

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

In re application of)
SCEA CHATEAU PAVIE MACQUIN SCEA) Examiner:
) KAREN P. SEVERSON
Serial No. 79/098,943)
) Law Office: 117
Filed: April 27, 2011)
)
For: CHATEAU PAVIE MACQUIN)
AND DESIGN)

**NOTICE OF APPEAL WITH REQUEST FOR SUSPENSION OF PROCEEDINGS
PENDING DISPOSITION OF REQUEST FOR RECONSIDERATION**

Notice is hereby given that SCEA CHATEAU PAVIE MACQUIN SCEA, the Applicant in the above named application, hereby appeals to the Trademark Trial and Appeal Board from the Examiner's final Office Action dated December 20, 2012 denying the Applicant's above identified application.

The requisite fee of \$100.00 and any additional fees as required, we hereby authorize to be charged to our Deposit Account No. 12-0400.

Applicant has requested reconsideration of the refusal from the Trademark Attorney Examiner based upon, in part, based upon the entering of a disclaimer and considering potentially an amendment in the description of goods in the application to exclude potentially problematic items and herein requests suspension of

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these proceedings pending the disposition of the Request for Reconsideration which could "moot" this appeal.

Respectfully submitted,

Burton S. Ehrlich
Ladas & Parry
224 South Michigan Avenue
Chicago, IL 60604
(312) 427-1300



Burton S. Ehrlich
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to ATTN: TTAB - FEE, Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on June 20, 2013.



Burton S. Ehrlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF APPEAL is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: KAREN P. SEVERSON, Law Office 117, Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on June 20, 2013.



Burton S. Ehrlich

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

SCEA CHATEAU PAVIE MACQUIN SCEA)

Serial No. 79/098,943)

Filed: April 27, 2011)

For: CHATEAU PAVIE MACQUIN)
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) Examiner:
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) Alexandria, VA 22313-1451 on June 20, 2013

Jessica C. Brigg
JESSICA C. BRIGG

**RESPONSE TO OFFICE ACTION WITH REQUEST FOR RECONSIDERATION BASED
IN PART UPON AMENDMENT AND NARROWING THE DESCRIPTION OF THE
GOODS IN RESPONSE TO OFFICE ACTION MAILED DATED DECEMBER 20, 2012**

The Applicant herein responds to the Office Action mailed
December 20, 2012 of the Trademark Attorney Examiner:

In response to the Examiner's request for a disclaimer the
Applicant submits the following standard form disclaimer:

"No claim is made to the exclusive right to use "CHATEAU"
AND "SAINT EMILION GRAND CRU CLASSE SAINT EMILION GRAND CRU
APPELLATION SAINT EMILION GRAND CRU CONTROLE E.S.C.E.A.
CHATEAU" AND "PROPRIETAIRE A ST- EMILION 33330 FRANCE MIS EN
BOUTEILLE AU CHATEAU PRODUCE OF FRANCE" AND "L/S 33
LIBOURNE" AND THE PICTORIAL REPRESENTATION OF THE GREEN DOT
SYMBOL AS SHOWN" apart from the mark as shown."

The other remaining issue pertained to the citation to
obstructing references. The Applicant herein incorporates its
prior response to the Office Action asserting that the
Applicant's mark when considered as a whole, in its entirety,
represents a mark which sufficiently differs from the cited
references, as well as other arguments including that the cited

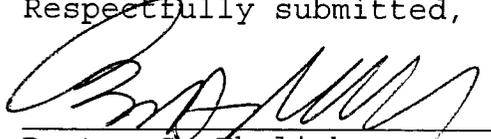
references should not be provided with the broad degree of protection given the weakness of the cited references in the words in common with the Applicant's mark. Additionally, the words in common relate to three vineyards and should not be held to be owned by a single entity. The disclaimer at issue has also been entered and could also assist with registrability.

Furthermore, the Applicant herein offers to amend the description of goods to potentially delete or revise or further narrow the description the goods in the application which are considered as obstructed and potentially problematic.

Should the Trademark Attorney Examiner believe that such a narrower and more specific potential identification of goods for the application might be allowable then the Applicant requests the Examiner to identify whether the cited references would block all goods for the application or only certain goods or items covered within a possible or revised application. If it is not considered blocking against all of the goods in a possible or revised application then upon being so advised the Applicant will wish to proceed with whatever goods and items as would be allowed for registrability or with an amendment in the description of goods to allow for registrability. The Applicant has also filed a Notice of Appeal together with this response to the Office Action and the resolution and possible compromise on the items allowed for registrability by the Examiner could moot the appeal. For resolving this issue the Trademark Attorney Examiner is

encouraged to contact the Applicant's counsel Burt Ehrlich may be reached at Telephone No. 312-427-1300.

Respectfully submitted,

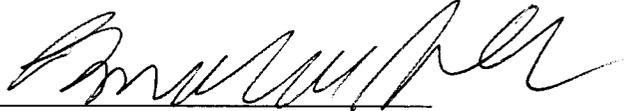


Burton S. Ehrlich
Attorney for Applicant

Burton S. Ehrlich
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, IL 60604
(312) 427-1300

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Burton S. Ehrlich, Esq.