



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Service Mark Application of	:	
	:	
THE GENERAL SOCIETY OF MAYFLOWER	:	
DESCENDANTS	:	
	:	
Number: 77/861,590	:	TM Attorney HOLTZ
	:	
Filed: October 30, 2009	:	Law Office 111
	:	
For: GENERAL SOCIETY OF MAYFLOWER	:	
DESCENDANTS & Design	:	
	:	

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir:

AMENDMENT

Responsive to the Office Action dated April 13, 2011, Applicant amends the above-identified application as follows:

In the Application, delete the present identification of services and insert the following:

**–ASSOCIATION SERVICES, NAMELY PROMOTING THE INTERESTS OF MAYFLOWER DESCENDANTS BY PROMOTING PUBLIC AWARENESS AND EDUCATION ABOUT THE PILGRIMS WHO CAME IN 1620 TO WHAT IS NOW PLYMOUTH, MASSACHUSETTS ON THE VESSEL MAYFLOWER; ABOUT THEIR GENEALOGY AND THE EARLY HISTORY AND DEVELOPMENT OF THE PLYMOUTH COLONY IN WHAT LATER WAS TO BECOME THE UNITED STATES OF AMERICA** in International Class 35;

**PUBLICATION BY USE OF VARIOUS TECHNOLOGIES OF BOOKS, PAMPHLETS, MAGAZINES, NEWSLETTERS, AND PERIODICALS IN THE FIELD OF THE PILGRIMS WHO CAME IN 1620 TO WHAT IS**



10-13-2011

**NOW PLYMOUTH, MASSACHUSETTS ON THE VESSEL  
MAYFLOWER** in International Class 041; and

**COMPUTER SERVICES, NAMELY ELECTRONIC IMAGING OF  
HISTORICAL AND GENEALOGICAL DOCUMENTS AND IMAGES IN  
THE FIELD OF THE PILGRIMS WHO CAME IN 1620 TO WHAT IS  
NOW PLYMOUTH, MASSACHUSETTS ON THE VESSEL  
MAYFLOWER** in International Class 42.—.

#### REMARKS

Applicant has amended the identification of services of the above-identified application in the manner suggested by the Trademark Examining Attorney. The Declaration and specimens filed in the previous amendment filed March 15, 2011 support the identification of services for classes 41 and 42. The classes have been listed in ascending order.

Three class fees for classes 035, 041 and 042 have been previously been paid .

Classes 35 and 41 remain in the original form as submitted in the prior amendment and have been indicated as allowable. Class 042 has been amended to comply with the suggestion by the Trademark Attorney. A Rule 2.20 declaration is attached setting forth the date of first use and use in commerce for class 042 as requested by the trademark Examining Attorney. Applicant does not believe that the disclaimer requirement is correct and traverses the requirement for the same. The mark is not merely descriptive of the services. A mark is merely descriptive if it forthwith conveys an immediate idea of the ingredients, qualities, or characteristics of the goods. *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 189 USPQ 759, 765 (2d Cir. 1976). The present mark does not convey an immediate idea of the ingredients, qualities or characteristics of the services. A mark must convey the information with a degree of particularity. *Plus Products v. Medical Modalities Associates, Inc.*, 211 USPQ 1199 (TTAB 1981). If a multistage reasoning process or imagination is required to determine the attributes or characteristics of the product, the mark is suggestive rather than merely descriptive. *In re Atavio*, 25 USPQ2d 1361 (TTAB 1992). There are so many meanings ascribed to the mark GENERAL

SOCIETY OF MAYFLOWER DESCENDANTS & Design that a multistage reasoning process is required. It is highly doubtful that the general public would know what a Mayflower descendant was bearing in mind that over one half of the population doesn't know what the term American civil war is or refers to. Moreover, the burden is on the Examining Attorney to establish that the wording for which registration is sought is merely descriptive. *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d 1567, 4 USPA2d 1141 (Fed. Cir. 1987). Any doubt must be resolved in favor of the applicant. *In re Gourmet Bakers*, 173 USPQ 565 (TTAB 1972).

A Notice of Appeal for the rejection of identification of services, class 35, class 41 and class 042 together with the appropriate fee is filed herewith as the Examining Attorney. If any additional charges are required for the appeal, please charge the undersigned's Deposit Account Number 07-1340.

Since the Examining Attorney has conducted a search of the Office records and found no similarly registered or pending marks which would bar registration of the subject mark, it is requested that the Amendment be entered and passed to registration.

Respectfully submitted,

GIPPLE & HALE

  
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