ESTTA Tracking number: **ESTTA429181**
Filing date: **09/07/2011**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Viking Range Corporation
Granted to Date of previous extension	09/18/2011
Address	111 Front Street Greenwood, MS 38930 UNITED STATES

Attorney information	Marcy L. Sperry Womble Carlyle Sandridge & Rice, PLLC P.O. Box 7037 Atlanta, GA 30357-0037 UNITED STATES atltrademarks@wcsr.com Phone:4048792432

Applicant Information

Application No	85136757	Publication date	03/22/2011
Opposition Filing Date	09/07/2011	Opposition Period Ends	09/18/2011
Applicant	VIKING RIVER CRUISES (BERMUDA) LTD. CLARENDON HOUSE, 2 CHURCH STREET HAMILTON, HM 11 BERMUDA		

Goods/Services Affected by Opposition

Class 041.
All goods and services in the class are opposed, namely: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Lack of bona fide intent-to-use

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3326880	Application Date	11/23/2005
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark	VIKING		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/01/31 First Use In Commerce: 2004/01/31 Retail store services in the field of cooking appliances and accessories Class 041. First use: First Use: 2004/01/31 First Use In Commerce: 2004/01/31 Educational and entertainment services, namely, conducting a cooking school and providing cooking classes and demonstrations		

U.S. Registration No.	1437211	Application Date	08/12/1986
Registration Date	04/21/1987	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1986/06/27 First Use In Commerce: 1986/06/27 GAS RANGES		

U.S. Registration No.	1565774	Application Date	04/03/1989
Registration Date	11/14/1989	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1987/05/13 First Use In Commerce: 1987/05/13 GAS AND ELECTRIC RANGE EXHAUST HOODS		

U.S. Registration No.	1598452	Application Date	10/30/1989

Registration Date	05/29/1990	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1986/06/27 First Use In Commerce: 1986/06/27 GAS COOKING APPLIANCES, NAMELY RANGES, OVENS AND COOKTOPS FOR COMMERCIAL OR DOMESTIC USE		

U.S. Registration No.	1798615	Application Date	06/04/1992
Registration Date	10/12/1993	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1992/08/00 First Use In Commerce: 1992/08/00 electric cooking appliances; namely, ranges, ovens and cooktops		

U.S. Registration No.	1885831	Application Date	05/16/1994
Registration Date	03/28/1995	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1993/10/29 First Use In Commerce: 1993/10/29 kitchen clean-up appliances, namely compactors and food waste disposers		

U.S. Registration No.	1805114	Application Date	06/04/1992
Registration Date	11/16/1993	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 kitchen clean-up appliances; namely, dishwashers		

U.S. Registration No.	2196291	Application Date	07/25/1996
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 1996/01/00 First Use In Commerce: 1996/09/00 refrigerators

U.S. Registration No.	2196439	Application Date	12/18/1996
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1997/01/00 First Use In Commerce: 1997/07/00 electric and gas outdoor cooking grills		

U.S. Registration No.	2724541	Application Date	01/08/1999
Registration Date	06/10/2003	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2003/01/00 First Use In Commerce: 2003/02/00 Small kitchen appliances, namely, [electric knives, electric can openers, electric pasta makers,] electric food processors, blenders, electric mixers [, electric food grinders and electric slicers]		

U.S. Registration No.	2493555	Application Date	01/08/1999
Registration Date	09/25/2001	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Tableware, namely, sterling silver knives, forks, and spoons; culinary hand tools and instruments, namely, knives hand operated slicers, pizza cutters, cheese slicers, non-electric pasta makers, and non-electric can openers Class 021. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Household utensils and accessories for cooking, cleaning and preparing food, namely, pots and pans, grills, spoons for mixing, serving and basting, pots and pan scrapers, spatulas, turners, whisks, sieves, strainers, chopping blocks, and graters		

U.S. Registration No.	3655276	Application Date	07/17/2007
Registration Date	07/14/2009	Foreign Priority Date	NONE

Word Mark	VIKING
Design Mark	VIKING
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 Electric cookware, namely, freezers and microwave ovens Class 021. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 Non-electric cookware, namely, broilers, griddles and deep fryers

U.S. Registration No.	3163333	Application Date	02/17/2003
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	VIKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2005/04/00 First Use In Commerce: 2005/04/00 Small electrical kitchen appliances, namely, toasters		

U.S. Registration No.	3836066	Application Date	06/16/2009
Registration Date	08/17/2010	Foreign Priority Date	NONE
Word Mark	MY VIKING KITCHEN		
Design Mark	MY VIKING KITCHEN		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/11/00 First Use In Commerce: 2008/11/00 Providing a website at which customers can manage account information related to kitchen and cooking appliances and products; providing a website featuring		

	consumer information in the field of kitchen and cooking products

Attachments	78760316#TMSN.jpeg (1 page)(bytes) 77231368#TMSN.jpeg (1 page)(bytes) 77760733#TMSN.jpeg (1 page)(bytes) Notice_of_Opposition_SN_85136757.pdf (9 pages)(327673 bytes) Exhibit A.pdf (43 pages)(794925 bytes) Exhibits_B_and_C.pdf (36 pages)(2350918 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Marcy L. Sperry/
Name	Marcy L. Sperry
Date	09/07/2011

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

In re: Trademark Application Serial No. 85/136,757
Mark: VIKING RIVER CRUISES EXPLORING
THE WORLD IN COMFORT & Design

Viking Range Corporation,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Viking River Cruises (Bermuda) Ltd.,	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

Opposer Viking Range Corporation., a Mississippi corporation having its principal place of business at 111 Front Street Greenwood, Mississippi 38930 ("Opposer"), believes it will be damaged by the registration of the mark VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design, which is the subject of U.S. Application Serial No. 85/136,757 (hereinafter "Applicant's Mark" or "the Application"), and hereby opposes the same. As grounds for the opposition, Opposer alleges the following:

1. Opposer is now, and its predecessors in interest and licensees have been, engaged in the manufacture, distribution, sale and offering of cooking products and cooking services.

2. For many years, and long prior to Applicant's filing date, Opposer, Opposer's predecessors in interest, and Opposer's licensees have used the inherently distinctive mark VIKING in interstate commerce throughout the United States in connection with the sale and offering of cooking goods and cooking services, including, but not limited to, cooking schools, cooking classes, and wine and food tastings.

3. In addition to the VIKING mark, Opposer, Opposer's predecessors in interest, and Opposer's licensees have, for many years, and prior to Applicant's filing date, used other inherently distinctive marks which contain the component "VIKING" in interstate commerce in connection with cooking goods and cooking services, thereby developing a family of "VIKING" marks (hereinafter collectively referred to as the "VIKING Marks").

4. Ever since the adoption and use of the VIKING Marks as aforesaid, Opposer, Opposer's predecessors in interest, and Opposer's licensees have widely and extensively advertised and sold cooking goods and offered cooking services in connection with the VIKING Marks. As a consequence, the consuming public and trade have come to recognize and do recognize the VIKING Marks as being used by Opposer or by a single source, and to associate and identify said marks with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

5. Opposer is the owner of the following federal registrations for the VIKING Marks, among others:

Mark	Registration Number	Date of Registration	Goods/Services
VIKING	1,437,211	April 21, 1987	Gas ranges
VIKING	1,565,774	Nov. 14, 1989	Gas and electric range exhaust hoods
VIKING	1,598,452	May 29, 1990	Gas cooking appliances, namely ranges, ovens and cooktops for commercial or domestic use
VIKING	1,798,615	October 12, 1993	Electric cooking appliances; namely, ranges, ovens and cooktops
VIKING	1,885,831	March 28, 1995	Kitchen clean-up appliances, namely compactors and food waste disposers
VIKING	1,805,114	November 16, 1993	Kitchen clean-up appliances; namely, dishwashers
VIKING	2,196,291	October 13, 1998	Refrigerators
VIKING	2,196,439	October 13, 1998	Electric and gas outdoor cooking grills
VIKING	2,724,541	June 10, 2003	Small kitchen appliances, namely, electric food processors, blenders, electric mixers
VIKING	2,493,555	September 25, 2001	Tableware, namely, sterling silver knives, forks, and spoons; culinary hand tools and instruments, namely, knives hand operated slicers, pizza cutters, cheese slicers, non-electric pasta makers, and non-electric can openers Household utensils and accessories for cooking, cleaning and preparing food, namely, pots and pans, grills, spoons for mixing, serving and basting, pots and pan scrapers, spatulas, turners, whisks, sieves, strainers, chopping blocks, and graters
VIKING	3,655,276	July 14, 2009	Electric cookware, namely, freezers and microwave ovens Non-electric cookware, namely,

Mark	Registration Number	Date of Registration	Goods/Services
			broilers, griddles and deep fryers
VIKING	3,163,333	October 24, 2006	Small electrical kitchen appliances, namely, toasters
VIKING	3,326,880	October 30, 2007	Retail store services in the field of cooking appliances and accessories. Educational and entertainment services, namely, conducting a cooking school and providing cooking classes and demonstrations.
MY VIKING KITCHEN	3,836,066	August 17, 2010	Providing a website at which customers can manage account information related to kitchen and cooking appliances and products; providing a website featuring consumer information in the field of kitchen and cooking products

(Current printouts from the electronic database records of the USPTO showing the current status and title of these registrations are attached as Exhibit A.) The aforesaid registrations are valid and subsisting, and Opposer is the owner of them and the marks shown thereby and all of the business and goodwill represented thereby. Registration Nos. 1,437,211; 1,565,774; 1,598,452; 1,798,615; 1,885,831; 1,805,114; 2,196,291; 2,196,439; 2,724,541; and 2,493,555 have become incontestable pursuant to 15 U.S.C. § 1065.

6. Applicant, a Bermuda company located at Clarendon House, 2 Church Street, Hamilton, Bermuda HM 11, filed intent-to-use Application Serial No. 85/136,757 (the "Application") on September 23, 2010 to register the mark VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design for "Arranging,

organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes" in International Class 41 ("Applicant's Services").

7. In addition to the Application at issue here, Applicant has filed six other U.S. applications for VIKING marks for "cooking classes" and/or "wine and food tastings." *See* Application Serial Numbers 85/136,726; 85/136,552; 85/136,505; 85/133,778; 85/133,747; and 85/276,774. The USPTO issued Office Actions refusing registration for four of these six applications because of a likelihood of confusion with Opposer's Registration No. 3,326,880 for VIKING, which covers "educational and entertainment services, namely, conducting a cooking school and providing cooking classes and demonstrations" and other related services. *See* Office Actions attached as Exhibit B. In response to these Office Actions, Applicant deleted "cooking classes" from all four of the applications that were initially refused registration. *See* Applicant's Responses to Office Actions attached as Exhibit C.

GROUND I – LIKELIHOOD OF CONFUSION

8. Opposer repeats and realleges each and every allegation above as if fully set forth herein.

9. Applicant seeks to register the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark for "cooking classes" and "wine and food tastings," among other services. Such services are identical and/or closely related to the goods and services for which Opposer has registrations and upon which it uses the VIKING Marks.

10. Opposer's VIKING Marks and Applicant's Mark are confusingly similar in sight, sound, meaning, and commercial impression.

11. Applicant's Mark is confusingly similar to Opposer's VIKING Marks and is likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public, and the trade.

12. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

GROUND II – DILUTION

13. Opposer repeats and realleges each and every allegation above as if fully set forth herein.

14. Opposer and its predecessors in interest have spent to date a substantial amount of money marketing, advertising and promoting the sale of cooking goods and

cooking services, including, but not limited to, cooking classes and other related services, under the VIKING trademark.

15. Opposer's VIKING trademark and service mark (hereinafter the "VIKING Mark") is extremely well known in the United States. Because of the high degree of inherent and acquired distinctiveness of the VIKING Mark, the length of time and extent to which Opposer has used the VIKING Mark, the vast advertising and publicity the VIKING Mark has received, the nationwide trading area in which the VIKING Mark is used, and the high degree of consumer recognition of the VIKING Mark, the VIKING Mark is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

16. Applicant's Mark would lessen the capacity of Opposer's famous VIKING Mark to identify and distinguish Opposer's goods and services offered and sold thereunder and, as such, would dilute the VIKING Mark in violation of 15 U.S.C. § 1125(c).

17. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in diluting the distinctive quality of Opposer's famous VIKING Mark.

GROUND III – LACK OF BONA FIDE INTENTION TO USE IN COMMERCE

18. Opposer repeats and realleges each and every allegation above as if fully set forth herein.

19. Applicant is a Bermuda cruise line company that offers river cruises in Europe, Asia, and Egypt. According to Applicant's website, Applicant only provides

cruises outside of the United States. Upon information and belief, Applicant does not provide any cruises or other services in the United States.

20. Upon information and belief, Applicant did not have a bona fide intention to use Applicant's Mark in commerce with Applicant's Services pursuant to 15 U.S.C. §§1051 and 1127 when it filed the Application because it does not provide any services in the United States.

21. Upon information and belief, Applicant was not rendering any services in the United States at the time it filed its Application and it lacked a bona fide intent to use its Mark in commerce. Therefore, the Application is void *ab initio*.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and requests that registration be refused.

This 7th day of September, 2011.

Respectfully submitted,

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017
Telephone: (404) 879-2432
Facsimile: (404) 879-2932
Email: msperry@wcsr.com
skeefe@wcsr.com

Attorneys for Opposer, Viking Range Corporation

CERTIFICATE OF MAILING

I do hereby certify that on September 7, 2011, I filed via electronic means (ESTTA) this NOTICE OF OPPOSITION with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Marcy L. Sperry

CERTIFICATE OF SERVICE

I do hereby certify that on September 7, 2011, I mailed by United States mail, first class postage prepaid, a true and correct copy of this NOTICE OF OPPOSITION to:

Beth M. Goldman
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, California 94105

Marcy L. Sperry

Exhibit A

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

This page was generated by the TARR system on 2011-09-06 09:11:04 ET

Serial Number: 73614351 Assignment Information Trademark Document Retrieval

Registration Number: 1437211

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-05-24

Filing Date: 1986-08-12

Transformed into a National Application: No

Registration Date: 1987-04-21

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 830 -Post Registration

Date In Location: 2007-05-24

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
GAS RANGES
Basis: 1(a)
First Use Date: 1986-06-27

First Use in Commerce Date: 1986-06-27

ADDITIONAL INFORMATION

(NOT AVAILABLE)

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.

2007-05-24 - First renewal 10 year

2007-05-24 - Section 8 (10-year) accepted/ Section 9 granted

2007-05-14 - Assigned To Paralegal

2007-04-11 - Combined Section 8 (10-year)/Section 9 filed

2007-04-11 - TEAS Section 8 & 9 Received

2006-11-13 - Case File In TICRS

1993-05-26 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-01-06 - Response received for Post Registration action

1992-10-09 - Post Registration action mailed Section 8 & 15

1992-06-01 - Section 8 (6-year) and Section 15 Filed

1987-04-21 - Registered - Principal Register

1987-01-27 - Published for opposition

1986-12-22 - Notice of publication

1986-11-04 - Approved for Pub - Principal Register (Initial exam)

1986-11-03 - Communication received from applicant

1986-11-03 - Examiner's amendment mailed

1986-10-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
JAMES F. VAUGHAN

Correspondent
JAMES F. VAUGHAN
Womble Carlyle Sandridge & Rice, PLLC
1201 West Peachtree Street, Suite 3500
ATLANTA GA 30309

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

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Serial Number: 73790543 Assignment Information Trademark Document Retrieval

Registration Number: 1565774

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-11-09

Filing Date: 1989-04-03

Transformed into a National Application: No

Registration Date: 1989-11-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: (NOT AVAILABLE)

Date In Location: 2009-11-09

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
P.O. BOX 8012
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
GAS AND ELECTRIC RANGE EXHAUST HOODS
Basis: 1(a)
First Use Date: 1987-05-13

First Use in Commerce Date: 1987-05-13

ADDITIONAL INFORMATION

(NOT AVAILABLE)

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.

2009-11-09 - First renewal 10 year

2009-11-09 - Section 8 (10-year) accepted/ Section 9 granted

2009-11-03 - TEAS Section 8 & 9 Received

2008-11-24 - Case File In TICRS

1995-09-11 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-01-19 - Section 8 (6-year) and Section 15 Filed

1989-11-14 - Registered - Principal Register

1989-08-22 - Published for opposition

1989-07-22 - Notice of publication

1989-05-23 - Approved for Pub - Principal Register (Initial exam)

1989-05-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe

Correspondent
Sarah Anne Keefe
Womble Carlyle Sandrige & Rice, PLLC
P.O. BOX 7037
ATLANTA GA 30309

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

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Serial Number: 73835009 Assignment Information Trademark Document Retrieval

Registration Number: 1598452

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-11-12

Filing Date: 1989-10-30

Transformed into a National Application: No

Registration Date: 1990-05-29

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: (NOT AVAILABLE)

Date In Location: 2009-11-12

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
GAS COOKING APPLIANCES, NAMELY RANGES, OVENS AND COOKTOPS FOR COMMERCIAL OR DOMESTIC USE
Basis: 1(a)

First Use Date: 1986-06-27
First Use in Commerce Date: 1986-06-27

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211

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.

2009-11-12 - Second renewal 10 year

2009-11-12 - Section 8 (10-year) accepted/ Section 9 granted

2009-11-09 - Case Assigned To Post Registration Paralegal

2009-11-03 - TEAS Section 8 & 9 Received

2009-01-05 - Case File In TICRS

2000-08-07 - First renewal 10 year

2000-08-07 - Section 8 (10-year) accepted/ Section 9 granted

2000-01-05 - Combined Section 8 (10-year)/Section 9 filed

1996-03-27 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-06-30 - Section 8 (6-year) and Section 15 Filed

1990-05-29 - Registered - Principal Register

1990-03-06 - Published for opposition

1990-02-08 - Notice of publication

1990-01-05 - Approved for Pub - Principal Register (Initial exam)

1990-01-02 - Examiner's amendment mailed

1989-12-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe

Correspondent
Sarah Anne Keefe
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA GA 30309

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

This page was generated by the TARR system on 2011-09-06 09:19:31 ET

Serial Number: 74281330 Assignment Information Trademark Document Retrieval

Registration Number: 1798615

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-12-18

Filing Date: 1992-06-04

Transformed into a National Application: No

Registration Date: 1993-10-12

Register: Principal

Law Office Assigned: LAW OFFICE 9

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: 40S -Scanning On Demand

Date In Location: 2007-09-17

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 Front Street
Greenwood, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
electric cooking appliances; namely, ranges, ovens and cooktops
Basis: 1(a)
First Use Date: 1992-08-00

First Use in Commerce Date: 1992-08-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

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.

2007-09-17 - Case File In TICRS

2003-12-18 - First renewal 10 year

2003-12-18 - Section 8 (10-year) accepted/ Section 9 granted

2003-10-08 - Combined Section 8 (10-year)/Section 9 filed

2003-10-08 - TEAS Section 8 & 9 Received

1999-09-01 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-03-30 - Section 8 (6-year) and Section 15 Filed

1999-03-30 - Section 8 (6-year) and Section 15 Filed

1993-10-12 - Registered - Principal Register

1993-08-10 - Allowed for Registration - Principal Register (SOU accepted)

1993-08-10 - Assigned To Examiner

1993-06-14 - Communication received from applicant

1993-07-29 - Statement Of Use Processing Complete

1993-06-14 - Use Amendment Filed

1993-01-19 - NOA Mailed - SOU Required From Applicant

1992-10-27 - Published for opposition

1992-09-25 - Notice of publication

1992-08-13 - Approved For Pub - Principal Register

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SARAH A KEEFE

Correspondent
MAURY M. TEPPER
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
SUITE 3500, ONE ATLANTIC CENTER
1201 WESTPEACHTREE STREET
ATLANTA, GA 30309

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This page was generated by the TARR system on 2011-09-06 09:19:48 ET

Serial Number: 74524731 Assignment Information Trademark Document Retrieval

Registration Number: 1885831

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2005-04-27

Filing Date: 1994-05-16

Transformed into a National Application: No

Registration Date: 1995-03-28

Register: Principal

Law Office Assigned: LAW OFFICE 9

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: 830 -Post Registration

Date In Location: 2005-04-27

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 007
Class Status: Active
kitchen clean-up appliances, namely compactors and food waste disposers
Basis: 1(a)
First Use Date: 1993-10-29

First Use in Commerce Date: 1993-10-29

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211
1577630
1577631
1577774
1598452
1798615
1805114

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.

2005-04-27 - First renewal 10 year

2005-04-27 - Section 8 (10-year) accepted/ Section 9 granted

2005-04-27 - Assigned To Paralegal

2005-02-28 - Combined Section 8 (10-year)/Section 9 filed

2005-02-28 - TEAS Section 8 & 9 Received

2000-09-26 - Section 8 (6-year) accepted & Section 15 acknowledged

2000-06-14 - Section 8 (6-year) and Section 15 Filed

1995-03-28 - Registered - Principal Register

1995-01-03 - Published for opposition

1994-12-02 - Notice of publication

1994-10-07 - Approved for Pub - Principal Register (Initial exam)

1994-10-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SARAH ANNE KEEFE

Correspondent
SARAH ANNE KEEFE
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ONE ATLANTIC CENTER, SUITE 3500
1201 WEST PEACHTREE STREET
ATLANTA, GA 30309

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

This page was generated by the TARR system on 2011-09-06 09:20:03 ET

Serial Number: 74801390 Assignment Information Trademark Document Retrieval

Registration Number: 1805114

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-12-18

Filing Date: 1992-06-04

Transformed into a National Application: No

Registration Date: 1993-11-16

Register: Principal

Law Office Assigned: LAW OFFICE 9

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: 40S -Scanning On Demand

Date In Location: 2007-09-10

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 Front Street
Greenwood, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 007
Class Status: Active
kitchen clean-up appliances; namely, dishwashers
Basis: 1(a)
First Use Date: 1992-07-00

First Use in Commerce Date: 1992-07-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

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.

2007-09-10 - Case File In TICRS

2003-12-18 - First renewal 10 year

2003-12-18 - Section 8 (10-year) accepted/ Section 9 granted

2003-10-08 - Combined Section 8 (10-year)/Section 9 filed

2003-10-08 - TEAS Section 8 & 9 Received

1999-07-11 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-02-05 - Section 8 (6-year) and Section 15 Filed

1993-11-16 - Registered - Principal Register

1993-08-10 - Allowed for Registration - Principal Register (SOU accepted)

1993-08-06 - Statement Of Use Processing Complete

1993-06-14 - Use Amendment Filed

1993-08-06 - Divisional processing completed

1993-01-19 - NOA Mailed - SOU Required From Applicant

1992-10-27 - Published for opposition

1992-09-25 - Notice of publication

1992-08-13 - Approved For Pub - Principal Register

1992-08-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
James F. Vaughan

Correspondent
MAURY M. TEPPER
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
SUITE 3500, ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET
ATLANTA, GA 30309

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

This page was generated by the TARR system on 2011-09-06 09:20:37 ET

Serial Number: 75139648 Assignment Information Trademark Document Retrieval

Registration Number: 2196291

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2008-09-29

Filing Date: 1996-07-25

Transformed into a National Application: No

Registration Date: 1998-10-13

Register: Principal

Law Office Assigned: LAW OFFICE 104

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: 830 -Post Registration

Date In Location: 2008-09-29

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
refrigerators
Basis: 1(a)
First Use Date: 1996-01-00

First Use in Commerce Date: 1996-09-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

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.

2008-09-29 - First renewal 10 year

2008-09-29 - Section 8 (10-year) accepted/ Section 9 granted

2008-09-25 - Assigned To Paralegal

2008-09-23 - TEAS Section 8 & 9 Received

2007-08-02 - Case File In TICRS

2006-03-02 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-03-02 - Assigned To Paralegal

2004-10-11 - Section 8 (6-year) and Section 15 Filed

2004-10-11 - TEAS Section 8 & 15 Received

1998-10-13 - Registered - Principal Register

1998-07-16 - Allowed for Registration - Principal Register (SOU accepted)

1998-07-16 - Assigned To Examiner

1998-06-19 - Statement Of Use Processing Complete

1998-06-19 - Use Amendment Filed

1997-12-23 - NOA Mailed - SOU Required From Applicant

1997-09-30 - Published for opposition

1997-08-29 - Notice of publication

1997-07-25 - Approved For Pub - Principal Register

1997-07-14 - Communication received from applicant

1997-07-17 - Assigned To Examiner

1997-01-16 - Non-final action mailed

1996-12-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe

Correspondent
Sarah Anne Keefe
Womble Carlyle Sandridge & Rice, PLLC
Suite 3500
1201 W. Peachtree Street
Atlanta GA 30309
Phone Number: (919) 755-2115
Fax Number: (919) 755-6093

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

This page was generated by the TARR system on 2011-09-06 09:20:50 ET

Serial Number: 75214926 Assignment Information Trademark Document Retrieval

Registration Number: 2196439

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2008-09-29

Filing Date: 1996-12-18

Transformed into a National Application: No

Registration Date: 1998-10-13

Register: Principal

Law Office Assigned: LAW OFFICE 104

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: 830 -Post Registration

Date In Location: 2008-09-29

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 Front Street
Greenwood, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
electric and gas outdoor cooking grills
Basis: 1(a)
First Use Date: 1997-01-00

First Use in Commerce Date: 1997-07-00

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211
1885831

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.

2008-09-29 - First renewal 10 year

2008-09-29 - Section 8 (10-year) accepted/ Section 9 granted

2008-09-25 - Assigned To Paralegal

2008-09-23 - TEAS Section 8 & 9 Received

2008-04-09 - Section 7 amendment issued

2008-04-07 - Post Registration action mailed - Section 7

2008-03-28 - Assigned To Paralegal

2008-02-05 - Section 7 amendment filed

2008-02-05 - TEAS Section 7 Request Received

2008-02-05 - FAX RECEIVED

2007-08-03 - Case File In TICRS

2006-03-02 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-03-02 - Assigned To Paralegal

2004-10-11 - Section 8 (6-year) and Section 15 Filed

2004-10-11 - TEAS Section 8 & 15 Received

1998-10-13 - Registered - Principal Register

1998-07-16 - Allowed for Registration - Principal Register (SOU accepted)

1998-07-16 - Assigned To Examiner

1998-06-19 - Statement Of Use Processing Complete

1998-06-19 - Use Amendment Filed

1997-12-23 - NOA Mailed - SOU Required From Applicant

1997-09-30 - Published for opposition

1997-08-29 - Notice of publication

1997-07-25 - Approved For Pub - Principal Register

1997-07-18 - Examiner's amendment mailed

1997-07-18 - Assigned To Examiner

1997-07-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe,

Correspondent
Sarah Anne Keefe,
Womble Carlyle Sandridge & Rice, PLLC
Suite 3500
1201 W. Peachtree Street
Atlanta GA 30309
Phone Number: (919) 755-2115
Fax Number: (919) 755-6093

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

This page was generated by the TARR system on 2011-09-06 09:21:59 ET

Serial Number: 75617573 Assignment Information Trademark Document Retrieval

Registration Number: 2724541

Mark (words only): VIKING

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-04-09

Filing Date: 1999-01-08

Transformed into a National Application: No

Registration Date: 2003-06-10

Register: Principal

Law Office Assigned: LAW OFFICE 111

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: 830 -Post Registration

Date In Location: 2009-04-09

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 007
Class Status: Active
Small kitchen appliances, namely, electric food processors, blenders, electric mixers
Basis: 1(a)
First Use Date: 2003-01-00

First Use in Commerce Date: 2003-02-00

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211
1565774
1598452

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.

2009-04-09 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-04-07 - Assigned To Paralegal

2009-04-06 - TEAS Section 8 & 15 Received

2008-06-13 - Case File In TICRS

2003-06-10 - Registered - Principal Register

2003-04-09 - Allowed for Registration - Principal Register (SOU accepted)

2003-04-08 - Statement Of Use Processing Complete

2003-02-14 - Use Amendment Filed

2003-02-14 - TEAS Statement of Use Received

2002-08-14 - Extension 5 granted

2002-08-08 - Extension 5 filed

2002-08-08 - TEAS Extension Received

2002-02-28 - Extension 4 granted

2002-02-14 - Extension 4 filed

2001-07-19 - Extension 3 granted

2001-06-13 - Extension 3 filed

2001-07-20 - Divisional processing completed

2001-06-13 - Divisional request received

2001-03-14 - Extension 2 granted

2001-02-14 - Extension 2 filed

2000-09-21 - Extension 1 granted

2000-07-27 - Extension 1 filed

2000-02-15 - NOA Mailed - SOU Required From Applicant

1999-11-16 - Published for opposition

1999-10-15 - Notice of publication

1999-07-16 - Approved For Pub - Principal Register

1999-06-28 - Communication received from applicant

1999-05-10 - Non-final action mailed

1999-05-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SARAH ANNE KEEFE

Correspondent
SARAH ANNE KEEFE
WOMBLE CARLYLE SANDRIDGE & RICE
Suite 2400
271 17th Street, NW
ATLANTA GA 30363

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

This page was generated by the TARR system on 2011-09-06 09:22:18 ET

Serial Number: 75981142 Assignment Information Trademark Document Retrieval

Registration Number: 2493555

Mark (words only): VIKING

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2011-06-17

Filing Date: 1999-01-08

Transformed into a National Application: No

Registration Date: 2001-09-25

Register: Principal

Law Office Assigned: LAW OFFICE 111

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: (NOT AVAILABLE)

Date In Location: 2011-06-17

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

1. VIKING RANGE CORPORATION

Address:
VIKING RANGE CORPORATION
111 FRONT STREET
GREENWOOD, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 008
Class Status: Active
Tableware, namely, sterling silver knives, forks, and spoons; culinary hand tools and instruments, namely, knives hand operated slicers, pizza cutters, cheese slicers, non-electric pasta makers, and non-electric can openers

Basis: 1(a)
First Use Date: 2001-01-01
First Use in Commerce Date: 2001-01-01

International Class: 021
Class Status: Active
Household utensils and accessories for cooking, cleaning and preparing food, namely, pots and pans, grills, spoons for mixing, serving and basting, pots and pan scrapers, spatulas, turners, whisks, sieves, strainers, chopping blocks, and graters
Basis: 1(a)
First Use Date: 2001-01-01
First Use in Commerce Date: 2001-01-01

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211
1565774
1598452

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.

2011-06-17 - First renewal 10 year

2011-06-17 - Section 8 (10-year) accepted/ Section 9 granted

2011-05-26 - TEAS Section 8 & 9 Received

2007-10-29 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-09-25 - Assigned To Paralegal

2007-09-13 - Section 8 (6-year) and Section 15 Filed

2007-09-13 - TEAS Section 8 & 15 Received

2007-04-23 - Case File In TICRS

2001-09-25 - Registered - Principal Register

2001-07-26 - Allowed for Registration - Principal Register (SOU accepted)

2001-07-19 - Statement Of Use Processing Complete

2001-06-13 - Use Amendment Filed

2001-07-20 - Divisional processing completed

2001-06-13 - Divisional request received

2001-03-14 - Extension 2 granted

2001-02-14 - Extension 2 filed

2000-09-21 - Extension 1 granted

2000-07-27 - Extension 1 filed

2000-02-15 - NOA Mailed - SOU Required From Applicant

1999-11-16 - Published for opposition

1999-10-15 - Notice of publication

1999-07-16 - Approved For Pub - Principal Register

1999-06-28 - Communication received from applicant

1999-05-10 - Non-final action mailed

1999-05-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SARAH ANNE KEEFE

Correspondent
SARAH ANNE KEEFE
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
P.O. Box 7037
ATLANTA GA 30357-0037
Phone Number: 919-484-2327
Fax Number: 919-755-6093

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

This page was generated by the TARR system on 2011-09-06 09:23:03 ET

Serial Number: 77231368 Assignment Information Trademark Document Retrieval

Registration Number: 3655276

Mark

VIKING

(words only): VIKING

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-07-14

Filing Date: 2007-07-17

Transformed into a National Application: No

Registration Date: 2009-07-14

Register: Principal

Law Office Assigned: LAW OFFICE 117

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: 650 -Publication And Issue Section

Date In Location: 2009-06-08

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

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1. Viking Range Corporation

Address:
Viking Range Corporation
111 Front Street
Greenwood, MS 38930
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
Electric cookware, namely, freezers and microwave ovens
Basis: 1(a)
First Use Date: 2002-12-00
First Use in Commerce Date: 2002-12-00

International Class: 021
Class Status: Active
Non-electric cookware, namely, broilers, griddles and deep fryers
Basis: 1(a)
First Use Date: 1987-00-00
First Use in Commerce Date: 1987-00-00

ADDITIONAL INFORMATION

Prior Registration Number(s):
1798615
1805114
1885831

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.

2009-07-14 - Registered - Principal Register

2009-06-08 - Law Office Registration Review Completed

2009-06-08 - Allowed for Registration - Principal Register (SOU accepted)

2009-06-05 - Statement Of Use Processing Complete

2009-05-18 - Use Amendment Filed

2009-06-05 - Case Assigned To Intent To Use Paralegal

2009-05-18 - TEAS Statement of Use Received

2008-11-18 - NOA Mailed - SOU Required From Applicant

2008-08-26 - Published for opposition

2008-08-06 - Notice of publication

2008-07-21 - Law Office Publication Review Completed

2008-07-21 - Assigned To LIE

2008-07-21 - Approved For Pub - Principal Register

2008-07-18 - Teas/Email Correspondence Entered

2008-07-18 - Communication received from applicant

2008-07-18 - TEAS Request For Reconsideration Received

2008-02-15 - Notification Of Final Refusal Emailed

2008-02-15 - Final refusal e-mailed

2008-02-15 - Final Refusal Written

2008-01-14 - Teas/Email Correspondence Entered

2008-01-14 - Communication received from applicant

2008-01-14 - TEAS Response to Office Action Received

2008-01-04 - Teas/Email Correspondence Entered

2008-01-04 - Communication received from applicant

2008-01-04 - TEAS Response to Office Action Received

2007-08-08 - Notification Of Non-Final Action E-Mailed

2007-08-08 - Non-final action e-mailed

2007-08-08 - Non-Final Action Written

2007-08-07 - Assigned To Examiner

2007-07-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe, Esq.

Correspondent
SARAH ANNE KEEFE, ESQ.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

P. O. BOX 7037, ATLANTA, GA 30357-0037
1201 WEST PEACHTREE STREET, SUITE 3500
ATLANTA, GA 30309

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

This page was generated by the TARR system on 2011-09-06 09:23:21 ET

Serial Number: 78215681 Assignment Information Trademark Document Retrieval

Registration Number: 3163333

Mark (words only): VIKING

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2006-10-24

Filing Date: 2003-02-17

Transformed into a National Application: No

Registration Date: 2006-10-24

Register: Principal

Law Office Assigned: LAW OFFICE 109

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: 650 -Publication And Issue Section

Date In Location: 2006-09-18

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

1. Viking Range Corporation

Address:
Viking Range Corporation
111 Front Street
Greenwood, MS 38930
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
Small electrical kitchen appliances, namely, toasters
Basis: 1(a)

First Use Date: 2005-04-00
First Use in Commerce Date: 2005-04-00

ADDITIONAL INFORMATION

Prior Registration Number(s):
1437211
1565774
1598452
1798615
1805114
1885831
2196291
2196439
2493555

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.

2006-10-24 - Registered - Principal Register

2006-09-14 - Law Office Registration Review Completed

2006-09-08 - Assigned To LIE

2006-09-01 - Allowed for Registration - Principal Register (SOU accepted)

2006-08-15 - Statement Of Use Processing Complete

2006-07-12 - Use Amendment Filed

2006-07-12 - TEAS Statement of Use Received

2005-11-09 - Extension 4 granted

2005-11-09 - Extension 4 filed

2005-11-09 - TEAS Extension Received

2005-07-14 - Extension 3 granted

2005-07-14 - Extension 3 filed

2005-07-14 - TEAS Extension Received

2005-02-07 - Extension 2 granted

2005-01-20 - Extension 2 filed

2005-01-20 - TEAS Extension Received

2004-07-20 - Extension 1 granted

2004-07-20 - Extension 1 filed

2004-07-20 - TEAS Extension Received

2004-01-20 - NOA Mailed - SOU Required From Applicant

2003-10-28 - Published for opposition

2003-10-08 - Notice of publication

2003-08-10 - Approved For Pub - Principal Register

2003-08-10 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe, Esq.

Correspondent
Sarah Anne Keefe, Esq.
Womble Carlyle Sandridge & Rice, PLLC
One Atlantic Center,1201 West Peachtree
Atlanta GA USA 30309
Phone Number: 919-755-2115
Fax Number: 919-755-6093

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

This page was generated by the TARR system on 2011-09-06 09:23:44 ET

Serial Number: 78760316 Assignment Information Trademark Document Retrieval

Registration Number: 3326880

Mark

VIKING

(words only): VIKING

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-10-30

Filing Date: 2005-11-23

Transformed into a National Application: No

Registration Date: 2007-10-30

Register: Principal

Law Office Assigned: LAW OFFICE 116

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: 650 -Publication And Issue Section

Date In Location: 2007-09-24

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

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1. Viking Range Corporation

Address:
Viking Range Corporation
111 Front Street
Greenwood, MS 38930
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Retail store services in the field of cooking appliances and accessories
Basis: 1(a)
First Use Date: 2004-01-31
First Use in Commerce Date: 2004-01-31

International Class: 041
Class Status: Active
Educational and entertainment services, namely, conducting a cooking school and providing cooking classes and demonstrations
Basis: 1(a)
First Use Date: 2004-01-31
First Use in Commerce Date: 2004-01-31

ADDITIONAL INFORMATION

Prior Registration Number(s):
1798615
1805114
1885831

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.

2007-10-30 - Registered - Principal Register

2007-09-24 - Law Office Registration Review Completed

2007-09-24 - Assigned To LIE

2007-08-21 - Allowed for Registration - Principal Register (SOU accepted)

2007-07-24 - Statement Of Use Processing Complete

2007-04-23 - Use Amendment Filed

2007-04-23 - TEAS Statement of Use Received

2006-10-24 - NOA Mailed - SOU Required From Applicant

2006-08-01 - Published for opposition

2006-07-12 - Notice of publication

2006-06-12 - Law Office Publication Review Completed

2006-06-02 - Assigned To LIE

2006-05-30 - Approved For Pub - Principal Register

2006-05-30 - Assigned To Examiner

2005-11-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe, Esq.

Correspondent
SARAH ANNE KEEFE, ESQ.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
1 ATLANTIC CTR STE 3500
ATLANTA, GA 30309-3449
Phone Number: 919-755-2115
Fax Number: 919-755-6093

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

This page was generated by the TARR system on 2011-09-06 09:24:01 ET

Serial Number: 77760733 Assignment Information Trademark Document Retrieval

Registration Number: 3836066

Mark

MY VIKING KITCHEN

(words only): MY VIKING KITCHEN

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-08-17

Filing Date: 2009-06-16

Transformed into a National Application: No

Registration Date: 2010-08-17

Register: Principal

Law Office Assigned: LAW OFFICE 117

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: 650 -Publication And Issue Section

Date In Location: 2010-07-15

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

---

1. Viking Range Corporation

Address:
Viking Range Corporation
111 Front Street
Greenwood, MS 38930
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Mississippi

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Providing a website at which customers can manage account information related to kitchen and cooking appliances and products; providing a website featuring consumer information in the field of kitchen and cooking products
Basis: 1(a)
First Use Date: 2008-11-00
First Use in Commerce Date: 2008-11-00

ADDITIONAL INFORMATION

Disclaimer: "KITCHEN"

Prior Registration Number(s):
1798615
1805114
1885831

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.

2010-08-17 - Registered - Principal Register

2010-07-16 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-07-15 - Law Office Registration Review Completed

2010-07-15 - Allowed for Registration - Principal Register (SOU accepted)

2010-07-14 - Statement Of Use Processing Complete

2010-06-18 - Use Amendment Filed

2010-07-14 - Case Assigned To Intent To Use Paralegal

2010-06-18 - TEAS Statement of Use Received

2010-01-26 - NOA Mailed - SOU Required From Applicant

2009-11-03 - Notice Of Publication E-Mailed

2009-11-03 - Published for opposition

2009-09-29 - Law Office Publication Review Completed

2009-09-29 - Assigned To LIE

2009-09-17 - Approved For Pub - Principal Register

2009-09-17 - Examiner's Amendment Entered

2009-09-17 - Notification Of Examiners Amendment E-Mailed

2009-09-17 - Examiners amendment e-mailed

2009-09-17 - Examiners Amendment -Written

2009-09-15 - Assigned To Examiner

2009-06-19 - New Application Office Supplied Data Entered In Tram

2009-06-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Sarah Anne Keefe

Correspondent
SARAH ANNE KEEFE
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
PO BOX 7037
ATLANTA, GA 30357-0037
Phone Number: 919-755-2115
Fax Number: 404-870-2417

Exhibit B

To:	Viking River Cruises S.A. (ipprosecutionsf@orrick.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85133778 - VIKING RIVER CRUISES - 21535-6000
Sent:	12/29/2010 4:35:13 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85133778

MARK: VIKING RIVER CRUISES

85133778

CORRESPONDENT ADDRESS:
BETH M. GOLDMAN
ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLZ STE 1600
IRVINE, CA 92614-2558

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: Viking River Cruises S.A.

CORRESPONDENT'S REFERENCE/DOCKET NO:
21535-6000
CORRESPONDENT E-MAIL ADDRESS:
ipprosecutionsf@orrick.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 12/29/2010

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Mark is Likely to Cause Confusion

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 No. 3326880 as to be likely to cause confusion, or to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

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 (CCPA 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).

Analysis of Applicant's Mark and Registered Mark

First, a comparison of the respective marks show that they are comprised either in whole or significant part of the term "VIKING." Accordingly, the applicant's mark, "VIKING RIVER CRUISES," is similar in sound, appearance, connotation and commercial impression to Registration No. 3326880's mark "VIKING." Similarity in any one of these elements alone is sufficient to find a likelihood of confusion. *In re Mack*, 197 USPQ 755 (TTAB 1977).

It is well settled that in some circumstances, it is appropriate to recognize that one component of a particular mark may, for some reason, have more significance than other components in determining the commercial impression which is generated by the mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985). Although the determination of whether or not confusion is likely must be based on a comparison of the marks in their entireties, the dominance of such a significant element must be taken into account in resolving this issue. *Ceccato v. Manifattura Lane Gaetano Morzotto Figli S.p.A.*, 32 USPQ 1192 (TTAB 1994). Disclaimed matter is typically less significant or less dominant.

Applicant's mark is "VIKING RIVER CRUISES." In the comparison above, the mark was viewed and considered as a whole. "RIVER CRUISES," however, is descriptive of the services and is of less trademark significance than "VIKING."

Analysis of Services

Second, the relationship of the services is evident because both marks are for educational services focused on cooking. The overlapping identifications evidence the relationship.

The examining attorney must also consider any goods or services in the registrant's normal fields of expansion to determine whether the registrant's goods or services are related to the applicant's identified goods or services under Section 2(d). *In re General Motors Corp.*, 196 USPQ 574 (TTAB 1977). Accordingly, the mark is likely to cause consumer confusion as to source.

The refusal pertains to the educational cooking services and not the other identified services, however, if these services are not deleted from the application the whole class will be refused.

Other Considerations

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 applicant chooses to respond to the refusal to register, the following issues must also be addressed.

The Recitation of Services is Indefinite

The wording used as the recitation of services is unacceptable as indefinite. It is unclear from the current wording exactly what services are used in conjunction with the mark. Applicant may adopt the following identification of services, if accurate (suggested wording appears in italicized print):

> **Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, contests, *live stage performances, namely, _____ (indicate specific type, e.g. plays, concerts), live nightclub shows namely, _____ (indicate specific type, e.g. plays, concerts),* variety and comedy shows, *and theatrical and musical floor shows provided at performance venues;* entertainment services, namely, casino gaming; educational services, namely lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; *production of in-cabin interactive television programming;* health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes in Class 41.** *See* TMEP §1402.01.

Disclaimer of "**RIVER CRUISES**" Required

Applicant must disclaim the descriptive wording "**RIVER CRUISES**" apart from the mark as shown. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). A "cruise" is defined as an act or instance of cruising; especially: a tour by ship.[1] A river is defined as a watercourse.[2] Taken as a whole the term can be interpreted as a tour by ship on a waterway. This appears merely descriptive of the identified cruise services. As the specimen indicates, "**River cruising** – a better way to explore (bold and italics added)"

The word "**RIVER CRUISES**" is merely descriptive of the applicant's services and does not serve as an indication of the source of the services. TMEP Section 1213.03(a).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP §1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "**RIVER CRUISES**" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Prior Registrations

If applicant is the owner of U.S. Registration Nos. 2881355, 2846704, 2697106 and others, then applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 2881355, 2846704, 2697106 and others.

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

/Jason F. Turner/
Examining Attorney
Law Office 108
(571) 272-9353
(571) 273-9108 (Fax for Official Responses)

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

To:	Viking River Cruises S.A. (ipprosecutionsf@orrick.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85133747 - VIKING - 21535-6000
Sent:	12/29/2010 4:37:15 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85133747

MARK: VIKING

85133747

CORRESPONDENT ADDRESS:
BETH M. GOLDMAN
ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLZ STE 1600
IRVINE, CA 92614-2558

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: Viking River Cruises S.A.

CORRESPONDENT'S REFERENCE/DOCKET NO:
21535-6000
CORRESPONDENT E-MAIL ADDRESS:
ipprosecutionsf@orrick.com

OFFICE ACTION

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register by submitting evidence and arguments in support of registration. If applicant chooses to respond to the refusal to register, the following issues must also be addressed.

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Examining Attorney
Law Office 108
(571) 272-9353
(571) 273-9108 (Fax for Official Responses)

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WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint

To:	Viking River Cruises S.A. (ipprosecutionsf@orrick.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85136505 - VIKING RIVER CRUISES - 21535-6000
Sent:	12/29/2010 4:34:00 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85136505

MARK: VIKING RIVER CRUISES

85136505

CORRESPONDENT ADDRESS:
BETH M. GOLDMAN
ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLZ STE 1600
IRVINE, CA 92614-2558

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: Viking River Cruises S.A.

CORRESPONDENT'S REFERENCE/DOCKET NO:
21535-6000
CORRESPONDENT E-MAIL ADDRESS:
ipprosecutionsf@orrick.com

OFFICE ACTION

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Analysis of Applicant's Mark and Registered Mark

First, a comparison of the respective marks show that they are comprised either in whole or significant part of the term "VIKING." Accordingly, the applicant's mark, "VIKING RIVER CRUISES," and design is similar in sound, connotation and commercial impression to Registration No. 3326880's mark "VIKING." Similarity in any one of these elements alone is sufficient to find a likelihood of confusion. *In re Mack*, 197 USPQ 755 (TTAB 1977).

As to the design element, when a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and/or services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553, 1554 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729, 735 (TTAB 1976); TMEP §1207.01(c)(ii).

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Applicant's mark is "VIKING RIVER CRUISES." In the comparison above, the mark was viewed and considered as a whole. "RIVER CRUISES," however, is descriptive of the services and is of less

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Second, the relationship of the services is evident because both marks are for educational services focused on cooking. The overlapping identifications evidence the relationship.

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The wording used as the recitation of services is unacceptable as indefinite. It is unclear from the current wording exactly what services are used in conjunction with the mark. Applicant may adopt the following identification of services, if accurate (suggested wording appears in italicized print):

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Disclaimer of "**RIVER CRUISES**" Required

Applicant must disclaim the descriptive wording "**RIVER CRUISES**" apart from the mark as shown. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). A "cruise" is defined as an act or instance of cruising; especially: a tour by ship.[1] A river is defined as a watercourse.[2] Taken as a whole the term can be interpreted as a tour by ship on a waterway. This appears merely descriptive of the identified cruise services. As the specimen indicates, "**River cruising** – a better way to explore (bold and italics added)"

The word "**RIVER CRUISES**" is merely descriptive of the applicant's services and does not serve as an indication of the source of the services. TMEP Section 1213.03(a).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP §1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "**RIVER CRUISES**" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Prior Registrations

If applicant is the owner of U.S. Registration Nos. 2881355, 2846704, 2697106 and others, then applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 2881355, 2846704, 2697106 and others.

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

/Jason F. Turner/
Examining Attorney
Law Office 108
(571) 272-9353
(571) 273-9108 (Fax for Official Responses)

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at

To:	Viking River Cruises S.A. (ipprosecutionsf@orrick.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85136552 - VIKING TOURS - 21535-6000
Sent:	1/4/2011 3:51:28 PM
Sent As:	ECOM109@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85136552

MARK: VIKING TOURS

85136552

CORRESPONDENT ADDRESS:
BETH M. GOLDMAN
ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLZ STE 1600
IRVINE, CA 92614-2558

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: Viking River Cruises S.A.

CORRESPONDENT'S REFERENCE/DOCKET NO:
21535-6000
CORRESPONDENT E-MAIL ADDRESS:
ipprosecutionsf@orrick.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 1/4/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Refusal to Register

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3326880. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.* , 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.* , 84 USPQ2d 1581, 1584 (TTAB 2007); *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Regarding the issue of likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. *See Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b). In comparing the goods and/or services, it is necessary to show that they are related in some manner. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); TMEP §1207.01(a)(vi).

The applicant's mark, VIKING TOURS, is similar to the registered mark, VIKING, in that the applicant's mark is the same as the registered mark with the addition of the term TOURS. The mere addition of a term to a registered mark generally does not obviate the similarity between the marks nor

does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266 (TTAB 2009) (TITAN and VANTAGE TITAN); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY'S ACCU TUNE); TMEP §1207.01(b)(iii).

The applicant's services include "conducting cooking classes," which are identical to the registered services. If the goods and/or services of the respective parties are "similar in kind and/or closely related," the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as would be required with diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

Disclaimer

Applicant must disclaim the descriptive wording "Tours" apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose or use of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987); TMEP §§1213, 1213.03(a).

The word "tour" means "a journey for business, pleasure, or education, often involving a series of stops and ending at the starting point." See the attached evidence from *Merriam-Webster's Online Dictionary*. Therefore, the term could indicate one of the applicant's services. The applicant's "arranging, organizing and hosting social entertainment events" could include tours, as could its "organizing and hosting cultural and art events," and its "organization of exhibitions for cultural or educational purposes. "

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.*

/James A. Rauen/
Trademark Examining Attorney
Law Office 109

571-272-9211

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

Exhibit C

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85133778
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
Response to 2(d) Likelihood of Confusion Refusal The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services,	

namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

FINAL DESCRIPTION

Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

FILING BASIS	Section 1(b)

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.
DISCLAIMER	No claim is made to the exclusive right to use "RIVER CRUISES" apart from the mark as shown.

SIGNATURE SECTION

RESPONSE SIGNATURE	/Beth M. Goldman/
SIGNATORY'S NAME	Beth M. Goldman
SIGNATORY'S POSITION	Attorney for Applicant, CA bar member
DATE SIGNED	02/23/2011
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Wed Feb 23 20:02:43 EST 2011
	USPTO/ROA-199.108.76.28-2 0110223200243518307-85133

TEAS STAMP	778-4802ebb9ba5a2e7cd31ef 3ed0f767a9e832-N/A-N/A-20 110223185530490304

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85133778** has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Response to 2(d) Likelihood of Confusion Refusal

The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Applicant proposes to amend the following class of goods/services in the application:
Current: Class 041 for Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes
Original Filing Basis:
Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:
Tracked Text Description: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage~~

~~shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Class 041 for Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.

Disclaimer

No claim is made to the exclusive right to use "RIVER CRUISES" apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /Beth M. Goldman/ Date: 02/23/2011

Signatory's Name: Beth M. Goldman

Signatory's Position: Attorney for Applicant, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85133778
Internet Transmission Date: Wed Feb 23 20:02:43 EST 2011
TEAS Stamp: USPTO/ROA-199.108.76.28-2011022320024351
8307-85133778-4802ebb9ba5a2e7cd31ef3ed0f
767a9e832-N/A-N/A-20110223185530490304

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85133747
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
Response to 2(d) Likelihood of Confusion Refusal The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts,	

piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely lectures and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
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FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Beth M. Goldman/
SIGNATORY'S NAME	Beth M. Goldman
SIGNATORY'S POSITION	Attorney for Applicant, CA bar member
DATE SIGNED	02/23/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 23 20:04:12 EST 2011
TEAS STAMP	USPTO/ROA-199.108.76.28-20110223200412342884-85133747-4803fa9456e451ed056b3a1a363a33f32c-N/A-N/A-20110223190148537396

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85133747** has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Response to 2(d) Likelihood of Confusion Refusal

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Applicant proposes to amend the following class of goods/services in the application:
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Original Filing Basis:
Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:
Tracked Text Description: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy

shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely lectures and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Class 041 for Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.

SIGNATURE(S)

Response Signature

Signature: /Beth M. Goldman/ Date: 02/23/2011

Signatory's Name: Beth M. Goldman

Signatory's Position: Attorney for Applicant, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85133747

Internet Transmission Date: Wed Feb 23 20:04:12 EST 2011

TEAS Stamp: USPTO/ROA-199.108.76.28-20110223200412342884-85133747-4803fa9456e451ed056b3a1a363a33f32c-N/A-N/A-20110223190148537396

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85136505
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
Response to 2(d) Likelihood of Confusion Refusal The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services,	

namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

FINAL DESCRIPTION

Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

FILING BASIS	Section 1(b)

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.
DISCLAIMER	No claim is made to the exclusive right to use "RIVER CRUISES" apart from the mark as shown.

SIGNATURE SECTION

RESPONSE SIGNATURE	/Beth M. Goldman/
SIGNATORY'S NAME	Beth M. Goldman
SIGNATORY'S POSITION	Attorney for Applicant, CA bar member
DATE SIGNED	02/23/2011
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Wed Feb 23 20:05:43 EST 2011
	USPTO/ROA-199.108.76.28-2 0110223200543015675-85136

TEAS STAMP	505-480861116ecf022a4bbc4 c8e374baa57dc-N/A-N/A-201 10223190443194252

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85136505** has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Response to 2(d) Likelihood of Confusion Refusal

The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Applicant proposes to amend the following class of goods/services in the application:
Current: Class 041 for Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes
Original Filing Basis:
Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:
Tracked Text Description: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; ~~entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage~~

~~shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals~~; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; ~~in-cabin interactive television programming~~; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Class 041 for Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.

Disclaimer

No claim is made to the exclusive right to use "RIVER CRUISES" apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /Beth M. Goldman/ Date: 02/23/2011
Signatory's Name: Beth M. Goldman
Signatory's Position: Attorney for Applicant, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85136505
Internet Transmission Date: Wed Feb 23 20:05:43 EST 2011
TEAS Stamp: USPTO/ROA-199.108.76.28-2011022320054301
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4baa57dc-N/A-N/A-20110223190443194252

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85136552
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
ARGUMENT(S)	
Response to 2(d) Likelihood of Confusion Refusal The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services,	

namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film;~~ educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

FINAL DESCRIPTION

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FILING BASIS	Section 1(b)

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.
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SIGNATURE SECTION

RESPONSE SIGNATURE	/Beth M. Goldman/
SIGNATORY'S NAME	Beth M. Goldman
SIGNATORY'S POSITION	Attorney for Applicant, CA bar member
DATE SIGNED	02/23/2011
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Wed Feb 23 19:00:17 EST 2011
TEAS STAMP	USPTO/ROA-199.108.76.28-20110223190017865911-85136552-4805c99807362296656a975dadfc887a5-N/A-N/A-20110223173602689036

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85136552** has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Response to 2(d) Likelihood of Confusion Refusal

The Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with U.S. Registration No. 3326880 under Trademark Act Section 2(d). The Examining Attorney has stated that the refusal pertains only to educational cooking services and not the other services identified in Applicant's application. Because Applicant has deleted educational cooking services from its application, we respectfully request that the 2(d) refusal be withdrawn.

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Applicant proposes to amend the following class of goods/services in the application:
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Original Filing Basis:
Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:
Tracked Text Description: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; ~~educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film~~; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

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Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 2881355, 2846704, 2697106, and others.

Disclaimer

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SIGNATURE(S)

Response Signature

Signature: /Beth M. Goldman/ Date: 02/23/2011
Signatory's Name: Beth M. Goldman
Signatory's Position: Attorney for Applicant, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85136552
Internet Transmission Date: Wed Feb 23 19:00:17 EST 2011
TEAS Stamp: USPTO/ROA-199.108.76.28-20110223190017865
5911-85136552-4805c99807362296656a975dad
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