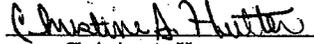


CERTIFICATE OF MAILING

I hereby certify that this **Request to Suspend and Remand** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention: TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on April 5, 2006.


Christine A. Hutter

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : The Orvis Company, Inc.
Mark : **STREAMLINE**
Serial No. : 78/276,739
Filed : July 21, 2003
Examining Attorney : Kenneth Dale Battle
Law Office : 111
Attorney Docket No. : OCEE 5 00012

Cleveland, Ohio 44114
April 5, 2006

REQUEST TO SUSPEND AND REMAND

Attention: TTAB
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Applicant, through its undersigned counsel, respectfully requests that the above-referenced appeal be suspended and that the application be remanded to the Examining Attorney for consideration of newly obtained evidence. The evidence became available subsequent to the



04-07-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

filing of a Notice of Appeal herein, and supports registerability of the subject STREAMLINE mark in association with fishing vests.

Applicant respectfully requests that the following documents (enclosed herewith) be entered into the record:

- U.S. Reg. No. 3,074,283 which issued March 28, 2006. This registration covers the identical mark (STREAMLINE) for closely related goods (fishing tackle) and is owned by Applicant herein (The Orvis Company, Inc.).
- Third party Registration Nos. 1,888,631 and 2,630,583. These third party registrations are submitted to show that it is common for single registrants to use an identical mark for both fishing tackle and fishing vests.
- Additional information to support the close relationship between fishing tackle and fishing vests:
 - Pages from www.discountingfishinginc.com where it will be noted that fishing tackle and fishing vests are offered on the same page.
 - Printout from www.troutlet.com where fishing tackle and fishing vests are displayed on the same page.

- Pages from gofishing.com are attached and show tackle and fishing vests are sold in close proximity.
- Pages from firsttackle.co.uk lists vests under the heading “Fly Tackle” and claims that such clothing items may be used to “keep tackle close at hand.”
- An article from www.coastangler.com. The article is entitled “Stocking the Vest” and describes all the different fishing tackle that one can keep in a fishing vest.

The U.S. Patent and Trademark Office Examination Guide 1.01 dated April 3, 2001 states that related applications should be treated consistently. Here, Applicant filed two separate applications on the same day for STREAMLINE, one for fishing vests and the other for fishing tackle. The fishing tackle application proceeded to registration while the fishing vest application was refused. It is asserted that fishing tackle and fishing vests are closely related, much like bread and butter, maple syrup and pancake mix, or the like. Fishing tackle is stored in a fishing vest while a fisher is fishing. A fisherman uses both products together and expects to purchase them from the same source.

By this request for remand, the Applicant is requesting the Examiner to not only enter the enclosed document into the record, but to withdraw the refusal to register, taking into account the Applicant's recent registration of an identical mark for closely related goods.

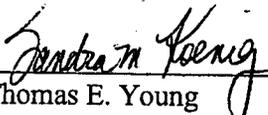
In accordance with TBMP § 1209.04, this request for remand is filed in good faith. The enclosed related registration only recently issued on March 28, 2006 and was not previously available. The remaining exhibits enclosed herewith are provided to support the relationship between the goods in the recently issued registration (fishing tackle) and the goods in the present application (fishing vests). Note that both sets of goods are qualified by the word "fishing."

Also in accordance with TBMP § 1209.04, Applicant shall refrain from filing its appeal brief until the Board has acted on the remand request. It is understood that if the remand request is denied, the Board will Applicant time in which the file its appeal brief. Also, it is further understood that if the request for remand is granted, the Board will suspend the appeal and remand the application to the Examining Attorney for consideration.

Early notice that the request for remand has been granted and that the file has been remanded to the Examining Attorney for consideration of the request for remand is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Thomas E. Young
Sandra M. Koenig
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Int. Cl.: 28

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

United States Patent and Trademark Office

Reg. No. 3,074,283

Registered Mar. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**

STREAMLINE

**ORVIS COMPANY, INC., THE (VERMONT DO-
MESTIC COMPANY)
HISTORIC ROUTE 7A
MANCHESTER, VT 05254**

FIRST USE 12-0-2004; IN COMMERCE 12-0-2004.

SN 78-276,718, FILED 7-21-2003.

**FOR: FISHING TACKLE, IN CLASS 28 (U.S. CLS.
22, 23, 38 AND 50).**

KENNETH D. BATTLE, EXAMINING ATTORNEY

Int. Cl.: 28

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

United States Patent and Trademark Office

Reg. No. 2,630,583

Registered Oct. 8, 2002

**TRADEMARK
PRINCIPAL REGISTER**

SPEEDSTER

BRAID, DENNIS (AUSTRALIA INDIVIDUAL)
538 E. RANCHO VISTA BLVD.
PALMDALE, CA 93550

FOR: FISHING RODS AND POLES; FISHING REELS; ITEMS OF TERMINAL TACKLE, NAMELY LEADERS, ARTIFICIAL LURES, ARTIFICIAL BAITS, ARTIFICIAL FLIES, FISHING HOOKS, BOBBERS, SINKERS, SNAPS, AND SWIVELS; FISHING SUPPLIES AND ACCESSORIES, NAMELY FISH STRINGERS, CREELS, TACKLE BOXES, BAGS, BASKETS, AND OTHER CONTAINERS DESIGNED TO HOLD FISH, PORTABLE BAIT CONTAINERS,

FISHING VESTS, LANDING NETS, GAFF HOOKS, FISHING HOOK DISGORGERS, DRESSING FOR FISHING LINES AND ARTIFICIAL FLIES; FISHING ROD BELTS; FISHING ROD HOLDERS; FISHING HARNESES; FISH FIGHTING CHAIRS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-1-1990; IN COMMERCE 11-1-1990.

SER. NO. 76-212,016, FILED 2-20-2001.

PAM WILLIS, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office Reg. No. 1,888,631
Registered Apr. 11, 1995

**TRADEMARK
PRINCIPAL REGISTER**

EAGLE CLAW

WRIGHT & MCGILL CO. (COLORADO CORPORATION)
4245 E. 46TH AVE.
DENVER, CO 80216

FOR: FISHING TACKLE, NAMELY FISHING LINE, BOBBER STOPS, LEADERS, SWIVELS, SINKERS, STRINGERS, FISH WEIGHING SCALES, FISH SCALERS, NETS, FISHING ROD CASES, FISHING ROD RACKS, TACKLE BOXES, MINNOW BUCKETS, POLE BELLS, FISHING CREELS, FISHING SATCHELS, FISH-

ING VESTS, FISHERMAN PLIERS, SCISSORS AND CLIPPERS, REEL OIL, FILLET BOARDS AND GLOVES, TROLLING BUCKET BOOM AND LURES, IN CLASS 28 (U.S. CL. 22).

FIRST USE 1-0-1990; IN COMMERCE 1-0-1990.

OWNER OF U.S. REG. NOS. 505,204 AND 557,985.

SER. NO. 74-524,642, FILED 5-16-1994.

JENNIFER BRUST, EXAMINING ATTORNEY



Fly Rods : A complete array of Fly Fishing Rods.



Spin Fishing Gear : Bass Fishing, and Spin Fishing Tackle



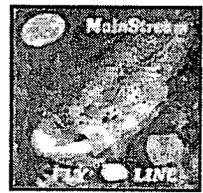
Hunting/Camping : Hats, Rain Gear, Tents, Hiking gear.....



Guided Fly Fishing Trips : Call 1-866-FOR-FLYS to Book a Trip



FLIES : Amazing prices on quality flies



Fly Lines : Rio, S.A. , and Factory Seconds



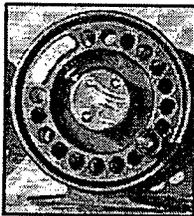
Fly Fishing Accessories : Leaders, Entomology kits, Tippet, Fly Boxes...



HIP Waders and Wading Shoes : Waders, hips, neoprene...



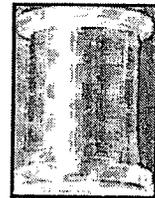
Float Tubes/Pins and Pontoon Boats : Unbelievable prices on water crafts



Fly Reels : Reels that range from \$25.00 to \$300.00



Vests / Wading Jackets : Chest Packs, Wading Jackets, Vests...



Fly Tying Tools and Materials : Everything from hot glue guns to Umpqua necks



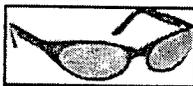
Ice Fishing Gear : Rods, reels, augers, jigs...



Extra Spools for Fly Reels : Medalist-Tioga-SA-Martin



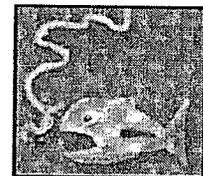
HOT CLOSEOUTS : Wading Shoes \$19.99 and other Great Deals



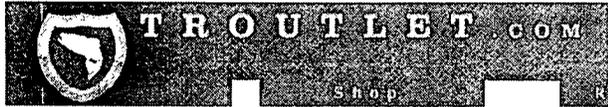
SunGlasses : Action Optics



Books/ Videos/CD Rom : Tying,



Just For Kids : Fly Tackle, Spin Tackle, and other goodies



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Mepps Killer Trout Lure Kit

Assortment of trout spinners to provide the trout angler with an alternative to the the more conventional lures



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Troutlet Price: **\$17.48**

Acme Phoebe Trout Spoon

One of the finest metal spinning lures ever made. Creates a 3-D effect with it's unique hydrodynamic curvature



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Troutlet Price: **\$2.08**

Original Roostertail Spinners

One of the most productive spinners around. The Rooster Tail's pulsating hackle tail and attractive spinning action will make trout strike, many times



UltraLite Fishing

Pflueger Purist Deluxe Fly Kit

- IM-6 graphite rod.
- Rim control fly reel.
- weight forward line, leader, backing.
- Knot-tying guide.
- Protective hard case



[View](#)

Troutlet Price: **\$76.70**

Get organized with a **NEW** tackle box from ...

Crystal River Deluxe Fishing Vest

One of the best values in a fly fishing vest. Lots of pockets, 2 retractable swivels for hemostat, clippers. Very comfortable, excellent collar.



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Troutlet Price: **\$37.30**

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Hide Images	Description	Type	Qty	Price
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	Acme Fiord Jr Spoon 1/4oz Chrome/Flo Orange (S-900)	Spoons	currently 10 in stock <input type="text" value="1"/>	MSRP: \$2.99 Price: \$1.99 Save 33% Buy Now
	Acme Fiord Jr Spoon 1/8oz Chrome/Flo Orange (S-890)	Spoons	currently 22 in stock <input type="text" value="1"/>	MSRP: \$2.99 Price: \$1.79 Save 40% Buy Now
	Acme Fiord Jr Spoon 1/8oz NKL/Neon Blue (S-890)	Spoons	currently 23 in stock <input type="text" value="1"/>	MSRP: \$2.99 Price: \$1.79 Save 40% Buy Now
	Acme Frisky Fish 1/16oz Nickel/Red Head The Super-thin 1/16 oz trolling size has the perfect action to produce strike after s...	Spoons	currently 9 in stock <input type="text" value="1"/>	MSRP: \$3.49 Price: \$1.35 Save 61% Buy Now
	Acme Frisky Fish FF-180FRG Frog 1/8 Oz. The 1/8 oz trolling size has the perfect action to produce strike after strike. This ...	Spoons	currently 35 in stock <input type="text" value="1"/>	MSRP: \$1.79 Price: \$1.24 Save 31% Buy Now
	Acme Frisky Fish FF-180NCP Silver w/ Green Strip 1/8 Oz. The 1/8 oz trolling size has the perfect action to produce strike after strike. This ...	Spoons	currently 21 in stock <input type="text" value="1"/>	MSRP: \$1.79 Price: \$0.83 Save 54% Buy Now

Acme Kamlooper Spoon 3/16oz. S-

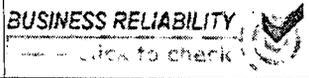
MSRP: \$2.99

	460YRDG Yellow/Gold/Red Dots 	Spoons	currently 31 in stock <input type="text" value="1"/>	Price: \$1.49 Save 50% Buy Now
	Acme Kastmaster 1/4Oz Frog 	Spoons	currently 17 in stock <input type="text" value="1"/>	MSRP: \$3.59 Price: \$2.69 Save 25% Buy Now
	Acme Kastmaster 3/8Oz Chrome 	Spoons	currently 3 in stock <input type="text" value="1"/>	MSRP: \$2.95 Price: \$1.79 Save 39% Buy Now

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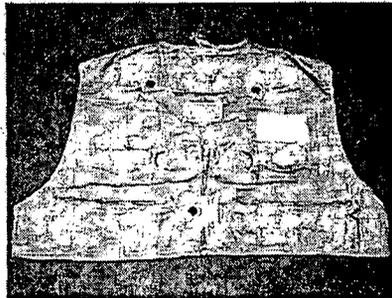
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Fly Fishing Vest "Shorty" Sz Med

Item # **40847**
 Manufacturer: **Crystal River**
 Product Type: **Fly Pro Shop**
 Items Currently in Stock: **6**
 List Price: **\$24.99**
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 Order Now Qty:

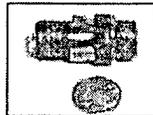
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Ideal For Float Tube Fishing • 16 Pockets • Large Zippered Back Pocket

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Crystal River Shorty Fly Fishing Vest Sz XL

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- Leader Loops
- Clothing
- Filleting Knives
- Fishing Tools
- Fly Boxes
- Fly Care
- Line Backing
- Line Dressings
- Sharpeners
- Fly Leaders
- Landing Nets
- Monofilament
- Priests etc
- Reel Protectors
- Strike ind.
- Tackle Bags
- Trout Flies
- Waders
- Weigh Scales
- Other Tackle



Bass Bags

Bass bags to store your trout and salmon and keep them cool and fresh.



Braided Leader Loops

Braided leader loops give better line turnover and easier leader changes.



Clothing

Fly Fishing Waistcoats to keep your tackle conveniently close at hand.



Filleting Knives & Accessories

A good selection of filleting knives, protective gloves and accessories.



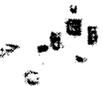
Fishing Tools

Hook removers, forceps, trimmers, snippers, snatchbacks, tweezers, knot tyers, torches, etc.



Fly Boxes and wallets

We probably have the right fly box for you. Foam lined, 'nubby tack', stackable, glow-in-the-dark....



Fly Care and Dressings

Keep your dry flies on top of the water. Includes powder, spray and dab floatant.



Fly Line Backing

High quality backing from Masterline and Cortland. Essential for that large fish which starts running.



Fly Line Dressings

With a little care and these dressings your line will perform better and last longer.



Knife and Fly Sharpeners

A sharp knife fillets safer and better.
A sharp fly will hook even the most cautious trout.

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Knotless Tapered fly Leaders

Tapered leaders give the ultimate in fly presentation, specially when fishing dry flies.



Landing Nets

A wide range from low cost folding nets right up to Salmon wading nets. Take a look.



Priests and Marrow Spoons

Priests to administer 'the last rites' to trout and salmon.



Leader Monofilament

Make your own leaders from our range of lines including fluorocarbon and camo. monofilament.



Reel Protectors and Cases

Protect your reel on or off rod with one of our reel protectors and cases. Also useful on boats.

Our Suppliers

- Cortland
- Diamondback
- Fulling Mill
- Lureflash
- Masterline
- Rapala



Strike Indicators and Sight Bobs

Detect the slightest of takes with these strike indicators. Improve your catch rate.



Tackle Bags

Trout bags to take your fishing tackle, clothing, accessories, food, etc, etc.



Trout Fishing Fly Selections

Wide range of selections to choose from including buzzers, nymphs, damsels, goldheads and lures.



Fishing Waders

Whether fishing from the bank or stream a good set of waders will always come in handy.

Tip of the Week

Floatant

Keep dry flies on the surface with a good floatant

Click to find.



Weighing Scales

High quality scales for weighing your catch. From easy-to-read to super-accurate electronic scales.



Other Tackle

If it's not in the other sections it's probably in here. Thermometers, sight bobs, carrier wallets....



All the tackle you need at great prices:



Fly Fishing Rods, Fly Fishing Reels, Fly Fishing Lines, Fly Fishing Tackle, Backing Line, Bass Bags, Fishing Waistcoats, Vests & Clothing, Fish Filleting Knives & Gloves, Fishing Gift Ideas, Fishing Tools, Fly Boxes, Fly Care (Drying / Floatant / Sinkant), Fly Line Care and Cleaning, Fly Leaders, Knife & Fly Sharpeners, Landing Nets, Leader Loops, Monofilament & Fluorocarbon for tippets, Priests & Marrow Spoons, Fly Reel Protectors, Strike Indicators, Tackle Bags, Waders, Weighing Scales, Fishing Flies, Buzzer Selections, Daddy Longlegs, Damsel Flies, Dry Fly Selections,



Emerger Nymphs, Hopper Flies, Lures , Mayflies, Minnows & Fry, Nymph Selections, Salmon / Steelhead Flies, Saltwater / Bass Flies, Sea Trout Flies, Special Fly Selections, Wet Fly Selections.

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Fly Fishing Tackle : Fly Tackle

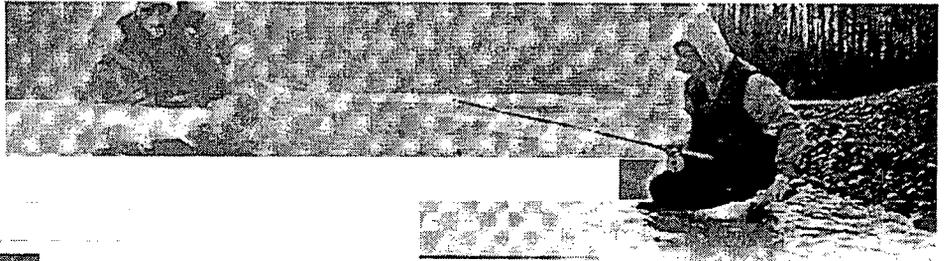


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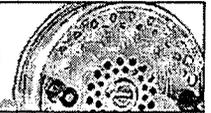
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Fishing Tackle

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Stocking The Vest

By Radek Hanus - Jun 15, 2003

Every year, all kinds of new lures and tackle in various sizes, shapes and colors are introduced to the sport fishing market, trying to capture the eye of the consumer. Therefore, walking into your local tackle store can be overwhelming, and quite easily amount to a bill that one can only shake a head at on their way out.

This is especially true for the novice angler who does not have the experience to judge whether a particular piece of tackle or lure works well or not. I am a true believer that about 20% of the lures and tackle out there will catch 80% of the fish. Keeping that rule in mind, I shop accordingly.

Lures and Tackle

I keep most of my lures and tackle in small plastic see through containers. Brands such as Plano, make containers like this, specifically designed for anglers. There are various dividers within the container to suit your needs. This keeps all your lures and tackle clean, organized and lot less likely to get lost. My lures and tackle are divided as follows:

Container#1 swivels, and various sizes of split shots

Container#2 various sizes of hooks separated according to size

Container #3 corkies, spin n' glows and beads

Container#4 rubber worms, gooey bobs, spoons and spinners

Container#5 is an 18 compartment clear plastic container with a hole drilled through the bottom of each compartment. Through these holes I run my assortment of wool colors. This container allows me to keep all my colors neatly separated, lets me see when I am going to run out of a particular color and lets me pull out only as much as I require at a time.

To catch fish, it is important to carry the right sizes and colors of various lures and tackle.

Corkies and spin n' glows

There are literally hundreds of choices when it comes to choosing corkies or spin'n glows in the various sizes and

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colors. That could add up to many days of experimentation on the river to find out what works. Never mind the amount of money you would have to spend to try them all. Again, remember that 20% of the lures will catch 80% of the fish. I find that there are about four or five different colors in two sizes that work really well. The colors red, orange, pink, pearl pink and green in sizes 10 and 12 will get you started and keep you in good shape. If you are really limited on funds, I would chose corkies over spin'n glows, as they are easier to fish. Your leader line is less likely to tangle around a corkie than the wings of a spin'n glow. In smaller river systems or during clear conditions, I prefer to use the size 12. When the water is up or I am fishing a large piece of water, I resort to the size 10 corkie.

Beads

Beads are very useful when it comes to fishing spin n'glows, pink worms corkies or even straight through lead. Always put one in between your hook and your lure. If you are using the straight through lead method, put one in between the lead and the knot tying your main line to the swivel. Colors red or orange will do just fine. Some guys also like to use pearl.

Spoons and spinners

It is also a good idea to keep an assortment of spoons and spinners in your repertoire. However, spoons and spinner can get very expensive. I suggest you purchase some Colorado blades, in gold and silver to start. A size 4 should work best most of the time. I have had success using these for Steelhead, Coho and even Chum Salmon. Colorado blades fish especially well in back eddies and pooling water, where it is hard to get a proper drift with most other tackle. Down the road you can expand your selection to various sizes and colors of Fox spinners, Koho spoons and Crocks to name a few.

Wool / Yarn

Wool in its different colors and their possible combinations, presents an endless repertoire of tactics to catch Salmon and Steelhead. Wool is one of my favorite presentations due to the fact it is clean (compared to bait), stays on the hook as long as you want, and is inexpensive. The market offers large varieties of colors. If you manage to select the few basic ones that have proven themselves over the years, you will be successful more often than not. Six or seven colors are all you need to start. My choices would be "blood" red, orange, pink, peach, white, chartreuse and green. Combine pink and peach or chartreuse and peach and you have some great color combinations. Try fishing pink wool with a red corkie for an effective steelhead combination.

Jensen Eggs

Jensen Eggs can be one of the most productive artificial lures for both Salmon and Steelhead. They fish great in combination with wool. Colors orange, pink and even green seem to be the best producers of fish. Again, there are now many colors on the market, and yes, they will all catch fish at some point in time, but I would suggest the above mentioned three colors will do you best to start. Try combining these with white or pink wool and you have great combinations that will produce.

Other bits and pieces

There are few other things you should definitely make part of your everyday outfit. Both needle nose pliers and a sharp pair of scissors are a must. Pliers are used to pinch barbed hooks,

cut/clamp your weight take the hook out of the fishes mouth and so on. Sharp pair of scissors comes in handy when cutting down your wool tie. Do not forget a small file to re-sharpen your hook every now and then. I suggest you check your hook for sharpness every 15 minutes or so, or every time you snag up but manage to free your tackle. At the same time it is also useful to run your fingers down your leader to ensure it has not frayed or nicked. A pair of gloves to warm your hands is also a very good investment. All you need is a pair of fingerless, wool gloves to start with.

One of the other small items I find inexpensive and very handy every now and then is an empty film container, filled with some Tylenol and an assortment of band-aids. A large, unscented clean plastic bag is also useful, if you are intending on taking your catch home with you. If you plan on bringing your camera to take some pictures of your catches, try keeping it in a Ziploc bag to prevent it from getting wet, unless of course you have a waterproof camera. The last piece of handy equipment that is very in expensive that I would like to mention is the leader board. Mainly made of cork or foam, it allows you to pre-tie your favorite rigs you intend to use at home. It is also a good idea to pre-tie few extra leaders at home so you don't waste your time once you get to the river. There is nothing more frustrating than having your line out of the water when everyone around you is fighting fish.

Knowing that everybody has their favorite way of doing things the above is only meant to get you started. You will have to do your own bit of experimentation and put your time in on the water to find out what works best for you.

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