

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86003721
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
See evidence area for argument.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	argument, screenshots, and 3rd party registrations
GOODS AND/OR SERVICES SECTION (032)(current)	
INTERNATIONAL CLASS	032
DESCRIPTION	
Beer; Beer making and brewing services (for others); Bar services featuring beer	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (032)(proposed)	
INTERNATIONAL CLASS	032

TRACKED TEXT DESCRIPTION	
Beer; Beer making and brewing services (for others); Bar services featuring beer	
FINAL DESCRIPTION	Beer
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (043)(class added)	
INTERNATIONAL CLASS	043
DESCRIPTION	Bar Services
FILING BASIS	Section 1(b)
PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
SIGNATURE SECTION	
DECLARATION SIGNATURE	/clm/
SIGNATORY'S NAME	Candace L. Moon
SIGNATORY'S POSITION	Attorney of Record, CA bar member
SIGNATORY'S PHONE NUMBER	866-290-5553
DATE SIGNED	07/09/2014
RESPONSE SIGNATURE	/clm/
SIGNATORY'S NAME	Candace L. Moon
SIGNATORY'S POSITION	Attorney of Record, CA bar member
SIGNATORY'S PHONE NUMBER	8662905553
DATE SIGNED	07/09/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 09 17:49:45 EDT 2014

TEAS STAMP

USPTO/RFR-66.185.170.138-
20140709174945582324-8600
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4351-20140709174451859353

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. **86003721** has been amended as follows:

ARGUMENT(S)

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

See evidence area for argument.

EVIDENCE

Evidence in the nature of argument, screenshots, and 3rd party registrations has been attached.

Original PDF file:

[evi_66185170138-174451859_.OAR_phantom_carriage.pdf](#)

Converted PDF file(s) (9 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

Original PDF file:

[evi_66185170138-174451859_.Phantom_Carriage_exA.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_66185170138-174451859_.Phantom_Carriage_exB.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_66185170138-174451859_.Phantom_Carriage_exC.pdf](#)

Converted PDF file(s) (14 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](#)

Original PDF file:

[evi_66185170138-174451859 . Phantom Carriage exD.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 032 for Beer; Beer making and brewing services (for others); Bar services featuring beer
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Beer; ~~Beer making and brewing services (for others); Bar services featuring beer~~

Class 032 for Beer

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant hereby adds the following class of goods/services to the application:

New: Class 043 for Bar Services

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

FEE(S)

Fee(s) in the amount of \$325 is being submitted.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /clm/ Date: 07/09/2014
Signatory's Name: Candace L. Moon
Signatory's Position: Attorney of Record, CA bar member
Signatory's Phone Number: 866-290-5553

Request for Reconsideration Signature

Signature: /clm/ Date: 07/09/2014
Signatory's Name: Candace L. Moon
Signatory's Position: Attorney of Record, CA bar member

Signatory's Phone Number: 8662905553

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.

RAM Sale Number: 86003721

RAM Accounting Date: 07/10/2014

Serial Number: 86003721

Internet Transmission Date: Wed Jul 09 17:49:45 EDT 2014

TEAS Stamp: USPTO/RFR-66.185.170.138-201407091749455

82324-86003721-5007fbcbbf9746e9c7cd875ae

8d4858e743121f4d42a762844ad2ced37ab47107

8-CC-4351-20140709174451859353

On May 19, 2014, the Trademark Examining Attorney issued a final office action refusal, pursuant to Section 2(d), for the applied-for mark PHANTOM CARRIAGE for beer as likely to cause confusion with the registered mark PHANTOM HILL for wine, U.S. Registration No. 2704241. Applicant respectfully requests that the Examining Attorney reconsider and Applicant hereby files a notice of appeal.

Determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. Although, depending on the evidence of record, not all of the *du Pont* factors are necessarily relevant or of equal weight in a given case, here the similarity of the marks and the similarity of the goods are the most relevant factors. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012). Indeed, although the Examining Attorney considered the similarities between the applied-for PHANTOM CARRIAGE mark and the registered PHANTOM HILL mark, with respect to the *du Pont* factors, the distinguishing points between the marks warrant registration of the applicant's mark.

THE MARK IS REGISTRABLE BECAUSE PHANTOM CARRIAGE, TAKEN IN ITS ENTIRETY, IS A COMPOSITE MARK THAT CREATES A DISTINCT IMPRESSION IN THE MINDS OF CONSUMERS.

As to the similarity of the marks themselves, marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Id.* at 1358, 1362. The use of identical, even dominant, words in common does not automatically mean that two marks are similar. *Freedom Sav. & Loan*, 757 F.2d at 1183. Rather, in analyzing the similarities of sight, sound, and meaning between two marks,

one must look to the overall impression created by the marks and not merely compare individual features. *See, e.g., Sun Banks of Fla., Inc. v. Sun Fed. Sav. and Loan Ass'n*, 651 F.2d 311, 317-18 (5th Cir.1981); Restatement of Torts § 729 comment b. Here, PHANTOM CARRIAGE is likely to be recognized as a whole and is therefore a composite mark that creates a distinct commercial impression from the PHANTOM HILL mark used by Registrant because the PHANTOM portion of each characterizes the second, equally arbitrary, portion of each mark. Consumers are not likely to see the PHANTOM HILL mark and think of a phantom with hill-like qualities, but rather of a hill with the ghostly, haunted qualities implied by the phantoms (or perhaps even a hill that is populated by phantoms). Similarly, when consumers encounter Applicant's mark they are not likely to think of a phantom with carriage-like qualities, but rather a carriage with ghostly, haunted qualities (or again, perhaps a carriage with phantom occupants or driver). In each mark, the "phantom" portion qualifies the second word and hence the second word is dominant in the minds of consumers for each mark. While it is true that the first word in a mark is sometimes dominant, such is not always the case. *See Glenmore Distilleries Co. v. National Distillers Products Corp.*, 101 F.2d 479, 40 U.S.P.Q. 264 (4th Cir. 1939), cert. denied, 307 U.S. 632, 83 L. Ed. 1515, 59 S. Ct. 835, 41 U.S.P.Q. 799 (1939) ("It is impossible to lay down a general rule that either word in an established trade mark of two words is of such importance that its use in other combinations on the same kind of goods would constitute infringement."), *Nutri/System, Inc. v. Con-Stan Industries, Inc.*, 809 F.2d 601, 1 U.S.P.Q.2d 1809 (9th Cir. 1987) (NUTRI/SYSTEM and NUTRI-TRIM, both for weight loss services, not confusingly similar), *Medi-Flex, Inc. v. Nice-Pak Products, Inc.*, 422 F. Supp. 2d 1242, 82

U.S.P.Q.2d 1722 (D. Kan. 2006) (CHLORAPREP and CHLORASCRUB, both for an antimicrobial solution, not confusingly similar). The Examining Attorney “to be sure, may ascertain the meaning and weight of each of the components that makes up the mark... [t]he Board, however, ultimately must consider the mark as a *whole*” per the anti-dissection rule. *DuoProSS Meditech Corp. v. Inviro Medical Devices, Ltd.*, 695 F.3d 1247, 1253, 103 U.S.P.Q.2d 1753 (Fed. Cir. 2012) (emphasis added), see also *Advertise.com, Inc. v. AOL Advertising, Inc.*, 616 F.3d 974, 977, 96 U.S.P.Q.2d 1310 (9th Cir. 2010) (“Although the distinctiveness inquiry considers the impression conveyed by the mark as a whole, ... we are permitted to *begin* our inquiry by separately viewing the component parts of the mark.”) (emphasis added).

The TTAB has previously described the common situation where an applicant’s multiple-component mark encompasses within it the registrant’s entire mark—but has nevertheless found marks to be sufficiently distinctive so as not to give rise to consumer confusion. For example, in *S. Gumpert Co., Inc. v. ITT Continental Baking Co.*, 191 USPQ 409 (TTAB 1976), the TTAB observed that the registrant’s entire mark, FLAVO, appeared within the applicant’s FLAVO-O-BAKE mark. The Board found many distinctions based on small variations between FLAVO, FLAVO-O-BAKE, and FLAVOR BAKE. There, the applicant’s mark wholly contained the registrant’s mark—and *on precisely the same kind of good*—yet the court concluded that the FLAVO-O-BAKE mark was sufficiently distinctive from FLAVO to warrant registration. Similarly, here, the Applicant’s PHANTOM CARRIAGE mark on beer creates a sufficiently distinct composite consumer impression as to negate confusion with Registrant’s

PHANTOM HILL mark on wine. Furthermore, the marks are even more distinct here, where the goods are not identical, than in *S. Gumpert* where the goods were identical.

Furthermore, the composite nature of both Applicant's and Registrant's marks are further enhanced by specific references. Registrant's PHANTOM HILL mark is a civil war reference to the Confederate Army Fort at PHANTOM HILL in Texas. This connection is catered to by Registrant's use of the mark on a label with stark, sad mountains in the backdrop reminiscent of the stark landscape found at the Texas site of the same name. See Exhibit A. Applicant's PHANTOM CARRIAGE mark, on the other hand, is a reference to the 1921 film of the same name. While, as the Examining Attorney points out, this movie is not particularly recent it is still a relatively well-known cinematic classic that has been viewed thousands of times via youtube alone (there is unfortunately no reliable means of tracking the countless views surely conducted via VHS, DVD, and other rental means). See Exhibit B. Given the broad interests appealed to by both references, consumers are likely to recognize the marks as composite marks which are therefore not confusingly similar.

THE MARK IS REGISTRABLE BECAUSE BOTH THE MARKS AND THE RESPECTIVE GOODS ARE SUFFICIENTLY DISSIMILAR AND UNRELATED TO NEGATE CONSUMER CONFUSION.

Similarly, in *Bell's Brewery, Inc. v. Bell Hill Vineyards, LLC*, Serial No. 766622206 (TTAB 2009), the examining attorney found that the BELL HILL mark on wine and the BELL'S mark on beer were not related enough to give rise to an inference of consumer confusion and that, under the fact-specific inquiry there, consumer confusion was not likely. What is more, in many states, holders of a brewery permit are

not allowed to obtain a winery permit, and vice versa. Rather, the overarching question should be whether the “consumers are likely to conclude” that beer products bearing the name PHANTOM CARRIAGE “emanate from the same source” as wine products bearing the name PHANTOM HILL. *In Re Coors Brewing Company*, 343 F.3d 1340 (Fed Cir. 2003). This question is similar to the question the court considered in *Coors*, where the court assessed whether consumers were likely to confuse the BLUE MOON mark on beer with the registered BLUE MOON mark for restaurant services, particularly where some restaurants serve house-branded beer or brew their own beers. There, the court noted that some restaurants do brew their own beer but concluded that the overlap was a *de minimis* amount and went on to find that consumers were not likely to be confused despite similarity in the marks. Likewise, here, even if a *de minimis* amount of third-party registrations for both beer and wine could be cited such would not be conclusive evidence that consumers are likely to confuse the PHANTOM HILL mark on wine with Applicant’s PHANTOM CARRIAGE mark for craft beer.

**THE MARK IS REGISTRABLE BECAUSE THE GOODS ARE
MARKETED TO DIFFERENT CONSUMER BASES AND FEATURED IN
DIFFERENT SECTIONS OF RETAIL STORES, WHICH FURTHER NEGATES
CONSUMER CONFUSION.**

Here, the likelihood that the circumstances surrounding the marketing of these goods giving rise to the mistaken belief that they emanate from the same source is extremely low as wines and beer are featured in different sections of applicable stores. While both products are alcoholic beverages, the mere fact that "two products or services fall within the same general field ... does not mean that the two products or services are

sufficiently similar to create a likelihood of confusion." *Harlem Wizards Entertainment Basketball, supra*, 952 F.Supp. at 1095 ("Meaningful differences between the products and services are often cited as a factor tending to negate reverse confusion, even when the products are superficially within the same category"). For example, in *Sunenblick v. Harrell*, 895 F.Supp. 616 (S.D.N.Y. 1995), *aff d.*, 101 F.3d 684, 1996 WL 280477 (2d Cir.1996), the court found that plaintiff's and defendant's use of the UPTOWN RECORDS mark for music recordings did not create a likelihood of confusion because "[plaintiff]'s products [were] addressed to a somewhat esoteric market, viz., purchasers interested in lost or forgotten jazz artists, in the 'straight ahead jazz' category, whereas defendants sell rap recordings," and because the distinct recordings were "featured in different sections of the stores ... according to genre and not by label name." *Id.* at 629. See also *Harlem Wizards Entertainment Basketball, supra*, 952 F.Supp. at 1095 ("The show basketball performed by plaintiff is markedly distinct from NBA competitive basketball in myriad ways. As a show basketball team, plaintiff simply does not play NBA level competitive basketball.... Therefore, the court finds that when every aspect of the two teams is compared, there is glaring dissimilarity"). Here, as in *Sunenblick*, even though the two products share a similar element, the two products are marketed to different and discerning consumers (wine drinkers vs. craft beer drinkers) as well as found in different areas of the stores they are sold in (retail stores tend to keep all the beer together and all the wine together). Also similar to *Sunenblick*, both craft beer and wine are generally stocked by style, not alphabetically by name.

Similarly, in *Little Caesar Enterprises, Inc. v. Pizza Caesar, Inc.*, 834 F.2d 568 (6th Cir. 1987), the marks LITTLE CAESAR and PIZZA CAESAR USA were found to

form sufficiently distinct commercial impressions, despite sharing the distinctive word CAESAR in addition to other disclaimed portions, and even where both marks were for precisely the same kind of goods and services. In comparing the nature of goods and services, the TTAB has stated that an argument along the lines of “they both involve food” is not enough sufficient to sustain a distinction between restaurant services and food products, rather, something more is necessary to establish the relatedness of the goods. *See Jacobs v. Int’l Multifoods Corp.*, 668 F.2d 1234, 1236 (CCPA 1982). Here, then, something more than “they are both a kind of alcohol” is required to show the relatedness of the goods given the multitude of evidence negating consumer confusion outlined above.

**THE MARK IS REGISTRABLE BECAUSE PHANTOM IS A COMMON,
DESIRABLE DESCRIPTOR AND THEREFORE CONSUMERS ARE LESS LIKELY
TO BE CONFUSED.**

Lastly, as to the PHANTOM portion of the marks, it is important to note that marketers commonly use the phrase “phantom” to describe or brand their goods. The “phantom” mark appears in relationship to goods and services as diverse as computer devices (Reg. No. 2962623), screens for doors (Reg. No. 3808110), musical entertainment (Reg. No. 4462121), clothing and sporting goods (Reg. No. 2531861), fireworks (Reg. No. 4013383), games (Reg. No. 4516038), and recordings (Reg. No. 3110966) to name a limited few. See Exhibit C. The widespread use of “phantom” is likely by companies and organizations that wish to give a spectral connotation to their goods and services. Indeed, a long line of case law favors registration in circumstances

where, as here, marks are similar, but the overlap between the marks is merely a common, desirable descriptor.

For example, the Fourth Circuit reversed a finding that ARROW on beer and ARROW on liqueurs was likely to cause consumer confusion, finding them sufficiently distinctive, despite any similarity of the goods. *Arrow Distilleries, Inc. v. Globe Brewing Co.*, 117 F.2d 347 (4th Cir. 1941). In so finding, the court looked to a string of precedent suggesting that when a certain word or phrase is desirable—STANDARD, GOLD MEDAL, BLUE RIBBON, SIMPLEX—confusion with multiple uses is less likely. Indeed, the court observed that GOLD MEDAL on buckwheat flour was found not likely to cause confusion with GOLD MEDAL on wheat flour, and the words GOLD MEDAL had been registered more than sixty times over the course of 44 years, on quite diverse articles. The Seventh Circuit used the same line of reasoning in deciding *Pabst Brewing Co. v. Decatur Brewing Co.*, 284 F. 110 (7th Cir. 1922). There, BLUE RIBBON on malt extract, a component of beer, was found not likely to cause confusion with BLUE RIBBON on beer—indeed, BLUE RIBBON had been registered more than 60 times as a trade name in commerce.

Similarly, here, the term PHANTOM is a sought-after phrase because of the connotation that it carries involving things that go bump in the night. Accordingly, the phrase is extremely sought after when branding a variety of goods; in fact a search of the USPTO database shows 257 live marks containing PHANTOM, 211 of which are currently registered. See Exhibit D. Pursuant to case law, the sought after term becomes less distinctive as consumers realize that a similar or identical mark does not necessarily indicate a single source and, therefore, PHANTOM CARRIAGE can thus co-exist with

PHANTOM HILL, despite being in similar (though not identical) fields. Just as ARROW on beer and ARROW on liqueur were permissible and BLUE RIBBON on malt extract and BLUE RIBBON on beer were permissible, PHANTOM CARRIAGE on beer and PHANTOM HILL on wine is permissible. Similarly, the sufficiently distinctive marks ALPINE (Reg. No. 3942821), ALPINE LAGER (Reg. No. 2740872), and OKTOBERFEST ALPINE LAGER (Reg. No. 3549445) have all been registered in Class 32 for beer. In those instances, again, it was the common word ALPINE—sought after for the cool, refreshing sense it connotes—that mitigated against consumer confusion, even when in precisely the same class of goods. So too, PHANTOM CARRIAGE on beer and PHANTOM HILL on wine are sufficiently distinct considering the nature of the overlapping words. This crucial distinction—the overlap of a common, sought-after term as opposed to the overlap of a very distinctive term—is highly probative and predictive of consumer confusion, which explains why in other instances, such as those cited by the Trademark Examiner, a finding of confusion was proper when marks overlapped in an impermissible way.

For the foregoing reasons these marks can coexist without a likelihood of consumer confusion and the PHANTOM CARRIAGE mark is therefore registrable. Accordingly, we respectfully request the Examining Attorney to reconsider and that the Applicant's PHANTOM CARRIAGE mark proceed to publication.

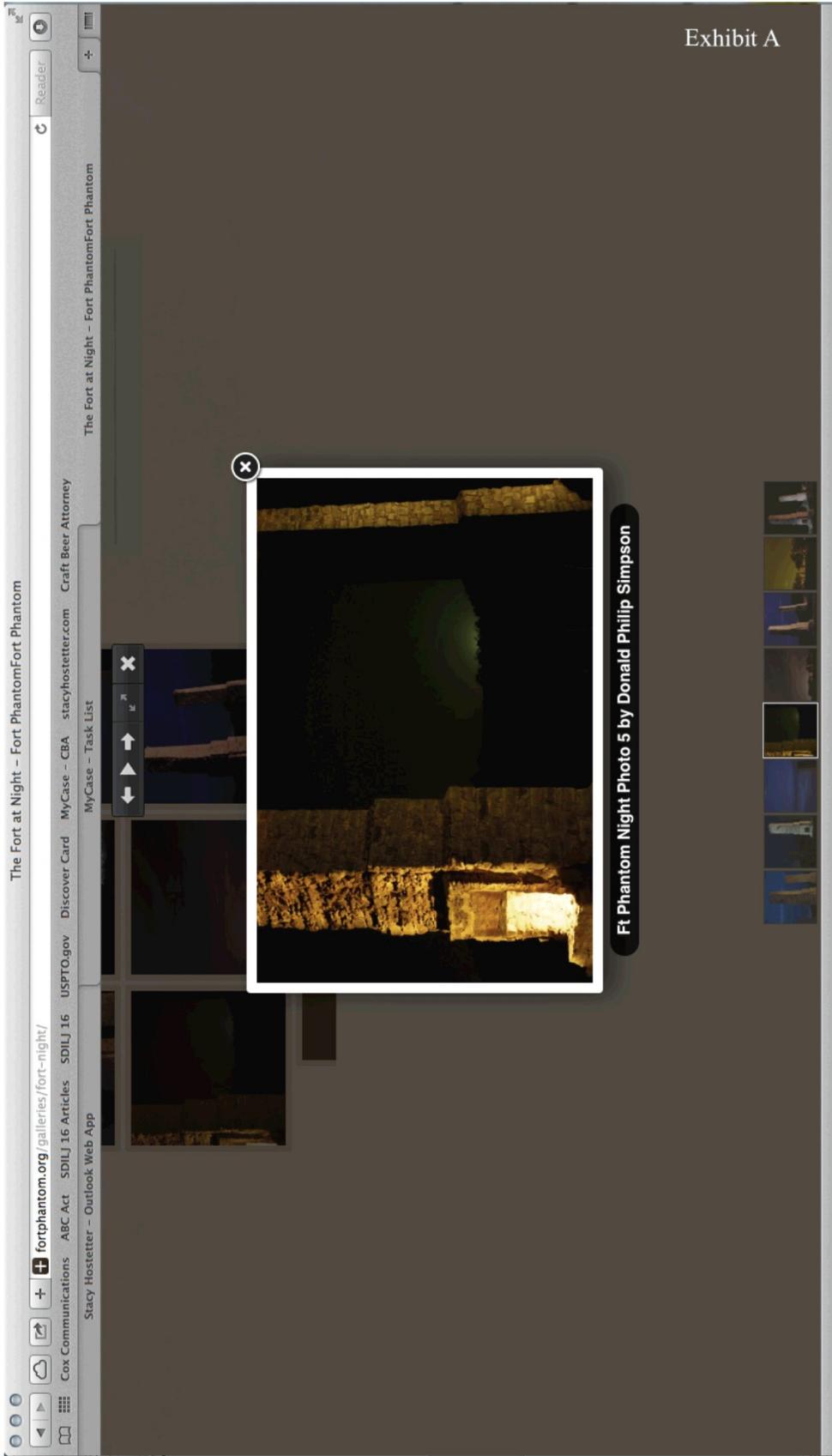
Stacy Hostetter - Outlook Web App

Stacy Hostetter - ABC Act SDILJ 16 Articles SDILJ 16 USPTO.gov Discover Card MyCase - CBA stacyhostetter.com Craft Beer Attorney MyCase - Task List

The Fort at Night - Fort PhantomFort Phantom

Reader

Exhibit A



Ft Phantom Night Photo 5 by Donald Philip Simpson

the phantom carriage

Upload 

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SUBSCRIPTIONS

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The Phantom Carriage (1921)
 by **Stephen Pike** • 11 months ago • **6,687 views**
 Directed by and Starring Victor Sjöstrom, this 1921 Swedish film is a true classic of silent cinema. It's New Year's Eve and ...



1921 - The Phantom Carriage - VICTOR SJOSTROM - Korkarlen | FULL MOVIE
 by **CBGP Features** • 1 year ago • **17,650 views**
 The Phantom Carriage (Swedish: Korkarlen) is a 1921 film generally considered to be one of the central works in the history of ...



Ingmar Bergman on Victor Sjöström's The Phantom Carriage
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 Ingmar Bergman discusses Victor Sjöström's *The Phantom Carriage* (1921).



The Phantom Carriage (1921) trailer
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<http://thegreatestmovieever.blogspot.gr/>



The Phantom Carriage & The Shining
 by **SuperRod88** • 3 years ago • **8,622 views**
 A similar scene between two horror classics, "The Phantom Carriage" (1921) & "The Shining" (1980). Stanley Kubrick paid a ...



Three Reasons: The Phantom Carriage
 by **criterioncollection** • 2 years ago • **11,484 views**
 These are our three reasons. What are yours? Out now on Blu-ray and DVD! More info: ...



THE PHANTOM CARRIAGE | Dreamers Will Never Stop Dreaming
 by **Throatruiner** • 1 year ago • 2,305 views
 From "Falls" - LP out in february 2013 on Throatruiner Records, Braincrushing & Theatre Records. Stream it/order it/download it for ...



Scene Comparison: Sjöström's THE PHANTOM CARRIAGE and Kubrick's THE SHINING
 by **juntajuleil** • 2 years ago • **6,764 views**
 A side-by-side look at the "father breaks down door with axe to get at covering family" scenes in 1921's THE PHANTOM ...



Scott Lord: The Phantom Carriage (Korkarlen,Victor Sjöstrom, 1920)
 by **Scott Lord** • 6 months ago • 244 views
 Scott Lord Swedish Silent Film *The Phantom Carriage* (Korkarlen, Victor Sjöstrom, 1920)

The Phantom Carriage (1921) Review
 by **99Filmo** • 6 months ago • 95 views
 My review of Sjöstrom's masterpiece, *The Phantom Carriage*.

19:36

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Typed Drawing

Word Mark PHANTOM OMNI

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer devices and systems namely, haptic interfaces, haptic interface devices, and haptic displays, for providing haptic feedback, namely, tactile feedback and force-feedback, with respect to real or virtual objects under computer control; Computer hardware and related computer software for creating three-dimensional digital content, including 3D designs, 3D models, and computer game development applications and characters on stand-alone computers, multiple computers located anywhere, and computers connected to private or public networks; Computer hardware and related computer software for interacting with three-dimensional digital content, including 3D designs, 3D models, and computer game development applications and characters on stand-alone computers, multiple computers located anywhere, and computers connected to private or public networks; Computer hardware and related computer software for use in accessing global computer information networks and interfacing with haptic interface devices; Computer hardware that provides haptic positional sensing and haptic force feedback and related computer software that enables third-party development of computer software applications; and computer hardware and related computer software for positioning and interacting with 3D digital content and digitally capturing 3D data within 3D space with or without haptic feedback. FIRST USE: 20031107. FIRST USE IN COMMERCE: 20031107

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78294471

Filing Date August 31, 2003

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 9, 2004

Registration Number 2962623

Registration Date June 14, 2005

Owner (REGISTRANT) SensAble Technologies, Inc. CORPORATION DELAWARE 15 Constitution Way Woburn MASSACHUSETTS 01801

(LAST LISTED OWNER) 3D SYSTEMS, INC. CORPORATION CALIFORNIA 333 THREE D SYSTEMS CIRCLE ROCK HILL SOUTH CAROLINA 29730

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Keith Roberson

Prior Registrations 2083626;2720224

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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PHANTOM VANTAGE

Word Mark PHANTOM VANTAGE

Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: Metal screens, namely, retractable insect screens and sunscreens for doors, windows, and skylights. FIRST USE: 20090700. FIRST USE IN COMMERCE: 20090700

IC 019. US 001 012 033 050. G & S: Non-metal screens, namely, retractable insect screens and sunscreens for doors, windows, and skylights. FIRST USE: 20090700. FIRST USE IN COMMERCE: 20090700

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77702168

Filing Date March 30, 2009

Current Basis 1A

Original Filing Basis 1B;44D

Published for Opposition July 28, 2009

Registration

Number 3808110
Registration Date June 22, 2010
Owner (REGISTRANT) Phantom Mfg. (Int'l) Ltd CORPORATION CANADA 30451 Simpson Road Abbotsford CANADA V2T6C7
Attorney of Record F. Richard Rimer, Jr.
Priority Date December 19, 2008
Prior Registrations 1983857;2266665;2266669;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Phantom Lake

Word Mark	PHANTOM LAKE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Audio and video recordings featuring music and artistic performances. FIRST USE: 20110316. FIRST USE IN COMMERCE: 20110316
	IC 041. US 100 101 107. G & S: Entertainment, namely, live performances by a musical band. FIRST USE: 20110316. FIRST USE IN COMMERCE: 20110316
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85937614
Filing Date	May 20, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 22, 2013
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 4462121
Registration Date January 7, 2014
Owner (REGISTRANT) Poston, John INDIVIDUAL UNITED STATES 3504 Oakmount Dr. SE Rio Rancho NEW MEXICO 87124
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark PHANTOM HORSE

Goods and Services IC 025. US 022 039. G & S: Clothing, namely hats, caps, visors, shirts, vests, jackets, sweaters, sweatshirts, raincoats, rain slickers, shorts and socks. FIRST USE: 19980401. FIRST USE IN COMMERCE: 19980401

IC 028. US 022 023 038 050. G & S: Sporting goods, namely golf balls, golf clubs, golf gloves, golf bag covers, head covers for golf clubs, golf tees, golf tee markers, golf ball markers, golf bag tags, golf cart signs for tournaments, and divot tools. FIRST USE: 19980401. FIRST USE IN COMMERCE: 19980401

(CANCELLED) IC 041. US 100 101 107. G & S: Sports and entertainment services, namely providing golf course, golf club and tennis club services; providing recreational services and facilities for golf, tennis, racquetball, table tennis, swimming, volleyball, and exercise; educational services, namely conducting classes and clinics in the fields of golf, tennis, and fitness and weight training. FIRST USE: 19980401. FIRST USE IN COMMERCE: 19980401

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 03.05.01 - Horses
03.05.24 - Stylized horses, donkeys, zebras

Serial Number 76180076

Filing Date December 13, 2000

Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 30, 2001
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 2531861
Registration Date January 22, 2002
Owner (REGISTRANT) MONY/PSM Properties MONY LIFE INSURANCE COMPANY, formerly known as The Mutual Life Insurance Company of New York, a New York corporation, General Partner; and MONY REALTY PARTNERS, INC., a Delaware corporation, General Partner. PARTNERSHIP ARIZONA Park Ridge One 10475 Park Meadows Drive, Suite 500 Littleton COLORADO 80124
 (LAST LISTED OWNER) ARIZONA GRAND RESORT, LLC LIMITED LIABILITY COMPANY DELAWARE 3101 NORTH CENTRAL AVENUE SUITE 1390 PHOENIX ARIZONA 85012
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Stacie K. Smith
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20110314.
Renewal 1ST RENEWAL 20110314
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PHANTOM EXPRESS

Word Mark	PHANTOM EXPRESS
Goods and Services	IC 013. US 002 009. G & S: Fireworks. FIRST USE: 20010101. FIRST USE IN COMMERCE: 20010101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85017928
Filing Date	April 20, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 27, 2010
Registration Number	4013383
Registration Date	August 16, 2011
Owner	(REGISTRANT) B.J. Alan Company CORPORATION OHIO 555 Martin Luther King, Jr. Blvd. Youngstown OHIO 445021102
Attorney of Record	Anthony Donofrio
Prior Registrations	1923559;3573388;3710491;AND OTHERS
Type of Mark	TRADEMARK

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PHANTOM MANOR

Word Mark	PHANTOM MANOR
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment services, namely, providing on-line computer games. FIRST USE: 20131015. FIRST USE IN COMMERCE: 20131015
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85850229
Filing Date	February 14, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 18, 2013
Registration Number	4516038
Registration Date	April 15, 2014
Owner	(REGISTRANT) IGT CORPORATION NEVADA Trademark Department 9295 Prototype Drive Reno NEVADA 895218986

Attorney of Record David L. Berdan
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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PHANTOM PLANET

Word Mark PHANTOM PLANET

Goods and Services IC 009. US 021 023 026 036 038. G & S: series of musical sound recordings, namely, pre-recorded compact discs, tape cassettes, phonograph albums, and DVDs featuring music. FIRST USE: 19980728. FIRST USE IN COMMERCE: 19980728

IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely stickers, posters, calendars, trading cards, catalogs in the field of music and informational flyers promoting musical performances. FIRST USE: 19940600. FIRST USE IN COMMERCE: 19940600

IC 025. US 022 039. G & S: clothing, namely, t-shirts, polo shirts, sweatshirts, jeans, underwear, footwear, headwear and jackets. FIRST USE: 19950600. FIRST USE IN COMMERCE: 19950600

IC 041. US 100 101 107. G & S: entertainment services in the nature of audio recording and production, video tape production, namely music videos and home videos for distribution by others and live musical concerts by a musical group. FIRST USE: 19940600. FIRST USE IN COMMERCE: 19950900

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial 76626942

Number

Filing Date January 4, 2005

Current Basis 1A

Original Filing Basis 1A

Published for April 11, 2006

Opposition

Registration Number 3110966

Registration Date July 4, 2006

Owner (REGISTRANT) Robinson, Darren INDIVIDUAL UNITED STATES 150 South Rodeo Drive, Suite 200 Beverly Hills CALIFORNIA 90212

(REGISTRANT) Greenwald, Alexander INDIVIDUAL UNITED STATES c/o Davis, Shapiro Lewit Montone & Hayes 150 South Rodeo Drive, Suite 200 Beverly Hills CALIFORNIA 90212

(REGISTRANT) Farrar, Sam INDIVIDUAL UNITED STATES c/o Davis, Shapiro Lewit Montone & Hayes 150 South Rodeo Drive, Suite 200 Beverly Hills CALIFORNIA 90212

Attorney of Record Norman Zafman

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Current Search: docs: 641 occ: 643

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51	85421601		PHANTOM VOX PRESENTS USED & ABUSED BY DRACO C. ROSA GARMENTS WEATHERED THRU WORLD TRAVEL SINCE 1989	TSDR	LIVE
52	85516203		PHANTOM	TSDR	LIVE
53	85950743	4465903	PHANTOM REVOLUTION	TSDR	LIVE
54	85926517	4461740	PHANTOM SMOKE	TSDR	LIVE
55	85809994	4463939	PHANTOM	TSDR	LIVE
56	85771138	4461085	PHANTOM	TSDR	LIVE
57	85834785		SEA PHANTOM INTERNATIONAL	TSDR	LIVE
58	85565646	4448435	PHANTOM	TSDR	LIVE
59	85829883		PHANTOM RACER	TSDR	LIVE
60	85458231	4444348	HONDA PHANTOM CAMO	TSDR	LIVE
61	85637742	4440991	FANTUM FEEDBACK	TSDR	LIVE
62	85708602	4433647	CAMPFIRE PHANTOM	TSDR	LIVE
63	85478522	4419109	PHANTOM	TSDR	LIVE
64	85828198	4395663	PHANTOMS	TSDR	LIVE
65	85448988	4388737	PHANTOM KNIGHT	TSDR	LIVE
66	85572995	4380895	WOODSPHANTOM	TSDR	LIVE
67	85361472	4369107	PHANTOM CLASS	TSDR	LIVE
68	85361452	4369106	PHANTOM CLASS	TSDR	LIVE
69	85974104		PHANTOM	TSDR	LIVE
70	85765659	4353945	PHANTOMSCRIBE	TSDR	LIVE
71	85698911		PHANTOM SECURE COMMUNICATIONS INC	TSDR	LIVE

72	85720976	4345915	FANTASMA	TSDR	LIVE
73	85529488	4347599	PHANTOM	TSDR	LIVE
74	85748969	4305382	PHANTOM LADY	TSDR	LIVE
75	85748950	4305381	PHANTOM LADY	TSDR	LIVE
76	85463256	4302310	PHANTOM ERA	TSDR	LIVE
77	85488954	4299116	PHANTOM SOULS	TSDR	LIVE
78	85298092	4292906	PHANTOM	TSDR	LIVE
79	85619714	4288280	THE PHANTOM OF THE MOVIES	TSDR	LIVE
80	85298064	4283527	PHANTOM	TSDR	LIVE
81	85583515	4249587	PHANTOM ULTIMATE PARTY	TSDR	LIVE
82	85252149	4250653	THE PHANTOM LIFE	TSDR	LIVE
83	85274179	4044681	PHANTOM	TSDR	LIVE
84	85303125	4238501	PHANTOM GOVERNMENT	TSDR	LIVE
85	85594919	4234146	PHANTOM KNIGHT	TSDR	LIVE
86	85424695	4227405	PHANTOM BALLAST	TSDR	LIVE
87	85343344	4204489	PHANTOMCLOUD	TSDR	LIVE
88	85295482	4207008	FOXIT PHANTOMPDF	TSDR	LIVE
89	85477195	4193631	PHANTOMLOVELY	TSDR	LIVE
90	85417681	4193325	PHANTOM FIREWORKS EXPRESS	TSDR	LIVE
91	85054603	4188719	PHANTOM CODE	TSDR	LIVE
92	85363236	4176966	PHANTOM	TSDR	LIVE
93	85297816	4145356	FANTOM	TSDR	LIVE
94	85414983	4135435	FANTOMWORKS	TSDR	LIVE
95	85069626	4130431	LG PHANTOM BROWSER	TSDR	LIVE
96	85123293	4115765	PHANTOM SUPREMACY	TSDR	LIVE
97	85240765	4092267	COMANDON COGNAC FANTÔME	TSDR	LIVE
98	85186922	4086394	BE A PHANTOM WARRIOR OR BECOME A TARGET	TSDR	LIVE
99	85311952	4067171	PHANTOM OF THE ARTS	TSDR	LIVE
100	85081943	4062149	PHANTOM	TSDR	LIVE

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RAM SALE NUMBER: 86003721
RAM ACCOUNTING DATE: 20140710

INTERNET TRANSMISSION DATE:
2014/07/09

SERIAL NUMBER:
86/003721

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2014/07/09	325	1	325