PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79123938
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
ARGUMENT(S)	

This is in response to an final office action issued May 31, 2013, wherein the Examining Attorney has maintained a partial refusal to register Application Serial No. 79123938, as to International Classes 9, 16, 25, 35 and 41 only, on the stated ground that Applicant's mark SNEEZING BABY PANDA merely describes an ingredient, quality, characteristic, function, feature, purpose or use of Applicant's goods and services in these classes, citing Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).

Preliminarily, to respond to the Examining Attorney's request for clarification of Applicant's business entity type, Applicant hereby confirms that the Examining Attorney may amend the entity type of Applicant to "Proprietary Limited Company."

Regarding the descriptiveness refusal, Applicant disagrees with the Examining Attorney's position and, for the reasons set forth below, believes its mark is not merely descriptive of Applicant's goods and services. Applicant respectfully requests that the Examining Attorney withdraw the refusal, and in support thereof submits the following arguments and evidence.

The identification of goods and services, as amended, in those International Classes as to which registration has been refused, is:

Class 9:

Digital media, namely, pre-recorded CDs, DVDs, video cassettes, digital video discs, digital versatile discs and high definition digital discs featuring audio and visual content in the nature of exposed cinematograph films, theatrical performances and music; electronic games, namely,

electronic game software, electronic game programs and downloadable electronic games via the Internet and wireless devices

Class 16:

Paper, cardboard, and goods made from these materials, not included in other classes, namely, printed posters; photographs; stationery; printed instructional and teaching material except apparatus in the field of animals, nature and the environment; books, namely, children's books, comic books, coloring books, series of fiction books, series of non-fiction books in the field of animals, nature and the environment and educational books and coffee table books featuring animals, nature and the environment; brochures about animals, nature and the environment; publications, namely, magazines, hand-outs and workbooks in the field of animals, nature and the environment; printed event programs and souvenir programs concerning animals, nature and the environment; face and facial tissues of paper

Class 25:

Clothing, namely, t-shirts, sweat shirts and jackets; footwear; headgear, namely, hats and caps

Class 35:

Promotion of theatrical performances, concerts, cinematograph films and musical works for others

Class 41:

Production of cinematograph films, television programs and documentary films; entertainment, namely, live music concerts and orchestra performances; electronic publication services, namely, digital video, audio, and multimedia publishing services regarding cinematograph films, theatrical performances and music; electronic publication of text and graphic works of others on CD, DVD and on-line featuring animals, nature and the environment; entertainment services, namely, theatrical and musical floor shows provided at performance venues.

In light of the above identification, Applicant wishes to emphasize the governing legal principles determinative of whether or not an applied for mark merely describes a feature of an applicant’s applied for goods and services under Trademark Act Section 2(e)(1).

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the goods or services at issue. However, a mark is suggestive, and therefore registrable on the Principal Register without a showing of acquired distinctiveness, if imagination, thought or

perception is required to reach a conclusion on the nature of the goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

The question of whether a particular term is merely descriptive is not decided in the abstract. The test is not whether prospective consumers can guess what an applicant's goods or services are after seeing that applicant's mark alone. Rather, the determination of whether a mark is merely descriptive is considered in relation to the identified goods and services. In re Abcor Dev. Corp., 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b). A trademark is merely descriptive only if it directly gives accurate or distinct knowledge of the characteristics of those goods or services. Blisscraft of Hollywood v. United Plastics Company, 294 F.2d 694, 131 U.S.P.Q. 55 (2nd Cir. 1961).

The proper test in determining whether a mark is merely descriptive is to consider the mark in relation to the goods and services applied for, the context in which the mark would be used, and the significance that the mark is likely to have on the average consumer encountering the goods in the marketplace. This determination must be made specifically in relation to the goods or services for which registration is sought. In re Omaha National Corp., 819 F.2d 1117, 2 U.S.P.Q.2d 1859 (Fed. Cir. 1987).

For purposes of Trademark Act Section 2(e)(1), Applicant's mark SNEEZING BABY PANDA does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the identified goods or services in Classes 9, 16, 25, 35 or 41.

As Applicant pointed out in its response, filed May 1, 2013, to the Examining Attorney's first office action, and as its website materials submitted in evidence by the Examining Attorney attest, Applicant is a film maker specializing in documentary film making and distribution. Several years ago Applicant was filming in the Wolong Panda Breeding Centre in China's Sichuan province. A female panda was munching a piece of bamboo bread, oblivious of the fact her six week old son was hungry too. Clearly frustrated as well as starving, the tiny panda cub suddenly let loose with his now infamous sneeze. The moment was recorded on film (the "Film Footage") and "Sneezing Baby Panda" was born. A television program created and produced by Applicant entitled "Little Pandas – The New Breed" featured the Film Footage. The Film Footage was unlawfully reproduced from this television program and unlawfully uploaded onto the Internet and has since that time gone viral. Applicant is the exclusive copyright owner of the Film Footage, and has licensed the Film Footage in the United States and elsewhere

As is obvious from the amended identification of goods and services, the goods and services of Applicant may be anchored in the Film Footage promoting the mark SNEEZING BABY PANDA as an

indicator of source, but those goods and services, on the face of the identification, do not consist of the Film Footage itself, even though some of those goods and services may derive from it.

It is crystal clear from the Examining Attorney's remarks, Applicant's submissions, and the evidence of record that there is one, and only one, SNEEZING BABY PANDA. The mark SNEEZING BABY PANDA is not a term descriptive of pandas or baby pandas in general. The Examining Attorney and Applicant agree that SNEEZING BABY PANDA refers to one unique baby panda at one point in time, the panda cub who let loose with his famous sneeze memorialized in the Film Footage. SNEEZING BABY PANDA has a unique referent, and the Examining Attorney knows it. The subject matter content of some of Applicant's goods or services may or may not include pandas, but they may also have to do with other species of animals, nature and the environment, and the unique referent SNEEZING BABY PANDA is intended to be used by Applicant as a source indicator for its family of goods and services so branded. Therefore, the mark should not be regarded as merely descriptive, and the Examining Attorney's comments should be reviewed in this context.

The Examiner Attorney contends in his office action that:

"In this case, the proposed mark SNEEZING BABY PANDA merely describes pre-recorded CDs and DVDs and other media, printed matter, clothing, promotional services, entertainment services and publishing services featuring images and/or information about an extremely young black-and-white mammal caught in the act of making a sudden violent spasmodic audible expiration of breath through the nose and mouth."

Applicant pointed out in its previous response to the first office action that the Examining Attorney had submitted no evidence which supports this contention. In response, the Examining Attorney states in his final office action:

"However, contrary to applicant's comment, the sample dictionary definitions and Internet printouts from applicant's website attached to the Office Action mailed January 30, 2013 unambiguously display information and videos about a "tiny panda cub [that] let loose with [a] now infamous sneeze" and "sneezing pandas" while also showing a "t-shirt featuring a freeze frame from the original video clip" of "[t]hat sneezing moment which sent mother panda into orbit!" Therefore, inasmuch as applicant has turned a blind-eye and casually dismissed the evidence of record, applicant's argument is not persuasive.

"Material obtained from applicant's website is acceptable as competent evidence."

To be clear, Applicant did not previously and does not now object to the Examining Attorney's reference to its website in this regard. Moreover, Applicant finds the Examining Attorney's charge that it "has turned a blind-eye and casually dismissed the evidence of record" odd given Applicant's previous response. Applicant maintains that the referenced information and materials from Applicant's website in fact do not support the refusal.

Applicant has used the applied for mark SNEEZING BABY PANDA in Australia and elsewhere since the broadcast of the television program, and owns and operates the website www.sneezingbabypanda.com referenced by the Examining Attorney. As indicated in Applicant's previous response, currently only t-shirts bearing the mark are available for purchase online, but Applicant intends to extend the range of merchandise available for purchase in the United States and elsewhere. As stated in Applicant's previous response, such merchandise is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment.

The Examining Attorney notes Applicant considers the refusal unwarranted because the identified goods are not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment, yet then argues:

> *"However, '[a] mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services.'*
>
> *"In this case, the wording "SNEEZING BABY PANDA'" describes at least one aspect of the identified goods and services; namely, pre-recorded media, printed matter, clothing, promotional services, entertainment services and publishing services featuring images and/or information about a sneezing young panda bear.*
>
> *"What's more, inasmuch as applicant concedes that 'the term 'SNEEZING BABY PANDA' may be regarded as descriptive of the film footage" featured and promoted in connection with its goods and services, consumers will immediately recognize and perceive the nature of the products and services."*

The Examining Attorney's statement here blindly ignores Applicant's submission in its previous response that its merchandise under the SNEEZING BABY PANDA mark is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment. Thus, the mark SNEEZING BABY PANDA does not describe "at least one aspect of the identified goods and

services" because those goods or services may or may not involve pandas, as the amended identification of goods and services makes clear. Again, the unique one-off baby panda referenced by the mark SNEEZING BABY PANDA is intended to be used as a source indicator for the applied for goods and services, in the nature of a mascot or flag bearer.

As emphasized in Applicant's previous response, the registration of the applied for mark by Applicant will not preclude others from making descriptive fair use of the term "Sneezing Baby Panda" to describe Applicant's Film Footage. That said, however, Applicant's exclusive ownership of the Film Footage and extensive and substantially exclusive use of the mark SNEEZING BABY PANDA throughout Australia, the United States, and worldwide, means that the mark is capable of distinguishing Applicant's applied for goods and services from the goods and services of competitors. Indeed, given the fame of the Film Footage and its association with Applicant as the film maker, there is no reason why another trader would wish to use the same mark on the same or similar goods or services unless with improper motive.

The Examining Attorney further contends that:

> *"In this case, the combination of the descriptive words SNEEZING, BABY and PANDA creates no incongruity or unique commercial impression apart from that of the previously-stated descriptive connotation, and no imagination is required to understand the nature of the goods and services. Accordingly, the mark is merely descriptive."*

While the term "Sneezing Baby Panda" may be regarded as descriptive of the Film Footage, in the sense that it is the title of a copyrighted work, and the title is closely associated with Applicant as the maker of the Film Footage, the trademark SNEEZING BABY PANDA describes Applicant as the source of its applied for goods and services, akin to the way a mascot might identify a sports team, but it does not describe those goods or services.

Moreover, Applicant maintains as stated in its previous response to office action that even if the terms SNEEZING, BABY and PANDA might be regarded as descriptive of the Film Footage, the composite SNEEZING BABY PANDA in combination, used in connection with Applicant's goods and services as amended, are not descriptive.

Assuming arguendo that the separate terms contained in Applicant's mark might regarded as descriptive, a mark comprising a combination of descriptive components is registrable if the combination of terms creates a unitary mark. In re Colonial Stores Inc., 394 F.2d 549, 157 USPQ 382 (CCPA 1968); In re

Shutts, 217 USPQ 363 (TTAB 1983); TMEP Section 1209.03(d). Applicant reiterates that its compound mark SNEEZING BABY PANDA is not descriptive, because the combination of terms, composed of three two-syllable words, possesses a special rhythmic quality creating a unitary mark.

The compound mark SNEEZING BABY PANDA is not descriptive. If at all, the mark is suggestive of, rather than descriptive of, the Applicant's goods and services. In considering whether a mark is merely descriptive, the question is whether the mark "only" tells the potential purchaser what the goods or services are, their function, their characteristics, their use, or their ingredients. Here, Applicant's mark does not "only" describe or "only" tell potential purchasers about the nature, function, characteristics or purpose of Applicant's goods or services in Classes 9, 16, 25, 35 or 41, because SNEEZING BABY PANDA in connection with the goods and services applied for in those classes is an incongruous expression, s*ee* Blisscraft of Hollywood v. United Plastics Company, 294 F.2d 694, 131 U.S.P.Q. 55 (2nd Cir. 1961) and Colonial Stores Inc., 394 F.2d 549, 157 USPQ 382 (C.C.P.A. 1968).

Applicant's mark is a word combination that is not readily recognizable as describing a particular characteristic, purpose or feature of applicant's goods with any degree of specificity. The mark does not convey any immediate and unambiguous meaning.

The three-word compound mark creates ambiguity. In consequence thereof, actual and prospective consumers who encounter the mark in connection with Applicant's goods or services in the marketplace would have to engage in a multi-stage reasoning process, involving pausing, reflecting and then speculating on the significance of the combined designation, in order to understand how it relates to Applicant's goods.

Thus, the mark SNEEZING BABY PANDA for Applicant's goods and services, as amended, is not merely descriptive of any characteristic, purpose or feature of Applicant's goods and services in the relevant classes. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the refusal of registration on grounds of descriptiveness.

Applicant reemphasize that it is the policy of the U.S. Patent and Trademark Office to resolve any doubt as to descriptiveness in favor of Applicant. In re Women's Publishing Co. , 23 USPQ2d 1876, 1878 (TTAB 1992) (citing In re Merrill, Lynch, Pierce, Fenner & Smith, Inc., 822 F.2d 1567, 4 USPQ2d 1141, 1144 (Fed. Cir. 1987)). The distinction between merely descriptive and suggestive is often made on an intuitive basis rather than as a result of precisely logical analysis susceptible of articulation. In re George Weston Ltd., 228 USPQ 57, 58 (TTAB 1985). Accordingly, to the extent there may be any doubt as to

whether an Applicant's mark is merely descriptive or suggestive, such doubt is resolved, in accordance with the Board's policy, in favor of the applicant by allowing publication of the mark for opposition.

Upon publication of Applicant's mark, anyone who believes that they would be damaged by the registration of the mark will have the opportunity to file an opposition thereto. Such an entity may well be in a stronger position to make the case for competitive need for use of this term than is the Office in an ex parte context. In re Merrill Lynch, Pierce, Fenner, and Smith Inc., 828 F.2d 1567, 4 USPQ2d 1141 (Fed. Cir. 1987). Further, anyone who believes he or she will be injured by the registration of SNEEZING BABY PANDA "will have an opportunity to develop a factual record upon which the question of descriptiveness could be adjudicated with more confidence than it can be on the basis of *a priori* assumptions." In re Waverly Inc., 27 USPQ2d 1620, 1624 (TTAB 1993), citing In re Merrill Lynch, Pierce, Fenner & Smith, 828 F.2d at 1571.

In response to the Examining Attorney's request for additional information about the applied for goods and services, Applicant previously submitted that its applied for goods and services, as amended, do not necessarily have to do with pandas, but rather may feature animals generally, nature and the environment. Additional information about the Applicant was amply provided in its previous response to office action, much of which was made of record by the Examining Attorney in his first office action. Applicant specifically stated in its first response that: "[C]urrently only t-shirts bearing the mark are available for purchase online, but Applicant intends to extend the range of merchandise available for purchase in the United States and elsewhere. Such merchandise is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment."

Since the application is a Madrid System extension of protection based on Section 66(a) of the Trademark Act, founded on Applicant's intent to use the mark in United States commerce, Applicant submits that its previous response to office action, together with the information the Examining Attorney has already made of record, is sufficient to permit proper examination of the application. The Examining Attorney's renewed request merely parrots boilerplate office action verbiage appropriate to a use-based application under Section 1(a), but inappropriate to examination of an application based on bona fide intent to use in U.S. commerce, e.g., under Sections 1(b) or 66(a).

Nevertheless, Applicant hereby volunteers the additional information for the Examining Attorney's consideration attached to this response consisting of various third party webpages corroborating and attesting to the fame of the Film Footage and Applicant's association with the mascot for its applied for

goods and services dubbed SNEEZING BABY PANDA. This additional information and submitted materials, together with the evidence and submissions of record, more than amply demonstrate the capacity of SNEEZING BABY PANDA to serve as a non-descriptive source indicator for Applicant's goods and services, and Applicant's entitlement to exploit same as a trademark in United States commerce, as it intends to do.

Based on all of the foregoing, Applicant respectfully requests that the Examining Attorney withdraw the refusal under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), and allow the application to proceed to publication.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_71189193159-212645400_._nny_Music_Videos_From_YouTube_Comedy_Week_2013_-_CraveOnline.pdf
CONVERTED PDF FILE(S) (7 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0008.JPG
ORIGINAL PDF FILE	evi_71189193159-212645400_._e_News_Gregory_Brothers_Give_A_History_Of_YouTube___Styleite.pd
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0009.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0010.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0011.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0012.JPG
ORIGINAL PDF FILE	evi_71189193159-212645400_._Sneezing_Baby_Panda___Know_Your_Meme.pdf

CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0013.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0014.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0015.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0016.JPG
ORIGINAL PDF FILE	evi_71189193159-212645400_._Sneezing_baby_panda_now_a_thing_we_can_look_forward_to.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0017.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0018.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0019.JPG
ORIGINAL PDF FILE	evi_71189193159-212645400_._Sneezing_Baby_Panda_to_star_in_feature_film_-_JSOnline.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0020.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0021.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0022.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0023.JPG
ORIGINAL PDF FILE	evi_71189193159-212645400_._deos_to_inspire_brands_to_create_their_own_-_Marketing_News_.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0024.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0025.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0026.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0027.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0028.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\239\79123938\xml15\RFR0029.JPG
DESCRIPTION OF EVIDENCE FILE	webpages
SIGNATURE SECTION	
RESPONSE SIGNATURE	/wjs/

SIGNATORY'S NAME	William J. Seiter
SIGNATORY'S POSITION	Attorney
DATE SIGNED	10/11/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 11 21:37:22 EDT 2013
TEAS STAMP	USPTO/RFR-71.189.193.159-20131011213722303180-79123938-5002ac248aaaaad7d53aaa9d6355093d1d9bac1678fa3af63865ccbb21f7f736-N/A-N/A-20131011212645400488

PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79123938** has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

This is in response to an final office action issued May 31, 2013, wherein the Examining Attorney has maintained a partial refusal to register Application Serial No. 79123938, as to International Classes 9, 16, 25, 35 and 41 only, on the stated ground that Applicant's mark SNEEZING BABY PANDA merely describes an ingredient, quality, characteristic, function, feature, purpose or use of Applicant's goods and services in these classes, citing Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).

Preliminarily, to respond to the Examining Attorney's request for clarification of Applicant's business entity type, Applicant hereby confirms that the Examining Attorney may amend the entity type of

Applicant to “Proprietary Limited Company.”

Regarding the descriptiveness refusal, Applicant disagrees with the Examining Attorney’s position and, for the reasons set forth below, believes its mark is not merely descriptive of Applicant’s goods and services. Applicant respectfully requests that the Examining Attorney withdraw the refusal, and in support thereof submits the following arguments and evidence.

The identification of goods and services, as amended, in those International Classes as to which registration has been refused, is:

Class 9:

Digital media, namely, pre-recorded CDs, DVDs, video cassettes, digital video discs, digital versatile discs and high definition digital discs featuring audio and visual content in the nature of exposed cinematograph films, theatrical performances and music; electronic games, namely, electronic game software, electronic game programs and downloadable electronic games via the Internet and wireless devices

Class 16:

Paper, cardboard, and goods made from these materials, not included in other classes, namely, printed posters; photographs; stationery; printed instructional and teaching material except apparatus in the field of animals, nature and the environment; books, namely, children's books, comic books, coloring books, series of fiction books, series of non-fiction books in the field of animals, nature and the environment and educational books and coffee table books featuring animals, nature and the environment; brochures about animals, nature and the environment; publications, namely, magazines, hand-outs and workbooks in the field of animals, nature and the environment; printed event programs and souvenir programs concerning animals, nature and the environment; face and facial tissues of paper

Class 25:

Clothing, namely, t-shirts, sweat shirts and jackets; footwear; headgear, namely, hats and caps

Class 35:

Promotion of theatrical performances, concerts, cinematograph films and musical works for others

Class 41:

Production of cinematograph films, television programs and documentary films; entertainment, namely, live music concerts and orchestra performances; electronic publication services, namely,

digital video, audio, and multimedia publishing services regarding cinematograph films, theatrical performances and music; electronic publication of text and graphic works of others on CD, DVD and on-line featuring animals, nature and the environment; entertainment services, namely, theatrical and musical floor shows provided at performance venues.

In light of the above identification, Applicant wishes to emphasize the governing legal principles determinative of whether or not an applied for mark merely describes a feature of an applicant's applied for goods and services under Trademark Act Section 2(e)(1).

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the goods or services at issue. However, a mark is suggestive, and therefore registrable on the Principal Register without a showing of acquired distinctiveness, if imagination, thought or perception is required to reach a conclusion on the nature of the goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

The question of whether a particular term is merely descriptive is not decided in the abstract. The test is not whether prospective consumers can guess what an applicant's goods or services are after seeing that applicant's mark alone. Rather, the determination of whether a mark is merely descriptive is considered in relation to the identified goods and services. In re Abcor Dev. Corp., 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b). A trademark is merely descriptive only if it directly gives accurate or distinct knowledge of the characteristics of those goods or services. Blisscraft of Hollywood v. United Plastics Company, 294 F.2d 694, 131 U.S.P.Q. 55 (2nd Cir. 1961).

The proper test in determining whether a mark is merely descriptive is to consider the mark in relation to the goods and services applied for, the context in which the mark would be used, and the significance that the mark is likely to have on the average consumer encountering the goods in the marketplace. This determination must be made specifically in relation to the goods or services for which registration is sought. In re Omaha National Corp., 819 F.2d 1117, 2 U.S.P.Q.2d 1859 (Fed. Cir. 1987).

For purposes of Trademark Act Section 2(e)(1), Applicant's mark SNEEZING BABY PANDA does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the identified goods or services in Classes 9, 16, 25, 35 or 41.

As Applicant pointed out in its response, filed May 1, 2013, to the Examining Attorney's first office action, and as its website materials submitted in evidence by the Examining Attorney attest,

Applicant is a film maker specializing in documentary film making and distribution. Several years ago Applicant was filming in the Wolong Panda Breeding Centre in China's Sichuan province. A female panda was munching a piece of bamboo bread, oblivious of the fact her six week old son was hungry too. Clearly frustrated as well as starving, the tiny panda cub suddenly let loose with his now infamous sneeze. The moment was recorded on film (the "Film Footage") and "Sneezing Baby Panda" was born. A television program created and produced by Applicant entitled "Little Pandas – The New Breed" featured the Film Footage. The Film Footage was unlawfully reproduced from this television program and unlawfully uploaded onto the Internet and has since that time gone viral. Applicant is the exclusive copyright owner of the Film Footage, and has licensed the Film Footage in the United States and elsewhere.

As is obvious from the amended identification of goods and services, the goods and services of Applicant may be anchored in the Film Footage promoting the mark SNEEZING BABY PANDA as an indicator of source, but those goods and services, on the face of the identification, do not consist of the Film Footage itself, even though some of those goods and services may derive from it.

It is crystal clear from the Examining Attorney's remarks, Applicant's submissions, and the evidence of record that there is one, and only one, SNEEZING BABY PANDA. The mark SNEEZING BABY PANDA is not a term descriptive of pandas or baby pandas in general. The Examining Attorney and Applicant agree that SNEEZING BABY PANDA refers to one unique baby panda at one point in time, the panda cub who let loose with his famous sneeze memorialized in the Film Footage. SNEEZING BABY PANDA has a unique referent, and the Examining Attorney knows it. The subject matter content of some of Applicant's goods or services may or may not include pandas, but they may also have to do with other species of animals, nature and the environment, and the unique referent SNEEZING BABY PANDA is intended to be used by Applicant as a source indicator for its family of goods and services so branded. Therefore, the mark should not be regarded as merely descriptive, and the Examining Attorney's comments should be reviewed in this context.

The Examiner Attorney contends in his office action that:

"In this case, the proposed mark SNEEZING BABY PANDA merely describes pre-recorded CDs and DVDs and other media, printed matter, clothing, promotional services, entertainment services and publishing services featuring images and/or information about an extremely young black-and-white mammal caught in the act of making a sudden violent spasmodic audible expiration of

breath through the nose and mouth."

Applicant pointed out in its previous response to the first office action that the Examining Attorney had submitted no evidence which supports this contention. In response, the Examining Attorney states in his final office action:

> *"However, contrary to applicant's comment, the sample dictionary definitions and Internet printouts from applicant's website attached to the Office Action mailed January 30, 2013 unambiguously display information and videos about a "tiny panda cub [that] let loose with [a] now infamous sneeze" and "sneezing pandas" while also showing a "t-shirt featuring a freeze frame from the original video clip" of "[t]hat sneezing moment which sent mother panda into orbit!" Therefore, inasmuch as applicant has turned a blind-eye and casually dismissed the evidence of record, applicant's argument is not persuasive.*
>
> *"Material obtained from applicant's website is acceptable as competent evidence."*

To be clear, Applicant did not previously and does not now object to the Examining Attorney's reference to its website in this regard. Moreover, Applicant finds the Examining Attorney's charge that it "has turned a blind-eye and casually dismissed the evidence of record" odd given Applicant's previous response. Applicant maintains that the referenced information and materials from Applicant's website in fact do not support the refusal.

Applicant has used the applied for mark SNEEZING BABY PANDA in Australia and elsewhere since the broadcast of the television program, and owns and operates the website www.sneezingbabypanda.com referenced by the Examining Attorney. As indicated in Applicant's previous response, currently only t-shirts bearing the mark are available for purchase online, but Applicant intends to extend the range of merchandise available for purchase in the United States and elsewhere. As stated in Applicant's previous response, such merchandise is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment.

The Examining Attorney notes Applicant considers the refusal unwarranted because the identified goods are not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment, yet then argues:

> *"However, '[a] mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services.'*

"In this case, the wording "SNEEZING BABY PANDA'" describes at least one aspect of the identified goods and services; namely, pre-recorded media, printed matter, clothing, promotional services, entertainment services and publishing services featuring images and/or information about a sneezing young panda bear.

"What's more, inasmuch as applicant concedes that 'the term 'SNEEZING BABY PANDA' may be regarded as descriptive of the film footage" featured and promoted in connection with its goods and services, consumers will immediately recognize and perceive the nature of the products and services."

The Examining Attorney's statement here blindly ignores Applicant's submission in its previous response that its merchandise under the SNEEZING BABY PANDA mark is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment. Thus, the mark SNEEZING BABY PANDA does not describe "at least one aspect of the identified goods and services" because those goods or services may or may not involve pandas, as the amended identification of goods and services makes clear. Again, the unique one-off baby panda referenced by the mark SNEEZING BABY PANDA is intended to be used as a source indicator for the applied for goods and services, in the nature of a mascot or flag bearer.

As emphasized in Applicant's previous response, the registration of the applied for mark by Applicant will not preclude others from making descriptive fair use of the term "Sneezing Baby Panda" to describe Applicant's Film Footage. That said, however, Applicant's exclusive ownership of the Film Footage and extensive and substantially exclusive use of the mark SNEEZING BABY PANDA throughout Australia, the United States, and worldwide, means that the mark is capable of distinguishing Applicant's applied for goods and services from the goods and services of competitors. Indeed, given the fame of the Film Footage and its association with Applicant as the film maker, there is no reason why another trader would wish to use the same mark on the same or similar goods or services unless with improper motive.

The Examining Attorney further contends that:

"In this case, the combination of the descriptive words SNEEZING, BABY and PANDA creates no incongruity or unique commercial impression apart from that of the previously-stated descriptive connotation, and no imagination is required to understand the nature of the goods and services. Accordingly, the mark is merely descriptive."

While the term "Sneezing Baby Panda" may be regarded as descriptive of the Film Footage, in the sense that it is the title of a copyrighted work, and the title is closely associated with Applicant as the maker of the Film Footage, the trademark SNEEZING BABY PANDA describes Applicant as the source of its applied for goods and services, akin to the way a mascot might identify a sports team, but it does not describe those goods or services.

Moreover, Applicant maintains as stated in its previous response to office action that even if the terms SNEEZING, BABY and PANDA might be regarded as descriptive of the Film Footage, the composite SNEEZING BABY PANDA in combination, used in connection with Applicant's goods and services as amended, are not descriptive.

Assuming arguendo that the separate terms contained in Applicant's mark might regarded as descriptive, a mark comprising a combination of descriptive components is registrable if the combination of terms creates a unitary mark. In re Colonial Stores Inc., 394 F.2d 549, 157 USPQ 382 (CCPA 1968); In re Shutts, 217 USPQ 363 (TTAB 1983); TMEP Section 1209.03(d). Applicant reiterates that its compound mark SNEEZING BABY PANDA is not descriptive, because the combination of terms, composed of three two-syllable words, possesses a special rhythmic quality creating a unitary mark.

The compound mark SNEEZING BABY PANDA is not descriptive. If at all, the mark is suggestive of, rather than descriptive of, the Applicant's goods and services. In considering whether a mark is merely descriptive, the question is whether the mark "only" tells the potential purchaser what the goods or services are, their function, their characteristics, their use, or their ingredients. Here, Applicant's mark does not "only" describe or "only" tell potential purchasers about the nature, function, characteristics or purpose of Applicant's goods or services in Classes 9, 16, 25, 35 or 41, because SNEEZING BABY PANDA in connection with the goods and services applied for in those classes is an incongruous expression, s*ee* Blisscraft of Hollywood v. United Plastics Company, 294 F.2d 694, 131 U.S.P.Q. 55 (2nd Cir. 1961) and Colonial Stores Inc., 394 F.2d 549, 157 USPQ 382 (C.C.P.A. 1968).

Applicant's mark is a word combination that is not readily recognizable as describing a particular characteristic, purpose or feature of applicant's goods with any degree of specificity. The mark does not convey any immediate and unambiguous meaning.

The three-word compound mark creates ambiguity. In consequence thereof, actual and prospective consumers who encounter the mark in connection with Applicant's goods or services in the marketplace

would have to engage in a multi-stage reasoning process, involving pausing, reflecting and then speculating on the significance of the combined designation, in order to understand how it relates to Applicant's goods.

Thus, the mark SNEEZING BABY PANDA for Applicant's goods and services, as amended, is not merely descriptive of any characteristic, purpose or feature of Applicant's goods and services in the relevant classes. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the refusal of registration on grounds of descriptiveness.

Applicant reemphasize that it is the policy of the U.S. Patent and Trademark Office to resolve any doubt as to descriptiveness in favor of Applicant. In re Women's Publishing Co. , 23 USPQ2d 1876, 1878 (TTAB 1992) (citing In re Merrill, Lynch, Pierce, Fenner & Smith, Inc., 822 F.2d 1567, 4 USPQ2d 1141, 1144 (Fed. Cir. 1987)). The distinction between merely descriptive and suggestive is often made on an intuitive basis rather than as a result of precisely logical analysis susceptible of articulation. In re George Weston Ltd., 228 USPQ 57, 58 (TTAB 1985). Accordingly, to the extent there may be any doubt as to whether an Applicant's mark is merely descriptive or suggestive, such doubt is resolved, in accordance with the Board's policy, in favor of the applicant by allowing publication of the mark for opposition.

Upon publication of Applicant's mark, anyone who believes that they would be damaged by the registration of the mark will have the opportunity to file an opposition thereto. Such an entity may well be in a stronger position to make the case for competitive need for use of this term than is the Office in an ex parte context. In re Merrill Lynch, Pierce, Fenner, and Smith Inc., 828 F.2d 1567, 4 USPQ2d 1141 (Fed. Cir. 1987). Further, anyone who believes he or she will be injured by the registration of SNEEZING BABY PANDA "will have an opportunity to develop a factual record upon which the question of descriptiveness could be adjudicated with more confidence than it can be on the basis of *a priori* assumptions." In re Waverly Inc., 27 USPQ2d 1620, 1624 (TTAB 1993), citing In re Merrill Lynch, Pierce, Fenner & Smith, 828 F.2d at 1571.

In response to the Examining Attorney's request for additional information about the applied for goods and services, Applicant previously submitted that its applied for goods and services, as amended, do not necessarily have to do with pandas, but rather may feature animals generally, nature and the environment. Additional information about the Applicant was amply provided in its previous response to office action, much of which was made of record by the Examining Attorney in his first office action.

Applicant specifically stated in its first response that: "[C]urrently only t-shirts bearing the mark are available for purchase online, but Applicant intends to extend the range of merchandise available for purchase in the United States and elsewhere. Such merchandise is not intended to be limited in subject matter to pandas, but rather will feature animals generally, nature and the environment."

Since the application is a Madrid System extension of protection based on Section 66(a) of the Trademark Act, founded on Applicant's intent to use the mark in United States commerce, Applicant submits that its previous response to office action, together with the information the Examining Attorney has already made of record, is sufficient to permit proper examination of the application. The Examining Attorney's renewed request merely parrots boilerplate office action verbiage appropriate to a use-based application under Section 1(a), but inappropriate to examination of an application based on bona fide intent to use in U.S. commerce, e.g., under Sections 1(b) or 66(a).

Nevertheless, Applicant hereby volunteers the additional information for the Examining Attorney's consideration attached to this response consisting of various third party webpages corroborating and attesting to the fame of the Film Footage and Applicant's association with the mascot for its applied for goods and services dubbed SNEEZING BABY PANDA. This additional information and submitted materials, together with the evidence and submissions of record, more than amply demonstrate the capacity of SNEEZING BABY PANDA to serve as a non-descriptive source indicator for Applicant's goods and services, and Applicant's entitlement to exploit same as a trademark in United States commerce, as it intends to do.

Based on all of the foregoing, Applicant respectfully requests that the Examining Attorney withdraw the refusal under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), and allow the application to proceed to publication.

EVIDENCE
Evidence in the nature of webpages has been attached.
Original PDF file:
evi_71189193159-212645400_._nny_Music_Videos_From_YouTube_Comedy_Week_2013_-_CraveOnline.pdf
Converted PDF file(s) (7 pages)
Evidence-1
Evidence-2
Evidence-3

Evidence-4
Evidence-5
Evidence-6
Evidence-7
Original PDF file:
evi_71189193159-212645400_._e_News_Gregory_Brothers_Give_A_History_Of_YouTube___Styleite.pdf
Converted PDF file(s) (4 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Original PDF file:
evi_71189193159-212645400_._Sneezing_Baby_Panda___Know_Your_Meme.pdf
Converted PDF file(s) (4 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Original PDF file:
evi_71189193159-212645400_._Sneezing_baby_panda_now_a_thing_we_can_look_forward_to.pdf
Converted PDF file(s) (3 pages)
Evidence-1
Evidence-2
Evidence-3
Original PDF file:
evi_71189193159-212645400_._Sneezing_Baby_Panda_to_star_in_feature_film_-_JSOnline.pdf
Converted PDF file(s) (4 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Original PDF file:
evi_71189193159-212645400_._deos_to_inspire_brands_to_create_their_own_-_Marketing_News_.pdf
Converted PDF file(s) (6 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6

SIGNATURE(S)
Request for Reconsideration Signature
Signature: /wjs/ Date: 10/11/2013
Signatory's Name: William J. Seiter
Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79123938
Internet Transmission Date: Fri Oct 11 21:37:22 EDT 2013
TEAS Stamp: USPTO/RFR-71.189.193.159-201310112137223
03180-79123938-5002ac248aaaaad7d53aaa9d6
355093d1d9bac1678fa3af63865ccbb21f7f736-
N/A-N/A-20131011212645400488

10 Funny Music Videos From YouTube Comedy Week 2013

Lonely Island, Reggie Watts and Key of Awesome all sing for your views!

May 24th, 2013 Geoffrey Golden

Like Tweet 0 +1 0

YouTube spent this week celebrating comedy on their site, and not the guy-getting-hit-in-nuts variety that typically dominates the tubes. Top YouTube creators all released new clips for YouTube Comedy Week, including some hilarious music videos. Here are 10 funny music videos from YouTube Comedy Week 2013:

"Diaper Money" – The Lonely Island

MOSTCRAVED

ENTERTAINMENT

VIDEO: Archer Season 5 Goes to the Danger Zone

Fox Tests Actors for Fantastic Four Reboot

GAMING

Will Assassin's Creed go to Egypt?

Drakengard 3 Will Get American Release

SPORTS

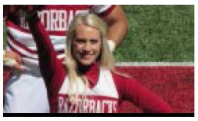
Babies – I mean, shorties – require a lot of diaper money.

"The History of YouTube" – The Gregory Brothers

Sneezing Panda is the greatest muse of our generation.

"Start A Mumford Band!" – Key Of Awesome

They had Instagram in the late 1800s, right?



VIDEO: One-Legged Arkansas Cheerleader Inspires

Angry Fans Show up at Matt Schaub's House

Recommended

TV

ELEMENTARY 2.03 'We Are Everyone'

COMICS

NYCC 2013: Stephanie Brown Returns in 'Batman Eternal'

SPORTS

Socceroos Thrashed By France, Osieck Fired

FILM

The Chucky Files #4: Don Mancini on Bride of Chucky

GAMING

Turtle Beach Has 4 Headsets Ready for PS4 Launch

LIFE & STYLE

BaseCamp Young Hostel Bonn: The Most Original Hostel in the World

MUSIC

Daz Dillinger Accuses 'GTA 5' Makers of Stealing His Songs

"Perfect Night" – Sarah Silverman feat. Will.i.am

She waters her plants with the *most* attitude.

"Save The Badger Badger Badger" – Mr. Weebl

You make a very convincing argument in favor of badgers, sir.

"Finish What We Started" – Miles Fisher

Oh hey, *there's* Lance Bass.

"Guitar Warfare" – TomSka

The uke gets rebuked.

"99 Problems (Food Cover)" – Sorted

Brown bags to delicious, cause I ain't dumb.

"Semi On The Dancefloor" – YouTube Creators Vs. Doc Brown

Not even Belgian politics will save you now!

"Reg Rolled" – Reggie Watts

Why did I have to wait until 2013 for this?

Geoffrey Golden is the Editor in Chief of The Devastator: The Quarterly Comedy Magazine For Humans!

New in Life & Style

BaseCamp Young Hostel Bonn: The Most Original Hostel in the World

Supermarket Suckage: The 12 Worst Things About Every Grocery Store

Clocked Out: NYCC, Arctic Monkeys, GTA Online and The Wild Feathers

Not-So-Low Fat: 11 Foods That Are Deceptively Unhealthy

Fujifilm's New Instant Camera Puts Your Old Polaroid to Shame

7 Funny Chucky Pranks

The Big List: Tourists Defy U.S. Government! Most Offensive Team Names!

5 Funny Videos Starring Tom Hanks

Trust me bro

Check Out Ladies of Machette Kills

Behind the Scenes of Machete Kills

5 Weird Facts About Game Of Thrones

WonderCon 2013 Cosplay Photo Gallery

Best of Everything comedy funny music videos funny songs funny videos internets parodies YouTube

AROUND THE WEB

The Nissan Altima Gets Complete Upscale Redesign for 2013 Nissan

Sexy "True Blood" Star Janina Gavankar's Shapeshifting … ComplexTV

Buffett: Scrap Obamacare and Start All Over Money Morning

Mint V-Neck for Fall: F**k Cancer Founder Yael Cohen Gap

ALSO ON CRAVE ONLINE WHAT'S THIS?

"GTA Online Tackles Character Deletion with v1.03 Update" 2 comments

"ARROW 2.01 'City of Heroes'" 2 comments

"15 Predictions for the Future of the Xbox One, PS4 and Wii U" 5 comments

"Top This: Ten Great Horror Movie Rap Songs" 1 comment

2 comments

2

Leave a message...

Best Community Share

Avatar

serfeer · 2 months ago

sorry that the clips were not included in this rating http://www.youtube.com/user/be...

Reply Share ›

Avatar

serfeer · 2 months ago

CRAVEONLINE | Contact | Advertiser Info | Privacy Policy | Terms & Conditions | AdChoices

CRAVEONLINE.COM IS A PROPERTY OF CRAVEONLINE MEDIA, LLC, AN EVOLVE MEDIA, LLC COMPANY. © 2013 ALL RIGHTS RESERVED.
NOT IN ANY WAY ASSOCIATED WITH CRAVE ENTERTAINMENT, INC. OR CRAVE MAGAZINE ®

MEDIAITE GOSSIP COP GEEKOSYSTEM STYLEITE sportsgrid THE MARY SUE The Jane DOUGH THE BRAISER

STYLEITE
RUNWAY MEDIA BEAUTY RETAIL

30 Under 30: Fashion Designers Changing the Game

A Twerktasic Guide to Your Miley Cyrus Halloween Costume

Get a First Look at the M.I.A. x Versace Collab Dropping This Month

The 30 Most Stylish Players in Media

Nicolas Ghesquière Heading to Louis Vuitton [Updated]

Search Style Sheets: Your Photos, Your Looks
Get Our Newsletter
Search
Follow
Like

WATCH: Auto-Tune The News Breaks Down YouTube History

by Deenie Hartzog | 12:50 pm, May 25th, 2013

Like
You and 3 others like this 3 people like this
Tweet 5

Parke & Ronen
www.parkeandronen.com
Chic & confident - men's designer swimwear, clothing, and accessories

It's no doubt that **YouTube** has completely altered the way we receive media. Just think, if it weren't for YouTube, where would **Justin Bieber** be? We'd have never seen *all* the parodies of "**Single Ladies**," we'd have been deprived of "Charlie Bit My Finger," and don't even talk about life without "The Sneezing Baby Panda."

Here, the **Gregory Brothers** of **Auto-Tune The News** (um, "Hide ya kids, hide ya wife" ring a bell?) give a history of YouTube in honor of its 8th anniversary this month.

auto tune the news | the gregory brothers | Youtube

Sponsored Content

It's Picnic Day, Potter!

Click to get a FREE e-book! Kids will love Potter's story of picking healthy foods to eat for a picnic with friends.

Promoted By First 5 California on First 5 California

Related Stories

PHOTOS: Miley Cyrus Goes Topless, Does Yoga for Terry Richardson

Inside Miley Cyrus' Ratchet #BANGERZ Bash

Paid Distribution

15 Pics Miley Cyrus Will Regret From The 2013 MTV Video Music Awards (Styleblazer)

Paid Distribution

Vogue's Fashion Night Out with Next (Style□Bistro)

Recommended by

LeBron James Already Spotted Without Wedding Ring

Is Kim Kardashian Alienating Herself From Her Family?

10 Celebs Who Aren't Looking So Hot

Ashley Judd's Race Car Driver Husband In Hospital

0 comments

0

Tj Maxx Online

tjmaxxdeals.shopathome.com

Smart Guys Shop TJ Maxx Deals. The Best Clothing Brands, 60% Off!

Bbc Sweaters

www.plndr.com

Get Up to 80% Off Retail Prices. Limited Time Only - BBC on PLNDR!

MOST POPULAR ARTICLES

Celebrate 'Go Topless Day' With The 21 Best Topless Fashion Moments

The 30 Most Stylish Players in Media

New Trend? Fashion Month Featured These Topless, Bottomless, And All-Out Nude Looks

PHOTO: Marc Jacobs and Lake Bell Strip Down, Show Off Tattoos

PHOTOS: Model's Too-Tiny Bikini Malfunctions At Miami Swim Week

FOLLOW US

Styleite

Like

Like

You like this.

You and 21,460 others like Styleite.21,460 people like Styleite.

Leave a message...

Oldest Community Share

No one has commented yet.

twitter

TIPS

Have a news tip? Please email us at tips@styleite.com or use our anonymous submission form.

STYLE DISH

- Reese Witherspoon's Elle Covers Are Basically All The Same [Huffington Post]
- André Leon Talley Is Ready To Accept Kim Kardashian [Refinery 29]
- Versace Launches Bright Crystal Absolu Scent [WWD]
- The Worst Styling Tips For Plus Size Women We've EVER Read [SheFinds]
- Victoria Beckham's Sister Line Helps Take Label Into the Black [Telegraph]
- Nicky Hilton Has Written a 'Style Handbook' [The Cut]

LOGIN

Username:

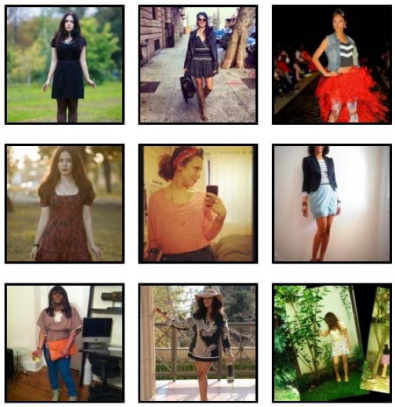
Password:

Remember me

Login »

- Register
- Lost your password?

STYLE SHEETS MORE



Upload your own looks, shop your favorite brands, and see what other people are wearing!

ABRAMS MEDIA NETWORK

click here for advertising opportunities

THE BRAISER

Last Call: Man Eats Brie on Subway, Gets New York Mag Writeup

Squirrels Colonize White House Kitchen Garden Thanks to Shutdown

THE MARY SUE

The Brainscoop Explains: Moths vs. Butterflies

Things We Saw Today: Wrap Boba Fett Around Your Little Finger With This Ring

THE Jane DOUGH

Read of the Day: "Britneys of the Plain: Cormac McCarthy Describes the Video for 'Work B

Jimmy Fallon Danced in a Fox Costume With Ylvis; How Was Your Thursday Night?

MEDIAITE

Gutfeld on O'Reilly: Thanks to Shutdown, Now We Know About All the 'Non-Essential' Go

'Get the F*ck Out Of Here': Sen. Candidate's Aide Goes on Bizarre Rant Against Cory Book

GEEK SYSTEM

sports grid

The Latest From Around The NFL: Terrelle Pryor Is For Real

RotoExperts Present: This Week In Fantasy Football — NFL Week 6

© 2013 Styleite, LLC | About Us | Advertise | Newsletter | Jobs | Privacy | User Agreement | Disclaimer | Terms of Service | Archives | Power Grid FAQ | Style Sheets FAQ | RSS
Dan Abrams, Founder | Power Grid by Sound Strategies | Hosting by Datagram

Share this Entry 17 +1 0 Like Know Your Meme on Facebook! Like

PROTIP: Press 'i' to view the image gallery, 'v' to view the video gallery, or 'r' to view a random entry.

by using this 1 little secret See Details

Also Trending: The Philmarilion Will You Press The Button? Black People Not Amused with White Pe... Goat Tower

Sneezing Baby Panda

Updated about a month ago by amanda b..

Added 4 years ago by Brad.

11

18,525
0
5
8

About

Sneezing Baby Panda is a viral video uploaded to YouTube on November 6th, 2006 that depicts a mother panda at the Wolong Panda Breeding Centre munching on bamboo while her baby cub sleeps at her feet. Out of nowhere, the baby sneezes, startling the mother for a second before she returns to her food. As of August 2013, the video was been viewed more than 162.7 million times and was named #10 on Urlesque's[1] 100 Most Iconic Internet Videos in April 2009.

[[more information needed… just who is this mysterious Panda?!]]

Meme

Status:
Confirmed

Year
Unknown

Origin
Unknown

Tags
animals, youtube, panda, japan, cute, short

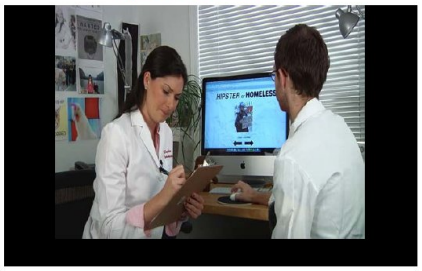
Origin

[redacted]

Remixes / Tributes

Special Encore

In case you've missed it, watch Know Your Meme's report on **Brother Sharp**! For related discussions, check out the **episode comments**.



Suggest a Change | Edit History

Entry Editors

+ Request Editorship

Brad
Le Editor

Tomberry
Database Moderator & French Specialist & Pony Hater

amanda b.
Meme Librarian

View All Editorships

Know Your Meme
Like
Like
You like this.
You and 168,148 others like Know Your Meme.168,148 people like Know Your Meme.

The video has been parodied on a South Park Episode

Cheezburger
Like
Like
You like this.
You and 578,618 others like Cheezburger.578,618 people like Cheezburger.

Slow motion video of the original is also popular

Random Entry
Follow Us Online
Twitter
Facebook
YouTube

While less popular, another video of panda sneezing

- Collegehumor listed “Sneezing Baby Panda” in their Web Celeb Hall of Fame.

Search Interest

Interest over time. Web Search. Worldwide, 2004 - present.

sneezing baby panda20052007200920112013

Google™ View full report in Google Trends

External References

[1]Urlesque – Sneezing Baby Panda – #10 – The 100 Most Iconic Internet Videos

Recent Videos

+ Add a Video

There are no videos currently available.

Recent Images 5 total

+ Add an Image

Facebook Comments

Add a comment...

Post to Facebook

Comment using...

Facebook social plugin

Comments 8 total

+ Add a Comment

+ Add a Comment

Cheezburger Network

I CAN HAS
Animal Capshunz
Animal Gifs
Daily Squee
I Has A Hotdog
Lolcats

ROFLRAZZI
Celebs
Historic LOLs
Must Have Cool
Set Phasers to LOL
Totally Looks Like
Wedinator

FAIL BLOG
After 12
Autocowrecks
Dating Fails
Destination WIN!
FAIL Nation
Failbook
Monday Thru Friday
Music FAILS
Parenting Fails
Poorly Dressed
School of Fail
There I Fixed It
Ugliest Tattoos
WIN!

MEMEBASE
Art of Trolling
Comixed
Dolan Duck
Fandom Base
GraphJam
My Little Brony
Picture Is Unrelated
Pokémemes
Rage Comics
Señor Gif
So Much Pun
Superheroes
This Is Photobomb
Very Demotivational
Video Games

DAILY WHAT

KNOW YOUR MEME

Cheezburger Blog Advertising Developers Jobs Contact Us

Legal Information: Know Your Meme ® is a trademark of Cheezburger, Inc. By using this site, you are agreeing by the site's terms of use and privacy policy.
© 2007-2013 Cheezburger, Inc.

WONKBLOG

ADVERTISEMENT KNOW WONK AMERICAN UNIVERSITY WASHINGTON, DC

9 ways the shutdown will get worse

Our complete debt ceiling explainer

Janet Yellen in her own words

What the shutdown is really about

How the government shutdown works

Obamacare: What you need to know

AD
VacuVita™
the Sustainable Way to Save Food and Money

Email | Print | Reprints

Sneezing baby panda now a thing we can look forward to

By Sarah Kliff, Published: August 27 at 1:00 pm E-mail the writer

Is this chart about pandas enough Wonkblog baby panda coverage? No, of course not! To mark the occasion of our new arrival, here's what would argue is the best baby panda video of all time.

Washingtonian has gone the extra mile and put together a longer list of YouTube's best panda videos, which you can watch right here.

Sarah Kliff covers health policy, focusing on Medicare, Medicaid and the health reform law. She tries to fit in some reproductive health and education policy coverage, too, alongside an occasional hockey reference. Her work has appeared in Newsweek, Politico, and the BBC. She is on Twitter and Facebook.

ADVERTISEMENT

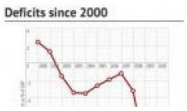
The Post Most:Business
Most Popular
1. The shutdown is a disaster for the GOP
2. Facebook privacy: Users should check these settings as new changes roll out
3. Who's supporting the GOP hardliners?
4. Here's the GOP's 2014 problem
5. Obamacare needs young people to sign up. And it looks like they're starting.
Top Videos
Top Galleries

ADVERTISEMENT
Veterans Administration
Veteran Homeowners Refinance into a 2.65%

How the government shutdown works

Obamacare: What you need to know

The curious evolution of climate science



The GOP has lost its reason for being

« PREVIOUS NEXT »

Researchers take on crucial question: Are haters gonna hate?

By Sarah Kliff August 27, 2013

Cory Booker is reading 'This Town' to prepare for Washington. That's a huge mistake.

By Ezra Klein August 27, 2013

2 Comments

Comment

Discussion Policy | FAQ | About Discussions

Sort: Newest First

Comments Live

zosima wrote:
8/27/2013 10:36 AM PDT

Youtube, in all its brilliance, pops an add up on the panda right before it sneezes. Yay.

Like Liked by 4 readers · Reply · Share · Report Abuse

nitrat responds:
8/27/2013 2:55 PM PDT

yeah, but I still watched it 3 times, laughing out loud every time.

Like · Report Abuse

Fixed. No Obligation Quote!
www.VeteranLoanAdministration.com

VA Mortgage Rates Hit 2.9% APR
Refinance Into 2.9% VA Loan! Seen On VALoanNews.Com Calculate Payment!
www.VeteranLending.com

Analytics Masters Degree
Earn Your M.S. in Analytics Online. Accepting Applications thru Dec 30th.
Online.HarrisburgU.edu

Buy a link here

© 1996-2013 The Washington Post

- SELECTED NEWSWATCH ITEM -

Sneezing Baby Panda to star in feature film

By **Jackie Loohauis-Bennett** of the Journal Sentinel

He's an explosive-- and we mean explosive-- star.

Sneezing Baby Panda turned a big "a-choo!" into international stardom when his video clip went viral and more than 106 million visitors watched him do his snort. | June 30, 2011 »Read Full Article

Firm to design Les Paul exhibit at Waukesha museum

By **Mike Johnson** of the Journal Sentinel

Waukesha - In the works for more than eight years, a permanent exhibit about the life and career of music legend Les Paul at the Waukesha County Museum is getting a little closer to becoming reality.

The museum announced that it has hired BRC Imagination Arts of Burbank, Calif., to design the exhibit to commemorate Paul, known as the Wizard of Waukesha. | Aug. 13, 2011 »Read Full Article (4)

Nicholas Frank resigns as curator at UWM's Inova

By **Mary Louise Schumacher** of the Journal Sentinel

Nicholas Frank has resigned his position as curator at Inova at the University of Wisconsin-Milwaukee, one of the city's premier venues for contemporary art. This departure raises many questions about the future of this important institution and the role of contemporary art in Milwaukee's visual art community.

Frank has a long history in Milwaukee as a thoughtful writer and curator. For many years he ran the Hermetic gallery, a space for challenging, contemporary art. And he has been engaged in projects such as the Milwaukee International, an alternative art fair that brought well regarded galleries from around the world to a Riverwest beer hall for a weekend. | Aug. 13, 2011 »Read Full Blog Post (8)

License to return: Austin Powers coming back

It may or may not make you want to say, "Yeah, baby, yeah," but Austin Powers is finally coming back.

Movie site Hitfix reports that Mike Myers has signed a deal to return to the role of the shagadelic, not-so-secret agent in "Austin Powers 4." No word on a director or when the movie would actually be released. | Aug. 13, 2011 »Read Full Article

Chamber Theatre embraces humor, hope in 'Crimes of the Heart'

By Mike Fischer, Special to the Journal Sentinel

Early in the third act of Beth Henley's "Crimes of the Heart," two of the three Magrath sisters return from the hospital to their Mississippi home, telling the third sister that their dying grandfather has slipped into a coma.

"It's not funny," intones Lenny, oldest and most serious of the three. "It's sad. It's very sad." | Aug. 13, 2011 »Read Full Article (1)

Reports: Depp's 'Lone Ranger' movie gunned down

Disney has shut down production of one of next year's most anticipated movies, "The Lone Ranger," over cost

MOST POPULAR - ENTERTAINMENT

most read | commented | e-mailed

- How to navigate a modern restaurant menu
- Adults channeling their inner superheroes for Halloween
- 'Captain Phillips' brings high drama to high seas
- Jarosz's many musical talents sing on stage
- Jonas Brothers cancel tour, including Riverside show

more most popular content...

Advertisement

NEWSWATCH DELIVERED

E-mail Newsletter

The latest local news delivered to your inbox Monday-Friday during the 2 p.m. hour -- or whenever there's big breaking news.

enter your e-mail address

Sign Up Now!

Enter your e-mail address above and click "Sign Up Now!" to begin receiving your e-mail newsletter

Login or Register to manage all your newsletter preferences.

NATION & WORLD

Top national and international stories from the Associated Press

Search AP News... GO

- Calif. man pleads not guilty in terrorism case
- Accelerated efforts, no agreement on shutdown/debt
- Some states reopen nat'l parks; others eye options

concerns.

Deadline Hollywood Daily, which first reported the news Friday night, said the studio was trying to get the movie's costs down to $200, but the filmmakers weren't able to get close to that. | Aug. 13, 2011 »Read Full Article

L.A. sheriff: Rapper's tweet incited phone call barrage

By Associated Press, Associated Press

Los Angeles - The Los Angeles County sheriff's department says The Game incited a flood of phone calls that overwhelmed the emergency phone system.

Sheriff's Capt. Mike Parker tells the Los Angeles Times that the rapper tweeted the number of the sheriff's Compton station Friday and told his 580,000 followers that if they wanted an internship with him, they should call the number. | Aug. 13, 2011 »Read Full Article

Patio Pooch Week at Cafe Manna

By **Carol Deptolla** of the Journal Sentinel

Dogs — well, dogs with good manners— are always welcome on the patio at Cafe Manna, 3815 N. Brookfield Road in Brookfield, but from Monday through Aug. 20, the vegetarian restaurant is having Patio Pooch Week.

Dog guests will receive house-made dog treats and bowls of water all week. Monday, human guests will get a treat, too, and at lunch a representative from the Wisconsin Humane Society will be on hand to answer questions about the society. | Aug. 13, 2011 »Read Full Blog Post

Archives: Friday | Thursday | Wednesday | Tuesday (10/08) | Monday (10/07) | Sunday (10/06) | Saturday (10/05)

Older Archives:

General in charge of nuclear missiles is fired
- AP Source: Dead 2-year-old Peterson's son
- Another migrant ship capsizes off Italy; 27 dead

Choose AP section

JOURNAL SENTINEL PolitiFact Wisconsin

How did they rate on the Truth-O-Meter?

Says Democratic gubernatorial candidate Mary Burke "has proven on the Madison Board of Education" that she supports raising taxes and spending. — **Republican Party of Wisconsin** Details

Says her actions as Wisconsin commerce secretary brought the state "84,000 more Wisconsin jobs than we have today." — **Mary Burke** Details

"Wisconsin is not as obese as the national average is. The national average, 35.7 percent of the population is obese. In Wisconsin, it's closer to 26 percent." — **Tommy Thompson** Details

a service of the JOURNAL SENTINEL

- **About PolitiFact Wisconsin**
- **See all Truth-O-Meters**

PHOTO GALLERIES

Get the news in photos with the latest galleries from JSOnline. **View all galleries**

Photos of the Week

Behind the scenes: Ragtime at the Rep

At home with Allison and Chad Pamperin

Walk through Farm/Art DTour

1 of 3

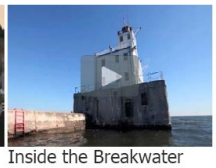
JSONLINE VIDEO

Browse the latest JSOnline video below and find more on our **video home page**.

Gross Anatomy: The Course of Their Lives - Coming Sunday

Land and Space: Pritzlaff building

More than 200 receive their U.S. citizenship



Inside the Breakwater Lighthouse

Page 1 of 2

NATIONAL VIDEO UPDATES

Caught on Tape: Watch Pleasure Cruise Boat Capsiz...

Advertisement

Tweets Follow @NewsHub

JS Online **NewsHub** @NewsHub 1h

2 of 9 Milwaukee firefighters suspected in vandalism case are fired. jsonl.in/pKgFq

Show Summary

JS Online **NewsHub** @NewsHub 5h

RT @MyCommunityNOW: Cars broken into at Dave & Buster's in #Wauwatosa: bit.ly/19A7b35 #MKEcrime

Tweet to @NewsHub

See all Journal Sentinel Twitter feeds

News Watchdog Opinion Sports Business Food Entertainment Lifestyle Multimedia

Connect with us

Facebook
Twitter
Google Plus
YouTube
RSS

Newsletters
Today's paper
Subscription services
Archives
Historical Archives

Contact us

Phone numbers
Manage account
Advertising
Paid Death Notices
Back copies/
Digital access FAQ
Place an Ad

About us

Journal Sentinel
Journal Communications

Partners

© 2013 Journal Sentinel, Inc. PRIVACY POLICY/YOUR CALIFORNIA PRIVACY RIGHTS Terms of Use

Friday, October 11, 2013

News Analysis

2
Tweet
1
Lik
Share
Digg

Ten top viral videos to inspire brands to create their own

May 16, 2012

By Helen Lawson, senior PR account manager, Pauley Creative

Viral videos can be great fun, great for branding and great for reach without necessarily having access to spectacular budgets.

The brilliant thing about these videos is that they have the magical ability to take you out of your 'construction' pigeonhole. The techniques and tactics which make a great viral will transcend your industry labels and appeal directly to basal human instincts… curiosity, sympathy, humour, sociability.

Related Links

- 12 year-old app developer viral sensation
- Incredible iPad Halloween viral

Reviewing some of the greatest viral videos from the past few years, it's clear to see trends in some of the more successful tactics employed by the creative agencies.

Here are our top ten tips for making a successful viral video.

1) Play the numbers game

Simply put, the more videos you produce, the greater your chances that one of them will go viral. Trial and error will definitely be employed when you first venture into the world of video, and you may find that creating lots of videos pays off by giving you first hand experience in what your audience likes to watch. Create a YouTube channel and add content regularly - like home builders Taylor Wimpey did here:

2) Get funny

DATES FOR YOUR DIARY

25-Jan	Digital foundation certificate - day one	IAB
31-Jan	Integrated campaign strategy	IAB
1-Feb	Digital foundation - day two	IAB

UTALK MARKETING .COM NEWS

Laughter is infectious… everybody likes a giggle and I'd bet that your first reaction when you've watched or seen something funny is to share it with your friends and work colleagues. This is the 'sharing' wave you'll be trying to catch with your video. This cute but rather funny 'sneezing baby Panda' video clip was recently at the top of the YouTube most watched list:

3) Showcase techniques such as stop motion, time lapse, action figures, even Lego building skills

People love visually compelling content and one way to create it is to experiment with filmmaking techniques to try and show people something they haven't seen before, particularly if you're showcasing product that isn't visually stimulating on its own. Videos that are unexpected get people excited and foster a "saw it first" mentality. Take a look at Nokia's "Gulp" video for some inspiration, or these Lego building skills on this Eddie Izzard clip:

4) Add value

Use your video to educate your audience – teach them something they didn't know beforehand and if it's interesting enough, they'll want to share it. This popular time lapse video of the Ark Hotel construction project doesn't just look impressive, it is punctuated with interesting facts throughout:

5) Hijack an existing fan base

Geeks make an easy target! Car geeks, movie geeks, sport geeks, pet geeks… tying up the theme of your video with an already existing fan base will add an extra string to your popularity bow. You might choose to integrate catch phrases, images or associations that will capture your audience's attention. This completely pointless, yet massively successful viral video incorporates two fan bases – followers of the Indiana Jones franchise and Lego geeks, just take a look at the geeky comments still being posted on the video nearly four years after the video was added. Take a look:

6) Promote engagement

Why not incorporate an interactive element into your video, or some sort of level of engagement to allow your audience to directly interact with your brand or product? Here's a nice example from Tippex. Funny, and interactive!

7) Employ shock tactics

Not 'shock horror', but rather trying to 'wow' your audience somehow. Creating a video that challenges your audience and makes them question what they already know will prompt the start of a discussion within the industry. For example, Relativity Media did this to great success with the Times Square billboard hack viral it created to promote the release of the Limitless movie last year. Here is video one (there is also a follow up which links the momentum of the viral to the movie on YouTube):

8) Embrace the unexpected

The appearance of your product or brand in a video that's already gaining momentum online can be shocking. Depending on the tone of the mention, challenge yourself to embrace it and capitalise on the popularity of the video. Perhaps create a second, follow-up video with a humorous angle, or just be certain to capture passing traffic through SEO, PPC and online banner adverts.

This classic 'Cat vs Printer' was a sensation back in 2010 but remains massively popular. If we had been working with Lexmark, we would definitely have embraced this as an opportunity and created a follow up campaign for this:

9) Push the boundaries of what's comfortable or expected from your brand

This is today's 'please think outside the box' call to action! If you've got a brand that people associate with one audience or attitude, doing something very unexpected will draw attention in itself. For example, when Woolite hired rock musician and horror movie director Rob Zombie to direct an advert for them in 2011, the chatter around the strangeness of that choice made it massively popular:

10) Combine all these techniques

What you might consider to be a 'dull' or 'uninteresting' brand or product, can be given new life with by applying a few of these viral video techniques. For example a recent video that was created by the Duck Tape brand pushed the boundaries of what was comfortable for their brand, hijacked an enormous, incorporated humour, a massive geeky fan base, and an interesting visual technique (stop motion). Watch this:

Have you spotted any great viral videos recently, or considered creating your own viral video? What risks did you take and what challenges did you overcome? We're looking forward to hearing about your experiences!

Check out **12ahead**, our brand new platform covering the latest in cutting-edge digital marketing and creative technology from around the globe.

12ahead identifies emerging trends and helps you to understand how they can apply to modern-day companies.

We believe **12ahead** can put you and your business 12 months ahead of the competition. Sign up for a free trial today.