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

Proceeding	91177807
Party	Plaintiff 7-Eleven, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

7-ELEVEN, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91177807
	)	
SUSAN B. BUCENELL,	)	Serial No. 78/916,143
	)	
Applicant.	)	

**REPLY MEMORANDUM IN SUPPORT OF  
OPPOSER’S SUMMARY JUDGMENT MOTION**

**I. STATEMENT**

Opposer, 7-Eleven, Inc. (“7-Eleven”), files this reply memorandum of law, together with the Second Declaration of Jean M. Olsen, in further support of its summary judgment motion filed against applicant, Susan B. Bucenell (“Applicant”). For the reasons set forth below and in its opening memorandum, there is no genuine issue of material fact which would preclude a finding that Applicant’s trademark HEALTHY GULP for “pet beverages, namely vitamin, mineral, and supplement enriched flavored and plain purified bottled water for cats and dogs” is confusingly similar to 7-Eleven’s various registered and common law GULP Marks (as defined herein) for, *inter alia*, soft drinks, as well as for beverage containers and other goods, in violation of Section 2(d) of the United States Trademark Act of 1946, 15 U.S.C. § 1052(d). Consequently, 7-Eleven is entitled to judgment as a matter of law.

**II. ARGUMENT**

**A. Applicant Concedes Two of the Three Elements of 7-Eleven’s Section 2(d) Claim**

In response to 7-Eleven’s motion, Applicant does not contest two of the three elements of 7-Eleven’s Section 2(d) claim, namely that 7-Eleven has established: (i) it is the owner of valid trade identity rights in its GULP Marks for soft drinks, beverage containers and candy, including ownership of a family of GULP marks; and, (ii) *vis-à-vis* Applicant’s HEALTHY GULP mark, 7-Eleven’s GULP Marks have priority. *Compare* Opp. Mem. at 2-5 & 9 and Not. of Opp. ¶¶ 2 & 8, *with* App. Mem. at 2-4;

and Answer ¶¶ 2 & 8. Applicant's opposition to this motion is directed solely to the third claim element, namely, whether Applicant's use of its HEALTHY GULP mark would be likely to cause confusion with one or more of 7-Eleven's GULP Marks, including the family of GULP marks. *See* App. Mem. at 6-16.

**B. There is no Genuine Issue of Fact Respecting Likelihood of Confusion**

As detailed below, Applicant has failed to establish the existence of a genuine issue of material fact respecting any of the *Dupont* factors. *See* Opp. Mem. at 8-9. When applying applicable law to the uncontested facts, this Board should resolve all doubt as to such issues in favor of 7-Eleven. *See id.* at 9.

**1. 7-Eleven's GULP Marks are Strong**

The uncontested evidence of record, in particular 7-Eleven's federal trademark registrations, establishes each of 7-Eleven's GULP Marks are inherently distinctive. *See* Opp. Mem. at 9. Although Applicant fails to contest 7-Eleven's evidence of inherent distinctiveness (and, indeed, has explicitly admitted the validity of 7-Eleven's plead registrations), she incorrectly argues the Board held in *7-Eleven, Inc. v. Wechsler*, 83 U.S.P.Q.2d 1715, 1723 (T.T.A.B. 2007) that 7-Eleven's GULP Marks are not inherently distinctive, and 7-Eleven is collaterally estopped from arguing the inherent distinctiveness of its marks. App. Mem. at 6. The Board made no such holding. The portion of the decision cited by Applicant merely held 7-Eleven had established only that one of its GULP Marks – BIG GULP – was famous (*i.e.*, “has a very high degree of public recognition and renown.”). *Id.* at 1723. Indeed, to the contrary, the Board explicitly found the GULP Marks are at least “suggestive” and therefore inherently distinctive. *See id.* at 1721. Accordingly, there is no genuine issue respecting inherent distinctiveness.

In addition, there is no genuine issue respecting the fact that each of its GULP Marks enjoys acquired distinctiveness. Applicant does not contest 7-Eleven's substantial sales, advertising and marketing of its various GULP Marks branded goods over a period of four (4) decades. *Compare* Opp. Mem. at 9-10, *with* App. Mem. at 3-4 & 6-7. Applicant also admits 7-Eleven owns a family of GULP Marks. *Compare* Notice of Opposition ¶¶ 6 & 8, *with* Answer ¶¶ 6 & 8. As argued in its opening brief, each of these facts evidences acquired distinctiveness. *See* Opp. Mem. at 9-10. Moreover, Applicant

explicitly concedes that one plead mark, namely BIG GULP, “has a high degree of public recognition and renown” (*i.e.*, is famous) for soft drinks.<sup>1</sup> App. Mem. at 7 & 14; *See also supra* at 2 (*Wechsler* finding).

Applicant erroneously argues 7-Eleven is precluded by collateral estoppel from establishing the remainder of its GULP Marks, or the family of GULP marks, have acquired distinctiveness. *See* App. Mem. at 6 (citing *Wechsler*, 61 U.S.P.Q. at 1723). Applicant’s erroneously ignores well established principles that “[i]n trademark cases, *res judicata* must be carefully applied, since the facts of trademark usage and consumer recognition may have changed since the prior judgment was rendered.” 5 J.T. McCarthy, *McCarthy on Trademarks & Unfair Competition* §32:88 (4th ed. 2008); citing *Old Grantian Co. v. William Grant & Sons Ltd.*, 361 F.2d 1018, 1022, 150 U.S.P.Q. 58, 61 (C.C.P.A. 1966). The present record is materially different from *Wechsler* in multiple ways, including, *inter alia*, evidence of: (i) sales subsequent to 2001 through more than 2,000 *additional* store locations than were in evidence in the *Wechsler* matter, Brody Decl. ¶ 2, (ii) more than \$ 800,000,000.00 (eight-hundred million dollars) of additional sales subsequent to 2001, Brody Decl. ¶ 9; and (iii) the inclusion of additional registered marks among the GULP Marks, including PRO CAR GULP and TEAM GULP. Opp. Mem. at 3-4.

Furthermore, even if the Board found collateral estoppel applicable here, at most, the *Wechsler* decision stands for nothing more than that, with the exception of BIG GULP, neither the family of GULP marks, nor the other individual GULP Marks, were “famous” as of 2006 or 2007. The very fact there is a family of GULP marks evidences at least a material level of acquired distinctiveness. *See* Opp. Mem. at 10. Absent a material level of acquired distinctiveness in the family’s common “GULP” element, the multiple instances of fictitious “GULP” marks, *see, e.g.*, Opp. Mem. at 8 n. 5, would be pointless.

Finally with respect to collateral estoppel, regardless of the present fame of either the family of GULP Marks, or of the individual GULP Marks, the establishment of fame for BIG GULP is sufficient to establish that the strength of the senior user’s mark favors opposer. *Wechsler*, 83. U.S.P.Q.2d at 1723.

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<sup>1</sup> The term “soft drinks” means non-alcoholic drinks. *See* Second Declaration of Jean M. Olsen (“Second Olsen Decl.”), ¶¶ 3 & 4, Exs. B & C.

Although not the subject of argument in her opposition memorandum, Applicant has sought to introduce evidence of third party registrations<sup>2</sup> and purported third party use of marks incorporating the element ‘gulp.’ See Bucenell Decl. ¶¶ 29 & 30, Exhs. Q & R. Third party registrations, in the absence of evidence of actual use, are entitled to little weight on the question of strength of a mark in the likelihood of confusion analysis. *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005) (“[T]he significance of third party trademarks depends wholly upon their usage.”). Here, there is no evidence of use of such marks, or extent of any use. Moreover, even if Applicant had established and quantified use of the registered marks, such evidence would be irrelevant to the strength of 7-Eleven’s marks because such marks are either (i) wholly different from the marks at issue in this proceeding,<sup>3</sup> (ii) are for goods or services wholly unrelated or less closely related to non-alcoholic beverages,<sup>4</sup> or (iii) both.<sup>5</sup> Bucenell Decl., ¶ 29, Exh. Q.

The scant common law materials culled from the Internet by applicant, Bucenell Decl., ¶ 30, Exh. R, are either irrelevant or immaterial, and in any case are to be regarded not as evidence of trademark use, but only for what is shown on their face, *i.e.* the website existed at the time the declarant accessed it. TBMP § 704.08; *Life Zone Inc. v. Middleman Group, Inc.*, 87 U.S.P.Q.2d 1953, 1959 (T.T.A.B. 2008). Internet evidence is not presumed to be self authenticating and its reliability is suspect, of limited probative value. TBMP §§ 528.05(e) & 704.08; *Sports Authority Michigan, Inc. v. PC Authority, Inc.*, 63 U.S.P.Q.2d 1782, 1798 (T.T.A.B. 2002). Applicant provided no evidence of actual use, nor extent of any such use, nor any information on extent public has seen the web pages.

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<sup>2</sup> Two of which are not registered: App. No. 78/931,834 GULP (flower containers) and App. No. 77/017,948 GULP (financial services). Third party applications have no probative value. *In re Toshiba Medical Systems Corp.*, 91 U.S.P.Q.2d 1266, 1270, n.8 (T.T.A.B. 2009).

<sup>3</sup> *E.g.*, Reg. No. 2,033,658 SIP BY SIP RATHER THAN GULP BY GULP.

<sup>4</sup> *E.g.*, Reg. No. 3,436,490 GULPY (pet accessories); App. No. 78/931,834 GULP (flower containers); App. No. 77/017,948 GULP (financial services); Reg. No. 2,667,885 GULP (office, telecommunication, and scientific services); Reg. No. 2,902,123 GULP! and Reg. No. 3,300,117 GULP! ALIVE (fishing lures); Reg. No. 1,984,336 GULP! and; Reg. No. 3,266,342 MAXIGULP (cleaning equipment).

<sup>5</sup> *E.g.*, Reg. No. 1,984,338 GULP! GUARANTEED LOWEST PRICING! WE WILL BEAT ANY VERIFIABLE PRICE (photography catalog services)

Moreover, Applicant's few common law references are irrelevant because the marks, with one possible exception, are for goods or services wholly unrelated or less closely related to non-alcoholic beverages,<sup>6</sup> as well as wholly different from the marks at issue in this proceeding.<sup>7</sup> The sole exception being the GOOGLE GULP drink which is a parody evoking 7-Eleven's GULP Marks by using the common structure of the 'gulp' family of marks. Namely, the word "gulp" preceded by a modifying adjective, and thus actually evidencing the renown of 7-Eleven's family of GULP Marks.

## 2. Similarity of the Marks

Applicant seeks to disregard the law with respect to infringement of a family of marks and does not acknowledge the proper infringement standard here is ". . . whether applicant's mark would be likely to be viewed as a member of Opposer's 'Gulp' family of marks." *Compare* Opp. Mem. at 17, *with* App. Mem. at 13-14. Applicant admits that her HEALTHY GULP mark falls within the pattern of 7-Eleven's family of GULP mark, namely ". . . consist[ing] of the word 'Gulp' and the word 'Gulp' preceded by a modifying adjective (e.g., Big, Super Big, Double, X-Treme, etc.)." *Compare* Opp. Mem. at 17, *with* App. Mem. at 13. Applicant, however, erroneously argues that Applicant's HEALTHY GULP mark is dissimilar from 7-Eleven's marks, and, at least implicitly, the family of GULP marks, because the GULP Marks each incorporate a size adjective and her mark does not. *See* App. Mem. at 13. This is wrong; numerous GULP Marks do not contain a size adjective element, including, *inter alia*, GULP, TEAM GULP, CAR GULP and PRO CAR GULP. *See, e.g.,* Opp. Mem. at 4. Moreover, it is uncontested other marks which have come in and out of the GULP Marks group have included, *inter alia*, FRUIT GULP, WATER GULP, SNACK GULP and GUMMI GULP. *Compare* Opp. Mem. at 2-3, *with* App. Mem. at 4. Applicant's use of a non-size related adjective as an element of her mark does not remove HEALTHY GULP from the pattern of 7-Eleven's family of GULP marks.

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<sup>6</sup> *E.g.* GULP-IT (vending machine servicing company); BIG GULP GAMES (video game developer); BIG GULP INVASION (video game); BIG GULP FILMS (film production company); GULP (on student's imaginary branding project) *See* Second Olsen Decl., Ex. A at 8 (further background).

Applicant further erroneously argues the respective marks cannot be confusingly similar because of differences in the respective product labels and containers. *See* App. Mem. at 8 & 11. As a matter of law, such “evidence” is irrelevant because the determination of the likelihood of confusion in this proceeding is limited to a comparison of the applicant’s mark as applied for with the registrant’s marks. *Interstate Brands Corp. v. McKee Foods Corp.*, 53 U.S.P.Q.2d 1910, 1914-15 (T.T.A.B. 2000) (excluding accompanying house marks from confusion analysis); *Kimberly-Clark Corp. v. H. Douglas Enters., Ltd.*, 227 U.S.P.Q. 541, 543, 774 F.2d 1144, 1147 (Fed. Cir. 1985) (upholding T.T.A.B.’s disregard of applicant’s trade dress in comparison of marks). Whether or not applicant’s bottles display images of cats or dogs, and whether or not 7-Eleven’s products bear the 7-ELEVEN house mark is not relevant to the comparison of the similarities of the marks.<sup>8</sup> Further, 7-Eleven’s registrations for its GULP Marks for “soft drinks for consumption on and off the premises” are not limited to fountain beverages, but rather include any packaging, including cans and bottles. “Opposer’s rights are not to be tied to its current business practices, which may change at any time. Its rights are as broad as its registration . . . .” *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 685 (C.C.P.A. 1977) (finding opposer’s registration for “capacitors” was not limited to any particular size or purpose). In fact, the record shows opposer has at times offered soft drinks in bottles under one of its GULP Marks. *See* Opp. Mem at 2; Brody Decl. ¶ 6 & Ex. 3; App. Mem. at 4.

Applicant has raised no genuine issue as to applicant’s HEALTHY GULP mark fitting precisely the pattern of 7-Eleven GULP Marks. Applicant’s mark will be perceived by consumers as a member of 7-Eleven’s family of GULP marks.

Moreover, Applicant’s mark is likely to cause confusion with individual members of 7-Eleven’s

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<sup>7</sup> E.g. GULP DIVERS (foreign diving club), as foreign has no bearing on strength of marks in the U.S.; BERKLEY GULP! ALIVE (fishing lures); GULP!FICTION (creative writing class and related book).

<sup>8</sup> As applicant raised the issue of pet-related matter on her labels, Opposer notes that the main face of two of her labels do not identify the product as intended for pets. One identifies the product as “Peanut Butter Flavored Water” and another identifies the product as “Tuna Flavored Water”. Bucenell Decl. ¶ 11, Exh. G. Perhaps not a mainstream taste, but more unusual human products exist than such flavored waters.

family of GULP marks. Opp. Mem. at 17. Applicant's HEALTHY GULP mark, also to be used for non-alcoholic drinks, completely encompasses 7-Eleven's GULP mark, and utilizes the dominant 'gulp' element of 7-Eleven's BIG GULP mark, which Applicant admits to be famous. "[T]he fame of the mark must always be accorded full weight when determining the likelihood of confusion." *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1328, 54 U.S.P.Q.2d 1894, 1898 (Fed. Cir. 2000) (extending weight of fame of mark beyond goods for which mark used).<sup>9</sup> Opp. Mem. at 16-17.

### 3. The Relatedness of the Respective Goods

Applicant implicitly concedes:

- (i) A finding of likelihood of confusion is proper where a relationship exists between the parties' respective products such that persons encountering them under their respective marks are likely to assume they originate at the same source, or there is some association between sources.
- (ii) The greater the similarity of the respective marks, the less related need be the respective goods to support a finding of likelihood of confusion.
- (iii) Where the senior user's mark is "famous" (as Applicant concedes with at least respect to BIG GULP) protection should be accorded "independent of the consideration of the relatedness of the goods."

*Compare* Opp. Mem. at 16-17 & 18-19, *with* App. Mem at 8-9.

It is uncontroverted that there are numerous third party registrations establishing that a single source has registered a mark for both consumable products and consumable pet products. These evidence consumer understanding that consumable products, including beverages, and consumable pet products,

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<sup>9</sup> Applicant's reliance upon *Land O'Lakes, Inc. v. Land O'Frost, Inc.*, 224 U.S.P.Q. 1022 (T.T.A.B. 1984) (*See* App. Mem. at 15) is mistaken, as the instant case is distinguishable from both *Land O'Lakes* and *Wechsler*. In this instance there are no significant differences between the marks (*e.g.* HEALTHY GULP v. GULP or HEALTHY GULP v. family of GULP marks), and there *is* evidence of a persuasive rationale for association of applicant's mark with 7-Eleven's famous mark. Namely, 7-Eleven's family of GULP Marks, and 7-Eleven's history of using GULP formative marks on beverages as well as other goods.

including pet beverages, are types of goods emanating from a single source. *See* Opp. Mem. at 19-23.<sup>10</sup>

Applicant concedes that where opposing parties' respective marks are identical or highly similar, use by one party for human consumables and use by the other party on pet consumables supports a finding of likelihood of confusion. *Compare* Opp. Mem. at 19, *with* App. Mem at 8. As established above, Applicant's HEALTHY GULP mark exactly fits the pattern of 7-Eleven's GULP Family of Marks and is highly similar to one or more of the individual marks composing such family of marks. Further, 7-Eleven respectfully suggests Applicant's HEALTHY GULP mark is at least as similar to such 7-Eleven GULP Marks as the clearly satiric marks Applicant explicitly concedes to be "nearly identical" (*e.g.*, FIDO-LAY v. FRITO LAY, DOGIVA and CATIVA v. GODIVA). *Id.*

Nor does applicant dispute that "many retailers commonly sell human food and beverage products in proximity to edible pet products, including pet water." App. Mem. at 9. Applicant also admits the same stores that sell GULP Marks branded goods also sell pet products, including cat litter, pet food, and pet treats. App. Mem. at 5.

Further, applicant does not dispute that 7-Eleven has used its GULP Marks on an array of goods, *e.g.* bottled soft drinks, bottled water, fruit salads, candy, salty snacks, and promotional goods such as clothing, sporting goods, and beverage containers.<sup>11</sup> *Compare*, Opp. Mem. at 2-3 *with* App. Mem. at 3-4, & 10. Accordingly, there can be no genuine issue of fact that Applicant's pet beverage products are sufficiently related to 7-Eleven's human beverage products to support a finding of likelihood of confusion.

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<sup>10</sup> While not contesting the existence or validity of the third party registrations made of record by 7-Eleven, Applicant baldly argues that such third party registrants are not actually selling human and pet consumables. *See* App. Mem. at 8-9. Applicant has offered no evidence in support of her contention and her argument is entitled to no weight. It is well established that third party registrations issued based on use illustrate the relatedness of the identified goods or services. *Venture Out Properties LLC v. Wynn Resorts Holdings LLC*, 81 U.S.P.Q.2d 1887, 1892 (T.T.A.B. 2007).

<sup>11</sup> 7-Eleven presented evidence of sales of promotional goods via the Declaration of Evan Brody (*See* Brody Decl. ¶ 7). Applicant does not challenge the veracity of the Brody Declaration, but oddly asserts 7-Eleven did not evidence sales of promotional goods. App. Mem. at 10. Further, applicant herself presented the deposition of John Ryckevic in which she highlighted in yellow Mr. Ryckevic's testimony regarding personal experience purchasing such goods, and highlighted Mr. Ryckevic's testimony regarding special merchandise periodically offered in stores such as a *Simpsons* and BIG GULP drink-themed t-shirt. Bucenell Decl. ¶ 31, Exh. S, at 56:17-20 & 57:8-16.

#### 4. Consumer Care

Applicant's pet water, by her own testimony, is sold for \$1.31 per 20 ounce bottle. Bucenell Decl. ¶ 12; App. Mem. at 3 & 12. Even if consumers must purchase a minimum of 8 bottles at once and pay extra for shipping and handling, the total is only \$19.44. *Id.* Even a price of \$19.44 establishes Applicant's goods as inexpensive goods for which little consumer care will be exercised. *Palm Bay Imports, Inc.*, 396 F.3d at 1376, 73 U.S.P.Q.2d at 1695 (agreeing with Board champagne priced at \$25 will not give rise to a great deal of care).

#### 5. Marketing Channels and Methods

It is uncontroverted that the subject application is unrestricted as to channels of trade, and, therefore, that, as a matter of law, Applicant's goods are presumed to travel through all normal channels of trade for such goods. *Compare* Opp. Mem. at 24, with App. Mem. at 12; *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 950, 55 U.S.P.Q.2d 1842, 1848 (Fed. Cir. 2000)(where identification unlimited as to channels of trade or class of purchaser, Board must deem goods to travel in all appropriate trade channels to all potential purchasers.) It further is uncontroverted that soft drinks and consumable pet products are sold to consumers through overlapping trade channels, including convenience store channels, and 7-ELEVEN branded stores. *Compare* Opp. Mem. at 5-6 & 24, with App. Mem. at 4-5. Applicant admits 7-Eleven's stores sell pet products, including cat litter, pet food, and pet treats in the same stores it sells GULP Marks branded goods. App. Mem. at 5.

Applicant's efforts to avoid these facts are unavailing. The fact that Applicant's products purportedly have not been sold through convenience store channels previously in no way precludes her from employing such channels in the future. *Cunningham*, 222 F.3d at 950, 55 U.S.P.Q.2d at 1848. Applicant's proffered "stipulation" not to sell her HEALTHY GULP products through 7-ELEVEN branded stores, App. Mem. at 5 & 11, is meaningless (and unenforceable), and does not lessen the risk of likelihood of confusion resulting from sales through the same classes of retail outlets. *See Sally Beauty Co., Inc. v. Beautyco, Inc.*, 304 F.3d 964, 974-75, 64 U.S.P.Q.2d 1321, 1326 (10th Cir. 2002) (goods need

not be sold in same stores to be sold through same channels of trade).<sup>12</sup>

Additionally, it is uncontroverted that 7-Eleven and Applicant employ overlapping marketing methods; namely, both advertise and promote their respective products via the internet. *Compare* Opp. Mem. at 3 & 24, *with* App. Mem. at 3 & 12.

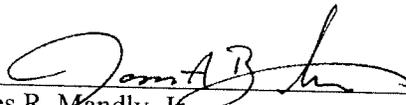
### **III. CONCLUSION**

In light of the foregoing, there are no genuine issues respecting: (i) 7-Eleven's ownership of its GULP Marks, including a family of GULP trademarks; (ii) the priority of 7-Eleven's GULP Marks *vis-à-vis* Applicant's HEALTHY GULP mark; and (iii) that Applicant's HEALTHY GULP mark is likely to be understood by consumers as a member of 7-Eleven's GULP family of trademarks, or is otherwise likely to be confused with one or more of 7-Eleven's GULP Marks. Accordingly 7-Eleven respectfully requests that summary judgment be entered against Applicant, and that the subject application be denied.

Dated: September 17, 2009

Respectfully submitted,

FOLEY & LARDNER LLP

  
\_\_\_\_\_  
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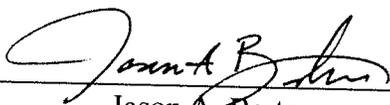
Attorneys for Opposer  
7-Eleven, Inc.

<sup>12</sup> Applicant's argument that 7-Eleven's GULP Marks products are sold only through 7-ELEVEN branded stores also is unavailing because 7-Eleven's registrations are unrestricted as to trade channels. Additionally, Applicant is incorrect that all GULP Mark goods are sold exclusively through 7-ELEVEN branded stores. *See* Brody Decl. ¶ 7, Exh. 4; Bucenell Decl. ¶ 31, Exh. S (catalog sales).

**CERTIFICATE OF SERVICE**

I, Jason A. Berta, counsel for Opposer, hereby certify that a copy of REPLY  
MEMORANDUM IN SUPPORT OF OPPOSER'S SUMMARY JUDGMENT MOTION and  
the supporting SECOND DECLARATION OF JEAN M. OLSEN, were served on this 17th day  
of September, 2009 via first class mail, postage prepaid, upon Applicant at:

Susan B. Bucenell  
30623 Bittsbury Ct.  
Wesley Chapel, FL 33543-3921

  
\_\_\_\_\_  
Jason A. Berta

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

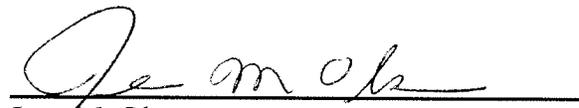
7-ELEVEN, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91177807
	)	
SUSAN B. BUCENELL,	)	Serial No. 78/916,143
	)	
Applicant.	)	

**SECOND DECLARATION OF JEAN M. OLSEN IN SUPPORT OF  
OPPOSER'S MOTION FOR FOR SUMMARY JUDGMENT**

I, Jean M. Olsen, under penalty of perjury under the laws of the United States, declare:

1. I am a legal assistant with Foley & Lardner, LLP, counsel to Opposer, 7-Eleven, Inc., and I have personal knowledge of the facts set forth herein.
2. On September 16, 2009, I accessed the web site associated with the domain name RYANREIGNER.com and downloaded and printed out excerpts from that web site. Attached hereto as Exhibit A are true and correct copies of these print outs.
3. Attached hereto as Exhibit B is a true and correct copy of an excerpt from The American Heritage Desk Dictionary containing a definition of the term "soft drink."
4. Attached hereto as Exhibit C is a true and correct copy of an excerpt from The New Oxford American Dictionary containing a definition of the term "soft drink."

Date: September 17, 2009

  
\_\_\_\_\_  
Jean M. Olsen

# EXHIBIT A

[PORTFOLIO](#) | [BLOG](#) | [ABOUT](#)  
[RYAN RIEGNER](#)

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## A LITTLE BIT ABOUT MYSELF



### **BACKGROUND HISTORY**

So where do I begin? I have just turned 21 years old, born on August 1st, 1988 in Cambridge Springs Pennsylvania (arguably the smallest town in human existence) where I spent the days of my youth in a lego filled fantasy, and lugged around giant half a dozen sketchbooks falling apart at the seams. I graduated from CSHS in 2007, after having spent two years in Dennis O’Laughlin’s [Commercial Art](#) class, where I was a sponge to all things art and design. With my [high school portfolio](#), I applied and was accepted to [Parsons the New School for Design](#) in NYC under the BFA concentration of Communication Design. Currently I am a junior and will be studying this coming year at [RMIT](#)

# GULP

## IDENTITY DESIGN

This project served as a deconstruction and then reconstruction of the scenario of what could the re-branding Identity of google resemble if the company was bought out and rebranded with a new name. The goal was to act as if the designer is the new owner and to create a brand around the new, but already established entity of users. The challenge was then to generate the proper logo, stationary, homepage, search-results-page, tshirt, annual report covers, spec sheets, etc.





**EXHIBIT B**

THE  
AMERICAN HERITAGE  
DESK  
DICTIONARY

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**sod** (sód) *n.* 1. A section of grass-covered surface soil held together by matted roots; turf. 2. The ground, esp. when covered with grass. —*modifier*: a sod roof. —*tr.v.* **sodded**, **sod-ding**. To cover with sod. [Middle English, from Middle Low German or Middle Dutch *sode*.]

**so-da** (sô'dá) *n.* 1. a. Any of various forms of sodium carbonate. b. Chemically combined sodium. 2. a. Carbonated water. b. A flavored, carbonated soft drink; soda pop. c. A drink made from carbonated water, ice cream, and usu. flavoring. [Medieval Latin *soda*, barilla, a plant whose ashes are a source of sodium carbonate.]

**soda ash**. Crude anhydrous sodium carbonate.

**soda cracker**. A thin, usu. square cracker leavened slightly with baking soda.

**soda fountain**. A counter equipped for preparing and serving soft drinks and ice-cream dishes.

**soda jerk**. *Slang*. A person who works at a soda fountain.

**soda lime**. A mixture of calcium hydroxide and sodium or potassium hydroxide, used as a drying agent and carbon dioxide absorbent.

**sodal-i-ty** (sô-dál'i-tē) *n., pl. -ties*. 1. An association, esp. in the Roman Catholic Church, a devotional or charitable society. 2. Fellowship. [Latin *sodalitas*, fellowship; from *sodalis*, fellow, intimate.]

**soda pop**. *Informal*. A carbonated soft drink; soda.

**soda water**. Water that has been charged with carbon dioxide under pressure, used in various drinks.

**sod-den** (sôd'n) *adj.* 1. Thoroughly soaked; saturated. 2. Soggy and heavy. 3. Bloated and dull, esp. from drink. [Middle English *soden*, from the past part. of *sethen*, to seethe.] —*sod'den-ly adv.* —*sod'den-ness n.*

**sod-i-um** (sô'dē-əm) *n.* *Symbol Na* A soft, light, extremely malleable silver-white metallic element that reacts explosively with water, is naturally abundant in combined forms, esp. in common salt, and is used in the production of a wide variety of industrially important compounds. Atomic number 11; atomic weight 22.99; melting point 97.8°C; boiling point 892°C; specific gravity 0.971; valence 1. [SOD(A) + -IUM.]

**sodium benzoate**. The sodium salt of benzoic acid, C<sub>6</sub>H<sub>5</sub>COONa, used as a food preservative and antiseptic. Also called **benzoate of soda**.

**sodium bicarbonate**. A white crystalline compound, NaHCO<sub>3</sub>, with a slightly alkaline taste, used esp. in making effervescent salts and beverages and baking soda. Also called **baking soda** and **bicarbonate of soda**.

**sodium carbonate**. 1. A white powdery compound, Na<sub>2</sub>CO<sub>3</sub>, used in the manufacture of sodium bicarbonate, sodium nitrate, glass, ceramics, detergents, and soap. 2. Any of various hydrated carbonates of sodium.

**sodium chloride**. A colorless crystalline compound, NaCl, used in the manufacture of chemicals and as a food preservative and seasoning. Also called **table salt**.

**sodium cyanide**. A poisonous white crystalline compound, NaCN, used in smelting gold and silver from ores.

**sodium glu-ta-mate** (glôo'tə-măt'). A white crystalline compound used for seasoning food.

**sodium hydroxide**. An alkaline compound, NaOH, used in chemicals and soaps and in petroleum refining. Also called **caustic soda** and **lye**.

**sodium hyposulfite**. Sodium thiosulfate.

**sodium nitrate**. A white crystalline compound, NaNO<sub>3</sub>, used in explosives and tobacco. Also called **salt-peter**.

**sodium thi-o-sul-fate** (thi'ə-sul'fat'). A white, translucent crystalline compound, Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>·5H<sub>2</sub>O, used as a photographic fixing agent and as a bleach. Also called **hyposulfite**.

**so-di-um-va-por lamp** (sô'dē-əm-vā'pər). An electric lamp that contains a small amount of sodium and neon gas, used in generating yellow light for lighting streets.

**Sod-om** (sôd'əm) *n.* 1. In the Old Testament, a city that God destroyed for wickedness. 2. A sinful place.

**so-fa** (sô'fá) *n.* A long upholstered seat with a back and arms. [Ult. from Arabic *suffah*, a dais used for sitting.]

**sof-fit** (sôf'it) *n.* The underside of a structural component, such as a beam, arch, staircase, or cornice. [French *soffite*, from Italian *soffita*, from Latin *suffixus*, "something fastened beneath."]

**soft** (sôft, sóft) *adj. -er, -est*. 1. Not hard or firm; offering little resistance. 2. Out of condition; flabby. 3. Smooth or fine to the touch. 4. Not loud, harsh, or irritating; low-toned: a soft voice. 5. Not brilliant or glaring; subdued: soft colors. 6. Not sharply drawn or delineated: soft charcoal shading. 7. Mild; balmy: a soft breeze. 8. a. Of a gentle disposition; yielding. b. Affectionate. c. Not stern or lenient. 9. *Informal*. Simple; feeble: soft in the head. 10. *Informal*. Easy: a soft job. 11. Apt to change, fluctuate, or devalue. 12. Containing relatively little dissolved mineral matter: soft water. 13. Designating the sound of the letters *c* and *g* as they are pronounced in *receive* and *general*. —*See* Syns at **gentle**. —*adv.* Gently; softly. [Middle English, agreeable, pleasant, from Old English *sôft*.] —*soft-ly adv.* —*soft-ness n.*

**soft-ball** (sôft'bôl', sóft'-) *n.* 1. A variation of baseball played on a smaller diamond with a larger, softer ball that is pitched underhand. 2. The ball used in this game. —*modifier*: a softball player.

**soft-boiled** (sôft'bôild', sóft'-) *adj.* Boiled for a short time so that no part becomes solid: a soft-boiled egg.

**soft coal**. Bituminous coal.

**soft drink**. A cold beverage that is nonalcoholic.

**soft-en** (sô'fan, sóf'an) *tr.v.* To make less severe or softer. —*intr.v.* To become soft or softer. —*soft'en-er n.*

**soft-finned** (sôft'fînd', sóft'-) *adj.* Having fins supported by flexible cartilaginous rays.

**soft-head-ed** (sôft'hed'id, sóft'-) *adj.* Lacking judgment, realism, or firmness. —*soft'head'ed-ly adv.*

**soft-heart-ed** (sôft'härt'id, sóft'-) *adj.* Easily moved; tender; merciful. —*See* Syns at **gentle**. —*soft'heart'ed-ly adv.* —*soft'heart'ed-ness n.*

**soft landing**. The landing of a space vehicle at a velocity low enough to prevent damage.

**soft palate**. The movable fold that hangs from the back of the hard palate and closes off the nasal cavity from the mouth cavity during swallowing or sucking.

**soft pedal**. A pedal used to mute tone, as on a piano.

**soft-ped-al** (sôft'péd'l, sóft'-) *tr.v. -aled or -alled, -al-ing or -al-ing.* 1. To soften or mute the tone of by depressing the soft pedal. 2. *Informal*. To make less emphatic or obvious.

**soft sell**. *Informal*. A subtly persuasive and low-pressure method of selling or advertising.

**soft-shell** (sôft'shél', sóft'-) *adj.* Also **soft-shelled** (-shêld). Having a soft shell, esp. as a result of recent molting.

**soft-shell clam**. A common edible clam, *Mya arenaria*, with a thin, elongated shell.

**soft-shoe** (sôft'shoo', sóft'-) *adj.* Of or describing a type of tap dancing performed in tapless, soft-soled shoes.

**soft shoulder**. A border of soft earth running along the edge of a road.

**soft soap**. 1. A semifluid soap. 2. *Informal*. Cajolery.

**soft-soap** (sôft'sôp', sóft'-) *tr.v. Informal*. To flatter in order to gain something; cajole. —*soft-soap'er n.*

**soft-spo-ken** (sôft'spô'kan, sóft'-) *adj.* 1. Speaking with a soft or gentle voice. 2. Gently persuasive.

**soft-ware** (sôft'wâr', sóft'-) *n.* Written or printed data, such as programs, routines, and symbolic languages, essential to the operation and maintenance of computers.

**soft-wood** (sôft'wôod', sóft'-) *n.* 1. The wood of a cone-bearing tree, such as a pine, fir, or cedar. 2. A cone-bearing tree. —*modifier*: softwood panels.

**soft-y** (sôft'ē, sóf'-) *n., pl. -ies. Informal*. 1. A weak or sentimental person. 2. A person who finds it difficult to punish or be strict.

**sog-gy** (sôg'ē, sôg'ē) *adj. -gier, -gi-est*. 1. Saturated or sodden with moisture; soaked. 2. Lacking spirit; dull. [From *sog*, to soak.] —*sog-gi-ly adv.* —*sog-gi-ness n.*

**soil**<sup>1</sup> (sôil) *n.* 1. The top layer of the earth's surface, suitable for the growth of plant life. 2. A particular kind of earth on ground: sandy soil. 3. Country; territory; region: native soil. 4. A place or condition favorable to growth. [Middle English, from Norman French, from Latin *solium*, seat.]

**soil**<sup>2</sup> (soil) *tr.v.* 1. To make dirty, esp. on the surface, by grime. 2. To disgrace; tarnish: soil his reputation. 3. To corrupt; defile. 4. To dirty with excrement. —*intr.v.* 1. To become dirty, stained, or tarnished. —*n.* 1. a. The condition of being soiled. b. A stain. 2. Manure, esp. human ex-

crement, used on old French soil-age (sô'li) stock. **soiled** (soild) (soi-ree or so-i-oun. [French late.] **so-journ** (sô'jû) A temporary French *sojourn*, day, from La *sojourn'er n.* **sol**<sup>1</sup> (sôl) *n.* Also sent the fifth t the English, fr **sol**<sup>2</sup> (sôl, sôl) / HYDROSOL.] **Sol** (sôl) *n.* The **sol-ace** (sôl'as) lation. 2. That -*tr.v. -aced, -ible or sorrow, las, from Old l comfort, conse -olar (sô'lar) *a rays. 2. Using sun: a solar h with respect t from Latin **solar battery**. ber of solar ce **solar cell**. A s dition into el vehicles. **solar flare**. A area of the sur **solar-ium** (sô-room, gallery, Latin *solarium* **solar plexus**. and ganglia l stomach, with abdominal vis [from the radi **solar system**. all other celest **solar wind**. Th ates from the s **sold** (sôld) *v. P **sold'er** (sôd'ər, tin and lead, order to join -*tr.v.* To join 1. To unite or r **solder**. [Midd *sure*, from *sold* solid, from *soli* **sold'ier** (sôl'jər) ? An enlisted r unguished from loyal follower c of certain ants soldier. [Midd French *soldier*, man coin.] **sold'ier-ly** (sôl'j soldier of fortu for personal ga **sold'ier-y** (sôl'j: body of soldier **sole**<sup>1</sup> (sôl) *n.* 1. surface of a sh part on which **soled, sol-ing**. [Middle English *dal*, from *solan* **sole**<sup>2</sup> (sôl) *adj.****

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Second Olsen Declaration  
Exhibit Page 12 of 13



**sod** *n.* (the sod) the surface of the ground, with the grass growing on it. ■ a piece of this, usually sold in rolls and used to start a new lawn, athletic field, etc.  
**sodded, sod-ding** [*trans.*] cover with sod or pieces of turf: *the stadium has been sodded.* ▶late Middle English, from Middle Dutch, Middle Low German *sod*, of unknown ultimate origin.  
**SODAS** *n.* the old sod one's native country, under the sod dead and buried in a grave.  
**sod shelly Brit., vulgar slang** ▶*n.* an unpleasant or obnoxious person. ■ [with *adj.*] a person of a specified kind ■ something that is difficult or causes problems.  
**sodded, sod-ding** [*trans.*] used to express one's anger or annoyance at someone or something. ■ [*intrans.*] sod off [*in imperative*] go away. ■ [*as adj.*] sodding used as a general term of contempt. ▶early 19th cent.: abbreviation of **SODOMITE**.  
**SOD** *n.* sod all absolutely nothing.  
**soda** *n.* 1 (also **soda water** or **club soda**) carbonated water (originally made with sodium bicarbonate) drunk alone or with liquor or wine: a **soda** and **soda**. ■ (also **soda pop**) a carbonated soft drink: a can of **soda**. 2 sodium carbonate, esp. as a natural mineral or as an industrial chemical. ■ sodium in chemical combination: **nitrate of soda**. ▶late Middle English (sense 2): from medieval Latin, from *sodā* 'saltwort.'  
**soda ash** *n.* commercially manufactured anhydrous sodium carbonate.  
**soda bread** *n.* bread leavened with baking soda.  
**soda cracker** *n.* a thin, crisp cracker leavened with baking soda.  
**soda fountain** *n.* a device that dispenses soda water or soft drinks. ■ a shop or counter selling drinks from such a device.  
**soda jerk** (also **soda jerk-er**) *n.* *informal, dated* a person who serves and sells soft drinks and ice cream at a soda fountain.  
**soda lake** *n.* a salt lake with a high content of sodium salts.  
**soda lime** *n.* a mixture of calcium oxide and sodium hydroxide.  
**soda-lime** /'sɒd.li/ *n.* a blue mineral consisting mainly of an aluminosilicate and chloride of sodium, occurring chiefly in alkaline igneous rocks. ▶early 19th cent.: from **SODA** + **-LITE**.  
**sodalite** /sɒ'dalɪt/ *n.* (*pl.* **-ties**) a confraternity or association, esp. a Roman Catholic religious guild or brotherhood. ■ fraternity; friendship. ▶early 17th cent. from French *sodalité* or Latin *sodalitas*, from *socius* 'comrade.'  
**soda pop** *n.* *n.* see **SODA** (sense 1).  
**soda water** *n.* see **SODA** (sense 1).  
**sod-walker** /'sɒd.wɔ:kə/ *n.* *informal* a farmer or farmer who plows the land.  
**sodden** /'sɒdn/ *adj.* saturated with liquid, esp. water, soaked through: *his clothes were sodden.* ■ [*in metaphorical use*] having drunk an excessive amount of a particular alcoholic drink: *a whiskey-sodden criminal.* ■ [*archaic*] saturate (something) with water. Middle English (in the sense 'boiled, cooked by boiling') archaic past participle of **SEETHE**. —**sodden-ness** *n.*  
**soddy** /'sɒdɪ/, Frederick (1877–1956), English chemist. He assisted William Ramsay in the discovery of helium, formulated a theory of isotopes,

**SODA** • Chem. formula: Na<sub>2</sub>CO<sub>3</sub>.  
**so-di-um chlo-ride** *n.* a colorless crystalline compound occurring naturally in seawater and halite; common salt. • Chem. formula: NaCl.  
**so-di-um cy-a-nide** *n.* a white odorless crystalline soluble compound that has, when damp, an odor of hydrogen cyanide. It is used for extracting gold and silver from their ores and for case-hardening steel. • Chem. formula: NaCN.  
**so-di-um hy-drox-ide** *n.* a strongly alkaline white deliquescent compound used in many industrial processes, e.g., the manufacture of soap and paper. • Chem. formula: NaOH.  
**so-di-um ni-trate** *n.* a white powdery compound used mainly in the manufacture of fertilizers. • Chem. formula: NaNO<sub>3</sub>.  
**so-di-um thi-o-sul-phate** /,θi:ə'selfæt/ *n.* a white soluble compound used in photography as a fixer to dissolve unchanged silver halides. Also called **HYPO**. • Chem. formula: Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>.  
**so-di-um va-por lamp** (also **so-di-um lamp**) *n.* a lamp in which an electrical discharge in sodium vapor gives a yellow light, typically used in street lighting.  
**Sod-om** /'sɒdəm/ a town in ancient Palestine, probably south of the Dead Sea. According to Gen. 19:24 it was destroyed by fire from heaven, together with Gomorrah, for the wickedness of its inhabitants. ■ [*as n.*] (a **Sodom**) a wicked or depraved place.  
**sod-om-ite** /'sɒdə,mɪt/ *n.* a person who engages in sodomy. ▶Middle English (in the sense 'sodomy'): via Old French from late Latin *Sodomita*, from Greek *Sodomitēs* 'inhabitant of Sodom.' —**sod-o-mit-ic** /,sɒdə'mɪtɪk/ *adj.* —**sod-o-mit-ical** /,sɒdə'mɪtɪkəl/ *adj.*  
**sod-om-y** /'sɒdəmə/ *n.* sexual intercourse involving anal or oral copulation. ▶Middle English: from medieval Latin *sodomia*, from late Latin *peccatum Sodomiticum* 'sin of Sodom' (after Gen. 19:5, which implies that the men of Sodom practiced homosexual rape) (see **SODOM**). —**sod-om-ize** /'sɒdə,mɪz/ *v.*  
**Sod's Law** /sɒdz/ another name for **MURPHY'S LAW**.  
**SOE** ▶*abbr.* Special Operations Executive.  
**so-ever** /sə'evə/ *adv.* *archaic* or *poetic/literary* of any kind; to any extent: *how great soever the assurance is.* —**so-ever** *comb. form* of any kind; to any extent: *whatsoever* / *whosoever*. ▶Middle English: originally as the phrase *so ever*.  
**so-fa** /'səʊfə/ *n.* a long upholstered seat with a back and arms, for two or more people. ▶early 17th cent.: from French, based on Arabic *suffa*.  
**so-fa bed** *n.* a sofa that can be converted into a bed, typically for occasional use.  
**SO-FAR** /'sɒfɑː/ (also **sofar**) *n.* a system in which the sound waves from an underwater explosion are detected and located by three or more listening stations, useful in determining the position at sea of survivors of a disaster. ▶1940s: from *So(und) fix(ing) a(n)d r(anging)*.  
**sof-fit** /'sɒfɪt/ *n.* the underside of an architectural structure, such as an arch, a balcony, or overhanging eaves. ▶early 17th cent.: from French *soffite* or Italian *soffitto*, based on Latin *suffixus* 'fastened below.'  
**So-fi-a** /sə'fi:ə/, 'sɒfi:ə/ the capital of Bulgaria, in the western part of the country; pop. 1,221,000.  
**so-fri-to** /sə'frɪtə/ *n.* a Caribbean and Latin American sauce of tomatoes, onions, peppers, garlic, and herbs. ▶American Spanish, from past participle of Spanish *sofrito* 'to fry.'  
**S. of S.** ▶*abbr.* Bible Song of Songs (or Song of Solomon).

language) not harsh or angry, conciliatory, soothing: *he was no good with soft words, gentle phrases.* ■ not strong or robust: *soft, out-of-shape executives in a computer company.* ■ *informal* (of a job or way of life) requiring little effort. ■ (of news or other journalism) regarded more as entertainment than as basic news: *fashion is regarded as soft news.* ■ willing to compromise in political matters; moderate: *candidates ranging from far right to soft left.* ■ *informal* foolish; silly: *he must be going soft in the head.* ■ [*predic.*] (**soft on**) *informal* infatuated with: *was Brendan soft on her?* ■ chiefly Brit. willing to compromise in political matters; moderate: *candidates ranging from far right to soft left.* 4 (of a drink) not alcoholic: *all they had was ginger ale and a few other soft drinks.* ■ (of a drug) not likely to cause addiction. ■ (of water) free from mineral salts that make lathering difficult. ■ (of radiation) having little penetrating power. ■ (of a detergent) biodegradable. ■ (also **soft-core**) (of pornography) suggestive or erotic but not explicit.  
▶*adv.* softly: *I can just speak soft and she'll hear me.* ■ in a weak or foolish way: *don't talk soft.* ▶Old English *softe* 'agreeable, calm, gentle'; related to Dutch *zacht* and German *sanft*. —**soft-ish** *adj.* —**soft-ness** *n.*  
▶**PHRASES** □ **have a soft spot** for be fond of or affectionate toward. □ **soft option** an easier alternative: *probation should in no sense be seen as a soft option by the judiciary.* □ **soft touch** (also **easy touch**) *informal* a person who readily gives or does something if asked.  
**soft-ly** /'sɒftli/ *adv.* a Muslim student of sacred law and theology. ▶Turkish, from Persian *sūkta* 'burned, on fire.'  
**soft-ball** /'sɒft(b),bɒl/ *n.* a modified form of baseball played on a smaller field with a larger ball, seven rather than nine innings, and underarm pitching. The game evolved in the U.S. during the late 19th century from a form of indoor baseball. ■ the ball used in this game.  
**soft-boiled** *adj.* (of an egg) boiled for a short time, leaving the yolk soft or liquid. ■ *figurative* gentle or sentimental: *she's perfected the soft-boiled New York type she's played in most of her movies.*  
**soft chan-cre** /'ʃʌŋkər/ *n.* another term for **CHAN-CROID**.  
**soft clam** *n.* another term for **SOFT-SHELL CLAM**.  
**soft coal** *n.* bituminous coal.  
**soft cop-y** *n.* *Computing* a legible version of a piece of data that is not printed on a physical medium, esp. as stored or displayed on a computer.  
**soft cor-al** *n.* see **CORAL** (sense 2).  
**soft-core** *adj.* another term for **SOFT** (sense 4).  
**soft cover** /'sɒft(k),kəvər/ *adj. & n.* another term for **PAPERBACK**.  
**soft crab** *n.* another term for **SOFT-SHELL CRAB**.  
**soft drink** *n.* a nonalcoholic drink, esp. one that is carbonated.  
**soft-en** /'sɒfən/ *v.* make or become less hard: [*trans.*] *plant extracts to soften and moisturize the skin* | [*intrans.*] *let the vegetables soften over a low heat.* ■ make or become less severe: [*intrans.*] *her expression softened at the sight of Diane's white face.* ■ [*trans.*] undermine the resistance of (someone): *the blockade appears a better weapon with which to soften them up for eventual surrender.* ■ [*trans.*] remove mineral salts from (water).  
**soft-en-er** /'sɒf(ə)nər/ *n.* a substance or device that softens something, esp. a fabric softener.

**Pronunciation Key** ə ago; ɔr over; 'ə or ,ə up; 'ɛr or ,ɛr fur; a hat; ā rate; ā car; CH chew; e let; ē see; e(ə)r air; i fit; i by; i(ə)r ear; NG sing; ō go; ō for; oɪ boy; ōō good; ōō goo; ou out; SH she; TH thin; TH then; (h)w why; ZH vision