

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86151689
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	<p>Applicant respectfully requests reconsideration and withdrawal of the requirement for a disclaimer of the wording CRÉDIT DES ALPES for use in connection with the identified services. In the Office Action issued April 17, 2014, Examiner required a disclaimer of the wording CRÉDIT DES ALPES indicating the wording was primarily geographically descriptive of the origin of Applicant's goods. Applicant requested reconsideration. In the Office Action issued December 12, 2014, Examiner made Final the requirement for a disclaimer of all the wording in the mark, CRÉDIT DES ALPES, indicating at page 2 of the December 12, 2014 Office Action, that CRÉDIT merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or service and the wording "DES ALPES" primarily geographically describes the origin of applicant's goods and/or services. Applicant respectfully disagrees and requests reconsideration of the requirement for a disclaimer of all the wording in the design mark. The English translation of Applicant's mark, "credit of the alps", does not support a disclaimer of the entire phrase. Applicant's services are financial in nature and, as an alternative, Applicant would consider a disclaimer of the term CRÉDIT, however, there is no support for a disclaimer of all the wording in the mark or the phrase "des Alpes" in connection with the identified financial services. Applicant, mindful that third party registrations are merely instructive as to long term practice in the Office, respectfully directs the Examiner's attention to registrations for marks containing the phrase "des Alpes" which were not subject to disclaimer of the phrase. Specifically, US Reg. No. 4144888, registered in 2012 in the name of a French corporation, for the design mark COMPANGNIE DES ALPES (translated: COMPANY OF THE ALPS) for use on goods/services in multiple classes including insurance services in Class 36 (Disclaimer limited to COMPANGNIE); US Reg. No. 2768732, registered 2003 in the name of a French corporation, for the design mark COMPANGNIE DES ALPES (translated: COMPANY OF THE ALPS) for use on goods/services in multiple classes including financial services, and savings bank services in Class 36 (Disclaimer limited to COMPANGNIE). In</p>

	<p>addition, the Office has considered marks containing the phrase "des Alpes" in connection with a variety of goods each time allowing registration without a disclaimer of the phrase "des Alpes". Specifically, US Reg. No. 4370528, registered 2013 by two individuals of Swiss citizenship, for the standard character mark ROYAUME DES ALPES (translated: KINGDOM OF THE ALPS) for use on a variety of cosmetics in Class 3 (No Disclaimer). Copies of the TESS records for the cited registrations are attached hereto. Applicant submits that the phrase DES ALPES is not descriptive of a specific geographical location which is likely to be regarded by the usual and customary purchasers of such services as the geographic location of origin of the identified services. Instead the wording CRÉDIT DES ALPES when used in Applicant's design mark for the listed financial and insurance services is non-descriptive and arbitrary. Applicant requests that the requirement for a disclaimer of the all the wording in the mark be reconsidered and withdrawn and the application be approved for publication. Respectfully submitted,</p>
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-6786120194-20150612232246724765 . 1011TM1368_Third_Party_Regs.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT16\IMAGEOUT16\861\516\86151689\xml9\RFR0002.JPG
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SIGNATURE SECTION	
RESPONSE SIGNATURE	/Kathleen A. Costigan/
SIGNATORY'S NAME	Kathleen A. Costigan
SIGNATORY'S POSITION	Attorney for Applicant, NY bar member
SIGNATORY'S PHONE NUMBER	212-302-8989
DATE SIGNED	06/12/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jun 12 23:52:40 EDT 2015
	USPTO/RFR-67.86.120.194-2

TEAS STAMP

0150612235240679693-86151
689-53007c2b3ad9fe1abbe28
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A-20150612232246724765

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86151689** has been amended as follows:

ADDITIONAL STATEMENTS

Miscellaneous Statement

Applicant respectfully requests reconsideration and withdrawal of the requirement for a disclaimer of the wording CRÉDIT DES ALPES for use in connection with the identified services. In the Office Action issued April 17, 2014, Examiner required a disclaimer of the wording CRÉDIT DES ALPES indicating the wording was primarily geographically descriptive of the origin of Applicant's goods. Applicant requested reconsideration. In the Office Action issued December 12, 2014, Examiner made Final the requirement for a disclaimer of all the wording in the mark, CRÉDIT DES ALPES, indicating at page 2 of the December 12, 2014 Office Action, that CRÉDIT merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or service and the wording "DES ALPES" primarily geographically describes the origin of applicant's goods and/or services. Applicant respectfully disagrees and requests reconsideration of the requirement for a disclaimer of all the wording in the design mark. The English translation of Applicant's mark, "credit of the alps", does not support a disclaimer of the entire phrase. Applicant's services are financial in nature and, as an alternative, Applicant would consider a disclaimer of the term CRÉDIT, however, there is no support for a disclaimer of all the wording in the mark or the phrase "des Alpes" in connection with the identified financial services. Applicant, mindful that third party registrations are merely instructive as to long term practice in the Office, respectfully directs the Examiner's attention to registrations for marks containing the phrase "des Alpes" which were not subject to disclaimer of the phrase. Specifically, US Reg. No. 4144888, registered in 2012 in the name of a French corporation, for the design mark COMPANGNIE DES ALPES (translated: COMPANY OF THE ALPS) for use on goods/services in multiple classes including insurance services in Class 36 (Disclaimer limited to COMPANGNIE); US Reg. No. 2768732, registered 2003 in the name of a French corporation, for the design mark COMPANGNIE DES ALPES (translated: COMPANY OF THE ALPS) for use on goods/services in multiple classes including financial services, and savings bank services in Class 36 (Disclaimer limited to COMPANGNIE). In addition, the Office has considered marks containing the phrase "des Alpes" in connection with a variety of goods each time allowing registration without a disclaimer of the phrase "des Alpes". Specifically, US Reg. No. 4370528, registered 2013 by two individuals of Swiss citizenship, for the standard character mark ROYAUME DES ALPES (translated: KINGDOM OF THE ALPS) for use on a variety of cosmetics in Class 3 (No Disclaimer). Copies of the TESS records for the cited registrations are attached hereto. Applicant submits that the phrase DES ALPES is not descriptive of a specific geographical location which is likely to be regarded by the usual and customary purchasers of such services as the geographic location of origin of

the identified services. Instead the wording CRÉDIT DES ALPES when used in Applicant's design mark for the listed financial and insurance services is non-descriptive and arbitrary. Applicant requests that the requirement for a disclaimer of the all the wording in the mark be reconsidered and withdrawn and the application be approved for publication. Respectfully submitted,

Original PDF file:

[mis-6786120194-20150612232246724765 . 1011TM1368 Third Party Regs.pdf](#)

Converted PDF file(s) (5 pages)

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[Miscellaneous File2](#)

[Miscellaneous File3](#)

[Miscellaneous File4](#)

[Miscellaneous File5](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kathleen A. Costigan/ Date: 06/12/2015

Signatory's Name: Kathleen A. Costigan

Signatory's Position: Attorney for Applicant, NY bar member

Signatory's Phone Number: 212-302-8989

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: 86151689

Internet Transmission Date: Fri Jun 12 23:52:40 EDT 2015

TEAS Stamp: USPTO/RFR-67.86.120.194-2015061223524067

9693-86151689-53007c2b3ad9fe1abbe28b13af

4aa8320facb8521b6461e4448d919817b94e7d-N

/A-N/A-20150612232246724765



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Word Mark COMPAGNIE DES ALPES

Translations The English translation of "compagnie des Alpes" in the mark is "company of the Alps".

Goods and Services IC 036. US 100 101 102. G & S: insurance services, namely, underwriting, issuing and administration of insurance for sport activities, for leisure, for travel, and for weather trouble

IC 038. US 100 101 104. G & S: telecommunications, namely, transmitting streamed sound and audio-visual recordings via the Internet, television program broadcasting via cable or satellites; providing third party users with telecommunications access to national and international online servers; communications via computer terminals; provision of access to databases and to computer or telematic database servers; electronic mail, electronic messaging and telecommunications transmission of information by fax, by electronic means, namely, on global communication networks such as the Internet or private or reserved access networks such as intranets; services providing access to telephone, mobile telephone and telematic networks; transmission and distribution of data, images, and sound via a global computer network or the internet; videoconference and audio conference services; press and information agencies, namely, transmission of news, of photos and movies

IC 039. US 100 105. G & S: organizing and arranging ski slope, freestyle skiing, skijoring, skating, sledge, bobsleigh, railway, telpher, BMX, bike, hang glider and paraglider excursions

IC 041. US 100 101 107. G & S: entertainment services and sports and cultural activities, namely, ski, ice-skating, freestyle skiing, skijoring, skating, sledge, bobsleigh, BMX, bike, hang glider, paragliding, live music concerts, athletic competitions, art exhibits, concerts, providing online computer games and interactive games, organizing play contests, and presenting musical videos, related film clips, photographs, and other multimedia materials; running of museums and expositions of waxwork, statue in wax, work of art, in the field of leisure and tourism; providing ski instruction, amusement parks, sport camp services, recreational camps, discotheque services, providing games

on line on a computer network, production of television, radio, and live shows, cinema and film production, post-production, and animation production services, continuing children's program broadcast over television, radio, satellite, audio and video media, operating non-downloadable on-line publications, namely, comics, software, films, books, and newspapers, music-halls, namely, organizing and producing children's musical shows and puppet shows; entertainment in the nature of orchestra performances; rental of sports goods; arranging of competitions in the field of education or entertainment, organization of sporting or cultural events, namely, competition of ski, bobsleigh, ice-skating, freestyle skiing, skijoring, skating, sledge, bobsleigh, BMX, bike, hang glider, paragliding; publication of books; booking of seats for shows, news reporting services in the field of mountain sports and entertainment; video tape film production

IC 043. US 100 101. G & S: provision of food and drink in restaurants; temporary accommodation; reservation of temporary accommodation, boarding houses, hotel rooms

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

Design Search Code 06.01.04 - Mountains (landscapes); Scenery with mountains
26.11.21 - Rectangles that are completely or partially shaded
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Serial Number 85029731

Filing Date May 4, 2010

Current Basis 44E

Original Filing Basis 44E

Published for Opposition March 6, 2012

Registration Number 4144888

Registration Date May 22, 2012

Owner (REGISTRANT) COMPAGNIE DES ALPES CORPORATION FRANCE 89 rue Escudier 92100 Boulogne-Billancourt FRANCE

Attorney of Record Eric T. Fingerhut

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COMPAGNIE" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) grey, white and red is/are claimed as a feature of the mark. The mark consists of a grey rectangular background, white mountains, a red curved line below the mountains, and the wording "COMPAGNIE DES ALPES" in white.

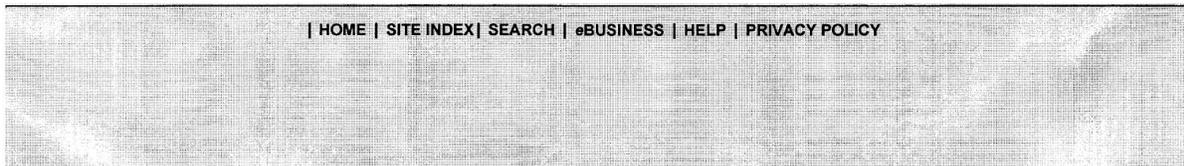
Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark COMPAGNIE DES ALPES

Translations The English translation of "COMPAGNIE DES ALPES" is "COMPANY OF THE ALPS."

Goods and Services (CANCELLED) IC 036. US 100 101 102. G & S: financing services, financial consultation services; real estate brokerage, savings bank services, financial management of portfolios of personal property securities; travelers check issuance, financial sponsorship of sport competitions

(CANCELLED) IC 038. US 100 101 104. G & S: telecommunications airtime brokerage services; electronic transmission of data and documents via computer terminals; providing access to databases and central servers of commercial or telemetric databases; electronic store- and-forward messaging; transmission of information by telefax, by electronic transmission of data and documents on a worldwide communication network of the Internet type, or with private or reserved access of the intranet type; telephone communications services, radio communication; electronic transmission of information, images, sound; and network conferencing services

(CANCELLED) IC 039. US 100 105. G & S: transportation of passengers and/or goods by air, boat, rail, bus; travel agency services, namely, making reservations and bookings for transportations; transportation reservation services; rental of trucks; and travel booking agencies

(CANCELLED) IC 041. US 100 101 107. G & S: organizing community sporting and cultural events; rental of sporting goods; organization of meetings on education or entertainment; arranging for ticket reservations for shows and other entertainment events; news agencies, namely, gathering and dissemination of news; news reporting services; motion picture film production

(CANCELLED) IC 042. US 100 101. G & S: restaurant food services; providing temporary housing accommodations; rest and convalescent homes; reservation of temporary residences, of lodgings, of hotel rooms; displaying the web sites and images of others on national a and international computer server; editing books for others

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

Design 06.01.04 - Mountains (landscapes); Scenery with mountains
Search Code 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 76329227

Filing Date October 24, 2001

Current Basis 44E

Original Filing Basis 44D

Published for Opposition July 8, 2003

Registration Number 2768732

Registration Date September 30, 2003

Owner (REGISTRANT) COMPAGNIE DES ALPES CORPORATION FRANCE 6, Place Abel-Gance 92652 Boulogne-Billancourt Cedex FRANCE

Attorney of Record Mark Lebow

Priority Date April 24, 2001

Description of Mark The stippling shown in the drawing is a feature of the mark and is not intended to indicate color.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Cancellation Date May 8, 2010

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Royaume des Alpes

Word Mark ROYAUME DES ALPES
Translations The English translation of "ROYAUME DES ALPES" in the mark is "KINGDOM OF THE ALPS".
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Bleaching preparations; cleaning, polishing and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 79121052
Filing Date September 25, 2012
Current Basis 66A
Original Filing Basis 66A
Published for Opposition May 7, 2013
Registration Number 4370528
International Registration Number 1137406
Registration Date July 23, 2013
Owner (REGISTRANT) Margaret Bär INDIVIDUAL SWITZERLAND Chemin des Chapons 6 CH-1092 Belmont-sur-Lausanne SWITZERLAND
 (REGISTRANT) Rudolf Bär INDIVIDUAL SWITZERLAND Chemin des Chapons 6 CH-1092 Belmont-sur-Lausanne SWITZERLAND
Priority Date May 10, 2012
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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