

ESTTA Tracking number: **ESTTA586881**

Filing date: **02/12/2014**

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

Notice of Opposition

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

Opposer Information

Name	Standard International Management, LLC
Granted to Date of previous extension	02/12/2014
Address	23 East 4th Street 5th Floor New York City, NY 10003 UNITED STATES

Attorney information	Michelle M. Mikol BRINKS GILSON & LIONE P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinksgilson.com, mmikol@brinksgilson.com, mmillas@brinksgilson.com
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Applicant Information

Application No	85932760	Publication date	10/15/2013
Opposition Filing Date	02/12/2014	Opposition Period Ends	02/12/2014
Applicant	Established Burger LLC 601 West 26th Street, Suite 1245 New York, NY 10001 NY		

Goods/Services Affected by Opposition

Class 043. First Use: 2013/02/06 First Use In Commerce: 2013/02/06 All goods and services in the class are opposed, namely: Restaurant services, including sit-downservice of food and drinks and take-outrestaurant services and offsite delivery

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2293007	Application Date	03/14/1996
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	STANDARD		

Design Mark	STANDARD
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/10/30 First Use In Commerce: 1998/10/30 T-shirts, headwear, [dresses,] jackets, sweatshirts, robes and shoes Class 042. First use: First Use: 1998/10/30 First Use In Commerce: 1998/10/30 hotel, restaurant, bar, cafe, cocktail lounge, providing banquet and social function facilities for special occasions, catering, barbershop and beauty salon services, personal valet and parking valetservices, providing meeting and convention room facilities, providing motion picture screening room facilities and computer and on-line access facilities

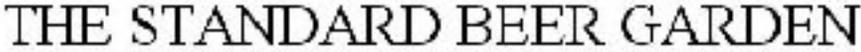
U.S. Registration No.	2272545	Application Date	03/14/1996
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	THE STANDARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/10/30 First Use In Commerce: 1998/10/30 T-shirts, headwear, [dresses,] jackets, sweatshirts, robes and shoes Class 042. First use: First Use: 1998/10/30 First Use In Commerce: 1998/10/30 hotel, restaurant, bar, cafe, cocktail lounge, providing banquet and social function facilities for special occasions, catering, barbershop and beauty salon services, personal valet and parking valetservices, providing meeting and convention room facilities, providing motion picture screening room facilities and computer and on-line access facilities		

U.S. Registration No.	3830438	Application Date	07/01/2009
Registration Date	08/10/2010	Foreign Priority Date	NONE
Word Mark	THE STANDARD		
Design Mark			
Description of Mark	The mark consists of the words "The Standard" printed within a rectangular box and in an upside down orientation with respect to any other text material appearing adjacent thereto.		
Goods/Services	Class 016. First use: First Use: 2008/12/31 First Use In Commerce: 2008/12/31 Paper goods and printed matter, namely, memo pads, pens and pencils; leather		

	<p>book ends, leather memo pad holders, leather pen and pencil cases and leather deskpads</p> <p>Class 018. First use: First Use: 2008/12/31 First Use In Commerce: 2008/12/31 Leather goods, namely, leather handbags, leather backpacks, leather luggage, leather cosmetic cases sold empty; leathercases for use in holding business, credit and smart cards, electronic room keys, memo pads, and pens and pencils, all together in one unit</p> <p>Class 025. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Wearing apparel, namely, T-shirts, men's and women's underwear, headwear, jackets, sweatshirts, robes, shoes, bathing suits and jeans</p> <p>Class 037. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Personal valet services to hotel guests, namely, laundry services</p> <p>Class 038. First use: First Use: 2000/01/31 First Use In Commerce: 2000/01/31 Providing Internet access; computer services, namely, providing on-line facilities for real-time interaction with othercomputer users concerning topics of general interest</p> <p>Class 039. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Parking valet services</p> <p>Class 041. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Providing meeting and convention room facilitates for educational conventions</p> <p>Class 043. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Hotel, restaurant, bar, cafe, cocktail lounge services; providing banquet and social function facilities for special occasions; catering services, and providing meeting and convention room facilitiesfor non-educational conventions</p> <p>Class 044. First use: First Use: 1999/03/31 First Use In Commerce: 1999/03/31 Barber shop, beauty salon and health spa services for health and wellness of the body and spirit</p>
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U.S. Registration No.	3736628	Application Date	06/09/2009
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	THE STANDARD GRILL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2009/06/19 First Use In Commerce: 2009/06/19 restaurant, bar, cafe and cocktail lounge services		

U.S. Registration No.	4199523	Application Date	05/04/2011
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Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	THE STANDARD BEER GARDEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2012/06/07 First Use In Commerce: 2012/06/07 restaurant and bar services		

U.S. Registration No.	4080224	Application Date	06/14/2011
Registration Date	01/03/2012	Foreign Priority Date	NONE
Word Mark	THE STANDARD BIERGARTEN		
Design Mark			
Description of Mark	The mark consists of the words "BIERGARTEN" above which is the representation of a fire breathing dragon with a fish tail, flanked by a graphical representation of leaf bearing stalks. Below the word are three horizontal bars. In the middle bar is the wording "THE STANDARD" upside down.		
Goods/Services	Class 043. First use: First Use: 2009/07/30 First Use In Commerce: 2009/07/30 restaurant and bar services		

U.S. Registration No.	4076627	Application Date	05/04/2011
Registration Date	12/27/2011	Foreign Priority Date	NONE
Word Mark	THE STANDARD BIERGARTEN		

Design Mark	THE STANDARD BIERGARTEN
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2009/07/30 First Use In Commerce: 2009/07/30 restaurant and bar services

Attachments	75072792#TMSN.gif(bytes) 77772087#TMSN.jpeg(bytes) 77755473#TMSN.jpeg(bytes) 85312207#TMSN.jpeg(bytes) 85345382#TMSN.jpeg(bytes) 85312105#TMSN.jpeg(bytes) Notice of Opposition CLARKE STANDARD final.pdf(2233250 bytes)
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Certificate of Service

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

Signature	/MICHELLE M. MIKOL/
Name	Michelle M. Mikol
Date	02/12/2014

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

<p>Standard International Management, LLC,</p> <p style="text-align:center">Opposer,</p> <p style="text-align:center">v.</p> <p>Established Burger LLC,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No.: _____</p> <p>U.S. Serial No.: 85/932,760</p> <p>Mark: CLARKE’S STANDARD</p>
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NOTICE OF OPPOSITION

Standard International Management, LLC (“Opposer”), a limited liability company duly organized and existing under the laws of Delaware, with an address at 23 East 4th Street, 5th Floor, New York, NY 10003, believes that it will be damaged by registration of the mark CLARKE’S STANDARD, which is the subject of U.S. Service Mark Application Serial No. 85/932,760, (“Opposed Mark”) filed in the name of Established Burger LLC, a limited liability company organized and existing under the laws of New York (“Applicant”), with an address at 601 West 26th Street, Suite 1245, New York, NY 10001, and therefore, hereby opposes such registration pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Opposer is the owner of the STANDARD brand which it uses to promote its well-known hotels, restaurants, clubs and related entertainment and retail services. Specifically, Opposer and its predecessors in interest have continuously and extensively used in commerce the distinctive service mark STANDARD and several STANDARD-formative marks, including without limitation STANDARD, THE STANDARD, THE STANDARD and Design, THE STANDARD GRILL, THE STANDARD BEER GARDEN, THE STANDARD BIERGARTEN,

and THE STANDARD BIERGARTEN and Design (collectively the “STANDARD Marks”) in connection with Opposer’s well-known hotel, restaurant, bar and cocktail lounge services and for various restaurant and bar menu items (“Opposer’s Goods and Services”). These STANDARD Marks have become well-known in the United States through, among other things, extensive advertising and promotion.

2. In addition to common law rights in the STANDARD Marks, Opposer owns the following U.S. Trademark Registrations for the STANDARD Marks:

Mark	Reg. No.	Reg. Date	Goods/Services
STANDARD	2,293,007	November 16, 1999	<p>Class 42: Hotel, restaurant, bar, cafe, cocktail lounge, providing banquet and social function facilities for special occasions, catering, barbershop and beauty salon services, personal valet and parking valet services, providing meeting and convention room facilities, providing motion picture screening room facilities and computer and on-line access facilities.</p> <p>(Registration also covers goods in Class 25).</p>
THE STANDARD	2,272,545	August 24, 1999	<p>Class 42: Hotel, restaurant, bar, cafe, cocktail lounge, providing banquet and social function facilities for special occasions, catering, barbershop and beauty salon services, personal valet and parking valet services, providing meeting and convention room facilities, providing motion picture screening room facilities and computer and on-line access facilities.</p> <p>(Registration also covers goods in Class 25).</p>

Mark	Reg. No.	Reg. Date	Goods/Services
	3,830,438	August 10, 2010	Class 43: Hotel, restaurant, bar, cafe, cocktail lounge services; providing banquet and social function facilities for special occasions; catering services, and providing meeting and convention room facilities for non-educational conventions. (Registration also covers goods and services in Classes 16, 18, 25, 37, 38, 39, 41 and 44).
THE STANDARD GRILL	3,736,628	January 12, 2010	Class 43: Restaurant, bar, cafe and cocktail lounge services.
THE STANDARD BEER GARDEN	4,199,523	August 28, 2012	Class 43: Restaurant and bar services.
	4,080,224	January 3, 2012	Class 43: Restaurant and bar services.
THE STANDARD BIERGARTEN	4,076,627	December 27, 2011	Class 43: Restaurant and bar services.

3. Copies of the federal registration certificates for the above-referenced registrations are attached as Exhibit A. These federal registrations are valid, subsisting and in full force and effect. Opposer's federal registration certificates are *prima facie* evidence of the validity of these marks as well as Opposer's ownership and exclusive right to use these marks in connection with the identified goods and services. 15 U.S.C. § 1057(b). Indeed, the right of Opposer to use the marks STANDARD (Reg. No. 2,293,007) and THE STANDARD (Reg. No. 2,272,545) for restaurant services, among other goods and services, is incontestable pursuant to 15 U.S.C. § 1065.

4. The STANDARD Marks also include, without limitation, the marks STANDARD and STANDARD RANCH BURGER, which Opposer has used and continues to use in commerce in connection with hamburger menu items.

5. Opposer and its predecessors in interest have invested considerable money, time, and effort into the development of the STANDARD Marks for use in connection with Opposer's Goods and Services. As a result of extensive use, advertising and promotion, Opposer owns strong common law rights in the STANDARD Marks, the STANDARD Marks have become well-known in the United States, and they embody very valuable goodwill.

6. The STANDARD Marks comprise a family of marks in which the term "STANDARD" is the predominant portion. This family of marks has achieved a following among consumers across the United States and abroad, who have come to associate these marks, as used in connection with Opposer's Goods and Services, with Opposer.

7. Opposer has priority in this dispute. After Opposer's first use of the STANDARD Marks, and after the USPTO issued federal registrations for the STANDARD Marks, Applicant filed an application to register the mark CLARKE'S STANDARD for restaurant services in Class 43. At the time it filed its application, Applicant had constructive knowledge of Opposer's registered rights in the STANDARD Marks.

8. The Opposed Mark is confusingly similar, in appearance, sound, meaning and commercial impression, to Opposer's STANDARD Marks. The registration and use of the Opposed Mark by Applicant in association with the claimed services is likely to cause confusion as to the source or origin of Applicant's services, and is likely to mislead consumers, all to Opposer's damage.

9. The goods and services that Opposer provides under the STANDARD Marks, and the services for which the STANDARD Marks are registered, are identical and, at a minimum, closely related, to the services listed in Application Serial No. 85/932,760. Upon information and belief, Opposer's Goods and Services and Applicant's services are offered to similar or overlapping classes of purchasers.

10. The Opposed Mark, when used in connection with Applicant's applied-for services, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's applied-for services, would believe that such services originate with, are approved, sponsored or endorsed by, or have some connection or affiliation with Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 85/932,760 and therefore respectfully requests that such registration be refused.

Respectfully submitted,

Standard International Management, LLC

Dated: 2/12/2014

By:

/Michelle M. Mikol/
Christopher M. Dolan
Michelle M. Mikol
BRINKS GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing NOTICE OF OPPOSITION and Exhibit A thereto was served on Applicant and counsel for Applicant at the following addresses by U.S. mail, postage prepaid, on this 12th day of February 2014.

ESTABLISHED BURGER LLC
601 WEST 26TH STREET, SUITE 1245
NEW YORK, NEW YORK 10001

ROBERT L. SHERMAN
PAUL HASTINGS LLP
75 E 55TH ST
NEW YORK, NEW YORK 10022-3404

/Michelle M. Mikol/

Exhibit A

Int. Cls.: 25 and 42

Prior U.S. Cls.: 22, 39, 100, and 101

Reg. No. 2,293,007

United States Patent and Trademark Office

Registered Nov. 16, 1999

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

STANDARD

STANDARD HOLDINGS LLC (DELAWARE
LIMITED LIABILITY COMPANY)
142 GREENE STREET
NEW YORK, NY 10012 BY ASSIGNMENT
GROUP 99, INC. (NEW YORK CORPORA-
TION) NEW YORK, NY 10012

FOR: T-SHIRTS, HEADWEAR, DRESSES,
JACKETS, SWEATSHIRTS, ROBES AND
SHOES, IN CLASS 25 (U.S. CLS. 22 AND 39).
FIRST USE 10-30-1998; IN COMMERCE
10-30-1998.

FOR: HOTEL, RESTAURANT, BAR, CAFE,
COCKTAIL LOUNGE, PROVIDING BANQUET
AND SOCIAL FUNCTION FACILITIES FOR
SPECIAL OCCASIONS, CATERING, BARBER-

SHOP AND BEAUTY SALON SERVICES, PER-
SONAL VALET AND PARKING VALET SERV-
ICES, PROVIDING MEETING AND CONVEN-
TION ROOM FACILITIES, PROVIDING
MOTION PICTURE SCREENING ROOM FA-
CILITIES AND COMPUTER AND ON-LINE
ACCESS FACILITIES, IN CLASS 42 (U.S. CLS.
100 AND 101).

FIRST USE 10-30-1998; IN COMMERCE
10-30-1998.

SN 75-072,792, FILED 3-14-1996.

DIANE B. MELNICK, EXAMINING ATTOR-
NEY

Int. Cls.: 25 and 42

Prior U.S. Cls.: 22, 39, 100, and 101

Reg. No. 2,272,545

United States Patent and Trademark Office

Registered Aug. 24, 1999

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

THE STANDARD

STANDARD HOLDING LLC (DELAWARE
LIMITED LIABILITY COMPANY)
142 GREENE ST
NEW YORK, NY 10012 BY ASSIGNMENT
GROUP 99, INC. (NEW YORK CORPORA-
TION) NEW YORK, NY 10012

FOR: T-SHIRTS, HEADWEAR, DRESSES,
JACKETS, SWEATSHIRTS, ROBES AND
SHOES, IN CLASS 25 (U.S. CLS. 22 AND 39).
FIRST USE 10-30-1998; IN COMMERCE
10-30-1998.

FOR: HOTEL, RESTAURANT, BAR, CAFE,
COCKTAIL LOUNGE, PROVIDING BANQUET
AND SOCIAL FUNCTION FACILITIES FOR
SPECIAL OCCASIONS, CATERING, BARBER-

SHOP AND BEAUTY SALON SERVICES, PER-
SONAL VALET AND PARKING VALET SERV-
ICES, PROVIDING MEETING AND CONVEN-
TION ROOM FACILITIES, PROVIDING
MOTION PICTURE SCREENING ROOM FA-
CILITIES AND COMPUTER AND ON-LINE
ACCESS FACILITIES, IN CLASS 42 (U.S. CLS.
100 AND 101).

FIRST USE 10-30-1998; IN COMMERCE
10-30-1998.

SN 75-072,761, FILED 3-14-1996.

DIANE B. MELNICK, EXAMINING ATTOR-
NEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,830,438

Registered Aug. 10, 2010

**Int. Cls.: 16, 18, 25, 37,
38, 39, 41, 43 and 44**

HOTELSAB, LLC (DELAWARE LIMITED LIABILITY COMPANY)
5TH FLOOR
23 EAST 4TH STREET
NEW YORK, NY 10003

FOR: PAPER GOODS AND PRINTED MATTER, NAMELY, MEMO PADS, PENS AND PENCILS; LEATHER BOOK ENDS, LEATHER MEMO PAD HOLDERS, LEATHER PEN AND PENCIL CASES AND LEATHER DESK PADS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

TRADEMARK

SERVICE MARK

FIRST USE 12-31-2008; IN COMMERCE 12-31-2008.

PRINCIPAL REGISTER

FOR: LEATHER GOODS, NAMELY, LEATHER HANDBAGS, LEATHER BACKPACKS, LEATHER LUGGAGE, LEATHER COSMETIC CASES SOLD EMPTY; LEATHER CASES FOR USE IN HOLDING BUSINESS, CREDIT AND SMART CARDS, ELECTRONIC ROOM KEYS, MEMO PADS, AND PENS AND PENCILS, ALL TOGETHER IN ONE UNIT, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-31-2008; IN COMMERCE 12-31-2008.

FOR: WEARING APPAREL, NAMELY, T-SHIRTS, MEN'S AND WOMEN'S UNDERWEAR, HEADWEAR, JACKETS, SWEATSHIRTS, ROBES, SHOES, BATHING SUITS AND JEANS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.

FOR: PERSONAL VALET SERVICES TO HOTEL GUESTS, NAMELY, LAUNDRY SERVICES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.

FOR: PROVIDING INTERNET ACCESS; COMPUTER SERVICES, NAMELY, PROVIDING ON-LINE FACILITIES FOR REAL-TIME INTERACTION WITH OTHER COMPUTER USERS CONCERNING TOPICS OF GENERAL INTEREST, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.

FOR: PARKING VALET SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.



David J. Kyffers

Director of the United States Patent and Trademark Office

Reg. No. 3,830,438 FOR: PROVIDING MEETING AND CONVENTION ROOM FACILITIES FOR EDUCATIONAL CONVENTIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.

FOR: HOTEL, RESTAURANT, BAR, CAFE, COCKTAIL LOUNGE SERVICES; PROVIDING BANQUET AND SOCIAL FUNCTION FACILITIES FOR SPECIAL OCCASIONS; CATERING SERVICES, AND PROVIDING MEETING AND CONVENTION ROOM FACILITIES FOR NON-EDUCATIONAL CONVENTIONS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.

FOR: BARBER SHOP, BEAUTY SALON AND HEALTH SPA SERVICES FOR HEALTH AND WELLNESS OF THE BODY AND SPIRIT , IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-1999; IN COMMERCE 3-31-1999.

OWNER OF U.S. REG. NOS. 2,272,545 AND 2,293,007.

THE MARK CONSISTS OF THE WORDS "THE STANDARD" PRINTED WITHIN A RECTANGULAR BOX AND IN AN UPSIDE DOWN ORIENTATION WITH RESPECT TO ANY OTHER TEXT MATERIAL APPEARING ADJACENT THERETO.

SER. NO. 77-772,087, FILED 7-1-2009.

ANDREW LEASER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

THE STANDARD GRILL

Reg. No. 3,736,628 HOTELSAB, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 12, 2010 5TH FLOOR
23 EAST 4TH STREET
NEW YORK, NY 10003

Int. Cl.: 43

FOR: RESTAURANT, BAR, CAFE AND COCKTAIL LOUNGE SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

**SERVICE MARK
PRINCIPAL REGISTER**

FIRST USE 6-19-2009; IN COMMERCE 6-19-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-755,473, FILED 6-9-2009.

RONALD AIKENS, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

THE STANDARD BEER GARDEN

Reg. No. 4,199,523

Registered Aug. 28, 2012

Int. Cl.: 43

HOTELSAB LLC (DELAWARE LIMITED LIABILITY COMPANY)
23 EAST 4TH STREET
5TH FLOOR
NEW YORK, NY 10003

FOR: RESTAURANT AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE 6-7-2012; IN COMMERCE 6-7-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,736,628 AND 3,830,438.

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

SN 85-312,207, FILED 5-4-2011.

TASNEEM HUSSAIN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 4,080,224

Registered Jan. 3, 2012

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

HOTELSAB LLC (DELAWARE LIMITED LIABILITY COMPANY)
5TH FLOOR
23 EAST 4TH STREET
NEW YORK, NY 10003

FOR: RESTAURANT AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 7-30-2009; IN COMMERCE 7-30-2009.

OWNER OF U.S. REG. NOS. 3,736,628 AND 3,830,438.

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

THE MARK CONSISTS OF THE WORDS "BIERGARTEN" ABOVE WHICH IS THE REPRESENTATION OF A FIRE BREATHING DRAGON WITH A FISH TAIL, FLANKED BY A GRAPHICAL REPRESENTATION OF LEAF BEARING STALKS. BELOW THE WORD ARE THREE HORIZONTAL BARS. IN THE MIDDLE BAR IS THE WORDING "THE STANDARD" UPSIDE DOWN.

THE ENGLISH TRANSLATION OF THE WORD "BIERGARTEN" IN THE MARK IS "BEER GARDEN".

SER. NO. 85-345,382, FILED 6-14-2011.

GRETTA YAO, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

THE STANDARD BIERGARTEN

Reg. No. 4,076,627

Registered Dec. 27, 2011

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

HOTELSAB LLC (DELAWARE LIMITED LIABILITY COMPANY)
5TH FLOOR
23 EAST 4TH STREET
NEW YORK, NY 10003

FOR: RESTAURANT AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 7-30-2009; IN COMMERCE 7-30-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,736,628 AND 3,830,438.

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

THE ENGLISH TRANSLATION OF THE WORD "BIERGARTEN" IN THE MARK IS "BEER GARDEN".

SER. NO. 85-312,105, FILED 5-4-2011.

GRETTA YAO, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office