

ESTTA Tracking number: **ESTTA533241**

Filing date: **04/19/2013**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Vedozi Investment (PTY) Ltd.		
Entity	Corporation	Citizenship	South Africa
Address	19 Koelenhof St. (Van Riebeckshof) Cape Town, 7530 SOUTH AFRICA		

Attorney information	Jeremy D. Bisdorf Jaffe, Raitt, Heuer & Weiss, P.C. 201 S. Main St., Suite 300 Ann Arbor, MI 48104 UNITED STATES trademark@jaffelaw.com, jbisdorf@jaffelaw.com Phone:(734) 222-4776		
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Registration Subject to Cancellation

Registration No	4319292	Registration date	04/16/2013
Registrant	Cintron Beverage Group, LLC 7400 Brewster Avenue Philadelphia, PA 19153 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2007/05/00 First Use In Commerce: 2007/05/00 All goods and services in the class are cancelled, namely: tea-based beverages
Class 032. First Use: 2006/08/01 First Use In Commerce: 2006/08/01 All goods and services in the class are cancelled, namely: energy drinks, sports drinks, fruit flavored beverages

Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
The mark is primarily merely a surname	Trademark Act section 2(e)(4)

Related Proceedings	Cancellation Nos. 92056969 and 92056992
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Attachments	2921.pdf (62 pages)(4291156 bytes) 2922.pdf (71 pages)(4396163 bytes) 2923.pdf (1 page)(1409904 bytes) 2924.pdf (45 pages)(4113909 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/jdb/
Name	Jeremy D. Bisdorf
Date	04/19/2013

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

In the Matter of Registration No. **4,319,292**
For the Mark: **CINTRON (stylized)**

Registered on April 16, 2013 in International Classes 030 and 032

VEDOZI INVESTMENT (PTY) LTD.,)
a South African corporation)
)
Petitioner,)
)
v.)
)
CINTRON BEVERAGE GROUP, LLC,)
a Delaware limited liability company)
)
Registrant.)

Cancellation No.: _____

Interlocutory Attorney:

PETITION FOR CANCELLATION

Petitioner, Vedozi Investment (PTY) Ltd., a South African corporation, by and through its undersigned counsel, states as follows:

A. Petitioner's Standing to Cancel

1. Petitioner is a South African corporation with an address of 19 Koelenhof St. (Van Riebeckshof), Cape Town, South Africa 7530.
2. On July 13, 2011, Petitioner filed two trademark applications with the United States Patent and Trademark Office (the "Office").
3. The first trademark application filed by Petitioner was for the word mark CINTRON in international classes 030 and 032 and said application was assigned Serial No. 85/370,107 (the "107 Application"). See Exhibit A.

4. The second trademark application filed by Petitioner was for a mark consisting of a stylized design for the word CINTRON in international classes 030 and 032 and said application was assigned Serial No. 85/370,139 (the “139 Application”). See Exhibit B.

5. Upon information and belief, Registrant is a Delaware limited liability company with an address of 7400 Brewster Avenue, Philadelphia, Pennsylvania 19153.

6. Registrant is the current listed owner of United States Trademark Registration No. 4,319,292 for the mark CINTRON (stylized) (the “Mark”) in international classes 030 and 032 which was registered on April 16, 2013 (the “Registration”).

7. On November 7, 2011 the Office issued Office Actions with respect to both the ‘107 Application and the ‘139 Application in each of which the Office refused to register the marks due to likelihood of confusion with U.S. Registration Nos. 3410949 and 3600401 (both owned by Registrant) and also due to Registrant’s prior pending trademark application serial no. 77/807,946 (the “‘946 Application”). See Exhibits C and D.

8. The ‘946 Application resulted in the Registration.

9. Pursuant to 37 C.F.R. §2.111(b), Petitioner believes it will be damaged by the continued registration of the Mark and hereby requests the cancellation of the Registration.

B. First Cause for Cancellation – The Mark is Primarily Merely a Surname

10. The ‘946 Application was filed by Registrant on August 19, 2009.

11. On each of November 23, 2009, February 18, 2010 and August 5, 2010, the Office refused to approve the ‘946 Application for publication because the mark CINTRON was deemed to be primarily merely a surname. See Exhibit E for copies of these Office Actions and further evidence in support of Petitioner’s assertion that the word CINTRON is primarily merely a surname.

12. Registrant itself acknowledges that “Cintron” is a common Latin surname. *See Exhibit F*, a printout from Registrant’s own website acknowledging that the “Cintron” term is taken from “a common Latin surname and in tribute to Edgardo Cintron.”

13. “CINTRON” is primarily merely a surname and as such the Registration should be cancelled pursuant to Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4).

C. Second Cause for Cancellation – Abandonment

14. Registrant has ceased use of the mark CINTRON on its products and replaced it with the word CINTRÓN (which is spelled and pronounced differently than the Mark). *See Exhibit G*.

15. Upon information and belief, Registrant has discontinued use of the Mark with intent not to resume such use. Trademark Act § 14, 15 U.S.C. § 1064, TBMP § 309.03(c)(11).

16. The Mark, if used at all, is now merely a background design that does not function as a mark separate and apart from the words displayed thereon. TBMP § 309.03(c)(6).

17. Due to the course of Registrant’s conduct, the Mark has lost its significance as an indication of source. TBMP § 309.03(c)(11).

D. Third Cause for Cancellation – Written Consent Not Of Record

18. The Mark consists of or comprises a name of a particular living individual, Edgardo Cintron (*see Exhibit F*).

19. If a mark consists of or comprises the name of a particular living individual, then written consent is required to register the mark. Trademark Act § 2(c), 15 U.S.C. 1052(c).

20. Edgardo Cintron’s written consent is not of record in association with the application for the Registration and therefore the Registration should be cancelled.

E. Fourth Cause for Cancellation – Fraud on the Office

21. In applying for and attempting to prosecute the Mark through to publication through the '946 Application, Registrant made false and fraudulent statements to the Office.

22. The Office relied on one or more of Registrant's fraudulent and false statements in approving the '946 Application for publication for opposition and therefore the Registration should never have issued and should now be immediately cancelled.

(i) **First Example of Fraud on the Office – Fraudulent Reference to Prior Registrations**

23. On February 2, 2011, Registrant submitted a Response to Office Action containing the statement that the Mark had become distinctive of the goods provided by Registrant under Section 2(f) of the Trademark Act and as a result, the Mark was entitled to be registered even if it was primarily merely a surname. *See* the Response to Office Action attached as Exhibit H (the "Response").

24. In the Response, Registrant argued that the Mark had become distinctive of its goods as evidenced by its ownership on the Principal Register of the **same mark** for related goods or services in CINTRON ENERGY EHHANCER (Reg. No. 3600401) and CINTRON 21 (Reg. No. 3410949) (collectively, the "Prior Registrations"). *See* Exhibit H at 4.

25. Neither of the Prior Registrations were for the mark "CINTRON" as an independent and single word and, therefore, neither of the Prior Registrations were for the **same mark** as described in the '946 Application.

26. Registrant committed fraud upon the Office by stating that the marks covered by the Prior Registrations were for the **same mark** described in the '946 Application.

27. The Office relied on this fraud when it approved the '946 Application for publication for opposition based on Section 2(f) even though the Mark was primarily merely a surname.

(ii) **Second Example of Fraud on the Office – Fraudulent Claim Regarding Length of Use**

28. In the Response, Registrant stated that “The mark has become distinctive of the goods/services through the applicant’s substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate **for at least the five years immediately before the date of this statement.**” (emphasis added). See Exhibit H as marked at Page 6.

29. Registrant also provided a deliberately confusing and inconsistent statement within the Response, where it stated that “the application [sic] has been in continuous and exclusive use in commerce for at least since the origin of the company in 2006, which is now **substantially five years ago.**” (emphasis added). See Exhibit H as marked at Page 6.

30. Registrant was first organized in the State of Delaware on May 16, 2006.

31. The date of the first use of the Mark, as stated in the ‘946 Application, was August 1, 2006 with respect to goods in Class 032 and May 2007 with respect to goods in class 030.

32. Since the Response was dated February 2, 2011, Registrant committed fraud upon the Office by stating in the Response that the Mark had become distinctive of its goods through Registrant’s substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate **for at least the five years immediately before February 2, 2011.**

33. The Office relied on this fraud when it approved the ‘946 Application for publication for opposition based on Section 2(f) even though the Mark was primarily merely a surname.

(iii) **Third Example of Fraud on the Office – Fraudulent Claim As to Worldwide Ownership of the Mark**

34. Registrant is not the worldwide owner of the CINTRON trademark as Registrant is not the first user of the CINTRON brand in association with beverage products in all countries outside of the United States.

35. Any statement made by Registrant in the '946 Application or materials in support of the '946 Application that indicates that Registrant was the sole owner of the "Cintron" brand throughout the world were false and constituted fraud upon the Office.

36. The Office relied on this fraud when it approved the '946 Application for publication for opposition based on Section 2(f) of the Trademark Act even though the Mark was primarily merely a surname.

37. It would be contrary to public policy to allow the Mark to maintain its registration when the Registrant knowingly submitted fraudulent and false statements during the application process in support of its application for registration when such statements formed the basis for allowing the '946 Application to proceed to publication based on Section 2(f) of the Trademark Act even though the Mark was primarily merely a surname.

NOW, THEREFORE, Petitioner requests that this Petition for Cancellation be sustained and that the Registration be immediately cancelled.

Petitioner hereby appoints Jeremy D. Bisdorf, Peter M. Falkenstein, Lawrence R. Jordan and Joan H. Lowenstein of the law firm Jaffe, Raitt, Heuer & Weiss, P.C., all of whom are members of the bar of the State of Michigan, to act as attorneys for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the Office, the Trademark Trial and Appeals Board, and in the United States Courts, and to receive all communications in connection with this Petition for Cancellation.

Respectfully submitted,

VEDOZI INVESTMENT (PTY) LTD.,
a South African corporation

By: jdb/

Jeremy D. Bisdorf

Peter M. Falkenstein

Joan H. Lowenstein

Lawrence R. Jordan

JAFFE, RAITT, HEUER & WEISS, P.C.

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jbisdorf@jaffelaw.com

trademark@jaffelaw.com

Counsel for Petitioner

Date: April 19, 2013

EXHIBIT A

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370107

Filing Date: 07/13/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85370107
MARK INFORMATION	
*MARK	<u>CINTRON</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CINTRON
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Supplemental
APPLICANT INFORMATION	
*OWNER OF MARK	Vedozi Investment (PTY) Ltd.
*STREET	19 Koelenhof St (Van Riebeckshof)
*CITY	Cape Town
*COUNTRY	South Africa
*ZIP/POSTAL CODE (Required for U.S. applicants only)	7530
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	South Africa

GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	Beverages made of tea; Tea; Tea-based beverages
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
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STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION	Tanzania

COUNTRY	
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/20/2017
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STANDARD CHARACTERS OR EQUIVALENT	YES
INTERNATIONAL CLASS	032
* IDENTIFICATION	Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077

FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
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STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION	09/20/2017

RENEWED (if applicable)	
FOREIGN REGISTRATION FILE NAME(S)	
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STANDARD CHARACTERS OR EQUIVALENT	YES
ATTORNEY INFORMATION	
NAME	Christopher J. Falkowski
ATTORNEY DOCKET NUMBER	240-001
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	All attorneys at the law firm of Falkowski PLLC

CORRESPONDENCE INFORMATION	
NAME	Christopher J. Falkowski
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/Christopher J. Falkowski/
SIGNATORY'S NAME	Christopher J. Falkowski
SIGNATORY'S POSITION	Attorney of record (MI/P57019)
DATE SIGNED	07/13/2011

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370107

Filing Date: 07/13/2011

To the Commissioner for Trademarks:

MARK: CINTRON (Standard Characters, see mark)

The literal element of the mark consists of CINTRON.

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

The applicant, Vedozi Investment (PTY) Ltd., a corporation of South Africa, having an address of
19 Koelenhof St (Van Riebeckshof)
Cape Town 7530
South Africa

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Supplemental 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: Beverages made of tea; Tea; Tea-based beverages

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

[reg-24210109115-113029958 . TanzaniaClass30-1107.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

Original PDF file:

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Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

Original PDF file:

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Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

Original PDF file:

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Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

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Foreign Registration-1

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Foreign Registration-1

Foreign Registration-2

Original PDF file:

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Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

The applicant's current Attorney Information:

Christopher J. Falkowski and All attorneys at the law firm of Falkowski PLLC of Falkowski PLLC

Novi, Michigan 48376-0650

United States.

The attorney docket/reference number is 240-001 .

The applicant's current Correspondence Information:

Christopher J. Falkowski

Falkowski PLLC

P.O. Box 650

Novi, Michigan 48376-0650

248-893-4505(phone)
248-412-4078(fax)
chris@falkowskipllc.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 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. §1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form 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 form is being filed under 15 U.S.C. §1126(d) or (e), 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: /Christopher J. Falkowski/ Date Signed: 07/13/2011
Signatory's Name: Christopher J. Falkowski
Signatory's Position: Attorney of record (MI/P57019)

RAM Sale Number: 8470
RAM Accounting Date: 07/13/2011

Serial Number: 85370107
Internet Transmission Date: Wed Jul 13 12:12:12 EDT 2011
TEAS Stamp: USPTO/SUP-24.210.109.115-201107131212122
44261-85370107-480b277c9e7ba567e2f9dc142
f62035fa12-CC-8470-20110713113029958741

CINTRON

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedoz Investment t/a
CINTRON, Vedoz Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA. USA 01760

in Class 30 under No TZ/T/2010/1107 as of the
date 23rd day of September 2010 in respect
of Iced Tea and Green Tea.

Sealed at my direction, this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania

[Signature]
Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

TRADE MARK REGISTER PAGE		No.: 2009/10279	Date of application 08-Jun-2009						
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD. 14 Erica Street Hout Bay Cape Town South Africa		Convention <table border="1"> <tr> <td>Country</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>No.</td> <td></td> </tr> </table>		Country		Date		No.	
Country									
Date									
No.									
		Date of acceptance							
		date advertised							
Address for service 1896364 - 53 Ravenstone Mews Clifton Hill Estate 51 Acuttis Drive Hillscrest		Date granted							
		Associated with No.							
		Nature of mark Ordinary							
Goods and services <table border="1"> <tr> <th>Class No.</th> <th>Description of goods and services</th> </tr> <tr> <td>32</td> <td>Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.</td> </tr> </table>		Class No.	Description of goods and services	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.	Representation of trade mark CINTRON			
Class No.	Description of goods and services								
32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.								
Remarks		Status Accepted with conditions							
Endorsement		G.P.A.							
Registered Users.		Caveat No							
Application History Sheet <table border="1"> <thead> <tr> <th>Date entry made</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>08-Jun-2009</td> <td>Application for Registration of a Trade Mark filed on 08/06/2009, humbered 2009/10279.</td> </tr> </tbody> </table>				Date entry made	Description	08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, humbered 2009/10279.		
Date entry made	Description								
08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, humbered 2009/10279.								

TRADE MARK REGISTER PAGE		No.: 2009/22638	date of application 11-Nov-2009				
Name and address of proprietor 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutis Drive Hillcrest		Convention					
		<table border="1"> <tr><td>Country</td></tr> <tr><td>Date</td></tr> <tr><td>No.</td></tr> </table>		Country	Date	No.	
		Country					
		Date					
No.							
date of acceptance							
date advertised							
Address for service 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutis Drive Hillcrest		Date granted					
		associated with No.					
		Nature of mark Ordinary					
Goods and services <table border="1"> <thead> <tr> <th>Class No.</th> <th>Description of goods and services</th> </tr> </thead> <tbody> <tr> <td>32</td> <td>Flavoured water, non-alcoholic drinks.</td> </tr> </tbody> </table>		Class No.	Description of goods and services	32	Flavoured water, non-alcoholic drinks.	Representation of trade mark CIMTRON AFRICA	
		Class No.	Description of goods and services				
32	Flavoured water, non-alcoholic drinks.						
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Class No.	Description of goods and services						
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Remarks		Status Accepted with conditions					
Endorsment		G.P.A					
Registered Users		caveat No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.							

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedozl Investment t/a
CINTRON, Vedozl Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 32 under No TZ/T/2010/1089 as of the
date 20th day of September 2010 in respect
of Beverage energy drink and juice.

Sealed at my direction, this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania

[Signature]
Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

/SK

		CIPRO IP ONLINE SERVICES <small>close print</small>							
TRADE MARK DETAIL									
TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009							
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD. 14 Erica Street Hout Bay Cape Town South Africa		Convention							
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		Country							
Date									
No.									
Date of acceptance									
		date advertised							
Address for service 1896364 - 53 Ravenstone Mews Clifton Hill Estate 51 Acuttis Drive Hillscresc		Date granted							
		Associated with No.							
		Nature of mark Ordinary							
Goods and services		Representation of trade mark							
Class No. 32	Description of goods and services Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.	CINTRON							
Remarks		Status Accepted with conditions							
Endorsement		G.P.A							
Registered Users		Caveat No							
Application History Sheet									
Date entry made 08-Jun-2009	Description Application for Registration of a Trade Mark filed on 08/06/2009, humbered 2009/10279.								

TRADE MARK REGISTER PAGE No.: 2009/22638		date of application 11-Nov-2009				
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Class No.	Description of goods and services					
32	Flavoured water, non-alcoholic drinks.					
Remarks		Status				
		Accepted with conditions				
Endorsment		G.P.A				
Registered Users		caveat				
		No				
Application History Sheet						
12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.						

EXHIBIT B

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370139

Filing Date: 07/13/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85370139
MARK INFORMATION	
*MARK	<u>\\TICRS\EXPORT11\IMAGEOUT 11\853\701\85370139\xml1\APP0002.JPG</u>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	CINTRON
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) black and gold is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of The mark consists of the word "CINTRON" in stylized text, with the black text surrounded by a gold outline.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	786 x 218
REGISTER	Supplemental
APPLICANT INFORMATION	
*OWNER OF MARK	Vedozi Investment (PTY) Ltd.
*STREET	19 Koelenhof St (Van Riebeckshof)
*CITY	Cape Town

*COUNTRY	South Africa
*ZIP/POSTAL CODE (Required for U.S. applicants only)	7530
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	South Africa
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	Beverages made of tea; Tea; Tea-based beverages
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	<u>reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0004.JPG</u>
ORIGINAL PDF FILE	<u>reg-3-24210109115-121529985 . SouthAfrica.pdf</u>
CONVERTED	

PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0005.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0006.JPG
STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/20/2017
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	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0008.JPG
ORIGINAL PDF FILE	reg-2-24210109115-121529985 . SouthAfrica.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0009.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0010.JPG
STANDARD CHARACTERS OR EQUIVALENT	YES
INTERNATIONAL CLASS	032

* IDENTIFICATION	Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
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ORIGINAL PDF FILE	<u>reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0004.JPG</u>
ORIGINAL PDF FILE	<u>reg-3-24210109115-121529985 . SouthAfrica.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0005.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0006.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN	

REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
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ORIGINAL PDF FILE	<u>reg-2-24210109115-121529985 . SouthAfrica.pdf</u>
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	<u>\\TICRS\EXPORT1\IMAGEOUT1\853\701\85370139\xml1\APP0010.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
ATTORNEY INFORMATION	
NAME	Christopher J. Falkowski
ATTORNEY DOCKET NUMBER	240-002
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL	48376-0650

CODE	
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	All attorneys at the law firm of Falkowski PLLC
CORRESPONDENCE INFORMATION	
NAME	Christopher J. Falkowski
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/Christopher J. Falkowski/
SIGNATORY'S NAME	Christopher J. Falkowski

SIGNATORY'S POSITION	Attorney of record (MI/P57019)
DATE SIGNED	07/13/2011

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370139

Filing Date: 07/13/2011

To the Commissioner for Trademarks:

MARK: CINTRON (stylized and/or with design, see mark)

The literal element of the mark consists of CINTRON.

The color(s) black and gold is/are claimed as a feature of the mark. The mark consists of The mark consists of the word "CINTRON" in stylized text, with the black text surrounded by a gold outline.

The applicant, Vedozi Investment (PTY) Ltd., a corporation of South Africa, having an address of
19 Koelenhof St (Van Riebeckshof)
Cape Town 7530
South Africa

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Supplemental 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: Beverages made of tea; Tea; Tea-based beverages

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

[reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

Original PDF file:

[reg-3-24210109115-121529985 . SouthAfrica.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

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Original PDF file:

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[Foreign Registration-1](#)

[Foreign Registration-2](#)

Original PDF file:

reg-2-24210109115-121529985 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

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Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

The applicant's current Attorney Information:

Christopher J. Falkowski and All attorneys at the law firm of Falkowski PLLC of Falkowski PLLC

Novi, Michigan 48376-0650

United States.

The attorney docket/reference number is 240-002

The applicant's current Correspondence Information:

Christopher J. Falkowski

Falkowski PLLC

P.O. Box 650
Novi, Michigan 48376-0650
248-893-4505(phone)
248-412-4078(fax)
chris@falkowskipllc.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 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. §1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form 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 form is being filed under 15 U.S.C. §1126(d) or (e), 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: /Christopher J. Falkowski/ Date Signed: 07/13/2011
Signatory's Name: Christopher J. Falkowski
Signatory's Position: Attorney of record (MI/P57019)

RAM Sale Number: 8755
RAM Accounting Date: 07/13/2011

Serial Number: 85370139
Internet Transmission Date: Wed Jul 13 12:38:29 EDT 2011
TEAS Stamp: USPTO/SUP-24.210.109.115-201107131238299
93607-85370139-48060bf1d4d587a6cfe6f0dfd
a1d02fa6-CC-8755-20110713121529985247

Cintron

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedozi Investment Ua
CINTRON, Vedozi Investment Ua CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 30 under No TZ/T/2010/1107 as of the
date 23rd day of September 2010 in respect
of Iced Tea and Green Tea.

Sealed at my direction, this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania


Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

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TRADE MARK DETAIL									
TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009							
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		Country							
Date									
No.									
Date of acceptance date advertised									
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		Associated with No.							
		Nature of mark Ordinary							
Goods and services		Representation of trade mark							
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Class No.	Description of goods and services								
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Remarks		Status Accepted with conditions							
Endorsement		G.P.A							
Registered Users		Caveat No							
Application History Sheet									
<table border="1"> <tr> <th>Date entry made</th> <th>Description</th> </tr> <tr> <td>08-Jun-2009</td> <td>Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.</td> </tr> </table>		Date entry made	Description	08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.				
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08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.								

TRADE MARK REGISTER PAGE No.: 2009/22638		date of application 11-Nov-2009				
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		Nature of mark Ordinary				
Goods and services		Representation of trade mark CIMTRON AFRICA				
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Endorsment	G.P.A					
Registered Users	caveat No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.						

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedozl Investment t/a
CINTRON, Vedozl Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 32 under No TZ/T/2010/1089 as of the
date 20th day of September 2010 in respect
of Beverage energy drink and juice.

Scaled at my direction this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania

Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should **AT ONCE** be made to the Registrar to Register the change.

ISK

		CIPRO IP ONLINE SERVICES <small>close print</small>							
TRADE MARK DETAIL									
TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009							
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD 14 Erica Street Hout Bay Cape Town South Africa		Convention <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Country</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>No.</td> <td></td> </tr> </table>		Country		Date		No.	
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Registered Users		Caution No							
Application History Sheet									
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date advertised					
Address for service 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Date granted 			
		associated with No. 			
		Nature of mark Ordinary			
Goods and services		Representation of trade mark CINTRON AFRICA			
<table border="1"> <thead> <tr> <th>Class No.</th> <th>Description of goods and services</th> </tr> </thead> <tbody> <tr> <td>32</td> <td>Flavoured water, non-alcoholic drinks.</td> </tr> </tbody> </table>	Class No.		Description of goods and services	32	Flavoured water, non-alcoholic drinks.
Class No.	Description of goods and services				
32	Flavoured water, non-alcoholic drinks.				
Remarks		Status Accepted with conditions			
Endorsment		G.P.A			
Registered Users		caveat No			
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.					

EXHIBIT C

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370107 - CINTRON - 240-001
Sent: 11/7/2011 3:36:11 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)

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

APPLICATION SERIAL NO. 85370107

MARK: CINTRON

85370107

CORRESPONDENT ADDRESS:

CHRISTOPHER J. FALKOWSKI
FALKOWSKI PLLC
PO BOX 650
NOVI, MI 48376-0650

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

APPLICANT: Vedozi Investment (PTY) Ltd.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

240-001

CORRESPONDENT E-MAIL ADDRESS:

chris@falkowskipllc.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: 11/7/2011

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

Section 2(d) Refusal – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3600401 and 3410949. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

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

Applicant seeks to register the proposed mark CINTRON. The cited registrations are for the marks CINTRON ENERGY ENHANCER and CINTRON 21. These marks are quite similar because they share the term CINTRON and they create confusingly similar commercial impressions.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

Applicant seeks to register its mark for “Beverages made of tea; Tea; Tea-based beverages,” and “Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks.” Registrant’s goods are “Energy drinks; Sports drinks.” These goods are closely related because they are all energy beverages.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265,

62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

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

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

Prior Pending Applications

The filing dates of pending Application Serial Nos. 77807946 and 77807941 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). 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 applications.

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 marks in the referenced applications. 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.

Cited Registrations and Applications

Registered Marks:

If the marks in the cited registrations have been assigned to applicant, applicant can provide evidence of ownership of the marks by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;
- (2) Submit copies of documents evidencing the chain of title; or
- (3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of U.S. Registration Nos. 3600401 and 3410949."**

TMEP §812.01; see 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §502.02(a).

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

Prior Pending Applications:

If the mark(s) in the potentially conflicting prior-filed application(s) has been assigned to applicant, applicant can provide evidence of ownership of the mark(s) to avoid a possible refusal on the basis of likelihood of confusion under Trademark Act Section 2(d). See 15 U.S.C. §1052(d); TMEP §812.01.

Applicant can provide evidence of ownership of the mark(s) by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer

documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;

(2) Submit copies of documents evidencing the chain of title; or

(3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **“Applicant is the owner of Application Serial No(s). 77807946 and 77807941.”**

See 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §§502.02(a), 812.01.

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

Country of Origin

The application shows that applicant has a domicile in **South Africa**, but has submitted a foreign registration from **Tanzania** to support its basis for registration under Trademark Act Section 44(e) in the United States. 15 U.S.C. §1126(e). To obtain registration under Section 44(e), an applicant must be the owner of a valid registration from the applicant’s country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §1002.01. Under Section 44(c), “country of origin” is defined as the country in which an applicant (1) is domiciled, (2) has a bona fide and effective industrial or commercial establishment, or (3) is a national. 15 U.S.C. §1126(c); TMEP §1002.04.

Because applicant’s domicile is in a country different from that which issued the foreign registration, applicant must establish that applicant’s country of domicile is also applicant’s country of origin. *See* 15 U.S.C. §1126(c); TMEP §1002.04. This requirement may be satisfied by providing a written statement for the record that applicant has a bona fide and effective industrial or commercial establishment in Tanzania. TMEP §1002.04.

If applicant cannot assert that the country in which the foreign registration was filed is a country of origin, registration under Section 44(e) will be refused. 15 U.S.C. §1126(c); TMEP §1002.01. In that case, applicant may delete the Section 44(e) basis and substitute Section 1(a) or 1(b), if applicant can satisfy all of the requirements for the new basis. *See* 15 U.S.C. §§1051(a)-(b), 1126(d); 37 C.F.R. §2.35(b); TMEP §§806.03, 1002.02.

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.

/Curtis W. French/
Trademark Attorney
Law Office 115
United States Trademark Office

571-272-9472
curtis.french@uspto.gov

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>.

Print: Nov 7, 2011

77807941

DESIGN MARK

Serial Number
77807941

Status
OPPOSITION PENDING

Word Mark
CINTRON

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)
3410949;3600401

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/19

Examining Attorney
MULLEN, MARK T.

Attorney of Record
Evelyn H. McConathy

CINTRON

Print: Nov 7, 2011

77807946

DESIGN MARK

Serial Number
77807946

Status
OPPOSITION PENDING

Word Mark
CINTRON

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)
3410949;3600401

Description of Mark
The mark consists of a stylized version of the word "Cintron".

Colors Claimed
Color is not claimed as a feature of the mark.

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/19

Print: Nov 7, 2011

77807946

Examining Attorney
MULLEN, MARK T.

Attorney of Record
Evelyn H. McConathy

Cintron

Print: Nov 7, 2011

78928691

DESIGN MARK

Serial Number
78928691

Status
REGISTERED

Word Mark
CINTRON ENERGY ENHANCER

Standard Character Mark
Yes

Registration Number
3600401

Date Registered
2009/03/31

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

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

Filing Date
2006/07/13

Examining Attorney
KAUFMAN, LAURIE

Attorney of Record
Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 7, 2011

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370107 - CINTRON - 240-001
Sent: 11/7/2011 3:36:12 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 11/7/2011 FOR
SERIAL NO. 85370107**

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 11/7/2011 (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.

EXHIBIT D

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370139 - CINTRON - 240-002
Sent: 11/7/2011 3:35:08 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)

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

APPLICATION SERIAL NO. 85370139

MARK: CINTRON

85370139

CORRESPONDENT ADDRESS:

CHRISTOPHER J. FALKOWSKI
FALKOWSKI PLLC
PO BOX 650
NOVI, MI 48376-0650

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Vedozi Investment (PTY) Ltd.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

240-002

CORRESPONDENT E-MAIL ADDRESS:

chris@falkowskipllc.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: 11/7/2011

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

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Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3600401 and 3410949. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registrations.

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

Applicant seeks to register the proposed mark CINTRON. The cited registrations are for the marks CINTRON ENERGY ENHANCER and CINTRON 21. These marks are quite similar because they share the term CINTRON and they create confusingly similar commercial impressions.

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62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

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

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

Prior Pending Applications

The filing dates of pending Application Serial Nos. 77807946 and 77807941 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). 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 applications.

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Registered Marks:

If the marks in the cited registrations have been assigned to applicant, applicant can provide evidence of ownership of the marks by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;
- (2) Submit copies of documents evidencing the chain of title; or
- (3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of U.S. Registration Nos. 3600401 and 3410949."**

TMEP §812.01; see 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §502.02(a).

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If the mark(s) in the potentially conflicting prior-filed application(s) has been assigned to applicant, applicant can provide evidence of ownership of the mark(s) to avoid a possible refusal on the basis of likelihood of confusion under Trademark Act Section 2(d). See 15 U.S.C. §1052(d); TMEP §812.01.

Applicant can provide evidence of ownership of the mark(s) by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer

documents such as assignments can be filed online at <http://etas.uspto.gov> and promptly notify the trademark examining attorney that the assignment has been duly recorded;

(2) Submit copies of documents evidencing the chain of title; or

(3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **“Applicant is the owner of Application Serial No(s). 77807946 and 77807941.”**

See 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §§502.02(a), 812.01.

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

Country of Origin

The application shows that applicant has a domicile in **South Africa**, but has submitted a foreign registration from **Tanzania** to support its basis for registration under Trademark Act Section 44(e) in the United States. 15 U.S.C. §1126(e). To obtain registration under Section 44(e), an applicant must be the owner of a valid registration from the applicant’s country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §1002.01. Under Section 44(c), “country of origin” is defined as the country in which an applicant (1) is domiciled, (2) has a bona fide and effective industrial or commercial establishment, or (3) is a national. 15 U.S.C. §1126(c); TMEP §1002.04.

Because applicant’s domicile is in a country different from that which issued the foreign registration, applicant must establish that applicant’s country of domicile is also applicant’s country of origin. *See* 15 U.S.C. §1126(c); TMEP §1002.04. This requirement may be satisfied by providing a written statement for the record that applicant has a bona fide and effective industrial or commercial establishment in Tanzania. TMEP §1002.04.

If applicant cannot assert that the country in which the foreign registration was filed is a country of origin, registration under Section 44(e) will be refused. 15 U.S.C. §1126(c); TMEP §1002.01. In that case, applicant may delete the Section 44(e) basis and substitute Section 1(a) or 1(b), if applicant can satisfy all of the requirements for the new basis. *See* 15 U.S.C. §§1051(a)-(b), 1126(d); 37 C.F.R. §2.35(b); TMEP §§806.03, 1002.02.

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.

/Curtis W. French/
Trademark Attorney
Law Office 115
United States Trademark Office

571-272-9472
curtis.french@uspto.gov

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>.

Print: Nov 7, 2011

77807941

DESIGN MARK

Serial Number
77807941

Status
OPPOSITION PENDING

Word Mark
CINTRON

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)
3410949;3600401

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/19

Examining Attorney
MULLEN, MARK T.

Attorney of Record
Evelyn H. McConathy

CINTRON

Print: Nov 7, 2011

77807946

DESIGN MARK

Serial Number
77807946

Status
OPPOSITION PENDING

Word Mark
CINTRON

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)
3410949;3600401

Description of Mark
The mark consists of a stylized version of the word "Cintron".

Colors Claimed
Color is not claimed as a feature of the mark.

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/19

Print: Nov 7, 2011

77807946

Examining Attorney
MULLEN, MARK T.

Attorney of Record
Evelyn H. McConathy

Cintron

Print: Nov 7, 2011

78928691

DESIGN MARK

Serial Number
78928691

Status
REGISTERED

Word Mark
CINTRON ENERGY ENHANCER

Standard Character Mark
Yes

Registration Number
3600401

Date Registered
2009/03/31

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

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

Filing Date
2006/07/13

Examining Attorney
KAUFMAN, LAURIE

Attorney of Record
Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 7, 2011

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370139 - CINTRON - 240-002
Sent: 11/7/2011 3:35:09 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 11/7/2011 FOR
SERIAL NO. 85370139**

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 11/7/2011 (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.

EXHIBIT E

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 11/23/2009 3:25:37 PM
Sent As: ECOM111@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](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/807946

MARK: CINTRON

77807946

CORRESPONDENT ADDRESS:

ROBERT R. AXENFELD
MONTGOMERY, MCCrackEN, WALKER &
RHOADS,
123 S BROAD ST FL 24
PHILADELPHIA, PA 19109-1099

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Cintron Beverage Group, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

raxenfeld@mmwr.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 11/23/2009

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.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

Registration is refused because the applied-for mark is primarily merely a surname. Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4); *see* TMEP §1211. The primary significance of the mark to the purchasing public determines whether a term is primarily merely a surname. *In re Etablissements Darty et Fils*, 759 F.2d 15, 17-18, 225 USPQ 652, 653 (Fed. Cir. 1985); *In re Kahan & Weisz Jewelry Mfg. Corp.*, 508 F.2d 831, 832, 184 USPQ 421, 422 (C.C.P.A. 1975); *see* TMEP §§1211, 1211.01.

Please see the attached evidence from 411.com, establishing the surname significance of the surname Cintron. This evidence shows the applied-for mark appearing substantially in excess of 300 times as a surname in a nationwide telephone directory of names.

A mark deemed primarily merely a surname may be registered on the Principal Register under Trademark Act Section 2(f) by satisfying one of the following:

(1) Submit a claim of ownership of one or more prior registrations on the Principal Register for a mark that is the same as the mark in the application and for the same or related goods and/or services. 37 C.F.R. §2.41(b); TMEP §§1212, 1212.04. The following wording is suggested: **“The mark has become distinctive under Section 2(f) of the goods or services as evidenced by ownership of U.S. Registration No(s). [indicate] on the Principal Register for the same mark for the same or related goods and/or services.”** TMEP §1212.04(e).;

(2) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §§2.20, 2.33: **“The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.”** 37 C.F.R. §2.41(b); TMEP §1212.05(d).; or

(3) Submit actual evidence of acquired distinctiveness. 37 C.F.R. §2.41(a); TMEP §1212.06. Such evidence may include the following: examples of advertising and promotional materials that specifically promote the applied-for mark as a trademark and/or service mark in the United States; dollar figures for advertising devoted to such promotion;

dealer and consumer statements of recognition of the applied-for mark as a trademark and/or service mark; and any other evidence that establishes recognition of the applied-for mark as a source-identifier for the goods and/or services. *See In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp. of Am.*, 201 USPQ 957 (TTAB 1979); TMEP §§1212.06 *et seq.*

Trademark Act Section 2(f), 15 U.S.C. §1052(f); *see* 37 C.F.R. §2.41; TMEP §§1211, 1212.

If applicant cannot satisfy one of the above, applicant can amend the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; *see* 37 C.F.R. §§2.47, 2.75(a).

CLAIM OF OWNERSHIP OF REGISTRATIONS

If applicant is the owner of U.S. Registration Nos. 3600401 and 3410949, then applicant must submit a claim of ownership. *See* 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 3600401 and 3410949.

If applicant has questions about its application or this Office action, please contact the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney
Law Office 111
phone (571) 272-9201
fax (571) 273-9111

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the

complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Nov 23, 2009

78928691

DESIGN MARK

Serial Number

78928691

Status

REGISTERED

Word Mark

CINTRON ENERGY ENHANCER

Standard Character Mark

Yes

Registration Number

3600401

Date Registered

2009/03/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Disclaimer Statement

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

Filing Date

2006/07/13

Examining Attorney

KAUFMAN, LAURIE

Attorney of Record

Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 23, 2009

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

SEARCH FAMILY TREES: Search [One Step Family](#)
First Name (Optional) Last Name:



First Name CINTRON
Tell us more to get better results

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Collection Title	Matches
Census - US Federal 1930 (87% complete)	6,924
Social Security Death Index <small>FREE</small>	3,486
World War II Army Enlistment Records <small>FREE</small>	132
Newspapers (6 titles)	70
Registro Central de Esclavos (100% complete)	70
Civil War and Later Veterans Pension Index (100% complete)	15
City Directories (6 titles)	8
WWI - State Dept Records (97% complete)	4
Pearl Harbor Muster Rolls (93% complete)	4
FBI Case Files (00% complete)	2
Vietnam Veterans Memorial <small>FREE</small>	2

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Footnote.com

State of New York

PARTNER SITES

USSEARCH matches

US Search provides the most up-to-date and accurate people search results available today.

Name	Age	City	State	Result
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ALLAN CINTRON				View Details
ALEX CINTRON				View Details
ANGEL CINTRON	27			View Details
ANTHONY CINTRON	35			View Details

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People Search | Find Neighbors | International Directories

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Property Search

300 Results matching "Clinton, United States".
 Need help finding Clinton?

List View | Map View

Display: All (300) | Home (270) | Work (30) | Sort by: - Select -

1 2 3 4 5 6 7 8 9 Next >

<p>HOME LISTING</p> <p>Clinton, A 300 Seven Hickories Rd Clayton, DE 19938-3294 (302) 659-3562 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for A Clinton. View Pics of Clayton Singles!</p> <p>FOR SALE Clayton Home Search</p> <p>mylife View A Clinton's Profile</p>
<p>HOME LISTING</p> <p>Clinton, A 1846 Whitney Way Winter Park, FL 32792-1415 (407) 678-2956 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for A Clinton. View Pics of Winter Park Singles!</p> <p>FOR SALE Winter Park Home Search</p> <p>mylife View A Clinton's Profile</p>
<p>HOME LISTING</p> <p>Clinton, A 5962 Brookside Dr SE Mableton, GA 30126-2893 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for A Clinton. View Pics of Mableton Singles!</p> <p>FOR SALE Mableton Home</p>

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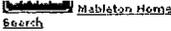


Health Reporter Discovers the Shocking Truth. Read this Warning Now...

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- See The Official Report

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Listing Detail

 [Mableton Home Search](#)

 [View A Cintron's Profile](#)

HOME LISTING

[Cintron, A](#)
7754 W Garland Ct
Frankfort, IL 60423-6964
[Listing Detail](#)

SPONSORED LINKS

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[View Pics of Frankfort Singles!](#)

 [Frankfort Home Search](#)

 [View A Cintron's Profile](#)

HOME LISTING

[Cintron, A](#)
22 W Ninth St
Boston, MA 02127 2544
[Listing Detail](#)

SPONSORED LINKS

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[View Pics of Boston Singles!](#)

 [Boston Home Search](#)

 [View A Cintron's Profile](#)

HOME LISTING

[Cintron, A](#)
14 Mulberry St
Haverhill, MA 01830-3915
[Listing Detail](#)

SPONSORED LINKS

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[View Pics of Haverhill Singles!](#)

 [Haverhill Home Search](#)

 [View A Cintron's Profile](#)

HOME LISTING

[Cintron, A](#)
60 Pilling St
Haverhill, MA 01832-5318
[Listing Detail](#)

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HOME LISTING

[Cintron, A](#)
19 Glendell Ter
Springfield, MA 01108-1208

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Springfield, MA 01100-1200
 (413) 788-6316
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FOR SALE Springfield Home
 Search

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HOME LISTINGS

Cintron, A
 162 Quincy St
 Springfield, MA 01109-3611
 (413) 788-6316
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Alex Cintron	Bakersfield	CA	49	View Details
Angel Cintron	Colorado Springs	CO	27	View Details
Allan Cintron	Allamore Springs	FL		View Details

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Walthamford

Cindy Gee	Lyman Hall High School	Wallingford, CT	View Info
Eileen Cintron	Rafael C. Y. Molina Intermediate School 184	Bronx, NY	View Info
Esmeralda Reinaut	Herbert H. Lehman High School 405	Bronx, NY	View Info

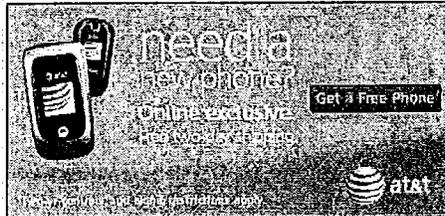
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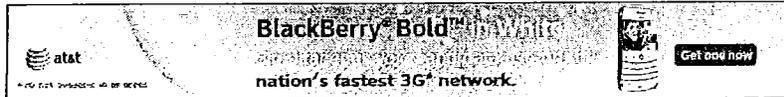
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Property Search

131 Results matching "Cintron, VA". [Need help finding Cintron?](#)

[List View](#) [Map View](#)
Display: [All \(131\)](#) [Home \(12\)](#) [Work \(10\)](#) Sort by: [- Select -](#)

HOME LISTING

Cintron, Alfi
9220 Weathersfield Dr
Bristow, VA 20136-1712
(571) 222-7390
[Listing Detail](#)

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[View Photos of Bristow Singles!](#)

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HOME LISTING

Cintron, Ana C
Age: 45-49
4430 Fairview Dr
Christiansburg, VA 24073-6082
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for Ana Cintron](#)
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FOR SALE [Christiansburg Property Search](#)

HOME LISTING

Cintron, Angela
604 Cavalier Dr
Newport News, VA 23608-1686
(757) 886-0903
[Listing Detail](#)

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DON'T Pay for White Teeth
Learn the trick, discovered by a mom, to turn yellow teeth white from home.



"I CURED My Yellow Teeth!"
Learn the trick, discovered by a mom, to turn yellow teeth white from home.

<p>HOME LISTING</p> <p>Cintron, Angela 925 Churchill Ln Newport News, VA 23608-7728 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for Angela Cintron. View Photos of Newport News Singles!</p> <p>FOR SALE Newport News Property Search</p>
<p>HOME LISTING</p> <p>Cintron, Angelo 604 Cavalier Dr Newport News, VA 23608-1686 (757) 886-0003 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for Angelo Cintron. View Photos of Newport News Singles!</p> <p>FOR SALE Newport News Property Search</p>
<p>HOME LISTING</p> <p>Cintron, Anna M Age: 45-49 13228 Guildtown Pl Bristow, VA 20136 5615 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for Anna Cintron. View Photos of Bristow Singles!</p> <p>FOR SALE Bristow Property Search</p>
<p>HOME LISTING</p> <p>Cintron, Annabelle F 104 N Hope St Hampton, VA 23663-1749 (757) 723-5769 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for Annabelle Cintron. View Photos of Hampton Singles!</p> <p>FOR SALE Hampton Property Search</p>
<p>HOME LISTING</p> <p>Cintron, Anthony L Age: 50-54 507 Hill Ave Hopewell, VA 23860-4308 Listing Detail</p>	<p>SPONSORED LINKS</p> <p>Lookup Background Info for Anthony Cintron. View Photos of Hopewell Singles!</p> <p>FOR SALE Hopewell Property Search</p>

HOME LISTING

Cintron, Aviles M

210B Ball St
Chesapeake, VA 23323-4701
(757) 485-2006
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for Aviles Cintron](#)
[View Photos of Chesapeake Singles!](#)

FOR SALE Chesapeake Property Search

HOME LISTING

Cintron, Barbara

11110 Copeland Ct
Fredericksburg, VA 22407-2591
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for Barbara Cintron](#)
[View Photos of Fredericksburg Singles!](#)

FOR SALE Fredericksburg Property Search

Display: All (131) Home (121) Work (10) Sort by: - Select -

1 2 3 4 5 6 7 8 9 Next >

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10 More Records for Cintron

Name	City	State	Age	People Report
Barbara Cintron	Alexandria	VA	79	View Details
Hector Cintron	Alexandria	VA	39	View Details
Carlos Cintron	Alexandria	VA	77	View Details
Jose Cintron	Alexandria	VA	67	View Details

[See all Records for Cintron.](#)

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View More Alumni Information for Cintron

Name	School	Location	Alumni Info
Aimee George	Norview High School	Norfolk, VA	View Info
Luis Cintron	US Postal Service	Alexandria, VA	View Info
Rebecca Cintron	Bowling Green High School	Bowling Green, VA	View Info
Susanna	Gar-Field High School	Woodbridge, VA	View Info

[Cintron](#) Gar-Field High School Woodbridge, VA [View Info](#)

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Over 300 Results matching "Cintron, PA".

Revise your search

Your search has returned over 300 results. You can [view the first 10 results](#) or refine your search criteria.

Tips to get better results

- Enter a first name or initial
- Include a city name or select a state
- Uncheck the "Begins with" box

People Search

[Basic Search](#) | [Advanced Search](#)

First Name

Last Name

Cintron

City or ZIP/Postal

State/Prov

PA

required

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Single mom discovers 1 simple trick to turn yellow teeth white from home.
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Learn 1 simple trick discovered by a mom, to turn yellow teeth white.
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Name	City	State	Age	People Report
------	------	-------	-----	---------------

name	city	state	age	people report
Carlos Cintron	Allentown	PA	39	View Details
Alex Cintron	Allentown	PA	25	View Details
Carmen Cintron	Allentown	PA	50	View Details
Damario Cintron	Allentown	PA	46	View Details

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To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 11/23/2009 3:25:46 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR TRADEMARK
APPLICATION**

Your trademark application (Serial No. 77807946) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 11/23/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77807946&doc_type=OOA&)
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OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from 11/23/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

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.

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 2/18/2010 11:15:49 AM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
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[Attachment - 18](#)
[Attachment - 19](#)
[Attachment - 20](#)
[Attachment - 21](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/807946

MARK: CINTRON

77807946

CORRESPONDENT ADDRESS:

ROBERT R. AXENFELD
MONTGOMERY, MCCrackEN, WALKER &
RHOADS,
123 S BROAD ST FL 24
PHILADELPHIA, PA 19109-1099

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Cintron Beverage Group, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:
raxenfeld@mmwr.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 2/18/2010

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on January 19, 2010.

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

The refusal under Trademark Act Section 2(e)(4) is now made FINAL for the reasons set forth below. *See* 15 U.S.C. §1052(e)(4); 37 C.F.R. §2.64(a).

Applicant initially contends the proposed mark CINTRON is a rare surname. The examining attorney must respectfully disagree. The enclosed additional evidence from 411.com clearly indicates the surname CINTRON appears in excess of 100 times in white pages phone books. Further, even if its assumed CINTRON is a rare surname its primary and only significance is that of a surname. No other meaning for the term exists in the application record. Although "CINTRON" appears to be a relatively rare surname, a rare surname may be unregistrable under Trademark Act Section 2(e)(4) if its primary significance to purchasers is that of a surname. *E.g., In re Etablissements Darty et Fils*, 759 F.2d 15, 225 USPQ 652 (Fed. Cir. 1985); *In re Giger*, 78 USPQ2d 1405 (TTAB 2006); *see* TMEP §1211.01(a)(v). **There is no minimum number of telephone directory listings needed to prove that a mark is primarily merely a surname.** *See* TMEP §1211.02(b)(i); *see, e.g., In re Petrin Corp.*, 231 USPQ 902 (TTAB 1986). *See attachments.*

There is no rule as to the kind or amount of evidence necessary to make out a prima facie showing that a term is primarily merely a surname. This question must be resolved on a case-by-case basis. TMEP §1211.02(a); *see, e.g., In re Monotype Corp. PLC*, 14 USPQ2d 1070 (TTAB 1989); *In re Pohang Iron & Steel Co.*, 230 USPQ 79 (TTAB 1986). The entire record is examined to determine the surname significance of a term. The following are examples of evidence that is generally considered to be relevant: telephone directory listings, excerpted articles from computerized research databases, evidence in the record that the term is a surname, the manner of use on specimens, dictionary definitions of the term and evidence from dictionaries showing no definition of the term. TMEP §1211.02(a).

Evidence that a word has no meaning or significance other than as a surname is relevant to determining whether the word would be perceived as primarily merely a surname. *See In re Petrin Corp.*, 231 USPQ 902, 903 (TTAB 1986); TMEP §1211.02(b)(vi). The attached evidence from Onelook.com shows that the word CINTRON does not appear in the dictionary/the atlas/the gazetteer. Thus, this word appears to have no meaning or significance other than as a surname. In fact, the only definition that appears from an

Onelook.com search is that of a surname. The term CINTRON has no meaning in a foreign language, no alternate dictionary meaning and only appears as a surname. The sole and only meaning for the term CINTRON is that of a surname. *See attachments.*

Therefore, for the foregoing reasons, the refusal to register is maintained and made FINAL. Trademark Act Section 2(e)(4).

SUPPLEMENTAL REGISTER

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

OPTIONS

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If applicant has questions about its application or this Office action, please contact the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney
Law Office 111
phone (571) 272-9201
fax (571) 273-9111

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received

notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Find the school you attended in Alexandria, VA	Members: 6296	Enter another zipcode: 22314 <input type="button" value="Submit"/>
	Thomas Jefferson High School (thr) Members: 6321	classmates.com

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We found 3 dictionaries with English definitions that include the word *Cintron*:
Click on the first link on a line below to go directly to a page where "Cintron" is defined.

➔ [General](#) (3 matching dictionaries)

1. [Cintron](#): Wordnik [[home](#), [info](#)]
2. [Cintron](#): Rhymezone [[home](#), [info](#)]
3. [Cintron](#): LookWA.Yup Translating Dictionary/Thesaurus [[home](#), [info](#)]

Quick definitions (*Cintron*)

name: A surname (common: 1 in 25000 families; popularity rank in the U.S.: #2801)

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Phrases that include *Cintron*: [joseph m. cintron](#), [sharon cintron](#)

[Additional searches for Cintron...](#)

Search completed in 0.034 seconds.

UNIDENTIFIED FEMALE: Edna Cintron (ph). — CNN Transcript Sep 11, 2004

More examples »

Definitions (0)

- American Heritage Dictionary
- Century Dictionary
- GRB Webster's 1913
- WordNet
- Elsewhere on the web

 916Chris: Stacked show tonight, scheduled guests are Sergio Martinez, Kermil Cintron, and Jose Rana...
www.hingtalkradio.com/leave-it-in-the-ring(Thu, February 18, 04:11 AM)

 SilverJingles: Borough president taps new BOEDC president|Marlene Cintron, tapped to run the Bronx Overall Economic Development ..
<http://oojja.com/v7nhM>(Thu, February 18, 01:16 AM)

 dja2law: Borough president taps new BOEDC president|Marlene Cintron, tapped to run the Bronx Overall Economic Development ..
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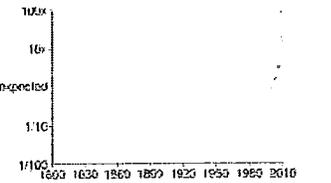
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- ▶ [American Heritage Dictionary](#)
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- ▶ [Oxford English Dictionary](#)
- ▶ [Webster's](#)

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Charts



Bubble size: how much this word was used in a year
Bubble height: used more or less than expected, vs. all uses evenly distributed

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Definitions of *Cintron*:

- *name*: A surname (common: 1 in 25000 families; popularity rank in the U.S.: #2801)

Search for *Cintron* at other dictionaries: [OneLook](#), [Answers.com](#), [Merriam-Webster](#)

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Cintron (definition)

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- [continui](#) (found in 3 dictionaries)
- [cortina](#) (found in 5 dictionaries)
- [cretinu](#) (found in 6 dictionaries)
- [cornetin](#) (found in 2 dictionaries)
- [carotin](#) (found in 3 dictionaries)



If not, you might try using the wildcards * and ? to find the word you're looking for. For example, use

- [cint*](#) to search for words beginning with *cint*, or
- [*tron](#) to search for words ending with *tron*

If you're sure it's a word, try doing a general web search for *Cintron*: [Google](#), [AltaVista](#), [other sources...](#)

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Got the weather-tough
Nextel Direct Connect® handsol.

Motorola Brute™ i580



\$119.99
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iPhone 3G S from AT&T starting at \$199.99

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First Name *Last Name City, State or ZIP

Take charge of my credit and score with Equifax

Over 100 Results

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- A Cintron** PHONE
7754 W Garland Ct Frankfort, IL
- A Cintron** PHONE
14 Mulberry St Haverhill, MA
- A Cintron** PHONE
60 Pilling St Haverhill, MA
- A Cintron** PHONE
15 Nursery St Springfield, MA
- A Cintron** PHONE
452 Plainfield St Springfield, MA
- A Cintron** PHONE
84 Edison St Pontiac, MI Household: Fátima Cintron

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Do NOT BLEACH
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84 Edison St Pontiac, MI Household: Enelida Cintron

A Cintron

PHONE

424 High St Perth Amboy, NJ Age: 35-39 Household: William M Cintron, Candida Cintron

A Cintron

PHONE

3518 Bainbridge Ave Bronx, NY

A Cintron

PHONE

2105 79th St Brooklyn, NY

A Cintron

PHONE

177 Sunflower Ln Islandia, NY Household: Rosa H Cintron

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Allan Cintron	Allamonte Springs	FL		View Details
Alex Cintron	Tucson	AZ		View Details
Annel Cintron	Colorado Springs	CO	27	View Details

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Name	City	State	Email	People Report
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Ivan Cintron	New York	NY	Available	View Details
Ampelita Cintron	Merced	CA	Available	View Details
Isam Cintron			Available	View Details

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Name	School	Location	Alumni Info:
Victor Cintron	Seppia Ruiz Pabon High School	Hornigueros, OV	View Info
Lucia Frachej	Cacigua Aguadana Superior Escuelas	Bayamon, OV	View Info
Josely Cintron	Eugenio Maná De Hostos High School	Mayaguez, OV	View Info
James Cintron	Bronx High School of Science	Bronx, NY	View Info

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📍 242 E Shellcracker Rd Jesup, GA

[Abel Cintron](#)

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📍 2200 Tiebout Ave Bronx, NY

[Abel L Cintron](#)

[PHONE](#)

📍 1457 Margarete Crescent Dr Apopka, FL

Age: 45-49
Household: Nicholas Cintron

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- 📍 1902 Cantier St Flint, MI Age: 65+

Abigael Cintron 📄

📍 1600 Armory Dr, Apt F2 Utica, NY Household: Elys Cintron

Abigail Cintron 📄

📍 47 Roses Farm Rd East Haven, CT Job: Yolaby Inc. President

Abigail Cintron 📄

📍 3835 Whitney Ave Hamden, CT Job: Subway, Owner

Abigail Cintron 📄

📍 1350 Dixwell Ave Hamden, CT Job: Subway, Owner

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- Abigail Cintron** Profile

📍 PO Box 340323 Hartford, CT Age: 30-34
- Abigail Cintron Jr** Profile

📍 193 Whalley Ave New Haven, CT Job: Feliz Lic, Member
- Abigail Cintron** Profile

📍 315 Foxon Blvd New Haven, CT Job: Subway, Manager
- Abigail Cintron** Profile

📍 191 Spring St Wethersfield, CT
- Abigail Cintron** Profile

📍 23 S Ovals Dr Orlando, FL Age: 65+ Household: Domingo Cintron
- Abigail Cintron** Profile

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45 Beaver Terrace Cir Framingham, MA Age: 45-49

Abigail Cintron

2636 N Third St Philadelphia, PA Age: 35-39
 Household: Alberto Cintron

Abigail C Cintron

7707 Acadian Dr Orlando, FL Age: 65+
 Household: Ruben A Cintron

Abigato Cintron

66 York St New Haven, CT Job: Subway Sandwiches & Salads, Owner

Abimael Cintron

1159 Eagle Dr Salinas, CA Household: Jamie M Cintron, Luz S Cintron, Nath

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Alec Cintron	Tucson	AZ		View Info
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James Cintron	Bronx High School of Science	Bronx, NY	View Info

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PHONE

📍 39 Passaic Ave, Fl 1 Nutley, NJ Age: 25-29

Abner Cintron

PHONE

📍 1242 Prendergast Ave Jamestown, NY Household: Felix Cintron

Abner N Cintron

PHONE

📍 6921 Cypress Rd, Apt C19 Plantation, FL Age: 65+ Household: Elsie Cintron

Abraham Cintron Jr

PHONE

📍 2717 N Fairhill St Philadelphia, PA Age: 50-54

Abraham Cintron

PHONE

📍 632 Calle Ceprée Fajardo, PR Street Cepr Calle Job: Abraham Cintron Santiago, Owner

Abrahana R Cintron

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3219 Silver Lake Ct Kissimmee, FL

Ada Cintron

341 N Broad St Lancaster, PA Household: Eddie Cintron, Nilda E Rivera-Cintron

Ada B Cintron

24 Van Wagenen St Newark, NJ Household: Luis A Cintron, Pedro T Sierra, Brac

Ada I Cintron

2664 Muscatello St Orlando, FL Age: 65+ Household: Angel R Cintron, Edward Cintron, Re

Ada S Cintron

203 Taaffe Pl Brooklyn, NY

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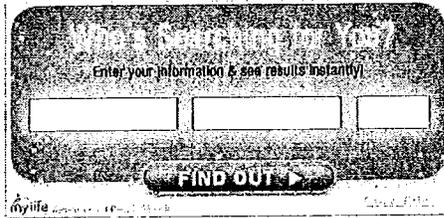
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Lur la Fiechel	Cecilia Guaybana Superior Escuelas	Bayamon, OV	View Info
Josue Cintron	Eugenio Maria De Hostos High School	Mayaguez, OV	View Info
James Cintron	Bronx High School of Science	Bronx, NY	View Info

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Adelina C Cintron

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📍 755 White Plains Rd, Apt 16C Bronx, NY Age: 35-39

Adelina C Cintron

[PHOTO](#)

📍 PO Box 1785 Canyon Lake, TX Age: 55-59 Household: Jose M Cintron

Adolph J Cintron Jr

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📍 1863 82nd St Brooklyn, NY Household: Adolph Cintron

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1853 82nd St Brooklyn, NY Household: Adolph Cintron

Adminda Cintron

1025 Brentwood Way, Atlanta, GA
Apt B

Adminda Cintron

1903 Holland Ave Bronx, NY Household: Norma I Cintron

Adminda Cintron

3506 Peronne Ave Norfolk, VA

Adolfo R Cintron

7812 Sagebrush Pl Orlando, FL Age: 40-44
Household: Josefina A Cintron, Fe Acosta, Magi...

Adolph Cintron

1853 82nd St Brooklyn, NY Household: Adolph J Cintron

Adrian Cintron

1364 Raintree Blvd, Clermont, FL Household: Deanié Cintron
Apt 307

Adrian Cintron

6113 Westgate Dr, Orlando, FL Job: Detailing Traffic, Chief Executive Officer
Apt 1425

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 2/18/2010 11:15:53 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR TRADEMARK
APPLICATION**

Your trademark application (Serial No. 77807946) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 2/18/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial number=77807946&doc type=OOA&)
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OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 2/18/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

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.

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 8/5/2010 10:40:03 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 77/807946

MARK: CINTRON

77807946

CORRESPONDENT ADDRESS:
ROBERT R. AXENFELD
MONTGOMERY, MCCRACKEN, WALKER &
RHOADS
123 SOUTH BROAD STREET FLOOR 24
PHILADELPHIA, PA 19109-1099

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

APPLICANT: Cintron Beverage Group, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:
raxenfeld@mmwr.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: 8/5/2010

This Office action is in response to applicant's communication filed on July 2, 2010. It appears based upon applicant's response that applicant intends to seek registration under Trademark Act Section 2(f) but does not specifically state so for the record. Therefore, the following is advised.

SECTION 2(f) ACQUIRED DISTINCTIVENESS

If applicant believes that its mark has acquired distinctiveness, that is, that it has become a distinctive source-indicator for the goods and/or services, applicant may seek registration on the Principal Register

under Trademark Act Section 2(f). See 15 U.S.C. §1052(f). The Office will decide each case on its own merits.

In determining whether the proposed mark has acquired distinctiveness, the following factors are generally considered: (1) length and exclusivity of use of the mark in the United States by applicant; (2) the type, expense and amount of advertising of the mark in the United States; and (3) applicant's efforts in the United States to associate the mark with the source of the goods and/or services, such as unsolicited media coverage and consumer studies. See *In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 USPQ2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider all of these factors, and no single factor is determinative. *In re Steelbuilding.com*, 415 F.3d at 1300, 75 USPQ2d at 1424; see TMEP §§1212 *et seq.*

Evidence of acquired distinctiveness may include specific dollar sales under the mark, advertising figures, samples of advertising, consumer or dealer statements of recognition of the mark as a source identifier, affidavits, and any other evidence that establishes the distinctiveness of the mark as an indicator of source.

See 37 C.F.R. §2.41(a); *In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp.*, 201 USPQ 957 (TTAB 1979); TMEP §§1212.06 *et seq.*

The burden of proving that a mark has acquired distinctiveness is on the applicant. *Yamaha Int'l Corp. v. Yoshino Gakki Co.*, 840 F.2d 1572, 6 USPQ2d 1001, 1004 (Fed. Cir. 1988); *In re Meyer & Wenthe, Inc.*, 267 F.2d 945, 122 USPQ 372 (C.C.P.A. 1959); TMEP §1212.01. An applicant must establish that the purchasing public has come to view the proposed mark as an indicator of origin.

Allegations of sales and advertising expenditures do not per se establish that a term has acquired significance as a mark. An applicant must also provide the actual advertising material so that the examining attorney can determine how the term is used, the commercial impression created by such use, and the significance the term would have to prospective purchasers. TMEP §1212.06(b); see *In re Boston Beer Co.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999); *In re Packaging Specialists, Inc.*, 221 USPQ 917, 920 (TTAB 1984).

The ultimate test in determining acquisition of distinctiveness under Trademark Act Section 2(f) is not applicant's efforts, but applicant's success in educating the public to associate the claimed mark with a single source. TMEP §1212.06(b); see *In re Packaging Specialists*, 221 USPQ at 920; *In re Redken Labs., Inc.*, 170 USPQ 526 (TTAB 1971).

SURNAME REFUSAL

The refusal under Trademark Act Section 2(e)(4) is maintained. See 15 U.S.C. §1052(e)(4); 37 C.F.R. §2.64(a).

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney

Law Office 111
phone (571) 272-9201
fax (571) 273-9111

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

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

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

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

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807946 - CINTRON - N/A
Sent: 8/5/2010 10:40:09 AM
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OR go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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3. Respond within 6 months, calculated from 8/5/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

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Visit our [happenings and events](#) page to see where The Cintron Band will be next appearing. And in the meantime, pour yourself a Cintron over ice and enjoy a pop of Latin-inspired refreshment.



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2(f) EVIDENCE FILE NAME(S)	
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SECTION 2(f)	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .

RESPONSE SIGNATURE	/evelyn h mcconathy/
SIGNATORY'S NAME	Evelyn H. McConathy
SIGNATORY'S POSITION	Attorney of Record, Pennsylvania bar member
DATE SIGNED	02/02/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 02 12:18:06 EST 2011
TEAS STAMP	USPTO/ROA-65.198.92.163-2 0110202121806634918-77807 946-4801c48524cbffdef198c 582458e5478c-N/A-N/A-2011 0202121453247319

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

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 77807946 has been amended as follows:

ADDITIONAL STATEMENTS

Section 2(f), based on Evidence

The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.

Original PDF file:

e2f-6519892163-121453247 . Cintron 946 - Response to Office Action reduced .pdf

Converted PDF file(s) (38 pages)

2(f) evidence-1

2(f) evidence-2

2(f) evidence-3

2(f) evidence-4

2(f) evidence-5

2(f) evidence-6

2(f) evidence-7

2(f) evidence-8

2(f) evidence-9

2(f) evidence-10

2(f) evidence-11

2(f) evidence-12

2(f) evidence-13
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2(f) evidence-33
2(f) evidence-34
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2(f) evidence-36
2(f) evidence-37
2(f) evidence-38

Section 2(f), based on Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /evelyn h mcconathy/ Date: 02/02/2011

Signatory's Name: Evelyn H. McConathy

Signatory's Position: Attorney of Record, Pennsylvania bar member

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

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

Serial Number: 77807946

Internet Transmission Date: Wed Feb 02 12:18:06 EST 2011

TEAS Stamp: USPTO/ROA-65.198.92.163-2011020212180663

4918-77807946-4801c48524cbffdef198c58245

8e5478c-N/A-N/A-20110202121453247319

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Mark: CINTRON
Serial No: 77/807946
Office Action Date: 8/05/10
Applicant: Cintron Beverage Group, LLC
Response Date: 2/02/11

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attention: Mark Mullen, Esquire
Trademark Attorney
Law Office 111
Phone: (571) 272-9201

RESPONSE TO OFFICE ACTION

Dear Examiner Mullen:

Thank you for speaking with me on Friday, January 28, 2011 in an effort to forward this mark to Registration and to preserve the client's rights in and to the mark. In accordance with your suggestion, we elect to change the filing status of the mark from 1A to §2(f) of the Lanham Act, based upon the substantially 5 years of continuous and exclusive use of the word mark CINTRON in connection with other combined-word trademarks held by the owner Cintron Beverage Group, LLC, and the considerable marketing and investment into CINTRON as a brand that is well recognized by the public in association with tea and juice beverages, energy drinks and bottled water in International Classes 30 and 32.

Applicant hereby requests a change of filing status from 1A to §2(f) under the Lanham Act based upon continuous and exclusive use for substantially 5 years to date.

If the Applicant is relying solely on its ownership of one or more prior registrations as proof of acquired distinctiveness, as will be shown below regarding the CINTRON mark, the §2(f) claim does not have to be verified. Therefore, an Applicant or Applicant's attorney may authorize amendment of an application to add such a claim through an Examiner's amendment, if otherwise appropriate. 37 C.F.R. §2.41(b).

Applicant's undersigned attorney so authorizes an Examiner's amendment as discussed with the Examiner by telephone.

Applicant timely responds within the 6-month permitted response time the key rejections set forth in the Office Action dated August 5, 2010 related to:

1. §2(f) Acquired Distinctiveness; and
2. Maintained Surname Refusal under 37 C.F.R. §2.64(a).

Applicant's change of filing status to §2(f) will resolve the surname issue, which has been maintained by the Examiner throughout the several previous Responses and in an Appeal Brief in this matter. Applicant does not acquiesce to the assertion that the mark CINTRON is primarily a surname, and Applicant maintains all previous arguments for why the mark is, in fact, not based upon a surname. Applicant has not based the mark on Cintron as a surname. However, Applicant is at an impasse with the Trademark Office regarding the use of CINTRON as a surname; and instead the option is provided by the Trademark Office to change the filing status of this mark to §2(f), which Applicant accepts in an effort to move this case forward to registration on the Primary Register, with all rights and privileges attendant thereto.

Acquired Distinctiveness

The guidelines for establishing acquired distinctiveness are generally covered by the TMEP in Section 1212. There, the TMEP lays out three types of acquired distinctiveness evidence:

(1) ownership of one or more prior registrations on the Principal Register for the same mark, for related goods, mark may be accepted as prima facie evidence of distinctiveness.

TMEP 1212.03(b);

(2) five years of continuous and exclusive use of the mark (Trademark Rule 2.41(b));
and

(3) actual evidence of acquired distinctiveness.

(1) Ownership of One or More Prior Registrations on the Principal Register

The first type of evidence turns on Applicant's prior registration and continuous use of CINTRON 21 (Reg. 3410949, Reg. Date April 8, 2008) as filed on Aug. 21, 2006 and claiming a First date of Use and First Commercial Date of at least August 1, 2006 for energy

and sports drinks in International Class 32. The CINTRON brand name has not changed since that first date of use. The CINTRON 21 mark was granted without disclaimer and without rejection. Applicant submitted one specimen for the class showing the mark as used in commerce on or in connection with an item in the class, specifically images of the mark CINTRON 21 as it appears on the aluminum can containing the sports drink and energy drink as sold in interstate commerce. See attached Exhibit 1 showing all three specimen photographs as filed on January 18, 2008, showing continuous use of the mark at that time.

Applicant's also own a prior registration and continuous use of CINTRON ENERGY ENHANCER (Reg. 3600401, Reg. Date March 31, 2009) as filed on Aug. 21, 2006 and claiming a First date of Use and First Commercial Date of at least August 1, 2006 for energy and sports drinks in International Class 32. The CINTRON brand name has not changed since that first date of use. The CINTRON ENERGY ENHANCER mark was granted with a disclaimer of the words "ENERGY ENHANCER" except as used in Applicant's mark – but with no disclaimer required of the term "CINTRON" in the combined word mark. Applicant submitted one specimen for the class showing the mark as used in commerce on or in connection with an item in the class, specifically images of the mark CINTRON ENERGY ENHANCER as it appears on the aluminum can containing the sports drink and energy drink as sold in interstate commerce. See attached Exhibit 2 showing the specimen photograph as filed on January 19, 2009, showing continuous use of the mark at that time.

The following are general guidelines regarding claiming ownership of prior registrations as a method of establishing acquired distinctiveness.

1212.04(a) Sufficiency of Claim vis-à-vis Nature of the Mark: The Examining attorney has the discretion to determine whether the nature of the mark sought to be registered is such that a claim of ownership of a prior registration for the same or similar goods or services is enough to establish acquired distinctiveness. For example, if the mark sought to be registered is deemed to be highly descriptive or misdescriptive of the goods or services named in the application, the examining attorney may require additional evidence of acquired distinctiveness. See *In re Loew's Theatres, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) (claim of ownership of a prior registration held insufficient to establish acquired distinctiveness where registration was refused as primarily geographically deceptively misdescriptive); *In re Kerr-McGee Corp.*, 190 USPQ 204 (TTAB 1976) (claim of ownership

of prior registrations held insufficient to establish acquired distinctiveness where registration was refused on ground that the subject matter was merely an ornamental border or “carrier” for words and symbols appearing within). These cases do not apply in this situation and should not prevent a finding of acquired distinctiveness.

1212.04(c) Relatedness of Goods or Services: The examining attorney should determine whether the goods or services named in the application are sufficiently similar to the goods or services named in the prior registration(s). If the relatedness is self-evident, the examining attorney can generally accept the §2(f) claim without additional evidence. This is most likely to occur with ordinary consumer goods or services where the nature of the goods or services is commonly known and readily apparent (*e.g.*, a prior registration for hair shampoo and new application for hair conditioner). Applicant asserts that the relatedness is evident of the above identified marks containing exactly the recognized brand name that is under application. Consequently Applicant is not reiterating the section of this code regarding when the relatedness is not self-evident, requiring expert testimony.

1212.04(d) Registration Must Be in Full Force and Effect and on Principal Register: Applicant’s prior registrations as identified above are active and in full force and on the primary register. Consequently Applicant is not reiterating the section of this code regarding when these factors are absent.

1212.04(e) Form of §2(f) Claim Based on Ownership of Prior Registrations: Applicant hereby adopts the following language used to claim distinctiveness under §2(f) on the basis of ownership of one or more prior registrations:

The mark has become distinctive of the goods (or services) as evidenced by ownership of U.S. Registration No(s). CINTRON ENERGY ENHANCER (Reg. 3600401, Reg. Date March 31, 2009) and CINTRON 21 (Reg. 3410949, Reg. Date April 8, 2008) on the Principal Register for the same mark for the same or related goods or services. Accordingly, Applicant’s ownership is demonstrated in the US Trademark Office record from a first date of at least August 1, 2006, substantially 5 years ago, and the intervening registrations demonstrate both growth and expansion of the products under the CINTRON brand, as well as continued use and exclusivity.

(2) Five Years of Continuous and Exclusive Use of the Mark (TMEP 1212.05)

The following are general guidelines regarding the statutorily suggested proof of five years' use as a method of establishing acquired distinctiveness.

1212.05(a) Sufficiency of Claim Vis-à-Vis Nature of the Mark: For most surnames, the statement of five years' use will be sufficient to establish acquired distinctiveness.

1212.05(b) "Substantially Exclusive and Continuous:" The five years of use do not have to be exclusive, but may be "substantially" exclusive. This makes allowance for use by others that may be inconsequential or infringing, which does not necessarily invalidate the applicant's claim. *L.D. Kichler Co. v. Davoil, Inc.*, 192 F.3d 1349, 52 USPQ2d 1307 (Fed. Cir. 1999). Applicant has conducted commercially provided searches in countries where they believe other might be using the mark to assure exclusivity, not just in the US, where they have maintained exclusivity, but around the world. In fact a search was conducted last week in Trinidad by Thompson and Thompson for Applicant – and no use of CINTRON for any beverage product was found. Applicant is also actively enforcing the exclusivity of its mark in Nigeria, Zimbabwe and South Africa. In July 2010, a company in Panama approached Applicant seeking permission distribute the CINTRON brand of beverages, but requested that they be permitted to name their Panamanian company "Cintron Panama" or a similar blending with Applicant's brand name CINTRON. Applicant refused permission to dilute the exclusivity of the mark, and CINTRON PANAMA was denied. Documentation and sworn statements are not currently provided, but will be provided upon request for these and other instances in which exclusivity was maintained.

Applicant's use of the mark during the five years was continuous, with no period of "nonuse" or suspension of trade in the goods or services in connection with which the mark is used, and to the contrary use has been consistently expanded during this period.

1212.05(c) Use "as a Mark:" The substantially exclusive and continuous use must be "as a mark." 15 U.S.C. §1052(f). *See In re Craigmyle*, 224 USPQ 791 (TTAB 1984) (registrability under §2(f) not established by sales over a long period of time where there was no evidence that the subject matter had been used as a mark); *In re Kwik Lok Corp.*, 217 USPQ 1245, 1248 (TTAB 1983) (declarations as to sales volume and advertising expenditures held insufficient to establish acquired distinctiveness. Indeed, Applicant's CINTRON brand was so maintained in the above identified marks and in general use of the brand.

1212.05(d) Form of the Proof of Five Years' Use: If the applicant chooses to seek registration under §2(f), 15 U.S.C. §1052(f), by using the statutory suggestion of five years of use as proof of distinctiveness, the applicant should submit a claim of distinctiveness that reads as follows.

Accordingly, Applicant so states that:

 The CINTRON mark (77/77807946) has become distinctive of the goods (or services) through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

The claim of five years of use is generally required to be supported by an affidavit or declaration under 37 C.F.R. §2.20, signed by the applicant or representative. See 37 C.F.R. §2.41(b). Accordingly attached is new sworn Declaration under 37 C.F.R. § 2.20 by Richard Wyatt, CEO of Cintron Beverage Group, LLC, (attached as Exhibit 3), which reiterates the sworn Declaration of record by Richard Wyatt, signed 6/26/10, as filed with the Request for Reconsideration after Final in this case on 7/2/10. The present Declaration further adds that the mark has become distinctive or that the Applicant believes that the mark has become distinctive, it specifically contain a refers to distinctiveness as applied to Applicant's goods or services, or to use in association with the Applicant's goods or services, to relate the distinctiveness created by the five years' of continuous and substantially exclusive use to the goods or services specified in the application. While a clarifying response does not have to be verified, a substitute statement as in the present situation must be verified, i.e., supported by a declaration under 37 C.F.R. §2.20, signed by Applicant.

 Thus, the Declaration shows that the application has been in continuous and exclusive use in commerce for at least since the origin of the company in 2006, which is now substantially 5 years ago.

Adding "fruit-flavored beverages" to Applicant's sports and energy drinks the previous registrations in Class 32 is certainly a natural area of expansion, wherein the consumers would believe that such products emanate from a single source, Cintron Beverage Group, LLC, especially given Applicant's heavy advertising campaign regarding the new product. Similarly, the expansion into what has proven to be an ever expanding selection of tea-based beverages, as registered with a first date of use in May 2007 in Class 30 is also a natural area of expansion, wherein the consumers would certainly believe that such products

emanate from a single source, Cintron Beverage Group, LLC, again especially given Applicant's heavy advertising campaign regarding the new product. These facts further demonstrate both growth and expansion of the products under the CINTRON brand, as well as continued use and exclusivity over a period of substantially 5 years.

The term CINTRON is a term coined by Applicant and a source identifier of their brand, which is recognized world wide as a source of beverages, such as energy and sports drinks, and more recently with fruit based and tea-based beverages. As indicated in the sworn Declaration of Richard Wyatt attached hereto Applicant has had annual sales of beverages with the CINTRON mark totaling over \$3 million dollars since 2007 alone. Moreover, Applicant promoted its CINTRON brand, shown as the present trademark, by engaging in sponsorships at high-profile events such as:

- Power-Boating World Championships;
- the X-Games;
- sponsorship of a Cintron Race Boat; and
- promotion over the Internet and by social networking sites, such as Facebook.*

The expenditures for these marketing channels, together with advertising and promotion are in excess of \$1 million dollars in expenditures by Applicant.* Furthermore, consumers recognize CINTRON beverages across the United States, Australia, Central America and Africa. Thus, it is respectfully asserted that CINTRON is well recognized in light of continuous and exclusive use, and has acquired distinctiveness as required under §2(f) over use for substantially 5 years.

(3) §1212.06 Establishing Distinctiveness by Actual Evidence

Different types of evidence have been used, alone or in combination, to establish acquired distinctiveness. No single evidentiary factor is determinative. The value of a specific type of evidence and the amount necessary to establish acquired distinctiveness will vary according to the facts of the specific case, but the following headings are useful.

1212.06(a) Long Use of the Mark in Commerce: See foregoing discussion of 5 years of continuous and exclusive use.

1212.06(b) Advertising Expenditures: See Declaration of Richard Wyatt. Applicant asserts that it has been successful in educating the public to associate the proposed mark with a single source, as shown in the material attached to the Declaration. Applicant further

indicates in the Declaration the types of media through which the goods and services have been advertised (*e.g.*, the Internet).

1212.06(c) Affidavits or Declarations Asserting Recognition of Mark as Source

Indicator: Such material is not applied at this time, but could be acquired.

1212.06(d) Survey Evidence, Market Research and Consumer Reaction Studies: Such material is not applied at this time, but could be acquired.

1212.06(e) Miscellaneous Considerations Regarding Evidence Submitted to Establish Distinctiveness: Cintron Beverages Group is the first and only user of CINTRON in classes 30 and 32 for the identified beverages, but certainly not the sole producer of such goods, since others produce under other brand names.

1212.07 Form of Application Asserting Distinctiveness: To base a registration on acquired distinctiveness under §2(f), 15 U.S.C. §1052(f), an applicant must indicate its intent to do so. See foregoing underlined statements in opening section and bold statements above, that registration is requested under §2(f); a statement that the mark has become distinctive, or that the applicant believes the mark has become distinctive of the goods or services in commerce; the statement relating to five years' use in commerce as suggested in §2(f); and further in light of the evidence submitted in support of acquired distinctiveness.

In conclusion, Applicant submits that for all of the reasons articulated above, its application for changing status to §2(f) as stated, and the supporting evidence of substantially 5 years of continuous and exclusive use as a trademark should be accepted as proving that on a basis of acquire distinctiveness – the mark CINTRON should be published, and if not opposed, registered on the Primary Register. Applicant requests that the refusal of registration based on an assertion of surname is now moot in light of the acquired distinctiveness, and it is requested that the change be made by Examiner's Amendment and the mark moved to registration.

If, however, the Examining Attorney disagrees with Applicant's position or finds that additional evidence is needed, Applicant asks the Examining Attorney to contact the

undersigned to permit submission of further evidence of acquired distinction under §2(f) for this mark.

Respectfully submitted,

Date: February 2, 2011

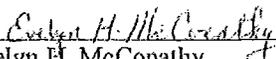
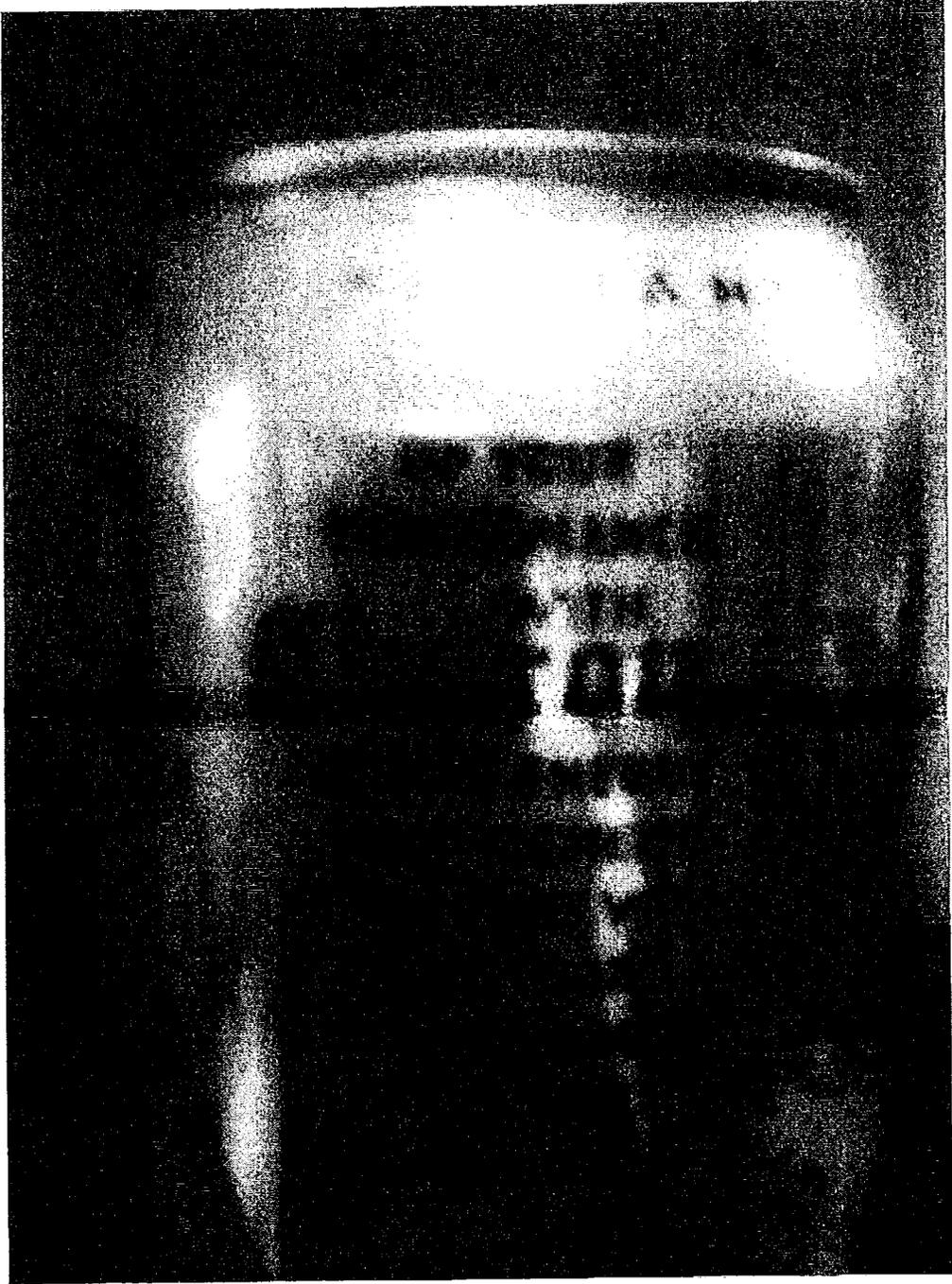

Evelyn H. McConathy
Attorney for Applicant
MONTGOMERY, McCRACKEN,
WALKER & RHOADS, LLP
123 South Broad Street
Philadelphia, PA 19109-1099
Tel: (215) 772.7550
Fax: (215) 772.7620

EXHIBIT 1



UP YOUR
PERFORMANCE
WITH
INTELL
SPORTS ENERGY
ENHANCEMENT
DRINK THAT WILL
TAKE YOUR
PERFORMANCE
TO THE NEXT
DIMENSION.

MADE IN THE USA

PACKAGE THROUGH
CINTROX BEVERAGE LLC
PHILADELPHIA, PA 19153

RECOMMENDED FOR CONSUMPTION
BY ADULTS ONLY. CONTAINS CAFFEINE. THIS
PRODUCT IS NOT INTENDED FOR
CHILDREN, PREGNANT WOMEN, OR PERSONS
WITH PREVIOUS HEART CONDITIONS.



EXHIBIT 2

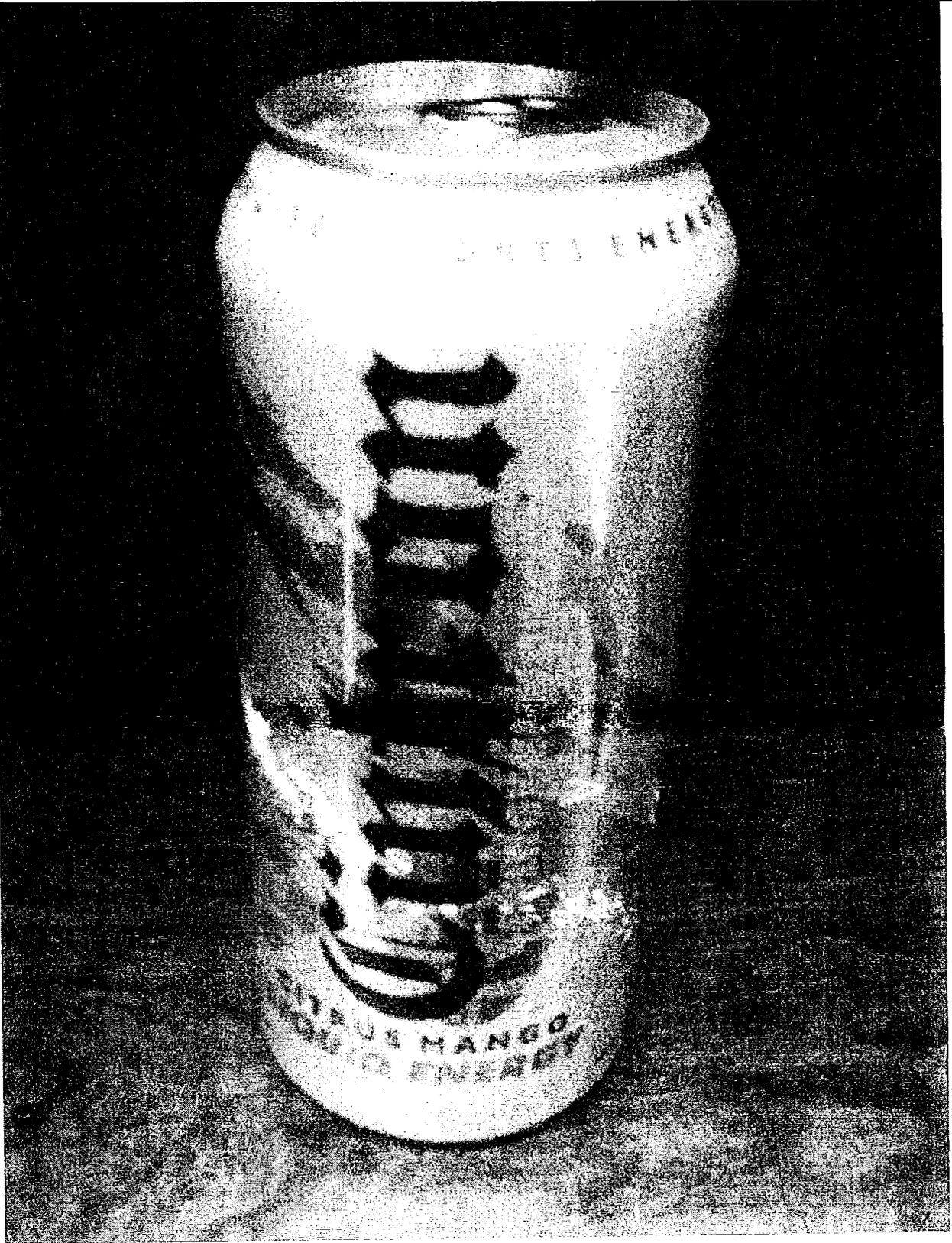


EXHIBIT 3

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Mark: CINTRON
Serial No: 77/77807941 and 77/807,946
Office Action Date: 8/05/10
Applicant: Cintron Beverage Group, LLC
Response Date: 2/01/11

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attention: Mark Mullen, Esquire
Trademark Attorney
Law Office 111
Phone: (571) 272-9201

DECLARATION OF RICHARD WYATT
In support of US Application Serial Nos. 77/807,941 and 77/807,946

Applicant hereby respectfully submits the following Declaration in support of the request for the change in status to §2(f), based upon acquired distinctiveness of the marks associated with the above-identified trademark Applications for a continuous and substantially exclusive period of substantially 5 years.

The undersigned declares and states:

1. I am the Chief Executive Officer of Cintron Beverage Group, LLC (Applicant).
2. I have personal knowledge of the facts as stated herein and am qualified to make such statements.
3. Applicant, Cintron Beverage Group, LLC, was founded in 2006, and it produces and distributes beverages, including a line of energy drinks and teas, under the brand name CINTRON.
4. Applicant is also the owner of US Registrations Nos. 3,410,949 for CINTRON 21 and 3,600,401 for CINTRON ENERGY ENJIANCER, which are used in association with Applicant's sports and energy drinks, although the product lines under the CINTRON brand have expanded into tea-based and fruit-based beverages.

5. The mark CINTRON was first used in commerce in association with beverages, specifically energy drinks and sports drinks, as early as August 2006.
6. Accordingly, the mark CINTRON has been in continuous and substantially exclusive use in commerce to describe Applicant's beverages for substantially 5 years, over which time, the mark has become distinctive, or at least Applicant believes that the mark has become distinctive.
7. US Application Serial Nos. 77/807,941 (word mark) and 77/807,946 (stylized word mark) have over the past at least 5 years acquired specific distinctiveness as applied to Applicant's goods, or as used in association with the Applicant's goods or services, as specified in the application in Class 30 in association with "tea-based beverages," and in Class 32 in association with "energy drinks, sports drinks, fruit flavored beverages" as show by the specimen photographs provided with the filing of the application.
8. Since 2006, Applicant has had annual sales of beverages bearing the CINTRON mark totaling over three-million dollars.
9. Applicant spends approximately one-million dollars each year on marketing in connection with CINTRON-beverage-related advertising.
10. Applicant also promotes its CINTRON mark by promotional venues including sponsorships, such as the following:
 - Applicant was a key sponsor at the Power Boating World Championship in Key West, Florida in February 2010, featuring a "CINTRON-sponsored boat." See attached photograph at Exhibit 4.
 - Applicant was a host at the X-games in Aspen, Colorado in January 2010, hosting a party featuring CINTRON energy drinks. See attached photograph at Exhibit 5.
 - Applicant sponsors a race boat with the CINTRON mark thereon. The race boat has been in approximately twenty (20) separate-race venues in the United States since 2007. See attached photograph at Exhibit 6.
 - Applicant has internet-commercial videos, such as Facebook, featuring CINTRON beverages therein.
11. Applicant is widely known by consumers as a source of innovative-energy drinks in the United States.
12. Applicant has sold CINTRON beverages across the continental United States and Hawaii; as well as in Australia, and countries in Central America and Africa.

13. The undersigned is unaware of any consumers that have associated the CINTRON mark with a person or surname.

14. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registrations issuing thereon.

Dated: February 1, 2011

By: 
Richard Wyatt, CEO
Cintron Beverage Group, LLC

EXHIBIT 4

Cintron

TASTE is the DIFFERENCE!

Official Beverage of the
Key West World Championship

Home

Liquid Energy

Teas and Fruit Drinks

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Newsletter

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EVENTS

KEY WEST, Fla. - Offshore Powerboat Race Winner of the World Championship 2010



Cintron cruises at Key West World Championships (11.11.10) Cintron - Trolled by Rich Vezall of Lisbon Township, Pa. - was the fastest boat in Wednesday's opener of the Key West World Championships. The silver 50-foot Mystic with twin 1,400-horsepower engines averaged 114.9 mph over the smooth, 2.4-mile course that began and ended in Key West Harbor. For the first four laps, Cintron -- competing in the four-boat Superboat Unlimited class -- traded the lead with GMS, owned by Randy Seism and helmed by owner Bob Duff. Both of these out. Out of Turn 2, outside the harbor, the race began to fall apart for GMS, and the team dropped out with one lap to go. "We came into Turn 2 together at about 145 miles an hour," Granel said. "We were probably no less than four or five feet apart. He took a flap, and I knew he came around and it had to be a really, really tight turn. By that time, we had already navigated the turn. So it seemed that's where he started to fall off. They've got two days to fix their boat. I want to see them back in the water." The second event of the three-race championship begins at 10 a.m. Friday. The final event to determine world champions in 13 classes is Sunday.

1 2 3 Red Bull

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Cintron Tasting Team

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Cintron Shots!



KEY WEST, Fla. - Offshore

Cintron Powerboat

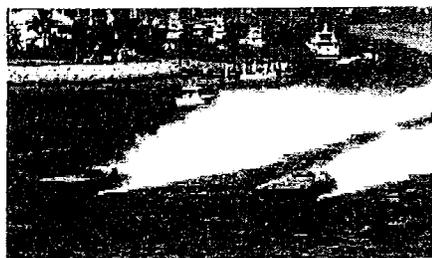
Cintron Powers & Games

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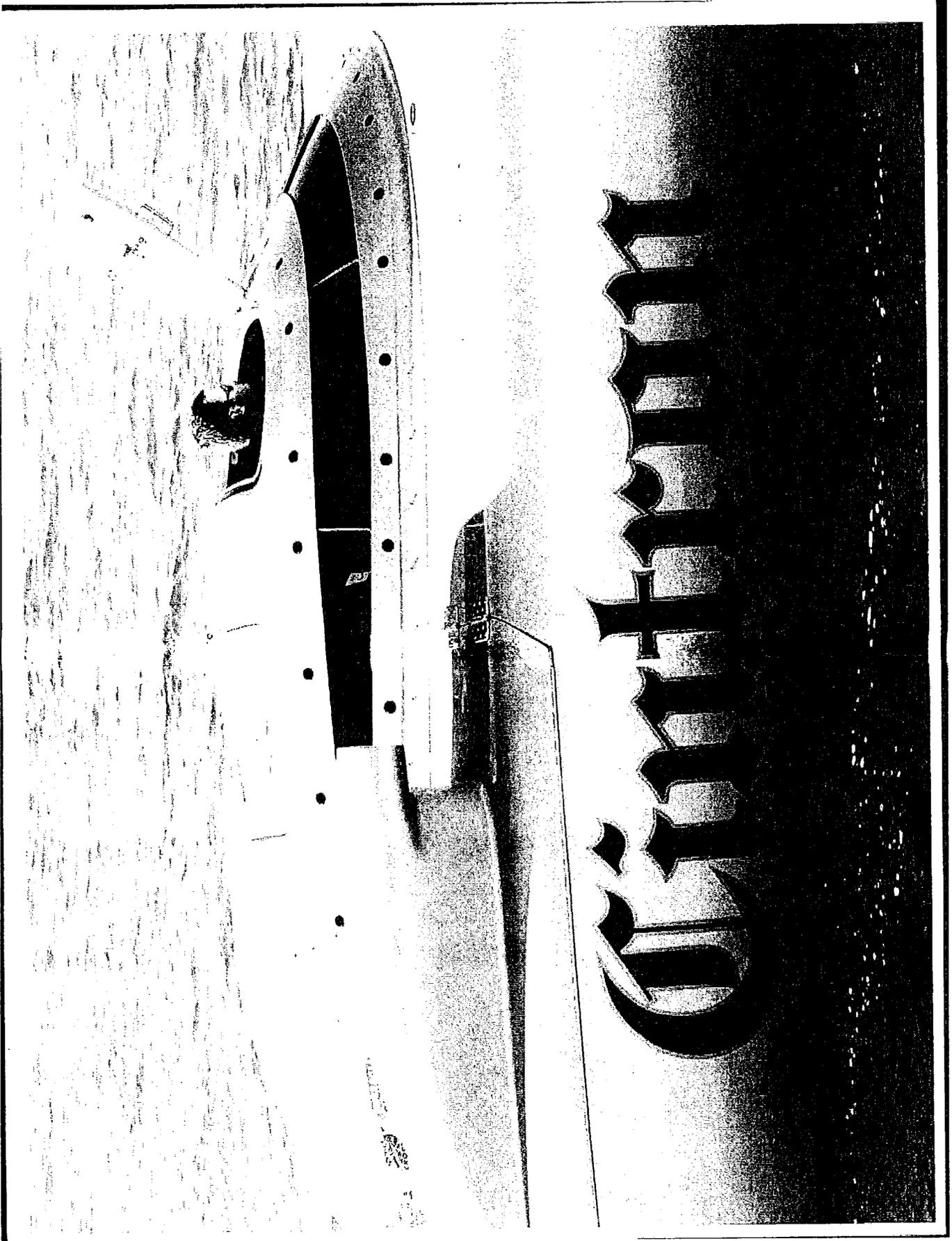


EXHIBIT 5

Cintron

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Cintron

EVENTS

Cintron Powers X-Games



Aspen, Colorado,

Cintron Powers the X-Games 2010!

Cintron Liquid Energy recently attended the X-Games in Aspen, Colorado. We threw a terrific, and flavor filled party, featuring all of our Liquid Energy Drinks: Citrus Mango, Tropical Azul, Pineapple Passion and Cranberry Splash!



Our loyal Cintron Liquid Energy FANATICS got to power up during the day and then mix Cintron Liquid Energy with their favorite beverage of choice to power them through the night!

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Cintron Shots!



ELY WISE, Fla. Offshore

Cintron Powerlifting

Cintron Powers X-Games

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Image 3 of 5

Bottled

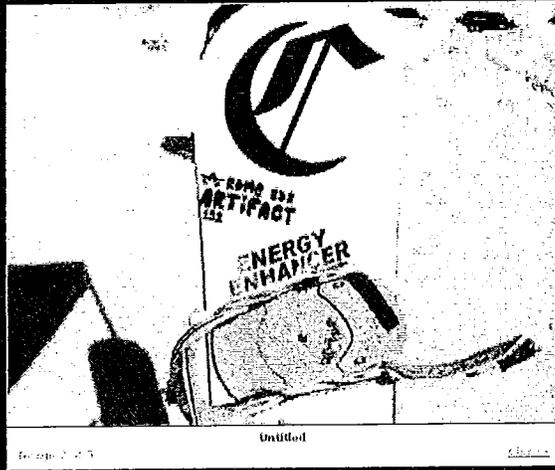
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Image 1 of 2

Page 1





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Image 2 of 3

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EXHIBIT 6

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EVENTS

Cintron Powerboating!



Key West, Florida

Cintron Liquid Energy Blasts Off At Powerboating World Championships!

Cintron Liquid Energy, powered its way through the competition at the Key West Powerboating Championships in Key West, Florida. Cintron always throws a terrific high-energy and flavor filled party featuring all of our Liquid Energy Drinks: Citrus Mango, Tropical Azul, Pineapple Passion and Cranberry Splash! The Cintron Powerboat Crew says it best, when we need that extra boost to beat the competition, we BLAST OFF with Cintron Liquid Energy!



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Cintron Boat News

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Cintron Shots!



NEWS! It's Official!

Cintron Powerboating!

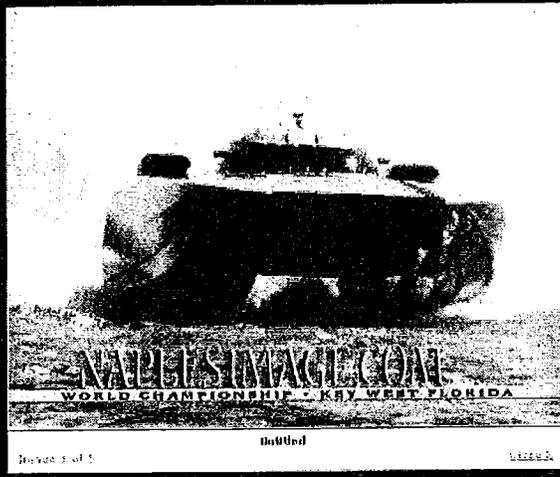
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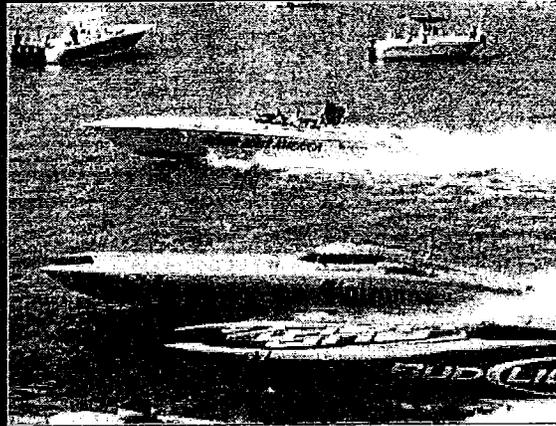




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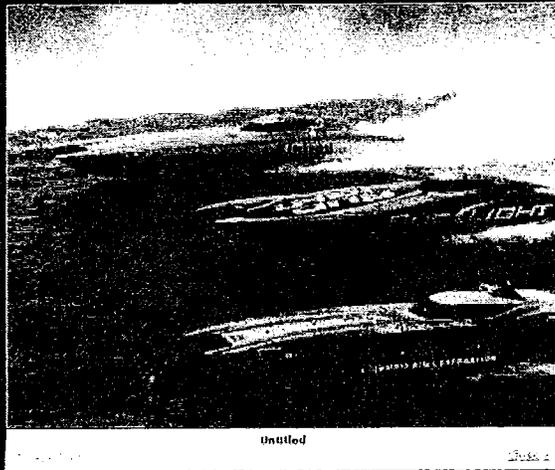
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Cintron

21 REVO

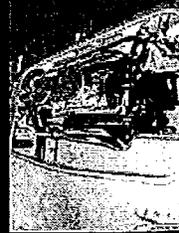


Cintron

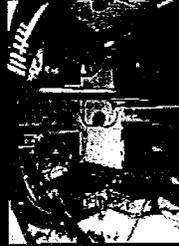
12 REVO



Super Cat Unlimited



Steller 1400 HP x 2

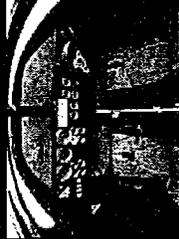


Cockpit

Super Vee Unlimited



Steller 1000 HP x 2



Cockpit



www.cintronbeveragegroup.com

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

In the Matter of Registration No. **4,319,292**
For the Mark: **CINTRON (stylized)**

Registered on April 16, 2013 in International Classes 030 and 032

VEDOZI INVESTMENT (PTY) LTD.,)
a South African corporation)
)
Petitioner,)
)
v.)
)
CINTRON BEVERAGE GROUP, LLC,)
a Delaware limited liability company)
)
Registrant.)

Cancellation No.: _____

Interlocutory Attorney:

CERTIFICATE OF SERVICE

I, Jeremy D. Bisdorf, do hereby certify that on April 19, 2013, a true and complete copy of the **PETITION FOR CANCELLATION** and this **CERTIFICATE OF SERVICE** has been served upon the registrant of the above mentioned trademark registration by means of United States Express Mail – Post Office to Addressee:

Cintron Beverage Group, LLC
7400 Brewster Avenue
Philadelphia, Pennsylvania 19153

/jdb/
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