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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field | Entered |
|---|---|
| SERIAL NUMBER | 86388948 |
| LAW OFFICE ASSIGNED | LAW OFFICE 117 |
| MARK SECTION | |
| MARK | http://tmng-al.uspto.gov/resting2/api/img/86388948/large |
| LITERAL ELEMENT | SAGAMORE |
| STANDARD CHARACTERS | YES |
| USPTO-GENERATED IMAGE | YES |
| MARK STATEMENT | The mark consists of standard characters, without claim to any particular font style, size |
| ARGUMENT(S) | |
| <u>Request for Reconsideration After Final Office Action</u> | |
| <p>In a final Official action dated July 17, 2015, the Examining Attorney refused registration of Applicant's SAGAMORE mark, the subject of U.S. Application Serial No. 86388948 ("Subject Application") in Class 45. Specifically, the basis for refusal is an alleged likelihood of confusion with a prior registration for the mark GREAT CAMP SAGAMORE, owned by the Sagamore Institute of the Adirondacks.</p> | |
| <p>The arguments and evidence recited below and submitted herewith demonstrate that there is no like confusion between Applicant's SAGAMORE mark for boutique hotels, on the one hand, and cited registration for the GREAT CAMP SAGAMORE mark for a historic lodge in the Adirondacks, on the other.</p> | |
| <i>Background</i> | |
| <p>As evidenced by the marks themselves (i.e., GREAT CAMP SAGAMORE and SAGAMORE) and services claimed under the marks (i.e., "providing temporary residential accommodations and providing of drink in dining facilities for program participants, instructors and staff members" and boutique hotels), the commercial impression of the parties' marks to consumers is significantly different.</p> | |

Applicant is Sagamore Farm IP, LLC, and is the owner of Sagamore Farm, a thoroughbred breeding and racing facility in Glyndon, Maryland. Applicant owns a number of “SAGAMORE” variant marks for goods and services offered in connection with the farm and its ventures, including but not limited to land development and services (See U.S. Application Serial No. 86514267, allowed as of August 11, 2015). The Subject Application is filed on an intent-to-use basis, and is intended for use on and in connection with at least a boutique hotel to be developed by Applicant or its affiliates in Baltimore, Maryland. The branding of the hotel was inspired by the name behind the Sagamore Farm name and SAGAMORE brand. Additional information about Applicant and its goods and services is available from its website located at www.sagamoreracing.com (see attached).

Cited registrant is Sagamore Institute of the Adirondacks, a 501(c)(3) non-profit entity dedicated to preserving Great Camp Sagamore, the name that is the subject of the cited registration. Great Camp Sagamore is a single location homestead and camp on Sagamore Lake in the Adirondack Mountains of New York. It is a lodge-style camp, set in a preserved natural environment. Additional information about cited registrant and Great Camp Sagamore is available from its website located at URL www.greatcampsagamore.com (see attached).

Letter of Consent

As noted in Applicant’s June 22, 2015 response to the first Office action issued, Applicant approached the cited registrant – ***and obtained from cited registrant*** – the attached Letter of Consent. Notably, the parties met in person on two occasions, once at each party’s property. The parties drafted and executed the Letter of Consent to memorialize their belief that there is no likelihood of consumer confusion between the source of services offered under their respective marks. Specifically, the parties do not compete and do not market through the same channels to the same consumers or types of consumers. A party looking for a boutique and trendy hotel experience in a metropolitan area will not encounter a rustic lodge isolated in the Adirondack Mountains and be confused into thinking they are the same, or that they are in some way related. Similarly, a family looking to vacation in a natural and camp-like setting in rural New York State will not find a chic hotel in Baltimore’s Inner Harbor and be confused into thinking the services of each emanate from a common source.

The Examining Attorney should “give great weight to a proper consent agreement” as it is reached by parties familiar with use in the marketplace and most interested in precluding confusion. Indeed, a letter of consent is “uncontroverted evidence from those on the firing line” that confusion is not likely. See TMEP §1207.01(d)(viii), citing *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ2d 563, 568 (C.C.P.A. 1973).

In light of the relevant facts and evidence, and the Letter of Consent submitted herewith, Applicant respectfully requests that the Examining Attorney withdraw the Section 2(d) basis for refusal, and approve the Subject Application for publication in the *Official Gazette*.

| EVIDENCE SECTION | |
|---------------------------------------|--|
| EVIDENCE FILE NAME(S) | |
| ORIGINAL PDF FILE | evi_1214420254-20160108151358556455_Screen_Images_for_SAGAMORE_Hotel |
| CONVERTED PDF FILE(S) (9 pages) | \\TICRS\EXPORT16\IMAGEOUT16\863\889\86388948\xml12\RFR0002.JPG |

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| ORIGINAL PDF FILE | evi_1214420254-20160108151358556455_. Consent Letter from Sagamore Institute. |
| CONVERTED PDF FILE(S) (2 pages) | \\TICRS\EXPORT16\IMAGEOUT16\863\889\86388948\xml12\RFR0011.JPG |
| | \\TICRS\EXPORT16\IMAGEOUT16\863\889\86388948\xml12\RFR0012.JPG |
| DESCRIPTION OF EVIDENCE FILE | Screen images from Applicant's site pages and cited registrant's site pages; Letter of conc cited registrant. |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /Christiane S. Campbell/ |
| SIGNATORY'S NAME | Christiane S. Campbell |
| SIGNATORY'S POSITION | Attorney of Record, Member NJ and PA Bars |
| SIGNATORY'S PHONE NUMBER | 215.979.1817 |
| DATE SIGNED | 01/08/2016 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | NO |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Jan 08 15:26:05 EST 2016 |
| TEAS STAMP | USPTO/RFR-XX.XXX.XX.XXX-2 0160108152605581627-86388 948-5501cbabc2e9a2964b81e |

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

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

Application serial no. **86388948** SAGAMORE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86388948/large>) has been amended as follows:

ARGUMENT(S)

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

Request for Reconsideration After Final Office Action

In a final Official action dated July 17, 2015, the Examining Attorney refused registration of Applicant's SAGAMORE mark, the subject of U.S. Application Serial No. 86388948 ("Subject Application") in Classes 43 and 45. Specifically, the basis for refusal is an alleged likelihood of confusion with a prior registration for the mark GREAT CAMP SAGAMORE, owned by the Sagamore Institute of the Adirondacks.

The arguments and evidence recited below and submitted herewith demonstrate that there is no likelihood of confusion between Applicant's SAGAMORE mark for boutique hotels, on the one hand, and cited registrant's GREAT CAMP SAGAMORE mark for a historic lodge in the Adirondacks, on the other.

Background

As evidenced by the marks themselves (i.e., GREAT CAMP SAGAMORE and SAGAMORE) and the services claimed under the marks (i.e., "providing temporary residential accommodations and providing of food and drink in dining facilities for program participants, instructors and staff members" and boutique hotels), the overall commercial impression of the parties' marks to consumers is significantly different.

Applicant is Sagamore Farm IP, LLC, and is the owner of Sagamore Farm, a thoroughbred breeding, training, and racing facility in Glyndon, Maryland. Applicant owns a number of "SAGAMORE" variant marks for goods and services offered in connection with the farm and its ventures, including but not limited to land development services (See U.S. Application Serial No. 86514267, allowed as of August 11, 2015). The Subject Application was filed on an intent-to-use basis, and is intended for use on and in connection with at least a boutique hotel being developed by Applicant or its affiliates in Baltimore, Maryland. The branding of the hotel was inspired by the legacy behind the Sagamore Farm name and SAGAMORE brand. Additional information about

Applicant and its properties and services is available from its website located at www.sagamoreracing.com (see attached).

Cited registrant is Sagamore Institute of the Adirondacks, a 501(c)(3) non-profit entity dedicated to preserving Great Camp Sagamore, the name that is the subject of the cited registration. Great Camp Sagamore is a single location homestead and camp on Sagamore Lake in the Adirondack Mountains of New York. It is a rustic, lodge-style camp, set in a preserved natural environment. Additional information about cited registrant and Great Camp Sagamore is available from its website located at URL www.greatcampsagamore.com (see attached).

Letter of Consent

As noted in Applicant's June 22, 2015 response to the first Office action issued, Applicant approached cited registrant – ***and obtained from cited registrant*** – the attached Letter of Consent. Notably, the parties met in person on two occasions, once at each party's property. The parties drafted and executed the Letter of Consent to memorialize their belief that there is no likelihood of consumer confusion between the source of services offered under their respective marks. Specifically, the parties do not compete and do not market through the same trade channels to the same consumers or types of consumers. A party looking for a boutique and trendy hotel experience in a metropolitan area will not encounter a rustic lodge isolated in the Adirondack Mountains and be confused into thinking they are the same, or that they are in some way related. Similarly, a family looking to vacation in a remote and natural camp-like setting in rural New York State will not find a chic hotel in Baltimore's Inner Harbor and be confused into thinking the services of each emanate from a common source.

The Examining Attorney should "give great weight to a proper consent agreement" as it is reached by "those familiar with use in the marketplace and most interested in precluding confusion enter agreements designed to avoid it." Indeed, a letter of consent is "uncontroverted evidence from those on the firing line" that confusion is not likely. See TMEP §1207.01(d)(viii), citing *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ 563, 568 (C.C.P.A. 1973).

In light of the relevant facts and evidence, and the Letter of Consent submitted herewith, Applicant respectfully requests that the Examining Attorney withdraw the Section 2(d) basis for refusal, and approve the Subject Application for publication in the *Official Gazette*.

EVIDENCE

Evidence in the nature of Screen images from Applicant's site pages and cited registrant's site pages; Letter of consent from cited registrant. has been attached.

Original PDF file:

[evi_1214420254-20160108151358556455_. Screen Images for SAGAMORE Hotel_OA.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_1214420254-20160108151358556455_. Consent Letter from Sagamore Institute 1-8-16.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Christiane S. Campbell/ Date: 01/08/2016

Signatory's Name: Christiane S. Campbell

Signatory's Position: Attorney of Record, Member NJ and PA Bars

Signatory's Phone Number: 215.979.1817

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86388948

Internet Transmission Date: Fri Jan 08 15:26:05 EST 2016

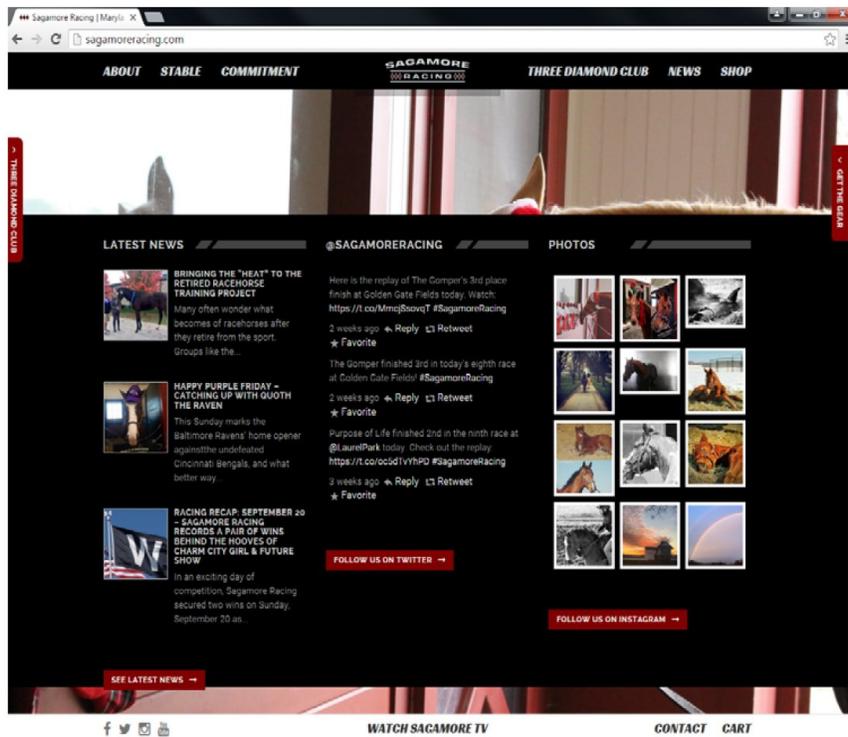
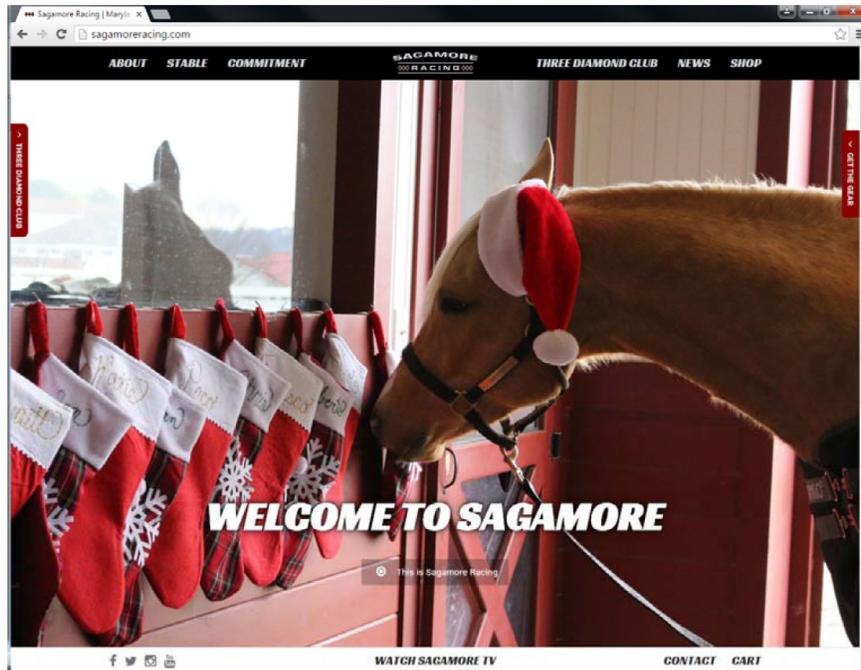
TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016010815260558

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311f34654bde19134662c1816b67f1ed01837-N/

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Screen Images from Applicant's website located at URL www.sagamoreracing.com



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 sagamoreracing.com/stable/

ABOUT STABLE COMMITMENT SAGAMORE RACING THREE DIAMOND CLUB NEWS SHOP

THREE DIAMOND CLUB

GET THE GEAR



RACING SILKS
 Black, Gray Hoop, Gray Sleeves, Maroon Diamond Seam, Black Cap, Gray Stripe

FEATURED VIDEO



08:42 HD

ACCOLADES

- In November 2010, **Shared Account** won the \$2 million 2010 Breeders' Cup Filly and Mare Turf (GI) at Churchill Downs, the largest upset in the history of the race.
- Sagamore Farm received its highest Owners Ranking to date in 2011 - 55th of 33,850 owners with \$1.45 Million in Earnings.
- In June 2011, **Monzon** became the first Sagamore homebred to compete in a Triple Crown race (the Belmont Stakes) since Native Dancer won it in 1953.
- Two-year-old filly, **Millionreasonswhy** won the Matron Stakes (GII) at Belmont Park on July 3, 2011.
- The Thoroughbred Times included Sagamore Racing on its list of "Leading Owners by Percent of Graded Stakes Winners from Starts" in 2011.
- **Humble and Hungry** hit the board in all six of his starts in 2011 as a three-year-old, finishing the year by winning the Commonwealth Turf Stakes (GIII) at Churchill Downs.
- **Tiger Walk** became the first Preakness Stakes entry under Kevin Plank's ownership in May 2012.
- In 2012, Sagamore lead the State in total rewards from the Maryland Breeders Fund and Sagamore homebreds have since continued to ascend the ranks and gain national recognition.
- **Walkwithpurpose** made her mark in 2012/13, going undefeated at Laurel Park and winning multiple stakes races including the Maryland Juvenile Filly Championship. She was named Maryland-bred 3YO Champion Filly of the Year in 2013.
- 2013 was a record year for total wins under Plank's ownership. Three of Sagamore's five homebred fillies became stakes winners.
- In 2014, three-year-old filly **Daring Dancer** became a multiple graded stakes winner capturing the Appalachian Stakes (GIII) at Keeneland in April and the Lake George Stakes (GII) at Saratoga in July. She was named Maryland-bred 3YO Champion Filly of the Year in 2014.

f t i
WATCH SAGAMORE TV
CONTACT CART

Screen Images From Cited Registrant's website Located at URL www.greatcampsagamore.com



Sagamore Overview — G... X
← → C greatcampsagamore.org/overview/ ☆ ☰

Introduction

For over 150 years, the Adirondack Park has provided a "forever wild" setting for people seeking refuge and renewal from the cities of the northeast. The Adirondack region of New York State, roughly the size of Vermont, resisted large scale settlement and development because of the harsh climate and poor soil. The Algonquin to the north and the Iroquois to the south hunted and fished but did not reside there; the colonial-era trappers went in to the area for fur and left. Farmers struggled to survive. Beginning in the 19th century however, mining and, more significantly, logging threatened the state's economic interests. To contain the growing devastation, save the northern forests and their critical-to-transportation watershed, the Adirondack Park was created in 1892. The state owned lands within the Park boundaries, about half the total area, were (and are) held as Forest Preserve. This great natural region, then, was protected just as the cities of the northeast grew large at the time of the Industrial Revolution. The creation of the Adirondack Park played a central role in the story of America's romance with the wilderness.

Adirondack Great Camps, as they are now called, were the first places in America where wilderness was used as the setting for recreation; entire village economies were established to support them. Little known even today because of their remote locations and promise of escape, great camps were the baronial retreats the Gilded Age bankrolled in the Adirondack mountains, lakes, and woods. Of the several dozen great camps originally built, only Sagamore operates as an independent, not-for-profit dedicated to education. Still authentic to its original, rustic, vernacular architecture, Sagamore preserves 27 wood and stone buildings in two adjacent complexes. The workers' complex boasts barns, workshops, living quarters, a schoolhouse for the children of the Vanderbilt employees and a blacksmith shop with working forge. The bark-covered structures of the guest complex include six sleeping cottages and lodges, a dining hall that can seat nearly 100, a boathouse, and bowling alley. With expanded humanities programming at Sagamore, more visitors, volunteers, service providers, and employees will learn about America's history and experience the life of a great camp.

Mission

Sagamore Institute of the Adirondacks, Inc. is an independent non-profit 501c3 corporation dedicated to the stewardship of Great Camp Sagamore and to its use for educational and interpretive purposes. Our mission is to "foster understanding, care and respect for nature, people and their critical interdependence." Sagamore interprets the political, economic, and cultural history of human interface with this 'wilderness' region according to its vision "to become a place where broad and diverse audiences gather to use these unique buildings and natural setting to explore and understand Adirondack culture, environment and our relationship to both."

Sagamore's programs explore the role of Adirondack wilderness in the creation of America's national identity; *it is the only residential great camp program available to the public.* The architecture of Sagamore and the divided disposition of 27 restored buildings embody the economic divisions of the Gilded Age. The guest camp, in romantic, haute-rustic style, is clustered around a pristine, wilderness lake, while the workers' complex, in vernacular style, is camouflaged in the woods. Today, orientation, interpretive exhibitions, workshop and activity spaces, staff lodging, the shop, café and parking for the daily guided history tours are located in the workers' camp; as visitors proceed along the rocky, outlet river, the lakeside guest camp is revealed: century-

Sagamore Overview — G: X
 greatcampsagamore.org/overview/

are located in the workers' camp; as visitors proceed along the rocky, outlet river, the lakeside guest camp is revealed: century-old bark-covered cottages, the iconic chelet-lodge, dining hall, boat house, bowling alley and tennis courts. The guest camp houses people in residence for educational programs. Sagamore Institute is committed to gently using its century old buildings and site for the public, and to examine American culture and history through the lens of this extraordinary wilderness site.



William West Durant (1850-1931) built great camp complexes in the Adirondacks starting in the late 1870's. Emulating the power and fame of his father, Thomas C. Durant, General Manager of the Union Pacific Rail Road, William acquired lands in the Central Adirondacks. Over fifteen years, young Durant installed telegraph lines; built roads, churches, a post office; promoted resorts for friends and family. He constructed dams, dredged channels, commissioned a fleet of steamboats, and built the shortest standard-gauge railroad in the world.

Durant's great camps and similar enterprises created a new, American way of inhabiting the Adirondack region. The great camps embody the 19th century's uniquely American romance with nature. National and state park development, private lodges, and hotels all capitalized on the romantic, back-to-nature movement exemplified at Sagamore. The sophisticated camps were Gilded Age rehearsals for public destinations erected in national parks by the CCC and WPA in the 1930s. Sagamore was Durant's best. It is a premiere example of the 19th century's "Rustic Style," widely celebrated and imitated. Durant's rustic style, dependent on nature's own stone and wood, spread throughout the Adirondacks as the mountain retreat counterpart to Newport's neo-classical "cottages."

Alfred Vanderbilt, one of the wealthiest young men in the United States, acquired Sagamore within four years of its 1897 completion. Although Alfred died a hero in 1915 on the Lusitania, the Vanderbilt family led by his widow Margaret Emerson actively used Sagamore for 54 years, and in so doing, created a sizeable economic, social, environmental, and cultural impact that resonates today.

America's romance with "wild nature" is still captured at Sagamore. It has been honored and celebrated often: with National Historic Landmark designation (2000), with the Save America's Treasures official project funding (2000), with the NYS Millennium Arts and Business Partnership Award (1999), with the Upstate History Alliance Commendation for presentation and preservation of history (2001), and with the Adirondack Council's 1993 Heritage Award. In 2010, the State of New York recognized its importance by creating an Historic District to protect it and its neighboring great camp, Uncas. Sagamore has been featured on PBS's *The Adirondacks* (2008), A&E's *America's Castles*, on Bob Vila's *Home Again*, on HGTV's Adirondack segment, on Today, on CBS Evening News for its Grands Camp, in Robert De Niro's movie *The Good Shepherd*, and in countless news and magazine articles, most recently including *Martha Stewart* in 2011 and *Yankee* in 2015.

Sagamore Overview — Gr: X
 greatcampsagamore.org/overview/

America's romance with "wild nature" is still captured at Sagamore. It has been honored and celebrated often: with National Historic Landmark designation (2000), with the Save America's Treasures official project funding (2000), with the NYS Millennium Arts and Business Partnership Award (1999), with the Upstate History Alliance Commendation for presentation and preservation of history (2001), and with the Adirondack Council's 1993 Heritage Award. In 2010, the State of New York recognized its importance by creating an Historic District to protect it and its neighboring great camp, Uncas. Sagamore has been featured on PBS's *The Adirondacks* (2008), A&E's *America's Castles*, on Bob Vila's *Home Again*, on HGTV's Adirondack segment, on Today, on CBS Evening News for its Grands Camp, in Robert De Niro's movie *The Good Shepherd*, and in countless news and magazine articles, most recently including *Martha Stewart* in 2011 and *Yankee* in 2015.

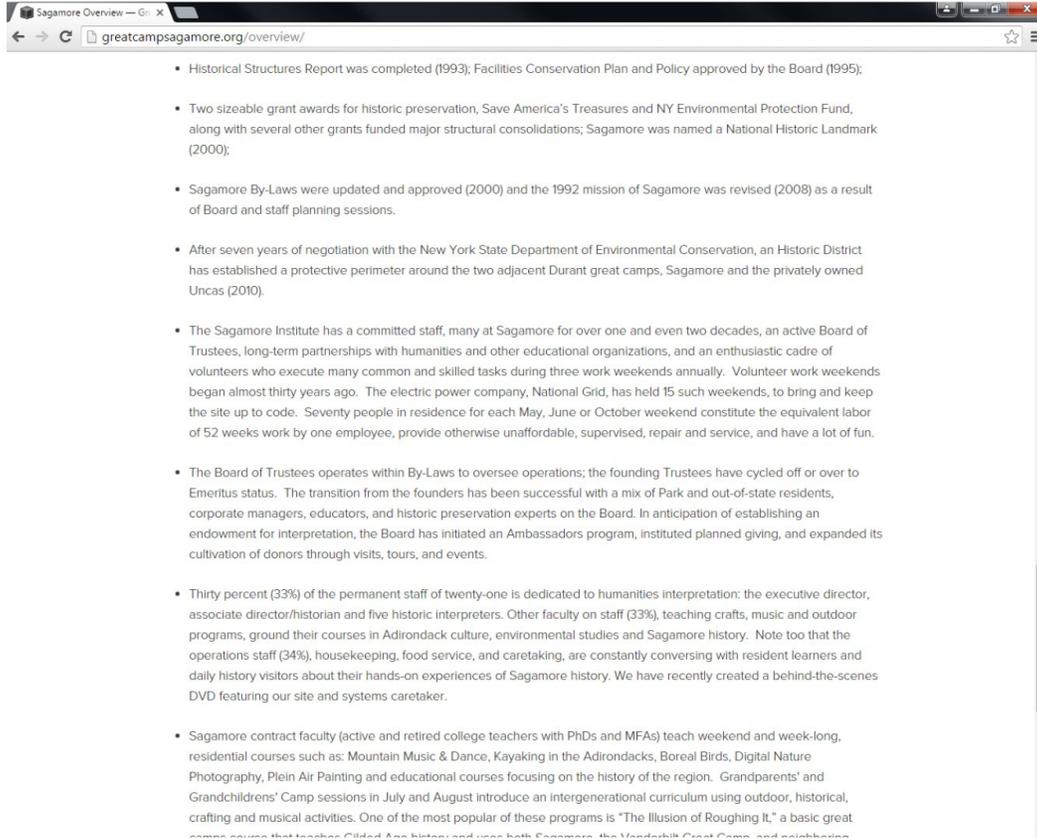


Sagamore's Facilities Conservation Policy states that all buildings are equally important; its workers' complex, set out-of-sight, gives unique, extant evidence of the resources required to create the illusion of "roughing it." Preservation funding has been obtained in equal measure for the bark-covered Vanderbilt guest buildings and the utilitarian, red board and batten Vanderbilt workers' buildings. Visitors today use the same spaces that the Vanderbilts and the workers did. Thousands join the daily history tours annually. 2,000 more guests actually live-in for educational adult and family programs. Grandparents and their grandchildren come for weeklong camp sessions on wilderness culture, Road Scholar life-long learners take courses about the Adirondack's ecology and history, and families have reunions at Sagamore. Day visitors and residential program participants alike come to investigate century-old ways of being in the wilderness and their bearing on the present.

Sagamore's Main Lodge and resident learners complex, made famous through the Vanderbilt years of entertaining, have been copied as the "prototypical Great Camp" by the National Park Service for its own lodges, by other architects building the rustic style in every corner of America, and recently, even by Disney as the template for its Wilderness Lodge in Florida. Sagamore is an exceptional setting to study, learn and experience America's philosophical constructions of the "wilderness ideal."

Organizational Capacity

From its incorporation in 1975 as an education center, and reincorporation in 1993, as approved by the New York State Education Department, Museum Division, the Sagamore Institute has operated camp at its Raquette Lake, NY, site. The actions of Sagamore with respect to operations, care, and development of the property, are bound by an Indenture made among Sagamore, the State of New York, and the Preservation League of New York State (1986). Several essential facility and organizational capacity building steps have since been implemented to allow growth of interpretive activities:



Sagamore Overview — Gr: X
greatcampsagamore.org/overview/

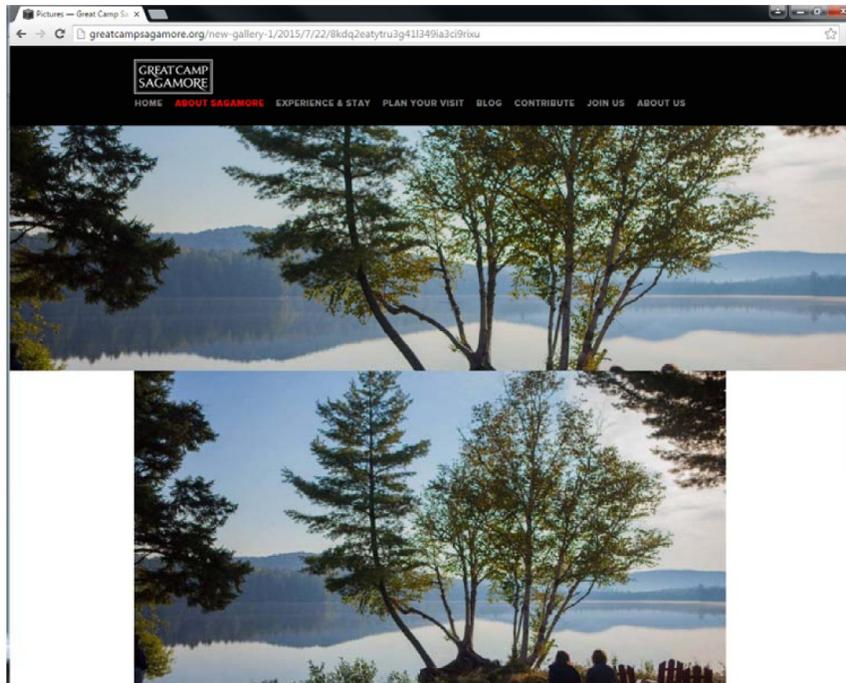
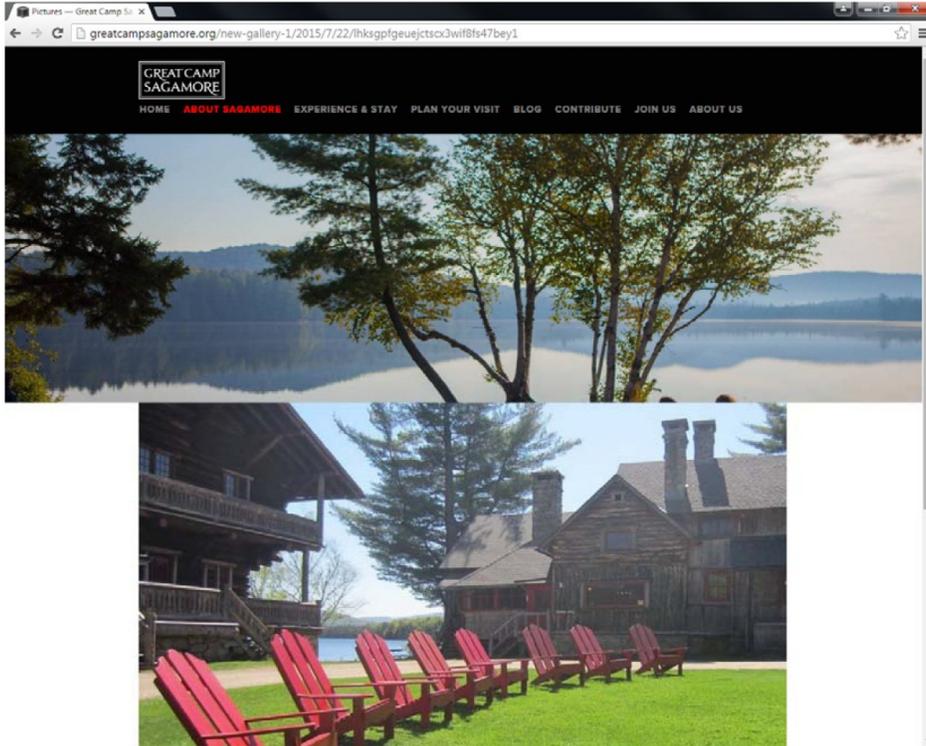
operations staff (34%), housekeeping, food service, and caretaking, are constantly conversing with resident learners and daily history visitors about their hands-on experiences of Sagamore history. We have recently created a behind-the-scenes DVD featuring our site and systems caretaker.

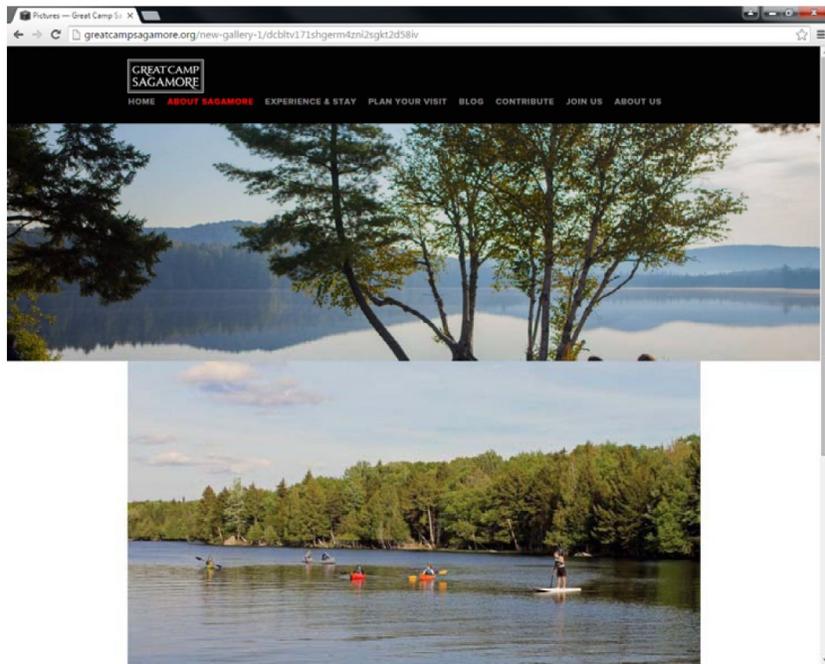
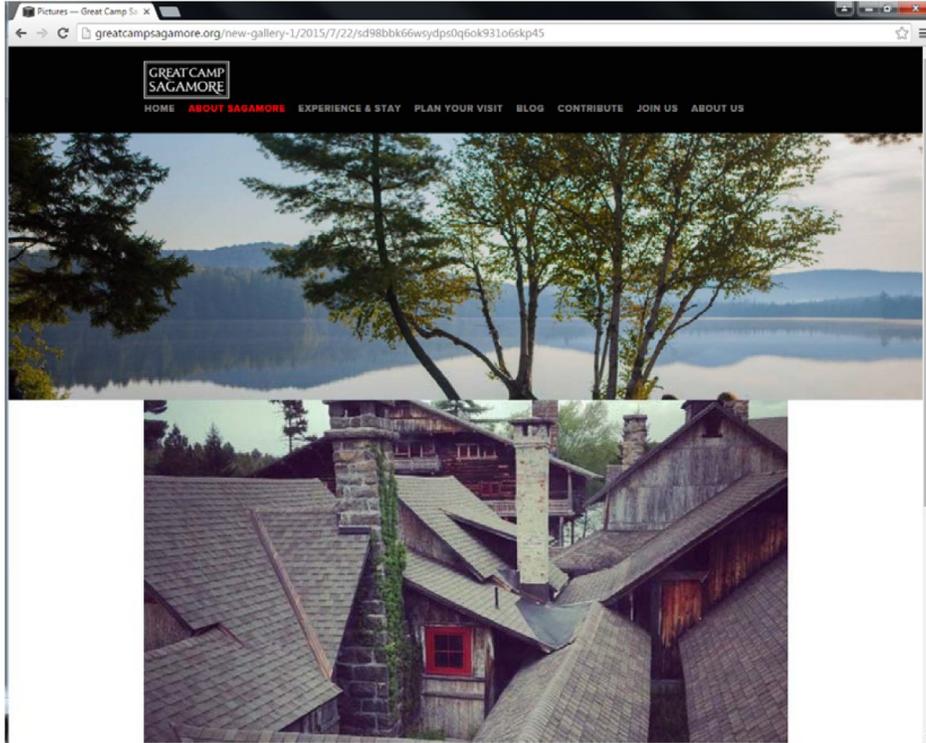
- Sagamore contract faculty (active and retired college teachers with PhDs and MFAs) teach weekend and week-long, residential courses such as: Mountain Music & Dance, Kayaking in the Adirondacks, Boreal Birds, Digital Nature Photography, Plein Air Painting and educational courses focusing on the history of the region. Grandparents' and Grandchildrens' Camp sessions in July and August introduce an intergenerational curriculum using outdoor, historical, crafting and musical activities. One of the most popular of these programs is "The Illusion of Roughing It," a basic great camps course that teaches Gilded Age history and uses both Sagamore, the Vanderbilt Great Camp, and neighboring Great Camp Uncas, that once belonged to J. P. Morgan. All residential courses include room and board, the daily history tour, time for relaxation and reflection, and the opportunity to experience the same woods and waters that Durant did in 1897. All courses for the upcoming season are described on the [calendar](#).
- Sagamore hosts in-residence, long-standing, annual, educational conferences such as Skidmore College's Orientation Program (SCOOP) for entering first-year students; New York State Art Teacher's Association; the Upstate History Alliance (Museumwise) combined program to concentrate on programs for directors, curators, and/or educators in turn; and Arts and Healing for women with chronic diseases.
- The eight, **skilled traditional artists** who demonstrate for the historical tours use the original workshops for their crafts and ground their demonstrations in historically documented practice. Demonstrations have been underwritten for nearly two decades by the New York State Council on the Arts (NYSCA), which has renewed its support for the next three years.
- Audiences for the guided, interpreted walking tour of the 27 buildings are history-curious: camping families, seasonal visitors and their guests, fans of the Adirondack Park, enthusiasts of national historic landmarks, educators, scholars, and people interested in seeing specific artisan presentations. Most visitors are from a 700-mile radius although license plates from all states and Canada can be seen in our parking lot.

Great Camp Sagamore Sagamore Road P.O. Box 40 Raquette Lake, NY 13436 **WINTER PHONE NUMBER: 315-240-7568**

* WINTER HOURS (November-April) : 9am-5pm Monday-Thursday
For more information and reservations please contact us directly: info@greatcampsagamore.org





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sagamore Farm IP, LLC
Serial No. 86/388,948
Filed: September 9, 2014
For: SAGAMORE

CONSENT AGREEMENT

This Consent Agreement ("Agreement") is made as of this 8 day of January, 2016, by and between the Sagamore Institute of the Adirondacks, a not-for-profit organization having an address at P.O. Box 40, Raquette Lake, New York 13436 ("Sagamore Institute") and Sagamore Farm IP, LLC, a Maryland limited liability company having an address at 930 Greenspring Road, Lutherville, Maryland 21093 ("Sagamore Farm"). Collectively, Sagamore Institute and Sagamore Farm may be referred to as the "Parties."

1. Sagamore Institute is the owner of the entire right, title and interest in and to United States Trademark Registration No. 3,724,318 for the mark GREAT CAMP SAGAMORE registered for:

- *Providing temporary residential accommodations and providing of food and drink in dining facilities for program participants, instructors and staff members in Class 43.*

2. On September 9, 2014, Sagamore Farm submitted a trademark application to the United States Patent and Trademark Office ("USPTO") for the use and registration for the mark SAGAMORE, in connection with the following services:

- *Providing fitness and exercise facilities in Class 41;*
- *Hospitality services, namely, boutique hotels and bar and restaurant services in Class 43; and*
- *Personal hotel concierge services; Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes; Personal concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs in Class 45.*

Trademark Application Serial No. 86/388,948, hereinafter referred to the "Applicant's Mark".

3. The Examining Attorney in the USPTO assigned to the Applicant's Mark has partially refused the registration of the Applicant's Mark (as to the services claimed in Class 43) under Section 2(d) of the Lanham Act based on the likelihood of confusion with the Sagamore Institute's Registration No. 3,724,318.

4. The Parties recognize and acknowledge the differences between their marks, the services provided, the nature of the purchasers, and the channels of distribution.

5. The Parties are unaware of any actual confusion between them, their marks and their respective services.

6. The Parties agree to use their respective marks in a manner that avoids consumer confusion, and that if, in the future, either party is apprised of any evidence of actual confusion, mistake, or deception with regard to the respective use of their marks in the U.S., the party receiving and possessing such information shall promptly make the same available in detail to the other party. Thereafter, the Parties, through their authorized officers, representatives, or attorneys, shall confer for the purpose of jointly considering such evidence and taking the necessary steps to eliminate such confusion. Notwithstanding the foregoing, the Sagamore Institute shall have priority of use with respect to the services described in Class 43 above, and for all educational and recreational programs developed or operated by the Sagamore Institute.

7. Subject to the terms of this Agreement, Sagamore Institute hereby gives its consent and approval to the use and registration of Applicant's Mark, in connection with the services described in paragraph 2 above, or such similar descriptions of services as may be required to be amended by an Examining Attorney in the USPTO.

8. Sagamore Farm hereby agrees that it shall not contest, including by way of an opposition, cancellation, or litigation proceeding, Sagamore Institute's right, title and interest in and to United States Trademark Registration No. 3,724,318 for the mark GREAT CAMP SAGAMORE.

9. The Parties agree that the terms and conditions of this Agreement or any part thereof may only be amended in writing executed by both Parties.

10. This Agreement is binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

11. This Agreement may be executed in two or more counterparts, all of which taken together shall constitute a single agreement. Delivery of a fax, electronic or PDF copy of a counterpart shall be treated the same as the receipt of an original.

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| Signed:  | Signed:  |
| By: <u>Matthew D. Melowski</u> | By: <u>Phillip G. Alcin's</u> |
| For: Sagamore Institute of the Adirondacks | For: Sagamore Farm IP, LLC |
| Date: <u>January 8</u> , 201 <u>6</u> | Date: <u>January 8</u> , 201 <u>6</u> |

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