ESTTA Tracking number: **ESTTA351995**
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-14 [NESCAFE App, OA, Tarr] 300 dpi.pdf (68 pages)(2377096 bytes) Exhibit C-15 [JACK DANIEL_S (2004) [App, OA, Tarr] 300dpi.pdf (44 pages)(1211174 bytes) Exhibit C-16 [CHANEL App, OA, Tarr] 300dpi.pdf (68 pages)(2132668 bytes) Exhibit C-17 [EVIAN App, OA, Tarr] 300dpi.pdf (28 pages)(659763 bytes) Exhibit C-18 [TIM HORTONS App, OA, Tarr] 300 dpi.pdf (29 pages)(787042 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-14)

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-14 TO OPPOSER'S NOTICE OF RELIANCE

06-09-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

Robert Victor Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

For: (a) Distilled spirits; (b) Liqueurs; (c) Cordials; and (d) Alcoholic coolers, namely; distilled spirit based and malt based, in International Class 033.

Basis for Filing: Section 1(b) and 44(d)

NESCAFÉ

U.S. Patent & TM Ofc/TM
76596735

76596735

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/16/2004 KGIBBONS 00000143 76596735

01 FC:6001 335.00 OP

PTO-1555
(5/87)

Mr. Robert V. Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

June 8, 2004

Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, Virginia,
U.S.A.,
22202-3514

Re: "NESCAFÉ" Trademark Application

Dear Sir:

I, Robert Victor Marcon, am hereby filing an application for the registration of the trademark NESCAFÉ.

Enclosed herein are the following documents:

(1) The trademark application for NESCAFÉ; and
(2) A money order in the amount of $335.00 U.S. to cover the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions regarding this application.

(CERTIFICATION)

Mailed To: Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, VA,
U.S.A.,
22202-3514

Mailing Date: 8 June 2004 in Niagara Falls, N.Y., U.S.A.

No. of Pages: Ten (10)

Certification: I hereby certify that this correspondence and/or fee is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the "Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, U.S.A., 22202-3514".

Express Mail Label Number: **EH960575899US**
Date of Deposit: **8 June 2004**
Name of Depositor: **Robert V. Marcon**

Signature of Depositor: Robert V. Marcon

Very Respectfully,

Robert V. Marcon

Mr. Robert V. Marcon
Applicant Pro Se
8 June 2004

TRADEMARK/SERVICE MARK APPLICATION

(15 U.S.C. Subsection 1051, 1126(d)&(e))

APPLICANT INFORMATION

Name of Applicant:	Robert Victor Marcon	
Residency Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Correspondence Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

APPLICANT ENTITY INFORMATION

(1) Applicant is an individual.

(2) Applicant is a citizen of Canada.

TRADEMARK/SERVICE MARK INFORMATION

(1) The mark is:

NESCAFÉ

(2) The mark is typed form.

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Intent to Use: Section 1(b)

The Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. Subsection 1051(b)).

(1) International class 033.

(2) Listing of Goods and/or Services:

(a) Distilled spirits;

(b) Liqueurs;

(c) Cordials; and

(d) Alcoholic coolers, namely; distilled spirit based and malt based.

Foreign Priority: Section 44(d)

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

(1) International Class Number(s): Not Known

(2) Listing of Goods and/or Services:

(a) Distilled spirits;

(b) Liqueurs;

(c) Cordials; and

(d) Alcoholic coolers, namely; distilled spirit based and malt based.

(3) Country of Foreign Filing: Canada

(4) Foreign Application Number: 1,201,480

(5)	Date of Foreign Filing:	11 December 2003
(6)	Application Docket Number:	Mark-22

FILING FEE INFORMATION

(1)	Filing Fee Calculation:	
	(a) Cost per Class:	$335.00 U.S.
	(b) Number of Classes:	1
	(c) Total Filing Fee:	$335.00 U.S.
(2)	Method of Filing Fee Payment:	Money Order

DOMESTIC REPRESENTATIVE

There is no domestic representative assigned to this application.

SIGNATURE INFORMATION

The Applicant request registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) for the above-identified goods and/or services.

The undersigned, being hereby warned that wilful 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 wilful false statements may jeopardize the validity of the application or any resulting registrations, 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 identical form thereof or in such new 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 knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:	Robert Victor Marcon
Print Name:	Robert Victor Marcon
Date Signed:	8 June 2004
Title:	Individual

CONTACT INFORMATION

Name of Contact:	Robert V. Marcon	
Mailing Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

ATTENTION

FOREIGN REGISTRATION CERTIFICATE IS ENCLOSED INSIDE FILE JACKET

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

Robert Marcon
3471 Sinnicks Avenue
Niagara Falls
ONTARIO L2J 2G6

Date	15 déc/Dec 2003
Votre référence - Your reference	
Numéro de dossier - File number	**1201480**

Requérant - Applicant:

Robert Marcon

Marque de commerce - Trade-mark:

Nescafé

AVIS DE RÉCEPTION

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de production de la demande. La date de production de cette demande est:

FILING NOTICE

Receipt is acknowledged of the application and filing fee for the registration of this trade-mark. This application's filing date is:

11 déc/Dec 2003

Pour toute correspondance veuillez inclure le numéro de dossier mentionné ci-dessus.

Pour obtenir des renseignements sur les marques de commerce veuillez signaler le (819) 997-1936 ou visitez notre site Web au http://opic.gc.ca . De plus, vous pouvez obtenir de l'information concernant le statut de votre demande à partir de la Base de données des marques des commerce via notre site Web.

Une feuille de vérification de votre demande est jointe à titre de révision. Si vous avez des questions concernant l'information qui y figure, veuillez communiquer avec :

La Section des Formalités
Place du Portage I
50, rue Victoria, Hull, (Québec) K1A 0C9
Téléphone : (819) 997-1070 Télécopieur : (819) 953-6742

For all future correspondence please include the file number stated above.

For general information on trade-marks please call (819) 997-1936 or visit our Web site at http://cipo.gc.ca . You may also obtain status information on your application from the Trade-marks Database on our Web site.

A Proof Sheet of the application is attached for your review. If you have any questions on the information contained within the Proof Sheet please contact:

Formalities Section
Place du Portage I
50 Victoria Street, Hull, Quebec K1A 0C9
Tel: (819) 997-1070 Fax: (819) 953-2476

APPL'N/DEM. NO 1 201 480

FORMALIZED/FORMALITÉS ACCOMPLIES

FILING DATE/DATE DE PRODUCTION: **11 déc/Dec 2003**

APPLICANT/REQUÉRANT:

Robert Marcon
3471 Sinnicks Avenue
Niagara Falls
ONTARIO
L2J 2G6

TRADE-MARK/MARQUE DE COMMERCE:

Nescafé

INDEX HEADINGS/RUBRIQUES:

NESCAFE
* *

WARES/MARCHANDISES:

(1) DISTILLED SPIRITS.
(2) LIQUEURS.
(3) CORDIALS.
(4) ALCOHOLIC COOLERS, NAMELY; DISTILLED SPIRIT BASED AND MALT BASED.

CLAIMS/REVENDICATIONS:

Proposed Use in CANADA on wares.

Action	Date	BF	Comments/Commentaires
filed/produite	2003/12/11		
created/créé	2003/12/12		
formalized/formalisée	2003/12/12		

CANADIAN TRADE-MARK DATA

*** Note : Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2004-03-23

APPLICATION NUMBER: 1201480

REGISTRATION NUMBER: not registered

STATUS: FORMALIZED

FILED: 2003-12-11

FORMALIZED: 2003-12-12

APPLICANT:

Robert Marcon
3471 Sinnicks Avenue

Niagara Falls
L2J 2G6
ONTARIO

TRADE-MARK:

Nescafé

INDEX HEADINGS:

NESCAFE
CAFE, NES

WARES:

(1) DISTILLED SPIRITS.
(2) LIQUEURS.
(3) CORDIALS.
(4) ALCOHOLIC COOLERS, NAMELY; DISTILLED SPIRIT BASED AND MALT BASED.

CLAIMS:

Proposed Use in CANADA.

ACTION	DATE	BF	COMMENTS
Filed	11 December 2003		
Created	12 December 2003		
Formalized	12 December 2003		

Back

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/596735

APPLICANT: Marcon, Robert Victor

76596735

CORRESPONDENT ADDRESS:
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6

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

MARK: NESCAFÉ

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

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 76/596735

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

Refusal Under Section 2(d) – Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the marks in U.S. Registration Nos. 0379117; 0843369; 1,152,592; and 1,382,559 (all owned by the same registrant) as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registrations.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ

738 (TTAB 1978). TMEP §§1207.01 *et seq*.

The applicant has applied to register NESCAFÉ (Standard Character Drawing) for "Distilled spirits; Liqueurs; Cordials; and Alcoholic coolers, namely; distilled spirit based and malt based." Registration No. 0379117 is NESCAFÉ (Stylized) for "Coffee Extracts, Decaffeinated Coffees, and Decaffeinated Coffee Extracts, With or Without the Admixture of Other Food Ingredients." Registration No. 0843369 is NESCAFÉ (Stylized) for "COFFEE." Registration No. 1,152,592 is NESCAFÉ (Stylized) for "Instant Coffee." Registration No. 1,382,559 is NESCAFÉ INSTANT COFFEE (and Design) for "COFFEE." The marks are essentially phonetic equivalents. Similarity in sound alone is sufficient to find a likelihood of confusion. *Molenaar, Inc. v. Happy Toys Inc.*, 188 USPQ 469 (TTAB 1975); *In re Cresco Mfg. Co.*, 138 USPQ 401 (TTAB 1963). TMEP §1207.01(b)(iv).

If the marks of the respective parties are identical, or nearly 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).

It is well-settled that the goods/services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works* , 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co*., 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp*., 197 USPQ 910 (TTAB 1978). TMEP §1207.01(a)(i).

Attached are copies of printouts from the USPTO X-Search database which show ten *representative* third-party registrations of marks used in connection with the same or similar goods as those of applicant and registrant. The printouts have probative value to the extent that they serve to suggest that the goods listed therein, namely, coffee and coffee-related products, and alcohol-related products, are of a kind that may emanate from a single source. *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218 (TTAB 2001), *citing In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

Further, any goods or services in the registrant's normal fields of expansion must also be considered in order to determine whether the registrant's goods or services are related to the applicant's identified goods or services for purposes of analysis under Section 2(d). *In re General Motors Corp.*, 196 USPQ 574 (TTAB 1977). The test is whether purchasers would believe the product or service is within the registrant's logical zone of expansion. *CPG Prods. Corp. v. Perceptual Play, Inc.*, 221 USPQ 88 (TTAB 1983); TMEP §1207.01(a)(v). The attached third-party registrations also show that alcohol-related products would be considered within the registrant's logical zone of expansion.

The marks are essentially phonetic equivalents. The goods are related. The similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers. The examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant **who has a <u>legal</u> <u>duty</u> to select a mark which is totally dissimilar to trademarks already being used**. *Burroughs Wellcome Co. v. Warner?Lambert Co.,* 203 USPQ 191 (TTAB 1979).

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.

Prior Pending Applications

The examining attorney encloses information regarding pending Application Serial Nos. 75/757171; 75/934741; and 76/269354 (owned by the same registrant cited above). The filing dates of the referenced applications precede the applicant's filing date. There may be a likelihood of confusion between the applicant's mark and the referenced marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If one or more of the referenced applications matures into a registration, the examining attorney may use the registrations as an additional basis for refusing registration in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

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

1. Advisory Regarding Domestic Representative

The 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 the applicant does not designate a domestic representative, notices or process in proceedings affecting the mark may be served on the USPTO Director. Trademark Act Section 1(e), 15 U.S.C. §1051(e).

The examining attorney provides the following example for the applicant's convenience in preparing an Appointment of Domestic Representative, if he should so desire.

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)

2. Identification of Goods

a. The wording "Alcoholic coolers, namely; distilled spirit based and malt based" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "Alcoholic coolers, namely, distilled spirit based and malt based coolers," if accurate. TMEP §1402.01.

b. The applicant may adopt the following identification of goods in International Class 33, if accurate: Distilled spirits; Liqueurs; Cordials; and Alcoholic coolers, namely; distilled spirit based and malt based coolers.

c. Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

3. Standard Character Drawing Claim

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

The Trademark Rules pertaining to drawings were amended on November 2, 2003. For applications filed after November 2, 2003, such as this one, applicants must follow the new standard character drawing rules. Exam Guide 01-03, section I.A.9.

4. Registration Basis

The applicant has filed asserting a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and claiming priority under Section 44(d), 15 U.S.C. §1126(d), based on a foreign application. Under these circumstances, the applicant may rely solely on its intent to use the mark in commerce as the basis for registration and not the expected foreign registration, and still claim the benefit of the priority filing date. If the applicant chooses to do so, this Office will approve the case for publication without waiting for the applicant to submit the foreign registration. Of course, the application must be in condition for publication in all other respects. Moreover, while the application may be approved for publication, the mark will not be registered until an acceptable allegation of use has been filed.

If the applicant wishes to proceed relying on the applicant's intent to use the mark in commerce as the sole basis for registration, with the claim of priority, the applicant should so advise the examining attorney. TMEP §§806.02(f) and 806.04(b).

If the applicant does not so indicate, this Office will presume that the applicant wishes to rely on the foreign registration as an additional basis for registration and will expect the applicant to submit a true copy, a photocopy, a certification, or a certified copy of the foreign registration and, if appropriate, an

English translation. It is customary for the translator to sign the translation. TMEP §§1004.01 and 1004.01(b).

RESPONSE GUIDELINES

1. No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

2. Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. Applicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

3. In all correspondence to the Patent and Trademark Office, the applicant should list the name and law office of the examining attorney, the serial number of this application, the mailing date of this Office action, and the applicant's telephone number.

4. If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

A prompt response to this Office action will expedite the handling of this matter.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at http://www.uspto.gov/teas/index.html.

/Barbara A. Gaynor/
Barbara A. Gaynor
Trademark Examining Attorney
Law Office 115
(571) 272-9164

How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

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
71427084

Status
REGISTERED AND RENEWED

Word Mark
NESCAFE

Standard Character Mark
No

Registration Number
0379117

Date Registered
1940/07/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE DES PRODUCTS NESTLE S.A. CORPORATION SWITZERLAND CASE POSTAL 353 1800 VEVEY SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffees, Coffee Extracts, Decaffeinated Coffees, and Decaffeinated Coffee Extracts, With or Without the Admixture of Other Food Ingredients. First Use: 1939/10/11. First Use In Commerce: 1939/10/11.

Prior Registration(s)
0364017

Filing Date
1940/01/02

Examining Attorney
UNKNOWN

Attorney of Record
ROBERT H. SANDERS

NESCAFÉ

DESIGN MARK

Serial Number
72265430

Status
REGISTERED AND RENEWED

Word Mark
NESCAFE

Standard Character Mark
No

Registration Number
0843369

Date Registered
1968/01/30

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE DES PRODUITS NESTLE S.A. CORPORATION SWITZERLAND CASE POSTALE 353 VEVEY SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: COFFEE. First Use: 1967/01/27. First Use In Commerce: 1967/01/27.

Prior Registration(s)
0364017;0379117;0674257

Filing Date
1967/02/24

Examining Attorney
UNKNOWN

NESCAFÉ

DESIGN MARK

Serial Number
73225078

Status
REGISTERED AND RENEWED

Word Mark
NESCAFE

Standard Character Mark
No

Registration Number
1152592

Date Registered
1981/04/28

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE DES PRODUITS NESTLE S.A. CORPORATION SWITZERLAND CASE POSTALE 353 1800 VEVEY SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Instant Coffee. First Use: 1978/06/23. First Use In Commerce: 1978/06/23.

Prior Registration(s)
0379117;0972497;AND OTHERS

Filing Date
1979/07/27

Examining Attorney
UNKNOWN

Attorney of Record
ROBERT H SANDERS

NESCAFÉ

DESIGN MARK

Serial Number
73497343

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
NESCAFE INSTANT COFFEE

Standard Character Mark
No

Registration Number
1382559

Date Registered
1986/02/11

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE DES PRODUITS NESTLE S.A. CORPORATION SWITZERLAND 1800 VEVEY CANTON OF VAUD SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: COFFEE. First Use: 1984/05/28. First Use In Commerce: 1984/05/28.

Prior Registration(s)
0754302;0843369;0972497;AND OTHERS

Disclaimer Statement
INSTANT COFFEE

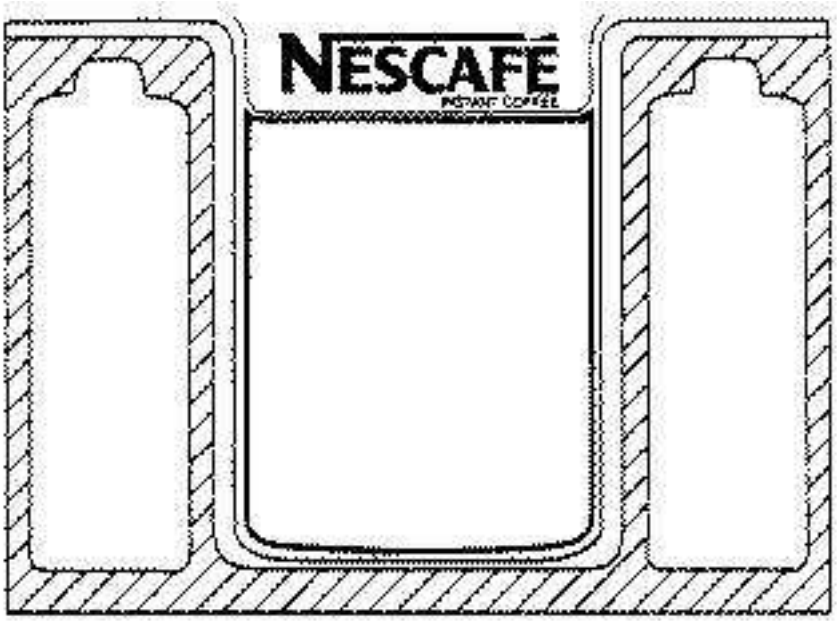
Lining/Stippling Statement
THE LINING (OR STIPPLING) SHOWN IN THE MARK ON THE DRAWING IS A FEATURE OF THE MARK AND DOES NOT INDICATE THE COLOR.

Filing Date
1984/08/31

Examining Attorney

NELSON, EDWARD H.

Attorney of Record
DAVID G. HASSI


NESCAFÉ
INSTANT COFFEE

DESIGN MARK

Serial Number
75757171

Status
SU - NON-FINAL ACTION - MAILED

Word Mark
NESCAFE

Standard Character Mark
No

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
Societe des Produits Nestle S.A. CORPORATION SWITZERLAND Case Postale 353 1800 Vevey SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee, coffee substitutes; coffee-based beverages containing milk. First Use: 2001/06/01. First Use In Commerce: 2001/06/01.

Goods/Services
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management; business consultation services in the field of preparing and maintaining business records for others; management assistance; advisory services in the field of business management; cooperative advertising and marketing; import and export agencies; promoting sports competitions and/or events of others. First Use: 2001/06/01. First Use In Commerce: 2001/06/01.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Restaurant services; hotel services; cafe services; snackbar services; canteen services. First Use: 2001/06/01. First Use In Commerce: 2001/06/01.

Prior Registration(s)
0379117;0843369;AND OTHERS

Filing Date
1999/07/22

Examining Attorney
ERVIN, INGA

Attorney of Record
ROBERT H. SANDERS

NESCAFÉ

DESIGN MARK

Serial Number
75934741

Status
THIRD EXTENSION - GRANTED

Word Mark
NESCAFE

Standard Character Mark
No

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
Societe des Produits Nestle S.A. CORPORATION SWITZERLAND Case Postale 353 1800 Vevey SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee, coffee extracts and coffee-based drinks, coffee substitutes, extracts of coffee substitutes.

Goods/Services
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management and organization, business management consultation; business management assistance and providing advisory services relating thereto; business recordkeeping in the field of foodstuffs and catering; cooperative advertising and marketing, business organization consultancy services relating to the importation of foodstuffs and of food utensils such as vending machines.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Restaurant, hotel, cafe, snack-bar and canteen services; catering services; quality control and provision of information, all relating to food, to nutrition and to food additives; consultancy services relating to food and drink.

Prior Registration(s)
0379117;0843369;1152592;1235383;AND OTHERS

Lining/Stippling Statement
The "NESCAFE" portion of the mark appears in red on a black background. A red-orange wave appears below the black background. One end of the wave fades into purple then blue and the other end of the wave fades into deep gold.

Filing Date
2000/03/03

Examining Attorney
ERVIN, INGA

NESCAFÉ

DESIGN MARK

Serial Number
76269354

Status
SECOND EXTENSION - GRANTED

Word Mark
NESCAFE FREEZZ

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Societe des Produits Nestle S.A. CORPORATION SWITZERLAND Case Postale 353 1800 Vevey SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: COFFEE, COFFEE EXTRACTS USED AS FLAVORING, AND COFFEE-BASED BEVERAGES; COFFEE SUBSTITUTES, AND EXTRACTS OF COFFEE SUBSTITUTES USED AS FLAVORING; TEA, TEA EXTRACTS USED AS FLAVORING, AND TEA-BASED BEVERAGES; COCOA, AND COCOA-BASED BEVERAGES.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: MINERAL AND AERATED WATERS, AND OTHER NON-ALCOHOLIC DRINKS, NAMELY, SOFT DRINKS; FRUIT AND VEGETABLE DRINKS; FRUIT AND VEGETABLE JUICES; SYRUPS, CONCENTRATES AND POWDERS FOR MAKING SOFT DRINKS.

Prior Registration(s)
0379117;1235383;AND OTHERS

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

Filing Date
2001/06/11

Examining Attorney

KING, LINDA

Attorney of Record
Robert H. Sanders

NESCAFE FREEZZ

TYPED DRAWING

Serial Number
75217093

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
SEREGO ALIGHIERI

Standard Character Mark
No

Registration Number
2273272

Date Registered
1999/08/31

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Possessioni di Serego Alighieri S.r.l. JOINT STOCK COMPANY ITALY Via Stazione, 2 - Fraz. Gargagnago 37101 S. Ambrogio Di Valpolicella Verona ITALY

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and dairy products excluding ice cream, ice milk and frozen yogurt; edible oils and fats. First Use: 1992/00/00. First Use In Commerce: 1992/00/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: coffee, tea, cocoa, sugar, rice, tapioca, sago, flour, bread, pastry, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces, ketchup, mayonnaise, spices, ice, grain or chicory based coffee substitutes, processed cereals, breakfast cereals, frozen confections, and flavored ices. First Use: 1995/00/00. First Use In Commerce: 1995/00/00.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: distilled

spirits, liqueurs, and wines. First Use: 1983/00/00. First Use In Commerce: 1983/00/00.

Name/Portrait Statement
"SEREGO ALIGHIERI" identifies a living individual whose consent is of record.

Filing Date
1996/12/23

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
B PARKER LIVINGSTON JR

DESIGN MARK

Serial Number
75285926

Status
REGISTERED

Word Mark
CIPRIANI FOOD

Standard Character Mark
No

Registration Number
2297069

Date Registered
1999/11/30

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Cipriani Group, Inc. CORPORATION NEW YORK 781 Fifth Avenue New York NEW YORK 10022

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: meat extracts; preserved dried and cooked fruits and vegetables; jellies; jams; eggs, milk, and other dairy products (excluding ice cream, ice milk and frozen yogurt), edible oils and fats; fruit preserves, pickles. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: coffee, tea, cocoa, sugar, rice, coffee substitutes, flour and preparations made from cereals, namely, pasta, spaghetti, bread, biscuits, cakes and pastry; confectionery, namely, chocolate, candy, sweets; honey; mustard; pepper; vinegar; sauces; spices. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: wines, aperitifs, spirits made from corn, rice and fruit, an liqueurs. First

Use: 1997/06/00. First Use In Commerce: 1997/06/00.

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

Filing Date
1997/05/05

Amended Register Date
1999/07/14

Examining Attorney
PEDERSEN, CHRIS A. F.

Attorney of Record
ROBERT L TUCKER

CIPRIANI FOOD

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: sake, hard cider, alcoholic coffee drinks, liqueurs and cordials. First Use: 1997/03/00. First Use In Commerce: 1997/03/00.

Prior Registration(s)
2129233

Filing Date
1997/06/30

Examining Attorney
KUHLKE, KAREN

Attorney of Record
LAWRENCE D MAXWELL

DESIGN MARK

Serial Number
75593801

Status
REGISTERED

Word Mark
DO & CO

Standard Character Mark
No

Registration Number
2789035

Date Registered
2003/12/02

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
DO & CO Restaurants & Catering AG JOINT STOCK COMPANY AUSTRIA
Dampfmuhlgasse 5 Vienna AUSTRIA 1110

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Pork meat, lamb meat, beef, sausages, deer meat; seawater and freshwater fish; seafood; chicken, turkey, duck meat; meat extracts; preserved, dried and cooked fruits namely apples, pears, peaches, apricots, oranges, bananas, lemons, pineapples; preserved, dried and cooked vegetables, namely tomatoes, cucumbers, pickled cucumbers, onions, garlic, coleslaw, beans, peas; jellies and Jams namely strawberry, raspberry, blueberry, cherry; fruit compotes; eggs, milk and milk products namely whipped cream, low fat milk, whole milk; cheese namely Swiss cheese, blue cheese, cheddar cheese; yogurts; edible fats and oils namely olive oils; processed edible seeds, processed pumpkin seeds, processed sesame seeds and processed poppy seeds. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes, flour, breakfast

cereals, processed cereals, and cereal-based snack foods, white bread, brown bread, salted bread, sweet bread, coarse-grained whole-meal bread, pastry and confectionery namely candy, ice cream; honey, molasses; yeast and rising powder; salt, mustard; vinegar, sauces, condiments, namely barbecue sauce, cheese sauce, chili sauce, garlic sauce, hot sauce, ketchup, mayonnaise, mustard, soy sauce, tartar sauce, tomato sauce; spices; frozen confections; malt for food purposes. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beer; mineral and carbonated water; non-alcoholic soft drinks namely sodas, tonics, ginger ales, colas; carbonated non-alcoholic fruit drinks; non-carbonated soft drinks, namely fruit drinks; fresh pressed fruit drinks, namely apple, orange, lemon, apricot and fruit juices namely apple, orange, lemon, apricot; syrups for making soft drinks and other preparations for making soft drinks; non-alcoholic cocktail mixes. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic drinks, namely red and white wine, port wine, brandies, spirits champagne, liqueurs, prepared wine, prepared alcoholic cocktail mixes and prepared alcoholic cocktails. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: Tobacco namely cigarettes and cigars; smoking paraphernalia namely ashtrays not of precious metal, lighters not of precious metal, cigarette holders not of precious metal, tobacco filters; matches. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 039. US 100 105. G & S: freight transportation of goods by means of train, truck, ship and air; packaging of articles for transportation; delivery of products by means of train, truck, ship and air; delivery of foods or drinks for immediate consumption by means of train, truck, ship and air. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: restaurants featuring home delivery; catering of airlines, catering of events, restaurant business, fast food, and cafeterias. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

Filing Date
1998/11/23

Examining Attorney

KING, LINDA

Attorney of Record
Raymond P Mulry

DOLCO

DESIGN MARK

Serial Number
75982399

Status
REGISTERED

Word Mark
SPRUNGLI

Standard Character Mark
No

Registration Number
2821457

Date Registered
2004/03/09

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CONFISERIE SPRUNGLI AG CORPORATION SWITZERLAND Bahnhofstrasse 21
Zurich SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee; tea; cocoa; bread; pastery and confectionery, namely, sweet and salty candy products with or without filling, macaroons, biscuits, and quiches; ices; meat pies; chocolate specialties, namely, pralines with or without filling; chocolate; cakes; pies; dessert tarts; and sandwiches. First Use: 1934/00/00. First Use In Commerce: 1934/00/00.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic beverages, namely, sherry, port, malaga and kirsch. First Use: 1934/00/00. First Use In Commerce: 1934/00/00.

Translation Statement
The English translation of the mark is "little jump" in Swiss German.

Filing Date

1998/04/06

Examining Attorney
BATTLE, KENNETH D.

Attorney of Record
KEITH E SHARKIN

Sprüngli

DESIGN MARK

Serial Number
75983121

Status
REGISTERED

Word Mark
ILLY

Standard Character Mark
No

Registration Number
2700832

Date Registered
2003/03/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Illycaffe S.p.A. CORPORATION ITALY 110, Via Flavia 34147 Trieste ITALY

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee. First Use: 1936/00/00. First Use In Commerce: 1976/00/00.

Goods/Services
Class Status -- ACTIVE. IC 008. US 023 028 044. G & S: Tableware, namely, knives, forks and spoons made of precious metal. First Use: 1997/09/00. First Use In Commerce: 1997/12/00.

Goods/Services
Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S: Electric coffee makers. First Use: 1976/00/00. First Use In Commerce: 1976/00/00.

Goods/Services
Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: Coffee services of ceramic and glass. First Use: 1965/00/00. First Use In Commerce: 1980/00/00.

Goods/Services
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Belts, suspenders, hats, head-scarves, scarves and ties. First Use: 1990/00/00. First Use In Commerce: 1990/00/00.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Coffee liqueurs. First Use: 1996/00/00. First Use In Commerce: 1998/00/00.

Prior Registration(s)
0211279;1601902;1601903;2163166;AND OTHERS

Filing Date
2000/02/01

Examining Attorney
TIERNEY MARGERY ANN

Attorney of Record
Susan Upton Douglass

ILLY

DESIGN MARK

Serial Number
76029734

Status
REGISTERED

Word Mark
PINEHURST

Standard Character Mark
No

Registration Number
2693750

Date Registered
2003/03/04

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Pinehurst, Inc. CORPORATION NORTH CAROLINA Carolina Vista Drive
Village of Pinehurst NORTH CAROLINA 28374

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: wines, champagnes, wine cooler drinks and distilled spirits. First Use: 1998/07/00. First Use In Commerce: 1998/07/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea and coffee. First Use: 1998/05/00. First Use In Commerce: 1998/05/00.

Prior Registration(s)
1603710;1663739;1663828

Filing Date
2000/04/19

Examining Attorney
STOIDES, KATHERINE

Attorney of Record
Stephen M. Trattner

PINEHURST

DESIGN MARK

Serial Number
76222329

Status
REGISTERED

Word Mark
VAN HOUTTE CAFE

Standard Character Mark
No

Registration Number
2865411

Date Registered
2004/07/20

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
VAN HOUTTE INC. CORPORATION CANADA 8300, 19th Avenue Montreal, Quebec H1Z 4J8 CANADA

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: coffee and tea. First Use: 2001/06/30. First Use In Commerce: 2001/09/30.

Goods/Services
Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: coffee cups made of porcelain. First Use: 2001/06/30. First Use In Commerce: 2001/09/30.

Goods/Services
Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Maintenance of coffee-makers for offices. First Use: 2001/06/30. First Use In Commerce: 2001/09/30.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic beverage, namely, coffee liqueur. First Use: 2001/06/30. First Use In Commerce: 2001/09/30.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Operation of bistro cafes, bar cafes and restaurants; leasing of coffee-makers to offices. First Use: 2001/06/30. First Use In Commerce: 2001/09/30.

Foreign Country Name
CANADA

Foreign Priority
FOREIGN PRIORITY CLAIMED

Foreign Application Number
1094218

Foreign Filing Date
2001/02/26

Prior Registration(s)
1551150

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

Lining/Stippling Statement
The lining is a feature of the mark and does not indicate color.

Name/Portrait Statement
The drawing does not depict a particular living individual.

Filing Date
2001/03/12

Examining Attorney
CHHINA, KARAN

Attorney of Record
Paulette R. Carey

VAN HOUTTE
CAFE

DESIGN MARK

Serial Number
76487783

Status
REGISTERED

Registration Number
2810171

Date Registered
2004/02/03

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(2) DESIGN ONLY

Owner
Tortuga Rum Company Limited CORPORATION CAYMAN ISLANDS P.O. Box 2307-GT Grand Cayman CAYMAN ISLANDS 33186

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Jellies and rum pudding. First Use: 1987/06/01. First Use In Commerce: 1987/06/01.

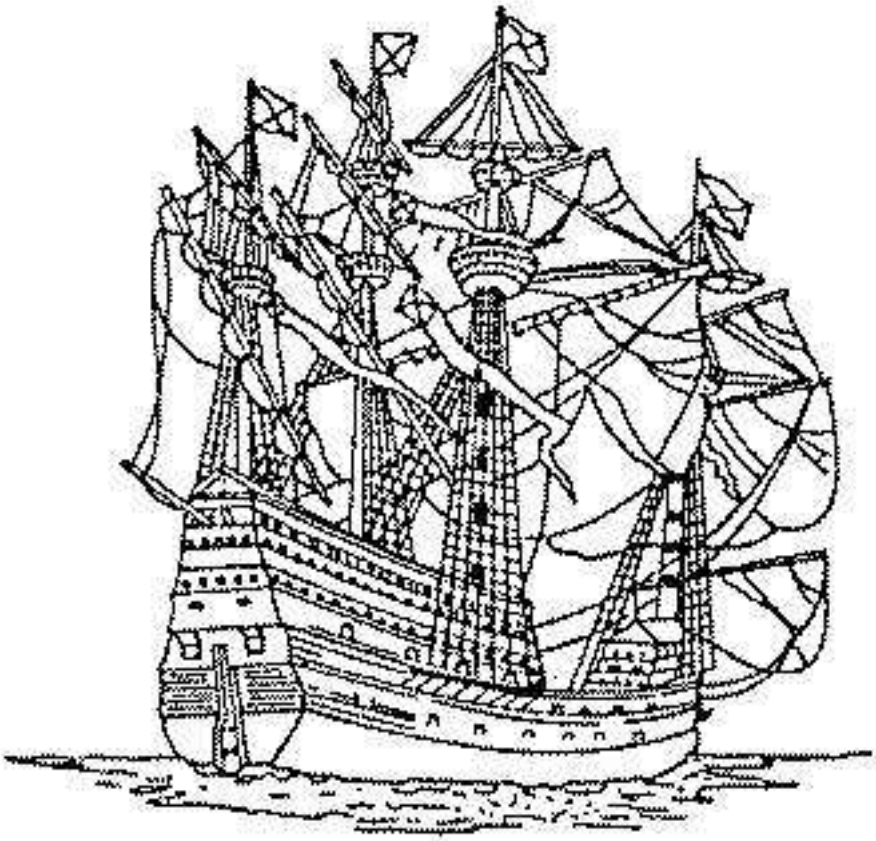
Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Rum cakes, sauces, candy, honey and coffee. First Use: 1987/06/01. First Use In Commerce: 1987/06/01.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: rum. First Use: 1987/06/01. First Use In Commerce: 1987/06/01.

Filing Date
2003/02/04

Examining Attorney
CARTY, GEORGIA

Attorney of Record
Alan E. Schiavelli



DESIGN MARK

Serial Number
78006506

Status
REGISTERED

Word Mark
BRAIN COOLER

Standard Character Mark
No

Registration Number
2635272

Date Registered
2002/10/15

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Laguna Produkter AS. CORPORATION NORWAY P.O.Box 404,N-3193 Horten Langmyra # 7, N-3195 Horten Horten NORWAY N-3193

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: chilled semi-frozen cocoa and coffee flavored beverage product; These products contain no dairy or milk products. First Use: 2000/04/15. First Use In Commerce: 2000/04/27.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Fruit flavored slush-type and smoothie-type soft drinks; Concentrates, syrups or powders used in the preparation of soft drinks. First Use: 1999/10/15. First Use In Commerce: 2000/01/15.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic beverages, namely Margaritas. First Use: 2000/04/15. First Use In Commerce: 2000/04/27.

Disclaimer Statement

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

Filing Date
2000/05/02

Examining Attorney
LUTHEY, LYNN A.

BRAIN COOLER

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 19:26:24 ET

Serial Number: 76596735 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

NESCAFÉ

(words only): NESCAFÉ

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2005-08-19

Filing Date: 2004-06-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

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: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2005-08-19

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

---

1. Marcon, Robert Victor

Address:
Marcon, Robert Victor
3471 Sinnicks Avenue
Niagara Falls, Ontario L2J 2G6
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: 033
Class Status: Active
Distilled spirits; Liqueurs; Cordials; and Alcoholic coolers, namely; distilled spirit based and malt based
Basis: 1(b), 44(d)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1,201,480
Country: Canada
Foreign Filing Date: 2003-12-11

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.

2005-08-19 - Abandonment Notice Mailed - Failure To Respond

2005-08-19 - Abandonment - Failure To Respond Or Late Response

2005-01-11 - Non-final action mailed

2005-01-10 - Non-Final Action Written

2005-01-09 - Assigned To Examiner

2004-06-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6
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-15 TO OPPOSER'S NOTICE OF RELIANCE

06-09-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

Robert Victor Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

For: (a) Salsa; (b) Barbecue sauce; (c) Cigars; (d) Cigarettes; (e) Chewing tobacco; and (f) Steak sauce, in International Class 034.

Basis for Filing: Section 1(b) and 44(d)

JACK DANIEL'S

U.S. Patent & TM Ofc/TM
76596734

76596734

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/16/2004 KGIBBONS 00000142 76596734

01 FC:6001 335.00 OP

PTO-1555
(5/87)

Mr. Robert V. Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

June 8, 2004

Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, Virginia,
U.S.A.,
22202-3514

Re: "JACK DANIEL'S" Trademark Application

Dear Sir:

I, Robert Victor Marcon, am hereby filing an application for the registration of the trademark JACK DANIEL'S.

Enclosed herein are the following documents:

(1) The trademark application for JACK DANIEL'S; and
(2) A money order in the amount of $335.00 U.S. to cover the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions regarding this application.

(CERTIFICATION)

Mailed To: Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, VA,
U.S.A.,
22202-3514

Mailing Date: 8 June 2004 in Niagara Falls, N.Y., U.S.A.

No. of Pages: Eleven (11)

Certification: I hereby certify that this correspondence and/or fee is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the "Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, U.S.A., 22202-3514".

Express Mail Label Number: **EH960575899US**
Date of Deposit: **8 June 2004**
Name of Depositor: **Robert V. Marcon**

Signature of Depositor: Robert V. Marcon

Very Respectfully,

Robert V. Marcon

Mr. Robert V. Marcon
Applicant Pro Se
8 June 2004

TRADEMARK/SERVICE MARK APPLICATION

(15 U.S.C. Subsection 1051, 1126(d)&(e))

APPLICANT INFORMATION

Name of Applicant:	Robert Victor Marcon	
Residency Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Correspondence Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

APPLICANT ENTITY INFORMATION

(1) Applicant is an individual.

(2) Applicant is a citizen of Canada.

TRADEMARK/SERVICE MARK INFORMATION

(1) The mark is:

JACK DANIEL'S

(2) The mark is typed form.

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Intent to Use: Section 1(b)

The Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. Subsection 1051(b)).

(1) International class 034.

(2) Listing of Goods and/or Services:

(a) Salsa;

(b) Barbecue sauce;

(c) Cigars;

(d) Cigarettes;

(e) Chewing tobacco; and

(f) Steak sauce.

Foreign Priority: Section 44(d)

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

(1) International Class Number(s): Not Known

(2) Listing of Goods and/or Services:

(a) Salsa;

(b) Barbecue sauce;

(c) Cigars;

(d) Cigarettes;

(e) Chewing tobacco; and

(f) Steak sauce.

(3)	Country of Foreign Filing:	Canada
(4)	Foreign Application Number:	1,202,335
(5)	Date of Foreign Filing:	29 December 2003
(6)	Application Docket Number:	Mark-23

FILING FEE INFORMATION

(1)	Filing Fee Calculation:		
	(a)	Cost per Class:	$335.00 U.S.
	(b)	Number of Classes:	1
	(c)	Total Filing Fee:	$335.00 U.S.
(2)	Method of Filing Fee Payment:		Money Order

DOMESTIC REPRESENTATIVE

There is no domestic representative assigned to this application.

SIGNATURE INFORMATION

The Applicant request registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) for the above-identified goods and/or services.

The undersigned, being hereby warned that wilful 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 wilful false statements may jeopardize the validity of the application or any resulting registrations, 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 identical form thereof or in such new 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 knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:	Robert Victor Marcon
Print Name:	Robert Victor Marcon
Date Signed:	8 June 2004
Title:	Individual

CONTACT INFORMATION

Name of Contact:	Robert V. Marcon	
Mailing Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

ATTENTION

FOREIGN REGISTRATION CERTIFICATE IS ENCLOSED INSIDE FILE JACKET

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

MARCON, ROBERT
3471 SINNICKS AVENUE
NIAGARA FALLS
ONTARIO L2J 2G6

Date	29 déc/Dec 2003
Votre référence - Your reference	
Numéro de dossier - File number	**1202335**

Requérant - Applicant:

MARCON, ROBERT

Marque de commerce - Trade-mark:

JACK DANIELS

AVIS DE RÉCEPTION

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de production de la demande. La date de production de cette demande est:

FILING NOTICE

Receipt is acknowledged of the application and filing fee for the registration of this trade-mark. This application's filing date is:

29 déc/Dec 2003

Pour toute correspondance veuillez inclure le numéro de dossier mentionné ci-dessus.

For all future correspondence please include the file number stated above.

Pour obtenir des renseignements sur les marques de commerce veuillez signaler le (819) 997-1936 ou visitez notre site Web au http://opic.gc.ca . De plus, vous pouvez obtenir de l'information concernant le statut de votre demande à partir de la Base de données des marques des commerce via notre site Web.

For general information on trade-marks please call (819) 997-1936 or visit our Web site at http://cipo.gc.ca . You may also obtain status information on your application from the Trade-marks Database on our Web site.

Une feuille de vérification de votre demande est jointe à titre de révision. Si vous avez des questions concernant l'information qui y figure, veuillez communiquer avec :

A Proof Sheet of the application is attached for your review. If you have any questions on the information contained within the Proof Sheet please contact:

La Section des Formalités
Place du Portage I
50, rue Victoria, Hull, (Québec) K1A 0C9
Téléphone : (819) 997-1070 Télécopieur : (819) 953-6742

Formalities Section
Place du Portage I
50 Victoria Street, Hull, Quebec K1A 0C9
Tel: (819) 997-1070 Fax: (819) 953-2476

APPL'N/DEM. NO 1 202 335

FORMALIZED/FORMALITÉS ACCOMPLIES

FILING DATE/DATE DE PRODUCTION: **29 déc/Dec 2003**

APPLICANT/REQUÉRANT:

MARCON, ROBERT
3471 SINNICKS AVENUE
NIAGARA FALLS
ONTARIO
L2J 2G6

TRADE-MARK/MARQUE DE COMMERCE:

JACK DANIELS

INDEX HEADINGS/RUBRIQUES:

JACK DANIELS
*

WARES/MARCHANDISES:

SALSA, BARBECUE SAUCE, CIGARS, CIGARETTES, CHEWING TOBACCO.

CLAIMS/REVENDICATIONS:

Proposed Use in CANADA on wares.

Action	Date	BF	Comments/Commentaires
filed/produite	2003/12/29		
created/créé	2003/12/29		
formalized/formalisée	2003/12/29		

Date : December 29, 2003

Registrar of Trade-marks
Trade-marks Office
Hull,Quebec K1A 0C9
CANADA

Insert apostrophe after the "L" in "DANIELS" so it will appear as "JACK DANIEL'S".

Add "STEAK SAUCE" to the wares.

Trade-mark application number: 1202335

REVISED APPLICATION FOR THE REGISTRATION OF A TRADE-MARK

1. The applicant, **MARCON, ROBERT,** the full post office address of whose principal office or place of business is 3471 SINNICKS AVENUE, NIAGARA FALLS, ONTARIO, CANADA, L2J 2G6, applies for the registration, in accordance with the provisions of the *Trade-marks Act*, of the trade-mark identified below.

2. The trade-mark is

JACK DANIELS

3. The applicant by itself or through a licensee, or by itself and through a licensee, intends to use the trade-mark in Canada in association with **(1) SALSA, BARBECUE SAUCES, CIGARS, CIGARETTES, CHEWING TOBACCO, STEAK SAUCE, (2) SALSA, BARBECUE SAUCES, CIGARS, CIGARETTES, CHEWING TOBACCO, STEAK SAUCE** and requests registration of the trade-mark in respect of such wares.

4. The applicant is satisfied that he is entitled to use the trade-mark in Canada in association with the wares described above.

Amended on : December 29, 2003

Return to Correct/Complete | Print/Save | Submit

CANADIAN TRADE-MARK DATA

*** Note : Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2004-03-23

APPLICATION NUMBER: 1202335

REGISTRATION NUMBER: not registered

STATUS: FORMALIZED

FILED: 2003-12-29

FORMALIZED: 2003-12-29

APPLICANT:

MARCON, ROBERT
3471 SINNICKS AVENUE

NIAGARA FALLS
L2J 2G6
ONTARIO

TRADE-MARK:

JACK DANIEL'S

INDEX HEADINGS:

JACK DANIEL'S

WARES:

(1) Salsa, barbecue sauce, cigars, cigarettes, chewing tobacco, steak sauce.

CLAIMS:

Proposed Use in CANADA.

ACTION	DATE	BF	COMMENTS
Filed	29 December 2003		
Created	29 December 2003		
Formalized	29 December 2003		

Back

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/596734

APPLICANT: Marcon, Robert Victor

76596734

CORRESPONDENT ADDRESS:
ROBERT VICTOR MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6

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

MARK: JACK DANIEL'S

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

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 76/596734

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

Refusal Under Section 2(d) – Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the marks in U.S. Registration Nos. 1,290,702; 1,878,804; 2,026,933; 2,652,559; 2,625,959; and 2,684,219 (all owned by the same registrant) as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq*. See the enclosed registrations.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ

738 (TTAB 1978). TMEP §§1207.01 *et seq*.

The applicant has applied to register JACK DANIEL'S (Standard Character Drawing) for "Salsa; Barbecue sauce; Cigars; Cigarettes; Chewing tobacco; and Steak sauce." Registration No. 1,290,702 is JACK DANIEL'S (Typed) for a variety of goods, including "Matchsafes not made of precious metals, matches, and lighters." Registration No. 1,878,804 is JACK DANIEL'S (Typed) for "mustard, coffee, cakes, and candy." Registration No. 2,026,933 is JACK DANIEL'S (Typed) for "cigarette lighters not of precious metal." Registration No. 2,652,559 is JACK DANIEL'S (Typed) for "Sauces." Registration No. 2,625,959 is JACK DANIEL'S OLD NO. 7 BRAND (and Design) for "cigarette lighters made of non-precious metal; and ashtrays not of precious metal." Registration No. 2,684,219 is JACK DANIEL'S OLD NO. 7 BRAND TENNESSEE WHISKEY (and Design) for "cigarette lighters made of non-precious metal and ashtrays not of precious metal."

The applicant's mark and the marks shown in Registration Nos. 1,290,702; 1,878,804; 2,026,933; and 2,652,559 are identical. The applicant's mark and the registrant's marks all consist solely of the typed/standard character drawing of the wording "JACK DANIEL'S."

With respect to Registration Nos. 2,625,959 and 2,684,219, the applicant's mark and the registrant's marks contain the same dominant wording, "JACK DANIEL'S." The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp*., 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc*., 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii).

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). In this case, the goods are identical, in part, and very highly related. The applicant and the registrant both sell "sauces," food products, and "smokers' articles."

The goods/services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc*., 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co*., 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp*., 197 USPQ 910 (TTAB 1978). TMEP §1207.01(a)(i).

The marks are identical or contain the same dominant wording. The goods are identical or are very highly related. The similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers. The examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant **who has a <u>legal</u> <u>duty</u> to select a mark which is totally dissimilar to trademarks already being used**. *Burroughs Wellcome Co. v. Warner?Lambert Co.*, 203 USPQ 191 (TTAB 1979).

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.

Prior Pending Applications

The examining attorney also encloses information regarding pending Application Serial Nos. 76/246506 and 76/246509 (owned by the same registrant cited above). The filing dates of the referenced applications precede the applicant's filing date. There may be a likelihood of confusion between the applicant's mark and the referenced marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If one or more of the referenced applications matures into a registration, the examining attorney may use the registrations as an additional basis for refusing registration in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

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

1. Advisory Regarding 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).

The examining attorney provides the following example for the applicant's convenience in preparing an Appointment of Domestic Representative, if he so desires.

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)

2. <u>Person Named in the Mark</u>

Applicant must clarify whether the name in the mark identifies a particular living individual.

If the name in the mark identifies a particular living individual, then applicant must submit the following:

(1) a signed, written consent from that individual, authorizing applicant to register the name as a trademark with the USPTO; and

(2) a statement that "**JACK DANIEL** identifies a living individual whose consent is of record."

However, if the name in the mark does <u>not</u> identify a living individual, then applicant must submit a statement that "**JACK DANIEL** does not identify a living individual." Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §§813 and 1206.

3. <u>Identification and Classification of Goods</u>

a. The applicant has classified salsa, barbecue sauce, and steak sauce in International Class 34. The correct classification is International Class 30. The applicant must either delete the foregoing goods or add International Class 30 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

b. 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 under Trademark Act Section 1(b) and/or a foreign registration under Trademark Act Section 44(e):

(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) 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.

c. If the applicant adds International Class 30 to the application, he may adopt the following identification of goods in that class, if accurate: Salsa, barbecue sauce, and steak sauce.

d. The applicant may adopt the following identification of goods in International Class 34, if accurate: Cigars; Cigarettes; Chewing tobacco.

e. Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

4. Standard Character Drawing Claim

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

The Trademark Rules pertaining to drawings were amended on November 2, 2003. For applications filed after November 2, 2003, such as this one, applicants must follow the new standard character drawing rules. Exam Guide 01-03, section I.A.9.

5. Registration Basis

The applicant has filed asserting a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and claiming priority under Section 44(d), 15 U.S.C. §1126(d), based on a foreign application. Under these circumstances, the applicant may rely solely on its intent to use the mark in commerce as the basis for registration and not the expected foreign registration, and still claim the benefit of the priority filing date. If the applicant chooses to do so, this Office will approve the case for publication without waiting for the applicant to submit the foreign registration. Of course, the application must be in condition for publication in all other respects. Moreover, while the application may be approved for publication, the mark will not be registered until an acceptable allegation of use has been filed.

If the applicant wishes to proceed relying on the applicant's intent to use the mark in commerce as the sole basis for registration, with the claim of priority, the applicant should so advise the examining attorney. TMEP §§806.02(f) and 806.04(b).

If the applicant does not so indicate, this Office will presume that the applicant wishes to rely on the foreign registration as an additional basis for registration and will expect the applicant to submit a true copy, a photocopy, a certification, or a certified copy of the foreign registration and, if appropriate, an English translation. It is customary for the translator to sign the translation. TMEP §§1004.01 and 1004.01(b).

RESPONSE GUIDELINES

1. No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

2. Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. Applicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

3. In all correspondence to the Patent and Trademark Office, the applicant should list the name and law office of the examining attorney, the serial number of this application, the mailing date of this Office action, and the applicant's telephone number.

4. If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

A prompt response to this Office action will expedite the handling of this matter.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at http://www.uspto.gov/teas/index.html.

/Barbara A. Gaynor/
Barbara A. Gaynor
Trademark Examining Attorney
Law Office 115
(571) 272-9164

How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

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.

TYPED DRAWING

Serial Number
73349751

Status
REGISTERED AND RENEWED

Word Mark
JACK DANIEL'S

Standard Character Mark
No

Registration Number
1290702

Date Registered
1984/08/21

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
JACK DANIEL'S PROPERTIES, INC. CORPORATION DELAWARE 4040 CIVIC CENTER DRIVE, SUITE 528 SAN RAFEAL CALIFORNIA 94903

Goods/Services
Class Status -- ACTIVE. IC 006. US 002 013. G & S: Keyrings and Metal Boxes. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Goods/Services
Class Status -- ACTIVE. IC 028. US 022. G & S: Poker Chips, Golf Balls, and Golf Ball Markers. First Use: 1976/00/00. First Use In Commerce: 1976/00/00.

Goods/Services
Class Status -- ACTIVE. IC 027. US 042. G & S: Rugs. First Use: 1976/00/00. First Use In Commerce: 1976/00/00.

Goods/Services
Class Status -- ACTIVE. IC 026. US 040. G & S: Belt Buckles. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Goods/Services
Class Status -- ACTIVE. IC 024. US 042 050. G & S: Pennants and Towels. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Goods/Services
Class Status -- ACTIVE. IC 021. US 002 029 033. G & S: Serving Trays, Drinking Glasses, Jugs, Decanters, Flasks, Cups, Sponges, Pitchers, and Coasters. First Use: 1971/00/00. First Use In Commerce: 1971/00/00.

Goods/Services
Class Status -- ACTIVE. IC 020. US 032. G & S: Mirrors and Wooden Chests. First Use: 1976/00/00. First Use In Commerce: 1976/00/00.

Goods/Services
Class Status -- ACTIVE. IC 018. US 003. G & S: Suit Bags for Travel and Duffel Bags. First Use: 1981/00/00. First Use In Commerce: 1981/00/00.

Goods/Services
Class Status -- ACTIVE. IC 016. US 022. G & S: Playing Cards. First Use: 1973/00/00. First Use In Commerce: 1973/00/00.

Goods/Services
Class Status -- ACTIVE. IC 014. US 027. G & S: Clocks, and Watches. First Use: 1971/00/00. First Use In Commerce: 1971/00/00.

Goods/Services
Class Status -- ACTIVE. IC 011. US 021. G & S: Electric Lamps. First Use: 1980/00/00. First Use In Commerce: 1980/00/00.

Goods/Services
Class Status -- ACTIVE. IC 009. US 026. G & S: Thermometers. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Goods/Services
Class Status -- ACTIVE. IC 008. US 023. G & S: Pocket Knives. First Use: 1980/00/00. First Use In Commerce: 1980/00/00.

Goods/Services
Class Status -- ACTIVE. IC 034. US 008 009. G & S: Matchsafes Not Made of Precious Metals, Matches, and Lighters. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Prior Registration(s)
0298102;0323914;0582789;AND OTHERS

Name/Portrait Statement
The name "Jack Daniel's" is not the name of any particular living individual.

Filing Date
1982/02/10

Examining Attorney
CLARK, ROBERT C.

Attorney of Record
DAVID S. GOODER

TYPED DRAWING

Serial Number
74509373

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
JACK DANIEL'S

Standard Character Mark
No

Registration Number
1878804

Date Registered
1995/02/14

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
JACK DANIEL'S PROPERTIES INC CORPORATION DELAWARE 4040 CIVIC CENTER DR SUITE 528 SAN RAFAEL CALIFORNIA 94903

Name Change
BY MERGER

Original Owner
Jack Daniel Distillery, Lem Motlow, Prop., Inc. CORPORATION Lynchburg TENNESSEE 37352

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: mustard, coffee, cakes, and candy. First Use: 1990/10/00. First Use In Commerce: 1990/10/00.

Prior Registration(s)
0441002;1758658;AND OTHERS

Name/Portrait Statement
The name "JACK DANIEL'S" does not refer to a particular living individual.

Filing Date
1994/04/05

Examining Attorney
POMPEY, TINA

Attorney of Record
DAVID S GOODER ESQ

TYPED DRAWING

Serial Number
75035161

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
JACK DANIEL'S

Standard Character Mark
No

Registration Number
2026933

Date Registered
1996/12/31

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
JACK DANIEL'S PROPERTIES, INC. CORPORATION DELAWARE 4040 CIVIC CENTER DRIVE, SUITE 528 SAN RAFAEL CALIFORNIA 94903

Name Change
BY CHANGE OF NAME, BY MERGER

Original Owner
Jack Daniel Distillery, Lem Motlow, Prop., Inc. CORPORATION Lynchburg TENNESSEE 33572

Goods/Services
Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: cigarette lighters not of precious metal. First Use: 1981/12/31. First Use In Commerce: 1981/12/31.

Prior Registration(s)
1290702;1329704;AND OTHERS

Name/Portrait Statement
The name "JACK DANIEL'S" does not identify any particular living individual.

Filing Date
1995/12/21

Examining Attorney
MIRMAN, DONNA

Attorney of Record
Christopher C. Larkin

DESIGN MARK

Serial Number
76034861

Status
REGISTERED

Word Mark
JACK DANIEL'S OLD NO. 7 BRAND TENNESSEE WHISKEY

Standard Character Mark
No

Registration Number
2684219

Date Registered
2003/02/04

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Jack Daniel's Properties, Inc. CORPORATION DELAWARE 4040 Civic Center Drive, Suite 528 San Rafael CALIFORNIA 94903

Goods/Services
Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: cigarette lighters made of non-precious metal and ashtrays not of precious metal. First Use: 1997/01/31. First Use In Commerce: 1997/01/31.

Prior Registration(s)
0394017;1266561;1290702;AND OTHERS

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

Name/Portrait Statement
The name "JACK DANIEL'S" in the mark is not the name of a living individual.

Filing Date

2000/04/25

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
David S. Gooder

JACK DANIEL'S
Old
No. 7
BRAND
Tennessee
WHISKEY

2000/04/25

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
David S. Gooder

JACK DANIEL'S
Old
No.7
BRAND

DESIGN MARK

Serial Number
76213581

Status
REGISTERED

Word Mark
JACK DANIEL'S

Standard Character Mark
No

Registration Number
2652559

Date Registered
2002/11/19

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Jack Daniel's Properties, Inc. CORPORATION DELAWARE 4040 Civic Center Drive Suite 528 San Rafael CALIFORNIA 94903

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Sauces. First Use: 2001/02/12. First Use In Commerce: 2001/02/12.

Prior Registration(s)
0582789;1758658;1923981;AND OTHERS

Name/Portrait Statement
The name "JACK DANIEL'S" does not identify a living individual.

Filing Date
2001/02/20

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
David S. Gooder

JACK DANIEL'S

DESIGN MARK

Serial Number
76246506

Status
FOURTH EXTENSION - GRANTED

Word Mark
JACK DANIEL'S OLD TIME OLD NO.7 BRAND QUALITY TENNESSEE SOUR MASH WHISKEY

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Jack Daniel's Properties, Inc. CORPORATION DELAWARE 4040 Civic Center Drive Suite 528 San Rafael CALIFORNIA 94903

Goods/Services
Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: Cigarette lighters made of non-precious metal, ashtrays made of non-precious metal.

Prior Registration(s)
0582789;1758658;1923981;AND OTHERS

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

Name/Portrait Statement
The name "JACK DANIEL'S" in the mark is not the name of a living individual.

Description of Mark
Applicant claims the color white on black shown in the mark as a feature of the mark. The color black appears in the background and the color white appears in the text and graphics in the mark as shown.

Filing Date
2001/04/25

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
David S. Gooder

JACK DANIEL'S
OLD TIME
Old
No.7
BRAND
QUALITY
Tennessee
SOUR MASH
WHISKEY

DESIGN MARK

Serial Number
76246509

Status
SECOND EXTENSION - GRANTED

Word Mark
JACK DANIEL'S OLD TIME OLD NO.7 BRAND QUALITY TENNESSEE SOUR MASH WHISKEY

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Jack Daniel's Properties, Inc. CORPORATION DELAWARE 4040 Civic Center Drive Suite 528 San Rafael CALIFORNIA 94903

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Mustard, coffee, cakes, candy, sauces.

Prior Registration(s)
0582789;1758658;1923981;AND OTHERS

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRAND" AND "QUALITY TENNESSEE SOUR MASH WHISKEY" APART FROM THE MARK AS SHOWN.

Name/Portrait Statement
The name "JACK DANIEL'S" in the mark is not the name of a living individual.

Description of Mark
Applicant claims the color white on black shown in the mark as a feature of the mark. The color black appears in the background and the color white appears in the text and graphics in the mark as shown.

Filing Date
2001/04/25

Examining Attorney
LOUGHRAN, BARBARA A.

Attorney of Record
David S. Gooder

JACK DANIEL'S
OLD TIME
Old
No.7
BRAND
QUALITY
Tennessee
SOUR MASH
WHISKEY

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 19:27:02 ET

Serial Number: 76596734 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

JACK DANIEL'S

(words only): JACK DANIEL'S

Standard Character claim: Yes

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2006-04-15

Filing Date: 2004-06-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

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: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2006-04-15

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

---

1. Marcon, Robert Victor

Address:
Marcon, Robert Victor
3471 Sinnicks Avenue
Niagara Falls, Ontario L2J 2G6
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: 034
Class Status: Active
Cigars, cigarettes, and chewing tobacco
Basis: 1(b), 44(d)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Name Portrait Consent: "JACK DANIEL'S does not identify a particular living individual".

Foreign Application Number: 1,202,335
Country: Canada
Foreign Filing Date: 2003-12-29

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.

2006-04-17 - Abandonment Notice Mailed - Failure To Respond

2006-04-15 - Abandonment - Failure To Respond Or Late Response

2005-09-12 - Final refusal mailed

2005-09-11 - Final Refusal Written

2005-08-20 - Amendment From Applicant Entered

2005-07-14 - Communication received from applicant

2005-07-14 - PAPER RECEIVED

2005-01-10 - Non-final action mailed

2005-01-10 - Non-Final Action Written

2005-01-09 - Assigned To Examiner

2004-06-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
ROBERT VICTOR MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6
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-16 TO OPPOSER'S NOTICE OF RELIANCE

06-09-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

Robert Victor Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

For: (a) Candles, both plain and scented; (b) Shaving implements; (c) Topical skin balms, namely: sunscreens, tanning balms, lotions, creams, and combinations thereof; (d) Vitamins, mineral, and herbal supplements, and combinations thereof; (e) Hair coloring; (f) Pre-moistened towellettes; (g) Breath fresheners; and (h) Scented stationery and greeting cards, in International Class 4.

Basis for Filing: Section 1(b) and 44(d)

CHANEL

U.S. Patent & TM Ofc/TM
76596733

76596733

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/16/2004 KGIBBONS 00000141 76596733

01 FC:6001 335.00 OP

PTO-1555
(5/87)

Mr. Robert V. Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

June 8, 2004

Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, Virginia,
U.S.A.,
22202-3514

Re: "CHANEL" Trademark Application

Dear Sir:

I, Robert Victor Marcon, am hereby filing an application for the registration of the trademark CHANEL.

Enclosed herein are the following documents:

(1) The trademark application for CHANEL; and
(2) A money order in the amount of $335.00 U.S. to cover the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions regarding this application.

(CERTIFICATION)

Mailed To: Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, VA,
U.S.A.,
22202-3514

Mailing Date: 8 June 2004 in Niagara Falls, N.Y., U.S.A.

No. of Pages: Ten (10)

Certification: I hereby certify that this correspondence and/or fee is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the "Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, U.S.A., 22202-3514".

Express Mail Label Number: **EH960575899US**
Date of Deposit: **8 June 2004**
Name of Depositor: **Robert V. Marcon**

Signature of Depositor: Robert V. Marcon

Very Respectfully,

Robert V. Marcon

Mr. Robert V. Marcon
Applicant Pro Se
8 June 2004

TRADEMARK/SERVICE MARK APPLICATION

(15 U.S.C. Subsection 1051, 1126(d)&(e))

APPLICANT INFORMATION

Name of Applicant:	Robert Victor Marcon	
Residency Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Correspondence Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

APPLICANT ENTITY INFORMATION

(1) Applicant is an individual.

(2) Applicant is a citizen of Canada.

TRADEMARK/SERVICE MARK INFORMATION

(1) The mark is:

CHANEL

(2) The mark is typed form.

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Intent to Use: Section 1(b)

The Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. Subsection 1051(b)).

(1) International class 004.

(2) Listing of Goods and/or Services:

- (a) Candles, both plain and scented;
- (b) Shaving implements;
- (c) Topical skin balms, namely: sunscreens, tanning balms, lotions, creams, and combinations thereof;
- (d) Vitamins, mineral, and herbal supplements, and combinations thereof;
- (e) Hair coloring;
- (f) Pre-moistened towellettes;
- (g) Breath fresheners; and
- (h) Scented stationery and greeting cards.

Foreign Priority: Section 44(d)

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

(1) International Class Number(s): Not Known

(2) Listing of Goods and/or Services:

- (a) Candles;
- (b) Shaving implements;

(c) Topical skin balms, namely: sunscreens, tanning balms, lotions, creams, and combinations thereof;

(d) Vitamins, mineral, and herbal supplements, and combinations thereof;

(e) Hair coloring;

(f) Pre-moistened towellettes;

(g) Breath fresheners; and

(h) Scented stationery and greeting cards.

(3)	Country of Foreign Filing:	Canada
(4)	Foreign Application Number:	1,202,435
(5)	Date of Foreign Filing:	30 December 2003
(6)	Application Docket Number:	Mark-24

FILING FEE INFORMATION

(1)	Filing Fee Calculation:	
	(a) Cost per Class:	$335.00 U.S.
	(b) Number of Classes:	1
	(c) Total Filing Fee:	$335.00 U.S.
(2)	Method of Filing Fee Payment:	Money Order

DOMESTIC REPRESENTATIVE

There is no domestic representative assigned to this application.

SIGNATURE INFORMATION

The Applicant request registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) for the above-identified goods and/or services.

The undersigned, being hereby warned that wilful 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 wilful false statements may jeopardize the validity of the application or any resulting registrations, 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 identical form thereof or in such new 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 knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:	Robert Victor Marcon
Print Name:	Robert Victor Marcon
Date Signed:	8 June 2004
Title:	Individual

CONTACT INFORMATION

Name of Contact:	Robert V. Marcon	
Mailing Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

ATTENTION

FOREIGN REGISTRATION CERTIFICATE IS ENCLOSED INSIDE FILE JACKET

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

Marcon, Robert
3471 Sinnicks Avenue
Niagara Falls
ONTARIO L2J 2G6

Date
30 déc/Dec 2003
Votre référence - Your reference
Numéro de dossier - File number
1202435

Requérant - Applicant:

Marcon, Robert

Marque de commerce - Trade-mark:

CHANEL

AVIS DE RÉCEPTION

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de production de la demande. La date de production de cette demande est:

FILING NOTICE

Receipt is acknowledged of the application and filing fee for the registration of this trade-mark. This application's filing date is:

30 déc/Dec 2003

Pour toute correspondance veuillez inclure le numéro de dossier mentionné ci-dessus.

For all future correspondence please include the file number stated above.

Pour obtenir des renseignements sur les marques de commerce veuillez signaler le (819) 997-1936 ou visitez notre site Web au http://opic.gc.ca . De plus, vous pouvez obtenir de l'information concernant le statut de votre demande à partir de la Base de données des marques des commerce via notre site Web.

For general information on trade-marks please call (819) 997-1936 or visit our Web site at http://cipo.gc.ca . You may also obtain status information on your application from the Trade-marks Database on our Web site.

Une feuille de vérification de votre demande est jointe à titre de révision. Si vous avez des questions concernant l'information qui y figure, veuillez communiquer avec :

A Proof Sheet of the application is attached for your review. If you have any questions on the information contained within the Proof Sheet please contact:

La Section des Formalités
Place du Portage I
50, rue Victoria, Hull, (Québec) K1A 0C9
Téléphone : (819) 997-1070 Télécopieur : (819) 953-6742

Formalities Section
Place du Portage I
50 Victoria Street, Hull, Quebec K1A 0C9
Tel: (819) 997-1070 Fax: (819) 953-2476

APPL'N/DEM. NO 1 202 435

FORMALIZED/FORMALITÉS ACCOMPLIES

FILING DATE/DATE DE PRODUCTION: **30 déc/Dec 2003**

APPLICANT/REQUÉRANT:

Marcon, Robert
3471 Sinnicks Avenue
Niagara Falls
ONTARIO
L2J 2G6

TRADE-MARK/MARQUE DE COMMERCE:

CHANEL

INDEX HEADINGS/RUBRIQUES:

CHANEL
*

WARES/MARCHANDISES:

1) CANDLES. 2) SHAVING IMPLEMENTS. 3) TOPICAL SKIN BALMS, NAMELY; SUNSCREENS,TANNING BALMS, LOTIONS, CREAMS, AND COMBINATIONS THEREOF. 4) VITAMINS, MINERAL AND HERBAL SUPPLEMENTS AND COMBINATIONS THEREOF. 5) HAIR COLOURING 6) PRE-MOISTENED TOWELLETTES. 7) BREATH FRESHENERS. 8) SCENTED STATIONERY AND GREETING CARDS.

CLAIMS/REVENDICATIONS:

Proposed Use in CANADA on wares.

Action	Date	BF	Comments/Commentaires
filed/produite	2003/12/30		
created/créé	2003/12/30		
formalized/formalisée	2003/12/30		

CANADIAN TRADE-MARK DATA

*** Note : Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2004-03-23

APPLICATION NUMBER: 1202435

REGISTRATION NUMBER: not registered

STATUS: FORMALIZED

FILED: 2003-12-30

FORMALIZED: 2003-12-30

APPLICANT:

Marcon, Robert
3471 Sinnicks Avenue

Niagara Falls
L2J 2G6
ONTARIO

TRADE-MARK:

CHANEL

INDEX HEADINGS:

CHANEL

WARES:

(1) 1) CANDLES. 2) SHAVING IMPLEMENTS. 3) TOPICAL SKIN BALMS, NAMELY;
SUNSCREENS,TANNING BALMS, LOTIONS, CREAMS, AND COMBINATIONS THEREOF.
4) VITAMINS, MINERAL AND HERBAL SUPPLEMENTS AND COMBINATIONS THEREOF.
5) HAIR COLOURING 6) PRE-MOISTENED TOWELLETTES. 7) BREATH FRESHENERS.
8) SCENTED STATIONERY AND GREETING CARDS.

CLAIMS:

Proposed Use in CANADA.

ACTION	DATE	BF	COMMENTS
Filed	30 December 2003		
Created	30 December 2003		
Formalized	30 December 2003		

Back

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/596733

APPLICANT: Marcon, Robert Victor

76596733

CORRESPONDENT ADDRESS:
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6

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

MARK: CHANEL

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

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 76/596733

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

Advisory Regarding Search Results

The search results for this application pertain to International Class 4 **only**. A search of the Office records is **DEFERRED** in all other classes until applicant responds to the issues raised in this Office action. TMEP §§704.02 and 810.01.

Refusal Under Section 2(d) – Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the marks in U.S. Registration Nos. 0195360; 0302690; 0510992; 0513132; 0701978; 0802851; 1,078,199; 1,277,688; 1,278,542; 1,282,924; 1,348,842; 1,368,563; and 2,532,697 (all owned by the same registrant) as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registrations.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978). TMEP §§1207.01 *et seq*.

The applicant has applied to register CHANEL (Standard Character Form) for "Candles, both plain and scented; shaving implements; topical skin balms, namely-- sunscreens, tanning balms, lotions, creams, and combinations thereof; vitamins, mineral, and herbal supplements, and combinations thereof; hair coloring; pre-moistened towelettes; breath fresheners; and scented stationery and greeting cards." The thirteen cited registered marks are all owned by Chanel, Inc. and all contain the same dominant wording, "CHANEL."

With respect to Registration Nos. 0195360; 0513132; 1,348,842; and 2,532,697, the applicant's mark and the registrant's marks are identical. They all consist solely of the typed/standard character drawing of the word "CHANEL." With respect to Registration Nos. 0302690; 0510992; and 0802851, the marks are essentially phonetic equivalents. Similarity in sound alone is sufficient to find a likelihood of confusion. *Molenaar, Inc. v. Happy Toys Inc.*, 188 USPQ 469 (TTAB 1975); *In re Cresco Mfg. Co.*, 138 USPQ 401 (TTAB 1963). TMEP §1207.01(b)(iv).

With respect to the remaining cited registrations, the examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp*., 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii). In this case, the applicant's mark and the registrant's marks all contain the same dominant wording, "CHANEL." When the 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).

If the marks of the respective parties are identical, or nearly 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). In this case, however, the applicant's and the registrant's goods are identical, in part, and are very highly related. Both the applicant and registrant sell "candles" (Registration No. 2,532,697 which is registered for the identical mark and the identical goods as the present application).

To the extent the goods are not identical, they are very highly related. The goods/services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223

USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co*., 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp*., 197 USPQ 910 (TTAB 1978). TMEP §1207.01(a)(i).

Attached are copies of printouts from the USPTO X-Search database which show ten *representative* third-party registrations of marks used in connection with the same or similar goods as those of applicant and registrant. The printouts have probative value to the extent that they serve to suggest that the goods listed therein, namely, candles and fragranced personal care products such as perfumery and toiletries, are of a kind that may emanate from a single source. *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218 (TTAB 2001), *citing In re Albert Trostel & Sons Co.,* 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In re Mucky Duck Mustard Co., Inc*., 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

The marks are identical, phonetic equivalents, or contain the same dominant wording. The goods are identical, in part, or are very highly related. The similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers. The examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant **who has a legal duty to select a mark which is totally dissimilar to trademarks already being used**. *Burroughs Wellcome Co. v. Warner?Lambert Co.,* 203 USPQ 191 (TTAB 1979).

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:

1. Advisory Regarding 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).

The examining attorney provides the following example for the applicant's convenience in preparing an Appointment of Domestic Representative, if he chooses to designate one.

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)

2. <u>Identification and Classification of Goods</u>

a. Applicant must clarify the number of classes for which registration is sought. The submitted filing fees are insufficient to cover all the classes in the application. Specifically, the application identifies goods that are classified in at least five international classes, however applicant paid the fee for only one class.

Applicant must either: (1) restrict the application to the number of class(es) covered by the fee already paid, or (2) pay the required fee for each additional class(es). 37 C.F.R. §2.86(a)(2); TMEP §§810.0l, 1401.04, 1401.04(b) and 1403.01. See the Notice below regarding fee changes that are effective January 31, 2005.

b. The applicant has classified "shaving implements; topical skin balms, namely-- sunscreens, tanning balms, lotions, creams, and combinations thereof; vitamins, mineral, and herbal supplements, and combinations thereof; hair coloring; pre-moistened towelettes; breath fresheners; and scented stationery and greeting cards" in International Class 4. The correct classifications are International Class 3 for the topical skin balms, hair color, and breath fresheners; International Class 5 for the vitamins, minerals, and herbal supplements; International Class 8 for the shaving "implements"; International Class 16 for the scented stationery and greeting cards; and International Classes 3, 5, and/or 21 for the "pre-moistened towelettes," depending on the function or use of the towelettes. The applicant must either delete the foregoing goods or add International Classes 3, 5, 8, 16, and/or 21 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

c. 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 under Trademark Act Section 1(b) and/or a foreign registration under Trademark Act Section 44(e):

(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) 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.

d. For assistance with identifying goods and/or services in trademark applications, please see the

online searchable *Manual of Acceptable Identifications of Goods and Services* at http://tess2.uspto.gov/netahtml/tidm.html.

e. The applicant may adopt the following identification of goods in International Class 4, if accurate: Plain and scented candles.

f. Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

3. Standard Character Drawing

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

The Trademark Rules pertaining to drawings were amended on November 2, 2003. For applications filed after November 2, 2003, such as this one, applicants must follow the new standard character drawing rules. Exam Guide 01-03, section I.A.9.

4. Registration Basis

The applicant has filed asserting a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and claiming priority under Section 44(d), 15 U.S.C. §1126(d), based on a foreign application. Under these circumstances, the applicant may rely solely on its intent to use the mark in commerce as the basis for registration and not the expected foreign registration, and still claim the benefit of the priority filing date. If the applicant chooses to do so, this Office will approve the case for publication without waiting for the applicant to submit the foreign registration. Of course, the application must be in condition for publication in all other respects. Moreover, while the application may be approved for publication, the mark will not be registered until an acceptable allegation of use has been filed.

If the applicant wishes to proceed relying on the applicant's intent to use the mark in commerce as the sole basis for registration, with the claim of priority, the applicant should so advise the examining attorney. TMEP §§806.02(f) and 806.04(b).

If the applicant does not so indicate, this Office will presume that the applicant wishes to rely on the foreign registration as an additional basis for registration and will expect the applicant to submit a true copy, a photocopy, a certification, or a certified copy of the foreign registration and, if appropriate, an English translation. It is customary for the translator to sign the translation. TMEP §§1004.01 and 1004.01(b).

RESPONSE GUIDELINES

1. No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information

required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

2. Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. Applicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

3. In all correspondence to the Patent and Trademark Office, the applicant should list the name and law office of the examining attorney, the serial number of this application, the mailing date of this Office action, and the applicant's telephone number.

4. If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

A prompt response to this Office action will expedite the handling of this matter.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) $325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or

(2) $375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be $325 per class, and if such payments are made with a paper response, the fee will be $375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the

USPTO online via the Trademark Electronic Application System (TEAS), at http://www.uspto.gov/teas/index.html.

/Barbara A. Gaynor/
Barbara A. Gaynor
Trademark Examining Attorney
Law Office 115
(571) 272-9164

How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

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.

TYPED DRAWING

Serial Number
71205468

Status
REGISTERED AND RENEWED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
0195360

Date Registered
1925/02/24

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH ST. NEW YORK NEW YORK 10019

Name Change
ASSIGNEE BY MESNE ASSIGNMENT

Goods/Services
Class Status -- ACTIVE. IC 003. US 006. G & S: FACE POWDER, PERFUME, EAU DE COLOGNE, TOILET WATER, LIP STICK, AND ROUGE. First Use: 1920/01/01. First Use In Commerce: 1920/01/01.

Filing Date
1924/11/18

Examining Attorney
UNKNOWN

DESIGN MARK

Serial Number
71332645

Status
REGISTERED AND RENEWED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
0302690

Date Registered
1933/04/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 052. G & S: SOAP. First Use: 1921/01/01. First Use In Commerce: 1921/01/01.

Prior Registration(s)
0195360

Filing Date
1932/12/01

Examining Attorney
UNKNOWN

Attorney of Record
VERONICA L. HRDY

CHANEL

DESIGN MARK

Serial Number
71550120

Status
REGISTERED AND RENEWED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
0510992

Date Registered
1949/06/14

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051. G & S: PERFUME, [TOILET WATER,] * EAU DE TOILETTE, * EAU DE COLOGNE, FACE POWDER, BATH POWDER, TALCUM POWDER, LIPSTICKS [, AND LIP OIL,]. First Use: 1920/01/01. First Use In Commerce: 1920/01/01.

Prior Registration(s)
0195360

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
1948/02/19

Examining Attorney
UNKNOWN

Attorney of Record
VERONICA L. HRDY

CHANEL

TYPED DRAWING

Serial Number
71550582

Status
REGISTERED AND RENEWED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
0513132

Date Registered
1949/08/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 052. G & S: SOAP. First Use: 1921/01/01. First Use In Commerce: 1921/01/01.

Prior Registration(s)
0302690

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
1948/02/26

Examining Attorney
UNKNOWN

Attorney of Record
VERONICA L. HRDY

DESIGN MARK

Serial Number
72084287

Status
REGISTERED AND RENEWED

Word Mark
CHANEL NO 5

Standard Character Mark
No

Registration Number
0701978

Date Registered
1960/07/26

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003 005. US 051. G & S: Perfume, Cologne, [Talcum Powder,] and Bath Powder. First Use: 1939/00/00. IN 1924 AS TO "NO. 5 CHANEL". First Use In Commerce: 1939/00/00.

Prior Registration(s)
0195360;0554079;AND OTHERS

Filing Date
1959/10/30

Examining Attorney
UNKNOWN

Attorney of Record
VERONICA L HRDY

CHANEL

N°5

DESIGN MARK

Serial Number
72212645

Status
REGISTERED AND RENEWED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
0802851

Date Registered
1966/01/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CHANEL, INC. CORPORATION NEW YORK 9 W. 57TH ST. NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051. G & S: BATH OIL, AFTER SHAVE LOTION [AND AFTER BATH OIL SPRAY]. First Use: 1920/01/01. First Use In Commerce: 1920/01/01.

Prior Registration(s)
0195360;0701978;AND OTHERS

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
1965/02/24

Examining Attorney
UNKNOWN

CHANEL

DESIGN MARK

Serial Number
73108432

Status
REGISTERED AND RENEWED

Word Mark
NO 19 CHANEL

Standard Character Mark
No

Registration Number
1078199

Date Registered
1977/11/29

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Chanel, Inc. CORPORATION NEW YORK 9 W. 57TH ST New York NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051 052. G & S: PERFUME, TOILET WATER, COLOGNE, BATH POWDER, BATH OIL, BODY LOTION, MILK BATH AND HAND SOAP. First Use: 1973/03/09. First Use In Commerce: 1973/03/09.

Prior Registration(s)
0195360;0984671;AND OTHERS

Filing Date
1976/12/03

Examining Attorney
UNKNOWN

Attorney of Record
VERONICA L HRDY

N°19

CHANEL

DESIGN MARK

Serial Number
73364912

Status
REGISTERED AND RENEWED

Word Mark
CRISTALLE CHANEL

Standard Character Mark
No

Registration Number
1277688

Date Registered
1984/05/15

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Chanel, Inc. CORPORATION NEW YORK 9 W. 57th St. New York NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051. G & S: Spray Cologne. First Use: 1976/11/23. First Use In Commerce: 1976/11/23.

Prior Registration(s)
0195359;1071253;AND OTHERS

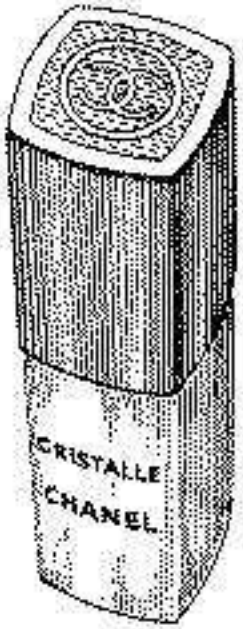
Disclaimer Statement
No claim is made to the exclusive right to use the shape of the container for the goods, apart from the mark as shown.

Lining/Stipling Statement
The drawing is lined for the color silver, the cap is black with a silver and white top, and the color silver is also claimed for the words "Cristalle" and "Chanel", which could not be lined because of the small size of the letters. The remaining lines on the cap and the bottle are for the purpose of shading only.

Description of Mark
THE MARK CONSISTS OF THE CONFIGURATION OF THE CONTAINER FOR THE GOODS WITH WORDING AND A DESIGN THEREON. THE MARK CONSISTS OF A RECTANGULAR BOTTLE IN WHICH THE CAP MERGES WITH THE BOTTLE TO MAKE A RECTANGULAR CONFIGURATION. THE SIDES OF THE CONFIGURATION ARE SLIGHTLY BOWED.

Filing Date
1982/05/17

Examining Attorney
UNKNOWN


CRISTALLE
CHANEL

DESIGN MARK

Serial Number
73366037

Status
REGISTERED AND RENEWED

Word Mark
CC CRISTALLE CHANEL

Standard Character Mark
No

Registration Number
1278542

Date Registered
1984/05/22

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Chanel, Inc. CORPORATION NEW YORK 9 W. 57th St. New York NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: [COLOGNE, SPRAY COLOGNE,] [BATH POWDER,] BODY LOTION, BATHING GEL AND[TOILET SOAP]. First Use: 1976/11/23. First Use In Commerce: 1976/11/23.

Prior Registration(s)
0195359;1071253;AND OTHERS

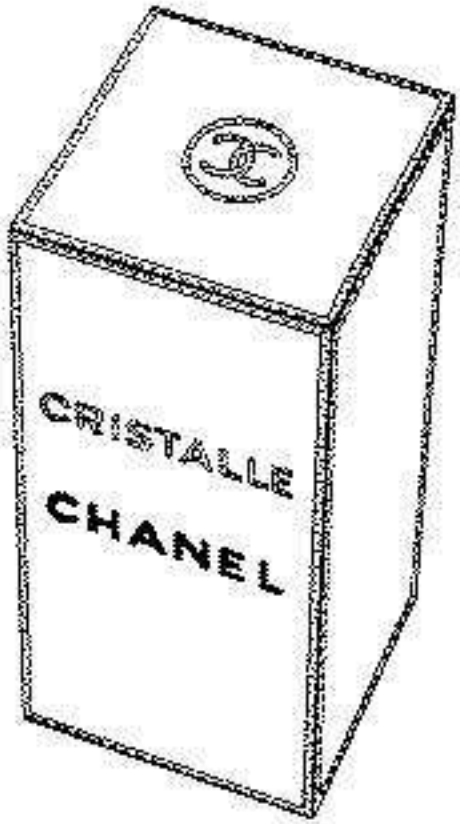
Disclaimer Statement
No claim is made to the exclusive right to use the rectangular shape of the carton for the goods, apart from the mark as shown.

Lining/Stippling Statement
The drawing is lined for the color silver.

Description of Mark
THE MARK CONSISTS OF A RECTANGULAR CARTON ENCLOSED BY SILVER BORDERS.

Filing Date
1982/05/24

Examining Attorney
UNKNOWN


CRISTALLE
CHANEL

TYPED DRAWING

Serial Number
73366039

Status
REGISTERED AND RENEWED

Word Mark
CRISTALLE CHANEL

Standard Character Mark
No

Registration Number
1282924

Date Registered
1984/06/26

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: [TOILET WATER,] * EAU DE TOILETTE, * SPRAY FRAGRANCE, [BATH POWDER,] BODY LOTION, BATHING GEL [AND BATH SOAP]. First Use: 1976/11/23. First Use In Commerce: 1976/11/23.

Prior Registration(s)
0195360;1071253;AND OTHERS

Filing Date
1982/05/24

Examining Attorney
WISEMAN, MICHELLE

Attorney of Record
VERONICA L. HRDY

TYPED DRAWING

Serial Number
73494952

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
1348842

Date Registered
1985/07/16

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051 052. G & S: FULL LINE OF PERFUMERY, COSMETICS AND TOILETRIES. First Use: 1920/01/01. First Use In Commerce: 1920/01/01.

Prior Registration(s)
0195360;0302690;0510992;0513132;0802851

Filing Date
1984/08/15

Examining Attorney
UNKNOWN

DESIGN MARK

Serial Number
73535356

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
COCO CHANEL

Standard Character Mark
No

Registration Number
1368563

Date Registered
1985/11/05

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 003. US 051. G & S: PERFUME. First Use: 1985/02/07. First Use In Commerce: 1985/02/07.

Prior Registration(s)
0195360;0802851;0848755;1197609;AND OTHERS

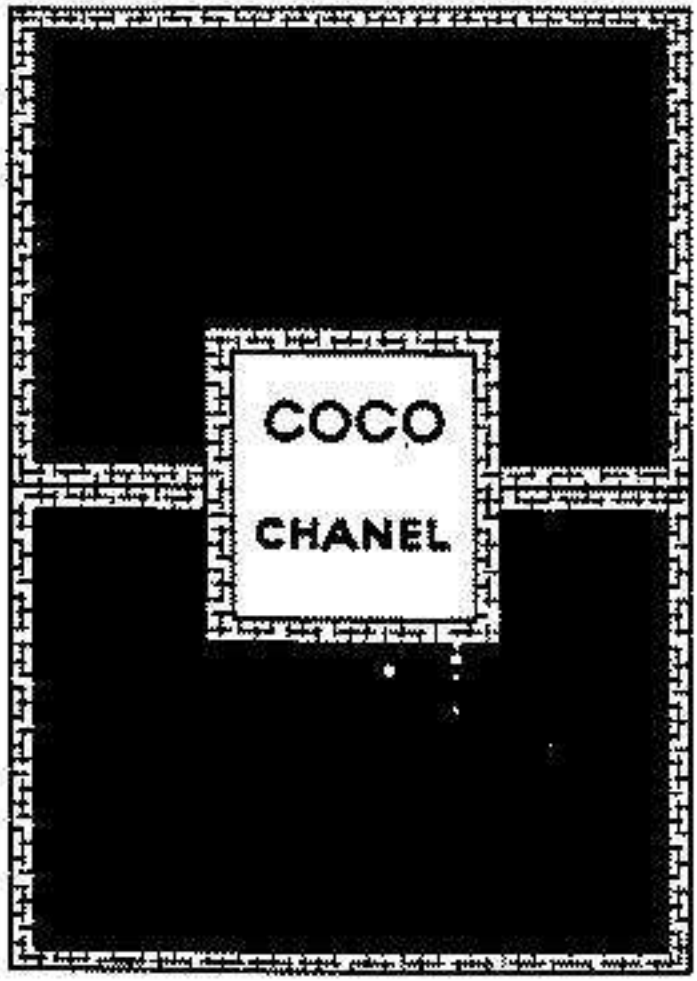
Lining/Stippling Statement
THE DRAWING IS LINED FOR THE COLOR GOLD AND THE COLOR IS CLAIMED AS PART OF THE TRADEMARK.

Filing Date
1985/05/02

Examining Attorney
UNKNOWN

Attorney of Record

SUSAN UPTON DOUGLASS


COCO
CHANEL

DESIGN MARK

Serial Number
75782129

Status
REGISTERED

Word Mark
CHANEL

Standard Character Mark
No

Registration Number
2532697

Date Registered
2002/01/22

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York NEW YORK 10019

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Candles. First Use: 2000/10/00. First Use In Commerce: 2000/10/00.

Prior Registration(s)
0195360;1733051;AND OTHERS

Filing Date
1999/08/23

Examining Attorney
POWERS, ALEXANDER L.

Attorney of Record
Veronica L. Hrdy

CHANEL

TYPED DRAWING

Serial Number
78035246

Status
REGISTERED

Word Mark
PALM NATURALS

Standard Character Mark
No

Registration Number
2851794

Date Registered
2004/06/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
DeLuca, Fred Michael INDIVIDUAL UNITED STATES P. O. Box 1268 El Cajon CALIFORNIA 920221268

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Cosmetics and skin, body lotions and soaps. First Use: 2004/02/13. First Use In Commerce: 2004/02/13.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Candles. First Use: 2004/02/13. First Use In Commerce: 2004/02/13.

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

Filing Date
2000/11/14

Examining Attorney
PERRY, KIMBERLY

TYPED DRAWING

Serial Number
78060568

Status
REGISTERED

Word Mark
KAMURI

Standard Character Mark
No

Registration Number
2522836

Date Registered
2001/12/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Kamuri, Inc. CORPORATION GEORGIA 1889 Wynhurst Crossing Stone Mountain GEORGIA 30088

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: incense, body lotions, massage oils, perfume oils, essential oils for personal use, hand creams, face creams, body creams, bath salts, bath soaps, shower and bath gels. First Use: 1996/03/06. First Use In Commerce: 1996/05/31.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles. First Use: 2001/04/13. First Use In Commerce: 2001/04/16.

Filing Date
2001/04/26

Examining Attorney
HOLTZ, ALLISON

Attorney of Record

Jason A. Bernstein

TYPED DRAWING

Serial Number
78137857

Status
REGISTERED

Word Mark
PLUM CREEK

Standard Character Mark
No

Registration Number
2882934

Date Registered
2004/09/07

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Peanotz, Inc. CORPORATION SOUTH DAKOTA 41178 193rd Street Carpenter SOUTH DAKOTA 57322

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: non-medicated body lotion. First Use: 2002/08/00. First Use In Commerce: 2002/08/00.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles. First Use: 2002/08/00. First Use In Commerce: 2002/08/00.

Filing Date
2002/06/21

Examining Attorney
BERK, STEVEN

Attorney of Record
Troy Leonard

TYPED DRAWING

Serial Number
78143207

Status
REGISTERED

Word Mark
PURE TIFFANY

Standard Character Mark
No

Registration Number
2893844

Date Registered
2004/10/12

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Tiffany (NJ) Inc. CORPORATION NEW JERSEY 15 Sylvan Way Parsippany NEW JERSEY 07054

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: scented candles. First Use: 2003/12/00. First Use In Commerce: 2003/12/00.

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: fragrance products, namely, perfume, cologne, toilette water, body cream, and body lotion. First Use: 2003/02/00. First Use In Commerce: 2003/02/00.

Prior Registration(s)
1228409;1251356;1737875;2123199;AND OTHERS

Filing Date
2002/07/11

Examining Attorney
LAVINE, JACQUELINE A.

Attorney of Record
Lauren J. Mandell

TYPED DRAWING

Serial Number
78143362

Status
REGISTERED

Word Mark
BARONESS VON LUXE

Standard Character Mark
No

Registration Number
2882955

Date Registered
2004/09/07

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Lee, Jessica Lynn INDIVIDUAL UNITED STATES 2118 Wilshire Blvd Suite 762 Santa Monica CALIFORNIA 90403

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: SKIN SOAP AND COLOGNE. First Use: 2003/01/04. First Use In Commerce: 2003/01/04.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: CANDLES. First Use: 2003/01/04. First Use In Commerce: 2003/01/04.

Name/Portrait Statement
The name "BARONESS VON LUXE" does not identify a living individual.

Translation Statement
The English translation of "BARONESS VON LUXE" is "BARONESS OF LUXURY".

Filing Date
2002/07/12

Examining Attorney
SONNEBORN, TRICIA

Attorney of Record
Molly D. McKay

TYPED DRAWING

Serial Number
78162929

Status
REGISTERED

Word Mark
EVELYN ROSE

Standard Character Mark
No

Registration Number
2789879

Date Registered
2003/12/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Crabtree & Evelyn, Ltd. CORPORATION CONNECTICUT Peake Brook Road
Woodstock CONNECTICUT 06281

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Eau de toilette, eau de parfum, bath and shower gel, body lotion, body cream, skin soap, dusting powder. First Use: 2003/03/18. First Use In Commerce: 2003/03/18.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Scented candles. First Use: 2003/03/18. First Use In Commerce: 2003/03/18.

Prior Registration(s)
1036523;1626527;1859412;AND OTHERS

Name/Portrait Statement
The likeness (or, "portrait") in the mark does not identify a living individual.

Filing Date

2002/09/11

Examining Attorney
OH, WON TEAK

Attorney of Record
Timothy H. Hiebert

DESIGN MARK

Serial Number
78164188

Status
REGISTERED

Word Mark
FLI

Standard Character Mark
No

Registration Number
2846600

Date Registered
2004/05/25

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
Fantasy Lady, Inc. CORPORATION LOUISIANA 2057 Paxton Street Harvey LOUISIANA 70058

Goods/Services
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail shop-at-home party services featuring lingerie, sensual novelties, and bedroom toys; retail services, namely, online, mail order, and retail stores featuring lingerie, sensual novelties, bedroom toys, massage oils, body lotions, body powders, body lubricant oils, lotions, candles, candle sticks, bathroom accessories, books, and other sensual goods. First Use: 2002/08/15. First Use In Commerce: 2002/08/15.

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Massage Oil, body lotion, body powder, scented soaps, bubble bath, body soaps, body lubricant oils and lotions, perfumes and colognes, and scented powder. First Use: 2003/03/31. First Use In Commerce: 2003/03/31.

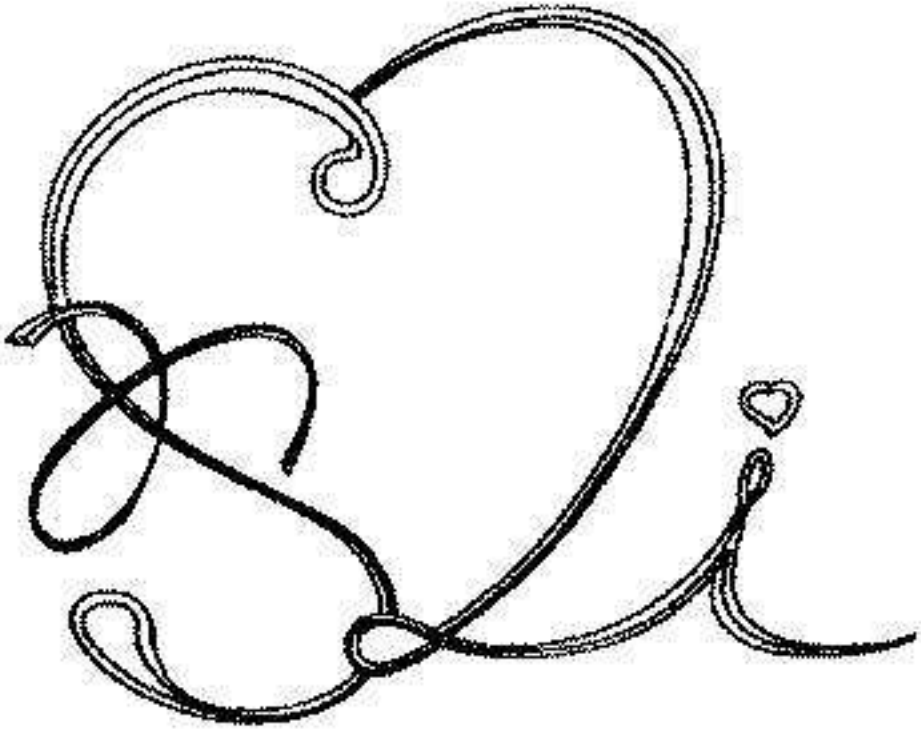
Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: scented

candles. First Use: 2002/04/30. First Use In Commerce: 2002/04/30.

Filing Date
2002/09/14

Examining Attorney
CHOSID, ROBIN

Attorney of Record
Joseph T. Regard



TYPED DRAWING

Serial Number
78187175

Status
REGISTERED

Word Mark
ENGLISH FLORAL COLLECTION

Standard Character Mark
No

Registration Number
2807569

Date Registered
2004/01/20

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Crabtree & Evelyn, Ltd. CORPORATION CONNECTICUT Peake Brook Road
Woodstock CONNECTICUT 06281

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Skin soap, * bath gel, body lotion, skin moisturizing lotion, talcum powder, toilet water *. First Use: 2003/03/18. First Use In Commerce: 2003/03/18.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Scented candles. First Use: 2003/03/18. First Use In Commerce: 2003/03/18.

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

Filing Date
2002/11/20

Amended Register Date

2003/09/19

Examining Attorney
KING, LINDA

Attorney of Record
Timothy H. Hiebert

DESIGN MARK

Serial Number
78233734

Status
REGISTERED

Word Mark
SOULAR THERAPY

Standard Character Mark
No

Registration Number
2815154

Date Registered
2004/02/17

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Divino LLC LTD LIAB CO TEXAS 1201 East Elmira San Antonio TEXAS 78212

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Skin soaps, skin lotions and perfumes. First Use: 1999/05/01. First Use In Commerce: 1999/05/01.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: candles. First Use: 1999/05/01. First Use In Commerce: 1999/05/01.

Filing Date
2003/04/03

Examining Attorney
COWARD, JEFFERY

SOULAR THERAPY

DESIGN MARK

Serial Number
78234404

Status
REGISTERED

Word Mark
OLYLIO

Standard Character Mark
No

Registration Number
2893217

Date Registered
2004/10/12

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Olyco Design Inc. CORPORATION FLORIDA 3700 SW 149th Terrace Miramar FLORIDA 33027

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Soap in the form of petals or other forms; petals of soap; hand and body soaps; bath gels; liquid soap; shampoo and conditioners; lotions and creams for the skin, hair, and face; bath salts. First Use: 2002/08/23. First Use In Commerce: 2002/08/23.

Goods/Services
Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Candles, namely, scented and unscented candles, floating candles, candles with form, beeswax for use in the manufacture of candles. First Use: 2002/07/23. First Use In Commerce: 2002/07/23.

Filing Date
2003/04/06

Examining Attorney
CARTY, GEORGIA

Olylio

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 19:27:38 ET

Serial Number: 76596733 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CHANEL

(words only): CHANEL

Standard Character claim: Yes

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2006-04-15

Filing Date: 2004-06-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

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: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2006-04-15

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

---

1. Marcon, Robert Victor

Address:
Marcon, Robert Victor
3471 Sinnicks Avenue
Niagara Falls, Ontario L2J 2G6
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: 016
Class Status: Active
Scented stationery and greeting cards
Basis: 1(b), 44(d)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1,202,435
Country: Canada
Foreign Filing Date: 2003-12-30

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.

2006-04-17 - Abandonment Notice Mailed - Failure To Respond

2006-04-15 - Abandonment - Failure To Respond Or Late Response

2005-09-13 - Final refusal mailed

2005-09-12 - Final Refusal Written

2005-08-20 - Amendment From Applicant Entered

2005-07-14 - Communication received from applicant

2005-07-14 - PAPER RECEIVED

2005-01-14 - Non-final action mailed

2005-01-14 - Non-Final Action Written

2005-01-09 - Assigned To Examiner

2004-06-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO
CANADA L2J 2G6
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-17 TO OPPOSER'S NOTICE OF RELIANCE

02-18-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #

Robert Victor Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

For: Distilled spirits, namely vodka, gin, and tequila, ice cream, sherbert, frozen confections, in International Class 33.

Basis for Filing: Section 1(b) and 44(d)

EVIAN

U.S. Patent & TM Ofc/TM
76577011

76577011

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

02/27/2004 KSOMCHAN 00000012 76577011
01 FC:6001 335.00 OP

PTO-1555
(5/87)

Mr. Robert V. Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

February 17, 2004

Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, Virginia,
U.S.A.,
22202-3514

Re: "EVIAN" Trademark Application

Dear Sir:

I, Robert Victor Marcon, am hereby filing an application for the registration of the trademark EVIAN.

Enclosed herein are the following documents:

(1) The trademark application for EVIAN.
(2) A money order in the amount of $335.00 U.S. to cover the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions regarding this application.

(CERTIFICATION)

Mailed To: Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, VA,
U.S.A.,
22202-3514

Mailing Date: 17 February 2004 in Niagara Falls, N.Y., U.S.A.

No. of Pages: Nine (9)

Certification: I hereby certify that this correspondence and/or fee is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the "Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, U.S.A., 22202-3514".

Express Mail Label Number: **ET865072604US**
Date of Deposit: **17 February 2004**
Name of Depositor: **Robert V. Marcon**

Signature of Depositor: Robert V. Marcon

Very Respectfully,

Robert V. Marcon

Mr. Robert V. Marcon
Applicant Pro Se

TRADEMARK/SERVICE MARK APPLICATION

(15 U.S.C. Subsection 1051, 1126(d)&(e))

APPLICANT INFORMATION

Name of Applicant:	Robert Victor Marcon	
Residency Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Correspondence Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

APPLICANT ENTITY INFORMATION

(1) Applicant is an individual.

(2) Applicant is a citizen of Canada.

TRADEMARK/SERVICE MARK INFORMATION

(1) The mark is:

EVIAN

(2) The mark is typed form.

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Intent to Use: Section 1(b)

The Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. Subsection 1051(b)).

(1) International class 33.

(2) Listing of Goods and/or Services:

(a) Distilled spirits, namely vodka, gin, and tequila;

(b) ice cream;

(c) sherbert; and

(d) frozen confections.

Foreign Priority: Section 44(d)

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

(1) International Class Number(s): Not Known

(2) Listing of Goods and/or Services:

(a) Distilled spirits, namely vodka, gin, and tequila;

(b) ice cream;

(c) sherbert; and

(d) frozen confections.

(3) Country of Foreign Filing: Canada

(4) Foreign Application Number: 1,188,155

(5) Date of Foreign Filing: 2 September 2003

(6) Application Docket Number: Mark-18

FILING FEE INFORMATION

(1) Filing Fee Calculation:

(a)	Cost per Class:	$335.00 U.S.
(b)	Number of Classes:	1
(c)	Total Filing Fee:	$335.00 U.S.

(2) Method of Filing Fee Payment: Money Order

DOMESTIC REPRESENTATIVE

There is no domestic representative assigned to this application.

SIGNATURE INFORMATION

The Applicant request registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) for the above-identified goods and/or services.

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 may jeopardize the validity of the application or any resulting registrations, 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 identical form thereof or in such new 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 knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:	Robert Victor Marcon
Print Name:	Robert Victor Marcon
Date Signed:	17 February 2004
Title:	Individual

CONTACT INFORMATION

Name of Contact:	Robert V. Marcon	
Mailing Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

ROBERT MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS
ONTARIO L2J 2G6

Date
03 sept/Sep 2003
Votre référence - Your reference
Numéro de dossier - File number
1188155

Requérant - Applicant:

ROBERT MARCON

Marque de commerce - Trade-mark:

EVIAN

AVIS DE RÉCEPTION

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de production de la demande. La date de production de cette demande est:

FILING NOTICE

Receipt is acknowledged of the application and filing fee for the registration of this trade-mark. This application's filing date is:

02 sept/Sep 2003

Pour toute correspondance veuillez inclure le numéro de dossier mentionné ci-dessus.

For all future correspondence please include the file number stated above.

Pour obtenir des renseignements sur les marques de commerce veuillez signaler le (819) 997-1936 ou visitez notre site Web au http://opic.gc.ca . De plus, vous pouvez obtenir de l'information concernant le statut de votre demande à partir de la Base de données des marques des commerce via notre site Web.

For general information on trade-marks please call (819) 997-1936 or visit our Web site at http://cipo.gc.ca . You may also obtain status information on your application from the Trade-marks Database on our Web site.

Une feuille de vérification de votre demande est jointe à titre de révision. Si vous avez des questions concernant l'information qui y figure, veuillez communiquer avec :

A Proof Sheet of the application is attached for your review. If you have any questions on the information contained within the Proof Sheet please contact:

La Section des Formalités
Place du Portage I
50, rue Victoria, Hull, (Québec) K1A 0C9
Téléphone : (819) 997-1070 Télécopieur : (819) 953-6742

Formalities Section
Place du Portage I
50 Victoria Street, Hull, Quebec K1A 0C9
Tel: (819) 997-1070 Fax: (819) 953-2476

Registraire des marques de commerce
Registrar of Trade-marks

Canada

http://opic.gc.ca · Ottawa Hull K1A 0C9 · *http://cipo.gc.ca*

OPIC CIPO

APPL'N/DEM. NO 1 188 155

FORMALIZED/FORMALITÉS ACCOMPLIES

FILING DATE/DATE DE PRODUCTION: 02 sept/Sep 2003

APPLICANT/REQUERANT:
ROBERT MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS
ONTARIO
L2J 2G6

TRADE-MARK/MARQUE DE COMMERCE:

EVIAN

INDEX HEADINGS/RUBRIQUES:

EVIAN
*

WARES/MARCHANDISES:

(1) DISTILLED SPIRITS, NAMELY VODKA, GIN AND TEQUILA.
(2) ICE CREAM, SHERBERT, FROZEN CONFECTIONS.

CLAIMS/REVENDICATIONS:

Proposed Use in CANADA on wares.

Action	Date	BF	Comments/Commentaires
filed/produite	2003/09/02		
created/créé	2003/09/03		
formalized/formalisée	2003/09/03		

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/577011

APPLICANT: Marcon, Robert Victor

76577011

CORRESPONDENT ADDRESS:
ROBERT VICTOR MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO CANADA L2J 2G6

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MARK: EVIAN

CORRESPONDENT'S REFERENCE/DOCKET NO: Mark-18

CORRESPONDENT EMAIL ADDRESS:

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 76/577011

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

REFUSAL BECAUSE A SEARCH OF THE OFFICE RECORDS REVEALED A CONFUSINGLY SIMILAR REGISTERED MARK

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration Nos. 848,243; 1,155,024; 1,610,010; and 2,693,340 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to be considered in determining whether there is a likelihood of confusion under Section 2(d). Any one of the factors listed may be dominant in any given case, depending upon the evidence of record. In this case, the following factors are the most relevant: similarity of the marks,

similarity of the goods, and similarity of trade channels of the goods.

Applicant's mark, EVIAN, is confusingly similar to registrant's marks for EVIAN alone and with other matter. Applicant' s goods, distilled spirits, namely vodka, gin, and tequila; ice cream; sherbet; and frozen confections, are closely related to registrant's goods, natural mineral water. 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).

IDENTIFICATION OF GOODS

The applicant has classified ice cream; sherbet; and frozen confections in International Class 33. The correct classification is International Class 30. The applicant must either delete ice cream; sherbet; and frozen confections or add International Class 30 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

If the applicant prosecutes this application as a combined, or multiple?class, application, the applicant must comply with each of the following.

(1) The applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP §1403.01.

(2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §§2.6(a)(1) and 2.86(a); TMEP §§810.01 and 1403.01. Effective January 1, 2003, the fee for filing a trademark application is $335 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

STANDARD CHARACTER MARK CLAIM

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

FILING BASIS

The applicant has filed asserting a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and claiming priority under Section 44(d), 15 U.S.C. §1126(d), based on a foreign application. Under these circumstances, the applicant may rely solely on its intent to use the

mark in commerce as the basis for registration and not the expected foreign registration, and still claim the benefit of the priority filing date. If the applicant chooses to do so, this Office will approve the case for publication without waiting for the applicant to submit the foreign registration. Of course, the application must be in condition for publication in all other respects. Moreover, while the application may be approved for publication, the mark will not be registered until an acceptable allegation of use has been filed.

If the applicant wishes to proceed relying on the applicant's intent to use the mark in commerce as the sole basis for registration, with the claim of priority, the applicant should so advise the examining attorney. TMEP §§806.02(f) and 806.04(b).

If the applicant does not so indicate, this Office will presume that the applicant wishes to rely on the foreign registration as an additional basis for registration and will expect the applicant to submit a true copy, a photocopy, a certification, or a certified copy of the foreign registration and, if appropriate, an English translation. It is customary for the translator to sign the translation. TMEP §§1004.01 and 1004.01(b).

-

NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at www.uspto.gov.

Change in USPTO Trademark Contact Information

The USPTO Trademark Operations will be moving to the new Alexandria, Virginia campus in October and November 2004. During that time, you are strongly encouraged to communicate with the USPTO through the Trademark Electronic Application System (TEAS) which can be found at www.uspto.gov .

Effective October 4, 2004, all Trademark-related paper mail must be sent to:

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

My Law Office will move on November 2, 2004. To reach me by phone after that date call (571) 272-**9144**.

To submit a **fax** response to this Office action after that date, send your response to the Law Office fax number, namely (571) 273-9108.

/Robert Clark/
Trademark Attorney
Law Office 108
703-308-9108 ext. 162
Fax: 703-746-8108

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 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
72261162

Status
REGISTERED AND RENEWED

Word Mark
EVIAN SOURCE CACHAT

Standard Character Mark
No

Registration Number
0848243

Date Registered
1968/04/30

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE ANONYME DES EAUX MINERALES D'EVIAN CORPORATION FRANCE 22, AVENUE DES SOURCES EVIAN LES BAINS (HAUTE-SAVOIE) FRANCE

Goods/Services
Class Status -- ACTIVE. IC 032. US 045. G & S: NATURAL MINERAL WATERS.

Foreign Country Name
FRANCE

Foreign Priority
FOREIGN PRIORITY CLAIMED

Foreign Registration Number
710003

Foreign Registration Date
1966/06/21

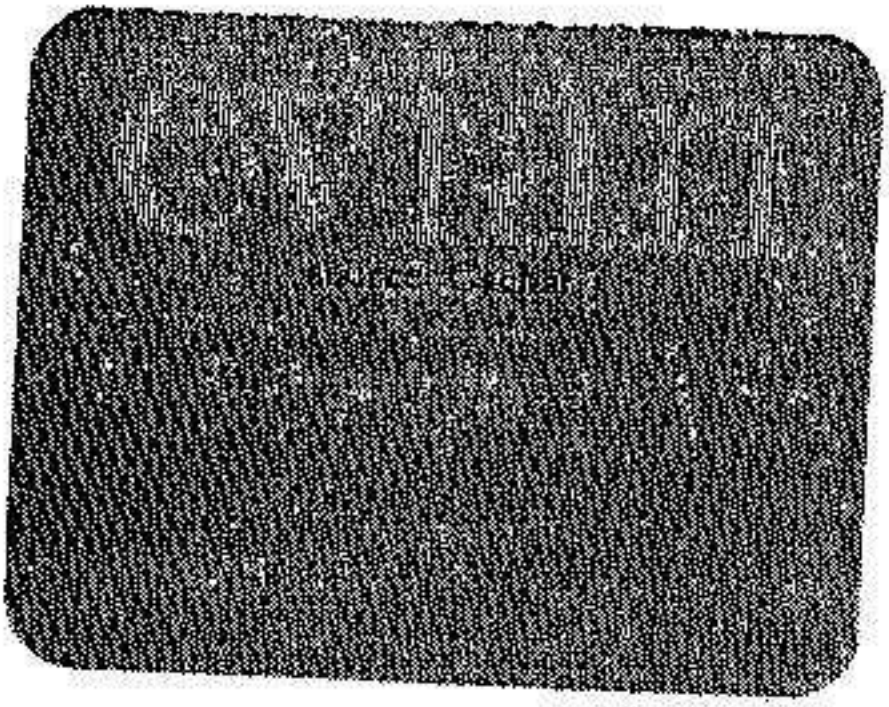
Disclaimer Statement
THE APPLICANT DISCLAIMS THE TERMS "EAU MINERALE NATURELLE" AND

"SOURCE," SEPARATE AND APART FROM THE MARK AS SHOWN, RESERVING UNTO ITSELF ALL COMMON LAW RIGHTS WHICH IT MAY HAVE OR ACQUIRE IN SAID TERM.

Lining/Stippling Statement
THE DRAWING IS LINED FOR PINK AND RED.

Filing Date
1966/12/20

Examining Attorney
UNKNOWN



TYPED DRAWING

Serial Number
73210115

Status
REGISTERED AND RENEWED

Word Mark
EVIAN

Standard Character Mark
No

Registration Number
1155024

Date Registered
1981/05/19

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Societe Anonyme des Eaux Minerales d'Evian CORPORATION FRANCE 19 rue Nationale Evian (Haute Savoie) FRANCE

Goods/Services
Class Status -- ACTIVE. IC 032. US 045. G & S: Natural Mineral Waters. First Use: 1932/00/00. First Use In Commerce: 1932/00/00.

Prior Registration(s)
0848243

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
1979/04/03

Examining Attorney
UNKNOWN

DESIGN MARK

Serial Number
73780767

Status
REGISTERED AND RENEWED

Word Mark
EVIAN

Standard Character Mark
No

Registration Number
1610010

Date Registered
1990/08/14

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
SOCIETE ANONYME DES EAUX MINERALES D'EVIAN CORPORATION FRANCE 22 AVENUE DES SOURCES EVIAN-LES-BAINS (HAUTE-SAVOIE) FRANCE

Goods/Services
Class Status -- ACTIVE. IC 032. US 045. G & S: NATURAL MINERAL WATERS. First Use: 1980/06/10. First Use In Commerce: 1980/06/10.

Prior Registration(s)
0848243;1155024

Lining/Stippling Statement
THE STIPPLING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

Filing Date
1989/02/14

Examining Attorney
STEINMAN, KEVIN PAUL

Attorney of Record

JAMES R. MEYER

evian

DESIGN MARK

Serial Number
78036381

Status
REGISTERED

Word Mark
EVIAN MILLENIUM

Standard Character Mark
No

Registration Number
2693340

Date Registered
2003/03/04

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Societe Anonyme des Eaux Minerales d'Evian CORPORATION FRANCE 22, Avenue des Sources Evian Cedex FRANCE 74503

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BOTTLED WATER. First Use: 1999/10/00. First Use In Commerce: 1999/10/00.

Foreign Country Name
FRANCE

Foreign Registration Number
99799157

Foreign Registration Date
1999/06/23

Foreign Expiration Date
2009/06/23

Prior Registration(s)
1155024;1610010

Description of Mark
The mark consists of a configuration of the packaging for the goods comprised of a teardrop shaped container with the words "EVIAN MILLENIUM" and a design of a mountain range on the front of the container.

Filing Date
2000/11/22

Examining Attorney
SMITH, REBECCA

Attorney of Record
JEFFREY H. KAUFMAN

evian

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 19:28:08 ET

Serial Number: 76577011 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

EVIAN

(words only): EVIAN

Standard Character claim: Yes

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2005-11-28

Filing Date: 2004-02-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

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: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2005-11-28

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

---

1. Marcon, Robert Victor

Address:
Marcon, Robert Victor
3471 Sinnicks Avenue

Niagara Falls, Ontario L2J 2G6
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: 033
Class Status: Active
Ice cream; sherbet; and frozen confections
Basis: 1(b), 44(d)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 1,188,155
Country: Canada
Foreign Filing Date: 2003-09-02

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.

2005-11-29 - Abandonment Notice Mailed - Failure To Respond

2005-11-28 - Abandonment - Failure To Respond Or Late Response

2005-05-02 - Final refusal mailed

2005-04-29 - Final Refusal Written

2005-04-18 - Amendment From Applicant Entered

2005-03-16 - Communication received from applicant

2005-03-16 - PAPER RECEIVED

2004-09-13 - Non-final action mailed

2004-09-10 - Non-Final Action Written

2004-09-08 - Assigned To Examiner

2004-03-05 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
ROBERT VICTOR MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO CANADA L2J 2G6
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-18 TO OPPOSER'S NOTICE OF RELIANCE

02-18-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #

Robert Victor Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

For: Alcoholic beverages, ice cream, sherbert, sorbet, frozen yogurt, frozen confections, and edible nuts, in International Class 33.

Basis for Filing: Section 1(b) and 44(d)

TIM HORTONS

U.S. Patent & TM Ofc/TM

76577010

76577010

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

02/27/2004 KSOMCHAN 00000011 76577010

01 FC:6001 335.00 OP

PTO-1555
(5/87)

Mr. Robert V. Marcon,
3471 Sinnicks Avenue,
Niagara Falls, Ontario,
Canada,
L2J 2G6

February 17, 2004

Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, Virginia,
U.S.A.,
22202-3514

Re: "TIM HORTONS" Trademark Application

Dear Sir:

I, Robert Victor Marcon, am hereby filing an application for the registration of the trademark TIM HORTONS.

Enclosed herein are the following documents:

(1) The trademark application for TIM HORTONS.
(2) A money order in the amount of $335.00 U.S. to cover the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions regarding this application.

(CERTIFICATION)

Mailed To: Commissioner for Trademarks,
2900 Crystal Drive,
Arlington, VA,
U.S.A.,
22202-3514

Mailing Date: 17 February 2004 in Niagara Falls, N.Y., U.S.A.

No. of Pages: Nine (9)

Certification: I hereby certify that this correspondence and/or fee is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the "Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, U.S.A., 22202-3514".

Express Mail Label Number: **ET865072604US**
Date of Deposit: **17 February 2004**
Name of Depositor: **Robert V. Marcon**

Signature of Depositor: Robert V. Marcon

Very Respectfully,

Robert V. Marcon

Mr. Robert V. Marcon
Applicant Pro Se

TRADEMARK/SERVICE MARK APPLICATION

(15 U.S.C. Subsection 1051, 1126(d)&(e))

APPLICANT INFORMATION

Name of Applicant:	Robert Victor Marcon	
Residency Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Correspondence Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

APPLICANT ENTITY INFORMATION

(1) Applicant is an individual.

(2) Applicant is a citizen of Canada.

TRADEMARK/SERVICE MARK INFORMATION

(1) The mark is:

TIM HORTONS

(2) The mark is typed form.

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Intent to Use: Section 1(b)

The Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. Subsection 1051(b)).

(1) International class 33.

(2) Listing of Goods and/or Services:

(a) Alcoholic beverages;

(b) ice cream;

(c) sherbert;

(d) sorbet;

(e) frozen yogurt;

(f) frozen confections; and

(g) edible nuts.

Foreign Priority: Section 44(d)

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

(1) International Class Number(s): Not Known

(2) Listing of Goods and/or Services:

(a) Alcoholic beverages;

(b) ice cream;

(c) sherbert;

(d) sorbet;

(e) frozen yogurt;

(f) frozen confections; and

(g) edible nuts.

(3)	Country of Foreign Filing:	Canada
(4)	Foreign Application Number:	1,186,804
(5)	Date of Foreign Filing:	18 August 2003
(6)	Application Docket Number:	Mark-16

FILING FEE INFORMATION

(1)	Filing Fee Calculation:		
	(a)	Cost per Class:	$335.00 U.S.
	(b)	Number of Classes:	1
	(c)	Total Filing Fee:	$335.00 U.S.
(2)	Method of Filing Fee Payment:		Money Order

DOMESTIC REPRESENTATIVE

There is no domestic representative assigned to this application.

SIGNATURE INFORMATION

The Applicant request registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) for the above-identified goods and/or services.

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 may jeopardize the validity of the application or any resulting registrations, 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 identical form thereof or in such new 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 knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:	Robert Victor Marcon
Print Name:	Robert Victor Marcon
Date Signed:	17 February 2004
Title:	Individual

CONTACT INFORMATION

Name of Contact:	Robert V. Marcon	
Mailing Address:	Street:	3471 Sinnicks Avenue
	City/Province:	Niagara Falls, Ontario
	Country:	Canada
	Zip Code:	L2J 2G6
Other Communications:	Telephone:	(905) 354-2543
	Facsimile:	(905) 354-7693
	E-Mail:	Not Applicable

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

Robert Victor Marcon
3471 Sinnicks Avenue
Niagara Falls
ONTARIO L2J 2G6

Date	19 août/Aug 2003
Votre référence - Your reference	
Numéro de dossier - File number	**1186804**

Requérant - Applicant:

Robert Victor Marcon

Marque de commerce - Trade-mark:

TIM HORTONS

AVIS DE RÉCEPTION

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de production de la demande. La date de production de cette demande est:

FILING NOTICE

Receipt is acknowledged of the application and filing fee for the registration of this trade-mark. This application's filing date is:

18 août/Aug 2003

Pour toute correspondance veuillez inclure le numéro de dossier mentionné ci-dessus.

For all future correspondence please include the file number stated above.

Pour obtenir des renseignements sur les marques de commerce veuillez signaler le (819) 997-1936 ou visitez notre site Web au http://opic.gc.ca . De plus, vous pouvez obtenir de l'information concernant le statut de votre demande à partir de la Base de données des marques des commerce via notre site Web.

For general information on trade-marks please call (819) 997-1936 or visit our Web site at http://cipo.gc.ca . You may also obtain status information on your application from the Trade-marks Database on our Web site.

Une feuille de vérification de votre demande est jointe à titre de révision. Si vous avez des questions concernant l'information qui y figure, veuillez communiquer avec :

A Proof Sheet of the application is attached for your review. If you have any questions on the information contained within the Proof Sheet please contact:

La Section des Formalités
Place du Portage I
50, rue Victoria, Hull, (Québec) K1A 0C9
Téléphone : (819) 997-1070 Télécopieur : (819) 953-6742

Formalities Section
Place du Portage I
50 Victoria Street, Hull, Quebec K1A 0C9
Tel: (819) 997-1070 Fax: (819) 953-2476

APPL'N/DEM. NO 1 186 804

FORMALIZED/FORMALITÉS ACCOMPLIES

FILING DATE/DATE DE PRODUCTION: **18 août/Aug 2003**

APPLICANT/REQUERANT:

Robert Victor Marcon
3471 Sinnicks Avenue
Niagara Falls
ONTARIO
L2J 2G6

TRADE-MARK/MARQUE DE COMMERCE:

TIM HORTONS

INDEX HEADINGS/RUBRIQUES:

TIM HORTONS
*

WARES/MARCHANDISES:

alcoholic beverages, ice cream, sherbert, sorbet, frozen yogurt, frozen confections, edible nuts.

CLAIMS/REVENDICATIONS:

Proposed Use in CANADA on wares.

Action	Date	BF	Comments/Commentaires
filed/produite	2003/08/18		
created/créé	2003/08/19		
formalized/formalisée	2003/08/19		

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/577010

APPLICANT: Marcon, Robert Victor

76577010

CORRESPONDENT ADDRESS:
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO CANADA L2J 2G6

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MARK: TIM HORTONS

CORRESPONDENT'S REFERENCE/DOCKET NO: 16

CORRESPONDENT EMAIL ADDRESS:

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 76/577010

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

REFUSAL BECAUSE A SEARCH OF THE OFFICE RECORDS REVEALED A CONFUSINGLY SIMILAR REGISTERED MARK

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration Nos. 1,690,691; 2,025,251; 2,457,618; and 2,433,796 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to be considered in determining whether there is a likelihood of confusion under Section 2(d). Any one of the factors listed may be dominant in any given case, depending upon the

evidence of record. In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods, and similarity of trade channels of the goods.

Applicant's mark, TIM HORTONS, is confusingly similar to registrant's marks which include the name TIM HORTONS. They share the salient feature TIM HORTONS. Applicant's mark is identical to the mark in U.S. Registration No. 1,690,691 and very similar to the other marks. 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).

IDENTIFICATION OF GOODS

The wording "Alcoholic beverages and edible nuts [shelled, roasted or otherwise processes nuts are properly classified in Class 29; raw nuts are classified in Class 31]" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP §1402.01.

The following is acceptable:

Class 30 - ice cream; sherbet; sorbet; frozen yogurt; frozen confections

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

If the applicant prosecutes this application as a combined, or multiple?class, application, the applicant must comply with each of the following.

> (1) The applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP §1403.01.
>
> (2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §§2.6(a)(1) and 2.86(a); TMEP §§810.01 and 1403.01. Effective January 1, 2003, the fee for filing a trademark application is $335 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

NAME ON DRAWING

If the name shown in the mark identifies a particular living individual, the applicant must submit a written consent from that individual, authorizing the applicant to register the name. If the name does not identify a living individual, the applicant should state so for the record. Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §§813 and 1206 *et seq*.

STANDARD CHARACTGER MARK CLAIM

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

FILING BASIS

The applicant has filed asserting a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and claiming priority under Section 44(d), 15 U.S.C. §1126(d), based on a foreign application. Under these circumstances, the applicant may rely solely on its intent to use the mark in commerce as the basis for registration and not the expected foreign registration, and still claim the benefit of the priority filing date. If the applicant chooses to do so, this Office will approve the case for publication without waiting for the applicant to submit the foreign registration. Of course, the application must be in condition for publication in all other respects. Moreover, while the application may be approved for publication, the mark will not be registered until an acceptable allegation of use has been filed.

If the applicant wishes to proceed relying on the applicant's intent to use the mark in commerce as the sole basis for registration, with the claim of priority, the applicant should so advise the examining attorney. TMEP §§806.02(f) and 806.04(b).

If the applicant does not so indicate, this Office will presume that the applicant wishes to rely on the foreign registration as an additional basis for registration and will expect the applicant to submit a true copy, a photocopy, a certification, or a certified copy of the foreign registration and, if appropriate, an English translation. It is customary for the translator to sign the translation. TMEP §§1004.01 and 1004.01(b).

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

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Change in USPTO Trademark Contact Information

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and November 2004. During that time, you are strongly encouraged to communicate with the USPTO through the Trademark Electronic Application System (TEAS) which can be found at www.uspto.gov .

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

My Law Office will move on November 2, 2004. To reach me by phone after that date call (571) 272-**9144**.

To submit a **fax** response to this Office action after that date, send your response to the Law Office fax number, namely (571) 273-9108.

/Robert Clark/
Trademark Attorney
Law Office 108
703-308-9108 ext. 162
Fax: 703-746-8108

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 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
74025793

Status
REGISTERED AND RENEWED

Word Mark
TIM HORTONS

Standard Character Mark
No

Registration Number
1690691

Date Registered
1992/06/02

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
T.H.D. DONUT (DELAWARE) INC. CORPORATION DELAWARE 874 Sinclair Road
Oakville, Ontario CANADA L6K 2Y1

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: shortening and fruit based toppings and fillings for cakes, pies and donuts. First Use: 1990/03/00. First Use In Commerce: 1990/03/00.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100. G & S: sit down and take-out restaurant services. First Use: 1990/03/00. First Use In Commerce: 1990/03/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: donuts, cakes, muffins, brownies, cookies, biscuits, pies, custard based toppings and fillings for donuts, cakes and pies, sugar, flour, yeast, coffee, ice cream and non-alcoholic beverages, namely coffee, tea and hot chocolate. First Use: 1990/03/00. First Use In Commerce: 1990/03/00.

Name/Portrait Statement

"Tim Hortons" is the name of a deceased individual.

Filing Date
1990/02/05

Examining Attorney
NELSON, EDWARD H.

Attorney of Record
WARREN E OLSEN

Tim Hortons

TYPED DRAWING

Serial Number
75008873

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
TIM HORTONS

Standard Character Mark
No

Registration Number
2025251

Date Registered
1996/12/24

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
T.H.D. DONUT (DELAWARE), INC. CORPORATION DELAWARE 874 Sinclair Road
Oakville, Ontario, L6K 2Y1 CANADA

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: soups and chili. First Use: 1967/00/00. First Use In Commerce: 1990/03/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: donuts, cakes, biscuits, cookies, pies, coffee beans and ground coffee, prepared non-alcoholic beverages, namely, coffee, tea, hot chocolate, prepared sandwiches. First Use: 1967/00/00. First Use In Commerce: 1990/03/00.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: sit-down and take-out restaurant services. First Use: 1967/00/00. First Use In Commerce: 1990/03/00.

Prior Registration(s)
1222765;1230123;1690691

Name/Portrait Statement
The name in the mark does not represent a living individual.

Filing Date
1995/10/20

Examining Attorney
COHEN, DARREN

Attorney of Record
WARREN E. OLSEN

DESIGN MARK

Serial Number
75366102

Status
REGISTERED

Word Mark
ALWAYS FRESH TIM HORTONS

Standard Character Mark
No

Registration Number
2457618

Date Registered
2001/06/05

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
T.H.D. DONUT (DELAWARE), INC. CORPORATION DELAWARE 874 Sinclair Road
Oakville, Ontario L6K 2Y1 CANADA

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Soups and chili. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: donuts, donut holes, bagels, muffins, cakes, biscuits, cookies, pies, prepared sandwiches; coffee beans and ground coffee; and prepared non-alcoholic beverages, namely, coffee, tea, hot chocolate, and specialty coffees including cappuccino. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Sit-down and take-out restaurant services. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Prior Registration(s)

2025251;AND OTHERS

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ALWAYS FRESH" APART FROM THE MARK AS SHOWN.

Name/Portrait Statement
The name in the mark does not represent a living individual.

Filing Date
1997/10/01

Examining Attorney
LORENZO, ROBERT

Attorney of Record
WARREN E OLSEN

ALWAYS FRESH

Tim Hortons

DESIGN MARK

Serial Number
75366315

Status
REGISTERED

Word Mark
TIM HORTONS ALWAYS FRESH

Standard Character Mark
No

Registration Number
2433796

Date Registered
2001/03/06

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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

Owner
T.H.D. DONUT (DELAWARE), INC. CORPORATION DELAWARE 874 Sinclair Road
Oakville, Ontario L6K 2Y1 CANADA

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Soups and chili. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Donuts, donut holes, bagels, muffins, cakes, biscuits, cookies, pies, prepared sandwiches; coffee beans and ground coffee; and prepared non-alcoholic beverages, namely, coffee, tea, hot chocolate, and specialty coffees including cappuccino. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Sit-down and take-out restaurant services. First Use: 1997/06/00. First Use In Commerce: 1997/06/00.

Prior Registration(s)

2025251;AND OTHERS

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ALWAYS FRESH" APART FROM THE MARK AS SHOWN.

Lining/Stippling Statement
Color is claimed as a feature of the mark, and the colors claimed are as follows. The background is pale gold.

Name/Portrait Statement
The name in the mark does not represent a living individual.

Description of Mark
The three elliptical rings are a darker shade of the same gold. The words "TIM HORTONS" are red. The words "ALWAYS FRESH" are dark brown.

Filing Date
1997/10/01

Examining Attorney
DUBOIS, SUSAN LESLIE

Attorney of Record
WARREN E OLSEN

ALWAYS FRESH

Tim Hortons

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 19:28:49 ET

Serial Number: 76577010 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

TIM HORTONS

(words only): TIM HORTONS

Standard Character claim: Yes

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2005-11-28

Filing Date: 2004-02-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

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: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2005-11-28

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

---

1. Marcon, Robert Victor

Address:
Marcon, Robert Victor
3471 Sinnicks Avenue

Niagara Falls, Ontario L2J 2G6
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: 033
Class Status: Active
Alcoholic beverages, namely, vodka, rum whiskey, bourbon, brandy, cognac, gin, and tequila, bitters, wine, sparkling wine, sherry; port, vermouth, liqueurs, cordials, schnapps, coolers, sprinters, and hard cider
Basis: 1(b), 44(d)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Name Portrait Consent: "TIM HORTONS does not identify a particular living individual".

Foreign Application Number: 1,186,804
Country: Canada
Foreign Filing Date: 2003-08-18

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.

2005-11-29 - Abandonment Notice Mailed - Failure To Respond

2005-11-28 - Abandonment - Failure To Respond Or Late Response

2005-05-02 - Final refusal mailed

2005-04-29 - Final Refusal Written

2005-04-18 - Amendment From Applicant Entered

2005-03-16 - Communication received from applicant

2005-03-16 - PAPER RECEIVED

2004-09-13 - Non-final action mailed

2004-09-10 - Non-Final Action Written

2004-09-08 - Assigned To Examiner

2004-03-05 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
ROBERT V. MARCON
3471 SINNICKS AVENUE
NIAGARA FALLS, ONTARIO CANADA L2J 2G6
Phone Number: (905) 354-2543
Fax Number: (905) 354-7693