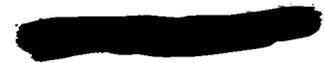


TTAB

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

|            |                              |   |                       |
|------------|------------------------------|---|-----------------------|
| Applicant: | Tide Mark Enterprise Limited | : |                       |
| Serial No: | 78/288,189                   | : |                       |
| Filed:     | August 15, 2003              | : | William G Breckenfeld |
| Mark:      | JACKIE and Design            | : | Examining Attorney    |
| Classes:   | 9, 14, 16 and 20             | : | Law Office 116        |
| Our Ref:   | TIDE 04/26626                | : |                       |



04-14-2005  
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

**NOTICE OF APPEAL**

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

Applicant, by its undersigned attorney, hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner of Trademarks refusing registration. Applicant is simultaneously filing a Response to Office Action and Request for Reconsideration of that decision, a copy of which is attached. Therefore, Applicant requests that this appeal be stayed while the trademark attorney considers that request.

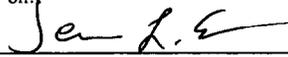
04/18/2005 GTHDMAS2 00000067 78288189  
01 FC:6403 400.00 DP

A check for the \$400 Official fee for a four-class application is attached. If this amount is incorrect, please charge any deficiency or overage to applicant's attorney's Deposit Account No. 230825.

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on:

April 11, 2005  
(Date of Deposit)

  
(Signature)

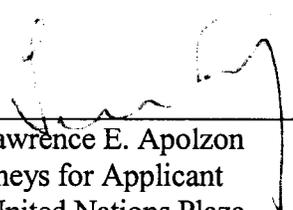
Jessica L. Selman  
(Printed name of person mailing paper or fee)

April 11, 2005  
(Date of Signature)

Dated: New York, New York  
April ii, 2005

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By: 

Lawrence E. Apolzon  
Attorneys for Applicant  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tide Mark Enterprise Limited

Serial No.: 78/288,189

Filed: August 15, 2003

William G Breckenfeld  
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Mark: JACKIE and Design

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04-14-2005  
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**RESPONSE TO OFFICE ACTION AND REQUEST FOR RECONSIDERATION**

**Box RESPONSES**

**NO FEE**

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

This is in response to the final Office Action mailed on October 12, 2004.

**AMENDMENTS**

A. Please amend the identification of goods further as follows:

**Class 9** – no changes

**Class 14** – no changes

**Class 16** - Photo albums; adhesive bands; architects' models; conical paper bags; bags of paper; towels of paper; stationery; drawing rulers; square rulers; stickers; printed publications, namely, catalogs, brochures and newsletters in the fields of an actor, films, animation, live action and physical stunts of the body; stencil plates; stencil cases; hand held labeling printing machines; greeting cards; books

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(Signature)

Jessica L. Selman  
(Printed name of person mailing paper or fee)

April 11, 2005  
(Date of Signature)

in the field of an actor, films, animation, live action and physical stunts of the body; boxes of cardboard or paper; bookbindings; elastic bands for offices; folders for paper; jackets for papers; newsletter in the field of an actor, films, animation, live action, physical stunts of the body for fan club circulation; note books; framed or unframed paintings; pamphlets for store advertising and promotional campaign, namely, mail-order catalogs in the fields of clothing, shoes, key rings, towels, umbrellas, photograph albums, badges, pendants, rulers, mobile phone cases, travel wallets, baseball caps, kerchiefs and scarves; pen cases; photographs; pictures; portraits; posters; postcards; sealing stamps; paper labels, not of textile  
**Class 20** – no changes

B. Please amend the basis from Section 1(a) to Section 1(b) and make of record the enclosed declaration in support of the amended basis for the goods in Classes 9, 14, 16 and 20 now listed under Section 1(b).

C. Please add a translation and transliteration of the mark as follows: “The mark comprises JACKIE in stylized letters surrounded by dove and dragon designs with Chinese characters in a ring of fire. The Chinese characters in the mark transliterate to “long” and mean “dragon” in English.”

### REMARKS

The identification of goods in Class 16 has been amended to overcome the objections raised by the examining attorney. The Office Action did not make a specific suggestion for the pamphlets for store advertising but the Applicant has endeavored to use an acceptable identification.

As listed above, Applicant has amended the application to substitute Section 1(b) as the basis for all of the goods. This amendment is permitted under TMEP §806.03(c). Applicant has enclosed a signed declaration in support of the substitute basis, verifying that Applicant had a bona fide intention to use the mark in commerce as of the filing date of the application for the goods listed.

The requested translation and transliteration has been provided.

Please do not e-mail Office Actions to the undersigned attorney. Please send them via mail.

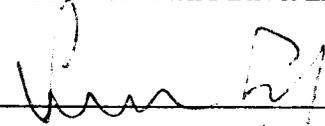
With the above, while applicant submits that all questions are now answered and requests that this application be approved and published for opposition purposes; it has simultaneously filed a Notice of Appeal so that if there are any remaining issues they can be worked out.

Dated: New York, New York

April 11, 2005

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

Lawrence E. Apolzon

Attorneys for Applicant  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|            |                              |   |                        |
|------------|------------------------------|---|------------------------|
| Applicant: | Tide Mark Enterprise Limited | : |                        |
| Serial No: | 78/288,189                   | : |                        |
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| Filed:     | August 15, 2003              | : | Examining Attorney     |
| Our Ref:   | TIDE 04/26626                | : | Law Office 116         |

**DECLARATION IN SUPPORT OF SUBSTITUTE BASIS**

The undersigned is authorized to execute this document on behalf of the applicant.

Upon information and belief, the applicant had a bona fide intention to use the mark in commerce for the goods now listed in this application under Section 1(b) as of the application filing date.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any registration resulting therefrom.

**TIDE MARK ENTERPRISE LIMITED**

By: Anne Turner  
[signature]

Name: ANNE M TURNER  
[printed or typed]

Title (if applicable): Authorized signature

Date: 05/04/05