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Mark: THE BUCCANEERS

THE BUCCANEERS

US Serial Number: 86187999

Application Filing Date: Feb. 07, 2014

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 28, 2015

Mark Information

Mark Literal Elements: THE BUCCANEERS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pre-recorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; digital media, namely, downloadable audio-visual media files featuring entertainment content in the field of a dramatic television series; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; pre-recorded audio discs and non-disc digital media featuring music and television programs featuring drama; digital media, namely, high definition digital discs featuring music and television programs featuring drama; digital media, namely, downloadable audio and video files comprising music and television programs featuring drama; video and audio files in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, available by download and recorded on CD featuring music and drama; downloadable e-books about a dramatic series; related goods; Motion picture films featuring fictional drama

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 1956

Use in Commerce: 1956

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Multicom Entertainment Group, Inc.

Owner Address: 1575 Westwood Blvd., Suite 300
Los Angeles, CALIFORNIA 90024
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEVADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James E. Rosini,

Docket Number: 16071/7

Attorney Primary Email Address: tmdocketny@kenyon.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMES E. ROSINI, ESQ.
 KENYON & KENYON LLP
 1 BROADWAY
 NEW YORK, NEW YORK 10004-1007
 UNITED STATES

Phone: 212.425.7200

Fax: 212.425.5288

Correspondent e-mail: tmocketny@kenyon.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 28, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 28, 2015	NON-FINAL ACTION E-MAILED	6325
May 28, 2015	NON-FINAL ACTION WRITTEN	85321
May 26, 2015	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
May 26, 2015	EX PARTE APPEAL-INSTITUTED	187999
May 26, 2015	JURISDICTION RESTORED TO EXAMINING ATTORNEY	187999
May 26, 2015	EXPARTE APPEAL RECEIVED AT TTAB	
Nov. 25, 2014	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 25, 2014	FINAL REFUSAL E-MAILED	
Nov. 25, 2014	FINAL REFUSAL WRITTEN	85321
Nov. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 16, 2014	NON-FINAL ACTION E-MAILED	6325
May 16, 2014	NON-FINAL ACTION WRITTEN	85321
May 14, 2014	ASSIGNED TO EXAMINER	85321
Feb. 21, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 11, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: MONINGHOFF, KIM TERESA

Law Office Assigned: LAW OFFICE 113

File Location

Current Location: TMO LAW OFFICE 113 - EXAMINING ATTORNEY ASSIGNED

Date in Location: May 28, 2015

Proceedings**Summary**

Number of Proceedings: 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [86187999](#)

Filing Date: May 26, 2015

Status: Pending

Status Date: May 26, 2015

Interlocutory Attorney:

Plaintiff(s)

Name: Multicom Entertainment Group, Inc.

Correspondent Address: JAMES E. ROSINI, ESQ.
 KENYON & KENYON LLP
 1 BROADWAY
 NEW YORK NY , 10004-1007
 UNITED STATES

Correspondent e-mail: tmocketny@kenyon.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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THE BUCCANEERS

Non-Final Action - Mailed

[86187999](#)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	May 26, 2015	
2	Appeal Acknowledged; Case Remanded	May 26, 2015	
3	INSTITUTED	May 26, 2015	

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86187999
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In accordance with the Examining Attorney's suggestion, the Applicant is amending the application to seek registration on the ground of acquired distinctiveness, under §2(f) of the Trademark Act (15 U.S.C. §1052(f)). The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement. Applicant requests the services "Providing non-downloadable audio and video recordings, in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, featuring music and drama" be moved to Ser. No. 86188017 which was filed for the mark THE BUCCANEERS in Class 41. Applicant notes Ser. No. 86188017 has not yet published for opposition.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
<p>Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; digital media, namely, downloadable audio-visual media files featuring entertainment content; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; pre-recorded audio discs and non-disc digital media featuring music and television programs about a dramatic television series; digital media, namely, high definition digital discs featuring music and television programs; digital media, namely, downloadable audio and video files comprising music and television programs; Downloadable video, audio, and available from the internet and available from computer readable media in the form of a CD, wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats; downloadable e-books; related goods</p>	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1956
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1956
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009

TRACKED TEXT DESCRIPTION

Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; ~~digital media, namely, downloadable audio-visual media files featuring entertainment content~~; digital media, namely, downloadable audio-visual media files featuring entertainment content in the field of a dramatic television series; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; ~~pre-recorded audio discs and non-disc digital media featuring music and television programs about a dramatic television series~~; pre-recorded audio discs and non-disc digital media featuring music and television programs featuring drama; ~~digital media, namely, high definition digital discs featuring music and television programs~~; digital media, namely, high definition digital discs featuring music and television programs featuring drama; ~~digital media, namely, downloadable audio and video files comprising music and television programs~~; digital media, namely, downloadable audio and video files comprising music and television programs featuring drama; ~~Downloadable video, audio, and available from the internet and available from computer readable media in the form of a CD, wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats~~; video and audio files in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, available by download and recorded on CD featuring music and drama; ~~downloadable e-books~~; downloadable e-books about a dramatic series; related goods

FINAL DESCRIPTION

Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; digital media, namely, downloadable audio-visual media files featuring entertainment content in the field of a dramatic television series; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; pre-recorded audio discs and non-disc digital media featuring music and television programs featuring drama; digital media, namely, high definition digital discs featuring music and television programs featuring drama; digital media, namely, downloadable audio and video files comprising music and television programs featuring drama; video and audio files in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, available by download and recorded on CD featuring music and drama; downloadable e-books about a dramatic series; related goods

FILING BASIS

Section 1(a)

FIRST USE ANYWHERE DATE

At least as early as 00/00/1956

FIRST USE IN COMMERCE DATE

At least as early as 00/00/1956

SIGNATURE SECTION**RESPONSE SIGNATURE**

/James E. Rosini/

SIGNATORY'S NAME

James E. Rosini, Esq.

SIGNATORY'S POSITION

Attorney of Record, New York Bar Member

SIGNATORY'S PHONE NUMBER

212-425-7200

DATE SIGNED

05/26/2015

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue May 26 15:32:51 EDT 2015
TEAS STAMP	USPTO/RFR-8.30.202.4-2015 0526153251467709-86187999 -5309d1258e5f5c8d4fa1a48f 75b646f31f2fd0ad44d1c9dc7 7034ad46e556a-N/A-N/A-201 50526152005269005

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. **86187999** has been amended as follows:

ARGUMENT(S)

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

In accordance with the Examining Attorney's suggestion, the Applicant is amending the application to seek registration on the ground of acquired distinctiveness, under §2(f) of the Trademark Act (15 U.S.C. §1052(f)). The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement. Applicant requests the services "Providing non-downloadable audio and video recordings, in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, featuring music and drama" be moved to Ser. No. 86188017 which was filed for the mark THE BUCCANEERS in Class 41. Applicant notes Ser. No. 86188017 has not yet published for opposition.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 009 for Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; digital media, namely, downloadable audio-visual media files featuring entertainment content; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; pre-recorded audio discs and non-disc digital media featuring music and television programs about a dramatic television series; digital media, namely, high definition digital discs featuring music and television programs; digital media, namely, downloadable audio and video files comprising music and television programs; Downloadable video, audio, and available from the internet and available from computer readable media in the form of a CD, wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats; downloadable e-books; related goods

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the

applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1956 and first used in commerce at least as early as 00/00/1956 , and is now in use in such commerce.

Proposed:

Tracked Text Description: Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; ~~digital media, namely, downloadable audio-visual media files featuring entertainment content;~~ digital media, namely, downloadable audio-visual media files featuring entertainment content in the field of a dramatic television series; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; ~~pre-recorded audio discs and non-disc digital media featuring music and television programs about a dramatic television series;~~ pre-recorded audio discs and non-disc digital media featuring music and television programs featuring drama; ~~digital media, namely, high definition digital discs featuring music and television programs;~~ digital media, namely, high definition digital discs featuring music and television programs featuring drama; ~~digital media, namely, downloadable audio and video files comprising music and television programs;~~ digital media, namely, downloadable audio and video files comprising music and television programs featuring drama; ~~Downloadable video, audio, and available from the internet and available from computer readable media in the form of a CD, wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats;~~ video and audio files in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, available by download and recorded on CD featuring music and drama; ~~downloadable e-books;~~ downloadable e-books about a dramatic series; related goods

Class 009 for Prerecorded audio cassettes, videotapes, laser discs, DVDs, CDs, interactive discs featuring music and television programs featuring dramatic television series; digital media, namely, downloadable audio-visual media files featuring entertainment content in the field of a dramatic television series; computer software for streaming audio-visual media content via the Internet and to mobile digital electronic devices; pre-recorded audio discs and non-disc digital media featuring music and television programs featuring drama; digital media, namely, high definition digital discs featuring music and television programs featuring drama; digital media, namely, downloadable audio and video files comprising music and television programs featuring drama; video and audio files in the form of wave file, MP3, MP4, MOV, FLV, SWF, AVI, WMV, MPEG, MIDI, and other digital formats, available by download and recorded on CD featuring music and drama; downloadable e-books about a dramatic series; related goods

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1956 and first used in commerce at least as early as 00/00/1956 , and is now in use in such commerce.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /James E. Rosini/ Date: 05/26/2015

Signatory's Name: James E. Rosini, Esq.

Signatory's Position: Attorney of Record, New York Bar Member

Signatory's Phone Number: 212-425-7200

The signatory has confirmed that he/she is a Canadian attorney/agent, or an associate thereof, who

represents an applicant located in Canada; and he/she is either registered with the USPTO and in good standing as as patent agent under 37 C.F.R. §11.6(c) or has been granted reciprocal recognition under 37 C.F.R. §11.14(c) by the USPTO's Office of Enrollment and Discipline; and that to the best of his/her knowledge, if prior to his/her appointment another Canadian attorney/agent or a U.S. attorney 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 Canadian attorney/agent or U.S. attorney 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: 86187999

Internet Transmission Date: Tue May 26 15:32:51 EDT 2015

TEAS Stamp: USPTO/RFR-8.30.202.4-2015052615325146770

9-86187999-5309d1258e5f5c8d4fa1a48f75b64

6f31f2fd0ad44d1c9dc77034ad46e556a-N/A-N/

A-20150526152005269005