

ESTTA Tracking number: **ESTTA351981**

Filing date: **06/09/2010**

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

Proceeding	91184456
Party	Plaintiff L'Oreal USA, Inc.
Correspondence Address	Robert L. Sherman Paul, Hastings, Janofsky & Walker LLP 75 East 55th Street New York, NY 10022 UNITED STATES rls@paulhastings.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Natalie G. Furman
Filer's e-mail	rls@paulhastings.com
Signature	/ngf/
Date	06/09/2010
Attachments	Exhibit C-05 [FINLANDIA App, OA, Tarr] 300 dpi.pdf (58 pages)(1506217 bytes) Exhibit C-06 [COORS App, OA, Tarr] 300 dpi.pdf (60 pages)(1794741 bytes) Exhibit C-07 [BUDWEISER App, OA,Tarr] 300 dpi.pdf (36 pages)(907775 bytes)

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

In the Matter of Application Serial No. 76/596,736
Published in the Official Gazette on May 6, 2008
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

ORAL ARGUMENT REQUESTED

OPPOSER'S NOTICE OF RELIANCE

(Part 1 continued beginning with Opposer's Exhibit C-5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Application Serial No. 76/596,736
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Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

ORAL ARGUMENT REQUESTED

EXHIBIT C-5 TO OPPOSER'S NOTICE OF RELIANCE

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288365
Filing Date: 08/17/2003

The table below presents the data as entered.

Input Field	Entered
MARK	FINLANDIA
OWNER	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO
ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
PHONE	905 354 2543
FAX	905 354 7693
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	CANADA
CORRESPONDENCE	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO

ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER SPRING WATER,AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER SPRING WATER,AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	1168024
FOREIGN APPLICATION COUNTRY NAME	Canada
FOREIGN FILING DATE	02/18/2003
SIGNATURE INFORMATION	
SIGNATURE	/ROBERT V MARCON/

SIGNATURE DATE	08/17/2003
SIGNATORY NAME	ROBERT V MARCON
SIGNATORY POSITION	APPLICANT
PAYMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
RAM SALE NUMBER	471
RAM ACCOUNTING DATE	08/18/2003
FILING INFORMATION	
SUBMIT DATE	Sun Aug 17 12:53:22 EDT 2003
TEAS STAMP	USPTO/BAS-2162096817 2-200308171253226060 18-78288365-200a1bb8 f164e70475976a3b968e b26f413-CC-471-20030 817125017694170

PTO Form 1478 (Rev 4/2000)
OMB Control #0651-0009 (Exp. 08/31/2004)

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288365

Filing Date: 08/17/2003

To the Commissioner for Trademarks:

MARK: FINLANDIA

The applicant, ROBERT, VICTORMARCON, a citizen of CANADA, residing at 3471 SINNICKS

AVENUE, NIAGARA FALLS, ONTARIO Canada L2J2G6, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 032: WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

Based on Canada application number 1168024, filed 02/18/2003:

International Class 032: WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /ROBERT V MARCON/ Date: 08/17/2003

Signatory's Name: ROBERT V MARCON

Signatory's Position: APPLICANT

Mailing Address:

MARCON, ROBERT, VICTOR

3471 SINNICKS AVENUE

NIAGARA FALLS, ONTARIO L2J2G6

RAM Sale Number: 471

RAM Accounting Date: 08/18/2003

Serial Number: 78288365

Internet Transmission Date: Sun Aug 17 12:53:22 EDT 2003

TEAS Stamp: USPTO/BAS-21620968172-20030817125322606018-78288365-
200a1bb8f164e70475976a3b968eb26f413-CC-471-20030817125017694170

FILING DATE:

2003/08/17

SERIAL NUMBER:

78/288365



TRADEMARK APPLICATION

FEE RECORD SHEET

RAM SALE NUMBER: 471

RAM ACCOUNTING DATE: 20030818

Description	Fee Code	Fee Amount	Number Of Classes	Total Fees Paid
New App	7001	335	1	335

To: MARCON, ROBERT, VICTOR (HASTINGS1066@SYMPATICO.CA)

Subject: TRADEMARK APPLICATION NO. 78288365 - FINLANDIA - N/A

Sent: 1/23/04 10:09:27 AM

Sent As: ECom112

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/288365

APPLICANT: MARCON, ROBERT, VICTOR

CORRESPONDENT ADDRESS:

MARCON, ROBERT, VICTOR
3471 SINNICKS AVENUE
NIAGARA FALLS; ONC - ONTARIO
L2J2G6
CAX - CANADA

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom112@uspto.gov

MARK: FINLANDIA

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

HASTINGS1066@SYMPATICO.CA

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/288365

The assigned examining attorney has reviewed the referenced application and determined the following.

Prior Pending Application

Information regarding pending Application Serial Nos. 78-203027, 78-198317, 78-198312 and 78-253241 are enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced marks. If the referenced applications register, registration may be refused in this case under

Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

Likelihood of Confusion

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration Nos. 2710426, 2497423, 2385961, 2066625, 2073307, 2169820, 2075932, 1747344, 1143620, 1115781 and 1115778. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

When determining whether there is a likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. *Industrial Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers and the degree of similarity between the marks and between the goods and/or services. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning is sufficient to find a likelihood of confusion. In comparing the goods and/or services, it is necessary to show that they are related in some manner. *In re Mack*, 197 USPQ 755, 757 (TTAB 1977); TMEP §§1207.01 *et seq.*

Applicant proposes the mark FINLANDIA for use in connection with “beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water, ice, crushed ice, juices, flavored drinks (except beverages based on coffee, tea, or cocoa and milk beverages), nutrient drinks, non-alcoholic beverages, preparations for making beverages, syrups.

Registrant in 2710426 provides “ethanol for use in the manufacture of alcoholic beverages and food,” “almanacs, bags of paper or plastics for packaging, books and booklets pertaining to the alcoholic beverage industry, bottle envelopes of cardboard or paper, bottle wrappers of cardboard or paper, calendars, paper flags, paper knives for office purposes, letter trays, magazines pertaining to the alcoholic beverage industry, paper mats for glasses, note books, paper-clips, pen cases, pencil holders, pens, photograph stands, photographs, postcards, posters, printed matter namely, photographs, and stationery, stationery, stickers, table cloths of paper,” “coffee, tea, cocoa, artificial coffee; confectionery, namely chocolate, filled chocolate, candies, caramels, chewing gum; sauces; spices; vinegar; ice; flavored ices, spices, seasonings, candy, pastries and pies,” “beers; mineral and aerated waters, soft drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages,” “wines, schnapps, liqueurs, vodka, gin, whisky, prepared alcoholic cocktails, cocktail mixes containing alcohol” and “restaurant services; providing temporary housing accommodations; scientific and industrial research; computer software design for others” in connection with the mark FINLANDIA VODKA WORLDWIDE.

Registrant in 2497423 provides “vodka, vodka mixtures, vodka based drinks/cordials” in connection with the mark FINLANDIA “21”THE ULTIMATE VODKA OF THE 21ST CENTURY.

Registrant in 2385961 provides “alcoholic beverages, namely, vodka” in connection with the mark FINLANDIA 21.

Registrant in 2066625 provides “alcoholic beverages, namely, vodka” in connection with the mark FINLANDIA PINEAPPLE.

Registrant in 2073307 provides “pineapple flavored vodka” in connection with the mark FINLANDIA PINEAPPLE and design.

Registrant in 2169820 provides “prepared alcoholic beverages” in connection with the mark FINLANDIA FASHION MARTINIS.

Registrant in 2075932 provides “alcoholic beverages; namely, vodka” in connection with the mark FINLANDIA ARCTIC CRANBERRY.

Registrant in 1747344 provides “vodka” in connection with the mark FINLANDIA and design.

Registrant in 1143620 provides “vodka” in connection with the mark FINLANDIA and configuration of a bottle.

Registrant in 1115781 provides “vodka” in connection with the mark FINLANDIA.

Registrant in 1115778 provides “vodka” in connection with the mark FINLANDIA VODKA OF FINLAND.

The same registrant owns 2710426, 2497423, 2385961, 2066625, 2073307, 2169820, 2075932, 1747344, 1143620, 1115781 and 1115778.

When applicant’s mark is compared to a registered mark, “the points of similarity are of greater importance than the points of difference.” *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 108 USPQ 161 (D.C. Cir.), *cert. denied*, 351 U.S. 973, 109 USPQ 517 (1956); TMEP §1207.01(b).

With respect to the mark in Registration No. 1115781, the examining attorney finds that the applicant’s mark is identical to the registrant’s mark. In the second step of the analysis, the examining attorney finds that the registrant’s goods and the applicant’s goods are commercially related. Both the applicant and the registrant provide alcoholic beverages. Nevertheless, if the marks of the respective parties are identical, the relationship between the goods or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Amcors, Inc. v. Amcor Industries, Inc.*, 210 USPQ 70 (TTAB 1981); TMEP §1207.01(a).

With respect to the marks in Registration Nos. 2710426, 2497423, 2385961, 2066625, 2073307, 2169820, 2075932, 1747344, 1143620 and 1115778, the examining attorney finds that the applicant’s mark shares the identical leading term FINLANDIA with each of the cited registrations.

While the examining attorney cannot ignore a disclaimed portion of a mark and must view marks in their entireties, one feature of a mark may be more significant in creating a commercial impression. *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (CCPA 1976); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988); *In re Equitable Bancorporation*, 229 USPQ 709 (TTAB 1986). Disclaimed matter is typically less significant or less dominant. Thus not only is FINLANDIA more significant than the disclaimed portions of the respective registrations but also, consumers will call for the goods by their name rather than by the design portions. *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *In re Drug Research Reports, Inc.*, 200 USPQ 554 (TTAB 1978).

Finally, the mere addition of a term to a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556,

188 USPQ 105 (CCPA 1975) ("BENGAL" and "BENGAL LANCER"); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (CCPA 1967) ("THE LILLY" and "LILLI ANN"); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988) ("MACHO" and "MACHO COMBOS"); *In re United States Shoe Corp.*, 229 USPQ 707 (TTAB 1985) ("CAREER IMAGE" and "CREST CAREER IMAGES"); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) ("CONFIRM" and "CONFIRMCELLS"); *In re Riddle*, 225 USPQ 630 (TTAB 1985) ("ACCUTUNE" and "RICHARD PETTY'S ACCU TUNE"); *In re Cosvetic Laboratories, Inc.*, 202 USPQ 842 (TTAB 1979) ("HEAD START" and "HEAD START COSVETIC"). Thus the addition other terms or a design to the dominant term FINLANDIA in the registrant's marks does not obviate the likelihood of confusion.

For these reasons, the marks are overall confusingly similar and impart a similar commercial impression.

In the second step of the analysis, the examining attorney finds that the applicant's goods are similar to the Registrants' goods because both provide alcoholic beverages. If the goods or services of the respective parties are closely related, the degree of similarity between marks required to support a finding of likelihood of confusion is not as great as would apply with diverse goods or services. *Century 21 Real Estate Corp. v. Century Life of America*, 23 USPQ2d 1698 (Fed. Cir. 1992); *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); *ECI Division of E-Systems, Inc. v. Environmental Communications Inc.*, 207 USPQ 443 (TTAB 1980); TMEP §1207.01(b).

For these reasons, it is likely that the purchasing public would confuse the goods as originating from the same source. Therefore, the examining attorney refuses registration of the applicant's mark under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d).

The applicant should also note the following additional ground for refusal.

-

False Association

Registration is refused because the proposed mark consists of or comprises matter which may falsely suggest a connection with FINLANDIA for vodka. FINLANDIA is so famous that consumers would presume a connection with applicant. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§1203.03, 1203.03(e) and 1203.03(f); *See generally University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Section 2(a):

- · · · the mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
- · · · the mark would be recognized as such;
- · · · the person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- · · · the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods or services.

In re Cotter & Co., 228 USPQ 202, 204 (TTAB 1985); *See Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985).

If applicant's goods or services are of a type that the named person or institution sells or uses, and the named party is sufficiently famous, then it may be inferred that purchasers of the goods or services would be misled into making a false connection of sponsorship, approval, support or the like with the named party. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re National Intelligence Academy*, 190 USPQ 570 (TTAB 1976).

The fact that purchasers would realize, at some point after purchase, that no connection exists between the listed goods or services and the person or institution falsely connected, is not relevant. The focus is on "the initial reaction or impact of the mark when viewed in conjunction with the applicable goods or services." *In re Bicentennial Society*, 197 USPQ 905, 906 (TTAB 1978).

For these reasons the examining attorney refuses registration of the mark under Section 2(a) of the Trademark Act for false association with a famous mark.

Applicant May Respond

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

Identification of Goods

The wording in the identification of goods needs clarification because it is too broad and could include goods classified in other international classes. Applicant may substitute the following wording, if accurate: TMEP §§1402.01 and 1402.03.

Nutritional drink mixes for use as a meal replacement. *International Class 5.*

Ice, crushed ice. *International Class 30.*

Beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water; juices, fruit flavored drinks, soft drinks; preparations for making fruit drinks; syrups for use in making soft drinks. *International Class 32.*

Classification

Applicant must correct the classification of the goods in the application and amend the application to classify them in International Classes 5, 30 and 32. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Combined Application

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

(1) (1) (1) (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and

(2) (2) (2) (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

Current fees are sufficient for one class only.

Dual Filing Bases §§1(b) and 44(d)

If applicant wishes to proceed relying on the applicant's intent to use the mark in commerce under Trademark Act Section 1(b) as the sole basis for registration, with the claim of priority under Section 44(d), then applicant should so advise the trademark examining attorney. TMEP §§806.02(f) and 806.04(b). If applicant chooses to do so, this Office will approve the mark for publication without waiting for applicant to submit a copy of the foreign registration, once all other outstanding issues are resolved. Moreover, while the application may be approved for publication, the mark will not register until after an acceptable allegation of use has been filed.

If applicant does not indicate otherwise, this Office will presume that applicant wishes to rely on the foreign registration as an additional basis for registration and will require applicant to submit the copy of the foreign registration and, if appropriate, an English translation signed by the translator. TMEP §§1004.01 and 1004.01(b).

Designation of Domestic Representative

Applicant may designate a domestic representative upon whom notices or process may be served. Trademark Act Section 1(e), 15 U.S.C. §1051(e); 37 C.F.R. §2.24; TMEP §§604, 811 and 1013. If applicant does not designate a domestic representative, notices or process in proceedings affecting the mark may be served on the Director of the USPTO. Trademark Act Section 1(e), 15 U.S.C. §1051(e).

DESIGNATION OF DOMESTIC REPRESENTATIVE

Identify the mark

Serial No.

Name of applicant

Date of signature

(Name of domestic representative)

whose postal address is

is hereby designated applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

(Signature of applicant)

If the applicant has any questions or needs assistance in responding to this Office action, please call or e-mail the assigned examining attorney.

/D. Beryl Gardner/
D. Beryl Gardner
Examining Attorney - Law Office 112
www.uspto.gov/teas/index.html (file responses)
beryl.gardner@uspto.gov (submit questions only)
703-308-9112 x180 (submit questions only)
703-308-9112 x180

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

Print: Jan 23, 2004

73106676

DESIGN MARK

Serial Number

73106676

Status

REGISTERED AND RENEWED

Word Mark

FINLANDIA VODKA OF FINLAND

Registration Number

1115778

Date Registered

1979/03/27

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ALTIA GROUP LTD CORPORATION FINLAND SALMISAAREN RANTA 7 SF-00180
HELSINKI 18 FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 049. G & S: VODKA. First Use:
1970/09/24. First Use In Commerce: 1970/09/24.

Prior Registration(s)

0940225

Disclaimer Statement

APPLICANT DISCLAIMS THE PHRASE "VODKA OF FINLAND" APART FROM THE MARK
AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1976/11/15

Examining Attorney

UNKNOWN

Attorney of Record

Print: Jan 23, 2004

73106676

H JOHN CAMPAIGN

FINLANDIA



Vodka of Finland

Print: Jan 23, 2004

73148491

TYPED DRAWING

Serial Number

73148491

Status

REGISTERED AND RENEWED

Word Mark

FINLANDIA

Registration Number

1115781

Date Registered

1979/03/27

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ALKO GROUP LTD. CORPORATION FINLAND SALMISAAREN RANTA 7 HELSINKI
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 049. G & S: VODKA. First Use:
1970/09/24. First Use In Commerce: 1970/09/24.

Prior Registration(s)

0940225

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1977/11/14

Examining Attorney

UNKNOWN

Attorney of Record

H JOHN CAMPAIGN

Print: Jan 23, 2004

73188390

DESIGN MARK

Serial Number

73188390

Status

REGISTERED AND RENEWED

Word Mark

FINLANDIA

Registration Number

1143620

Date Registered

1980/12/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ALTIA GROUP LTD. CORPORATION FINLAND SALMISAAREN RANTA 7 HELSINKI 18
FINLAND SF 00180

Goods/Services

Class Status -- ACTIVE. IC 033. US 049. G & S: Vodka. First Use:
1970/09/24. First Use In Commerce: 1970/09/24.

Prior Registration(s)

0940225;1115778;1115781

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1978/10/06

Examining Attorney

UNKNOWN

Attorney of Record

RONALD DAIGNAULT



Print: Jan 23, 2004

73452480

TYPED DRAWING

Serial Number

73452480

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

FINLANDIA

Registration Number

1388433

Date Registered

1986/04/01

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ATALANTA CORPORATION CORPORATION NEW YORK ATALANTA PLAZA ELIZABETH NEW JERSEY

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: CHEESE. First Use: 1980/10/30. First Use In Commerce: 1980/10/30.

Filing Date

1983/11/14

Examining Attorney

UNKNOWN

Attorney of Record

LARRY N. STOPOL

Print: Jan 23, 2004

74121963

DESIGN MARK

Serial Number

74121963

Status

REGISTERED AND RENEWED

Word Mark

FINLANDIA

Registration Number

1747344

Date Registered

1993/01/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

FINDLANDIA VODKA WORLDWIDE LTD. CORPORATION FINLAND SALMISAAREN RANTA 7
00180 HELSINKI FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 049. G & S: vodka.

Foreign Country Name

FINLAND

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

4374/90

Foreign Filing Date

1990/08/28

Foreign Registration Number

118153

Foreign Registration Date

1992/04/06

Print: Jan 23, 2004

74121963

Foreign Expiration Date

2002/04/06

Prior Registration(s)

1115778;1115781;1143620

Filing Date

1990/12/10

Examining Attorney

POMPEY, TINA

Attorney of Record

DAVID S. GOODER



FINLANDIA

Print: Jan 23, 2004

74382658

TYPED DRAWING

Serial Number

74382658

Status

REGISTERED

Word Mark

FINLANDIA ARCTIC CRANBERRY

Registration Number

2075932

Date Registered

1997/07/01

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ALKO GROUP LTD. CORPORATION FINLAND Salmisaarenranta 7 Helsinki
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: alcoholic
beverages; namely, vodka. First Use: 1994/03/15. First Use In
Commerce: 1994/09/15.

Foreign Country Name

FINLAND

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

905/93

Foreign Filing Date

1993/03/03

Foreign Registration Number

131439

Foreign Registration Date

Print: Jan 23, 2004

74382658

1994/03/21

Foreign Expiration Date

2004/03/21

Prior Registration(s)

0940225;1115781;1143620

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CRANBERRY" APART FROM THE MARK AS SHOWN.

Section 2f Statement

as to "FINLANDIA"

Filing Date

1993/04/26

Examining Attorney

LOUGHRAN, BARBARA A.

Attorney of Record

H. John Campaign

Print: Jan 23, 2004

74628819

TYPED DRAWING

Serial Number

74628819

Status

REGISTERED

Word Mark

FINLANDIA FASHION MARTINIS

Registration Number

2169820

Date Registered

1998/06/30

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Alko Group Ltd. CORPORATION FINLAND Salmisaarenranta 7 Helsinki
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: prepared
alcoholic cocktails. First Use: 1995/03/00. First Use In Commerce:
1995/03/00.

Prior Registration(s)

1115781;1143620;1747344

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARTINI" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1995/02/02

Examining Attorney

GIVENS, MONTIA O.

Print: Jan 23, 2004

74628819

Attorney of Record
Ronald M. Daignault

Print: Jan 23, 2004

75025346

DESIGN MARK

Serial Number

75025346

Status

REGISTERED

Word Mark

FINLANDIA PINEAPPLE

Registration Number

2073307

Date Registered

1997/06/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Alko Group Ltd CORPORATION FINLAND Salmisaarenranta 7 00180 Helsinki
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: pineapple
flavored vodka. First Use: 1995/05/00. First Use In Commerce:
1995/07/00.

Prior Registration(s)

1115781;1143620;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PINEAPPLE" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

as to "FINLANDIA"

Filing Date

1995/11/29

Examining Attorney

MIRMAN, DONNA

Print: Jan 23, 2004

75025346

Attorney of Record

CATHY J LALOR LUEDERS



Print: Jan 23, 2004

75059359

TYPED DRAWING

Serial Number

75059359

Status

REGISTERED

Word Mark

FINLANDIA PINEAPPLE

Registration Number

2066625

Date Registered

1997/06/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ALKO GROUP LTD. CORPORATION FINLAND Salmisaarenta 7 00180 Helsinki
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: alcoholic
beverages, namely, vodka. First Use: 1995/05/00. First Use In
Commerce: 1995/07/00.

Prior Registration(s)

1115781;1747344

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PINEAPPLE" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1996/02/16

Examining Attorney

LEETZOW, KAREN

Print: Jan 23, 2004

75059359

Attorney of Record
Francis E. Morris

Print: Jan 23, 2004

75345406

DESIGN MARK

Serial Number

75345406

Status

REGISTERED

Word Mark

FINLANDIA 21

Registration Number

2385961

Date Registered

2000/09/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ALTIA GROUP LTD. CORPORATION FINLAND SALMISAAREN RATA 7 00180 HELSINKI
FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: alcoholic
beverages, namely, vodka. First Use: 1997/11/10. First Use In
Commerce: 1997/11/10.

Prior Registration(s)

1115781;1747344

Section 2f Statement

as to "FINLANDIA"

Filing Date

1997/08/22

Examining Attorney

JOHNSON, DARLENE

Attorney of Record

FRANK E. MORRIS

FINLANDIA 21

Print: Jan 23, 2004

75498978

DESIGN MARK

Serial Number

75498978

Status

REGISTERED

Word Mark

FINLANDIA "21"...THE ULTIMATE VODKA OF THE 21ST CENTURY.

Registration Number

2497423

Date Registered

2001/10/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

FINLANDIA VODKA WORLDWIDE LTD. CORPORATION FINLAND SALMISAAREN RANTA 7
00180 HELSINKI FINLAND

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: VODKA, VODKA
MIXTURES, VODKA BASED DRINKS/CORDIALS.

Foreign Country Name

FINLAND

Foreign Registration Number

215696

Foreign Registration Date

1999/10/15

Foreign Expiration Date

2009/10/15

Prior Registration(s)

1115781;1747344;2066625

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VODKA" APART FROM THE

Print: Jan 23, 2004

75498978

MARK AS SHOWN.

Section 2f Statement
as to "FINLANDIA"

Filing Date
1998/06/09

Examining Attorney
CROCKETT, CYNTHIA

Attorney of Record
FRANK E MORRIS

FINLANDIA "21".
...THE ULTIMATE VODKA OF THE 21ST CENTURY.

DESIGN MARK

Serial Number

76075902

Status

REGISTERED

Word Mark

FINLANDIA VODKA WORLDWIDE

Registration Number

2710426

Date Registered

2003/04/29

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

FINLANDIA VODKA WORLDWIDE LTD. CORPORATION FINLAND SALMISAARENRANTA 7
00180 HELSINKI FINLAND

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:
ETHANOL FOR USE IN THE MANUFACTURE OF ALCOHOLIC BEVERAGES AND FOOD.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.
G & S: ALMANACS, BAGS OF PAPER OR PLASTICS FOR PACKAGING, BOOKS AND
BOOKLETS PERTAINING TO THE ALCOHOLIC BEVERAGE INDUSTRY, BOTTLE
ENVELOPES OF CARDBOARD OR PAPER, BOTTLE WRAPPERS OF CARDBOARD OR
PAPER, CALENDERS, PAPER FLAGS, PAPER KNIVES FOR OFFICE PURPOSES,
LETTER TRAYS, MAGAZINES PERTAINING TO THE ALCOHOLIC BEVERAGE INDUSTRY,
PAPER MATS FOR GLASSES, NOTE BOOKS, PAPER-CLIPS, PEN CASES, PENCIL
HOLDERS, PENS, PHOTOGRAPH STANDS, PHOTOGRAPHS, POSTCARDS, POSTERS,
PRINTED MATTER NAMELY, PHOTOGRAPHS, AND STATIONERY, STATIONERY,
STICKERS, TABLE CLOTHS OF PAPER.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: COFFEE, TEA, COCOA,
ARTIFICIAL COFFEE; CONFECTIONERY, NAMELY CHOCOLATE, FILLED CHOCOLATE,
CANDIES, CARAMELS, CHEWING GUM; SAUCES; SPICES; VINEGAR; ICE; FLAVORED
ICES, SPICES, SEASONINGS, CANDY, PASTRIES AND PIES.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEERS;
MINERAL AND AERATED WATERS, SOFT DRINKS; FRUIT DRINKS AND FRUIT
JUICES; SYRUPS AND OTHER PREPARATIONS FOR MAKING BEVERAGES.

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: WINES,
SCHNAPPS, LIQUEURS, VODKA, GIN, WHISKY, PREPARED ALCOHOLIC COCKTAILS,
COCKTAIL MIXES CONTAINING ALCOHOL.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: RESTAURANT
SERVICES; PROVIDING TEMPORARY HOUSING ACCOMMODATIONS; SCIENTIFIC AND
INDUSTRIAL RESEARCH; COMPUTER SOFTWARE DESIGN FOR OTHERS.

Foreign Country Name

FINLAND

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

T200000101

Foreign Filing Date

2000/01/13

Foreign Registration Number

219370

Foreign Registration Date

2000/11/15

Foreign Expiration Date

2010/11/15

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VODKA" APART FROM THE
MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2000/06/22

Examining Attorney

JOHNSON, DARLENE

Attorney of Record

Print: Jan 23, 2004

76075902

DAVID S. GOODER

FINLANDIA VODKA WORLDWIDE

DESIGN MARK

Serial Number

76107125

Status

REGISTERED

Word Mark

FINLANDIA

Registration Number

2501825

Date Registered

2001/10/30

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

VALIO LTD CORPORATION FINLAND Meijeritie 6 00370 Helsinki FINLAND

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: CHEESES. First Use: 1980/02/15. First Use In Commerce: 1980/02/15.

Prior Registration(s)

1388433

Section 2f Statement

as to "FINLANDIA"

Filing Date

2000/08/10

Examining Attorney

SLOAN, CYNTHIA

Attorney of Record

Daniel D. Fetterley



DESIGN MARK

Serial Number

76328630

Status

SU - REGISTRATION REVIEW COMPLETE

Word Mark

FINLANDIA SANDWICH NATURALS

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Valio Ltd CORPORATION FINLAND Meijeritie 6 00370 Helsinki FINLAND

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: Cheese. First Use: 2002/02/28. First Use In Commerce: 2002/02/28.

Prior Registration(s)

1388433;2501825

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANDWICH NATURALS" APART FROM THE MARK AS SHOWN.

Section 2f Statement

as to "FINLANDIA"

Filing Date

2001/10/23

Examining Attorney

MULLEN, MARK T.

Attorney of Record

Daniel D. Fetterley

FINLANDIA SANDWICH NATURALS

TYPED DRAWING

Serial Number

78198312

Status

NON-FINAL ACTION - MAILED

Word Mark

FINLANDIA SPLASH

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Finlandia Vodka Worldwide Ltd. CORPORATION FINLAND Salmisaarenranta 7
Helsinki FINLAND 00180

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic
beverages, namely, low alcoholic vodka-based beverages, low alcoholic
beverage produced from a brewed malt base with natural flavors,
prepared alcoholic cocktails.

Prior Registration(s)

1115778;2066625;2710426;AND OTHERS

Section 2f Statement

"FINLANDIA"

Filing Date

2002/12/27

Examining Attorney

WATSON, JULIE

Attorney of Record

David S. Gooder

Print: Jan 23, 2004

78198317

DESIGN MARK

Serial Number

78198317

Status

NON-FINAL ACTION - MAILED

Word Mark

FINLANDIA SPLASH

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Finlandia Vodka Worldwide Ltd. CORPORATION FINLAND Salmisaarenranta 7
Helsinki FINLAND 00180

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic
beverages, namely, low alcoholic vodka-based beverages, low alcoholic
beverage produced from a brewed malt base with natural flavors,
prepared alcoholic cocktails.

Prior Registration(s)

1115778;2066625;2710426;AND OTHERS

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2002/12/27

Examining Attorney

WATSON, JULIE

Attorney of Record

David S. Gooder



Print: Jan 23, 2004

78203027

DESIGN MARK

Serial Number

78203027

Status

NON-FINAL ACTION - MAILED

Word Mark

FINLANDIA

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Finlandia Vodka Worldwide Ltd. CORPORATION FINLAND Salmisaarenranta 7
Helsinki FINLAND 00180

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic
beverages, namely, distilled spirits.

Prior Registration(s)

1115781;1747344;AND OTHERS

Section 2f Statement

"FINLANDIA"

Filing Date

2003/01/14

Examining Attorney

WATSON, JULIE

Attorney of Record

David S. Gooder



FINLANDIA

Print: Jan 23, 2004

78253241

TYPED DRAWING

Serial Number

78253241

Status

NON-FINAL ACTION - MAILED

Word Mark

FINLANDIA VODKA, UNION VODKA, KRISTAL VODKA, KRISTAL GIN, SCANDIC CROWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

morris bouganim INDIVIDUAL UNITED STATES 1731 east 27th street
brooklyn NORTH CAROLINA 11229

Goods/Services

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Vodka and Gin.
First Use: 2003/05/23. First Use In Commerce: 2003/06/23.

Filing Date

2003/05/22

Examining Attorney

GASKINS, TONJA

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-06-08 19:12:55 ET

Serial Number: 78288365 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark (words only): FINLANDIA

Standard Character claim: No

Current Status: [Abandoned-Failure To Respond Or Late Response](#)

Date of Status: 2006-06-06

Filing Date: 2003-08-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 112](#)

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

Current Location: [M3X -TMO Law Office 112 - Examining Attorney Assigned](#)

Date In Location: 2006-06-06

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

1. [MARCON, ROBERT, VICTOR](#)

Address:

[MARCON, ROBERT, VICTOR](#)
[3471 SINNICKS AVENUE](#)
[NIAGARA FALLS L2J2G6](#)
[Canada](#)

Legal Entity Type: [Individual](#)

Country of Citizenship: [Canada](#)

Phone Number: [905 354 2543](#)

Fax Number: [905 354 7693](#)

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS; WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

Basis: 1(b), 44(d)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1168024

Country: Canada

Foreign Filing Date: 2003-02-18

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-06-07 - Abandonment Notice Mailed - Failure To Respond

2006-06-06 - Abandonment - Failure To Respond Or Late Response

2005-10-24 - Correspondence Mailed

2005-10-24 - Non-Final Action Written

2005-09-23 - LIE Checked Susp - To Atty For Action

2005-03-15 - Report Completed Suspension Check Case Still Suspended

2004-09-10 - Letter of suspension mailed

2004-09-09 - Suspension Letter Written

2004-08-09 - Amendment From Applicant Entered

2004-07-16 - Communication received from applicant

2004-07-16 - PAPER RECEIVED

2004-01-23 - Non-final action e-mailed

2004-01-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MARCON, ROBERT, VICTOR

Correspondent

MARCON, ROBERT, VICTOR

3471 SINNICKS AVENUE

NIAGARA FALLS, ONTARIO

L2J2G6

CANADA

Phone Number: 905 354 2543

Fax Number: 905 354 7693

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

In the Matter of Application Serial No. 76/596,736
Published in the Official Gazette on May 6, 2008
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

ORAL ARGUMENT REQUESTED

EXHIBIT C-6 TO OPPOSER'S NOTICE OF RELIANCE

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288364
Filing Date: 08/17/2003

The table below presents the data as entered.

Input Field	Entered
MARK	COORS
OWNER	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO
ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
PHONE	905 354 2543
FAX	905 354 7693
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	CANADA
CORRESPONDENCE	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO

ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER SPRING WATER,AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS,NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER SPRING WATER,AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS,NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	1168021
FOREIGN APPLICATION COUNTRY NAME	Canada
FOREIGN FILING DATE	02/18/2003
SIGNATURE INFORMATION	
SIGNATURE	/ROBERT V MARCON/

SIGNATURE DATE	08/17/2003
SIGNATORY NAME	ROBERT V MARCON
SIGNATORY POSITION	APPLICANT
PAYMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
RAM SALE NUMBER	469
RAM ACCOUNTING DATE	08/18/2003
FILING INFORMATION	
SUBMIT DATE	Sun Aug 17 12:47:31 EDT 2003
TEAS STAMP	USPTO/BAS-2162096817 2-200308171247319470 17-78288364-20056125 6ca64b14b7eb0f744662 6c3f086-CC-469-20030 817124440675167

PTO Form 1478 (Rev 4/2000)
OMB Control #0651-0009 (Exp. 08/31/2004)

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288364

Filing Date: 08/17/2003

To the Commissioner for Trademarks:

MARK: COORS

The applicant, ROBERT, VICTORMARCON, a citizen of CANADA, residing at 3471 SINNICKS

AVENUE, NIAGARA FALLS, ONTARIO Canada L2J2G6, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 032: WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

Based on Canada application number 1168021, filed 02/18/2003:

International Class 032: WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /ROBERT V MARCON/ Date: 08/17/2003

Signatory's Name: ROBERT V MARCON

Signatory's Position: APPLICANT

Mailing Address:

MARCON, ROBERT, VICTOR

3471 SINNICKS AVENUE

NIAGARA FALLS, ONTARIO L2J2G6

RAM Sale Number: 469

RAM Accounting Date: 08/18/2003

Serial Number: 78288364

Internet Transmission Date: Sun Aug 17 12:47:31 EDT 2003

TEAS Stamp: USPTO/BAS-21620968172-20030817124731947017-78288364-
200561256ca64b14b7eb0f7446626c3f086-CC-469-20030817124440675167

FILING DATE:

2003/08/17

SERIAL NUMBER:

78/288364



TRADEMARK APPLICATION

FEE RECORD SHEET

RAM SALE NUMBER: 469

RAM ACCOUNTING DATE: 20030818

Description	Fee Code	Fee Amount	Number Of Classes	Total Fees Paid
New App	7001	335	1	335

To: MARCON, ROBERT, VICTOR (HASTINGS1066@SYMPATICO.CA)

Subject: TRADEMARK APPLICATION NO. 78288364 - COORS - N/A

Sent: 1/20/04 8:37:54 PM

Sent As: ECom112

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
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[Attachment - 39](#)

[Attachment - 40](#)

[Attachment - 41](#)

[Attachment - 42](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/288364

APPLICANT: MARCON, ROBERT, VICTOR

CORRESPONDENT ADDRESS:

MARCON, ROBERT, VICTOR
3471 SINNICKS AVENUE
NIAGARA FALLS; ONC - ONTARIO
L2J2G6
CAX - CANADA

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom112@uspto.gov

MARK: COORS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

HASTINGS1066@SYMPATICO.CA

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/288364

The assigned examining attorney has reviewed the referenced application and determined the following.

Prior Pending Application

Information regarding pending Application Serial No. 78-186453 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced mark. If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

Likelihood of Confusion

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration Nos. 2346770, 2389252, 2335054, 2351112, 2339554, 2317567, 2448018, 2451156, 2145822, 2444615, 1748768, 1726076, 1684609, 1389342, 1313763, 1262609, 1134783, 1071095, 0619191, 0519643 and 0519209. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

When determining whether there is a likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. *Industrial Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers and the degree of similarity between the marks and between the goods and/or services. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning is sufficient to find a likelihood of confusion. In comparing the goods and/or services, it is necessary to show that they are related in some manner. *In re Mack*, 197 USPQ 755, 757 (TTAB 1977); TMEP §§1207.01 *et seq.*

Applicant proposes the mark COORS for use in connection with "beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water, ice, crushed ice, juices, flavored drinks (except beverages based on coffee, tea, or cocoa and milk beverages), nutrient drinks, non-alcoholic beverages, preparations for making beverages, syrups. Registrant in 2346770 provides "beer" in connection with the mark COORS LIGHT SAME TASTE/NEW LOOK! COORS LIGHT PREMIUM BEER A TASTE BORN HIGH IN THE ROCKY MOUNTAINS and design. Registrant in 2389252 provides "non-alcoholic beer" in connection with the mark COORS stylized. Registrant in 2335054 provides "non-alcoholic beer" in connection with the mark COORS. Registrant in 2351112 provides "clothing, namely, caps, T-shirts, western shirts, vests, jackets, pants, shirts, baseball jerseys, sweatshirts, golf shirts, boxers, and shorts" and "beer" in connection with the mark ORIGINAL COORS stylized. Registrant in 2339554 provides "clothing, namely, caps, T-shirts, western shirts, vests, jackets, pants, shirts, baseball jerseys, sweatshirts, golf shirts, boxers, and shorts" and "beer" in connection with the mark ORIGINAL COORS. Registrant in 2317567 provides "beer" and "clothing, namely, caps, T-shirts, shirts, vests, jackets, coats, and scarves" in connection with the mark ORIGINAL COORS RODEO and design. Registrant in 2448018 provides "computer services, namely, providing a wide range of information relating to beer, malt beverages, the environment by means of a computer network" in connection with the mark ORIGINAL COORS. Registrant in 2451156 provides "computer services, namely, providing a wide range of information relating to beer, malt beverages, the environment by means of a computer network" in connection with the mark COORS LIGHT. Registrant in 2145822 provides "beer and non-alcoholic beer" in connection with the mark COORS BREWING COMPANY GOLDEN, COLORADO and design. Registrant in 2444615 provides "computer services, namely, providing a wide range of information relating to beer, malt beverages, the environment by means of a computer network" in connection with the mark COORS. Registrant in 1748768 provides "beer" in connection with the mark COORS LIGHT THE SILVER BULLET. Registrant in 1726076 provides "beer" in connection with the mark COORS and design. Registrant in 1684609 provides "beer" in connection with the mark COORS

LIGHT. Registrant in 1389342 provides "beer" in connection with the mark COORS EXTRA GOLD and design. Registrant in 1313763 provides "beer" in connection with the mark COORS BANQUET BEER SINCE 1873. Registrant in 1262609 provides "beer" in connection with the mark TASTE THE HIGH COUNTRY. TASTE COORS. Registrant in 1134783 provides "beer" in connection with the mark COORS LIGHT BEER and design. Registrant in 1071095 provides "malt cereal beverages, namely, beer" in connection with the mark COORS. Registrant in 0619191 provides "beer" in connection with the mark A COORS. Registrant in 0519643 provides "beer" in connection with the mark C ADOLPH COORS GOLDEN, COLORADO and design. Registrant in 0519209 provides "malt cereal beverages-namely, beer" in connection with the mark COORS stylized.

The same registrant owns 2346770, 2389252, 2335054, 2351112, 2339554, 2317567, 2448018, 2451156, 2145822, 2444615, 1748768, 1726076, 1684609, 1389342, 1313763, 1262609, 1134783, 1071095, 0619191, 0519643 and 0519209.

With respect to the marks in Registration Nos. 1071095, 2444615, 2335054 and 2389252, the examining attorney finds that the applicant's mark is identical to the registrant's marks. In the second step of the analysis, the examining attorney finds that the registrant's goods and the applicant's goods are commercially related. Both the applicant and the registrant provide beer and non-alcoholic beverages. Nevertheless, if the marks of the respective parties are identical, the relationship between the goods or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Amcors, Inc. v. Amcor Industries, Inc.*, 210 USPQ 70 (TTAB 1981); TMEP §1207.01(a).

With respect to the marks in Registration Nos. 2346770, 2351112, 2339554, 2317567, 2448018, 2451156, 2145822, 1748768, 1726076, 1684609, 1389342, 1313763, 1262609, 1134783, 0619191, 0519643 and 0519209, the examining attorney finds that the applicant's mark shares the identical term COORS with each of the cited registrations. The mere addition of a term to a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975) ("BENGAL" and "BENGAL LANCER"); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (CCPA 1967) ("THE LILLY" and "LILLI ANN"); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988) ("MACHO" and "MACHO COMBOS"); *In re United States Shoe Corp.*, 229 USPQ 707 (TTAB 1985) ("CAREER IMAGE" and "CREST CAREER IMAGES"); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) ("CONFIRM" and "CONFIRMCELLS"); *In re Riddle*, 225 USPQ 630 (TTAB 1985) ("ACCUTUNE" and "RICHARD PETTY'S ACCU TUNE"); *In re Cosvetic Laboratories, Inc.*, 202 USPQ 842 (TTAB 1979) ("HEAD START" and "HEAD START COSVETIC"). Thus the addition of a design or other terms to the dominant term COORS in the registrant's marks do not obviate the likelihood of confusion. The marks are overall confusingly similar and impart a similar commercial impression. Because consumers will call for the goods by their name, the examining attorney places more significance on the literal portions of the mark than the design portions. *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *In re Drug Research Reports, Inc.*, 200 USPQ 554 (TTAB 1978). Finally, while the examining attorney cannot ignore a disclaimed portion of a mark and must view marks in their entirety, one feature of a mark may be more significant in creating a commercial impression. *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (CCPA 1976); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988); *In re Equitable Bancorporation*, 229 USPQ 709 (TTAB 1986). Disclaimed matter is typically less significant or less dominant.

In the second step of the analysis, the examining attorney finds that the applicant's goods are similar to the Registrants' goods because both provide beer and non-alcoholic beverages. If the marks of the respective parties are identical, the relationship between the goods or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Amcors, Inc. v. Amcor Industries, Inc.*, 210 USPQ 70 (TTAB 1981); TMEP §1207.01(a).

For these reasons, it is likely that the purchasing public would confuse the goods as originating from the same source. Therefore, the examining attorney refuses registration of the applicant's mark under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d).

The applicant should also note the following additional ground for refusal.

False Association

Registration is refused because the proposed mark consists of or comprises matter which may falsely suggest a connection with COORS for beer. COORS is so famous that consumers would presume a connection with applicant. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§1203.03, 1203.03(e) and 1203.03(f); *See generally University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Section 2(a):

- · · the mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
- · · the mark would be recognized as such;
- · · the person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- · · the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods or services.

In re Cotter & Co., 228 USPQ 202, 204 (TTAB 1985); *See Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985).

If applicant's goods or services are of a type that the named person or institution sells or uses, and the named party is sufficiently famous, then it may be inferred that purchasers of the goods or services would be misled into making a false connection of sponsorship, approval, support or the like with the named party. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re National Intelligence Academy*, 190 USPQ 570 (TTAB 1976).

The fact that purchasers would realize, at some point after purchase, that no connection exists between the listed goods or services and the person or institution falsely connected, is not relevant. The focus is on "the initial reaction or impact of the mark when viewed in conjunction with the applicable goods or services." *In re Bicentennial Society*, 197 USPQ 905, 906 (TTAB 1978).

For these reasons the examining attorney refuses registration of the mark under Section 2(a) of the Trademark Act for false association with a famous mark.

Applicant May Respond

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

Identification of Goods

The wording in the identification of goods needs clarification because it is too broad and could include goods classified in other international classes. Applicant may substitute the following wording, if accurate: TMEP §§1402.01 and 1402.03.

Nutritional drink mixes for use as a meal replacement. *International Class 5.*

Ice, crushed ice. *International Class 30.*

Beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water; juices, fruit flavored drinks, soft drinks; preparations for making fruit drinks; syrups for use in making soft drinks. *International Class 32.*

Classification

Applicant must correct the classification of the goods in the application and amend the application to classify them in International Classes 5, 30 and 32. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Combined Application

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) (1) (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
- (2) (2) (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

Current fees are sufficient for one class only.

Dual Filing Bases §§1(b) and 44(d)

If applicant wishes to proceed relying on the applicant's intent to use the mark in commerce under Trademark Act Section 1(b) as the sole basis for registration, with the claim of priority under Section 44(d), then applicant should so advise the trademark examining attorney. TMEP §§806.02(f) and 806.04(b). If applicant chooses to do so, this Office will approve the mark for publication without waiting for applicant to submit a copy of the foreign registration, once all other outstanding issues are resolved. Moreover, while the application may be approved for publication, the mark will not register until after an acceptable allegation of use has been filed.

If applicant does not indicate otherwise, this Office will presume that applicant wishes to rely on the foreign registration as an additional basis for registration and will require applicant to submit the copy of the foreign registration and, if appropriate, an English translation signed by the translator. TMEP §§1004.01 and 1004.01(b).

Designation of Domestic Representative

Applicant may designate a domestic representative upon whom notices or process may be served. Trademark Act Section 1(e), 15 U.S.C. §1051(e); 37 C.F.R. §2.24; TMEP §§604, 811 and 1013. If applicant does not designate a domestic representative, notices or process in proceedings affecting the mark may be served on the Director of the USPTO. Trademark Act Section 1(e), 15 U.S.C. §1051(e).

DESIGNATION OF DOMESTIC REPRESENTATIVE

Identify the mark

Serial No.

Name of applicant

Date of signature

(Name of domestic representative)

whose postal address is

is hereby designated applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

(Signature of applicant)

If the applicant has any questions or needs assistance in responding to this Office action, please call or e-mail the assigned examining attorney.

/D. Beryl Gardner/
D. Beryl Gardner
Examining Attorney - Law Office 112
www.uspto.gov/teas/index.html (file responses)
beryl.gardner@uspto.gov (submit questions only)
703-308-9112 x180

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

DESIGN MARK

Serial Number

75320410

Status

REGISTERED

Word Mark

ORIGINAL COORS RODEO

Registration Number

2317567

Date Registered

2000/02/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1995/04/01. First Use In Commerce: 1995/04/01.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,
namely, caps, T-shirts, shirts, vests, jackets, coats, and scarves.
First Use: 1995/04/01. First Use In Commerce: 1995/04/01.

Section 2f Statement

as to "ORIGINAL"

Filing Date

1997/07/07

Examining Attorney

CLARK, ROBERT C.

Attorney of Record

SABRINA C STAVISH

ORIGINAL
COWBOYS

RODEO

Print: Jan 20, 2004

75324597

DESIGN MARK

Serial Number

75324597

Status

REGISTERED

Word Mark

ORIGINAL COORS

Registration Number

2351112

Date Registered

2000/05/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,
namely, caps, T-shirts, western shirts, vests, jackets, pants, shirts,
baseball jerseys, sweatshirts, golf shirts, boxers, and shorts. First
Use: 1995/01/00. First Use In Commerce: 1995/01/00.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1995/09/00. First Use In Commerce: 1995/09/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORIGINAL" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

as to "ORIGINAL"

Filing Date

1997/07/15

Examining Attorney

Print: Jan 20, 2004

75324597

CLARK, ROBERT C.

Attorney of Record

SABRINA C STAVISH

ORIGINAL
Coors

DESIGN MARK

Serial Number

75600077

Status

REGISTERED

Word Mark

COORS

Registration Number

2335054

Date Registered

2000/03/28

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
NON-ALCOHOLIC BEER. First Use: 1991/10/01. First Use In Commerce:
1991/10/01.

Prior Registration(s)

0519209;1071095;AND OTHERS

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1998/12/01

Examining Attorney

MCCAULEY, BRENDAN

Attorney of Record

Lewis D. Hansen

COORS

Print: Jan 20, 2004

75600094

DESIGN MARK

Serial Number

75600094

Status

REGISTERED

Word Mark

COORS

Registration Number

2389252

Date Registered

2000/09/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
NON-ALCOHOLIC BEER. First Use: 1991/10/01. First Use In Commerce:
1991/10/01.

Prior Registration(s)

0519209;1071095;AND OTHERS

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1998/12/01

Examining Attorney

MCCAULEY, BRENDAN

Attorney of Record

Lewis D. Hansen

Coors

DESIGN MARK

Serial Number

75600733

Status

REGISTERED

Word Mark

SAME TASTE / NEW LOOK! COORS LIGHT PREMIUM BEER A TASTE BORN HIGH IN THE ROCKY MOUNTAINS

Registration Number

2346770

Date Registered

2000/05/02

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEER. First Use: 1998/10/00. First Use In Commerce: 1998/10/00.

Prior Registration(s)

1145223;1684609;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LIGHT PREMIUM BEER" APART FROM THE MARK AS SHOWN.

Lining/Stippling Statement

The lining and stippling shown in the drawing are a feature of the mark and are not intended to indicate color.

Section 2f Statement

as to "ROCKY MOUNTAINS"

Filing Date

1998/12/07

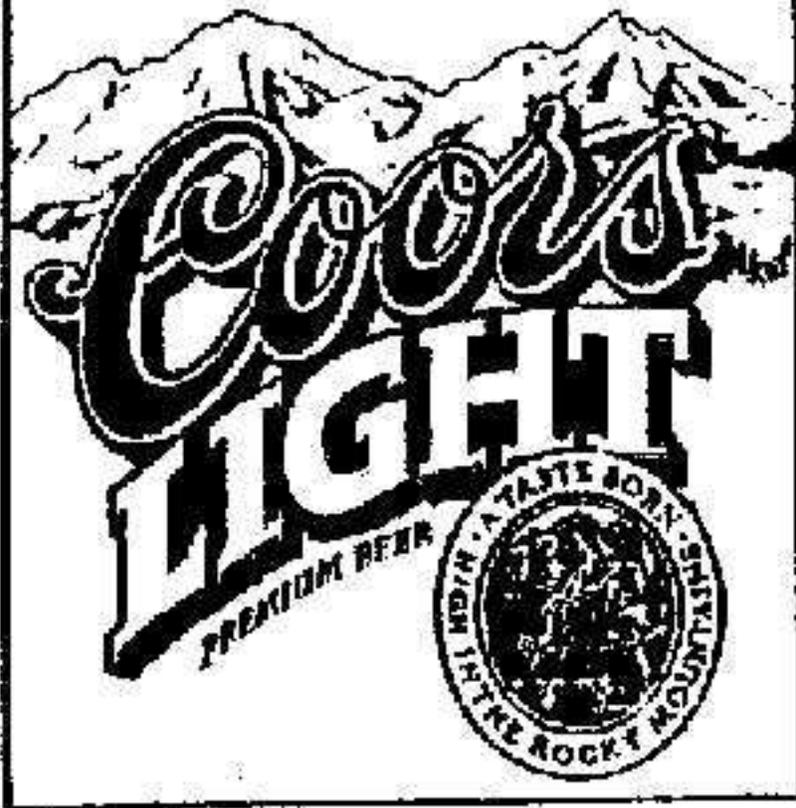
Print: Jan 20, 2004

75600733

Examining Attorney
MCCAULEY, BRENDAN

Attorney of Record
Sabrina C. Stavish

SAME TASTE / NEW LOOK!



TYPED DRAWING

Serial Number

78186453

Status

APPROVED FOR PUBLICATION

Word Mark

COORS ORIGINAL

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

COORS BREWING COMPANY CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: PLASTIC
ASHTRAYS.

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
MOUSE PADS, NEON SIGNS AND CASES FOR PERSONAL STEREOS. First Use:
2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.
G & S: PAPER COASTERS, PAPER NAPKINS, STICKERS, PENS, NOTE PAPER,
POSTERS, TABLE TENTS, BANNERS, AND CARDBOARD FLOOR DISPLAY UNITS.
First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:
BRIEFCASES, LEATHER BRIEFCASES, DUFFEL BAGS, LEATHER DUFFEL BAGS,
LUGGAGE TAGS, LEATHER LUGGAGE TAGS, BACKPACKS AND UMBRELLAS. First
Use: 2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.
G & S: INSULATING SLEEVE HOLDERS FOR BEVERAGE CANS, PORTABLE CAN
COOLERS, INSULATING SLEEVE HOLDERS FOR BEVERAGE BOTTLES, PORTABLE
BOTTLE COOLERS, THERMALLY INSULATED CONTAINERS FOR FOOD AND BEVERAGES,
PORTABLE PLASTIC COOLERS, PORTABLE METAL COOLERS, COASTERS NOT OF

PAPER AND NOT OF TABLE LINEN, BEVERAGE GLASSWARE, BOTTLE OPENERS, PITCHERS, PLASTIC BUCKETS, PLASTIC CUPS, SERVING TRAYS NOT OF PRECIOUS METAL AND BOTTLE CADDIES. First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: HATS, JACKETS, SHIRTS, T-SHIRTS, GOLF SHIRTS, SWEATSHIRTS, ARM BANDS, BOWLING SHIRTS, DENIM SHIRTS, APRONS, PANTS, TOPS, SHORTS, DRESSES, SWEATPANTS, TANK TOPS, WIND RESISTANT JACKETS AND SOFTBALL JERSEYS. First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: GOLF BALLS, FOOTBALLS, GOLF BAGS, GOLF TEES AND POOL CUES. First Use: 2002/06/01. First Use In Commerce: 2002/06/01.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEER. First Use: 2002/04/01. First Use In Commerce: 2002/04/01.

Filing Date

2002/11/19

Examining Attorney

HICKEY, SUELLEN

Attorney of Record

Sabrina C. Stavish

Print: Jan 20, 2004

71546160

DESIGN MARK

Serial Number

71546160

Status

REGISTERED AND RENEWED

Word Mark

COORS

Registration Number

0519209

Date Registered

1949/12/27

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

COORS BREWING COMPANY CORPORATION COLORADO 311 10TH STREET GOLDEN
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: MALT CEREAL
BEVERAGES-NAMELY, BEER. First Use: 1915/03/00. First Use In
Commerce: 1915/03/00.

Prior Registration(s)

0079624;0412474

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1948/01/05

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C STAVISH

Coors

DESIGN MARK

Serial Number

71547838

Status

REGISTERED AND RENEWED

Word Mark

C ADOLPH COORS GOLDEN, COLORADO

Registration Number

0519643

Date Registered

1950/01/10

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

COOR BREWING COMPANY CORPORATION COLORADO 311 10TH STREET GOLDEN
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use:
1923/00/00. THE TRADE-MARK WAS FIRST USED WITHOUT THE LETTER "C" BY
APPLICANT AND ITS PREDECESSORS IN BUSINESS IN THE YEAR 1882.. First
Use In Commerce: 1923/00/00.

Prior Registration(s)

0079624;0156155

Disclaimer Statement

THE EXCLUSIVE USE OF THE WORDS "ADOLPH COORS GOLDEN, COLORADO, AND
TRADE-MARK" ARE DISCLAIMED APART FROM THE MARK AS SHOWN.

Name/Portrait Statement

THE NAME "ADOLPH COORS" IS THE NAME OF THE FOUNDER OF THE BUSINESS WHO
IS NOW DECEASED.

Filing Date

1948/01/23

Examining Attorney

UNKNOWN



DESIGN MARK

Serial Number

71683364

Status

REGISTERED AND RENEWED

Word Mark

A COORS

Registration Number

0619191

Date Registered

1956/01/10

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

COORS BREWING COMPANY CORPORATION COLORADO 311 10TH STREET GOLDEN
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use:
1882/00/00. First Use In Commerce: 1882/00/00.

Prior Registration(s)

0513102;0519643;AND OTHERS

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1955/03/14

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C. STAVISH

A Course

Print: Jan 20, 2004

73106059

TYPED DRAWING

Serial Number

73106059

Status

REGISTERED AND RENEWED

Word Mark

COORS

Registration Number

1071095

Date Registered

1977/08/09

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

COORS BREWING COMPANY CORPORATION COLORADO 311 10TH STREET GOLDEN
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: MALT CEREAL
BEVERAGES-NAMELY, BEER. First Use: 1915/03/00. First Use In
Commerce: 1915/03/00.

Prior Registration(s)

0519209;0671933

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1976/11/10

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C STAVISH

Print: Jan 20, 2004

73184382

DESIGN MARK

Serial Number

73184382

Status

REGISTERED AND RENEWED

Word Mark

COORS LIGHT BEER

Registration Number

1134783

Date Registered

1980/05/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ADOLPH COORS COMPANY CORPORATION COLORADO 311 10TH STREET GOLDEN
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEER.
First Use: 1978/08/14. First Use In Commerce: 1978/08/14.

Prior Registration(s)

0519209;1071095;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO EXCLUSIVE USE OF THE WORDS "LIGHT" AND "BEER" APART
FROM THE MARK AS SHOWN.

Filing Date

1978/09/05

Examining Attorney

UNKNOWN

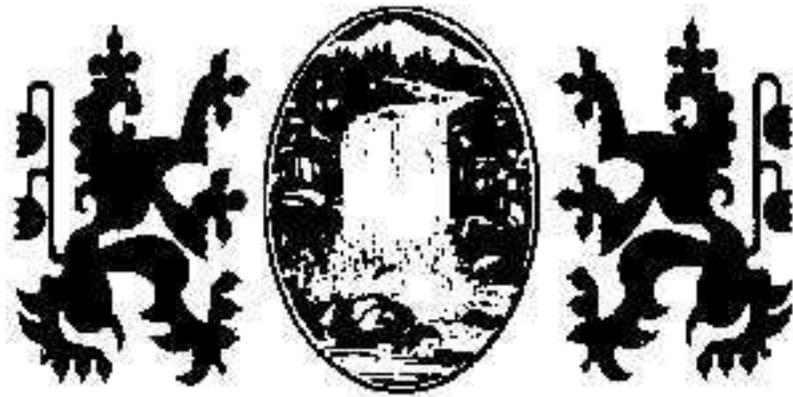
Attorney of Record

SABRINA C. STAVISH

Coors

LIGHT

BEER



Print: Jan 20, 2004

73277951

TYPED DRAWING

Serial Number

73277951

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

TASTE THE HIGH COUNTRY. TASTE COORS

Registration Number

1262609

Date Registered

1983/12/27

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Adolph Coors Company CORPORATION COLORADO Golden COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: Beer. First Use:
1979/06/01. First Use In Commerce: 1979/06/01.

Prior Registration(s)

0519209;1071095

Filing Date

1980/09/15

Examining Attorney

UNKNOWN

Attorney of Record

BRUCE G. KLAAS

DESIGN MARK

Serial Number

73452546

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

COORS BANQUET BEER SINCE 1873

Registration Number

1313763

Date Registered

1985/01/08

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Adolph Coors Company CORPORATION COLORADO Golden COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: Beer. First Use: 1983/10/01. First Use In Commerce: 1983/10/01.

Prior Registration(s)

0513103;0519209;1262609;AND OTHERS

Disclaimer Statement

No claim is made to the exclusive right to use "Since 1873" and "Beer", apart from the mark as shown.

Lining/Stippling Statement

The lining and/or stippling shown in the mark on the drawing is a feature of the mark and does not indicate color.

Filing Date

1983/11/14

Examining Attorney

UNKNOWN

Coors



DESIGN MARK

Serial Number

73537055

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

COORS EXTRA GOLD

Registration Number

1389342

Date Registered

1986/04/08

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

COORS BREWING COMPANY CORPORATION COLORADO B.C. 300 GOLDEN COLORADO
80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use:
1985/04/15. First Use In Commerce: 1985/04/15.

Prior Registration(s)

0519209;1071095

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EXTRA"; "GOLD" APART
FROM THE MARK AS SHOWN.

Filing Date

1985/05/13

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C. STAVISH



Print: Jan 20, 2004

74163349

TYPED DRAWING

Serial Number

74163349

Status

REGISTERED AND RENEWED

Word Mark

COORS LIGHT

Registration Number

1684609

Date Registered

1992/04/28

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10TH ST Golden COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: beer. First Use: 1979/05/29. First Use In Commerce: 1979/05/29.

Prior Registration(s)

1134783;1540754;1562472;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LIGHT" APART FROM THE MARK AS SHOWN.

Filing Date

1991/05/03

Examining Attorney

WHITAKER, LAURIE

Attorney of Record

SABRINA C STAVISH

DESIGN MARK

Serial Number

74247206

Status

REGISTERED AND RENEWED

Word Mark

COORS

Registration Number

1726076

Date Registered

1992/10/20

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: beer. First Use:
1984/10/01. First Use In Commerce: 1984/10/01.

Prior Registration(s)

0107095;0619191;AND OTHERS

Filing Date

1992/02/19

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C. STAVISH



Coors

TYPED DRAWING

Serial Number

74255228

Status

REGISTERED AND RENEWED

Word Mark

COORS LIGHT THE SILVER BULLET

Registration Number

1748768

Date Registered

1993/01/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: beer. First Use:
1986/02/13. First used in another form in March 1915. First Use In
Commerce: 1986/02/13.

Prior Registration(s)

1264432;1529947;1684609

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LIGHT" APART FROM THE
MARK AS SHOWN.

Filing Date

1992/03/13

Examining Attorney

UNKNOWN

Attorney of Record

SABRINA C. STAVISH

TYPED DRAWING

Serial Number

75121468

Status

REGISTERED

Word Mark

COORS

Registration Number

2444615

Date Registered

2001/04/17

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
services, namely, providing a wide range of information relating to
beer, malt beverages and the environment by means of a computer
network. First Use: 2000/07/00. First Use In Commerce: 2000/07/00.

Prior Registration(s)

0519209;1071095;1116302;1116602;1143960;1726076;AND OTHERS

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1996/06/07

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

Lewis D. Hansen

DESIGN MARK

Serial Number

75155702

Status

REGISTERED

Word Mark

COORS BREWING COMPANY GOLDEN, COLORADO

Registration Number

2145822

Date Registered

1998/03/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer and
non-alcoholic beer. First Use: 1995/03/24. First Use In Commerce:
1995/03/24.

Prior Registration(s)

0632821;1071095;1726076;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING COMPANY" APART
FROM THE MARK AS SHOWN.

Section 2f Statement

as to "GOLDEN, COLORADO"

Filing Date

1996/08/23

Examining Attorney

CASE, LEIGH CAROLINE

Print: Jan 20, 2004

75155702

Attorney of Record
SABRINA C STAVISH



TYPED DRAWING

Serial Number

75158313

Status

REGISTERED

Word Mark

COORS LIGHT

Registration Number

2451156

Date Registered

2001/05/15

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
services, namely, providing a wide range of information relating to
beer, malt beverages and the environment by means of a computer
network. First Use: 2000/07/00. First Use In Commerce: 2000/07/00.

Prior Registration(s)

1684609;1788251;1797874;AND OTHERS

Filing Date

1996/08/30

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

LEWIS D HANSEN

Print: Jan 20, 2004

75158822

TYPED DRAWING

Serial Number

75158822

Status

REGISTERED

Word Mark

ORIGINAL COORS

Registration Number

2448018

Date Registered

2001/05/01

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer
services, namely, providing a wide range of information relating to
beer, malt beverages, the environment by means of a computer network.
First Use: 2000/07/00. First Use In Commerce: 2000/07/00.

Prior Registration(s)

1116302;1143960;1726076;AND OTHERS

Filing Date

1996/08/30

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

LEWIS D HANSEN

DESIGN MARK

Serial Number

75324596

Status

REGISTERED

Word Mark

ORIGINAL COORS

Registration Number

2339554

Date Registered

2000/04/11

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coors Brewing Company CORPORATION COLORADO 311 10th Street Golden
COLORADO 80401

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,
namely, caps, T-shirts, western shirts, vests, jackets, pants, shirts,
baseball jerseys, sweatshirts, golf shirts, boxers, and shorts. First
Use: 1994/10/00. First Use In Commerce: 1994/10/00.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1991/04/00. First Use In Commerce: 1991/04/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORIGINAL" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

as to "ORIGINAL"

Filing Date

1997/07/15

Examining Attorney

Print: Jan 20, 2004

75324596

CLARK, ROBERT C.

Attorney of Record

SABRINA C STAVISH

ORIGINAL COORS

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-06-08 19:13:49 ET

Serial Number: 78288364 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark (words only): COORS

Standard Character claim: No

Current Status: [Abandoned-Failure To Respond Or Late Response](#)

Date of Status: 2006-11-20

Filing Date: 2003-08-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 112](#)

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

Current Location: [M3X -TMO Law Office 112 - Examining Attorney Assigned](#)

Date In Location: 2006-11-20

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

1. [MARCON, ROBERT, VICTOR](#)

Address:

[MARCON, ROBERT, VICTOR](#)
[3471 SINNICKS AVENUE](#)
[NIAGARA FALLS L2J2G6](#)
[Canada](#)

Legal Entity Type: [Individual](#)

Country of Citizenship: [Canada](#)

Phone Number: [905 354 2543](#)

Fax Number: [905 354 7693](#)

GOODS AND/OR SERVICES

International Class: 029

Class Status: Active

meat juices, and meat juice concentrates

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1168021

Country: Canada

Foreign Filing Date: 2003-02-18

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-11-20 - Abandonment Notice Mailed - Failure To Respond

2006-11-20 - Abandonment - Failure To Respond Or Late Response

2006-04-19 - Final refusal mailed

2006-04-18 - Final Refusal Written

2006-03-22 - Amendment From Applicant Entered

2006-03-01 - Communication received from applicant

2006-03-01 - PAPER RECEIVED

2005-08-25 - Non-final action mailed

2005-08-24 - Non-Final Action Written

2005-07-28 - LIE Checked Susp - To Atty For Action

2005-01-24 - Letter of suspension mailed

2004-08-28 - LETTER OF SUSPENSION E-MAILED

2004-08-10 - Amendment From Applicant Entered

2004-07-16 - Communication received from applicant

2004-07-16 - PAPER RECEIVED

2004-01-20 - Non-final action e-mailed

2004-01-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert V. Marcon

Correspondent

ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
L2J2G6
CANADA
Phone Number: 905 354 2543
Fax Number: 905 354 7693

Domestic Representative

Director of the U.S. Patent and Trademark Office

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

In the Matter of Application Serial No. 76/596,736
Published in the Official Gazette on May 6, 2008
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

ORAL ARGUMENT REQUESTED

EXHIBIT C-7 TO OPPOSER'S NOTICE OF RELIANCE

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288361

Filing Date: 08/17/2003

The table below presents the data as entered.

Input Field	Entered
MARK	BUDWEISER
OWNER	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO
ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
PHONE	905 354 2543
FAX	905 354 7693
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	CANADA
CORRESPONDENCE	
NAME	MARCON, ROBERT, VICTOR
STREET	3471 SINNICKS AVENUE
CITY	NIAGARA FALLS
STATE	ONTARIO

ZIP/POSTAL CODE	L2J2G6
COUNTRY	Canada
EMAIL	HASTINGS1066@SYMPATICO.CA
AUTHORIZED EMAIL COMMUNICATION	Yes
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER, SPRING WATER, AERATED WATER, CARBONATED WATER, SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	032
DESCRIPTION TEXT	WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	1168014
FOREIGN APPLICATION COUNTRY NAME	Canada
FOREIGN FILING DATE	02/18/2003
SIGNATURE INFORMATION	
SIGNATURE	/ROBERT V MARCON/

SIGNATURE DATE	08/17/2003
SIGNATORY NAME	ROBERT V MARCON
SIGNATORY POSITION	APPLICANT
PAYMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
RAM SALE NUMBER	465
RAM ACCOUNTING DATE	08/18/2003
FILING INFORMATION	
SUBMIT DATE	Sun Aug 17 12:11:50 EDT 2003
TEAS STAMP	USPTO/BAS-2162096817 2-200308171211501560 14-78288361-2002916c c52387b5739ffb462603 3392a1a-CC-465-20030 817120735206146

PTO Form 1478 (Rev 4/2000)
OMB Control #0651-0009 (Exp. 08/31/2004)

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78288361

Filing Date: 08/17/2003

To the Commissioner for Trademarks:

MARK: BUDWEISER

The applicant, ROBERT, VICTORMARCON, a citizen of CANADA, residing at 3471 SINNICKS

AVENUE, NIAGARA FALLS, ONTARIO Canada L2J2G6, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 032: WATER, STILL WATER, MINERAL WATER, SPRING WATER, AERATED WATER, CARBONATED WATER, SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS.

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

Based on Canada application number 1168014, filed 02/18/2003:

International Class 032: WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /ROBERT V MARCON/ Date: 08/17/2003

Signatory's Name: ROBERT V MARCON

Signatory's Position: APPLICANT

Mailing Address:

MARCON, ROBERT, VICTOR

3471 SINNICKS AVENUE

NIAGARA FALLS, ONTARIO L2J2G6

RAM Sale Number: 465

RAM Accounting Date: 08/18/2003

Serial Number: 78288361

Internet Transmission Date: Sun Aug 17 12:11:50 EDT 2003

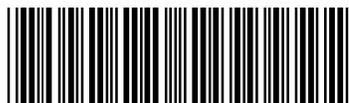
TEAS Stamp: USPTO/BAS-21620968172-20030817121150156014-78288361-
2002916cc52387b5739ffb4626033392a1a-CC-465-20030817120735206146

FILING DATE:

2003/08/17

SERIAL NUMBER:

78/288361



TRADEMARK APPLICATION

FEE RECORD SHEET

RAM SALE NUMBER: 465

RAM ACCOUNTING DATE: 20030818

Description	Fee Code	Fee Amount	Number Of Classes	Total Fees Paid
New App	7001	335	1	335

To: MARCON, ROBERT, VICTOR (HASTINGS1066@SYMPATICO.CA)
Subject: TRADEMARK APPLICATION NO. 78288361 - BUDWEISER - N/A
Sent: 1/20/04 7:23:10 PM
Sent As: ECom112
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)
[Attachment - 17](#)
[Attachment - 18](#)
[Attachment - 19](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/288361

APPLICANT: MARCON, ROBERT, VICTOR

CORRESPONDENT ADDRESS:
MARCON, ROBERT, VICTOR
3471 SINNICKS AVENUE
NIAGARA FALLS; ONC - ONTARIO
L2J2G6
CAX - CANADA

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom112@uspto.gov

MARK: BUDWEISER

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
HASTINGS1066@SYMPATICO.CA

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/288361

The assigned examining attorney has reviewed the referenced application and determined the following.

Prior Pending Applications

Information regarding pending Application Serial Nos. 76-328889 and 76-260815 are enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced marks. If one or more of the referenced applications registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

Likelihood of Confusion

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration Nos. 2643103, 2130635, 2095009, 2087363, 2333424, 1278241, 0952277, 0922481, 0895176, 0064125 and 0013064. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

When determining whether there is a likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. *Industrial Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers and the degree of similarity between the marks and between the goods and/or services. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning is sufficient to find a likelihood of confusion. In comparing the goods and/or services, it is necessary to show that they are related in some manner. *In re Mack*, 197 USPQ 755, 757 (TTAB 1977); TMEP §§1207.01 *et seq.*

Applicant proposes the mark BUDWEISER for use in connection with "beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water, ice, crushed ice, juices, flavored drinks (except beverages based on coffee, tea, or cocoa and milk beverages), nutrient drinks, non-alcoholic beverages, preparations for making beverages, syrups. Registrant in 2643103 provides "beer" in connection with the mark BUDWEISER.COM. Registrant in 2130635

provides "beer" in connection with the mark BUDWEISER HOOPS HEADQUARTERS. Registrant in 2095009 provides "beer" in connection with the mark BUDWEISER AMERICAN ALE. Registrant in 2087363 provides "beer" in connection with the mark BUDWEISER and design. Registrant in 2333424 provides "beer" in connection with the mark BUDWEISER KING OF THE ROCKIES and design. Registrant in 1278241 provides "beer" in connection with the mark BUDWEISER LIGHT. Registrant in 0952277 provides "beer" in connection with the mark BUDWEISER. Registrant in 0922481 provides "beer" in connection with the mark BUDWEISER. Registrant in 0895176 provides "beer" in connection with the mark BUDWEISER AB GENUINE LAGER BEER THE WORLD RENOWNED BREWED BY OUR ORIGINAL PROCESS FROM THE CHOICEST HOPS, RICE AND BEST BARLEY MALT BREWED AND BOTTLED BY ANHEUSER-BUSCH, INC. Registrant in 0064125 provides "beer" in connection with the mark BUDWEISER. Registrant in 0013064 provides "lager beer" in connection with the mark ORIGINAL BUDWEISER BUDWEISER LAGER BIER ONLY GENUINE AS DECREED BY THE COURTS ORIGINAL AS DECREED BY THE COURTS. The same registrant owns 2643103, 2130635, 2095009, 2087363, 2333424, 1278241, 0952277, 0922481, 0895176, 0064125 and 0013064 .

With respect to the marks in Registration Nos.0064125, 0922481 and 0952277, the examining attorney finds that the applicant's mark is identical to the registrant's marks. In the second step of the analysis, the examining attorney finds that the registrant's goods and the applicant's goods are commercially related. Both the applicant and the registrant provide beer, which is an alcoholic beverage. Nevertheless, if the marks of the respective parties are identical, the relationship between the goods or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Amcor, Inc. v. Amcor Industries, Inc.*, 210 USPQ 70 (TTAB 1981); TMEP §1207.01(a).

With respect to the marks in Registration Nos.2643103, 2130635, 2095009, 2087363, 2333424, 1278241, 0895176 and 0013064 the examining attorney finds that the applicant's mark shares the identical leading term BUDWEISER with each of the cited registrations. The mere addition of a term to a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975) ("BENGAL" and "BENGAL LANCER"); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (CCPA 1967) ("THE LILLY" and "LILLI ANN"); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988) ("MACHO" and "MACHO COMBOS"); *In re United States Shoe Corp.*, 229 USPQ 707 (TTAB 1985) ("CAREER IMAGE" and "CREST CAREER IMAGES"); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) ("CONFIRM" and "CONFIRMCELLS"); *In re Riddle*, 225 USPQ 630 (TTAB 1985) ("ACCUTUNE" and "RICHARD PETTY'S ACCU TUNE"); *In re Cosvetic Laboratories, Inc.*, 202 USPQ 842 (TTAB 1979) ("HEAD START" and "HEAD START COSVETIC"). Thus the addition of a top-level domain name such as .COM, or the addition of other terms to the dominant term BUDWEISER in the registrant's marks does not obviate the likelihood of confusion. The marks are overall confusingly similar and impart a similar commercial impression. Because consumers will call for the goods by their name, the examining attorney places more significance on the literal portions of the mark than the design portions. *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *In re Drug Research Reports, Inc.*, 200 USPQ 554 (TTAB 1978). Finally, while the examining attorney cannot ignore a disclaimed portion of a mark and must view marks in their entireties, one feature of a mark may be more significant in creating a commercial impression. *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (CCPA 1976); *In re El Torito Restaurants Inc.*, 9 USPQ2d 2002 (TTAB 1988); *In re Equitable Bancorporation*, 229 USPQ 709 (TTAB 1986). Disclaimed matter is typically less significant or less dominant.

In the second step of the analysis, the examining attorney finds that the applicant's goods are similar to the Registrants' goods because both provide alcoholic beverages, namely, beer. If the marks of the respective parties are identical, the relationship between the goods or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Ancor, Inc. v. Ancor Industries, Inc.*, 210 USPQ 70 (TTAB 1981); TMEP §1207.01(a).

For these reasons, it is likely that the purchasing public would confuse the goods as originating from the same source. Therefore, the examining attorney refuses registration of the applicant's mark under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d).

The applicant should also note the following additional ground for refusal.

False Association

Registration is refused because the proposed mark consists of or comprises matter which may falsely suggest a connection with BUDWEISER for beer. BUDWEISER is so famous that consumers would presume a connection with applicant. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§1203.03, 1203.03(e) and 1203.03(f); *See generally University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Section 2(a):

- · the mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
- · the mark would be recognized as such;
- · the person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- · the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods or services.

In re Cotter & Co., 228 USPQ 202, 204 (TTAB 1985); *See Buffett v. Chi?Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985).

If applicant's goods or services are of a type that the named person or institution sells or uses, and the named party is sufficiently famous, then it may be inferred that purchasers of the goods or services would be misled into making a false connection of sponsorship, approval, support or the like with the named party. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re National Intelligence Academy*, 190 USPQ 570 (TTAB 1976).

The fact that purchasers would realize, at some point after purchase, that no connection exists between the listed goods or services and the person or institution falsely connected, is not relevant. The focus is on "the initial reaction or impact of the mark when viewed in conjunction with the applicable goods or services." *In re Bicentennial Society*, 197 USPQ 905, 906 (TTAB 1978).

For these reasons the examining attorney refuses registration of the mark under Section 2(a) of the Trademark Act for false association with a famous mark.

Applicant May Respond

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

Identification of Goods

The wording in the identification of goods needs clarification because it is too broad and could include goods classified in other international classes. Applicant may substitute the following wording, if accurate: TMEP §§1402.01 and 1402.03.

Nutritional drink mixes for use as a meal replacement. *International Class 5.*

Ice, crushed ice. *International Class 30.*

Beer, water, still water, mineral water, spring water, aerated water, carbonated water, sparkling water, ice water, iceberg water; juices, fruit flavored drinks, soft drinks; preparations for making fruit drinks; syrups for use in making soft drinks. *International Class 32.*

Classification

Applicant must correct the classification of the goods in the application and amend the application to classify them in International Classes 5, 30 and 32. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Combined Application

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
- (2) (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

Current fees are sufficient for one class only.

Dual Filing Bases §§1(b) and 44(d)

If applicant wishes to proceed relying on the applicant's intent to use the mark in commerce under Trademark Act Section 1(b) as the sole basis for registration, with the claim of priority under Section 44(d), then applicant should so advise the trademark examining attorney. TMEP §§806.02(f) and 806.04(b). If applicant chooses to do so, this Office will approve the mark for publication without waiting for applicant to submit a copy of the foreign registration, once all other outstanding issues are resolved. Moreover, while the application may be approved for publication, the mark will not register until after an acceptable allegation of use has been filed.

If applicant does not indicate otherwise, this Office will presume that applicant wishes to rely on the foreign registration as an additional basis for registration and will require applicant to submit the copy of the foreign registration and, if appropriate, an English translation signed by the translator. TMEP §§1004.01 and 1004.01(b).

Designation of Domestic Representative

Applicant may designate a domestic representative upon whom notices or process may be served. Trademark Act Section 1(e), 15 U.S.C. §1051(e); 37 C.F.R. §2.24; TMEP §§604, 811 and 1013. If applicant does not designate a domestic representative, notices or process in proceedings affecting the mark may be served on the Director of the USPTO. Trademark Act Section 1(e), 15 U.S.C. §1051(e).

DESIGNATION OF DOMESTIC REPRESENTATIVE

Identify the mark

Serial No.

Name of applicant

Date of signature

(Name of domestic representative)

whose postal address is

is hereby designated applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

(Signature of applicant)

If the applicant has any questions or needs assistance in responding to this Office action, please call or e-mail the assigned examining attorney.

/D. Beryl Gardner/
D. Beryl Gardner
Examining Attorney - Law Office 112
www.uspto.gov/teas/index.html (file responses)
beryl.gardner@uspto.gov (submit questions only)
703-308-9112 x180 (submit questions only)
703-308-9112 x180

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

Print: Jan 20, 2004

70013064

DESIGN MARK

Serial Number

70013064

Status

REGISTERED AND RENEWED

Word Mark

ORIGINAL BUDWEISER BUDWEISER LAGER BIER ONLY GENUINE AS DECREED BY THE COURTS ORIGINAL AS DECREED BY THE COURTS

Registration Number

0013064

Date Registered

1886/03/02

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ANHEUSER-BUSCH, INCORPORATED CORPORATION MISSOURI ONE BUSCH PLACE ST. LOUIS MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: LAGER BEER. First Use: 1876/01/00. First Use In Commerce: 1876/01/00.

Description of Mark

OUR TRADE-MARK CONSISTS OF THE WORD "BUDWEISER" AND OUR FIRM NAME, "C. CONRAD & CO.," IN CONNECTION WITH THE MONOGRAM COMPOSED OF THE LETTERS "C C & CO.," AS SHOWN IN THE ACCOMPANYING FACSIMILES.

Filing Date

1886/02/08

Examining Attorney

UNKNOWN

Attorney of Record

CINDY L MCKEEHAN



TYPED DRAWING

Serial Number

71009773

Status

REGISTERED AND RENEWED

Word Mark

BUDWEISER

Registration Number

0064125

Date Registered

1907/07/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ANHEUSER-BUSCH, INCORPORATED CORPORATION MISSOURI ONE BUSCH PL. ST.
LOUIS MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use:
1876/01/00. First Use In Commerce: 1876/01/00.

Filing Date

1905/07/03

Examining Attorney

UNKNOWN

DESIGN MARK

Serial Number

72330875

Status

REGISTERED AND RENEWED

Word Mark

BUDWEISER AB GENUINE LAGER BEER THE WORLD RENOWNED BREWED BY OUR ORIGINAL PROCESS FROM THE CHOICEST HOPS, RICE AND BEST BARLEY MALT BREWED AND BOTTLED BY ANHEUSER-BUSCH, INC.

Registration Number

0895176

Date Registered

1970/07/21

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ANHEUSER-BUSCH, INCORPORATED CORPORATION MISSOURI 721 PESTALOZZI ST. ST. LOUIS MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use: 1950/00/00. JANUARY 1876, IN A DIFFERENT FORM.. First Use In Commerce: 1950/00/00.

Prior Registration(s)

0013064;0621423;AND OTHERS

Disclaimer Statement

APPLICANT DISCLAIMS THE WORDS "LAGER BEER," "GENUINE," "THE WORLD RENOWNED," AND "BREWED BY OUR ORIGINAL PROCESS FROM THE CHOICEST HOPS, RICE AND BEST BARLEY MALT," "BREWED AND BOTTLED BY" AND "INC." APART FROM THE MARK AS SHOWN.

Filing Date

1969/06/25

Examining Attorney

UNKNOWN



TYPED DRAWING

Serial Number

72374478

Status

REGISTERED AND RENEWED

Word Mark

BUDWEISER

Registration Number

0922481

Date Registered

1971/10/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ANHEUSER-BUSCH, INCORPORATED CORPORATION MISSOURI ONE BUSCH PLACE ST.
LOUIS MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER. First Use:
1876/01/00. First Use In Commerce: 1876/01/00.

Prior Registration(s)

0013064;AND OTHERS

Filing Date

1970/10/28

Examining Attorney

UNKNOWN

Print: Jan 20, 2004

72406443

TYPED DRAWING

Serial Number

72406443

Status

REGISTERED AND RENEWED

Word Mark

BUDWEISER

Registration Number

0952277

Date Registered

1973/01/30

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

ANHEUSER-BUSCH, INCORPORATED CORPORATION MISSOURI ONE BUSCH PLACE ST.
LOUIS MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: BEER [AND MALT
LIQUOR]. First Use: 1876/01/00. First Use In Commerce: 1876/01/00.

Prior Registration(s)

0013064;0895176;AND OTHERS

Filing Date

1971/11/01

Examining Attorney

UNKNOWN

Attorney of Record

JANET M. FLYNN

TYPED DRAWING

Serial Number

73387054

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

BUDWEISER LIGHT

Registration Number

1278241

Date Registered

1984/05/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Pl. St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 048. G & S: Beer. First Use:
1981/04/27. First Use In Commerce: 1981/04/27.

Disclaimer Statement

No claim is made to the exclusive right to use the word "Light", apart
from the mark as shown.

Filing Date

1982/09/20

Examining Attorney

UNKNOWN

Attorney of Record

Arch M. Ahern, Jr.

DESIGN MARK

Serial Number

74537851

Status

REGISTERED

Word Mark

BUDWEISER KING OF THE ROCKIES

Registration Number

2333424

Date Registered

2000/03/21

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1996/04/00. First Use In Commerce: 1996/04/00.

Prior Registration(s)

0064125;0922481;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROCKIES" APART FROM
THE MARK AS SHOWN.

Filing Date

1994/06/10

Examining Attorney

BODSON, MICHAEL E.

Attorney of Record

Baldev Sarai



DESIGN MARK

Serial Number

75119511

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

BUDWEISER

Registration Number

2087363

Date Registered

1997/08/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1995/07/20. First Use In Commerce: 1995/07/20.

Prior Registration(s)

0952277;1433856;AND OTHERS

Lining/Stippling Statement

The lining shown in the drawing is a feature of the mark and is not
intended to indicate color.

Filing Date

1996/06/10

Examining Attorney

WELLS, CHRIS

Attorney of Record

JANET M FLYNN



Print: Jan 20, 2004

75161097

TYPED DRAWING

Serial Number

75161097

Status

REGISTERED

Word Mark

BUDWEISER AMERICAN ALE

Registration Number

2095009

Date Registered

1997/09/09

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1996/11/11. First Use In Commerce: 1996/11/11.

Prior Registration(s)

0952277;1362286;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICAN ALE" APART
FROM THE MARK AS SHOWN.

Filing Date

1996/09/05

Examining Attorney

BISHOP WILSON, ANGELA

Attorney of Record

VALERIE BENKERT PACI

Print: Jan 20, 2004

75251668

TYPED DRAWING

Serial Number

75251668

Status

REGISTERED

Word Mark

BUDWEISER HOOPS HEADQUARTERS

Registration Number

2130635

Date Registered

1998/01/20

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 1996/11/15. First Use In Commerce: 1996/11/15.

Prior Registration(s)

0013064;0952277;AND OTHERS

Filing Date

1997/03/04

Examining Attorney

DELANEY, ZHALEH

Attorney of Record

DANIEL J NOONAN

Print: Jan 20, 2004

75314360

TYPED DRAWING

Serial Number

75314360

Status

REGISTERED

Word Mark

BUDWEISER.COM

Registration Number

2643103

Date Registered

2002/10/29

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: beer.
First Use: 2001/05/11. First Use In Commerce: 2001/05/11.

Prior Registration(s)

0952277;2033725;AND OTHERS

Filing Date

1997/06/25

Examining Attorney

FLETCHER, TRACY

Attorney of Record

VALERIE BENKERT PACI

DESIGN MARK

Serial Number

76260815

Status

OPPOSITION PENDING

Word Mark

BUDWEISER EN CONCIERTO

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place,
202-6 St. Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEER.
First Use: 1999/03/00. First Use In Commerce: 1999/03/00.

Prior Registration(s)

0922481;0952277;AND OTHERS

Translation Statement

The English translation of "EN CONCIERTO" is "in concert".

Filing Date

2001/05/22

Examining Attorney

BRESSO, GINEEN

Attorney of Record

BALDEV SARAI

BUDWEISER EN CONCIERTO

DESIGN MARK

Serial Number

76328890

Status

SECOND EXTENSION - GRANTED

Word Mark

BUDWEISER KING OF BEERS

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Anheuser-Busch, Incorporated CORPORATION MISSOURI One Busch Place St.
Louis MISSOURI 63118

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely shirts and headwear.

Prior Registration(s)

1360746;1506058;AND OTHERS

Filing Date

2001/10/23

Examining Attorney

LAVINE, JACQUELINE A.

Attorney of Record

Scott D. Miller



Budweiser
KING OF BEERS

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-06-08 19:14:35 ET

Serial Number: 78288361 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark (words only): BUDWEISER

Standard Character claim: No

Current Status: [Abandoned-Failure To Respond Or Late Response](#)

Date of Status: 2006-07-14

Filing Date: 2003-08-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 112](#)

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

Current Location: [M3X -TMO Law Office 112 - Examining Attorney Assigned](#)

Date In Location: 2006-07-14

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

1. [MARCON, ROBERT, VICTOR](#)

Address:

[MARCON, ROBERT, VICTOR](#)
[3471 SINNICKS AVENUE](#)
[NIAGARA FALLS L2J2G6](#)
[Canada](#)

Legal Entity Type: [Individual](#)

Country of Citizenship: [Canada](#)

Phone Number: [905 354 2543](#)

Fax Number: [905 354 7693](#)

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

WATER, STILL WATER, MINERAL WATER, SPRING WATER, AERATED WATER, CARBONATED WATER, SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS;; WATER, STILL WATER, MINERAL WATER SPRING WATER, AERATED WATER CARBONATED WATER SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS(EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1168014

Country: Canada

Foreign Filing Date: 2003-02-18

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-07-17 - Abandonment Notice Mailed - Failure To Respond

2006-07-14 - Abandonment - Failure To Respond Or Late Response

2005-11-30 - Final refusal mailed

2005-11-29 - Final Refusal Written

2005-10-28 - Amendment From Applicant Entered

2005-10-12 - Communication received from applicant

2005-10-12 - PAPER RECEIVED

2005-04-06 - Non-final action mailed

2005-04-05 - Non-Final Action Written

2005-04-01 - LIE Checked Susp - To Atty For Action
2004-09-17 - Fax Sent
2004-08-30 - Letter of suspension mailed
2004-08-10 - Amendment From Applicant Entered
2004-07-16 - Communication received from applicant
2004-07-16 - PAPER RECEIVED
2004-01-20 - Non-final action e-mailed
2004-01-11 - Assigned To Examiner
2003-09-02 - Applicant amendment prior to exam entered
2003-09-02 - Communication received from applicant
2003-09-02 - TEAS Voluntary Amendment Received

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert V. Marcon

Correspondent

ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
L2J2G6
CANADA
Phone Number: 905 354 2543
Fax Number: 905 354 7693
