

ESTTA Tracking number: **ESTTA702583**

Filing date: **10/15/2015**

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

Proceeding	92058893
Party	Plaintiff Mayweather Promotions, LLC
Correspondence Address	LAURI S THOMPSON GREENBERG TRAUIG LLP 3773 HOWARD HUGHES PARKWAY, SUITE 400N LAS VEGAS, NV 89169 UNITED STATES thompsonl@gtlaw.com, welshs@gtlaw.com, lvpto@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Peter H. Ajemian
Filer's e-mail	lvlitdock@gtlaw.com, ajemianp@gtlaw.com, neyc@gtlaw.com, thompsonl@gtlaw.com, nortons@gtlaw.com
Signature	/s/ Peter H. Ajemian
Date	10/15/2015
Attachments	Notice of Reliance (file history).pdf(2260126 bytes)

LAURI S. THOMPSON (Nevada Bar No. 6846)
PETER H. AJEMIAN (Nevada Bar No. 9491)
SHAUNA L. NORTON (Nevada Bar No. 11320)
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, NV 89169
Telephone: 702-792-3773
Facsimile: 702-792-9002
Attorneys for Mayweather Promotions, LLC

In the matter of Trademark Registration No. 3565960
For the mark MONEY POWER RESPECT ENTERTAINMENT in Class 35
Registration Date: January 20, 2009

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

MAYWEATHER PROMOTIONS, LLC,

Petitioner,

v.

BRANCH, CAHLEB, JEREMIAH, LLC,

Registrant.

NOTICE OF RELIANCE

Cancellation No. 92058893

PETITIONER'S NOTICE OF RELIANCE

Petitioner Mayweather Promotions, LLC ("Petitioner") hereby files this Notice of Reliance in the above-captioned matter pursuant to TBMP § 704.03(b)(1)(A) and 37 C.F.R. § 2.122(d) and (e). In particular, Petitioner files this Notice of Reliance to place into the record the application file history of Registrant's trademark application for its MONEY POWER RESPECT ENTERTAINMENT mark (U.S. Ser. No. 86/380,283) in International Class 25. Attached hereto as **Exhibit A** is a copy of the file history for this application obtained from the

TSDR of the USPTO. The documents set forth in **Exhibit A** are relevant to show that Registrant's use of the MONEY POWER RESPECT ENTERTAINMENT mark for clothing has been found by the USPTO to be merely ornamental use. Petitioner has similarly argued that the photos of clothing items submitted by Registrant showing the ornamental use of its mark is not sufficient evidence of use of the MONEY POWER RESPECT ENTERTAINMENT mark in commerce for online retail store services.

Respectfully submitted this 15th day of October, 2015.

GREENBERG TRAURIG, LLP

/s/ Peter H. Ajemian

Lauri S. Thompson, Esq. (Nevada Bar No. 6846)
Peter H. Ajemian, Esq. (Nevada Bar No. 9491)
Shauna L. Norton, Esq. (Nevada Bar No. 11320)
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, NV 89169
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2015, I served the foregoing **NOTICE OF RELIANCE** on:

Frank G. Long
Dickinson Wright PLLC
1850 N. Central Avenue, Suite 1400
Phoenix, AZ 85004

Jenny T. Slocum
Dickinson Wright PLLC
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006
Attorneys for Registrant

by causing a full, true, and correct copy thereof to be sent by first class United States mail, postage prepaid.

/s/ Cynthia L. Ney

An employee of Greenberg Traurig, LLP

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-07-16 18:27:42 EDT

Mark: MONEY POWER RESPECT ENTERTAINMENT

MONEY POWER RESPECT
ENTERTAINMENT

US Serial Number: 86380283

Application Filing Date: Aug. 28, 2014

Register: Principal

Mark Type: Trademark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 01, 2015

Mark Information

Mark Literal Elements: MONEY POWER RESPECT ENTERTAINMENT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, hats, shirts, sweatshirts and jackets

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: Yes

Amended ITU: Yes

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Money Power Respect Entertainment, LLC

Owner Address: P.O. Box 17761
Phoenix, ARIZONA 85011
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Frank G. Long

Docket Number: 59430-4

Attorney Primary Email Address: trademark@dickinsonwright.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: FRANK G. LONG
DICKINSON WRIGHT, PLLC
1850 N CENTRAL AVE STE 1400
PHOENIX, ARIZONA 85004-4568
UNITED STATES

Phone: 602-285-5000

Fax: 602-285-5100

May-B000115

Correspondent e-mail: trademark@dickinsonwright.com flog@dickinsonwright.com eblabac@dickinsonwright.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 01, 2015	LETTER OF SUSPENSION E-MAILED	6332
Jul. 01, 2015	SUSPENSION LETTER WRITTEN	82435
Jun. 30, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Jun. 30, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jun. 24, 2015	ASSIGNED TO LIE	77312
Jun. 15, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 15, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 15, 2014	NON-FINAL ACTION E-MAILED	6325
Dec. 15, 2014	NON-FINAL ACTION WRITTEN	82435
Dec. 11, 2014	ASSIGNED TO EXAMINER	82435
Sep. 10, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 01, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BOONE, JOHN C

Law Office Assigned: LAW OFFICE 104

File Location

Current Location: TMEG LAW OFFICE 104 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jul. 01, 2015

May-B000116

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

OVERVIEW

SERIAL NUMBER	86380283	FILING DATE	08/28/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BOONE, JOHN C	L.O. ASSIGNED	104

PUB INFORMATION

RUN DATE	07/01/2015		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	06/30/2015		
LITERAL MARK ELEMENT	MONEY POWER RESPECT ENTERTAINMENT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

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

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	MONEY POWER RESPECT ENTERTAINMENT

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

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Money Power Respect Entertainment, LLC
ADDRESS	P.O. Box 17761 Phoenix, AZ 85011
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Arizona

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely, hats, shirts, sweatshirts and jackets

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/30/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
06/30/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
06/24/2015	ALIE	A	ASSIGNED TO LIE	008
06/15/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/15/2014	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
12/15/2014	GNRT	F	NON-FINAL ACTION E-MAILED	005
12/15/2014	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/11/2014	DOCK	D	ASSIGNED TO EXAMINER	003
09/10/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
09/01/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Frank G. Long
CORRESPONDENCE ADDRESS	FRANK G. LONG DICKINSON WRIGHT, PLLC 1850 N CENTRAL AVE STE 1400 PHOENIX, AZ 85004-4568
DOMESTIC REPRESENTATIVE	NONE

MONEY POWER RESPECT ENTERTAINMENT

To: Money Power Respect Entertainment, LLC (trademark@dickinsonwright.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86380283 - MONEY POWER RESPECT ENTERTAINMENT - 59430-4
Sent: 7/1/2015 10:35:03 AM
Sent As: ECOM104@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

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

U.S. APPLICATION SERIAL NO. 86380283

MARK: MONEY POWER RESPECT ENTERTAINMENT

86380283

CORRESPONDENT ADDRESS:

FRANK G. LONG
DICKINSON WRIGHT, PLLC
1850 N CENTRAL AVE STE 1400
PHOENIX, AZ 85004-4568

**GENERAL TRADEMARK
INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Money Power Respect Entertainment, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

59430-4

CORRESPONDENT E-MAIL ADDRESS:

trademark@dickinsonwright.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 7/1/2015

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

Basis for Suspension – Earlier-Filed Pending Application

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

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§2.83(c). A copy of information relevant to this referenced application is attached.

- Application Serial No. 85968214 (“MONEY POWER RESPECT”), owned by Mayweather Promotions LLC.

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

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

/Cory Boone/
Cory Boone
Trademark Examining Attorney
Law Office 104
Phone: (571) 270-1510
Fax: (571) 270-2510
cory.boone@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or 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 Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

85968214

Status

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark

MONEY POWER RESPECT

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mayweather Promotions LLC LIMITED LIABILITY COMPANY NEVADA 4616 W. Sahara Ave. Suite 412 Las Vegas NEVADA 89102

Goods/Services

Class Status -- ACTIVE, IC 025, US 022 039, G & S: T-shirts and hats. First Use: 2012/05/05, First Use In Commerce: 2012/05/05.

Filing Date

2013/06/24

Examining Attorney

HETZEL, DANNEAN

Attorney of Record

Lauri S. Thompson

MONEY POWER RESPECT

To: Money Power Respect Entertainment, LLC (trademark@dickinsonwright.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86380283 - MONEY POWER RESPECT ENTERTAINMENT - 59430-4
Sent: 7/1/2015 10:35:04 AM
Sent As: ECOM104@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

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

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **7/1/2015** FOR U.S. APPLICATION SERIAL NO.86380283

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on

May-B000125

how to handle private company solicitations, see
http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86380283
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86380283/large
LITERAL ELEMENT	MONEY POWER RESPECT ENTERTAINMENT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
Applicant:	Money Power Respect Entertainment LLC
Serial No.:	86/380,283
Mark:	MONEY POWER RESPECT ENTERTAINMENT
Class:	025
Filed:	August 28, 2014
To:	Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451
Attention:	Cory Boone Trademark Examining Attorney

RESPONSE

The Trademark Examining Attorney issued an Office Action on December 15, 2015 concerning the above-referenced application for registration of the mark MONEY POWER RESPECT ENTERTAINMENT (“Applicant’s Mark”) in connection with clothing, namely, hats, shirts, sweatshirts and jackets in Class 25.

The Office Action refused registration under Trademark Act Section 2(d), citing U.S. Registration Number 3565960, owned by Cahleb Branch, for MONEY POWER RESPECT ENTERTAINMENT against the Application. Applicant respectfully requests that this refusal be withdrawn.

The Applicant, Money Power Respect Entertainment, LLC, is related to Cahleb Branch. The cited registration and Applicant’s Mark share a unity of control, under TMEP §1201.07(a). Cahleb Branch is the principal and owner of Money Power Respect Entertainment, LLC, and was the signatory for this Application and the cited registration. Mr. Branch is the member and manager of Money Power Respect Entertainment, LLC, as shown in the corporate record for this corporation, including the Articles of Organization, depicted in attached Exhibit 1. Accordingly, due to the close relationship between Applicant and Registrant, and the unity of control over the use of the MONEY POWER RESPECT ENTERTAINMENT marks, there is no likelihood of confusion as to source of the mark. See *In re Wella A.G.*, 5 USPQ2d 1359, 1361 (TTAB 1987) (emphasis in original), *rev’d on other grounds*, 858 F.2d 725, 8 USPQ2d 1365 (Fed. Cir. 1988) (Board concluded that there was no likelihood of confusion between marks owned by applicant and related company because “Control and source are inextricably linked”).

Based on the foregoing, Applicant respectfully requests that the Trademark Examining Attorney withdraw the Section 2(d) refusal and allow the application to proceed to publication.

June 15, 2015

Respectfully Submitted,

By: /Jenny T. Slocum

Jenny Slocum
DICKINSON WRIGHT PLLC
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006-5420
Tel: (202) 659-6927
Fax: (202) 659-1559
Email: jslocum@dickinsonwright.com
Counsel for Applicant

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE	evi_63240199130-20150615153348939979 . DC- 258718-v1-Office Action Response .pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0003.JPG
ORIGINAL PDF FILE	evi_63240199130-20150615153348939979 . MPRE Exhibit 1.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0008.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\802\86380283\xml4\ROA0009.JPG

GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	025
DESCRIPTION	Clothing, namely, hats, shirts, sweatshirts and jackets
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 03/00/2008

GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS	025
DESCRIPTION	Clothing, namely, hats, shirts, sweatshirts and jackets

FILING BASIS	Section 1(b)
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	/Jenny T. Slocum/
SIGNATORY'S NAME	Jenny T. Slocum
SIGNATORY'S POSITION	Of Counsel, Dickinson Wright PLLC, DC Bar Member
SIGNATORY'S PHONE NUMBER	202-659-6927
DATE SIGNED	06/15/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jun 15 15:45:55 EDT 2015
TEAS STAMP	USPTO/ROA-63.240.199.130- 20150615154555662523-8638 0283-5309d13d98f6ba9309cd c388df16335ee24ebb917c7b4 77de971151bd72d2f582-N/A- N/A-20150615153348939979

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

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86380283** MONEY POWER RESPECT ENTERTAINMENT(Standard Characters, see <http://tsdr.uspto.gov/img/86380283/large>) has been amended as follows:

ARGUMENT(S)

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

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

May-B000130

Applicant: Money Power Respect Entertainment LLC
Serial No.: 86/380,283
Mark: MONEY POWER RESPECT ENTERTAINMENT
Class: 025
Filed: August 28, 2014
To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
Attention: Cory Boone
Trademark Examining Attorney
Law Office 104

RESPONSE

The Trademark Examining Attorney issued an Office Action on December 15, 2015 concerning the above-referenced application for registration of the mark MONEY POWER RESPECT ENTERTAINMENT (“Applicant’s Mark”) in connection with clothing, namely, hats, shirts, sweatshirts and jackets in Class 25.

The Office Action refused registration under Trademark Act Section 2(d), citing U.S. Registration Number 3565960, owned by Cahleb Branch, for MONEY POWER RESPECT ENTERTAINMENT against the Application. Applicant respectfully requests that this refusal be withdrawn.

The Applicant, Money Power Respect Entertainment, LLC, is related to Cahleb Branch. The cited registration and Applicant’s Mark share a unity of control, under TMEP §1201.07(a). Cahleb Branch is the principal and owner of Money Power Respect Entertainment, LLC, and was the signatory for this Application and the cited registration. Mr. Branch is the member and manager of Money Power Respect Entertainment, LLC, as shown in the corporate record for this corporation, including the Articles of Organization, depicted in attached Exhibit 1. Accordingly, due to the close relationship between Applicant and Registrant, and the unity of control over the use of the MONEY POWER RESPECT ENTERTAINMENT marks, there is no likelihood of confusion as to source of the mark. See *In re Wella A.G.*, 5 USPQ2d 1359, 1361 (TTAB 1987) (emphasis in original), *rev’d on other grounds*, 858 F.2d 725,

Proposed: Class 025 for Clothing, namely, hats, shirts, sweatshirts and jackets

Deleted Filing Basis: 1(a)

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

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: /Jenny T. Slocum/ Date: 06/15/2015

Signatory's Name: Jenny T. Slocum

Signatory's Position: Of Counsel, Dickinson Wright PLLC, DC Bar Member

Signatory's Phone Number: 202-659-6927

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: 86380283

Internet Transmission Date: Mon Jun 15 15:45:55 EDT 2015

TEAS Stamp: USPTO/ROA-63.240.199.130-201506151545556

62523-86380283-5309d13d98f6ba9309cdc388d

f16335ee24ebb917c7b477de971151bd72d2f582

-N/A-N/A-20150615153348939979

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Applicant: Money Power Respect Entertainment LLC
Serial No.: 86/380,283
Mark: MONEY POWER RESPECT ENTERTAINMENT
Class: 025
Filed: August 28, 2014
To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
Attention: Cory Boone
Trademark Examining Attorney
Law Office 104

RESPONSE

The Trademark Examining Attorney issued an Office Action on December 15, 2015 concerning the above-referenced application for registration of the mark MONEY POWER RESPECT ENTERTAINMENT (“Applicant’s Mark”) in connection with clothing, namely, hats, shirts, sweatshirts and jackets in Class 25.

The Office Action refused registration under Trademark Act Section 2(d), citing U.S. Registration Number 3565960, owned by Cahleb Branch, for MONEY POWER RESPECT ENTERTAINMENT against the Application. Applicant respectfully requests that this refusal be withdrawn.

Exhibit 1

Search Date and Time:

6/15/2015 9:50:54 AM

File Number:

L14522730

Corporation Name:

MONEY POWER RESPECT ENTERTAINMENT LLC

Collapse | Expand

Corporate Inquiry 	
File Number	L14522730
Corporation Name	MONEY POWER RESPECT ENTERTAINMENT LLC
Standing	<input type="button" value="Check Corporate Status"/>
Domestic Address 	
PO BOX 54986 PHOENIX, AZ 85032	
Statutory Agent Information 	
Agent Name: ALPHA LEGAL FORMS AND MORE INC	
Agent Mailing/Physical Address: 4500 E SPEEDWAY BLVD STE 31 TUCSON, AZ 85712 	
Agent Status: APPOINTED 05/22/2008	

Agent Last Updated: 07/21/2008

Additional Entity Information 

Entity Type: DOMESTIC L.L.C.	Business Type:
Incorporation Date: 5/22/2008	Corporation Life Period: PERPETUAL
Domicile: ARIZONA	County: MARICOPA
Approval Date: 5/27/2008	Original Publish Date: 7/14/2008

Manager/Member Information 

Name	COHLEB BRANCH
Title	MANAGER
Address	PO BOX 54986 PHOENIX, AZ 85032
Date of Taking Office	05/22/2008
Last Updated	05/27/2008
Name	COHLEB BRANCH
Title	MEMBER
Address	PO BOX 54986 PHOENIX, AZ 85032
Date of Taking Office	05/22/2008
Last Updated	05/27/2008

Scanned Documents 

Click on a gold button below to view a document. If the button is gray, the document is not yet available. Please check back again later.



Document Number	02504133
Description	PUB OF ARTICLES OF ORGANIZATION
Date Received	7/14/2008
Document Number	02413279
Description	ARTICLES OF ORGANIZATION
Date Received	5/22/2008

Microfilm 

Location	Entered	Description
32130001946	5/22/2008	ARTICLES OF ORGANIZATION
32145003815	7/14/2008	PUB OF ARTICLES OF ORGANIZATION

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DO NOT FURNISH
THIS SECTION

ARTICLE 1
The company must contain in its articles of organization which may be "limited liability company," "limited liability company," or the abbreviations "LLC," "L.L.C.," "LLC" or "L.C." If you are the holder or assignee of a certificate or trademark, state Declaration of Trademark Holder form.

ARTICLE 2
May be in care of the statutory agent.

ARTICLE 3
The statutory agent must provide both a physical and mailing address. If statutory agent has P.O. Box, then they must provide a physical description of their street address.
The agent must sign the Articles or provide a consent to appointment.

ARTICLE 4
Complete this section only if you desire to select a date or occurrence when the company will dissolve. If physical duration is desired, leave this section blank.

ARTICLE 5A
Check which management structure will be applicable to your company.

CORPORATION COMMISSION
FILED

MAY 28 2008

FILE NO. 1-452273-0



ARTICLES OF ORGANIZATION

OF

Money Power Respect Entertainment LLC
(An Arizona Limited Liability Company)

1. **Name.** The name of the limited liability company is:
Money Power Respect Entertainment LLC
2. **Registered Office.** The address of the registered office in Arizona is: _____
P.O. Box 54884
Phoenix, Arizona 85032
located in the County of Maricopa
3. **Statutory Agent.** (In Arizona) The name and address of the statutory agent of the company is:
Alpha Legal Forms & More, Inc.
4588 E. Speedway Blvd., Suite 31
Tucson, Arizona 85712
4. **Dissolution.** The latest date, if any, on which the limited liability company must dissolve is _____
- 5.a. **Management.**
 - Management of the limited liability company is vested in a manager or managers. The names and addresses of each person who is a manager AND each member who owns a twenty percent or greater interest in the capital or profits of the limited liability company are:
 - Management of the limited liability company is reserved to the members. The names and addresses of each person who is a member are:

DO NOT FURNISH THIS SECTION

S.J.

Name: Carlisle Branch
 member manager member manager

Address: P.O. Box 54668
City, State, Zip: Phoenix, Arizona 85032

Name: _____
 member manager member manager

Address: _____
City, State, Zip: _____

ARTICLE 5A.
Depending upon your selection in 5A, provide the names and addresses of the managers and members of the organization. Check the applicable title for each person. A member managed company cannot contain a manager or manager.

EXECUTED this 18 day of May, 2008


[Signature]

[Signature]

LegalForms.com, Inc., a California corporation, Organizer
By: Maria Vasquez, Assistant Secretary

[Print Name Here]

[Print Name Here]

PHONE (222) 922-6900 x 428 FAX (222) 922-6900

The person(s) executing this document must not be a member(s) of the organization.

Your fax and phone number is optional.

The agent may return to the appointment by either recording the amount, attaching a money order, or if paying by check, enclosing the check.

Acceptance of Appointment By Statutory Agent

I Alpha Legal Forms & More, Inc., having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.



Signature of Statutory Agent
Alpha Legal Forms & More, Inc.
By: Kenneth Burison, President

LJ-0804
Rev/4/2001

To: Money Power Respect Entertainment, LLC (trademark@dickinsonwright.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86380283 - MONEY POWER RESPECT ENTERTAINMENT - 59430-4

Sent: 12/15/2014 3:45:14 PM

Sent As: ECOM104@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**

<p>U.S. APPLICATION SERIAL NO. 86380283</p> <p>MARK: MONEY POWER RESPECT ENTERTAINMENT</p>	<p align="center">*86380283*</p>
<p>CORRESPONDENT ADDRESS: FRANK G. LONG DICKINSON WRIGHT, PLLC 1850 N CENTRAL AVE STE 1400 PHOENIX, AZ 85004-4568</p>	<p>CLICK HERE TO RESPOND TO THIS LETTER: http://www.uspto.gov/trademarks/teas/response_forms.jsp</p> <p>VIEW YOUR APPLICATION FILE</p>
<p>APPLICANT: Money Power Respect Entertainment, LLC</p>	
<p>CORRESPONDENT'S REFERENCE/DOCKET NO :</p> <p>59430-4</p> <p>CORRESPONDENT E-MAIL ADDRESS: trademark@dickinsonwright.com</p>	

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

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

ISSUE/MAILING DATE: 12/15/2014

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

Refusal under Trademark Act Section 2(d) – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3565960 (“MONEY POWER RESPECT ENTERTAINMENT”), owned by Cahleb Branch. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, 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). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis, and in the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01.

Among these factors are the similarity of the marks as to appearance, sound, meaning, and overall commercial impression, the relatedness of the goods and/or services, and the similarity of trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.* Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

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, 1026 (Fed. Cir. 1988).

Similarity of the Parties' Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v).

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“Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L’Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

In this case, the overall commercial source impression created by the applicant’s mark “MONEY POWER RESPECT ENTERTAINMENT” is identical to the impression created by the cited registered mark. The marks are identical, so consumers encountering the marks for related goods and services will have no way of distinguishing the marks or the underlying sources of related products provided under the marks.

Relatedness of the Parties’ Goods and Services

When analyzing an applicant’s and registrant’s goods and/or services for similarity and relatedness, the determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

All circumstances surrounding the sale of the goods and/or services are considered. These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. *See Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. However, absent restrictions in an application and/or registration, the identified goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i). Rather, the respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*,

83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The applicant identifies its goods as clothing. The cited registrant provides management of performing artists and entertainers, advertising services, and retail store services featuring clothing. The parties' goods and services are thus very closely related because both concern clothing. Please see the attached evidence from an online news article about the registrant showing the services they provide and their trademark.

For these reasons, consumers are likely to encounter the parties' goods and services in the same market channels. Given the strong similarities between the key elements of the parties' marks, consumers encountering the marks in the same commercial contexts are likely to confuse the marks and mistake the underlying sources of related goods and services provided under the marks. Registration is refused to prevent such confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. Furthermore, if the mark in the cited registration has been assigned to applicant, applicant may provide evidence of ownership of the mark by satisfying one of the following:

- 1) Record the assignment with the USPTO's Assignment Recordation 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.
- 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 No. 3565960."**

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

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

The applicant should also note the following potential grounds for refusal.

Search of Office's Database of Marks – Application Not Entitled to Register Due to Likelihood of Confusion with Prior Pending Application

The effective filing date of pending U.S. Application Serial No. 85968214 ("MONEY POWER RESPECT") precedes the applicant's filing date. See the attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, the applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. The 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.

The applicant must also address the following grounds for refusal.

Current Specimen Unacceptable – Merely Ornamental Use

Registration is refused because the applied-for mark as used on the specimen of record (1) is merely a decorative or ornamental feature of applicant's clothing; and (2) does not function as a trademark to indicate the source of applicant's clothing and to identify and distinguish applicant's clothing from others. Trademark Act Sections 1, 2, and 45, 15 U.S.C. §§1051-1052, 1127; *see In re Lululemon Athletica Can. Inc.*, 105 USPQ2d 1684, 1689 (TTAB 2013); *In re Pro-Line Corp.*, 28 USPQ2d 1141, 1142 (TTAB 1993); TMEP §§904.07(b), 1202.03 *et seq.*

When evaluating a mark that appears to be ornamental, the size, location, dominance, and significance of the alleged mark as applied to the goods are all relevant factors in determining the commercial impression of the applied-for mark. *See, e.g., In re Lululemon Athletica Can. Inc.*, 105 USPQ2d at 1687 (quoting *In re Right-On Co.*, 87 USPQ2d 1152, 1156 (TTAB 2008)); *In re Dimitri's Inc.*, 9 USPQ2d 1666, 1667 (TTAB 1988); TMEP §1202.03(a).

With respect to clothing, consumers may recognize small designs or discrete wording as trademarks, rather than as merely ornamental features, when located, for example, on the pocket or breast area of a shirt. *See* TMEP §1202.03(a). Consumers may not, however, perceive larger designs or slogans as trademarks when such matter is prominently displayed across the front of a t-shirt. *See In re Pro-Line Corp.*, 28 USPQ2d at 1142 (holding BLACKER THE COLLEGE SWEETER THE KNOWLEDGE centered in large letters across most of the upper half of a shirt, to be a primarily ornamental slogan that was not likely to be perceived as a source indicator); *In re Dimitri's Inc.*, 9 USPQ2d at 1667-68 (holding SUMO used in connection with stylized depictions of sumo wrestlers and displayed in large lettering across the top-center portion of t-shirts and caps, to be an ornamental feature of the goods that did not function as a trademark); TMEP §1202.03(a), (b), (f)(i), (f)(ii).

In this case, the submitted specimen shows the applied-for mark, "MONEY POWER RESPECT ENTERTAINMENT", located directly on the front, center portion of shirts and hats, where ornamental elements often appear. *See* TMEP §1202.03(a), (b). Furthermore, the mark is displayed in a relatively large size on the clothing such that it dominates the overall appearance of the goods. Lastly, the applied-for mark appears to be a slogan that is merely decorative and has little or no particular source-identifying significance.

Therefore, consumers would view the applied-for mark as a decorative or ornamental feature of the goods, rather than as a trademark to indicate the source of applicant's goods and to distinguish them from others.

In appropriate circumstances, applicant may overcome this refusal by satisfying one of the following options:

- 1) Submit a different specimen (a verified ["substitute" specimen](#)) that was in actual use in commerce at least as early as the filing date of the application (or prior to the filing of an amendment to allege use) and that shows proper trademark use for the identified goods in International Class 25. Examples of acceptable specimens that show non-ornamental use on clothing include hang tags and labels used inside a garment.

- 2) Amend to the [Supplemental Register](#), which is a second trademark register for marks not yet eligible for registration on the Principal Register, but which may become capable over time of functioning as source indicators.

- 3) Claim acquired distinctiveness under Trademark Act Section 2(f) by submitting [evidence](#) that the applied-for mark has become distinctive of applicant's goods; that is, proof that applicant's extensive use and promotion of the mark allowed consumers now directly to associate the mark with applicant as the source of the goods.

- 4) Submit evidence that the applied-for mark is an [indicator of secondary source](#); that is, proof that the mark is already recognized as a source indicator for *other* goods or services that applicant sells/offers.

- 5) Amend the filing basis to [intent to use under Section 1\(b\)](#). This option will later necessitate additional fee(s) and filing requirements.

For an overview of *all* response options referenced above and instructions on how to satisfy each option online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/ornamentalclothing.jsp>.

RESPONDING TO THE OFFICE ACTION

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

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

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and email technical questions to TEAS@uspto.gov.

Applicant should include the following information on all correspondence with the Office whether filed through TEAS or on paper via regular mail: (1) the name and law office number of the trademark

examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

In addition, the proper signatory must personally sign or personally enter his or her electronic signature. See 37 C.F.R. §2.193(a), (e)(2); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

Where an applicant is represented by an attorney who may practice before the USPTO, the attorney must sign the response. 37 C.F.R. §2.193(e)(2)(i); TMEP §§611.03(b), 712.01. The only attorneys who may sign responses and otherwise practice before the USPTO in trademark matters are (1) attorneys in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and (2) Canadian agents/attorneys who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO. See 37 C.F.R. §§2.17(e), 2.62(b), 11.1, 11.5(b)(2), 11.14(a), (c); TMEP §§602, 712.01. Foreign attorneys, other than authorized Canadian attorneys, do not have authority to sign responses or otherwise represent applicants before the USPTO. See 37 C.F.R. §§2.17(e), 11.5(b)(2), 11.14(c), (e); TMEP §§602.03(b)-(c), 712.03.

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.

/Cory Boone/
Cory Boone
Trademark Examining Attorney
Law Office 104
Phone: (571) 270-1510
Fax: (571) 270-2510
cory.boone@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 the Trademark Electronic Application System (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.

May-B000148

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 the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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

DESIGN MARK

Serial Number

78788752

Status

CANCELLATION PENDING

Word Mark

MONEY POWER RESPECT ENTERTAINMENT

Standard Character Mark

Yes

Registration Number

3565960

Date Registered

2009/01/20

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Branch, Cahleb, INDIVIDUAL ARIZONA P.O. Box 54986 Phoenix ARIZONA
85032

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Management of performing artists and entertainers; Advertising, marketing and promotion services; Online retail store services in the field of clothing. First Use: 2008/06/02. First Use In Commerce: 2008/06/02.

Disclaimer Statement

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

Filing Date

2006/01/10

Examining Attorney

DE JONGE, KATHY

Attorney of Record

FRANK G LONG

Money Power Respect Entertainment

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News

Money Power Respect Entertainment Pushes Local Hip-Hop on a Large Scale

By Nikl D'Andrea Tue., Jul. 12 2011 at 9:00 AM Write Comment

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Cahleb Branch, head of Money Power Respect, works at his desk.

How much does it cost to book GZA from Wu-Tang Clan? Or Lil Jon? Or Nicki Minaj?

Cahleb Branch knows, because his company, Valley-based **Money Power Respect Entertainment**, books international shows for them, among a slew of other well-known hip-hop artists. But beyond that, the five year-old company's established an innovative, all-encompassing business model for *local* hip-hop acts. Branch puts Phoenix acts in opening slots for national acts; handles merchandise production, promotions, video, and graphic design; installed a state-of-the-art recording studio at the MPR offices in Old Town Scottsdale; and works hand-in-hand with the ASU Herberger School of Music to procure interns and get feedback on local artist releases.

"It's a well-oiled machine that we're building," Branch says.



There are four local hip-hop acts on the MPR roster: **Cut Throat Logic**, **The New F-O's**, **Mathmadix**, and **The Mob Fam**. Over the past few years, Branch has booked his bands to open for artists like Young Buck, Too \$hort, and KRS-One (the latter two have also recorded on tracks with Cut Throat Logic).

There's a whole process in place when it comes to new albums. When one of the MPR artists records a new record, Branch brings it to Dr. Richard Mook at ASU's Herberger School of Music, who then lets his students review the albums for extra credit. Branch says the student feedback also helps determine



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The wall in Branch's office displays some of his favorite signed photos.

they also reinforce promotions online and through phone apps. "It's looked upon as guerrilla marketing," Branch says. "If you're on the freeway and see a poster, or you see a flier at a coffee shop, then you go online and find things on Facebook, it reinforces."

MPR uses technology like the Moby Chip, which allows people to take a photo of a digital stamp and link to content online through their phones. "We're embracing the technology completely," Branch says. "We basically catch the consumer where they shop or eat or hang out."

student feedback also helps determine the final song list on the albums.

Once an album's released or a show's booked, MPR sends out a street team to plaster areas with fliers and posters. But



Engineer J-Beam works on a drum beat in one of the MPR studios.

In January, the company moved into some swank offices in Scottsdale, which include a recording studio (complete with reel-to-reel and digital equipment, twin turntables, and a concrete vocal booth), and a full apartment for visiting music artists to stay in. The lobby



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separate vocal booth), and a full apartment for visiting music artists to stay in. The lobby includes leather couches and a giant, flat-screen plasma TV. When we visited the offices, the TV showed a promotional video for MPR that included props from Rick Ross and Warren G.

All they need now is a new website, which Branch says is in the works and will launch at www.mprent.com soon. The site will include a point of contact for booking acts, as well as MPR's other services, which Branch says are open to the public (but the posh offices are not; appointments are required). "Being on the waterfront, in walking distance from shopping and nightlife, is wonderful," Branch says of the office location. "If you sit in the office and look through the blinds, it's easy to close deals on the view alone."

Tags: [cahleb brang](#), [cut throat logic](#), [mathmadix](#), [mob fam](#), [money power](#), [respect entertainment](#), [new f-o's](#)

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DESIGN MARK

Serial Number

85968214

Status

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark

MONEY POWER RESPECT

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mayweather Promotions LLC LIMITED LIABILITY COMPANY NEVADA 4616 W. Sahara Ave. Suite 412 Las Vegas NEVADA 89102

Goods/Services

Class Status -- ACTIVE, IC 025, US 022 039, G & S: T-shirts and hats. First Use: 2012/05/05, First Use In Commerce: 2012/05/05.

Filing Date

2013/06/24

Examining Attorney

HETZEL, DANNEAN

Attorney of Record

Lauri S. Thompson

MONEY POWER RESPECT

To: Money Power Respect Entertainment, LLC (trademark@dickinsonwright.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86380283 - MONEY POWER RESPECT ENTERTAINMENT - 59430-4
Sent: 12/15/2014 3:45:15 PM
Sent As: ECOM104@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

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

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **12/15/2014** FOR U.S. APPLICATION SERIAL NO. 86380283

Please follow the instructions below:

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The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please 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 **12/15/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

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May-B000159

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*** User:cboone ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	86380283[SN]
02	13756	N/A	0	0	0:03	("\$" or *M{"OU"1:2}{ "N"1:2}{ "IEY"}*)[bi,ti] and live[ld]
03	17395	N/A	0	0	0:02	(*PA{"UW"1:2}{v0:2}R* or *PO{a0:1}{ "UW"}{v0:2}R*)[bi,ti] and live[ld]
04	1285	N/A	0	0	0:01	(*RESPE{"CKQXT"}*)[bi,ti] and live[ld]
05	3109	N/A	0	0	0:02	(*NTERT\$N*)[bi,ti] and live[ld]
06	3112	N/A	0	0	0:02	(*NT{v0:2}RT\$N*)[bi,ti] and live[ld]
07	6	0	6	6	0:01	2 and 3 and (4 6)
08	3	0	3	3	0:01	2 and 4 and (6)
09	3	0	3	3	0:01	3 and 4 and (6)
10	186	0	186	181	0:01	2 and (3 4 6)
11	34	0	34	33	0:01	3 and (4 6)
12	5	0	5	5	0:01	4 and (6)

Session started 12/15/2014 11:10:31 AM

Session finished 12/15/2014 3:44:17 PM

Total search duration 0 minutes 17 seconds

Session duration 273 minutes 46 seconds

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Sent to TICRS as Serial Number: 86380283

Trademark/Service Mark Application, Principal Register

Serial Number: 86380283

Filing Date: 08/28/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86380283
MARK INFORMATION	
*MARK	MONEY POWER RESPECT ENTERTAINMENT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MONEY POWER RESPECT ENTERTAINMENT
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Money Power Respect Entertainment, LLC
*STREET	P.O. Box 17761
*CITY	Phoenix
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	85011
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Arizona
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025

*IDENTIFICATION	Clothing, namely, hats, shirts, sweatshirts and jackets
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 03/00/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT\16\863\802\86380283\xml1\ APP0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT\16\863\802\86380283\xml1\ APP0004.JPG
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	\\TICRS\EXPORT16\IMAGEOUT\16\863\802\86380283\xml1\ APP0007.JPG
SPECIMEN DESCRIPTION	photographs of the mark as it appears on hats, shirts, sweatshirts and jackets
ATTORNEY INFORMATION	
NAME	Frank G. Long
ATTORNEY DOCKET NUMBER	59430-4
FIRM NAME	Dickinson Wright, PLLC
STREET	1850 N. Central Ave., Suite 1400
CITY	Phoenix
STATE	Arizona
COUNTRY	United States
ZIP/POSTAL CODE	85004
PHONE	602-285-5000
FAX	602-285-5100
EMAIL ADDRESS	trademark@dickinsonwright.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Frank G. Long

FIRM NAME	Dickinson Wright, PLLC
STREET	1850 N. Central Ave., Suite 1400
CITY	Phoenix
STATE	Arizona
COUNTRY	United States
ZIP/POSTAL CODE	85004
PHONE	602-285-5000
FAX	602-285-5100
EMAIL ADDRESS	trademark@dickinsonwright.com;flong@dickinsonwright.com; eblabac@dickinsonwright.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Cahleb Branch/
SIGNATORY'S NAME	Cahleb Branch
SIGNATORY'S POSITION	Member
DATE SIGNED	08/27/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86380283

Filing Date: 08/28/2014

To the Commissioner for Trademarks:

MARK: MONEY POWER RESPECT ENTERTAINMENT (Standard Characters, see [mark](#))
The literal element of the mark consists of MONEY POWER RESPECT ENTERTAINMENT.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Money Power Respect Entertainment, LLC, a limited liability company legally organized under the laws of Arizona, having an address of

P.O. Box 17761
Phoenix, Arizona 85011
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Clothing, namely, hats, shirts, sweatshirts and jackets

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/2008, and first used in commerce at least as early as 03/00/2008, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) photographs of the mark as it appears on hats, shirts, sweatshirts and jackets.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

The applicant's current Attorney Information:

Frank G. Long of Dickinson Wright, PLLC
1850 N. Central Ave., Suite 1400
Phoenix, Arizona 85004
United States

The attorney docket/reference number is 59430-4.

The applicant's current Correspondence Information:

Frank G. Long

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Phoenix, Arizona 85004
602-285-5000(phone)
602-285-5100(fax)

trademark@dickinsonwright.com;flong@dickinsonwright.com; eblabac@dickinsonwright.com
(authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Cahleb Branch/ Date: 08/27/2014

Signatory's Name: Cahleb Branch

Signatory's Position: Member

RAM Sale Number: 86380283

RAM Accounting Date: 08/29/2014

Serial Number: 86380283

Internet Transmission Date: Thu Aug 28 17:46:10 EDT 2014

TEAS Stamp: USPTO/BAS-63.240.199.130-201408281746103

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