

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78751313
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
OWNER SECTION (current)	
NAME	"White Gold" LLC
STREET	corp. 21a, d. 34, Kutuzovsky prospekt
CITY	Moscow
ZIP/POSTAL CODE	121170
COUNTRY	Russia
OWNER SECTION (proposed)	
NAME	OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL", by assignment
STREET	10, ul. Geroev Panfilovtsev
CITY	Moskva
ZIP/POSTAL CODE	RU-125480
COUNTRY	Russia
LEGAL ENTITY SECTION (current)	
TYPE	LIMITED LIABILITY COMPANY
LEGAL ENTITY SECTION (proposed)	
TYPE	Open joint-stock company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Russia
ARGUMENT(S)	

Reconsideration is respectfully requested. The original applicant has assigned the mark to the owner

of US Reg. 2801797, OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL". The assignment has been submitted for recordal today, and a copy of the assignment and the recordal submission receipt are attached herewith. A claim of ownership of Reg. No. 2801797 is made herewith, and accordingly, the rejection over that mark under section 2(d), likelihood of confusion, is respectfully requested to be withdrawn

The Examiner points out that the word GOLD possesses no distinctive ability in respect of the Int'l class 33 and refers to designation "Gold Rum". The applicant amends the goods description to limit the list of goods to "vodka of Russian origin". Applicant believes that the designation «Русское золото» is a fantasy one in respect of "vodka of Russian origin". It is respectfully submitted that accordingly, the rejections are overcome and that the application is in condition for further processing and proceedings to advance to publication.

An appeal is submitted herewith with request for reconsideration to keep the application pending while the response is considered.

As noted by the Examiner, the mark is not a standard character mark, and applicant deletes the standard character claim.

The amendments and remarks herein are respectfully believed to place the application in condition for publication or issue, and entry thereof is requested.

Please contact applicant's attorney, James Walters, 503-224-0115, if you have any questions or issues that might be easily resolved by phone. Thank you.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://teasgate/PDF/ROA/2007/07/19/20070719200834054966-78751313-002_001/evi_7159217145-193731455_v324Assignmentexecuted071907.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS2\EXPORT13\787\513\78751313\xml1\ROA0002.JPG
ORIGINAL PDF FILE	http://teasgate/PDF/ROA/2007/07/19/20070719200834054966-78751313-002_002/evi_7159217145-193731455_v324recordalconfirmation071907.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\EXPORT13\787\513\78751313\xml1\ROA0003.JPG
	\\TICRS2\EXPORT13\787\513\78751313\xml1\ROA0004.JPG
DESCRIPTION OF EVIDENCE FILE	copy of assignment and recordal confirmation receipt showing the assignment was submitted to the U.S. Patent and Trademark Office for Recordal

GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	033
DESCRIPTION	
Alcoholic aperitif bitters; Alcoholic beverages of fruit; Alcoholic bitters; Anisette; Aperitifs; Aperitifs with a distilled alcoholic liquor base; Aperitifs with a wine base; Brandy; Cognac; Gin; Liqueurs; Prepared alcoholic cocktail; Rum; Tequila; Vodka; Whiskey; Wines	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	033
DESCRIPTION	Vodka of Russian origin
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	"Applicant claims ownership of U.S. Registration Number(s) 2801797."
MISCELLANEOUS STATEMENT	Please delete the standard character claim and process the application as a special form drawing mark.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/james h walters/
SIGNATORY'S NAME	James H. Walters
SIGNATORY'S POSITION	attorney for applicant, reg. no. 35,731
DATE SIGNED	07/19/2007
RESPONSE SIGNATURE	/james h walters/
SIGNATORY'S NAME	James H. Walters
SIGNATORY'S POSITION	attorney for applicant, reg. no. 35,731
DATE SIGNED	07/19/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 19 20:08:34 EDT 2007
TEAS STAMP	USPTO/ROA-71.59.217.145-2 0070719200834054966-78751 313-380dec28cd4b758739fda 15c5c21eed119-N/A-N/A-200 70719193731455598

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action**To the Commissioner for Trademarks:**

Application serial no. **78751313** has been amended as follows:

Argument(s)

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

Reconsideration is respectfully requested. The original applicant has assigned the mark to the owner of US Reg. 2801797, OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL". The assignment has been submitted for recordal today, and a copy of the assignment and the recordal submission receipt are attached herewith. A claim of ownership of Reg. No. 2801797 is made herewith, and accordingly, the rejection over that mark under section 2(d), likelihood of confusion, is respectfully requested to be withdrawn

The Examiner points out that the word GOLD possesses no distinctive ability in respect of the Int'l class 33 and refers to designation "Gold Rum". The applicant amends the goods description to limit the list of goods to "vodka of Russian origin". Applicant believes that the designation «Русское золото» is a fantasy one in respect of "vodka of Russian origin". It is respectfully submitted that accordingly, the rejections are overcome and that the application is in condition for further processing and proceedings to advance to publication.

An appeal is submitted herewith with request for reconsideration to keep the application pending while the response is considered.

As noted by the Examiner, the mark is not a standard character mark, and applicant deletes the standard character claim.

The amendments and remarks herein are respectfully believed to place the application in condition for publication or issue, and entry thereof is requested.

Please contact applicant's attorney, James Walters, 503-224-0115, if you have any questions or issues that might be easily resolved by phone. Thank you.

Evidence

Evidence in the nature of copy of assignment and recordal confirmation receipt showing the assignment was submitted to the U.S. Patent and Trademark Office for Recordal has been attached.

Original PDF file:

http://teasgate/PDF/ROA/2007/07/19/20070719200834054966-78751313-002_001/evi_7159217145-193731455_v324Assignmentexecuted071907.pdf

Converted PDF file(s) (1 page)

Evidence-1**Original PDF file:**

http://teasgate/PDF/ROA/2007/07/19/20070719200834054966-78751313-002_002/evi_7159217145-193731455_v324recordalconfirmation071907.pdf

Converted PDF file(s) (2 pages)Evidence-1Evidence-2**Classification and Listing of Goods/Services****Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 033 for Alcoholic aperitif bitters; Alcoholic beverages of fruit; Alcoholic bitters; Anisette; Aperitifs; Aperitifs with a distilled alcoholic liquor base; Aperitifs with a wine base; Brandy; Cognac; Gin; Liqueurs; Prepared alcoholic cocktail; Rum; Tequila; Vodka; Whiskey; Wines
Original Filing Basis: 1(b).

Proposed: Class 033 for Vodka of Russian origin

Filing Basis: 1(b).

Procedural Matters/Informalities**Applicant proposes to amend the following:**

Original: "White Gold" LLC a limited liability company having an address of korp. 21a, d. 34, Kutuzovsky prospekt Moscow, Russia 121170.

Proposed: OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL", by assignment, Open joint-stock company legally organized under the laws of Russia, having an address of 10, ul. Geroev Panfilovtsev Moskva, Russia RU-125480.

Additional Statements

"Applicant claims ownership of U.S. Registration Number(s) 2801797."

Please delete the standard character claim and process the application as a special form drawing mark.

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this

submission made on information and belief are believed to be true.

Signature: /james h walters/ Date: 07/19/2007

Signatory's Name: James H. Walters

Signatory's Position: attorney for applicant, reg. no. 35,731

Response Signature

Signature: /james h walters/ Date: 07/19/2007

Signatory's Name: James H. Walters

Signatory's Position: attorney for applicant, reg. no. 35,731

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 78751313

Internet Transmission Date: Thu Jul 19 20:08:34 EDT 2007

TEAS Stamp: USPTO/ROA-71.59.217.145-2007071920083405

4966-78751313-380dec28cd4b758739fda15c5c

21eed119-N/A-N/A-20070719193731455598

TRADEMARK APPLICATION ASSIGNMENT

(Intent-to-use application)

THIS TRADEMARK ASSIGNMENT (the "Assignment") is made and entered into as of the date noted below (the "Effective Date") by and between

"White Gold" LLC, a Russian Federation limited liability company, having an address of korp. 21a, d. 34, Kutuzovsky prospekt Moscow, RUSSIAN FEDERATION 121170 ("Assignor"),

and

OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL", a Russian Federation. Open joint-stock company having an address of 10, ul. Geroev Panfilovtsev RU-125480 Moskva RUSSIAN FEDERATION, ("Assignee").

WHEREAS, Assignor is the owner of U.S. Trademark Application No 78/751,313 filed November 11, 2005, for the mark Русское Золото (the "Trademark"); and

WHEREAS, Assignee wishes to acquire from Assignor and Assignor wishes to assign to Assignee the Trademark.

NOW, THEREFORE, for \$1.00 and other good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto Assignee all of its right, title and interest in and to the Trademark, together with the goodwill of the business symbolized by the Trademark and the portion of the business to which the mark pertains, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment had not been made, together with all income, royalties or payments due or payable as of the Effective Date or thereafter, including, without limitation, all claims for damages by reason of past, present or future infringement or other unauthorized use of the Trademark, with the right to sue for and collect the same.

Assignor requests the Commissioner of Patents and Trademarks to issue the certificates of registration to Assignee.

IN TESTIMONY WHEREOF, the Assignor has caused this Assignment to be signed and executed by the undersigned authorized person.

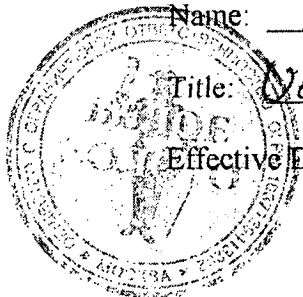
"White Gold" LLC

By: 

Name: Reznikovskiy M.F

Title: General director

Effective Date: 17 July 2007



TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
"White Gold" LLC		07/17/2007	LIMITED LIABILITY COMPANY: RUSSIAN FEDERATION
RECEIVING PARTY DATA			
Name:	OPEN JOINT-STOCK COMPANY "COMMERCIAL & INDUSTRIAL GROUP "CRISTALL"		
Street Address:	10, ul. Geroev Panfilovtsev		
City:	Moskva		
State/Country:	RUSSIAN FEDERATION		
Postal Code:	RU-125480		
Entity Type:	Open joint-stock company: RUSSIAN FEDERATION		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Serial Number:	78751313		
CORRESPONDENCE DATA			
Fax Number:	(503)224-7017		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	503-224-0115		
Email:	patents@onemain.com		
Correspondent Name:	James H. Walters		
Address Line 1:	P.O. Box 82788		
Address Line 4:	Portland, OREGON 97282-0788		
ATTORNEY DOCKET NUMBER:	V-324		
DOMESTIC REPRESENTATIVE			

Name: James H. Walters
Address Line 1: PO Box 82788
Address Line 4: Portland, OREGON 97282-0788

NAME OF SUBMITTER:	James H. Walters, reg. no. 35,731
Signature:	/james h walters/
Date:	07/19/2007

Total Attachments: 1
source=v324Assignmentexecuted071907#page1.tif

RECEIPT INFORMATION

ETAS ID: TM89893
Receipt Date: 07/19/2007
Fee Amount: \$40