

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

Name of Applicant: **THUASNE**
Serial Number of Application: **79/007496**
Filing Date of Application: **May 7, 2004**

Docket No.
295.075

Trademark: **THUASNE SPORT**

TTAB

International Class(es): **International Classes 005, 010, 020 and 028.**

NOTICE OF APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration.

This Appeal is taken for:

- all classes listed above only the following classes: Classes 005, 010, 020 and 028

The total number of classes associated with this Appeal are: 4

The prescribed appeal fee of **\$400.00** is to be paid as follows:

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Signature

Dated: **March 20, 2006**

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03-20-2006

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NOTICE OF APPEAL

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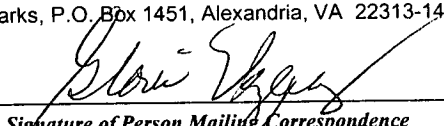
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: application of: THUASNE
Serial No.: 79/007496
Filing Date: May 7, 2005
Examiner: Andrew Rhim
Trademark Law Office: 101
Office Action Date: September 19, 2005
Trademark: THUASNE SPORT
Attorney Docket No.: 295.075

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

NOTICE OF APPEAL AND REQUEST FOR RECONSIDERATION

Sir:

Applicant wishes to file an appeal to the Trademark Trial and Appeal Board. Examiner's Office Action of September 19, 2005 is a Final Office Action. Since the Examiner's refusal was made final, in the event that the Examiner continues the refusal, Applicant wishes to preserve its right of appeal.

AMENDMENT

Please cancel the original identification of goods and substitute in lieu thereof the following:

With regard to Class 10, Applicant accepts the Examiner's identification as

03/23/2006 6THD:HAS2 00000054 022105 79007496

01 FC:6403 400.00 DA

follows:

Artificial limbs; orthopedic support items, namely elastic abdominal, hypogastric, lumbar belts; umbilical contention, supporting or bearing belts used for colostomized or stomized patients; girth belts, girdles, orthopedic corsets, heating effect belts; hernia trusses, chin straps adjustable elastic bandages for the face, all for therapeutic use; medical healing stockings and tights, support stockings and tights for varicose veins; shapeable splints and cradles, namely for fractures, neck collars; orthopedic support braces for the knees, ankles, legs, elbows, and shoulders; cervical collars; fingerless gloves for medical use; products for incontinence, namely, sheets, bed protections, watertight, reusable bed protection pads; medical bedding, namely, cushions and mattresses to prevent the formulation of scabs; beds and mattresses for medical care; shower armchairs for medical purposes; bath armchairs for medical purposes; anatomic pillows for therapeutic use; invalid walkers; orthopedic footwear; orthopedic spinal plasters; breast and orthopedic prosthesis; post-operative compression garments, external breast prosthesis, surgical bras for external breast prosthesis; bras for breast treatment and care; elastic abdominal prosthesis and elastic breathing aids; kits, namely, emergency medical and surgical hygiene and care kits comprising compresses, dressings, bandages and medical ointments; compression bandages; orthopedic support bandages, chemically activated hot and/or cold compresses.

The Examiner asked for clarification of the word "cup" in International Class 028. Applicant defines a "cup" according to Webster's Dictionary as follows:

"An Athletic Supporter reinforced with metal for providing extra protection to the wearer in strenuous sports".

RESPONSE

The Examiner has made the refusal of registration under Section 2(d) final because the Examiner views Applicant's mark as conflictive with the mark in Registration No. 2,902,706. Applicant believes the basis for the refusal is not correct for reasons set forth below.

As the Examiner knows, in Applicant's earlier response, Applicant claimed ownership of the cited U.S. Registration No.: 2,902,706. The primary reason for the Examiner's refusal to accept the veracity of Applicant's ownership argument is that the Applicant is a "Society Anonyme" while the cited Registrant is a Limited Liability Company. The Examiner has taken the position that these are separate legal entities with conflicting trademarks. Therefore, the Examiner has recommended assignment of the cited registration to the instant Applicant. As discussed with the Examiner on the telephone on March 20, 2006, Applicant will hereby present to the Examiner evidence that the ownership issue of the respective marks should not be a basis to refuse registration of the instant mark.

Although the cited Registrant is a Limited Liability Company, while the Applicant is a Society Anonyme, Applicant asks the Examiner to note that these entities appear to be the same under French business law.

Applicant is affixing to its response definitional evidence that shows a French

Society Anonyme, is in fact, the same as a Limited Liability Company. Applicant asks the Examiner to note on page one of the Offshore Glossary that a Society Anonyme is defined as "an LLC under French Law." An LLC, obviously is a Limited Liability Company.

In addition, Applicant affixes a printout from Triplet & Associés. The Examiner should please note that the text defines a Society Anonyme, as follows: "Subject to certain exceptions, the S.A., S.A.S and the SARL limit the liability of their shareholders to the amount of the share holding."

In an additional website search, (Paragraph four) hereby attached, the Applicant asks the Examiner to note that a French Limited Liability Company is defined as a Society Anonyme. (See Paragraph two)

Further, in a Google search, (Paragraph five), a Society Anonyme is defined as a Limited Liability Corporation established under French Law.

In summary, the Applicant believes it has provided sufficient evidence to the Examiner to withdraw the Examiner's refusal of registration based on the view that the cited mark and Applicant's mark are conflictive. The Examiner's view that the Registrant is a Limited Liability Company and Applicant is a Society Anonyme appears to be irrelevant.

DISCLAIMER

Pursuant to the Examiner's request, Applicant enters the following Disclaimer:

"No claim is made to the exclusive right to use 'SPORT' apart from the mark as shown for Classes 005, 010 and 028".

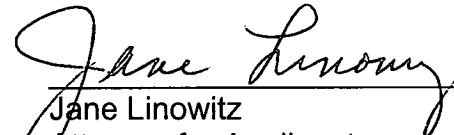
Applicant has responded to the Examiner's questions. If there are additional

questions, the Examiner, of course, is welcome to contact the Applicant again.

In view of the foregoing, it is respectfully submitted that this Application is in a condition for publication, which action is promptly and respectfully solicited

Dated: March 20, 2006

Respectfully submitted,



Jane Linowitz
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being submitted by first class mail and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on March 20, 2006.



Gloria Vazquez
Mailing Date: March 20, 2006

Offshore Incorporation	Offshore Company Uses	British Virgin Island IBC	Seychelles Company	Glossary A-J	Glossary L-W
<ul style="list-style-type: none"> ■ L - Layered Trusts ■ L - Limited Liability ■ M - Member ■ M - Mutual Assistance Agreement ■ N - Natural person ■ O - Offshore ■ O - Offshore Fund ■ O - Offshore Web Hosting ■ P - Parent Company ■ P - Private unlimited company ■ R - Ready-Made Company ■ R - Registered Agent ■ S - Schengen Treaty ■ S - Share of Stock ■ S - Societe Anonyme (SA) ■ T - Tax Avoidance ■ T - Tax Haven ■ T - Trust ■ U - Uniform Partnership Act ■ V - VAT ■ W - WAP 					
Societe Anonyme (SA)					
<p>An LLC under French Law; in Spanish-speaking jurisdictions – Sociedad Anonima. Requires minimum 7 shareholders, whose liability is limited up to the amount of their capital contribution.</p>					
Subsidiary Company					
<p>A company under the control of another company, through the ownership of stocks and shares.</p>					
Substantial Holding Company					
<p>In the Netherlands – a special type of holding company, which is exempt from tax on income from investments.</p>					
Suffix					
<p>The range of names/abbreviations of letters after the company name, to denote limited liability.</p>					

S.W.I.F.T.

Society for Worldwide Interbank Financial Telecommunications.

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PARIS 5:24:48 pm LONDON 4:24:48 pm NEW YORK 11:24:48 am

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Corporate Law

Formation of a French Company - a brief overview

French Company Formation - (in French - Constitution d'une société) - There are numerous types of company structure which are provided for by French Law, however today the great majority of trading entities in France have taken the form either of a Société Anonyme (S.A.) or a Société à Responsabilité Limitée (S.A.R.L.). The relatively newly introduced Société par Actions simplifiée (S.A.S.) is finding favour though with a number of foreign, particularly US, corporations which are setting up subsidiaries in France.

Whilst this list may not be held to be exhaustive, the following points might be of particular comparative interest to practitioners used to the sometimes, but not always, different provisions of many Common Law systems.

The formation of companies in France is generally considerably more complicated and time consuming than in many Common Law jurisdictions.

Subject to certain exceptions, the S.A. S.A.S. and the SARL limit the liability of their shareholders to the amount of their share holding.

There is no such thing (currently) as an off the shelf company at French Law and all types of companies require that a minimum fixed amount of share capital be lodged and temporarily frozen prior to formation:

An S.A. has a minimum of 7 shareholders, and three Directors, but the SARL has no Directors, habitually a minimum of 2 shareholders and is run by a Gérant or CEO. The S.A.S. would generally have a minimum of 2 shareholders but is not required necessarily to have a Board of Directors. The SAS is often considered to be the most flexible body in terms of corporate structure by US entities used to dealing with 'S Corporations'.

The Memorandum and Articles of Association (By(e)-laws) are far from standardised, although statute law provides for a number of heads which must obligatorily appear therein.

There are no longer any important constraints on either shareholders, or officers of a company, (be they individuals or corporate bodies), whose nationality is that of one of the member states of the European Union.

However, both de jure and de facto, there are a number of considerable obstacles which a shareholder or officer from a non E.U. country, such as the USA, will need to overcome.

The foregoing is not intended to be exhaustive and for specific information on forming a French Company, please [click here](#) 

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Offshore Glossary: Societe Anonyme (SA)

Societe Anonyme (SA) An LLC under **French Law**; in Spanish-speaking jurisdictions – Sociedad Anonir minimum 7 shareholders, whose liability is limited up to the amount of their capital ...

www.offshoreincorporation.net/Glossary.L.W/S.Societe.Anonyme.SA [Cached page](#)

French limited liability company (

A **French** limited liability company (**société anonyme**) with a share capital of €139,085,289.20 Register rue de Lille, 75007 Paris Registered with the Paris Registry of Commerce ...

www.prline.com/rootMRI/0000/docsMRI/terms.pdf [Cached page](#) PDF file

Corporate Governance

Alcatel is a **French société anonyme**, and **French** corporate law determines the split of responsibilities Chief Executive Officer, the Board and the Shareholders who are the ultimate ...

www.alcatel.com/apropos/values/governance [Cached page](#)

SGAM ETF - Mentions légales

French corporation (**société anonyme**) with share capital of €35,576,725. Nanterre Trade Register No.: APE No.: 671C Registered office : Immeuble SG AM - 170 place Henri Régnauld 92400 ...

www.sgamef.com/en/mentions.html [Cached page](#)

IOS:: Luxembourg - Societe Anonyme

Official language - German, **French** Official currency - Euro (EUR) Time zone - GMT + 1 Company type : **Anonyme** Directors/Officers Luxembourg S.A. companies require a minimum of 3 Directors, who ...

www.ioserv.com/ios/en/jurisdictions/onshore/luxembourg.sql [Cached page](#)

| Société Générale Bank | Société Générale Group |

Association Française des Entreprises Privées (Association of **French** Private-Sector ... when it took the unusual at the time - of a limited company (**société anonyme**

www.socgen.com/sg/socgen/pid/174/context/SC/lang/en/object/rubriqueSC/id/161/rubid/161/nod... [Cached page](#)

CEREP - Legal notice

French "société anonyme" with a capital of 3,748,927.50 euros. Commercial register number: Paris (Fra 353 189 848 SIRET 353 189 848 00065 Business code

www.cerep.fr/cerep/users/pages/terms.asp [Cached page](#) 3/17/2006

Company Formation - A brief overview of French corporate law.

... There are numerous types of company structure which are provided for by **French** Law, however today majority of trading entities in France have taken the form either of a **Société Anonyme** (S ...

www.triplet.com/40-10_corporate/40-20_companylaw.asp [Cached page](#)

Trapil

Legal form **French Société Anonyme** with share capital of € 13,159,800 Registered in Paris B 572 086 2 603Z SIRET Code: 572 086 213 00012 Headquarters 7-9, rue des Frères Morane

www.trapil.fr/uk/societe_identite.asp [Cached page](#)

Amspan, French Company Formation - Bilingual French Accounting and ...

Bilingual **French/English French** company management help with expertise in **French** book keeping ... T
basic forms of limited liability company in France, the **Société Anonyme (SA)**, the ...
www.amspan.com/company_formation.htm [Cached page](#)

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definition societe anonyme

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S.A. is the abbreviation of Société Anonyme in French, Sociedad Anónima in Spanish, Sociedade Anónima in Portuguese, or Naamloze Venootschap (N.V.) in Dutch, generally designating corporations in various countries. This translates literally as anonymous company, and can be opposed to partnerships. en.wikipedia.org/wiki/Société_Anonyme - [Definition in context](#)

Registre du commerce - Vaud - [[Translate this page](#)]

La **société anonyme** est celle qui se forme sous une raison sociale, ... La **société** n'acquiert la personnalité que par son inscription sur le registre du ...
www.rc.vd.ch/reglementation/fjsa.html - 23k - [Cached](#) - [Similar pages](#)

Définition Société anonyme (SA) - [[Translate this page](#)]

Définition : **Société anonyme (SA)** : **Société** commerciale dont le capital est divisé en actions librement cessibles et négociables. Les associés ne supportent ...
definition.actufinance.fr/societe-anonyme-sa-609/ - 22k - [Cached](#) - [Similar pages](#)

Corporate Information - Definition of Terms

This page provides **definitions** of company "extensions" and security ... SA, Greece, **Société Anonyme**. A Greek SA must have share capital of GRD 10 million. ...
www.corporateinformation.com/defext.asp - 90k - [Cached](#) - [Similar pages](#)

Financial dictionary: Societe Anonyme (SA) or Sociedad Anonima (SA)

Definition A **Societe Anonyme** is a limited liability corporation established under French Law. Requires a minimum of seven shareholders. ...
www.specialinvestor.com/terms/2859.html - 27k - [Cached](#) - [Similar pages](#)

Le réseau KALIX® - La Société Anonyme (SA) - [[Translate this page](#)]

Définition : La **société anonyme** est celle qui se forme sous une raison sociale, dont le capital-actions est déterminé à l'avance, divisé en actions, ...
kalix.ch/servicesklx/rubrique58_la_societe_anonyme.html - 16k - [Cached](#) - [Similar pages](#)

DEFINITION - [[Translate this page](#)]

La **définition** de l'article 2 de la loi rapproche le droit russe du concept moderne de la **société anonyme**, adopté notamment en France, où l'affectio ...
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SOCIETE ANONYME - [[Translate this page](#)]

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RS 220 Art. 620 A. Définition (Loi fédérale complétant le Code ... - [[Translate this page](#)]

A. **Définition**. 1 La **société anonyme** est celle qui se forme sous une raison sociale, dont le capital-actions est déterminé à l'avance, divisé en actions, ...
www.admin.ch/ch/f/rs/220/a620.html - 5k - [Cached](#) - [Similar pages](#)

