

ESTTA Tracking number: **ESTTA828616**

Filing date: **06/21/2017**

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

Proceeding	86754400
Applicant	Siny Corp.
Applied for Mark	CASALANA
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Submission	Reply Brief
Attachments	Applicant Reply Brief CASALANA.pdf(18824 bytes )
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Date	06/21/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In re Application of: Siny Corp. )  
Application No.: 86/754,400 )  
Filed: September 11, 2015 )  
Trademark: CASALANA )

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**APPLICANT'S REPLY BRIEF**

Applicant hereby responds to the Examining Attorney's Statement, which was submitted to the Board on June 6, 2017. Applicant respectfully submits that Examining Attorney has failed to properly consider the nature of the Applicant's Goods, and therefore has not considered ordering practices pertinent to Applicant's Goods.

**ARGUMENT**

Applicant's principal reply argument is that, in light of the nature of the Applicant's Goods and the ordering tendencies of Applicant's industry, Applicant's Specimen of Use provides sufficient information for customers to place an order for Applicant's Goods.

Displays associated with goods, including web page displays, constitute a display associated with the goods if the display: (1) contains a picture of the identified goods, (2) shows the trademark in association with the goods, and (3) provides a means for ordering the goods. *In re Sones*, 590 F.3d 1282, 1288, 93 USPQ2d 1118, 1123 (Fed. Cir. 2009). Applicant's Specimen of Use contains a picture of the identified goods and shows the CASALANA trademark in association with these goods. Examining Attorney has not objected to the sufficiency of the Applicant's Specimen in regard to these two elements. The only issue raised by Examining

Attorney in his Statement was whether Applicant's Specimen provided a means for ordering the Applicant's Goods.

When the applicant's goods are specialized or complex and technical assistance is required in selecting the product, determining product specifications, or coordinating product delivery, a telephone number can constitute an acceptable means for ordering the goods. TMEP § 904.03(i)(C)(2). Applicant has already explained in its office action responses and appeal brief that that Applicant's Goods are specialized products ordered by commercial manufacturers. As Applicant's Products are customized for individual manufacturing customers, pricing and availability may change for each individual order. As a result, the customer must have technical assistance in order to place his or her order.

Examining Attorney relies on his impression of the goods, rather than commercial and marketplace realities relevant to Applicant's Goods, in determining the sufficiency of the ordering information available in Applicant's Specimen. Examining Attorney argues, "it seems that [Applicant's] goods, which are not technologically complex, could easily be sold through a web page." Examining attorney further argues that Applicant's Goods are not "technical goods akin to power-operated metal-cutting machines" at issue in the *In re Valenite* decision. Based on these broad assumptions, the Examining Attorney has arrived at the conclusion that Applicant's Goods do not require technical assistance in ordering.

Examining Attorney's focus on the technological nature of the products evades the issue of information in Applicant's Specimen is sufficient for placing an order in light of the fact that customers will require assistance in ordering the goods. Whether or not a customer requires ordering assistance does not depend solely on the technological complexity of the product. Other factors, such the intended product use, also have an effect on whether customers will need

technical assistance in ordering the goods. For example, if a customer is purchasing a product for incorporation into a final product, the customer may require assistance to select a component that is appropriate for the final product and the intended use of the final product.

Applicant's goods are sold for use in manufacturing and as components incorporated into finished textile products. Accordingly, a customer will need Applicant's assistance to weigh a multitude of variables--component incorporation, processing, finishing, intended use--in order to place an order for Applicant's Goods. The complexity and quantity of information required to place an order for the Applicant's goods is independent from the technological nature of the goods, and the pertinent information will vary from order to order. These are not the sort of goods that can be ordered from a web page by clicking on an image or description to add a product to a cart. *See In re Valenite*, 84 USPQ2d 1346 (TTAB 2007).

Examining Attorney further attempts to distinguish the instant matter from the *In re Valenite* case by incorrectly asserting that Applicant's Specimen does not contain any technical information about the technical nature of the goods. In fact, Applicant's Specimen explains that "Glenoit Fabrics' sliver knit pile is made like no other fabric," and provides links to more information about the technical nature of the product ("For more information on how Glenoit Fabrics' comfort knit fabrics are made, go to 'Fabrics Made from Fiber'.") Immediately below the product listings there is another link, "How Sliver Knit Pile Fabrics Are Made," providing more information about the technical nature of the product. These references provide additional technical information, as it is relevant and pertains to Applicant's goods and industry. This information also illustrates the technical aspects of Applicant's Goods and further demonstrates why potential customers would need assistance in ordering the goods.

