

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

In re Trademark Application of:
GUNSTOCK AREA COMMISSION
Serial No. 78/154,319
Filed: August 14, 2002
Mark: MOUNTAIN MAGIC
Class: 41

Law Office 102
Maria Victoria Suarez



01-02-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

01/06/2004 KSONCHAM 00000072 78154319

01 FC:6403

100.00 DP

BRIEF OF APPELLANT

I. INTRODUCTION

Applicant hereby appeals from the Examining Attorney's final refusal to register the above-identified mark dated April 29, 2003 and respectfully requests that the Trademark Trial and Appeal Board reverse the Examining Attorney's decision.

Applicant submitted a Request for Reconsideration¹ on February 1, 2002, which was indicated as denied during a telephonic interview between Examining Attorney Maria Victoria Suarez and Applicant's attorney Norman P. Soloway on December 3, 2003.

¹ It should be noted that, although this document was titled "AMENDMENT B WITH REQUEST FOR RECONSIDERATION", this submission contained remarks only, and the application was not actually amended therein.

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

II. APPLICANT'S MARK

Applicant seeks registration under Section 2(d) on the Principal Register of the mark "MOUNTAIN MAGIC" in Class 41, with the following description of goods: "Ski resort services, namely ski or snowboard lessons."

III. PRIOR REGISTRATIONS CITED BY THE EXAMINING ATTORNEY

In her refusal to register, the Examining Attorney has cited U.S. Registration No. 2078863, a copy of which is attached hereto as **Exhibit E**.

IV. THE REJECTION

The Examining Attorney has refused registration of Applicant's mark ("MOUNTAIN MAGIC") under Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d), contending that Applicant's mark is confusingly similar to the mark shown in U.S. Registration 2078863 ("MAGIC MOUNTAIN"). The Examining Attorney, in the Official Action dated January 23, 2003, refused to register the mark in Class 41 with the recitation of goods/services "Ski resort services," stating that

the trademark attorney must first conclude that the marks are similar. Applicant's mark is MOUNTAIN MAGIC. The registrant's mark is MAGIC MOUNTAIN. The applicant's mark is essentially a transposition of the registrant's mark. Such a transposition does not create a different overall commercial impression that would negate the likelihood of confusion.

In the same Official Action, the Examining Attorney further stated that

applicant's mark is used in connection with ski resorts. The registrant's mark is used in connection with ski resorts. As such the services are identical. Thus since the marks are similar and the services are identical, there is a likelihood of confusion and registration must be refused.

meaning implied by the construction of the mark in the cited Registration, "MAGIC MOUNTAIN."

Moreover, Applicant's specific ski and snowboard lesson services are different from Registrant's generalized "entertainment services in the nature of a ski resort." Consumers typically select a ski resort while making vacation plans in advance of a trip and are aware that names of ski resorts frequently take the form "XXX MOUNTAIN." To the contrary, consumers of ski and snowboard lessons typically are *already* at a ski resort and are shopping for lessons. It is highly improbable that a skier looking to book a ski vacation would somehow be confused and think that Applicant's mark "MOUNTAIN MAGIC" is the name of a ski resort, or that this mark relates to the services provided by Registrant. In the same vein, it is highly improbable that a skier who is already at a ski resort would be confused and think that Registrant's mark "MAGIC MOUNTAIN" is a mark relating to ski and snowboard lessons, or that this mark relates to the services provided by Applicant.

B. Registrant's Mark Has Been Diluted, and Consumers Can Differentiate Applicant's Mark from Registrant's Mark.

Furthermore, customers can distinguish the marks because the mark of the cited Registration, "MAGIC MOUNTAIN" (US Registration No. 2078863), is a diluted mark. Other third parties have for some time been using the mark "MAGIC MOUNTAIN" for services closely related to the entertainment services of Applicant's ski or snowboard lessons. For example, a registration for the mark "MAGIC MOUNTAIN" has been in existence since 1970 for amusement park and recreation facilities (US Registration No. 0921353; copy of TESS entry attached hereto as **Exhibit B**). If customers can differentiate the same mark "MAGIC

MOUNTAIN” for entertainment services in the form of an amusement park in the ’353 registration and a ski resort in the ’863 Registration, then consumers can easily differentiate the use of the transposed mark when used for ski or snowboard lessons. The relative weakness of the mark of the ’863 Registration is further evident based on the existence of at least one other ski resort in the United States operating its business as “MAGIC MOUNTAIN.” (See Business directory and newspaper articles mentioning the “MAGIC MOUNTAIN” resort in Idaho, attached hereto as **Exhibit C.**)

C. Applicant’s Mark Creates a Distinctly Different Commercial Impression from Registrant’s Mark.

The Examining Attorney argues that Applicant’s mark is “a transposition of the registrant’s mark. Such a transposition does not create a different overall commercial impression that would negate the likelihood of confusion.” However, the Trademark Trial and Appeal Board has held that if the transposed mark creates a distinctly different commercial impression, then confusion is not likely. *In re Best Products Co., Inc.*, 231 USPQ 988 (TTAB 1986), the TTAB held that the mark “BEST JEWELRY” for retail jewelry store services was not likely to be confused with “JEWELER’S BEST” for jewelry. In this case, Applicant’s mark creates a distinct commercial impression. As argued above, the mark of the ’863 Registration creates the impression of a specific mountain, while Applicant’s mark creates the impression of charm, allure or “something unexpected.”

Moreover, registrations can and do co-exist, even in the same class, for goods which are related, similar and even identical. Despite such similarities, in the opinion of the Trademark Office, no confusion exists between the following registered marks: “PIZZA MAGIC”

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

(Registration No. 1490658), "MAGIC PIZZA" (Registration No. 2496010) or "PIZZA MAGIA" (Registration No. 2545209) all three for restaurant services in international class 42; and for "MONEY MAGIC" (Registration No. 1273907) and "MAGIC MONEY" (Registration No. 2117148) for entertainment services in international class 41. (Copies of TESS entries attached hereto as **Exhibit D.**) If these marks can coexist in classes 42 and 41, respectively, "MOUNTAIN MAGIC" and "MAGIC MOUNTAIN" should also be permitted to coexist in class 41.

VII. CONCLUSION

Because of the differences between the parties' marks and services, the dilution of Registrant's mark and the ability of consumers to differentiate the marks, and the distinctly different commercial impression created by the marks, there is no likelihood of confusion as to the source of the respective goods as between Applicant's mark and the mark in the '863 Registration, and Applicant respectfully submits that the Examining Attorney erred in rejecting the Application. Accordingly, Applicant's mark is entitled to registration, and Applicant respectfully requests that the Board reverse the Examining Attorney's decision refusing registration.

Respectfully submitted,



Norman P. Soloway
Attorney for Appellant
Reg. No. 24,315

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Serial No. 78/154,319
Docket: GUN/TM-102 US
Brief of Appellant

Maria Victoria Suarez, Examining Attorney - Law Office 102

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX TTAB FEE, Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on December 29, 2003 at Tucson, Arizona.

By *Niyak Misbalami*

NPS:nm

HAYES SOLOWAY P.C.

130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

**175 CANAL STREET
MANCHESTER, NH 03101**

TEL. 603.668.1400
FAX. 603.668.8567





UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR to record: Record 7 out of 45

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



CRYSTAL MOUNTAIN

Word Mark CRYSTAL MOUNTAIN
 Goods and Services IC 042. US 100 101. G & S: Hotel and resort services. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
 IC 041. US 100 101 107. G & S: Golf courses and ski resorts. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
 Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
 Design Search Code 260103 260121 260701
 Serial Number 76220947
 Filing Date March 8, 2001
 Published for Opposition January 8, 2002
 Registration Number 2555602
 Registration Date April 2, 2002
 Owner (REGISTRANT) Crystal Enterprises, Inc. CORPORATION MICHIGAN 12500 Crystal Mountain Drive Thompsonville MICHIGAN 496839742
 Attorney of Record Marjory G. Basile
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|-----|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 6 out of 45

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark LOOKOUT MOUNTAIN
 Goods and Services IC 041. US 100 101 107. G & S: Ski Resorts. FIRST USE: 19961200. FIRST USE IN COMMERCE: 19961200
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 76129302
 Filing Date September 18, 2000
 Published for Opposition April 23, 2002
 Registration Number 2593847
 Registration Date July 16, 2002
 Owner (REGISTRANT) Trimont Land Company CORPORATION CALIFORNIA Highway 267 & Northstar Drive P.O. Box 129 Truckee CALIFORNIA 96161
 Attorney of Record Mary Isom
 Prior Registrations 1242314;1242315;1263168
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOUNTAIN" APART FROM THE MARK AS SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: Record 18 out of 45

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark SCHUSS MOUNTAIN
 Goods and Services IC 041. US 100 101 107. G & S: Ski Resorts. FIRST USE: 19671200. FIRST USE IN COMMERCE: 19671200
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 75401614
 Filing Date December 8, 1997
 Published for Opposition December 22, 1998
 Registration Number 2231929
 Registration Date March 16, 1999
 Owner (REGISTRANT) Go Forward Operating Limited Partnership LaVanway Resort Properties, L.L.C., Zucco Resort Properties, L.L.C. and Schieber Resort Properties, L.L.C., all Michigan Corporation LIMITED PARTNERSHIP MICHIGAN 1 Shanty Creek Road Bellaire MICHIGAN 49615
 Attorney of Record STEPHEN M TRATTNER
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOUNTAIN" APART FROM THE MARK AS SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|-----|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: Record 26 out of 45

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark LUTSEN MOUNTAINS
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: mugs and glassware. FIRST USE: 19800700. FIRST USE IN COMMERCE: 19800700

IC 041. US 100 101 107. G & S: recreational services, namely, downhill skiing facilities, cross-country ski trails, hiking and backpacking trails, gondola sky ride, fitness center, mountain bike trails, recreational equipment rental and fishing; educational services, namely, classes in downhill skiing and cross-country skiing. FIRST USE: 19800700. FIRST USE IN COMMERCE: 19800700

IC 042. US 100 101. G & S: resort hotel, restaurant and bar service. FIRST USE: 19800700. FIRST USE IN COMMERCE: 19800700

IC 025. US 022 039. G & S: T-shirts, sweatshirts and caps. FIRST USE: 19800700. FIRST USE IN COMMERCE: 19800700

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75166525

Filing Date September 16, 1996

Published for Opposition December 9, 1997

Registration Number 2140267

Registration Date March 3, 1998

Owner (REGISTRANT) LUTSEN MOUNTAINS CORPORATION CORPORATION MINNESOTA COUNTY ROAD 36 P.O. BOX 129 LUTSEN MINNESOTA 55612

Attorney of Record MARTHA M MARKUSEN

Type of Mark Register TRADEMARK. SERVICE MARK PRINCIPAL-2(F)

Live/Dead Indicator LIVE



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Fri Aug 8 04:19:29 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 3 out of 6

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark APPLE MOUNTAIN
 Goods and Services IC 042. US 100 101. G & S: ski and golf resort and club services. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 74719217
 Filing Date August 23, 1995
 Published for Opposition May 14, 1996
 Registration Number 1991343
 Registration Date August 6, 1996
 Owner (REGISTRANT) Apple Ranch Restaurant, Inc. CORPORATION MICHIGAN 4519 N. River Road Freeland MICHIGAN 48623
 Attorney of Record Charles E. Burpee
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR).
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Fri Aug 8 04:19:29 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 4 out of 6

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark SILVER MOUNTAIN
 Goods and Services IC 041. US 100 101 107. G & S: [[SKI RESORT SERVICES, RECREATIONAL RESORT SERVICES; SKI SCHOOL SERVICES; RECREATIONAL HIKING FACILITY SERVICES; RECREATIONAL BICYCLE RIDING SERVICES; [RECREATIONAL HORSEBACK RIDING SERVICES;] AND ENTERTAINMENT FACILITY SERVICES]]. FIRST USE: 19900201. FIRST USE IN COMMERCE: 19900201

Mark Drawing Code (1) TYPED DRAWING
 Serial Number 74006409
 Filing Date November 30, 1989
 Filed ITU FILED AS ITU
 Published for Opposition June 5, 1990
 Registration Number 1646517
 Registration Date May 28, 1991
 Owner (REGISTRANT) CITY OF KELLOGG, THE CORPORATION IDAHO 323 MAIN STREET KELLOGG IDAHO 83837
 Attorney of Record RANDY A. GREGORY
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010825.
 Renewal 1ST RENEWAL 20010825
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|-----|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 39 out of 45

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark BEAR MOUNTAIN
 Goods and Services IC 041. US 100 107. G & S: SKI RESORT SERVICES. FIRST USE: 19880721. FIRST USE IN COMMERCE: 19880721
 Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
 Design Search Code 030114 031301 260721
 Serial Number 73751302
 Filing Date September 12, 1988
 Published for Opposition April 4, 1989
 Registration Number 1545722
 Registration Date June 27, 1989
 Owner (REGISTRANT) BEAR MOUNTAIN, LTD. CORPORATION CALIFORNIA P.O. BOX 6812 43101 GOLDMINE DRIVE BIG BEAR LAKE CALIFORNIA 92315
 Assignment Recorded ASSIGNMENT RECORDED
 Attorney of Record LOUIS J. BOVASSO
 Description of Mark THE MARK CONSISTS IN PART OF A BEAR PAW DESIGN. THE STIPPLING SHOWN IN THE DRAWING IS FOR SHADING PURPOSES ONLY.
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR).
 Live/Dead Indicator LIVE



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Fri Aug 8 04:19:29 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DIET | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: Record 21 out of 58

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark COPPER MOUNTAIN

Goods and Services

IC 009. US 021 023 026 036 038. G & S: decorative magnets; computer mouse pads, computer screen saver software; sunglasses. FIRST USE: 19800000. FIRST-USE IN COMMERCE: 19800000

IC 014. US 002 027 028 050. G & S: jewelry and clocks. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 016. US 002 005 022 023 029 037 038 050. G & S: photographic prints, postcards and notepads. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 018. US 001 002 003 022 041. G & S: tote bags. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 021. US 002 013 023 029 030 033 040 050. G & S: glassware, namely, mugs and drinking glasses; housewares, namely, toothpick holders, corkscrews. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 025. US 022 039. G & S: clothing, namely, T-shirts, sweatshirts, turtleneck shirts; fleece garments, namely, earbands, neckgaiters, caps, shirts, sweatshirts, sweaters, jackets and vests; hats and caps. FIRST USE: 19760000. FIRST USE IN COMMERCE: 19760000

IC 036. US 100 101 102. G & S: real estate brokerage services; real estate management and leasing services; real estate management services in the field of residential condominium projects, including residential time share condominium projects; shopping center leasing and management services. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 037. US 100 103 106. G & S: real estate development and construction services, namely, planning, laying out and construction of residential homes, commercial buildings and recreational facilities; garage services, namely, repair and maintenance of automobiles, maintenance and repair of ski equipment. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 039. US 100 105. G & S: automobile rental services; transportation of passengers by bus; public utility services; conducting sightseeing tours for others; vacation planning services. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 041. US 100 101 107. G & S: providing recreational and entertainment services and facilities therefor, namely, ski resort and all-season resort services; providing chair lift rides, horseback riding, bicycling, river rafting, snowmobiling, ice skating, sleigh rides and hiking/walking/running trails; providing instruction in various outdoor sports including skiing, snowboarding, fishing and golf; rental of ski and snowboarding equipment; golf course services; athletic and tennis club services; organizing and conducting ski races and bicycle races. FIRST USE: 19720000. FIRST USE IN COMMERCE: 19720000

IC 042. US 100 101. G & S: hotel and lodging services; restaurant and bar services; providing meeting and conference room facilities; travel agency services, namely, making reservations and booking for temporary lodging services, nursery and child care services; chapel services; waste management services. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 035. US 100 101 102. G & S: retail store services featuring convenience store items, gasoline, automobile parts and accessories and alcoholic beverages; retail grocery services. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

Mark Drawing Code (1) TYPED DRAWING
 Serial Number 75311893
 Filing Date June 18, 1997
 Published for Opposition December 21, 1999
 Registration Number 2327560
 Registration Date March 14, 2000
 Owner (REGISTRANT) Copper Mountain, Inc. CORPORATION DELAWARE P.O. Box 3001 Copper Mountain COLORADO 80443
 Attorney of Record LESLEY S CRAIG
 Prior Registrations 1102372
 Type of Mark TRADEMARK. SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | Browse Dict | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 40 out of 45

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark ELK MOUNTAIN

Goods and Services IC 014. US 028. G & S: JEWELRY, NAMELY ORNAMENTAL PINS AND CHARMS. FIRST USE: 19860901. FIRST USE IN COMMERCE: 19860901

IC 041. US 100 107. G & S: SKI RESORT SERVICES. FIRST USE: 19860701. FIRST USE IN COMMERCE: 19860701

IC 025. US 039. G & S: CLOTHING, NAMELY HATS AND SHIRTS. FIRST USE: 19860901. FIRST USE IN COMMERCE: 19860901

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 030707 030708 050101 050110

Serial Number 73664081

Filing Date June 1, 1987

Published for Opposition January 26, 1988

Registration Number 1485221

Registration Date April 19, 1988

Owner (REGISTRANT) ELK MOUNTAIN SKI CENTER, INC. CORPORATION PENNSYLVANIA BOX 258 R.D. 1 UNION DALE PENNSYLVANIA 18470

Attorney of Record MELISSA A. MCKEE

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELK MOUNTAIN" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |





UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Fri Aug 8 04:19:29 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout: Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 26 out of 26

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark **MAGIC MOUNTAIN**
 Goods and IC 041. US 107. G & S: PROVIDING AMUSEMENT PARK AND RECREATION FACILITIES. FIRST USE:
 Services 19670000. FIRST USE IN COMMERCE: 19701024

Mark Drawing (1) TYPED DRAWING
 Code

Serial Number 72376795
 Filing Date November 23, 1970

Registration 0921353
 Number

Registration Date September 28, 1971

Owner (REGISTRANT) MAGIC MOUNTAIN PARTNERSHIP UNITED STATES P.O. BOX 1745 BIG BEAR LAKE
 CALIFORNIA 92315

 (LAST LISTED OWNER) BLANCHE N NAY LIVING TRUST LIVING TRUST BY ASSIGNMENT
 CALIFORNIA P.O. BOX 1753 LAKE ARROWHEAD CALIFORNIA 92352

Assignment ASSIGNMENT RECORDED
 Recorded

Attorney of JAMES E. SHLESINGER
 Record

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20010410.

Renewal 2ND RENEWAL 20010410

Live/Dead LIVE
 Indicator

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|-----|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

⋮

⋮

3 of 45 DOCUMENTS

Copyright 2002 infoUSA.com, Inc.

US Business Directory

MAGIC MOUNTAIN SKI RESORT

3407A N 3300 E

KIMBERLY, ID 83341-5274 UNITED STATES

TEL: 208-423-6221

ABI-NO: 961886744

COUNTY: 16083 TWIN FALLS

POPULATION: 1 - 24,999 AA

CARRIER-CODE: R002

PRI-SIC: 701110 SKIING CENTERS & RESORTS

LOC-SALES: 1,000 - 499,999 AA

LOC-EMPLOYEES: 2

PAR-EMPLOYEES: UNKNOWN

BUSINESS-ORG: FIRM

EXECUTIVES: MARTY JACOBS, OWNER

AD-SIZE: REGULAR LISTING

CREDIT: SATISFACTORY

LANGUAGE: ENGLISH

LOAD-DATE: November 6, 2002

1 of 63 DOCUMENTS

Copyright 2003 Knight Ridder/Tribune Business News
Copyright 2003 Times-News
Times-News

April 12, 2003, Saturday

KR-ACC-NO: TW-MAGAZINES

LENGTH: 555 words

HEADLINE: Vacation, Development Publications Feature Twin Falls, Idaho, Area

BYLINE: By Virginia S. Hutchins

BODY:

TWIN FALLS, Idaho—Magic Valley showed up in a positive light in three magazines this month.

One highlighted private-sector contributions to economic development. The others described local cities as vacation destinations.

The common thread?

National and regional publications' coverage — whether for industry audiences or for travelers and consumers — has potential for bringing dollars to Magic Valley. It might be in the form of payroll from a new employer attracted by good press. Or as sales for local restaurants, float-trip operators and other businesses that benefit from tourism.

Here's what the magazines said.

—Area Development, a trade publication for site and facility planning: In the April edition, a story on public-private teamwork in economic development is based on an interview with Terry J. Cusack, president of Georgia-based Siellar Fundraising Executives Inc. On contract, Cusack several times has helped Magic Valley business people study and carry out fund-raising campaigns to support development with private dollars.

Sidebars focus on a couple of Cusack clients, including the Twin Falls Area Chamber of Commerce.

Quotations from the chamber's Kent Just tell about Business Plus II incentives' success in landing new jobs at Dell Computer Corp. and elsewhere, and about the new regional Business Plus III campaign.

"If you don't have the ability to offer incentives, you're not going to be able to play the game. Incentives alone are not what draw companies to the area. They want a good business climate, reasonable taxes, good employment opportunities, etc. But a good incentive program can certainly tip the hand in your favor," Just told the magazine.

—Northwest Travel: A three-page story in the March/April edition opens with a visitor's description of the magnificent Snake River Canyon and the Perrine Bridge — "one of the most dramatic entrances to any city I've ever seen," author Sarah Heekin Redfield wrote.

Redfield recaps a bit of history from Twin Falls' early days and lists some of the area's recreational, entertainment and scenic attractions.

Her top picks are Pillar Falls and Shoshone Falls — from above or by river — and the City of Rocks.

—2003 Vacation Guide to the Columbia & Snake River Regions, a pull-out feature of Northwest Travel: The guide follows the Snake through southern Idaho, highlighting fun things to do along the way: Pore over Rupert historical exhibits, for instance. Look for wildlife and have a picnic at Milner Historic Recreation Area. Watch jumpers at the Perrine Bridge. Launch a river adventure at Centennial Waterfront Park. Learn some anthropology at the Herrett Center for Arts and Science, and catch a planetarium show. Ski Magic Mountain.

Times-News April 12, 2003, Saturday

—Sunset, a Western living magazine: A one-page article by Twin Falls freelance writer Julie Fanselow, in the April edition, promotes the season start for two Hagerman-based Snake River trips — a whitewater rafting run with some exciting rapids, and a mellow river cruise that shows off cascading springs.

Fanselow also tells Sunset readers about Hagerman Fossil Beds National Monument, a couple of artsy Hagerman shops and the Snake River Grill.

To see more of The Times-News, or to subscribe to the newspaper, go to <http://www.magicvalley.com>

JOURNAL-CODE: TW

LOAD-DATE: April 14, 2003

36 of 63 DOCUMENTS

The Associated Press State & Local Wire

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

July 19, 2000, Wednesday, BC cycle

SECTION: State and Regional

LENGTH: 524 words

HEADLINE: Sadv22-23; The environmental impact of recreation

BYLINE: By RUTH STREETER, The Times-News

DATELINE: TWIN FALLS, Idaho

BODY:

Standing atop a mountain, a U.S. Forest Service recreation technician points to a clearly visible dirt road a mile away, curving up a hillside. All-terrain vehicles travel the road regularly, Max Yingst said, leaving marks carved into the mountain.

"That is not a designated trail. It just formed," he said.

It's a symbol of how recreation has changed over the years, and how some officials say recreation will have more impact on public lands than uses such as logging and mining.

"To me, recreation is going to become the biggest impact on our public lands," Forest Service district ranger Pete Peterson told Cassia and Twin Falls county commissioners during a tour of a portion of the Sawtooth National Forest that straddles the two counties.

For the Forest Service, proper land management is crucial. Preventing haphazard roads from forming, for example, will keep the Forest Service being forced to close roads in the future.

"From my point of view, it's a lot easier telling someone they can't do something, than to stop them from doing something," Peterson said. "Maybe that route's OK, but we don't want another one on the other side of the mountain."

Recreation today is not our fathers' recreation, Peterson said. Cars and trucks are bigger, often pulling good-sized loads, which means parking doesn't go very far anymore.

The Magic Mountain ski area and the Diamondfield Jack snowmobiling area, within 1 1/2 miles of each other, sometimes make for congested winter traffic, Yingst said.

And with snowmobile bans elsewhere, the Sawtooth forest might have to be more accommodating. That means strategic planning, good trailheads and a good road system, Peterson said.

But there's also a question of where to draw the line.

"Do you just keep expanding for them? That's a tough one," Cassia County Commissioner Paul Christensen said.

As recreation grows and changes, so do the burdens placed on taxpayers who maintain the county roads leading there. Regular snowplowing becomes a higher tow, Yingst said.

"It's not just snowmobiles, it's how they get the snowmobiles up here," Yingst said.

According to the state Department of Parks and Recreation, Idaho had 20,000 registered snowmobiles in 1988; 10

The Associated Press State & Local Wire July 19, 2000

years later, the number had reached 38,000.

Twin Falls County Commissioner Bill Brockman acknowledged counties are obligated to maintain the roads leading to recreation sites.

"It may still even be a cost we bear, to keep kids out of trouble," he said.

Part of the challenge is making sure increased use doesn't lead to increased pollution. At Magpie Basin on Rock Creek, water quality is a concern, and hypodermic needles have been found in the area, posing a threat to other users and Forest Service employees.

Brockman said he's concerned that grazers or dairymen could suffer because of the actions of recreation users. No one knows exactly what is contaminating Rock Creek, he said, and it could be campers.

The trick is not discouraging recreation users, by taking away what drew them in the first place.

"We don't want to keep people from doing what they want to do," Peterson said.

LOAD-DATE: July 20, 2000

1 of 63 DOCUMENTS

Copyright 2003 Knight Ridder/Tribune Business News
Copyright 2003 Times-News
Times-News

April 12, 2003, Saturday

KR-ACC-NO: TW-MAGAZINES

LENGTH: 555 words

HEADLINE: Vacation, Development Publications Feature Twin Falls, Idaho, Area

BYLINE: By Virginia S. Hutchins

BODY:

TWIN FALLS, Idaho—Magic Valley showed up in a positive light in three magazines this month.

One highlighted private-sector contributions to economic development. The others described local cities as vacation destinations.

The common thread?

National and regional publications' coverage — whether for industry audiences or for travelers and consumers — has potential for bringing dollars to Magic Valley. It might be in the form of payroll from a new employer attracted by good press. Or as sales for local restaurants, float-trip operators and other businesses that benefit from tourism.

Here's what the magazines said.

—Area Development, a trade publication for site and facility planning: In the April edition, a story on public-private teamwork in economic development is based on an interview with Terry J. Cusack, president of Georgia-based Stellar Fundraising Executives Inc. On contract, Cusack several times has helped Magic Valley business people study and carry out fund-raising campaigns to support development with private dollars.

Sidebars focus on a couple of Cusack clients, including the Twin Falls Area Chamber of Commerce.

Quotations from the chamber's Kent Just tell about Business Plus II incentives' success in landing new jobs at Dell Computer Corp. and elsewhere, and about the new regional Business Plus III campaign.

"If you don't have the ability to offer incentives, you're not going to be able to play the game. Incentives alone are not what draw companies to the area. They want a good business climate, reasonable taxes, good employment opportunities, etc. But a good incentive program can certainly tip the hand in your favor," Just told the magazine.

—Northwest Travel: A three-page story in the March/April edition opens with a visitor's description of the magnificent Snake River Canyon and the Perrine Bridge — "one of the most dramatic entrances to any city I've ever seen," author Sarah Heekin Redfield wrote.

Redfield recaps a bit of history from Twin Falls' early days and lists some of the area's recreational, entertainment and scenic attractions.

Her top picks are Pillar Falls and Shoshone Falls — from above or by river — and the City of Rocks.

—2003 Vacation Guide to the Columbia & Snake River Regions, a pull-out feature of Northwest Travel: The guide follows the Snake through southern Idaho, highlighting fun things to do along the way: Pore over Rupert historical exhibits, for instance. Look for wildlife and have a picnic at Milner Historic Recreation Area. Watch jumpers at the Perrine Bridge. Launch a river adventure at Centennial Waterfront Park. Learn some anthropology at the Herrett Center for Arts and Science, and catch a planetarium show. Ski Magic Mountain.

Times-News April 12, 2003, Saturday

—Sunset, a Western living magazine: A one-page article by Twin Falls freelance writer Julie Fanselow, in the April edition, promotes the season start for two Hagerman-based Snake River trips — a whitewater rafting run with some exciting rapids, and a mellow river cruise that shows off cascading springs.

Fanselow also tells Sunset readers about Hagerman Fossil Beds National Monument, a couple of artsy Hagerman shops and the Snake River Grill.

To see more of The Times-News, or to subscribe to the newspaper, go to <http://www.magicvalley.com>

JOURNAL-CODE: TW

LOAD-DATE: April 14, 2003

17 of 63 DOCUMENTS

Copyright 2002 The Idaho Statesman
All Rights Reserved
The Idaho Statesman

April 11, 2002 Thursday

SECTION: IDAHO OUTDOORS; Pg. 9

LENGTH: 597 words

HEADLINE: Lineup for the Wild Rockies series

BYLINE: Pete Zimowsky

BODY:

April

Barking Spider Bash

What: The Seventh Annual Barking Spider Bash is a classic spring opening race that features an easy, 9-mile loop, rolling terrain, gentle climbs, terrific descents and world-class spectator viewing.

When: April 14.

Where: Located at the Hemingway Butte ORV area, 20 miles southeast of Nampa (follow signs toward Murphy on Idaho 45).

May

Lava Rama

What: The Seventh Annual Lava Rama is at one of the prettiest and friendliest little towns in the West — Lava Hot Springs.

It starts and finishes in town at the park, features rolling climbs, deep woods, single track, and exciting racing in town on the pavement. Finish with a jump in the hot springs at the finish line.

When: May 11.

Where: Located 25 miles southeast of Pocatello and 11 miles off of I-15 at Lava Hot Springs.

Bordertown Challenge

What: The 12th Annual Bordertown Challenge is one of the best cross-country courses of the series. Located at Oasis, Nev., it starts and finishes at the gorgeous Pequop Ranch. The race runs through deep, twisting groves of cedar, pine and aspen trees.

When: May 25.

Where: Head to Nevada and when you're about 240 miles from Boise you're there.

Actually, follow the signs from Exit 376 off I-80, 26 miles east of Wells.

June

Revenge of the Singletrack

What: The 11th Annual Revenge features the original course, which uses the infamous Wahlstrom Hollow descent.

The race starts and finishes at the Magic Mountain Ski Resort.

When: June 1.

Where: Located 23 miles south of Hansen (about 26 miles south of I-84).

Idaho City Excellent Adventure

What: The 14th Annual Idaho City Excellent Adventure still holds the record as the largest mountain bike race ever held in Idaho (more than 900 racers in '96).

Like the Bordertown Challenge, this event also features the "one-big-loop" format. Long climbs and descents, deep woods and awesome single track.

When: June 22.

Where: Located at Idaho City, 37 miles northeast of Boise off Idaho 21.

July

Pomerelle Peaks

What: Once again, the Fourth Annual Pomerelle Peaks Race returns to the popular Pomerelle Ski Resort, located about 10 miles up the road from Albion.

This is the shortest loop of the year at 5.5 miles, but it's a spectator's and racer's dream. Features tight, twisty trails through dark groves of trees and open areas, fun descents and challenging climbs.

When: July 6-7.

Where: Pomerelle Ski Area near Albion, southeast of Burley.

Bogus Bomber

What: The 11th Annual Bogus Bomber loop is 10.5 miles long and will feature some terrific trails at the ski area near Deer Point, and an easier descent for beginners.

When: July 20-21.

Where: Bogus Basin Ski Resort, 16 miles north of Boise.

Aug.

Brundage Bike Festival

What: Idaho's Mountain Bike State Championships for the 11th Annual Brundage Bike Festival are always held at the scenic, Brundage Mountain ski resort near McCall.

The 10.5-mile loop is legendary for both its climbs and descents.

The last 4.5 miles of the loop is all downhill on the famous Elk Trail.

When: Aug. 31.

Where: Brundage Mountain Ski Resort, 8 miles north of McCall.

Sept.

Elko Bike-O-Rama

What: The First Annual Elko Bike-O-Rama is a fun, new event that features the "one-big-loop" format.

Rolling climbs and descents, deep woods and tons of twisty single track.

Sunday's downhill is cool. Sports pros and experts do a fun, twisty, 2.5-mile descent with both single and two-track sections. More of a pedaler's course, but heavy, DH-only bikes are fine. Loses 1,000 vertical feet.

When: Sep. 28-29.

Where: Elko, Nev.

LOAD-DATE: October 13, 2002





UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 3 out of 4

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark PIZZA MAGIC
 Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19870715. FIRST USE IN COMMERCE: 19870715
 Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
 Design Search Code 090502
 Serial Number 73684834
 Filing Date September 17, 1987
 Published for Opposition March 8, 1988
 Registration Number 1490658
 Registration Date May 31, 1988
 Owner (REGISTRANT) KUEHNE, JOHN H., III INDIVIDUAL UNITED STATES 3351 HARVEY LAKE ROAD HIGHLAND MICHIGAN 48031
 (LAST LISTED OWNER) WILSON, ROBERT E. INDIVIDUAL ASSIGNEE OF UNITED STATES 18850 HAMPSHIRE LATHRUPVILLAGE MICHIGAN 48076
 Assignment Recorded ASSIGNMENT RECORDED
 Attorney of Record GERALD E. MCGLYNN, JR., P.C.
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIZZA" APART FROM THE MARK AS SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#)

Please logout when you are done to release system resources allocated for you.

[Start](#)

List At: OR [Jump](#) to record: Record 1 out of 4

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark MAGIC PIZZA
 Goods and Services IC 042. US 100 101. G & S: RESTAURANT SERVICES, NAMELY, PIZZA RESTAURANTS. FIRST USE: 19990817. FIRST USE IN COMMERCE: 19990817
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 76084428
 Filing Date July 10, 2000
 Published for
 Opposition July 17, 2001
 Registration
 Number 2496010
 Registration Date October 9, 2001
 Owner (REGISTRANT) Gelet, Ronald J. INDIVIDUAL UNITED STATES 312 S. Cedros Ave., #315 Solana Beach CALIFORNIA 92075
 Prior Registrations 1490658
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIZZA" APART FROM THE MARK AS SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|--------|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Logout

Please logout when you are done to release system resources allocated for you.

Start

List At:

OR

Jump

to record:

Record 2 out of 4

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark PIZZA MAGIA
 Goods and Services IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19990910. FIRST USE IN COMMERCE: 19990910
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 75767680
 Filing Date August 4, 1999
 Filed ITU FILED AS ITU
 Published for Opposition August 7, 2001
 Registration Number 2545209
 Registration Date March 5, 2002
 Owner (REGISTRANT) PIZZA MAGIA INTERNATIONAL, LLC LIMITED LIABILITY COMPANY KENTUCKY
 3600 CHAMBERLAIN LANE SUITE 720 LOUISVILLE KENTUCKY 40241
 Assignment Recorded ASSIGNMENT RECORDED
 Attorney of Record Jack A. Wheat
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Pizza" APART FROM THE MARK AS SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|-----------|-----------|-----------|----------|------------|-----------|-------------|-----|------|-----------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 3 out of 3

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark MONEY MAGIC
 Goods and Services IC 041. US 107. G & S: Entertainment Services-Namely, an Instructional Television Series Featuring Information on Personal Finances. FIRST USE: 19780418. FIRST USE IN COMMERCE: 19800923
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 73297480
 Filing Date February 17, 1981
 Published for Opposition January 17, 1984
 Registration Number 1273907
 Registration Date April 10, 1984
 Owner (REGISTRANT) Campbell; Mary Ann d.b.a. Money Magic Inc. INDIVIDUAL UNITED STATES 2923 Imperial Valley Dr. Little Rock ARKANSAS 72217
 Disclaimer No claim is made to the exclusive right to use the word "Money", apart from the mark as shown.
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR).
 Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Aug 7 04:19:39 EDT 2003

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|------------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: Record 2 out of 3

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark MAGIC MONEY
 Goods and IC 041. US 107. G & S: entertainment services in the nature of casino services for members through which members
 Services accrue purchase points redeemable for prizes. FIRST USE: 19920915. FIRST USE IN COMMERCE: 19920915
 Mark Drawing (1) TYPED DRAWING
 Code
 Serial Number 74403332
 Filing Date June 16, 1993
 Published for January 17, 1995
 Opposition
 Registration 2117148
 Number
 Registration Date December 2, 1997
 Owner (REGISTRANT) Casino Magic Corp. CORPORATION MINNESOTA 711 Casino Magic Drive Bay St. Louis
 MISSISSIPPI 39520
 Assignment ASSIGNMENT RECORDED
 Recorded
 Attorney of Eric O. Haugen
 Record
 Prior 1782242
 Registrations
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MONEY" APART FROM THE MARK AS
 SHOWN
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead LIVE
 Indicator

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| PTO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

Attachment 1: 2078863P001OF001.JPG

Print: Jan 16, 2003

2078863

TYPED DRAWING

Serial Number
75084382

Status
REGISTERED

Word Mark
MAGIC MOUNTAIN

Registration Number
2078863

Date Registered
1997/07/15

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Globe Mountain Ski Associates, Inc. CORPORATION VERMONT Globe Mountain
Ski Associates, Inc. P.O. Box 536 Londonderry VERMONT 05148

Goods/Services
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:
entertainment services in the nature of a ski resort. First Use:
1960/06/00. First Use In Commerce: 1960/06/00.

Filing Date
1996/04/05

Examining Attorney
TAYLOR, JYLL S.

Attorney of Record
H. Kenneth Merritt, Jr.

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

In re Trademark Application of:
GUNSTOCK AREA COMMISSION
Serial No. 78/154,319
Filed: August 14, 2002
Mark: MOUNTAIN MAGIC
Class: 41

Law Office 102
Maria Victoria Suarez,
Examining Attorney

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



01-02-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

TRANSMITTAL LETTER

Dear Sir:

In connection with the above-entitled matter, enclosed please find the following:

1. Three copies of Appellant's Brief on Appeal, with Exhibits; and
2. Credit Card Payment Authorization Form PTO-2038 in the amount of \$100.00 to

cover the cost of filing the Appeal Brief (one class).

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,

Norman P. Soloway
Attorney for Appellant
Registration No. 24,315

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Serial No. 78/154,319
Docket: GUN/TM-102 US
Brief of Appellant

Maria Victoria Suarez, Examining Attorney - Law Office 102

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX TTAB FEE, Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on December 29, 2003 at Tucson, Arizona.

By 

NPS:nm

HAYES SOLOWAY P.C.

130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567