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Subject: TRADEMARK APPLICATION NO. 79006156 - OTBEPTKA
OTVERTKA - 87293.0009

Sent: 1/10/2007 5:36:30 PM

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Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/006156

APPLICANT: Zakrytoe Aktsionernoe Obshchestvo "Borod ETC.



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If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: OTBEPTKA OTVERTKA

CORRESPONDENT'S REFERENCE/DOCKET NO: 87293.0009

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
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1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 79/006156

The applicant amended the identification of goods. The proposed amendment to the identification of goods is acceptable.

The trademark examining attorney has carefully reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action. TMEP §715.03(a).

The foreign equivalent of a merely descriptive English word is not registrable under Section 2(e)(1) because it too is considered merely descriptive. *In re Oriental Daily News, Inc.*, 230 USPQ 637 (TTAB 1986); *In re Geo. A. Hormel & Co.*, 227 USPQ 813 (TTAB 1985); *In re Optica International*, 196 USPQ 775 (TTAB 1977); TMEP §1209.03(g).

The applicant indicated that the term "OTBEPTKA OTVERTKA" translates into "screwdriver." (See Response to Office Action dated August 1, 2005). The term "screwdriver" means vodka and orange cocktail: a cocktail made from vodka and orange juice. (See attached definition submitted with Office Action dated September 14, 2005.)

Applicant's goods are prepared aerated and non-aerated low alcohol mixed beverages made of alcohol, juices, vegetable matter extracts, sugar and flavorings, namely, **prepared alcoholic cocktails**. (Emphasis added).

Applicant's mark immediately names the exact nature of the goods. Here, consumers familiar with Russian language, upon encountering applicant's mark in relation to the goods, would immediately translate the mark to mean a "screwdriver" cocktail.

The filing of a request for reconsideration does *not* extend the time for filing a proper response to the final action, which runs from the date the final action was mailed. 37 C.F.R. §2.64(b); TMEP §§715.03 and 715.03(c).

Therefore, the request for reconsideration is **denied** and the final refusal is continued. 37 C.F.R. §2.64 (b); TMEP §715.04. This file will be returned to the TTAB for further prosecution of applicant's appeal.

/Alice Benmaman/
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