

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANSWER TO NOTICE OF OPPOSITION

02-21-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

In the Matter of the Application Serial No  
78/070,813 Published in the Official  
Gazette August 20, 2002 at page TM 451

KAY GUITAR COMPANY,

Opposition No. 91154392

Applicant,

V.

Serial No.78070813

VIRGIN ENTERPRISES LIMITED,

Opposer.

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

Now comes Susan L. Ruzbasan, Attorney for Applicant Kay Guitar Company, a corporation organized and existing under the laws of the State of Indiana, with its principal place of business at 9031 Technology Drive, Fishers, Indiana. In Response to the Notice of Opposition filed by Opposer Virgin Enterprises Limited on or about December 13, 2002, Applicant denies that Opposer Virgin Enterprises Limited will be damaged by the registration of the trademark VIRGIN GUITARS, and in support thereof states the following:

## COUNT I

1. Applicant admits that Opposer has been engaged in the sale and distribution of a wide variety of goods and services under the VIRGIN mark. Applicant neither admits nor denies that the VIRGIN mark is world-famous. Applicant admits that sales of Opposers' products have been directed to purchasers and members of the general public. Applicant neither admits nor denies that sales of Opposers' products have been directed to the trade.
2. Applicant neither admits nor denies the allegations regarding the number of persons employed by Opposer, the number of countries where Opposer employs people on behalf of their company, and the dollar amount of their revenues for the year 1999. Applicant admits that various goods and services are sold or distributed under the VIRGIN mark, but neither admits nor denies specific knowledge of the products listed.

Applicant affirmatively states that the allegations contained in Paragraph 2 of the opposition are vague and ambiguous because they do not indicate which of the products enumerated are sold or distributed in the United States, as opposed to being sold in other countries. Notably absent from the products listed is a single variety of musical instrument or musical instrument accessory, most notably guitars, among the products Opposer allegedly sells. Applicant further states that none of the goods and services enumerated by Opposer fall within Class 15 (Musical Instruments and Accessories). Title 37, Part 2 (Sec. 2.85) g states in part:

"Classification schedules **shall not limit or extend** the application's rights."

Therefore, it would be a leap of faith for Opposer to presume that the mere fact that it previously had obtained registrations for certain products under Class 9 grants it the right to preclude others from obtaining registrations under other separate, distinct, and different classes for separate, distinct, and diverse products. To do so would allow the owner of a trademark to effectively monopolize classifications for products or services they do not engage in, and would be detrimental to the system of free enterprise in the U. S. Further, International Class 15 (Musical Instruments and Accessories) specifically excludes an entire category of merchandise previously trademarked by Opposer (i.e., records, CDs, audio tapes, video tapes, compact disks, internet services), and states in part:

"Class 15 does not include, in particular: apparatus for the recording, transmission, amplification, and reproduction of sound."

3. Applicant admits that Opposer has provided VIRGIN and VIRGIN ATLANTIC air travel and related services in U. S. commerce for several years, but neither admits nor denies specific knowledge regarding the type of aircraft flown, the frequency of its flights, or the destination cities within the United States.

4. Applicant neither admits nor denies the allegations contained in Paragraph 4. Applicant affirmatively states that Opposer fails to allege that any VIRGIN branded musical instruments or musical instrument accessories are marketed to its passengers or sold on its airlines. Nor has Opposer alleged that the products sold on its planes under the VIRGIN brand (toys, clocks, pens, playing cards, cosmetics, sweatshirts, t-shirts, hats or watches) include guitars or any other musical instruments or musical instrument accessories of any type whatever. Applicant admits that passengers on Opposer's flights are offered in-flight entertainment options as alleged.
5. Applicant admits that Opposer operates VIRGIN and VIRGIN MEGASTORES in U. S. Commerce. Applicant neither admits nor denies how long such stores have been operated in the U. S., how many stores are operated worldwide, the countries those stores are located in, and the variety of goods and services offered in those stores. Applicant affirmatively states that Opposer has failed to allege that any musical instruments or musical instrument accessories, including guitars, are displayed, marketed, advertised, or sold at the stores it operates. Further, VIRGIN MEGASTORES are general stores, selling both VIRGIN and non-branded products. There is no indication in their name that musical instruments or musical instrument accessories, or specifically guitars, are sold in any of their alleged 150 retail operations.
6. Applicant neither admits nor denies the allegations in Paragraph 6. Applicant affirmatively states that, by Opposer's own admission, the use of the VIRGIN mark has not been exclusive. As a result,

VIRGIN BOURBON has been registered to a third party for use on alcoholic beverages, despite Opposer's claim that it sells alcoholic and non-alcoholic beverages under the VIRGIN mark, and despite its registration for VIRGIN VODKA. VIRGIN TERRITORY was approved for registration to a third party for use on apparel, despite Opposer's claims that it sells "VIRGIN sweatshirts (and) VIRGIN T-shirts" on its VIRGIN airline flights. Similarly, VIRGINWOOL was registered to a third party for Entertainment services despite the fact that Opposer allegedly sells "various items related to the music and entertainment industries" in its VIRGIN MEGASTORES. See Exhibit A attached hereto and hereby incorporated herein.

7. Applicant neither admits nor denies the allegations contained in Paragraph 7. Applicant affirmatively states that VIRGIN was notably absent from the Global Brands Scorecard 2002, which ranks the current 100 global brands. See Exhibit B attached hereto and hereby incorporated herein. Applicant questions the relevance of the six-year old study by Interbrand cited by Opposer, especially in light of the fact that VIRGIN failed to achieve such a ranking today. Applicant neither admits nor denies the claims made by Opposer regarding "The Study" and "the 1997 study" because it is unclear what study Opposer refers to and what authority such a study may be based upon. An 11-year old study by Interbrand that VIRGIN is "one of the world's greatest brands" is nothing more than subjective, self-serving, and arbitrary commentary.
8. Applicant admits that Opposer has been referred to in print and broadcast media in the U.S. Applicant questions the relevance of Opposer's claims of "numerous news accounts of Mr. Branson's

attempts to circumnavigate the world in a balloon.” While this might have some bearing on the mental state of the founder of VIRGIN Enterprises Limited, it has no bearing on the issues at hand.

9. Applicant neither admits nor denies the allegations contained in Paragraph 9, and each of them.
10. Applicant neither admits nor denies the allegations contained in Paragraph 10, and each of them.
11. Applicant neither admits nor denies specific knowledge of the registrations cited by Opposer. Applicant denies that each and every registration included in Paragraph 11 is related to either the music or entertainment industries. Applicant affirmatively states that not a single registration mentioned by Opposer is for musical instruments or accessories, or for guitars in particular. None of the Registrations enumerated fall under International Class 15 (Musical Instruments and Accessories).
12. Applicant admits that Opposer has various trademark applications pending, but denies that each and every application cited is “related to the music and entertainment industries.” As defined in the Cambridge Thesaurus of American English, William D. Lutz, Cambridge University Press, 1994, **related** means:

*Interconnected, affiliated, linked, kin, kindred, associated, joint, linked, accompanying, akin, correlated, concomitant*

Applicant affirmatively states that 3 of the 5 pending registrations cited by Opposer for “sporting and cultural activities” bear no relationship whatever to guitars.

13. Applicant admits that Opposer has used VIRGIN on a variety of products and services rendered in the U.S., and continues to do so. Applicant neither admits nor denies that Opposer has used or continues to use a VIRGIN mark on products related to the music and entertainment industries.
14. Applicant admits the allegations contained in Paragraph 14, and each of them.
15. Applicant denies the allegations contained in Paragraph 15, and each of them. Applicant affirmatively states that the average consumer would not be puzzled, confused or perplexed into believing that VIRGIN GUITARS are synonymous with VIRGIN clocks, or that VIRGIN GUITARS are indistinguishable from VIRGIN t-shirts, or that VIRGIN playing cards are equivalent to VIRGIN GUITARS, or that VIRGIN compact disks are interchangeable with VIRGIN GUITARS. The average consumer is informed, educated, knowledgeable, sophisticated and quite capable of distinguishing between the products of one manufacturer and those of another. Applicant affirmatively states that it would be unlikely that consumers would be deceived and confused into believing VIRGIN GUITARS are somehow affiliated with, sponsored by, or connected with Opposer's products or services. As owner of Kay Guitar Company, Applicant has marketed, promoted, displayed, and sold guitars in U.S. commerce continuously since 1972, whereas Opposer has never marketed, displayed, promoted, or sold guitars, or any other musical instrument or musical instrument accessory in the U. S.

16. Applicant denies the allegations contained in Paragraph 16, and each of them. Opposer claims that the proposed mark incorporates Opposer's name and mark, and is nearly identical to its VIRGIN mark. The Cambridge Thesaurus of American English, William D. Lutz, Cambridge University Press, 1994, defines **identical** as:

*Synonymous, equivalent, indistinguishable, duplicate, same corresponding, equal, interchangeable, like, matching, twin*

Applicant has not sought to register the stylized VIRGIN mark previously protected by Opposer and use it alongside Guitars. Applicant seeks registration of a totally different, unique, and entirely distinguishable mark "VIRGIN GUITARS" for a completely different International Classification of goods than any the Opposer now sells, has ever sold, or currently intends to sell.

17. Applicant denies the allegations contained in Paragraph 17, and each of them. Applicant affirmatively states that the registration sought is for "VIRGIN GUITARS", not "VIRGIN" as applied to guitars. Guitars are distinct and divergent from apparel, clocks, pens, and toys. Guitars fall within a different Universal Classification from any of the goods and services Opposer claims to have obtained previous trademark protection for. Applicant affirmatively states that when examined in context with the definition of identical contained in Paragraph 16 of Applicant's answer, VIRGIN GUITARS is easily distinguished as separate and distinct from the stylized VIRGIN mark used by Opposer on very different goods and services.

18. Applicant denies the allegations contained in Paragraph 18, and each of them. Applicant affirmatively states that **Kay Guitar Company** was established in 1890, and has continuously been associated with entry -level musical instruments (namely guitars, mandolins, ukuleles, banjos, and others) as well as musical instrument accessories since its inception. Applicants' products have been sold in the U. S. and abroad continuously for many years under various trademarked brands, including but not limited to Santa Rosa Folk Guitar Company, Performance Plus, and Kay. As a distributor of entry level and beginner musical instruments, Kay seeks the registration of "VIRGIN GUITARS" because as an adjective, the term virgin connotes purity, freshness, being chaste, untouched, and intact, just as a beginning music student buying a first guitar. An allegation that entry level guitars are related to airline services, video games, t-shirts, watches, or playing cards requires an affiliation, association, or link that simply does not exist.

19. Applicant denies the allegations contained in Paragraph 19 and each of them. Applicant affirmatively restates its answer contained in Paragraph 15 as if fully contained herein. Applicant affirmatively states that Opposer makes no claim that it sells, promotes, advertises, markets, or manufactures a single variety of musical instrument or musical instrument accessory, most notably guitars. Nor has it alleged that it has previously sold, promoted, advertised, marketed, or manufactured a single variety of musical instrument or musical instrument accessory, most notably guitars. Finally, none of Opposer's pending registrations before the United

States Patent and Trademark Office includes musical instruments or musical instrument accessories, most notably guitars. Because Opposer has failed to demonstrate that Applicant's goods are "nearly identical" to its own trademarked goods and services, it fails to demonstrate the likelihood that consumers will be confused and deceived by the VIRGIN GUITAR trademark.

20. Applicant denies the allegations contained in Paragraph 20, and each of them.

#### COUNT II

21. Applicant repeats and restates the answers contained in Paragraphs 1-20 above as if fully restated herein.
22. Applicant neither admits nor denies the allegations contained in Paragraph 22, and each of them.
23. Applicant denies the allegations contained in Paragraph 23, and each of them. Applicant affirmatively states that the use of the word "VIRGIN" is not a right enjoyed exclusively by the Opposer, but is enjoyed by other companies on other products and services (see Exhibit A attached hereto and hereby incorporated herein). Opposer's use of the mark VIRGIN on various products does not automatically give it the right to preempt and exclude others from using the word on other products. To disallow Applicant's registration simply because others use the word on their products would effectively grant the prior users a monopoly on that word, which, in this case, is in the public domain. Opposer's claim that

Applicant's use of VIRGIN GUITARS on its product would "dilute the distinctive quality of Opposer's famous trade name and registered marks" does not have merit. The word VIRGIN is registered to many other companies for products as diverse as bourbon whiskey, apparel, bottled water, and thread sealing paste. Trademarks that include the word VIRGIN have never been concentrated exclusively on Opposer's products, but have been diluted multiple times by use both before and after Opposer registered various products with VIRGIN in their names. Use of the word VIRGIN in a trademark is not a privilege that has been reserved exclusively for Opposer, but one that has been granted by the U. S. Patent and Trademark Office broadly, to a diverse variety of applicants.

24. Applicant denies the allegations contained in Paragraph 24, and each of them.

WHEREFORE, Applicant denies that Opposer will be damaged by registration of VIRGIN GUITARS to Applicant, and prays that the Application Serial No. 78/070,813 be allowed.

Please address all communications to Susan L. Ruzbasan at the address below.

Dated February 19, 2003

Respectfully Submitted  
Attorney for Applicant  
Kay Guitar Company

By:   
Susan L. Ruzbasan

Susan L. Ruzbasan, Esq.  
1 Twin Lakes Circle  
Corona Del Mar, CA. 92625  
(949) 644-5560  
(949) 759-6872 FAX

# EXHIBIT A

**Word Mark** VIRGINWOOL  
**Goods and Services** IC 041. US 100.101 107. G & S: Entertainment services in the nature of live performances by a musical band. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990814  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75911765  
**Filing Date** February 8, 2000  
**Published for Opposition** September 12, 2000  
**Registration Number** 2410838  
**Registration Date** December 5, 2000  
**Owner** (REGISTRANT) Everyman, LLC LIMITED LIABILITY COMPANY FLORIDA  
116-B S. Orange Ave. Orlando FLORIDA 32801  
**Attorney of Record** Kent M. Marcus  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# EXHIBIT A

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**This page was generated by the TARR system on 2003-02-15 19:53:01 ET**

**Serial Number: 75911765**

**Registration Number: 2410838**

**Mark (words only): VIRGINWOOL**

**Current Status: Registered.**

**Date of Status: 2000-12-05**

**Filing Date: 2000-02-08**

**Registration Date: 2000-12-05**

**Law Office Assigned: TMO Law Office 110**

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**Current Location: 900 -Warehouse (Newington)**

**Date In Location: 2001-03-02**

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## CURRENT APPLICANT(S)/OWNER(S)

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1. Everyman, LLC

**Address:**

Everyman, LLC  
116-B S. Orange Ave.  
Orlando, FL 32801  
United States

**State or Country Where Organized: Florida**

**Legal Entity Type: Other**

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## GOODS AND/OR SERVICES

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Entertainment services in the nature of live performances by a musical band

**International Class: 041**

**First Use Date: 1999-08-01**



# EXHIBIT A

## UNITED STATES PATENT AND TRADEMARK OFFICE

### Trademark Electronic Search System (TESS)

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#### Check Status

*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*



**Word Mark** VIRGIN TERRITORY  
**Goods and Services** IC 025. US 022 039. G & S: womens and men's apparel, namely shirts, tops, pants, skirts and shorts. FIRST USE: 19940901. FIRST USE IN COMMERCE: 19941007  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 021101 270301  
**Serial Number** 74592827  
**Filing Date** October 31, 1994  
**Owner** (APPLICANT) Virgin Territory, Inc. CORPORATION ARIZONA 6025-A North 16th Street Phoenix ARIZONA 85016  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# EXHIBIT A

**Word Mark** VIRGIN BOURBON  
**Goods and Services** IC 033. US 049. G & S: BOURBON WHISKEY. FIRST USE: 19850908. FIRST USE IN COMMERCE: 19850908  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 73784802  
**Filing Date** March 6, 1989  
**Published for Opposition** August 29, 1989  
**Registration Number** 1567455  
**Registration Date** November 21, 1989  
**Owner** (REGISTRANT) HEAVEN HILL DISTILLERIES, INC. CORPORATION  
KENTUCKY P.O. BOX 729 BARDSTOWN, NELSON COUNTY KENTUCKY 40004  
**Attorney of Record** Maurice L. Miller, Jr.  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOURBON" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Renewal** 1ST RENEWAL 19991207  
**Live/Dead Indicator** LIVE

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**Serial Number:** 73784802

**Registration Number:** 1567455

**Mark (words only):** VIRGIN BOURBON

**Current Status:** This registration has been renewed.

**Date of Status:** 1999-12-07

**Filing Date:** 1989-03-06

**Registration Date:** 1989-11-21

**Law Office Assigned:** TMEO Law Office # 2

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2001-06-04

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**CURRENT APPLICANT(S)/OWNER(S)**

---

1. HEAVEN HILL DISTILLERIES, INC.

**Address:**

HEAVEN HILL DISTILLERIES, INC.

P.O. BOX 729

BARDSTOWN, NELSON COUNTY, KY 40004

United States

**State or Country of Incorporation:** Kentucky

**Legal Entity Type:** Corporation

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**GOODS AND/OR SERVICES**

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BOURBON WHISKEY

**International Class:** 033

**First Use Date:** 1985-09-08

**First Use in Commerce Date:** 1985-09-08

**Basis:** 1(a)

*EXHIBIT A*

**Word Mark** VIRGIN SPRINGS

**Goods and Services** IC 032. US 045. G & S: BOTTLED WATER, NAMELY, NATURAL AND FLAVORED SPRING WATER. FIRST USE: 19860900. FIRST USE IN COMMERCE: 19860900

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 73647639

**Filing Date** March 3, 1987

**Published for Opposition** March 29, 1988

**Registration Number** 1493421

**Registration Date** June 21, 1988

**Owner** (REGISTRANT) VIRGIN SPRINGS BEVERAGE CORP. CORPORATION  
CANADA BAY A 7004 6TH STREET, S.E. CALGARY, ALBERTA CANADA T2H 2G3

(LAST LISTED OWNER) BLACKWOODS BEVERAGES LTD. CORPORATION  
ASSIGNEE OF CANADA 4815 - 78TH AVENUE S.E. CALGARY, ALBERTA  
CANADA T2C

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** ROBERT G. MCMORROW

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

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

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**Word Mark** NO. 100 VIRGIN *EXHIBIT A*

**Goods and Services** IC 019. US 012. G & S: THREAD SEALING PASTE OR COMPOUND. FIRST USE: 19710726. FIRST USE IN COMMERCE: 19710726

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 72401465

**Filing Date** August 30, 1971

**Registration Number** 0967336

**Registration Date** September 4, 1973

**Owner** (REGISTRANT) RECTORSEAL CORPORATION, THE CORPORATION TEXAS  
2215 COMMERCE HOUSTON TEXAS 77002

(LAST LISTED OWNER) RECTORSEAL CORPORATION, THE CORPORATION  
BY MERGER WITH DELAWARE 2830 PRODUCE ROW HOUSTON TEXAS  
77023

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** RUSSELL L. SANDIDGE

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Renewal** 1ST RENEWAL 19931014

**Live/Dead Indicator** LIVE

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## EXHIBIT B

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**THE GLOBAL BRANDS SCORECARD 2002**

The table that follows ranks 100 global brands that have a value greater than \$1 billion. The brands were selected according to two criteria. They had to be global in nature, deriving 20% or more of sales from outside their home country. There also had to be publicly available marketing and financial data on which to base the valuation.

**Samsung Gains 30 Percent in Brand Value;****Dell +12 Percent Despite Tough Year for Tech**

August 2002-For the second year in a row, *Business Week* has teamed up with Interbrand, a leading brand consultancy, to publish a ranking of 100 of The World's Most Valuable Brands by dollar value. Despite a dismal financial year for scores of companies, several brands exceeded expectations.

Of brands that are in the beleaguered telecommunications, consumer electronics and semiconductor sectors, Samsung (#34) turned in a stellar 30 percent increase in brand value, to \$8.3 billion, from \$6.4 billion in 2001. Rival telecom brands, Nokia (#6) and Ericsson (#71), declined 14 percent and 49 percent, respectively, and AT&T (#17) lost 30 percent of its brand value, knocking it out of the top ten.

Among technology brands, Dell (#31) was a standout, with a 12 percent increase in brand value, while its competitor in the PC category, Compaq (#27), lost 21 percent of its brand's value. Germany's SAP brand (#42) is the only other technology solutions provider to have increased in brand value, turning in a admirable gain of seven percent.

In examining what some brands have done to succeed in the teeth of their industries' declines, Interbrand CEO Chuck Brymer said, "In a category of largely undifferentiated brands, Samsung has excelled at delivering superior product design, and has effectively communicated with customers in a brand-focused way. And Dell's brand has always been about superior customer service, and their business model is specifically designed to deliver it."

"Though advertising and marketing spending may have tightened up over the past year, what we found is that those brands that have put the customer experience first and developed their businesses around that, have been rewarded with increases in brand value," notes *Business Week* associate editor Gerry Khermouch. "Starbucks (#93) which grew 12 percent this year is a classic example of a company that capitalizes on a strong customer experience. On the other hand, brands such as Ford (#11) and Merrill Lynch (#25), which lost 32 percent and 25 percent, respectively, are just two examples of brands that have lost their customer focus."

Coca-Cola retained its number one position, and even saw a gain of one percent, reconfirming that consumer products brands tend to hold their own in a recession. Also turning in a very strong showing was the Nivea (#91) brand, which posted the second

**EXHIBIT B**

largest gain with a 16 percent increase in brand value. A newcomer to the list, Caterpillar, had a strong debut at number 79. Both Nivea and Caterpillar had great success with brand extensions in 2001—Nivea, with focused extensions within its core hand and body cream category; and Caterpillar by taking its brand to new categories by leveraging their brand's value to forge successful licensing deals.

Interbrand has calculated the brand values using the method it pioneered 14 years ago and has since used to value more than 3,000 brands. Brand value is calculated as the net present value of the earnings that the brand is expected to generate and secure in the future. The table identifies the 100 most valuable global brands with a value greater than \$1 billion. Brands were selected according to two criteria: First, the brands had to be global, generating significant earnings in the main global markets. Second, there had to be sufficient marketing and financial data publicly available for preparing a reasonable valuation.

<u>2002 Brand Rank</u>	<u>Brand Name</u>	<u>2002 Brand Value (\$Mil)</u>	<u>2001 Brand Value (\$Mil)</u>	<u>Change in Brand Value (%)</u>	<u>Parent Company</u>
1	COCA-COLA	69,637	68,945	1	<u>Coca-Cola Company</u>
2	MICROSOFT	64,091	65,068	-2	<u>Microsoft Corp.</u>
3	IBM	51,188	52,752	-3	<u>IBM Corp.</u>
4	GE	41,311	42,396	-3	<u>General Electric Company</u>
5	INTEL	30,861	34,665	-11	<u>Intel Corp.</u>
6	NOKIA	29,970	35,035	-14	<u>Nokia Corp.</u>
7	DISNEY	29,256	32,591	-10	<u>Walt Disney Company</u>
8	MCDONALD'S	26,375	25,289	4	<u>McDonald's Corp.</u>
9	MARLBORO	24,151	22,053	10	<u>Philip Morris Companies</u>
10	MERCEDES	21,010	21,728	-3	<u>DaimlerChrysler AG</u>
11	FORD	20,403	30,092	-32	<u>Ford Motor Company</u>
12	TOYOTA	19,448	18,578	5	<u>Toyota Motor Corp.</u>
13	CITIBANK	18,066	19,005	-5	<u>Citigroup Inc.</u>
14	HEWLETT-PACKARD	16,776	17,983	-7	<u>Hewlett Packard</u>
15	AMERICAN EXPRESS	16,287	16,919	-4	<u>American Express</u>
16	CISCO SYSTEMS	16,222	17,209	-6	<u>Cisco Systems Inc.</u>
17	AT&T	16,059	22,828	-30	<u>AT&amp;T Corp.</u>
18	HONDA	15,064	14,638	3	<u>Honda Motor Company</u>
19	GILLETTE COMPANY	14,959	15,298	-2	<u>Gillette Company</u>
20	BMW	14,425	13,858	4	<u>Bayerische Motoren Werke</u>
21	SONY	13,899	15,005	-7	<u>Sony Corp.</u>
22	NESCAFE	12,843	13,250	-3	<u>Nestlé S.A.</u>
23	ORACLE	11,510	12,224	-6	<u>Oracle Corp.</u>
24	BUDWEISER	11,349	10,838	5	<u>Anheuser-Busch</u>
25	MERRILL LYNCH	11,230	15,015	-25	<u>Merrill Lynch</u>
26	MORGAN STANLEY	11,205	NA	NA	<u>Morgan Stanley</u>
27	COMPAQ	9,803	12,354	-21	<u>Hewlett Packard</u>

# EXHIBIT B

28	PFIZER	9,770	8,951	9	<u>Pfizer Inc.</u>
29	JP MORGAN	9,693	NA	NA	<u>JP Morgan Chase &amp; Company</u>
30	KODAK	9,671	10,801	-10	<u>Eastman Kodak, Inc.</u>
31	DELL	9,237	8,269	12	<u>Dell Corp.</u>
32	NINTENDO	9,219	9,460	-3	<u>Nintendo Company, Ltd.</u>
33	MERCK	9,138	9,672	-6	<u>Merck &amp; Company</u>
34	SAMSUNG ELECTRONICS	8,310	6,374	30	<u>Samsung Corporation</u>
35	NIKE	7,724	7,589	2	<u>Nike Inc.</u>
36	GAP	7,406	8,746	-15	<u>Gap Inc.</u>
37	HEINZ	7,347	7,062	4	<u>HJ Heinz Company</u>
38	VOLKSWAGEN	7,209	7,338	-2	<u>Volkswagen AG</u>
39	GOLDMAN SACHS	7,194	7,862	-9	<u>Goldman Sachs Group</u>
40	KELLOGG'S	7,191	7,005	3	<u>Kellogg Company</u>
41	LOUIS VUITTON	7,054	7,053	0	<u>LVMH Moët Hennessy Louis Vuitton</u>
42	SAP	6,775	6,307	7	<u>SAP AG</u>
43	CANON	6,721	6,580	2	<u>Canon, Inc.</u>
44	IKEA	6,545	6,005	9	<u>Ikea International A/S</u>
45	PEPSI	6,394	6,214	3	<u>Pepsico, Inc.</u>
46	HARLEY DAVIDSON	6,266	5,532	13	<u>Harley Davidson, Inc.</u>
47	MTV	6,078	6,599	-8	<u>Viacom, Inc.</u>
48	PIZZA HUT	6,046	5,978	1	<u>Yum! Brands, Inc.</u>
49	KFC	5,346	5,261	2	<u>Yum! Brands, Inc.</u>
50	APPLE	5,316	5,464	-3	<u>Apple Computer, Inc.</u>
51	XEROX	5,308	6,019	-12	<u>Xerox Corp.</u>
52	GUCCI	5,304	5,363	-1	<u>Gucci Group N.V.</u>
53	ACCENTURE	5,182	NA	NA	<u>Accenture Ltd.</u>
54	L'OREAL	5,079	NA	NA	<u>L'Oréal SA</u>
55	KLEENEX	5,039	5,085	-1	<u>Kimberly Clark Corp.</u>
56	SUN MICROSYSTEMS	4,773	5,149	-7	<u>Sun Microsystems, Inc.</u>
57	WRIGLEY'S	4,747	4,530	5	<u>W.M. Wrigley Jr. Company</u>
58	REUTERS	4,611	5,236	-12	<u>Reuters Group PLC</u>
59	COLGATE	4,602	4,572	1	<u>Colgate Palmolive</u>
60	PHILIPS	4,561	4,900	-7	<u>Koninklijke Philips Electronics N.V.</u>
61	NESTLE	4,430	NA	NA	<u>Nestlé S.A.</u>
62	AVON	4,399	4,369	1	<u>Avon Products</u>
63	AOL	4,326	4,495	-4	<u>AOL Time Warner, Inc.</u>
64	CHANEL	4,272	4,265	0	<u>Chanel S.A.</u>
65	KRAFT	4,079	4,032	1	<u>Kraft Foods Inc.</u>
66	DANONE	4,054	NA	NA	<u>Groupe Danone</u>

# EXHIBIT B

67	YAHOO!	3,855	4,378	-12	<u>Yahoo! Inc.</u>
68	ADIDAS	3,690	3,650	1	<u>Adidas AG</u>
69	ROLEX	3,686	3,701	0	Montres Rolex S.A.
70	TIME	3,682	3,724	-1	<u>AOL Time Warner, Inc.</u>
71	ERICSSON	3,589	7,069	-49	<u>Telefonaktiebolaget LM Ericsson</u>
72	TIFFANY & COMPANY	3,482	3,483	0	<u>Tiffany &amp; Company</u>
73	LEVI'S	3,454	3,747	-8	Levis Strauss & Co.
74	MOTOROLA	3,416	3,761	-9	<u>Motorola Inc.</u>
75	DURACELL	3,409	4,140	-18	<u>Gillette Company</u>
76	BP	3,390	3,247	4	<u>BP PLC</u>
77	HERTZ	3,362	3,617	-7	<u>Ford Motor Company</u>
78	BACARDI	3,341	3,204	4	Bacardi & Company Limited
79	CATERPILLAR	3,218	NA	NA	<u>Caterpillar Inc.</u>
80	AMAZON.COM	3,175	3,130	1	<u>Amazon.com Inc.</u>
81	PANASONIC	3,141	3,490	-10	<u>Matsushita Electric Industrial Company</u>
82	BOEING	2,973	4,060	-27	<u>Boeing Company</u>
83	SHELL	2,810	2,844	-1	<u>Royal Dutch Petroleum Company</u>
84	SMIRNOFF	2,723	2,594	5	<u>Diageo PLC</u>
85	JOHNSON & JOHNSON	2,509	NA	NA	<u>Johnson &amp; Johnson</u>
86	PRADA	2,489	NA	NA	I Pellettieri d'Italia S.p.A.
87	MOET & CHANDON	2,445	2,470	-1	<u>LVMH Moët Hennessy Louis Vuitton</u>
88	HEINEKEN	2,396	2,266	6	<u>Heineken NV</u>
89	MOBIL	2,358	2,415	-2	<u>Exxon Mobil Corp.</u>
90	BURGER KING	2,163	2,426	-11	<u>Diageo PLC</u>
91	NIVEA	2,059	1,782	16	Beiersdorf AG
92	WALL ST. JOURNAL	1,961	2,184	-10	<u>Dow Jones &amp; Company Inc.</u>
93	STARBUCKS	1,961	1,757	12	<u>Starbucks Corp.</u>
94	BARBIE	1,937	2,037	-5	<u>Mattel Inc.</u>
95	POLO RALPH LAUREN	1,928	1,910	1	<u>Polo Ralph Lauren Corp.</u>
96	FEDEX	1,919	1,885	2	<u>Fedex Corp.</u>
97	JOHNNIE WALKER	1,654	1,649	0	<u>Diageo PLC</u>
98	JACK DANIELS	1,580	1,583	0	<u>Brown-Forman Corp.</u>
99	3M	1,579	NA	NA	<u>3M Company</u>
100	ARMANI	1,509	1,490	1	Giorgio Armani S.p.A.



TTAB

Susan L. Ruzbasan  
Corporate Counsel  
Asian – American Manufacturing Co. Inc. and  
Kay Guitar Company  
1 Twin Lakes Circle  
Corona Del Mar, California 92625  
(949) 644-5560  
FAX (949) 759-6872  
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United States Department of Commerce  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Serial Number: 78070813  
Opposition Number: 91154392  
Opposer: Virgin Enterprises Limited  
Mark: Virgin Guitars  
Applicant: Kay Guitar Company

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U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

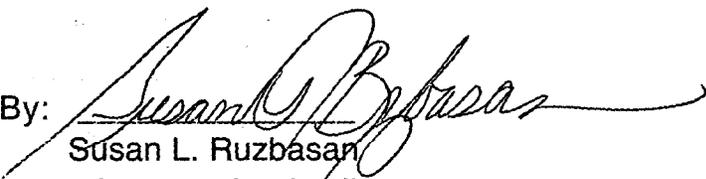
To The Commissioner of Patents and Trademarks:

I am in receipt of the Notice of Opposition filed in the above captioned trademark matter on or about January 13, 2003 by Virgin Enterprises Limited.

Enclosed please find an Answer to the Notice of Opposition, on behalf of Kay Guitar Company in this proceeding.

Please recognize as Attorney for Applicant in this matter Susan L. Ruzbasan (member of the Bar of the State of Illinois). Please address any and all communications regarding this matter to Susan L. Ruzbasan, Esq., at the above address.

Respectfully Submitted,

By:   
Susan L. Ruzbasan  
Attorney for Applicant  
Kay Guitar Company

AD