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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76293327
Applicant	Prema Jyothi Light
Applied for Mark	SHIMMERING RAINFOREST
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Submission	76293327 SHRF APPEAL BRIEF EXHIBIT N
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Date	06/21/2013

Trademark: SHIMMERING RAINFOREST
Serial #: 76293327
Applicant: Prema Jyothi Light

EXHIBIT N – Specimen 03 (Page 1 of 4)

“Meet Majestic, The Elegant, Many-Antlered Adoradeer”

The following four-page leaflet is offered as a Specimen in support of the Trademark shown on Drawing Page 04 (see EXHIBIT D), which is in full color, with all typographical corrections made.

The copyright date for the Specimen leaflet is 1982, the same date as the date on some of the Specimens originally filed in this case, in 2001. This version of the Trademark was in use long before a typist for Applicant made some errors in retyping the Trademark into a different software.

When Applicant had the text for the Trademark re-typed into a different software, she did not immediately notice the typographical errors by the typist. She was in an accident and had to rely upon the services of others. Later, when she did notice, she had the errors corrected, but publications have gone out with more than one version of the Trademark. The same essential Commercial Impression is conveyed by all versions of the Trademark. She did not immediately correct the record with the USPTO because the Examining Attorney was arguing over whether to allow her any secondary elements in the Trademark at all. Then in 2002, she was badly injured in another near-fatal auto crash and had to temporarily suspend working on her pending Trademark cases.

However, this “Majestic” Specimen is also filed in support of Acquired Distinctiveness, as this version of the TM has been in use since well before 1982. It has Acquired Distinctiveness by its use over decades of time. The claim of use since well before the original application date was affirmed in the Declaration of Use in the RESPONSE TO OFFICE ACTION dated 01-28-13, as well as in the original claim of Acquired Distinctiveness made on December 15, 2009.

Shimmering Rainforest™*

Fun Things for Kids Inside --
Coloring Page for Baby Deer
Among the Flowers &
Count the Pretty Birds on
Majestic's Antlers!

Meet

Majestic,
The Elegant, Many-Antlered
Adoradeer

by
Prema
Jyothi
Light



© 1982, Prema Jyothi Light

* (For complete Trademark, see back page)

Majestic, The Elegant, Many-Antlered Adoradeer

Coloring Page

Here is Majestic's little baby deer named Royal (Roy for short), nestled in the flowers, leaves and grass! He is happy and sweet, and very little!

Please color everything in pretty colors for him!



*Majestic, The Elegant, Many-Antlered Adoradeer
Count The Pretty Birds!*

Majestic has many beautiful antlers, and sometimes birds mistake him for a walking tree! So, little birds like to land on his antlers! Count the number of birds on his antlers & write the numbers on the lines below.



Red Birds _____

Green Birds _____

Pink Birds _____

Blue Birds _____

Yellow Birds _____

Purple Birds _____

