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

Proceeding	87781863
Applicant	Sergei Orel
Applied for Mark	ANASTASIA
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Submission	Appeal Brief
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Date	10/24/2019

TO THE TRADEMARK TRIAL AND APPEALS BOARD

Ser. No.: 87781863
Mark: ANASTASIA
Applicant: Sergei Orel

Applicant's Appeal Brief

The applicant has applied to register ANASTASIA in class 33 for “Alcoholic beverages, except beer; Sparkling wines; Vodka; Wine”.

ANASTASIA

Word Mark	ANASTASIA
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages, except beer; Sparkling wines; Vodka; Wine
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87781863
Filing Date	February 2, 2018
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Sergei Orel INDIVIDUAL UNITED STATES #43C 7000 Boulevard East Guttenberg NEW JERSEY 07093
Attorney of Record	Sergei Orel
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

- 1) The application has been rejected on the following registration numbers 5176290 and 4524142:

ANASTASIA ISLAND IPA

Word Mark ANASTASIA ISLAND IPA
Goods and Services IC 032. US 045 046 048. G & S: Brewed malt-based beers. FIRST USE: 20160100.
FIRST USE IN COMMERCE: 20160100
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87158007
Filing Date September 1, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 17, 2017
Registration Number **5176290**
Registration Date April 4, 2017
Owner (REGISTRANT) Ancient City Brewing Company, LLC LIMITED LIABILITY COMPANY
FLORIDA 3420 Agricultural Center Drive, Suite 8 ST. AUGUSTINE FLORIDA 32092
Attorney of Record Ashley V. Brewer
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "IPA" APART FROM THE
MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

and

ANASTASIA STEELE

Word Mark ANASTASIA STEELE
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: SOAPS, NAMELY, BATH SOAP, BEAUTY
SOAP AND PERFUMED SOAP; PERFUMERY; ESSENTIAL OILS; NON-MEDICATED
PREPARATIONS FOR THE CARE OF THE SKIN, BODY, HANDS AND FEET;
EXFOLIATING PREPARATIONS, NAMELY, EXFOLIATING CREAMS AND EXFOLIATING
SCRUBS; SHAVING PREPARATIONS; WAX FOR REMOVING BODY HAIR

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IC 004. US 001 006 015. G & S: Candles; scented candles

IC 006. US 002 012 013 014 023 025 050. G & S: Handcuffs; metal shackles, namely, manacles that restrain the arms and legs; metal karabiners

IC 009. US 021 023 026 036 038. G & S: Prerecorded recording discs featuring music; compact discs featuring music; DVDs featuring music, drama, adventure and self-improvement instructions; audio and video tapes featuring music, drama, adventure and self-improvement instructions; sound recordings featuring music; video recordings featuring music, drama, adventure and self-improvement instructions; motion picture films featuring drama and adventure; electronic downloadable publications, namely, books, magazines and newsletters in the field of novels, movies, entertainment and social events, and entertainment personalities; sunglasses; mobile phone accessories, namely, cases for mobile phones; computer application software for mobile phones, namely, software for accessing information in the fields of novels, movies, entertainment and social events, and entertainment personalities; and computer game software for use on mobile phones; protective cases for tablet computers

IC 010. US 026 039 044. G & S: Adult sexual stimulation aids, namely, benwa balls, paddles, vibrators, massage apparatus, artificial penises, artificial vaginas, penis rings, nipple clamps, dildos, dongs, butt plugs, penis sleeves, penis extensions, harnesses and love dolls; condoms

IC 014. US 002 027 028 050. G & S: Jewelry; costume jewelry

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper, cardboard and goods made from these materials, namely, gift wrapping paper, notepaper, paper gift cards, paper gift bags, paper napkins, paper party decorations, paper placemats, paper table cloths and Halloween bags made of paper; printed matter, namely, sex manuals; photographs; stationery; calendars; postcards; greeting cards; books featuring fiction, adult sexuality and self-improvement instructions; magazines featuring fiction, adult sexuality and self-improvement instructions

IC 018. US 001 002 003 022 041. G & S: Goods made from leather and imitation leather, namely, pocketbooks, tote bags, backpacks, luggage, cosmetic bags sold empty, key cases and key chains; trunks and traveling bags; handbags, rucksacks, purses, wallets, holdalls; umbrellas; whips

IC 020. US 002 013 022 025 032 050. G & S: Mirrors; picture frames; pillows and cushions; articles, namely, decorative boxes, figurines, ornaments and novelty items, namely, decorative trinket boxes, made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother of pearl, meerschaum or plastic

IC 021. US 002 013 023 029 030 033 040 050. G & S: Mugs

IC 024. US 042 050. G & S: Textiles and textile goods, namely, bed covers and tablecloths made of textiles; plastic table covers; traveling rugs; lap rugs; duvets; covers for pillows, cushions or duvets; handkerchiefs

IC 025. US 022 039. G & S: Clothing, namely, lingerie, men's underwear, women's underwear, boxer shorts, hosiery, tights, stockings, garters, garter belts, loungewear, dressing gowns, robes, nightwear, sleepwear, sleepwear sets comprised of nightwear and dressing gowns, sleep masks, pajamas, sleep shirts, sleep pants, t-shirts, tops, hooded sweatshirts, blouses, skirts, dresses, men's dress shirts, jackets, neckwear, ties, bow ties,

scarves, pocket squares, bathing costumes, costumes for use in role-playing games, and one-piece garments for infants and babies; headwear, namely, caps

IC 028. US 022 023 038 050. G & S: Games and playthings, namely, stuffed toys, plush toys, playing cards, board games, and role-playing games

IC 033. US 047 049. G & S: Wines; spirits and liqueurs; alcopops; prepared alcoholic cocktails

IC 034. US 002 008 009 017. G & S: Smokers' articles, namely, matches and lighters for smokers

IC 041. US 100 101 107. G & S: Education services, namely, arranging of conferences, seminars and symposiums in the field of adult sexuality; entertainment services, namely, party planning, conducting parties, conducting parties for the purpose of dating and social introduction for adults, hosting social entertainment events, and arranging and conducting special events for social entertainment purposes; and production of films

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

Serial Number 85665643

Filing Date June 29, 2012

Current Basis 44E

**Original Filing
Basis** 1B;44D

**Published for
Opposition** July 30, 2013

**Registration
Number** **4524142**

**Registration
Date** May 6, 2014

Owner (REGISTRANT) Fifty Shades Limited CORPORATION UNITED KINGDOM Russell House,
140 High Street Edgware, Middlesex UNITED KINGDOM HA87LW

**Attorney of
Record** Diane Donnelly

Priority Date June 8, 2012

**Description of
Mark** Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Other Data The name "ANASTASIA STEELE" does not identify a living individual.

**Live/Dead
Indicator** LIVE

**THE MARKS ARE DIFFERENT VISUALLY, PHONETICALLY, CONCEPTUALLY, AND
THEY CREATE DIFFERENT COMMERCIAL IMPRESSIONS**

It is submitted that the two marks are so different visually, phonetically, and conceptually, and they create such different commercial that confusion is unlikely. Furthermore, the marks overall look and sound different. It is respectfully submitted that allowance is in order.

ANASTASIA is a one word mark. ANASTASIA ISLAND IPA and ANASTASIA STEELE are different visually, phonetically and conceptually from the applied for mark.

The cited marks have a different meaning from the applied for mark. ANASTASIA ISLAND IPA is presumably named after the Anastasia Island in Florida. IPA there stands for India Pale Ale.

ANASTASIA STEELE is a heroine of a famous novel 50 Shades of Grey. It is a fictional character.

The TTAB has held that consumers reasonably expect goods and services bearing the name or image of a fictional character that is a proprietary creation of a business entity to emanate from, or be produced or marketed under license from, the entity that created the character and owns the right to profit from commercialization of it. In re Carlson Dolls, 31 USPQ2d at 1320.

Therefore, consumers will know that ANASTASIA STEELE mark is owned by the entity that created it and by no one else, and likewise, consumers will associate that mark ANASTASIA STEELE with that source – with that particular creator. Consumers will not associate Applicant's mark ANASTASIA with the creator of ANASTASIA STEELE fictional character, or vice versa.

Similarly, no sophisticated consumer in their right mind would confuse the applied for mark ANASTASIA with a beer brand named after a Florida island or after a fictional character from 50 Shades of Gray.

Furthermore, there is a famous character from folklore named Anastasia the Russian princess, who is believed to be the only one surviving child of the Czar's family killed by the Bolsheviks in Russia in 1918. That story is famous. Most of the USA customers probably have heard of that story and of the Princess Anastasia.

Intelligent sophisticated consumers will know to differentiate between the different Anastasias – between the Princess, between the fictional character, and between the liquor products of the Applicant's.

Anastasia is a common Greek name.

No one entity should have the right to control that name as a trademark.

No consumer would believe that the applied for mark has anything to do with the cited marks. Thus, confusion is not likely.

THE MEANING OF THE MARKS

The cited mark ANASTASIA ISLAND IPA means the following, as per Wikipedia:

https://en.wikipedia.org/wiki/Anastasia_Island

This article is about the island off the coast of Florida. For island in the Black Sea, see [St. Anastasia Island](#).



[St. Augustine Lighthouse](#) on Anastasia Island.

Anastasia Island is a [barrier island](#) located off the northeast [Atlantic](#) coast of [Florida](#) in the [United States](#). It sits east of [St. Augustine](#), running north-south in a slightly southeastern direction to [Matanzas Inlet](#). The island is about 14 miles (23 km) long^{[1][2]} and an average of 1 mile in width. It is separated from the mainland by the [Matanzas River](#), part of the [Intracoastal waterway](#). [Matanzas Bay](#), the body of water between the island and downtown St. Augustine, opens into St. Augustine Inlet.

Part of the island (the Davis Shores and Lighthouse Park neighborhoods) is within St. Augustine city limits, while other communities on the island include [St. Augustine Beach](#), [Coquina Gables](#), [Butler Beach](#), [Crescent Beach](#), and Treasure Beach.

[Fort Matanzas National Monument](#), a Spanish colonial-era fort built in 1740–1742,^[3] is located at the southern end of the island^[4] on Rattlesnake Island in the [Intracoastal waterway](#) within the park boundaries;^[5] it was designed to protect St. Augustine from attack via the Matanzas River.



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History^[edit]

[Juan Ponce de León](#) may have landed on the barrier island in 1513.^[6] Spanish Admiral [Pedro Menéndez de Avilés](#), founder of St. Augustine, moved his initial settlement to Anastasia Island after a revolt by the [Timucuan](#) Indians in 1566.^[7] This settlement was short-lived, and the colonists moved back to the mainland^[8] at the site of present-day downtown St. Augustine.



Original Anastasia Island lighthouse, now destroyed. Lower parts of the coquina tower dated to the First Spanish Period.

The Spanish built a wooden watch-tower on the northern end of Anastasia Island^[9] to warn the town of approaching vessels by raising signal flags.^[10] It was sighted by [Sir Francis Drake](#) in 1586;^{[11][12]} consequently he came ashore and attacked the city.^[13] The Spanish eventually replaced the tower with a [coquina](#) structure that was converted into a lighthouse soon after Florida came into the possession of the United States^[14] in 1821.^{[15][16]} This was replaced by the present-day [St. Augustine Light](#) in 1874.^[17] The original lighthouse collapsed in 1880 due to beach erosion and the encroachment of the sea. The earliest built residence on Anastasia Island still standing is the lighthouse keepers' house built in 1876^[17] next to the present lighthouse. Several other houses in the Lighthouse Park neighborhood date to the 1880s.

The island was part of a 10,000 acre land grant from the Spanish crown to the land dealer [Jesse Fish](#),^[18] who established a plantation, *El Vergel* (The Orchard), and built his home there in 1763.^[19] Fish planted orange groves on the property which produced fruit known as far away as London^[20] for its juiciness and sweetness.^[21] His production increased annually until 1776, when he shipped a total of 65,000 oranges from Florida.

In 1792, Jesse Fish's son, Jesse Fish, Jr., purchased the tract, amounting to the whole of "St. Anastasia" island except certain lands marked off by officials as reserved, such as the King's Quarry.^{[22][23]} Sarah Fish, Jesse Fish, Jr.'s wife and heir, filed a claim that was reported to Congress in 1826 as valid by the commissioners for East Florida and the Secretary of State of the United States, and subsequently confirmed by an act of Congress on May 23, 1828.^[24]

The land developer David Paul Davis, known as "D. P." or "Doc", a native of [Green Cove Springs](#),^[25] developed the Davis Shores neighborhood at the north end of Anastasia Island during the land boom of the mid–1920s. In 1925–1926 he filled in the extensive salt marshes located directly opposite the center of St. Augustine across the Matanzas River.^[26] As the construction bubble collapsed and real estate values plummeted, D.P. Davis mysteriously disappeared at sea on October 12, 1926.^[27] Construction of the [Bridge of Lions](#) had begun in 1925 to provide access to his projected development and was completed in 1927.^[28] During [World War II](#) the Coast Guard occupied the lighthouse, and other residences in Davis Shores were used as barracks for soldiers.

Beneath the sandy soil of most of the island lie layers of [coquina](#), a shelly rock in various stages of consolidation. This rock is composed primarily of whole and fragmented shells of the [donax](#), or coquina, clam^[29] admixed occasionally with scattered fossils of various marine vertebrates, including sharks' and rays' teeth. This deposition is known as the [Anastasia Formation](#),^[2] and was formed during the [Late Pleistocene](#) epoch, in the period of successive [glacial ages](#) from about 110,000 years to 11,700 years ago. It is the only local natural source of stone, and was quarried by the Spanish and later the British to construct many of the buildings in St. Augustine (including the [Castillo de San Marcos](#)). An old well and chimney made of coquina rock, located on Old Beach Road,^[30] are all that remain of the Spanish barracks built to house the workers who mined the coquina for construction of the fort.^[31] These included quarry overseers, masons, and stonecutters.^[32] The years-long project (1672-1695) was accomplished with the help of Native American forced labor and African slaves.^[33]

Parks^[edit]

In addition to Fort Matanzas National Monument, Anastasia island is also home to the 1,600-acre (6.5 km²), [Anastasia State Park](#).

IPA means India Pale Ale:

https://en.wikipedia.org/wiki/India_pale_ale

India pale ale

From Wikipedia, the free encyclopedia
[Jump to navigation](#)[Jump to search](#)

India Pale Ale



India Pale Ale from [Fuller's Brewery](#)

Country of origin	England
Alcohol by volume	5.0% - 9.7%
Color (SRM)	6 - 14
Bitterness (IBU)	40 - 120 ^{[citation needed]}
Original Gravity	1.050 - 1.075
Final Gravity	1.010 - 1.018



1907 publication of "Canadian Grocer" showing [Molson's](#) India Pale Ale and Porter display



Beer label for [McEwan's](#) Pale India Ale from 1907 or earlier

India pale ale (IPA) is a [hoppy beer style](#) within the broader category of [pale ale](#).^[1]

The term "pale ale" originally denoted an [ale](#) brewed from pale [malt](#).^[2] Among the first brewers known to export beer to India was George Hodgson's Bow Brewery,^[3] on the [Middlesex-Essex](#) border. Bow Brewery beers became popular among [East India Company](#) traders in the late 18th century because of the brewery's location near the [East India Docks](#). Demand for the export style of pale ale, which had become known as India pale ale, developed in England around 1840

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and it later became a popular product there.^{[4][5]} IPAs have a long history in Canada and the United States, and many breweries there produce a version of the style.^[6]

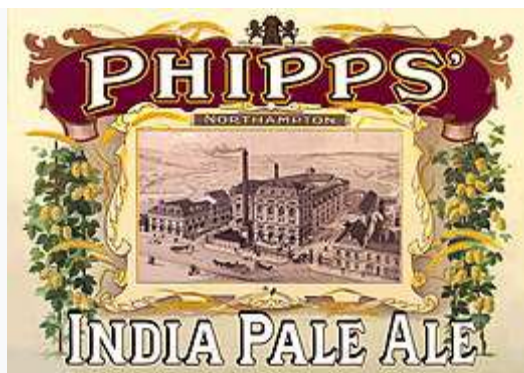


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History^[edit]

The pale ales of the early 18th century were lightly [hopped](#) and quite different from today's pale ales.^[7] By the mid-18th century, pale ale was mostly brewed with [coke](#)-fired malt, which produced less smoking and roasting of [barley](#) in the malting process, and hence produced a paler beer.^{[8][9]} One such variety of beer was [October beer](#), a pale well-hopped brew popular among the [landed classes](#), who brewed it domestically; once brewed it was intended to [cellar](#) two years.^[10]



19th century poster for [Phipps](#), an IPA brewer in [Northampton](#).

Among the first brewers known to export beer to India was George Hodgson's^[3] Bow Brewery, on the [Middlesex-Essex](#) border. Bow Brewery beers became popular among [East India Company](#) traders in the late 18th century because of the brewery's location near the [East India Docks](#)^[a] and Hodgson's liberal [credit line](#) of 18 months. Ships transported Hodgson's beers to India, among them his October beer, which benefited exceptionally from conditions of the voyage and was apparently highly regarded among its consumers in India.^[12] Bow Brewery came into the control of Hodgson's son in the early 19th century,^[b] but his business practices alienated their customers.^[citation needed] During the same period, several [Burton](#) breweries lost their European export market in Russia when the [Tsar](#) banned the trade, and were seeking a new export market for their beer.^[11]

At the behest of the East India Company, [Allsopp](#) brewery developed a strongly-hopped pale ale in the style of Hodgson's for export to India.^{[13][14]} Other Burton brewers, including [Bass](#) and [Salt](#), were eager to replace their lost Russian export market and quickly followed Allsopp's lead. Perhaps as a result of the advantages of Burton water in brewing,^[c] Burton India pale ale was preferred by

merchants and their customers in India, but Hodgson's October beer clearly influenced the Burton brewers' India pale ales.

Brewer [Charrington](#)'s trial shipments of [hogsheads](#) of "India Ale" to [Madras](#) and [Calcutta](#) in 1827 proved successful and a regular trade emerged with the key British agents and retailers: Griffiths & Co in Madras; Adam, Skinner and Co. in [Bombay](#) and Bruce, Allen & Co. in Calcutta.^[15]

Early IPA, such as Burton brewers' and Hodgson's, was only slightly higher in alcohol than most beer brewed in his day and would not have been considered a strong ale; however, a greater proportion of the [wort](#) was well-fermented, leaving behind few residual sugars, and the beer was strongly hopped.^[16] The common story that early IPAs were much stronger than other beers of the time, however, is a myth.^[17] While IPAs were formulated to survive long voyages by sea better than other styles of the time, [porter](#) was also shipped to India and California successfully.^[18] It is clear that by the 1860s, India pale ales were widely brewed in England, and that they were much more [attenuated](#) and highly hopped than porters and many other ales.^[19]

Demand for the export style of pale ale, which had become known as *India pale ale*, developed in England around 1840 and India pale ale became a popular product in England.^{[4][5]} Some brewers dropped the term "India" in the late 19th century, but records indicated that these "pale ales" retained the features of earlier IPAs.^[20] American, Australian, and Canadian brewers manufactured beer with the label IPA before 1900, and records suggest that these beers were similar to English IPA of the era.^{[21][22]}

IPA style beers started being exported to other colonial countries, such as Australia and New Zealand, around this time with many breweries dropping the 'I' in 'IPA' and simply calling them Pale Ales or Export Pales. Many breweries, such as [Kirkstall Brewery](#), sent large quantities of export beer across the world by steam ship to auction off to wholesalers upon arrival.

United Kingdom^[edit]



Best India Pale Ale, bottled expressly for export by A. W. Palmer & Co.

India Pale Ale, or IPA, has been used in the United Kingdom to describe a well-hopped, [high-gravity](#) beer since 1835. It gained popularity in the domestic market after 1841.^[23] The term IPA is still commonly used in the [United Kingdom](#). It is a type of beer offered by many brewers in the UK. To conform to the style, Modern British IPAs should be in the range 40-60 IBU with alcohol in the range 5% to 8%. The modern incarnation is described as "A hoppy, moderately-strong, very well-attenuated pale British ale with a dry finish and a hoppy aroma and flavour".^[24]

Some beers, for example [Greene King](#) IPA and [Charles Wells](#) Eagle IPA are marketed with the initials IPA despite actually being examples of ordinary bitters. In the opinion of the [Campaign for Real Ale](#), "so-called IPAs with strengths of around 3.5% are not true to style",^[25] although IPAs with an [abv](#) of 4% or lower have been brewed in Britain since at least the 1920s.^[26]

Canada^[edit]

Strong and bitter IPA is a popular style in the Canadian craft beer industry.^[27] [AB-InBev](#) produces a Canadian beer called "Alexander Keith's IPA". Because it is only 5% abv and lightly hopped, purists and craft brewers point out that it does not meet the accepted criteria for an IPA.^[27] When exported to the United States, AB-Inbev labels this beer "Alexander Keith's Nova Scotia Style Pale Ale".^[28]

United States^[edit]

IPAs have a long history in the United States, and many breweries there produce a version of the style.^[6] Contemporary American IPAs are typically brewed with distinctively American hops, such as [Cascade](#), Centennial, Citra, Columbus, [Chinook](#), Simcoe, [Amarillo](#), Tomahawk, Warrior, Neomexicanus, and Nugget.

East Coast IPAs are distinguished from West Coast IPAs by a stronger malt presence, which balances the intensity of the hops, whereas hops are more prominent in the western brews, possibly because of the proximity of West Coast breweries to hop fields in the Pacific Northwest. East Coast breweries rely more on spicier European hops and specialty malts than those on the West Coast.^{[29][30][31]}

Double IPAs (also referred to as Imperial IPAs) are a stronger, very hoppy variant of IPAs that typically have alcohol content above 7.5% by volume.^[32] The style is claimed to have originated with Vinnie Cilurzo, currently the owner of [Russian River Brewing Company](#) in [Santa Rosa, California](#), in 1994 at the now-defunct Blind Pig Brewery in [Temecula, California](#).^[6] The style has been embraced by the [craft brewers](#) of [San Diego County, California](#), to such an extent that double IPAs have been referred to as "San Diego pale ale" by [Garrett Oliver](#), brewmaster at the [Brooklyn Brewery](#).^{[33][34]}

In the United States, sales of IPAs have increased, helping drive the craft beer renaissance.^[35]

New England India pale ales are a style of IPA invented in [Vermont](#) in the early 2010s. They are characterized by juicy, citrus, and floral flavours, with a more subtle and less piney hop taste than typical IPAs. They also have a smooth consistency or mouthfeel, and a hazy appearance. These characteristics are achieved using a combination of brewing techniques, including the use of particular strains of yeast, the timing of adding the hops, and adjusting the chemistry of the water.^{[36][37][38][39]} The style has become popular among [New England](#) brewers. New England IPAs need not be brewed in New England.^[40] It was officially recognized as a separate beer style, the Juicy or Hazy India Pale Ale, by the Brewers Association in 2018.^{[41][42]}

India pale lager^[edit]

India pale lager (IPL) is a [hoppy beer style](#) inspired by India pale ale. But unlike IPAs, IPLs are fermented with a lager yeast strain at lager fermentation temperatures. They generally combine a crisp lager finish with amplified hops.^{[43][44]}

Footnotes^[edit]

1. **Jump up**^ The Bow Brewery was on the banks of the [River Lea](#) near [Bow bridge](#). The East India Docks lay two miles down river.^[1]
2. **Jump up**^ Mark Hodgson died in 1810, leaving the Bow Brewery in the care of a trust. His only surviving son, Frederick Hodgson, took control of the brewery in 1819.^[1]
3. **Jump up**^ The water of Burton on Trent contains a very high concentration of sulphate which accentuates the bitterness of beer. See Daniels, Foster, and Cornell.
4. **Jump up**^ The double IPA, though, is not quite a native, even though Vinnie Cilurzo is credited with creating the style in 1994, when he was running Blind Pig Brewery in Temecula. Blind Pig IPA set the bar high and bitter – the recipe called for four varieties of malts, but the intensely aromatic and bitter hops were the super star.^[citation needed]

References

Anastasia Steele is a fictional character from 50 Shades of Grey:

https://en.wikipedia.org/wiki/Fifty_Shades_of_Grey

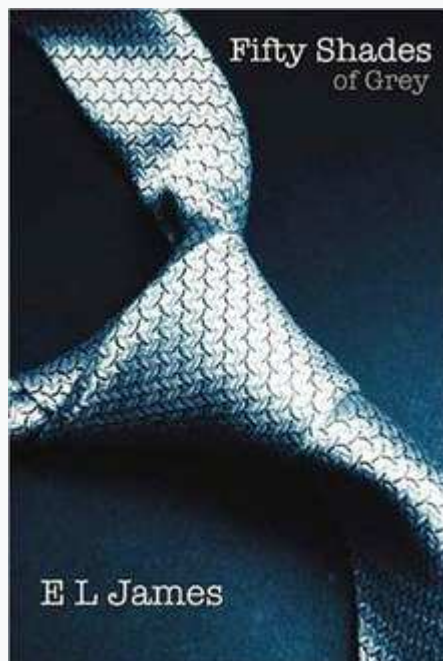
Fifty Shades of Grey

From Wikipedia, the free encyclopedia

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This article is about the novel. For its film adaptation, see [Fifty Shades of Grey \(film\)](#). For the novel series, see [Fifty Shades trilogy](#).

Fifty Shades of Grey



2012 paperback cover

Author	E. L. James
Country	United Kingdom
Language	English
Series	Fifty Shades trilogy
Genre	Erotic romance
Published	20 June 2011 (Vintage Books)
Media type	Print (Hardcover , paperback)
Pages	514
ISBN	978-1-61213-028-6

[OCLC](#)

[780307033](#)

Followed by

[Fifty Shades Darker](#)

Fifty Shades of Grey is a 2011 [erotic romance novel](#) by British author [E. L. James](#).^[1] It is the first instalment in the [Fifty Shades trilogy](#) that traces the deepening relationship between a college graduate, Anastasia Steele, and a young business magnate, Christian Grey. It is notable for its explicitly erotic scenes featuring elements of sexual practices involving [bondage/discipline](#), [dominance/submission](#), and [sadism/masochism](#) (BDSM). Originally [self-published](#) as an [ebook](#) and a [print-on-demand](#), publishing rights were acquired by [Vintage Books](#) in March 2012.

Fifty Shades of Grey has topped best-seller lists around the world, selling over 125 million copies worldwide by June 2015. It has been translated into 52 languages, and set a record in the United Kingdom as the fastest-selling paperback of all time. Critical reception of the book, however, has tended towards the negative, with the quality of its prose generally seen as poor. [Universal Pictures](#) and [Focus Features](#) produced a [film adaptation](#), which was released on 13 February 2015^[2] and also received generally unfavourable reviews.

The second and third volumes of the trilogy, [Fifty Shades Darker](#) and [Fifty Shades Freed](#), were published in 2012. [Grey: Fifty Shades of Grey as Told by Christian](#), a version of *Fifty Shades of Grey* being told from Christian's point of view, was published in June 2015.



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- [7External links](#)

Plot[edit]

Anastasia "Ana" Steele is a 21-year-old college senior attending [Washington State University](#) in [Vancouver, Washington](#). Her best friend is Katherine "Kate" Kavanagh, who writes for Application Ser. No. 87781863 – ANASTASIA

the college newspaper. Due to an illness, Kate is unable to interview 27-year-old Christian Grey, a successful and wealthy [Seattle](#) entrepreneur, and asks Ana to take her place. Ana finds Christian attractive as well as intimidating. As a result, she stumbles through the interview and leaves Christian's office believing it went poorly. Ana does not expect to meet Christian again, but he appears at the hardware store where she works. While he purchases various items including cable ties, masking tape, and rope, Ana informs Christian that Kate would like some photographs to illustrate her article about him. Christian gives Ana his phone number. Later, Kate urges Ana to call Christian and arrange a photo shoot with their photographer friend, José Rodriguez.

The next day José, Kate, and Ana arrive for the photo shoot at the [Heathman Hotel](#), where Christian is staying. Christian asks Ana out for coffee and asks if she is dating anyone, specifically José. Ana replies that she is not dating anyone. During the conversation, Ana learns that Christian is also single, but he says he is not romantic. Ana is intrigued but believes she is not attractive enough for Christian. Later, Ana receives a package from Christian containing first edition copies of [Tess of the d'Urbervilles](#), which stuns her. Later that night, Ana goes out drinking with her friends and ends up [drunk dialling](#) Christian, who informs her that he will be coming to pick her up because of her inebriated state. Ana goes outside to get some fresh air, and José attempts to kiss her, but he is stopped by Christian's arrival. Ana leaves with Christian, but not before she discovers that Kate has been flirting with Christian's brother, Elliot. Later, Ana wakes to find herself in Christian's hotel room, where he scolds her for not taking proper care of herself. Christian then reveals that he would like to have sex with her. He initially says that Ana will first have to fill in paperwork, but later goes back on this statement after making out with her in the elevator.

Ana goes on a date with Christian, on which he takes her in his helicopter, *Charlie Tango*, to his apartment. Once there, Christian insists that she sign a [non-disclosure agreement](#) forbidding her from discussing anything they do together, which Ana agrees to sign. He also mentions other paperwork, but first takes her to his playroom full of [BDSM](#) toys and gear. There, Christian informs her that the second contract will be one of [dominance and submission](#), and there will be no romantic relationship, only a sexual one. The contract even forbids Ana from touching Christian or making eye contact with him. At this point, Christian realises that Ana is a [virgin](#) and takes her virginity without making her sign the contract. The following morning, Ana and Christian again have sex. His mother arrives moments after their sexual encounter and is surprised by the meeting, having previously thought Christian was [homosexual](#), because he was never seen with a woman. Christian later takes Ana out to eat, and he reveals that he lost his virginity at age 15 to one of his mother's friends, Elena Lincoln, and that his previous dominant/submissive relationships failed due to incompatibility. Christian also reveals that in his first dominant/submissive relationship he was the submissive. Christian and Ana plan to meet again, and he takes Ana home, where she discovers several job offers and admits to Kate that she and Christian had sex.

Over the next few days, Ana receives several packages from Christian. These include a laptop to enable her to research the BDSM lifestyle in consideration of the contract; to communicate with him, since she has never previously owned a computer; and to receive a more detailed version of the dominant/submissive contract. She and Christian email each other, with Ana teasing him and refusing to honour parts of the contract, such as only eating foods from a specific list. Ana later meets with Christian to discuss the contract and becomes overwhelmed by the potential BDSM arrangement and the potential of having a sexual relationship with Christian that is not romantic in nature. Because of these feelings, Ana runs away from Christian and does not see him again until her college graduation, where he is a guest speaker. During this time, Ana agrees to sign the dominant/submissive contract. Ana and Christian once again meet to further discuss the contract, and they go over Ana's [hard and soft limits](#). Christian spansks Ana for the first time, and the experience leaves her both enticed and slightly confused. This confusion is exacerbated by Christian's lavish gifts and the fact that he brings her to meet his family. The two continue with the arrangement without Ana's having yet signed the contract. After successfully landing a job with Seattle Independent Publishing (SIP), Ana further bristles under the restrictions of the non-disclosure

agreement and her complex relationship with Christian. The tension between Ana and Christian eventually comes to a head after Ana asks Christian to punish her in order to show her how extreme a BDSM relationship with him could be. Christian fulfils Ana's request, beating her with a belt, and Ana realises they are incompatible. Devastated, she breaks up with Christian and returns to the apartment she shares with Kate.

Background and publication^[edit]



E. L. James in 2012

The *Fifty Shades* trilogy was developed from a [Twilight fan fiction](#) series originally titled *Master of the Universe* and published episodically on fan-fiction websites under the pen name "Snowqueen's Icedragon". The piece featured characters named after [Stephenie Meyer's](#) characters in *Twilight*, [Edward Cullen](#) and [Bella Swan](#). After comments concerning the sexual nature of the material, James removed the story from the fan-fiction websites and published it on her own website, [FiftyShades.com](#). Later she rewrote *Master of the Universe* as an original piece, with the principal characters renamed Christian Grey and Anastasia Steele and removed it from her website before publication.^[3] Meyer commented on the series, saying "that's really not my genre, not my thing... Good on her—she's doing well. That's great!"^[4]

This reworked and extended version of *Master of the Universe* was split into three parts. The first, titled *Fifty Shades of Grey*, was released as an e-book and a [print on demand](#) paperback in May 2011 by The Writers' Coffee Shop, a virtual publisher based in Australia.^{[5][6]} The second volume, *Fifty Shades Darker*, was released in September 2011; and the third, *Fifty Shades Freed*, followed in January 2012. The Writers' Coffee Shop had a restricted marketing budget and relied largely on book blogs for early publicity, but sales of the novel were boosted by word-of-mouth recommendation. The book's erotic nature and perceived demographic of its fan base as being composed largely of married women over thirty led to the book being dubbed "Mommy Porn" by some news agencies.^{[7][8]} The book has also reportedly been popular among teenage girls and college women.^{[8][9][10]} By the release of the final volume in January 2012, news networks in the United States had begun to report on the *Fifty Shades* trilogy as an example of [viral marketing](#) and of the rise in popularity of female erotica, attributing its success to the discreet nature of [e-reading devices](#).^{[11][12]} Due to the heightened interest in the series, the license to the *Fifty Shades* trilogy was picked up by [Vintage Books](#) for re-release in a new and revised edition in April 2012.^{[13][14]} The attention that the series has garnered has also helped to spark a renewed interest in [erotic literature](#).

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Many other erotic works quickly became [best-sellers](#) following *Fifty Shades*' success, while other popular works, such as [Anne Rice's](#) *The Sleeping Beauty* trilogy, have been reissued (this time without pseudonyms) to meet the higher demand.^[15]

On 1 August 2012, [Amazon](#) UK announced that it had sold more copies of *Fifty Shades of Grey* than it had the entire *Harry Potter* series combined, making E. L. James its best-selling author, replacing [J. K. Rowling](#), though worldwide the *Harry Potter* series sold more than 450 million copies compared with *Fifty Shades of Grey*'s sales of 60 million copies.^[16]

Reception^[edit]

Fifty Shades of Grey has topped best-seller lists around the world, including those of the United Kingdom and the United States.^{[17][18]} The series had sold over 125 million copies worldwide by June 2015 and has been translated into 52 languages,^{[19][20]} and set a record in the United Kingdom as the fastest-selling paperback of all time.^[21]

Critical response^[edit]

It has received mixed to negative reviews, with most critics noting poor literary qualities of the work. [Salman Rushdie](#) said about the book: "I've never read anything so badly written that got published. It made *Twilight* look like *War and Peace*."^[22] [Maureen Dowd](#) described the book in *The New York Times* as being written "like a [Bronte](#) devoid of talent," and said it was "dull and poorly written."^[23] Jesse Kornbluth of *The Huffington Post* said: "As a reading experience, *Fifty Shades* ... is a sad joke, puny of plot".^[24]

[Princeton](#) professor April Alliston wrote, "Though no literary masterpiece, *Fifty Shades* is more than parasitic fan fiction based on the recent *Twilight* vampire series."^[25] *Entertainment Weekly* writer Lisa Schwarzbaum gave the book a "B+" rating and praised it for being "in a class by itself."^[26] British author [Jenny Colgan](#) in *The Guardian* wrote "It is jolly, eminently readable and as sweet and safe as BDSM (bondage, discipline, sadism and masochism) erotica can be without contravening the [trade descriptions act](#)" and also praised the book for being "more enjoyable" than other "literary erotic books".^[27] *The Daily Telegraph* noted that the book was "the definition of a page-turner", noting that the book was both "troubling and intriguing".^[28] A reviewer for the *Ledger-Enquirer* described the book as guilty fun and escapism, and that it "also touches on one aspect of female existence [female submission]. And acknowledging that fact – maybe even appreciating it – shouldn't be a cause for guilt."^[29] *The New Zealand Herald* stated that the book "will win no prizes for its prose" and that "there are some exceedingly awful descriptions," although it was also an easy read; "(If you only) can suspend your disbelief and your desire to – if you'll pardon the expression – slap the heroine for having so little self respect, you might enjoy it."^[30] *The Columbus Dispatch* stated that, "Despite the clunky prose, James does cause one to turn the page."^[31] *Metro News Canada* wrote that "suffering through 500 pages of this heroine's inner dialogue was torturous, and not in the intended, sexy kind of way".^[32] Jessica Reaves, of the *Chicago Tribune*, wrote that the "book's source material isn't great literature", noting that the novel is "sprinkled liberally and repeatedly with asinine phrases", and described it as "depressing".^[33]

The book garnered some accolades. In December 2012, it won both "Popular Fiction" and "Book of the Year" categories in the UK [National Book Awards](#).^{[34][35]} In that same month, *Publishers Weekly* named E. L. James the 'Publishing Person of the Year', a decision whose criticism in the *LA Times* and the *New York Daily News* was referred to by and summarised in *The Christian Science Monitor*.^[36] Earlier, in April 2012, when [E. L. James](#) was listed as one of *Time* magazine's "100 Most Influential People in the World",^[37] Richard Lawson of *The Atlantic Wire* criticised her inclusion due to the trilogy's fan fiction beginnings.^[38]

Controversy^[edit]

Fifty Shades of Grey has attracted criticism due to its depictions of [BDSM](#), with some BDSM participants stating that the book confuses BDSM with abuse and presents it as a pathology to be overcome, as well as showing incorrect and possibly dangerous BDSM techniques.^{[39][40]}

Coinciding with the release of the book and its surprising popularity, injuries related to BDSM and [sex toy](#) use spiked dramatically. In 2012, the year after the book was published, injuries requiring Emergency Room visits increased by over 50% from 2010 (the year before the book was published). This is speculated to be due to people unfamiliar with both the proper use of these toys and the safe practice of [bondage](#) and other "kinky" sexual fetishes attempting what they had read in the book.^[41]

There has also been criticism against the fact that BDSM is part of the book. Archbishop Dennis Schnurr of Cincinnati said in an early February 2015 letter, "The story line is presented as a romance; however, the underlying theme is that bondage, dominance, and sadomasochism are normal and pleasurable."^[42] The [feminist anti-pornography](#) organisation [Stop Porn Culture](#) called for a boycott of the movie based on the book because of its sex scenes involving bondage and violence.^[43] By contrast, Timothy Laurie and Jessica Kean argue that "film fleshes out an otherwise legalistic concept like 'consent' into a living, breathing, and at times, uncomfortable interpersonal experience," and "dramatises the dangers of unequal negotiation and the practical complexity of identifying one's limits and having them respected."^[44]

Several critics and scientists have expressed concern that the nature of the main couple's relationship is not [BDSM](#) at all, but rather is characteristic of an abusive relationship. In 2013, social scientist Professor Amy E. Bonomi published a study wherein the books were read by multiple professionals and assessed for characteristics of [intimate partner violence](#), or IPV, using the [CDC's](#) standards for emotional abuse and sexual violence. The study found that nearly every interaction between Ana and Christian was emotionally abusive in nature, including stalking, intimidation, and isolation. The study group also observed pervasive sexual violence within the CDC's definition, including Christian's use of alcohol to circumvent Ana's ability to consent, and that Ana exhibits classic signs of an abused woman, including constant perceived threat, stressful managing, and altered identity.^{[45][46]}

A second study in 2014 was conducted to examine the health of women who had read the series, compared with a control group that had never read any part of the novels. The results showed a correlation between having read at least the first book and exhibiting signs of an [eating disorder](#), having romantic partners that were emotionally abusive and/or engaged in stalking behaviour, engaging in [binge drinking](#) in the last month, and having 5 or more sexual partners before age 24. The authors could not conclude whether women already experiencing these "problems" were drawn to the series, or if the series influenced these behaviours to occur after reading by creating underlying context.^[47] The study's lead researcher contends that the books romanticise dangerous behaviour and "perpetuate dangerous abuse standards."^[48] The study was limited in that only women up to age 24 were studied, and no distinction was made among the reader sample between women who enjoyed the series and those that had a strong negative opinion of it, having only read it out of curiosity due to the media hype or other obligation.^[49]

At the beginning of the media hype, [Dr. Drew](#) and sexologist Logan Levkoff discussed on [The Today Show](#)^[50] whether the book perpetuated [violence against women](#); Levkoff said that while that is an important subject, this trilogy had nothing to do with it – this was a book about a consensual relationship. Dr. Drew commented that the book was "horribly written" in addition to being "disturbing" but stated that "if the book enhances women's real-life sex lives and intimacy, so be it."^[51]

Censorship[\[edit\]](#)

In March 2012, branches of the public library in [Brevard County, Florida](#), removed copies of *Fifty Shades of Grey* from their shelves, with an official stating that it did not meet the selection criteria for the library and that reviews for the book had been poor. A representative for the library stated that it

was due to the book's sexual content and that other libraries had declined to purchase copies for their branches.^[52] Deborah Caldwell-Stone of the [American Library Association](#) commented that "If the only reason you don't select a book is that you disapprove of its content, but there is demand for it, there's a question of whether you're being fair. In a public library there is usually very little that would prevent a book from being on the shelf if there is a demand for the information."^[62] Brevard County public libraries later made their copies available to their patrons due to public demand.^[53]

In [Macaé](#), Brazil, Judge Raphael Queiroz Campos ruled in January 2013 that bookstores throughout the city must either remove the series entirely from their shelves or ensure that the books are wrapped and placed out of the reach of minors.^[54] The judge stated that he was prompted to make such an order after seeing children reading them,^[55] basing his decision on a law stating that "magazines and publications whose content is improper or inadequate for children and adolescents can only be sold if sealed and with warnings regarding their content".^[56]

In February 2015, the Malaysian [Home Ministry](#) banned the *Fifty Shades of Grey* books shortly after banning its film adaptation after permitting them for three years in local bookstores, citing morality-related reasons.^[57]

Media^[edit]

Film adaptation^[edit]

Main article: [Fifty Shades of Grey \(film\)](#)



[Jamie Dornan](#) and [Dakota Johnson](#) were cast in the roles of Christian Grey and Anastasia Steele, respectively.

A film adaptation of the book was produced by [Focus Features](#),^[58] [Michael De Luca Productions](#), and [Trigger Street Productions](#),^[59] with [Universal Pictures](#) and [Focus Features](#) securing the rights to the trilogy in March 2012.^[60] Universal is also the film's distributor. [Charlie Hunnam](#) was originally cast in the role of Christian Grey alongside [Dakota Johnson](#) in the role of Anastasia Steele,^{[61][62]} but Hunnam gave up the part in October 2013,^[63] with [Jamie Dornan](#) announced for the role on 23 October.^[64]

The film was released on 13 February 2015,^[2] and although popular at the box office, critical reactions were mixed to negative.^[65]

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Film soundtrack^[edit]

Main article: [Fifty Shades of Grey: Original Motion Picture Soundtrack](#)

E. L. James announced the [film's soundtrack](#) would be released on 10 February 2015.^{[66][67]} Prior to the soundtrack's release, the first single, "[Earned It](#)", by [The Weeknd](#), was released on 24 December 2014.^[68] On 7 January 2015, the second single, "[Love Me like You Do](#)" by [Ellie Goulding](#) was released.^[69] Australian singer [Sia](#) released the soundtrack's third single, "Salted Wound", on 27 January 2015.^[70]

Classical album^[edit]

An album of songs selected by E. L. James was released on 11 September 2012 by [EMI Classics](#) under the title *Fifty Shades of Grey: The Classical Album*, and reached number four on the US *Billboard* classical music albums chart in October 2012.^{[71][72]} A *Seattle P-I* reviewer favourably wrote that the album would appeal both to fans of the series and to "those who have no intention of reading any of the Grey Shades".^[73]

Parodies^[edit]

The *Fifty Shades of Grey* trilogy has inspired many parodies in print,^{[74][75]} in film, online, and on stage. In November 2012, Universal Studios attempted to prevent the release of *Fifty Shades of Grey: A XXX Adaptation*, a pornographic film based on the novel, citing copyright and trademark infringement. Smash Pictures, the porn producer, later responded to the lawsuit with a counterclaim that "much or all" of the *Fifty Shades* material was placed in the [public domain](#) in its original *Twilight*-based form,^[76] but later capitulated and stopped production of their film.^[77]

In print^[edit]

[Amazon.com](#) lists over 50 book [parodies](#), e.g.:

- *[Fifty Shades of Oy Vey](#)* (2013)^[78] by E. L. Jamesbergstein
- *[Fifty Shames of Earl Grey](#)* (2012)^[79] by Fanny Merkin (a.k.a. [Andrew Shaffer](#))

In film^[edit]

- *[Fifty Shades of Black](#)* (2016)

Online^[edit]

- Parodying the [fan fiction](#) origins of *Fifty Shades of Grey*, Ivy league MBA students have created *Erotic FinFiction*, a blog containing steamy entries written in business jargon.^[80]

On stage^[edit]

Stage productions include:

- *50 Shades! The Musical Parody*^[81]
- *Cuff Me: The Fifty Shades of Grey Musical Parody*^[82]
- *[Spank! The Fifty Shades Parody](#)*

See also

The name ANASTASIA is a Greek female name that means Resurrected, or Resurrection.

<https://en.wikipedia.org/wiki/Anastasia>

Anastasia

From Wikipedia, the free encyclopedia

[Jump to navigation](#)[Jump to search](#)

For other uses, see [Anastasia \(disambiguation\)](#).

Anastasia	
Pronunciation	<div>/ˌænəˈstɜːrʒə/</div> <div>UK also /-ziə/</div> <div>Greek: [anastaˈsi.a]</div> <div>Russian: [ɐnəstɐˈsijə]</div> <div>Ukrainian: [anastaˈsija]</div>
Gender	 Female
Language(s)	<div> Greek: Αναστασία</div> <div> Russian: Анастасия</div> <div> Ukrainian: Анастасія</div> <div> Serbian Cyrillic: Анастасија</div>
Origin	
Meaning	"Resurrection"
Region of origin	 Greece , (later) Eastern Europe
Other names	
Short form(s)	Stacey, Nastya, Stacie, Sia, Tasia and Stacy

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Related names Annastasia, Anastasiya, Anastasya

Anastasia (from Greek Ἀναστασία) is a feminine [given name](#) and the female equivalent of the male name [Anastasius](#). The name is of Greek origin, coming from the Greek word *anastasis* (ἀνάστασις), meaning "[resurrection](#)". It is a popular name in [Eastern Europe](#), particularly in [Russia](#), where it was the most used name for decades until 2008, when its place was taken by [Sophia](#). It is still heavily used.



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Origin[\[edit\]](#)

The name Anastasia was created during the [early days of Christianity](#) and was abundantly given to [Greek](#) children born in December and around [Easter](#).^{[1][2]} It was established as the female form (Greek: Ἀναστασία) of the male name [Anastasius](#) (Greek: Ἀναστάσιος *Anastasios* pronounced [\[anaˈstasi.os\]](#)),^{[3][2]} and has the meaning of "she/he of the resurrection".^{[3][4]} It is the name of several early saints; including [Anastasia of Sirmium](#), a central saint from the 2nd century who is commemorated during the first [Mass](#) on Christmas Dawn each year according to the traditional calendar of the [Roman Catholic Church](#)^[1] and on December 22 according to the one of the [Eastern Orthodox Church](#). Slavic [diminutives](#) include [Nastya](#),^[3] Nastia or [Nastja](#) (Serbian, Slovenian) as well as various [hypocoristics](#): Nastenka, Nastyusha, Nastyona.

Popularity[\[edit\]](#)

Anastasia is a very popular name for girls, especially in [Europe](#), where most names have Christian associations.^[3] Anastasia was the most popular name for girls for many years in [Russia](#) until 2008, when it was surpassed by the name [Sophia](#).^{[5][6]} It remains one of the top ten names for Russian girls,^{[5][6]} as well as for girls in [Belarus](#),^[4] [Moldova](#),^[4] [Serbia](#),^[7] [Georgia](#),^[8] and [Montenegro](#).^[9]

People with the given name[\[edit\]](#)



[Grand Duchess Anastasia](#), the youngest daughter of the last Russian Tsar, Nicholas II

- [Anastasia \(wife of Constantine IV\)](#) (c. 650 – after 711), Empress consort of Constantine IV of the Byzantine Empire
- [Anastasiya Dabizha](#) (d. 1703), princess of Moldavia and Wallachia and Hetmana of Ukraine
- [Anastasiya Dabizha](#) (d. 1729), Ukrainian Hetmana
- [Anastasia Romanovna](#) (1530-1560), Tsarevna of Russia and spouse of Tsar Ivan the Terrible
- [Grand Duchess Anastasia Nikolaevna of Russia](#) (1901–1918), youngest daughter of Emperor Nicholas II Romanov of Russia
- [Albert Anastasia](#) (1902–1957), New York City Cosa Nostra boss and leader of the gang known as Murder, Inc.
- [Annastasia Baker](#) (born 1988), British gospel singer
- [Anastasia Bachynska](#) (born 2003), Ukrainian artistic gymnast
- [Anastasia Gloushkov](#) (born 1985), Israeli Olympic synchronized swimmer
- [Anastasia Markovich](#) (d. 1729), Ukrainian Hetmana
- [Anastasia Muñoz](#) (born 1984), American voice actress affiliated with Funimation
- [Princess Anastasia of Greece and Denmark](#)
- [Anastasia, Princess of Löwenstein-Wertheim-Rosenberg](#) (born 1944)
- [Anastasia \(sister of Constantine I\)](#), half sister of Emperor Constantine I
- [Anastasia Sinitsyna](#) (born 1983), Russian handball player
- [Anastasia Soare](#) (born 1957/1958), American billionaire businesswoman
- [Anastasia Yankova](#) (born 1991), Russian mixed martial artist

Fictional characters with the given name[\[edit\]](#)

- Anastasia Steele, from [50 Shades of Grey](#).

See also[\[edit\]](#)

- [Sant'Anastasia](#)

References[[edit](#)]

1. ^ Jump up to:^a ^b [New Advent 2012](#).
2. ^ Jump up to:^a ^b [Ancestry 2013](#).
3. ^ Jump up to:^a ^b ^c ^d [Oxford University 2006](#).
4. ^ Jump up to:^a ^b ^c [Essential Baby 2014](#).
5. ^ Jump up to:^a ^b [The Moscow News 2008](#).
6. ^ Jump up to:^a ^b [The Moscow Times 2014](#).
7. **Jump up**[^] [Stil 2014](#).
8. **Jump up**[^] [Ambebi 2014](#).
9. **Jump up**[^] [Vijesti 2013](#).

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THE EFFECT OF THE FAMILIAR VERSUS THE UNFAMILIAR

Here, the word ANASTASIA is familiar, as it refers to a common female name in Greece and Eastern Europe.

The words ANASTASIA STEELE and ANASTASIA ISLAND IPA are unfamiliar, because the first is only known to fans of women's fiction literature and the second is known to beer lovers local to Florida.

We believe that the existence of one mark consisting of an ordinary word having a particular connotation, contrasted with an unfamiliar term having a quite different connotation, results in the marks' being sufficiently distinguishable, when compared in their entireties, despite any technical similarities in possible pronunciations of the respective terms. We remain convinced that the familiar is readily distinguishable from the unfamiliar (emphasis added) and we note a line of decisions recognizing the distinction between common and uncommon terms used as trademarks. See: Jacobs v. International Multifoods Corp. 668 F.2d 1234, 212 USPQ 641 (CCPA 1982) (no likelihood of confusion from use of BOSTON SEA PARTY for restaurant services and BOSTON TEA PARTY for tea) and cases cited therein; In re General Electric Co., 304 F.2d 688, 134 USPQ 190 (CCPA) 1962) (no likelihood of confusion from use of VULKENE for electrical wires and cables and VULCAN for electrical building wires).

See also Dan River Mills, Inc. v. Yorke Shirt Co., 55 CCPA 867, 868, 390 F.2d 734, 735, 156 USPQ 401, 402 (CCPA 1968) (DANTE distinguishable from DANDEEN, DANTONE, DANTUFF, DANTWEED, DANTWILL); 7-Eleven Inc. v. Wechsler, 83 USPQ2d 1715 (TTAB 2007), the familiar ("GULP") is readily distinguishable from the unfamiliar ("GULPY").

So:

PEYOT for cosmetics and toiletries and PEYOTE for men's cologne: No confusion.

BOSTON SEA PARTY for restaurant services and BOSTON TEA PARTY for tea – No confusion.

VULKENE for electrical wires and cables and VULCAN for electrical building wires – No confusion.

DANTE for shirts and DANDEEN, DANTONE, DANTUFF, DANTWEED, DANTWILL for fabrics sold to shirtmakers to make shirts: No confusion.

GULP family of marks and GULPY for complimentary goods: No Confusion.

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In the above cases, different commercial impressions engendered by the marks outweighed any similarities in the sound and appearance thus resulting in findings of no likelihood of confusion. In that regard, in 7-Eleven Inc. v. Wechsler, 83 USPQ2d 1715, 1725 (TTAB 2007), the Board held that the familiar word “Gulp” to be readily distinguishable from the unfamiliar word “Gulpy” and went on to hold “that the differences in the connotation and commercial impression engendered by GULP and BIG GULP, on the one hand, and GULPY, on the other, outweigh any similarities in the appearance and sound of the marks”.

In PEYOT vs. PAYOTE, BOSTON SEA PARTY vs. BOSTON TEA PARTY, GULP vs. GULPY only one letter distinguished the litigated marks from each other. In each case, the differences in the connotation and commercial impression engendered by the registered mark on the one hand, and mark applied for, on the other, outweighed any similarities in the appearance and sound.

The similarities in the appearance and sound as between the familiar ANASTASIA and the unfamiliar Aurata are far greater than the cherry-picked marks referenced in the first sentence of this paragraph.

Logical conclusion:

The human mind is capable of distinguishing the familiar ANASTASIA from the unfamiliar ANASTASIA STEELE and ANASTASIA ISLAND IPA.

ANTI-DISSECTION RULE

Although the Applicant’s Mark bears some similarity to the Cited Marks ANASTASIA STEELE and ANASTASIA ISLAND IPA, there are other factors relating to the marks that differentiate their sight, sound as well as the commercial impression as discussed above.

Under the traditional Anti-Dissection Rule, any comparison of marks for §2(d) purposes is generally performed by viewing the marks “as a whole.” See, e.g., Jet Inc. v. Sewage Aeration Systems, 165 F.3d 419, 423 (6th Cir. 1999); see, also, Midwest Guaranty Bank v. Guaranty Bank, 270 F. Supp. 2d 900, 911 (E.D. Mich. 2003); Electropix v. Liberty Livewire, 178 F. Supp. 2d 1125, 1131 (C.D.CA 2001).

In this matter, it is respectfully submitted that viewed as a whole, applicant’s mark looks and sounds different than the cited ANASTASIA STEELE and ANASTASIA ISLAND IPA.

The cited registered mark is not found in applicant’s mark. Because it is the first word in one of the cited marks and because it is a word or term that a consumer of wine is unlikely to frequently encountered in the marketplace, it is that portion of the cited mark that is dominant and under the Anti-Dissection Rule must be given significant weight when considering the look and sound of the respective marks – see Tony Lama Company, Inc. v. Anthony Di Stefano, 206 USPQ 176 (TTAB 1980).

Sophisticated consumers purchasing expensive alcoholic drinks such as wine and others have learned to differentiate between the products bearing similar but not identical marks.

The Board has, in numerous decisions, given weight to credible and probative evidence of widespread, significant and unrestrained use by third parties of marks containing elements in common with the marks subject of oppositions based on likelihood of confusion, to demonstrate that confusion is not, in fact, likely. The justification for this kind of evidence is the belief that the presence of common elements in marks extensively used by persons and firms unrelated as to source, may cause purchasers to not rely upon such elements as source indicators but to look to other elements as a means of distinguishing the source of the goods. *E.g.*., *Fortunoff Silver Sales, Inc. v. Norman Press, Inc.*, 225 USPQ 863, 867-69 (TTAB 1985) [Third-party uses of “source” significant in determining that NORMAN PRESS THE JEWELER’S SOURCE not likely to be confused with FORTUNOFF THE SOURCE and SOURCE]; *Con-Stan Industries, Inc. v. Nutri-System Weight Loss Medical Centers of America, Inc.*, 212 USPQ 953, 955-57 (TTAB 1981) [Common use of “nutri” as a feature of dietary supplements and vitamin products persuasive in holding NUTRI/SYSTEM & Des. not likely to be confused with NUTRI-SCIENCE for vitamin food supplements.] The doctrine has ample support in decisions by the courts in civil actions involving the same issue. *E.g.*., *Carter-Wallace, Inc. v. Procter & Gamble Co.*, 434 F.2d 794, 167 USPQ 713 (9th Cir. 1970) [Third-party uses of “sure” significant in affirming lower court holding that USE ARRID TO BE SURE and SURE for deodorant products were not likely to be confused].

Also, as held in *General Mills Inc. v. Health Valley Foods*, 24 USPQ2d 1270 (TTAB 1992), the extend of third party use suggests that the consuming public can readily distinguish one BO and variations thereof mark from another:

We reiterate that an important factor in our analysis is the evidence of widespread use of the term “fiber” in connection with cereals and other food products. This evidence suggests that consumers have become so conditioned by the large number of FIBER marks for food products that customers are accustomed to distinguishing between different FIBER marks, even on the basis of small differences. See, e.g.: *Standard Brands, Inc. v. RJR Foods, Inc.*, 192 USPQ 383 (TTAB 1976).

Furthermore, third party marks are good evidence to show why a mark has been adopted. In that regard, see *Shoe Corp. of America v. Juvenile Shoe Corp.*, 121 USPQ 510 (CCPA 1959) wherein the Court of Customs and Patent Appeals held:

We regard the registrations only as evidence that five other concerns have considered five other marks, each of which contains “Lazy” as its initial word, to be appropriate as trademarks for shoes.
The Registration of five such marks scarcely be attributed to mere coincidence, but affords definite evidence that the word “Lazy” has a suggestive significance as applied to shoes and hence would be taken primarily as describing or suggesting some quality of shoes rather than as pointing to their origin.

In *Shoe Corp.*, case, five third party registrations were considered sufficient to render LAZY “weak” so as to limit the scope of protection.

In Royal Petroleum Corporation v. River States Oil Company v. Union Oil Company of California, 136 USPQ 79 (TTAB 1962) the Board specifically held that “it has been consistently held that trademarks will not ordinarily be held confusingly similar because each of them includes a word of that type” (suggestive as opposed to arbitrary).

As a result, the Board allowed:

- (1) Applicant Petroleum a registration for ROYAL for gasoline;
- (2) Applicant Union a registration for ROYAL 76 for gasoline;
- (3) Applicant River a registration for ROYAL with a background “RS” for gasolines;
- (4) Applicant River a registration for ROYAL LUBE for lubricating oil.

The Applicant’s mark and 2(d) citation are different in look, sound and meaning. To the extent there are any similarity that has to do with the use of weak suggestive/laudatory nature of the cited marks. As held by the Board in Bost Bakery v. Roland Industries, Inc., 216 USPQ 799 (TTAB 1982) at page 891:

Moreover, the principle that similarity between the marks in meaning or commercial significance alone may be sufficient to create a likelihood of confusion is applicable primarily to situations where marks are coined or arbitrary rather than highly suggestive in cast. Penn Dairies, Inc. v. Pennsylvania Agricultural Cooperative Marketing Assn., 200 USPQ 462 (TTAB 1978) (“PENN BEST” and “PENSURPREME” held not confusing for, among other things, soft drinks); In re Haddock, 181 USPQ 796 (TTAB 1974) (“MINI-BASS” and “LIL’ BASS” held not confusing for fish lures); Sure-Fit Products, Co. v. Saltzson Drapery Co., 117 USPQ 295 (CCPA 1958) “RITE-FIT” and “SURE-FIT” held not confusing for slip covers).

As explained in Sure-Fit Products Co. v. Saltzson Drapery Co., 117 USPQ 295, 297 (CCPA 1958) :

It seems both logical and obvious to us that where a party chooses a trademark which is inherently weak, he will not enjoy the wide latitude of protection afforded the owners of strong trademarks. Where a party uses a weak mark, his competitors may come closer to his mark than would be the case with a strong mark without violating his rights. The essence of all we have said is that in the former case there is not the possibility of confusion that exists in the latter case.

In comparing the Applicant’s Mark to the cited marks, the Examiner stated the §2(d) analysis regarding “likelihood of confusion” would rely on the *DuPont* infringement factors.

See, e.g., *In re E.I. Du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973). These factors include, *inter alia*, “appearance, sound, connotation, and commercial impression” as well as a comparison of the goods.

However, after citing to *Du Pont*, the Examiner then used a one-part analysis to reach a broad conclusion that the Applicant’s Mark and is too similar to the Cited Mark, and that the services are also similar. Based upon a multiplicity of differences overlooked by this analysis, Applicant respectfully submits that there are substantive differences that overcome any alleged “likelihood of confusion.” The Applicant’s mark should therefore be allowed to proceed to registration upon the Principal Register.

The approach of the Examining Attorney focusing on the ANASTASIA similarly sounding parts of the marks only and ignoring the different elements of the cited mark and applied for mark, such as STEELE and ISLAND IPA, and by concentrating only on the last part of both marks, rather than considering that mark as a whole constitutes an impermissible dissection of the marks, clearly an improper basis for determining whether confusion is or is not likely to occur. *Rockwood Chocolate Co. v. Hoffman Candy Co.* 372 F.2d 552, 152 USPQ 599 (CCPA 1967); *Morrison Milling Co. v. General Mills, Inc.*, 436 F.2d 1050, 168 USPQ 591 (CCPA 1971). Viewed in their entireties, the marks are readily distinguishable from the standpoint of their appearance, their sound and their meaning, particularly when considering the differences in the goods as amended.

As discussed by Professor McCarthy:

[M]arks must be compared in their entireties. A mark should not be dissected or split up into its component parts and each part then compared with corresponding parts of the conflicting mark to determine the likelihood of confusion. It is the impression that the mark as a whole creates on the average reasonably prudent buyer and not the parts thereof, that is important. As the Supreme Court observed: “The commercial impression of a trademark is derived from it as a whole, not from its elements separated and considered in detail. For this reason it should be considered in its entirety.”

3 J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 23:41, at 23-89 (4th ed. 1999) (hereinafter “MCCARTHY”) (quoting *Estate of P.D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538 (1920)). In comparing the marks at issue, the Trademark Examining Attorney is focusing on one word while Applicant’s mark consists of THREE words and Ser. Nos. 86294590 and 86295002 contain one word each. The fact that the marks contain the same word or a component is clearly not dispositive on the issue of likelihood of confusion. See *General Mills, Inc. v. Kellogg Company*, 824 F.2d 622, 627 (8th Cir. 1987) (“The use of identical, even dominant, words in common does not automatically mean that the two marks are similar...”); *Consolidated Cigar Corporation v. R.J. Reynolds Tobacco Company*, 181 U.S.P.Q. 44 (C.C.P.A. 1973) (no confusion between the marks DUTCH MASTERS for cigars and DUTCH APPLE for smoking tobacco); *Colony Foods, Inc. v.*

Sagemark, Ltd., 735 F.2d 1336 (Fed. Cir. 1984) (no likelihood of confusion between the mark HUNGRY HOBO and the mark HOBO JOE’S for similar services).

For this reason, Applicant submits that its mark ANASTASIA is sufficiently distinctive and differentiated from the cited marks.

The differences between the marks are sufficient to obviate any likelihood of confusion. In *In re Haddock*, 181 U.S.P.Q. 796 (T.T.A.B. 1974), the Board found no likelihood of confusion between the marks LIL’ BASS and MINI-BASS, both for fishing lures, and stated that “the prior use and registration of a highly suggestive term cannot serve to preclude the subsequent registration of a similarly suggestive but otherwise distinguishable notation or trademark for like or similar goods.” *Id.* at 796. As in *Haddock*, the parties here obviously adopted their respective marks to suggest certain characteristics of their respective goods. Accordingly, the readily apparent differences in the sound and appearance of these marks, notwithstanding the possible similarity between them in connotation, is enough to avoid a likelihood of confusion.

While the existence of third party registrations cannot, *per se*, justify the registration of another mark, third party registrations are of use to the Examining Attorney if they demonstrate that because there is a plethora of similar marks, customers “have been educated to distinguish between different [such] marks on the basis of minute distinctions.” 2 MCCARTHY §11:88 at 11-149, quoting *Standard Brands, Inc. v. RJR Foods, Inc.*, 192 U.S.P.Q. 383 (T.T.A.B. 1976).

Furthermore, with respect to marks consisting of names of individuals, the TTAB held in *Steve’s Ice Cream v. Steve’s Famous Hot Dogs*, 3 USPQ2d 1477, 1478 (TTAB 1987) that use of applicant’s mark, STEVE’S and design comprising hot dog characters, for restaurants featuring hot dogs, and registrant’s mark STEVE’S, for ice cream, not likely to cause confusion, where the marks differed and there was no evidence of record that applicant made or sold ice cream or that “any one business makes and sells ice cream under the same mark in connection with which it renders restaurant services”.

In the present case – the respective marks ANASTASIA, and ANASTASIA STEELE, and ANASTASIA ISLAND IPA, they all cover different goods – alcoholic products in Class 33 such as “Alcoholic beverages, except beer; Sparkling wines; Vodka; Wine”, in the current application ANASTASIA, “brewed malt-based beers” in Class 32 in the ANASTASIA ISLAND IPA mark, and “wines; spirits and liqueurs; alcopops; prepared alcoholic cocktails” in Class 33 in the ANASTASIA STEELE mark.

Applicant is a vodka and wine producer. The owner of ANASTASIA STEELE mark which represents a fictional character is not a vodka and wine producer, it sells books and movies. The brewery selling ANASTASIA ISLAND IPA beer named so after a particular Florida island called Anastasia Island, is not a vodka and wine producer.

There will be no likelihood of confusion as to the source of the goods sold under each of the three marks.

Based on the above, allowance is thought to be in order.

Respectfully submitted,

Sergei Orel

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