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Direct Contact | 612.336.4735
soslick@merchantgould.com

A Professional Corporation

In re Application of: Fabrica De Licores Y Alcoholes De Antioquia

Mark: RON MEDELLIN & DESIGN
Serial No.: 77/693,816
Examining Atty: E. Kajubi
Filing Date: March 18, 2009

Docket No.: 11292.0009US01
Due Date: July 14, 2010
Law Office: 107

CERTIFICATE UNDER 37 CFR 2.197: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on March 3, 2010.

By: Amanda Avery
Amanda Avery

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing under 37 C.F.R. 2.197.
- ☒ Return postcard.
- ☒ Request for Reconsideration to Office Action dated January 14, 2010.
- ☒ Exhibits A - C.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: _____
Name: Scott M. Oslick
SMO/aja

[redacted]
03-08-2010

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Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: _____
Name: Scott M. Oslick
SMO/a|a

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TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fabrica De Licores Y Alcoholes De Antioquia	Exam. Attorney:	E. Kajubi
Serial No.:	77/693816	Law Office No.:	107
Filing Date:	March 18, 2009	Matter No.:	11292.9US01
Mark:	RON MEDELLIN		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on March 3, 2010.

By: Amanda Avery

Amanda Avery

REQUEST FOR RECONSIDERATION

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

Dear Commissioner:

The following is in Response to the Office Action dated January 14, 2010. The Examining Attorney has continued and made final the requirement that Applicant disclaim the wording RON MEDELLIN apart from the mark as shown. The following is believed to be fully responsive to the Office Action, and reconsideration of this requirement is requested.

A Notice of Appeal is being filed with the Trademark Trial and Appeal Board concurrently herewith.

I. LIVING INDIVIDUAL STATEMENT

The name "RON MEDELLIN" in the mark does not identify a known living individual.

II. DISCLAIMER

The combination of two or more admittedly descriptive elements as a composite mark may result in a composite which is non-descriptive. In other words, the commercial impression of a composite mark may be arbitrary or suggestive even though its separate parts are descriptive. *See In re Warner Electric Brake & Clutch Co.*, 154 U.S.P.Q. 328 (TTAB 1967); *Nationwide Consumer Testing Institute, Inc. v. Consumer Testing Laboratories, Inc.*, 159 USPQ 304 (TTAB 1968), and cases cited therein; *Minnesota Mining & Mfg. Co. v. Johnson & Johnson*, 454 F.2d 1179, 172 USPQ 491 (C.C.P.A. 1972) (Baldwin, J. concurring); *Firestone Tire & Rubber Co. v. Goodyear Tire & Rubber Co.*, 186 USPQ 557 (TTAB 1975), aff'd, 189 USPQ 348 (C.C.P.A. 1976); *In re General Tire & Rubber Co.*, 194 USPQ 491 (TTAB 1977); *In re DeSoto, Inc.*, 172 USPQ 497 (TTAB 1972); *Concurrent Technologies, Inc. v. Concurrent Technologies Corp.*, 12 USPQ.2d 1054 (TTAB 1989); *In re Wells Fargo & Co.*, 231 USPQ 116 (TTAB 1986).

In the present case, the Examining Attorney has stated that a disclaimer of the term MEDELLIN required because this term it identifies Applicant's location, as well as the location where Applicant's goods originate and is, therefore, geographically descriptive of those goods. The Examining Attorney further stated that a disclaimer of the term RON is required because the English translation of this term is "rum" and, as such, this the term is geographically descriptive of Applicant's goods. Applicant respectfully disagrees with these conclusions.

Assuming *arguendo* that the individual terms RON and MEDELLIN are, respectively, merely descriptive and primarily geographically descriptive of Applicant's goods, the manner in which these terms appear in Applicant's mark results in a composite that is non-descriptive. Specifically, the wording RON MEDELLIN in Applicant's mark appears to be the name of an, albeit fictitious, individual. The term RON is a common given name. *See* the excerpt from the

Name Statistics website, attached as Exhibit A and demonstrating that RON is the 211th most common given name for males in the United States. As indicated in Applicant's December 15, 2009 Amendment and Response to the first Office Action in this case (the "December 15, 2009 Response"), as a result of its popularity in the United States, consumers are far more likely to recognize RON as a given name than a foreign term for "rum." *See* the Internet excerpts attached as Exhibit B, demonstrating that United States consumers regularly encounter the name RON as a given name, on the Internet and in the news, as well as in person. As such, based on the manner in which the words appear in Applicant's mark, consumers will, again, recognize the wording RON MEDELLIN as the name of an individual.

In maintaining the disclaimer requirement, the Examining Attorney stated that "consumers would clearly recognize RON not as a first name, but as the foreign equivalent of the term RUM." The Examining Attorney relied on the doctrine of foreign equivalents to reach this conclusion, and noted that the doctrine is applied when the ordinary American consumer would "stop and translate" the foreign term into its English equivalent. However, the record in the present case does not contain any evidence demonstrating that consumers encountering Applicant's RON MEDELLIN mark would, in fact, "stop and translate" the term RON into "rum."

In fact, the exact opposite is far more likely to occur. Because it is the 211th most common given name for males in the United States, chances are incredibly good that the majority of United States consumers know, or have known, at least one person with the given name RON. At the very least, such consumers are, again, highly familiar with the use of RON as a given name. Nothing in the record demonstrates that even a statistically significant minority of consumers would be anywhere near as familiar with the term RON's status as a foreign

equivalent of the term "rum." Rather, given the average United States consumer's familiarity with the use of RON as a given name, Applicant respectfully submits that there is virtually no chance that American consumers will "stop and translate" the term RON into "rum." This is particularly true, as is the case in Applicant's mark, the term RON is displayed with another term in a manner such that it appears to be the name of a fictitious individual. Accordingly, Applicant's combination of these terms, again, results in a composite mark having a non-descriptive meaning and, therefore, a disclaimer of the wording RON MEDELLIN in Applicant's mark is not required.

Moreover, the U.S. Trademark Office has routinely allowed marks featuring the term RON to register on the Principal Register without a disclaimer in connection with "rum" when, as with Applicant's mark, they are combined with another term in a manner such that they appear to be the name of an individual, including the following:

RON MILLONARIO and Design, Reg. No. 3,663,898 for "alcoholic beverages, namely, rum," in International Class 33.

RON MATUSALEM and Design, Published Application Serial No. 78/845684 for "rum."

RON CARLOS, Reg. No. 2,881,013 for "rum."

RON PABLO, Reg. No. 1,550,463 for "rum."

RON PONTALBA, Reg. No. 1,596,734 for "rum."

Copies of the TESS records for these registrations are attached as Exhibit C. Most of these registrations include a statement that the name in the mark does not identify a particular known living individual. Applicant has now included a similar statement in the present application. If these marks can register on the Principal Register without a disclaimer of the term RON, then it

logically follows that Applicant's RON MEDALLIN mark should also register on the Principal Register without a disclaimer. The record contains absolutely no evidence to demonstrate otherwise.

Based on the foregoing, a disclaimer of the wording RON MEDELLIN is not required. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the requirement that Applicant disclaim this wording apart from the mark as shown.

III. CONCLUSION

Applicant respectfully requests that the Examining Attorney accept the living individual statement, withdraw the requirement that Applicant disclaim the wording RON MEDELLIN and approve the present application for publication in the Official Gazette at the earliest possible date.

The Examining Attorney is welcome to contact Applicant's undersigned attorneys by telephone with any questions.

Respectfully Submitted,

Fabrica De Licores Y Alcoholes
De Antioquia

By its Attorneys,

Date: 3/3/10

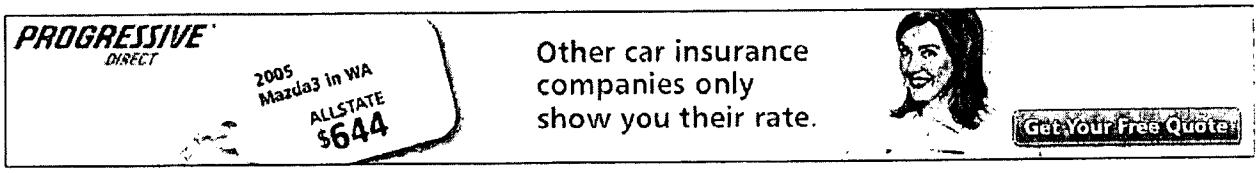
Christopher J. Schulte
Scott M. Oslick
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
612-332-5300

name statistics

First Name Male Search For My Name!

1,129 Male Names **4,275** Female Names and **88,799** Last Names!

How popular are your first and last names in the United States?



RON is the #221 most common male first name

0.072% of males in the US are named RON.

Around 88200 US males are named RON!

www.FragranceNet.com Ads by Google

Use the following code to place on your website, forum, blog, etc.

```
<h2><b>RON</b> is the <b>#221</b> most common
male first name</h2><h3><b>0.072%</b> of males in
the US are named <b>RON.</b></h3><h4>Around
<b>88200</b> US males are named <b>RON</b>!
</h4><h5>source: <a
href="http://www.namestatistics.com/"
target="_blank">namestatistics.com</a></h5>
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First Name Meaning
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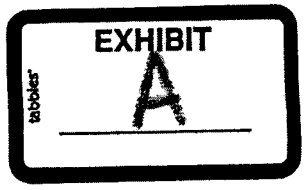

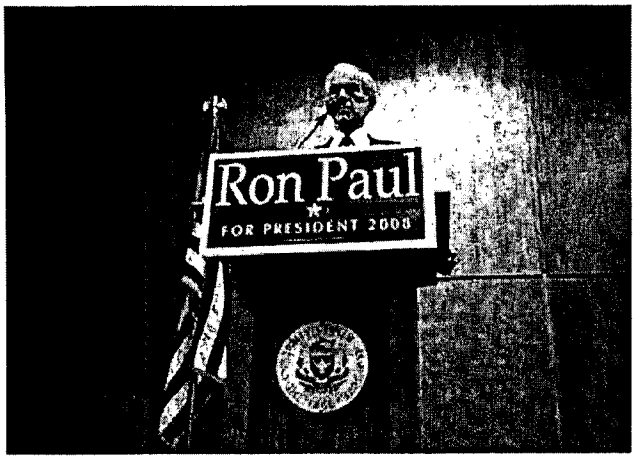

Ron Paul REVOLUTION

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EXHIBIT
B

The Washington Post

Ron Conway Raising $10 Million Angel Fund To Expand SV Angel

Michael Arrington
TechCrunch.com
Friday, February 26, 2010; 12:16 AM

Super-angel Ron Conway, who is one of the most prolific and successful investors in Silicon Valley, is expanding his SV Angel fund to include outside investors (recently he has invested only his own capital in startups). He is raising a new fund of around $10 million, we've confirmed.Conway, who was called the "Godfather of Silicon Valley" in a book by Gary Rivlin, is considered by many to be the most important angel investor in technology. He sees most new startups before anyone else, and an investment by his firm is a serious milestone. His deep ties to most top tier venture capital firms also ensure quick introductions and a long look when the time comes to raise a second and larger round of capital.He was one of the first investors in Google, and has, he says, invested in hundreds of startups over the last twenty years. His current investments include Facebook, Twitter, Digg and just about every other startup of note you've heard about.In other words, he isn't going to have any trouble finding takers for this $10 million fund.Until mid-2009 Conway made most of his investments through Baseline Ventures, a fund run by Steve Anderson. Conway moved to direct investing as he began to focus his time on real-time startups, which he is still bullish on. In June 2009, he promised 40-50 new investments over the following 18 months. Since that time, he's averaged about 4 investments per month, so he's well on track to keep that promise.
CrunchBase InformationRon ConwaySV AngelInformation provided by CrunchBase

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SEARCH

February 26, 2010

Arthur Delaney
arthur@huffingtonpost.com | HuffPost Reporting

Ron Wyden To Block Other Extensions Until Senate Extends UI And COBRA Benefits

First Posted: 02-26-10 03:21 PM | Updated: 02-26-10 06:14 PM

Print

What's Your Reaction?

Sen. Ron Wyden (D-Ore.) has vowed to prevent the Senate from extending any other expiring laws until it extends unemployment benefits and subsidized health insurance for laid off workers.

Sen. Jim Bunning (R-Ky.) is single-handedly blocking Senate action needed to prevent an estimated 1.2 million American workers from prematurely losing their unemployment benefits next month. When, on the Senate floor, Sen. Jeff Merkley (D-Ore.) begged him to drop his objection Bunning replied: "Tough shit."

The Senate adjourned on Friday without renewing the benefits. As a result, hundreds of thousands of people will stop receiving unemployment checks every week, starting Monday.

Wyden is outraged. "Denying [the unemployed] legislation that helps them pay for the basic necessities of life is fundamentally wrong," Wyden told HuffPost. "For people that are getting hammered in this economy, trying literally to figure out from their kitchen table and their living rooms how they're going to get by, this legislation is a lifeline."

Welcome to RonSexsmith.com

New fan Steve shows how easy it is to quickly put together an entire Ron Sexsmith library from the online Store. Here, he models one of the new t-shirt designs!

Whether you're a longtime fan and want to tell the world with a SEXSMITH shirt or you're a more recent convert looking to fill in the gaps in your collection, the Store has everything you need. Thanks for sharing, Steve!

A Message From Ron

Hi everybody...

Well we've just finished recording on my new record and so all that remains is mixing, mastering, album art and then hopefully we can get it out somehow in 2010. It's been a wonderful session from start to finish and I'm excited for y'all to hear it. With any luck I'll be hitting the road with a full band and a truck load of new songs.

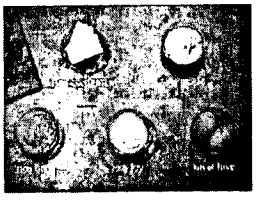
Until then, I would like to wish everyone a safe and happy holiday and nothing but the best in 2010.

Peace and Love,
Ron Sexsmith

[Read More]

Happy Holidays from Ron and Sony/ATV Germany

Ron's in the kitchen with Sony/ATV Germany cooking up a holiday greeting for you. Click the image to watch the video!



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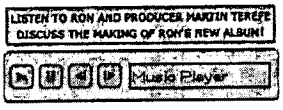

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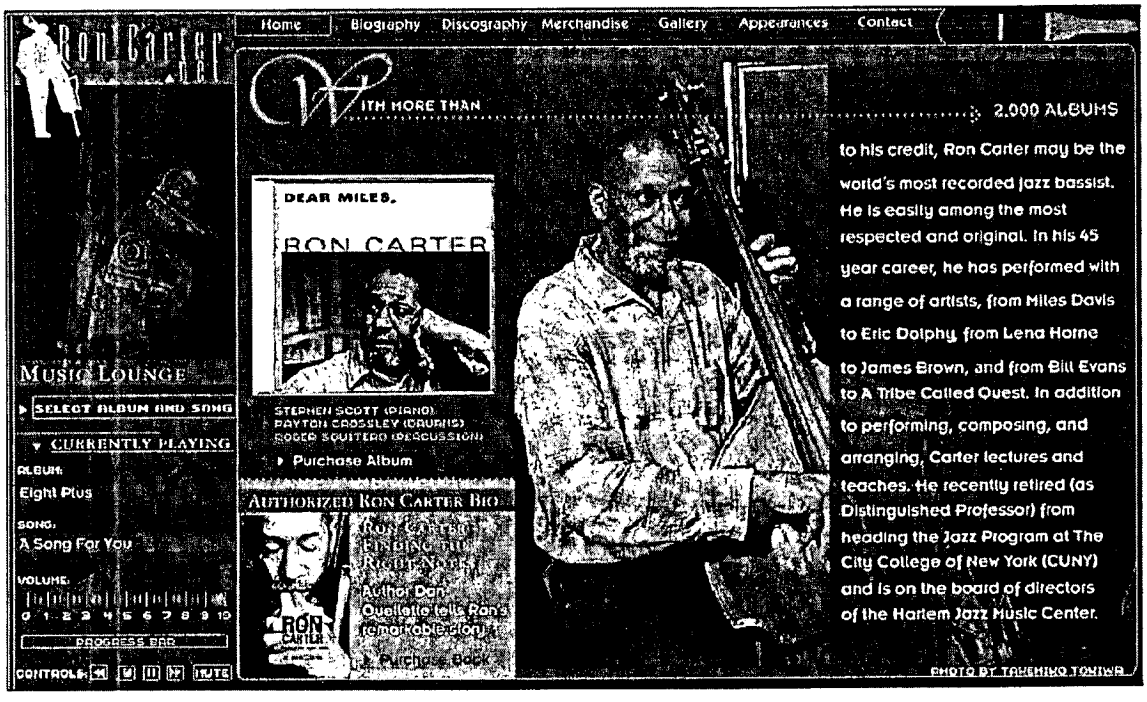
Ron Carter
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WITH MORE THAN
2,000 ALBUMS
to his credit, Ron Carter may be the world's most recorded jazz bassist. He is easily among the most respected and original. In his 45 year career, he has performed with a range of artists, from Miles Davis to Eric Dolphy, from Lena Horne to James Brown, and from Bill Evans to A Tribe Called Quest. In addition to performing, composing, and arranging, Carter lectures and teaches. He recently retired (as Distinguished Professor) from heading the Jazz Program at The City College of New York (CUNY) and is on the board of directors of the Harlem Jazz Music Center.
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PAYTON CROSSLEY (DRUMS)
ROGER SQUITERO (PERCUSSION)
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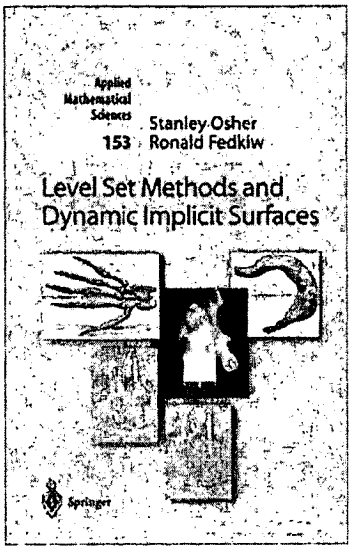
PHOTO BY TAKEHIKO TOMIWA

Ron Fedkiw

Associate Professor
Stanford Computer Science
Ph.D. Applied Mathematics, UCLA



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fedkiw@cs.stanford.edu
Phone: (650) xxx-xxxx

directions to Stanford
directions to the Gates building
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Institute for Computational and Mathematical Engineering

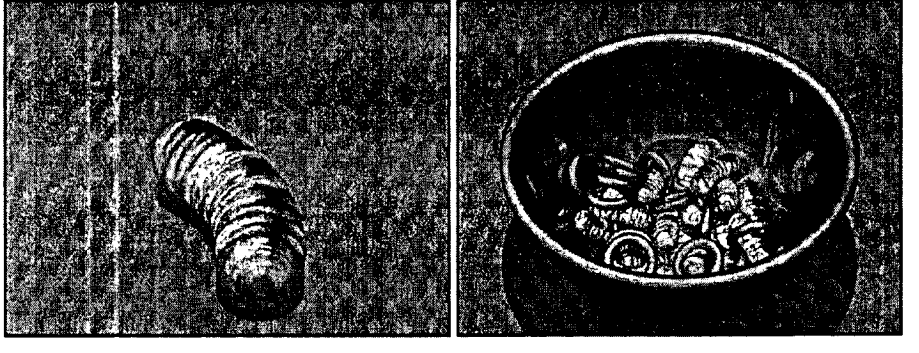
Brief Bio

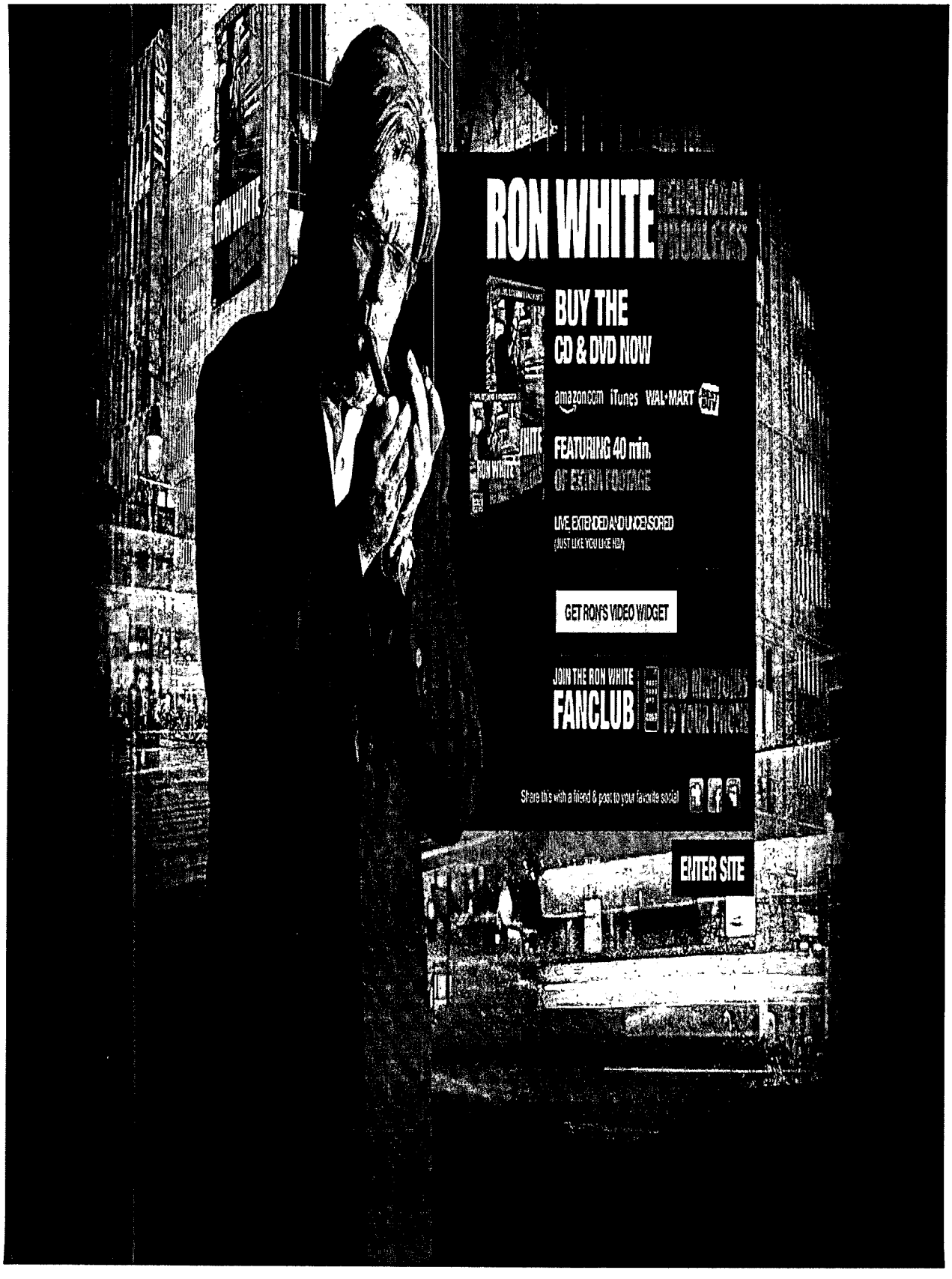
Fedkiw received his Ph.D. in Mathematics from UCLA in 1996 and did postdoctoral studies both at UCLA in Mathematics and at Caltech in Aeronautics before joining the Stanford Computer Science Department. He was awarded an Academy Award from The Academy of Motion Picture Arts and Sciences, the National Academy of Science Award for Initiatives in Research, a Packard Foundation Fellowship, a Presidential Early Career Award for Scientists and Engineers (PECASE), a Sloan Research Fellowship, the ACM Siggraph Significant New Researcher Award, an Office of Naval Research Young Investigator Program Award (ONR YIP), the Okawa Foundation Research Grant, the Robert Bosch Faculty Scholarship, the Robert N. Noyce Family Faculty Scholarship, two distinguished teaching awards, etc. Currently he is on the editorial board of the Journal of Computational Physics, Journal of Scientific Computing, SIAM Journal on Imaging Sciences, and Communications in Mathematical Sciences, and he participates in the reviewing process of a number of journals and funding agencies. He has published over 80 research papers in computational physics, computer graphics and vision, as well as a book on level set methods. For the past seven years, he has been a consultant with Industrial Light + Magic. He received screen credits for his work on "Terminator 3: Rise of the Machines", "Star Wars: Episode III - Revenge of the Sith", "Poseidon" and "Evan Almighty".

Research

My research is focused on the design of new computational algorithms for a variety of applications including computational fluid dynamics and solid mechanics, computer graphics, computer vision and computational biomechanics.

- Simulating virtual soft bodied creatures with actuated internal rigid skeletal structures (with Tamar Shinar and Craig Schroeder).

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Word Mark	RON MILLONARIO
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages, namely, rum
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Trademark Search Facility Classification Code	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-MISC Miscellaneous shaped designs
Serial Number	79060854
Filing Date	June 24, 2008
Current Filing Basis	66A
Original Filing Basis	66A
Published for Opposition	May 19, 2009
Registration Number	3663898
International	

EXHIBIT C tabbies

Registration Number	0982005
Registration Date	August 4, 2009
Owner	(REGISTRANT) ROSSI & ROSSI S.A.S.; DI MARIO ROSSI & C. JOINT STOCK COMPANY ITALY Via IV Novembre, 62 I-31100 TREVISO (TV) ITALY
Attorney of Record	Amy F. Divino
Description of Mark	Color is not claimed as a feature of the mark. The trademark consists of the wording "RON MILLONARIO" disposed on two lines and in fancy italic characters, more precisely the wording "RON" being smaller in dimension and the wording "MILLONARIO" having the capital letter "M" and below it a fancy curved line evoking an underlining.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live/Dead Indicator	LIVE

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TARR Status | ASSIGN Status | TDR | TTAB Status *(Use the "Back" button of the Internet Browser to return to TESS)*

Word Mark	RON MATUSALEM RUM EST. 1872
Goods and Services	IC 033. US 047 049. G & S: Rum. FIRST USE: 19641200. FIRST USE IN COMMERCE: 19641200
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.15.10 - Doves 03.15.19 - Birds or bats in flight or with outspread wings 03.15.24 - Stylized birds and bats 24.09.07 - Advertising, banners; Banners
Trademark Search Facility Classification Code	ANI-BIRDS Accurate depiction of Birds ART-24.09 Flags, banners LETTER-3-OR-MORE EST Combination of three or more letters as part of the mark NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks NUM-26-UP 1872 Other Numerals - 26 and Up
Serial Number	78845684
Filing Date	March 24, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 26, 2007

Registration Number	3290659
Registration Date	September 11, 2007
Owner	(REGISTRANT) Ron Matusalem & Matusa of Florida, Inc. CORPORATION FLORIDA 1205 S.W. 37th Avenue Miami FLORIDA 33135
Attorney of Record	Lawrence E. Abelman
Prior Registrations	1601273;2130534;2530317
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EST. 1872" and "RUM" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	RON CARLOS
Goods and Services	IC 033. US 047 049. G & S: RUM. FIRST USE: 19710220. FIRST USE IN COMMERCE: 19710220
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76525196
Filing Date	June 24, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 15, 2004
Registration Number	2881013
Registration Date	September 7, 2004
Owner	(REGISTRANT) VIRGIN ISLANDS RUM INDUSTRIES, LTD. CORPORATION US VIRGIN ISLANDS P. O. Box 218 Frederiksted, St. Croix US VIRGIN ISLANDS 808410218 (LAST LISTED OWNER) IMPERIAL BRANDS, INC. CORPORATION DELAWARE 11505 FAIRCHILD GARDENS AVENUE, SUITE 204 PALM BEACH GARDENS FLORIDA 33410
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	David L. Sigalow
Type of Mark	TRADEMARK
Register	PRINCIPAL
Other Data	The name "RON CARLOS" in the mark does not identify a living individual.

Live/Dead Indicator	LIVE

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Start List At: OR Jump to record: **Record 85 out of 123**

Typed Drawing

Word Mark	RON PABLO
Goods and Services	IC 033. US 049. G & S: RUM. FIRST USE: 19730500. FIRST USE IN COMMERCE: 19730500
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73756489
Filing Date	October 7, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 9, 1989
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1550463
Registration Date	August 1, 1989
Owner	(REGISTRANT) MONTEBELLO BRANDS, INC. CORPORATION DELAWARE 1919 Willow Spring Road Baltimore MARYLAND 21222
Attorney of Record	Daniel T. Earle
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090724.
Renewal	1ST RENEWAL 20090724
Other Data	THE NAME "RON PABLO" IS A FICTITIOUS NAME AND DOES NOT IDENTIFY A LIVING INDIVIDUAL.
Live/Dead Indicator	LIVE

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Start List At: OR Jump to record: **Record 86 out of 123**

Typed Drawing

Word Mark	RON PONTALBA
Goods and Services	IC 033. US 047 049. G & S: RUM. FIRST USE: 19890420. FIRST USE IN COMMERCE: 19890420
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73814795
Filing Date	July 24, 1989
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 20, 1990
Registration Number	1596734
Registration Date	May 15, 1990
Owner	(REGISTRANT) SAZERAC CO., INC. DBA WIDE WORLD IMPORTERS CORPORATION LOUISIANA P.O. BOX 52821 803 JEFFERSON HIGHWAY NEW ORLEANS LOUISIANA 70152
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Todd S. Bontemps
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010815.
Renewal	1ST RENEWAL 20010815
Other Data	THE NAME "RON PONTALBA" IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

Live/Dead Indicator	LIVE