

GODBEY ♦ GRIFFITHS ♦ REISS ♦ CHONG

A T T O R N E Y S A T L A W

A Limited Liability Law Partnership

1001 BISHOP STREET
SUITE 2300 • PAUAHI TOWER
HONOLULU • HAWAII 96813
808 • 523 • 8894
FAX • 523 • 8899
WWW.LAWHI.COM

ROBERT CARSON GODBEY
JESS H. GRIFFITHS
SETH M. REISS
LEIGHTON K. CHONG
CHAD M. IIDA

DANIEL BENT
G. FRED JEYNES
OF COUNSEL

August 24, 2005

VIA FIRST CLASS MAIL

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: House of Blues Brands Corp. v. Celebrities Publishing Corporation
TTAB Opp. No. 91,165,876
Serial No. 78/441,156

Dear Commissioner:

We enclose for filing an original of Applicant's Motion to Dismiss for Failure to State a Claim Upon Which Can Be Granted Pursuant to FRCP 12(b)(6).

Please indicate receipt of this Motion by stamping the enclosed pre-paid postage postcard, and return it to our office at the address on the letterhead above. Thank you.

Very truly yours,



Chad M. Iida

Enclosure

cc: Akin Gump Strauss Hauer & Feld LLP (Via First-Class Mail)

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on:

August 24, 2005
Date

Chad M. Iida
Chad M. Iida



08-29-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

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

In the Matter of Application Serial No. 78/441,156
Filed June 24, 2004
Mark IN ROCK WE TRUST
Published on June 7, 2005

House of Blues Brands Corp.,
Opposer,

v.

Celebrities Publishing Corporation,
Applicant.

Opposition No. 91,165,876

APPLICANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO F.R.C.P. 12(b)(6); BRIEF IN SUPPORT OF MOTION; DECLARATION OF COUNSEL; EXHIBITS "A" THROUGH "C"; CERTIFICATE OF SERVICE

APPLICANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO F.R.C.P. 12(b)(6)

Applicant Celebrities Publishing Corporation ("Celebrities" or "Applicant"), a Hawaii corporation having a principal place of business at 328 Front Street, Lahaina, Hawaii, by its undersigned attorneys, pursuant to Fed. R. Civ. P. 12(b)(6), and T.B.M.P. § 503.01, hereby moves to dismiss Opposition No. 91,165,876. Celebrities also moves, pursuant to 37 C.F.R. § 2.127(d), and T.B.M.P. § 510, for a stay of all proceedings, pending a determination of the herein motion.

As grounds in support of this motion, Applicant asserts a general denial of a claim of a likelihood of confusion and dilution between its mark and Opposer's mark. Furthermore, Applicant asserts that Opposer has not adequately plead grounds sufficient to allow the Opposer

to bring this Opposition. For these reasons which are further explained in Applicant's Brief in Support of this motion, the Applicant respectfully requests that the Board dismiss the Opposition and stay all proceedings pending a resolution of this motion.

DATED: Honolulu, Hawaii, August 24, 2005.

Respectfully submitted,



Robert Carson Godbey
Jess H. Griffiths
Chad M. Iida
Godbey Griffiths Reiss Chong
Attorneys for Applicant
Celebrities Publishing Corporation

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

In the Matter of Application Serial No. 78/441,156
Filed June 24, 2004
Mark IN ROCK WE TRUST
Published on June 7, 2005

House of Blues Brands Corp.,
Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,876

BRIEF IN SUPPORT OF MOTION

BRIEF IN SUPPORT OF MOTION

I. INTRODUCTION

Applicant Celebrities Publishing Corporation (“Celebrities” or “Applicant”), by and through its undersigned attorneys, submits this Brief in Support of its Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted. Celebrities seeks dismissal of the Opposer's Notice of Opposition because there is simply no likelihood of confusion between the Applicant's IN ROCK WE TRUST mark and the Opposer's IN BLUES WE TRUST mark, and there is no possibility that Applicant's mark would dilute the Opposer's mark.

Opposer alleges that it has a federal registration for the mark IN BLUES WE TRUST for “bar and restaurant services in class 42,” as U.S. Reg. No. 2,050,935, and for “clothing, namely, shirts, hats, jackets,” as U.S. Reg. No. 1,981,453. See, Notice of Opposition, ¶ 4. Opposer also

alleges that it has an application for federal registration for the mark IN BLUES WE TRUST for “casino entertainment services as U.S. Serial No. 78/584,785, which has a filing date after the Applicant’s instant application. *Id.* However, what Opposer does not have, but appears to claim possession of, is rights to the phrase, “IN _____ WE TRUST”. Despite the Opposer’s belief, Opposer does not have exclusive rights in this phrase, and cannot and should not be able to use this as a basis to deny Applicant’s registration of the mark IN ROCK WE TRUST.

With respect to a likelihood of confusion, the Applicant’s mark IN ROCK WE TRUST is dissimilar to Opposer’s mark IN BLUES WE TRUST, in terms of sight sound and commercial impression, and, in particular, because the phrase "IN _____ WE TRUST" is weak and deserves little significance in a likelihood of confusion analysis. As United States currency shows, the phrase “IN _____ WE TRUST” has been a part of the English vocabulary for well over a century, since at least around the time of the American Civil War. See, a true and accurate copy of the United States Treasury website, attached as Exhibit "A". Numerous third parties have also adopted this phrase as all or a part of their trademark or service mark, as evidenced by a simple search of the United States Patent and Trademark Office public records database. A true and accurate copy of such a search on the USPTO’s Internet website are attached hereto as Exhibit “B”. Accordingly, any analysis of a likelihood of confusion and/or dilution must focus on the non-common portions of the marks, and in this case, more emphasis must be placed upon the distinction between “ROCK” and “BLUES”. The term “ROCK” and the term “BLUES” are easily distinguishable in terms of, but not limited to, sound, appearance, connotation and commercial impression. All of these factors weigh heavily toward the conclusion that there is no likelihood of confusion or dilution between Applicant’s mark and the Opposer’s marks.

Assuming arguendo that some similarity between the marks is conjured up, there is still no likelihood of confusion between Applicant's mark and Opposer's mark, based on the type of goods and services offered under each respective mark. Applicant's mark is designated for use on jewelry and belt buckles made of precious stones in International class 14. Opposer's mark is designated for bar and restaurant services in International class 41, and clothing, namely, shirts, hats, jackets in International class 25. Opposer's pending application, filed after the Applicant's instant application, is for casino entertainment services in International class 42. Jewelry and belt buckles are not similar to bar and restaurant services, casino entertainment services, or with shirts, hats, and jackets. These items are found in different International classes, interact in different channels of trade, do not compete with each other, and are not substitutes for each other. In short, there is no likelihood that Applicant's mark would cause a consumer to be confused as to the source of these highly different goods and services.

The Applicant's and Opposer's marks are different and the goods and services offered under each respective mark are not related. In addition, the phrase "IN _____ WE TRUST" is weak, and Opposer does not have exclusive rights to that phrase to prevent Applicant from adopting it as a trademark. Accordingly, the Notice of Opposition fails on its face and should be dismissed for failure to state a claim upon which relief can be granted.

With respect to the claim of dilution, Opposer's claim must be rejected as Applicant's mark does not dilute Opposer's mark. Procedurally, Opposer's claim of dilution in its Notice of Opposition is legally insufficient, since Opposer fails to include any allegation of when its mark IN BLUES WE TRUST became famous. Accordingly, Opposer's Notice of Opposition must be rejected.

Even assuming, arguendo, that Opposer's Notice of Opposition is legally sufficient, Applicant's mark IN ROCK WE TRUST does not dilute Opposer's mark IN BLUES WE TRUST because the Opposer's mark does not fall into the class of truly famous marks to warrant raising a claim of dilution, and Applicant's mark is not identical or substantially similar to Opposer's mark. Dilution is an extreme remedy, and as such, the standard to prove dilution is an almost insurmountable bar to overcome. Opposer cannot not pass this extremely tough threshold, and Applicant's mark is not sufficiently similar to Opposer's mark to permit a claim of dilution to succeed. In short, Applicant's mark does not dilute Opposer's mark.

For these reasons, it is logical to conclude that Applicant's mark IN ROCK WE TRUST does not create a likelihood of confusion with or dilute Opposer's mark IN BLUES WE TRUST. Therefore, Opposer's Notice of Opposition should be dismissed under Fed. R. Civ. P 12(b)(6) for failure to state a claim upon which relief can be granted.

II. PROCEDURAL HISTORY

On June 24, 2004, Celebrities filed the instant application (U.S. Serial No. 78/441,156) for the mark IN ROCK WE TRUST for "'jewelry, and belt buckles made of precious metal." See, true and accurate copy of the USPTO's website database displaying the record of Applicant's IN ROCK WE TRUST mark, attached hereto as Exhibit "C". The application was assigned to an Examining Attorney on January 30, 2005. Believing that there was no likelihood of confusion with any other registered or prior pending marks, the Examining Attorney approved the Applicant's application for publication on February 2, 2005. Exhibit "C". The application was published in the Official Gazette on June 7, 2005. Exhibit "C". Opposer filed a Notice of

Opposition against the registration of the Applicant's mark dated July 7, 2005, alleging likelihood of confusion and dilution with the Opposer's mark for IN BLUES WE TRUST.

The TTAB mailed the Opposer's Notice of Opposition on July 15, 2005, and provided Applicant with 40 days from the mailing date to file an Answer. In lieu of an Answer, Applicant files the herein Motion, which is brought within the allowable 40 days.

III. STANDARD OF REVIEW

A Notice of Opposition should be dismissed if it "fail[s] to state a claim upon which relief may be granted." Fed. R. Civ. P. 12(b)(6). "Rule 12(b)(6) authorizes a court to dismiss a claim on the basis of a dispositive issue of law." *Nietzke v. Williams*, 490 U.S. 319, 326 (1989). "For purposes of determining a motion to dismiss for failure to state a claim upon which relief can be granted, all of the plaintiff's well-pleaded allegations must be accepted as true, and the complaint must be construed in the light most favorable to the plaintiff." T.B.M.P. § 503.02.

"In deciding a motion to dismiss, a court should generally consider only the allegations contained in the complaint, the exhibits attached to the complaint, matters of public record, and undisputably authentic documents which the plaintiff has identified as the basis of his claims and which the defendant has attached as exhibits to his motion to dismiss. However, the court need not assume that the plaintiff can prove facts he has not alleged, nor credit the plaintiff's 'bald assertions, 'unsupported conclusions, 'unwarranted inferences,' or 'legal conclusions masquerading as factual conclusions.'" *Qwest Communs. Int'l v. Cyber-Quest, Inc.*, 124 F.Supp2d 297 (D. Penn. 2000) (citations omitted). If as a matter of law, "it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations, a claim must be dismissed, without regard to whether it is based on an outlandish legal theory or

on a close but ultimately unavailing one." *Id.* at 327 (quoting *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984); see also, *Scotch Whisky Association v. U.S. Distilled Products Co.*, 13 USPQ2d 1711, 1714 (TTAB 1989); *Young v. AGB Corp.*, 47 USPQ2d 1752, 1754 (Fed. Cir. 1998).

"If, in connection with a motion to dismiss, matters outside the pleadings are submitted and not excluded by the Board, the Board ordinarily will treat the motion as a motion for summary judgment, under Fed. R. Civ. P. 56, and give the parties reasonable opportunity to present all material pertinent to the motion." *Libertyville Saddle Shop Inc. v. E. Jeffries & Sons Ltd.*, 22 USPQ2d 1594, 1596 (TTAB 1992), citing, *Selva & Sons, Inc. v. Nina Footwear, Inc.*, 705 F.2d 1316, 217 USPQ 641 (Fed. Cir. 1983); T.B.M.P § 503.4.

The purpose of summary judgment is to identify and dispose of factually unsupported claims and defenses. See, *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Summary judgment is therefore appropriate when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). Where the evidence "could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (quoting *First Nat'l Bank of Ariz. v. Cities Serv. Co.*, 391 U.S. 253, 289 (1968)). The moving party has the burden of persuading the Court as to the absence of a genuine issue of material fact." *Celotex*, 477 U.S. at 323. The moving party may do so with affirmative evidence or by "'showing' – that is pointing out to the district court – that there is an absence of evidence to support the nonmoving party's case." *Celotex*, 477 U.S. at 325. The Court's role is

not to make credibility assessments. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). Accordingly, if reasonable minds could differ as to the import of evidence," summary judgment will be denied. *Id.* at 250-151. Once the moving party satisfies its burden, however, the nonmoving party cannot simply rest on the pleadings or argue that any disagreement or "metaphysical doubt" about a material issue of fact precludes summary judgment. See *Celotex*, 477 U.S. at 322-323. Summary judgment will thus be granted against a party who fails to establish an element essential to his case when that party will ultimately bear the burden of proof at trial. See, *Celotex*, 477 U.S. at 322. Summary judgment is appropriate on the issue of likelihood of confusion because such issue is a question of law. *Kellogg Co. v. Pack-em Enterprises, Inc.*, 21 USPQ2d 1142, 1144 (CAFC 1991); *Sweats Fashions, Inc. v. Pannill Knitting Co., Inc.*, 4 USPQ2d 1793 (CAFC 1987).

The Applicant respectfully submits that this is a motion to dismiss under Fed. R. Civ. P. 12(b)(6). However, if the Board accepts matters submitted outside of the pleading, then this is a motion summary judgment under Fed. R. Civ. P. 56.

IV. ARGUMENT

A. Dismissal Is Warranted Because There Is No Likelihood of Confusion.

A party opposing a motion to dismiss is entitled to the benefit of all reasonable factual inferences. *Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts, Inc.*, 140 F.3d 478, 483 (3d Cir. 1998). However, if the movant can establish that an inference of likelihood of confusion would clearly be unreasonable, that is, that no reasonable factfinder could find a likelihood of confusion on any set of facts that the nonmoving party could prove, then the movant will have shown that confusion is unlikely as a matter of law. See, e.g., *Murray v. Cable Nat'l*

Broadcasting Co., 86 F.3d 858, 860 (9th Cir. 1996) ("If the court determines as a matter of law from the pleadings that the goods are unrelated and confusion is unlikely, the complaint should be dismissed"). Here, given the dissimilarity of the Applicant's mark IN ROCK WE TRUST and the Opposer's mark IN BLUES WE TRUST, there is no likelihood of confusion as a matter of law.

The seminal case of *In re E.I. DuPont DeNemours & Co.*, 177 U.S.P.Q. 563 (C.C.P.A. 1973), set forth the factors to consider, when of record, in testing for a likelihood of confusion.

Such factors include:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- ...
- (6) The number and nature of similar marks in use on similar goods.

Id. Based on an analysis of these factors, set out below, which are dispositive in this case, there is no likelihood of confusion between Applicant's mark and Opposer's mark in this Opposition. Although there are a few other factors which a court may consider, Applicant submits that those factors are not relevant to a determination of this motion. See, *Shen Mfg. Co. v. Ritz Hotel, Ltd.*, 73 USPQ2d 1350, 1353 (Fed Cir. 2004) ("Neither we nor the board, however, need consider every DuPont factor. . . Instead, the TTAB is required only to consider those factors that are relevant."); *Han Beauty, Inc. v. Alberto-Culver Co.*, 57 USPQ2d 1557 (Fed. Cir. 2001) ("While it

must consider each factor for which it has evidence, the board may focus its analysis on dispositive factors, such as similarity of the marks and relatedness of the goods.").

1. The Marks on Their Face, are Dissimilar.

In deciding whether the marks are dissimilar, the court must look to differences in appearance, sound, and commercial impression. *DuPont*, 177 USPQ 563; *In re August Storck*, 218 USPQ 823 (TTAB 1983); *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 USPQ 151 (CCPA 1978); *In re Mars, Inc.*, 222 USPQ 938 (Fed. Cir. 1984); *Approved Pharmaceutical Corp. v. Leiner Nutritional Products, Inc.*, 5 USPQ2d 1219 (TTAB 1987); *Olde Tyme Foods, Inc. v. Roundy's Inc.*, 22 USPQ2d 1542 (Fed. Cir. 1992); *In re Hearst Corporation*, 25 USPQ2d 1238 (Fed. Cir. 1992). "All relevant facts pertaining to the appearance and connotation must be considered." *Recot, Inc. v. M.C. Becton*, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000).

Although it is well settled that marks are considered in their entireties, it is proper to recognize that one feature of a mark is more significant than the other features and to give greater force and effect to that dominant feature. *Burger Chef Systems, Inc. v. Sandwich Chef, Inc.*, 203 USPQ 733 (CCPA 1979); Gilson, J. *Trademark Protection and Practice* § 5.03 at 5-50 (1999).

As the Trademark Manual of Examining Procedure ("TMEP") explains:

When assessing the likelihood of confusion between compound word marks, one must determine whether there is a portion of the word mark that is dominant in terms of creating a commercial impression. **Although there is no mechanical test to select a "dominant" element of a compound word mark, consumers would be more likely to perceive a fanciful or arbitrary term rather than a descriptive or generic term as the source-indicating feature of the mark.** Accordingly, if two marks for related goods or services share the same dominant feature and the marks, when viewed in their entireties, create similar overall commercial impressions, then confusion is likely. See *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987) (JM ORIGINALS (with "ORIGINALS" disclaimed) for

various items of apparel held likely to be confused with JM COLLECTABLES for "knitwear -- namely, sport shirts").

If the common elements of two marks are "weak" in that it is generic, descriptive or highly suggestive of the named goods or services, consumers typically will be able to avoid confusion unless the overall combinations have other commonality. TMEP §1207.01(b)(viii), citing, *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986) (BED & BREAKFAST REGISTRY for making lodging reservations for others in private homes held not likely to be confused with BED & BREAKFAST INTERNATIONAL for room booking agency services); *The U.S. Shoe Corp. v. Chapman*, 229 USPQ 74 (TTAB 1985) (COBBLER'S OUTLET for shoes held not likely to be confused with CALIFORNIA COBBLERS (stylized) for shoes); and, *In re Istituto Sieroterapico E Vaccinogeno, Toscano "SCLAVO" S.p.A.*, 226 USPQ 1035 (TTAB 1985) (ASO QUANTUM (with "ASO" disclaimed) for diagnostic laboratory reagents held not likely to be confused with QUANTUM I for laboratory instrument for analyzing body fluids)

TMEP §1207.01(b)(viii) (emphasis added). With regard to strong and weak marks, the TTAB provided the following statement:

An arbitrary or coined mark is obviously entitled to a wide orbit of protection sufficient to bar the subsequent registration of any mark ... which contains the mark or designation as a recognizable and distinguishing portion thereof. Highly suggestive, laudatory or descriptive designations, however, because of their obvious meaning or suggestion and possible frequent employment in a particular trade as part of trade designations, have been considered to fall within the category of weak "marks" ... The theory behind this rests on the obvious character of the term **and [the fact] that purchasers have been exposed in a particular trade to such a plethora of trade designations containing this notation that they have been conditioned or accustomed to distinguish between the various marks by other features thereof, notwithstanding how slight they may be.**

Basic Vegetable Products Inc. v. General Foods Corp., 165 USPQ 781, 784 (TTAB 1970)

(emphasis added).

In *Basic Vegetable Products*, the Board found that MAGIC was a common laudatory term in the packaged foods industry, and that the frequency of its use in that connection had

accustomed consumers to look to other parts of such trademarks to distinguish foodstuffs. *Id.* Accordingly, the TTAB found that the mark SOUR MAGIC was not confusingly similar to the mark MAGIC. *Id.*

Precisely the same reasoning governed the decision in *Standard Brands Inc. v. Peters*, 191 USPQ 168 (TTAB 1976). There, the Board found that ROYAL was a common laudatory term and hence a weak mark, so that the addition of the prefix CORN was sufficient to create a distinguishable mark. That court expressly contrasted "arbitrary or unique designations" with marks having an "obvious laudatory or suggestive connotation." *Id.* at 172.

This conclusion was also drawn by the tribunals in *Redken Laboratories, Inc. v. Clairol, Inc.*, 501 F.2d 1403, 1405 (9th Cir. 1974) (stating, where the plaintiff used CONDITION for a hair care product, that "having selected a common, useful, and descriptive term as a trademark, [plaintiff] cannot expect for the word 'condition' the same broad scope of protection that may be accorded more distinctive marks"); *Plus Products v. Star-Kist Foods, Inc.*, 220 U.S.P.Q. 541 (TTAB 1983) (the widespread use of the term PLUS meant consumers were unlikely to rely on it in distinguishing products); and, *Commerce Nat'l Ins. Services, Inc. v. Commerce Ins. Agency, Inc.*, 214 F.3d 432, 442 (3d Cir. 2000) (because COMMERCE is a "commonplace mark used by countless business in countless contexts", consumers likely have come to recognize that different goods and services identified by the term COMMERCE may have different origins).

This case is no different from the precedent cited above. In this case, both Applicant's and Opposer's marks use the common and well-used phrase "IN _____ WE TRUST." Accordingly, in comparing the marks for a likelihood of confusion, emphasis should be placed

on the ROCK and BLUES terms of the Applicant's and Opposer's respective marks. When that is done here, as in the numerous supporting cases cited above, it is clear that the Applicant's mark does not cause confusion with the Opposer's mark, being that ROCK does not even closely resemble BLUES in terms of sight, sound, appearance or commercial impression.

As evidence of the "IN _____ WE TRUST" phrase being weak, numerous examples of "IN _____ WE TRUST" are present in our society, none of which Opposer has exclusive rights to use. The simplest example of an "IN _____ WE TRUST" mark can be found on any denomination of currency produced by the United States Mint. Located on the obverse of every coin, in raised print, and on every dollar, is the phrase "IN GOD WE TRUST". This motto has been present on United States currency, almost consistently, since the American Civil War, and the actual phrase was commonplace centuries before that. Exhibit "A". It would be a remarkable, and unfortunate oversight to allow Opposer to claim rights, in the entirety, of the phrase "IN _____ WE TRUST", given the long third party usage of variations on the phrase.

Applicant would also like to point out that among the various uses of the word "IN _____ WE TRUST" as a trademark or service mark, there are many marks bearing the exact phrase, with the only variation being the term found in between the words "IN" and "WE". Such marks include:

IN COD WE TRUST (Reg. No. 2670291) for restaurant services;

IN HOUSE WE TRUST (Reg. No. 2878675) for series of musical sound recordings, pre-recorded compact discs, audio cassettes, digital video discs, phonograph records and digital audio files featuring music;

IN GOD WE TRUST (Reg. No. 2516726) for repaid telephone calling card services;

IN BEARS WE TRUST (Reg. No. 2782363) for mail order, retail store, mail order catalog services, wholesale and retail distributorship and store services in the field of stuffed toy animals and plush toy animals, dolls and accessories therefor, including sales over the Internet; product demonstrations on toy making services;

IN FRIES WE TRUST (Reg. No. 2117541) for processed foods, namely, potatoes prepared for human consumption;

IN FRIES WE TRUST (Reg. No. 2117541) for restaurant services;

IN ODD WE TRUST (Reg. No. 2231755) for computer game programs; computer game programs recorded on CD-ROM;

IN GOLD WE TRUST (Reg. No. 2320744) for jewelry and precious metalware, all of which are made of wholly or in substantial part of gold, namely, rings, charms, bracelets, earrings, necklaces, and other similar types of personal jewelry;

IN BAGELS WE TRUST (Reg. No. 1799536) for bagels;

IN TRAVELERS WE TRUST (Reg. No. 1203148) for retail and wholesale mail order services in the field of rare coins.

For a more complete list of the "IN _____ WE TRUST" marks found on the USPTO database, see Exhibit "B". Applicant notes that the Opposer is not listed as the owner of any of these marks, with the exception of its IN BLUES WE TRUST marks.

With the abundance of uses of the phrase "IN _____ WE TRUST", it is apparent that the phrase is not distinctive of Opposer's goods and services. Therefore, what this case really boils down to is whether the term BLUES is likely to be confused with the term ROCK, which it clearly does not. Neither word shares any of the same consonants or vowels, nor do they share the same definition, meaning or pronunciation.

Opposer has made it patently clear in its Notice of Opposition that its marks focus on the term BLUES. It has alleged that it offers IN BLUES WE TRUST branded merchandise in

conjunction with its world-famous HOUSE OF BLUES restaurant/nightclub establishments and the use of the mark IN BLUES WE TRUST therewith. Notice of Opposition, ¶4. In addition, Opposer has alleged that it owns a family of marks based on its use of the IN BLUES WE TRUST mark in connection with its restaurant/nightclub services. Notice of Opposition, ¶6. It is telling, however, that Opposer does not allege to own or use a “HOUSE OF ROCK” mark, nor has it expressed any interest in a registration for any “IN ROCK WE TRUST” mark, or any other ROCK-containing mark.¹ Because of the vast differences between the words ROCK and BLUES, and the weakness of the phrase “IN _____ WE TRUST,” Applicant’s mark does not cause a likelihood of confusion with Opposer’s mark.

2. The Goods And Services Offered Under Applicant's Mark Are Not Similar To The Goods And Services Offered Under the Opposer's Mark.

Another *DuPont* factor to consider is the similarity or dissimilarity and nature of the goods or services. *DuPont*, 177 USPQ 563. Under this factor, if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i), citing, *Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004) (cooking classes and kitchen textiles not related); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156 (TTAB 1990) (LITTLE PLUMBER for liquid drain opener held not confusingly similar to LITTLE PLUMBER and design for advertising services, namely the

¹ Paragraph 7 of the Notice of Opposition appears to contain a typo. In that paragraph, Opposer alleges that it owns the IN ROCK WE TRUST mark for restaurant and nightclub services and related merchandise, but does not allege how it obtained ownership of the mark or even that it has used the mark in commerce. Applicant believes Opposer intended to allege that it owns the IN BLUES WE TRUST mark.

formulation and preparation of advertising copy and literature in the plumbing field); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668 (TTAB 1986) (QR for coaxial cable held not confusingly similar to QR for various products (e.g., lamps, tubes) related to the photocopying field).

Here, there is no question that the goods of the Applicant in comparison to the goods and services of the Opposer are not related or marketed in the same way. On their face, the Applicant's "jewelry, and belt buckles made of precious metals," and Opposer's "bar and restaurant services," "clothing; namely shirts, hats, jackets," and "casino entertainment services"² are clearly different from each other and have no relation. Applicant's jewelry and belt buckles have no similarities to restaurants, nightclubs, or casino entertainment services, and fall outside the realm of goods delineated by International class 25. It is telling that for such a large operation as the Opposer alleges it has, that Opposer does not claim to sell jewelry, pants or belts (with which a belt buckle would be used) branded with its HOUSE OF BLUES or IN BLUES WE TRUST marks.

What further distinguishes the Applicant's goods from the Opposer's goods and services is that Opposer's customers know that Opposer only sells its own products and that Opposer's products can only be purchased at HOUSE OF BLUES establishments. The Opposer's Notice of Opposition makes clear that its IN BLUES WE TRUST goods and services are only sold in conjunction with its House of Blues

² Applicant does not believe that the Opposer's intent-to-use application for "casino entertainment services" (Serial No. 78/584,785) should be a factor in this analysis since the Applicant's instant application has an earlier filing date. However, for the sake of argument for purposes of this Motion to Dismiss, Applicant will include the Opposer's later filed application in its analysis. In any event, "casino entertainment services" have no relation whatsoever to jewelry and belt buckles.

establishments; and, through its allegedly nationwide sales and advertising of high-quality goods and services, its customers would know that its goods and services are only sold through its House of Blues establishments. Notice of Opposition, ¶4 & 8. Therefore, upon encountering the Applicant's IN ROCK WE TRUST mark outside of the Opposer's House of Blues establishments, consumers would understand that the Applicant's goods do not come from the Opposer. Accordingly, as is apparent from the Opposer's own allegations, the Applicant's products would not be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source. Consumers would immediately understand upon seeing the Applicant's dissimilar products, which are sold in locations other than the Opposer's establishments and marketed under a different mark, that the Applicant's products are not affiliated with the Opposer.

The numerous other marks in the marketplace containing the phrase "IN _____ WE TRUST" also favors the conclusion that the goods and services of the Applicant and Opposer are not similar or related. The Federal Circuit in *In re Bed & Breakfast Registry*, 229 USPQ 818 (Fed. Cir. 1986) explains it best. In that case, the TTAB refused to register the mark BED & BREAKFAST REGISTRY for "making lodging reservations for others in private homes" on the grounds of a likelihood of confusion with the mark BED & BREAKFAST INTERNATIONAL for "room booking agency services." Noting the abundance of other marks using the term BED & BREAKFAST for similar services, the Court stated: "the record showing the large number of variously named 'bed and breakfast' services weighs against the reasonableness of the

assumption that two such services are related." Accordingly, the Federal Circuit overruled the TTAB and found that there was no likelihood of confusion between the two marks.

Here, the large number of variously named "IN _____ WE TRUST" goods and services eliminates the reasonableness of the assumption that the Opposer's and Applicant's respective goods and services are related; and accordingly, the Applicant's mark does not cause a likelihood of confusion with Opposer's mark.

3. After Weighing And Considering All The Relevant And Dispositive *DuPont* Factors, There Is But One Conclusion: That There Is No Likelihood Of Confusion Between Applicant's Mark And Opposer's Mark.

In this case, an analysis of the two dispositive factors discussed above weighs heavily against the Opposer and leads to conclusion that there is no likelihood of confusion between Applicant's mark IN ROCK WE TRUST, and Opposer's mark IN BLUES WE TRUST as a matter of law. Accordingly, the Opposition fails to state a claim upon which relief can be granted as to its likelihood of confusion allegations, and the Opposition should be appropriately dismissed.

B. Dismissal Is Warranted Because There Is No Dilution.

The courts and the TTAB have recognized that dilution is an "extraordinary remedy." *Advantage Rent-A-Car Inc. v. Enterprise Rent-A-Car Co.*, 238 F.3d 378, 57 USPQ2d 1561, 1563 (5th Cir. 2001); *Toro Co. v. ToroHead Inc.*, 61 USPQ2d 1164, 1173 (TTAB 2001); *I.P. Lund Trading ApS v. Kohler Co.*, 163 F.3d 27, 47, 49 USPQ2d 1225, 1239 (1st Cir. 1999) ("[T]he standard for fame and distinctiveness required to obtain anti-

dilution protection is more rigorous than that required to seek infringement protection").

Therefore, unlike in likelihood of confusion cases, the TTAB does not resolve doubts in favor of the party claiming dilution. *Toro Co.*, 61 USPQ2d at 1174.

1. Opposer's Notice of Opposition Is Legally Insufficient Since It Fails To Include Any Allegation Of When Opposer's Mark "IN BLUES WE TRUST" Became Famous, And Whether The Opposer's Mark Became Famous Before The Application Filing Date Of Applicant's Mark "IN ROCK WE TRUST".

In the landmark case of *Toro Co. v. ToroHead Inc.*, *supra*, the TTAB stated that, "in the case of an intent-to-use application, an owner of an allegedly famous mark must establish that its mark had become famous prior to the filing date of the trademark application or registration against which it intends to file an opposition or cancellation proceeding." *Toro Co.*, 61 USPQ2d at 1174 (citation omitted).

In this case, Opposer has failed to establish, or even allege, that its mark IN BLUES WE TRUST became famous prior to the filing date of the Applicant's instant application. Opposer also fails to establish a date upon which its mark IN BLUES WE TRUST even became famous. Accordingly, Opposer's Notice of Opposition is legally insufficient and must therefore be rejected on its face.

2. Even If Opposer's Notice Of Opposition Was Legally Sufficient, Opposer's Mark IN BLUES WE TRUST Is Not A Member Of The Class Of Marks Entitled To Protection Under The Federal Trademark Dilution Act of 1995 ("FTDA") Because The Mark Lacks Distinctiveness.

Fame for dilution purposes is difficult to prove. *Advantage Rent-A-Car Inc. v. Enterprise Rent-A-Car Co.*, 238 F.3d 378, 381, 57 USPQ2d 1561, 1563 (5th Cir. 2001). The TTAB applies a rigorous test to determine the fame and distinctiveness of a mark. *Toro Co.*, 61 USPQ2d at

1176 (citations omitted).³ "To be vulnerable to dilution, a mark must be not only famous, but also so distinctive that the public would associate the term with the owner of the famous mark even when it encounters the term apart from the owner's goods or services, i.e., devoid of its trademark context." *Id.* at 1177 (citations omitted).⁴ "If the same mark is used by others on a wide variety of unrelated products, the mark may be famous for a particular item but not very distinctive. See *Syndicate Sales [Inc. v. Hampshire Paper Corp.]*, 192 F.3d [633], 640, 52 USPQ2d [1035], 1041 [(7th Cir. 1999)]. . . Thus, the more tenuous the connection between the mark by itself and a single source, the less likely that the mark is truly famous and distinctive." *Toro Co.*, 61 USPQ2d at 1177. "If a term has achieved fame, but the evidence of distinctiveness indicates that there are numerous other uses of the term, the fame of the mark may be limited. *Hasbro [Inc. v. Clue Computing Inc.]*, 66 F.Supp2d [117], 132, 52 USPQ2d [1402], 1413-14 [(D.Mass. 1999)] ("[M]arks consisting of relatively common terms and with use of the same terms by third parties. . . not sufficiently famous to warrant FTDA protection").

The nature and extent of use of the same or similar marks by third parties recognizes the common sense proposition that if a mark is in widespread third-party use on a variety of goods and services, it is less likely to be famous for the goods or services of one particular business. Evidence that the plaintiff's mark is commonly used as a mark by third parties undercuts the argument that the mark is truly famous. n120 Concurrent use by others

³ In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to: (A) the degree of inherent or acquired distinctiveness; (B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used; (C) the duration and extent of advertising and publicity of the mark; (D) the geographical extent of the trading area in which the mark is used; (E) the channels of trade for the goods or services with which the mark is used; (F) the degree of recognition of the mark in the trading areas and channels of trade used by the mark's owner and the person against whom the injunction is sought; (G) the nature and extent of use of the same or similar mark by third parties; and (H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register. *Toro Co.*, 61 USPQ2d at 1176, citing, 15 USC § 1125(c)(1). **"Two of the statutory factors deserve slightly more consideration: the distinctiveness of the mark and third party uses of it."** *Hasbro Inc. v. Clue Computing Inc.*, 66 F.Supp2d 117, 131, 52 USPQ2d 1402, 1413 (D.Mass. 1999) (emphasis added).

⁴ For purposes of dilution, the TTAB views fame and distinctiveness as two overlapping, but slightly different, concepts. *Toro Co.*, 61 USPQ2d at 1177.

makes it unlikely that consumers will form a single mental association between the mark and one specific user. n121

Gilson, 2-5A *Trademark Protection and Practice* § 5A.01, and authorities cited in the footnotes therein.

Here, Opposer alleges that its IN BLUES WE TRUST mark is distinctive and "well-known."⁵ Notice of Opposition, ¶ 13. In short, the Opposer attempts to create the fiction that its IN BLUES WE TRUST mark is of the class of marks entitled to protection against trademark dilution, just by making that assertion. However, as argued above, Opposer's mark cannot be distinctive, and therefore famous, because of the numerous other "IN _____ WE TRUST" marks that have been filed and/or registered with the USPTO, and the common use of the term in the English vocabulary since at least the time of the American Civil War. Accordingly, Opposer's allegations that its IN BLUES WE TRUST mark is "well-known" is undercut by common usage of the phrase "IN _____ WE TRUST," which proves that the Opposer's IN BLUES WE TRUST mark is not distinctive, and therefore not famous.

As an early opinion interpreting the federal Dilution Act stated, "For purposes of determining whether Plaintiff's mark is famous, the court will consider the use of the same or similar marks by third parties in any industry... . The more times the word ... is used in connection with a variety of goods and services, the less likely Plaintiff's mark could signify something unique, singular or particular." *Star Markets, Ltd. v. Texaco, Inc.*, 950 F. Supp. 1030 (D. Haw. 1996). That court found that the third-party use factor heavily weighed against a finding of fame of plaintiff's mark STAR MARKETS because of "so many uses of the word 'Star'

⁵ Applicant believes that the Opposer's allegation that its mark is "well known" rather than "famous," does not satisfy the requirements for a proper dilution claim.

with and without 'Markets' by other businesses." *Id.*

There is no question in this case that the many other uses of the phrase "IN _____ WE TRUST," seriously undermine any argument that the Opposer's IN BLUES WE TRUST mark is famous, and accordingly, Opposer's claim of dilution must be dismissed. If there is any doubt, it must be resolved against the Opposer.

3. Applicant's IN ROCK WE TRUST Mark Cannot Dilute Opposer's IN BLUES WE TRUST Mark Because It Is Not Identical Or Substantially Similar to Opposer's Mark.

Not only do the Opposer's allegations fail to establish that its IN BLUES WE TRUST mark is a famous mark entitled to the FTDA's protection, but the Opposer's allegations also fail to show dilution. Factors that the TTAB analyze to determine whether dilution will occur are: (1) similarity of the marks; (2) reknown of the senior party; and (3) whether target customers are likely to associate two different products with the mark even if they are not confused as to the different origins of the products. *Toro Co.*, 61 USPQ2d at 1182.

Under the first factor, similarity of the marks, a party must prove more than confusing similarity; it must show that the marks are identical or "very substantially similar." *Id.*, citing *Nabisco*, 191 F.3d at 218, 51 USPQ2d at 1889 (quoting *Mead Data*, 875 F.2d at 1029, 10 USPQ2d at 1964). To support an action for dilution, the marks must be similar enough that a significant segment of the target group sees the two marks as essentially the same. *Luigino's, Inc.*, 170 f.3d at 832, 50 USPQ2d at 1051 (quoting McCarthy on Trademarks and Unfair Competition, 24:90.1 (4th ed. 1998)). Therefore, differences between the marks are often significant. *Mead Data*, 875 F.2d 1026, 10 USPQ2d at 1961 (LEXUS for cars did not dilute

LEXIS for database services). *Toro Co.* (“While the marks TORO and ‘ToroMR’ and design are similar, we do not find that they are substantially similar for dilution purposes”).

While the Supreme Court has declared that the Dilution Act does not apply only to identical marks, it has emphasized the importance of identicalness in proving actual dilution. See, *Moseley v. V Secret Catalogue, Inc.*, 537 U.S. 418, 433 (2003) (Suggesting that consumers’ mental association between two marks might be sufficient to show actual dilution if the marks are identical). Other circuits have required a strong association between the two marks as well, more so than in infringement cases. The Ninth Circuit requires that the diluting mark be identical or nearly identical, *Thane Int’l v. Trek Bicycle Corp.*, 305 F.3d 894, 905, 64 USPQ2d 1564 (9th Cir. 2002), and the Fourth Circuit holds that there must be “a sufficient similarity between the junior and senior marks to evoke an instinctive mental association of the two by a relevant universe of consumers.” *Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Utah Div. of Travel Development*, 170 F.3d 449, 458, 50 USPQ2d 1065 (4th Cir. 1999). The Sixth Circuit requires a plaintiff “to demonstrate a higher degree of similarity than is necessary in infringement claims in order to prove that actual dilution has occurred.” *AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 806, 71 U.S.P.Q.2d 1385 (6th Cir. 2004). The TTAB has noted in *Toro Co.* that the marks must be similar enough that they are seen as essentially the same mark. *Toro Co.*, 61 USPQ2d at 1183, citing *Luigino’s, Inc. v. Stouffer Corp.*, 170 F.3d 827, 832, 50 USPQ2d 1047, 1051 (8th Cir. 1999). See also, *Restatement (Third) of Unfair Competition* § 25 cmt. f. (“Use of a designation may create a likelihood of dilution even if the designation is not identical to the protected mark, but the resemblance between the two must be sufficiently close that the subsequent use evokes the requisite mental connection with the prior user’s mark.”)

Opposer would like to claim that its mark IN BLUES WE TRUST is sufficiently similar to Applicant's mark IN ROCK WE TRUST to support a claim of dilution; however, that is not the case. Opposer's mark IN BLUES WE TRUST is clearly not identical or substantially identical to Applicant's mark IN ROCK WE TRUST. From the discussion in Section A of this Brief regarding likelihood of confusion, it should be equally clear that Opposer's mark IN BLUES WE TRUST is not similar to Applicant's mark IN ROCK WE TRUST, and even if it were, a significant segment of the target group [consumers] would not see the two marks as essentially the same. This is evidenced by the dissimilarity of the dominant portions of the Applicant's and Opposer's respective marks, ROCK and BLUES, and the weakness of the phrase "IN _____ WE TRUST" playing a minimal role in the minds of the consumer. The differences between the ROCK portion of the Applicant's mark and the BLUES portion of the Opposer's mark is significant and leads to the conclusion that the Applicant's mark does not dilute the Opposer mark. There is a higher standard for similarity with respect to dilution claims as compared to likelihood of confusion claims, and Opposer simply fails to satisfy that standard.

The second element, reknown of the Opposer's mark, relates to the fame and distinctiveness of the Opposer's mark. *Toro Co.*, 61 USPQ2d at 1183. This argument was discussed in Section B.2 above. In short, because Opposer cannot establish that its mark is distinctive, and therefore famous, based on the multiple uses of the phrase "IN _____ WE TRUST" by third parties and its familiarity on U.S. currency and in the English vocabulary, Opposer cannot establish that its mark is reknowned under the second factor.

It follows, that because the Opposer would not be able to show that its mark is famous or distinctive, the Opposer would not be able to establish the third factor of the dilution analysis -

whether target customers are likely to associate two different products with the mark even if they are not confused as to the different origins of the products. As to this factor, the Board in *Toro Co.* stated, “To show that a mark is more than a simple trademark, there must be some evidence that the potential purchases link the two marks in their minds even if it is simply to speculate as to why the other party should be able to use the famous mark of another.” *Toro Co.*, 61 USPQ2d at 1184. Because the Opposer cannot show that its mark is distinctive, given the various other “IN _____ WE TRUST” marks and its wide use on every U.S. coin and dollar, purchases would not link the Opposer’s mark with Applicant’s mark even to speculate as to why the Applicant should be able to use the Opposer’s mark.

Regardless if Opposer later submits evidence attempting to prove its claim, the lack of similarity between the marks and the non-distinctiveness of the Opposer’s mark should render all such evidence moot. Accordingly, the Applicant submits that the Opposer’s Notice of Opposition should be dismissed for failure to state a claim upon which relief can be granted.

V. REQUEST FOR STAY

Applicant respectfully requests a stay of all proceedings, pending a determination of the within motion. Pursuant to 37 C.F.R. § 2.127(d), when any party files a motion to dismiss, the case will be suspended by the Board with respect to all matters not germane to the motion and no party should file any paper which is not germane to the motion except as otherwise specified in the Board's suspension order.

VI. CONCLUSION

Applicant respectfully requests that the Trademark Trial and Appeal Board:

1. Grant Applicant's Motion to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted; and

2. Stay all proceedings, pending the resolution of the motion herein.

DATED: Honolulu, Hawaii, August 24, 2005.

By: 
Robert Carson Godbey
Jess H. Griffiths
Chad M. Iida
GODBAY GRIFFITHS REISS CHONG
Pauahi Tower, Suite 2300
1001 Bishop Street
Honolulu, HI 96813
Tel. (808) 523-8894

Attorneys for Applicant

CERTIFICATE OF MAILING UNDER 37 CFR 2.197

I hereby certify that this correspondence is being mailed prior to the expiration of the set period of time by being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on:

August 24, 2005
Date


Chad M. Iida

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

In the Matter of Application Serial No. 78/441,156
Filed June 24, 2004
Mark IN ROCK WE TRUST
Published on June 7, 2005

House of Blues Brands Corp.,
Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,876

DECLARATION OF COUNSEL

DECLARATION OF COUNSEL

I, Chad M. Iida, declare as follows:

1. I am associated with the firm of Godbey Griffiths Reiss Chong, and submit this declaration herein in support of Applicant Celebrities' Motion to Dismiss For Failure To State A Claim Upons Which Relief Can Be Granted Pursuant To FRCP 12(b)(6).

2. Attached as Exhibit "A" is a true and accurate copy of the United States Treasury website explaining the history of the term "IN GOD WE TRUST" as used on U.S. currency.

3. Attached as Exhibit "B" is a true and accurate copy of a search conducted on the USPTO's Internet website for marks containing the phrase "IN _____ WE TRUST."

4. Attached as Exhibit "C" is a true and accurate copy of the USPTO's online database displaying the record of Applicant's IN ROCK WE TRUST mark, U.S. Serial No. 78/441156.

I declare under the penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, August 24, 2005.



Chad M. Iida
GODBEY GRIFFITHS REISS CHONG
Pauahi Tower, Suite 2300
1001 Bishop Street
Honolulu, HI 96813
Tel. (808) 523-8894

Attorney for Applicant



[HOME](#) [CONTACT TREASURY](#) [SITE INDEX](#) [FOIA](#) [ESPAÑOL](#) [ACCESSIBILITY](#) [PRIVACY & LEGAL](#)



search

SEARCH

News

Direct Links

Key Topics

Press Room

Organization

Offices

Bureaus

Education

Duties & Functions

History of the Treasury

Tour the Treasury Building

Frequently Asked Questions

Fact Sheets

The Treasury Building

Currency & Coins

History

Taxes

For Kids

Office of Executive Secretary

Fact Sheets: Currency & Coins

HISTORY OF 'IN GOD WE TRUST'

The motto IN GOD WE TRUST was placed on United States coins largely because of the increased religious sentiment existing during the Civil War. Secretary of the Treasury **Salmon P. Chase** received many appeals from devout persons throughout the country, urging that the United States recognize the Deity on United States coins. From Treasury Department records, it appears that the first such appeal came in a letter dated November 13, 1861. It was written to Secretary Chase by Rev. M. R. Watkinson, Minister of the Gospel from Ridleyville, Pennsylvania, and read:



Dear Sir: You are about to submit your annual report to the Congress respecting the affairs of the national finances.

One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form on our coins.

You are probably a Christian. What if our Republic were not shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the goddess of liberty we shall have next inside the 13 stars a ring inscribed with the words PERPETUAL UNION; within the ring the allseeing eye, crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words GOD, LIBERTY, LAW.

This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the Divine protection we have personally claimed. From my hearth I have felt our national shame in disowning God as not the least of our present national disasters.

To you first I address a subject that must be agitated.

As a result, Secretary Chase instructed **James Pollock**, Director of the **Mint at Philadelphia**, to prepare a motto, in a letter dated November 20, 1861:

Dear Sir: No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.

You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.

It was found that the Act of Congress dated January 18, 1837, prescribed the mottoes and devices that should be placed upon the coins of the United States. This meant that the mint could make no changes without the enactment of additional legislation by the Congress. In December 1863, the Director of the Mint submitted designs for new **one-cent coin**, **two-cent coin**, and **three-cent coin** to Secretary Chase for approval. He proposed that upon the designs either **OUR COUNTRY; OUR GOD** or **GOD, OUR TRUST** should appear as a motto on the coins. In a letter to the Mint Director on December 9, 1863, Secretary Chase stated:

I approve your mottoes, only suggesting that on that with the Washington obverse the motto should begin with the word OUR, so as to read OUR GOD AND OUR COUNTRY. And on that with the shield, it should be changed so as to read: IN GOD WE TRUST.

The Congress passed the Act of April 22, 1864. This legislation changed the composition of the **one-cent coin** and authorized the minting of the **two-cent coin**. The Mint Director was directed to develop the designs for these coins for final approval of the Secretary. **IN GOD WE TRUST** first appeared on the 1864 **two-cent coin**.

Another Act of Congress passed on March 3, 1865. It allowed the Mint Director, with the Secretary's approval, to place the motto on all gold and silver coins that "shall admit the inscription thereon." Under the Act, the motto was placed on the **gold double-eagle coin**, the **gold eagle coin**, and the **gold half-eagle coin**. It was also placed on the **silver dollar coin**, the **half-dollar coin** and the **quarter-dollar coin**, and on the nickel **three-cent coin** beginning in 1866. Later, Congress passed the Coinage Act of February 12, 1873. It also said that the Secretary "may cause the motto **IN GOD WE TRUST** to be inscribed on such coins as shall admit of such motto."

The use of **IN GOD WE TRUST** has not been uninterrupted. The motto disappeared from the **five-cent coin** in 1883, and did not reappear until production of the Jefferson nickel began in 1938. Since 1938, all United States

[Distribution of Currency & Coins](#)

[History of "In God We Trust"](#)

[History of the Denver Mint](#)

[History of the Lincoln Cent](#)

[Indian Head Cent](#)

[Manufacturing Process for U.S. Coins](#)

[Mint and Other Coin Production Facilities](#)

[Preparation of Working Dies from Original Coin Designs](#)

SEE ALSO

[FAQs about Currency](#)

[FAQs about Coins](#)

[FAQs about Tours of Treasury Facilities](#)

coins bear the inscription. Later, the motto was found missing from the new design of the **double-eagle gold coin** and the **eagle gold coin** shortly after they appeared in 1907. In response to a general demand, Congress ordered it restored, and the Act of May 18, 1908, made it mandatory on all coins upon which it had previously appeared. IN GOD WE TRUST was not mandatory on the **one-cent coin** and **five-cent coin**. It could be placed on them by the Secretary or the Mint Director with the Secretary's approval.

The motto has been in continuous use on the **one-cent coin** since 1909, and on the **ten-cent coin** since 1916. It also has appeared on all gold coins and **silver dollar coins**, **half-dollar coins**, and **quarter-dollar coins** struck since July 1, 1908.

A law passed by the 84th Congress (P.L. 84-140) and approved by the President on July 30, 1956, the President approved a Joint Resolution of the 84th Congress, declaring IN GOD WE TRUST the national motto of the United States. IN GOD WE TRUST was first used on paper money in 1957, when it appeared on the one-dollar **silver certificate**. The first paper currency bearing the motto entered circulation on October 1, 1957. The Bureau of Engraving and Printing (BEP) was converting to the dry intaglio printing process. During this conversion, it gradually included IN GOD WE TRUST in the back design of all classes and denominations of currency.

As a part of a comprehensive modernization program the BEP successfully developed and installed new high-speed rotary intaglio printing presses in 1957. These allowed BEP to print currency by the dry intaglio process, 32 notes to the sheet. One-dollar **silver certificates** were the first denomination printed on the new high-speed presses. They included IN GOD WE TRUST as part of the reverse design as BEP adopted new dies according to the law. The motto also appeared on one-dollar **silver certificates** of the 1957-A and 1957-B series.

BEP prints United States paper currency by an intaglio process from engraved plates. It was necessary, therefore, to engrave the motto into the printing plates as a part of the basic engraved design to give it the prominence it deserved.

One-dollar silver certificates series 1935, 1935-A, 1935-B, 1935-C, 1935-D, 1935-E, 1935-F, 1935-G, and 1935-H were all printed on the older flat-bed presses by the wet intaglio process. P.L. 84-140 recognized that an enormous expense would be associated with immediately replacing the costly printing plates. The law allowed BEP to gradually convert to the inclusion of IN GOD WE TRUST on the currency. Accordingly, the motto is not found on series 1935-E and 1935-F one-dollar notes. By September 1961, IN GOD WE TRUST had been added to the back design of the Series 1935-G notes. Some early printings of this series do not bear the motto. IN GOD WE TRUST appears on all series 1935-H one-dollar silver certificates.

Below is a listing by denomination of the first production and delivery dates for currency bearing IN GOD WE TRUST:

DENOMINATION PRODUCTION DELIVERY

\$1 Federal Reserve Note	<u>February 12, 1964</u>	<u>March 11, 1964</u>
\$5 United States Note	<u>January 23, 1964</u>	<u>March 2, 1964</u>
\$5 Federal Reserve Note	<u>July 31, 1964</u>	<u>September 16, 1964</u>
\$10 Federal Reserve Note	<u>February 24, 1964</u>	<u>April 24, 1964</u>
\$20 Federal Reserve Note	<u>October 7, 1964</u>	<u>October 7, 1964</u>
\$50 Federal Reserve Note	<u>August 24, 1966</u>	<u>September 28, 1966</u>
\$100 Federal Reserve Note	<u>August 18, 1966</u>	<u>September 27, 1966</u>



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)
[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [PREV LIST](#) [NEXT LIST](#) [BOTTOM](#) [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

 Start List At: OR Jump to record: **63 Records(s) found (This page: 1 ~ 50)**

 Refine Search

Current Search: S1: (live)[LD] AND (in we trust)[COMB] docs: 63 occ: 563

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78691130	IN GOD WE TRUST	TARR	LIVE
2	78686623	IN QUADS WE TRUST	TARR	LIVE
3	78644090	IN BEAUTY WE TRUST	TARR	LIVE
4	78348561 2970210	TOOL TROLLEY, LLC WWW.TOOLTROLLEY.COM TOOL TROLLEY MADE IN USA HAND-HELD POWER TOOL TROLLEYS FOR IMPROVED ACCURACY AND SAFETY IN GOD WE TRUST	TARR	LIVE
5	78441161	IN ROCK WE TRUST	TARR	LIVE
6	78441158	IN ROCK WE TRUST	TARR	LIVE
7	78441156	IN ROCK WE TRUST	TARR	LIVE
8	78368273	IN GOD WE STILL TRUST	TARR	LIVE
9	78319274 2965001	MISS CHRISTIAN AMERICA IN GOD WE TRUST	TARR	LIVE
10	78654325	IN PIZZA WE TRUST	TARR	LIVE
11	78412598	THE SEMINOLE TRIBE OF FLORIDA, INC. IN GOD WE TRUST	TARR	LIVE
12	78579514	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST EST. 2002	TARR	LIVE
13	78560874	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST TEMPE, AZ EST. 2002	TARR	LIVE
14	78560758	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST TEMPE, AZ EST. 2002	TARR	LIVE
15	78597134	IN GOOD TIMES WE TRUST THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST EST. 2002	TARR	LIVE
16	78584785	IN BLUES WE TRUST	TARR	LIVE
17	78287068 2927850	SCAM-CO.'S REAL "I LOVE YOU" PENNY LINCOLN LOOKS AT HEART WITH THREE MOST IM-PORTANT WORDS EN-GRAVED WITHIN. EXCEL-LENT GIFT FOR SOMEONE SPECIAL. 5996. LOVE PENNY. EACH 65 . 3 FOR \$1.50 IN GOD WE TRUST LIBERTY I LOVE YOU 2004 D	TARR	LIVE
18	78310673	IN GOOD WE TRUST	TARR	LIVE
19	78480864	IN BRUSH WE TRUST THE TOOTH OF THE LIBERTY	TARR	LIVE
20	78455605	IN PROCESS ONE WE TRUST	TARR	LIVE
21	78084308	THE IN GOD WE TRUST BEAR	TARR	LIVE
22	78320644	IN GOD WE STILL TRUST	TARR	LIVE
23	78066777 2684757	MARGARITA MASTERS IN LIME WE TRUST PARTY ANIMAL	TARR	LIVE
24	78031923 2670291	IN COD WE TRUST	TARR	LIVE
25	78025723 2703212	DOGMA IN DOGS WE TRUST GOURMET DOG BAKERY & BOUTIQUE	TARR	LIVE
26	76610232	IN TEA WE TRUST	TARR	LIVE
27	76641975	IN KIDS WE TRUST. ONE CARING KIDS CONTRIBUTION. KIDS CHANGE.	TARR	LIVE
28	76580314 2951132	IN GOD WE TRUST - ALL OTHERS WE TEST	TARR	LIVE
29	76633342	IN GROMS WE TRUST	TARR	LIVE
30	76633167	IN GOD WE MUST TRUST	TARR	LIVE
31	76626939	CHRIST IN WHOM WE ALL TRUST	TARR	LIVE

EXHIBIT B

32	76509528	2878675	IN HOUSE WE TRUST.	TARR	LIVE
33	76599131		MCGOVERN'S TAVERN - "IN GOD WE TRUST ALL OTHERS PAY!"	TARR	LIVE
34	76042766	2516726	IN GOD WE TRUST	TARR	LIVE
35	76042703	2516724	THE NICKEL CARD IN GOD WE TRUST	TARR	LIVE
36	76496620		VPDU VIDEO PRODUCTS DISTRIBUTORS INC. UNIVERSITY FOUNDED 2003 "IN WOW WE TRUST"	TARR	LIVE
37	76496618		IN WOW WE TRUST	TARR	LIVE
38	76142103	2782363	IN BEARS WE TRUST	TARR	LIVE
39	76328320	2751933	INDIA GROCERS IG WE TRUST IN GOD	TARR	LIVE
40	76226539	2617340	IN GOD WE TRUST LIBERTY 1989 KC	TARR	LIVE
41	76130482	2720388	HEAVEN ON EARTH IN GOD WE TRUST HOLY BIBLE	TARR	LIVE
42	76032953	2638115	FLORIDA SHERIFFS ASSOCIATION IN GOD WE TRUST	TARR	LIVE
43	75911581	2514200	LIBERTY IN GOD WE TRUST	TARR	LIVE
44	75272613	2229968	MONEY MAGIC INC IN GOD WE TRUST	TARR	LIVE
45	75541083		IN GOD WE MUST TRUST! AS THE YEAR 2,000 COMES! OUR ONLY HOPE OF GLORY!	TARR	LIVE
46	75960001	2889443	N.Y. DIMEPIECES BEAUTY WITHIN IN GOD WE TRUST	TARR	LIVE
47	75107768	2050935	IN BLUES WE TRUST	TARR	LIVE
48	75375264	2231755	IN ODD WE TRUST	TARR	LIVE
49	75123231	2113666	"IN FRIES WE TRUST"	TARR	LIVE
50	75123229	2117541	"IN FRIES WE TRUST"	TARR	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [PREV LIST](#) [NEXT LIST](#) [TOP](#) [HELP](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT PREV LIST NEXT LIST BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **63 Records(s) found (This page: 51 ~ 63)**

Refine Search (live)[LD] AND (in we trust)[COMB] Submit

Current Search: S1: (live)[LD] AND (in we trust)[COMB] docs: 63 occ: 563

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
51	75823022	2440359 FIVELINE IN GOD WE TRUST LIBERTY 1999	TARR	LIVE
52	75704615	2359917 IN GOD WE TRUST AMERICAN MERCANTILE EXCHANGE	TARR	LIVE
53	75639039	2366011 DENIM FOUNDATION IN DENIM WE TRUST	TARR	LIVE
54	75594430	IN G.D WE TRUST	TARR	LIVE
55	75554923	2320744 IN GOLD WE TRUST	TARR	LIVE
56	75525697	2306632 IN PETS WE TRUST PASSPORT	TARR	LIVE
57	74325202	1880102 UNIVERSITY OF FLORIDA 1853 CIVIUM IN MORIBUS REI PUBLICAE SALUS IN GOD WE TRUST	TARR	LIVE
58	74480363	1981453 IN BLUES WE TRUST	TARR	LIVE
59	74287932	1799536 IN BAGELS WE TRUST	TARR	LIVE
60	74284065	1879339 FREDDIE & THE FLIPSIDE IT MOVES IT SOOTHES IT GROOVES IN FUNK WE TRUST F	TARR	LIVE
61	73265780	1203148 IN TRAVERS WE TRUST	TARR	LIVE
62	73818528	1781776 MR. GOODCENTS SUB-SANDWICHES PASTAS LIBERTY IN GOD WE TRUST 1989 KC	TARR	LIVE
63	89001000	SEMINOLE TRIBE OF FLORIDA, INC. IN GOD WE TRUST	TARR	LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT PREV LIST NEXT LIST TOP HELP

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 32 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN HOUSE WE TRUST.
Goods and Services IC 009. US 021 023 026 036 038. G & S: series of musical sound recordings, pre-recorded compact discs, audio cassettes, digital video discs, phonograph records and digital audio files featuring music. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100
Mark Drawing Code (1) TYPED DRAWING
Serial Number 76509528
Filing Date April 25, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 8, 2004
Registration Number 2878675
Registration Date August 31, 2004
Owner (REGISTRANT) Deep Dish Records, Inc. CORPORATION D.C. c/o Kurosh Nasser, Esq. 3207a M Street, N.W., 3rd Floor Washington D.C. 20007
Attorney of Record Kurosh Nasser
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 24 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN COD WE TRUST
Goods and Services IC 042. US 100 101. G & S: Restaurant Services. FIRST USE: 20020410. FIRST USE IN COMMERCE: 20020410
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78031923
Filing Date October 23, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 10, 2001
Registration Number 2670291
Registration Date December 31, 2002
Owner (REGISTRANT) A SALT & BATTERY, LLC Limited Liability Company NEW YORK 112 Greenwich Avenue New York NEW YORK 10011
Attorney of Record Steven M. Kaplan
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

Trademark Electronic Search System(Tess)

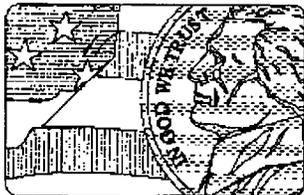
TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: _____ OR Jump to record: _____ **Record 34 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark IN GOD WE TRUST
Goods and Services IC 036. US 100 101 102. G & S: prepaid telephone calling card services. FIRST USE: 19981230. FIRST USE IN COMMERCE: 19981230
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 010103 010110 010111 240701 240905
Serial Number 76042766
Filing Date May 8, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 18, 2001
Registration Number 2516726
Registration Date December 11, 2001
Owner (REGISTRANT) Ultimate Communications, Inc. CORPORATION TEXAS 10400 Westoffice Dr., Suite 112 Houston TEXAS 77042
Attorney of Record Guy E. Matthews
Description of Mark The mark is lined for the color(s) red, blue and silver.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

| [HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 38 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN BEARS WE TRUST
Goods and Services IC 035. US 100 101 102. G & S: mail order, retail store, mail order catalog services, wholesale and retail distributorship and store services in the field of stuffed toy animals and plush toy animals, dolls and accessories therefor, including sales over the Internet; product demonstrations on toy making. FIRST USE: 20030127. FIRST USE IN COMMERCE: 20030127
Mark Drawing Code (1) TYPED DRAWING
Serial Number 76142103
Filing Date October 6, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition June 19, 2001
Registration Number 2782363
Registration Date November 11, 2003
Owner (REGISTRANT) ADOPT-A-BEAR FACTORY, L.L.C. LIMITED LIABILITY COMPANY LOUISIANA 628 GAYNELL STREET HOUMA LOUISIANA 70364
Attorney of Record Seth M. Nehrbass
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC
 LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 47 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN BLUES WE TRUST
Goods and Services IC 042. US 100 101. G & S: restaurant and bar services. FIRST USE: 19921100. FIRST USE IN COMMERCE: 19921100
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75107768
Filing Date May 21, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 14, 1997
Registration Number 2050935
Registration Date April 8, 1997
Owner (REGISTRANT) House of Blues Brands Corp. CORPORATION DELAWARE 8439 Sunset Boulevard, Suite 107 West Hollywood CALIFORNIA 90069
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record KIRT S. O'NEIL
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC
 LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

[Trademarks](#) > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 48 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN ODD WE TRUST
Goods and Services IC 009. US 021 023 026 036 038. G & S: computer game programs; computer game programs recorded on CD-ROM. FIRST USE: 19970919. FIRST USE IN COMMERCE: 19970919
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75375264
Filing Date October 17, 1997
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 22, 1998
Registration Number 2231755
Registration Date March 16, 1999
Owner (REGISTRANT) Oddworld Inhabitants, Inc. CORPORATION DELAWARE 869 Monterey Street San Luis Obispo CALIFORNIA 934013224
Attorney of Record WILLIAM O. FERRON, JR.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

[Trademarks](#) > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 49 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark "IN FRIES WE TRUST"
Goods and Services IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19951021. FIRST USE IN COMMERCE: 19951021
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75123231
Filing Date June 21, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 26, 1997
Registration Number 2113666
Registration Date November 18, 1997
Owner (REGISTRANT) GINSBURG, MARK INDIVIDUAL UNITED STATES 31 CONKLIN TERRACE EAST HAMPTON NEW YORK 119372292
Attorney of Record JAMES L. BIKOFF
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 50 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark "IN FRIES WE TRUST"
Goods and Services IC 029. US 046. G & S: processed foods, namely, potatoes prepared for human consumption. FIRST USE: 19951021. FIRST USE IN COMMERCE: 19951021
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75123229
Filing Date June 21, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 9, 1997
Registration Number 2117541
Registration Date December 2, 1997
Owner (REGISTRANT) GINSBURG, MARK INDIVIDUAL UNITED STATES 31 CONKLIN TERRACE EAST HAMPTON NEW YORK 119372292
Attorney of Record JAMES L. BIKOFF
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 55 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN GOLD WE TRUST
Goods and Services IC 014. US 002 027 028 050. G & S: jewelry and precious metalware, all of which are made of wholly or in substantial part of gold, namely, rings, charms, bracelets, earrings, necklaces, and other similar types of personal jewelry. FIRST USE: 19970303. FIRST USE IN COMMERCE: 19970615
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75554923
Filing Date September 17, 1998
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 30, 1999
Registration Number 2320744
Registration Date February 22, 2000
Owner (REGISTRANT) SuMer Gold, Ltd. CORPORATION NEW YORK 33 West 46th Street, 4th Floor New York NEW YORK 10036
Attorney of Record JEFFREY E. JACOBSON
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GOLD" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 58 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN BLUES WE TRUST
Goods and Services IC 025. US 022 039. G & S: clothing; namely, shirts, hats, jackets. FIRST USE: 19941101. FIRST USE IN COMMERCE: 19941101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74480363
Filing Date January 18, 1994
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition August 30, 1994
Registration Number 1981453
Registration Date June 18, 1996
Owner (REGISTRANT) House of Blues Brands Corp. CORPORATION DELAWARE 114 Mt. Auburn Street Cambridge MASSACHUSETTS 02138
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record KIRT S O'NEILL
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

[Trademarks](#) > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)

[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 59 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN BAGELS WE TRUST
Goods and Services IC 030. US 046. G & S: bagels. FIRST USE: 19920617. FIRST USE IN COMMERCE: 19920617
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74287932
Filing Date June 24, 1992
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 27, 1993
Registration Number 1799536
Registration Date October 19, 1993
Owner (REGISTRANT) BAGELS FOREVER, INC. DBA 1ST NATIONAL BAGEL COMPANY CORPORATION WISCONSIN 2947 University Avenue Madison WISCONSIN 53705
Attorney of Record JILL ANDERFUREN
Prior Registrations 1598846
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAGELS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030903.
Renewal 1ST RENEWAL 20030903
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)

[LAST DOC](#)

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 61 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark IN TRAVERS WE TRUST

Goods and Services IC 042. US 101. G & S: Retail and Wholesale Mail Order Services in the Field of Rare Coins. FIRST USE: 19800411. FIRST USE IN COMMERCE: 19800411

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 73265780

Filing Date June 9, 1980

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition May 4, 1982

Registration Number 1203148

Registration Date July 27, 1982

Owner (REGISTRANT) Travers; Scott A. d.b.a. Scott Travers Rare Coin Galleries INDIVIDUAL UNITED STATES F.D.R. Station, P.O. Box 1711 New York NEW YORK 101501711

Attorney of Record ARNOLD I RADY

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20021018.

Renewal 1ST RENEWAL 20021018

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)

[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#)
[List At:](#)
[OR](#)
[Jump](#)
[to record:](#)
Record 1 out of 63

[TARR Status](#)
[ASSIGN Status](#)
[TDR Status](#)
[TTAB Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

IN GOD WE TRUST

Word Mark	IN GOD WE TRUST
Goods and Services	IC 036. US 100 101 102. G & S: Credit and cash card services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78691130
Filing Date	August 11, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Healthynations Int., LLC LTD LIAB CO DELAWARE 1781 Liberty Street SE Salem OREGON 97302
Attorney of Record	David J. Simonelli
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)

[LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 2 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN QUADS WE TRUST

Word Mark IN QUADS WE TRUST
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, T-shirts, knit shirts, button-front shirts, pull-over shirts, blouses, sweaters, vests, jackets, coats, shorts, casual pants, jeans, socks, boots, gloves, hats, camps, and bandanas
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78686623
Filing Date August 5, 2005
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Woodlark Circle, Inc. CORPORATION PENNSYLVANIA 2261 Woodlark Circle Bethlehem PENNSYLVANIA 18017
Attorney of Record Samuel W. Apicelli
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: _____ OR Jump to record: _____ **Record 3 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN BEAUTY WE TRUST

Word Mark IN BEAUTY WE TRUST

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, after shave, after shave balm, age spot lightener, antiperspirant, aromatic shower steam, astringent for the face, astringent for the skin, bath beads, bath cream, bath cubes, bath fizzies, bath foam, bath milk, bath oil, bath salts, bath soaks, blemish corrector, blemish stick, blush, body balm, body bar, body butter, body cream, body essence, body gel, body glitter, body jewels, body lotion, body luster, body mask, body mist, body oil, body paint, body powder, body scrub, body smoother, body soap, body splash, body wash, bubble bath, buffing bar, cologne, concealer, cream body wash, cream cleanser, cuticle cream, cuticle cream stick, cuticle oil pen, deodorant, eau de toilette, essential oils, exfoliator for the feet, eye block, eye brow liner, eye cream, eye gel, eye liner, eye mask, eye repair, eye shadow, eye treatment preparation, face balm, face block, face cleanser, face cream, face gel, face lotion, face mask, face mist, face moisturizer, face polisher, face powder, face scrub, face soap, face wash, facial cloths, firming lotion treatment, foam bath, foot cream, foot lotion, foot powder, foot scrub, foot soak, foot spray, foundation, gel face wash, glycerin soap, hair conditioner, hair detangler, hair dye, hair gel, hair glitter, hair inhibitor lotion, hair mascara, hair mist, hair pomade, hair reconstructor, hair removing cream, hair repair, hair rinse, hair shampoo, hair shine serum, hair spray, hair straightener, hair styling mousse, hand balm, hand cleansing spray, hand cream, hand exfoliator, hand lotion, hand renewer, hand soap, hand wash, nasal inhaler, leg bronzer, leg refresher, line prevention concentrate, line prevention serum, line reducing concentrate, line reducing serum, lip balm, lip block, lip gloss, lip liner, lip paint, lip protector, lip shine, lip stick, lip tint, lip treatment preparation, mascara, massage cream, massage lotion, massage oil, mineral bath, mood enhancing massage ointment, mood enhancing mist, mood enhancing skin cream, muscle soak, nail corrector pen, nail cream, nail polish, nail polish remover, nail stencils, night eye cream, night nourishing cream, oil blotting sheets for the skin, oil spray, penetrating rub, perfume, perfume oils, pillow mist, post-suntanning lotion for the body, potpourri, powder for the feet, pre-suntanning lotion for the body, pulse point cream, pulse point therapy, pumice stones for personal use, refills for electric room fragrance dispensers, room fragrance spray, sachets, salt scrub, sea salt exfoliator, self tanning preparation, shaving cream, shea butter hand cream, shea butter treatment stick, shimmer body lotion, shimmer body puff, shower cream, shower foam, shower gel, shower scrub, skin bronzing cream, skin cleansing wipes, skin cream, skin exfoliator, skin lotion, skin mattifier, skin moisturizer, skin polisher, skin scrub, skin serum, smoothing oil, soap, sparkle nail polish, steam inhalator, styling foam, sugar scrub, sun screen, sunblock for the body, sunblock for the face, sunless tanning cream, sunless tanning lotion for the body, sunless tanning lotion for the face, suntan lotion for the body, suntan lotion for the face, talcum powder, under eye patches and vapor ointment

IC 018. US 001 002 003 022 041. G & S: cosmetic bags, clutches, purses, shopping totes

IC 025. US 022 039. G & S: clothing namely, tank shirts, sleep masks, slippers, tee shirts, pants, shorts, robes, pajamas

IC 035. US 100 101 102. G & S: retail store services in the field of personal care and home fragrance products and accessories

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78644090

Filing Date June 6, 2005

Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Bath & Body Works, Inc. CORPORATION DELAWARE 7 Limited Parkway East Reynoldsburg OHIO 43068
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE ONLY](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)
[LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC
 LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 5 out of 130**

TARR Status ASSIGH Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN ROCK WE TRUST

Word Mark IN ROCK WE TRUST
Goods and Services IC 025. US 022 039. G & S: Clothing for men, women and children, namely, coats, jackets, vests, pants, slacks, trousers, jeans, gym suits, jogging suits, sweat pants, shorts, skirts, dresses, blouses, halter tops, tank tops, t-shirts, sweatshirts, camisoles, under garments, robes, pajamas, socks, head wear, hats, caps, bandanas, scarves, belts, beach coverups
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78441161
Filing Date June 25, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition June 7, 2005
Owner (APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
Attorney of Record Robert Carson Godbey
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC
 LAST DOC

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks - Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 6 out of 130

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN ROCK WE TRUST

Word Mark IN ROCK WE TRUST
Goods and Services IC 018. US 001 002 003 022 041. G & S: Handbags, shoulder bags, purses, wallets, bill folds, credit card holders, coin purses, tote bags, backpacks, briefcases, attaches, travel bags, duffel bags, satchels, suitcases, key cases, leather key chains
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78441158
Filing Date June 25, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition June 7, 2005
Owner (APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
Attorney of Record Robert Carson Godbey
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME | NEW USER | STRUCTURED | FREE FORM | Browse Dict | BOTTOM | HELP | PREV LIST | CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: [] OR Jump to record: [] Record 7 out of 130

TARR Status | ASSIGN Status | TDR Status | TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN ROCK WE TRUST

Word Mark	IN ROCK WE TRUST
Goods and Services	IC 014. US 002 027 028 050. G & S: Jewelry, and belt buckles made of precious metal
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78441156
Filing Date	June 24, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	June 7, 2005
Owner	(APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
Attorney of Record	Robert Carson Godbey
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME | NEW USER | STRUCTURED | FREE FORM | Browse Dict | TOP | HELP | PREV LIST | CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 10 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN PIZZA WE TRUST

Word Mark IN PIZZA WE TRUST
Goods and Services IC 039. US 100 105. G & S: pizza delivery services. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
 IC 030. US 046. G & S: pizza. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78654325
Filing Date June 20, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Madison's Dough Boys Inc. CORPORATION WISCONSIN 2916 Atwood Madison WISCONSIN 53704
Attorney of Record Amie B. Trupke
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: [] OR Jump to record: [] Record 16 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN BLUES WE TRUST

Word Mark	IN BLUES WE TRUST
Goods and Services	IC 041. US 100 101 107. G & S: Casino entertainment services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78584785
Filing Date	March 10, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) House of Blues Brands Corp. CORPORATION DELAWARE 6255 Sunset Boulevard, 16th Floor Hollywood CALIFORNIA 90028
Attorney of Record	Kirt S. O'Neill
Prior Registrations	1981453;2050935
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dictionary BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 18 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN GOOD WE TRUST
Goods and Services IC 025. US 022 039. G & S: Shirts and Hats. FIRST USE: 20030907. FIRST USE IN COMMERCE: 20031003
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78310673
Filing Date October 7, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Reitzfeld, Sidney, P. Peter Reitzfeld, U.S. citizen Sidney Reitzfeld, U.S. citizen PARTNERSHIP NEW YORK 4R 256 Bergen St. brooklyn NEW YORK 11217
(APPLICANT) Reitzfeld, Peter, S. Peter Reitzfeld, U.S. citizen Sidney Reitzfeld, U.S. citizen PARTNERSHIP NEW YORK 6K 81 Ocean Parkway brooklyn NEW YORK 11218
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dictionary TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 20 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark IN PROCESS ONE WE TRUST
Goods and Services IC 042. US 100 101. G & S: legal services consisting of but not limited to process serving. FIRST USE: 20040301. FIRST USE IN COMMERCE: 20041220
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 021107 200309 260108 260121
Serial Number 78455605
Filing Date July 23, 2004
Current Filing Basis 1A;1B
Original Filing Basis 1A;1B
Owner (APPLICANT) goodman,henry todd henry todd goodman SOLE PROPRIETORSHIP NEW YORK lower levle 647 franklin avenue garden city NEW YORK 11530
Description of Mark The color(s) copper and black is/are claimed as a feature of the mark. The mark consists of the letters in black and the backround in copper.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks - Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 26 out of 63

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN TEA WE TRUST

Word Mark IN TEA WE TRUST
Goods and Services IC 030. US 046. G & S: coffees and teas
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76610232
Filing Date September 7, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) MITEA Inc. CORPORATION ILLINOIS 1855 N. Dayton Street Chicago ILLINOIS 60614
Attorney of Record Scott J. Slavick
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 29 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN GROMS WE TRUST

Word Mark IN GROMS WE TRUST

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: publications/articles within a magazine relating to water surfing. FIRST USE: 20040600. FIRST USE IN COMMERCE: 20040600

IC 025. US 022 039. G & S: clothing, namely T-shirts. FIRST USE: 20040600. FIRST USE IN COMMERCE: 20040600

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 76633342

Filing Date March 9, 2005

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) MUNDORAD LLC LIMITED LIABILITY CORPORATION FLORIDA 2742 Biscayne Boulevard Miami FLORIDA 33137

Attorney of Record Yaté K. Cutliff

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [BOTTOM](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#)

[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 37 out of 63**

[TARR Status](#) | [ASSIGN Status](#) | [TBR Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	IN WOW WE TRUST
Goods and Services	IC 035. US 100 101 102. G & S: WHOLESALE DISTRIBUTORSHIP OF VIDEO AND AUDIO CASSETTES, TAPES AND DVD'S
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76496618
Filing Date	March 12, 2003
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	May 11, 2004
Owner	(APPLICANT) Video Products Distributors, Inc. CORPORATION CALIFORNIA 150 Parkshore Drive Folsom CALIFORNIA 95630
Attorney of Record	Peter M. Eichler
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [TOP](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#)

[LAST DOC](#)

| [HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)

[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 54 out of 63**

[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark IN G.D WE TRUST
Goods and Services IC 025. US 022 039. G & S: Exercise wear, dancewear, and sportswear, namely, bodysuits, catsuits, unitards, jumpsuits, dresses, rompers, tops, bra tops, leotards, sweaters, cardigans, sweat shirts, tee-shirts, jackets, skirts, sweat pants, stirrup pants, shorts, leggings, tights, hosiery, leg warmers, bike tights, ankle tights, belts, swimsuits, hats and headbands
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75594430
Filing Date November 24, 1998
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) The Weekend Exercise Company, Inc. CORPORATION CALIFORNIA 8960 Carroll Way San Diego CALIFORNIA 92121
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Chris Wilson
Prior Registrations 1992172;1994239;2063554;2111175;2137901;2151498;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#)

[LAST DOC](#)

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Aug 24 04:17:07 EDT 2005

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 7 out of 63**

TARR Status ASSIGN Status TDR Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

IN ROCK WE TRUST

Word Mark IN ROCK WE TRUST
 Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry, and belt buckles made of precious metal
 Standard Characters Claimed
 Mark Drawing Code (4) STANDARD CHARACTER MARK
 Serial Number 78441156
 Filing Date June 24, 2004
 Current Filing Basis 1B
 Original Filing Basis 1B
 Published for Opposition June 7, 2005
 Owner (APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
 Attorney of Record Robert Carson Godbey
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-08-24 21:37:26 ET

Serial Number: 78441156

Registration Number: (NOT AVAILABLE)

Mark

IN ROCK WE TRUST

(words only): IN ROCK WE TRUST

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2005-07-15

Filing Date: 2004-06-24

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
KRISP JENNIFER MARIE Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-04-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Celebrities Publishing Corporation

Address:
Celebrities Publishing Corporation
328 Front Street
Lahaina, HI 96761
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Hawaii

GOODS AND/OR SERVICES

International Class: 014
Jewelry, and belt buckles made of precious metal
First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2005-07-15 - Opposition instituted for Proceeding
- 2005-07-14 - Opposition papers filed
- 2005-06-07 - Published for opposition
- 2005-05-18 - Notice of publication
- 2005-02-17 - Law Office Publication Review Completed
- 2005-02-17 - Assigned To LIE
- 2005-02-02 - Approved for Pub - Principal Register (Initial exam)
- 2005-01-30 - Case file assigned to examining attorney
- 2004-06-30 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Robert Carson Godbey (Attorney of record)

ROBERT CARSON GODBEY
GODBEY GRIFFITHS REISS
SUITE 2300, PAUAHI TOWER 1001 BISHOP STR
EET
HONOLULU, HI 96813
Phone Number: 808-523-8894
Fax Number: 808-523-8899

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

House of Blues Brands Corp.,

Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,876

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO FRCP 12(b)(6), BRIEF IN SUPPORT OF MOTION, DECLARATION OF COUNSEL, Exhibits, and this CERTIFICATE OF SERVICE was duly served upon Opposer by first class mail, postage prepaid, on August 24, 2005 to its last known address set out below:

Kirt S. O'Neill
Marissa Lawson
Akin Gump Strauss Hauer & Feld LLP
P.O. Box 12870
San Antonio, Texas 78212

Attorneys for Opposer

DATED: Honolulu, Hawaii, August 24, 2005.

By:



Chad M. Iida
Attorney for Applicant