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	
SERIAL NUMBER	85831682
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	

Responsive to the November 14, 2013 Office Action, Applicant respectfully requests reconsideration of the extremely rare surname and Applicant submits significant evidence that shows the ADLON mark is perceiv surname.

Background

In a May 15, 2013 Office Action, registration of the ADLON mark was initially refused as primarily merel Nationwide" and various mentions on "genealogy web sites," which generally try to sell consumers the "Fa imdb.com showing approximately 17 "adlon" entries. The final Office Action continues the refusal and in imbd.com excerpt which shows only ten Adlon names from 1945- 2011, in apparent support that ADLON i pronunciation of a surname because it is comprised of two syllables and ends in "-on." The final Office A business.

For the reasons explained below, these references and arguments are not persuasive that the term Adlon is p

Primarily Merely a Surname Standard

There are four factors that the Board considers in determining whether a mark is primarily merely a surnam surname; 3) whether the term has a recognized meaning other than that of a surname; and 4) whether the te 2013); *see In re Joint-Stock Co. "Baik",* 84 USPQ2d 1921 (TTAB 2007) (finding the surname "Baik" to b superpages.com database).

The first factor demonstrates whether the mark is popular enough such that the second through fourth facto *re Nick Bovis*, Serial No. 77/502,609 *4-5 (TTAB September 28, 2010) (stating that the purpose behind ref extremely rare, there are very few, if any, people who can possibly be affected by the registration of that su to use his or her surname for the same or related goods or services as those of the trademark applicant.") (been used as a trademark by Applicant and its predecessor companies, and is not perceived by the consume

As discussed below, these factors clearly confirm the mark is not likely to be perceived as primarily merely Applicant respectfully requests the refusal be withdrawn.

There is Significant Evidence That Consumers Will Perceive ADLON as a Trademark

If there is any association of the term in the United States, consumers perceive the mark ADLON as surname. The Hotel Adlon receives numerous awards and recognitions each year as shown in the enclosed involving the U.S. Embassy in Germany. *See* http://search.state.gov/search?site=emb_eur_germany&client=emb_en_germany&output=xml_no_dtd&pro The Hotel Adlon was even mentioned in remarks delivered during the groundbreaking ceremony for the ne also been featured in movies and TV shows. http://www.imdb.com/find?q=The+Adlon+Hotel&s=all. This Adlon" rather than as a surname. For U.S. consumers to discern any surname significance, this might requi

On the other hand, the position in the Office Action that the mark would be perceived as primarily r best neutral considering the lack of evidence demonstrating that "Adlon" is a widely used surname. Similar As noted in Bovis, this factor has become almost nonsensical and application of the factor in the instant cas could say that BOVIS has the look and feel of a common noun because "book" and "bone" begin with the l comprised of two syllables and ends in "on" just like similarly structured surnames, "Hanlon," "Hilton," an examples such as well-known trademarks such as AMAZON and EXXON that end in "-ON," and that num best neutral and most likely in favor of Applicant. (Other examples of two syllable nouns that end in "on":

Almost every single word is a surname, as stated in *In re Nick Bovis *4* (quoting Hearings on H.R. it was the Board's intention to find that a surname is inherently primarily merely a surname if it does not ha test. Further, the Congressional record demonstrates that it was not the intent of Congress to prevent the reg inherent look and feel of a surname argument propagated by the Examining Attorney.

Additionally, as the Office Action correctly states, no one with the surname "Adlon" is connected the Adlon name has managed the hotel since 1967. Further, the hotel was almost completely destroyed duri land was purchased by a group wholly separate from the Adlon family. Therefore, Applicant submits that t

The Evidence of Record does not demonstrate the mark is a popular surname

ADLON is an extremely rare surname. The evidence provided in the Office Action indicates only that very required by the Office to demonstrate primarily merely a surname. The excerpts from the directories of nan of these names appear to be duplicates both within each directory and between both directories. For examp Harrisburg, PA 55-59 years old (P. 24, 27). A cursory review of the 411.com evidence also returns Deboral demonstrating the "prolific" nature of the ADLON surname is Jon Adlon of Washington, DC, 50-54 years among many other duplicates. The office should not assume this evidence represents more than 100+ peopl whitepages.com search does not lead to an assumption that the reportedly retrieved results represent the nu switchboard.com pages are mutually exclusive (and likely not), the listings of the two separates searches sh shows fewer than 100 entries, and, in the past, fewer than 100 entries does not typically support such a refu

As the Office Action points out, these were nationwide telephone directories used to develop the evidence. name Adlon is rare. *Compare In re Establissements Darty et Fils*, 222 USPQ 260 (TTAB 1984), aff'd 759 demonstrated a widely used surname based on the assumption that the name would appear in more telepho the Office Action provides the overall picture of the Adlon name in the United States. Arguably the most " provided in the Office Action, which further shows the duplicativeness of the search excerpts.

The remaining excerpts also help demonstrate just how rare the name is in the United States. For example, http://en.wikipedia.org/wiki/Internet_Movie_Database#cite_note-2. Yet, the excerpts include only 10 peopl expanded search of IMDB returned 16 total names). The Office Action also highlights the most "famous" ADLON. However, Pamela Adlon used her maiden name for close to the first 20 years of her career and ha instead plays supporting roles and is arguably not well-known. Her most recognizable role is as a voice cha USPQ2d 1792 (TTAB 2004) where the Board found that 1087 listings for ROGAN indicated the surname other "celebrities."

Further, IMDB, Facebook, Twitter and Linkedin are not exclusive to the United States and therefore any of
Nevertheless, the minimal evidence provided does not support the contention that the name “Adlon” is not
presence and volume of the surname in social media, entertainment culture, and in national phone directori

The dearth of evidence of use of the surname found in the nationwide phone directories and the limited evi
suggests that the risk of a likelihood of confusion is minimal if the mark is placed on the Principal Register

Any Doubt Regarding Primarily Merely a Surname Should be Resolved in Applicant’s Favor

In refusing registration under Section 2(e)(4), the burden is on the Office to establish that a mark is primari
has not been met, or where there remains doubt, such doubt is to be resolved in favor of the applicant. *See I*
where a surname is so rare that the evidence shows less than 100 people residing in the entire United States
Register as a trademark for the goods and services at issue.

Accordingly, it is respectfully requested that the final refusal of registration under Trademark Act Section 2

Please telephone the undersigned if anything additional is required.

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[1] A copy of this opinion is enclosed for the Examining Attorney’s convenience.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_98141140178-164808143_
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DESCRIPTION OF EVIDENCE FILE	webpages and case law
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jf/
SIGNATORY'S NAME	Jennifer Fraser
SIGNATORY'S POSITION	Attorney of record, District of
SIGNATORY'S PHONE NUMBER	202-331-7111
DATE SIGNED	05/14/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Wed May 14 17:44:34 EDT 2(
TEAS STAMP	USPTO/RFR-98.141.140.178-20140514174434956029-8583 1682-50082b8513f957e7eeab bd9d1d51a1229b471f8dc5b52 33d0146188f11f4d40a5-N/A-N/A-20140514164808143690

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. **85831682** has been amended as follows:

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

Responsive to the November 14, 2013 Office Action, Applicant respectfully requests reconsideration of the final refusal of registration under Section 2(e)(4) of the Trademark Act. The term ADLON is, at best, an extremely rare surname and Applicant submits significant evidence that shows the ADLON mark is perceived by the consumer as a trademark and is well known as “The Hotel Adlon” and is thus not primarily merely a surname.

Background

In a May 15, 2013 Office Action, registration of the ADLON mark was initially refused as primarily merely a surname. In support of the refusal, the Office Action enclosed 75 “Switchboard” results for “Adlon Nationwide” and various mentions on “genealogy web sites,” which generally try to sell consumers the “Family Crest” and family history for a particular name. The Office Action also attached information from imdb.com showing approximately 17 “adlon” entries. The final Office Action continues the refusal and includes references to various sources, which include numerous duplicative names and, for example, an imbd.com excerpt which shows only ten Adlon names from 1945- 2011, in apparent support that ADLON is primarily merely a surname the Office Action further maintains that ADLON has the structure and pronunciation of a surname because it is comprised of two syllables and ends in “-on.” The final Office Action also admits that the no one of “that stature” with the name ADLON is associated with Applicant’s business.

For the reasons explained below, these references and arguments are not persuasive that the term Adlon is perceived in the United States as primarily merely a surname.

Primarily Merely a Surname Standard

There are four factors that the Board considers in determining whether a mark is primarily merely a

surname. The factors are: 1) whether the surname is rare; 2) whether another connected with the applicant has the surname; 3) whether the term has a recognized meaning other than that of a surname; and 4) whether the term has the look and sound of a surname. *Mitchell Miller, P.C. v. Miller*, 105 USPQ2d 1615, 1620-21 (TTAB 2013); *see In re Joint-Stock Co. "Baik"*, 84 USPQ2d 1921 (TTAB 2007) (finding the surname "Baik" to be an "extremely rare surname" based on a listing of 456 individuals with that surname in the Verizon superpages.com database).

The first factor demonstrates whether the mark is popular enough such that the second through fourth factors should be addressed to determine whether the mark will be perceived as primarily merely a surname. *See In re Nick Bovis*, Serial No. 77/502,609 *4-5 (TTAB September 28, 2010) (stating that the purpose behind refusing registration to a surname is not to "prevent the registration of surnames per se" because if a "surname is extremely rare, there are very few, if any, people who can possibly be affected by the registration of that surname as a mark. This is because not only must there be a person with that surname, but that person must want to use his or her surname for the same or related goods or services as those of the trademark applicant.") (nonprecedential).[1] If ADLON is a surname, it is an extremely rare surname and the term ADLON has long been used as a trademark by Applicant and its predecessor companies, and is not perceived by the consumer as primarily merely a surname.

As discussed below, these factors clearly confirm the mark is not likely to be perceived as primarily merely a surname and weigh in favor of registration of the ADLON mark on the Principal Register. Accordingly, Applicant respectfully requests the refusal be withdrawn.

There is Significant Evidence That Consumers Will Perceive ADLON as a Trademark

If there is any association of the term in the United States, consumers perceive the mark ADLON as associated with "The Hotel Adlon" as shown in the enclosed web pages, and not as primarily merely a surname. The Hotel Adlon receives numerous awards and recognitions each year as shown in the enclosed summary of recent Awards and Ratings. Further, The Hotel Adlon is associated with a number of events involving the U.S. Embassy in Germany. *See* http://search.state.gov/search?site=emb_eur_germany&client=emb_en_germany&output=xml_no_dtd&pro The Hotel Adlon was even mentioned in remarks delivered during the groundbreaking ceremony for the new U.S. Embassy in Berlin. *See* http://germany.usembassy.gov/germany/williams.html. The Hotel Adlon has also been featured in movies and TV shows. http://www.imdb.com/find?q=The+Adlon+Hotel&s=all. This significant evidence demonstrates that the mark is perceived by the consumer in the context of "The Hotel Adlon" rather than as a surname. For U.S. consumers to discern any surname significance, this might require the name be seen as, for example, "Adlon's Hotel," which is not the name.

On the other hand, the position in the Office Action that the mark would be perceived as primarily merely a surname is simply not persuasive. The dictionary does not define the term "Adlon," but this factor is at best neutral considering the lack of evidence demonstrating that "Adlon" is a widely used surname. Similarly, the contention that the term "Adlon's" structure and pronunciation is that of a surname is not persuasive. As noted in Bovis, this factor has become almost nonsensical and application of the factor in the instant case is reflective of the Board's statement in Bovis. *Bovis* at *3 ("Using the examining attorney's approach, we could say that BOVIS has the look and feel of a common noun because "book" and "bone" begin with the letters "Bo," or because "trellis" and "clematis" end in "is"). The Office Action states that ADLON is comprised of two syllables and ends in "on" just like similarly structured surnames, "Hanlon," "Hilton," and "Dillon," among others. The Office Action does not address Applicant's arguments and the countless examples such as well-known trademarks such as AMAZON and EXXON that end in "-ON," and that numerous words that are not surnames also contain two syllables and end in "on" and therefore this argument is at best neutral and most likely in favor of

Applicant. (Other examples of two syllable nouns that end in "on": demon; bacon; lemon; bison; apron, and many others).

Almost every single word is a surname, as stated in *In re Nick Bovis *4* (quoting Hearings on H.R. 4744 Before the Subcomm. Trade-marks of the House Comm. On Patents, 76th Con., 1st Sess. (1939) at 40). If it was the Board's intention to find that a surname is inherently primarily merely a surname if it does not have another meaning, as the Office Action appears to suggest, the Board would not have espoused a 4-factor test. Further, the Congressional record demonstrates that it was not the intent of Congress to prevent the registration of surnames per se. *Bovis* at 4. The fact that the surname is extremely rare more than outweighs the inherent look and feel of a surname argument propagated by the Examining Attorney.

Additionally, as the Office Action correctly states, no one with the surname "Adlon" is connected with the Applicant. The original Hotel Adlon was built in 1907 by Lorenz Adlon, but nobody associated with the Adlon name has managed the hotel since 1967. Further, the hotel was almost completely destroyed during World War II and finally demolished in the 1980's. The hotel was rebuilt and reopened in 1997 after the land was purchased by a group wholly separate from the Adlon family. Therefore, Applicant submits that there is no direct connection between the existing Hotel Adlon and the family that built the hotel in 1907.

The Evidence of Record does not demonstrate the mark is a popular surname

ADLON is an extremely rare surname. The evidence provided in the Office Action indicates only that very few people have the surname "Adlon" and not that the name "Adlon" is prolific enough to rise to the level required by the Office to demonstrate primarily merely a surname. The excerpts from the directories of names 411.com and Switchboard.com retrieve over 100 individuals with the Adlon surname. However, a number of these names appear to be duplicates both within each directory and between both directories. For example, just a cursory review of the switchboard.com evidence indicates at least two entries for Deborah A. Adlon of Harrisburg, PA 55-59 years old (P. 24, 27). A cursory review of the 411.com evidence also returns Deborah A. Adlon, Harrisburg, PA, 55-59 years old (P. 54, 57). Another example of this duplicative "evidence" demonstrating the "prolific" nature of the ADLON surname is Jon Adlon of Washington, DC, 50-54 years old (P. 23, 29, 53, 59). See also "Virginia Adlon" (P. 14 and 41) and "Bruce E. Adlon" (P. 15, 39, 42, 69) among many other duplicates. The office should not assume this evidence represents more than 100+ people have the surname Adlon. *See e.g., Bovis* at *2 (finding that the possible duplication of names in the excerpted whitepages.com search does not lead to an assumption that the reportedly retrieved results represent the number reported by the Examining Attorney). Further, the fact that it is unclear whether the 411.com and switchboard.com pages are mutually exclusive (and likely not), the listings of the two separates searches should not be added together to increase the number of Adlon surnames. *Id.* Thus, it appears likely the evidence shows fewer than 100 entries, and, in the past, fewer than 100 entries does not typically support such a refusal.

As the Office Action points out, these were nationwide telephone directories used to develop the evidence. Yet, these nationwide telephone directories returned numerous duplicative results further indicating that the name Adlon is rare. *Compare In re Establissements Darty et Fils*, 222 USPQ 260 (TTAB 1984), aff'd 759 F.2d 15, 225 USPQ 652 (Fed. Cir. 1985) (finding that only 32 listings in nine telephone directories demonstrated a widely used surname based on the assumption that the name would appear in more telephone directories). Thus it is reasonable to conclude that the 411.com and switchboard.com excerpts submitted in the Office Action provides the overall picture of the Adlon name in the United States. Arguably the most "famous" Adlon, Pamela Adlon, shows up in both the submitted 411.com and switchboard.com searches provided in the Office Action, which further shows the duplicativeness of the

search excerpts.

The remaining excerpts also help demonstrate just how rare the name is in the United States. For example, according to Wikipedia there are 5,826,213 personalities in the Internet Movie Database. http://en.wikipedia.org/wiki/Internet_Movie_Database#cite_note-2. Yet, the excerpts include only 10 people with "Adlon" as their surname and some of these people are credited back to the 1940's and 50's. (An expanded search of IMDB returned 16 total names). The Office Action also highlights the most "famous" ADLON, Pamela Adlon, for the proposition that individuals in the entertainment industry use the surname ADLON. However, Pamela Adlon used her maiden name for close to the first 20 years of her career and has only adopted her married name in the past ten years. Furthermore, she is not a box office movie star, but instead plays supporting roles and is arguably not well-known. Her most recognizable role is as a voice character for a recently canceled cartoon. These accolades do not rise to the level found in *In re Greogry*, 70 USPQ2d 1792 (TTAB 2004) where the Board found that 1087 listings for ROGAN indicated the surname was rare, but the name received media attention as the name of a Congressman and former PTO Director, among other "celebrities."

Further, IMDB, Facebook, Twitter and Linkedin are not exclusive to the United States and therefore any of the results from those searches incorporate people outside United States jurisdiction and are skewed. Nevertheless, the minimal evidence provided does not support the contention that the name "Adlon" is not rare and in fact, should evidence to the Office that the surname is extremely rare worldwide. There is very little presence and volume of the surname in social media, entertainment culture, and in national phone directories which demonstrate that ADLON is a rare surname.

The dearth of evidence of use of the surname found in the nationwide phone directories and the limited evidence of the surname in social media and entertainment demonstrates that the surname is rare, which strongly suggests that the risk of a likelihood of confusion is minimal if the mark is placed on the Principal Register.

Any Doubt Regarding Primarily Merely a Surname Should be Resolved in Applicant's Favor

In refusing registration under Section 2(e)(4), the burden is on the Office to establish that a mark is primarily merely a surname. *In re Pohan Iron & Steel Co., Ltd.*, 230 USPQ 79, *2 (TTAB 1986). Where this burden has not been met, or where there remains doubt, such doubt is to be resolved in favor of the applicant. *See In re Benthin Management GmbH*, 37 USPQ2d 1332, 1334 (TTAB 1995). It is respectfully submitted that where a surname is so rare that the evidence shows less than 100 people residing in the entire United States using that name, the limited use of the surname should not prohibit registration of the term on the Principal Register as a trademark for the goods and services at issue.

Accordingly, it is respectfully requested that the final refusal of registration under Trademark Act Section 2(e)(4) be withdrawn.

Please telephone the undersigned if anything additional is required.

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[1] A copy of this opinion is enclosed for the Examining Attorney's convenience.

EVIDENCE
Evidence in the nature of webpages and case law has been attached.
Original PDF file:

evi_98141140178-164808143_._ADLON_evidence.pdf
Converted PDF file(s) (34 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12
Evidence-13
Evidence-14
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Evidence-33
Evidence-34

SIGNATURE(S)
Request for Reconsideration Signature
Signature: /jf/ Date: 05/14/2014
Signatory's Name: Jennifer Fraser
Signatory's Position: Attorney of record, District of Columbia bar member

Signatory's Phone Number: 202-331-7111

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85831682
Internet Transmission Date: Wed May 14 17:44:34 EDT 2014
TEAS Stamp: USPTO/RFR-98.141.140.178-201405141744349
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d51a1229b471f8dc5b5233d0146188f11f4d40a5
-N/A-N/A-20140514164808143690

Hotel Adlon

Coordinates: 52°30′57″N 13°22′50″E

From Wikipedia, the free encyclopedia

The **Hotel Adlon Kempinski Berlin** is a luxury hotel in Berlin, Germany. It is located on Unter den Linden, the main boulevard in the central Mitte district, at the corner with Pariser Platz, directly opposite the Brandenburg Gate.

The legendary original Hotel Adlon was one of the most famous hotels in Europe. It opened in 1907 and was largely destroyed in 1945 in the closing days of World War II, though a small wing continued operating until 1984. The current hotel is a new building with a design inspired by the original, which opened on August 23, 1997.

Hotel Adlon

The current Hotel Adlon Kempinski Berlin

Hotel chain	Kempinski
General information	
Location	Berlin–Mitte, Germany
Address	Unter den Linden 77
Coordinates	52°30′57.77″N 13°22′49.70″E
Opening	original hotel 24 October 1907 (current hotel 23 August 1997)
Technical details	
Floor count	7
Design and construction	
Architect	Rainer Michael Klotz
Other information	
Number of rooms	382
Number of restaurants	4
Number of bars	5
Website	
www.kempinski.com/adlon	

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First Hotel Adlon

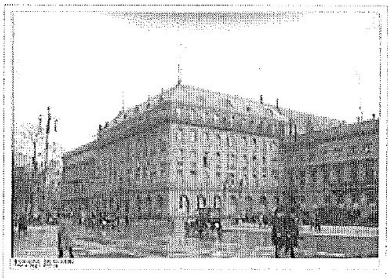
In the late 19th century, European hotels, which generally offered no more than overnight accommodation, evolved to become social gathering places which could host large receptions given by nobility and the wealthy. Modeled on American hotels like the Waldorf Astoria, new hotel buildings arose all over the continent with lavishly decorated ballrooms, dining halls, arcades, smoking lounges, libraries, and coffeehouses. In 1873 the Hotel Imperial opened in Vienna, followed by the Hôtel Ritz Paris in 1898, and The Ritz London Hotel in 1906. In Berlin, capital of the German Empire the Wilhelmine high society was eager to keep up with their rival metropolises.

In 1905 Lorenz Adlon, a successful wine merchant and restaurateur originally from Mainz, purchased two properties on Unter den Linden. Adlon ran several coffeehouses in Berlin, among others in the Berlin Zoological

Palais Redern, about 1900

Garden, and had raised capital to build a hotel on Pariser Platz, at the heart of the German capital. He convinced Kaiser Wilhelm II that Berlin needed a luxury hotel at the level of those in Paris, London and the other European capitals, and so the Kaiser personally interceded with the owners of the Palais Redern, a Neo-Renaissance landmark designed by Karl Friedrich Schinkel in 1830, which sat at Adlon's chosen location. The Kaiser cleared the way for Adlon's purchase of the Palais and for the subsequent demolition of the historic building.

Designed by Carl Gause and Robert Leibnitz, the hotel was built at a cost of 20 Million Gold Marks, 2 Million of which were the majority of Adlon's personal fortune. Behind a rather sober façade, the hotel was the most modern in Germany with hot and cold running water, an on-site laundry, as well as its own power plant to generate electricity. It boasted a huge lobby with enormous square marble columns, a restaurant, a cafe, a palm court, a ladies' lounge, a library, a music room, a smoking room, a barber shop, a cigar shop, an interior garden with a Japanese-themed elephant fountain and numerous grand ballrooms. The hotel was decorated in a mix of Neo-Baroque and Louis XVI styles and furnished by the Mainz company of Bembé, where Lorenz Adlon had been an apprentice carpenter in his youth. It was located in the heart of the government quarter next to the British Embassy on Wilhelmstrasse, facing the French and American Embassies on Pariser Platz and only blocks from the Reich Chancellery and other government ministries further south on Wilhelmstrasse.


Hotel Adlon, 1926

The Adlon opened on October 23, 1907 with the Kaiser, his wife, and many other notables in attendance. It quickly became the social center of Berlin. As the rooms in the Stadtschloss were cold and drafty, the Kaiser paid an annual retainer to keep suites available for his guests.[1] Likewise the Foreign Office used the Adlon for accommodation during state visits, with guests including Tsar Nicholas II of Russia and Maharaja Bhupinder Singh of Patiala. Notable guests of the early years included industrialists such as Thomas Edison, Henry Ford, and John D. Rockefeller, as well as politicians like Walter Rathenau, Gustav Stresemann and the French prime minister Aristide Briand. Many wealthy Berliners lived for extended periods of time in the hotel, while its ballrooms hosted official government functions and society events.

After World War I and the abdication of the Kaiser, Lorenz Adlon remained a staunch monarchist and thus never imagined normal traffic would pass through the Brandenburg Gate's central archway, which had been reserved for the Kaiser alone. He therefore never looked before crossing in front of it. Tragically, this resulted in Adlon being hit by a car in 1918 at that spot. Three years later, on April 7, 1921, he was again hit by a car at exactly the same spot, this time fatally. Lorenz's son Louis Adlon took over management of the hotel with his American-born wife Hedda. During the "Golden Twenties", the Adlon remained one of the most famous hotels in Europe, hosting celebrity guests including Louise Brooks, Charlie Chaplin, Mary Pickford, Emil Jannings, Albert Einstein, Enrico Caruso, Thomas Mann, Josephine Baker, and Marlene Dietrich, and also politicians like Franklin Roosevelt, Paul von Hindenburg, and Herbert Hoover. The hotel was a favorite hangout of international journalists, including William L. Shirer, who mentions it frequently in his writings.

The hotel remained a social center of the city throughout the Nazi period, though the Nazis themselves preferred the Hotel Kaiserhof a few blocks south and directly across from the Propaganda Ministry and Hitler's Chancellery on Wilhelmplatz. The Adlon continued to operate normally throughout World War II, even constructing a luxurious bomb shelter for its guests and a huge brick wall around the lobby level to protect the function rooms from flying debris. Parts of the hotel were converted to a military field hospital during the final days of the Battle of Berlin. The hotel survived the war without any major damage, having avoided the bombs and shelling that had leveled the city. However, on the night of May 2, 1945 a fire, started in the hotel's wine cellar by intoxicated Red Army soldiers, left the main building in ruins.

Louis Adlon himself was captured in his home near Potsdam by Soviet troops in the closing days of the war and found dead in Falkensee on May 7, 1945. Hedda Adlon relates in her autobiography that Louis was shot by the Soviets after they mistook him for a General because a servant at their estate called him by his title of "Generaldirektor".

East German Hotel Adlon

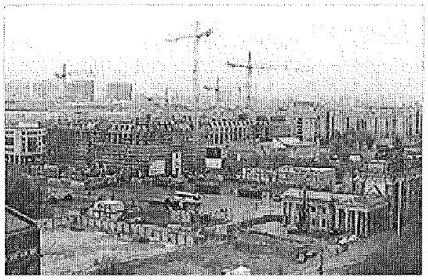
Following the war, the East German government reopened the building's surviving rear service wing under the Hotel Adlon name. The ruined main building was demolished in 1952, along with all of the other buildings on Pariser Platz. The square was left as an abandoned, grassed-over buffer with the West, with the Brandenburg Gate sitting alone by the Berlin Wall.

Ruined Pariser Platz in 1950, gutted Hotel Adlon on the right

In 1964, the remaining part of the building was renovated and the facade was redone. However, in the 1970s what remained of the original Hotel Adlon closed to guests and was converted to serve mainly as a lodging house for East German apprentices. Finally, in 1984, the building was demolished.

Second Hotel Adlon Kempinski

With the reunification of Germany, the site was bought by a West German investment firm and a new hotel was built between 1995 and 1997. The building, only very loosely inspired by the original, was designed by Rainer Michael Klotz of Patzschke Klotz & Partners, and on August 23, 1997 German President Roman Herzog opened the new Hotel Adlon. The hotel occupies the site of the original building, along with additional adjacent land. It currently operates as **Hotel Adlon Kempinski Berlin**, part of the Kempinski chain. Due to the hotel's success, it has been expanded twice with new wings at the rear on Behrenstrasse. The first wing, known as the Adlon Palais, opened in 2003, while the second, known as the Adlon Residenz, opened in 2004.



Hotel Adlon Kempinski under construction, 1995.

Location

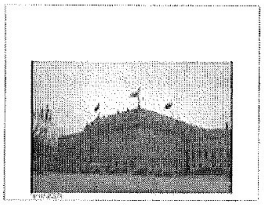
The original Hotel Adlon was famously located at Number One Unter Den Linden, as the avenue was numbered starting at the Brandenburg Gate end. However in the East German era, the avenue was renumbered, starting from the other end. As a result, the current Hotel Adlon Kempinski's entrance, though located at exactly the same site, is now at Unter den Linden 77.

In popular culture

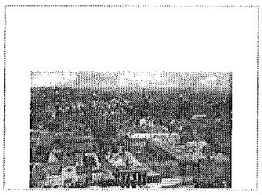
- Film director Percy Adlon is the great-grandson of Lorenz Adlon and made a documentary about the hotel called *The Glamorous World of the Adlon Hotel* in 1996.
- Much of the Liam Neeson action film *Unknown* was filmed at the Adlon, including the entire final portion.
- Greta Garbo's 1932 film *Grand Hotel* is set in a Berlin hotel inspired by the Adlon. In one of its rooms, she first utters her trademark line 'I vant to be alone'.
- A fictional half-ruined pre-war luxury hotel in East Berlin (also inspired by the Adlon), is seen in Billy Wilder's film *One, Two, Three*.
- The hotel features prominently in numerous fiction and non-fiction books about the Third Reich, including Joseph Kanon's novel *The Good German*, Philip Kerr's Bernie Gunther novels, David Downing's John Russell novels, and William L. Shirer's memoir *Berlin Diary*.
- Michael Jackson dangled his son "Blanket" out one of the hotel's windows during a visit to Berlin in November 2002. He apologized afterward saying "I offer no excuses for what happened, I got caught up in the excitement of the moment. I would never intentionally endanger the lives of my children."
- In the 1972 film *Cabaret*, Liza Minnelli's character Sally Bowles says she went to "the Adlon" to meet her father, who did not show up.
- The hotel appears as a still photograph in the intro for *Heil Honey, I'm Home!*, a 1990 British sitcom starring Adolf Hitler and Eva Braun that was canceled after one episode for being in bad taste.
- In the *Doctor Who* episode "Let's Kill Hitler", the TARDIS lands in the dining room of the Hotel Adlon in 1938, the Doctor dies there due to River Song's poisonous kiss and she uses her own regeneration energy plus all her future regenerations to resurrect the Doctor, under the eyes of Amy Pond and Rory Williams.
- A three-part drama mini-series set at the hotel entitled *Das Adlon: Eine Familiensaga* (*The Adlon: A Family Saga*) was broadcast on the German television station ZDF in January 2013.
- A documentary *Das Adlon – Die Dokumentation* (*The Adlon: A Documentary*) was also broadcast by ZDF in January 2013.

Gallery

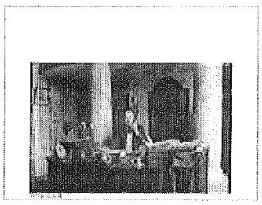
- **Hotel Adlon**



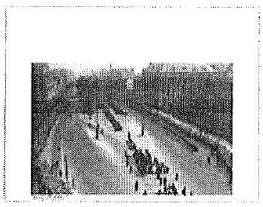
Hotel Adlon, 1927



Berlin, Hotel Adlon at center, 1931

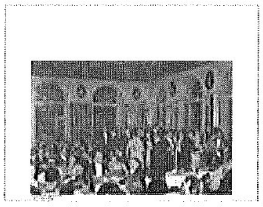


Louis Adlon in his office, 1932



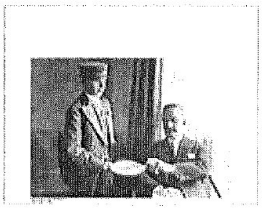
Funeral of German Foreign Minister Gustav Stresemann, October 6, 1929

French Premier Pierre Laval and Foreign Minister Aristide Briand at the Adlon, September 1, 1931

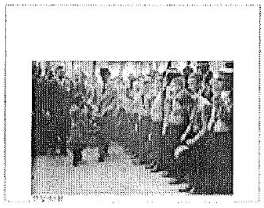


Foreign Press Ball at the Adlon, c. 1930s

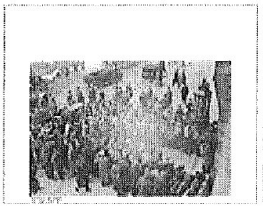
Thomas Mann at the Adlon, 1929



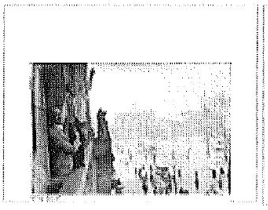
Thomas Mann at the Adlon, 1929



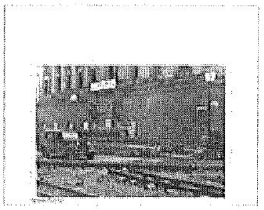
Jackie Coogan at the Adlon, 1924



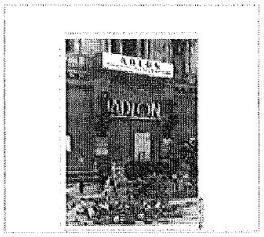
Jackie Coogan at the Adlon, 1924



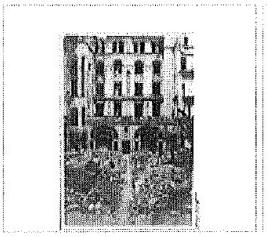
Jackie Coogan at the Adlon, 1924



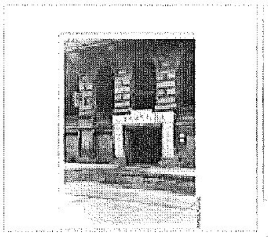
Hotel Adlon ruins, 1950, showing the protective wall built around the ground floor in the closing months of WWII



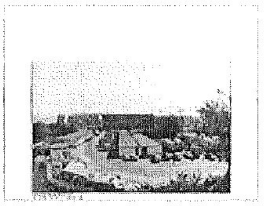
The ruined main entrance to the Hotel Adlon, 1950



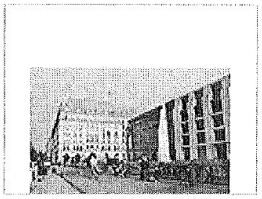
Ruined courtyard of the Adlon, 1950



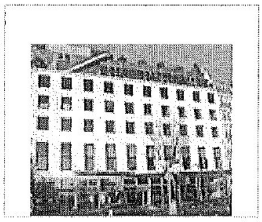
Entrance to the makeshift Hotel Adlon through the surviving service wing on Wilhelmstrasse, 1950



Hotel Adlon site before construction began, 1990



Hotel Adlon Kempinski, 2011



Adlon Palais, facing Behrenstrasse, 2011

References

1. ^ http://www.historichotelsthenandnow.com/hotels/europe/germany/hotel-adlon-kempinski-berlin/

External links

- Hotel Adlon Kempinski Berlin official website
- Percy Adlon's "The Glamorous of the Adlon Hotel, An homage to my own family"
- "In der glanzvollen Welt des Hotel Adlon" – IMDb

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THE ADLON

The Adlon

The Adlon opened in December 1912, and was designed by noted architects George and Edward Blum. The developers, Alexander Pincus, Joseph Graf, and Morris Goldstone commissioned George and Edward Blum to design a first class fire proof building on the southwest corner of 54th Street and 7th Avenue. The neighborhood was undergoing substantial changes at that time, with large apartment houses taking the place of smaller tenement-style buildings. As the American West expanded, it became popular to name these New York City apartment houses after the newly-created states: the Oregon, the Idaho and Wyoming are nearby examples.

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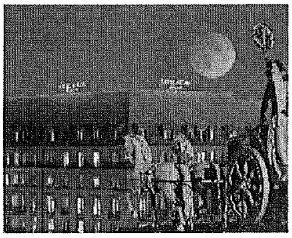

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"Absolutely incredible"

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Adrian O New York City, New York

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Adrian O
New York City, New York
1 review

"Absolutely incredible"

Reviewed 4 days ago NEW

My fiancee and I stayed at the Adlon for 4 nights in November, and we were blown away by everything at the hotel, from the beginning to the end of our trip: the graciousness of the bellhops and front desk staff; the location (it's hard to overstate how pleasant it is to walk back home every night and be greeted...

More

Was this review helpful? Yes Problem with this review?

Luages
Aberdeen, United Kingdom
Top Contributor
78 reviews

"Marvellous hotel"

Reviewed 5 days ago NEW

The Adlon Hotel is a fantastic place to stay in a great location, with amazing history behind it. I personally read substantially about it and how it was ruined in the war and later had to be completly rebuilt, so I intentionally chose it when I booked a trip to Berlin. The stay at the hotel was great and to...

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Was this review helpful? Yes Problem with this review?

John02122
Boston, Massachusetts

Contributor
12 reviews
4 hotel reviews
4 helpful votes

"You pay for all the aggravation."

Reviewed 5 days ago NEW

This place has plenty of luxury on offer. But there are also a myriad of ways it falls short in customer service. High on that list is the extreme frustration in using the internet. As I sit here today I have a notepad with 4 different logon IDs and PINs for a stay of only 4 days. And I regularly...

More

Was this review helpful? Yes Problem with this review?

kosinlay, Manager at Hotel Adlon Kempinski, responded to this review
3 days ago
Dear esteemed reviewer, Thank you for taking the time to share your opinion in this review. Your comments are highly appreciated as we strive to improve our daily operations. It is our utmost aim to provide you with a superior product and personal service far beyond expectations. I am sorry to read that we did not meet your expectations while... More

DaveandHeide
Reading, United Kingdom

Senior Reviewer
8 reviews
6 hotel reviews
2 helpful votes

"Good for leisure or business"

Reviewed 5 days ago NEW

Only stayed one night but was a fantastic room. Surprised to get a steam room included as standard. The staff were all very friendly and helpful but not fake niceness. The bar prices are fairly high but this is a 5star hotel. Would defiantly return when not working.

Was this review helpful? Yes Problem with this review?

Ascona2007
Lugano, Switzerland

Contributor
16 reviews
5 hotel reviews
4 helpful votes

"Best thing in Berlin"

Reviewed 1 week ago

I have been in Berlin in November for work. Kempinski Hotel is Amazing maybe the best thing I have found in Berlin. the hotel is facing Unter den Linden and Brandenburger Tor, it is an amazing view. My room was very nice despite dust on the fram of the mirror in the bathroom. The staff was exellent, smiling and ready...

More

Was this review helpful? Yes Problem with this review?

screenstarr
Wynnewood, Pennsylvania

Contributor
12 reviews
4 helpful votes

"Himmel auf Erden (Heaven on Earth)"

Reviewed 1 week ago

As soon as we walked into the Adlon, I knew our stay would be memorable. I was awed by the gorgeous stained-glass ceiling and live music emanating from the central lobby. Instead of merely being checked in by a desk clerk, a comely young Frenchwoman quickly completed our paperwork, arranged for our luggage delivery, and escorted us to our room,...

More

Was this review helpful? Yes 1 Problem with this review?

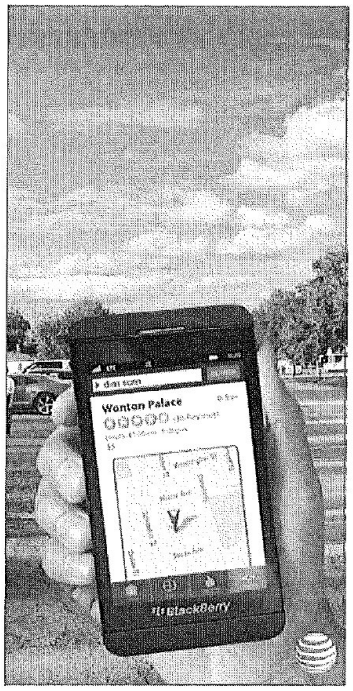
Liz L
Boston, Massachusetts

Reviewer

"Fantastic hotel, Perfect!"

Reviewed 1 week ago

Beautiful, beautiful hotel with outstanding service and location. Stayed here in November, and the staff was incredibly kind and welcoming, the room was perfection (with a steam shower and gorgeous bath). We loved it here and will be back any time we are in Berlin.



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3 reviews
3 hotel reviews

Was this review helpful? Yes Problem with this review?

nealjojo
switzerland

Senior Contributor
23 reviews
23 hotel reviews
20 helpful votes

"ninety-nine point nine nine percent perfect"

Reviewed 1 week ago

a memorable long weekend in this fabled and fabulous hotel...check in was swift and friendly...the glass of 'bubbly' was indeed most welcome...thanks to a black GHA Discovery Card we were upgraded to a superb luxurious room which left nothing to be desired..... .it was indeed 100% in every respect...large and comfortable...quiet and very well appointed....the tea and coffee equipment was...

More

Was this review helpful? Yes Problem with this review?

Tim N
Lincoln, United Kingdom
2 reviews
4 helpful votes

"Perfection!"

Reviewed 1 week ago

I stayed at this hotel in September for a week with my partner. Apologies for the late review. Whilst there it was our anniversary and although I had been to Berlin before, my partner had not. This Hotel is without doubt one of the best I have ever stayed in and I have travelled the world with my work. All...

More

Was this review helpful? Yes 1 Problem with this review?

clivia g

Top Contributor
60 reviews
19 hotel reviews
19 helpful votes

"very welcoming"

Reviewed 1 week ago

truly beautiful hotel. outstanding friendly staff (big exception: grumpy guy with moustache at brekkie egg station), fantastic interior, incredibly comfy beds, fantastic breakfast buffet. we felt very much at home in the adlon. ideally located in the center, next to the brandenburger tor, also very quiet in the rooms at night. the hotel is superbly furnished, with lots of valuable...

More

Was this review helpful? Yes 1 Problem with this review?

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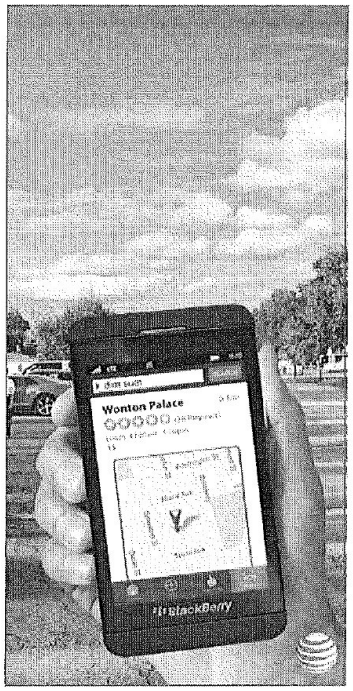

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4.0 out of 5, 726 reviews
Last reviewed Dec 5, 2013

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4.5 out of 5, 401 reviews
Last reviewed Dec 4, 2013

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4.5 out of 5, 638 reviews
Last reviewed Dec 3, 2013

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4.0 out of 5, 414 reviews
Last reviewed Dec 3, 2013

EnergieHotel Berlin
4.0 out of 5, 73 reviews
Last reviewed Dec 1, 2013

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4.0 out of 5, 71 reviews
Last reviewed Nov 26, 2013

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3.5 out of 5, 74 reviews
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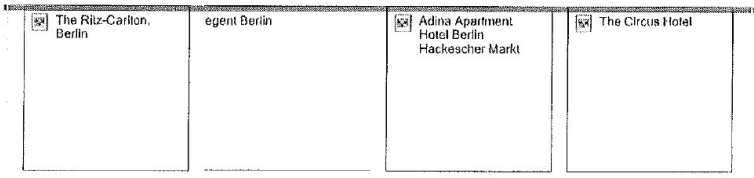

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1,107 reviews

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493 reviews

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816 reviews

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Last reviewed Nov 20, 2013

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Last reviewed Nov 13, 2013

Mikon Eastgate Hotel
3.5 out of 5, 80 reviews
Last reviewed Nov 5, 2013

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Last reviewed Oct 25, 2013

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Last reviewed Sep 6, 2013

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Additional Information about Hotel Adlon Kempinski

Also Known As:
Adlon Kempinski Hotel
Adlon Kempinski Berlin

Address: Unter den Linden 77, 10117 Berlin, Germany

Phone Number: 0049 30 2261 0

Location: Germany > Berlin

Amenities:

Bar/Lounge	Business Center
Fitness Center	Pets Allowed
Restaurant	Room Service
Shuttle Bus service	Suites
Swimming Pool	Wheelchair access

Hotel Style:
#2 Business Hotel in Berlin
#8 Romantic Hotel in Berlin
#13 Family Hotel in Berlin
#14 Luxury Hotel in Berlin

Price Range (Based on Average Rates): $$$

Hotel Class: 5 star — Hotel Adlon Kempinski 5*

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Hotel Adlon Kempinski Berlin

Key Highlights

Venue Type	Luxury Hotel
Brand	Kempinski Hotels
Rating	
Distance From Airport	6 Kilometers
Year Built	1997
Number of Sleeping Rooms	304
Number of Meeting Rooms	15

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What's this?

Overview | General Info | Meeting Space (15) | Image Gallery (30)

Description

The legendary Hotel Adlon Kempinski Berlin ranks as Berlin's premier address and fascinates its guests since 1907. It sits directly next to the iconic Brandenburg Gate – for to great landmarks belong near each other. Located on the famous Unter den Linden promenade, numerous cultural and historic s...

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2014:
"Gold List 2014", Condé Nast Traveler
"The World's Best Hotels 2013 Ranking", Institutional Investor

2013:
"Top 500 of the World's Best Hotels", Travel and Leisure
"World's Best Places To Stay", Condé Nast Traveler Magazine
"Top 20 Overseas Business Hotels", Condé Nast Traveller Magazine
"Top 20 Hotels in Northern Europe", Condé Nast Traveler

2012:
"Top 500 leading Hotels in the world", Travel+Leisure
"Best Overseas Business Hotel", Condé Nast Traveller Magazine

2011:
"Schlummer Atlas Top 50 Hotelier 2011", www.busche.de for General Manager Oliver Eller
"Five Star Diamond Award", American Academy of Hospitality Sciences
"Top 3 of the most visited Grand Hotels in Europe 2011", Centurion Magazine
"Germany's Leading Hotel", World Travel Awards
"Germany's Leading Conference Hotel", World Travel Awards
"The forth best Overseas Business Hotel", Readers' Choice Awards by Condé Nast Traveller
"2 Michelin Stars" for Hendrik Otto and the Lorenz Adlon Esszimmer
"16 Gault Millau Points" for the Lorenz Adlon Esszimmer
"Gold List" ranking, Condé Nast Traveller Magazine
"Top 100 World's Best Hotels", Institutional Investor
„World's Leading Luxury Historic Hotel 2011", World Travel Awards

Additional Materials

Fact Sheet

Room description

Your event at the Hotel Adlon Kempinski Berlin

Amenities

Room Features and Guest Services
- Laundry
- Voice Mail Box
- Luggage Storage
- Urban Views
- Internet
- Concierge Services
- Garden Views
- Room Service

Facility Information
- Restaurant on Site
- Onsite Catering
- Gift Shop on Site
- Wheelchair Accessible
- Outside Caterers Allowed
- Rental Car Services
- Pets Welcome
- Security Staff Onsite

Parking
- Paid Parking Available
- Valet Parking Available

Business Services
- Business Center
- Audio/Video Capabilities
- Video Conferencing
- VIP Services

Recreational Activities
- Health Club
- Indoor Pool
- Whirlpool
- Spa/Salon

Venue Accessible By
- Train
- Bus
- Subway
- Taxi

Equipment Available
- Portable Walls
- Staging
- Piano
- Dance Floors

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United States Diplomatic Mission

Search

Adlon SEARCH

Results 1 - 10 of about 14 sorted by relevance sorted by date

All Results

Narrow Search 2012-11-27

Choose a Date

Election Party at the Amerika Haus Berlin Set the Scene for ...
... events continued in the morning of November 3 with a panel discussion in cooperation with the DaimlerChrysler Corporation at the Hotel **Adlon**. ...
germany.usembassy.gov/germany/election_events2004.html

2012-11-27

Selected Events 2007 | United States Diplomatic Mission
... the detail of both creations, Michael Hoffmann, chef at the Restaurant Margaux, Fabrice Lasnon, executive chef at the Hotel **Adlon**, and Thomas ...
germany.usembassy.gov/germany/programs_and_events2007.html

2012-08-01

US Department of State Office of the Spokesman For ...
... Secretary of State, Hillary Rodham Clinton at the Atlantic Council Gala Dinner November 8, 2009 **Adlon** Hotel Berlin, Germany (Applause.) ...
germany.usembassy.gov/root/pdfs/policy/clinton_keynote_2009-11-08.pdf

2012-11-27

Selected Events 2008 | United States Diplomatic Mission
... In a press conference at the **Adlon** Hotel, the Governors thanked the German people for their ongoing support for Afghanistan, and emphasized the ...
germany.usembassy.gov/germany/selected_events2008.html

2012-11-27

Louis Begley | United States Diplomatic Mission
... Berlin, April 21, 2008, 19:00 Hotel **Adlon** Kempinski Berlin Unter den Linden 77 10117 Berlin Reading in English Reservation: IRCBerlin@state.gov. ...
germany.usembassy.gov/germany/louis_begley.html

2012-11-27

Clinton at Freedom's Challenge Awards: "There is no wall we ...
... of the fall of the Berlin Wall, the Atlantic Council hosted the "Freedom's Challenge: A Gala Banquet and Awards Ceremony" at the **Adlon** Hotel in ...
germany.usembassy.gov/news110810.html

2012-11-27

Embassy Events 2010 | United States Diplomatic Mission
... December 15. Ambassador Murphy addressed a reception at the **Adlon** Hotel in honor of GE's new government relations office in Berlin. ...
germany.usembassy.gov/events/archive/2010/

2012-04-16

Selected Events Sept-Dec 2009 | United States Diplomatic ...

... of the fall of the Berlin Wall, the Atlantic Council hosted the "Freedom's Challenge: A Gala Banquet and Awards Ceremony" at the **Adlon** Hotel in ...
germany.usembassy.gov/dyn/ev_sep-dec2009.html

2012-11-27

The New US Embassy in Berlin (October 6, 2004) | United ...
... DZ Bank, The Foundation Memorial for the European Jewish Victims of Murder, The Academy of Arts Berlin-Brandenburg, The **Adlon** Hotel, Fundus ...
germany.usembassy.gov/germany/williams.html

2012-11-27

Events Archive: 2d Quarter 2008 | United States Diplomatic ...
... World-renowned novelist Louis Begley read from his book Matters of Honor at the **Adlon** Hotel on April 21, and at the Bucerius Law School in ...
germany.usembassy.gov/events/2008/q2/

Related Searches:

adlon hotel | awards ceremony adlon | ceremony adlon hotel

1 2 »

Adlon SEARCH

Search Within Results Search Tips

This site is managed by the U.S. Department of State. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

Results for "the adlon hotel"

Jump to:Titles|Names|Characters|Keywords|Companies

Titles

Hotel Adlon (1955)

Schloss Charlottenburg-Hotel Adlon (1998) (TV Episode)
- Kreuzfahrt Berlin - Geschichten zwischen Spree und Landwehrkanal (1998) (TV Mini-Series)

The Glamorous World of the Adlon Hotel (1996) (TV Movie)

Adlon verpflichtet - Geschichte und Geschichten eines Hotels (2007) (TV Movie)

Das Adlon. Eine Familiensaga (2013) (TV Mini-Series)

The Grand Budapest Hotel (2014)

Hotel Transylvania (2012)

Hotel Rwanda (2004)

The Best Exotic Marigold Hotel (2011)

Hotel (1983) (TV Series)

View: **More title matches**

Names

Pamela Adlon (Actress, King of the Hill (1997))

Gideon Adlon (Actress, Louie (2010))

Percy Adlon (Director, Bagdad Cafe (1987))

Felix O. Adlon (Writer, Mahler on the Couch (2010))

Eleonore Adlon (Producer, Bagdad Cafe (1987))

View: **More name matches**

Characters

Lorenz Adlon (Das Adlon. Eine Familiensaga (2013))

Louis Adlon (Das Adlon. Eine Familiensaga (2013))

Sov.Offizier in Adlon (Das Adlon. Eine Familiensaga (2013))

Louis Adlon jr. (Das Adlon. Eine Familiensaga (2013))

View: **More character matches**

Keywords

Category Search

Search for "the adlon hotel" within a specific category:

All
Name (actor, writer, director, etc)
Title (movie, TV, video game)
- Movie
- TV
- TV Episode
- Video Game

Character
Company
Keyword
Videos
Plot Summaries
Biographies
Quotes

Additional Search Options

Advanced Search
Advanced Title Search
Advanced Name Search

Log in to enable adult titles/names in your searches.

hotel-adlon (1 title)

hotel (3742 titles)

View: **More keyword matches**

Companies

Hotel Adlon Kempinski [de]

Hotel Bar Pictures [us] (Production)

W hotel [us] (Production)

W Hotels, The [us]

Linkway Hotel [in] (Location Facilities)

View: **More company matches**

Home | Search | Site Index | In Theaters | Coming Soon | Top Movies | Top 250 | TV | News | Message Boards | Press Room
Register | Advertising | Contact Us | Jobs | IMDbPro | Box Office Mojo | Withoutabox

IMDb Mobile: iPhone/iPad | Android | Mobile site | Windows Phone 7 | IMDb Social: Facebook | Twitter

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Amazon Affiliates

Amazon Instant Video	Prime Instant Video	Amazon Germany	Amazon Italy	Amazon France	Amazon India	DPReview	Audible
Watch Movies & TV Online	Unlimited Streaming of Movies & TV	Buy Movies on DVD & Blu-ray	Buy Movies on DVD & Blu-ray	Buy Movies on DVD & Blu-ray	Buy Movie and TV Show DVDs	Digital Photography	Download Audio Books

United States Diplomatic Mission

texts

The New U.S. Embassy in Berlin

Remarks by Charles E. Williams
Director, Overseas Buildings Operations, Department of State
Groundbreaking Ceremony, Berlin – October 6, 2004

As prepared for delivery.

Minister Schily, State Secretary Scharioth, Mayor Wowereit, Ambassador Coats, distinguished guests, ladies and gentlemen, I am honored to be here on this very historic day for both of our nations and I bring you special greetings and best wishes from our Secretary of State, Colin L. Powell. It is truly great to be in Germany again.

I should tell you that I was honored during my military days here in Germany to be awarded the large German cross "Das Grosse Verdienstkreuz." This medal is a testament of German/American relations at their very best.

Today America returns to Pariser Platz after almost 70 years, like a phoenix rising from the ashes, the new embassy of the United States of America will rise on this site, a dramatic symbol of the close and lasting relationship between the United States and the Federal Republic of Germany.

Getting us to this point today has been a collaborative effort between the Embassy, City of Berlin, in particular the Haupstadt Referat, German Federal government officials and our neighbors, Commerzbank, DZ Bank, The Foundation Memorial for the European Jewish Victims of Murder, The Academy of Arts Berlin-Brandenburg, The Adlon Hotel, Fundus Fonds, and the Bureau of Overseas Buildings Operations. I want to thank everyone who has assisted in this very detailed, delicate process to permit the United States to move forward with a new home here on Pariser Platz.

This new embassy, on this historic location will allow the United States to effectively and more efficiently carry out its mission while nurturing our strong bi-lateral relationship with Germany.

This wonderful new embassy building was designed by a team led by Moore Ruble

Yudell Architects and Planners with Gruen Associates, and the Berlin architectural firm of Lunetto and Fischer under the direction of the Bureau of Overseas Buildings Operations, the new embassy design, using the concept of the 1996 competition-winning scheme, is designed to be safe, secure and functional to meet all Post's requirements.

The new design also responds to a dramatically transformed context that now includes such monuments of civic pride and modern design as the Reichstag with its celebrated new dome, the Federal Government complex, and the nearby commercial redevelopment of Potsdamer Platz.

An overlay of gardens has been incorporated into the design. From the geometry of the parterre front garden along Ebertstrasse, which is extended to the Rooftop Parterre Garden, the green roofs planted with carpets of sedum, and the vine planted courtyard walls, landscape materials inspired by places of the American continent give the Embassy a green narrative and link the site to the grand context of the nearby Tiergarten.

In collaboration with the Foundation of Art and Preservation in Embassies art has been woven throughout the new Chancery. The collection will include works by Christo, Calder, Robert Rauschenberg, Annette Lemieux and Andy Warhol. A vibrant piece by Sol LeWitt will grace the Consular entry, visible to pedestrians along Behrenstrasse and Ebertstrasse.

Under the vision of Secretary Colin Powell and our new management focus , the Bureau of Overseas Buildings Operations has undertaken the largest program in its history to provide new and much improved facilities to our embassies and consulates around the world and Berlin is a very important component of that program.

The Chancery, sited here in Berlin on Pariser Platz will be an appropriately sized building surrounded by a state of the art perimeter security system. Once completed in November 2007, the Embassy will be the new workplace for US personnel and local residents who support our mission here in Berlin.

This Embassy represents a significant financial investment that will reap benefits for the local economy in the form of local procurements of construction materials, use of local sub-contractors, machinery, tools and equipment, salaries for workers. In fact, at the peak of construction we expect to have over 200 local workers employed at the site.

Our general contractor is Hensel-Phelps represented here today by Charlie Simmons and they have assured me that we will all be back here for the ribbon cutting in November 2007. My project director, Eduardo Gaarder has reminded me that 2007 is only a short time away and we must get busy breaking ground so that our team can begin construction in earnest.

In a few moments, Minister Schily, State Secretary Scharioth, Mayor Wowereit, and

Ambassador Coats and will join me at the shovels for the groundbreaking. This is a great day for Germany and the United States.

Thank you.

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Internet Movie Database

From Wikipedia, the free encyclopedia

"IMDb" redirects here. For the in-memory database management system, see In-memory database.

The **Internet Movie Database** (abbreviated **IMDb**) is an online database of information related to films, television programs, and video games, taking in actors, production crew, fictional characters, biographies, plot summaries, and trivia. Actors and crew can post their own résumé and upload photos of themselves for a yearly fee. U.S. users can also view over 6,000 movies and television shows from CBS, Sony, and various independent film makers.

Internet Movie Database (IMDb)

Web address	imdb.com (http://www.imdb.com/)
Commercial?	Yes
Type of site	Online database for movies, television, and video games
Registration	Registration is optional for members to participate in discussions, comments, ratings, and voting.
Available language(s)	English
Owner	Amazon.com
Created by	Col Needham (CEO)
Launched	October 17, 1990
Alexa rank	48 (April 2014)[1]
Current status	Active

Launched in 1990 by professional computer programmer Col Needham, the company was incorporated in the UK as Internet Movie Database Ltd in 1996, with revenue generated through advertising, licensing, and partnerships. In 1998, it became a subsidiary of Amazon.com, who were then able to use it as an advertising resource for selling DVDs and videotapes.

As of April 11, 2014, IMDb had 2,841,405 titles (includes episodes) and 5,826,213 personalities in its database,[2] as well as 52 million registered users and is an Alexa Top 50 site.

The site enables any user to submit new material and request edits to existing entries. Although all data is checked before going live, the system has been open to abuse, and occasional errors are acknowledged. Users are also invited to rate any film on a scale of 1 to 10, and the totals are converted into a weighted mean-rating that is displayed beside each title, with online filters employed to deter ballot-stuffing. The site also features Message Boards, which stimulate regular debates among authenticated users.

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History

History before website

IMDb originated with a Usenet posting by British film fan and professional computer programmer Col Needham entitled "Those Eyes", about actresses with beautiful eyes. Others with similar interests soon responded with additions or different lists of their own. Needham subsequently started a (male) "Actors List", while Dave Knight began a "Directors List", and Andy Krieg took over "THE LIST" from Hank Driskill, which would later be renamed the "Actress List". Both lists had been restricted to people who were alive and working, but soon retired people were added so Needham started what was then (but did not remain) a separate "Dead Actors/Actresses List". The goal of the participants now was to make the lists as inclusive as possible. By late 1990, the lists included almost 10,000 movies and television series correlated with actors and actresses appearing therein. On October 17, 1990, Needham developed and posted a collection of Unix shell scripts which could be used to search the four lists, and thus the database that would become the IMDb was born. At the time, it was known as the "rec.arts.movies movie database", but by 1993 had been moved out of the Usenet group as an independent website underwritten and controlled by Needham and personal followers. Other website users were invited to contribute data which they may have collected and verified, on a volunteer basis, which greatly increased the amount and types of data to be stored. Entire new sections were added. As the site grew hugely, full production crews, uncredited performers and other demographic data were added. Needham's group allowed some advertising to support ongoing operations of the site, including the hiring of full-time paid data managers. All the primary staff came (and still come) from the burgeoning

computer industry and/or training schools and did not have extensive expertise in the visual media. In 1998, unable to secure sufficient funding from limited advertising, contributions and unable to raise support from the visual media industries or academia, Needham sold the IMDb to Amazon.com, on condition that its operation would remain in the hands of Needham and his small cadre of managers, who soon were able to move into full-time paid staff positions.

On the web

The database had been expanded to include additional categories of filmmakers and other demographic material, as well as trivia, biographies, and plot summaries. The movie ratings had been properly integrated with the list data and a centralized email interface for querying the database had been created by Alan Jay. Later in the year it moved onto the World Wide Web (a network in its infancy at that time) under the name of *Cardiff Internet Movie Database*.[3] The database resided on the servers of the computer science department of Cardiff University in Wales. Rob Hartill was the original web interface author. In 1994 the email interface was revised to accept the submission of all information meaning that people no longer had to email the specific list maintainer with their updates. However, the structure remained that information received on a single film was divided among multiple section managers, the sections being defined and determined by categories of film personnel and the individual filmographies contained therein. Over the next few years, the database was run on a network of mirrors across the world with donated bandwidth.

The website is Perl-based.[4] As of May 2011, the site has been filtered in China for more than one year, although many users address it through proxy server or by VPN.[5]

On October 17, 2010, IMDb launched original video (www.imdb.com/20) in celebration of its 20th anniversary.[6]

As an independent company

In 1996 IMDb was incorporated in the United Kingdom, becoming the Internet Movie Database Ltd. Founder Col Needham became the primary owner as well as the figurehead. General revenue for site operations was generated through advertising, licensing and partnerships.

As Amazon.com subsidiary

In 1998, Jeff Bezos, founder, owner and CEO of Amazon.com, struck a deal with Col Needham and other principal shareholders to buy IMDb outright and attach it to Amazon as a subsidiary, private company.[7] This gave IMDb the ability to pay the shareholders salaries for their work, while Amazon.com would be able to use the IMDb as an advertising resource for selling DVDs and videotapes.

IMDb continued to expand its functionality. On January 15, 2002, it added a subscription service known as IMDbPro, aimed at entertainment professionals. IMDbPro was announced and launched at the 2002 Sundance Film Festival. It provides a variety of services including film production and box office details, as well as a company directory.

As an additional incentive for users, as of 2003, users identified as one of "the top 100 contributors" of hard data received complimentary free access to IMDbPro for the following calendar year; for 2006 this was increased to the top 150 contributors, and for 2010 to the top 250.[8] In 2008 IMDb launched their first official foreign language version with the German IMDb.de. Also in 2008, IMDb acquired two other companies, Withoutabox and Box Office Mojo.

Television episodes

On January 26, 2006, "Full Episode Support" came online, allowing the database to support separate cast and crew listings for each episode of every television series. This was described by Col Needham as "the largest change we've ever made to our data model", and increased the number of titles in the database from 485,000 to nearly 755,000.

Characters' filmography

On October 2, 2007, the characters' filmography was added. Character entries are created from character listings in the main filmography database, and as such do not need any additional verification by IMDb staff. They have already been verified when they are added to the main filmography.

Instant viewing

On September 15, 2008, a feature was added that enables instant viewing of over 6,000 movies and television shows from CBS, Sony and a number of independent film makers, with direct links from their profiles.[9] Due to licensing restrictions, this feature is only available to viewers in the United States.[10]

Content and format

Data provided by subjects

In 2006, IMDb introduced its "Résumé subscription service", where actors and crew can post their own résumé and upload photos of themselves[11] for a yearly fee.[12] The base annual charge for including a photo with an account was $39.95 until 2010, when it was increased to $54.95. IMDb résumé pages are kept on a sub-page of the regular entry about that person, with a regular entry automatically created for each résumé subscriber who does not already have one.[13]

As of 2012, Resume Services is now included as part of an IMDbPro subscription, and is no longer offered as a separate subscription service.

Copyright, vandalism, and error issues

All volunteers who contribute content to the database technically retain copyright on their contributions but the compilation of the content becomes the exclusive property of IMDb with the full right to copy, modify, and sublicense it and they are verified before posting.[14] Credit is not given on specific title or filmography pages to the contributor(s) who have provided information. Conversely, a credited text

entry, such as a plot summary, may be "corrected" for content, grammar, sentence structure, perceived omission or error, by other contributors without having to add their names as co-authors. Due to the process of having the submitted data or text reviewed by a section manager, IMDb is different from database projects like Wikipedia, Discogs, or OpenStreetMap in that contributors cannot add, delete, or modify the data or text on impulse, and the manipulation of data is controlled by IMDb technology and salaried staff.[15] Nevertheless, although it is generally assumed to be reliable,[N 1] IMDb has been subject to deliberate additions of false information, as acknowledged by a spokesperson in 2012: "We make it easy for users and professionals to update much of our content, which is why we have an 'edit page.' The data that is submitted goes through a series of consistency checks before it goes live. Given the sheer volume of the information, occasional mistakes are inevitable, and, when reported, they are promptly fixed. We always welcome corrections."[16]

The Java Movie Database (JMDB)[17] is reportedly creating an IMDb_Error.log file that lists all the errors found while processing the IMDb plain text files. A Wiki alternative to IMDb is Open Media Database [1] (http://www.omdb.org) whose content is also contributed by users but licensed under CC-by and the GFDL. Since 2007, IMDb has been experimenting with wiki-programmed sections for complete film synopses, parental guides, and FAQs about titles as determined by (and answered by) individual contributors.

Data format and access

IMDb does not provide an API for automated queries. However most of the data can be downloaded as compressed plain text files and the information can be extracted using the command-line interface tools provided.[18] Beside that there is the Java-based graphical user interface (GUI) application available which is able to process the compressed plain text files and allow to search and display the information.[17] This GUI application supports different languages but the movie related data is of course English as made available by IMDb. A Python package called IMDbPY can also be used to process the compressed plain text files into a number of different SQL databases, enabling easier access to the entire dataset for searching or data mining.[19]

Film titles

The IMDb has sites in English as well as versions translated completely or in part into other languages (Finnish, French, German, Hungarian, Italian, Polish, Portuguese and Romanian). The non-English language sites display film titles in the specified language. While originally the IMDb's English-language sites displayed titles according to their original country-of-origin language, in 2010 the IMDb began allowing individual users in the UK and USA to choose primary title display by either the original -language titles, or the US or UK release title (normally, in English).

Ancillary features

User ratings of films

As one adjunct to data, the IMDb offers a rating scale that allows users to rate films on a scale of one to

ten. The rating system is recognized as being severely flawed for several reasons.[20][21]

IMDb indicates that submitted ratings are filtered and weighted in various ways in order to produce a weighted mean that is displayed for each film, series, and so on. It states that filters are used to avoid ballot stuffing; the method is not described in detail to avoid attempts to circumvent it. In fact, it sometimes produces an extreme difference between the weighted average and the arithmetic mean. For example, *Jonas Brothers: The 3D Concert Experience* is considered to be the worst film with a weighted average of 2.1 as of 2014, but has a rather ordinary arithmetic mean of 3.9.[22][23]

Film rankings (IMDb Top 250)

The IMDb Top 250[24] is intended to be a listing of the top 'rated' 250 films, based on ratings by the registered users of the website using the methods described.[25] Only non-documentary theatrical releases running at least forty-five minutes with over 25,000 ratings are considered; all other products are ineligible.[26] Also, the 'top 250' rating is based on only the ratings of "regular voters". The exact number of votes a registered user would have to make to be considered to be a user who votes regularly has been kept secret. IMDb has stated that to maintain the effectiveness of the top 250 list they *"deliberately do not disclose the criteria used for a person to be counted as a regular voter"*.[27] In addition to other weightings, the top 250 films are also based on a weighted rating formula referred to in actuarial science as a *credibility formula*.[28] This label arises because a statistic is taken to be more credible the greater the number of individual pieces of information; in this case from eligible users who submit ratings. IMDb uses the following formula to calculate the weighted rating:

$$W = \frac{Rv + Cm}{v + m}$$

where:

W = weighted rating

R = average for the movie as a number from 0 to 10 (mean) = (Rating)

v = number of votes for the movie = (votes)

m = minimum votes required to be listed in the Top 250 (currently 25,000)

C = the mean vote across the whole report (currently 7.0)

The W in this formula is equivalent to a Bayesian posterior mean (See Bayesian statistics).

The IMDb also has a Bottom 100 feature which is assembled through a similar process although only 1500 votes must be received to qualify for the list.[29]

The top 250 list comprises a wide range of films, including major releases, cult films, independent films, critically acclaimed films, silent films and non-English language films.

Fan activity

One of the most used features of the Internet Movie Database is the message boards that coincide with every title (excepting, as of 2013, TV episodes[30]) and name entry, along with over 140 main boards. This section is one of the more recent features of IMDb, having its beginnings in 2001. In order to post on the message boards a user needs to "authenticate" their account via cell phone, credit card, or by having been a recent customer of the parent company Amazon.com. Message boards have expanded in recent years. The Soapbox started in 1999 is a general message board meant for debates on any subject. The Politics board started in 2007 is a message board to discuss politics, news events and current affairs as well as history and economics. Both these message boards have become the most popular message boards in IMDb, more popular on a long term basis than any individual movie message board.

Litigation

In 2011, in the case of *Hoang v. Amazon.com*, IMDb was sued by an anonymous actress for more than US$1 million due to IMDb revealing her age (40, at the time).[31] The actress claimed that revealing her age could cause her to lose acting opportunities.[32] Judge Marsha J. Pechman, a U.S. district judge in Seattle, dismissed the lawsuit, saying the actress had no grounds to proceed with an anonymous complaint. She re-filed and so revealed that the complainant is a Huong Hoang of Texas, who uses the stage name Junie Hoang.[33] In 2013, Pechman dismissed all causes of action except for a breach of contract claim against IMDb; a jury then sided with IMDb on that claim.[34]

Also in 2011, in the case of United Video Properties Inc., et al. v. Amazon.Com Inc. et al.,[35] IMDb and Amazon were sued by Rovi Corporation and others for patent infringement over their various program listing offerings.[36] The patent claims were ultimately construed in a way favorable to IMDb and Rovi/United Video Properties lost the case, though it is currently on appeal.[37]

See also

- Allmusic – a similar database, but for music
- AllRovi – a commercial database launched by the Rovi Corporation that compiles information from the former services Allmovie and Allmusic
- Animator.ru
- Big Cartoon Database
- DBCult Film Institute
- Filmweb
- FindAnyFilm.com
- Flickchart
- Internet Adult Film Database
- Internet Movie Firearms Database (IMFDb)
- Internet Book Database (IBookDb)

- Internet Broadway Database (IBDb)
- Internet Off-Broadway Database (IOBDb)
- Internet Speculative Fiction Database (ISFDb)
- Internet Theatre Database (ITDb)
- List of films considered the best
- List of films considered the worst
- Metacritic
- Rotten Tomatoes
- TheTVDB

Notes

1. ^ It may be assumed to be generally reliable but the IMDb does not claim that it is 100% accurate.

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External links

- Official website (http://www.imdb.com/)
- Official Android app (http://apinik.com/apps/com.imdb.mobile/?lang=en)
- Official IOS app (https://itunes.apple.com/en/app/imdb-movies-tv/id342792525?mt=8)

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2010 WL 4036058 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

In re Nick Bovis

Serial No. 77502609
September 28, 2010
Hearing: June 22, 2010

*1 Erik M. Pelton of Erik M. Pelton & Associates, PLLC for Nick Bovis
Jason F. Turner
Trademark Examining Attorney
Law Office 108
(Andrew Lawrence, Managing Attorney)
Before Seeherman, Holtzman and Mermelstein
Administrative Trademark Judges
Opinion by Seeherman
Administrative Trademark Judge:

Nick Bovis, an individual, has appealed from the final refusal of the Trademark Examining Attorney to register BOVIS FOODS, in standard character format, with FOODS disclaimed, as a mark for "wholesale distributorship services featuring food products."[1] Registration has been refused pursuant to Section 2(e)(4) of the Trademark Act, 15 U.S.C. § 1052(e)(4), on the ground that BOVIS is primarily merely a surname.

There are four factors that the Board considers in determining whether a standard character mark is primarily merely a surname. They are: 1) whether the surname is rare; 2) whether anyone connected with the applicant has the surname; 3) whether the term has a recognized meaning other than that of a surname; and 4) whether the term has the look and sound of a surname. In re Benthin Management GmbH, 37 USPQ2d 1332 (TTAB 1995).[2]

At the outset, we note that applicant and the examining attorney have concentrated their arguments on whether BOVIS is primarily merely a surname. Neither contends that the additional term FOODS in the mark, a descriptive term that has been disclaimed, affects the significance of BOVIS. We agree, and therefore address our comments to whether BOVIS is primarily merely a surname.

With respect to the first factor, the examining attorney submitted an excerpt from WhitePages.com which states that "197 Results matching 'Bovis, United States'" were found." The examining attorney submitted ten of these listings. One is for a person in Canada, and there are two listings for Ali Bovis in Winter Park, FL; we cannot determine whether these two listings are for the same person. The examining attorney also submitted evidence taken from a Lexis-Nexis search of public records, which the examining attorney characterized as showing "the applied-for mark appearing over seventy times as a surname in a nationwide telephone directory of names." Office action mailed March 4, 2009. The list of 72 names includes what appears to be two businesses, Lend Lease Bovis in Haines City, FL, and Lend Bovis in Charlotte, NC, as well as applicant himself (N. Bovis, San Mateo, CA). The examining attorney also submitted several articles taken from the Nexis database in which the term "Bovis" appears. To the extent that the examining attorney intended, by submitting these articles, to provide further support for his position that additional people have the surname Bovis, that evidence is lacking. Most of the references in the articles appear to be company names, e.g., "Hunt-Bovis," ("The New York Post," Jan. 12, 2009); "Bovis Construction Corp." ("Daily Deal," Jan. 7, 2009 and "The Lexington Herald Leader," Sept. 10, 2008); and "Bovis Lend Lease" ("Daily Record," Jan. 7, 2009, "Modern Healthcare," Sept. 22, 2008 and "The New York Times," Sept. 16, 2008). There is one hyphenated name that includes "Bovis," i.e., Natalie Bovis-Nelson ("The Houston Chronicle," Jan. 28, 2009), and an article in "Missouri Lawyers Weekly" lists the defendant's attorney, James E. Singer, as being with the law firm of Bovis, Kyle & Burch. The

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only article that clearly shows Bovis as a surname contains a reference to Tia Bovis, a student of Cheyenne Central High School who, at the high school's FFA youth organization chapter degree ceremony, was among the members who won the Greenhand degree level of membership. "Wyoming Tribune-Eagle," Nov. 23, 2008.

*2 Because of the inclusion of someone from outside the United States, and the possible duplication of names even in the ten excerpted from the WhitePages.com search, we cannot assume that the 197 results reportedly retrieved by that search represent 197 people in the United States with the surname Bovis. Nor can we view the WhitePages.com and the Lexis-Nexis excerpts as being mutually exclusive, such that we should add the 72 listings from the Lexis-Nexis search to the 197 results from the WhitePages.com search. Although we generally encourage examining attorneys and applicants, when there is a large amount of evidence, to provide a representative sample, this does not mean that if an examining attorney searches multiple databases that essentially contain the same information, we can treat the results of each search to represent different individuals. Even with just the ten listings from the WhitePages.com search that have been made of record, we note that there may be a duplication, in that a Karen Bovis, with an address in Dallas, TX is listed by her job title and company in the WhitePages.com excerpt, while a Karen Bovis is listed in the Lexis-Nexis search with an address on Rainbow Drive in Forney, TX. it appears that some of the listings in the WhitePages.com excerpt may be the same people listed in the Lexis-Nexis search. Thus, we have considered the WhitePages.com search results and the Lexis-Nexis search results to total 82 listings.

We recognize that some of the listings may be for heads of households, and that other people with the same surname may live at the same address. However, even assuming that there may be some additional people with the surname Bovis other than the 72 listings retrieved from the "nationwide telephone directory of names," and the 10 listings from WhitePages.com, and not even taking into consideration the business listing and duplications that we have discussed, it is clear that Bovis is an extremely rare surname. See In re Joint-Stock Co. "Baik", 84 USPQ2d 1921 (TTAB 2007), in which the surname "Baik" was found to be an "extremely rare surname" based on a listing of 456 individuals with that surname in the Verizon superpages.com database. We recognize that in the past much smaller numbers of listings from telephone directories were found sufficient to demonstrate that a mark was primarily merely a surname (see, for example, In re Etablissements Darty et Fils, 222 USPQ 260 (TTAB 1984), aff'd 759 F.2d 15, 225 USPQ 652 (Fed. Cir. 1985), with a total of 32 listings found in nine telephone directories). However, in those cases the assumption was that the telephone directory evidence was a representative sample, and that there were many other people with that surname listed in other telephone directories. Here, however, it must be remembered that the databases used by the examining attorney contain the listings for what would be the equivalent of every telephone directory in the United States, as well as other public records. Thus, it is reasonable to conclude that the evidence submitted by the examining attorney gives us a fairly accurate picture of the number of telephone listings in the entire United States that include the name Bovis.

*3 The second factor we consider is whether anyone connected with applicant has the surname in question. Here, BOVIS is the surname of the applicant himself, Nick Bovis.

The third factor is whether Bovis has a recognized meaning other than that of a surname. The examining attorney has submitted dictionary evidence showing that "bovis" is not listed as an entry in the Merriam-Webster Online Dictionary.

Applicant, on the other hand, asserts that "bovis" is "the singular genitive form of the Latin root BOV-, which means 'ox, cow," and that cows themselves can be referred to as "bos bovis." Response filed Feb. 10, 2009. Applicant has also submitted evidence that "bovis" is an adjective used in medical language to indicate that something is related to cows or oxen, e.g., the bacterium Mycobacterium bovis, and that many words beginning with "bovi" relate to cows, e.g., boviculture (raising cattle), boviform (resembling an ox in form), bovicide (a slayer of oxen or other cattle) and bovine (oxen, cows, buffaloes).

Although some Latin scholars may recognize "bovis" as the singular genitive form of the Latin root "boy," and some medical personnel may be aware, when they see bovis in relation to a particular bacterium, that it causes disease in cows or oxen, the majority of Americans would not be aware of these meanings. This is not to say, however, that the public would be unaware of the word "bovine," or that they might view BOVIS as somehow related to this word, especially in a mark used in connection with applicant's services featuring food products which could, of course, include dairy products and beef.

In considering whether the public would perceive BOVIS as a surname, we have given no weight to the articles from the Nexis database submitted by the examining attorney. With all due respect to the award given the student at the Cheyenne,

WY high school, the articles do not show that any person with the surname Bovis has achieved any significant notoriety. Cf. In re Gregory, 70 USPQ2d 1792, 1795 (TTAB 2004) (evidence of public figures with surname Rogan supported conclusion that public would perceive Rogan as a surname).

The final factor relevant to our inquiry is whether BOVIS has the look and feel of a surname. The examining attorney argues that census data furnished by applicant show that BOVIS has the look and feel of a surname because surnames listed in that data end in the same last three letters, e.g., Davis, Jarvis and Travis, or the same last two letters, e.g., Harris and Willis, while others begin with "Bo," e.g., Boyer, Boone and Boyle. We consider the examining attorney's argument to show how nonsensical the interpretation of this factor has become. Using the examining attorney's approach, we could say that BOVIS has the look and feel of a common noun because "book" and "bone" begin with the letters "Bo," or because "trellis" and "clematis" end in "is." The evidence on which the examining attorney relies does not support his conclusion that BOVIS has the look and feel of a surname.

***4** The four factors we have discussed weigh different concerns. The second through fourth factor deal with whether the mark will be perceived as primarily merely a surname. That is, after the Office has demonstrated that the mark is a surname, the inquiry turns to whether people are likely to view it as one. Both the legislative history and the statutory language make it clear that the fact that a term may be someone's surname, even applicant's own surname, is not sufficient to bar its registration; it must be primarily merely a surname.

In the present case, the third factor, whether Bovis is the surname of anyone connected with the applicant, favors a finding that the mark is primarily merely a surname, since Bovis is, in fact, applicant's surname. Certainly anyone who knows that the mark is used by Nick Bovis would readily understand that BOVIS is a surname. However, because a trademark identifies the source of goods or services, and therefore can substitute for a trademark owner's providing his actual name as the source,[3] we consider the factor of whether the mark is the surname of someone connected with the applicant, in terms of supporting a refusal of registration, to have less weight in the overall analysis.

Thus, because BOVIS does not have the look and feel of a surname, and because the evidence shows that BOVIS has some relationship to and suggests the word "bovine," such that BOVIS could be perceived as a coined word perhaps derived from "bovine," but with no particular meaning in itself, people who are unaware of applicant's personal name are not likely to regard BOVIS in the mark BOVIS FOODS as a surname.

Even if we were to find that, based on the facts that BOVIS is applicant's surname and that it does not have a clearly recognized alternative meaning, the mark would be perceived as primarily merely a surname, the inquiry does not end there. The first factor, the rareness of the surname, is not concerned with whether the term is "primarily merely" a surname or, put another way, whether it has significance other than as a surname. Rather, it addresses the basic reason why marks that are primarily merely surnames are prohibited from registration. The statute reflects the common law recognition that surnames are shared by more than one individual, each of whom may have an interest in using his surname in business. In re Etablissements Darty et Fils, 225 at 653. See also Kimberly-Clark Corp. v. Marball, Comr. Pats., 94 F. Supp 254, 88 USPQ 277, 279 (D.D.C. 1950): "The spirit and the intent of the entire Act indicate that Congress intended to codify the law of unfair competition in regard to the use of personal names as it has been developed by the courts.... At common law it was held that every man had an absolute right to use his own name."

However, during the hearings on the bills that eventually became the Lanham Act, the testimony shows that Congress was not trying to prevent the registration of surnames per se; one witness pointed out that "almost every word you can think of is somebody's surname, somewhere" and to refuse the registration of a term because "it falls into the general category that there might be a surname somewhere of that kind, that somebody somewhere may bear that name, it merely limits the field of choice." Hearings on H.R. 4744 Before the Subcomm. Trade-marks of the House Comm. On Patents, 76th Cong., 1st Sess. (1939) at 40.

***5** If a surname is extremely rare, there are very few, if any, people who can possibly be affected by the registration of that surname as a mark. This is because not only must there be a person with that surname, but that person must want to use his or her surname for the same or related goods or services as those of the trademark applicant. In determining a refusal based on likelihood of confusion, the law protects against the likelihood of confusion, not the theoretical possibility of it. The same consideration should apply when surnames are at issue. Here, the number of people shown to have the surname

BOVIS—fewer than 100-is simply too low for it to be more than a theoretical possibility that one of them would want to use his or her name for goods or services related to wholesale distributorship services featuring food products. Thus, the purpose of the statute prohibiting the registration of marks that are primarily merely surnames would not be served by refusing registration here.

Because, in this case, we give greater weight to the rareness of the surname BOVIS than to the other factors used in determining whether a mark is primarily merely a surname, we find that the Office has not met its burden of proving that the mark is primarily merely a surname.

Decision: The refusal of registration is reversed.

Footnotes

1 Application Serial No. 77502609, filed June 19, 2008, based on Section 1(b) of the Trademark Act (intent-to-use).

2 A fifth factor, whether the mark is so stylized that it would not be perceived as a surname, is not applicable because applicant has applied for a mark in standard character format.

3 The statute specifically recognizes that a mark can identify an unknown source of goods or services. See the definition of "trademark" in Section 45 of the Act, 15 U.S.C. § 1127, which states that a mark is used to identify and distinguish a person's goods from those manufactured or sold by others and to indicate the source of the goods, *even if that source is unknown.*

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