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

Proceeding	76280111
Applicant	Latrobe Brewing Company L.L.C.
Correspondence Address	PAUL GRANDINETTI LEVY & GRANDINETTI 1725 K ST NW STE 408 WASHINGTON, DC 20006-1419
Submission	Applicant's Motion to Suspend
Attachments	66US.Suspend.040805.pdf (8 pages)
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Signature	/Paul Grandinetti/
Date	04/08/2005

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

Applicant: Latrobe Brewing Company L.L.C.

Appl. No.: 76/280,111

Examining Attorney: K. Stoides

Filed : July 2, 2001

Law Office: 110

Mark : CLUB "33"

Attorney Docket No.: LBT066US

**REQUEST TO SUSPEND THE APPEAL AND
REMAND THE APPLICATION UNDER 37 C.F.R. § 2.142(d)**

Box TTAB-Fee
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

For good cause shown below, the applicant requests the Board to suspend the appeal and remand the application to the Examining Attorney in accordance with 37 C.F.R. § 2.142(d). The applicant, after the notice of appeal was filed, discovered additional evidence which the applicant desires to introduce. The applicant's appeal brief is due April 12, 2002. The applicant is withholding its appeal brief until the Board has acted on this remand request pursuant to TBMP § 1209.04.

The applicant's attorney spoke with Examining Attorney Stoides on April 6, 2005, to explain that additional evidence was discovered. The applicant and the Examining Attorney agree that a remand is appropriate. The additional evidence is attached as exhibits (1) and (2).

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These exhibits demonstrate that goods, including clothing, bearing the mark CLUB "33" are sought as a brand by consumers, especially those who are Pittsburgh Steelers fans.

The applicant's mark CLUB "33" is used with "can sets" of beer marketed to fans of the Pittsburgh Steelers football team. The can sets consist of four cans of the applicant's beer, each having a different phrase. One of the cans states "A True SteelGater knows to be a CLUB '33' SteelGater" (Exhibits 1 and 2.) Therefore, the purchasing public is exposed to the mark directly in connection with the applicant's well-known product and recognizes a social, sports-oriented group, known as "club '33,'" as being associated with the applicant and the Pittsburgh Steelers. Fans, who enjoy "tail-gating" at Pittsburgh Steeler games, seek out the applicant's clothing, which is branded with the mark CLUB "33" in order to associate themselves as being avid fans of the team and the applicant's beer. The applicant's mark CLUB "33" serves as a source-indicator for the applicant's clothing and is therefore registrable on the Principal Register. TMEP § 1202.03(c).

This additional information was not discovered until the after the appeal was filed and the applicant's attorney interviewed the operator of the Latrobe Brewing Company store in Latrobe, Pennsylvania. The operator of the store informed the applicant's attorney that at least one, non-related vendor, Chuck Thomas Enterprises, purchased Latrobe merchandise including CLUB "33" wearing apparel from the Latrobe store for resale to consumers of Latrobe's products. The store operator indicated that a significant following of Pittsburgh Steelers fans has arisen. These fans are known as "SteelGaters" who show up early for the games and engage in

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"tailgating" social events. Participants in these events consider themselves to be members of "club '33'" in that they consume the beer that sponsors the Pittsburgh Steelers, which is the applicant's ROLLING ROCK® brand beer and which is also sold under the mark "33"®.

Any inconvenience caused by the delayed submission of this additional evidence is regretted. However, the applicant believes that remand of the application to the Examining Attorney for consideration of this additional evidence may resolve the matter and render the appeal moot.

Suspension of the appeal and remand of the application are requested.

Respectfully submitted,

8 Apr 05

Date



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Chuck Thomas Enterprises

Rolling Rock Collectibles

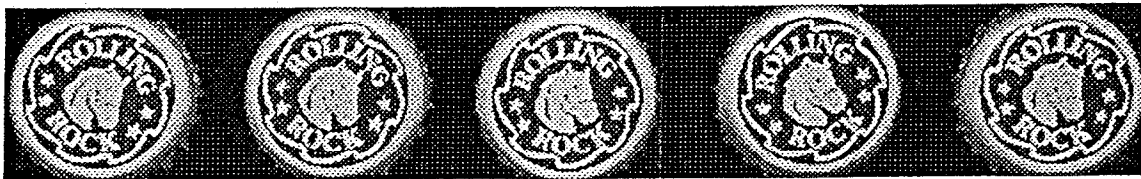
Rolling Rock Beer

Merchandise

Tap Handles 33 Latrobe

Brewing Collectibles

"Rolling Rock" 33 Key Chains Ice Buckets Glasses Ad
Displays Souvenirs
On This Page



Rolling Rock Tees Shirts Caps and Clothing [CLICK Here](#)

> [Rolling Rock Tees Caps Clothing](#)



Rolling Rock Tap Handles [CLICK Here](#) > [Rolling Rock Tap Handles](#)



For Rock Green Light Merchandise [CLICK Here](#) > [Rock Green Light Merchandise](#)

We COMBINE Shipping Costs on Multiple Items !
Minimum Order is \$10.00 in Merchandise

EXHIBIT 1

We Are Not Endorsed By or Affiliated With Rolling Rock Beer®
All Logos and Trademarks Are The Property of The Latrobe Brewery®, Latrobe PA
We Do NOT Knowingly Sell "Copies" or "Handmade" Items
All Items are Authentic Quality Merchandise Authorized by Rolling Rock

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2004 STEELERS Rolling Rock Heinz Field "SteelGater" 4 Can Set @ \$9.95 Set

ITEM #STLRR4CN

**Very Nice 12 oz Empty Commemorative Cans - Bottom Opened
Steeler , Rolling Rock and Heinz Field Logos**

Can #1 "Rule #1 "Holding The Power" The man with the Big Fork is the Grill Sergeant, The Coal King, and the Powerful One. If you do not hold the power, then be quiet and eat what you get.

Can #2 "Rule #2 "You're Never Too Full" "It Is your duty never to turn down an offer for more food. If you re full but offered another sausage, you can never say no. There's always room for more sausage."

Can #3 "Rule #3 Just Pretend It's Grass" "Parking lot football must be taken seriously. Dive for the catch! Yes It's asphalt...But you're a Pittsburgh fan, you're tough!"

Can #4 (Not Numbered) "A True Steelgater knows To Be a "Club 33 SteelGater" means getting to the game 4 hours early to claim your tailgating area, eating way too much, wearing 10-year old jerseys over your parka and Rolling Rock beer".

Photo Shows The Can Front and The 4 Different Cans Underneath







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Listed in category: [Collectibles](#) > [Breweriana, Beer](#) > [Cans: US](#) > [Other US Cans](#)

A TRUE STEEL GATER KNOWS ROLLING ROCKSTEELERS.BEER CAN.

Item number: 6167992814

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[Email to a friend](#) | [Watch this item](#) in My eBay



[Larger Picture](#)

Starting bid: **US \$1.99**

[Place Bid >](#)

Time left: **5 days 4 hours**
7-day listing, Ends
Apr-09-05 17:11:37
PDT

Start time: Apr-02-05 16:11:37
PST

History: [0 bids](#)

Item location: Cleveland Oh.
United States

Ships to: United States

Shipping costs: Check item
description and
payment instructions
or contact seller for
details

[Shipping, payment details and
return policy](#)

Seller information

[beermanharry](#) (459 ☆)

Feedback Score: 459

Positive Feedback:

99.4%

Member since Dec-06-
99 in United States

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Description

This can is Bottom Open.May have small dents on surface of can.12oz ROLLING ROCK PITTSBURGH STEELERS.A TRUE STEELGATER KNOWS .HEINZ FIELD.Buyer pays Shipping.\$5.00 Cashiers Check.Money Order.Personal Check.(Personal checks must clear before shipping)Please.(CHECK MY OTHER LISTINGS TO SAVE ON SHIPPING.)feel free to ask Questions.(Discounts will not be treated as 1 item.)All bids are Final.(WILL SHIP TO U.S.A. ONLY) 1 to 6 cans \$5.00 7 to 12 cans \$6.00 13 to 24 cans \$8.00 Bid early and often good luck.

EXHIBIT 2

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Mark: CLUB "33"

REQUEST TO SUSPEND

LATROBE BREWING COMPANY L.L.C.



00003

FREE Counters and Services from Andale

Shipping, payment details and return policy

Services available

Check item description and payment instructions or contact seller for details.

Will ship to United States.

Payment methods accepted

• **PayPal** (    )

- Personal check
- Money order/Cashiers check
- Other - See Payment Instructions for payment methods accepted

Learn about payment methods.

Ready to bid?

A TRUE STEEL GATER KNOWS ROLLING ROCKSTEELERS.BEER CAN.

Starting bid: US \$1.99

Your maximum bid: US \$ (Enter US \$1.99 or more)

You will confirm in the next step.

eBay automatically bids on your behalf **up to** your maximum bid.

Learn about bidding.