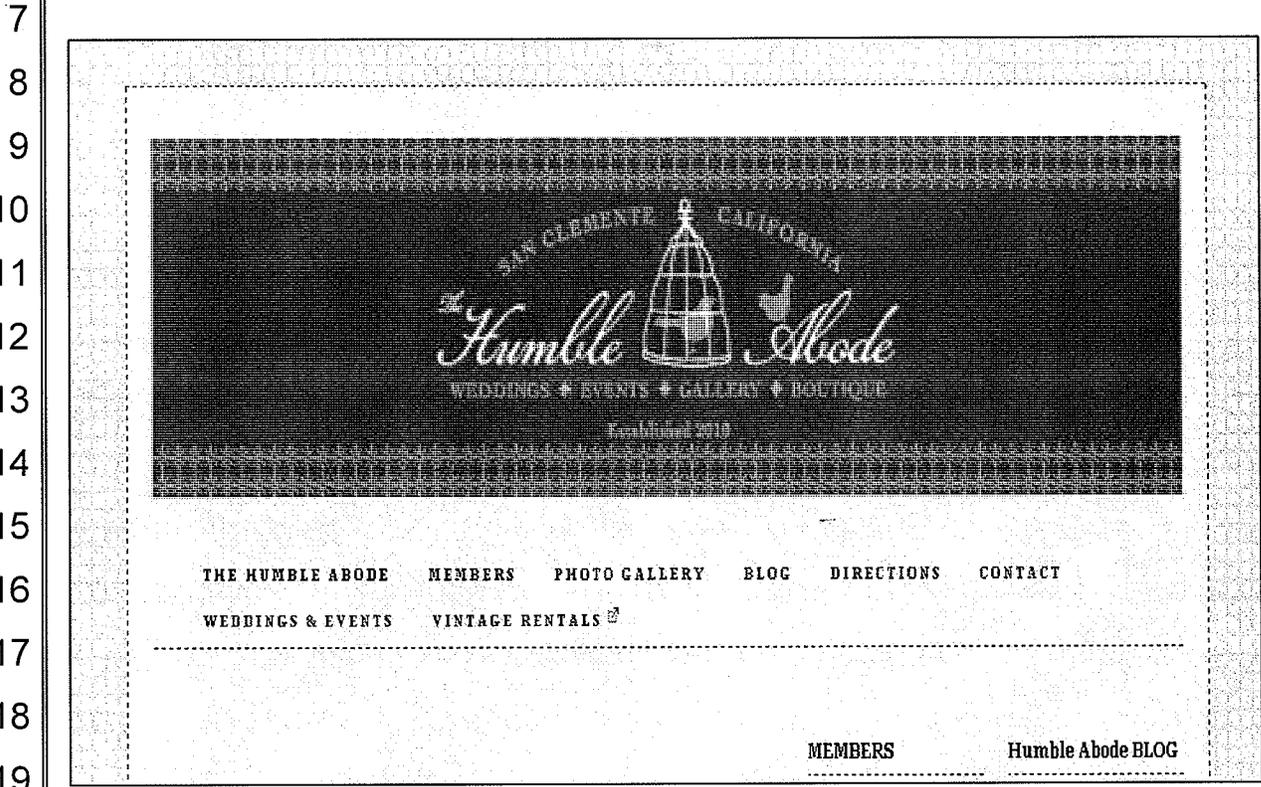
17 25. According to the WHOIS record, on February 1, 2010, Defendant  
18 Regina Crosby registered the domain name [thehumbleabode.net](http://thehumbleabode.net) with the Registrar of  
19 Record, Tucows, Inc. A copy of the Defendant's registration of the foregoing  
20 domain name is attached hereto as Exhibit E. The Defendant is listed as the  
21 Administrative Contact and owner for domain name displaying the Infringing  
22 Website. Further, the WHOIS record displays Defendant's address as PO Box 935,  
23 San Clemente, California 92674.

24 26. On information and belief, Defendant's adoption and use of the near  
25 identical mark and virtually identical Internet address was done with full knowledge  
26 of Plaintiff's Mark for the purpose and intent to cause confusion and mislead the  
27 purchasing public.

28 27. Defendant's "The Humble Abode" retail business is described on its

1 website as offering services and goods relating to “weddings, events, gallery and  
2 boutique.” Defendant is advertising those services on the Internet, placing it in the  
3 same channels of trade as Plaintiff Humble Abode, as set forth more fully below.

4 28. As demonstrated in Exhibit F and in the figure below, the Infringing  
5 Website’s homepage features the words HUMBLE ABODE in a prominent manner  
6 as Plaintiff’s HUMBLE ABODE mark is featured on the Humble Abode Website.



20 29. Moreover, as demonstrated in Exhibit G and in the figure below, the  
21 Infringing Website features the nearly identical trademark and trade name THE  
22 HUMBLE ABODE and uses an abbreviated version which is identical to Plaintiff’s  
23 mark, HUMBLE ABODE, as shown in the excerpt below.

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Welcome to The Humble Abode, home to the most sought-after wedding and event vendors in Southern California. We invite you to drop in and say hello at our cozy home in San Clemente. Our member vendors are listed in the links to the right, and you can read a little more about each one on the Members page.

The Humble Abode is home to Krista Jon Couture Design florals, and Russell Fowler Studios and Tara Sieling Photography each have an on-site studio. All of our Humble Abode members meet with clients on-site by appointment as well. At the Humble Abode, you will find samples of our vendors work - from invitations to cupcakes - for you to experience in person.

Our member vendors are happy to make an appointment with you at your convenience. To make an appointment please either call the Humble Abode, or contact the vendor you'd like to meet with directly. Even if you aren't planning an event, please come by to shop our little boutique and garden, filled with fresh treats, garden blooms, and one-of-a-kind gifts.

**The Humble Abode**  
228 Avenida Del Mar  
San Clemente, CA 92672  
phone: 949.218.8018

**HOURS:**

**M: 11-6 T: 11-6 W: 11-6 Th: 11-6 F: 11-8 Sa: 10-8 Su: 9-6**  
*and by appointment*



30. Like Plaintiff Humble Abode, Defendant's physical store is also located in the State of California.

31. Defendant offers furniture and accessories, as indicated in Exhibit H and in the figure below, on the Internet via a link labeled "Vintage Event Rentals" on its website at [www.thehumbleabode.net](http://www.thehumbleabode.net) and which directs the user to another site, Defendant's "Archive Vintage Rentals" webpage.

32. The Archive Vintage Rental webpage, which itself utilizes the HUMBLE ABODE mark at the bottom, features photographs of chairs and other household goods and a left-hand navigation menu including entries such as "Tables & Chairs" and "Sofas and Settees," which are also among the products sold by Plaintiff Humble Abode.

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ARCHIVE VINTAGE RENTALS  
be inspired...  
949-218-8018  
Home | Catalog | Contact | About & Links | BLOG  
Click [HERE](#) For Real Weddings!  
We have thousands of items not listed on our website... Call us for more!  
Tables & Chairs  
Sofas & Seatees  
Accessories  
Tabletop  
Organic Collection  
Big Ticket Items  
REAL EVENTS

ARCHIVE Showroom: The Humble Abode | 228 Avenida Del Mar, San Clemente, CA 92672 | ph: 949-218-8018 | Photos by Tara Gisting Photography

33. Defendant is using an identical or nearly identical mark, in connection with a nearly identical domain name, to offer rental services of the identical or nearly identical goods that Plaintiff sells in connection with its Mark. Defendant's use of THE HUMBLE ABODE includes the advertisement, distribution, promotion, and offering of other goods and services including event planning services featuring rental of particularized furniture, home furnishings and accessories, tableware, floral arrangements, as well as home-and garden-oriented themes for events, such as "Garden Soiree."

34. In addition to the Infringing Website, and because of its use of THE HUMBLE ABODE in its domain and on the Infringing Website itself, Defendant is causing "organic" search engine results for Plaintiff's Mark to return the Infringing Website as a search result on search engines such as Google. An example of this

1 infringing search result is set forth in the figure below and more extensively in  
2 Exhibit I attached hereto.

3 35.

The screenshot shows a Google search interface with the following elements:

- Left sidebar:** Filter options for 'Everything', 'Images', 'Videos', and 'More'. Location is set to 'New York, NY' with a 'Change location' link. A 'Show search tools' link is also present.
- Search bar:** Contains the text 'humble abode definition', 'humble abode coupon', and 'humble abode reviews'. Below the bar, it indicates 'About 271,000 results (0.22 seconds)' and an 'Advanced search' link.
- Main results area:**
  - Result 1:** Title: 'Humble Abode Furniture, Beds & Bedroom Sets, Iron Leather & Wood ...'. Description: 'Furniture store sale on bedroom furniture including iron beds, trundle beds and platform beds along with living or dining room sets with barstools and ...'. URL: 'www.humbleabode.com/ - Cached - Similar'.
  - Result 2:** Title: 'Iron Beds, Wrought Iron Bed, Metal Frames, Headboards, Bedroom ...'. Description: 'BizRate Customer Certified (GOLD) Site - Humble Abode Reviews at Bizrate ... Wesley Allen Iron Beds offers over 30 finish colors and Humble Abode is one of ...'. URL: 'www.humbleabode.com > Bedroom > Beds - Cached - Similar'. Includes a 'Show more results from humbleabode.com' link.
  - Result 3:** Title: 'The Humble Abode Spa & Salon - Facials, Massage, and Spa Treatments'. Description: 'Mini day spa and gift shoppe features their range of skin and hair care services, nail care, hot stone massage, and entomology.'. URL: 'www.thehumbleabode.com/ - Cached - Similar'.
  - Result 4:** Title: 'humble abode - definition of humble abode by the Free Online ...'. Description: 'Marked by meekness or modesty in behavior, attitude, or spirit; not arrogant or prideful. 2. Showing deferential or submissive respect; a humble apology. ...'. URL: 'www.thefreedictionary.com/humble+abode - Cached - Similar'.
  - Result 5:** Title: 'The Humble Abode - The Humble Abode'. Description: 'The Humble Abode Southern California best wedding event vendors. Located in San Clemente, California. Weddings. Events. Boutique. Gallery.'. URL: 'www.thehumbleabode.net/ - Cached'.
- Right sidebar (Ads):** Contains an advertisement for 'Humble Abode - Furniture' with the text 'Always Free Shipping & Sale Prices Ready to Ship Fast - Save Big Today' and the URL 'HumbleAbode.com'. It includes a 'Check out' button and a 'New York' location indicator. A 'See your ad here' link is at the bottom.

14 36. Defendant's use of THE HUMBLE ABODE and HUMBLE ABODE on  
15 the Infringing Website, in its domain name, and in connection with its retail store is  
16 confusingly similar to Plaintiff's HUMBLE ABODE trademark and the "Humble  
17 Abode" trade name, and is likely to cause consumer confusion.

18 37. As a whole, Defendant's domain name, www.thehumbleabode.net, is  
19 confusingly similar to the Mark with respect to the appearance, pronunciation,  
20 spelling, meaning, connotation, and overall commercial impression.

21 38. Upon information and belief, Defendant adopted and commenced use of  
22 a trademark, trade name and domain name that is identical or nearly identical to  
23 Plaintiff's Mark subsequent to, and many years after, Plaintiff's adoption and use of  
24 the Mark.

25 39. Upon information and belief, Plaintiff has both priority of use and  
26 registration of the Mark.

27 40. Defendant's use of an identical or nearly identical mark on the  
28 Infringing Website and in connection with the advertisement of furniture rental

1 services constitutes infringement of Plaintiff's Mark, and Defendant's continued use  
2 thereof in connection with its offering of goods or services is likely to cause  
3 confusion, or to cause mistake or to deceive the purchasing public.

4 41. On information and belief, Defendant also uses the near identical mark,  
5 "The Humble Abode," as signage and otherwise at its physical retail location located  
6 at 228 Avenida Del Mar, San Clemente, California in connection with the goods and  
7 services identified herein.

8 42. At all relevant times and in furtherance of their infringing activities,  
9 Defendant, without authorization or license from Humble Abode has willfully and  
10 intentionally used and continues to use THE HUMBLE ABODE or HUMBLE  
11 ABODE.

12 43. Defendant Regina Crosby, d/b/a The Humble Abode, filed an intent to  
13 use trademark application with the USPTO on June 15, 2010, for THE HUMBLE  
14 ABODE (under U.S. Application Serial No. 85/063363), claiming ownership of THE  
15 HUMBLE ABODE in connection with the following goods and services in  
16 International Class 41 (the "Application"):

17 Costume jewelry; Jewelry; Wedding albums; Wedding books; Flower  
18 pots; Holders for flowers and plants; Planters for flowers and plants;  
19 Porcelain flower pots; Wedding dresses; Wedding gowns; Cakes for  
20 weddings and events; Cup cakes; Live flower arrangements; Flowers for  
21 weddings and events; Natural flowers; Natural plants and flowers;  
22 Potted live miniature succulents and cactus; Promoting the parties and  
23 special events of others; Custom cake decorating services; Custom  
24 fabrication of confection displays for weddings, celebrations, and  
25 special events; Arranging, organizing, conducting and hosting birthday  
26 parties; Disc jockeys for parties and special events; Entertainment  
27 services, namely, conducting parties; Party and wedding planning and  
28 coordination services; Party and wedding planning consultation

1 services; Party and wedding planning, coordination and consultation  
2 services; Party planning consultation; Photography services for  
3 weddings and events; Providing information in the field of wedding  
4 party planning; Providing information regarding wedding planning for  
5 wedding parties; Wedding planning and coordination services.

6 44. Defendant's Application was filed on the basis of Defendant's  
7 declaration, under penalty of perjury, of an intent to use the Infringing Mark, THE  
8 HUMBLE ABODE, in connection with all of the goods and services set forth above  
9 and in the Application. A true and correct copy of the application downloaded from  
10 the USPTO Trademark Document Retrieval system (TDR), is attached hereto as  
11 Exhibit J.

12 45. On July 1, 2010, in response to Defendant's failure to cease all then  
13 current and future use of Humble Abode's Mark, counsel for Humble Abode  
14 transmitted a written demand to Defendant that it immediately cease and desist all  
15 use of Humble Abode's trademarks and its trade name thereby providing the  
16 Defendant with actual notice of Plaintiff's various trademark rights. Attached hereto  
17 as Exhibit K is a true a correct copy of Plaintiff's counsel's written notice to  
18 Defendant.

19 46. Defendant refuses to comply with the demands set forth in Plaintiff's  
20 counsel's letter set forth in Exhibit K. Defendant's refusal to comply with said  
21 demand evidences the Defendant's willful infringement of Plaintiff's trademark  
22 rights. Attached hereto as Exhibit L is a true and correct copy of Defendant's  
23 counsel's reply letter, dated July 20, 2010.

24 47. On September 27, 2010, the USPTO issued an Office Action refusing  
25 registration of the Application for THE HUMBLE ABODE on the grounds that it is  
26 confusingly similar to Plaintiff's Mark, U.S. Registration No. 2,834,076 for  
27 HUMBLE ABODE. The U.S. Trademark Office Examining Attorney stated, "The  
28 applicant's mark is THE HUMBLE ABODE. The registrant's mark is HUMBLE

1 ABODE. The applicant's mark is virtually identical to the registrant's mark as they  
2 both include the identical wording HUMBLE ABODE." The Examiner submitted  
3 evidence in support of the refusal to show that "the registrant's services and the  
4 applicant's goods are offered by the same companies" and concluded that  
5 "Accordingly, because confusion as to source is likely, registration is refused under  
6 Trademark Act Section 2(d) based on a likelihood of confusion." Attached hereto as  
7 Exhibit M is a true and correct copy of the aforementioned Office Action refusing  
8 registration.

9 48. By reason of Defendant's aforementioned acts, including its continued  
10 and ongoing willful infringement of Plaintiff's Mark, Humble Abode has suffered  
11 and will continue to suffer damages from the wrongful diversion of its trade, and  
12 damage to its business, reputation and good will.

13 49. Humble Abode's continued success depends on consumers' clear  
14 identification and confidence in the association of Humble Abode's various product  
15 lines associated exclusively and uniquely with its trademark, trade name and  
16 businesses.

17 50. Consumer confidence and recognition in the superior nature of the  
18 services offered by Humble Abode has been and continues to be substantially eroded  
19 by Defendants' conduct as alleged herein.

20 51. Additionally, Defendant's conduct undermines consumers' exclusive  
21 recognition of the HUMBLE ABODE trademark and compromises consumers'  
22 confidence in the quality and performance of Humble Abode's services.

23 52. As a result of all the foregoing, defendant's action has harmed and  
24 continues to harm the value of the goodwill in the Mark and trade name associated  
25 with Humble Abode.

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1 related or similar goods and services.

2 61. At a minimum, Defendant has acted with willful blindness to and in  
3 reckless disregard of Humble Abode's exclusive right to control the use of the  
4 HUMBLE ABODE registered trademark.

5 62. Defendant, by infringing on the HUMBLE ABODE registered  
6 trademark in its distributing, advertising, marketing, selling or offering to sell  
7 competing, related or similar goods and services, creates the false and misleading  
8 impression that it or its goods or services are sanctioned, licensed by, or otherwise  
9 authorized by or affiliated with Humble Abode when, in fact, they are not.

10 63. Defendant's infringement of the HUMBLE ABODE registered  
11 trademark as set forth above has resulted in Defendant's unfairly benefiting and  
12 profiting from Humble Abode's advertising promotion, and good will in the  
13 reputation of Humble Abode and its registered trademark.

14 64. As a result of all the foregoing, Humble Abode has suffered and will  
15 continue to suffer substantial and irreparable injury.

16 65. Defendant's aforesaid acts constitute trademark infringement in  
17 violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

18 66. As a direct and proximate result of Defendant's conduct, Humble  
19 Abode has suffered damage to its valuable Mark, and other damages in an amount to  
20 be determined at trial.

21 67. At all relevant times, Defendant's acts constitute willful infringement of  
22 Humble Abode's exclusive rights in the Mark in violation of 15 U.S.C. § 1114.

23 68. Plaintiff has no adequate remedy at law, and will continue to be  
24 damaged by Defendant's wrongful acts of trademark infringement will continue  
25 unless this Court enjoins Defendant from such practices.

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1 **COUNT II**

2  
3 **FALSE DESIGNATION OF ORIGIN AND**  
4 **FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a)**

5 69. Humble Abode repeats and realleges each and every allegation  
6 contained in the foregoing paragraphs as if set forth fully herein.

7 70. As a result of the high quality, performance and service associated with  
8 the Humble Abode trademark, the Mark and the goods and services it embodies have  
9 become widely known and have acquired a reputation for superior service  
10 throughout the United States.

11 71. The Mark has become associated with Humble Abode's goods and  
12 services, and has come to symbolize a reputation for quality and excellence.

13 72. The Mark has obtained secondary meaning.

14 73. The Mark is inherently distinctive.

15 74. As alleged above, Defendant's use of an identical or near identical mark  
16 on or in connection similar goods or services is likely to confuse, mislead, or deceive  
17 consumers, purchasers, and members of the general public as to the origin, source,  
18 sponsorship, or affiliation of such goods or services.

19 75. Defendant's use of an identical or nearly identical mark is likely to  
20 cause members of the trade and the general consuming public to believe in error that  
21 Defendant has been authorized, sponsored, approved, endorsed, or licensed by  
22 Humble Abode.

23 76. The foregoing acts by Defendant constitute false or misleading  
24 descriptions, false advertising, and false designations of origin or sponsorship of  
25 Defendant's goods and services in violation of 15 U.S.C. 1125(a).

26 77. Defendant's unauthorized use of an identical or nearly identical mark on  
27 or in connection with the distributing, advertising, marketing, selling or offering to  
28 sell competing goods and services was done with notice and full knowledge that

1 such use was not authorized, sponsored, approved, endorsed or licensed by Humble  
2 Abode.

3 78. Defendant has used and continues to willfully use an identical or nearly  
4 identical mark with the intent to confuse, mislead, deceive customers, purchasers,  
5 and members of the trade and general public as to the origin, source, sponsorship, or  
6 affiliation of goods or services sold by Defendant, and with the intent to trade on  
7 Plaintiff's reputation and substantial goodwill in the Mark.

8 79. As a direct and proximate result of Defendant's conduct, Humble  
9 Abode has suffered damage to its valuable Mark, and other damages in an amount to  
10 be determined at trial.

11 80. Plaintiff has no adequate remedy at law, and will continue to be  
12 damaged by Defendant's sale of goods and services bearing the alleged false  
13 designations, unless this Court enjoins Defendant from such practices.

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15 **COUNT III**

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17 **CALIFORNIA COMMON LAW TRADE NAME, TRADEMARK,  
18 AND SERVICE MARK INFRINGEMENT**

19 81. Humble Abode repeats and realleges each and every allegation  
20 contained in the foregoing paragraphs as if set forth fully herein.

21 82. By virtue of Humble Abode's extensive use of the Mark and the  
22 Humble Abode trade name, Humble Abode has acquired exclusive rights therein  
23 under the common law and statutes of the State of California.

24 83. As alleged herein, Defendant's acts constitute unfair, deceptive and  
25 fraudulent acts and practices and further constitute deliberate and willful unfair  
26 competition with Humble Abode, all of which is injurious to the public interest and  
27 in violation of California State common law of trade names, trademarks and service  
28 marks.



1 remedy at law.

2 91. As a result of Defendant's conduct, consumers may purchase goods or  
3 services of Defendant under the mistaken impression that such goods or services are  
4 made by or are in some way connected with, sponsored or licensed by, or associated  
5 with Humble Abode, or that Defendant is in some way affiliated with, sponsored or  
6 licensed by Humble Abode.

7 92. As a direct and proximate result of Defendant's conduct, Humble  
8 Abode has suffered damage arising from Defendant's aforementioned acts, and other  
9 damages in an amount to be determined at trial.

10 93. Plaintiff has no adequate remedy at law, and will continue to be  
11 damaged by Defendant's acts, unless this Court enjoins Defendant from such  
12 practices.

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## COUNT V

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### **UNJUST ENRICHMENT**

17 94. Humble Abode repeats and realleges each and every allegation  
18 contained in the foregoing paragraphs as if set forth fully herein.

19 95. By advertising, marketing and promoting infringing goods and services  
20 using a trademark and domain name virtually identical to the Humble Abode Mark,  
21 Defendant has wrongfully misappropriated Humble Abode's goodwill without  
22 paying for or offering to pay for the same.

23 96. It would be unjust for Defendant to retain the foregoing benefit without  
24 Defendant providing compensation to Humble Abode for the same.

25 97. As a result of such wrongful misappropriation, Defendant has been  
26 unjustly enriched at Humble Abode's expense in an amount to be determined at trial,  
27 but which is not less than Defendant's profits from the sale of infringing goods and  
28 services which utilize THE HUMBLE ABODE or HUMBLE ABODE.

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**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

1. That Defendant, its officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through or under it be preliminarily enjoined and restrained, at first during the pendency of this action and, thereafter, permanently:
  - a) from using in any manner the Mark, or THE HUMBLE ABODE, alone or in combination with any word or words, or material or materials which so resemble each said trademark as to be likely to cause confusion, deception, or mistake on or in connection with the advertising, offering for sale, or sale of any goods or service not Humble Abode's, or not authorized by Humble Abode to be sold in connection with the Mark or THE HUMBLE ABODE;
  - b) from committing any acts that cause purchasers to believe that Defendant's good or services are those sold under the control and supervision of Humble Abode, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of Humble Abode;
  - c) from further infringing the Mark and damaging Humble Abode's goodwill;
  - d) from shipping, delivering, distributing, returning or otherwise disposing of, in any manner, goods, products or inventory not sold by Humble Abode, nor authorized by Humble Abode to be sold or offered for sale, and which bear or resemble the Mark;
  - e) from otherwise competing unfairly with Humble Abode or any of its authorized licensees, if any, in any manner; and

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f) from assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (e).

2. That Defendant be required to deliver up to Humble Abode any and all products, guarantees, circulars, price lists, labels, signs, prints, packages, wrappers, pouches, receptacles, advertising matter, promotional, and other materials in the possession of Defendant or under its control bearing the Mark, or THE HUMBLE ABODE, or each of them, alone or in combination with any other words or materials, or used in connection with the advertising, offering for sale or sale of products not Humble Abode's, or not offered with the authorization and control of Humble Abode;
3. That Defendant be required to supply Humble Abode with a complete list of entities to whom it distributed and/or sold products or services falsely bearing the Mark or THE HUMBLE ABODE or products not authorized by Humble Abode to be sold in connection with the aforementioned Mark;
4. That Defendant within 10 days from the date of entry of judgment with notice of entry thereof be required to transfer the domain name TheHumbleAbode.com, to Humble Abode;
5. That Defendant be required to file within 10 days from the date of entry of judgment with notice of entry thereof with the United States Patent and Trademark Office ("USPTO") a "Request For Express Abandonment (Withdrawal) Of Application" concerning Defendant's pending trademark application for "The Humble Abode" (U.S. Application Serial No. 85/063,363);
6. That Defendant, within thirty (30) days after service of judgment with

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notice of entry thereof, be required to file with the Court and serve upon Humble Abode a written report under oath setting forth in detail the manner in which Defendant has complied with the foregoing paragraphs 1 through 5, *supra*;

7. That Defendant account for and pay over to Humble Abode all profits realized by Defendant by reason of Defendant's unlawful acts herein alleged and that the amount of disgorgement for infringement of the Mark be increased by a sum not exceeding three times the amount thereof as provided by law respecting intentional infringement and that the Court impose whatever temporary, preliminary and final equitable relief is necessary to achieve the foregoing, including but not limited to, the imposition of a constructive trust;

8. That Humble Abode be awarded actual damages in an amount to be determined at trial and that the amount of damages for infringement of Humble Abode's registered trademark be increased by a sum not exceeding three times the amount thereof as provided by law respecting intentional infringement;

9. That Humble Abode be awarded reasonable attorneys' fees and costs;

10. That Humble Abode be awarded punitive damages;

11. That Defendant forever be enjoined from applying for any federal or state trademark registrations bearing the words "humble" or "abode" either alone or in connection with another word or words which share a similar likeness in appearance, sound or meaning, including any trademark application bearing a design element featuring a visual or auditory likeness to "humble" or "abode"; and

12. That Humble Abode have such other and further relief as the Court may deem equitable including, but not limited to, any relief set forth under

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Sections 34-39 of the 1946 Trademark Act and state statutory common law.

Dated: February 2, 2011

CARR & FERRELL LLP

By: 

COLBY B. SPRINGER

Attorneys for Plaintiff  
HUMBLE ABODE INC.

RONALD D. COLEMAN  
JOEL G. MACMULL  
GOETZ FITZPATRICK LLP

Of Counsel for Plaintiff  
HUMBLE ABODE INC.

**DEMAND FOR JURY TRIAL**

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Plaintiff hereby demands a jury trial of all issues in the above-captioned action which are triable to a jury.

Dated: February 2, 2011

CARR & FERRELL LLP

By:   
COLBY B. SPRINGER  
Attorneys for Plaintiff  
HUMBLE ABODE INC.  
RONALD D. COLEMAN  
JOEL G. MACMULL  
GOETZ FITZPATRICK LLP  
Of Counsel for Plaintiff  
HUMBLE ABODE INC.

# EXHIBIT A

**Int. Cl.: 35**

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

**Reg. No. 2,834,076**

**United States Patent and Trademark Office**

**Registered Apr. 20, 2004**

**SERVICE MARK  
PRINCIPAL REGISTER**

**HUMBLE ABODE**

HUMBLE ABODE, LLC (DELAWARE LTD LIAB  
CO)  
703 LUNDY WAY  
PACIFICA, CA 94044

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

SER. NO. 76-515,455, FILED 5-19-2003.

FOR: COMPUTERIZED ON-LINE RETAIL SER-  
VICES IN THE FIELD OF FURNITURE AND HOME  
FURNISHINGS, IN CLASS 35 (U.S. CLS. 100, 101 AND  
102).

LINDA E. BLOHM, EXAMINING ATTORNEY

# EXHIBIT B

Side - 1



**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION  
MAILING DATE: May 12, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force. For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER: 2834076**  
**MARK: HUMBLE ABODE**  
**OWNER: Humble Abode, LLC**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

Ronald Coleman, Esq.  
Goetz Fitzpatrick LLP  
One Penn Plaza - Suite 4401  
New York, NY 10119

# EXHIBIT C

# Humble Abode

Email Us  
Call Toll Free: (877)692-2633

Register Log In

7 Days  
7:00AM-4:00PM Pacific  
10:00AM-7:00PM Eastern

Home Bedroom Living Room Dining Room Lighting Rugs Accents Outdoor Brands Help Center My Account Cart Checkout

Home > Email Us Free Catalog Sign Up for Email Promotions & Design Ideas Testimonials Blog Returning Customers click here to log in.

## Cart

- Your Cart is Empty
- [View Cart](#)

Search

- Bedroom
  - [Beds](#)
  - [Bedroom Sets](#)
  - [Bedding](#)
  - [Chest of Drawers](#)
  - [Dressers](#)
  - [Nightstands](#)
  - [Armoires](#)
  - [Bedroom Benches](#)
  - [Mattresses](#)
  - [Cabinets](#)
  - [Shelves](#)
  - [Desks](#)
  - [Changing Tables](#)
- Living Room
  - [Coffee Tables](#)
  - [Accent Tables](#)
  - [Console Tables](#)



- Help Center
  - [Testimonials](#)
  - [Links](#)
  - [FAQ's \(Frequently Asked Questions\)](#)

Beds

Bedroom Sets

Bedroom Furniture



# EXHIBIT D

## Whois Query Results for thehumbleabode.net:

Registrar: TUCOWS INC.

---

Registrant:

regina crosby  
PO Box 935  
San Clemente, CA 92674  
US

Domain name: THEHUMBLEABODE.NET

Administrative Contact:

crosby, regina [reginamariec@aol.com](mailto:reginamariec@aol.com)  
PO Box 935  
San Clemente, CA 92674  
US  
+1.9492929506

Technical Contact:

Admin, Domain [DomainSupport@homestead-inc.com](mailto:DomainSupport@homestead-inc.com)  
3425 EDISON WAY  
MENLO PARK, CA 94025  
US  
+1.8007972958      Fax: +1.6503647329

Registration Service Provider:

Intuit Websites, [hostmaster@homesteadsupport.com](mailto:hostmaster@homesteadsupport.com)  
1-800-428-3170  
<http://www.intuit.com>

Registrar of Record: TUCOWS, INC.  
Record last updated on 10-Jun-2010.  
Record expires on 01-Feb-2011.  
Record created on 01-Feb-2010.

Registrar Domain Name Help Center:

<http://tuowdomains.com>

Domain servers in listed order:

NS1.MDNSSERVICE.COM  
NS2.MDNSSERVICE.COM  
NS3.MDNSSERVICE.COM

Domain status: clientTransferProhibited  
clientUpdateProhibited

The Data in the Tucows Registrar WHOIS database is provided to you by Tucows for information purposes only, and may be used to assist you in obtaining information about or related to a domain name's registration record.

Tucows makes this information available "as is," and does not guarantee its accuracy.

By submitting a WHOIS query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass, unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of any Registry Operator or ICANN-Accredited registrar, except as reasonably necessary to register domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy.

Tucows reserves the right to modify these terms at any time.

By submitting this query, you agree to abide by these terms.

NOTE: THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

---

Query results retrieved Wed, Dec 15, 2010 11:20:33 AM PST using phpWhois v4.1.3

### **Selected DNS Address Query Results for thehumbleabode.net:**

thehumbleabode.net	65.39.205.54
<u>www.thehumbleabode.net</u>	65.39.205.54

---

Query results retrieved Wed, Dec 15, 2010 11:20:34 AM PST using gethostbyname1 function

# EXHIBIT E



What do you need help with?



## WHOIS

**Registrant:**

regina crosby  
PO Box 935  
San Clemente, CA 92674  
US

**Domain name:** THEHUMBLEABODE.NET

**Administrative Contact:**

crosby, regina [reginamariec@aol.com](mailto:reginamariec@aol.com)  
PO Box 935  
San Clemente, CA 92674  
US  
+1.9492929506

**Technical Contact:**

Admin, Domain [DomainSupport@homestead-inc.com](mailto:DomainSupport@homestead-inc.com)  
3425 EDISON WAY  
MENLO PARK, CA 94025  
US  
+1.8007972958 Fax: +1.6503647329

**Registration Service Provider:**

Intuit Websites, [hostmaster@homesteadsupport.com](mailto:hostmaster@homesteadsupport.com)  
1-800-428-3170  
<http://www.intuit.com>

**Registrar of Record:** TUCOWS, INC.

**Record last updated on 03-Jan-2011.**

**Record expires on 01-Feb-2012.**

**Record created on 01-Feb-2010.**

**Registrar Domain Name Help Center:**

<http://tucowsdomains.com>

**Domain servers in listed order:**

[ns1.mdnservice.com](http://ns1.mdnservice.com)

[ns2.mdnservice.com](http://ns2.mdnservice.com)

[ns3.mdnservice.com](http://ns3.mdnservice.com)

**Domain status:** clientTransferProhibited  
clientUpdateProhibited

The Data in the Tucows Registrar WHOIS database is provided to you by Tucows for information purposes only, and may be used to assist you in obtaining information about or related to a domain name's registration record.

Tucows makes this information available "as is," and does not guarantee its accuracy.

By submitting a WHOIS query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to:

- allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass, unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or
- enable high volume, automated, electronic processes that send queries or data to the systems of any Registry Operator or ICANN-Accredited registrar, except as reasonably necessary to register domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy.

Tucows reserves the right to modify these terms at any time.

By submitting this query, you agree to abide by these terms.

**NOTE:** THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

## Help Categories

- [Disputes and Complaints](#)
- [Domain Specific Information](#)
- [Glossary of Terms](#)
- [Internationalized Domain Names \(IDN\)](#)
- [Management and Passwords](#)
- [Name Server \(DNS\) Changes](#)
- [Renewal and Expiration](#)
- [Transfer of Domain Registration](#)
- [WHOIS use and information](#)
- [Why is my domain not working?](#)

[.BIZ](#) . [.CA](#) . [.CC](#) . [.CN](#) . [.COM/NET](#) . [.DE](#) . [.INFO](#) . [.NAME](#) . [.ORG](#) . [.TV](#) . [.UK](#)

- [Domain Help](#)
- [Find Your Domain Provider](#)
- [WhoIs Lookup](#)
- [Tucows Domain Promise](#)

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Tucows has been ICANN accredited since 1999.

96 Mowat Avenue, Toronto, Ontario, M6K 3M1, Canada



# EXHIBIT F



THE HUMBLE ABODE MEMBERS PHOTO GALLERY BLOG DIRECTIONS CONTACT  
WEDDINGS & EVENTS VINTAGE RENTALS



MEMBERS



Humble Abode BLOG



# EXHIBIT G

The Humble Abode - The Humble Abode - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.thehumbleabode.net/

Most Visited Customize Links Free Hotmail Windows Marketplace Windows Media Windows

Ask Search Amazon CNN YouTube Facebook Weather Games Personas Celebrity Word of

The Humble Abode - The Humble Ab...

Welcome to The Humble Abode, home to the most sought-after wedding and event vendors in Southern California. We invite you to drop in and say hello at our cozy home in San Clemente. Our member vendors are listed in the links to the right, and you can read a little more about each one on the Members page, and see all of the latest happenings in our [blog](#).

The Humble Abode is home to [Krista Jon Couture Design](#) florals and [Tara Sieling Photography](#) who each have an on-site studio. All of our Humble Abode members meet with clients on-site by appointment as well. At the Humble Abode, you will find samples of our vendors work - from invitations to cupcakes - for you to experience in person.

Our designers and vendors are happy to make an appointment with you at your convenience. To schedule, please either call the Humble Abode, or contact the vendor you'd like to meet with directly. Even if you aren't planning an event, please come by to shop our little boutique and garden, filled with fresh treats, garden blooms, and one-of-a-kind gifts.

**The Humble Abode**  
 228 Avenida Del Mar  
 San Clemente, CA 92672  
 phone: 949.218.8018

**WINTER HOURS:**  
**M:** 11 - 6 **T:** 11 - 6 **W:** 11 - 6 **Th:** 11 - 6 **F:** 11 - 7 **Sa:** 10 - 7 **Su:** 9 - 5  
*and by appointment*










Done

# EXHIBIT H

HOME - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.archivevintagerentals.com/

Most Visited Customize Links Free Hotmail Windows Marketplace Windows Media Windows

Search Amazon CNN YouTube Facebook Weather Games Personas Celebrity Word of

HOME

 *be inspired...* 

949-218-8018 Home | Catalog | Contact | About & Links | BLOG [Click Here For Real Weddings!](#)

**We have thousands of items not listed on our website... Call us for more!**

- Tables & Chairs
- Sofas & Seetees
- Accessories
- Tabletop
- Organic Collection
- Big Ticket Items
- REAL EVENTS



# EXHIBIT I

 **Everything**

 Images

 Videos

 More

**New York, NY**

 Change location

 Show search tools

humble abode furniture

humble abode **definition**

humble abode **coupon**

humble abode **reviews**

About 271,000 results (0.22 seconds)

[Advanced search](#)

**Humble Abode** Furniture, Beds & Bedroom Sets, Iron Leather & Wood ...

Furniture store sale on bedroom furniture including iron beds, trundle beds and platform beds along with living or dining room sets with barstools and ...

Iron Beds - Platform Beds - Trundle Beds - Beds

[www.humbleabode.com/](http://www.humbleabode.com/) - Cached - Similar

[Iron Beds, Wrought Iron Bed, Metal Frames, Headboards, Bedroom ...](#)

BizRate Customer Certified (GOLD) Site - **Humble Abode** Reviews at Bizrate ... Wesley

Allen Iron Beds offers over 30 finish colors and **Humble Abode** is one of ...

[www.humbleabode.com](http://www.humbleabode.com) > Bedroom > Beds - Cached - Similar

 Show more results from [humbleabode.com](http://humbleabode.com)

The **Humble Abode** Spa & Salon - Facials, Massage, and Spa Treatments

Mini day spa and gift shoppe features their range of skin and hair care services, nail care, hot stone massage, and entomology.

[www.thehumbleabode.com/](http://www.thehumbleabode.com/) - Cached - Similar

**humble abode** - definition of **humble abode** by the Free Online ...

Marked by meekness or modesty in behavior, attitude, or spirit; not arrogant or prideful. 2.

Showing deferential or submissive respect: a **humble** apology. ...

[www.thefreedictionary.com/humble+abode](http://www.thefreedictionary.com/humble+abode) - Cached - Similar

The **Humble Abode** - The **Humble Abode**

The **Humble Abode** Southern California best wedding event vendors. Located in San Clemente, California. Weddings. Events. Boutique. Gallery.

[www.thehumbleabode.net/](http://www.thehumbleabode.net/) - Cached

Ads

**Humble Abode** - Furniture

Always Free Shipping & Sale

Prices Ready to Ship Fast - Save

Big Today

[HumbleAbode.com](http://HumbleAbode.com)



New York

[See your ad here](#) »

# EXHIBIT J

# Trademark/Service Mark Application, Principal Register

Serial Number: 85063363

Filing Date: 06/15/2010

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85063363
<b>MARK INFORMATION</b>	
* <b>MARK</b>	The Humble Abode
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	The Humble Abode
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
* <b>OWNER OF MARK</b>	Regina Crosby
<b>DBA/AKA/TA/Formerly</b>	DBA The Humble Abode
* <b>STREET</b>	228 Avenida Del Mar
* <b>CITY</b>	San Clemente
* <b>STATE</b> (Required for U.S. applicants)	California
* <b>COUNTRY</b>	United States
* <b>ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	92672
<b>PHONE</b>	9492929506
<b>FAX</b>	9494819506
<b>EMAIL ADDRESS</b>	reginamariec@aol.com

<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	individual
<b>COUNTRY OF CITIZENSHIP</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Costume jewelry
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Jewelry
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Wedding albums
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Wedding books
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Flower pots
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Holders for flowers and plants
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Planters for flowers and plants
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Porcelain flower pots
<b>FILING BASIS</b>	SECTION 1(b)

<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Wedding dresses
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Wedding gowns
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Cakes for weddings and events
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Cup cakes
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Live flower arrangements
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Flowers for weddings and events
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Natural flowers
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Natural plants and flowers
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Potted live miniature succulents and cactus
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Promoting the parties and special events of

	others
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Custom cake decorating services
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Custom fabrication of confection displays for weddings, celebrations, and special events
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Arranging, organizing, conducting and hosting birthday parties
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Disc jockeys for parties and special events
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Entertainment services, namely, conducting parties
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Party and wedding planning and coordination services
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Party and wedding planning consultation services
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Party and wedding planning, coordination and consultation services

<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Party planning consultation
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Photography services for weddings and events
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Providing information in the field of wedding party planning
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Providing information regarding wedding planning for wedding parties
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Wedding planning and coordination services
<b>FILING BASIS</b>	SECTION 1(b)
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Regina Crosby
<b>FIRM NAME</b>	The Humble Abode
<b>STREET</b>	228 Avenida Del Mar
<b>CITY</b>	San Clemente
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	92672
<b>PHONE</b>	9492929506
<b>FAX</b>	9494819506
<b>EMAIL ADDRESS</b>	reginamariec@aol.com

<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Regina Crosby/
<b>SIGNATORY'S NAME</b>	Regina Crosby
<b>SIGNATORY'S POSITION</b>	Owner
<b>DATE SIGNED</b>	06/15/2010

PTO Form 1478 (Rev 9/2006)  
OMB No. 0651-0009 (Exp 12/31/2011)

## Trademark/Service Mark Application, Principal Register

**Serial Number: 85063363**

**Filing Date: 06/15/2010**

### To the Commissioner for Trademarks:

**MARK:** The Humble Abode (Standard Characters, see mark)

The literal element of the mark consists of The Humble Abode.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Regina Crosby, DBA The Humble Abode, a citizen of United States, having an address of  
228 Avenida Del Mar  
San Clemente, California 92672  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Costume jewelry

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Jewelry

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Wedding albums

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Wedding books

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Flower pots

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Holders for flowers and plants

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Planters for flowers and plants

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Porcelain flower pots

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Wedding dresses

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Wedding gowns

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services.

(15 U.S.C. Section 1051(b)).

International Class 041: Cakes for weddings and events

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Cup cakes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Live flower arrangements

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Flowers for weddings and events

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Natural flowers

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Natural plants and flowers

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Potted live miniature succulents and cactus

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Promoting the parties and special events of others

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Custom cake decorating services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Custom fabrication of confection displays for weddings, celebrations, and special events

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Arranging, organizing, conducting and hosting birthday parties

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Disc jockeys for parties and special events

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Entertainment services, namely, conducting parties

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Party and wedding planning and coordination services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Party and wedding planning consultation services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Party and wedding planning, coordination and consultation services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Party planning consultation

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Photography services for weddings and events

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Providing information in the field of wedding party planning

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Providing information regarding wedding planning for wedding parties  
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Wedding planning and coordination services  
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Correspondence Information: Regina Crosby

The Humble Abode

228 Avenida Del Mar

San Clemente, California 92672

9492929506(phone)

9494819506(fax)

reginamariec@aol.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Regina Crosby/ Date Signed: 06/15/2010

Signatory's Name: Regina Crosby

Signatory's Position: Owner

RAM Sale Number: 2526  
RAM Accounting Date: 06/16/2010

Serial Number: 85063363  
Internet Transmission Date: Tue Jun 15 16:03:03 EDT 2010  
TEAS Stamp: USPTO/BAS-72.219.169.170-201006151603036  
88511-85063363-460ecdfea6699c984e32b8698  
70c3b921-CC-2526-20100615150535881418

The Humble Abode

# EXHIBIT K



Ronald J. Coleman
Partner
rcoleman@goetzfitz.com

July 1, 2010

VIA EMAIL & OVERNIGHT DELIVERY

Regina Crosby
d/b/a The Humble Abode
228 Avenida Del Mar
San Clemente, California 92672

Re: Infringement of HUMBLE ABODE trademark
U.S. Trademark Reg. No. 2834076

Dear Ms. Crosby,

We represent Humble Abode, Inc. ("Humble Abode") and write to address your unauthorized and unlawful use of trademarks and service marks (referred to as "trademarks" or "marks" herein) that are identical to or confusingly similar to trademarks owned by Humble Abode. The purpose of this communication is to demand that you immediately cease and desist your use of any such trademarks.

Our client has advised us that you repeatedly use the mark "The Humble Abode" on your website and in connection with the sale of various goods and services. This includes your unauthorized registration of the <www.thehumbleabode.net> domain name. Additionally, you have applied for registration of the mark "The Humble Abode," which registration is currently pending as Serial No. 85063363 before the United States Patent and Trademark Office ("USPTO").

This activity must end immediately. Humble Abode, is owner of all rights, title and interest in and to the registered mark HUMBLE ABODE, U.S. Registration No. 2834076. This registered trademark is valid and incontestable.

Humble Abode has dedicated significant resources to advertise and promote its mark and company name. As a result of this extensive use and promotion, the mark HUMBLE ABODE is widely known in the minds of the consuming public as identifying Humble Abode and its products and services. Due to the widespread sales and extensive advertising and promotion of goods and services under the HUMBLE ABODE mark, this mark is well known throughout the United States, and has come to represent and symbolize extremely valuable good will belonging exclusively to Humble Abode.



Accordingly, Humble Abode will not accept the unauthorized use of either its mark or confusingly similar company or domain name because such use is likely to cause public confusion regarding the source, origin, sponsorship, or affiliation of Humble Abode's goods and services with those of other entities.

Your extensive use of a mark that is identical or nearly identical to the HUMBLE ABODE mark is a violation of federal and California state trademark laws in that it is likely to cause consumer confusion and to dilute the distinctiveness of the HUMBLE ABODE mark. Further, your use of this mark on the <www.thehumbleabode.net> website is likely to mislead Internet users and divert Internet traffic away from consumers seeking Humble Abode's products and services.

Moreover, your registration of the <www.thehumbleabode.net> domain name to promote your goods and services is improper and unlawful. More specifically, it violates the Uniform Domain Name Dispute Resolution Policy, which has been approved by the Internet Corporation for Assigned Names and Numbers and has been adopted by your registrar, Tucows Inc. Further, your actions violate the Anticybersquatting Consumer Protection Act of the United States Trademark Act. *See* 15 U.S.C. § 1125(d).

Consequently, on behalf of our client, we hereby demand from you the following:

1. within 10 days of the date of this letter that you cease and forever desist use of the HUMBLE ABODE mark, and any similar variant thereof, as well as the <www.thehumbleabode.net> domain name and that you make arrangements to transfer domain name ownership to Humble Abode; and
2. within 15 days of the date of this letter that you: (a) file with the USPTO a "Request For Express Abandonment (Withdrawal) Of Application" form available from the USPTO's website.

To confirm your compliance with the foregoing and to make appropriate arrangements you must contact this office **in writing by no later than 5:00 p.m. (EST) on July 6, 2010**. You may confirm your intention to comply by signing below and faxing or otherwise delivering a copy of this entire letter bearing your signature to this office. Your signature is not an admission of liability, only confirmation that you will cooperate by meeting the demands set forth above. You may seek the advice of counsel and have an attorney correspond, or otherwise transmit confirmation of the foregoing in writing on your behalf. Should you fail to notify us in writing of your intended compliance by the aforementioned date, such a failure will be deemed a rejection of these terms, at which time additional legal proceedings will be taken against you without notice, the result of which may be the imposition of legal and equitable remedies, but also costs and attorneys' fees as well as possible statutory penalties.



This letter is not a complete statement of the facts or law with respect to this matter and is without prejudice to any and all of our client's rights, claims and remedies, all of which are hereby expressly reserved.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ronald D. Coleman', written in a cursive style.

Ronald D. Coleman

READ AND UNDERSTOOD:

I have read the foregoing and intend to comply with the instructions set forth above. I understand that this is not a settlement of any claims by Humble Abode set forth in the above statement nor an admission of liability by me. I understand that Humble Abode retains the ability to enforce all its rights in connection with the foregoing. I have been provided the opportunity to review the foregoing with legal counsel.

Dated: July \_\_\_\_\_, 2010

\_\_\_\_\_  
Ms. Regina Crosby  
d/b/a The Humble Abode

# EXHIBIT L



Jonathan Pink  
Counsel  
Direct: (949) 223-7151  
jonathan.pinkl@bryancave.com

July 20, 2010

Mr. Ronald D. Coleman  
Goetz Fitzpatrick LLP  
One Penn Plaza  
New York, NY 10119

Re: Response to Demand Letter to Regina Crosby - Confidential Settlement  
Communication Pursuant to FRE 408 and All Applicable State Law

Dear Mr. Coleman:

This firm represents Regina Crosby doing business as The Humble Abode. We are in receipt of your letter dated July 1, 2010, and have reviewed the alleged violations of the Lanham Act set forth therein. While we disagree with your analysis and conclusions, Ms. Crosby will make some concessions in an effort to resolve this matter.

With respect to her registration of and use of the domain name [www.thehumbleabode.net](http://www.thehumbleabode.net), she will relinquish that URL. With respect to trademark registration Serial No. 85063363, Ms. Crosby sees no need to withdraw that application.

As you know, an element of trademark infringement is a likelihood of consumer confusion between the marks at issue. Likelihood of confusion is determined by balancing several factors, including: the sophistication of customers/level of purchasing care; and a similarity of the products or services. *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348 (9<sup>th</sup> Cir. 1979). Here, we are not aware of any actual consumer confusion, nor do we believe such confusion is likely given the parties' noncompeting services and the sophistication of their respective customers. As such, your clients concerns regarding Ms. Crosby's registration are unfounded and premature.

**Bryan Cave LLP**  
3161 Michelson Drive  
Suite 1500  
Irvine, CA 92612-4414  
Tel (949) 223-7000  
Fax (949) 223-7100  
www.bryancave.com

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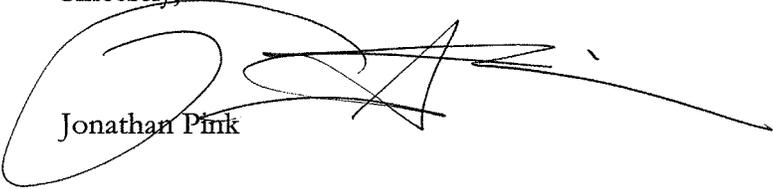
Washington, DC  
St. Louis

Mr. Ronald D. Coleman  
July 20, 2010  
Page 2

Bryan Cave LLP

Ms. Crosby takes intellectual property matters seriously. Accordingly, if we do not hear from you within ten days she will consider this matter closed.

Sincerely,



Jonathan Pink

JSP:eh

# EXHIBIT M

**To:** Regina Crosby ([reginamariec@aol.com](mailto:reginamariec@aol.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85063363 - THE HUMBLE  
ABODE - N/A  
**Sent:** 9/27/2010 11:03:39 AM  
**Sent As:** ECOM101@USPTO.GOV

**Attachments:** Attachment - 1  
Attachment - 2  
Attachment - 3  
Attachment - 4  
Attachment - 5  
Attachment - 6  
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Attachment - 36

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

**APPLICATION SERIAL NO.** 85063363

**MARK:** THE HUMBLE ABODE

**\*85063363\***

**CORRESPONDENT ADDRESS:**

REGINA CROSBY  
THE HUMBLE ABODE  
228 AVENIDA DEL MAR  
SAN CLEMENTE, CA 92672-4005

**CLICK HERE TO RESPOND TO THIS LETTER:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**APPLICANT:** Regina Crosby

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

reginamariec@aol.com

**NON-FINAL OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 9/27/2010**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

**1. Refusal – Section 2(d) Refusal to Register:**

**THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN.**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2834076. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

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 or 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). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

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).

#### Comparison of the Marks:

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *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). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

The applicant's mark is THE HUMBLE ABODE. The registrant's mark is HUMBLE ABODE. The applicant's mark is virtually identical to the registrant's mark as they both include the identical wording HUMBLE ABODE.

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Because the applicant's mark and the registrant's mark both include the identical wording HUMBLE

ABODE, the overall commercial impression of the marks is similar.

Comparison of the Goods/Services:

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient that the goods and/or services are related in some manner and/or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

The applicant's goods are, "Flower pots; holders for flowers and plants; planters for flowers and plants; porcelain flower pots". The registrant's services are, "computerized on-line retail services in the field of furniture and home furnishings." The applicant's goods are related to the registrant's services because the registrant's services are written broadly enough to encompass the applicant's goods.

Likelihood of confusion is determined on the basis of the goods and/or services as they are identified in the application and registration. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267-68, 62 USPQ2d 1001, 1004-05 (Fed. Cir. 2002); *In re Shell Oil Co.*, 992 F.2d 1204, 1207 n.4, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1637-38 (TTAB 2009); TMEP §1207.01(a)(iii).

In this case, the registrant's goods and/or services are identified broadly. Therefore, it is presumed that the registration encompasses all goods and/or services of the type described, including those in applicant's more specific identification, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); *In re Optica Int'l*, 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(a)(iii).

Please note that consumers are likely to be confused by the use of similar marks on or in connection with goods and with services featuring or related to those goods. TMEP §1207.01(a)(ii); *see In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (holding BIGG'S for retail grocery and general merchandise store services likely to be confused with BIGGS for furniture); *In re United Serv. Distribs., Inc.*, 229 USPQ 237 (TTAB 1986) (holding design for distributorship services in the field of health and beauty aids likely to be confused with design for skin cream); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (holding 21 CLUB for various items of men's, boys', girls' and women's clothing likely to be confused with THE "21" CLUB (stylized) for restaurant services and towels); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (holding CAREER IMAGE (stylized) for retail women's clothing store services and clothing likely to be confused with CREST CAREER IMAGES (stylized) for uniforms); *Steelcase Inc. v. Steelcare Inc.*, 219 USPQ 433 (TTAB 1983) (holding STEELCARE INC. for refinishing of furniture, office furniture, and machinery likely to be confused with STEELCASE for office furniture and accessories); *Mack Trucks, Inc. v. Huskie Freightways, Inc.*, 177 USPQ 32 (TTAB 1972) (holding similar marks for trucking services and on motor trucks and buses likely to cause confusion).

Additionally, attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of

applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, namely furniture stores, home furnishings stores, and flower pots and planters, are of a kind that may emanate from a single source. *In re Infinity Broad. Corp. of Dallas*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Further, please see the attached evidence from [www.potterybarn.com](http://www.potterybarn.com) and [www.crateandbarrel.com](http://www.crateandbarrel.com) which shows that the registrant's services and the applicant's goods are offered by the same companies.

Accordingly, because confusion as to source is likely, registration is refused under Trademark Act Section 2(d) based on a likelihood of confusion.

**PLEASE NOTE:** If applicant deletes “flower pots; holders for flowers and plants; planters for flowers and plants; porcelain flower pots” from the identification, the Section 2(d) Refusal to Register will be withdrawn.

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

Applicant must respond to the requirement(s) set forth below.

## **2. Requirement – Classification Goods / Recitation of Services:**

The identification of goods or services should set forth common names, using terminology that is generally understood. The identification of goods or services must be specific, definite, clear, accurate and concise. *See In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987); *Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972), *modified without opinion*, 498 F.2d 1406, 181 USPQ 722 (C.C.P.A. 1974); *In re Cardinal Laboratories, Inc.*, 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.*, 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte A.C. Gilbert Co.*, 99 USPQ 344 (Comm'r Pats. 1953).

Applicant classified the goods and/or services “costume jewelry; jewelry” in International Class 041; however, the correct classification is International Class 014. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “wedding albums; wedding books” in International Class 041; however, the correct classification is International Class 016. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Flower pots; Holders for flowers and plants; Planters for flowers and plants; Porcelain flower pots” in International Class 041; however, the correct classification is International Class 021. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the

application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Wedding dresses; Wedding gowns” in International Class 041; however, the correct classification is International Class 025. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Cakes for weddings and events; Cup cakes” in International Class 041; however, the correct classification is International Class 030. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Live flower arrangements; Flowers for weddings and events; Natural flowers; Natural plants and flowers; Potted live miniature succulents and cactus” in International Class 041; however, the correct classification is International Class 031. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Promoting the parties and special events of others” in International Class 041; however, the correct classification is International Class 035. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant classified the goods and/or services “Custom cake decorating services; Custom fabrication of confection displays for weddings, celebrations, and special events” in International Class 041; however, the correct classification is International Class 040. *See* 37 C.F.R. §6.1. If applicant retains these goods and/or services in the application, then applicant must comply with the multiple-class requirements stated elsewhere in this Office action. *See* 37 C.F.R. §2.86; TMEP §§1403 *et seq.* Alternatively, applicant may amend the application to delete these goods and/or services.

Applicant may adopt the following identification, if accurate:

**International Class 014:**

Costume jewelry; Jewelry.

**International Class 016:**

Wedding albums; Wedding books.

**International Class 021:**

Flower pots; Holders for flowers and plants; Planters for flowers and plants; Porcelain flower pots.

**International Class 025:**

Wedding dresses; Wedding gowns.

**International Class 030:**

Cakes for weddings and events; Cup cakes.

**International Class 031:**

Live flower arrangements; Flowers for weddings and events; Natural flowers; Natural plants and flowers; Potted live miniature succulents and cactus.

**International Class 035:**

Promoting the parties and special events of others.

**International Class 040:**

Custom cake decorating services; Custom fabrication of confection displays for weddings, celebrations, and special event.

**International Class 041:**

Arranging, organizing, conducting and hosting birthday parties; Disc jockeys for parties and special events; Entertainment services, namely, conducting parties; Party and wedding planning and coordination services; Party and wedding planning consultation services; Party and wedding planning, coordination and consultation services; Party planning consultation; Photography services for weddings and events; Providing information in the field of wedding party planning; Providing information regarding wedding planning for wedding parties; Wedding planning and coordination services.

Identifications of goods and/or services can be amended only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

**Requirements for a Multiple Class Application:**

For an application with more than one international class, called a “multiple-class application,” an applicant must meet all of the requirements below for those international classes based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) LIST GOODS/SERVICES BY INTERNATIONAL CLASS: Applicant must list the goods and/or services by international class; and
- (2) PROVIDE FEES FOR ALL INTERNATIONAL CLASSES: Applicant must submit an application filing fee for each international class of goods and/or services not covered by the fee(s) already paid (confirm current fee information at <http://www.uspto.gov>, click on “View Fee Schedule” under the column titled “Trademarks”).

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

The filing fees for adding classes to an application are as follows:

(1) \$325 per class, when the fees are submitted with an electronic response filed online at <http://www.uspto.gov/teas/index.html>, via the Trademark Electronic Application System (TEAS);  
or

(2) \$375 per class, when the fees are submitted with a paper response.

37 C.F.R. §2.6(a)(1)(i)-(a)(1)(ii); TMEP §§810, 1403.02(c).

### **3. Requirement – Insufficient Fees:**

The application identifies goods and/or services that are classified in at least nine classes; however, the fees submitted are sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1403.01.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fee(s) already paid, or (2) submit the fees for the additional class(es).

### **4. Advisory – Response Guidelines:**

For this application to proceed toward registration, 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 and request that the Office enter them into the application record.

Applicant's response must be properly signed by (1) the individual applicant (for joint individual applicants, both must sign) or (2) someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). See 37 C.F.R. §§2.62(b), 2.193(a), (e)(2)(ii); TMEP §§611.03(b), 611.06 *et seq.*, 712.01. If applicant retains an attorney, the attorney must sign the response. 37 C.F.R. §2.193(e)(2)(i); TMEP §§611.03(b), 712.01. The individual(s) signing 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.

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. In such case, 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).

### **5. Advisory – Assistance:**

If applicant has questions about its application or needs assistance in responding to this Office action,

please telephone the assigned trademark examining attorney directly at the number below.

/Colleen Dombrow/  
Trademark Attorney  
Law Office 101  
Direct Dial: (571) 272-8262  
Facsimile: (571) 273-9101

**TO RESPOND TO THIS LETTER:** Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

**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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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/teas/eTEASpageE.htm>.

Print: Sep 27, 2010

76515455

**DESIGN MARK**

**Serial Number**

76515455

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

HUMBLE ABODE

**Standard Character Mark**

No

**Registration Number**

2834076

**Date Registered**

2004/04/20

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

HUMBLE ABODE, INC. CORPORATION CALIFORNIA 3321 INDUSTRIAL DRIVE SANTA ROSA CALIFORNIA 95403

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:  
computerized on-line retail services in the field of furniture and  
home furnishings. First Use: 1999/01/01. First Use In Commerce:  
1999/01/01.

**Filing Date**

2003/05/19

**Examining Attorney**

BLOHM, LINDA E.

**Attorney of Record**

Ronald Coleman, Esq.

**HUMBLE ABODE**

**DESIGN MARK**

**Serial Number**

76488083

**Status**

REGISTERED

**Word Mark**

GL GLOBAL LIVING FINE FURNITURE & ACCESSORIES FOR THE HOME

**Standard Character Mark**

No

**Registration Number**

2883657

**Date Registered**

2004/09/14

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Global Living, LLC LIMITED LIABILITY COMPANY OHIO 842 Goodale  
Boulevard Columbus OHIO 432123825

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S:  
FURNITURE AND ACCESSORIES, NAMELY, HOUSEHOLD FURNITURE, FURNITURE FOR  
USE IN EITHER LIVING ROOMS, BEDROOMS OR DINING ROOMS, CABINETS,  
ENTERTAINMENT CENTERS, LEATHER COVERED CHESTS, WOOD CHESTS, DESKS,  
BOOKCASES, SHELVES, BEDS, HEADBOARDS FOR BEDS, BREAKFRONTS, WALL  
RACKS, BUFFETS, UPHOLSTERED AND UNUPHOLSTERED SOFAS, LOVE SEATS,  
OTTOMANS, CHAIRS, CHAIR PADS, CUSHIONS, RECLINING CHAIRS, BENCHES,  
STOOLS, END TABLES, CORNER TABLES, NIGHT TABLES, COCKTAIL TABLES, LAMP  
TABLES, DROP LEAF TABLES, OUTDOOR FURNITURE, MIRRORS, MAGAZINE RACKS,  
LETTER RACKS, KITCHEN CABINETS, MEDICINE CABINETS, BATHROOM CABINETS  
AND VANITIES, HAMPERS, ACCESSORY BOXES, PLANT STANDS, WOOD FIGURINES,  
WOOD STATUES, WOOD CARVINGS AND WOOD BOXES. First Use: 2002/06/01.  
First Use In Commerce: 2002/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.  
G & S: BOWLS, BUTLERS' TRAYS, CANISTER SETS, EARTHENWARE BASINS,

FLOWER BASKETS, FLOWER BOWLS, FLOWER POT HOLDERS, FLOWER POTS, ICE BUCKETS, PLATES, SERVING TRAYS NOT OF PRECIOUS METAL, TRIVETS, URNS, VASES, WINE BOTTLE CRADLES, WINE BUCKETS, WINE COOLING PAILS AND WINE RACKS. First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: RETAIL STORE SERVICES IN THE FIELDS OF FURNITURE, DECORATIVE HOME AND GARDEN FURNISHINGS, LIGHTING, ANTIQUES, DINING AND KITCHEN GOODS, HOUSEWARES AND GLASS, PROCESSED FOODS, STAPLE FOODS, NATURAL AGRICULTURAL PRODUCTS, DECORATIVE ITEMS, TOYS AND GIFTS. First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINE FURNITURE & ACCESSORIES FOR THE HOME" APART FROM THE MARK AS SHOWN.

**Filing Date**

2003/02/06

**Examining Attorney**

AIKENS, RONALD

**Attorney of Record**

Susan D. Rector

GLOBAL  LIVING

**DESIGN MARK**

**Serial Number**

77136639

**Status**

REGISTERED

**Word Mark**

FURNISHING A BETTER WORLD

**Standard Character Mark**

Yes

**Registration Number**

3731810

**Date Registered**

2009/12/29

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Homeworks, Inc. CORPORATION OHIO 7700 Northfield Road Walton Hills  
OHIO 44146

**Goods/Services**

Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles.  
First Use: 2006/11/00. First Use In Commerce: 2006/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S:  
chandeliers, lampshades, lamps, lamp finials, sconce lighting  
fixtures. First Use: 2006/11/00. First Use In Commerce: 2006/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.  
G & S: bookends, paintings, prints, photographs, paper coasters, and  
cardboard boxes for storing magazines. First Use: 2006/11/00. First  
Use In Commerce: 2006/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.  
G & S: candle holders, candlesticks, serving trays, decorative wooden

trays, glass bell jars for decorative purposes, baskets of wicker, straw, wood or cloth not for commercial use, decorative plates and serving platters, non-metal piggy banks, wood coasters, ceramic figurines, glass figurines, drinking glasses, cups, bowls, dishes, planters for flowers and plants, urns, pitchers, vases, and ice buckets. First Use: 2006/11/00. First Use In Commerce: 2006/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail store services featuring furniture and accessories and on-line retail store services featuring furniture and accessories. First Use: 2006/11/00. First Use In Commerce: 2006/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S: furniture, wine racks, magazine racks, mirrors, decorative wall plaques, picture frames, and decorative coat hooks. First Use: 2006/11/00. First Use In Commerce: 2006/11/00.

**Filing Date**

2007/03/21

**Examining Attorney**

TAYLOR, DAVID

**Attorney of Record**

Colleen F. Goss

FURNISHING A BETTER WORLD

**DESIGN MARK**

**Serial Number**

77471760

**Status**

REGISTERED

**Word Mark**

PIERRE DEUX

**Standard Character Mark**

Yes

**Registration Number**

3778746

**Date Registered**

2010/04/20

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Pierre Deux B.V. CORPORATION NETHERLANDS Herengracht 28 BL Amsterdam  
NETHERLANDS 1015

**Goods/Services**

Class Status -- ACTIVE. IC 008. US 023 028 044. G & S: cutlery,  
namely, knives, forks, spoons. First Use: 2001/08/00. First Use In  
Commerce: 2001/08/00.

**Goods/Services**

Class Status -- ACTIVE. IC 006. US 002 012 013 014 023 025 050. G  
& S: metal storage racks for logs. First Use: 1999/03/00. First Use  
In Commerce: 1999/03/00.

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
room fragrances. First Use: 1989/09/00. First Use In Commerce:  
1989/09/00.

**Goods/Services**

Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles.  
First Use: 2003/03/00. First Use In Commerce: 2003/03/00.

**Goods/Services**

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S: lamps, chandeliers, electric lighting fixtures, namely, wall sconces, lamp shades. First Use: 1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: photograph storage boxes, photograph albums, organizers for stationery use, memorandum boards, blotters, pencil holders, paper clip holders, blank journals, paintings, prints. First Use: 1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: handbags, tote bags, duffel bags, cosmetic cases sold empty, umbrellas, jewelry rolls. First Use: 1989/09/00. First Use In Commerce: 1989/09/00.

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S: furniture, mirrors, screens, fireplace screens, seat cushions, pillows, picture frames. First Use: 1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: candelabra not of precious metal, candlesticks not of precious metal, vases, planters for flowers and plants, no paper cachepots, waste baskets, toothbrush holders, soap dishes, glass storage jars, plates, creamer pitchers, sugar bowls, jugs, tea pots, soup tureens, serving platters, serving trays, baskets of wicker, straw, and cloth for domestic use, drinking glasses, hurricanes for candles, carafes, decanters, cork screws, napkin rings, funnels, coasters not of paper and not being table linen for bottles, coolers for wine, wine caddies, non-metal drip rings for bottles, charms for attachment to wine glasses for identification purposes, cake molds, plate stands, cruets, canister sets, butcher blocks in the nature of wooden cutting boards, salt and pepper mills and shakers. First Use: 1999/09/00. First Use In Commerce: 1999/09/00.

**Goods/Services**

Class Status -- ACTIVE. IC 024. US 042 050. G & S: textile place mats, pillow shams, throws, coverlets, towels, shower curtains, textile wall tapestries. First Use: 1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 026. US 037 039 040 042 050. G & S: fabric tissue box covers, fabric decorative boxes. First Use:

1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 027. US 019 020 037 042 050. G & S: rugs. First Use: 2000/08/00. First Use In Commerce: 2000/08/00.

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Christmas tree ornaments, stuffed toy bears. First Use: 1996/06/00. First Use In Commerce: 1996/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: on-line retail store services in the field of furniture, home decor, linens, tableware and home decor accessories. First Use: 2000/04/00. First Use In Commerce: 2000/04/00.

**Prior Registration(s)**

1199588;1594681;2043714;2794764;3133704

**Name/Portrait Statement**

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

**Translation Statement**

The English translation of "DEUX" in the mark is TWO.

**Filing Date**

2008/05/12

**Examining Attorney**

BORSUK, ESTHER A.

**Attorney of Record**

John M. Cone

**PIERRE DEUX**

**DESIGN MARK**

**Serial Number**

77499580

**Status**

REGISTERED

**Word Mark**

WALPOLE WOODWORKERS

**Standard Character Mark**

Yes

**Registration Number**

3567190

**Date Registered**

2009/01/27

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Walpole Woodworkers, Inc. CORPORATION MASSACHUSETTS 767 East Street  
Walpole MASSACHUSETTS 02081

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S:  
Outdoor furniture. First Use: 1947/00/00. First Use In Commerce:  
1947/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 019. US 001 012 033 050. G & S:  
Non-metal building materials, namely, fencing and gates. First Use:  
1933/00/00. First Use In Commerce: 1933/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.  
G & S: Non-metal planters for flowers and plants, namely, planter  
boxes and window boxes. First Use: 1947/00/00. First Use In  
Commerce: 1947/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Mail order

**Print: Sep 27, 2010**

**77499580**

services and retail store services dealing with furniture, fencing and prefabricated buildings. First Use: 1940/00/00. First Use In Commerce: 1940/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S:  
Installation of fencing and outdoor fixtures. First Use: 1933/00/00.  
First Use In Commerce: 1933/00/00.

**Prior Registration(s)**

1049611;1055802

**Section 2f Statement**

2(F) ENTIRE MARK

**Filing Date**

2008/06/16

**Examining Attorney**

ELTON, DAVID

**Attorney of Record**

Robert M. O'Connell, Jr.

# WALPOLE WOODWORKERS

**DESIGN MARK**

**Serial Number**

77554673

**Status**

REGISTERED

**Word Mark**

GRACIOUS HOME

**Standard Character Mark**

No

**Registration Number**

3828911

**Date Registered**

2010/08/03

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

The Weck Corporation CORPORATION NEW YORK 1220 Third Avenue New York  
NEW YORK 10021

**Goods/Services**

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:  
Chemically-treated paper for the prevention of tarnishing. First Use:  
2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles.  
First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
tape measurers. First Use: 2009/01/00. First Use In Commerce:  
2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S:  
flashlights, lamps, lampshades and faucets. First Use: 2009/01/00.  
First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S: picture frames and decorative pillows; framed decorative mirrors. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Credit card services. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 008. US 023 028 044. G & S: hand tools, namely, screwdrivers and screwdriver bits. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: house mark for a full line of non-metal and non-precious metal housewares, namely, plates, cups, saucers, bowls, creamers, sugar bowls, teapots, coffee pots, serving platters, spoon rests, candlesticks; butter dishes, salt shakers, pepper shakers, egg cups, pitchers, soup tureens, canisters, mugs, flower pots, vanity and valet trays, wastepaper baskets, ceramic tissue box covers, cachepots, drinking glasses, namely, tumblers, soap dishes, toothbrush holders, skin and hand lotion dispensers for home use, jars, carafes, fitted picnic baskets and picnic baskets and sponges for household purposes. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 024. US 042 050. G & S: House mark for a full line of domestic textiles, namely, dinner napkins, cocktail napkins, placemats, tablecloths, shower curtains, bath towels, hand towels, bath sheets, washcloths, flat bed sheets, fitted bed sheets, pillowcases, pillow shams, duvet covers, dust ruffles, bed covers, bed spreads and comforters; ornamental items used for decorating, namely, textile tie backs. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: online retail and retail store services in the field of retail gift, hardware, house wares and home furnishings. First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: house mark for potpourri, bath soap, skin soap, bath salts, body cream, moisturizers, hand cream, skin lotions, hair and body wash, shampoo, sachets, perfume, cologne, body sprays, essential oils for use in the manufacture of scented products, and room fragrances, namely, room mists and potpourri oil refreshers; cleaning

**Print: Sep 27, 2010**

**77554673**

preparations, namely, floor tile cleaners and floor tile polishes.  
First Use: 2009/01/00. First Use In Commerce: 2009/01/00.

**Prior Registration(s)**

3264838;3351202;3351799;AND OTHERS

**Description of Mark**

The mark consists of the words "GRACIOUS HOME" in blue.

**Colors Claimed**

The color(s) blue is/are claimed as a feature of the mark.

**Filing Date**

2008/08/25

**Examining Attorney**

KLINE, MATTHEW

**Attorney of Record**

Virginia R. Richard

GRACIOUS HOME

**TYPED DRAWING**

**Serial Number**

78233475

**Status**

REGISTERED

**Word Mark**

CRABTREE & EVELYN HOME

**Standard Character Mark**

No

**Registration Number**

2998931

**Date Registered**

2005/09/20

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Crabtree & Evelyn, Ltd. CORPORATION CONNECTICUT Peake Brook Road  
Woodstock CONNECTICUT 06281

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S:  
Furniture, clothes hangers, pillows, cushions, non-metal boxes. First  
Use: 2005/01/00. First Use In Commerce: 2005/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.  
G & S: cups, soap dishes, soap holders, drinking vessels, flower  
pots, non-electric teapots not of precious metal, colanders for  
household use, containers for household use not of precious metal,  
bowls, buckets, jugs, mugs, pitchers, plates, serving platters,  
canister sets, cruet stands for oil and vinegar not of precious metal,  
serving trays not of precious metal, cutting boards, trivets, candle  
holders not of precious metal, serving forks, serving spoons, kitchen  
ladles, domestic lightbulb ring burners to which fragrant essential  
oils can be added, hair brushes and hair combs. First Use:  
2005/01/00. First Use In Commerce: 2005/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 024. US 042 050. G & S: Towels, bed sheets, pillow cases, pillow shams, bed skirts, comforters, bed blankets, comforter and blanket covers, curtains, shower curtains, table cloths not of paper, textile napkins, textile placemats. First Use: 2005/01/00. First Use In Commerce: 2005/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services, online retail store services all featuring furniture, bathroom accessories, housewares, textile products, toiletries, foods, potpourri, scented essential oils, scented candles and clothing. First Use: 2005/01/00. First Use In Commerce: 2005/01/00.

**Prior Registration(s)**

1036523;1078646;1084951;2491057;AND OTHERS

**Disclaimer Statement**

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

**Filing Date**

2003/04/03

**Examining Attorney**

WILKE, JOHN

**Attorney of Record**

Timothy H. Hiebert

# POTTERY BARN

Back to Search Results

Page (3 of 13)



## Terra Cotta Pots

\$10.00 - \$26.00

Free Shipping

Be the first to write a review

OVERVIEW DIMENSIONS & DETAILS SHIPPING INFO

Our traditional terra-cotta pots are gently distressed for warmth and character.

- Each pot has a drainage hole and includes a planting tray.
- For use indoors or out.



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### Please Select Items



Small

\$10.00

Quantity:

Add Gift Wrap

Ship To: You



Medium

\$16.00

Quantity:

Add Gift Wrap

Ship To: You

ADD TO CART



Large

\$26.00

Quantity:

Add Gift Wrap

Ship To: You

ADD TO CART

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- Pottery Barn Kids
- PBteen
- Pottery Barn Outlet

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TOP CUSTOMER PICKS

**Pottery Barn:** Duvet Covers | Bath Accessories | Decorative Accessories | Bedding Sets | Sectional Sofas

**Pottery Barn Kids:** Nursery Bedding | Changing Table | Girls Bedding | Kids Rugs | Boys Bedding

**PBteen:** Wall Decals | Zebra Bedding | Twin XL Sheets | Girls Sleeping Bags | Boys Quilts

**West Elm:** Dining Chairs | Table Lamps | Bookcases | Decorative Pillows | Modern Bedding

**Williams-Sonoma:** Cutlery | Espresso Machine | Le Creuset | Cake Pans | Toasters

**Williams-Sonoma Home:** Bath Rugs | Luxury Sheets | Dining Table Chairs | Bed Headboards | Cashmere Blanket

# POTTERY BARN



## Saigon Planters

\$79.00 – \$129.00

Catalog/Internet Only

★★★★★ [See All Reviews \(5\)](#) [Write a Review](#)

[OVERVIEW](#) [DIMENSIONS & DETAILS](#) [SHIPPING INFO](#)

Artisans form our terra-cotta planters by hand, then coat them with a rich green glaze. These classical and timeless urns can be used year round.

- Includes drainage holes for planting in all but the double-handled urn.
- For use indoors or out.
- See available sizes below.
- Catalog / Internet Only.



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Please Select Items

[http://www.potterybarn.com/products/saigon-planters/?pkey=e%7Cflower%20pot%7C13%7Cbest%7C0%7C1%7C24%7C%7C11&cm\\_src=PRODUCTSEARCH|NoFacet-\\_-NoFacet-\\_-NoMerchRules](http://www.potterybarn.com/products/saigon-planters/?pkey=e%7Cflower%20pot%7C13%7Cbest%7C0%7C1%7C24%7C%7C11&cm_src=PRODUCTSEARCH|NoFacet-_-NoFacet-_-NoMerchRules) 09/27/2010 10:35:01 AM



Double-Handled Urn

\$99.00

Quantity:

Ship To: You

Medium Cachepot

\$79.00

Quantity:

Ship To: You

Large Cachepot

\$129.00

Quantity:

Ship To: You

Small Urn

\$79.00

Quantity:

Ship To: You

### You May Also Like





Solid Outdoor Pillow

## Customer Reviews

Sort by: Date - Newest First

### Average Customer Rating

★★★★★ 5 Reviews

[WRITE A REVIEW](#)

5 of 5 (100%) customers recommend this product to a friend.

#### **QueenoftheClick**

Brooklyn, NY

Recommend: Yes

[Read all my reviews](#)



#### Great outdoor planter

June 12, 2010

We have the large planter outside our house. The green color is amazing. I couldn't figure out why these weren't sold in the store.

It looks great and has stayed together during a very cold winter.

4 of 4 found this review helpful.

Was this review helpful to you? [Yes](#) [No](#) [\(Report Inappropriate Review\)](#)

Share this review: [f](#) [t](#)

#### **snortyblog**

Boston MA

Recommend: Yes

[Read all my reviews](#)



#### Small Cachepot

April 26, 2010

These planters are just lovely. I love the shape & the color which is a pale green. I have one either side of my front door & they look great, very elegant. I would recommend them to anyone. I bring them in for the winter to avoid them cracking in the freeze!

3 of 3 found this review helpful.

Was this review helpful to you? [Yes](#) [No](#) [\(Report Inappropriate Review\)](#)

Share this review: [f](#) [t](#)

#### **lucky**

Goodyear, AZ

Recommend: Yes

[Read all my reviews](#)



#### absolutely lovely

April 21, 2010

The planters are an absolutely lovely addition to our new home. The larger planters hold dry leaves and artificial flowers. The saucer is on the kitchen counter with seasonal (battery operated) candles and seashells for summer and pinecones and pods for winter.

3 of 3 found this review helpful.

Was this review helpful to you? [Yes](#) [No](#) [\(Report Inappropriate Review\)](#)

Share this review: [f](#) [t](#)

**luytoerow**  
Raleigh, NC

★★★★★ **Love these planters**

April 13, 2010

Recommend: Yes

I purchased two of the larger planters. I have had these planters for about a year now and they look absolutely lovely on my front porch. I love the color and the finish. Pottery Barn packaged them wonderfully, so no damage to these heavy pots delivery.

[Read all my reviews](#)

4 of 4 found this review helpful.

Was this review helpful to you? [Yes](#) [No](#) ([Report Inappropriate Review](#))

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**Pottery Barn:** [Duvet Covers](#) | [Bath Accessories](#) | [Decorative Accessories](#) | [Bedding Sets](#) | [Sectional Sofas](#)

**Pottery Barn Kids:** [Nursery Bedding](#) | [Changing Table](#) | [Girls Bedding](#) | [Kids Rugs](#) | [Boys Bedding](#)

**PBteen:** [Wall Decals](#) | [Zebra Bedding](#) | [Twin XL Sheets](#) | [Girls Sleeping Bags](#) | [Boys Quilts](#)

**West Elm:** [Dining Chairs](#) | [Table Lamps](#) | [Bookcases](#) | [Decorative Pillows](#) | [Modern Bedding](#)

**Williams-Sonoma:** [Cutlery](#) | [Espresso Machine](#) | [Le Creuset](#) | [Cake Pans](#) | [Toasters](#)

**Williams-Sonoma Home:** [Bath Rugs](#) | [Luxury Sheets](#) | [Dining Table Chairs](#) | [Bed Headboards](#) | [Cashmere Blanket](#)

# POTTERY BARN

keyword or item #

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## FURNITURE

### Family Room

- [Sofas](#)
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- [Dining Collections](#)

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- [Accent Furniture](#)
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### Home Office

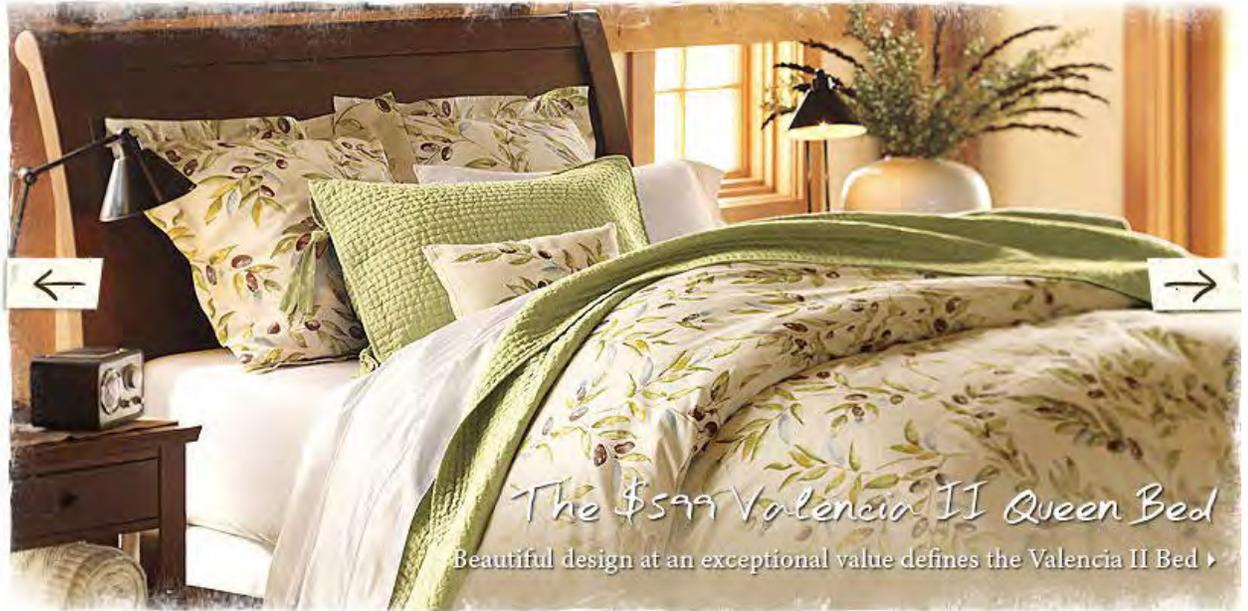
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- [Desk Chairs](#)
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- [Bathroom](#)
- [Small Living Spaces](#)

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*The \$599 Valencia II Queen Bed*  
 Beautiful design at an exceptional value defines the Valencia II Bed ▶

### Family Room



Sofas



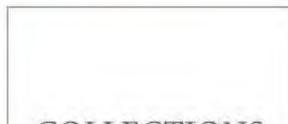
Sectionals



Coffee & Accent Tables



Media & TV Storage



COLLECTIONS

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Fabric by the Yard  
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Dining Room Makeover

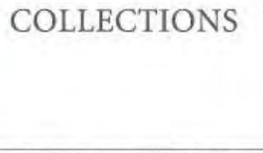
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Chairs & Ottomans



Family Room Collections

**Dining Room & Kitchen**



Tables



Bars & Buffets



Chairs & Barstools



Dining Collections

**Bedroom**



Beds & Headboards



Bedside Tables & Dressers



Accent Furniture



Bedroom Collections

**Home Office**



Desks



Desk Chairs



Storage



Home Office Collections

**More Rooms**





Entryway



Bathroom

Great Deals

AFFORDABLE  
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TOP CUSTOMER PICKS

**Pottery Barn:** Duvet Covers | Bath Accessories | Decorative Accessories | Bedding Sets | Sectional Sofas

**Pottery Barn Kids:** Nursery Bedding | Changing Table | Girls Bedding | Kids Rugs | Boys Bedding

**PBteen:** Wall Decals | Zebra Bedding | Twin XI Sheets | Girls Sleeping Bags | Boys Quilts

**West Elm:** Dining Chairs | Table Lamps | Bookcases | Decorative Pillows | Modern Bedding

**Williams-Sonoma:** Cutlery | Espresso Machine | Le Creuset | Cake Pans | Toasters

**Williams-Sonoma Home:** Bath Rugs | Luxury Sheets | Dining Table Chairs | Bed Headboards | Cashmere Blanket



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- Outlet
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- Gift Cards

Narrow Search By:

Your search for "flower pot" found 27 product matches.

Sort (default) ▾

### CATEGORIES

- Furniture (2)
- Decorating & Accessories (16)
- Gift Ideas (3)
- Outlet (11)
- Registry Ideas (3)
- More...

### Price

- \$0 - \$50 (20)
- \$50 - \$100 (3)
- \$100 - \$150 (1)
- \$150 - \$200 (3)

### Color

- Black (3)
- Bronze (5)
- Brown (4)
- Metallic (11)
- White (6)
- More...

### Material

- Bamboo (1)

## Results for "flower pot"



**Zinc Square Rail Planter**  
\$9.95



**Alfresco Natural Planter**  
\$159.00



**Zinc Rectangular Rail Planter**  
\$19.95



**Zinc Large Planter**  
\$39.95



**Large Bronze Tapered Planter**



**Small Bronze Tapered Planter**



**Set of 2 Bronze Tapered Planters**



**Alfresco Grey Planter**  
\$159.00

- Ceramic (1)
- Earthenware (2)
- Metal (12)
- Terra Cotta (8)
- More...

**Shape**

- Rectangle (2)
- Round (9)
- Square (10)

**Type**

- Plant Stand (1)
- Planter (22)

**Pattern**

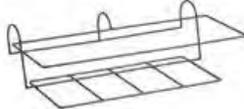
- Solid (13)
- Stripe (2)

**Features**

- Decorative (1)
- Storage (1)

**Other**

- Crate and Barrel Exclusive (25)
- New (10)
- Sale (11)

<p><b>Planter</b> \$69.95</p>  <p><b>26.5" Bronze Tapered Planter</b> \$89.95</p>	<p><b>Planter</b> \$49.95</p>  <p><b>Charcoal Cube Planter</b> \$14.95</p>	<p><b>Planters</b> \$119.90</p>  <p><b>Quadrant Plant Stand with Four Planters</b> <b>\$199.00</b> open stock \$228.80</p>	<p>\$159.00</p>  <p><b>33.75" Bronze Tapered Planter</b> \$99.95</p>
 <p><b>Square White Large Vase</b> \$9.95</p>	 <p><b>Square White Small Vase</b> \$7.95</p>	 <p><b>Square Rail Hook</b> \$7.95</p>	 <p><b>Rectangular Rail Hook</b> \$13.95</p>

**Results for "flower pot" at the Outlet**

 <p><b>Banai Planter Basket</b></p>	 <p><b>Jardin Enfold Planter</b></p>	 <p><b>Soloil Planter</b></p>	 <p><b>Botanico Planter</b></p>
--	---	--	--

**Ranai Planter Basket**  
**\$9.95**  
reg. \$16.95



**Cobalt Reactive Glaze Planter**  
**\$49.95**  
reg. \$69.95

**Jardin Footed Planter**  
**\$23.95**  
reg. \$29.95



**Cancun Purple Rim Planter**  
**\$5.95**  
reg. \$14.95

**Soleil Planter**  
**\$15.95**  
reg. \$19.95



**Cancun Yellow Rim Planter**  
**\$5.95**  
reg. \$14.95

**Botanique Planter**  
**\$9.95**  
reg. \$13.95



**Cancun Brown Rim Planter**  
**\$5.95**  
reg. \$14.95



**Square Small Planter**  
**\$12.95**  
reg. \$24.95



**Flower White-Blue Planter**  
**\$5.95**  
reg. \$12.95



**Wire Planter Holder**  
**\$8.95**  
reg. \$16.95

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- Holidays

- Living Room Furniture
- Dining, Kitchen Furniture
- Bedroom Furniture
- Home Office Furniture
- Entryway Furniture
- Outdoor Furniture
- Furniture Care Products
- Kids' Furniture

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Troy Chair



Living Room Furniture



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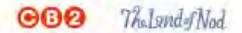
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**To:** Regina Crosby ([reginamariec@aol.com](mailto:reginamariec@aol.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85063363 - THE HUMBLE ABODE - N/A  
**Sent:** 9/27/2010 11:03:47 AM  
**Sent As:** ECOM101@USPTO.GOV  
**Attachments:**

## **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

**Your trademark application (Serial No. 85063363) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 9/27/2010 to which you must respond. Please follow these steps:**

1. **Read** the Office letter by clicking on this [link](#) **OR** go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Respond** within 6 months, calculated from 9/27/2010 (or sooner if specified in the Office letter), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

3. **Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Colleen Dombrow/  
Trademark Attorney  
Law Office 101  
Direct Dial: (571) 272-8262  
Facsimile: (571) 273-9101

### **WARNING**

**Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

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