

**To:** BEVELAND, S.A. ([rmcgonig@hodgsonruss.com](mailto:rmcgonig@hodgsonruss.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85749462 - BVLAND - RAM  
March Be - Request for Reconsideration Denied - Return to TTAB  
**Sent:** 12/2/2015 12:49:36 PM  
**Sent As:** ECOM101@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85749462

**MARK:** BVLAND

**\*85749462\***

**CORRESPONDENT ADDRESS:**

RYAN A MCGONIGLE  
HODGSON RUSS LLP  
1540 BROADWAY FL 24  
NEW YORK, NY 10036-4087

**GENERAL TRADEMARK INFORMATION**

<http://www.uspto.gov/trademarks/information>

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**APPLICANT:** BEVELAND, S.A.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

RAM March Be

**CORRESPONDENT E-MAIL ADDRESS:**

[rmcgonig@hodgsonruss.com](mailto:rmcgonig@hodgsonruss.com)

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 12/2/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated May 13, 2015 are maintained and continue to be final: (1) Section 2(d) Refusal to Register regarding U.S. Registration Numbers 0847433, 1675265, 2209222, 2221848, 3026764, 3265910, 3353205, 4043096,

4455716, and 4556404. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied. Please see the attached evidence of a similar type attached to the previous Office actions further demonstrating that various alcoholic beverages including wines and schnapps travel through the same channels of trade to the same classes of purchasers.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

**Advisory – TEAS Plus Applicants:**

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (*see* TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Colleen Dombrow/  
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colleen.dombrow@uspto.gov



## WILDBRUMBY BRUT (750ML) AUD\$26.00

Crisp and dry. Perfectly paired with Peach Nectar schnapps!



**wildbrumby**  
*schnapps*

Open daily 10am - 5pm in summer  
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F 02 6437 1407

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## PEACH NECTAR (500ML) AUD\$38.00

A distinctive peach flavour over the palate with a smooth finish and a perfect partner to a glass of bubbles 18.5%

A distinctive peach flavour over the palate with a smooth finish and a perfect partner to a glass of bubbles 18.5%



**wildbrumby**  
*schwapps*

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(closed Christmas day)  
10am - 6pm in winter

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F 02 6437 1407

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## OUR WINES

Rodrigues Winery & Distillery produces high quality, premium berry **wines** and spirits (liquers, **schnapps**, brandies and vodka), hand crafted with care. Although we produce a variety of berry wines, our flagship wine is wild blueberry - these berries are wild and grow in a pesticide and pollution free environment.

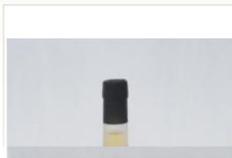
Our water, drawn from an artisan well is second to none in quality and purity. Our facilities are state of the art, we were the very first winery and we have the only commercially operating distillery in the province of Newfoundland. We are committed to standards of quality by maintaining ISO certification and following best management practices. In addition, our facilities are kosher-certified and our products are created using minimal processing and have no added sulphites.

Showing 1 to 4 of 14 (1 Pages)

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Name A-Z



APPLE LIQUEUR

CAD \$ 28.33



BARRENS BLEND W...

CAD \$ 14.78



BLACKCURRENT LI...

CAD \$ 21.55



BLACKCURRENT WI...

CAD \$ 14.78

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### Lychee Schnapps



Produced and Distilled from 100% selected fresh Lychee from Northern Thailand, no artificial essence or flavoring compounds added. Full flavor with intense Lychee aroma with wonderful lasting impression. This specially made schnapps is best enjoyed on its own after meal as digestive or even a boost in any Lychee related cocktail recipes.

Recommended serving Temperature at below 0 C° (can be kept in house hold freezer)

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### Lychee Schnapps

Produced and Distilled from 100% selected natural lychee fruit. No artificial essence or flavoring compounds are added. This age-old spirit is a wonderful digestif or even a hot toddy. Recommended serving Temperature at 40-50°F.

Thailand, no Lychee aroma enjoyed on its own. (see hold freezer)

WINE & OLIVE



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### *PB Khao Yai Reserve Chenin Blanc 2013*



This white wine of a straw colour has an optimum of ripe flavour. The wine is fermented in French oak and lees-stirred to add creaminess on the palate. The nose shows a great complexity of floral perfume and tropical fruits and a texture of ripe fruit characters with fresh acidity. The oak influence is subtle and elegant and the wine has some almond on the palate. The finish is finely balanced, complex and lingering.

Recommended serving temperature is 9-11 °C



Grape Variety : Chenin Blanc

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Alcohol Content : 12.5%



Serving Temperature : 9-11°c





### PB Khao Yai Reserve C



This white wine of a straw colour... The wine is fermented in french c... palate. The nose shows a great co... nature of the fruit characters wh... elegant and the wine has some of... complex and fragrant.

Recommended serving temperatu...

- Grape Variety - Chenin
- Alcohol Content - 13%
- Serving Temperature - 10°C



WINE & OLIVE

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **12/2/2015** FOR U.S. APPLICATION SERIAL NO. 85749462

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **12/2/2015** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the**

**ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).