

ESTTA Tracking number: **ESTTA631272**

Filing date: **10/06/2014**

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

Proceeding	92057023
Party	Plaintiff LuckyU Enterprises, Inc., dba Giovanni's Original White Shrimp Truck
Correspondence Address	JENNIFER FRASER NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP 1875 EYE STREET NW, ELEVENTH FLOOR WASHINGTON, DC 20006 UNITED STATES trademark@novakdruce.com, jennifer.fraser@novakdruce.com, daniel.mullarkey@novakdruce.com, breanne.staley-ashe@novakdruce.com, tm-docket@novakdruce.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel P. Mullarkey
Filer's e-mail	trademark@novakdruce.com
Signature	/Daniel P. Mullarkey/
Date	10/06/2014
Attachments	Supplemental Notice of Reliance.pdf(13350 bytes) Reg Pros His 1.pdf(3374821 bytes) Reg Pros His 2.pdf(5267236 bytes)

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

In the matter of Trademark Trial and Appeal Board

Cancellation No. 92057023

Registration Nos: 4,220,686 - GIOVANNI'S ALOHA FOODS
 4,224,400 - GIOVANNI'S SCAMPI MARINADE
 4,232,469 - GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
 4,248,595 - GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

LuckyU Enterprises, Inc., dba Giovanni's	:	
Original White Shrimp Truck	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92057023
	:	
John "Giovanni" Aragona	:	
	:	
Respondent.	:	

PETITIONER'S SUPPLEMENTAL NOTICE OF RELIANCE

Petitioner hereby supplements the timely hand filed Notice of Reliance, filed earlier today, and includes the attached evidence inadvertently omitted from the earlier hand filing. The attached evidence was incorporated in the Notice of Reliance as the prosecution history for U.S. Trademark Registration No. 4,248,595, and the documents should be included with Exhibit 1 to the Notice of Reliance.

Respectfully submitted,

Date: October 6, 2014

/s/ Daniel P. Mullarkey

Jennifer Fraser
Daniel P. Mullarkey
Novak Druce Connolly Bove + Quigg, LLP
1875 Eye Street, NW
Eleventh Floor

Washington, DC 20006
Jennifer.fraser@novakdruce.com
Daniel.mullarkey@novakdruce.com
Attorneys for Petitioner

Enclosures: Prosecution History for U.S. Registration No. 4,248,595

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October 2014 a true and correct copy of the foregoing **SUPPLEMENTAL PETITIONER'S NOTICE OF RELIANCE** was served via email, per agreement, to Respondent's Counsel Jamie Pitts at Jamienpitts@jpnlawfirm.com.

s/Ali Karimipour/
Ali Karimipour

GIOVANNI'S HOT & SPICY -
WE REALLY MEAN IT - SAUCE

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85428620

Filing Date: 09/21/2011

*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	GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE
*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	Aragona, John "Giovanni"
*STREET	417 Whitfield Ave.
*CITY	Sarasota
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	34243

PHONE	888-969-9199
EMAIL ADDRESS	caroleann@tampabay.rr.com
WEBSITE ADDRESS	http://www.giovanmissauces.com
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	030
IDENTIFICATION	Hot sauce
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/1994
FIRST USE IN COMMERCE DATE	At least as early as 02/01/1994
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT11\854\286\85428620\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	PICTURE OF GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE BOTTLE
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	The name(s), portrait(s), and/or signature(s) shown in the mark identifies John GIOVANNI Aragona, whose consent(s) to register is made of record.
CONSENT FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT11\854\286\85428620\xml1\FTK0004.JPG
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use HOT & SPICY - WE REALLY MEAN IT - SAUCE apart from the mark as shown.
ATTORNEY INFORMATION	

NAME	Jamie Pitts
FIRM NAME	The Law Offices of Jamie N. Pitts, Esq., P.A.
STREET	542 Columbia Court
CITY	Sarasota
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	34236
PHONE	941-893-7751
EMAIL ADDRESS	jamienpitts@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Jamie Pitts
FIRM NAME	The Law Offices of Jamie N. Pitts, Esq., P.A.
*STREET	542 Columbia Court
*CITY	Sarasota
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	34236
PHONE	941-893-7751
*EMAIL ADDRESS	jamienpitts@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jamie Pitts/
* SIGNATORY'S NAME	Jamie Pitts
* SIGNATORY'S POSITION	Attorney of Record
* DATE SIGNED	09/21/2011

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85428620

Filing Date: 09/21/2011

To the Commissioner for Trademarks:

MARK: GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE (Standard Characters, see [mark](#))

The literal element of the mark consists of GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, John "Giovanni" Aragona, a citizen of United States, having an address of
417 Whitfield Ave.
Sarasota, Florida 34243
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 030: Hot sauce

In International Class 030, the mark was first used at least as early as 01/01/1994, and first used in commerce at least as early as 02/01/1994, 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) PICTURE OF GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE BOTTLE.

[Specimen File1](#)

The name(s), portrait(s), and/or signature(s) shown in the mark identifies John GIOVANNI Aragona, whose consent(s) to register is made of record.

[Consent File1](#)

No claim is made to the exclusive right to use HOT & SPICY - WE REALLY MEAN IT - SAUCE apart from the mark as shown.

For informational purposes only, applicant's website address is: <http://www.giovannissauces.com>

The applicant's current Attorney Information:

Jamie Pitts of The Law Offices of Jamie N. Pitts, Esq., P.A.
542 Columbia Court
Sarasota, Florida 34236
United States

The applicant's current Correspondence Information:

Jamie Pitts
The Law Offices of Jamie N. Pitts, Esq., P.A.
542 Columbia Court
Sarasota, Florida 34236
941-893-7751(phone)
jamiempitts@gmail.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: /Jamie Pitts/ Date Signed: 09/21/2011
Signatory's Name: Jamie Pitts
Signatory's Position: Attorney of Record

RAM Sale Number: 7217
RAM Accounting Date: 09/22/2011

Serial Number: 85428620
Internet Transmission Date: Wed Sep 21 18:07:18 EDT 2011
TEAS Stamp: USPTO/FTK-174.151.42.27-2011092118071856
0822-85428620-480361fa2ca441a5c1a8f937c2
931bf6b3-CC-7217-20110921173328062044

GIOVANNI'S HOT & SPICY -
WE REALLY MEAN IT - SAUCE



NET WT. 15 OZ (425g)

HOT & SPICY
WE REALLY MEAN IT!
SAUSAGE SAUCE

GIOVANNI'S

CONSENT STATEMENT

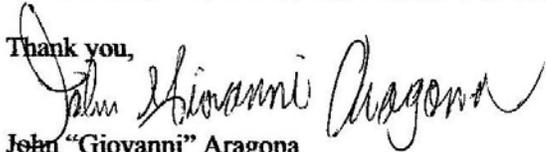
September 20, 2011

Dear Examining Attorney:

I, John "GIOVANNI" Aragona, am the applicant and owner registering the "GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT - SAUCE" mark and the name "GIOVANNI" in the mark comprises my individual nickname. I am individual who is well known in the field relating to the relevant goods or services. Please enter a note on the record clearly identifying "GIOVANNI" as the actual name of the individual and indicate that the name shown in the mark identifies John "GIOVANNI" Aragona.

I, John "Giovanni" Aragona, consent to the use and registration by of my name as a trademark and/or service mark with the USPTO.

Thank you,


John "Giovanni" Aragona



NET WT. 15 OZ (425g)

HOT & SPICY
WE REALLY MEAN IT!
SAUSAGE SAUCE

GIOVANNI'S

From: TMDesignCodeComments
Sent: Tuesday, September 27, 2011 00:20 AM
To: jamiempitts@gmail.com
Subject: Notice of Pseudo Mark for Serial Number: 85428620

**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.

*** User:tpate ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1399	N/A	0	0	0:39	*{"gj"}{v:2}{"v"1:2}{v:2}{"n"1:2}{v}*[bi,ti]
02	580	N/A	0	0	1:00	{"gj"}{v:2}{"v"1:2}{v:2}{"n"1:2}{v}*[bi,ti]
03	223	N/A	0	0	0:03	2 not dead[lid]
04	34	0	34	26	0:03	3 and ("030" a b 200)[ic]
05	189	0	189	152	0:01	3 not 4
06	45	0	45	36	0:03	1 and ("030" a b 200)[ic] not dead[lid]
07	30	0	30	24	0:06	1 and ("042" "043" a b 200)[ic] not dead[lid]

Session started 1/12/2012 6:21:43 PM

Session finished 1/12/2012 7:23:54 PM

Total search duration 1 minutes 55 seconds

Session duration 62 minutes 11 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85428620

To: Aragona, John "Giovanni" (jamienspitts@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85428620 - GIOVANNI'S HOT & SPICY - WE REALLY - N/A
Sent: 1/13/2012 3:52:03 PM
Sent As: ECOM112@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. 85428620

MARK: GIOVANNI'S HOT & SPICY - WE
REALLY

85428620

CORRESPONDENT ADDRESS:

JAMIE PITTS
THE LAW OFFICES OF JAMIE N. PITTS,
ESQ.,
542 COLUMBIA CT
SARASOTA, FL 34236-7124

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Aragona, John "Giovanni"

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jamienspitts@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

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

ISSUE/MAILING DATE: 1/13/2012

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

Prior Pending Application

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

The filing date of pending Application Serial No. 85219370 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

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

Mark Differs on Drawing and Specimen

The mark on the specimen disagrees with the mark on the drawing. In this case, the specimen displays the mark as "GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE"; and the drawing shows the mark as "GIOVANNI'S HOT & SPICY - WE REALLY MEAN IT – SAUCE".

An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). The mark on the drawing must be a substantially exact representation of the mark on the specimen. 37 C.F.R. §2.51(a); TMEP §807.12(a); *see* 37 C.F.R. §2.72(a)(1). In addition, the drawing of the mark can be amended only if the amendment does not materially alter the mark as originally filed. 37 C.F.R. §2.72(a)(2); *see* TMEP §§807.12(a), 807.14 *et seq.*

Therefore, applicant must submit one of the following:

- (1) A new drawing of the mark that agrees with the mark on the specimen but does not materially alter the original mark. *See* 37 C.F.R. §2.72(a)(2); TMEP §§807.12(a), 807.14 *et seq.* Amending the drawing to agree with the specimen would not be considered a material alteration of the mark in this case.
- (2) A substitute specimen showing use in commerce of the mark on the drawing, and the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"The substitute specimen was in use in commerce at least as early as the filing date of the application."** *See* 37 C.F.R. §§2.59(a), 2.193(e)(1); TMEP §§807.12(a), 904.05. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Pending receipt of a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark and/or service mark. Trademark Act Sections 1 and

45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Response Directions:

Applicant may respond to the stated specimen refusal by submitting a verified substitute specimen or amending the application to an intent to use filing basis under Trademark Act Section 1(b) by following the suggested directions below for responding either online or by mail.

If applicant responds to this Office action online via the Trademark Electronic Application System (TEAS), applicant should provide a substitute specimen as follows: (1) answer “yes” to the TEAS response form wizard question to “submit a new or substitute specimen,” (2) attach a jpg or pdf file of the substitute specimen, and (3) select the statement that “The substitute specimen(s) was in use in commerce at least as early as the filing date of the application.” However, if applicant is responding by amending the application to a Section 1(b) filing basis, applicant should do the following: (1) answer “yes” to the TEAS response form wizard questions to “change filing basis” and for a “signed declaration,” respectively; (2) uncheck the box for “Filing Basis Section 1(a);” and (3) check the box for “Filing Basis Section 1(b).” Please note that these steps appear on different pages of the TEAS response form.

Whether submitting a substitute specimen or amending the filing basis to Section 1(b), applicant must also personally sign or personally enter his/her electronic signature and date after the declaration at the end of the TEAS response form, and print or type the name of the signatory immediately below or adjacent to his/her signature or identify it elsewhere in the filing. *See* 37 C.F.R. §§2.34(a)(2), 2.59(a), 2.193(a), (c)-(d), (e)(1); TMEP §§611.01(c), 804.01(b).

If applicant experiences difficulty in submitting the required substitute specimen, supporting statement and/or declaration, or changing the filing basis, please e-mail TEAS@uspto.gov for technical assistance regarding the TEAS response form.

If applicant responds to this Office action on paper, via regular mail, applicant may provide a verified substitute specimen by (1) checking the first statement below and personally signing, dating, and printing or typing the name of the signatory in the declaration appearing below the statement; and (2) submitting a substitute specimen showing the applied-for mark in use in commerce. *See* 37 C.F.R. §§2.20, 2.59(a), 2.193(a)(1), (d), (e)(1); TMEP §§611.01(b), 804.01(b), 904.05. If applicant is responding by amending the application to a Section 1(b) filing basis, applicant may check the second statement below, and personally sign, date, and enter the printed or typed name of the signatory in the declaration appearing below the statement. *See* 37 C.F.R. §§2.20, 2.34(a)(2), 2.193(a)(1), (d), (e)(1); TMEP §§611.01(b), 804.01(b), 806.03(c).

q **The substitute specimen was in use in commerce at least as early as the filing date of the application.**

q **Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods and/or services listed in the application as of the filing date of the application.**

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on

information and belief are believed to be true.

(Signature)

(Print or Type Name and Position)

(Date)

Disclaimer

The application includes a disclaimer of “- WE REALLY MEAN IT -.” An applicant can disclaim matter voluntarily, regardless of whether the matter is registrable. TMEP §1213.01(c). However, a disclaimer of this matter is not required.

Therefore, applicant may request to withdraw this disclaimer from the application. If applicant does not expressly request its withdrawal, the disclaimer will remain in the application and will be printed on the registration certificate.

Response Guidelines

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner’s amendment will not incur this additional fee.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark

examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Tara J. Pate/
Trademark Examining Attorney
Law Office 112
tara.pate@uspto.gov
Phone: 571-272-4714
Fax: 571-273-9112

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

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

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

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

DESIGN MARK

Serial Number

85219370

Status

NON-FINAL ACTION - MAILED

Word Mark

GIOVANNI'S ORIGINAL HOT SAUCE

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

LuckyU Enterprises, Inc. DBA Giovanni's Original White Shrimp Truck
CORPORATION HAWAII 57-120 Lalo Kuilima Way #12 Kahuku HAWAII 96731

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Flavourings for
foods. First Use: 2001/03/30. First Use In Commerce: 2001/03/30.

Filing Date

2011/01/17

Examining Attorney

YOUNG, SKYE

Giovanni's Original Hot Sauce

To: Aragona, John "Giovanni" (jamienspitts@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85428620 - GIOVANNI'S HOT & SPICY - WE REALLY - N/A
Sent: 1/13/2012 3:52:07 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON **1/13/2012** FOR
SERIAL NO. 85428620

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

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

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **1/13/2012** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

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

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

*** User:tpate ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	102835	N/A	0	0	0:07	*h{v:2}t*[bi,ti]
02	3034	N/A	0	0	0:02	*sp{v0:1}{ "iy" }{v0:1}{ "scz" }{ "scz"0:1}{ "iye" }*[bi,ti]
03	244456	N/A	0	0	0:02	*and*[bi,ti]
04	80587	N/A	0	0	0:01	"38"[dm]
05	0	0	0	0	0:01	"&"[dm]
06	9478	N/A	0	0	0:01	(241714 ampersands)[dc]
07	156	N/A	0	0	0:01	1 and 2
08	62	N/A	0	0	0:03	7 not dead[lid]
09	24	0	24	23	0:01	8 and (3 4 6)
10	38	0	38	36	0:01	8 not 9
11	332123	N/A	0	0	0:04	*w{ "iye" }*[bi,ti]
12	28185	N/A	0	0	0:09	*r{v0:1}{ "iye" }{v0:1}{ "1"1:2}{ "iye" }*[bi,ti]
13	218674	N/A	0	0	0:07	*m{v0:1}{ "iye" }{v0:1}n*[bi,ti]
14	546017	N/A	0	0	0:05	*{ "iy" }t*[bi,ti]
15	15313	N/A	0	0	0:02	11 and 13
16	5840	N/A	0	0	0:01	14 and 15
17	167	N/A	0	0	0:01	12 and 16
18	80	0	80	75	0:03	17 not dead[lid]
19	0	0	0	0	0:01	"-"[bi,ti]
20	356167	N/A	0	0	0:01	"45"[dm]
21	9478	N/A	0	0	0:02	(241714 hyphens)[dc]
22	6	0	6	6	0:01	18 and (20 or 21)
23	592	N/A	0	0	0:04	16 and ("030" a b 200)[ic]
24	351	0	351	338	0:03	23 not dead[lid]
25	96050	N/A	0	0	0:02	we*[bi,ti]
26	40986	N/A	0	0	0:01	13 and 14
27	1399	N/A	0	0	0:01	25 and 26
28	378	0	378	365	0:02	27 and "030"[cc] not dead[lid]
29	54281	N/A	0	0	0:45	*{ "sz" }{v0:2}{ "ouw" }{ "scz" }*[bi,ti]
30	14	0	14	14	0:01	28 and 29
31	11	0	11	11	0:01	8 and 29

Session started 1/13/2012 12:07:10 PM

Session finished 1/13/2012 1:05:12 PM

Total search duration 1 minutes 57 seconds

Session duration 58 minutes 2 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85428620

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85428620
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (current)	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MARK SECTION (proposed)	
MARK	<u>GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Please delete the disclaimer currently of record.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jamie N. Pitts/
SIGNATORY'S NAME	Jamie N. Pitts
SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	9418937751
DATE SIGNED	05/21/2012

AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 21 15:26:42 EDT 2012
TEAS STAMP	USPTO/ROA-174.58.0.142-20 120521152642968507-854286 20-4903a9ff676d649f8c5ab2 8e7fd6244f169-N/A-N/A-201 20521151831468378

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85428620** has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: GIOVANNI'S HOT & SPICY - WE REALLY MEANIT - SAUCE (standard characters)

Proposed (USPTO generated image): GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
(Standard Characters, see [mark](#))

The mark consists of standard characters, without claim to any particular font, style, size, or color.

ADDITIONAL STATEMENTS

Miscellaneous Statement

Please delete the disclaimer currently of record.

SIGNATURE(S)

Response Signature

Signature: /Jamie N. Pitts/ Date: 05/21/2012

Signatory's Name: Jamie N. Pitts

Signatory's Position: Attorney of record, Florida bar member

Signatory's Phone Number: 9418937751

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in

this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85428620

Internet Transmission Date: Mon May 21 15:26:42 EDT 2012

TEAS Stamp: USPTO/ROA-174.58.0.142-20120521152642968

507-85428620-4903a9ff676d649f8c5ab28e7fd

6244f169-N/A-N/A-20120521151831468378

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	85428620	FILING DATE	09/21/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PATE, TARA J	L.O. ASSIGNED	112

PUB INFORMATION

RUN DATE	06/08/2012		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	06/07/2012		
LITERAL MARK ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE		
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	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

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

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Aragona, John "Giovanni"
ADDRESS	417 Whitfield Ave. Sarasota, FL 34243
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Hot sauce

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	030	FIRST USE DATE	01/01/1994	FIRST USE IN COMMERCE DATE	02/01/1994	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
NAME/PORTRAIT DESC/CONSENT	The name(s), portrait(s), and/or signature(s) shown in the mark identifies John "GIOVANNI" Aragona, whose consent(s) to register is made of record.
PSEUDO MARK	GIOVANNI'S HOT AND SPICY WE REALLY MEAN IT SAUCE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
06/07/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
06/01/2012	ALIE	A	ASSIGNED TO LIE	009
05/21/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
01/13/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
01/13/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
01/13/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005

01/09/2012	DOCK	D	ASSIGNED TO EXAMINER	004
09/27/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
09/26/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
09/24/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jamie Pitts
CORRESPONDENCE ADDRESS	JAMIE PITTS THE LAW OFFICES OF JAMIE N. PITTS 542 COLUMBIA CT SARASOTA, FL 34236-7124
DOMESTIC REPRESENTATIVE	NONE

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85428620
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "HOT & SPICY" and "SAUCE" apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jamie N. Pitts/
SIGNATORY'S NAME	Jamie N. Pitts
SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	9418937751
DATE SIGNED	07/06/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jul 06 15:05:41 EDT 2012
TEAS STAMP	USPTO/ROA-174.58.0.142-20 120706150541431521-854286 20-4902a9b98ce348191779cc 4eacf0ad158d-N/A-N/A-2012 0706150132451946

Response to Office Action
To the Commissioner for Trademarks:

Application serial no. **85428620** has been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "HOT & SPICY" and "SAUCE" apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /Jamie N. Pitts/ Date: 07/06/2012

Signatory's Name: Jamie N. Pitts

Signatory's Position: Attorney of record, Florida bar member

Signatory's Phone Number: 9418937751

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

Serial Number: 85428620

Internet Transmission Date: Fri Jul 06 15:05:41 EDT 2012

TEAS Stamp: USPTO/ROA-174.58.0.142-20120706150541431

521-85428620-4902a9b98ce348191779cc4eacf

0ad158d-N/A-N/A-20120706150132451946

To: Aragona, John "Giovanni" (jamienpitts@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85428620 - GIOVANNI'S HOT & SPICY WE REALLY - N/A
Sent: 7/6/2012 12:56:22 PM
Sent As: ECOM112@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
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[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)
[Attachment - 17](#)

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

APPLICATION SERIAL NO. 85428620

MARK: GIOVANNI'S HOT & SPICY WE
REALLY

85428620

CORRESPONDENT ADDRESS:

JAMIE PITTS
THE LAW OFFICES OF JAMIE N. PITTS
542 COLUMBIA CT
SARASOTA, FL 34236-7124

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Aragona, John "Giovanni"

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jamiempitts@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

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

ISSUE/MAILING DATE: 7/6/2012

This Office action is in response to applicant's communication filed on May 21, 2012. Applicant amended the drawing and withdrew the disclaimer. The amended drawing is accepted.

Disclaimer

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

Specifically, the attached dictionary evidence shows "HOT" means "Causing a burning sensation, as in the mouth; spicy", "SPICY" means "highly flavoured; pungent" and "SAUCE" means "A flavorful seasoning or relish served as an accompaniment to food, especially a liquid dressing or topping for food." See attached dictionary evidence from the Internet:

<http://www.thefreedictionary.com/hot>

<http://www.thefreedictionary.com/spicy>

<http://www.thefreedictionary.com/sauce>

Therefore, the wording merely describes a characteristic of the identified goods, namely, highly flavored or pungent seasoning or relish that causes a burning sensation in the mouth, that is served as an accompaniment to food, especially a liquid dressing or topping for food.

Applicant may submit the following standardized format for a disclaimer:

No claim is made to the exclusive right to use "HOT & SPICY" and "SAUCE" apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a

mark includes wording and designs that are merely descriptive or generic of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.*

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

Response Guidelines

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, *see* TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Tara J. Pate/
Trademark Examining Attorney
Law Office 112
 tara.pate@uspto.gov
Phone: 571-272-4714
Fax: 571-273-9112

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

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

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

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



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hot (hŏt)
adj. hot-ter, hot-test

- Having or giving off heat; capable of burning.
 - Being at a high temperature.
- Being at or exhibiting a temperature that is higher than normal or desirable: *a hot forehead.*
- Causing a burning sensation, as in the mouth; spicy: *hot peppers; a hot curry.*
- Charged or energized with electricity: *a hot wire.*
 - Radioactive, especially to a dangerous degree.
- Marked by intensity of emotion; ardent or fiery: *a hot temper.*
 - Having or displaying great enthusiasm; eager: *hot for travel.*
- Informal* Arousing intense interest, excitement, or controversy: *a hot new book; a hot topic.*
 - Informal* Marked by excited activity or energy: *a hot week on the stock market.*
 - Violent; raging: *a hot battle.*
- Slang* Sexually excited or exciting.
- Slang*
 - Recently stolen: *a hot car.*
 - Wanted by the police: *a hot suspect.*
- Close to a successful solution or conclusion: *hot on the trail.*
- Informal*
 - Most recent: new or fresh: *a hot news item; the hot fashions for fall.*

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- a. Most recent; new or fresh: *a hot news item; the hot fashions for tall.*
- b. Currently very popular or successful: *one of the hottest young talents around.*
- c. Requiring immediate action or attention: *a hot opportunity.*
- 11. *Slang* Very good or impressive. Often used in the negative: *I'm not so hot at math.*
- 12. *Slang* Funny or absurd: *told a hot one about the neighbors' dog.*
- 13. *Slang*
 - a. Performing with great skill and daring: *a hot drummer.*
 - b. Having or characterized by repeated successes: *a player who is on a hot streak.*
 - c. Fast and responsive: *a hot sports car.*
 - d. Unusually lucky: *hot at craps.*
- 14. *Music* Of, relating to, or being an emotionally charged style of performance marked by strong rhythms and improvisation: *hot jazz.*
- 15. Bold and bright.

n. hots (hōts)

Slang Strong sexual attraction or desire. Used with *the*.

adv.

- 1. In a hot manner; hotly.
- 2. While hot: *foods that are best eaten hot.*

tr.v. hot-ted, hot-ting, hots

Informal To cause to increase in intensity or excitement. Often used with *up*: *"His book is an exercise in the fashionable art of instant history, in which every episode is hotted up with an anecdote" (Harper's).*

Idioms:

hot and bothered *Informal*

In a state of agitated excitement; flustered: *all hot and bothered before the opening performance.*

hot and heavy

- 1. *Informal* Passionate or intense: *Interest in the new stock was hot and heavy.*
- 2. Characterized by or engaging in amorous or sexual activity.

hot to trot *Slang*

- 1. Sexually avid; lascivious.
- 2. Ready and willing; eager.

hot under the collar *Informal*

Angry.

make it hot for *Slang*

To make things uncomfortable or dangerous for: *Don't make it hot for yourself by needlessly finding fault.*

[Middle English, from Old English *hāt*; see *kai-* in Indo-European roots.]

hot¹ness *n.*

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hot [hōt]

adj hotter, hottest

- 1. (Physics / General Physics) having a relatively high temperature
- 2. having a temperature higher than desirable
- 3. causing or having a sensation of bodily heat
- 4. (Cookery) causing a burning sensation on the tongue *hot mustard a hot curry*

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5. expressing or feeling intense emotion, such as embarrassment, anger, or lust
 6. intense or vehement *a hot argument*
 7. recent; fresh; new *a hot trial hot from the press*
 8. (Individual Sports & Recreations / Ball Games, other than specified) *Ball games* (of a ball) thrown or struck hard, and so difficult to respond to
 9. much favoured or approved *a hot tip a hot favourite*
 10. (Physics / General Physics) *Informal* having a dangerously high level of radioactivity *a hot laboratory*
 11. *Slang* (of goods or money) stolen, smuggled, or otherwise illegally obtained
 12. *Slang* (of people) being sought by the police
 13. *Informal* sexually attractive
 14. (Fine Arts & Visual Arts / Colours) (of a colour) intense; striking *hot pink*
 15. close or following closely *hot on the scent*
 16. (Physics / General Physics) *Informal* at a dangerously high electric potential *a hot terminal*
 17. (Physics / General Physics) *Physics* having an energy level higher than that of the ground state *a hot atom*
 18. *Slang* impressive or good of its kind (esp in the phrase **not so hot**)
 19. (Music) *Jazz slang* arousing great excitement or enthusiasm by inspired improvisation, strong rhythms, etc.
 20. *Informal* dangerous or unpleasant (esp in the phrase **make it hot for someone**)
 21. (Group Games / Games, other than specified) (in various searching or guessing games) very near the answer or object to be found
 22. (Engineering / Metallurgy) *Metallurgy* (of a process) at a sufficiently high temperature for metal to be in a soft workable state
 23. *Austral and NZ informal* (of a price, charge, etc.) excessive
- give it (to someone) hot** to punish or thrash (someone)
- hot on** *Informal*
- a. very severe *the police are hot on drunk drivers*
 - b. particularly skilled at or knowledgeable about *he's hot on vintage cars*
- hot under the collar** *Informal* amused with anger, annoyance, etc.
- in hot water** *Informal* in trouble, esp with those in authority

adv

in a hot manner; hotly See also [hots](#), [hot up](#)

[Old English *hāt*; related to Old High German *heiz*, Old Norse *heitr*, Gothic *heito* fever]

hotly *adv*

hotness *n*

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Thesaurus

Legend: ■ Synonyms | Related Words ■ Antonyms

- Adj. 1. hot** - used of physical heat; having a high or higher than desirable temperature or giving off heat or feeling or causing a sensation of heat or burning; "hot stove"; "hot water"; "a hot August day"; "a hot stuffy room"; "she's hot and tired"; "a hot forehead"
- **warm** - having or producing a comfortable and agreeable degree of heat or imparting or maintaining heat; "a warm body"; "a warm room"; "a warm climate"; "a warm coat"
- **cold** - having a low or inadequate temperature or feeling a sensation of coldness or having been made cold by e.g. ice or refrigeration; "a cold climate"; "a cold room"; "dinner has gotten cold"; "cold fingers"; "if you are cold, turn up the heat"; "a cold beer"
- 2. hot** - characterized by violent and forceful activity or movement; very intense; "the fighting became

2. **hot** - characterized by violent and forceful activity or movement, very intense; "the lightning became hot and heavy"; "a hot engagement"; "a raging battle"; "the river became a raging torrent"

raging

violent - acting with or marked by or resulting from great force or energy or emotional intensity; "a violent attack"; "a violent person"; "violent feelings"; "a violent rage"; "felt a violent dislike"

3. **hot** - extended meanings; especially of psychological heat; marked by intensity or vehemence especially of passion or enthusiasm; "a hot temper"; "a hot topic"; "a hot new book"; "a hot love affair"; "a hot argument"

passionate - having or expressing strong emotions

cold - extended meanings; especially of psychological coldness; without human warmth or emotion; "a cold unfriendly nod"; "a cold and unaffectionate person"; "a cold impersonal manner"; "cold logic"; "the concert left me cold"

4. **hot** - (color) bold and intense; "hot pink"

warm - (color) inducing the impression of warmth; used especially of reds and oranges and yellows; "warm reds and yellows and orange"

5. **hot** - sexually excited or exciting; "was hot for her"; "hot pants"

sexy - marked by or tending to arouse sexual desire or interest; "feeling sexy"; "sexy clothes"; "sexy poses"; "a sexy book"; "sexy jokes"

6. **hot** - recently stolen or smuggled; "hot merchandise"; "a hot car"

colloquialism - a colloquial expression, characteristic of spoken or written communication that seeks to imitate informal speech

illegal - prohibited by law or by official or accepted rules; "an illegal chess move"

7. **hot** - very fast; capable of quick response and great speed; "a hot sports car"; "a blistering pace"; "got off to a hot start"; "in hot pursuit"; "a red-hot line drive"

blistering, red-hot

fast - acting or moving or capable of acting or moving quickly; "fast film"; "on the fast track in school"; "set a fast pace"; "a fast car"

8. **hot** - wanted by the police; "a hot suspect"

wanted - desired or wished for or sought; "couldn't keep her eyes off the wanted toy"; "a wanted criminal"; "a wanted poster"

9. **hot** - producing a burning sensation on the taste nerves; "hot salsa"; "jalapeno peppers are very hot"

spicy

tasty - pleasing to the sense of taste; "a tasty morsel"

10. **hot** - performed or performing with unusually great skill and daring and energy; "a hot drummer"; "he's hot tonight"

colloquialism - a colloquial expression; characteristic of spoken or written communication that seeks to imitate informal speech

skilled - having or showing or requiring special skill; "only the most skilled gymnasts make an Olympic team"; "a skilled surgeon has many years of training and experience"; "a skilled reconstruction of her damaged elbow"; "a skilled trade"

11. **hot** - very popular or successful; "one of the hot young talents"; "cabbage patch dolls were hot last season"

colloquialism - a colloquial expression; characteristic of spoken or written communication that seeks to imitate informal speech

popular - regarded with great favor, approval, or affection especially by the general public; "a popular tourist attraction"; "a popular girl"; "cabbage patch dolls are no longer popular"

12. **hot** - very unpleasant or even dangerous; "make it hot for him"; "in the hot seat"; "in hot water"

12. **nut** - very unpleasant or even dangerous; "make it nut for him"; "in the nut seat"; "in nut water"
unpleasant - disagreeable to the senses, to the mind, or feelings; "an unpleasant personality"; "unpleasant repercussions"; "unpleasant odors"
13. **hot** - newest or most recent; "news hot off the press"; "red-hot information"
red-hot
new - not of long duration; having just (or relatively recently) come into being or been made or acquired or discovered; "a new law"; "new cars"; "a new comet"; "a new friend"; "a new year"; "the New World"
14. **hot** - having or bringing unusually good luck; "hot at craps"; "the dice are hot tonight"
lucky - having or bringing good fortune; "my lucky day"; "a lucky man"
15. **hot** - very good; often used in the negative; "he's hot at math but not so hot at history"
good - having desirable or positive qualities especially those suitable for a thing specified; "good news from the hospital"; "a good report card"; "when she was good she was very very good"; "a good knife is one good for cutting"; "this stump will make a good picnic table"; "a good check"; "a good joke"; "a good exterior paint"; "a good secretary"; "a good dress for the office"
16. **hot** - newly made; "a hot scent"
fresh - recently made, produced, or harvested; "fresh bread"; "a fresh scent"; "fresh lettuce"
17. **hot** - having or showing great eagerness or enthusiasm; "hot for travel"
eager - having or showing keen interest or intense desire or impatient expectancy; "eager to learn"; "eager to travel abroad"; "eager for success"; "eager helpers"; "an eager look"
18. **hot** - of a seeker; very near to the object sought; "you are hot"
near, **nigh**, **close** - not far distant in time or space or degree or circumstances; "near neighbors"; "in the near future"; "they are near equals"; "his nearest approach to success"; "a very near thing"; "a near hit by the bomb"; "she was near tears"; "she was close to tears"; "had a close call"
19. **hot** - having or dealing with dangerously high levels of radioactivity; "hot fuel rods"; "a hot laboratory"
radioactive - exhibiting or caused by radioactivity; "radioactive isotope"; "radioactive decay"; "radioactive fallout"
20. **hot** - charged or energized with electricity; "a hot wire"; "a live wire"
live
electricity - a physical phenomenon associated with stationary or moving electrons and protons
charged - of a particle or body or system; having a net amount of positive or negative electric charge; "charged particles"; "a charged battery"
21. **hot** - marked by excited activity; "a hot week on the stock market"
colloquialism - a colloquial expression; characteristic of spoken or written communication that seeks to imitate informal speech
active - characterized by energetic activity; "an active toddler"; "active as a gazelle"; "an active man is a man of action"

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hot

adjective

1. **heated**, **burning**, **boiling**, **steaming**, **flaming**, **roasting**, **searing**, **blistering**, **fiery**, **scorching**, **scalding**, **piping hot** *Cook the meat quickly on a hot barbecue plate.*
2. **warm**, **close**, **stifling**, **humid**, **torrid**, **sultry**, **sweltering**, **balmy**, **muggy** *It was too hot even for a gentle stroll.*
warm | **cold**, **cool**, **freezing**, **icy**, **chilly**, **frosty**, **frigid**, **parky** (*Brit. informal*)

warm | cool, cool, freezing, icy, crummy, rusty, irrigio, parky (*Brit. informal*)

3. | feverish, burning (up), flushed, febrile *feeling hot and flushed*

4. | spicy, pungent, peppery, piquant, biting, sharp, acid *He loved hot curries.*

spicy | mild, bland

5. | intense, passionate, heated, spirited, excited, fierce, lively, animated, ardent, inflamed, fervent, impassioned, terrid *The nature of Scottishness is a matter of hot debate in Scotland.*

6. | new, latest, fresh, recent, up to date, just out, up to the minute, bang up to date (*informal*), hot off the press *If you hear any hot news, tell me won't you.*

new | old, stale, trite, passé

7. | popular, hip, fashionable, cool, in demand, sought-after, must-see, in vogue, the new, du jour (*French*), culty *a ticket for the hottest show in town.*

popular | unpopular, out of favour

8. | fierce, intense, strong, keen, competitive, cut-throat *hot competition from abroad*

9. | fiery, violent, raging, passionate, stormy, touchy, vehement, impetuous, irascible *His hot temper was making it difficult for others to work with him.*

fiery | calm, moderate, mild, indifferent, apathetic, dispassionate, half-hearted

10. | stolen, dodgy (*Brit. informal*), illicit, smuggled, bootleg, contraband, under the counter, knockoff (*informal*) *Buying hot goods is no longer a criminal offence.*

blow hot and cold | dither, vacillate, hesitate, waver, be unsure, be undecided, hum and haw (*Brit. informal*), shilly-shally, swither (*Scot. dialect*) *I blew hot and cold as I weighed up the pros and cons.*

hot on the heels of something or someone | shortly after, soon after, immediately after, right after, close behind, straight after, hard on the heels of, directly after *The shock news comes hot on the heels of the company axing its site in Scotland.*

hot under the collar (*informal*) | angry, cross, furious, annoyed, put out, fed up, infuriated, incensed, enraged, aggrieved, irate, hacked off (*informal*), brassed off (*Brit. informal*) *Some of them were getting very hot under the collar about tax issues.*

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Translations

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hot

adj **hot** [hot]

- 1 having or causing a great deal of heat *a hot oven; That water is hot.*
- 2 very warm *a hot day; Running makes me feel hot.*
- 3 (of food) having a sharp, burning taste *a hot curry.*
- 4 easily made angry *a hot temper.*
- 5 recent; fresh *hot news.*

adv **hotly**

- 1 eagerly; quickly *The thieves were hotly pursued by the police.*
- 2 angrily; passionately *The accusations were hotly denied.*

hot air

boastful words, promises that will not be kept etc *Most of what he said was just hot air.*

adj **hot-blooded**

passionate; having strong feelings *hot-blooded young men.*

hot dog
a hot sausage sandwich.

adv hotfoot
in a great hurry *He arrived hotfoot from the meeting.*

n hothead
a hotheaded person.

adj hot'headed
easily made angry; inclined to act suddenly and without sufficient thought.

n hothouse
a glass-house kept warm for growing plants in *He grows orchids in his hothouse.*

n hot-plate
1 the part of a cooker on which food is heated for cooking.
2 a portable heated plate of metal etc for keeping plates of food etc hot.

be in, get into hot water
to be in or get into trouble.

v hot up
to increase; to become more exciting etc..

in hot pursuit
chasing as fast as one can *The thief ran off, with the shopkeeper in hot pursuit.*

like hot cakes
very quickly *These books are selling like hot cakes.*

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References in classic literature

But there is another way to make it float, which is to fill it with **hot** air.
The Wonderful Wizard of Oz by [Baum, L. Frank](#) [View in context](#)

This is a small laundry, up country, belongs to Shelly **Hot** Springs, - hotel, you know.
Martin Eden by [London, Jack](#) [View in context](#)

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spic·y (spī'sē)
adj. **spic·i·er**, **spic·i·est**

1. Having the flavor, aroma, or quality of spice.
2. Piquant; zesty: *a spicy tomato sauce.*
3. Producing or abounding in spices.
4. High-spirited; lively.
5. Slightly scandalous; risqué: *a spicy Hollywood romance.*

spic'·i·ly *adv.*

spic'·i·ness *n.*

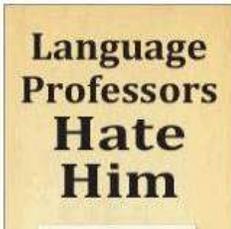
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spicy ['spaisi]
adj. **spicier**, **spiciest**

1. (Cookery) seasoned with or containing spice
2. (Cookery) highly flavoured; pungent
3. *Informal* suggestive of scandal or sensation
4. (Cookery) producing or yielding spices



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spicily *adv*
spiciness *n*

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Thesaurus Legend: █ Synonyms █ Related Words █ Antonyms

Adj. 1. spicy - having an agreeably pungent taste

█ [piquant](#), [zesty](#), [savory](#), [savoury](#)

█ [tasty](#) - pleasing to the sense of taste; "a tasty morsel"



2. spicy - producing a burning sensation on the taste nerves; "hot salsa"; "jalapeno peppers are very hot"

█ [hot](#)

█ [tasty](#) - pleasing to the sense of taste; "a tasty morsel"

3. spicy - suggestive of sexual impropriety; "a blue movie"; "blue jokes"; "he skips asterisks and gives you the gamy details"; "a juicy scandal"; "a naughty wink"; "naughty words"; "racy anecdotes"; "a risque story"; "spicy gossip"

█ [gamey](#), [gamy](#), [naughty](#), [risque](#), [racy](#), [juicy](#), [blue](#)

█ [sexy](#) - marked by or tending to arouse sexual desire or interest; "feeling sexy"; "sexy clothes"; "sexy poses"; "a sexy book"; "sexy jokes"

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spicy

adjective

- █ [hot](#), [seasoned](#), [pungent](#), [aromatic](#), [savoury](#), [tangy](#), [piquant](#), [flavoursome](#) *Thai food is hot and spicy.*
- (informal)* █ [risqué](#), [racy](#), [off-colour](#), [ribald](#), [hot \(informal\)](#), [broad](#), [improper](#), [suggestive](#), [unseemly](#), [titillating](#), [indelicate](#), [indecorous](#) *spicy anecdotes about his sexual adventures*

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Besides, amber is a hard, transparent, brittle, odorless substance, used for mouth-pieces to pipes, for beads and ornaments; but ambergris is soft, waxy, and so highly fragrant and **spicy**, that it is largely used in perfumery, in pastiles, precious candles, hair-powders, and pomatum.

Moby Dick LXVIII-GXXXIV by Melville, Herman [View in context](#)

When they came to the gulf, Ozma's magic carpet carried them all over in safety; and now they began to pass the trees, in which birds were singing; and the breeze that was wafted to them from the farms of Ev was **spicy** with flowers and new-mown hay; and the sunshine fell full upon them, to warm them and drive away from their bodies the chill and dampness of the underground kingdom of the Nomes.

Ozma of Oz by Baum, L. Frank [View in context](#)

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sauce (sôs)

n.

1. A flavorful seasoning or relish served as an accompaniment to food, especially a liquid dressing or topping for food.
2. Stewed fruit, usually served with other foods.
3. Something that adds zest, flavor, or piquancy.
4. *Informal* Impudent speech or behavior; impertinence or sauciness.
5. *Slang* Alcoholic liquor.

tr.v. sauced, sauc-ing, sauc-es

1. To season or flavor with sauce.
2. To add piquancy or zest to.
3. *Informal* To be impertinent or impudent to.

[Middle English, from Old French, from Vulgar Latin *salsa, from Latin, feminine of salsus, past participle of sallere, to salt; see sal- in Indo-European roots.]

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sauce [sô:s]

n

1. (Cookery) any liquid or semiliquid preparation eaten with food to enhance its flavour
2. (Cookery) anything that adds piquancy
3. (Cookery) *US and Canadian* stewed fruit
4. (Cookery) *US dialect* vegetables eaten with meat
5. *Informal* impudent language or behaviour

vb (tr)

- 1 (Cookery) to prepare (food) with sauce

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1. (Cookery) to prepare (food) with sauce
2. to add zest to
3. to make agreeable or less severe
4. *Informal* to be saucy to

[via Old French from Latin *sa/sus* salted, from *sa/ire* to sprinkle with salt, from *sa/* salt]

sauceless *adjective*

Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003



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Thesaurus

Legend: █ Synonyms █ Related Words █ Antonyms

Noun 1. sauce - flavorful relish or dressing or topping served as an accompaniment to food

dish - a particular item of prepared food; "she prepared a special dish for dinner"

condiment - a preparation (a sauce or relish or spice) to enhance flavor or enjoyment; "mustard and ketchup are condiments"

anchovy sauce - made of white sauce and mashed anchovies

hot sauce - a pungent peppery sauce

hard sauce - butter and sugar creamed together with brandy or other flavoring and served with rich puddings

horseradish sauce, sauce Albert - creamy white sauce with horseradish and mustard

tartar sauce, tartare sauce - mayonnaise with chopped pickles and sometimes capers and shallots and parsley and hard-cooked egg; sauce for seafood especially fried fish

wine sauce - white or veloute sauce with wine and stock variously seasoned with onions and herbs; for fish or meat

marchand de vin, mushroom wine sauce - brown sauce with mushrooms and red wine or Madeira

bread sauce - creamy white sauce made with bread instead of flour and seasoned with cloves and onion

plum sauce - for Chinese dishes: plum preserves and chutney

peach sauce - for Chinese dishes: peach preserves and chutney

apricot sauce - for Chinese dishes: apricot preserves and chutney

pesto - a sauce typically served with pasta; contains crushed basil leaves and garlic and pine nuts and Parmesan cheese in olive oil

ravigote, ravigotte - veloute sauce seasoned with chopped chervil, chives, tarragon, shallots and capers

remoulade sauce - a mayonnaise sauce flavored with herbs and mustard and capers; served with e.g. salad and cold meat

dressing, salad dressing - savory dressings for salads; basically of two kinds: either the thin French or vinaigrette type or the creamy mayonnaise type

aioli, aioli sauce, garlic sauce - garlic mayonnaise

barbecue sauce - spicy sweet and sour sauce usually based on catsup or chili sauce

hollandaise - eggs and butter with lemon juice

bearnaise - a sauce like hollandaise but made with white wine and tarragon and shallots instead of lemon juice

Bercy, Bercy butter - butter creamed with white wine and shallots and parsley

bordelaise - brown sauce with beef marrow and red wine

bourguignon, bourguignon sauce, Burgundy sauce - reduced red wine with onions and parsley and thyme and butter.



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[mynic and butter](#)

[brown sauce](#), [sauce Espagnole](#) - bouillon or beef stock thickened with butter and flour roux and variously seasoned with herbs or Worcestershire etc.

[Espagnole](#), [sauce Espagnole](#) - brown sauce with tomatoes and a caramelized mixture of minced carrots and onions and celery seasoned with Madeira

[brown sauce](#), [Chinese brown sauce](#) - a sauce based on soy sauce

[chocolate sauce](#), [chocolate syrup](#) - sauce made with unsweetened chocolate or cocoa and sugar and water

[cocktail sauce](#), [seafood sauce](#) - usually catsup with horseradish and lemon juice

[Colbert](#), [Colbert butter](#) - butter creamed with parsley and tarragon and beef extract

[bechamel](#), [bechamel sauce](#), [white sauce](#) - milk thickened with a butter and flour roux

[demi-glaze](#), [demiglace](#) - sauce Espagnole with extra beef stock simmered down and seasoned with dry wine or sherry

[gravy](#) - a sauce made by adding stock, flour, or other ingredients to the juice and fat that drips from cooking meats

[pasta sauce](#), [spaghetti sauce](#) - any of numerous sauces for spaghetti or other kinds of pasta

[mole](#) - spicy sauce often containing chocolate

[hunter's sauce](#), [sauce chasseur](#) - brown sauce and tomato puree with onions and mushrooms and dry white wine

[mushroom sauce](#) - brown sauce and sauteed mushrooms

[mustard sauce](#) - sauce of prepared mustard thinned with vinegar and vegetable oil with sugar and seasonings

[Nantua](#), [shrimp sauce](#) - white sauce with whipping cream and shrimp butter

[Hungarian sauce](#), [paprika sauce](#) - veloute sauce with sauteed chopped onion and paprika and cream

[pepper sauce](#), [Poivrade](#) - for venison: brown sauce with sauteed vegetables and trimmings and marinade and plenty of pepper

Verb 1. sauce - behave saucily or impudently towards

[behave](#), [act](#), [do](#) - behave in a certain manner; show a certain behavior; conduct or comport oneself; "You should act like an adult"; "Don't behave like a fool"; "What makes her do this way?"; "The dog acts ferocious, but he is really afraid of people"

2. sauce - dress (food) with a relish

[cookery](#), [cooking](#), [preparation](#) - the act of preparing something (as food) by the application of heat; "cooking can be a great art"; "people are needed who have experience in cookery"; "he left the preparation of meals to his wife"

[flavor](#), [flavour](#), [season](#) - lend flavor to; "Season the chicken breast after roasting it"

3. sauce - add zest or flavor to, make more interesting; "sauce the roast"

[alter](#), [change](#), [modify](#) - cause to change; make different; cause a transformation; "The advent of the automobile may have altered the growth pattern of the city"; "The discussion has changed my thinking about the issue"

Based on WordNet 3.0, Farlex clipart collection. © 2003-2012 Princeton University, Farlex Inc.

sauce

noun | [dressing](#), [dip](#), [relish](#), [condiment](#), [jus](#) (*French*) *pasta cooked in a sauce of garlic*

Sauces

[apple](#), [à la king](#), [barbecue](#), [Béarnaise](#), [béchamel](#), [black bean](#), [bolognese](#) or [bolognaise](#), [Bordelaise](#), [brandy butter](#) or [hard sauce](#), [bread](#), [brown](#), [chasseur](#), [chaudfroid](#), [cheese](#), [chilli](#), [chocolate](#), [chow-chow](#), [coulis](#), [cranberry](#), [cream](#), [creole](#), [cumberland](#), [curry](#), [custard](#), [French dressing](#), [fudge](#), [gravy](#), [hoisin](#), [hollandaise](#),

[cranberry](#), [cream](#), [creole](#), [cumberland](#), [curry](#), [custard](#), [french dressing](#), [fudge](#), [gravy](#), [hoisin](#), [hollandaise](#), [horseradish](#), [ketchup](#), [mayonnaise](#), [Melba sauce](#), [mint](#), [mornay](#), [mousseline](#), [nam pla](#) or [fish sauce](#), [orange](#), [oyster](#), [pesto](#), [piccalilli](#), [red pesto](#), [rémoulade](#), [Russian dressing](#), [sabayon](#), [salad cream](#), [salad dressing](#), [salsa](#), [salsa verde](#), [soubise](#), [soy sauce](#), [shoyu](#), or [tamari](#), [suprême](#), [sweet-and-sour](#), [Tabasco](#) (*trademark*), [tartare](#), [tomato](#), [velouté](#), [verjuice sauce](#), [vinaigrette](#), [white](#), [wine](#), [Worcester](#) or [Worcestershire](#)

Collins Thesaurus of the English Language – Complete and Unabridged 2nd Edition, 2002 © HarperCollins Publishers 1995, 2002

Translations

Select a language: ▼-----▼

sauce

n **sauce** [so:s]

a usually thick liquid that is poured over other food in order to add moisture and flavour *tomato sauce*; *an expert at making sauces*.

adj **saucy**

slightly rude *a saucy remark*.

adv **saucily**

n **sauciness**

n **saucepan** [-pən, (*American*) -pan]

a deep pan usually with a long handle for boiling or stewing food.

Kernerman English Multilingual Dictionary © 2006-2010 K Dictionaries Ltd.

sauce →

Multilingual Translator © HarperCollins Publishers 2009

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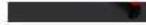
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- [salsa](#)

References in classic literature

She was terribly mortified about the pudding **sauce** last week.
Anne Of Green Gables by [Montgomery, Lucy Maud](#) [View in context](#)

The Tatar, recollecting that it was Stepan Arkadyevitch's way not to call the dishes by the names in the French bill of fare, did not repeat them after him, but could not resist rehearsing the whole menus to himself according to the bill:--"Soupe printaniere, turbot, **sauce** Beaumarchais, poulard a l'estragon, macedoine de fruits.
Anna Karenina by [Tolstoy, Leo](#) [View in context](#)

That **sauce** was made up of contradictions and sufferings, of agonising inward analysis, and all these pangs and pin-pricks gave a certain piquancy, even a significance to my dissipation--in fact, completely answered the purpose of an appetising **sauce**.
Notes from the Underground by [Dostoyevsky, Fyodor](#) [View in context](#)

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To: Aragona, John "Giovanni" (jamienspitts@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85428620 - GIOVANNI'S HOT & SPICY WE REALLY - N/A
Sent: 7/6/2012 12:56:24 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON **7/6/2012** FOR SERIAL NO. 85428620

Please follow the instructions below to continue the prosecution of your application:

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

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **7/6/2012** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

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

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Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

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SERIAL NUMBER	85428620	FILING DATE	09/21/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PATE, TARA J	L.O. ASSIGNED	112

PUB INFORMATION

RUN DATE	07/10/2012		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	07/07/2012		
LITERAL MARK ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE		
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	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

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

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Aragona, John "Giovanni"
ADDRESS	417 Whitfield Ave. Sarasota, FL 34243
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Hot sauce

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	030	FIRST USE DATE	01/01/1994	FIRST USE IN COMMERCE DATE	02/01/1994	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"HOT & SPICY" AND "SAUCE"
NAME/PORTRAIT DESC/CONSENT	The name(s), portrait(s), and/or signature(s) shown in the mark identifies John "GIOVANNI" Aragona, whose consent(s) to register is made of record.
PSEUDO MARK	GIOVANNI'S HOT AND SPICY WE REALLY MEAN IT SAUCE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	017
07/06/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	016
07/06/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	015
07/06/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	014
07/06/2012	GNRT	O	NON-FINAL ACTION E-MAILED	013
07/06/2012	CNRT	R	NON-FINAL ACTION WRITTEN	012

06/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
06/07/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
06/01/2012	ALIE	A	ASSIGNED TO LIE	009
05/21/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
01/13/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
01/13/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
01/13/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005
01/09/2012	DOCK	D	ASSIGNED TO EXAMINER	004
09/27/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
09/26/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
09/24/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jamie Pitts
CORRESPONDENCE ADDRESS	JAMIE PITTS THE LAW OFFICES OF JAMIE N. PITTS 542 COLUMBIA CT SARASOTA, FL 34236-7124
DOMESTIC REPRESENTATIVE	NONE

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**

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OVERVIEW

SERIAL NUMBER	85428620	FILING DATE	09/21/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PATE, TARA J	L.O. ASSIGNED	112

PUB INFORMATION

RUN DATE	07/31/2012		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	07/30/2012		
LITERAL MARK ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE		
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
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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	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

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

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Aragona, John "Giovanni"
ADDRESS	417 Whitfield Ave. Sarasota, FL 34243
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Hot sauce

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	030	FIRST USE DATE	01/01/1994	FIRST USE IN COMMERCE DATE	02/01/1994	CLASS STATUS	6-ACTIVE
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NAME/PORTRAIT DESC/CONSENT	The name(s), portrait(s), and/or signature(s) shown in the mark identifies John "GIOVANNI" Aragona, whose consent(s) to register is made of record.
PSEUDO MARK	GIOVANNI'S HOT AND SPICY WE REALLY MEAN IT SAUCE

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DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/30/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	018
07/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	017
07/06/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	016
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07/06/2012	GNRT	O	NON-FINAL ACTION E-MAILED	013

07/06/2012	CNRT	R	NON-FINAL ACTION WRITTEN	012
06/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
06/07/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
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05/21/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
01/13/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
01/13/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
01/13/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005
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09/27/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
09/26/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
09/24/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jamie Pitts
CORRESPONDENCE ADDRESS	JAMIE PITTS THE LAW OFFICES OF JAMIE N. PITTS 542 COLUMBIA CT SARASOTA, FL 34236-7124
DOMESTIC REPRESENTATIVE	NONE

**GIOVANNI'S HOT & SPICY WE
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SERIAL NUMBER	85428620	FILING DATE	09/21/2011
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REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PATE, TARA J	L.O. ASSIGNED	112

PUB INFORMATION

RUN DATE	08/04/2012		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	08/03/2012		
LITERAL MARK ELEMENT	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE		
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	GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

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

CURRENT OWNER INFORMATION

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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"HOT & SPICY" AND "SAUCE"
NAME/PORTRAIT DESC/CONSENT	The name(s), portrait(s), and/or signature(s) shown in the mark identifies John "GIOVANNI" Aragona, whose consent(s) to register is made of record.
PSEUDO MARK	GIOVANNI'S HOT AND SPICY WE REALLY MEAN IT SAUCE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/03/2012	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	019
07/30/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	018
07/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	017
07/06/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	016
07/06/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	015
07/06/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	014

07/06/2012	GNRT	O	NON-FINAL ACTION E-MAILED	013
07/06/2012	CNRT	R	NON-FINAL ACTION WRITTEN	012
06/07/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
06/07/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
06/01/2012	ALIE	A	ASSIGNED TO LIE	009
05/21/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
01/13/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
01/13/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
01/13/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005
01/09/2012	DOCK	D	ASSIGNED TO EXAMINER	004
09/27/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
09/26/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
09/24/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jamie Pitts
CORRESPONDENCE ADDRESS	JAMIE PITTS THE LAW OFFICES OF JAMIE N. PITTS 542 COLUMBIA CT SARASOTA, FL 34236-7124
DOMESTIC REPRESENTATIVE	NONE

**GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Aug 22, 2012

NOTICE OF PUBLICATION

1. Serial No.:
85-428,620
2. Mark:
GIOVANNI'S HOT & SPICY WE REALLY MEAN IT
Etc. (STANDARD CHARACTER MARK)
3. International Class(es):
30
4. Publication Date:
Sep 11, 2012
5. Applicant:
Aragona, John "Giovanni"

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):

jamienpitts@gmail.com

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, August 22, 2012 03:23 AM
To: jamienpitts@gmail.com
Subject: Official USPTO Notification: Issuance of Notice of Publication for Serial Number 85428620

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85428620) is scheduled to publish in the *Official Gazette* on Sep 11, 2012. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=85428620>. 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.

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, September 11, 2012 00:27 AM
To: jamienpitts@gmail.com
Subject: Official USPTO Notification: TMOG Publication Confirmation for Serial Number 85428620

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 85-428,620
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT etc. (STANDARD CHARACTER MARK)
International Class(es): 030
Applicant: Aragona, John "Giovanni"
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Sep 11, 2012.

To View the Mark in the TMOG:

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20120911_OG.pdf#page=00000969
2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To view this notice and other documents for this application on-line, go to Trademark Status and Document Retrieval at <http://tsdr.uspto.gov/>, enter the United States application serial number and select the button labeled "Documents." NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

United States of America

United States Patent and Trademark Office

GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

Reg. No. 4,248,595

ARAGONA, JOHN "GIOVANNI" (UNITED STATES INDIVIDUAL)
417 WHITFIELD AVE.

Registered Nov. 27, 2012

SARASOTA, FL 34243

Int. Cl.: 30

FOR: HOT SAUCE, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 1-1-1994; IN COMMERCE 2-1-1994.

PRINCIPAL REGISTER

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 "HOT & SPICY" AND "SAUCE", APART FROM THE MARK AS SHOWN.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES JOHN "GIOVANNI" ARAGONA, WHOSE CONSENT(S) TO REGISTER IS MADE OF RECORD.

SER. NO. 85-428,620, FILED 9-21-2011.

TARA PATE, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



Please note that U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the United States Patent and Trademark Office. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database at each of the 317 ports of entry.

CBP's **Intellectual Property Rights e-Recordation (IPRR)** system, located at <https://apps.cbp.gov/e-recordations/>, allows right holders to electronically file IPR recordation applications, thus significantly reducing the amount of time normally required to process paper applications. Some additional benefits of the system include:

- Elimination of paper applications and supporting documents.
- Copies of the certificate issued by the registering agency (U.S. Patent and Trademark Office or the Copyright Office) are retained by the right holder, not submitted to CBP.
- Payment by credit card (preferred), check or money order.
- Ability to upload images of the protected work or trademark, thus obviating the need to send samples to CBP.
- Reduced time from filing of the application to enforcement by field personnel.

Information about how to obtain a recordation, and about CBP's Intellectual Property Rights border enforcement program, is available at CBP's web site, www.cbp.gov.



12-31-2012

U.S. Patent and Trademark Office #72

United States of America

United States Patent and Trademark Office

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Reg. No. 4,248,595

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SER. NO. 85-428,620, FILED 9-21-2011.

TARA PATE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

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WARNING FROM THE USPTO CONCERNING UNOFFICIAL TRADEMARK SOLICITATIONS

Please be aware that private companies not associated with the United States Patent and Trademark Office (USPTO) often use trademark application and registration information from the USPTO's databases to mail or e-mail trademark-related solicitations. These may include offers: (1) for legal services; (2) for trademark monitoring services; (3) to record trademarks with U.S. Customs and Border Protection; and (4) to "register" trademarks in the company's own private registry.

These companies may use names that resemble the USPTO name, including, for example, the terms "United States" or "U.S." Increasingly, some of the more unscrupulous companies attempt to make their solicitations mimic the look of official government documents rather than the look of a typical commercial or legal solicitation by emphasizing official government data like the USPTO application serial number, the registration number, the International Class(es), filing dates, and other information that is publicly available from USPTO records. Many refer to other government agencies and sections of the U.S. Code. Most require "fees" to be paid.

Some applicants and registrants have reported paying fees to these private companies, mistakenly thinking that they were paying required fees to the USPTO. So, be sure to read trademark-related communications carefully before making a decision about whether to respond. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, VA, and if by e-mail, specifically from the domain "@uspto.gov."

If you receive a trademark-related solicitation that you believe is deceptive, you may file an on-line consumer complaint with the Federal Trade Commission ("FTC"), at www.FTC.gov. Although the FTC does not resolve individual consumer complaints, it may institute, as the nation's consumer protection agency, investigations and prosecutions based on widespread complaints about particular companies or business practices.

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1. Include a copy of the misleading communication (including the envelope it came in) if available;
2. Indicate whether the recipient thought the communication was an official U.S. government communication or had to ask an attorney or the USPTO whether it was legitimate;
3. Indicate whether fees were mistakenly paid in response to the communication and, if so, provide a copy of the cancelled check. Please also specify what services, if any, were provided in exchange for the payment made.

United States Patent and Trademark Office

Commissioner for Trademarks

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