

From: Galan, Matthew

Sent: 6/30/2015 11:45:55 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 86183894 - PREMIUM - PFU-TM002 - Request for  
Reconsideration Denied - Return to TTAB - Message 1 of 4

\*\*\*\*\*

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Files: freedict-1.jpg, freedict-2.jpg, freedict-3.jpg, freedict-4.jpg, freedict-5.jpg, freedict-6.jpg, freedict-7.jpg, mw-1.jpg, mw-2.jpg, mw-3.jpg, mw-4.jpg, mw-5.jpg, minute-1.jpg, minute-2.jpg, farwest-1.jpg, farwest-2.jpg, farwest2-1.jpg, 86183894.doc

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

**U.S. APPLICATION SERIAL NO.** 86183894

**MARK:** PREMIUM



**CORRESPONDENT ADDRESS:**

JOHN J O'MALLEY

VOLPE AND KOENIG PC

30 S 17TH STREET

PHILADELPHIA, PA 19103-4009

**GENERAL TRADEMARK INFORMATION:**

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

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**APPLICANT:** Premium Foods USA, Inc.

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

PFU-TM002

**CORRESPONDENT E-MAIL ADDRESS:**

trademarks@vklaw.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 6/30/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated December 9, 2014 is maintained and continue to be final: the Section 2(e)(1) refusal. See TMEP §§715.03(a)(ii)(B), 715.04(a). The Section 2(d) refusal for the mark in Registration No. 3525990 is obviated because mark in that

registration has been cancelled. See TMEP §§715.03(a)(ii)(B), 715.04(a). The Section 2(d) refusal for the mark in Registration No. 2056440 is obviated because of applicant's amendments to the identification of goods. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement made final in the Office action is satisfied: the requirement to satisfactorily amend the identification of goods. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved the descriptiveness refusal, nor does it raise a new issue or provided any new or compelling evidence with regard to the descriptiveness refusal in the final Office action. Specifically, the term PREMIUM is a laudatory term espousing the quality of applicant's goods. See the attached. "Marks that are merely laudatory and descriptive of the alleged merit of a product are . . . regarded as being descriptive" because "[s]elf-laudatory or puffing marks are regarded as a condensed form of describing the character or quality of the goods." *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1256, 103 USPQ2d 1753, 1759 (Fed. Cir. 2012) (quoting *In re The Boston Beer Co.*, 198 F.3d 1370, 1373, 53 USPQ2d 1056, 1058 (Fed. Cir. 1999)); see *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001) (holding THE ULTIMATE BIKE RACK merely laudatory and descriptive of applicant's bicycle racks being of superior quality); *In re The Boston Beer Co.*, 198 F.3d at 1373-74, 53 USPQ2d at 1058-59 (holding THE BEST BEER IN AMERICA merely laudatory and descriptive of applicant's beer and ale being of superior quality); TMEP §1209.03(k). In fact, "puffing, if anything, is *more* likely to render a mark merely descriptive, not less so." *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d at 1256, 103 USPQ2d at 1759.

In addition, applicant's amendments to the identification of goods do not, in any way, obviate the Section 2(e)(1) refusal.

Accordingly, the request is **DENIED**.

The Trademark Trial and Appeal Board (the Board) will be notified to resume the appeal. See TMEP §715.04(a).

/Matthew G. Galan/

Examining Attorney

Law Office 113

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premium

Word / Article  Starts with  Ends with  Text

Also found in: [Medical](#), [Legal](#), [Financial](#), [Idioms](#), [Encyclopedia](#), [Wikipedia](#).

## pre-mi-um

(pre'mi-əm)

**n.**

1. An amount paid or required, often as an installment payment, for an insurance policy.
2.
  - a. An amount paid to obtain a loan.
  - b. An interest payment, usually on a regular basis, on a loan.
3. A sum of money or bonus paid in addition to a regular price, salary, or other amount. *Many people are willing to pay a premium to live near the ocean.*
4.
  - a. The amount at which something, such as a security or a currency, is valued above its initial or nominal price.
  - b. The amount at which a securities option is bought or sold.
5.
  - a. Something offered free or at a reduced price as an inducement to buy something else. *offered the backpack as a premium for students opening new bank accounts.*
  - b. A prize or award.
6. An unusual or high value. *Employers put a premium on honesty and hard work.*
7. Archaic Payment for training in a trade or profession.

**adj.**

Of superior quality or value: *premium gasoline.*

**Idiom:**

**at a premium**  
More valuable than usual, as from scarcity. *Fresh water was at a premium after the reservoir was contaminated.*

[Latin *praemium*, inducement, reward; *pre-*, *pre-* + *esse*, to take, buy; see *em-* in Indo-European roots.]

## premium

(pre'mi-əm)

(prɪmiəm)

<sup>n</sup>

1. (Commerce) an amount paid in addition to a standard rate, price, wage, etc; bonus
2. (Insurance) the amount paid or payable, usually in regular instalments, for an insurance policy
3. (Commerce) the amount above nominal or par value at which something sells
4. (Commerce)
  - a. an offer of something free or at a specially reduced price as an inducement to buy a commodity or service
  - b. (as modifier) a *premium offer*
5. a prize given to the winner of a competition; award
6. (Banking & Finance) US an amount sometimes charged for a loan of money in addition to the interest
7. great value or regard: *to put a premium on someone's services*
8. (Commerce) a fee, now rarely required, for induction or apprenticeship in a profession or trade
9. at a premium
  - a. in great demand or of high value, usually because of scarcity
  - b. above par

[C17: from Latin *praemium* prize, booty, reward]

## pre·mi·um

(prɪ mi əm)

<sup>n</sup>

1. a prize or bonus given as an inducement, as to purchase products
2. a bonus, gift, or sum additional to price, wages, interest, or the like
3. the amount usu. paid in instalments by a policyholder for coverage under a contract
4. a sum above the nominal or par value of a thing
5. great value or esteem: *She puts a premium on loyalty.*

<sup>adj</sup>

6. of exceptional quality or greater value than others of its kind; superior
7. of higher price or cost.

**Idioms:**

- at a premium,
- a. at an unusually high price
  - b. in short supply, in demand

[1595-1605; < Latin *praemium* profit, reward]

**syn:** See [bonus](#).

## premium

- First meant "prize, reward"

See also related terms for [prize](#).

### Thesaurus

Legend: Synonyms Related Words Antonyms

**Noun 1.** premium - payment for insurance

[insurance premium](#)

[payment](#) - a sum of money paid or a claim discharged

**2.** premium - the amount that something in scarce supply is valued above its nominal value; "they paid a premium for access to water"

**economic: value, value** - the amount (of money or goods or services) that is considered to be a fair equivalent for something else; "he tried to estimate the value of the produce at normal prices"

**3.** premium - a fee charged for exchanging currencies

[agio, agiotage, exchange premium](#)

[charge](#) - the price charged for some article or service; "the admission charge"



- 4. **premium** - a prize, bonus, or award given as an inducement to purchase products, enter competitions initiated by business interests, etc.; "they encouraged customers with a premium for loyal patronage"
- prize, award** - something given for victory or superiority in a contest or competition or for winning a lottery; "the prize was a free trip to Europe"
- bonus, incentive** - an additional payment (or other remuneration) to employees as a means of increasing output
- 5. **premium** - payment or reward (especially from a government) for acts such as catching criminals or killing predatory animals or enlisting in the military
- bounty**
- governing, government activity, government, governance, administration** - the act of governing; exercising authority; "regulations for the governing of state prisons"; "he had considerable experience of government"
- reward** - payment made in return for a service rendered



- Adj. 1. **premium** - having or reflecting superior quality or value; "premium gasoline at a premium price"
- superior** - of high or superior quality or performance; "superior wisdom derived from experience"; "superior math students"

## premium

noun

- 1. **fee, charge, payment, instalment** an increase in insurance premiums
  - 2. **surcharge, extra charge, additional fee or charge** Customers are not willing to pay a premium
  - 3. **bonus, reward, prize, percentage (informal), perk (Brit. informal), bonus, bounty, remuneration, recompense, perquisite** Shareholders did not receive a premium on the price of their shares.
- at a premium in great demand, valuable, expensive, rare, costly, scarce, in short supply, hard to come by, like gold dust, beyond your means, not to be had for love or money Tickets to the game are at a premium.
- put or place a (high) premium on something hold in high regard, value, appreciate, set great store by, put a high value on / place a high premium on what someone is like as a person.

## premium

noun

Something given in return for a service or accomplishment:

**accolade, award, guerdon, honorarium, plum, prize, reward.**

**Affix:** token of appreciation.

### Translations

- ... worth of unleaded, please (US)
- ... worth of premium unleaded, please (UK)

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### Mentioned in

- ... worth of premium unleaded, please
- worth of unleaded, please
- Above par
- accolade
- actuarial
- actuary
- administration
- ago
- agotage
- amortization
- annuity
- At par
- award
- bond
- bond certificate
- bonus
- borax

boon  
bounty  
charge

#### References in classic literature

Limkins; 'at least, as it's a nasty business, we think you ought to take something less than the premium we offered.

There is a class of optimists ready to reinsure an "overdue" ship at a heavy premium.

Why the very name will get the shares up to a premium in ten days.

*Oliver Twist Or The Parish Boy's Progress* by Dickens, Charles [View in context](#)

*The Mirror of the Sea* by Conrad, Joseph [View in context](#)

*The Life and Adventures of Nicholas Nickleby* by Dickens, Charles [View in context](#)

#### Dictionary browser

- ▲
- premenstrual
- premenstrual dysphoric disorder
- premenstrual syndrome
- premenstrual tension
- Premet
- Premal
- Premises
- premie
- premier
- premier danseur
- Premer'salgia
- premiere
- premieredansuse
- premiership
- premierearian
- premielarian
- premiennial
- premiereallian
- Preminger Otto Ludwig
- Premious
- premise
- premissed
- premisses
- Premiss
- Premit
- premium
- Premium Bond
- premium deal
- premium gasoline
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**Full browser**

▲  
premisses distribution system  
Premisses Distribution Upgrade  
Premisses End Crossstalk  
Premisses Identification  
Premisses liability  
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Premit  
premitochondria  
premitosis  
premitotic phase  
**premium**  
Premium Advertising Association of America  
Premium Annual Internet Group  
Premium Appliance Brands Limited  
Premium Asset Recovery Corporation  
Premium Automotive Group  
Premium Base  
Premium Bases  
Premium Bendstock for Oxygenate Bending  
Premium Bond  
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Premium Brownable Content  
Premium Cash Journal  
Premium Cast Vinyl Permanent  
premium certificate  
Premium Color Ring Back Tone

- premium content
- premium deal
- Premium Deluxe Dark Collar
- Premium Deposit Reserve
- premium digital content
- Premium Disbursement Credit
- Premium Downloadable Content
- Premium Energy Management Services
- Premium Enterprise Services
- Premium Fixed Income Fund
- Premium for control



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Dictionary

## premium

noun | pre-mi-um | ˈpri-mē-əm

SAVE POPULARITY

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- ː the price of insurance : the amount paid for insurance
- ː a price that is higher than the regular price
- ː a high or extra value

10 funny-sounding words to liven your vocabulary

### Full Definition of PREMIUM

- 1 a : a reward or recompense for a particular act
- b : a sum over and above a regular price paid chiefly as an inducement or incentive
- c : a sum in advance of or in addition to the nominal value of something <bonds callable at a premium of six percent>
- d : something given free or at a reduced price with the purchase of a product or service
- 2 : the consideration paid for a contract of insurance
- 3 : a high value or a value in excess of that normally or usually expected <put a premium on accuracy>

See premium defined for English-language learners

Word of the Day JUNE 30, 2015

## disinformation

false information deliberately spread

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VISUAL IQ

Words at Play

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What Does "Jiggery-Pokery" Mean?



See premium defined for kids



10 Worst Body Language Mistakes  
Furber

Examples of PREMIUM

Health insurance premiums went up again this year.  
The monthly premium for your health insurance is deducted from your paycheck.  
Many customers are willing to pay a premium for organic vegetables.

Ask The Editor Videos



Lay vs. Lie 'Try and' vs. 'Try to'

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Origin of PREMIUM

Latin praemium booty, profit, reward, from prae- + emere to take, buy — more at REDEEM  
First Known Use: 1601

Related to PREMIUM

Synonyms  
accolade, blue ribbon, decoration, distinction, honor, kudo, plume, award, prize  
[+] more

TAKE THE QUIZ >

Other Business Terms

amortize, caveat emptor, clearinghouse, divest, due diligence, emolument, green-collar, marque, overhead, perquisite

premium

adjective

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Spell It



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INSTANTLY, SAFELY, SECURELY

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Two landmark rulings in the Supreme Court ...



: high or higher than normal  
: of high or higher than normal quality

Full Definition of PREMIUM

: of exceptional quality or amount, also : higher-priced

See premium defined for English-language learners

Examples of PREMIUM

<lavish feasts at which premium wines flowed freely>

First Known Use of PREMIUM

1644

Related to PREMIUM

Synonyms

big-ticket, dear, expensive, extravagant, high, high-end, high-ticket, precious, costly, priceless, pricey (also pricy), spendy (chiefly Northwest), ultraexpensive, valuable

Antonyms

cheap, inexpensive

[+] more

TAKE THE QUIZ >

PREMIUM Defined for Kids

premium 

noun | pre-mi-um | ˈprɛ-mē-əm

Definition of PREMIUM for Kids

- 1 : a reward for a special act
- 2 : an amount above the regular or stated price <There is a premium for overnight delivery.>
- 3 : the amount paid for a contract of insurance <health insurance premiums>
- 4 : a high or extra value <He put a premium on accuracy.>

TAKE THE QUIZ >

Learn More About PREMIUM

- Thesaurus: All synonyms and antonyms for "premium"
- Spanish Central: Spanish translation of "premium"
- SCRABBLE®: Playable words you can make from "premium"
- Britannica.com: Encyclopedia article about "premium"

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21 ENTRIES FOUND

- premium
- premium loan
- premium note
- premium system
- automatic premium loan

Next Word in the Dictionary: premium loan  
 Previous Word in the Dictionary: permit  
 All Words Near: premium

Seen & Heard

What made you want to look up premium? Please tell us where you read or heard it (including the quote, if possible).

8 comments

TAKE THE QUIZ >

- Add a comment... Comment using...
- Wade Dowdell** - UC Davis  
 I wanted to check whether I could use premia as the plural. Seeing the origin here, I've decided to use premia instead.  
 Reply Like - April 11, 2014 at 10:38am
- Wong Hon Long**  
<http://www.englishdaily26.com/conversation.php?152>  
 If something is at a premium, it is wanted or needed, but is difficult to get or achieve.  
 Reply Like - October 6, 2012 at 3:44am
- Sophie Tuttle** - Brisbane, Queensland, Australia  
 I am currently studying financial planning at Kaplan (coming from Foundation of Financial Planning course notes). Being only just turned 20, I have never really come across what a 'Premium' actually was... so being a young person... I turned to Youtube. I found this clip, turns out that not many people knew what it was either!  
 Reply Like - May 20, 2012 at 1:01am
- Tim Walker** - Top Commenter - Works at Be The Match  
 I read a news story that used premia as the plural of premium, and I wanted to see if that rather archaic Latin-based plural would even be listed as acceptable. It was not. The writer was just trying to look smart... but failed!  
 Reply Like - March 20, 2012 at 7:26am

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**Sherry Richert Belui** - Top Commenter - San Francisco, California

That is what brought me here, too!  
Reply Like - June 4, 2012 at 7:20pm



**Atlas C. Reyes** - Works at Dell-Employed provide premium quality carpet. does this mean best quality?  
Reply Like - February 20, 2012 at 8:17pm

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Cherry Tomato Dinner

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Teriyaki Steak Skillet

## Our Products

Home > Products > Minute® Instant Rice > Premium Rice

### Premium Rice

[Cooking Directions](#) | [Nutrition Facts](#) | [Other Information](#)

A delicious, precooked, parboiled long grain rice with no cooking required, Minute Premium Rice is slightly yellow because of the special rice grains we use. Our premium rice is enriched, containing iron, thiamine, niacin and folic acid, so it's healthy as well as easy. Simply take equal parts liquid, equal parts rice, boil the liquid, add the rice and let sit for 5 minutes...It's that easy! Be sure to explore our recipe collection to discover new ways Minute Premium Rice can help you create healthy, satisfying meals in minutes.

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Nutritional Information expand

Allergen & Kosher Information expand

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## Premium Rice

- [Traditional Varieties](#)
- [Featured House Brands](#)
- [Culinary Profile](#)
- [Health Benefits](#)
- [Resources / Links of Interest](#)

### TRADITIONAL VARIETIES

#### Calrose Medium Grain

The most well known rice produced in California is Calrose Medium Grain Rice. This product is a Japonica rice, which means descendant from Japanese origin varieties. Its key characteristics include: a soft starch, sticky texture with a light taste that pleasantly lingers after chewing.

#### New Variety Medium Grain

New Variety Medium Grain Rice is a premium product representing a higher tier of quality with respect to taste and texture. Consistent cooking quality showcased by kernels extending in length with a soft starch structure resulting in a superior mouth feel. The taste is sweet with a smooth texture reminiscent of pearls.



#### **Calhikari Short Grain**

Calhikari is the entry level for the traditional, high quality short grains Japan is noted for. Calhikari represents the best of Japanese and California varieties fused together through selective breeding programs giving Calhikari an amazing taste profile with a starch structure particularly suited for sushi dishes.

#### **Koshihikari Short Grain**

Koshihikari is the most famous of Japanese traditional varieties and carries the mystique of a truly great heritage always promising an eclectic taste experience. "Koshi" as we affectionately refer to it, shines brightest when served as a fine table rice. "Koshi" is the name of the area "Echigo" where this variety was first grown (Echigo is the modern day Japanese Prefecture Niigata). The term "nikari" means "light" or "luster" in Japanese. "Koshihikari" can be translated to mean: "Light of hope in the Echigo area" (translation courtesy of Mr. Ichiro Tamaki). We believe this refers to Koshi's unique, elegant nature, translucent appearance and proud Japanese history.



## Premium Rice

- [Traditional Varieties](#)
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### TRADITIONAL VARIETIES

#### Calrose Medium Grain

The most well known rice produced in California is Calrose Medium Grain Rice. This product is a Japonica rice, which means descendant from Japanese origin varieties. Its key characteristics include: a soft starch, sticky texture with a light taste that pleasantly lingers after chewing.

#### New Variety Medium Grain

New Variety Medium Grain Rice is a premium product representing a higher tier of quality with respect to taste and texture. Consistent cooking quality showcased by kernels extending in length with a soft starch structure resulting in a superior mouth feel. The taste is sweet with a smooth texture reminiscent of pearls.