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Subject: U.S. TRADEMARK APPLICATION NO. 85831682 - ADLON - 22407-00119 - Request for
Reconsideration Denied - Return to TTAB - Message 1 of 20

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85831682

MARK: ADLON



CORRESPONDENT ADDRESS:

JENNIFER FRASER

NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP

PO BOX 2207

WILMINGTON, DE 19899-2207

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: Adlon Brand GmbH & Co. KG c/o FUNDUS FON
ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

22407-00119

CORRESPONDENT E-MAIL ADDRESS:

trademarks@novakdruce.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 6/8/2014

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated 5/14/2014 are maintained and continue to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

Applicant Arguments are Unpersuasive

Applicant presents and reiterates several arguments against the surname refusal. Among them, applicant argues that "[i]f 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." This argument is unpersuasive for several reasons. First, applicant has not applied for the trademark "THE HOTEL ADLON." Rather, applicant applied for "ADLON." Moreover, the Hotel Adlon is located in Berlin, Germany, not in the United States.

http://en.wikipedia.org/wiki/Hotel_Adlon. Therefore, American consumers are unlikely to make an association between the surname ADLON and The Hotel Adlon. Moreover, the name of this hotel is based on the surname "Adlon." The Hotel Adlon was named after its founder, Lorenz Adlon.

http://en.wikipedia.org/wiki/Hotel_Adlon. Therefore, the entity to which applicant believes American consumers will associate its mark is based upon the use of the surname Adlon.

American consumers are likely to recognize the term "ADLON" as a surname. While applicant argues that the surname is rare, the issue of determining whether a surname is common or rare is not determined solely by evaluating the number of listings of the surname in a computerized database, because even the most common surname would represent only a small fraction of such a database. Rather, if a surname appears routinely in news reports, articles and other media as to be broadly exposed to the general public, then such surname is not rare and would be perceived by the public as primarily merely a surname. *In re Gregory*, 70 USPQ2d 1792, 1795 (TTAB 2004); see TMEP §1211.01(a)(v). In this case, the surname "Adlon" routinely appears in the news, articles and other media as to be broadly exposed to the general public, as it is the surname of a famous American actor, Pamela Adlon. Pamela Adlon, who stars in the television program *Californication*, has acted in numerous television programs and movies, and has won an Emmy Award.

<http://www.imdb.com/name/nm0781899/>, <http://www.tv.com/people/pamela-adlon/>. Moreover, she has been interviewed on the nationally reaching news programs National Public Radio ("NPR"), and appears as the subject in articles in The New York Times, New York Magazine, Slate.com, Huffington Post, and is discussed in other entertainment news outlets. *See e.g.*, <http://www.npr.org/2012/01/04/144319352/pamela-adlon-from-hill-kid-to-californication>, <http://nymag.com/daily/intelligencer/2014/03/pamela-adlon-21-questions.html>, <http://www.nytimes.com/2008/11/23/arts/television/23rhod.html?pagewanted=all&r=0>, <http://www.tvguide.com/News/Californications-Pamela-Adlon-1005492.aspx>, http://www.huffingtonpost.com/danny-lanzetta/is-louie-closer-to-litera_b_1833639.html, <http://www.huffingtonpost.com/tag/pamela-adlon/>, http://www.slate.com/blogs/browbeat/2012/02/02/pamela_adlon_the_second_most_important_actor_on_tv_s_best_comedy.html. Therefore, even if the surname were to be considered rare, its exposure to the general public as a surname renders it not rare.

American consumers are also likely to believe that "ADLON" is a surname because it, like many surnames in the United States, is comprised of two syllables and ends in "-LON". For example, Dillon, Kaplon, Hanlon, Yelon, Ablon, Scanlon, Fallon, Kellon, Freelon, Nealon, Allon, Millon, Kallon, Donlon, and Carlon, are all examples of two syllables surnames ending in "-LON" found in the United States. *See*, <http://www.switchboard.com/name/nealon/>, <http://www.switchboard.com/name/millon/>, <http://www.switchboard.com/name/Kallon/>, <http://www.switchboard.com/name/Ablon/>, <http://www.switchboard.com/name/Allon/>, <http://www.switchboard.com/name/kellon/>, <http://www.switchboard.com/name/hanlon/>, <http://www.switchboard.com/name/Freelon/>, <http://www.switchboard.com/name/Donlon/>, <http://www.switchboard.com/name/scanlon/>, <http://www.switchboard.com/name/fallon/>, <http://www.switchboard.com/name/dillon/>, <http://www.switchboard.com/name/adlon/>

Further, as the attached evidence demonstrates, ADLON has no other meaning apart from that of a surname. *See The Columbia Gazetteer of the World*, finding no geographic significance for the term "ADLON" <http://www.columbiagazetteer.org/main/search?name=ADLON&search-type=quick>; *Collins German-English Dictionary*, finding no definition for the term "ADLON", <http://www.collinsdictionary.com/spellcheck/german-english/Adlon?showCookiePolicy=true>; *Macmillan Dictionary*, has no definition for "ADLON," <http://www.macmillandictionary.com/spellcheck/british/?q=adlon>; *Merriam Webster Dictionary*, similarly contains no entries for the term "Adlon." <http://www.merriam-webster.com/dictionary/adlon>. Therefore, as the term ADLON has no other recognized meaning other than that of a surname, American consumers are also likely to believe that "ADLON" is a surname.

Therefore, in light of the foregoing and the preceding evidence and arguments contained within earlier Office actions, applicant's mark is primarily merely a surname.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/N. Gretchen Ulrich/

Trademark Attorney-Advisor

Law Office 113

U.S. Patent & Trademark Office

phone: (571) 272-1951

gretchen.ulrich@uspto.gov



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Hotel Adlon

From Wikipedia, the free encyclopedia

Coordinates: 52°30′57″N 13°22′50″E﻿ / ﻿52.51583°N 13.38056°E﻿ / 52.51583; 13.38056

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 and the Memorial to the Murdered Jews of Europe.

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, which opened on August 23, 1997, is a new building with a design inspired by the original.



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 / ﻿52.51583°N 13.38056°E﻿ / 52.51583; 13.38056
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 [edit]

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

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Berlin, capital of the [German Empire](#) the [Wilhelmine](#) high society was eager to keep up with their rival metropolises.



Palais Redern, about 1900

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 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.

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 wife Hedda, who was German-born but had been raised in America. 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](#),



Hotel Adlon, 1926