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

Proceeding	86502907
Applicant	Karben4 Brewing, LLC
Applied for Mark	LADY LUCK
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TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	T.M. Law Office: 119
Karben4 Brewing, LLC)	
)	Examining Attorney: Patty Evanko
Serial No.: 86/502,907)	
)	
Filing Date: January 14, 2015)	
)	
Mark: LADY LUCK)	
)	
Atty. File No.: Karben4-36824-4)	

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

APPLICANT'S APPEAL BRIEF

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Serial No.: 86/502,907)	Examining Attorney: Patty Evanko
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APPLICANT'S APPEAL BRIEF

Applicant appeals to the Trademark Trial and Appeals Board from the final refusal of registration for the mark LADY LUCK for "beer" in International Class 32 (the "Mark").

Applicant is appealing from Examining Attorney's refusal of registration under Trademark Act Section 2(d), 15 U.S.C. § 1052(d). The Examining Attorney takes the position that a likelihood of confusion exists between Applicant's Mark and the mark "Lady Luck" for "bar services" in International Class 042 with the Registration No. 1847065 as owned by Isle of Capri Casinos, Inc. ("Registrant").

SUMMARY OF PROCEEDINGS BELOW

Prosecution History

Application Serial No. 86/502,907 for the mark LADY LUCK was filed on January 14, 2015. On March 13, 2015, the Examining Attorney issued an Office Action refusing registration

under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), stating the marks are likely to be confused because the words are identical and Applicant's use of its Mark on beer will be confused with Registrant's use on bar services. Applicant responded on April 23, 2015, arguing against the refusal stating that the existence of a few brewpubs does not show the goods and services are related, citing *In re Coors Brewing Co.*, 343 F.3d 1340 (Fed. Cir. 2003). In addition, the response states that "Lady Luck" is not a strong mark, but rather a commonplace phrase used on many goods and services as well as everyday parlance.

On May 12, 2015, the Examining Attorney issued a Final Office Action maintaining the likelihood of confusion refusal and providing four more examples of brewpubs or breweries associated with restaurants and fifteen third party registrations claiming both beer and restaurant services.

Applicant responded to the Final Office Action with a Request for Reconsideration on July 14, 2015, stating that simply adding four more identical examples and third party registrations does not add up to "something more" as required by case law. Applicant also provided statistics showing how minimal of an impact such examples have in the world at large and provided several examples of its own showing why the goods and services are, in fact, unrelated.

On July 22, 2015, the Examining Attorney rejected the Request for Reconsideration citing more third party registrations, at least one of which specifically excludes beer. Applicant then filed its Notice of Appeal with the Trademark Trial and Appeals Board on October 12, 2015.

Examining Attorney's Evidence

In the first Office Action, Examining Attorney provided five different web sites given below as “representative Internet evidence which shows that the same mark is commonly used on beer and in connection with bar services.” Office Action, March 13, 2015.

- www.dogfishhead.com;
- www.buffalobrewpub.com;
- www.dempseysbaltimore.com;
- www.smugglersbrewpub.com; and
- www.kellysbrewpub.com.

This evidence was meant to show “that the goods and services at issue are related because beer is often a primary item served in bars and bars often market their special beers. This evidence establishes that beer and bar services are commonly marketed under the same mark, to the same purchasers. Therefore, the applicant’s and registrant’s goods and services are considered related for likelihood of confusion purposes.” USPTO Office Action, March 13, 2015.

In the second Office Action, Examining Attorney provides the dictionary definition of a bar which in relevant portions states a bar is “a place where you go to buy and drink alcoholic drinks” then gives examples of “We met at Ernie’s Bar. A wine/cocktail bar.” Finally, the dictionary entry provides suggested synonyms and related words of “alehouse, bar, beer garden.”

Examining Attorney then provides four more websites:

- wynwoodbrewing.com;
- www.cbcraftbrewers.com;
- www.pikebrewing.com; and
- heavyseasalehouse.com.

Examining Attorney also provided evidence of fifteen third party registrations that claim both beer (or subtypes of beer) and bar services with many claiming additional goods or services:

Mark	Beer Goods	Bar Services	Other
FROG DOG BREWERY (“brewery” disclaimed)	Beer	Bar services; restaurant services	
LOST COAST BREWERY & CAFÉ (“brewery & cafe” disclaimed)	Beer	Bar services; restaurant services	
ECLIPTIC	Alcoholic beverages, namely, beer	Restaurant, brewpub, and bar services	
SADDLEBOCK	Beer, ale, stout and lager	Bar services, namely, tap room services	
FULL SAIL BREWING COMPANY (“brewery company” disclaimed)	Beer, ale, lager, stout and porter; brewed malt-based alcoholic beverage in the nature of beer	Bar services	
GIGANTIC	Alcoholic beverages, namely, beer	Brewpub and bar services	Barware, namely, beer glasses; and glassware, namely, drinking glasses, beer and pint drinking glasses, and growlers. Clothing, namely, hats, t-shirts, sweaters and bicycle jerseys
SUGAR CREEK BREWING CO. (“brewery co.” disclaimed)	Beer	Bar services featuring beer; restaurant and bar services	
NEDLOH BREWING CO. design (“brewery co.” disclaimed)	Beer	Bar services, namely, providing a tasting room for beers	
J. CHARLES WOODS	Beer	Restaurant and bar services	
SCOTTSDALE BEER COMPANY (“beer company” disclaimed)	Beer, ale, lager, stout and porter	Restaurant and bar services	
UNCLE BILLY’S	Beer	Bar services; restaurant services; tavern services; preparation of food and beverages; taproom services; taproom services featuring beer brewed on premises; catering services	

Mark	Beer Goods	Bar Services	Other
BEAR REPUBLIC BREWING CO. design ("brewery co." disclaimed)	Beer	Restaurant and bar services	
WILMINGTON BREWING COMPANY design ("Wilmington brewery company" disclaimed)	Beer, ale, lager, stout and porter; brewed malt-based alcoholic beverage in the nature of beer	Bar services	

The Reconsideration Letter provided a dictionary definition of brewpub as "a pub or bar where the owners make their own beer and serve it on the premises" and attached five more registrations showing beer and bar services claimed by different entities than before:

Mark	Beer Goods	Bar Services	Other
ROCKFORD BREWING COMPANY ("beer company" disclaimed)	Beer	Bar services; restaurant services	
LINEAGE BREWING COLUMBUS OHIO COMPANY ("brewing" and "Columbus Ohio" disclaimed)	Beer, ale and lager	Bar services featuring beer; taproom services featuring craft beer brewed on premise	
KEWEENAW BREWING COMPANY HAND-CRAFTED BEER HOUGHTON, MICHIGAN EST. 2003 ("brewing company" and "hand-crafted beer" and "est. 2003" disclaimed)	Beer	Bar services	
BOISE BREWING ("brewing" disclaimed)	Beer	Bar services	
Design by Innovation Brewing	Beer	Bar services featuring beer; taproom services featuring beer brewed on premises	Beverage glassware Short-sleeved or long-sleeved t-shirts

Examining Attorney also included one registration specifically excluding beers:

NITROTINI	Alcoholic beverages, except beer	Bar services
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Examining Attorney also included one registration for just bar services specifically mentioning beer:

TAP WAGON ("tap" disclaimed)		Bar services featuring beer; rental of beverage fountains; taproom services featuring beer provided at customer directed premises	
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Examining Attorney also included another registration for a design for an entity already represented in a registration given as evidence in the second office action (Nedlow Brewing Co.):

NEDLOH design	Beer	Bar services, namely, providing a tasting room for beers
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Applicant's Evidence

In the Request for Reconsideration, Applicant provided three dictionary definitions of "Lady Luck" showing the common-place knowledge that it is the personification of luck. Applicant also provided statistics for the number of bars or drinking establishments, the number of restaurants, and the number of breweries and brewpubs in the United States.

In addition, Applicant provided three third party registrations where the registrant only registered for beer for an overarching name for brewing (similar to those provided by Examining Attorney) paired with registrant's website showing no bar services are provided:

Mark	Registrant	Goods	Website
SAINT JAMES BREWERY	Saint James Brewery LLC	Beer	www.saintjamesbrewery.com
FRANCONIA BREWING COMPANY ("brewing company" disclaimed)	Franconia Brewing Company, LLC	Beer; beer, ale and lager; beers	www.franconiabrewing.com
ORPHEUS BREWING ("brewing" disclaimed)	Orpheus Brewing Company, LLC	Beer	www.orpheusbrewing.com

Applicant also provided third party registrations of simply beer names that are separate from the brewery name:

Mark	Brewery	Good
PUMPKIN SMASHER	Big Muddy Brewing, LLC	Beer
LUCHESA	Travis County Brewing Company, LLC	Beer
SWAMP APE	Indian River Brewing Corporation	Beer

Applicant also provided two trademark registrations for marks used on both beer and restaurant services by different registrants:

Mark and Registrant	Good	Mark and Registrant	Services
FOUR POINT Mountain View Brewery, LLC	Beer	FOUR POINTS ITT Sheraton Corporation	Restaurant, cocktail lounge, bar, hotel, motel, resort hotel and motor inn services
HI-5 Terrapin Beer Company, LLC	Beer, ale and lager	HIGH FIVE RAMEN Hogsalt Holding, LLC	Bar services; Catering services; Restaurant services; Restaurant services featuring ramen; Take-out restaurant services

Additionally, Applicant provided five trademark registrations for beer paired with uses of the same mark on bar services by an unrelated party:

- TRAIN WRECK
- ONE TRICK PONY
- LOST PADDLE
- WAYFARER
- DEEP ROOTS

Applicant also provided six other registrations for LADY LUCK on other goods and services:

Mark	Applicant	Goods or Services
LADY LUCK	Lady Luck Fishing Lures, LLC	Fishing lures
8 8 LADY LUCK design	Gasoline Alley Classics, Inc.	Tin metal signs Neon signs Metal can coolers in the nature of portable beverage coolers Retail stores featuring goods with an automotive theme, namely, novelty items, automotive memorabilia, display cases, clocks and automotive accessories; Online retail store services featuring goods with an automotive theme, namely, novelty items, automotive memorabilia, display cases, clocks and automotive accessories
LADY LUCK	ODS Technologies, L.P.	Entertainment services, namely, a television series in the field of animal racing
LADY LUCK CASINO design	Isle of Capri Casinos, Inc. (Registrant)	Mouse pads Note Pads Luggage tags; Tote bags Non-metal key rings Coffee cups, neoprene zippered bottle holders, plastic cups Fleece pullovers; Hats; Headbands; Long-sleeved shirts; Scarves; Short-sleeved shirts. Dice; Golf balls; Playing cards. Casinos
LADY LUCK	Gulf Pacific Rice Co., Inc.	Rice
LADY LUCK design	American Airpower Heritage Museum	Printed matter, namely, newsletters, brochures, books in the field of aviation history, postcards, greeting cards, posters, stationary, flyers, in the field of aviation history, games and puzzles on aviation artwork, essays in the field of aviation history and, book reviews in the field of aviation history.

ARGUMENT

The Examining Attorney has maintained the refusal of the instant application because the Examining Attorney believes the Mark is likely to be confused with Registrant's mark.

Applicant respectfully disagrees with the Examining Attorney's claim that any likelihood of confusion exists between Applicant's Mark and the mark of Registrant and submits the following.

There is No likelihood of Confusion Between LADY LUCK
For Beer and LADY LUCK For Bar Services

Determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), aid in this determination. In this matter, the following factors are the most relevant:

1. The similarity or dissimilarity of and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
2. The number and nature of similar marks in use on similar goods.
3. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
4. The variety of goods on which a mark is or is not used.
5. Any other established fact probative of the effect of use.

The respective services of the Registrant (bar services) are different from Applicant's goods (beer). This difference, as supported by case law, along with the weakness of mark as shown by a number of companies also obtaining federal registrations for the commonly known phrase of "Lady Luck" on a variety of goods and services, means that customers are not likely to be confused between Applicant's goods and Registrant's services.

The Nature of the Goods or Services as Described in an Application and Registration Do
Not Give Rise to the Mistaken Belief That They Emanate From the Same Source

Likelihood of confusion can be found "if the respective products are related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise

to the mistaken belief that they emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012), citing *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007). The issue here, of course, is not whether purchasers would confuse the goods with the services, but rather whether there is a likelihood of confusion as to the source of these goods and services. *L’Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1439 (TTAB 2012); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984). In making a determination regarding the relatedness of the goods and services, one must look to the goods or services as identified in the application and the cited registration. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014), quoting *Octocom Sys., Inc. v. Houston Computer Servs., Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *In re Giovanni Food Co.*, 97 USPQ2d 1990 at. There is no *per se* rule mandating that alcoholic beverages and bar services be deemed similar. Each case must be decided on its own merits. *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001).

Examiner Must Provide “Something More” To Show Relationship Between the Goods and Services in Question to Establish a Likelihood of Confusion

The mere fact that two products or services fall within the same general field does not mean that the products or services are sufficiently similar to create a likelihood of confusion. *In re Giovanni Food Co.*, 97 USPQ2d at 1991; *Stonefire Grill, Inc. v. FGF Brands, Inc.*, 987 F.Supp. 2d 1023, 1050 (C.D. Calif. 2013). To establish likelihood of confusion, a party must show “something more” than similar or even identical marks are used in somewhat similar fields. *Jacobs v. International Multifoods Corp.*, 668 F.2d 1234, 1237 (1982).

Courts Have Held That Simply Because a Business Sells an Item, That Good is Not
Necessarily Related Enough to Prove a Likelihood of Confusion

In *Jacobs*, the United States Court of Customs and Patent Appeals found that the mark BOSTON SEA PARTY used on tea and BOSTON TEA PARTY for restaurant services was not likely to confuse customers without further evidence of the two being connected. *Jacobs*, 668 F.2d at 1236-37. The court made clear that “[t]o establish likelihood of confusion a party must show something more than that similar or even identical marks are used for food products and for restaurant services.” They did not find that “something more” for tea and restaurant services. *Id.* at 1236-37.

In another example, the Office did not meet its burden of proving likelihood of confusion where the marks were JUMPIN’ JACKS for barbeque sauce and JUMPIN JACK’S for catering services. *In re Giovanni Food Co.*, 97 USPQ 2d at 1991. Evidence indicating that some restaurants also provide catering services and sell barbeque sauce was not sufficient to establish catering services are so related to barbeque sauce that customers are likely to be confused as to the source of the goods and services. *Id.* “The mere fact that some restaurants that specialize in barbeque also provide catering services and sell barbeque sauce is not sufficient to establish a relationship between catering services in general and barbeque sauce.” *Id.*

The fact that restaurants serve food and beverages is not enough to render food and beverages sufficiently related to restaurant services to ensure that a likelihood of confusion automatically exists between such goods and services. In fact, even the “mere fact” that specialized barbeque restaurants may sell barbeque sauce and provide catering services was not enough connection to cause a likelihood of confusion when both used the identical mark of JUMPIN’ JACKS. For the same reasons, beer and bar services are not sufficiently related for a showing of likelihood of confusion. Beer and bar services are directly correlated to food and

restaurant services. Every restaurant must serve food, but not every bar must serve beer. Many, including wine bars, do not. There is no reason to assume that every thought a consumer has of bar services automatically includes beer even though every thought of a restaurant must include food.

The United States Court of Appeals for the Federal Circuit also found that “*something more*” is needed to connect beer and restaurant services before there is a likelihood of confusion. *In re Coors Brewing Co.*, 343 F.3d 1340, 1345, 68 USPQ2d 1059, 1063 (Fed. Cir. 2003). *In re Coors* specifically discusses the limited relevance of brewpubs in determining that required “something more,” many of which are Examining Attorney’s cited examples.

[T]he Board relied on evidence from several references discussing the practice of some restaurants to offer private label or house brands of beer. Second, the Board cited articles showing that brewpubs, which brew their own beer, often feature restaurant services as well. Finally, the Board reviewed evidence of several third-party registrations showing that a single mark has been registered for beer and restaurant services. Based on that evidence, the Board concluded that beer and restaurant services are related and that consumers encountering a beer displaying a substantially similar mark as that used for a restaurant would be likely to conclude that the beer and the restaurant services came from the same source.”

In re Coors, 343 F.3d at 1345-46.

However, according to the Federal Circuit, this evidence was not sufficient for a holding of likelihood of confusion. Both marks containing the term “Blue Moon” were allowed to be registered.

The Examining Attorney has not shown “something more” than some breweries serve beers on premises. This is not enough to show beer and bar services are so related that customers are likely to be confused.

The Number of Brewpubs and Breweries With Bars Attached Are Statistically Insignificant

According to *In re Coors*:

While the evidence produced by the examining attorney shows that some restaurants brew or serve their own private label beer, that evidence does not support the Board's conclusion that consumers are likely to conclude that beer and restaurant services with similar marks emanate from the same source. Coors introduced evidence that there are about 1,450 brewpubs, microbreweries, and regional specialty breweries in the United States, while there are approximately 815,000 restaurants. There was no contrary evidence introduced on those points. That means that even if all brewpubs, microbreweries, and regional specialty breweries featured restaurant services, those establishments would constitute only about 18 one-hundredths of one percent of all restaurants, or fewer than one in 500.

In re Coors, 343 F.3d at 1346.

Using more updated numbers, according to IBISWorld, there are around 70,000 drinking establishments in the United States. Exhibit A. This industry includes bars, taverns, pubs, lounges, nightclubs and other drinking places that primarily prepare and serve alcoholic beverages for immediate consumption. These establishments may also provide limited food services, but their primary business is the sale of alcohol, not just beer. The National Restaurant Association says there are 1,000,000 restaurant locations in the United States in 2015. Exhibit B. It is unclear if this number includes both food and “drinking establishments” or if restaurants must primarily be engaged in the sale of food, not alcohol. The Brewers Association states there were 3,418 brewpubs, microbreweries and regional breweries in the United States in 2014 and 3,464 breweries in total with only 1,412 of those breweries being brewpubs. Exhibit C. These numbers include large breweries such as those that brew Miller and Budweiser products. Brewpubs, therefore, only represent 0.14% of all restaurants – 2% of all drinking establishments.

Using the same approach as *In re Coors*, even if *all* breweries (as referenced above) featured bar services (which we know is not true), those breweries would constitute less than five percent (5%) of all drinking establishments (3,464 divided by 70,000 equals 4.9%). If one conservatively assumes that only *half* of all restaurant locations have any sort of bar services and

add those to drinking establishments, the percent drops to only 0.61% (3,464 divided by 570,000 equals 0.61%). Even if it is assumed that the entire 70,000 “drinking establishments” are included in the 500,000 (half of the million restaurants), the percent of drinking establishments is 0.69% (3,464 divided by 500,000 equals 0.69%). That means that if one assumes that *all* breweries feature bar services and only *half* the restaurant locations have bar services, and that restaurant number includes every location already considered “drinking establishments,” less than 7 out of every 1,000 locations with bar services would be producing beer. The percentages drop even more when one assumes that more restaurants have bar services. It is clear these estimates are conservative because many breweries claiming beer as goods, even under the brewery name, do not have bar services. Exhibit D. There are also trademarks that are beer names used by the breweries for specific beers and not the brewery as a whole. Exhibit E.

If 1 in 500 restaurants serving beer is not enough to show a likelihood of confusion in *In re Coors*, surely less than 7 in every 1,000 is not enough to show such a connection between beer and bar services.

Third Party Registrations Provided by Examining Attorney Do Not Provide Enough
Probative Evidence to Show "Something More"

Third-party registrations that cover a number of different goods or services *may* have some probative value to the extent that they *may* serve to suggest that goods or services are of a type that may emanate from a single source if the registrations are based on use in commerce. *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB), *aff'd per curiam*, 864 F.2d 149 (Fed. Cir. 1988) (italics added); *see also In re Princeton Tectonics, Inc.*, 95 USPQ2d 1509, 1511 (TTAB 2010) (“While third-party registrations can play an important role in establishing that the types of goods at issue are related, examining attorneys must review the registrations carefully to ensure that each registration presented is probative and that the number of registrations is

sufficient, *along with* other types of evidence, to establish that the types of goods at issue are related”) (italics added). By submitting third-party registrations, Examining Attorney is “essentially asking [others] to draw the inference that when different products are listed in the same registration, those products may emanate from a single source. Applicant may rebut this inference with evidence.” *In re Ayurvedic Concepts, LTD.* Ser. No. 78800436 (T.T.A.B. December 5, 2008)(non-precedential). Applicants may submit sets of third-party registrations to suggest the opposite, *i.e.*, that the Office has registered the same mark to different parties for the goods at issue. *In re G.B.I. Tile and Stone, Inc.* 92 USPQ2d 1366, 1369-70 (T.T.A.B. 2009). *See also, Helene Curtis Industries v. Suave Shoe Corp.*, 13 USPQ2d 1618, 1624 (TTAB 1989) (“In connection with its related goods arguments, plaintiff has made of record numerous third-party registrations and exhibits to show that it is common in the trade for the same mark to appear both on personal care products and wearing apparel emanating from the same source. Defendant, on the other hand, has introduced registrations and exhibits to show registration and use of the same or similar marks on these same types of products, but emanating from different sources”).

Examining Attorney provides several third-party registrations that include both beer and bar services claimed therein. Examining Attorney also inexplicably provides a registration for NITROTINI that claims “Alcoholic beverages, except beer.”

It is not surprising that Examining Attorney was able to find a few registrations that included both beer and bar services out of the tens of thousands registrations available. However, there are thousands of applications and registrations for “beer or ale” that do not include “bar services,” and another thousands more applications and registrations for “bar services” that do not include “beer OR ale.” Some of those even include identical marks.

Exhibit F. Other registered marks for beer are identical marks to current bars and restaurants with bar services. Exhibit G.

The small number of examples that Examining Attorney provides is not probative enough to show that beer and bar services emanate from a single source, especially once directly contradictory evidence is provided. Again, with many of the provided registrations showing both bar and restaurant services with beer, the mere fact that some restaurants provide bar services and may sell beer is not sufficient to establish a relationship between bar services in general and beer.

Registrant's Mark and Applicant's Mark Create Different Commercial Impressions

It is well-settled that when determining likelihood of confusion, the Examiner should look not at a single aspect of a mark but should view the mark as a whole. *See, e.g., Columbian Steel Tank Co. V. Union Tank & Supply Co.*, 125 U.S.P.Q. 406 (CCPA 1960); *see also, Vitarroz Corp. v. Borden, Inc.*, 209 U.S.P.Q. 969, 976-77 (2nd Cir. 1981) (no likelihood of BRAVO and BRAVO'S due to the different contexts in which the marks are presented). The central issue is whether the marks create the same overall impression. *Visual Information Institute, Inc. v. Vicon Industries, Inc.*, 209 U.S.P.Q. 179, 189 (TTAB 1980). The use of identical words in common does not automatically mean that two marks are similar. *Freedom Sav. & Loan v. Vernon Way*, 757 F.2d 1176, 1183 (11th Cir. 1985).

The Lady Luck mark is a common phrase that consumers do not readily associate with an indication of source. The points of comparison for a word mark are appearance, sound, meaning, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). "The fact that one mark may bring another to mind does not in itself establish likelihood of confusion as to source." *In re Ferrero*, 479 F.2d 1395, 1397, 178

USPQ 167, 168 (CCPA 1973). “Additionally, the fact that a mark may bring to mind another term, and not another mark, is further support for the conclusion that no confusion is likely.” *Jacobs*, 668 F.2d 1234 (1982).

In *Jacobs*, the Federal Circuit noted that “if observation of BOSTON SEA PARTY brings to mind the Boston Tea Party, we cannot conclude, in light of its notoriety and without convincing evidence of the extent to which appellant's mark is known, that one would equate that term with appellant rather than with the historical incident.” *Jacobs*, 668 F.2d at 1236. Similarly, in *In re General Electric Co.*, the Federal Circuit stated that:

VULCAN is, we think, a name well-known to the American people. Most of them may not know, or remember if they knew, just who Vulcan was (in Roman mythology he was the God of Fire and of the arts of forging and smelting), but we think the name is commonly recognized as the name of some mythological character or deity. Anyone confronted with it, in other words, would recognize it as something already known — it would not impress itself on his consciousness as anything new or strange, but rather as something familiar.

In re General Electric Co., 49 CCPA 1186, 304 F.2d 688, 134 USPQ 190 (1962).

The same is true for the very common term “Lady Luck.” “Lady Luck” is a well-known, commonly recognized term. In fact, the term is found in dictionaries. At least one definition is “noun, (sometimes lowercase) 1. the personification of luck as a lady bringing good or bad fortune: Lady Luck was against us and we lost the game.” “lady luck.” Dictionary.com. Dictionary.com Unabridged. Random House, Inc. [http://dictionary.reference.com/browse/lady luck](http://dictionary.reference.com/browse/lady_luck) (accessed: July 07, 2015). Exhibit H gives several other options all with similar definitions.

As such, the phrase “Lady Luck” does not cause a potential customer to immediately think of Registrant, but rather this common phrase. This is shown by “Lady Luck” being used by many unrelated parties on many other items. Specifically, “Lady Luck” has been registered as a trademark for a wide variety of other goods and services to different entities. Exhibit I.

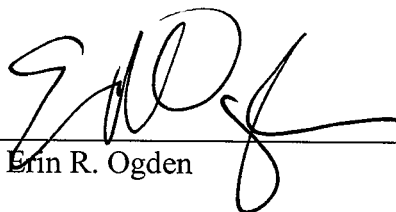
Customers will immediately think of the well-known concept and term of "Lady Luck" long before the Registrant and its bar services. Even if a customer immediately thinks of a good or services, given the number of unrelated parties using the same phrase for both related and unrelated goods, it is not likely that it will be Registrant's bar services. Therefore, Registrant's mark is given less protection than a truly fanciful mark.

Applicant's Use of the Mark Is Not Likely to Be Confused With Registrant's Use of its Mark

In conclusion, Examining Attorney does not show "*something more*" than that similar or even identical marks are at times used for beer and for bar services as required by *Jacobs* and *In re Coors*. Second, Examining Attorney does not show why a consumer would first think of "Lady Luck" as an indication of source only of Registrant's bar services. Therefore, Applicant respectfully submits that there is no likelihood of confusion between Applicant's mark and the mark of Registrant. Applicant's mark is suitable for registration on the Principal Register and respectfully requests the application be moved towards registration.

Dated this 14th day of November, 2015.

BOARDMAN & CLARK LLP

By: 
Erin R. Ogden

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P.O. Box 927
Madison, WI 53701-0927
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Bars & Nightclubs in the US: Market Research Report

Market Research • Market Size • Industry Statistics • Industry Analysis • Industry Trends

Bars & Nightclubs Market Research Report | NAICS 72241 | Jan 2015

Drink up: Revenue will stay strong as the economy improves and consumer spending increases

The Bars & Nightclubs market research report provides key industry analysis and industry statistics, measures market size, analyzes current and future industry trends and shows market share for the industry's largest companies. IBISWorld publishes the largest collection of industry reports so you can see an industry's supply chain, economic drivers and key buyers and markets.

Report Snapshot

Market Share of Companies

There are no companies with a dominant market share in this industry.

Industry Statistics & Market Size

Revenue	Annual Growth 10-15	Annual Growth 16-20
\$24bn	1.5%	1.2%
Profit	Employment	Businesses
\$3.7bn	372,361	70,016

Industry Analysis & Industry Trends

Having emerged from the recession relatively unharmed, the Bars and Nightclubs industry turned around in 2010 and has continued to make strides over the past five years. Revenue growth has been slow, however, hampered by shaky consumer confidence and stubbornly high unemployment, meaning people have been more content to drink at home rather than at bars or nightclubs. In the coming years, bar and nightclub owners will reap the rewards of increasing household incomes and consumer spending, increasing revenue... [purchase to read more](#)

Industry Report - Starting a New Business Chapter

Capital Investment

Like many industries, the main barrier to entry new operators face is access to capital. Opening a new bar or nightclub can be an expensive venture: equipment must be purchased, buildings must be leased and fitted out and suppliers and staff paid with reserve capital until the business can maintain a positive cash flow. Capital requirements can be alleviated to some degree by renting or leasing equipment. As a large amount of revenue in this industry is generated by owner-operators, it may also be possible to enter through the purchase of an existing business or recently closed bar or nightclub operation. However, refurbishing costs may be required with this method... [purchase to read more](#)

Industry Products

Related Reports

Table of Contents

What is the Bars & Nightclubs Industry?

This industry includes bars, taverns, pubs, lounges, nightclubs and other drinking places that primarily prepare and serve alcoholic beverages for immediate consumption. These establishments may also provide limited food services.

Industry Products

Sale of distilled spirit drinks

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GE Commercial Finance

**Bank of America****Adobe****EXHIBIT****A**

Sale of wine drinks

Sale of beer and ale

Sale of meals and nonalcoholic beverages

Admissions to special events and nightclubs, including cover charges

Other (accommodation, cigarettes, rentals and packaged liquor)

Industry Activities

Operating licensed bars

Operating nightclubs

Operating wine bars

Operating licensed establishments with limited food service

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2015 Restaurant Industry

POCKET FACTBOOK



Locations 1 million

Restaurant Industry Sales (In Billions of Current Dollars)



CONSUMER TRENDS BY THE NUMBERS

- ▶ **64%** Consumers who are more adventurous in their restaurant food choices than they were two years ago.
- ▶ **69%** Consumers who are more likely to visit a restaurant that offers locally produced food items.
- ▶ **60%** Consumers who are likely to choose a restaurant that offers items grown or raised in an eco-friendly way.
- ▶ **76%** Consumers who are more likely to visit a restaurant that offers healthful options.
- ▶ **69%** Consumers who are more likely to eat ethnic cuisine in a restaurant than cook it at home.
- ▶ **79%** Consumers who say restaurant technology increases convenience.
- ▶ **34%** Consumers who say technology makes them dine out or order takeout or delivery more often.
- ▶ **37%** Consumers who say technology makes restaurant visits and ordering more complicated.
- ▶ **70%** Smartphone users who view restaurant menus on their phones at least a few times per year.
- ▶ **32%** Smartphone users who are willing to use an app to pay for meals instead of using cash or cards.
- ▶ **95%** Consumers who say good service is a key attribute for choosing a tableservice restaurant.
- ▶ **72%** Consumers who say ease of parking is a key attribute for choosing a limited-service restaurant.

2015 Industry Sales Projection:

\$709.2 Billion

2015 Sales
(Billion \$)

Commercial	\$648.0
Eating places	471.1
Bars and taverns	20.6
Managed services	49.5
Lodging places	36.7
Retail, vending, recreation, mobile	70.2
Noncommercial restaurant services	58.5
Military restaurant sales	2.7

Restaurant Industry's Share of the Food Dollar



America's Restaurants:

SMALL BUSINESSES WITH A LARGE IMPACT ON OUR NATION'S ECONOMY

- ▶ Restaurant industry sales are projected to total **\$709.2 billion** in 2015 and equal 4 percent of the U.S. gross domestic product.
- ▶ Restaurant industry job growth is projected to outpace the overall economy for the **16th consecutive year** in 2015.
- ▶ The restaurant industry is projected to employ **14 million** people in 2015 — about **one in 10** working Americans.
- ▶ The restaurant industry is expected to add **1.7 million** jobs over the next decade, with employment reaching **15.7 million** by 2025.
- ▶ **More than nine in 10** restaurants have fewer than 50 employees.
- ▶ **More than seven in 10** restaurants are single-unit operations.
- ▶ Sales per full-time-equivalent employee at eating and drinking places in 2013 were **\$83,561**.
- ▶ Average unit sales in 2012 were **\$875,000** at fullservice restaurants and **\$803,000** at quickservice restaurants.

CORNERSTONES OF CAREER AND ENTREPRENEURIAL OPPORTUNITIES

- ▶ **Half** of all adults have worked in the restaurant industry at some point during their lives, and one in three got their first job experience in a restaurant.
- ▶ **Eight in 10** restaurant owners say their first job in the restaurant industry was an entry-level position.
- ▶ **Nine in 10** restaurant managers started in entry-level positions.
- ▶ **Nine in 10** restaurant employees say they are proud to work in the restaurant industry.
- ▶ **Seven in 10** restaurant workers say they plan to work in the restaurant industry until they retire.
- ▶ **Eight in 10** restaurant employees believe the restaurant industry is a place where people of all backgrounds can open their own business.
- ▶ **58%** of first-line supervisors/managers of food preparation and service workers in 2013 were women, **13%** were black or African-American and **19%** were of Hispanic origin.

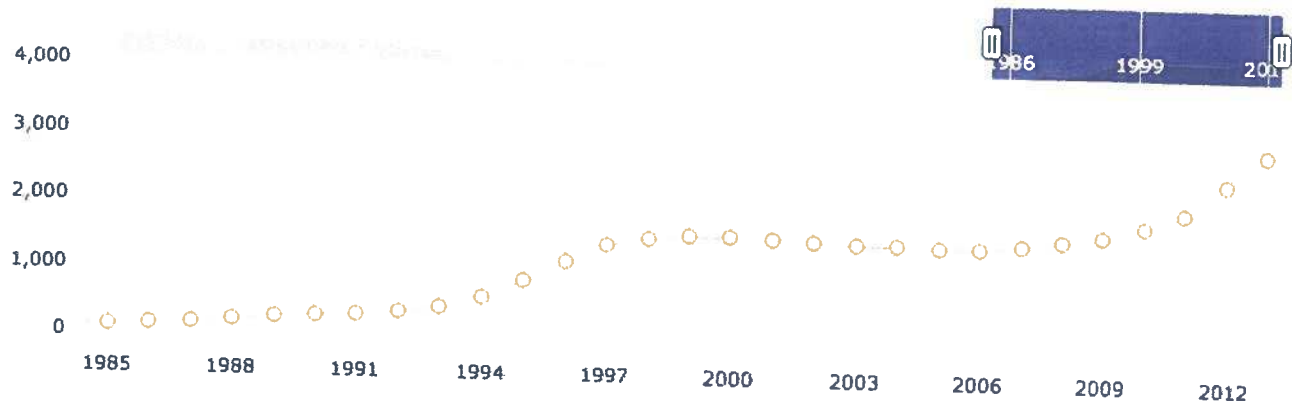
AN ESSENTIAL PART OF DAILY LIFE

- ▶ **Nine in 10** consumers say they enjoy going to restaurants.
- ▶ **Half** of consumers say restaurants are an essential part of their lifestyle.
- ▶ **Seven in 10** consumers say their favorite restaurant foods provide flavors they can't easily duplicate at home.
- ▶ **Eight in 10** consumers say dining out with family and friends is a better use of their leisure time than cooking and cleaning up.

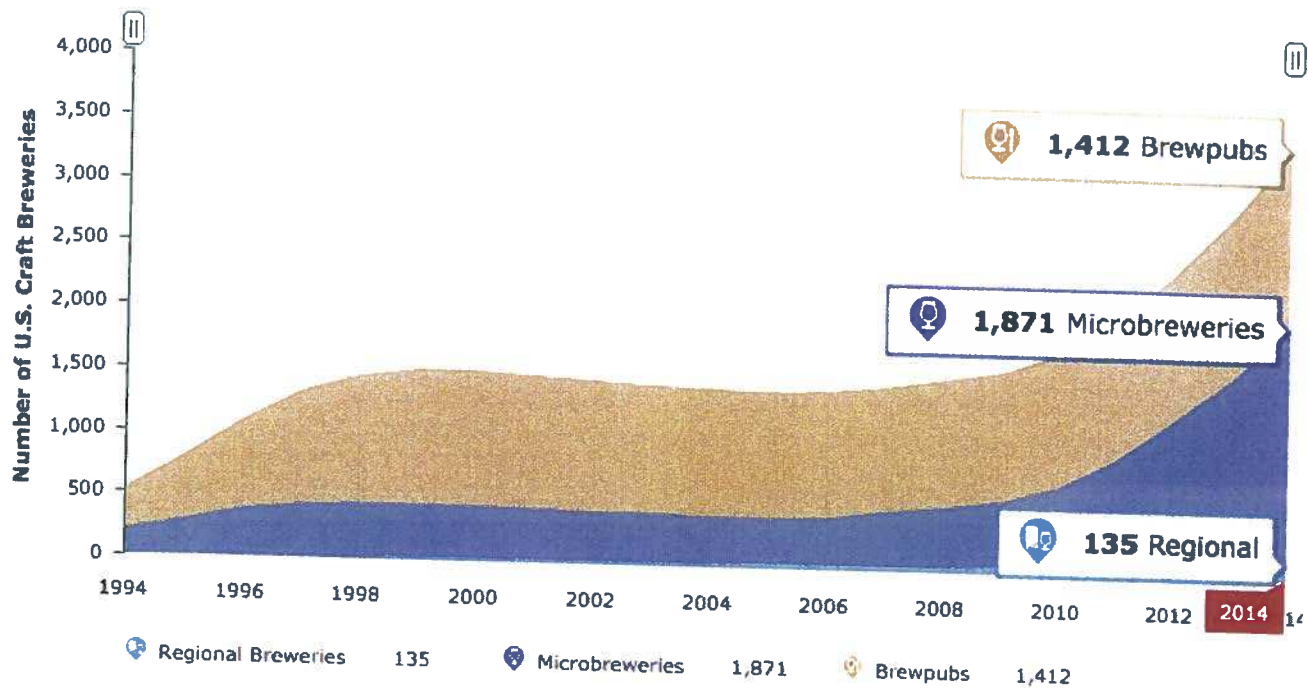
STATISTICS

NUMBER OF BREWERIES

Historical U.S. Brewery Count



U.S. Brewery Count by Category



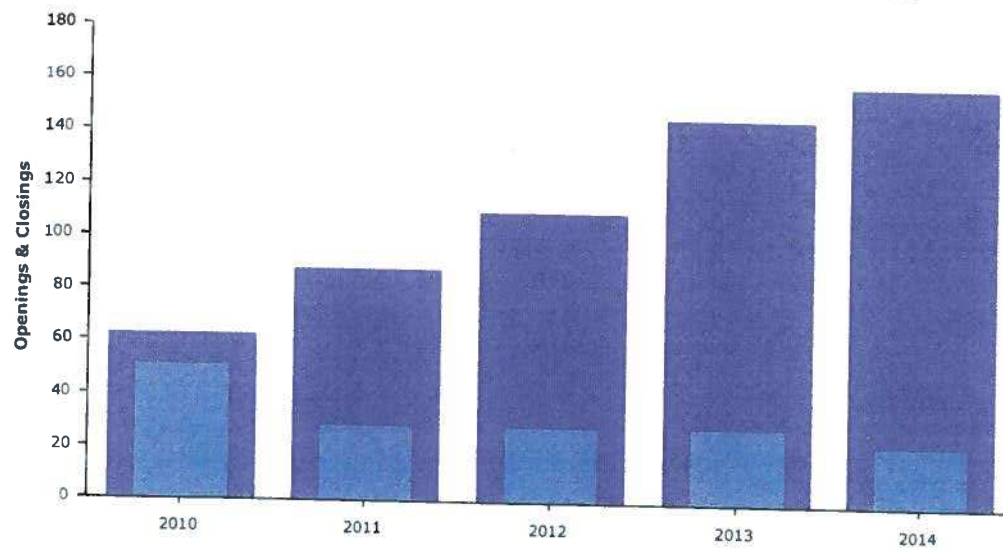
U.S. Brewery Count

	2012	2013	2014	'13 to '14 % Change
CRAFT	2,401	2,863	3,418	+ 19.4%
Regional Craft Breweries	97	119	135	+ 13.4%
Microbreweries	1,149	1,464	1,871	+ 27.8%
Brewpubs	1,155	1,280	1,412	+ 10.3%
LARGE NON-CRAFT	23	23	26	
OTHER NON-CRAFT	32	31	20	
Total U.S. Breweries	2,456	2,917	3,464	+ 18.6%

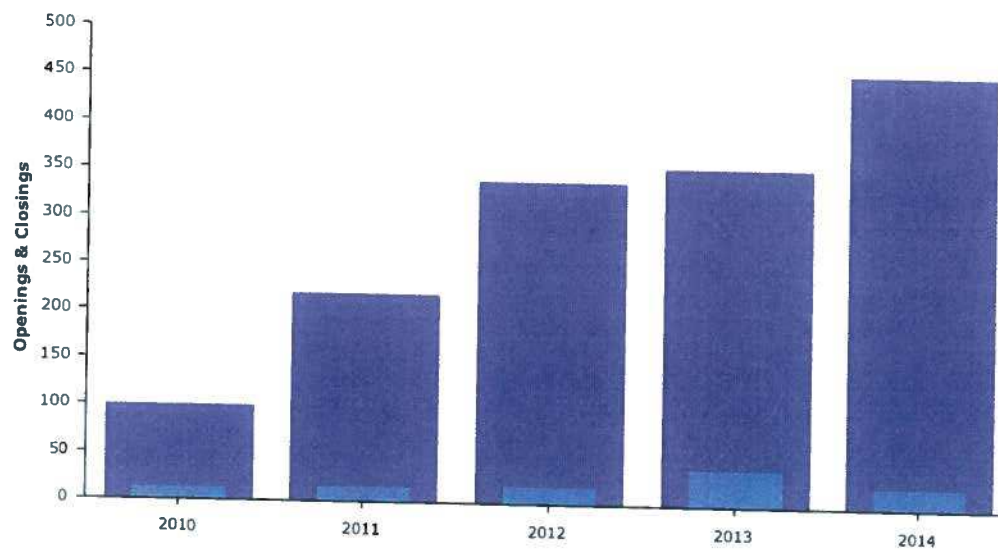
Brewpub Openings and Closings



Number of Breweries and Brewpubs in U.S.



Micro Openings and Closings



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United States of America

United States Patent and Trademark Office

Saint James Brewery

Reg. No. 4,650,511

Registered Dec. 2, 2014

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

SAINT JAMES BREWERY (DELAWARE LIMITED LIABILITY COMPANY)
929 LINCOLN AVENUE, UNIT 11
HOLBROOK, NY 11741

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWERY", APART FROM THE MARK AS SHOWN.

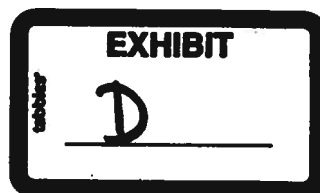
SN 86-218,645, FILED 3-12-2014.

ELIZABETH CHANG, EXAMINING ATTORNEY



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office



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Requirements in the First Ten Years*

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First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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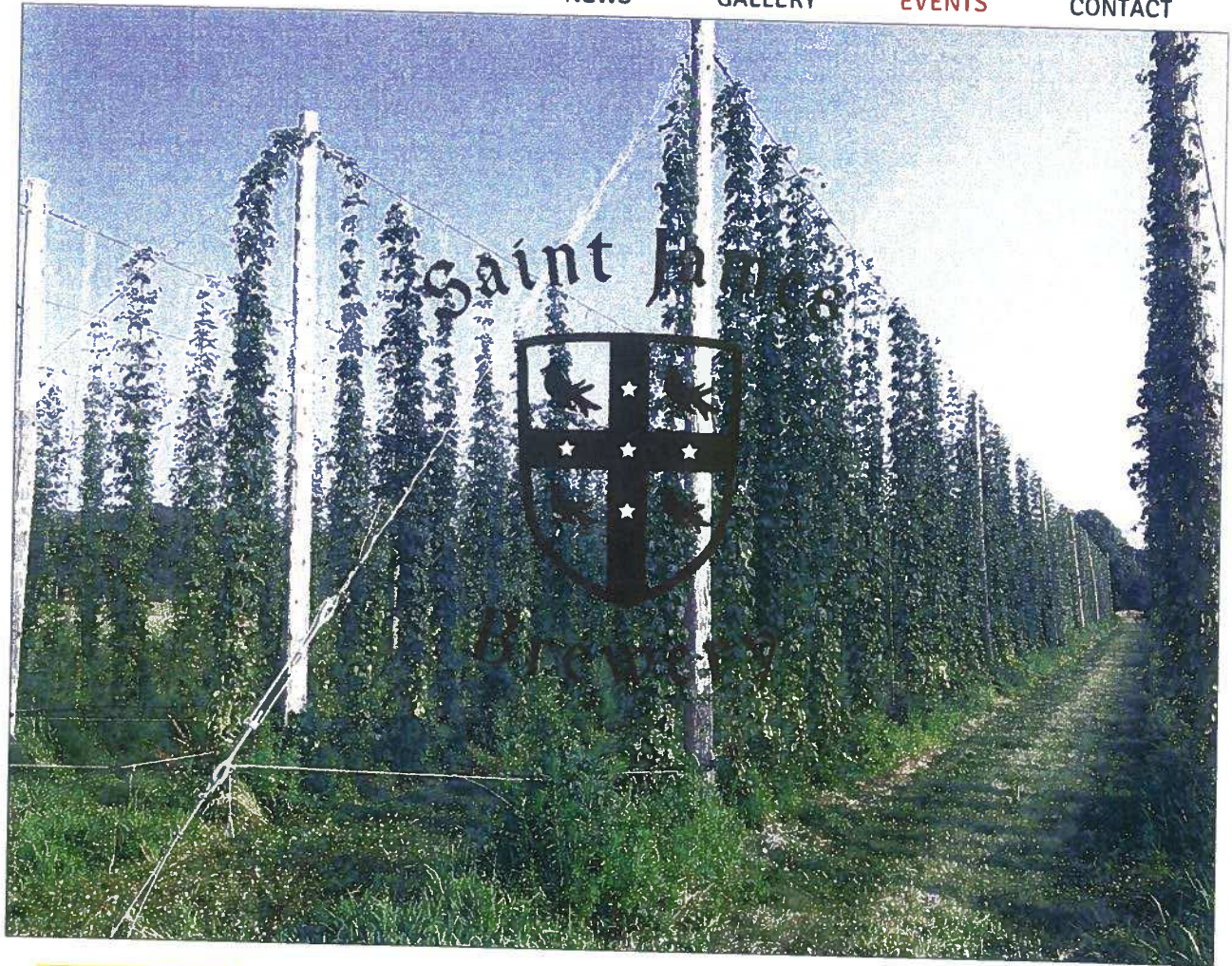
BEERS

NEWS

GALLERY

EVENTS

CONTACT



United States of America

United States Patent and Trademark Office

FRANCONIA BREWING COMPANY

Reg. No. 4,768,065

Registered July 7, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

FRANCONIA BREWING COMPANY, LLC (TEXAS LIMITED LIABILITY COMPANY)
495 MCKINNEY PKWY
MCKINNEY, TX 75071

FOR: BEER; BEER, ALE AND LAGER; BEERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 2-1-2008; IN COMMERCE 2-1-2008.

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SER. NO. 86-438,728, FILED 10-29-2014.

GIANCARLO CASTRO, EXAMINING ATTORNEY



Nichelle K. Lee

Director of the United States
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Requirements in Successive Ten-Year Periods*

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Grace Period Filings*

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United States of America

United States Patent and Trademark Office

ORPHEUS BREWING

Reg. No. 4,769,446

Registered July 7, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

ORPHEUS BREWING COMPANY, LLC (GEORGIA LIMITED LIABILITY COMPANY)
1440 DUTCH VALLEY PLACE NE
ATLANTA, GA 30324

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-26-2014; IN COMMERCE 12-0-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,213,094.

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SN 86-079,529, FILED 10-1-2013.

BARBARA BROWN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
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HOME OUR BEERS [OUR HISTORY](#) MUSINGS
TOURS AND TASTINGS CONTACT US

Brewery

We brew on a 3 vessel, 20 BBL brewhouse from Criveller. It was custom built around our souring process, which takes place in our mash tun over the course of several days. It's configured so that we can keep brewing non-sour beers in the meantime. We ferment in 40 and 60 BBL conical fermenters.

Some of our beers bypass the conicals and go to our 20 BBL open fermenters in the sour barrel room. At that point they either get a blend of souring bacteria and wild yeasts, or get spontaneously fermented from the yeast and bacteria in the air. After a brief stint in the open fermenters, the beer is transferred to barrels for extended ages.

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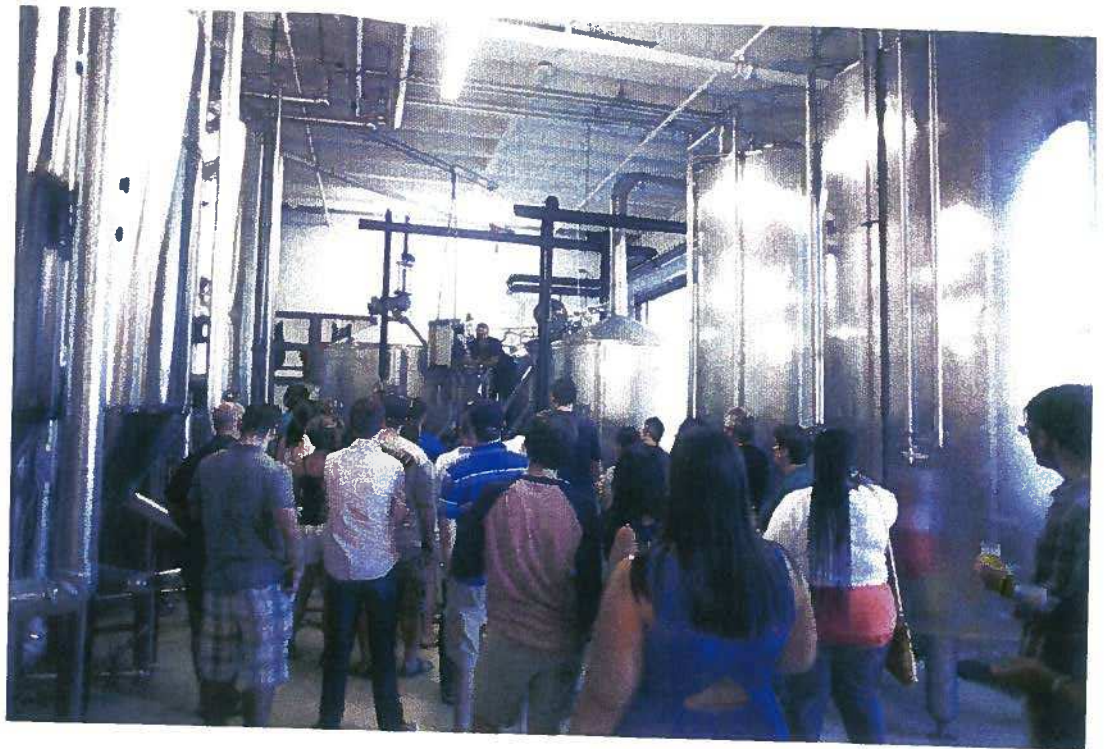
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Sunday 2-5 p.m.

In accordance with GA law, we conduct free tours and tastings, but we request that you purchase a \$12 tasting glass to keep. You'll get 6 tasting tickets. We'd love to see you here!

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United States of America

United States Patent and Trademark Office

pumpkin smasher

Reg. No. 4,759,539

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

HIG MUDDY BREWING LLC (ILLINOIS LIMITED LIABILITY COMPANY)
1430 N 7TH
MURPHYSBORO, IL 62966

FOR BEER, IN CLASS 30 (CLASSES 45, 46 AND 48)

FIRST USE 8-1-2013; IN COMMERCE 8-1-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUMPKIN", APART FROM THE MARK AS SHOWN.

SER. NO. 86-28,206, FILED 12-20-2014

FLORENINA BLANDU, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office



United States of America
United States Patent and Trademark Office

LUCHESA

Reg. No. 4,760,259

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

TRAVIS COUNTY BREWING COMPANY LLC (TEXAS LIMITED LIABILITY COMPANY),
DBA OASIS TEXAS BREWING COMPANY
3603 MAIN STREET
HOUSTON, TX 77002

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-10-2014; IN COMMERCE 5-10-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-446,134, FILED 11-5-2014.

FRANK LATTUCA, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

SWAMP APE

Reg. No. 4,760,337

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

INDIAN RIVER BREWING CORPORATION (FLORIDA CORPORATION), DBA FLORIDA
BEER COMPANY
200 IMPERIAL BOULEVARD
CAPE CANAVERAL, FL 32920

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-31-2009; IN COMMERCE 6-5-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-249,964, FILED 11-10-2014

LAURIE MAYES, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

FOUR POINT

Reg. No. 4,761,299

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MOUNTAIN VIEW BREWERY, LLC (VIRGINIA LIMITED LIABILITY COMPANY)
2271 BEECH GROVE ROAD
ROSELAND, VA 22967

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 11-30-2014; IN COMMERCE 11-30-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 4,439,798.

SN 86-204,574, FILED 2-26-2014.

MORGAN WYNNE, EXAMINING ATTORNEY



Nichelle K. Lee
Director of the United States
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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Requirements in the First Ten Years*
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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office **Reg. No. 2,003,614**
Registered Sep. 24, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

FOUR POINTS

**ITT SHERATON CORPORATION (DELAWARE
CORPORATION)
60 STATE STREET
BOSTON, MA 02109**

**MOTOR INN SERVICES, IN CLASS 42 (U.S.
CLS. 100 AND 101).
FIRST USE 6-26-1995; IN COMMERCE
6-26-1995.**

**FOR: RESTAURANT, COCKTAIL LOUNGE,
BAR, HOTEL, MOTEL, RESORT HOTEL AND**

SN 74-609,113, FILED 12-9-1994.

JEAN MARC BRUN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

HI-5

Reg. No. 4,720,101

Registered Apr. 14, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

TERRAPIN BEER COMPANY, LLC (GEORGIA LIMITED LIABILITY COMPANY)
265 NEWTON BRIDGE ROAD
ATHENS, GA 30607

FOR: BEER, ALE AND LAGER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-1-2014; IN COMMERCE 4-1-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-384,939, FILED 9-4-2014.

DAVID ELTON, EXAMINING ATTORNEY



Nichelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*

What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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United States of America

United States Patent and Trademark Office

HIGH FIVE RAMEN

Reg. No. 4,671,892

Registered Jan. 13, 2015

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

HOUSLEY HOLDING, LLC/ILLINOIS LIMITED LIABILITY COMPANY
230 W. KINZIE ST.
CHICAGO, IL 60654

FOR BAR SERVICES, CATERING SERVICES, RESTAURANT SERVICES, RESTAURANT
SERVICES FEATURING RAMEN; TAKE-OUT RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).

FIRST USE 5-20-2014; IN COMMERCE 5-20-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO LIST "RAMEN", APART FROM THE
MARK AS SHOWN.

SER. NO. 86-549,400, FILED 7-27-2014.

LINDA ORNDORF, EXAMINING ATTORNEY



Mitchell K. Lee

Deputy Director of the United States
Patent and Trademark Office

Hi 5 Bar & Gallery



60-59 Myrtle Ave
Ridgewood, NY 11385
<http://www.facebook.com/hi5ridgewood>
hi5artgallery@gmail.com

A predominately photo blog of the happenings at Hi-5 Bar and Gallery. Although the bar has been open for 7 years now, it is only recently that it has started manifesting as a venue and gallery space. We have a new art show every month, with an opening every first Friday month featuring live musical and occasionally visual art performances.

For information about showing or booking, as well as inquiries to purchasing art, please contact Ellie Zuniga at hi5artgallery@gmail.com

My blog All of Tumblr

RSS Feed Random
Archive Mobile

Here's this one again!

Art by Kent Mar ((I think this one is called "The Law of Sines" but I'll have to get back to you on that!))

This art has been sold! To a three year old girl at that :)

Photo by CWong Photography

<http://www.facebook.com/CWONGPHOTOGRAPHY>

Posted 3 years ago

10 notes

Tagged: [art](#), [blacklight art](#), [uv art](#), [black light](#), [uv](#), [black light art](#), [art show](#), [kent mar](#), [CWong Photography](#), [hi 5 gallery](#)



Making use of our UV painting station. See also part of our mural in the background!

Photo by CWong Photography

<http://www.facebook.com/CWONGPHOTOGRAPHY>

Posted 3 years ago

1 note

Tagged: [art show](#), [uv art](#), [black light art](#), [uv](#), [black light](#), [blacklight](#), [hi 5 gallery](#), [body painting](#).



Art from our UV art show :D!~

"Have a Heart" ((yellow heart)) by Michael Toxic

Other art done by Bam Bam Toxic and Satire Toxic

Note: The paper plates and one of the other pieces (the swirly one that's slanted) were attached so they could be spun :D

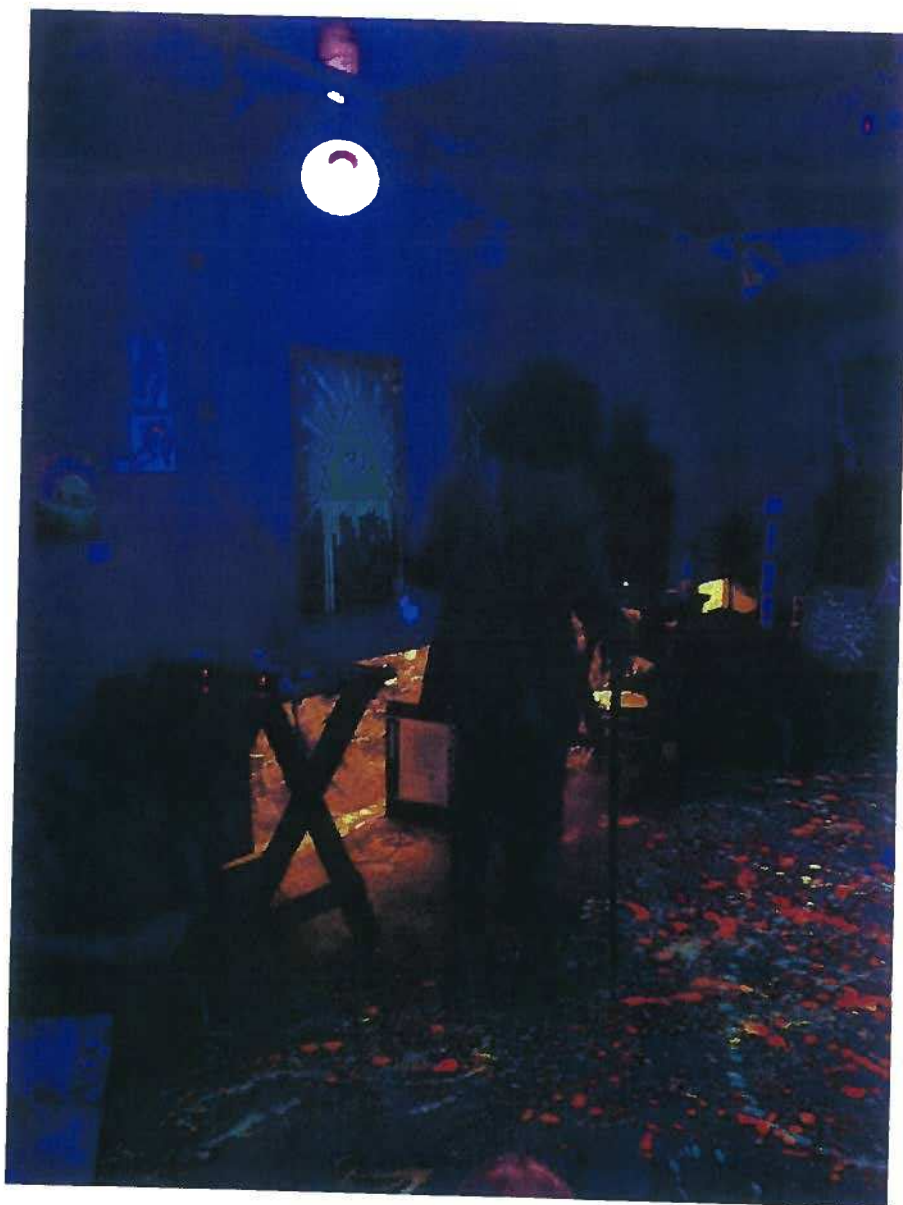
<http://hi5gallery.tumblr.com/>

Photo courtesy of Stephanie Kokomo

Posted 3 years ago

7 notes

Tagged: [art](#), [art show](#), [uv](#), [blacklight](#), [blacklight art](#), [black light](#), [hi 5 gallery](#), [satire](#), [toxic](#), [bam bam toxic](#), [michael toxic](#)



Shot of the floor during the uv art show. It was wicked :)..

Photo courtesy of Stephanie Kokomo~

Posted 3 years ago

12 notes

Tagged: [art](#), [uv](#), [blacklight](#), [black light art](#), [art show](#), [splatter paint](#), [hi 5 gallery](#)



"The Devil Loves you"

by Satire Toxic

From our UV art show :D

Photo by CWong

<http://www.facebook.com/CWONGPHOTOGRAPHY>

Posted 3 years ago

12 notes

Tagged: [art](#), [uv art](#), [black light](#), [black light art](#), [art show](#), [satire toxic](#), [hi 5](#), [hi 5 gallery](#), [CWong](#), [UV](#)



3D art from our UV art show!

Art by:

Satire Toxic (Fist, can, doodad)

Rael Lief (TV - "You Probably Shouldn't Turn Me On")

Mike Toxic (syringes, hourglass+skulls)

Posted 3 years ago

7 notes

Tagged: [3d art](#), [Mike Toxic](#), [Rael Lief](#), [Satire Toxic](#), [art](#), [art show](#), [black light sculpture](#), [uv](#), [uv art](#)



Getting dolled up at our UV art show :D

Photo by CWong

<http://www.facebook.com/CWONGPHOTOGRAPHY>

Posted 3 years ago

18 notes

Tagged: [art](#), [art show](#), [uv](#), [black light](#), [hi 5](#), [hi 5 gallery](#), [gallery](#), [body painting](#), [CWong](#)

[next page →](#)

United States of America
United States Patent and Trademark Office

Train Wreck

Reg. No. 4,758,291

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MT. PLEASANT BREWING CO., LLC (MICHIGAN LIMITED LIABILITY COMPANY)
506 WEST BROADWAY STREET
MT. PLEASANT, MI 48858

FOR: BEER; BEER, ALE AND LAGER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-2-2013; IN COMMERCE 9-2-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-078,677, FILED 9-30-2013.

JULIE VEPPUMTHARA, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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Train Wreck Bar

Great food, beer, wine and spirits for everyone 21 years old and better. Featuring local products!

Welcome to the Train Wreck

The Train Wreck Bar is a unique place to get a beer, wine, cocktail or quick and delicious meal located in historic downtown Burlington, WA. Since 2008 we have been serving our community with a smile and a gourmet flair.

THE TRAIN WRECK IS NOW SERVING BREAKFAST 7 DAYS A WEEK!! OPEN DAILY AT 8AM!! PLEASE KEEP IN MIND WE ARE A BAR, ALWAYS ONLY 21 & BETTER.

Hours of Operation:

Mon-Wed 8am-11pm breakfast (8-11am), lunch & dinner 11am-930pm (late night menu begins at 9:30pm)

Thurs & Fri 8am-midnight, breakfast 8-11am lunch & dinner 11am- midnight (late night menu in effect after 9:30pm Thursday, after 10:30 pm Friday)

Saturday breakfast 8am-noon, lunch & dinner noon- 10:30pm, late night menu til closing at midnight

Sunday breakfast 8am-noon, lunch & dinner noon-9:30pm, late night menu til closing at 11pm

Weekly Specials

Be sure to make it in for Margarita Monday, Sushi Wednesday and Thursday for Karaoke!
Happy Hour Mon-Fri 3-6pm

Check out our facebook, "Train Wreck Bar & Grill", for updates on weekly food and drink specials!!



We are fun, casual and inviting, and can satisfy your appetites.



We serve the Skagit Valley with select locally-sourced products.



We are for those 21 and better with a full bar and beers on tap.

United States of America

United States Patent and Trademark Office

One Trick Pony

Reg. No. 4,746,057

Registered June 2, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

ONE TRICK PONY, INC. (ILLINOIS CORPORATION), AKA ONE TRICK PONY BREWERY
17933 CHAPPEL AVENUE
LANSING, IL 60438

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-1-2012; IN COMMERCE 5-1-2012.

THE MARK CONSISTS OF THE STYLIZED, BLACK WORDING "ONE TRICK PONY" APPEARING ON A YELLOW RECTANGLE HAVING TWO BLUE HORIZONTAL LINES AND TWO VERTICAL RED LINES.

THE COLOR(S) YELLOW, BLUE, BLACK, AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 86-169,386. FILED 1-18-2014.

MICHAEL TANNER, EXAMINING ATTORNEY



Nichelle K. Lee

Director of the United States
Patent and Trademark Office

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Requirements in Successive Ten-Year Periods*

What and When to File:

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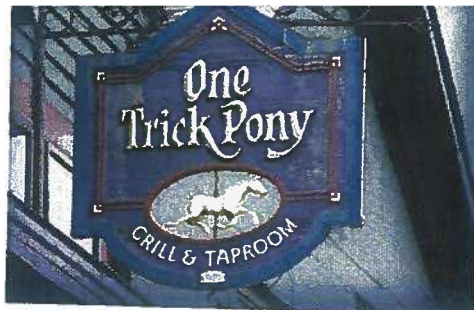
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One Trick Pony

One Trick Pony

Restaurant Hours:



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United States of America

United States Patent and Trademark Office

LOST PADDLE

Reg. No. 4,761,859

Registered June 23, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

ARCADIA BREWING COMPANY (MICHIGAN CORPORATION)
103 W. MULLIGAN AVENUE
DATTLE CREEK, MI 48017

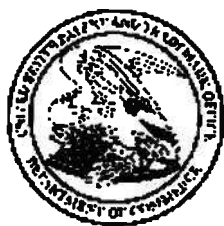
FOR BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48)

FIRST USE 9-13-2014, IN COMMERCE 11-1-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86 343,924, TT TD 7 30 2014

JEFFREY LOOK, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office


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The Lost Paddle is the perfect place to end the day's adventures with a full bar for cocktails, plenty of beer on tap and a yummy food menu. **Live** music most nights!

Kitchen Hours: Sunday - Thursday: 5:00 pm - 9:00 pm / Friday and Saturday: 5:00 pm - 10:00 pm

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*No fear - the bar stays open later if the party is hoppin'!

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United States of America
United States Patent and Trademark Office

WAYFARER

Reg. No. 4,620,700

Registered Oct. 14, 2014

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

GREEN MAN BREWING, LLC (NORTH CAROLINA LIMITED LIABILITY COMPANY)
40 WALL STREET
ASHEVILLE, NC 28801

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-0-2013; IN COMMERCE 3-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-222,876, FILED 3-17-2014.

ANGELA DUONG, EXAMINING ATTORNEY



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

MENU



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TABLE SERVICE RESERVATIONS

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Roots Reggae Tuesday 1 Year Anniversary, Kitaka - 7/14

The Garden, Melted, The Rooms - 7/15

Sunday Night Karaoke w/ Bobby Vegas - 7/12

Nobles, StopFox, Taylor Akey - 7/12

Joshua Payne Orchestra, DJ Default - 7/11

Fort Romeau - 7/24

Them Evils, Blue Eyed Lucy, Big Monsta, Wallburds - 7/23

Ellie Mae and The Ricochets, Valley Queen, Ivory DeVille - 8/19

Matt Lange - 8/14

Bird And The War - 7/27

NEWS POSTS

The Wayfarer featured in Locale Magazine

The Wayfarer featured in the OC Register

Opening Night Photo Album

The Wayfarer featured in Greer's OC

The Wayfarer featured in OC Weekly

Twitter Feed

Tonight : Thurs 7/9 : Our 1 Year Old Birthday Party w/ the

SANDWICHES

served with french fries

og burger 11 ^{***}

cheddar iceberg tomato onion pickle 10.00

cowboy burger 12 ^{***}

pepper jack bacon jalapeno bbq

patty melt 12 ^{***}

swiss grilled onion mushroom

country fried chicken 13

pepper jack bacon citrus slaw tomato honey mustard

chicken avo 13

cheddar bacon avocado iceberg onion tomato mayo

SALADS

spinach salad 12

tomato almonds mozzarella bacon vinaigrette

fiesta salad 13

carne asada tomato onion corn cilantro lime vinaigrette

FLATBREADS

garlic artichoke 10 ^{***}

mushrooms spinach parmesan

margherita 9 ^{***}

tomato basil mozzarella marinara

mac daddy 11 ^{***}

angus beef cheddar iceberg tomato onion 10.00

AM style 10 ^{***}

avocado tomato olive oil balsamic fried egg

& MORE

chicken strips 10

panko crust french fries

spicy chicken scampi 13

lemon butter capers tomato chicken

baja chicken tacos 9

pico de gallo quacamole slaw cucumber sriracha aioli

SHARE DISHES & SIDES

french fries 4

garlic parmesan skinny fries 5

peanut citrus slaw 4

avocado fries w/ sriracha aioli 6

mac & cheese 10

bbq bacon jalapeno poppers 10

twice fried wings w/ korean chili glaze 12

daily SPECIALS

MONDAY

50 cent wings all night 7 variety of sauces

TUESDAY

Santiago's \$2 tacos 1 pollo asado carne

asada baja (vegetarian) and others

\$5 tona's and red stripes

WEDNESDAY

\$10 baby back rib dinner plate

\$5 tall boy phis

THURSDAY

\$2 sliders until sold out 1 bacon cheddar

panci steakhouse and others

SUNDAY

Brunch Specials at 12

bottomless mimosas 1 all you can eat pasta



COCKTAILS \$12

might not be available during peak hours

the fizzy bulleit bulleit bourbon | champagne | blood orange

kentucky orange blossom 1776 rye | elderflower | vermouth | flame orange peel

the jasmine hotel gnl | cointreau | aperol | lemon

#1 dickel bourbon | ginger beer | maraschino cherry | lime

hot blooded don julio anejo | agave | jalapeno | lime | blood orange

black mamba bulleit bourbon | faverna amaro | aperol

chartreuse swizzle chartreuse | pineapple | lime | alternating

phil collins hotel gnl | chartreuse | bitters | cucumber | lime

jalisco mule don julio reposado | ancho Reyes | ginger beer | lime | mint

sunshine grey goose la poire | canton ginger | apricot liqueur | soda | lemon

BOILERMAKERS \$10

Any draft with...

Bulleit Rye | Bulleit Bourbon | Jameson | Jim Beam | Dickel
Four Roses | Wild Turkey | Buffalo Trace | Tin Cup Colorado

WINE

RED

BV Cabernet Sauvignon | Napa, CA 10

Great American Merlot | Napa, CA 8

Mark West Pinot Noir | Sonoma, CA 9

WHITE

Heden Crush Chardonnay | Central Coast, CA 8

Hogue Pinot Grigio | Columbia Valley, WA 7

J. Loth Sauvignon Blanc | Monterey, CA 8

BUBBLES Chandon Spat Sparkling | California 10

Full Bottles Available: Dom Perignon | Perrier Joliet | Moet Imperia | Imperia Rose

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about 36 minutes ago
Reply Retweet Favorite

Looking forward to @followmda
celebrating 1 Year of WAVS w/
@matthewdear (DJ Set)
tomorrow! Come celebrate!
<http://t.co/QBhjR524Ck>

about 1 hour ago
Reply Retweet Favorite

Share your Instagram pics with us
using the #wayfarercm hashtag.
Tonight : Thurs 7/9 : We've been
open exactly a ye...
<http://t.co/YMm3Zw2OP>

about 1 hour ago
Reply Retweet Favorite

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WAYFARER



by wayfarercm
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presents a FREE SHOW w/
@__thegarden__ +
@meltedxca &
@theroomss! RSVP : ...
posted 10 minutes ago

United States of America
United States Patent and Trademark Office

Deep Roots

Reg. No. 4,757,421

Registered June 16, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

THREE WEAVERS BREWING COMPANY, LLC (CALIFORNIA LIMITED LIABILITY
COMPANY)
3515 SURFWOOD ROAD
MALIBU, CA 90265

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-28-2014; IN COMMERCE 9-28-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-287,052, FILED 5-20-2014.

TIMOTHY FINNEGAN, EXAMINING ATTORNEY

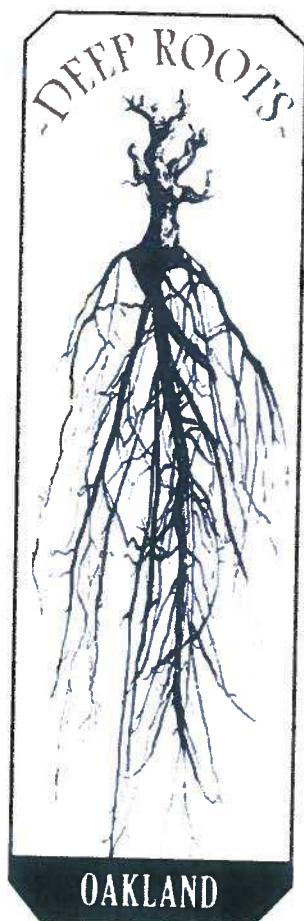


Nichelle K. Lee

Director of the United States
Patent and Trademark Office

At The Bar:

"I started out on burgundy, but soon hit the harder stuff..." Robert Dylan, Poet



COCKTAILS & BEER:

Premium Ingredients and old-world charm with some new-world twists

THE NEGRONITA 9 (On-Tap)

Our more smooth and delicate version of the Italian classic.

APPLE SAUCED 10

This is the juice-box that you wish your mother had put in your lunchbox. Calvados (French Apple Brandy), Hard Cider, Cocchi Americano and a touch of fresh lemon juice and our house-made Exotic Spices Syrup.

DEEP ROOTS CUBA LIBRE! 9

The classic "Cuba Libre!" just hasn't been the same since 1901 when Coca-Cola phased out its significant cocaine content. Instead we've found that Italy's popular Chinatto soda provides an interesting substitute.

SCARLET SPRITZ 8

The most popular drink in Italy and now a favorite in Oakland. Our Scarlet Spritz is the perfect fizzy mix of Prosecco and Cappelletti (similar to Aperol). It's refreshing and deliciously addictive!

THE EX-PAT 11

The complexity of Angostura bitters with the richness of Small Hands Orgeat Syrup, citrus and a backbone of oak and vanilla.

TUSCAN PUNCH 8

Periscope Cellars Red Wine, fortified with a little extra booze, our house-made Exotic Spice Syrup and a lively touch of fresh lime juice. Rich, complex and just a little bit dangerous.

GOLDEN SPIKE 9

Hard lemonade Oakland-style. Bright citrus layered with our house-made Ginger-Mint Syrup and a sizeable kick of booze. Named for the joining of Oakland and the Transcontinental Railroad to the East Coast in 1869.

-BEER-

SAINT ARCHER: White Ale

5/Pint

Pilsner and Wheat malts are brewed and fermented with Belgian yeast to provide a traditional refreshingly tart, spicy, and fruity flavor profile. Wheat protein and yeast gives a customary hazy appearance and contributes to the flavor and mouth feel. 5.0% ABV, 12 IBU's.



Collins

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Lady Luck

Definitions

noun

the personification of fortune or chance

Example Sentences Including 'Lady Luck'

Why had Lady Luck shone so brightly on Rose, who was only a Miller by marriage, and utterly bypassed Adele?

Cathy Kelly JUST BETWEEN US (2002)

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Word Frequency ● ○ ○ ○ ○



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'Greferendum', 'paperology' and 'leap second'

June's Words in the News

Etymology Corner - 'Tennis'

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How do you feel when other people consistently make spelling and grammar mistakes?

- ☐ I feel I should help them
- ☐ I feel superior
- ☐ I'm not sure

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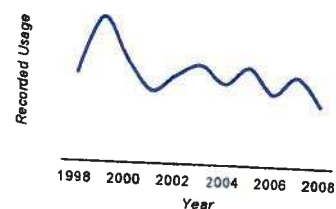
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Word usage trends for "lady-luck"



View usage over Last 10 years

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Dictionary (<http://dictionary.reference.com/browse/Lady Luck>)
Thesaurus (<http://www.thesaurus.com/browse/Lady Luck>)
Translate (<http://translate.reference.com/translate?query=Lady Luck>)

Lady Luck

Lady Luck

Word Origin

noun, (*sometimes lowercase*)

1. the personification of luck as a lady bringing good or bad fortune:
Lady Luck was against us and we lost the game.

Origin of Lady Luck

1930-1935

1930-35

Dictionary.com Unabridged

Based on the Random House Dictionary, © Random House, Inc. 2015.

Cite This Source (<http://dictionary.reference.com/cite.html?qh=lady luck&ia=luna>)

British Dictionary definitions for Lady Luck

Lady Luck

(<http://blog>)
Fi
W

noun

1. the personification of fortune or chance

Collins English Dictionary - Complete & Unabridged 2012 Digital Edition

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Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009, 2012

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[email](#) [cite](#) [discuss](#)**Lady Luck****Definition of *Lady Luck* in English:**

[Chance personified](#) as a controlling power in human affairs: *it seemed Lady Luck was still [smiling](#) on them*
More example sentences

- My affair with Lady Luck ended when she started two-timing me with the blackjack dealer.
- After such a slice of good fortune it looked like Lady Luck was smiling on City, particularly after both Brooks and Powell squandered gilt-edged chances from inside the six-yard box, one after the other.
- Fortunately, Lady Luck smiled upon me and I located a sample tube of self-cleaning wax lubricant in my toolbox.
- [Get more examples](#)

See parent entry: [lady](#)

Definition of Lady Luck in:

- [British & World English](#) dictionary

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United States of America
United States Patent and Trademark Office

LADY LUCK

Reg. No. 4,634,342

Registered Nov. 4, 2014

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

LADYLUCKFISHINGLURES LLC (MICHIGAN LIMITED LIABILITY COMPANY)
88 HOBBS HIGHWAY NORTH
TRAVERSE CITY, MI 49696

FOR: FISHING LURES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-1-2014; IN COMMERCE 6-1-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-218,523, FILED 3-12-2014.

DAVID C. REIHNER, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office



United States of America

United States Patent and Trademark Office



Reg. No. 4,764,907

Registered June 30, 2015

Int. Cls.: 6, 9, 21, and 35

GASOLINE ALLEY CLASSICS, INC. (OKLAHOMA CORPORATION)
8220 SOUTH 202ND EAST AVENUE
BROKEN ARROW, OK 74014

FOR: TIN METAL SIGNS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

TRADEMARK

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

SERVICE MARK

FOR: NEON SIGNS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

PRINCIPAL REGISTER

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

FOR: METAL CAN COOLERS IN THE NATURE OF PORTABLE BEVERAGE COOLERS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

FOR: RETAIL STORES FEATURING GOODS WITH AN AUTOMOTIVE THEME, NAMELY, NOVELTY ITEMS, AUTOMOTIVE MEMORABILIA, DISPLAY CASES, CLOCKS AND AUTOMOTIVE ACCESSORIES; ONLINE RETAIL STORE SERVICES FEATURING GOODS WITH AN AUTOMOTIVE THEME, NAMELY, NOVELTY ITEMS, AUTOMOTIVE MEMORABILIA, DISPLAY CASES, CLOCKS AND AUTOMOTIVE ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

OWNER OF U.S. REG. NOS. 3,203,733 AND 3,519,571.

THE MARK CONSISTS OF A LADY WITH A HORSE SHOE IN HER HAIR, DICE EARRINGS, A BIKINI TOP WITH THE NUMBERS "88", A 4-LEAF CLOVER IN HER RIGHT HAND AND A WRENCH IN HER LEFT HAND, A SASH AROUND HER WAIST WITH HEARTS, CLUBS, SPADES, AND DIAMONDS, AND BELOW THE WORDING "LADY LUCK" IN STYLIZED FONT HOUSED IN A BANNER.

SN 85-764,931, FILED 10-26-2012.

ADA HAN, EXAMINING ATTORNEY



Nichelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,560,838

Registered Jan. 13, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LADY LUCK

**ODS TECHNOLOGIES, L.P. (DELAWARE LIMITED PARTNERSHIP)
6701 CENTER DRIVE WEST, SUITE 160
LOS ANGELES, CA 90045**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: ENTERTAINMENT SERVICES, NAMELY, A TELEVISION SERIES IN THE FIELD OF ANIMAL RACING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SER. NO. 77-490,379, FILED 6-4-2008.

FIRST USE 5-10-2006; IN COMMERCE 5-10-2006.

KATHERINE CONNOLLY, EXAMINING ATTORNEY

Int. Cls.: 9, 16, 18, 20, 21, 25, 28 and 41

Prior U.S. Cls.: 1, 2, 3, 5, 13, 21, 22, 23, 25, 26, 29, 30,
32, 33, 36, 37, 38, 39, 40, 41, 50, 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,642,779

Registered June 23, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



ISLE OF CAPRI CASINOS, INC. (DELAWARE
CORPORATION)
600 EMERSON DRIVE, SUITE 300
ST. LOUIS, MO 63141

FOR: MOUSE PADS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: NOTE PADS, IN CLASS 16 (U.S. CLS. 2, 5, 22,
23, 29, 37, 38 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: LUGGAGE TAGS; TOTE BAGS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: NON-METAL KEY RINGS, IN CLASS 20
(U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: COFFEE CUPS; NEOPRENE ZIPPERED
BOTTLE HOLDERS; PLASTIC CUPS, IN CLASS 21
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: FLEECE PULLOVERS; HATS; HEAD-
BANDS; LONG-SLEEVED SHIRTS; SCARVES;

SHORT-SLEEVED SHIRTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: DICE; GOLF BALLS; PLAYING CARDS, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

FOR: CASINOS, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

OWNER OF U.S. REG. NOS. 1,165,866, 1,650,606
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CASINO" FOR INTERNATIONAL
CLASS 41, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "LADY
LUCK" WRITTEN ACROSS A DIAMOND AND
ABOVE A BANNER WITH THE WORD "CASINO"
WRITTEN ON IT.

SER. NO. 77-609,986, FILED 11-7-2008.

TINA KUAN, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,171,438

Registered July 7, 1998

**TRADEMARK
PRINCIPAL REGISTER**

LADY LUCK

**GULF PACIFIC RICE CO., INC. (TEXAS COR-
PORATION)
950 ECHO LANE, SUITE 100
HOUSTON, TX 77024**

**FIRST USE 7-30-1997; IN COMMERCE
7-30-1997.**

SER. NO. 75-341,874, FILED 8-15-1997.

FOR: RICE, IN CLASS 30 (U.S. CL. 46).

**NORA BUCHANAN WILL, EXAMINING AT-
TORNEY**

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,821,488

Registered Mar. 9, 2004

**TRADEMARK
PRINCIPAL REGISTER**



**AMERICAN AIRPOWER HERITAGE MUSEUM
(TEXAS NON-PROFIT ORGANIZATION)
PO BOX 62000
MIDLAND, TX 797112000**

**IN THE FIELD OF AVIATION HISTORY AND,
BOOK REVIEWS IN THE FIELD OF AVIATION
HISTORY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38
AND 50).**

**FOR: PRINTED MATTER, NAMELY, NEWSLET-
TERS, BROCHURES, BOOKS IN THE FIELD OF
AVIATION HISTORY, POSTCARDS, GREETING
CARDS, POSTERS, STATIONARY, FLYERS, IN
THE FIELD OF AVIATION HISTORY, GAMES
AND PUZZLES ON AVIATION ARTWORK, ESSAYS**

FIRST USE 10-16-2000; IN COMMERCE 10-16-2000.

SN 76-148,151, FILED 10-16-2000.

MARGERY A. TIERNEY, EXAMINING ATTORNEY