PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

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SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	09/03/2009
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CONCURRENT APPEAL NOTICE FILED	YES
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PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77059988** has been amended as follows:

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

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EVIDENCE

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Request for Reconsideration Signature
Signature: /Ashlyn J. Lembree, Esq./ Date: 09/03/2009
Signatory's Name: Ashlyn J. Lembree, Esq.
Signatory's Position: Attorney for Applicant

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.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77059988
Internet Transmission Date: Thu Sep 03 18:00:50 EDT 2009
TEAS Stamp: USPTO/RFR-24.63.157.7-200909031800501971
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROC USA, LLC		Examining Attorney
Mark:	ROC USA		Brian Neville
Serial No.:	77/059,988		Law Office 114
Filing Date:	December 8, 2006		

Request to Reconsider

The examining attorney issued a Final Office Action on March 3, 2009 (the "Final Office Action") with respect to the above-mentioned application. The applicant respectfully requests that the examining attorney reconsider his final refusal of the Mark.

Remarks

Introduction

The examining attorney in this case has refused the Mark ROC USA for registration based on the Mark being "primarily geographically descriptive of the origin of applicant's services."[1] To ameliorate this refusal, applicant has amended the application to disclaim any exclusive right to the term USA apart from the Mark itself. However, the examiner has maintained his 2(e)(2) refusal of the ROC USA Mark, claiming that ROC is a descriptive term and that "[t]he addition of a generic or highly descriptive term such as ROC to a geographic word or term does not diminish that mark's primary significance."[2]

Although several issues remain unsettled in this Application, at the crux of this case is the level of distinctiveness of the term "ROC." A term is descriptive when the term immediately tells the average purchaser *only* what the services are, or conveys information about significant ingredients, qualities, properties, characteristics, features, or functions or their use.[3] A mark is suggestive and entitled to registration "if imagination, thought or perception is required to reach a conclusion on the nature of the goods or services."[4] Applicant submits that imagination will be needed by the average consumer of the relevant services to link ROC with the meaning "resident owned communities". The evidence submitted by both Applicant and the examining attorney, when viewed in their entireties, demonstrates that ROC is not merely descriptive when applying the "substantially synonymous" standard set forth in the *In re BettaBatt*, 89 USPQ2d 1152 (TTAB 2008), case and its predecessors. Among other failings of the evidence in the record in terms of satisfying a showing that the acronym is "substantially synonymous" with "resident-owned community," the evidence fails to meet a metric present in *Bettabatt* that the acronym appear in Acronymfinder.com.

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[1] Final Office Action at 1.

[2] Final Office Action at 2.

[3] *In re Disk Jockey, Inc.*, 23 USPQ2d 1715 (TTAB 1992).

[4] *In re Paul Leonhardt*, Serial No. 78666879.

Applicant further submits that the examiner has misapplied the law with regard to 2(e)(2) rejections of whole, composite marks where one element is a geographic indicator. Assuming *arguendo* that ROC is not inherently distinctive, it must be either generic or highly descriptive in order to fall within the MINNESOTA CIGAR COMPANY[5] class of whole-mark 2(e)(2) rejections. The examiner asserts that the Applicant's mark is "descriptive,"[6] but not "highly descriptive" or generic; consequently, the test set forth by the Trademark Trial and Appeal Board for this type of rejection is not met.

The examining attorney further erred in pigeonholing the ROC USA mark with the MINNESOTA CIGAR COMPANY class of marks in that the geographic aspect of the ROC USA mark is not used in an adjective or similar manner to cause the whole mark to be primarily geographically descriptive, as is the case with MINNESOTA CIGAR COMPANY and other marks in its class. Furthermore, USA is not as geographically potent as geographic indicators used to reject entire marks under Section 2(e)(2).

The Applicant also addresses the evidence presented by the examiner to illuminate areas of concern.

Finally, the Applicant respectfully asserts that the evidence presented under Section 2(f) of the Lanham Act is substantial and persuasive on the issue of acquired distinctiveness.

Distinctiveness of ROC

Considerations relevant to a determination of descriptiveness

"In areas that lack clear definition [as to whether a term is descriptive or suggestive]," the examiner should "fall back on the term suggestive."[7] "The great variation in facts from case to case prevents the formulation of specific rules for specific fact situations. Each case must be decided on its own merits." TMEP 1209.01(b) (citing *see In re Ampco Foods, Inc.*, 227 USPQ 331 (TTAB 1985); *In re Venturi, Inc.*, 197 USPQ 714 (TTAB 1977)).

The examiner has not presented evidence of the term ROC being so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith and therefore, the term is not descriptive

[5] In *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001), the whole mark MINNESOTA CIGAR COMPANY was rejected under Section 2(e)(2).

[6] Final Office Action at 2.

[7] *Holiday Inns, Inc. v. Monolith Enterprises*, 212 USPQ 949 (TTAB 1981).

In general, the examining attorney should always support his or her action with relevant evidence.[8] The examining attorney has not submitted any evidence that the term, ROC, **standing alone**, can be understood immediately as meaning "resident owned community," or that the initials, ROC, are "so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith."[9] The examining attorney submitted evidence of use of the term ROC with the meaning "resident owned community" presented simultaneously therewith. This evidence merely indicates that ROC sometimes has been used in articles to short-hand the phrase "resident owned community" or "resident-owned communities" or some other phrase.

For example, the first attachment to the Final Office Action states,[10] "[t]he term 'resident owned community' is most commonly used to describe a manufactured/mobile home/rv community", but there is no evidence that the term "ROC" is commonly used to describe the same. Nor is there any evidence that a consumer would view merely the term ROC without also being exposed to the meaning "resident owned community" presented on the same page. Thus, this site is only evidence that readers will equate the term ROC with the meaning "resident owned community" if the two are presented simultaneously, and is not evidence that the term ROC is "so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith."[11] In contrast, this is evidence that ROC is not substantially synonymous with "resident owned community" because the reader must be told as much through a mechanism of convenience for the journalist. It is for the same reason that the following other evidence attached to the Final Office Action fail to demonstrate that ROC is substantially synonymous with "resident owned community": Palm Harbor Marketing[12] web page, Monroe & Giordano[13] web page.[14] Google Groups[15] web page, MOTA-Vator Online[16] web page, TCPalm[17] web page, and the MHOO-OSTA article.[18]

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[8] Trademark manual of Examining Procedure §710.01 (5th ed. 2007).
[9] *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 110 USPQ 293 (CCPA 1956); In re BetaBatt, Inc., 89 USPQ2d 1152 (TTAB 2008).

[10] First article attached to Office Action dated 3/3/09 accessible at: www.residentownedcommunities.com/default.aspx

[11] *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 110 USPQ 293 (CCPA 1956).

[12] Fourth article attached to the Final Office Action. Accessible at: www.palmharbormarketing.com/map.php?zone=4

[13] Fifth article attached to the Final Office Action. Accessible at: www.monroe-giordano.com/closings

[14] From the site: "ROC: Resident-Owned Community".

[15] Sixth article attached to the Final Office Action. Accessible at: http://groups.google.com.au/group/alt.mobilehome/browse_thread/thread/f16304142a36809e

[16] Seventh article attached to Final Office Action. Accessible at: http://newsletter.mota-nh.org/2007/07/13/manufactured-housing-park-program-report--july-2007--by-david-stack-mhpp-program-director.aspx

The third attachment of the Final Office Action is from abbreviations.com, which, as explained below, is not the preferred acronym site of the TTAB. The preferred acronym finding site, acronymfinder.com, lacks the underlying matching phrase "resident owned community", and therefore cannot be cited as evidence of the descriptive nature of the term.

Acronym Finder is preferred over Abbreviations.com by the TTAB

The TMEP states that "[a]rticles downloaded from the Internet are admissible as evidence of information available to the general public, and of the way in which a term is being used by the public.[19] The weight given to Internet evidence must be carefully evaluated because the source of the information is often unknown.[20] The TTAB recognizes that there is an "inherent unreliability" of evidence gathered from a "collaborative website that permits anyone to edit the entries," such as Wikipedia.[21] Abbreviations.com is such a collaborative site that permits anyone to edit the entries. Exhibit A (Abbreviations.com web page "Be an Editor"). Abbreviations.com's "Be An Editor" page states as follows:

> ## Become an Editor
>
> Help build the largest human-edited acronyms and abbreviations directory of the web!
>
> ### The Definitive Abbreviations Directory of the Web
>
> Abbreviations.com follows the footsteps of some of the most important editor/contributor projects of the internet. Just as Wikipedia became the definitive word on words through the efforts of volunteers, Abbreviations.com follows in its footsteps to become the definitive Acronyms and Abbreviations directory of the Web.

Id.

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[17] Ninth article attached to the Final Office Action. Accessible at: www.tcpalm.com/news/2008/apr/10/residents-must-get-involved-if-president/

[18] Tenth article attached to the Final Office Action. Accessible at: www.mhoo-osta.com/mini_news_briefs.htm

[19] Trademark Manual of Examining Procedure §710.01(b) (5th ed. 2007).

[20] *Id.*

[21] *In re IP Carrier Consulting Group.*, Ser. No. 78542726 (TTAB 2007).

Applicant acknowledges that examiner has cited to abbreviations.com for evidence of the descriptiveness of the term "ROC," but Applicant has found no precedential TTAB opinions using this acronym finding site. Instead, Applicant has found several citable TTAB decisions using acronymfinder.com and submits that this is the correct acronym finding site for the present purposes.[22] Applicant submits that the TTAB prefers acronymfinder.com to abbreviations.com because the latter is a "collaborative website that permits anyone to edit the entries," much like Wikipedia.[23]

The examining attorney in this case has cited a search of abbreviations.com as evidence in reaching his conclusion that "the term ROC is descriptive for 'resident owned communities," but in light of the above showing that acronymfinder.com is the preferred site, Applicant submits that this is the site to be used in a determination of the distinctiveness of the ROC element. Applicant submits that if the preferred site is used, the considerations relevant to determination of descriptiveness listed in TMEP §1209.03 show that the ROC element is not descriptive, but rather inherently distinctive. Applicant attaches as Exhibit D the search results for "ROC" in AcronymFinder.com (sorted alphabetically, printing through page 3 which is where resident would appear), which shows **zero** hits for "resident owned community" of 77 acronyms listed.

The meaning "resident owned community" does not show up in an acronymfinder.com search for the acronym ROC. One cannot find this meaning unless he or she looks in the "Acronym Attic" portion of the site, which exists under a different domain name. Exhibit E (about Acronym Attic).[24] However, the Acronym Attic site says that "[t]he preferred site for defining abbreviations is Acronym Finder. For best results, please try Acronym Finder first!"[25] The site continues by saying "[t]he Acronym Attic is a collection of unreviewed [sic] abbreviations and meanings and could have errors, unverified terms, or offensive definitions."[26] In light of the meaning "resident owned community" being absent from acronymfinder.com, applicant submits that the element ROC does not satisfy any of the three prongs in the *BetaBatt* case, and the lack of the meaning "resident owned community" from the preferred acronym search of the TTAB is instead evidence of the inherent distinctiveness of the ROC USA Mark.

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[22] Specifically, Serial Nos. 78806413, 77036122, 78542726, 78542734, 76595049, and 76300876, were the citable decisions returned after a search was performed on the USPTO's e-FOIA page for the term "acronymfinder.com". Exhibit B (search results for acronymfinder.com). The "Search by Identifier" was set to "Citable as Precedent of TTAB", the "Precedent Indicator" was set to "Yes", and the issue date range searched was set as 7/13/99 to 7/13/09. A separate search with the same Identifier, Indicator, and date range for the term "abbreviations.com" returned no results. Exhibit C (search results for abbreviations.com).

[23] Exhibit A, *supra*, where on a page of abbreviations.com, the site states: "Help build the largest human-edited abbreviations directory of the web." Other reasons that acronymfinder.com may be preferred over abbreviations.com include: the former was last updated more recently than the latter; the former site has technical and administrative contacts in the United States while the contacts of the latter are located in Israel; and the former's domain name registration will not expire until 9/2/2012 while the latter's domain name registration expires 8/30/09.

[24] www.acronymattic.com Just below this disclaimer is a link back to acronymfinder.com.

[25] *Id.*

[26] *Id.*

Examiner cited his search of abbreviations.com in his allegation that "the term ROC is descriptive and possibly generic in the context of applicant's services."[27] The examiner sorted the search results alphabetically, and the meaning "resident owned community" shows up on the sixth page of the results. Similarly, the applicant conducted a search for ROC at abbreviations.com, and sorted the results by popularity.[28] The applicant's search resulted in the meaning "resident owned community" showing up on the second page of results.

Those who search for ROC at abbreviations.com will be exposed to more than five pages of results if sorting alphabetically, or more than one page if sorting by popularity, before seeing the meaning "resident owned community". In light of the meaning "resident owned community" showing up on the sixth page alphabetically and the second page when searched for by popularity, applicant submits that the sequence of initials, ROC, has not become so associated with the alleged descriptive meaning, "resident owned community," as to immediately convey this meaning to a consumer, and is at least a suggestive element of the ROC USA Mark. The TTAB has stated that, "[i]n areas that lack clear definition [as to whether a term is descriptive or suggestive]," to "fall back on the term suggestive."[29]

The applicant submits that imagination will be required for the average consumer to link ROC with a "resident owned community" where this meaning shows up after multiple pages of other meanings for the term ROC. Consumers who are able to take the imaginative leap from ROC to "resident owned community", rather than "Republic of China"[30], will have to make a second imaginative leap in order to discern what the qualities, properties, characteristics, features, functions, or the uses of resident owned communities are. Because imagination, thought or perception is required for the average consumer to reach a conclusion on the nature of the services of Applicant's Mark, ROC is not descriptive of a resident owned community as the term does not immediately convey "information about significant ingredients, qualities, properties, characteristics, features, or functions" of a resident owned community.

The examiner alleges that "no thought or imagination is necessary" in linking the term ROC to applicant's services even though a multiple part thought process is required in order to link ROC with the services provided by applicant. A consumer who does make this link from ROC to "resident owned community" (rather than one of the other meanings he or she will be exposed to at acronymfinder.com) has completed only step one of the process. The consumer must then think about the connection between resident owned communities and applicant's services. Both steps will require imagination or thought to complete. Therefore, the consumer would not "immediately comprehend the informational significance of the term [ROC] in

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[27] Office Action dated 3/3/09 p. 2.
[28] Search conducted 7/14/09 at 10:00 AM.

[29] *Holiday Inns, Inc. v. Monolith Enterprises*, 212 USPQ 949 (TTAB 1981).

[30] The Republic of China, or Taiwan as it is known, is the number one and two meaning for ROC if the search results are sorted by popularity on abbreviations.com. The "Republic of China" meaning for ROC also shows up before the meaning "resident owned community" when abbreviations.com results are sorted by popularity.

connection with the [applicant's] services."[31] Applicant respectfully requests that the Mark be submitted for publication because at the worst, this case lacks a clear definition, and "[i]n areas that lack clear definition [as to whether a term is descriptive or suggestive]," one should "fall back on the term suggestive."[32]

The Remaining Evidence Relied Upon by Examiner Fails to Support a Finding of Descriptiveness

The second attachment[33] is an article written in the Journal of Extension for an audience of educators. Exhibit F (About JOE).[34] Applicant submits that this evidence is not probative of the descriptive nature of Applicant's Mark because the reading audience is not the relevant consumer of applicant's services. Furthermore, the web site presents the term ROC as a defined term for journalistic simplicity rather than in a manner that demonstrates ROC is substantially synonymous with resident owned community since the audience must be told of this definition.

Another piece of evidence attached to the Final Office Action is from http://shaesveniker.com/Legislative_Activities.html[35] and contains no evidence of the term ROC being descriptive, as the term is presented simultaneously with several meanings. Applicant submits that the reader of this website will not immediately understand ROC as meaning "resident owned community" as the reader is exposed to the meaning "resident-owned cooperative" on the same page. In fact, several different meanings for the term ROC are possible if one looks at this site, including: "resident owned corporations", "resident owned cooperative", and "resident owned communities." A reader of this website will have to take an imaginative leap in order to reach the conclusion that ROC means "resident owned community" rather than "resident owned cooperative" or "resident owned corporation." This is inapposite to the allegation of the examiner that "the attached evidence" shows that "the term ROC is used interchangeably with 'resident owned community' in the Applicant's industry." Instead, this attachment shows that the term ROC is used interchangeably with several meanings in the Applicant's industry, only one of which is the meaning "resident owned community." At the least, it is doubtful whether the term ROC is descriptive or suggestive, but because doubt is to be resolved in the favor of the applicant,[36] the Mark should be published for opposition.

Applicant submits further evidence to support multiple meanings of the term ROC in connection with financial services (class 36). A Google search for "ROC and financial term" (Exhibit G)[37] retrieves multiple meanings of ROC including, in order of priority, "return on

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[31] Final Office Action at 3.
[32] *Holiday Inns, Inc. v. Monolith Enterprises*, 212 USPQ 949 (TTAB 1981).
[33] Second article attached to Final Office Action. Accessible at: www.joe.org/joe/2008april/a3.shtml

[34] Accessible at: http://www.joe.org/pdf/2008JOEbrochure.pdf

[35] Eighth article attached to the Final Office Action. Accessible at: http://shaesveniker.com/Legislative_Activities.html
[36] *See In re Atavio*, 25 USPQ 2d 1361 (TTAB 1992).

[37] http://www.google.com/search?client=safari&rls=en-us&q=ROC+financial+term&ie=UTF-8&oe=UTF-8

capital" as defined in investorword.com (Exhibit H)[38] and "rate of change" as defined in investopedia.com[39]. Exhibit I. (the third "hit" from the Google search identified in Exhibit G).

Applicant further notes that no dictionary listing was attached to the Final Office Action, although that was so indicated in the Final Office Action. Applicant does, however, submit that neither "ROC" nor "resident owned community" appear in dictionary.com in any meaning associated with Applicant's services. Exhibits J (definition of roc) and K (resident owned community).

Finally, the examining attorney has "attached descriptive Supplemental Register registrations which contain the term USA and the subject matter of the educational services; as well as the attached Class 35 business related supplemental registrations using the term USA." The examining attorney has attached these registrations to show that the addition of a "descriptive term such as ROC to a geographic word or term does not diminish that mark's primary geographic significance." However, none of these registrations include acronyms, but rather words that are generic or highly descriptive for educational and business related services, such as: "Karate", "Gift Basket", "Sales Leads", "Jujitsu", "CleanFuel", "Pool People", "Cylinder Exchange", "Mortgage Group", and "Valuation". This seems consistent with the rule that "initials cannot be considered descriptive unless they have become so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith."[40]

The evidence submitted by the examiner does not show that the term ROC is descriptive. A term is descriptive when the term immediately conveys information about significant ingredients, qualities, properties, characteristics, features, or functions or their use.[41] The term ROC does not immediately convey information to the average purchaser. To the contrary, the Examiner's evidence demonstrates that ROC is not substantially synonymous with "resident owned community." Furthermore, as discussed below, in order to sustain a 2(e)(2) rejection of the entire mark, the examiner bears the burden of establishing that the additional matter is highly descriptive or generic, not just merely descriptive.

Rejection under Section 2(e)(2) of an Entire Mark

There is no statutory basis or mandatory authority for the examiner's refusal, which is based solely on TMEP 1210.06(a), TMEP 1210.02(c)(ii),[42] and a handful of cases involving inapposite marks. As is further discussed below, marks found to be primarily geographically

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[38] Accessible at http://www.investorwords.com/5773/ROC.html

[39] Accessible at http://www.investopedia.com/terms/p/pricerateofchange.asp

[40] *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 110 USPQ 293 (CCPA 1956).

[41] *In re Disk Jockey, Inc.*, 23 USPQ2d 1715 (TTAB 1992).

[42] Examiner cites §1210.02(c)(ii), saying, "[t]he addition of a generic or highly descriptive term such as ROC to a geographic word or term does not diminish that mark's primary geographic significance." Final Office Action at 2. However, this statement within the TMEP is qualified with the word "generally," a qualification relevant in this case.

descriptive in their entirety are distinguishable from the ROC USA mark for numerous reasons. Most common among them are the following:

1. The rejected marks involve geographic indicators of greater geographic potency;
2. The rejected marks involve additional matter that is either generic or so highly descriptive as to be bordering on generic, all of which are much less distinctive than the ROC element;
3. The rejected marks are arranged in such a way that it leaves consumers with a commercial impression that the goods or services originate from the geographic location, which is typically communicated by a pattern of the geographic indicator followed by the generic (or nearly generic) additional matter, unlike the case at bar, where the geographic matter appears last and is not preceded by a preposition; and,
4. The rejected marks do not involve acronyms, which engenders a further level of analysis to determine whether the acronym is "substantially synonymous" with the underlying phrase.[43]

The case cited by the examiner in the Final Office Action, *In re JT Tobacconists*,[44] involves the mark "Minnesota Cigar Company" for "cigars; cigar cases not made of precious metal; [and] humidors." The case dealt with the applicant failing to overcome a 2(e)(2) refusal by arguing that "there is nothing to show that tobacco is grown in Minnesota or that such state is known for the production of tobacco products," although applicant there conceded production and shipment from its headquarters in Minnesota. Notwithstanding that argument, the applicant in that case initially disclaimed each of the three elements to this word mark. The TTAB found that the CIGAR COMPANY elements of the mark were *generic* for the cigar goods and *highly descriptive* for the humidor goods. The TTAB recently restated the rule concerning other matter in a mark subject to 2(e)(2) analysis, namely, that *"[h]ighly descriptive or generic* wording does not convert a geographically descriptive term into a non-geographic term." *In re Roy J. Mankovitz*, ___ USPQ2d ___ (TTAB March 25, 2009) (Ser. No. 77/000,589) at 5-6 (emphasis supplied) (citations omitted) (reversing the examiner's 2(e)(2) rejection of THE MONTECITO DIET for printed publications, online journals, and information about diets with DIET disclaimed).

The *JT Tobacconists* case is inapposite to the 2(e)(2) analysis of the ROC USA mark for the following reasons: (1) MINNESOTA is used as an adjective which is the dominant, stressed portion of the mark, unlike USA which is not so used in Applicant's mark,[45] (2) CIGAR

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[43] *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 110 USPQ 293 (CCPA 1956). ROC is not substantially synonymous with "resident owned communities," as is shown by the lack of a listing in Acronymfinder.com and the universal need to define "ROC" as referring to "resident owned communities" (or a related phrase) in the evidence cited by the examiner.

[44] 59 USPQ2d 1080.

[45] The adjective use and manner of adjective use of MINNESOTA in that mark is highly relevant to the 2(e)(2) analysis that lead to the refusal of the entire mark. The TTAB explained the *JT Tobacconists* holding in a later case. "In *JT Tobacconists*, the addition of the term 'cigar company' did not detract from the geographic significance of

COMPANY is generic for the central goods involved, whereas ROC is neither generic nor highly descriptive, (3) MINNESOTA CIGAR COMPANY does not involve an acronym, which would have added a further layer to the analysis, (4) the State of Minnesota is much smaller of an area that the entire United States of America and therefore has a stronger geographic potency than USA,[46] (5) USA also has less geographic potency because of the existence of alternative meanings of USA or its synonym "American,"[47] and (6) the Minnesota Cigar Company sells goods shipped from a singular location, whereas ROC USA provides services in a diverse array of settings.

Other 2(e)(2) rejections of entire marks are likewise inapposite to the case at bar. For example, CAROLINA APPAREL is unlike ROC USA in the following ways: (1) APPAREL is generic, whereas ROC is much more distinctive, (2) CAROLINA is more geographically potent than USA, (3) the word arrangement immediately brings to mind goods of apparel from the Carolinas, similar to the word arrangement for MINNESOTA CIGAR COMPANY, and (4) CAROLINA APPAREL does not involve an acronym. *See In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998).

The PARADISE ISLAND AIRLINES mark, which received a 2(e)(2) rejection, *see In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991), is inapposite because (1) AIRLINES was disclaimed as generic for the airline services provided under the mark, whereas ROC is not generic, (2) PARADISE ISLAND is more geographically potent than USA, (3) the

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the mark because the mark MINNESOTA CIGAR COMPANY engenders the commercial impression of a cigar company in Minnesota." *Spark Networks plc v. JewishAmericanSingles.com, Inc.*, TTAB Opp. No. 91165925 (May 30, 2008). The TTAB in *Spark* went on to distinguish MINNESOTA CIGAR COMPANY from AMERICAN SINGLES, finding that AMERICAN SINGLES is not geographically descriptive because it produces a single commercial impression of dating services for Americans and not dating services conducted in America, rather than a composite mark of dominant (MINNESOTA) and less significant (CIGAR COMPANY) terms. *Id.* at 11. The *Spark* case high-lights application of the rule that distinctiveness analysis must be conducted on a case-by-case basis, TMEP 1209.01(b) (citing *see In re Ampco Foods, Inc.*, 227 USPQ 331 (TTAB 1985); *In re Venturi, Inc.*, 197 USPQ 714 (TTAB 1977)). From this recent analysis of *JT Tobacconists*, it is apparent that the ROC USA mark should not fall within the MINNESOTA CIGAR COMPANY class of marks. ROC is the stressed element, not USA. ROC is the first and most dominant part of the mark, not USA. Applying case-by-case analysis, ROC USA as a whole should not be rejected under Section 2(e)(2); unlike MINNESOTA CIGAR COMPANY, it does not bring to mind a ROC (not generic, not an acronym substantially synonymous with a generic phrase) in the USA, nor a USA in a ROC.

[46] *In re Roy J. Mankovitz*, ___ USPQ2d ___ (TTAB March 25, 2009) (Ser. No. 77/000,589) at 7-8 (distinguishing the greater geographic potency of the population-of-10,000 municipality of Montecito (the geographic location is "specific") from the larger and industrially diverse country of France).

[47] *See Hamilton-Brown Shoe Co. v. Wolf Brothers & Co.*, 240 U.S. 251 (1916) (THE AMERICAN GIRL held not primarily geographically descriptive for shoes); *In re Jim Crockett Promotions Inc.*, 5 USPQ2d 1455 (TTAB 1987) (THE GREAT ALL AMERICAN BASH is suggestive of professional wrestling matches, and not primarily geographically descriptive); *see also In re Roy J. Mankovitz*, ___ USPQ2d ___ (TTAB March 25, 2009) (Ser. No. 77/000,589) at 5 (distinguishing the geographic potency of the population-of-10,000 municipality of Montecito from the larger and industrially diverse country of France).

word arrangement – again, similar to the arrangement found in MINNESOTA CIGAR COMPANY and CAROLINA APPAREL -- immediately brings to mind airline services to and from the Paradise Islands, and (4) PARADISE ISLAND AIRLINES does not involve an acronym.

The rejected mark CALIFORNIA PIZZA KITCHEN, *see In re California Pizza Kitchen, Inc.*, 10 USPQ2d 1704 (TTAB 1988), is inapposite because PIZZA KITCHEN is generic or highly descriptive of restaurant services of selling pizza, California is more geographically potent than USA, the word arrangement continues the pattern of geographic indicator followed by highly descriptive additional matter (unlike ROC USA), and no acronym is involved.

The rejected mark CAMBRIDGE DIGITAL, *see In re Cambridge Digital Systems*, 1 USPQ2d 1659 (TTAB 1986), is inapposite because DIGITAL less distinctive than ROC, Cambridge is more geographically potent than USA, the word arrangement continues the pattern followed in MINNESOTA CIGAR COMPANY, CAROLINA APPAREL, PARADISE ISLAND AIRLINES, and CALIFORNIA PIZZA KITCHEN (again, unlike ROC USA), and CAMBRIDGE DIGITAL does not involve an acronym.

Applicant submits that the TMEP is not on point with the Mark at hand. The cases cited in the TMEP at §1210.02(c)(ii) deal with marks containing geographic terms along with terms that are obviously descriptive, such as: "Cigar Company", "Apparel", "Airlines", "Wine Society", "Pizza Kitchen", or "Digital". However, this section of the TMEP does not deal with the juxtaposition of a disclaimed geographic term with an acronym, as is the case in the instant application. Instead, the TMEP deals with the juxtaposition of a non-disclaimed geographic term with a disclaimed non-geographic descriptive term or with marks that are disclaimed in their entirety. Applicant submits that the dearth of rejected marks with weak geographic indicators, stronger distinctiveness of additional matter, acronyms, and alternative word arrangements and the lack of any statutory or mandatory authority on point, leads to a determination that the geographic descriptiveness of the Mark is doubtful at best. Because doubt is to be resolved in the favor of the applicant,[48] the ROC USA Mark should be published for opposition.

Applicant's Further Submits Third Party Registrations to Demonstrate the Inherent Distinctiveness of ROC

Third-party registrations can be used to show that a particular word is suggestive rather than descriptive when applied to certain goods or services.[69] There are several third-party registrations that include the element ROC. Notably, the registrations for the word marks ROC-NY (Reg. No. 3258454), FLEUR DE ROC (Reg. No. 3307591), ROC LA FAMILIA (Reg. No.

[48] *See In re Atavio*, 25 USPQ 2d 1361 (TTAB 1992).

[69] *Spoons Restaurants Inc., v. Morrison Inc.*, 23 USPQ 2d 1735, 1740 (TTAB 1991); Trademark Manual of Examining Procedure §1209.03(a).

3525708), Exhibits L, M, and N, respectively, as well as five registrations for merely the term ROC (Reg. Nos. 3577886, 3383397, 3179600, 3090025, 3060218). Exhibits O, P, Q, R, and S, respectively. None of these registrations contain a disclaimer of the term ROC. In light of these registrations, applicant submits that ROC is not a descriptive term as it does not immediately convey anything, and applicant's Mark, ROC USA, should be published for opposition.

The registered mark ROC-NY is similar to the ROC USA Mark for examination purposes. Both marks are service marks and include the juxtaposition of a geographic term with the acronym ROC. The acronym ROC has different meanings in each of the marks. The meaning for ROC in the ROC-NY mark is "restaurant opportunities center", the geographic term describes New York, and a visit to the ROC-NY website reveals that ROC-NY means "Restaurant Opportunities Center of New York".[70] See Exhibit T.

As mentioned above, a disclaimer of the term ROC in ROC-NY (or any of the other cited registrations) was not necessary, as ROC is not descriptive of anything. Exhibit L. According to the Registration Certificate of ROC-NY, there are no disclaimers of either the ROC element or the geographic element, NY. A review of the file wrapper reveals that there were no refusals for geographic descriptiveness of the NY element or for descriptiveness of the ROC element. Exhibit U. In fact, none of the eight registrations cited herein by applicant included a disclaimer for the term ROC, which examiner alleges is descriptive and possibly generic. In light of these registrations comprising the term ROC without disclaimer, applicant respectfully requests that its Mark be published for opposition.

"Restaurant opportunities center" is arguably descriptive of the services provided by ROC-NY, much like the examiner has alleged that "resident owned communities" is descriptive of applicant's services. However, the ROC-NY mark was registered without incident because an imaginative leap is required to equate ROC with "restaurant opportunities center" in the context of the registrant's services even if "restaurant opportunities center" is descriptive of the services provided by the registrant of the ROC-NY mark. This is true even though consumers who search acronymfinder.com for ROC and sort the results by popularity will be exposed to the meaning "restaurant opportunities center" on the first page of results in an acronymfinder.com search for ROC, while the meaning "resident owned communities" is not present in the results of the search.[71]

Therefore, the term ROC did not immediately convey what the services of the registrant of the ROC-NY mark are, or information about significant ingredients, qualities, properties, characteristics, features, or functions or their use,[72] and the mark was published for opposition and later registered. Because the meaning "resident owned community" does not appear in the results of an acronymfinder.com search for ROC, the term ROC is less descriptive of a "resident

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[70] www.rocny.org

[71] As mentioned above, the meaning "resident owned community" is only found at the Acronym Attic section of the acronymfinder.com page.

[72] *In re Disk Jockey, Inc.*, 23 USPQ 2d 1715 (TTAB 1992).

owned community" than of a "restaurant opportunity center" and the ROC USA Mark should be published for opposition to develop a more comprehensive record.

The examining attorney bears the burden of showing that a mark is merely descriptive of the relevant goods or services.[73] Applicant submits that its disclaimer of the term USA obviates the 2(e)(2) refusal by the examiner and, in light of the above cited registrations including the term ROC without disclaimer, examiner's refusal based on the term ROC being descriptive is doubtful at best. Where there is doubt, the doubt is to be resolved in the favor of the applicant.[74] Applicant respectfully requests that the examiner withdraw his refusal based on the descriptiveness of the term ROC and publish the ROC USA Mark for opposition.

Furthermore, as mentioned above, the examples listed in §1210.02(c)(ii) of the TMEP are completely lacking in acronyms or abbreviations, which seems consistent with the rule that "initials cannot be considered descriptive unless they have become so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith."[101] Therefore, the term ROC is a separable and inherently distinctive element of the Mark ROC USA, and the applicant is entitled to "register the mark on the Principal Register with a disclaimer of the geographic term."[102] Applicant has already disclaimed the geographic term, USA, in its Mark and submits that the Mark is entitled to registration. Applicant respectfully requests that its Mark be published for opposition, and if no interested party opposes, the Mark ROC USA should be registered on the principle register.

Proof of Acquired Distinctiveness

Applicant respectfully disagrees with examiner regarding the persuasiveness of the evidence previously submitted to establish acquired distinctiveness. The evidence demonstrates a wide and diverse audience of Applicant's services and strong recognition of source in the industry. Consequently, the Applicant respectfully requests that the examiner accept Applicant's proof of acquired distinctiveness.

Conclusion

In conclusion the Applicant respectfully requests that the Mark be approved for publication in the first instance.

Respectfully submitted,
ROC USA, LLC
By Its Attorney

September 3, 2009
Date

to be electronically signed
Ashyln Lembree

[73] *See In re Merrill, Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d 1567, 4USPQ 2d 1141, 1143 (Fed. Cir. 1987).
[74] *See In re Atavio*, 25 USPQ 2d 1361 (TTAB 1992).
[101] *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 110 USPQ 293 (CCPA 1956).
[102] Trademark manual of Examining Procedure §1210.06(a) (5th ed. 2007).

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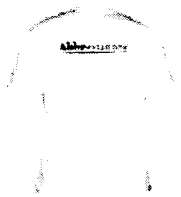

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06/19/2009	EX	78806413	Petroglyph Games, Inc.	Hairston Rogers* Wellington	whether applicant's identification of goods is acceptable in view of its specimens of use; 2(e)(1)	Refusal Affirmed [but only on 2(e)(1) grounds]		"BATTLECAM" [computer game software]		Le

						decay processes; consulting and technical advisory services relating to the treatment of radioactive materials and/or porous substrates, and to the fabrication of power generating and/or storage devices, namely, batteries deriving power from nuclear decay processes]		
06/18/2007 EX	78542726	IP Carrier Consulting Group	Bucher Holtzman Bergsman*	2(e)(1)	Refusal Affirmed in both cases	"ipPICS" [telecommunications access services, namely, subscription-based access services featuring a device that allows the user to access high speed transmission of images and video via a global computer network, computers and wireless devices] and "ipPIPE" [telecommunications access services, namely, subscription-based access services featuring a device that allows the user to access high speed transmission of voice, data, images, video, and audio via a global computer network, computers and wireless devices]		Faint
06/18/2007 EX	78542734	IP Carrier Consulting Group	Bucher Holtzman Bergsman*	2(e)(1)	Refusal Affirmed in both cases	"ipPICS" [telecommunications access services, namely, subscription-based access services featuring a device that allows the user to access high speed transmission of images and video via a global computer network, computers and wireless devices] and "ipPIPE" [telecommunications access services, namely, subscription-based access services featuring a device that allows the user to access high speed transmission of voice, data, images, video, and audio via a global computer network, computers and wireless devices]		Faint
03/27/2007 EX	76595049	Fiesta Palms, LLC	Seeherman Drost* Mermelstein	2(d)	Refusal Affirmed	"CLUB PALMS MVP" [casino services]	"MVP" [casino services offered to preferred customers identified by special ID cards]	Sisun
03/06/2006 EX	76300876	Finisar Corporation	Quinn Kuhlke* Walsh	2(e)(1)	Refusal Affirmed	"SMARTSFP" [optical transceivers]		Malik

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sort results: **alphabetical** | rank ?

Rank	Abbr.	Meaning
****	ROC	Radar Operations Center (NOAA, NEXRAD)
*	ROC	Radiations Operations Committee (UK)
***	RoC	Radio on a Chip
****	RoC	Radius of Curvature
****	ROC	Raid on A Chip
**	ROC	Rail Operations Center
*	ROC	Random Operation Control
**	ROC	Range Operations Commander
******	ROC	Rate of Change
****	ROC	Rate of Climb
****	ROC	Reactive Organic Compounds
***	ROC	Read-Out Controller
*	ROC	Rear Operation Cell
**	ROC	Receipt of Comments
*****	ROC	Receiver Operating Characteristic (signal detection theory)
***	ROC	Receiving Operating Characteristic
**	ROC	Receptor-Operated Calcium Channel
**	ROC	Reconnaissance Operations Center
***	ROC	Record Of Charge (American Express)
***	ROC	Record of Communication

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Rank	Abbr.	Meaning
**	ROC	Record of Conversation (summary of a verbal conversation, to establish a formal, dated record)
****	ROC	Recovery-Oriented Computing
***	ROC	Recurrent Ovarian Cancer
*	ROC	Reduced Operations Center (NASA)
*	ROC	Reflection of Christ
***	ROC	Region Of Convergence
****	ROC	Regionaal Opleidings Centrum (Dutch; Flevoland, Holland)
***	ROC	Regional Operating Center
****	ROC	Regional Operations Center
**	ROC	Regional Operations Controller
****	ROC	Regional Oversight Committee
**	ROC	Regional Oversight Contract
*	ROC	Regional Oxygen Concentration
****	ROC	Registro degli Operatori di Comunicazione
***	ROC	Registry of Companies
***	ROC	Rehearsal of Concept (military drills)
****	ROC	Reign of Chaos (game)
*	ROC	Relational Operator Coverage
***	ROC	Relationship of Command (At the Drive-In music album)
****	ROC	Relative Operating Characteristic (mathematics)

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sort results: **alphabetical** | rank ?

Rank	Abbr.	Meaning
*	ROC	Release Of Credits (insurance)
***	ROC	Remote Operations Controller
****	ROC	Renewable Obligation Certificate (UK Energy Supply Market)
**	ROC	Rensselaer Outing Club (Troy, NY)
*	ROC	Repair Order Cycle
*	ROC	Repeatered Optical Cable
***	ROC	Report of Compliance
*****	RoC	Report on Carcinogens (US Department of Health and Human Services)
****	ROC	Report on Comments
*	ROC	Reporting Organization Code
******	ROC	Republic Of China
******	ROC	Republic of Congo
****	RoC	Republic of Croatia
***	ROC	Required Operational Capability
*	ROC	Required Operational Center
***	ROC	Research Into Ovarian Cancer
*	ROC	Residual Operating Current
**	ROC	Resource Operations Center
**	ROC	Resource Organization Code
*****	ROC	Rest of Canada (political party)

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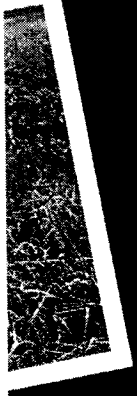

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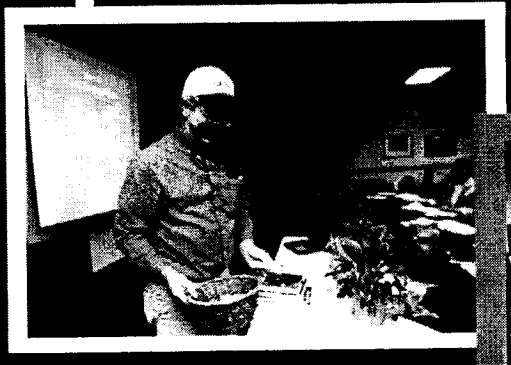

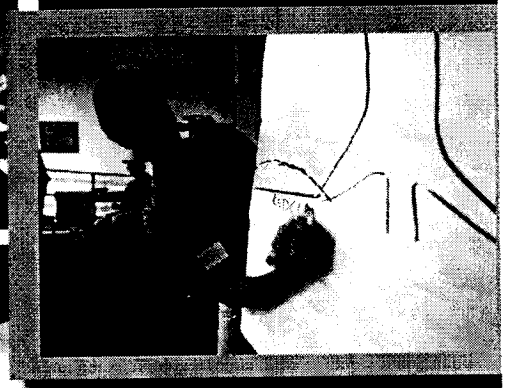

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... part of the Technical Analysis subject.

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risk-weighted asset
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Price Rate Of Change - ROC

What Does *Price Rate Of Change - ROC* Mean?
A technical indicator that measures the percentage change between the most recent price and the price "n" periods in the past. It is calculated by using the following formula:

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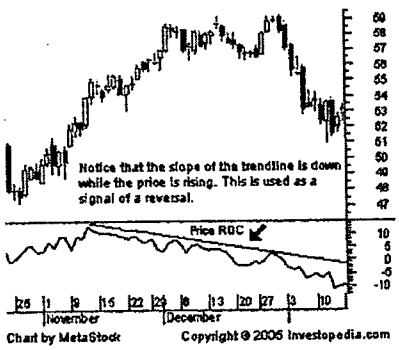

Investopedia explains *Price Rate Of Change - ROC*
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Momentum
Overbought
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roc [rok] Show IPA

–noun *Arabian Mythology.*
a bird of enormous size and strength.

Origin:
1570–80; < Ar *rukhkh*, prob. < Pers *rukh*; see ROOK [2]

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RoC ™ Skin Care "Warning"
Does **RoC** Really Work Against Wrinkles? — Read my Story!
RoC.HeathersDiary.net

Roc Skin Care Reviewed
Review of **Roc** Skin Care. 2009s Top Wrinkle Creams Reviewed.
BeautyProductsCompared.com

roc (rŏk)
n. A mythical bird of prey having enormous size and strength.

[Arabic ruḫḫ.]

Word Origin & History

roc
large, ferocious bird of fable, 1579, from Arabic rukhkh, from Pers. rukh. Mentioned in Marco Polo's account of Madagascar, modern use is mostly from "Arabian Nights."

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Abbreviations & Acronyms

ROC
1. Greater Rochester [NY] International Airport
2. Republic of China (Taiwan)
3. rest of Canada (other than Quebec)

Encyclopedia

roc

gigantic legendary bird, said to carry off elephants and other large beasts for food. It is mentioned in the famous collection of Arabic tales, The Thousand and One Nights, and by the Venetian traveler Marco Polo, who referred to it in describing Madagascar and other islands off the coast of eastern Africa. According to Marco Polo, Kublai Khan inquired in those parts about the roc and was brought what was claimed to be a roc's feather, which may really have been a Raphia palm frond.

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"resident owned community"

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www.rocusa.org/residentowned.htm

Resident Owned Communities in New Hampshire: A Study of Outcomes
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Interviews with **Resident-Owned Community** Leaders. The interview data provide additional, in-depth information about the economic issues ...
www.carseyinstitute.unh.edu/documents/evalution_report_...

Resident Owned Community Mobile Home Park in North Port, FL | LaCasa
Retirement **community** for ages 55 and up. Offers **community** map, information on activities and recreation, and list of amenities. ... The Finest **Resident Owned Community** in SW Florida...
www.lacasaswfl.com/ - Cached

Resident Owned Community Mobile Home Park in North Port, FL | LaCasa
SW Florida Mobile Home Park and **Resident Owned Community** in North Port Florida ... A separate corporation oversees the social activites of the **Resident Owned Community**, including overseeing the income and expenses of the various Activities and their Activity Committees and Clubs.
www.lacasaswfl.com/lacasa_resident_owned_government.htm...

Harbor Cove Waterfront **Resident Owned Community** - Real Estate
ActiveRain real estate profile for Harbor Cove Waterfront **Resident Owned Community** a Real Estate Brokerage in North Port, FL ... Company Harbor Cove Waterfront **Resident Owned Community**...
activerain.com/harborcove

ResidentOwnedCommunities.com
The term "**resident owned community**" is most commonly used to describe a manufactured/mobile home or rv development that is incorporated and operated as a ...
residentownedcommunities.com/default.aspx

WikiAnswers - In a **resident owned community** in Florida does **resident**
Answers.com > Wiki Answers > Categories > Law and Legal Issues > Property Law > Deeds and **Ownership** > In a **resident owned community** in Florida does **resident own** the individual lot?
wiki.answers.com/Q/In_a_resident_owned_community_in_Flo...

Welcome to Charlotte Village - A **resident owned community** in Port
Port Charlotte Village is a **resident owned community** where at least one person residing in the home must be at least 55 years of age and the other no younger than 45 years of age. There are 435 homes on 86 plus acres with three fresh water lakes.
www.pc-village.com/

Welcome to Charlotte Village - A **resident owned community** in Port
Charlotte County surrounds the Peace and Myakka river basins with its **communities** of Port Charlotte, ... The **community** was developed in the late 1950s. In addition to its natural proximity to Charlotte Harbor and the Gulf of Mexico, Port Charlotte has numerous

man-made canals in many of its neighborhoods.
www.pc-village.com/charlotte.html

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Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,258,454

Registered July 3, 2007

SERVICE MARK
PRINCIPAL REGISTER

ROC-NY

RESTAURANT OPPORTUNITIES CENTER OF NEW YORK (ROC-NY) (NEW YORK NON-PROFIT CORPORATION)
99 HUDSON STREET, 3RD FLOOR
NEW YORK, NY 10013

FOR: PROMOTING PUBLIC AWARENESS OF THE NEED FOR IMPROVED CONDITIONS FOR RESTAURANT WORKERS; PROMOTING PUBLIC AWARENESS OF RESTAURANT WORKERS CONTRIBUTIONS TO THE CITY; JOB PLACEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-8-2002; IN COMMERCE 4-8-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-957,430, FILED 8-22-2006.

MATTHEW EINSTEIN, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,307,591

Registered Oct. 9, 2007

TRADEMARK
PRINCIPAL REGISTER

FLEUR DE ROC

CAVE DE TAIN L'HERMITAGE,; UNION DES PROPRIETAIRES (FRANCE SOCIÉTÉ COOPERATIVE)
22, ROUTE DE LARNAGE
F-26600 TAIN L'HERMITAGE
FRANCE

FOR: WINES OF GUARANTEED LABEL OF ORIGIN OF SAINT PÉRAY, IN CLASS 33 (U.S. CLS. 47 AND 49).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 4-28-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0905336 DATED 10-3-2006, EXPIRES 10-3-2016.

THE ENGLISH TRANSLATION OF THE WORD "FLEUR DE ROC" IN THE MARK IS "ROCK FLOWER".

SER. NO. 79-031,655, FILED 10-3-2006.

CHRISTINE COOPER, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,525,708

Registered Oct. 28, 2008

SERVICE MARK
PRINCIPAL REGISTER

ROC LA FAMILIA

UMG RECORDINGS, INC. (DELAWARE CORPORATION)
2220 COLORADO AVENUE
SANTA MONICA, CA 90404

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING MUSICAL PERFORMANCES, MUSICAL VIDEOS, RELATED FILM CLIPS, PHOTOGRAPHS, AND OTHER MULTIMEDIA MATERIALS; PROVIDING PRERECORDED MUSIC, INFORMATION IN THE FIELD OF MUSIC, AND COMMENTARY AND ARTICLES ABOUT MUSIC, ALL ON-LINE VIA A GLOBAL COMPUTER NETWORK; FAN CLUBS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-27-2006; IN COMMERCE 6-27-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS THE FAMILY.

SN 78-615,294, FILED 4-22-2005.

SUNG IN, EXAMINING ATTORNEY

Int. Cl.: 40

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 3,577,886

United States Patent and Trademark Office

Registered Feb. 17, 2009

SERVICE MARK
PRINCIPAL REGISTER

ROC

CARGILL, INCORPORATED (DELAWARE CORPORATION)
15407 MCGINTY ROAD WEST
WAYZATA, MN 55391

FOR: CUSTOM MANUFACTURING OF PELLETED FEEDLOT SUPPLEMENTS FOR ANIMAL STOCK, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-25-2005; IN COMMERCE 4-25-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-618,593, FILED 4-28-2005.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,383,397

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER

ROC

HOIST FITNESS SYSTEMS, INC. (CALIFORNIA CORPORATION)
9990 EMPIRE STREET, SUITE 130
SAN DIEGO, CA 92126

FOR: HEALTH AND FITNESS EQUIPMENT, NAMELY, MANUALLY OPERATED EXERCISE EQUIPMENT, WEIGHT LIFTING MACHINES, WEIGHT LIFTING BENCHES AND BENCH ACCESSORIES, DUMB-BELLS AND BAR BELLS FOR WEIGHT LIFTING, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 8-31-2006; IN COMMERCE 8-31-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-958,513, FILED 8-23-2006.

MICHAEL TANNER, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,179,600

Registered Dec. 5, 2006

TRADEMARK
PRINCIPAL REGISTER

ROC

CARGILL, INCORPORATED (DELAWARE CORPORATION)
15407 MCGINTY ROAD WEST
WAYZATA, MN 55391

FOR: MINERAL SUPPLEMENTS FOR LIVESTOCK, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-25-2005; IN COMMERCE 4-25-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-632,030, FILED 5-18-2005.

DARRYL SPRUILL, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,090,025

United States Patent and Trademark Office

Registered May 9, 2006

TRADEMARK
PRINCIPAL REGISTER

ROC

CHAMPION DISCS, INCORPORATED (CALIFORNIA CORPORATION), DBA INNOVA-CHAMPION DISCS, INC.
11120 TACOMA DRIVE
RANCHO CUCAMONGA, CA 91761

FOR: FLYING DISCS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-628,653, FILED 5-12-2005.

SKYE YOUNG, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,060,218

United States Patent and Trademark Office Registered Feb. 21, 2006

TRADEMARK
PRINCIPAL REGISTER

ROCAWEAR LICENSING LLC (NEW JERSEY LTD LIAB CO)
50 SOMERSET PLACE
CLIFTON, NJ 07012

FOR: EYEWEAR, NAMELY, SUNGLASSES AND EYEGLASSES AND THEIR CASES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-1-2004; IN COMMERCE 12-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-562,436, FILED 2-8-2005.

CHARLES JOYNER, EXAMINING ATTORNEY

Restaurant Opportunities Center of New York

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AUG 17th — *Policy Committee Meeting*
2:00 pm to 3:30 pm

AUG 18th — *Focus Group: Young Females in the Restaurant Industry*
2:00 pm to 3:30 pm

AUG 20th — *Paid Sick Days Bill Introduction: Rally at City Hall!*
10:00 am to 2:00 pm

More Upcoming Events »

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Registration Number: 3258454

Mark

ROC-NY

(words only): ROC-NY

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-07-03

Filing Date: 2006-08-22

Transformed into a National Application: No

Registration Date: 2007-07-03

Register: Principal

Law Office Assigned: LAW OFFICE 115

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LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Restaurant Opportunities Center of New York (ROC-NY)

Address:
Restaurant Opportunities Center of New York (ROC-NY)
99 Hudson Street, 3rd Floor
New York, NY 10013
United States
Legal Entity Type: NON-PROFIT CORPORATION
State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Promoting public awareness of the need for improved conditions for restaurant workers; Promoting public awareness of restaurant workers contributions to the city; Job placement
Basis: 1(a)
First Use Date: 2002-04-08
First Use in Commerce Date: 2002-04-08

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-07-03 - Registered - Principal Register

2007-04-17 - Published for opposition

2007-03-28 - Notice of publication

2007-02-27 - Law Office Publication Review Completed

2007-02-27 - Assigned To LIE

2007-01-23 - Approved for Pub - Principal Register (Initial exam)

2007-01-17 - Assigned To Examiner

2006-08-29 - Notice Of Pseudo Mark Mailed

2006-08-28 - New Application Entered In Tram

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