



TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fleetwood Enterprises, Inc.)
Serial No. 78/278,260)
Filed: July 24, 2003)
Mark: PIONEER)
Our Ref. 040401/199367)

Examining Attorney:
Brian J. Pino
Law Office 114

Date: March 23, 2005

NOTICE OF APPEAL

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

Madam:

Applicant appeals from the final rejection of September 23, 2005, in the event that its amendment filed concurrently does not place the case in condition for publication.

The required fee is attached.

Respectfully submitted,

ALSTON & BIRD LLP

By: Edward M. Prince
Edward M. Prince

03/31/2005 ZCLIFT01 00000068 78278260

01 FC:6403

100.00 0P

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03-23-2005

U.S. Patent & TMO/c/TM Mail RcptDt. #72

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fleetwood Enterprises, Inc.)	
Serial No.	78/278,260)	Examining Attorney:
Filed:	July 24, 2003)	Brian J. Pino
Mark:	PIONEER)	Law Office 114
Our Ref.	040401/199367)	
)	Date: March 23, 2005

AMENDMENT

Commissioner for Trademarks
Box RESPONSES - NO FEE
P.O. Box 1451
Alexandria, VA 22313-1451

Madam:

In response to the official action of September 23, 2004, please amend the application as follows:

IN THE STATEMENT:

In the identification of goods, after "TRAVEL TRAILERS," insert -- SOLD THROUGH RECREATIONAL VEHICLE DEALERS --.

REMARKS

Applicant previously submitted a specimen showing the nature of an enclosed cargo trailer. The description of registrant's goods as well as the picture clearly shows that it is intended to carry cargo rather than human beings.

Applicant admits that its mark likewise covers a trailer, but it is commonly known as a travel trailer. In order to supplement the record, a brochure pertaining to applicant's travel trailer is attached. The examining attorney has

indicated that the applicant did not limit its identification of goods to any particular customer in any specific trade channel. Applicant has now amended its goods to reflect the trade channel even though the examining attorney has indicated that that would not obviate likelihood of confusion.

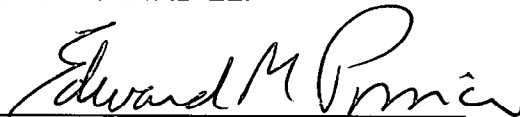
The difficulty with the examining attorney's analysis is that while confusion may be possible, it is not likely. The customer who is looking for an enclosed cargo carrier will seek a dealer handling utility trailers, flat deck trailers, car trailers, livestock trailers, horse trailers and the like. That customer has no concern about travel trailers. A travel trailer is not a substitute for an enclosed cargo carrier and vice versa. These are expensive goods that would be purchased with great care.

There are examples in the Trademark Office where no likelihood of confusion has been found between travel trailers and marks for utility trailers. For instance, the Trademark Office found no likelihood of confusion between applicant's AVION PLATINUM mark, Reg. No. 2,687,147, for travel trailers, and PLATINUM, Ser. No. 78/442,868, for flatbed utility trailers, an application that has completed its final review prior to publication.

In view of the above amendment and remarks, an early notice of allowance and publication is requested. Applicant is also filing a notice of appeal in conjunction with this amendment since the rejection is under final.

Respectfully submitted,

ALSTON & BIRD LLP

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Edward M. Prince

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Typed Drawing

Word Mark AVION PLATINUM

Goods and Services IC 012. US 019 021 023 031 035 044. G & S: TRAVEL TRAILERS. FIRST USE: 20001100. FIRST USE IN COMMERCE: 20001100

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76131261

Filing Date September 19, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition May 15, 2001

Registration Number 2687147

Registration Date February 11, 2003

Owner (REGISTRANT) Fleetwood Enterprises, Inc. CORPORATION DELAWARE 3125 Myers Street Post Office Box 7638 Riverside CALIFORNIA 925137638

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Edward M. Prince

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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PLATINUM

Word Mark PLATINUM
Goods and Services IC 012. US 019 021 023 031 035 044. G & S: FLATBED UTILITY TRAILERS. FIRST USE: 20030800. FIRST USE IN COMMERCE: 20030800
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78442868
Filing Date June 29, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Towmaster, Inc. CORPORATION MINNESOTA 61381 U.S. Hwy 12 Litchfield MINNESOTA 55355
Attorney of Record Michael A. Bondi
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78442868

Registration Number: (NOT AVAILABLE)

Mark

PLATINUM

(words only): PLATINUM

Standard Character claim: Yes

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2005-02-25

Filing Date: 2004-06-29

The Information will be/was published in the Official Gazette on (DATE NOT AVAILABLE)

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:
GOLDEN JAMES B Employee Location

Current Location: M60 -TMO Law Office 115

Date In Location: 2005-03-07

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

1. Towmaster, Inc.

Address:

Towmaster, Inc.
61381 U.S. Hwy 12
Litchfield, MN 55355
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Minnesota

GOODS AND/OR SERVICES

International Class: 012

FLATBED UTILITY TRAILERS

First Use Date: 2003-08-00**First Use in Commerce Date:** 2003-08-00**Basis:** 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-03-07 - Case file assigned to examining attorney

2005-02-25 - Law Office Publication Review Completed

2005-02-18 - Assigned To LIE

2005-02-14 - Approved for Pub - Principal Register (Initial exam)

2005-02-03 - Case file assigned to examining attorney

2004-07-06 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Michael A. Bondi (Attorney of record)

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