

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77830997
LAW OFFICE ASSIGNED	LAW OFFICE 107

MARK SECTION (no change)

### ARGUMENT(S)

In the first Office Action dated December 17, 2009, the Examining Attorney refused to register the subject mark because of a purported likelihood of confusion with the marks in U.S. Registration Nos. 2579774, 1166023 and 2895321. The Examining Attorney argued generally that consumers are more inclined to focus on the first word in any trademark, but offered no specific support for her argument that the subject mark REEF SAFE is confusingly similar to the cited marks REEF, REEF and REEF OIL (Stylized). The Examining Attorney also argued that the goods identified in the subject application are essentially identical to the goods identified in Reg. Nos. 1166023 and 2579774 because they all perform the same function, and that the goods identified in the subject application are closely related to the goods identified in Reg. No. 2895321 because sources that offer sunblock also offer lip balm; the Examining Attorney submitted evidence in support of her argument that sun care lotions and lip balms are products that may emanate from a common source.

No other issues were raised in the first Office Action.

Applicant responded to the first Office Action on February 19, 2010, arguing that there is no likelihood of confusion between the subject mark and the cited marks because Applicant's composite mark, when considered in its entirety, is unique both visually and aurally, and has a very unique connotation. Moreover, there are hundreds of registrations for marks containing the term REEF and used on related products. The arguments and evidence presented on February 19th are maintained and incorporated herein by reference.

In the second and final Office Action dated April 15, 2010, the Examining Attorney maintained her refusal to register the subject mark, finding Applicant's arguments and evidence unpersuasive. Applicant respectfully requests reconsideration of this final refusal to register the mark REEF SAFE for use in connection with "sun care lotions," in International Class 3.

In the final Office Action, the Examining Attorney noted that the overriding concern is to protect the registrant from adverse commercial impact due to the use of a similar mark by a newcomer, as well as to prevent buyer confusion as to the source of the goods. However, consumers will not be confused and the registrant will not be damaged, based on the factors detailed below.

First, Applicant has been using the mark REEF SAFE on sun care lotions since at least as early as March 1, 1996 – over 15 years. In that time, there have been no known instances of actual confusion with the cited marks, Applicant has not been sued for trademark infringement, and there are no other indications that Registrant has been damaged by Applicant's use of the mark REEF SAFE. It follows that Registrant would not be damaged by Applicant's registration of the mark REEF SAFE.

Next, numerous other registrations exist for marks that contain the term REEF and are used on

water- and ocean-related products. These include not only the registrations cited in Applicant's February 19th response (directed to beach towels, swimwear and sunglasses), but also Reg. No. 3331983 for the mark KAPITOL REEF, owned by Mark Johnson for use on "snorkels"; Reg. No. 3135239 for the mark HRE HAWAIIAN REEF EXPLORER, owned by Pacific Souvenir Group, Inc. for use on "swimming equipment...namely, goggles..."; Reg. No. 2909089 for the mark REEF DIVER, owned by Strand Imports and Distributors, Inc. for use on "swim goggles..fins..."; Reg. No. 2191787 for the mark OCEAN REEF, owned by Ocean Reef, Inc. for use on "scuba and scuba equipment [including] goggles"; and Reg. No. 1890872 for the mark BLUE REEF, owned by Adorama, Inc. for use on "scuba equipment." (Copies of Registration Certificates attached hereto.)

The Examining Attorney dismissed some of these registrations because she opined that beach towels, swimwear and sunglasses are not related to Applicant's suncare lotions or Registrant's lip balm. To the contrary, these products are all related because they are all used during water- and ocean-related activities, and therefore, they are all likely marketed to the same types of consumers and sold through the same channels of trade. For instance, a consumer who intends to spend the day at the beach will need to buy a swimsuit to wear in the water, will need to buy sunglasses to protect her eyes from the sun, will need to buy sunscreen or sun care lotion to apply to her body to prevent sunburn and lip balm to apply to her lips to prevent sun chapping, will need to buy a beach towel to dry herself off after swimming in the ocean, will need to buy a snorkel and goggles to play underwater, and will need to buy scuba equipment to go on an ocean dive.

It is not surprisingly that many different companies have adopted and registered trademarks containing the term REEF for water- and ocean-related products. The term REEF, which is defined as "a chain of rocks or coral or a ridge of sand at or near the surface of water" (copy of printout from Merriam-Webster online dictionary attached hereto), connotes an idea of the ocean and underwater activities. Many of these prior registrations even identify identical products – for instance, OCEAN REEF, REEF DIVER and HRE HAWAIIAN REEF EXPLORER are all used on swim goggles – yet these marks co-exist on the Principal Register. There is no legal reason why these registrations can co-exist, but not REEF SAFE and REEF and REEF OIL (Stylized).

These third party registrations have been presented to show there is some relatedness between all of these marks and products, which supports the conclusion that consumers have become well accustomed to differentiating between marks containing the term REEF for water- and ocean-related products, and thus, are unlikely to be confused by marks containing this term. *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 626 (8th Cir. 1987) ("consumer confusion can be found unlikely if the mark's components are so widely used that the public can easily distinguish slight differences in the marks, even if the goods are related"). And it is important to note that there are enough differences between these marks and products such that consumer confusion is unlikely. It appears that the term REEF is weak with respect to any water- or ocean-related product, including sun care lotion and lip balm, and therefore, the combination of the term REEF with other terms such as SAFE, OIL, OCEAN, HAWAIIAN, DIVER or KAPITOL, allows consumers to differentiate among all these marks and products.

In the case of the subject mark, Applicant has created a distinctive, composite mark that includes the term REEF and the term SAFE. As previously argued, the combination of these terms creates a unique commercial impression – namely, that of a water- or ocean-related product that is eco-friendly. None of the cited marks, or the third party registrations cited above, can claim to have this same commercial impression, nor can they claim to have the same visual and aural elements as the mark REEF SAFE. As such, consumers can differentiate Applicant's mark and products, thereby negating any likelihood of confusion with the cited marks.

The unique connotation of the subject mark is further evidenced by the fact that Applicant is using the mark REEF SAFE on other products, which allows the public to associate the marks and their common characteristic with Applicant. See *J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460, 1462 (Fed. Cir. 1991). Specifically, Applicant also owns Application Serial No. 85061025, which has been approved for publication. This application is directed to the mark REEF SAFE, which Application has used on "Button-front aloha shirts; Cap visors; Dress shirts; Fishing shirts; Hats; Hooded sweat shirts; Jerseys; Knit shirts; Long-sleeved shirts; Open-necked shirts; Over shirts; Polo shirts; Shirts; Shirts and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sport shirts; Sports jerseys; Sports shirts; Sports

shirts with short sleeves; Sweat shirts; T-shirts; Tee shirts; Wearable garments and clothing, namely, shirts; Wind shirts," in International Class 25 since as least as early as February 15, 2010. (Copy of application details attached hereto.) Consumers will likely recognize Applicant as the source of any REEF SAFE product, thereby negating the likelihood of confusion with the cited marks despite any potential overlap in the respective goods.

The visual, aural and connotative differences between the subject mark REEF SAFE and the cited marks REEF and REEF OIL (Stylized) make confusion unlikely, even if the goods were found to be identical or closely related. TMEP 1207.01(b)(i). The Examining Attorney argued that suncare lotions and lip balms are products that may emanate from a common source, but that does not establish confusing relatedness between the products at issue in the instant case. Many companies provide myriad products, not all of which are related; for instance, the mark COCA COLA is used on non-alcoholic beverages and board games, two completely unrelated products (copies of registration certificates attached hereto).

Applicant has appropriately and fully addressed each concern raised by the Examining Attorney in the first and final Office Actions. Based on the information and arguments presented, Applicant respectfully submits that there is no likelihood of confusion with Reg. Nos. 2579774, 116023 and 2895321, and therefore, requests the Examining Attorney withdraw her refusal to register the subject mark and approve the subject application for publication. Applicant advises that it has concurrently filed a Notice of Appeal, in the event the Examining Attorney denies this request.

Should the Examining Attorney have any questions regarding this response, or would like clarification of any of the points raised herein, the undersigned requests that she be contacted by telephone at (407) 841-2330 x111 or by electronic mail (blabutta@addmg.com).

**EVIDENCE SECTION**

**EVIDENCE FILE NAME(S)**

**ORIGINAL PDF FILE** evi\_6619316998-145550693\_ Attachments.pdf

**CONVERTED PDF  
FILE(S)**

(11 pages)

- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0002.JPG
- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0003.JPG
- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0004.JPG
- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0005.JPG
- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0006.JPG
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- \\TICRS\EXPORT11\IMAGEOUT11\778\309\77830997\xml1\RFR0012.JPG

**DESCRIPTION OF  
EVIDENCE FILE**

Copies of registration certificates

**ATTORNEY SECTION**

**ORIGINAL ADDRESS** MICHAEL KONDOUDIS  
THE LAW OFFICE OF MICHAEL E. KONDOUDIS  
888 16TH ST NW STE 800  
WASHINGTON, DC 20006-4104

**NEW ATTORNEY SECTION**

**NAME** Bridget H. Labutta  
**FIRM NAME** Allen, Dyer, Doppelt, Milbrath & Gilchri  
**INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER** 0115223  
**STREET** 255 South Orange Avenue, Suite 1401  
**CITY** Orlando  
**STATE** Florida  
**ZIP/POSTAL CODE** 32801  
**COUNTRY** United States  
**PHONE** (407) 841-2330  
**FAX** (407) 841-2343  
**EMAIL** blabutta@addmg.com  
**AUTHORIZED EMAIL COMMUNICATION** Yes

**CORRESPONDENCE SECTION**

**ORIGINAL ADDRESS** MICHAEL KONDOUDIS  
THE LAW OFFICE OF MICHAEL E. KONDOUDIS  
888 16TH ST NW STE 800  
WASHINGTON, DC 20006-4104

**NEW CORRESPONDENCE SECTION**

**NAME** Bridget H. Labutta  
**FIRM NAME** Allen, Dyer, Doppelt, Milbrath & Gilchri  
**INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER** 0115223  
**STREET** 255 South Orange Avenue, Suite 1401

<b>CITY</b>	Orlando
<b>STATE</b>	Florida
<b>ZIP/POSTAL CODE</b>	32801
<b>COUNTRY</b>	United States
<b>PHONE</b>	(407) 841-2330
<b>FAX</b>	(407) 841-2343
<b>EMAIL</b>	blabutta@addmg.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Bridget H. Labutta/
<b>SIGNATORY'S NAME</b>	Bridget H. Labutta
<b>SIGNATORY'S POSITION</b>	Attorney of Record, Florida Bar member
<b>DATE SIGNED</b>	10/15/2010
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Oct 15 15:21:23 EDT 2010
<b>TEAS STAMP</b>	USPTO/RFR-66.193.169.98-2 0101015152123918339-77830 997-4707ab348d2e762d87b77 fad41259633352-N/A-N/A-20 101015145550693651

USPTO Form 2900 (Rev. 01-2007)  
OMB No. 0707-0182

**Request for Reconsideration after Final Action  
To the Commissioner for Trademarks:**

Application serial no. 77830997 has been amended as follows:

## **ARGUMENT(S)**

### **In response to the substantive refusal(s), please note the following:**

In the first Office Action dated December 17, 2009, the Examining Attorney refused to register the subject mark because of a purported likelihood of confusion with the marks in U.S. Registration Nos. 2579774, 1166023 and 2895321. The Examining Attorney argued generally that consumers are more inclined to focus on the first word in any trademark, but offered no specific support for her argument that the subject mark REEF SAFE is confusingly similar to the cited marks REEF, REEF and REEF OIL (Stylized). The Examining Attorney also argued that the goods identified in the subject application are essentially identical to the goods identified in Reg. Nos. 1166023 and 2579774 because they all perform the same function, and that the goods identified in the subject application are closely related to the goods identified in Reg. No. 2895321 because sources that offer sunblock also offer lip balm; the Examining Attorney submitted evidence in support of her argument that suncare lotions and lip balms are products that may emanate from a common source.

No other issues were raised in the first Office Action.

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first and final Office Actions. Based on the information and arguments presented, Applicant respectfully submits that there is no likelihood of confusion with Reg. Nos. 2579774, 116023 and 2895321, and therefore, requests the Examining Attorney withdraw her refusal to register the subject mark and approve the subject application for publication. Applicant advises that it has concurrently filed a Notice of Appeal, in the event the Examining Attorney denies this request.

Should the Examining Attorney have any questions regarding this response, or would like clarification of any of the points raised herein, the undersigned requests that she be contacted by telephone at (407) 841-2330 x111 or by electronic mail (blabutta@addmg.com).

#### **EVIDENCE**

Evidence in the nature of Copies of registration certificates has been attached.

##### **Original PDF file:**

evi\_6619316998-145550693\_.\_Attachments.pdf

##### **Converted PDF file(s) (11 pages)**

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

#### **ATTORNEY ADDRESS**

Applicant proposes to amend the following:

##### **Current:**

MICHAEL KONDOUDIS  
THE LAW OFFICE OF MICHAEL E. KONDOUDIS  
888 16TH ST NW STE 800  
WASHINGTON, DC 20006-4104

##### **Proposed:**

Bridget H. Labutta of Allen, Dyer, Doppelt, Milbrath & Gilchri, having an address of  
255 South Orange Avenue, Suite 1401 Orlando, Florida 32801

United States

blabutta@addmg.com

(407) 841-2330

(407) 841-2343

The attorney docket/reference number is 0115223.

#### **CORRESPONDENCE ADDRESS CHANGE**

Applicant proposes to amend the following:

##### **Current:**

MICHAEL KONDOUDIS  
THE LAW OFFICE OF MICHAEL E. KONDOUDIS  
888 16TH ST NW STE 800  
WASHINGTON, DC 20006-4104

**Proposed:**

Bridget H. Labutta of Allen, Dyer, Doppelt, Milbrath & Gilchri, having an address of  
255 South Orange Avenue, Suite 1401 Orlando, Florida 32801

United States

blabutta@addmg.com

(407) 841-2330

(407) 841-2343

The attorney docket/reference number is 0115223.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Bridget H. Labutta/ Date: 10/15/2010

Signatory's Name: Bridget H. Labutta

Signatory's Position: Attorney of Record, Florida Bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Bridget H. Labutta  
Allen, Dyer, Doppelt, Milbrath & Gilchri  
255 South Orange Avenue, Suite 1401  
Orlando, Florida 32801

Serial Number: 77830997

Internet Transmission Date: Fri Oct 15 15:21:23 EDT 2010

TEAS Stamp: USPTO/RFR-66.193.169.98-2010101515212391

8339-77830997-4707ab348d2e762d87b77fad41

259633352-N/A-N/A-20101015145550693651

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,331,983

United States Patent and Trademark Office

Registered Nov. 6, 2007

TRADEMARK  
PRINCIPAL REGISTER

KAPITOL REEF

JOHNSON, MARK R. (UNITED STATES INDIVIDUAL)  
1899 EAST SIESTA DRIVE  
SANDY, UT 84093

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

FOR: SNORKELS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 78-803.561, FILED 1-31-2006.

FIRST USE 10-0-2003; IN COMMERCE 10-0-2004.

SUSAN RICHARDS, EXAMINING ATTORNEY

Int. Cls.: 9 and 28

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 3,135,239

Registered Aug. 29, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**HRE HAWAIIAN REEF  
EXPLORER**

PACIFIC SOUVENIR GROUP, INC. (HAWAII CORPORATION), DBA HAWAII INTERCONTINENTAL CORPORATION

4428 MALAAI STREET  
HONOLULU, HI 96818

FOR: SWIMMING, DIVING, AND SNORKELING EQUIPMENT, NAMELY, GOGGLES, MASKS, SNORKELS, AND ACCESSORIES, NAMELY, NOSE CLIPS, EAR PLUGS, INFLATABLE WATER RINGS AND INFLATABLE RAFTS. IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-15-1985; IN COMMERCE 4-15-1985.

FOR: SWIMMING, DIVING, AND SNORKELING EQUIPMENT, NAMELY, FINS AND ACCESSORIES, NAMELY, INFLATABLE TUBES, WATER WINGS AND ARM FLOATS; TOYS, NAMELY, BEACH BALLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 4-15-1985; IN COMMERCE 4-15-1985.

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

SER. NO. 78-588,086. FILED 3-16-2005.

ELI HELLMAN, EXAMINING ATTORNEY

Int. Cls.: 9 and 28

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, and 50

**United States Patent and Trademark Office**

Reg. No. 2,909,089

Registered Dec. 7, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**REEF DIVER**

STRAND IMPORTS AND DISTRIBUTORS, INC.  
(SOUTH CAROLINA CORPORATION)  
P.O. BOX 16530  
SURFSIDE BEACH, SC 29587

FOR: SWIM GOGGLES AND SWIM MASKS. IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-1-2003; IN COMMERCE 3-1-2003.

FOR: SWIM FINS AND SWIMMING GLOVES. IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-1-2003; IN COMMERCE 3-1-2003.

SN 76-455.421, FILED 9-26-2002.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cls.: 9 and 28

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38 and 50

Reg. No. 2,191,787

**United States Patent and Trademark Office**

Registered Sep. 29, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**OCEAN REEF**

OCEAN REEF S.R.L. (ITALY CORPORATION)  
VIA PILLEA, 42  
16153 GENOVA, ITALY

FOR: DIVING AND SWIMMING EQUIPMENT AND ACCESSORIES THEREFOR, NAMELY, AIR TANKS AND REGULATORS FOR USE IN SCUBA DIVING; HYDROSTATIC BALANCING SYSTEMS, NAMELY, BUOYANCY COMPENSATORS, ELECTRONIC WIRELESS UNDERWATER COMMUNICATION SYSTEMS COMPRISED OF MICROPHONE, TRANSMITTERS INCLUDING FOR USE IN SENDING MORSE CODE SIGNALS, RECEIVERS, AND SPEAKERS, ELECTRONIC ANALYZERS OF THE DIVING PARAMETERS, COMPUTERS FOR ANALYZING THE DIVING PARAMETERS, COMPUTERS FOR ANALYZING THE DIVING PARAMETERS, UNDERWATER ELECTRONIC POSITION LOCALIZERS COMPRISED OF AN ULTRASONIC TRANSMITTER COOPERATING WITH A MATCHED

ULTRASONIC RECEIVER USED BY SCUBA DIVERS FOR LOCALIZING, DIVING GLOVES, DIVING SUITS, DIVING HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1993; IN COMMERCE 5-0-1993.

FOR: SCUBA EQUIPMENT, NAMELY, SCUBA DIVING MASKS, SCUBA SNORKELS, SCUBA FINS, SPEARGUNS FOR SCUBA, SCUBA GOGGLES, SWIMMING EQUIPMENT, NAMELY, SWIMMING SNORKELS, SWIMMING FINS, SWIMMING GOGGLES, DIVERS' MASKS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-3-1993; IN COMMERCE 5-3-1993.

SER. NO. 75-182,599, FILED 10-16-1996.

ANDREW LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 26 and 39

**United States Patent and Trademark Office** Reg. No. 1,890,872  
Registered Apr. 25, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**BLUE REEF**

MENDLOWITS, MENDEL (UNITED STATES  
CITIZEN)  
42 WEST 18 STREET  
NEW YORK, NY 10011

REGULATORS, IN CLASS 9 (U.S. CLS. 26 AND  
39).

FIRST USE 11-0-1992; IN COMMERCE  
11-0-1992.

FOR: SCUBA DIVING EQUIPMENT,  
NAMELY BUOYANCY COMPENSATORS AND

SER. NO. 74-458,925, FILED 11-16-1993.

ELLEN B. AWRICH, EXAMINING ATTORNEY



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reef

reef

- 1) reef (noun)
- 2) reef (verb)
- 3) reef (noun)

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reef

DEFINITION OF REEF

- 1 a : a chain of rocks or coral or a ridge of sand at or near the surface of water — compare ATOLL, BARRIER REEF
- b : a hazardous obstruction

2 : REEF, VERB

reelily *adjective*

ORIGIN OF REEF

Dutch *rif*, from Middle Dutch, from Old Norse, literally rib; akin to Old English *ribb* rib — more at RIB

First Known Use: 1584

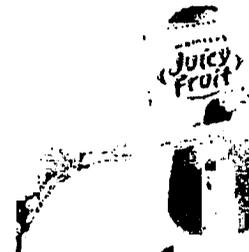
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Next Word in the Dictionary: reefers (noun)

Previous Word in the Dictionary: reelily

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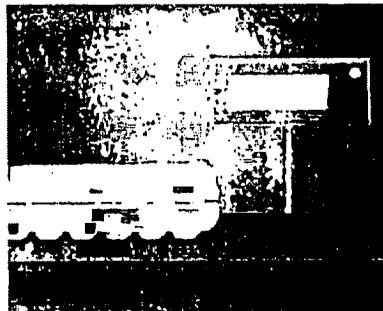
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Serial Number: 85061025 Assignment Information      Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

# Reef Safe

(words only): REEF SAFE

Standard Character claim: Yes

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2010-10-07

Filing Date: 2010-06-11

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Information will be/was published in the Official Gazette on 2010-11-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:  
DUBRAY KATHERINE M

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-10-07

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Tropical Seas, Inc.

**Address:**

Tropical Seas, Inc.

PO BOX 730539

Ormond Beach, FL 321730539

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

**Phone Number:** 386-677-6161

**Fax Number:** 386-677-6171

**GOODS AND/OR SERVICES**

**International Class:** 025

**Class Status:** Active

Button-front aloha shirts; Cap visors; Dress shirts; Fishing shirts; Hats; Hooded sweat shirts; Jerseys; Knit shirts; Long-sleeved shirts; Open-necked shirts; Over shirts; Polo shirts; Shirts; Shirts and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sport shirts; Sports jerseys; Sports shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts; Tee shirts; Wearable garments and clothing, namely, shirts; Wind shirts

**Basis:** 1(a)

**First Use Date:** 2010-02-15

**First Use in Commerce Date:** 2010-02-15

**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-07 - Law Office Publication Review Completed

2010-10-07 - Assigned To LIE

2010-09-23 - Approved for Pub - Principal Register (Initial exam)

2010-09-21 - Assigned To Examiner

2010-06-16 - New Application Office Supplied Data Entered In Tram

2010-06-15 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Correspondent**

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TROPICAL SEAS, INC.

PO BOX 730539

ORMOND BEACH, FL 32173-0539

Phone Number: 386-677-6161

Fax Number: 386-677-6171

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,252,896

Registered June 19, 2007

TRADEMARK  
PRINCIPAL REGISTER



THE COCA-COLA COMPANY (DELAWARE  
CORPORATION)  
ONE COCA-COLA PLAZA  
ATLANTA, GA 30313

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY,  
SOFT DRINKS; AND SYRUPS AND CONCEN-  
TRATES FOR MAKING BEVERAGES, NAMELY,  
SOFT DRINKS. IN CLASS 32 (U.S. CLS. 45, 46 AND  
48).

FIRST USE 12-15-2002; IN COMMERCE 1-1-2003.

OWNER OF U.S. REG. NOS. 22,406, 2,992,985 AND  
OTHERS.

THE STIPLING IN THE DRAWING IS NOT  
INTENDED TO INDICATE COLOR.

SER. NO. 78-509,545, FILED 11-1-2004.

BRIDGETT SMITH, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,844,970

United States Patent and Trademark Office

Registered May 25, 2004

TRADEMARK  
PRINCIPAL REGISTER

COCA-COLA

THE COCA-COLA COMPANY (DELAWARE CORPORATION)  
P.O. BOX 1734  
ATLANTA, GA 30301

FOR: BOARD GAMES; CHECKER SETS; PLAYING CARDS; CARD GAMES; PUZZLES; BALLOONS; HAND HELD UNIT FOR PLAYING ELECTRONIC GAMES; CHRISTMAS DECORATIONS AND ACCESSORIES OF ALL KINDS, NAMELY, CHRISTMAS TREE SKIRTS, ARTIFICIAL CHRISTMAS GARLANDS; CHRISTMAS TREE ORNAMENTS; CHRISTMAS STOCKINGS; CHRISTMAS TREE DECORATIONS; SNOW GLOBES; SPORTING EQUIPMENT AND ACCESSORIES FOR SOCCER, NAMELY, SOCCER BALLS; SPORTING EQUIPMENT AND ACCESSORIES FOR GOLF, NAMELY, GOLF BALLS, GOLF TEES, GOLF BALL MARKERS, BALL CLEANERS, GOLF PUTTERS, DIVOT REPAIR TOOLS, GOLF BAGS; SPORTING EQUIPMENT AND ACCESSORIES FOR SKATING, NAMELY, IN-LINE SKATES, SKATE BOARDS; ELBOW PADS FOR ATHLETIC USE; KNEE PADS FOR ATHLETIC USE; SHIN PADS FOR ATHLETIC USE; BADMINTON GAME PLAYING EQUIPMENT; SPORTING EQUIPMENT AND ACCESSORIES FOR FISHING, NAMELY, FISHING LURES; BILLIARD CUES, BILLIARD BALLS, BILLIARD GAME PLAY-

ING EQUIPMENT AND ACCESSORIES, NAMELY BILLIARD BRIDGES, BILLIARD BUMPERS, BILLIARD CHALK, BILLIARD CUE RACKS, BILLIARD CUSHIONS, BILLIARD NETS, BILLIARD TABLES, BILLIARD TALLY BALLS, BILLIARD TIPS, BILLIARD TRIANGLES, CUE STICKS FOR BILLIARD OR POOL; SNOW SLEDS FOR RECREATIONAL USE; PINBALL MACHINES; SPORT BALLS; TOY VEHICLES; TOY ELECTRIC TRAINS; TOY MODEL TRAIN SETS; TRAIN SET ACCESSORIES, NAMELY, ARTIFICIAL TREES, TURF, FOLIAGE, BALLAST, BUILDINGS, FIGURINES, BILLBOARDS, LICHEN AND GRASS; TOY BANKS, TOY MOBILES, MULTIPLE ACTIVITY BABY TOYS; DART BOARD CASES; DART BOARDS; DOLLS AND ACCESSORIES THEREFOR; PLUSH TOYS; YO-YOS; FLYING DISCS; INFLATABLE TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-1-1920; IN COMMERCE 1-1-1920.

OWNER OF U.S. REG. NOS. 47,189, 229,380 AND OTHERS.

SER. NO. 78-264,035, FILED 6-18-2003.

ROBERT COGGINS, EXAMINING ATTORNEY