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**To:** Varsity Tutors LLC ([trademarks@patpro.com](mailto:trademarks@patpro.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 77351440 - VARSITY TUTORS - VARS TMNDUS

**Sent:** 2/25/2010 5:26:57 PM

**Sent As:** ECOM110@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/351440

MARK: VARSITY TUTORS



**CORRESPONDENT ADDRESS:**

David L. Howard  
Polster, Lieder, Woodruff & Lucchesi  
Suite 200  
12412 Powerscourt Drive  
St. Louis MO 63131

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Varsity Tutors LLC

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

VAR5 TMNDUS

**CORRESPONDENT E-MAIL ADDRESS:**

trademarks@patpro.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 2/25/2010**

Applicant is requesting reconsideration of a final refusal issued/mailed 7-27-09.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue. Note that reference to application 77255610 was withdrawn in the previous office action as this application is abandoned.

The marks share the identical dominant literal portion and are, therefore, similar.

The services are common educational services and, therefore, related. See the additional third party registrations. Despite applicant's assertions to the contrary "a reading program for middle, high school and older students" is a common educational service. Further, this wording is not limited in any way by the added services in the registrant's description. Moreover, it is unnecessary for the examining attorney to evidence a relatedness with the services in the registrant's second clause as they are distinct and independent of the services in the first clause. Because applicant's tutoring services are related to registrant's reading programs the services are related.

Applicant argues that the third party registrations included in the previous office action are unpersuasive. The examining attorney disagrees.

Third party registration 3402237, for instance, lists:

supplemental educational services, namely, tutoring at the primary and secondary level in the subject matters of math and reading offered to schools, community based organizations and consumers; educational programs on the K-12 level offered to schools, school districts, and community based organizations.

The description includes "tutoring" to "consumers" in subjects including "math." These services include registrant's tutoring services in the field of math. The services also include "educational programs on the K-12 level offered to schools, school districts, and community based organizations" such programs include "Reading programs" as reading is a common K through 12<sup>th</sup> grade subject. Thus, these services include the services of the registrant as the registrant provides reading programs to middle and high school students (K-12). It is unnecessary that the examining attorney evidence the registrant's and applicant's description of services language verbatim in the third party registrations. The descriptions of the applicant and registrant are included in the description in the third party registration. Thus, the third party registration is evidence that the services are related.

Likewise, registration 3595437 lists:

providing educational programs, homework assistance and tutoring for school age children in the areas of art, health and fitness, reading, math, science, social studies, drama, life skills, and foreign language

The registration describes an "educational program" in the field of "reading." The registration also describes "tutoring" in the areas of "math," "science," and "foreign language." Applicant provides tutoring in these very fields. The third party registration, therefore, includes both the services of the applicant and the services of the registrant.

Registration 3714340, attached, describes services including :

Academic enrichment programs in the field(s) of mathematics, sciences, reading, writing, history, foreign languages, computer skills, SAT preparation, and ACT preparation; . . . Education services, namely, providing tutoring in the fields of mathematics, sciences, reading, writing, history, foreign languages, computer skills, SAT preparation, and ACT preparation.

The registration describes an academic "program" in the field of "reading" as well as "tutoring" in the fields of "mathematics, sciences, foreign languages, SAT preparation, and ACT preparation." The description in this third party registration, therefore, includes the services of both the applicant and the cited registrant.

Registration 3593074 describes:

Educational services, namely, developing and implementing educational assistance programs in the nature of tutoring at the preschool, elementary and secondary education levels

This registration describes an "educational assistance program" which involves "tutoring" as a primary activity. This registration (as do others included with the previous office action) suggests that "tutoring" is a common activity as part of an educational program. The cited registrant provides a broadly defined "reading program" which is a type of educational assistance program. The registrant's reading program may include tutoring in the field of reading. Thus, the third party registration evidences the fact that both the applicant and the cited registrant may provide tutoring services under their similar marks as "tutoring" is a common element of educational programs such as defined in the cited registration.

The marks are similar. The services are related. Thus, registration must be denied.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date

the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Daniel Capshaw/  
Trademark Attorney  
Law Office 110  
571.272.9356

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**Print: Feb 25, 2010**

**74090248**

**TYPED DRAWING**

**Serial Number**  
74090248

**Status**  
REGISTERED AND RENEWED

**Word Mark**  
PROJECT CHOICE

**Standard Character Mark**  
No

**Registration Number**  
1702098

**Date Registered**  
1992/07/21

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Ewing Marion Kauffman Foundation CORPORATION MISSOURI 4801 Rockhill  
Road Kansas City MISSOURI 641102046

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 107. G & S: educational  
services; namely, tutoring, mentoring, and providing enrichment  
programs and remedial academic programs. First Use: 1988/03/00.  
First Use In Commerce: 1989/08/28.

**Goods/Services**  
Class Status -- ACTIVE. IC 036. US 102. G & S: providing financial  
assistance for educational purposes. First Use: 1988/03/00. First  
Use In Commerce: 1989/08/28.

**Filing Date**  
1990/08/22

**Examining Attorney**  
KING, CHRISIE B.

**Attorney of Record**

**Print: Feb 25, 2010**

**74090248**

PENNY R SLICER

Print: Feb 25, 2010

76186744

**TYPED DRAWING**

**Serial Number**  
76186744

**Status**  
REGISTERED

**Word Mark**  
RENAISSANCE KIDS

**Standard Character Mark**  
No

**Registration Number**  
2948465

**Date Registered**  
2005/05/10

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Renaissance Kids, Inc. CORPORATION CALIFORNIA 11911 San Vicente  
Boulevard, Suite 236 Los Angeles CALIFORNIA 90049

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: EDUCATIONAL SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS, AND INDIVIDUAL TUTORING IN THE FIELD OF ACADEMIC SUBJECTS AT THE PRIMARY AND SECONDARY LEVEL; PROVIDING PROGRAMS AND COURSES OF INSTRUCTION IN ACADEMIC SUBJECTS AT THE PRIMARY AND SECONDARY LEVEL; PREPARING STUDENTS FOR STATE AND NATIONAL STANDARDIZED TESTING; PREPARING AND ASSISTING STUDENTS IN STUDY SKILLS DEVELOPMENT; AND DISTRIBUTING COURSE MATERIALS IN CONNECTION WITH THE FOREGOING. First Use: 1995/01/01. First Use In Commerce: 2001/01/01.

**Disclaimer Statement**  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KIDS" APART FROM THE MARK AS SHOWN.

**Filing Date**  
2000/12/27

**Print: Feb 25, 2010**

**76186744**

**Examining Attorney**  
POWELL, LINDA

Print: Feb 25, 2010

76465744

**DESIGN MARK**

**Serial Number**

76465744

**Status**

SECTION 8-ACCEPTED

**Word Mark**

SCHOLARSHIP AMERICA

**Standard Character Mark**

No

**Registration Number**

2833405

**Date Registered**

2004/04/13

**Type of Mark**

SERVICE MARK

**Register**

SUPPLEMENTAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

SCHOLARSHIP AMERICA, INC. CORPORATION MASSACHUSETTS 1505 RIVERVIEW  
ROAD ST. PETER MINNESOTA 56082

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Development and administration of educational scholarship programs and providing scholarship funds to assist people in attending schools; creating and distributing programs and materials for conducting and administering scholarship fund raising programs. First Use: 2003/01/01. First Use In Commerce: 2003/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: educational services, namely providing educational programs, tutoring, and mentoring in the areas of postsecondary educational opportunities, career exploration and development, student financial aid, college admission processes, family involvement in education, and academic motivation and preparation for postsecondary education. First Use: 2003/01/01. First Use In Commerce: 2003/01/01.

**Prior Registration(s)**

**Print: Feb 25, 2010**

**76465744**

2757691

**Disclaimer Statement**

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

**Filing Date**

2002/11/12

**Amended Register Date**

2003/09/29

**Examining Attorney**

MICHOS, JOHN E.

**Attorney of Record**

Patricia I. Reding

**SCHOLARSHIP AMERICA**

Print: Feb 25, 2010

77312678

**DESIGN MARK**

**Serial Number**

77312678

**Status**

REGISTERED

**Word Mark**

THE KOI ACADEMY

**Standard Character Mark**

No

**Registration Number**

3457322

**Date Registered**

2008/07/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

CTW & Associates, LLC DBA The Koi Academy LIMITED LIABILITY COMPANY  
NEW JERSEY 151 S Durand Pl Irvington NEW JERSEY 07111

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:  
Entertainment services, namely, contest and incentive award programs designed to reward program participants who exercise, make healthy eating choices, and engaging in other health-promoting activities; Health club services, namely, providing instruction and equipment in the field of physical exercise; Analyzing educational tests scores and data for others; Arranging and conducting educational conferences; Development and dissemination of educational materials of others in the field of cognitive training, health and wellness, music as well as math, science, history and language arts; Education services, namely, one-on-one mentoring in the fields of cognitive training, health and wellness; Education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform; Education services, namely, providing tutorial sessions in the fields of math, history, science and language arts; Education services, namely, providing tutoring in the fields of math, history, science and language arts; Educational assessment; Educational course

monitoring, namely, tracking student performance; Educational demonstrations; Educational research; Educational services, namely, conducting programs in the field of cognitive training; Educational testing; Information about education; Information on education; Physical education services; Providing advice and information in the field of educational and entertainment activities and events for children; Providing after school educational programs for children in grades one through twelve as well as adults of all ages; Providing on-line resource guides for relatives concerning children in the fields of education, recreation, and entertainment. First Use: 2007/08/01. First Use In Commerce: 2007/08/15.

**Goods/Services**

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Consulting services in the field of mental fitness; Consulting services in the field of mental health and wellness; Counseling services in the fields of health, nutrition and lifestyle wellness; Health care services, namely, wellness programs; Mental health services; Providing a website featuring information in the field of mental health and wellness; Providing a website featuring educational information regarding nutrition and genetics. First Use: 2007/08/01. First Use In Commerce: 2007/08/15.

**Disclaimer Statement**

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

**Description of Mark**

The mark consists of four stylized alternating Koi fish. The first and third stylized fish are blue; the second and fourth stylized fish are red. Immediately beneath the fish appears the words, "The Koi Academy", where the words "The" and "Academy" appear in black while the word "Koi" appears in red.

**Colors Claimed**

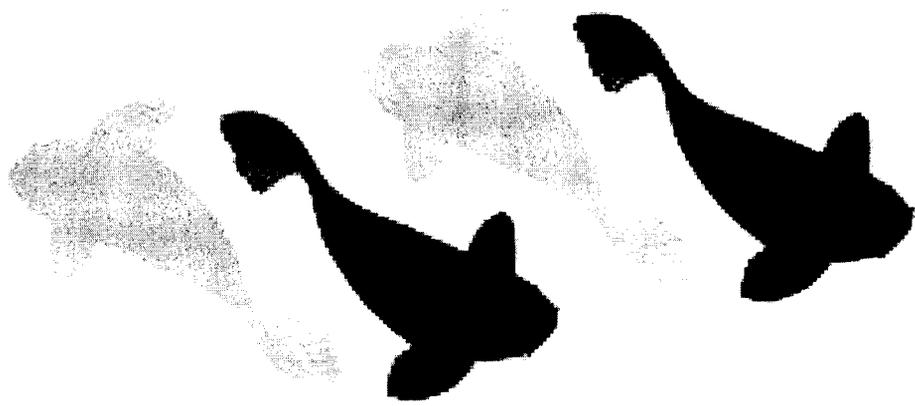
The color(s) blue, red and black is/are claimed as a feature of the mark.

**Filing Date**

2007/10/24

**Examining Attorney**

LEE, YAT SYE



# THE KOI ACADEMY

Print: Feb 25, 2010

77344588

**DESIGN MARK**

**Serial Number**

77344588

**Status**

REGISTERED

**Word Mark**

UNIVERSITY TUTORS EXCELLENCE IN EDUCATION

**Standard Character Mark**

Yes

**Registration Number**

3487829

**Date Registered**

2008/08/19

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

University Tutors, LLC LIMITED LIABILITY COMPANY CALIFORNIA 201  
Wilshire Blvd., Suite A-12 Santa Monica CALIFORNIA 90401

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Private instruction for students, namely, providing tutoring services for grades K through 12 in the following fields all math, all English, including literature, all sciences, history, social studies, foreign languages, health, nutrition, and economics, and providing academic enrichment programs in the fields of all math, all English, including literature, all sciences, history, social studies, foreign languages, health, nutrition, and economics, and providing tutoring programs for grades K through 12, and providing summer camps featuring enrichment programs, and providing tutoring services for home-schooled children in grades K through 12, and providing courses of instruction regarding study and organizational skills, test preparation skills, and study habit skills. First Use: 2007/06/30. First Use In Commerce: 2007/06/30.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TUTORS" APART FROM THE

**Print: Feb 25, 2010**

**77344588**

MARK AS SHOWN.

**Filing Date**  
2007/12/05

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Samuel E. Gasowski

**University Tutors  
Excellence in Education**

**Print: Feb 25, 2010**

**77470324**

**DESIGN MARK**

**Serial Number**  
77470324

**Status**  
REGISTERED

**Registration Number**  
3563718

**Date Registered**  
2009/01/20

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(2) DESIGN ONLY

**Owner**  
The Trustees of Atma Vidya Educational Foundation, a Charitable Trust of India TRUST INDIA Malakkara P.O. via Edayaranmula Kerala 689 532 INDIA

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Education services, namely, providing programs, classes, seminars, workshops, tutoring, mentoring, consulting, and podcasts, all in the field of education of children. First Use: 2006/09/30. First Use In Commerce: 2008/01/00.

**Description of Mark**  
The mark consists of a line drawing of an individual with upraised arms with a line drawing of an oval object above the individual.

**Colors Claimed**  
Color is not claimed as a feature of the mark.

**Filing Date**  
2008/05/09

**Examining Attorney**  
IM, JEAN

**Attorney of Record**  
Alys Hay



Print: Feb 25, 2010

77632044

**DESIGN MARK**

**Serial Number**

77632044

**Status**

REGISTERED

**Word Mark**

WIRED MINDS TUTORING

**Standard Character Mark**

Yes

**Registration Number**

3714340

**Date Registered**

2009/11/24

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Wired Minds Tutoring, LLC LIMITED LIABILITY COMPANY SOUTH CAROLINA  
2103 Old Spartanburg Rd. Greer SOUTH CAROLINA 29650

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Academic enrichment programs in the field(s) of mathematics, sciences, reading, writing, history, foreign languages, computer skills, SAT preparation, and ACT preparation; Children's educational services, namely, providing academic performance evaluation, guidance and monitoring for children pre-kindergarten through grade 12 via the Internet; Conducting after-school tutoring programs; Education services, namely, providing tutoring in the fields of mathematics, sciences, reading, writing, history, foreign languages, computer skills, SAT preparation, and ACT preparation. First Use: 2008/02/19. First Use In Commerce: 2008/03/08.

**Disclaimer Statement**

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

**Filing Date**

**Print: Feb 25, 2010**

**77632044**

2008/12/12

**Examining Attorney**  
TWOHIG, SHANNON

# Wired Minds Tutoring

**Print: Feb 25, 2010**

**77689456**

**DESIGN MARK**

**Serial Number**

77689456

**Status**

REGISTERED

**Word Mark**

AIM ACADEMICS

**Standard Character Mark**

No

**Registration Number**

3689031

**Date Registered**

2009/09/29

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

AIM ACADEMICS, INC. CORPORATION MICHIGAN 23333 ORCHARD LAKE RD  
FARMINGTON MICHIGAN 48336

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Book and review publishing; Children's educational services, namely, providing academic performance evaluation, guidance and monitoring for children pre-kindergarten through grade 12 via the Internet; Computer education training; Consultation in the field of K-12 educational systems; Educating at senior high schools; Education in the field of math, science, social studies, and language arts rendered through correspondence courses; Education services, namely, mentoring in the field of math, science, social studies, and language arts; Education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform; Education services, namely, providing live and on-line classes, seminars, and workshops in the field of math, science, social studies, and language arts; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of math, science, social studies, and language arts; Education services, namely, providing tutorial sessions in the field(s) of K-12 academic subjects.;

Education services, namely, providing tutoring in the fields of math, science, social studies, and language arts; Education services, namely, providing classes, seminars, and workshops in the fields of K-12 academic subjects; Educational assessment; Educational course monitoring, namely, tracking student performance; Educational demonstrations; Educational programs, namely, pre-schools; Educational research; Educational services, namely, conducting distance learning instruction at the secondary, college and graduate levels; Educational services, namely, conducting informal programs in the fields of K-12 academic subjects, using on-line activities and interactive exhibits, and printable materials distributed therewith; Educational services, namely, conducting programs in the field of math, science, social studies, and language arts; Educational services, namely, developing and conducting training courses and distribution of training materials in connection therewith for subject matters as requested by customers; Educational services, namely, developing curriculum for educators; Educational services, namely, developing, arranging, and conducting educational conferences and programs and providing courses of instruction in the field of math, science, social studies, and language arts; Educational services, namely, providing courses of instruction at the school and junior college level and distribution of course material in connection therewith; Educational testing; Electronic publishing services, namely, publication of text and graphic works of others on papers, CDs, and online featuring K-12 and College Subjects; Information about education; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Online electronic publishing of books and periodicals; Providing a website featuring education and entertainment for children; Providing advice and information in the field of educational and entertainment activities and events for children; Providing after school educational programs for children in grades K-12; Providing an interactive web site featuring educational information and test questions in the field of mathematics; Providing courses of instruction at the school and junior college level; Providing science educational mentoring services and programs; Publication of books, of magazines, of journals, of newspapers, of periodicals, of catalogs, of brochures. First Use: 2008/09/25. First Use In Commerce: 2008/09/25.

**Disclaimer Statement**

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

**Description of Mark**

The mark consists of the words "AIM" and "Academics". The mark also includes a check mark.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2009/03/12

**Print: Feb 25, 2010**

**77689456**

**Examining Attorney**  
HWANG, JOHN

**AIM** ✓  
**Academics**

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77696710

**DESIGN MARK**

**Serial Number**

77696710

**Status**

REGISTERED

**Word Mark**

CREATIVE STEPS INC. "STEPS TO A BETTER FUTURE"

**Standard Character Mark**

No

**Registration Number**

3724847

**Date Registered**

2009/12/15

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Creative Steps Incorporated CORPORATION PENNSYLVANIA P.O. Box 687  
Huntingdon Valley PENNSYLVANIA 19006

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Before and after school and summer educational services, namely, providing classes and workshops in the fields of behavior modification, suspension reduction, life skills, family unity, self-esteem, the art of empowerment, math, reading, history, science, art, music and theater for youth with special needs and regular education students; conducting after-school tutoring programs for youth with special needs and regular education students at the primary and secondary levels; educational services, namely, providing internships and apprenticeships for educational credits in the fields of employment and job skills, job communication skills, employee empowerment and job-related educational advancement; training services related to potential employment and sustaining current employment, namely, educational tutoring in the fields of math, reading and science; training services in the field of effective and moral working ethics; providing educational mentoring services and programs in the field of life skills; educational services in the nature of special needs

schools; education services, namely, providing workshops in the field of empowering self-esteem of abused youth, women and men; charitable services, namely, providing school supplies to children in need; charitable services, namely, providing technology items in the nature of televisions to those in need. First Use: 1998/01/01. First Use In Commerce: 2001/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 043. US 100 101. G & S: Providing residential living services in the nature of temporary housing accommodations for youth, women and families in transition; emergency shelter services, namely, providing temporary housing for abused youth, women and men; charitable services, namely, providing food to needy persons; charitable services, namely, providing household furnishings for homes in the nature of furniture and utensils to those in need. First Use: 1998/01/01. First Use In Commerce: 2001/01/01.

**Description of Mark**

The mark consists of the stylized words "Creative Steps Inc." appearing above the wording "'Steps To A Better Future'". A two step staircase design appears inside the capital "C" in "Creative" and connects to the letter "I" in "Inc.".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2009/03/23

**Examining Attorney**

SNYDER, NELSON



“Steps To A Better Future”

Print: Feb 25, 2010

77698477

**DESIGN MARK**

**Serial Number**  
77698477

**Status**  
REGISTERED

**Word Mark**  
ORCHKIDS

**Standard Character Mark**  
No

**Registration Number**  
3730806

**Date Registered**  
2009/12/29

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**  
Baltimore Symphony Orchestra, Inc. non-profit corporation MARYLAND  
1212 Cathedral St. Baltimore MARYLAND 21201

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Education services in the nature of early childhood instruction; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of music; Education services, namely, providing tutorial sessions in the fields of math and reading; Education services, namely, providing early childhood education in the nature of after school classes in the field of music; Entertainment and education services in the nature of live dance and musical performances; Providing after school educational programs for children in grades K-5th; Providing educational mentoring services and programs in the field of music. First Use: 2008/05/20. First Use In Commerce: 2008/05/20.

**Description of Mark**  
The mark consists of "ORCH" are capital letters; "kids" is lowercase. The letters "O", "R", "H" and "d" are blue; "C", "k", "i", and "d" are green. The "C" is a special symbol: the musical notation for the

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**77698477**

cut-time time signature; the "d" is the musical notation of a quarter note.

**Colors Claimed**

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

**Filing Date**

2009/03/25

**Examining Attorney**

TAYLOR, DAVID

ORCHids

Print: Feb 25, 2010

78509399

**DESIGN MARK**

**Serial Number**

78509399

**Status**

REGISTERED

**Word Mark**

PASCUA YAQUI TRIBE ARIZONA

**Standard Character Mark**

No

**Registration Number**

3308305

**Date Registered**

2007/10/09

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Pascua Yaqui Tribe FEDERALLY-RECOGNIZED INDIAN TRIBE UNITED STATES  
7474 S. Camino De Oeste Tucson ARIZONA 85746

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely conducting classes, seminars, and workshops in the fields of literacy, language, culture, the arts, health, fitness, wellness, nutrition and alternative medicine; children and youth education and recreation programs, namely pre-school developmental programs and classes, after-school programs in the field of language, history, culture, mathematics, science, reading, art, health, wellness, fitness, nutrition, and computer technology, recreation programs in the nature of arts and crafts, dance, performing arts, walking, and hiking, and cultural programs in the nature of dance, music, art, language, and history; conducting clinics and seminars in the field of health, fitness, wellness and nutrition for children, youth and adults; providing counseling, mentoring, tutoring, job shadowing, seminars and presentations concerning career options to youth; family education and literacy programs, namely, adult remedial education and GED classes, independent living skills workshops and employment training; providing casino facilities; casino services; and

**Print: Feb 25, 2010**

**78509399**

entertainment services, namely, live performances by musical bands, live music concerts, live appearances by professional entertainers, and live sporting events; providing recreational and social activities for the elderly, namely, arts and crafts, games, physical exercise, music, dance, field trips and theatre. First Use: 2003/03/31. First Use In Commerce: 2003/03/31.

**Prior Registration(s)**

2211186;2211187

**Disclaimer Statement**

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

**Description of Mark**

The mark consists of a distinctive logo design containing a deerdancer image.

**Colors Claimed**

The colors red, white, blue, black, yellow, beige and brown are claimed as a feature of the mark.

**Part of Mark in Color**

The mark depicts a beige deerdancer holding brown rattles, dressed in black clothing and a black headdress, on a shield with the lettering PASCUA YAQUI TRIBE ARIZONA in black; the shield contains yellow stars and a circle divided vertically into three parts, the left-hand third of which is blue and the right-hand third of which is red.

**Filing Date**

2004/11/01

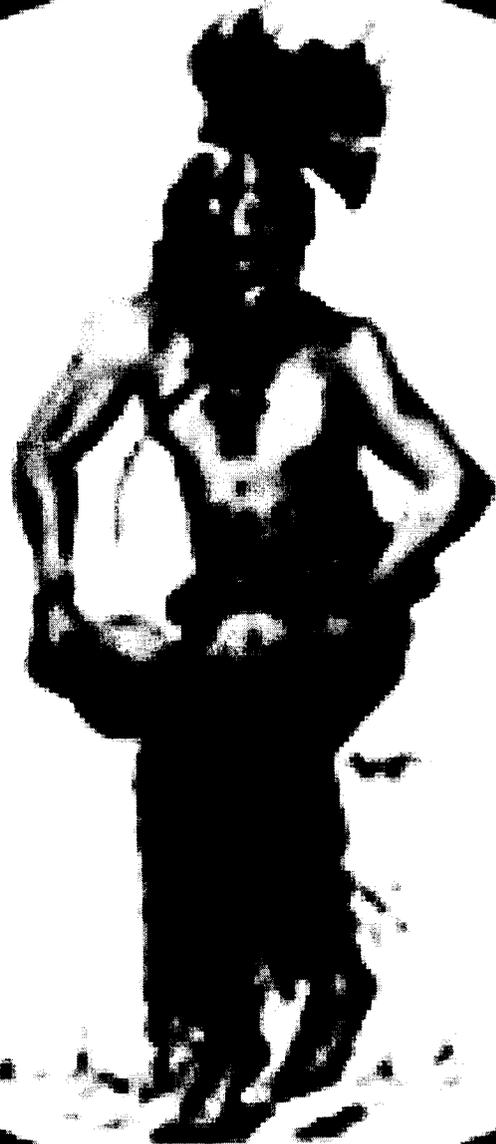
**Examining Attorney**

DE JONGE, KATHY

**Attorney of Record**

Stephen R. Baird

PASCUA YAQUI TRIBE



ARIZONA

Print: Feb 25, 2010

78803986

**DESIGN MARK**

**Serial Number**  
78803986

**Status**  
REGISTERED

**Word Mark**  
BEESTAR

**Standard Character Mark**  
Yes

**Registration Number**  
3222038

**Date Registered**  
2007/03/27

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Beestar Educations, Inc. CORPORATION TEXAS 3918 Misty Morn Lane Sugar  
Land TEXAS 77479

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Analyzing educational tests scores and data for others; Arranging and conducting educational conferences; Computer education training; Computer education training services; Consultancy in the field of learning difficulties; Developing educational manuals for others in the field of math, reading, writing, science, social study, business, personal development; Development and dissemination of educational materials of others in the field of math, reading, writing, science, social study, business, personal development; Education in the field of math, reading, writing, science, social study, business, personal development rendered through correspondence courses; Education services namely, mentoring in the field of math, reading, writing, science, social study, business, personal development; Education services namely, one-on-one mentoring in the field of math, reading, writing, science, social study, business, personal development; Education services, namely, providing tutorial sessions in the field of math, reading, writing, science, social study, business, personal

development; Education services, namely, providing tutoring in the field of math, reading, writing, science, social study, business, personal development; Education services, namely, providing online programs in the field of math, reading, writing, science, social study, business, personal development; Educational examination services; Educational research; Educational services in the nature of correspondence schools; Educational services namely conducting programs in the field of math, reading, writing, science, social study, business, personal development; Educational services, namely, conducting on-line exhibitions and displays and interactive exhibits in the field of math, reading, writing, science, social study, business, personal development; Educational services, namely, providing courses of instruction at the primary and secondary level; Educational services, namely, providing incentives to students to demonstrate excellence in the field of math, reading, writing, science, social study, business, personal development; Educational services, namely, providing incentives to students to demonstrate excellence in the field of math, reading, writing, science, social study, business, personal development through the issuance of awards; Educational services, namely, conducting contests in the field of math, reading, writing, science, social study, business, personal development; Educational testing; Information about education; Information on education; Providing courses of instruction at the elementary and middle school level; Teaching at elementary schools; Teaching at junior high schools; Teaching in the field of math, reading, writing, science, social study, business, personal development; Vocational education in the field of math, reading, writing, science, social study, business, personal development. First Use: 2003/10/01. First Use In Commerce: 2003/10/01.

**Filing Date**

2006/02/01

**Examining Attorney**

KOVALSKY, LAURA

**Beestar**

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**To:** Varsity Tutors LLC ([trademarks@patpro.com](mailto:trademarks@patpro.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77351440 - VARSITY  
TUTORS - VARS TMNDUS  
**Sent:** 2/25/2010 5:27:00 PM  
**Sent As:** ECOM110@USPTO.GOV  
**Attachments:**

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**IMPORTANT NOTICE REGARDING YOUR TRADEMARK  
APPLICATION**

Your trademark application (Serial No. 77351440) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 2/25/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77351440&doc\\_type=REC&mail\\_date=20100225](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77351440&doc_type=REC&mail_date=20100225) OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

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

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from 2/25/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

**ALERT:**

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

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.**