

ESTTA Tracking number: **ESTTA669980**

Filing date: **05/01/2015**

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	Green Tillage LLC		
Entity	Corporation	Citizenship	Pennsylvania
Address	201 East Oregon Road Suite 103 Lititz, PA 17543 UNITED STATES		

Attorney information	Joseph R. Falcon III Barley Snyder 101 Lindenwood Dr. Suite 100 Malvern, PA 19355 UNITED STATES berwynipdocket@barley.com Phone:610-889-3699		
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### Registration Subject to Cancellation

Registration No	4350622	Registration date	06/11/2013
Registrant	Agraplus, Inc. 752 East Lake Briar Lane Eagle, ID 83616 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 031. First Use: 2012/03/26 First Use In Commerce: 2012/03/26 All goods and services in the class are cancelled, namely: Pea seeds
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85692656	Application Date	08/01/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TILLAGEMAX BRISTOL		

Design Mark	<h1>TillageMax Bristol</h1>
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2011/01/01 First Use In Commerce: 2011/01/01 A specific mixture of radish and annualryegrass seed, specifically excluding pea seeds

U.S. Application No.	86615382	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	85692656#TMSN.png( bytes ) Petitiontocancel - 4350622.pdf(8290 bytes ) FOA - 85692656.pdf(87321 bytes )
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### Certificate of Service

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

Signature	/Joseph Falcon/
Name	Joseph R. Falcon III
Date	05/01/2015

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

RE: U.S. Trademark Registration No. 4350622 Serial No. 85275123  
Registration Date: June 5, 2012

Green Tillage LLC, )  
)  
)  
Petitioner, )  
)  
-v- )  
)  
Agraplus, Inc., )  
)  
Registrant. )  
)  
\_\_\_\_\_ )

**PETITION FOR CANCELLATION**

In the matter of U.S. Trademark Registration No. 4350622 (“622 Registration”) registered to Agraplus, Inc. (“Registrant”) for the mark BRISTOL (“Registrant’s Mark”) for “pea seeds,” in International Class 31 (“Registrant’s Goods and Services”), Green Tillage, Inc. (“Petitioner”) believes it will be damaged by the Registration and petitions to cancel the Registration pursuant to 15 U.S.C. § 1064. The grounds for this opposition are as follows:

1. Registrant filed as an intent to use application for the Registration on March 23, 2011 (“Registrant’s Application”).
2. Registrant filed an allegation of use declaring a date of first use and date of first use in commerce as March 26, 2012.
3. Petitioner is the owner of the mark TILLAGEMAX BRISTOL (“Petitioner’s Mark”) which the owner filed an application for on August 1, 2012 under Serial No. 85692656 (“Application”).

4. Petitioner can prove a date of first use and date of first use in commerce for the Petitioner's Mark as early as January 1, 2011.

5. Petitioner received an office action dated October 2, 2013 ("Office Action") refusing registration because of a likelihood of confusion with the '622 Registration.

6. As evidenced by the Office Action, the 'Examining Attorney asserts that 622 Registration is nearly identical to Petitioner's Mark. Indeed, Registrant's Mark looks similar and sounds identical to the Petitioner's Mark. The Examiner contends that Petitioner's mark and the Registrant's Mark both feature the term BRISTOL and the marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark.

7. Petitioner is seeking to register the Petitioner's Mark for Goods and Services that are related to the goods and services offered by Registrant under the Registrant's Mark. For instance, Petitioner is seeking to register the Petitioner's Mark for "a specific mixture of radish and annual ryegrass seed." Also evidenced by the Office Action, the Examining Attorney declares the Petitioner's goods and services and the Registrant's services are related in that they all concern agriculture seeds.

#### **FIRST GROUND FOR OPPOSITION**

##### **(LIKELIHOOD OF CONFUSION - COMMON LAW)**

13. Petitioner realleges the allegations contained in the foregoing paragraphs of this Petition for Cancellation.

14. Registrant's Application was filed subsequent to Petitioner's date of first use of the Petitioner's Mark.

15. Registrant's Mark is nearly identical to Petitioner's Mark so as to be likely, when used in connection with Petitioner's Goods and Services, to cause confusion or mistake or to deceive consumers resulting in damage and detriment to Opposer and its reputation, thereby causing damage to Opposer.

**SECOND GROUND FOR OPPOSITION**  
**(LIKELIHOOD OF CONFUSION - FEDERAL)**

16. Petitioner realleges the allegations contained in the preceding paragraphs of this Petition for Cancellation.

17. Petitioner's Application was filed subsequent the Registrant's Application and received the Office Action refusing registration because of a likelihood of confusion with the '622 Registration.

18. Registrant's Mark is nearly identical to Petitioner's Mark so as to be likely, when used in connection with Registrant's goods and services, to cause confusion or mistake or to deceive consumers as to an affiliation, connection, or association of Registrant with Petitioner , or as to the origin, sponsorship, or approval of Registrant's goods or commercial activities by Petitioner, or as to the origin, affiliation, endorsement and sponsorship of Registrant's goods or commercial activities by Petitioner, thereby causing damage to Petitioner.

WHEREFORE, Petitioner prays that its Cancellation be sustained, that U.S. Registration No. 4350622 be cancelled, and for such other relief as may be deemed just and proper.

Respectfully submitted,

GREEN TILLAGE, INC.

By: /Joseph Falcon/

Joseph R. Falcon III  
Barley Snyder  
101 Lindenwood Dr  
Suite 100  
Malvern, PA 19355  
610-889-3699  
jfalcon@barley.com  
Attorneys for Petitioner

CERTIFICATE OF SERVICE

Certified Mail Article No.:

I hereby certify that a true and complete copy of the forgoing Petition for Cancellation has been served on Ron Johnson of Agraplus, Inc., by said copy on May 1, 2015 via Certified Mail addressed to: 752 East Lake Briar Lane, Eagle, ID 83616.

Date: May 1, 2015

By:

/Joseph Falcon/

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jfalcon@barley.com

Barley Snyder  
101 Lindenwood Dr., Suite 100  
Malvern, PA 19355  
Phone: (610) 889-3699  
Facsimile: (610) 889-3696

Mark: BRISTOL

Our File: 51840-956

**To:** Green Tillage LLC ([jrh@bbt-law.com](mailto:jrh@bbt-law.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 85692656 - TILLAGEMAX  
BRISTOL - 28665.008

**Sent:** 10/2/2013 5:35:36 PM

**Sent As:** ECOM113@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85692656

**MARK:** TILLAGEMAX BRISTOL

**\*85692656\***

**CORRESPONDENT ADDRESS:**

JONATHAN R. HOFSTETTER  
BLAKINGER BYLER & THOMAS, P.C.  
28 PENN SQ  
LANCASTER, PA 17603-4297

**CLICK HERE TO RESPOND TO**  
<http://www.uspto.gov/trademarks/teas/r>

**APPLICANT:** Green Tillage LLC

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

28665.008

**CORRESPONDENT E-MAIL ADDRESS:**

jrh@bbt-law.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: 10/2/2013

**THIS IS A FINAL ACTION.**

### **INTRODUCTION TO FINAL OFFICE ACTION**

This Final Office Action is written in response to applicant's "Response to Office Action" (hereinafter "Response") dated September 11, 2013.

In her last Office Action, the examining attorney refused registration of applicant's mark due to a likelihood of confusion with the mark in U.S. Registration No. 4350622.

In its Response, applicant amended its identification of goods. While this amendment to the identification of goods is acceptable, it does not obviate the Section 2(d) refusal. Therefore, for the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No(s). 4350622. See 15 U.S.C. §1052(d); 37 C.F.R. §2.64(a).

### **SECTION 2(d) REFUSAL – 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. 4350622. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registration.

### **Introduction to Section 2(d) Analysis**

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.*, \_\_\_ F.3d \_\_\_, 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.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods are compared to determine whether they are similar or commercially related or travel in the same trade channels. See *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi). Therefore, in this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and similarity of trade channels of the goods. See

*In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

### **Comparison of the Marks**

The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). In comparing the marks, the question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison, but whether the marks create the same overall impression. *See Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980).

Applicant's mark is, "TILLAGEMAX BRISTOL" claimed in standard characters. Registrant's mark is "BRISTOL" claimed in standard characters.

The first step in comparing the marks requires an evaluation of the commercial impression of them. Registrant's mark is comprised of only one term, "BRISTOL." Applicant's mark, on the other hand, is comprised of two terms, "TILLAGEMAX" and "BRISTOL." In this case, applicant's mark is comprised of registrant's entire mark with one additional term. Put another way, applicant has merely taken registrant's mark and added an additional term to it. The addition of the term "TILLAGEMAX" to the registrant's mark does not meaningfully alter the commercial impression already established by registrant's mark, "BRISTOL." It is for this reason that the mere addition of a term to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266 (TTAB 2009) (TITAN and VANTAGE TITAN); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY'S ACCU TUNE); TMEP §1207.01(b)(iii). Therefore, applicant's mark is considered similar in commercial impression to the registrant's mark.

Applicant's mark is also similar in sound to the registrant's mark. While both marks contain the term "BRISTOL", registrant's mark is comprised in its entirety of only this term. Therefore, every time applicant's mark is pronounced, so too is registrant's mark. For this reason, the marks are inherently similar in sound. Please note that the Board has held that similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar, and that slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re Ist USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Applicant's mark is also confusingly similar in appearance to the registrant's mark. Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii). Here, both applicant's and registrant's marks contain the term "BRISTOL." Thus, identical terms appear in both applicant's and registrant's marks. Therefore, applicant's mark is also considered confusingly similar in appearance to the registrant's mark.

### **Comparison of the Goods**

The goods are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi). The goods 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 would be encountered by the same consumers under circumstances such that offering the goods 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's goods are, "a specific mixture of radish and annual ryegrass seed." Registrant's goods are, "pea seeds."

Applicant's goods are related to the registrant's goods in that they are all agricultural seeds. Additionally, as the following internet evidence demonstrates, these goods are not only related, but are found in similar channels of trade and commonly emanate from a single source. For example, Advance Cover Crops provides cover crop seeds including pea seeds and a mixture of radish and rye grass seeds. *See*, <http://www.advancecovercrops.com/bio-till-cover-crop-lineup/>. Clearwater Seed also provides a variety of cover crop seeds including radish, ryegrass, field pea, chickpea and spring pea. *See*, <http://www.clearwaterseed.com/cover-crops.php?step=6>. *See also*, Deer Seeds, <http://www.deerseeds.com/catalog/austrian-winter-peas>, <http://www.deerseeds.com/catalog/forage-radish>, <http://www.deerseeds.com/content/perennial-ryegrass-order-pound>; Fedco, [http://www.fedcoseeds.com/ogs/covercrop\\_chart.htm](http://www.fedcoseeds.com/ogs/covercrop_chart.htm); Gurneys [http://www.gurneys.com/product/gurneys\\_premium\\_cover\\_crop\\_blend/grass-seed](http://www.gurneys.com/product/gurneys_premium_cover_crop_blend/grass-seed), [http://www.gurneys.com/product/northfield\\_pea/vegetables](http://www.gurneys.com/product/northfield_pea/vegetables); Hancock Seed Company, <http://www.hancockseed.com/seed-varieties-241/food-plot-seed-373/food-plot-beans-and-peas-381/austrian-winter-peas-50-lb-bag-77.html>; Nixa Hardware, <http://www.nixahardware.com/deer-plot-seed.html>; Saddle Butte, <http://www.saddlebutte.com/cover-crops>; Seeland

[http://www.seedland.com/mm5/merchant.mvc?Screen=CTGY&Store\\_Code=Seedland&Category\\_Code=WRYEGRASS2](http://www.seedland.com/mm5/merchant.mvc?Screen=CTGY&Store_Code=Seedland&Category_Code=WRYEGRASS2),  
[http://www.seedland.com/mm5/merchant.mvc?Screen=CTGY&Store\\_Code=Seedland&Category\\_Code=WPEA-AWP](http://www.seedland.com/mm5/merchant.mvc?Screen=CTGY&Store_Code=Seedland&Category_Code=WPEA-AWP),  
[http://www.seedland.com/mm5/merchant.mvc?Screen=PROD&Store\\_Code=Seedland&Product\\_Code=WGRADISH-50&Category\\_Code=](http://www.seedland.com/mm5/merchant.mvc?Screen=PROD&Store_Code=Seedland&Product_Code=WGRADISH-50&Category_Code=); Silver Fall Seeds,  
<http://www.silverfallsseed.com/seed/Grass-Seed-Mixes-and-Blends/Plowboy-Cover-Crop.html> ;  
Smith Seed Services,  
<http://www.smithseed.com/seed/covercrop/covercrop.shtml>; Sustainseeds,  
<http://www.sustainseeds.com/>; Tilth Pro, <http://www.tilthpro.com/products.html>.

Additional evidence from the USPTO's X-Search database has been attached to this Office Action. It consists of a number of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant in this case. This evidence shows that the goods listed therein—namely, pea, radish and ryegrass seeds—are of a kind that may emanate from a single source under a single mark. See *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii). Therefore, as applicant's and registrant's goods are commercially related and travel in the same trade channels, the goods would be encountered by the same consumers under circumstances such that offering the goods under similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source.

Therefore, as applicant's mark is similar in sound, appearance and commercial impression to the registrant's mark, and applicant's goods are related to the registrant's goods, a likelihood of confusion exists between the applicant's and registrant's marks. Registration is therefore denied for the applied for mark. This refusal is herein continued and made final.

## **RESPONSE TO FINAL OFFICE ACTION**

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements;
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

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

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review 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).

/N. Gretchen Ulrich/  
Trademark Attorney-Advisor  
Law Office 113  
U.S. Patent & Trademark Office  
phone: (571) 272-1951  
gretchen.ulrich@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](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](mailto: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 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](mailto: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>.

Print: Oct 2, 2013

85275123

**DESIGN MARK**

**Serial Number**

85275123

**Status**

REGISTERED

**Word Mark**

BRISTOL

**Standard Character Mark**

Yes

**Registration Number**

4350622

**Date Registered**

2013/06/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Agraplus, Inc. CORPORATION IDAHO 752 East Lake Briar Lane Eagle IDAHO  
83616

**Goods/Services**

Class Status -- ACTIVE. IC 031. US 001 046. G & S: Pea seeds.  
First Use: 2012/03/26. First Use In Commerce: 2012/03/26.

**Filing Date**

2011/03/23

**Examining Attorney**

VERHOSEK, WILLIAM

**Attorney of Record**

Rosemary S. Tarlton

**BRISTOL**