ESTTA Tracking number: **ESTTA443381**
Filing date: **11/28/2011**

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

Proceeding	91202194
Party	Defendant Orca Beverage, Inc.
Correspondence Address	ORCA BEVERAGE, INC. ORCA BEVERAGE, INC. 11903 CYRUS WAY STE 5 MUKILTEO, WA 98275-5456 orcabev@aol.com
Submission	Other Motions/Papers
Filer's Name	Michael Bourgeois
Filer's e-mail	orcabev@aol.com
Signature	/Micheal Bourgeois/
Date	11/28/2011
Attachments	Response to Notice of Opposition (McDonald's).pdf (8 pages)(165554 bytes) Ex H-McDonald's Full Menu Explorer __ Beverages.pdf (1 page)(217022 bytes) Ex I-Beer.pdf (8 pages)(321564 bytes) Ex J--McArthur.pdf (17 pages)(558795 bytes) Ex K-McNess.pdf (16 pages)(657404 bytes) Ex L--McIlhenny.pdf (4 pages)(4338219 bytes) Ex M-MacPelican's.pdf (27 pages)(443468 bytes) Ex N-MC logo.pdf (16 pages)(104634 bytes) Ex O-Fuddy-duddy - Merriam-Webster Dictionary.pdf (1 page)(184343 bytes)

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed electronically via ESTTA on November 28, 2011.

/Michael Bourgeois/
Michael Bourgeois

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

MCDONALD'S CORPORATION Opposer v. **ORCA BEVERAGE, INC.** Applicant	**Opposition No.: 91202194** Trademark: **MACFUDDY** Appln No.: **85242703**

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, ORCA BEVERAGE, INC., hereby answers the Notice of Opposition as follows:

1. Applicant admits the allegations of paragraph 1 of the Notice of Opposition.

2. Applicant admits the allegations of paragraph 2 of the Notice of Opposition.

3. Applicant admits that Opposer or its affiliates have developed, operated, franchised and serviced an extensive system of restaurants that prepare, package and

sell a variety of modestly-priced quickly-prepared foods. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 3 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

4. Applicant admits that Opposer has, for years, used a "Mc" family of marks, which are made up of the "Mc" formative used with various generic terms, as trademarks and service marks in advertising, promoting and selling a wide variety of food products and restaurant services, and that Opposer has used its "BIG MAC" and "MAC SNACK WRAP" trademark in connection with food products. As to the remainder of paragraph 4, Applicant is without sufficient knowledge to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

5. Applicant admits that Opposer has advertised and promoted its various goods and services under a variety of trademarks including "Mc" as a formative used with various generic terms as trademarks and service marks and has also so used and promoted its "BIG MAC" and "MAC SNACK WRAP" trademarks. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 5 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

6. Applicant admits the trademark registration data listed in paragraph 6 of the Notice of Opposition and the allegation that the listed trademark registrations are owned by Opposer. Applicant further admits that the registration dates of these trademark registrations precede the application date of applicant's present application.

Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 6 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

7. Applicant admits that trademark registrations create a presumption as to the validity and exclusive right to use the listed trademark registrations for the goods and services for which they are registered. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 7 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

8. Applicant admits that Opposer may have used “Mc” and “MAC” formatives for marks other than those of the registrations listed in paragraph 6. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 8 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

9. Applicant admits that Opposer has goodwill with respect to its “Mc” family of marks and other trademark or service marks of Opposer and that use of such marks predates Applicant’s trademark application. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations of paragraph 9 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

10. Applicant admits the existence of the cases cited in paragraph 10 as well as the exerpts therefrom. Applicant admits that Opposer has been recognized in some cases as having rights in a family of “Mc” and “Mac” formative marks. Applicant is without sufficient knowledge to form a belief as to the truth of the remaining allegations

of paragraph 10 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

11. Applicant admits the filing date of its application and the goods listed in the application, and the allegations of paragraph 11 of the Notice of Opposition. Applicant is without sufficient knowledge to form a belief as to the truth of the allegations of paragraph 11 of the Notice of Opposition and consequently denies the same, leaving Opposer to strict proof thereof.

12. Applicant denies the allegations of paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations of paragraph 12 of the Notice of Opposition.

14. Applicant denies the allegations of paragraph 14 of the Notice of Opposition..

15. Applicant denies the allegations of paragraph 15 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Applicant denies that Applicant's mark so resembles Opposer's registered marks so as to be likely to cause confusion, or to cause mistake or to deceive. There is no likelihood of confusion, mistake, or deception because, inter alia, Applicant's mark and the pleaded marks of Opposer are used on products that are different, the parties respective products are marketed, promoted and advertised in different channels of

trade and to different consumers, and the respective marks have different spellings, different meaning; different emphasis and different commercial impressions. Applicant further denies that issuance of Applicant's application would impair such rights as Opposer may have in its alleged family of "Mc" and "MAC" formative marks.

2. The Notice of Opposition fails to state a claim upon which relief can be granted.

3. Opposer does not own the exclusive right to use "Mc" or especially "MAC" as a trademark formative, especially in the field of soft drinks sold in glass bottles. In this regard, the court in McDonald's Corp. v. McBagel's, Inc. stated:

> Although this Court finds that defendants have infringed plaintiff's trademark rights, this Court cannot conclude that McDonald's has a boundless monopoly on the "Mc" formative. McDonald's itself has acknowledged that had the defendants changed the name of their restaurant to "McSheagel's," this lawsuit would not have been necessary. The Court, however, recognizes that McDonald's has expended considerable effort and resources to create a public identification between its "Mc" family of marks and the goods and services it offers. The evidence presented in this case, discussed at length above, demonstrates that plaintiff has succeeded in this goal. Yet, this does not entitle McDonald's to rights that bear no relationship to the manner in which it has used the prefix "Mc" to promote its business. 1 USPQ2d 1761, 1771-72 (S.D.N.Y., 1986).

Other cases also limit the scope of Opposer's alleged family of marks. In J & J Snack Foods Corp. v. McDonald's Corp, 18 USPQ2d 1889, 1892 (C.A.F.C., 1989) the court stated:

> Third party registrations of various "Mc" names does not defeat McDonald's specific family of marks wherein the prefix "Mc" is used with generic food names to create fanciful words.

3. The presence of Opposer in the bottled soft drink field appears to be non-existent, as Opposer is known as a vendor of Coca-Cola brand products, to wit, "DASANI" (water) "COCA-COLA," "DIET COKE," "DR. PEPPER," "DIET DR. PEPER," "HI-C," "SPRITE," and "POWERADE" (the Coca-Cola Company or its affiliates are believed to own all of these registrations, as indicated in the files for these trademarks attached hereto as Exhibits A-G). No Coca-Cola Company trademark registration for the "DIET DR. PEPPER" was found, but this does not appear to be an issue given their ownership of a registration for "DR. PEPPER" (see Opposer's online Full Menu Explorer, an excerpt from which, showing beverage products, is attached as Exhibit H (http:// www.mcdonalds.com/us/en/full_menu_explorer.html) .As this selling of Coca-Cola Company branded soft drinks has persisted for years, it seems unlikely that Opposer views specialty, bottled soft drinks as a likely field of expansion. Rather more likely would be Opposer's expansion into the sale of beer, as it is believed to have already done so overseas (see, e.g., Exhibit I, a printout of the web page located at http:// eurokulture.missouri.edu/?p=2493).

4. Numerous other trademark registrations and applications exist in International Class 32 for beverages that include a "Mc" formative, e.g., "MCARTHUR,"

“MCNESS,” “MCILHENNY CO. TABASCO,” and “MACPELICAN’S,” the trademark files for which are attached, respectively, as Exhibits J-M. The registration for “MCNESS” identifies its goods as “soft drink mixes and concentrates.” Also of interest is a published application for an “MC” device for “non-alcoholic beverages, namely carbonated beverages, non-alcoholic fruit juice beverages, vegetable juices, whey beverages” attached as Exhibit O.

5. Opposer cannot sustain its claim of a family of “MAC” formative marks based on its “Full Food Explorer” that only includes two food-product uses of a “MAC” formative, particularly where one is “MAC SNACK WRAP,” which is “MAC” formative followed by the generic “snack wrap” a “BIG MAC” making it a mark that is differently ordered from the recognized “Mc” plus generic format. In any event, Applicant’s mark is in the nature of a fanciful name, with the word ‘”FUDDY” intended to evoke the sense of an old-fashioned person (e.g., fuddy-duddy – “one that is old-fashioned” from the online Merriam Webster dictionary, a print-out from which is attached as Exhibit O. The use of the name prefix “MAC” is used to reinforce the name connotation of Applicant’s mark. Applicant manufactures specialty beverages focusing on “old-fashioned” former brands such as “MACFUDDY” and sells this brand in glass bottles to specialty retailers. The “MACFUDDY” mark hearkens back to a brand that Applicant believes was in production from about 1911 to about the 1950’s or 1960’s. A digital image of Applicant’s product is attached as Exhibit P.

Wherefore Applicant, respectfully requests that the Opposition be denied and that application serial number 85242703 proceed to registration.

Dated: November 28, 2011 Respectfully submitted,

/Michael Bourgeois/
Michael Bourgeois
President,
Orca Beverage, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served upon counsel for Opposer by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to:

Robert E. Browne
John A. Cullis
Lawrence E. James, Jr.
Kathleen E. Blouin
NEAL, GERBER & EISENBERG LLP
2 N. LaSalle Street, Suite 1700
Chicago, IL 60602

/Janis Tenzler /
Janis Tenzler

Beverages


1% Low Fat Milk Jug


1% Low Fat Chocolate Milk Jug


Minute Maid® Apple Juice Box


Dasani® Water


Coca-Cola®


Diet Coke®


Dr Pepper®


Diet Dr Pepper®


Sprite®


Hi-C® Orange Lavaburst


POWERade® Mountain Berry Blast


Iced Tea


Premium Roast Coffee


Premium Roast Iced Coffee


Minute Maid® Premium Orange Juice


Sweet Tea

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EuroKulture
Lost & Found in Translation: Blogging European pop culture
10.28.2009
McDonald's serves beer!
by Adrian Santana
Categories: Culture, Food, German, History, Recreation

Click on picture to see different McDonald's Menu items around the world

It is hard for Americans to understand how a kid-oriented fast food chain like **McDonald's** could possibly sell alcohol without troubles. However, one main reason why McDonald's can successfully incorporate beer into its menu is because the German mentality toward alcohol is very different than that of Americans.

In Germany, and all over Europe, it is socially acceptable to appear with **alcohol in public**. Minors view alcohol as something common and do not usually drink just to fit in with the "cool" crowd.

The restricted access to alcohol in the U.S. was meant to prevent minors from drinking until they reach a more responsible age. However, it had an opposite effect, and minors find **alternative ways** to get to alcohol. The risk of getting caught doesn't intimidate teens much. Even though the alcohol-related laws were meant to restrict consumption, it seems like they backfired, encouraging **binge drinking** and an increased **peer pressure** to drink just to be more popular. Check out these three links for examples of this:

Bonging in front of a college lecture

Small get together

Taking shots

The following video is a common reaction of Americans at a German McDonald's.

Perhaps one of the reasons for the **difference in perspectives** is the substantial difference in the drinking age of the two countries. When Americans find out for the first time what Germany's drinking age is, the reaction is mostly shock or disbelief. In Germany, **14-year-old** minors are allowed to consume and possess alcoholic beverages such as **beer** and **wine** in the presence of their parents. At age **16**, German minors are allowed to drink beer and wine without parents having to be there. Once they reach **18** and become adults, they are allowed to drink any sort of alcohol such as hard liquor and are not restricted to just beer and wine.

While Americans are shocked with the little restrictions on alcohol consumption in Germany, Germans are shocked that people in the States have to wait 21 years to enjoy their first **legal alcoholic beverage** of choice. Beer is a major part of German culture and – Germany has about 1,300 breweries, which is more than any other country other than the U.S., which has 1,500.

Inside the Hofbräuhaus in Munich

The tradition of beer consumption in Germany has been going on for hundreds of years. One of the best known breweries is the **Hofbräuhaus** in Munich. It was first established in 1589 by Duke Wilhelm V. This was his attempt to satisfy his "'thirsty and demanding household". They were dissatisfied with the brews produced in Munich, so they established their own brewery. It was an instant hit and the demand was so high they had to expand their business. The beer hall continued its successful operations throughout the early decades of the **20th century**, until it was destroyed during a bombing in 1944. The brewery was rebuilt in its original style and reopened in 1958.

Alcohol consumption by German adolescents is traditional and generally accepted. This is how McDonald's can easily sell beer in a **kid-oriented** setting. If a 14-year old chooses to do so and has the approval of his/her parents, he or she can order a cold beer right along with a Happy Meal. While it might seem like a strange combination, the kid will not be thrown in jail and charged outrageous fines for their alcohol consumption.

Click here to see what a McDonald's Menu looks like in Germany

Tags:alcoholism, beer, beer bong, binge drinking, Fast Food, Food, Germany, McDonalds, menu items, teens, traditions, weird

5 Comments to "McDonald's serves beer!"

1. *Jamie Brady* says:
   16/12/2009 at 6:39 pm

   Drinking underage has been a continuous problem for the United States. It is completely true when

saying that teens feel totally comfortable drinking when they are not 21. The risks that kids are willing to take are starting to become ridiculous. The level of curiosity is too much for a lot of kids to handle which is why they turn to excessive drinking and partying. If we were allowed to drink at an earlier age, most kids would not be so crazy over alcohol.

---

2. *Adrian Santana* says:
02/12/2009 at 2:04 pm

Klara, I couldn't agree with you more. I personally find that binge drinking is so strong here in the US because beer is so heavily restricted. Maybe it should not be as low as in Germany considering the driving age here is lower than in Germany (getting a license in germany is also a lot more difficult and expensive), but I don't believe the legal drinking age should be 21.

---

3. *Adrian Santana* says:
01/12/2009 at 2:37 pm

Thank you for your comment. I am actually a little relieved that they don't serve beer in connection with the happy meal, so thank you for clarifying that. I never really tried getting a happy meal with a beer instead of soda. But I figured if you are old enough you could get beer by itself and then buy a happy meal seperately. Being able to get your beer as a side of the happy meal might have been a little controversial.

---

4. *Klara Mijatovic* says:
01/12/2009 at 10:41 am

I don't find it shocking that McDonald's is serving beer at their German chain restaurants. Actually it's kind of something you would expect and I'm surprised they haven't done this earlier. I think it's great that they don't prohibit teens from drinking because teens tend to want things more if they are not allowed to do them. That is why kids in America are having a hard time with controlling their binge drinking and behaviors that are involved in such activities. Were they less restricted to beer and wine, they wouldn't have to hide from their parents, go to parties and I believe that it might even reduce the number of teenagers who drink and drive.

---

5. *Paul Bolfing* says:
01/12/2009 at 1:02 am

I have had personal experience with the shocking fact that one can by beer at McDonald's in Germany. While initially shocking, I believe that once one sees how beer and alcohol in general are viewed in Germany and Europe, it becomes understandable why it can be sold at McDonald's. In addition to the fact that one can consume beer at a far earlier age in Germany than the U.S., I believe that the treatment of beer and alcohol as something not negative has a profound impact on the culture of alcohol in Germany in comparison to the U.S. (On a side note though, when I was in Germany and tried to order a beer with my Happy Meal, I was told that you cannot.)

Post topics:

- About these cultures:
  - Austrian
  - Belgium
  - British
  - Czech Republic
  - Danish
  - Finland
  - French
  - German
  - Hungarian
  - Italian
  - Russian
  - Spanish
  - Switzerland
  - Turkish
- American
- Art
- Cartoon
- Clyde
- Culture
- Customer Service
- education
- Fashion
- Food
- Funker Vogt
- Health
- History
- Humor
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- Marriage
- Media
- Music
- Nature
- Other
- Poland
- Politics
- Pop Music
- Recreation
- Salzburg
- Sci and Tech
- Spanish
- Sport
- Sweden
- Talk Show

- Television
- Transportation
- Travel
- Turkey
- Urban Legends
- USA
- Video & Film
- Wales
- Winter

Recent Comments

- Schönheitschirurgie on Skiing in Salzburg: The beloved outdoor activity in Winter
- Wes Okuna on Psychology today – are Europeans mentally healthier than Americans?
- Jacqueline Harris on Skiing in Salzburg: The beloved outdoor activity in Winter
- Jacqueline Harris on Psychology today – are Europeans mentally healthier than Americans?
- Hans Jürgen on Psychology today – are Europeans mentally healthier than Americans?

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28	29	30				

« Oct

Blogroll

- Adventures of the Veiled
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- beppegrillo

- Blog für den kritischen Fussballfreund
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- culture and language info
- day tripper
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- Der Spiegel
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- DJ in Germany
- dollface on fashion
- easy DaF
- einslive
- Esskultur Berlin
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- Europa Transparent
- Experience Brussels like a Local
- fashion blog by German designers
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- Football League Blog
- French Blog
- French Food
- German way = expats in Europe
- Global Raver
- Hauptstadt Blog
- Heidelbergerin
- ich werde ein berliner
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- IZO on Russian Art and Cultrure
- larussophobe
- Le Houba
- Le Monde
- Lexiophiles
- Lost in Deutschland
- MedialDigital
- monochrom
- Mr Brown, the accidental author of a Singapore website
- Munich Bavaria travelblog
- Netzpolitik–German site about your Internet rights
- new eurasia
- New Media Journalism
- Now Public
- photoblog on Russian culture
- Piratenpartei Deutschland–German Pirate Party
- Planet Germany
- PolitPlatschQuatsch
- Polly-Vous Francais?
- Rebel Art
- RIA Novosti
- Russia!

- Scraps of Moscow
- Secrets of Paris
- show me the moneyyy
- Siberian Light
- Siberian Light
- Spiegel Blog
- Spotted by Locals
- stuff parisians like
- Style Spion
- The Local
- travel blog
- travel blog – hitchhiking through Europe
- Turkish news
- Turkish Travel Blog
- USA Erklaert
- Verloren in Leipzig

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EuroKulture Lost & Found in Translation: Blogging European pop culture

Theme by **Max is NOW!**
Powered by **WordPress**

PTO Form 2197 (Rev 09/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	75153086
REGISTRATION NUMBER	2106819
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION	
MARK	MCARTHUR
OWNER SECTION (current)	
NAME	DEAN INTELLECTUAL PROPERTY SERVICES, INC.
STREET	2515 MCKINNEY AVENUE SUITE 1200
CITY	DALLAS
STATE	Texas
ZIP/POSTAL CODE	75201
COUNTRY	US
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	BRIDGET GRIFFIN JOHNSON DEAN FOODS COMPANY 2515 MCKINNEY AVE STE 1200 DALLAS TX 75201 214-303-3411 214-721-1275 tms@deanfoods.com
NEW OWNER ADDRESS	
INTERNAL ADDRESS	Suite 3400
STREET	2711 North Haskell Avenue
CITY	Dallas
STATE	Texas
ZIP/POSTAL CODE	75204

COUNTRY	United States
PHONE	214-303-3400
NEW CORRESPONDENCE ADDRESS FOR OWNER	
NAME	Bridget G. Johnson
INTERNAL ADDRESS	2711 North Haskell Avenue
STREET	Suite 3400
CITY	Dallas TX 75204
STATE	Texas
COUNTRY	United States
POSTAL/ZIP CODE	75204
PHONE	214-303-3411
SIGNATURE SECTION	
SIGNATURE	/bridget griffin johnson/
SIGNATORY NAME	Bridget Griffin Johnson
SIGNATORY DATE	09/21/2010
SIGNATORY POSITION	President
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 21 18:29:46 EDT 2010
TEAS STAMP	USPTO/COA-209.189.235.29-20100921182946803926-74261044-4706660f3bd16cd8b68534f40c12759807d-N/A-N/A-20100921181609359430

UNITED STATES AND TRADEMARK OFFICE

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

REGISTRATION NO: 2106819 SERIAL NO: 75/153086 MAILING DATE: 12/14/2007
REGISTRATION DATE: 10/21/1997
MARK: MCARTHUR
REGISTRATION OWNER: DEAN INTELLECTUAL PROPERTY SERVICES II,

CORRESPONDENCE ADDRESS:

BRIDGET GRIFFIN JOHNSON
DEAN FOODS COMPANY
2515 MCKINNEY AVE STE 1200
DALLAS TX 75201

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

****

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
029, 032.

COPELAND, VICKY LEN
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

REGISTRATION NO: 2106819 SERIAL NO: 75/153086 MAILING DATE: 12/14/2007
REGISTRATION DATE: 10/21/1997
MARK: MCARTHUR
REGISTRATION OWNER: DEAN INTELLECTUAL PROPERTY SERVICES II,

CORRESPONDENCE ADDRESS:

BRIDGET GRIFFIN JOHNSON
DEAN FOODS COMPANY
2515 MCKINNEY AVE STE 1200
DALLAS TX 75201

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

****

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
029, 032.

COPELAND, VICKY LEN
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

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Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

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Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

PTO Form 1963 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2106819
REGISTRATION DATE	10/21/1997
SERIAL NUMBER	75153086
MARK SECTION	
MARK	MCARTHUR
OWNER SECTION (current)	
NAME	DEAN INTELLECTUAL PROPERTY SERVICES II, L.P.
STREET	SUITE 1200 2515 MCKINNEY AVENUE
CITY	DALLAS
STATE	Texas
ZIP/POSTAL CODE	75201
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	DEAN INTELLECTUAL PROPERTY SERVICES II, L.P., a Delaware Limited Partnership, by its General Partner DIPS GP II, LLC, a Delaware Limited Liability Company
STREET	SUITE 1200 2515 MCKINNEY AVENUE
CITY	DALLAS
STATE	Texas
ZIP/POSTAL CODE	75201
COUNTRY	United States
PHONE	214-303-3400
FAX	214-721-1275

ATTORNEY SECTION (current)	
NAME	BRIDGET GRIFFIN JOHNSON
FIRM NAME	DEAN FOODS COMPANY
STREET	2515 MCKINNEY AVE STE 1200
CITY	DALLAS
STATE	Texas
POSTAL CODE	75201
COUNTRY	United States
ATTORNEY DOCKET NUMBER	9628
ATTORNEY SECTION (proposed)	
NAME	BRIDGET GRIFFIN JOHNSON
FIRM NAME	DEAN FOODS COMPANY
STREET	2515 MCKINNEY AVE STE 1200
CITY	DALLAS
STATE	Texas
POSTAL CODE	75201
COUNTRY	United States
PHONE	214-303-3411
FAX	214-721-1275
EMAIL	tms@deanfoods.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	9628
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	029

GOODS OR SERVICES TO BE DELETED	cottage cheese, sour cream, yogurt
GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE	Dairy products, namely, milk, half and half, whipping cream, non-dairy coffee creamer
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\751\530\75153086\xml1\S890002.JP G

SPECIMEN DESCRIPTION	scanned label
INTERNATIONAL CLASS	030
GOODS OR SERVICES	DELETE ENTIRE CLASS
INTERNATIONAL CLASS	032
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\751\530 \75153086\xml1\S890003.JP G
SPECIMEN DESCRIPTION	scanned label
PAYMENT SECTION	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	2
SUBTOTAL AMOUNT	1000
GRACE PERIOD	400
TOTAL FEE PAID	1400
SIGNATURE SECTION	
SIGNATURE	/Bridget Griffin Johnson/
SIGNATORY'S NAME	Bridget Griffin Johnson
SIGNATORY'S POSITION	President
DATE SIGNED	12/10/2007
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Mon Dec 10 17:40:15 EST 2007
TEAS STAMP	USPTO/S08N09-209.189.235. 29-20071210174015259160-2 106819-400565693d12573468 9683ccbe44a2c157e-DA-2871 -20071210160057360186

PTO Form 1963 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2106819
REGISTRATION DATE: 10/21/1997

MARK: MCARTHUR

The owner, DEAN INTELLECTUAL PROPERTY SERVICES II, L.P., a Delaware Limited Partnership, by its General Partner DIPS GP II, LLC, a Delaware Limited Liability Company, having an address of
SUITE 1200 2515 MCKINNEY AVENUE
DALLAS, Texas 75201
United States
is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 029, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: cottage cheese, sour cream, yogurt

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: Dairy products, namely, milk, half and half, whipping cream, non-dairy coffee creamer

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) scanned label.
Specimen File1

For International Class 030, this filing does **not** cover this specific class. This entire class is to be permanently **deleted** from the registration.

For International Class 032, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) scanned label.
Specimen File1

The registrant hereby appoints BRIDGET GRIFFIN JOHNSON of DEAN FOODS COMPANY
2515 MCKINNEY AVE STE 1200
DALLAS, Texas 75201
United States

to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 9628.

A fee payment in the amount of $1400 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce
Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal
The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Bridget Griffin Johnson/ Date: 12/10/2007
Signatory's Name: Bridget Griffin Johnson
Signatory's Position: President

Mailing Address **(current):**
DEAN FOODS COMPANY
2515 MCKINNEY AVE STE 1200
DALLAS, Texas 75201

Mailing Address **(proposed):**
DEAN FOODS COMPANY
2515 MCKINNEY AVE STE 1200
DALLAS, Texas 75201

Serial Number: 75153086
Internet Transmission Date: Mon Dec 10 17:40:15 EST 2007
TEAS Stamp: USPTO/S08N09-209.189.235.29-200712101740
15259160-2106819-400565693d125734689683c
cbe44a2c157e-DA-2871-2007121016005736018
6

McARTHUR DAIRY

VITAMIN D MILK

EXCELLENT SOURCE OF CALCIUM!

SEE NUTRITION FACTS FOR SATURATED FAT CONTENT

UD

1/2 GALLON (1.89 L)

Nutrition Facts

Serving Size 1 cup (240mL)
Servings Per Container About 8

Amount Per Serving	
Calories 150 Calories from Fat 70	
	% Daily Value*
Total Fat 8g	**12%**
Saturated Fat 5g	**25%**
Trans Fat 0g	
Cholesterol 35mg	**11%**
Sodium 125mg	**5%**
Potassium 400mg	**11%**
Total Carbohydrate 12g	**4%**
Dietary Fiber 0g	**0%**
Sugars 12g	
Protein 8g	
Vitamin A 6% • Vitamin C 4%	
Calcium 30% • Iron 0% • Vitamin D 25%	

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Potassium		3,500mg	3,500mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

GRADE A
PASTEURIZED • HOMOGENIZED

300 MG OF CALCIUM PER 1 CUP SERVING

INGREDIENTS: MILK, VITAMIN D3.

DIST. BY
McARTHUR DAIRY, INC.
MIAMI, FL 33138
www.mcarthurdairy.com

QUESTIONS OR COMMENTS?
CALL 1-800-301-0542

CODE DATE AND MFG. PLANT STAMPED ABOVE

0 70360 00170 2

KEEP REFRIGERATED


McARTHUR
DAIRY
ORANGE JUICE
100% PURE • FROM CONCENTRATE
100% PURE FLORIDA
1/2 GALLON (1.89 L)
Nutrition Facts
Serving Size 8 fl oz (240mL)
Servings Per Container About 8
Amount Per Serving
Calories 120 Calories from Fat 0
% Daily Value*
Total Fat 0g 0%
Sodium 0mg 0%
Potassium 420mg 12%
Total Carbohydrate 29g 10%
Sugars 28g
Protein 1g
Vitamin A 0% • Vitamin C 100%
Calcium 2% • Iron 0%
Not a significant source of saturated fat, trans fat, cholesterol, and dietary fiber.
* Percent Daily Values are based on a 2,000 calorie diet.
0 70360 09415

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2106819

Serial Number: 75153086

RAM Sale Number: 2871

RAM Accounting Date: 20071211

Total Fees: $1400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

Transaction	Fee Code	Transaction Date	Fee per Class	Number of Classes	Number of Classes Paid	Total Fee
§8 affidavit	7205	20071210	$100	3	2	$200
Application for Renewal (§9)	7201	20071210	$400	3	2	$800
Grace period for §8	7206	20071210	$100	3	2	$200
Grace period for renewal	7203	20071210	$100	3	2	$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20071210

McARTHUR DAIRY

VITAMIN D MILK

EXCELLENT SOURCE OF CALCIUM!

SEE NUTRITION FACTS FOR SATURATED FAT CONTENT

UD

1/2 GALLON (1.89 L)

Nutrition Facts

Serving Size 1 cup (240mL)
Servings Per Container About 8

Amount Per Serving	
Calories 150 Calories from Fat 70	
	% Daily Value*
Total Fat 8g	**12%**
Saturated Fat 5g	**25%**
Trans Fat 0g	
Cholesterol 35mg	**11%**
Sodium 125mg	**5%**
Potassium 400mg	**11%**
Total Carbohydrate 12g	**4%**
Dietary Fiber 0g	**0%**
Sugars 12g	
Protein 8g	
Vitamin A 6% • Vitamin C 4%	
Calcium 30% • Iron 0% • Vitamin D 25%	

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Potassium		3,500mg	3,500mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

GRADE A
PASTEURIZED • HOMOGENIZED

300 MG OF CALCIUM PER 1 CUP SERVING

INGREDIENTS: MILK, VITAMIN D3.

DIST. BY
McARTHUR DAIRY, INC.
MIAMI, FL 33138
www.mcarthurdairy.com

QUESTIONS OR COMMENTS?
CALL 1-800-301-0542

CODE DATE AND MFG. PLANT STAMPED ABOVE

0 70360 00170 2

KEEP REFRIGERATED


McARTHUR
DAIRY
ORANGE JUICE
100% PURE • FROM CONCENTRATE
100% PURE FLORIDA
1/2 GALLON (1.89 L)
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Total Fat 0g 0%
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Potassium 420mg 12%
Total Carbohydrate 29g 10%
Sugars 28g
Protein 1g
Vitamin A 0% • Vitamin C 100%
Calcium 2% • Iron 0%
Not a significant source of saturated fat, trans fat, cholesterol, and dietary fiber.
* Percent Daily Values are based on a 2,000 calorie diet.
0 70360 09415

Int. Cls.: 29, 30 and 32
Prior U.S. Cls.: 45, 46 and 48
United States Patent and Trademark Office
Corrected

Reg. No. 2,106,819
Registered Oct. 21, 1997
OG Date June 29, 2004

TRADEMARK
PRINCIPAL REGISTER

MCARTHUR

DEAN INTELLECTUAL PROPERTY SERVICES II,L.P. (DELAWARE LIMITED PARTNERSHIP)
SUITE 1200
2515 MCKINNEY AVENUE
DALLAS, TX 75201
SEC. 2(F).

FOR: DAIRY PRODUCTS, NAMELY, MILK, HALF AND HALF, WHIPPING CREAM, COTTAGE CHEESE, SOUR CREAM, NON-DAIRY COFFEE CREAMER, YOGURT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1970; IN COMMERCE 0-0-1990.

FOR: FROZEN YOGURT, ICE CREAM, FROZEN CONFECTIONS AND SHERBET, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1970; IN COMMERCE 0-0-1990.

FOR: ORANGE JUICE AND LEMON DRINK, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 0-0-1970; IN COMMERCE 0-0-1990.

SER. NO. 75-153,086, FILED 8-20-1996.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on June 29, 2004.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Kegan & Kegan, Ltd.
Counselors at Law
79 West Monroe Street #1320
Chicago IL 60603-4969 USA
Fax 312•782-6494; <info@KeganLaw.com>
Phone 312•782-6495; <www.KeganLaw.com>

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Computers, Licensing
Federal Litigation
Counsel to Counsel

Express EV593,427,089US

Commissioner for Trademarks
PO Box 1451
Alexandria VA 22313-1451

Re United States Trademark Registration Renewal Application
101,007,083 ®1,369,372 for MCNESS (Stylized) in International Class 32

Dear Commissioner for Trademarks: February 14, 2005

We enclose for filing

- Trademark Renewal Application and Use Declaration;
- One specimen per class showing the mark as used;
- Check for the filing fee of $500 per class; and,
- Receipt acknowledgment postcard.

If the filing fee is greater than the amount on the enclosed check, please debit the difference from Kegan & Kegan, Ltd.'s PTO Deposit Account 11-0330.

Please direct all communications to the undersigned as attorney for the registrant.

Respectfully submitted,

Marc E. Fineman, ext 23
marc@keganlaw.com
Kegan & Kegan, Ltd. /5
enc.

The undersigned certifies that this correspondence is being deposited postage prepaid on the below date with the United States Postal Service as Express Mail addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington VA 22202-3514.

February 14, 2005

02-15-2005
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

In the United States Patent and Trademark Office
Trademark Examining Operation

Registration ® **1,369,372**
Registrant Furst-McNess Company
Issued » Nov 5, 1985
Int Class 32 Int
Mark MCNESS (Stylized)

Registration Renewal Application and Use Declaration

Registrant, a corporation organized under the laws of Illinois, with business address at 120 E. Clark Street, Freeport, IL 61032, requests that the above registration, which registrant now owns, as shown by records in the Patent and Trademark Office, be renewed under the provisions of section 9 of the Act of July 5, 1946.

The mark shown in the registration is still in use in interstate commerce on or in connection with all the goods recited in the registration except NONE, the attached specimen showing the mark as currently used.

The undersigned appoints Daniel L. Kegan, Cynthia L. Scott, and Marc E. Fineman, all attorneys duly licensed by the Supreme Court of the State of Illinois, whose post office addresses are Kegan & Kegan, Ltd., 79 West Monroe St. #1320, Chicago, IL 60603-4969, to prosecute this application, to transact all connected business in the Patent and Trademark Office, and to receive the certificate.

The undersigned, warned that willful false statements and the like are punishable by fine, imprisonment, or both, under 18 USC 1001, and may jeopardize the validity of this document or any resulting registration, declares that s/he is the registrant or is authorized by registrant to execute this document; s/he believes registrant is the owner of the identified mark; to the best of his/her knowledge and belief no other entity has the right to use the mark in commerce, either in the identical form or in such near resemblance as may be likely when applied to the goods or services of such other person to cause confusion, mistake, or to deceive; the facts in this document and statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Furst-McNess Company

By Martha Furst

Name Martha Furst

Title President/CEO

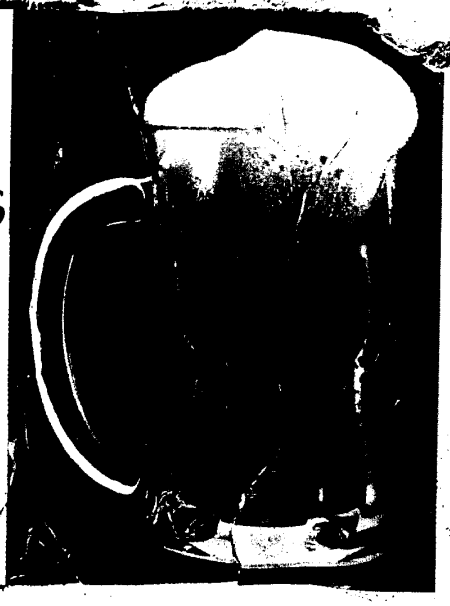
December 21, 2004

McNess

ROOT BEER
DRINK CRYSTALS

Quick and Easy
Just Add Water

Net wt. 17 oz (1 lb 1 oz)
482 g



Search Another:
Serial Number or Registration Number
Transmit

TRADEMARK GENERAL QUERY AS OF: 03/29/05 12:14:39

SERIAL NUMBER: 73486953 **FEES**	**FILING DATE:** 06/25/1984	**FAST TRACK FILED:** NO	**ASSIGNMENTS**
REG. NUMBER: 1369372 **FEES**	**REG. DATE:** 11/05/1985	**FAST TRACK CURRENT:** NO	**TICRS**
REGISTER: PRINCIPAL	**MARK TYPE:** TRADEMARK		
FILED USE: YES	**CURRENTLY USE:** YES	**AMENDED USE:** NO	
FILED ITU: NO	**CURRENTLY ITU:** NO	**AMENDED ITU:** NO	
FILED 44D: NO	**CURRENTLY 44D:** NO	**AMENDED 44D:** NO	
FILED 44E: NO	**CURRENTLY 44E:** NO	**AMENDED 44E:** NO	
FILED 66A: NO	**CURRENTLY 66A:** NO		
FILED NO BASIS: NO	**CURRENTLY NO BASIS:** NO		

TM ATTORNEY: 60997-NELSON, EDWARD H

TM ATTY LO: 106 **LO ASSIGNED:** 540-NOTFOUND

WORK LOCATION: 837-POST REGISTRATION

DATE IN LOC: 03/18/2005

CHRG TO LOC: 83X-POST REGISTRATION -- AWAITING EXAMINATION

CHRG TO: NONE

PHYSICAL LOCATION: 830 -POST REGISTRATION HISTORY

DATE IN PHYS LOC: 03/15/2005

STATUS: 702 - SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

STATUS DATE: 04/30/1991

TM PARALEGAL: 61619-SMITH, WYE JEAN

TM LIE: LIE NOT ASSIGNED

PUB DATE: 08/27/1985	**DATE ABANDONED:**	**DATE CANCELLED:**
SECTION 8: YES	**SECTION 15:** YES	**ASSIGNMENT:** NO
RENEWAL FILED: YES	**RENEWAL DATE:**	**DATE AMENDED REG:**
CLASSES ACTIVE: 01	**LAST ACTION DATE:** 11/08/1984	

MARK: MC NESS

STANDARD CHARACTERS CLAIMED: NO

MARK DRAWING CD: 5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM

COLOR DRAWING CURRENT: NO

CURRENT OWNER INFORMATION

PARTY TYPE: 30-ORIGINAL REGISTRANT

NAME: FURST-MCNESS COMPANY

ADDRESS: 120 EAST CLARK STREET
FREEPORT ILLINOIS 61032

ENTITY: 03-CORPORATION

CITIZENSHIP: ILLINOIS

GOODS AND SERVICES

The following symbols indicate that the goods and services have been amended after registration of the Mark.

Double parenthesis ((..)) identify any "less goods";

Single brackets [..] indicate deleted goods; and,

Single asterisks *..* identify additional (new) wording in the goods.

FOR: SOFT DRINK MIXES AND CONCENTRATES

INT. CLASS 032 **(U.S. CLASS** 045)

FIRST USE: 09/11/1929 **USE IN COMMERCE:** 09/11/1929 **CLASS STATUS:** 6

MISCELLANEOUS INFORMATION

SECTION 2F: YES **SECTION 2F IN PART:** NO

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM	PRCD NUM
02/15/2005	89AF	I	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	012	000000
02/15/2005	MAIL	I	PAPER RECEIVED	011	000000
04/30/1991	C15A	O	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	010	000000
01/22/1991	815F	I	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	009	000000
11/05/1985	R.PR	A	REGISTERED-PRINCIPAL REGISTER	008	000000
08/27/1985	PUBO	A	PUBLISHED FOR OPPOSITION	007	000000
07/28/1985	NPUB	O	NOTICE OF PUBLICATION	006	000000
06/21/1985	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	005	000000
06/21/1985	DOCK	D	ASSIGNED TO EXAMINER	004	060997
04/18/1985	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	003	000000
11/08/1984	CNRT	F	NON-FINAL ACTION MAILED	002	000000
10/04/1984	DOCK	D	ASSIGNED TO EXAMINER	001	000000

CORRESPONDENCE

Attorney: C. FREDERICK LEYDIG

Attorney Docket Number: None

Correspondence Address: LEYDIG, VOIT & MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, IL 60601-6780

Phone:

Fax:

OTHER INFORMATION

Pseudomark: MCNESS

Section 8 In Part: NO

Repub Sec 12C: NO **Pub Date 12C:**

Change In Registration: NO

TTAB Decision: NO

Lost Case: NO

In TICRS: NO

PRIOR OWNER INFORMATION

PARTY TYPE: 20-OWNER AT PUBLICATION

NAME: FURST-MCNESS COMPANY

ADDRESS: 120 EAST CLARK STREET
FREEPORT ILLINOIS 61032

ENTITY: 03-CORPORATION

CITIZENSHIP: ILLINOIS

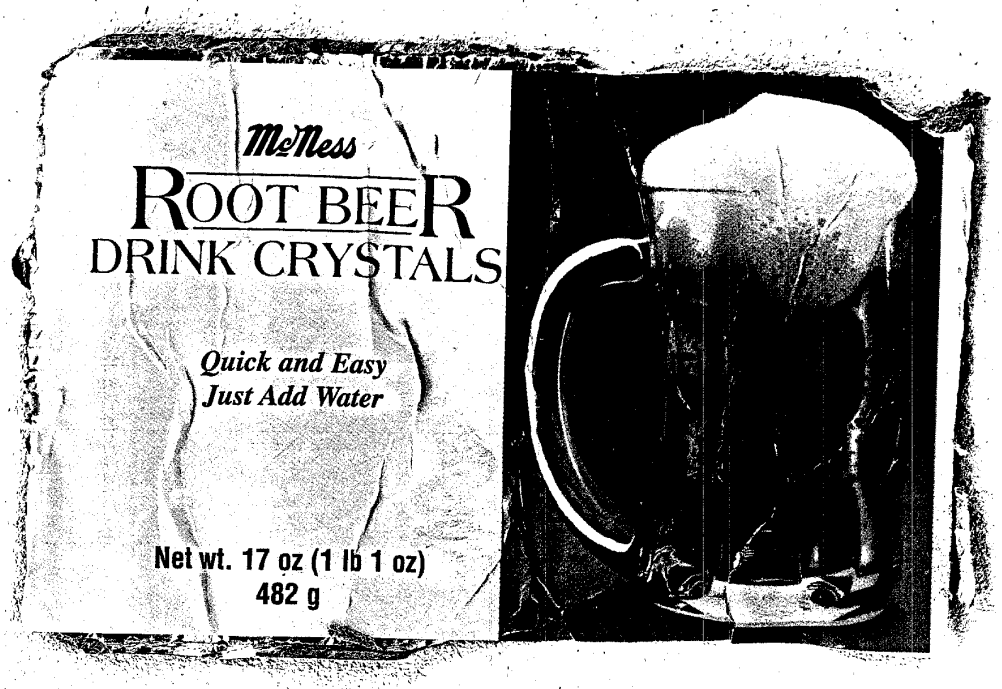
PARTY TYPE: 10-ORIGINAL APPLICANT

NAME: FURST-MCNESS COMPANY

ADDRESS: 120 EAST CLARK STREET
FREEPORT ILLINOIS 61032

ENTITY: 03-CORPORATION

CITIZENSHIP: ILLINOIS


McNess
ROOT BEER
DRINK CRYSTALS
Quick and Easy
Just Add Water
Net wt. 17 oz (1 lb 1 oz)
482 g

Incoming Correspondence Routing Sheet

Work Location: ~~CENTRAL DOCKET~~ PRU

Mark: MC NESS

Reg. No.: 1369372

Serial No: 73486953

Mail Date: 02152005

Doc. Type: Combined Section 8 and 9

Examiner: 60997 - NELSON, EDWARD H.

CASE IN TICRS: NO

Process in Accordance with Standard Operating Procedure and Work Steps.

Fee

RAM Mail Date: 021505

Incoming Correspondence Routing Sheet

Physical Location: CENTRAL DOCKET

Mark: MC NESS

Reg. No.: 1369372

Serial No: 73486953

Mail Date: 02152005

Doc. Type: Combined Section 8 and 9

Examiner: 60997 - NELSON, EDWARD H.

CASE IN TICRS: NO

Process in Accordance with Standard Operating Procedure and Work Steps.

Fee

RAM Mail Date: 021505

Int. Cl.: 32

Prior U.S. Cl.: 45

Reg. No. 1,369,372

United States Patent and Trademark Office

Registered Nov. 5, 1985

TRADEMARK
PRINCIPAL REGISTER

McNess

FURST-MCNESS COMPANY (ILLINOIS CORPORATION)
120 EAST CLARK STREET
FREEPORT, IL 61032

FOR: SOFT DRINK MIXES AND CONCENTRATES, IN CLASS 32 (U.S. CL. 45).

FIRST USE 9-11-1929; IN COMMERCE 9-11-1929.
SEC. 2(F).

SER. NO. 486,953, FILED 6-25-1984.

EDWARD NELSON, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cl.: 45

Reg. No. 1,369,372

United States Patent and Trademark Office

Registered Nov. 5, 1985

TRADEMARK
PRINCIPAL REGISTER

McNess

FURST-MCNESS COMPANY (ILLINOIS CORPORATION)
120 EAST CLARK STREET
FREEPORT, IL 61032

FOR: SOFT DRINK MIXES AND CONCENTRATES, IN CLASS 32 (U.S. CL. 45).

FIRST USE 9-11-1929; IN COMMERCE 9-11-1929.
SEC. 2(F).

SER. NO. 486,953, FILED 6-25-1984.

EDWARD NELSON, EXAMINING ATTORNEY

1/5 dec

175.00-301-M

APPLICATION FOR TRADEMARK REGISTRATION 486953

Mark MC NESS

Int. Class No. 32

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS;

Furst-McNess Company, a corporation of the State of Illinois, 120 East Clark Street, Freeport, Illinois 61032.

The above-identified applicant has adopted and is using the trademark shown in the accompanying drawing for soft drink mixes and concentrates, and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The trademark was first used on September 11, 1929, was first used in interstate commerce on September 11, 1929, and is now is use in such commerce.

The mark is used on labels affixed to the containers in which the goods are sold, and five specimens of the mark as actually used are presented herewith.

Please recognize C. Frederick Leydig, Reg. No. 16196, Edward W. Osann, Jr., Reg. No. 15827, Phillip H. Mayer, Reg. No. 18334, Edward B. Holt, Reg. No. 17091, Leroy W. Mitchell, Reg. No. 17328, Michael C. Payden, Reg. No. 254037, John P. Bundock, Jr., Reg. No. 16678, as our attorneys to prosecute this application, to transact all business in connection therewith, and to receive the certificate of registration.

Correspondence concerning this application should be directed to LEYDIG, VOIT, OSANN, MAYER & HOLT, Ltd., One IBM Plaza, Chicago, Illinois 60611, telephone (312) 822-9666.

07/03/84 486953 3 301 175.00 CK

DECLARATION

I, James E. Hartert, declare that I am Executive Vice President of applicant corporation and am authorized to execute this declaration on behalf of said corporation; I have read the foregoing application and know the contents of the same; I believe said corporation to be the owner of the mark sought to be registered; to the best of my knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; that these statements were made with the warning and knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

James E Hartert

Date 6/12/84

LAW OFFICES
LEYDIG, VOIT, OSANN, MAYER & HOLT, LTD.
815 NORTH CHURCH STREET
ROCKFORD, ILLINOIS 61103

(815) 963-7661

CHICAGO OFFICE
ONE IBM PLAZA
SUITE 4600
CHICAGO, ILLINOIS 60611
(312) 822-9666
CABLE: WOLFEHUB-CGO
TELEX:25-3533
TELECOPIER: (312) 670-2548

WASHINGTON OFFICE
LEYDIG, VOIT, OSANN, MAYER & HOLT
1090 VERMONT AVENUE, N.W.
SUITE 490
WASHINGTON, D.C. 20005
(202) 842-3771
CABLE: WOLFEHUB-WASH

June 19, 1984

Hon. Commissioner of Patents and Trademarks

Washington, D. C. 20231

Sir:

We enclose the papers, a filing fee check for $175.00 and five specimens of the mark sought to be registered in an application by Furst-McNess Company.

Very truly yours,

LEYDIG, VOIT, OSANN, MAYER & HOLT, Ltd.

By- Edward B. Holt

E.B.Holt/cp
Reg. No. 17091
Telephone 815-963-7661
Encls.

MC NESS (Cl. 32)

486953

INT. CL. 32
PRIOR US CL. 45

Furst-McNess Company
120 East Clark Street
Freeport, Illinois 61032

First Use: September 11, 1929
Use in Commerce: September 11, 1929

Soft Drink Mixes and Concentrates

MC NESS

Cana

Nutrition Facts

Serving Size 1 cup (240 mL)
Servings Per Container about 4 servings

Amount Per Serving	
Calories 70	Calories from Fat 5
	% Daily Value*
Total Fat 1g	1%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 1480mg	62%
Total Carbohydrate 13g	4%
Dietary Fiber 2g	9%
Sugars 7g	
Protein 2g	

Vitamin A 2% • Vitamin C 10%
Calcium 2% • Iron 4%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

SHAKE BEFORE USE
REFRIGERATE AFTER OPENING
NO PRESERVATIVES OR
STABILIZERS ADDED

Ingredients: water, tomato paste, Lea & Perrins Worcestershire Sauce, (vinegar, molasses, high fructose corn syrup, anchovies, water, onions, salt, garlic, tamarind extract, cloves, natural flavorings, chili pepper extract, hydrolyzed soy and corn protein), salt, concentrated lime juice, spice, extractives of celery and TABASCO® brand pepper pulp (distilled vinegar, red pepper, salt).

DISTRIBUTED BY
McILHENNY COMPANY,
AVERY ISLAND, LA 70513

0 11210 00021 6

100% juice
NON-ALCOHOLIC

SHAKE BEFORE USE

Mildly Seasoned

MADE IN U.S.A.
McILHENNY CO.
AVERY ISLAND LA.
TABASCO®
BRAND
TOMATO COCKTAIL

Bloody Mary Mix

32 fl oz (946 mL)

TABASCO® brand

Bloody Mary Mix

TABASCO® brand Pepper Sauce has been a key ingredient in the Bloody Mary since its creation in 1921 by a Parisian bartender named Fernand Petiot. Today, you can enjoy his original recipe with TABASCO® Bloody Mary Mix, a special blend of tomato concentrate, lime juice, Worcestershire sauce, and of course, TABASCO® Pepper Sauce.

DIRECTIONS:

FOR TOMATO COCKTAIL - Serve mix chilled or poured over ice. Ideal as an early morning pick-me-up.

FOR BLOODY MARYS - Add one part Vodka to 3 or 4 parts Bloody Mary Mix. Pour over ice and stir well.

Int. Cl.: 32

Prior U.S. Cl.: 45

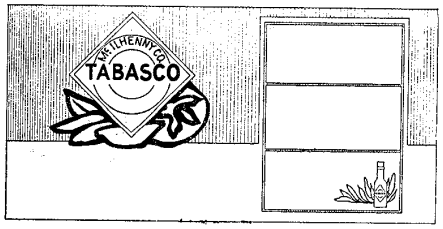
United States Patent Office

Reg. No. 1,087,431

Registered Mar. 14, 1978

TRADEMARK

Principal Register



McIlhenny Company (Maine corporation)
Avery Island, La.

For: NON-ALCOHOLIC BEVERAGE AND MIX FOR PREPARING COCKTAILS, in CLASS 32 (U.S. CL. 45).

First use Aug. 30, 1972; in commerce Aug. 30, 1972.

The drawing is lined for the color red but no claim is made to color.

Owner of Reg. Nos. 280,910, 960,263, and others.

Ser. No. 59,710, filed Aug. 6, 1975.

JOHN C. DEMOS, Supervisory Examiner

L. STRICKMAN, Examiner

Int. Cl.: 32

Prior U.S. Cl.: 45

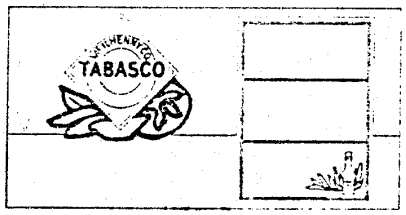
Reg. No. 1,087,431

United States Patent Office

Registered Mar. 14, 1978

TRADEMARK

Principal Register



McIlhenny Company (Maine corporation)
Avery Island, La.

For: NON-ALCOHOLIC BEVERAGE AND MIX FOR PREPARING COCKTAILS, in CLASS 32 (U.S. CL. 45).

First use Aug. 30, 1972; in commerce Aug. 30, 1972.

The drawing is lined for the color red but no claim is made to color.

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L. STRICKMAN, Examiner

Int. Cl.: 32

Prior U.S. Cl.: 45

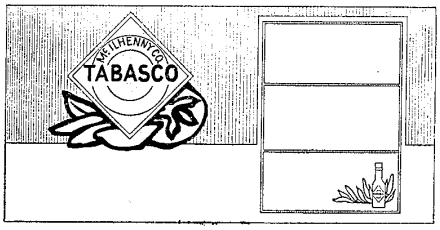
United States Patent Office

Reg. No. 1,087,431

Registered Mar. 14, 1978

TRADEMARK

Principal Register



McIlhenny Company (Maine corporation)
Avery Island, La.

For: NON-ALCOHOLIC BEVERAGE AND MIX FOR PREPARING COCKTAILS, in CLASS 32 (U.S. CL. 45).

First use Aug. 30, 1972; in commerce Aug. 30, 1972.

The drawing is lined for the color red but no claim is made to color.

Owner of Reg. Nos. 280,910, 960,263, and others.

Ser. No. 59,710, filed Aug. 6, 1975.

JOHN C. DEMOS, Supervisory Examiner

L. STRICKMAN, Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nov 23, 2011

NOTICE OF PUBLICATION

1. Serial No.:
   85-323,396

2. Mark:
   MACPELICAN'S
   (STANDARD CHARACTER MARK)

3. International Class(es):
   32

4. Publication Date:
   Dec 13, 2011

5. Applicant:
   Pacific City Brewing Company

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

sford@zmfiplaw.com

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, November 23, 2011 03:33 AM
To: sford@zmfiplaw.com
Subject: Official USPTO Notification of Notice of Publication: Serial Number 85323396

NOTIFICATION OF NOTICE OF PUBLICATION

Your trademark application (Serial No. 85323396) is scheduled to publish in the *Official Gazette*. To preview the Notice of Publication, which provides the upcoming "Publication Date," go to http://tdr.uspto.gov/search.action?sn=85323396. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85323396	FILING DATE	05/17/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LOOK, JEFFREY J	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	11/05/2011
PUB DATE	N/A
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE
STATUS DATE	11/04/2011
LITERAL MARK ELEMENT	MACPELICAN'S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	MACPELICAN'S

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Pacific City Brewing Company
ADDRESS	9005 Nestucca Ridge Road Pacific City, OR 97135
ENTITY	03-CORPORATION
CITIZENSHIP	Oregon

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer, ale and lager

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	06/01/1996	FIRST USE IN COMMERCE DATE	08/01/1999	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAC PELICAN'S

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/04/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	010
11/04/2011	ALIE	A	ASSIGNED TO LIE	009
10/11/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	008
09/01/2011	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	007
09/01/2011	GNSL	F	LETTER OF SUSPENSION E-MAILED	006
09/01/2011	CNSL	R	SUSPENSION LETTER WRITTEN	005
09/01/2011	DOCK	D	ASSIGNED TO EXAMINER	004
05/24/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
05/21/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002

05/20/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stuart J. Ford
CORRESPONDENCE ADDRESS	STUART J. FORD ZEMAN-MULLEN & FORD, LLP 233 WHITE SPAR RD PRESCOTT, AZ 86303-4235
DOMESTIC REPRESENTATIVE	NONE

MACPELICAN'S

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	85323396	FILING DATE	05/17/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LOOK, JEFFREY J	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	10/12/2011
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
STATUS DATE	10/11/2011
LITERAL MARK ELEMENT	MACPELICAN'S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	MACPELICAN'S

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Pacific City Brewing Company
ADDRESS	9005 Nestucca Ridge Road Pacific City, OR 97135
ENTITY	03-CORPORATION
CITIZENSHIP	Oregon

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer, ale and lager

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INTERNATIONAL CLASS	032	FIRST USE DATE	06/01/1996	FIRST USE IN COMMERCE DATE	08/01/1999	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAC PELICAN'S

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/11/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	008
09/01/2011	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	007
09/01/2011	GNSL	F	LETTER OF SUSPENSION E-MAILED	006
09/01/2011	CNSL	R	SUSPENSION LETTER WRITTEN	005
09/01/2011	DOCK	D	ASSIGNED TO EXAMINER	004
05/24/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
05/21/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/20/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION	
ATTORNEY	Stuart J. Ford
CORRESPONDENCE ADDRESS	STUART J. FORD ZEMAN-MULLEN & FORD, LLP 233 WHITE SPAR RD PRESCOTT, AZ 86303-4235
DOMESTIC REPRESENTATIVE	NONE

MACPELICAN'S

To:	Pacific City Brewing Company (sford@zmfiplaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85323396 - MACPELICAN'S - N/A
Sent:	9/1/2011 4:52:45 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2

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

APPLICATION SERIAL NO. 85323396

MARK: MACPELICAN'S

85323396

CORRESPONDENT ADDRESS:
STUART J. FORD
ZEMAN-MULLEN & FORD, LLP
233 WHITE SPAR RD
PRESCOTT, AZ 86303-4235

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/trademarks/index.jsp

APPLICANT: Pacific City Brewing Company

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
sford@zmfiplaw.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 9/1/2011

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at http://teasroa.uspto.gov/rsi/rsi.

PRIOR-FILED PENDING APPLICATION(S) FOUND: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark(s) in a prior-filed pending application(s) may present a bar to registration of applicant's mark.

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 85195982

/jeffreyjlook/
Jeffrey J Look
Trademark Examining Attorney
Law Office 108
Ph: 571-272-1652
Email: jeffrey.look@uspto.gov

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/trademarks/teas/correspondence.jsp.

DESIGN MARK

Serial Number
85195982

Status
NON-FINAL ACTION - MAILED

Word Mark
PELICAN BRANDS

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Pelican Brands, LLC LIMITED LIABILITY COMPANY INDIANA
www.pelican-brands.com 11555 N. Meridian Street, Suite 301 Carmel
INDIANA 46032

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beer.

Goods/Services
Class Status -- ACTIVE. IC 033. US 047 049. G & S: Distilled Spirits; Wine.

Description of Mark
The mark consists of green blue word Pelican with darker green blue grey word Brands also a picture of a Pelican bird in dark green bluish grey.

Colors Claimed
The color(s) green blue, dark green bluish grey is/are claimed as a feature of the mark.

Filing Date
2010/12/12

Examining Attorney
MARTIN, LIEF

pelicanbrands

To:	Pacific City Brewing Company (sford@zmfiplaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85323396 - MACPELICAN'S - N/A
Sent:	9/1/2011 4:52:49 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 9/1/2011 FOR SERIAL NO. 85323396

Please follow the instructions below:

TO READ OFFICE LETTER: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office letter

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

HELP: For *technical* assistance in accessing the Office correspondence, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office letter.

*** User:jlook ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	15034	N/A	0	0	0:03	*p{"iey"}l*[bi,ti]
02	340933	N/A	0	0	0:11	*{"ckqx"}{v}n*[bi,ti]
03	1181	N/A	0	0	0:01	1 and 2
04	468	N/A	0	0	0:04	3 not dead[ld]
05	188	0	188	165	0:04	4 and 029[cc]
06	9253	N/A	0	0	0:01	*pub*[bi,ti]
07	5394	N/A	0	0	0:02	*brew*[bi,ti]
08	113	73	40	39	0:01	6 and 7
09	4550	N/A	0	0	0:02	*pa{"szc"}{"iey"}f{"iey"}{"ckqx"}*[bi,ti] *pa{"szc"}{"iey"}ph{"iey"}{"ckqx"}*[bi,ti]
10	728	N/A	0	0	0:01	*oregon*[bi,ti]
11	10	2	8	8	0:01	9 and 10
12	515	N/A	0	0	0:08	(9 10) and (029 030 a b 200)[ic]
13	218	0	218	150	0:03	12 not dead[ld]
14	19206	N/A	0	0	0:02	*cit{"iey"}*[bi,ti]
15	4420	N/A	0	0	0:02	*{"ckqx"}oast*[bi,ti]
16	12	7	5	5	0:01	14 and 15
17	158	N/A	0	0	0:01	(14 15) and (9 10)
18	59	0	59	41	0:04	17 not dead[ld]
19	5906	N/A	0	0	0:01	(6 7) not dead[ld]
20	369	0	369	300	0:03	19 and (029 030 a b 200)[ic]
21	1212	N/A	0	0	0:01	031509[dc]
22	394	N/A	0	0	0:04	21 not dead[ld]
23	157	0	17	157	0:03	22 and 029[cc]
24	62956	N/A	0	0	0:02	*ma{"ckqx"}*[bi,ti]
25	18373	N/A	0	0	0:01	*mc*[bi,ti]
26	12	9	3	3	0:01	3 and (24 25)
27	4563	N/A	0	0	0:02	*nd{"iey"}a*[bi,ti]
28	4	2	2	2	0:01	3 and 27
29	1815	N/A	0	0	0:03	27 not dead[ld]
30	145	0	145	118	0:04	29 and (032 a b 200)[ic]

Session started 9/1/2011 11:13:08 AM

Session finished 9/1/2011 12:00:51 PM

Total search duration 1 minutes 18 seconds

Session duration 47 minutes 43 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85323396

From: TMDesignCodeComments
Sent: Tuesday, May 24, 2011 00:16 AM
To: sford@zmfiplaw.com
Subject: Notice of Pseudo Mark for Serial Number: 85323396

ATTORNEY REFERENCE NUMBER:

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

MAC PELICAN'S

MACPELICAN'S


PELICAN
PUB & BREWERY
MacPelican's
Scottish Style Ale
1 Pint 6 Fluid Ounces

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85323396
Filing Date: 05/17/2011

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	**YES**
MARK INFORMATION	
***MARK**	MACPELICAN'S
***STANDARD CHARACTERS**	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MACPELICAN'S
***MARK STATEMENT**	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Pacific City Brewing Company
***STREET**	9005 Nestucca Ridge Road
***CITY**	Pacific City
***STATE (Required for U.S. applicants)**	Oregon
***COUNTRY**	United States
***ZIP/POSTAL CODE (Required for U.S. applicants only)**	97135

PHONE	(503) 965-3699
EMAIL ADDRESS	gordon@pelicanbrewery.com
LEGAL ENTITY INFORMATION	
***TYPE**	CORPORATION
*** STATE/COUNTRY OF INCORPORATION**	Oregon
GOODS AND/OR SERVICES AND BASIS INFORMATION	
***INTERNATIONAL CLASS**	032
IDENTIFICATION	Beer, ale and lager
***FILING BASIS**	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1996
FIRST USE IN COMMERCE DATE	At least as early as 08/01/1999
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-762723434-203937133_._scottishale-glass-together.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\853\233\85323396\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Label on beer bottle
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Stuart J. Ford

FIRM NAME	Zeman-Mullen & Ford, LLP
STREET	233 White Spar Road
CITY	Prescott
STATE	Arizona
COUNTRY	United States
ZIP/POSTAL CODE	86303
PHONE	(928) 776-1516
FAX	(928) 776-1521
EMAIL ADDRESS	sford@zmfiplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Laura J. Zeman-Mullen
CORRESPONDENCE INFORMATION	
***NAME**	Stuart J. Ford
FIRM NAME	Zeman-Mullen & Ford, LLP
***STREET**	233 White Spar Road
***CITY**	Prescott
***STATE (Required for U.S. applicants)**	Arizona
***COUNTRY**	United States
***ZIP/POSTAL CODE**	86303
PHONE	(928) 776-1516
FAX	(928) 776-1521
***EMAIL ADDRESS**	sford@zmfiplaw.com
***AUTHORIZED TO COMMUNICATE VIA EMAIL**	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
***TOTAL FEE PAID**	275

SIGNATURE INFORMATION	
* SIGNATURE	/S. J. Ford/
* SIGNATORY'S NAME	Stuart J. Ford
* SIGNATORY'S POSITION	Attorney of record, Oregon bar member
* DATE SIGNED	05/17/2011

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85323396
Filing Date: 05/17/2011

To the Commissioner for Trademarks:

MARK: MACPELICAN'S (Standard Characters, see mark)
The literal element of the mark consists of MACPELICAN'S.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Pacific City Brewing Company, a corporation of Oregon, having an address of
9005 Nestucca Ridge Road
Pacific City, Oregon 97135
United States
requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.
International Class 032: Beer, ale and lager

In International Class 032, the mark was first used at least as early as 06/01/1996, and first used in commerce at least as early as 08/01/1999, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Label on beer bottle.

Original PDF file:
spec-762723434-203937133_._scottishale-glass-together.pdf
Converted PDF file(s) (1 page)
Specimen File1

The applicant's current Attorney Information:
Stuart J. Ford and Laura J. Zeman-Mullen of Zeman-Mullen & Ford, LLP
233 White Spar Road
Prescott, Arizona 86303
United States

The applicant's current Correspondence Information:

Stuart J. Ford
Zeman-Mullen & Ford, LLP
233 White Spar Road
Prescott, Arizona 86303
(928) 776-1516(phone)
(928) 776-1521(fax)
sford@zmfiplaw.com (authorized)

A fee payment in the amount of $275 has been submitted with the application, representing payment for 1 class(es).

Declaration

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

Signature: /S. J. Ford/ Date Signed: 05/17/2011
Signatory's Name: Stuart J. Ford
Signatory's Position: Attorney of record, Oregon bar member

RAM Sale Number: 6054
RAM Accounting Date: 05/18/2011

Serial Number: 85323396
Internet Transmission Date: Tue May 17 20:49:12 EDT 2011
TEAS Stamp: USPTO/FTK-76.27.234.34-20110517204912480
071-85323396-48062518e35291837807aa1b5e6
e0ede715-CC-6054-20110517203937133314

MACPELICAN'S


PELICAN
PUB & BREWERY
MacPelican's
Scottish Style Ale
1 Pint 6 Fluid Ounces

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Oct 12, 2011

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
   79/101,995

2. Mark:
   MC
   (Stylized)

3. International Class(es):
   29, 30, 32, 35, 43

4. Publication Date:
   Nov 1, 2011

5. Applicant:
   KABUSHIKI KAISHA DONQ (doing business as

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

Tokkyo Gyomu Hojin; ARCO TOKKYO JIMUSHO
Bo-eki Bldg., 123-1 Higashi-machi,
Chuo-ku, Kobe-shi
Hyogo 650-0031

TMP&I

JAPAN

FILING RECEIPT FOR TRADEMARK APPLICATION

Sep 27, 2011

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at http://tarr.uspto.gov/ or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at http://www.uspto.gov/.

Tokkyo Gyomu Hojin; ARCO TOKKYO JIMUSHO
Bo-eki Bldg., 123-1 Higashi-machi,
Chuo-ku, Kobe-shi
Hyogo 650-0031
JAPAN

ATTORNEY REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling.receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER:	79/101995
FILING DATE:	Oct 20, 2010
REGISTER:	Principal
MARK:	MC
MARK TYPE(S):	Trademark; Service Mark
DRAWING TYPE:	Stylized words, letters, or numbers
FILING BASIS:	Sect. 66(a)(Madrid Protocol)

OWNER: KABUSHIKI KAISHA DONQ (doing business as Donq Co., Ltd.) (JAPAN, Corporation)
10-19, Sannomiya-cho
2-chome, Chuo-ku,; Kobe-shi; Hyogo 650-0021
, JAPAN

FOR: Edible oils and fats; margarine; olive oil for food; milk products namely, milk, cream, cheese, lactic acid drinks, butter, condensed milk; processed meat products, namely croquettes, sausages, canned cooked meat, bottled cooked meat, ham, bacon; processed vegetables and fruits, namely jams, peanut butter, ground almonds, marmalade, vegetable juices for cooking; instant or pre-cooked curry, stew and soup mixes
INT. CLASS: 029
FIRST USE: NONE USE IN COMMERCE: NONE

FOR: Cube sugar; fructose for food; crystal sugar, not confectionery; sugar; maltose for food; honey for food; glucose for food; powdered starch syrup for food; starch syrup for food; unroasted coffee, unprocessed; cereal preparations, namely oat flakes, oatmeal, corn flakes, spaghetti, uncooked Chinese noodles, bread crumb, macaronis; sandwiches; steamed buns stuffed with minced meat (niku-manjuh); hamburgers sandwiches; pizzas; prepared boxed lunch meals containing meat and vegetables with the addition of rice and pasta; hot dogs sandwiches; meat pies; ravioli; confectionery, namely cakes, petit fours, pies, tarts, cookies, biscuits, crackers, waffles, pancakes, fruit jellies, puddings, frozen yoghurt, sherbets, ice cream, pastries, doughnuts, rusks; bread and buns; croissants; tea; coffee and cocoa
INT. CLASS: 030
FIRST USE: NONE USE IN COMMERCE: NONE

FOR: Non-alcoholic beverages, namely carbonated beverages, non-alcoholic fruit juice beverages, vegetable juices, whey beverages
INT. CLASS: 032
FIRST USE: NONE USE IN COMMERCE: NONE

FOR: Wholesale and retail store services and online wholesale and retail store services for bags and pouches; wholesale and

retail store services and online wholesale and retail store services for personal articles, namely towels, handkerchiefs, hand-held flat fans, hand-held folding fans; wholesale and retail store services and online wholesale and retail store services for foods and beverages; wholesale and retail store services and online wholesale and retail store services for bladed or pointed hand tools, hand-operated, namely kitchen knives, pairing knives, scissors, hardware namely nails, bolts of metal, nails of metal; wholesale and retail store services and online wholesale and retail store services for kitchen equipment, namely ice pails, non-electric whisks, forks, spoons, table knives, non-electric can openers, pot stands, bottle openers, non-electric cooking pots and pans, non-electric coffee pots, tablewares; wholesale and retail store services and online wholesale and retail store services for cleaning tools and washing utensils, namely washing brushes, buckets; wholesale and retail store services and online wholesale and retail store services for electrical machinery and apparatuses namely electric toaster ovens for household purposes, electric cooking ovens for household purposes; wholesale and retail store services and online wholesale and retail store services for printed materials
INT. CLASS: 035
FIRST USE: NONE USE IN COMMERCE: NONE

FOR: Providing foods and beverages
INT. CLASS: 043
FIRST USE: NONE USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

COLOR(S) CLAIMED: Color is not claimed as a feature of the mark.

INTERNATIONAL OR FOREIGN REGISTRATION DATA

INTERNATIONAL REG. NUMBER: 1011318

Note on representation: An attorney who is a member in good standing of the bar of the highest court of any U.S. state may practice before the USPTO in trademark matters. See http://tess2.uspto.gov/tmdb/tmep/0600.htm#_T60206 for more information on foreign attorneys and persons who may practice before the Office.

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	79101995	FILING DATE	10/20/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	1011318	INTL REG DATE	04/01/2009
TM ATTORNEY	SHOSHO II, ERNEST	L.O. ASSIGNED	M80-NOT FOUND

PUB INFORMATION

RUN DATE	09/23/2011
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
STATUS DATE	09/22/2011
LITERAL MARK ELEMENT	MC

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	MC

MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	KABUSHIKI KAISHA DONQ (doing business as Donq Co., Ltd.)
ADDRESS	10-19, Sannomiya-cho 2-chome, Chuo-ku,; Kobe-shi; Hyogo 650-0021
ENTITY	03-CORPORATION
CITIZENSHIP	Japan

GOODS AND SERVICES

INTERNATIONAL CLASS	029
DESCRIPTION TEXT	Edible oils and fats; margarine; olive oil for food; milk products namely, milk, cream, cheese, lactic acid drinks, butter, condensed milk; processed meat products, namely croquettes, sausages, canned cooked meat, bottled cooked meat, ham, bacon; processed vegetables and fruits, namely jams, peanut butter, ground almonds, marmalade, vegetable juices for cooking; instant or pre-cooked curry, stew and soup mixes

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Cube sugar; fructose for food; crystal sugar, not confectionery; sugar; maltose for food; honey for food; glucose for food; powdered starch syrup for food; starch syrup for food; unroasted coffee, unprocessed; cereal preparations, namely oat flakes, oatmeal, corn flakes, spaghetti, uncooked Chinese noodles, bread crumb, macaronis; sandwiches; steamed buns stuffed with minced meat (niku-manjuh); hamburgers sandwiches; pizzas; prepared boxed lunch meals containing meat and vegetables with the addition of rice and pasta; hot dogs sandwiches; meat pies; ravioli; confectionery, namely cakes, petit fours, pies, tarts, cookies, biscuits, crackers, waffles, pancakes, fruit jellies, puddings, frozen yoghurt, sherbets, ice cream, pastries, doughnuts, rusks; bread and buns; croissants; tea; coffee and cocoa

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Non-alcoholic beverages, namely carbonated beverages, non-alcoholic fruit juice beverages, vegetable juices, whey beverages

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Wholesale and retail store services and online wholesale and retail store services for bags and pouches; wholesale and retail store services and online wholesale and retail store services for personal articles, namely towels, handkerchiefs, hand-held flat fans, hand-held folding fans; wholesale and

	retail store services and online wholesale and retail store services for foods and beverages; wholesale and retail store services and online wholesale and retail store services for bladed or pointed hand tools, hand-operated, namely kitchen knives, pairing knives, scissors, hardware namely nails, bolts of metal, nails of metal; wholesale and retail store services and online wholesale and retail store services for kitchen equipment, namely ice pails, non-electric whisks, forks, spoons, table knives, non-electric can openers, pot stands, bottle openers, non-electric cooking pots and pans, non-electric coffee pots, tablewares; wholesale and retail store services and online wholesale and retail store services for cleaning tools and washing utensils, namely washing brushes, buckets; wholesale and retail store services and online wholesale and retail store services for electrical machinery and apparatuses namely electric toaster ovens for household purposes, electric cooking ovens for household purposes; wholesale and retail store services and online wholesale and retail store services for printed materials
INTERNATIONAL CLASS	043
DESCRIPTION TEXT	Providing foods and beverages

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	029	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	030	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	043	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.

SECTION 66A INTERNATIONAL REGISTRATION DATA

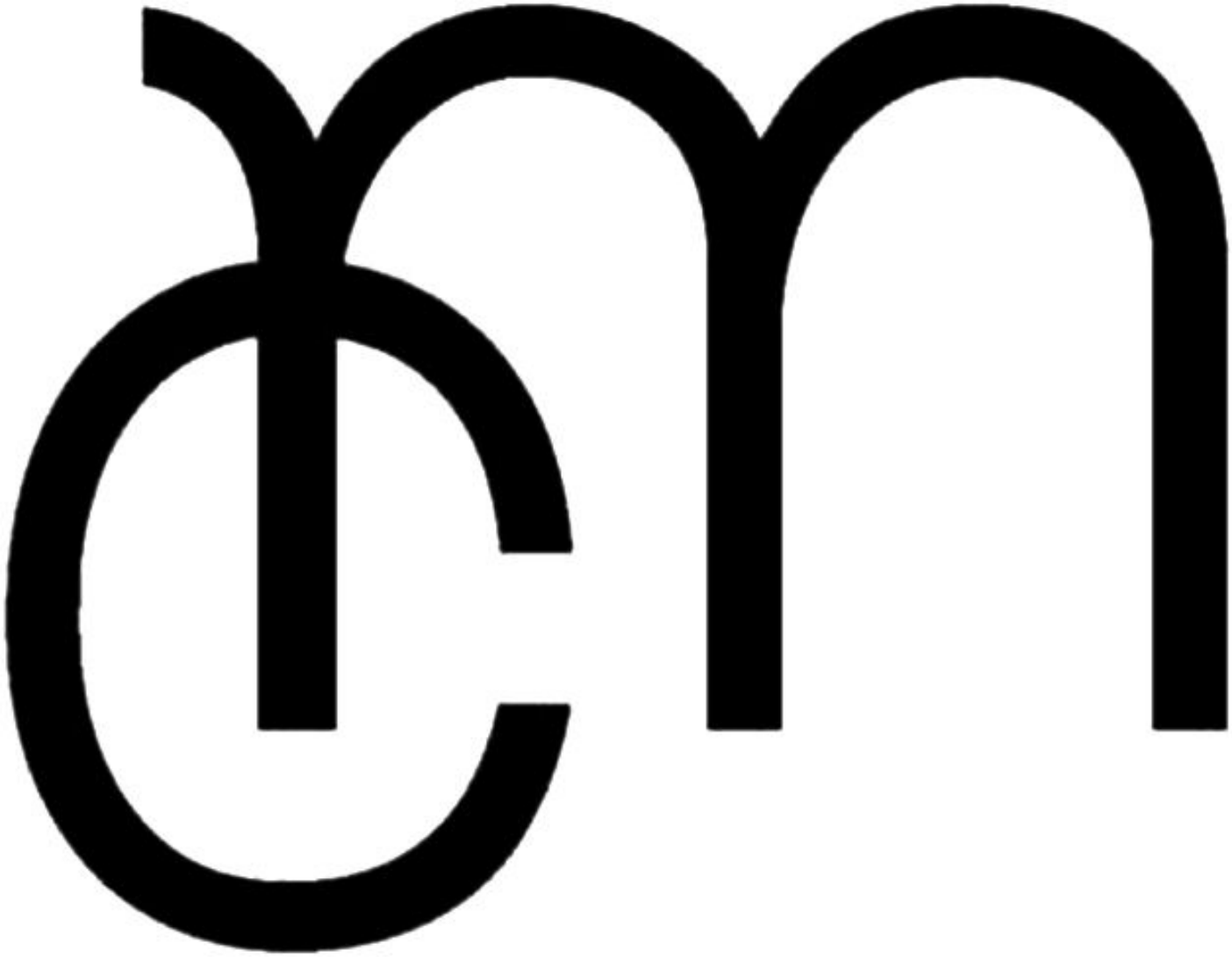
INTL REG #	1011318
INTL REG DATE	04/01/2009
PRIORITY CLMD	NO
PRIOR CLMD DATE	N/A
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	09/16/2011
AUTO PROTECTION DATE	03/15/2013
INTL RENEWAL DATE	01/05/2020
INTL REG DEATH DATE	N/A
FIRST REFUSAL	NO

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/22/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	005
09/21/2011	DOCK	D	ASSIGNED TO EXAMINER	004
09/21/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	003
09/19/2011	LIMI	I	LIMITATION FROM ORIGINAL APPLICATION ENTERED	002
09/16/2011	SDRC	M	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	Tokkyo Gyomu Hojin; ARCO TOKKYO JIMUSHO Bo-eki Bldg., 123-1 Higashi-machi, Chuo-ku, Kobe-shi Hyogo 650-0031 JAPAN
DOMESTIC REPRESENTATIVE	NONE



*** User:eshosho ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	79101995[SN]
02	18415	N/A	0	0	0:01	*mc*[bi,ti]
03	10301	N/A	0	0	0:04	2 and ("029" "030" "032" "035" "043")[cc]
04	3094	N/A	0	0	0:04	2 and ("029" "030" "032" "035" "043" "a" "b" "200")[ic]
05	1785	N/A	0	0	0:02	mc[bi,ti]
06	928	N/A	0	0	0:01	5 and ("029" "030" "032" "035" "043")[cc]
07	429	N/A	0	0	0:03	5 and ("029" "030" "032" "035" "043" "a" "b" "200")[ic]
08	285	197	88	73	P/0:01	mc[fm]
09	248	N/A	0	0	0:01	8 not 7

Session started 9/22/2011 4:20:39 PM

Session finished 9/22/2011 4:23:15 PM

Total search duration 0 minutes 19 seconds

Session duration 2 minutes 36 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 79101995

REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79101995

FILING DATE: 10/20/2010

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
IMAGE	\\TICRS\EXPORT11\IMAGEOUT11\791\019\79101995\xml1\APP0002.JPG
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	NO
MARK IN COLOR	NO
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
TM IMAGE: COLOR	Grey Scale
IMAGE FILE NAME	\\TICRS\EXPORT11\IMAGEOUT11\791\019\79101995\xml1\APP0002.JPG
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	mc
HOLDER DETAILS	
CLIENT IDENTIFIER	695604
NOTIFICATION LANGUAGE	ENGLISH
NAME	KABUSHIKI KAISHA DONQ
	(doing business as Donq Co., Ltd.)
ADDRESS	10-19, Sannomiya-cho,
	2-chome, Chuo-ku,
	Kobe-shi
	Hyogo 650-0021
COUNTRY	Japan
ENTITLEMENT NATIONALITY OF APPLICANT/TRANSFEREE/HOLDER	Japan
LEGAL NATURE	Corporation
LEGAL NATURE: PLACE INCORPORATED	Japan
CORRESPONDENCE INDICATOR	YES
LIMITATION DETAILS	
DESIGNATED CONTRACTING PARTY CODE	United States of America
GOODS AND SERVICES LIMITED TO	29
GOODS AND SERVICES LIMITED TO	Edible oils and fats; margarine; olive oil for food; milk products namely, milk, cream, cheese, lactic acid drinks, butter, condensed milk; processed meat products, namely croquettes, sausages, canned cooked meat, bottled cooked meat, ham, bacon; processed vegetables and fruits, namely jams, peanut butter, ground almonds, marmalade, vegetable juices for cooking; instant or pre-cooked curry, stew and soup mixes.
GOODS AND SERVICES LIMITED TO	30

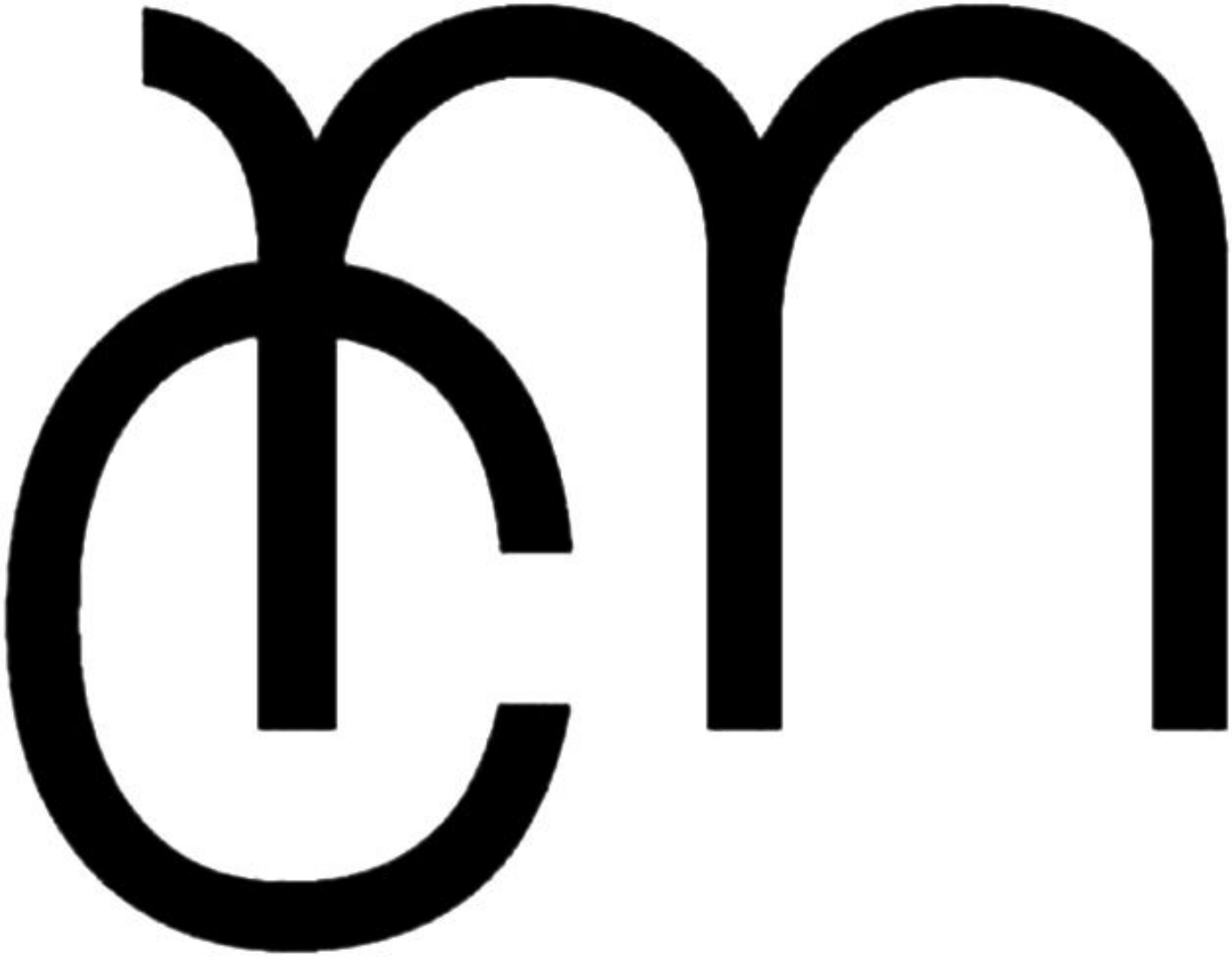
GOODS AND SERVICES LIMITED TO	Cube sugar; fructose for food; crystal sugar, not confectionery; sugar; maltose for food; honey for food; glucose for food; powdered starch syrup for food; starch syrup for food; unroasted coffee, unprocessed; cereal preparations, namely oat flakes, oatmeal, corn flakes, spaghetti, uncooked Chinese noodles, bread crumb, macaronis; sandwiches; steamed buns stuffed with minced meat (niku-manjuh); hamburgers sandwiches; pizzas; prepared boxed lunch meals containing meat and vegetables with the addition of rice and pasta; hot dogs sandwiches; meat pies; ravioli; confectionery, namely cakes, petit fours, pies, tarts, cookies, biscuits, crackers, waffles, pancakes, fruit jellies, puddings, frozen yoghurt, sherbets, ice cream, pastries, doughnuts, rusks; bread and buns; croissants; tea; coffee and cocoa.
GOODS AND SERVICES LIMITED TO	32
GOODS AND SERVICES LIMITED TO	Non-alcoholic beverages, namely carbonated beverages, non-alcoholic fruit juice beverages, vegetable juices, whey beverages.
GOODS AND SERVICES LIMITED TO	35
GOODS AND SERVICES LIMITED TO	Wholesale and retail store services and online wholesale and retail store services for bags and pouches; wholesale and retail store services and online wholesale and retail store services for personal articles, namely towels, handkerchiefs, hand-held flat fans, hand-held folding fans; wholesale and retail store services and online wholesale and retail store services for foods and beverages; wholesale and retail store services and online wholesale and retail store services for bladed or pointed hand tools, hand-operated, namely kitchen knives, pairing knives, scissors, hardware namely nails, bolts of metal, nails of metal; wholesale and retail store services and online wholesale and retail store services for kitchen equipment, namely ice pails, non-electric whisks, forks, spoons, table knives, non-electric can openers, pot stands, bottle openers, non-electric cooking pots and pans, non-electric coffee pots, tablewares; wholesale and retail store services and online wholesale and retail store services for cleaning tools and washing utensils, namely washing brushes, buckets; wholesale and retail store services and online wholesale and retail store services for electrical machinery and apparatuses namely electric toaster ovens for household purposes, electric cooking ovens for household purposes; wholesale and retail store services and online wholesale and retail store services for printed materials.
GOODS AND SERVICES LIMITED TO	43
GOODS AND SERVICES LIMITED TO	Providing foods and beverages.

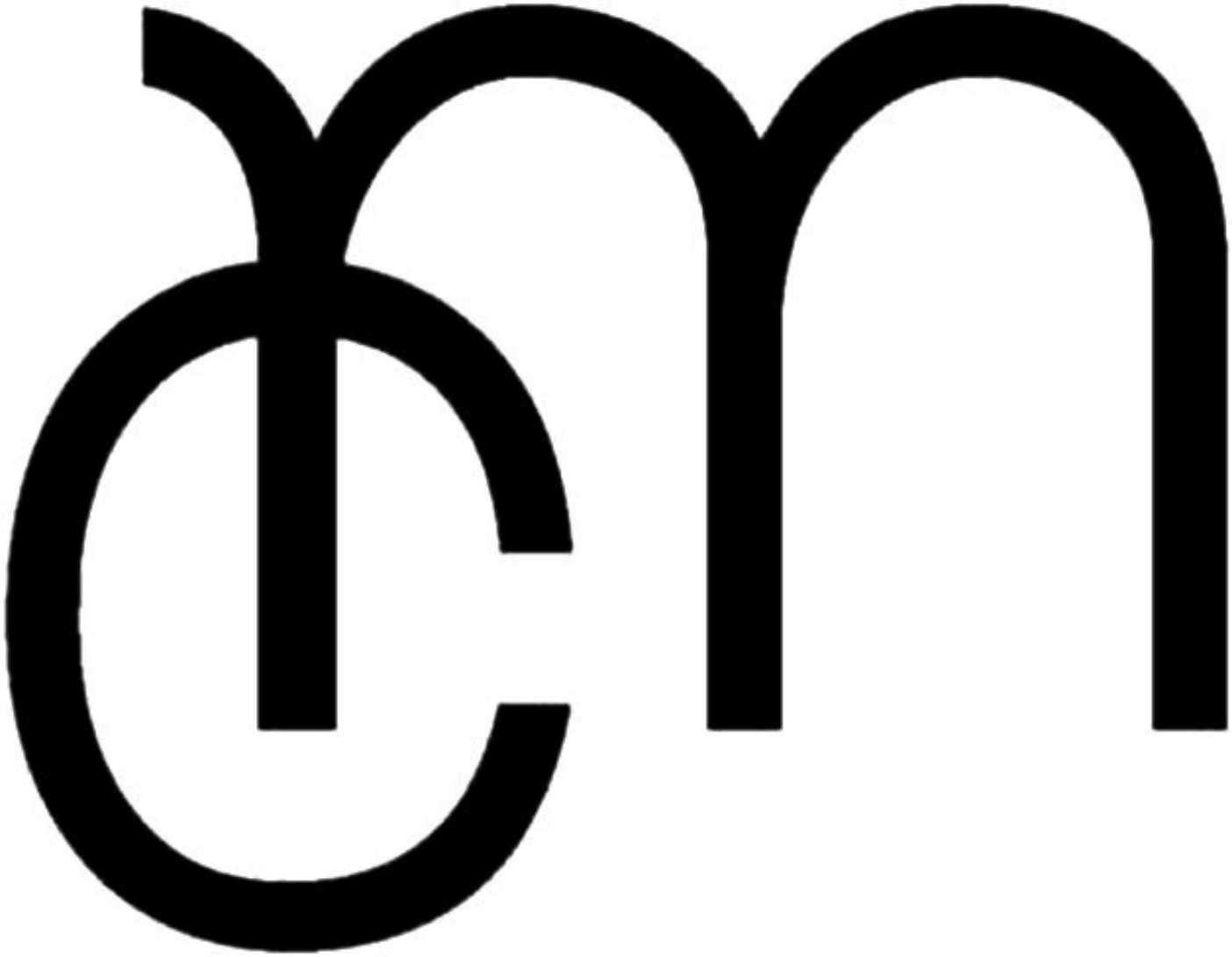
BASIC GOODS AND SERVICES

VERSION OF NICE CLASSIFICATION USED	9
NICE CLASSIFICATION	29
GOODS AND SERVICES	Edible oils and fats; milk products, namely milk, cream (milk products), cheese, lactic acid drinks, butter, condensed milk; processed meat products, namely croquettes, sausages, canned cooked meat, bottled cooked meat, ham, bacon; processed seafood, namely smoked fisheries products, canned fisheries products, bottled fisheries products; processed vegetables and fruits, jams, peanut butter, ground almonds, marmalade, vegetable juices for cooking; curry, stew and soup mixes.
NICE CLASSIFICATION	30
GOODS AND SERVICES	Cube sugar; fructose (for food); crystal sugar (not confectionery); sugar; maltose (for food); honey (for food); glucose (for food); powdered starch syrup (for food); starch syrup (for food); unroasted coffee (unprocessed); cereal preparations; sandwiches; steamed buns stuffed with minced meat (niku-manjuh); hamburgers (sandwiches); pizzas; boxed lunches consisting of rice and pasta with the addition of meat and vegetables; hot dogs (sandwiches); meat pies; ravioli; confectionery, cakes, petit fours (cakes), pies, tarts, cookies, biscuits, crackers, waffles, pancakes, fruit jellies, puddings, frozen yoghurt, sherbets, ice cream, pastries, bread and buns; tea; coffee and cocoa.
NICE CLASSIFICATION	32
GOODS AND SERVICES	Carbonated drinks (refreshing beverages); non-alcoholic fruit juice beverages; whey beverages; vegetable juices (beverages).
NICE CLASSIFICATION	35
	Retail services or wholesale services for woven fabrics and beddings; retail services or wholesale services for clothing; retail services or wholesale services for footwear; retail services or wholesale services for bags and pouches; retail services or wholesale services for personal articles, namely towels, handkerchiefs, hand-held fans and folding fans, garters, belts for clothing, suspenders, armbands, personal ornaments, badges for wear and buckles for wear, hair ornaments, cuff links, buttons, false nails and false eyelashes,

GOODS AND SERVICES	shaving cases, pedicure sets manicure sets, ear picks, vanity cases (not fitted), cosmetic and toilet utensils (other than "electric toothbrushes"), umbrellas and parasols, walking sticks and canes; retail services or wholesale services for food and beverages; retail services or wholesale services for bladed or pointed hand tools, hand tools, hand ware; retail services or wholesale services for kitchen equipment, cleaning tools and washing utensils; retail services or wholesale services for electrical machinery and apparatuses; retail services or wholesale services for printed matter.
NICE CLASSIFICATION	43
GOODS AND SERVICES	Providing food and beverages.
PARIS PRIORITY DETAILS	
PARIS PRIORITY CODE:	Japan
PARIS PRIORITY APPLICATION NUMBER	2008-085804
PARIS PRIORITY APPLICATION DATE	10/22/2008
BASE REGISTRATION DETAILS	
BASE APPLICATION NUMBER	2008-085804
BASE APPLICATION DATE	10/22/2008
REPRESENTATIVE DETAILS	
CLIENT IDENTIFIER	614742
NAME	Tokkyo Gyomu Hojin ARCO TOKKYO JIMUSHO (Patent Corporate Body ARCO PATENT OFFICE)
ADDRESS	Bo-eki Bldg., 123-1 Higashi-machi, Chuo-ku, Kobe-shi Hyogo 650-0031
COUNTRY	Japan
INTENT TO USE GROUP	
CONTRACTING PARTY CODE	United States of America
DESIGNATIONS	
DESIGNATIONS UNDER THE PROTOCOL	United States of America
INTERNATIONAL REGISTRATION DETAILS	
INTERNATIONAL REGISTRATION NUMBER	1011318
INTERNATIONAL REGISTRATION DATE OF MARK	04/01/2009
INTERNATIONAL REGISTRATION EXPIRY DATE	04/01/2019
EFFECTIVE DATE OF MODIFICATION	10/20/2010
NOTIFICATION DATE	09/15/2011
DATE OF RECORDAL IN INTERNATIONAL REGISTER	08/30/2011
IB DOCUMENT ID	571556801
OFFICE OF ORIGIN CODE	Japan
OFFICE REFERENCE	79101995
TRANSACTION TYPE VALUES	Subsequent Designation
ORIGINAL LANGUAGE	ENGLISH
INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED	Protocol

HOLDER REFERENCE	2008T567MPC-US
DURATION OF MARK (YEARS)	10
VIENNA CLASSIFICATION VERSION USED	6
VIENNA CLASS	2705





fuddy-duddy

Popularity

fud·dy–dud·dy **noun** \ˈfə-dē-ˌdə-dē\

plural **fud·dy–dud·dies**

Definition of FUDDY-DUDDY

: one that is old-fashioned, unimaginative, or conservative

— **fuddy–duddy** *adjective*

See fuddy–duddy defined for English-language learners »

See fuddy-duddy defined for kids »

Origin of FUDDY-DUDDY

origin unknown

First Known Use: circa 1904

Related to FUDDY-DUDDY

Synonyms: antediluvian, Colonel Blimp, dodo, fossil, fud, fuddy-duddy, mossback, reactionary, stick-in-the-mud, stuffed shirt

Antonyms: hipster, modern, trendy

[+] more

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Previous Word in the Dictionary: fuddler
All Words Near: fuddy-duddy

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