

<p>This Opinion is a Precedent of the TTAB</p>
--

Hearing: October 18, 2022

Mailed: March 30, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re The New York Times Company

Serial Nos. 90106071, 90112154, 90112577, 90115155,
90115491, and 90115337¹
(consolidated)

Jordan A. LaVine of Flaster Greenberg PC,
for The New York Times Company.

Catherine Caycedo, Trademark Examining Attorney, Law Office 101,
Zachary R. Sparer, Managing Attorney.

Before Lykos, Shaw, and Hudis,
Administrative Trademark Judges.

¹ On January 10, 2022, the Board granted Applicant's motion (filed December 28, 2021 at 6 TTABVUE) to consolidate these appeals. 7 TTABVUE. *See, e.g., In re Anton/Bauer Inc.*, 7 USPQ2d 1380, 1381 (TTAB 1988) (applicant's motion to consolidate appeals granted). The Examining Attorney's subsequent motion to consolidate (filed May 17, 2022 at 12 TTABVUE) was superfluous.

Citations to the prosecution record are to each application file from the USPTO's Trademark Status & Document Retrieval ("TSDR") system. Citations to the appeal record are to TTABVUE, the Board's online docketing system. The number preceding "TTABVUE" corresponds to the docket entry number; the number(s) following "TTABVUE" refer to the page number(s) of that particular docket entry, if applicable. Unless otherwise noted, citations are to "parent" Application Serial No. 90106071.

Opinion by Lykos, Administrative Trademark Judge:

The New York Times Company (“Applicant”) filed six applications under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), to register the following marks in standard characters² on the Principal Register:

Application Serial No. 90106071 for the mark THE NEW OLD AGE for “**Columns** on the subject of science, aging, health, and personal finances” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and newspapers in the field of science, aging, health, and personal finances” in International Class 41;³

Application Serial No. 90112154 for the mark A GOOD APPETITE for “**Columns** on the subject of cooking, food and dining” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and newspapers in the field of cooking, food and dining” in International Class 41;⁴

Application Serial No. 90112577 for the mark HUNGRY CITY for “**Columns** on the subject of restaurants, cooking, food and dining” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and

² In the applications, each mark appears on the drawing page in initial capitalization, but Applicant retains a claim as to standard characters and not special form. *See* Trademark Rule 2.52(a), 37 C.F.R. § 2.52(a) (setting forth requirements for standard character mark); *see also* TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 807.03 (“Standard Character Drawings”) (July 2022). For consistency in analyzing standard character and typed marks, our references to Applicant’s marks in this opinion in all uppercase letters reflects that a term in standard character format is not limited to any particular type case, font style, size, or color. *See In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1910 (Fed. Cir. 2012). *See also In re Calphalon Corp.*, 122 USPQ2d 1153, 1158-61 (TTAB 2017) (applicant’s amendment of mark from SHARPIN to SharpIn did not transform mark from standard character to special form).

³ Filed August 11, 2020, claiming October 22, 2013, as the date of first use anywhere and in commerce for International Classes 16, and July 3, 2008 as the date of first use anywhere and in commerce for International Classes 41.

⁴ Filed August 13, 2020, claiming February 7, 2007, as the date of first use anywhere and in commerce as to International Classes 16 and 41.

newspapers in the field of restaurants, cooking, food and dining” in International Class 41;⁵

Application Serial No. 90115155 for the mark WORK FRIEND for “**Columns** on the subject of business, office, money, careers and work-life balance” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and newspapers in the field of business, office, money, careers and work-life balance” in International 41;⁶

Application Serial No. 90115491 for the mark OFF THE SHELF for “**Columns** on the subject of personal finance, work-life balance, careers, and business” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and newspapers in the field of personal finance, work-life balance, careers, and business” in International Class 41;⁷ and

Application Serial No. 90115337 for the mark LIKE A BOSS for “**Columns** on the subject of careers, work and business” in International Class 16 and “Providing on-line publications in the nature of articles, **columns**, and newspapers in the field of careers, work and business” in International Class 41.⁸

Emphasis added.

Applicant appealed the Trademark Examining Attorney’s final refusals to register each mark under Trademark Act Sections 1, 2 and 45, 15 U.S.C. §§ 1051, 1052 and 1127, on the ground that Applicant’s specimens show that the marks

⁵ Filed August 13, 2020, claiming May 23, 2012, as the date of first use anywhere and in commerce as to International Classes 16 and 41.

⁶ Filed August 14, 2020, claiming November 5, 2018, as the date of first use anywhere and in commerce as to International Classes 16 and 41.

⁷ Filed August 14, 2020, claiming May 9, 2004, as the date of first use anywhere and in commerce as to International Classes 16 and 41.

⁸ Filed August 14, 2020, claiming November 9, 2018, as the date of first use anywhere and in commerce as to International Classes 16 and 41.

“identify only individual portions of [A]pplicant’s publication” and therefore are not used on separate goods in trade.⁹ The refusals to register are limited to the International Class 16 goods; thus, the International Class 41 services are not part of this appeal.

Following issuance of the final refusals, Applicant timely filed notices of appeal, and requests for reconsideration. The Board suspended the appeals. After the Examining Attorney denied Applicant’s requests for reconsideration, the appeals were resumed and consolidated. Applicant and the Examining Attorney exercised their discretion to file separate briefs in each appeal. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (“TBMP”) § 1214 (2022) (“The applicant (and/or the examining attorney) may file a different brief in each case, if the applicant (and/or the examining attorney) so desires.”). An oral hearing before a panel of the Board was held on October 18, 2022.

For the reasons set forth below, we reverse the refusals to register the marks for the goods identified in International Class 16.

I. Goods in Trade Refusal - General Background

A “goods in trade” refusal is predicated on Sections 1, 2 and 45 of the Trademark Act. *See, e.g. In re S’holders Data Corp.*, 495 F.2d 1360, 181 USPQ 722, 723 (CCPA 1974) (“Although the Act does not define ‘goods,’ the definition of a ‘trademark’ in **section 45** declares that it is used ‘to identify goods’ and **section 2** refers to ‘goods in commerce.’”). Sections 1 and 2 of the Trademark Act require that the subject matter

⁹ Examining Attorney’s Brief, 4 TTABVue 14.

presented for registration be a “trademark.” 15 U.S.C. §§ 1051 and 1052. Section 45 of the Trademark Act defines a “trademark” as “any word, name, symbol, or device, or any combination thereof used by a person ... to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.” 15 U.S.C. § 1127. This section further provides that a mark shall be deemed to be in use in commerce on goods when “it is placed in any manner on the goods or their containers ... or on the tags or labels affixed thereto ... and the goods are sold or transported in commerce.” *Id.*

“[T]he mark must be used in such a manner that it would readily be perceived as identifying the specified goods and distinguishing a single source or origin for the goods.” *In re Aerospace Optics, Inc.*, 78 USPQ2d 1861, 1862 (TTAB 2006) (citing *In re Safariland Hunting Corp.*, 24 USPQ2d 1380 (TTAB 1992)). In addition, “[t]he statute is clear that the actual sale of goods is not required to satisfy [Section] 1127’s ‘use in commerce’ requirement, provided that the goods are ‘transported’ in commerce.” *Lens.com, Inc. v. 1-800 Contacts, Inc.*, 686 F.3d 1376, 103 USPQ2d 1672, 1675 (Fed. Cir. 2012) (citations omitted). However, “[i]n assessing rights stemming from transportation [of goods], courts and commentators have required an element of public awareness of the use.” *Id.* (quoting *Gen. Healthcare Ltd. v. Qashat*, 364 F.3d 332, 335 (1st Cir. 2004)).

Proposed marks not used on “goods in trade” are ineligible for registration on the Principal Register under Section 2(f) of the Trademark Act or on the Supplemental

Register with the exception of non-syndicated columns in print format or on recorded media,. *See* TRADEMARK MANUAL OF EXAMINING PROCEDURE (“TMEP”) § 1202.06 (July 2022).

In general, incidental items that an applicant uses in conducting its business (such as letterhead, invoices, reports, boxes, and business forms), as opposed to items sold or transported in commerce for use by others, are not goods in trade. *See, e.g., In re S’holders Data Corp.*, 181 USPQ at 723 (reports not goods in trade, where applicant is not engaged in the sale of reports, but solely in furnishing financial reporting services, and reports are merely a conduit through which services are rendered); *In re Thomas White Int’l, Ltd.*, 106 USPQ2d 1158, 1162-63 (TTAB 2013) (applicant’s annual report does not constitute a “good in trade,” but rather “is a common and necessary adjunct to the rendering of applicant’s investment management and research services”); *In re MGA Entm’t, Inc.*, 84 USPQ2d 1743, 1746-47 (TTAB 2007) (applicant’s trapezoidal cardboard boxes for toys, games, and playthings held to be merely point of sale containers for applicant’s primary goods and not separate goods in trade, where there was no evidence that applicant is a manufacturer of boxes or that applicant is engaged in selling boxes as commodities in trade); *In re Computer-Look, Inc.*, 176 USPQ 445, 446-47 (TTAB 1972) (reports and printouts not goods in trade, where they are merely the means by which the results of a beauty analysis service is transmitted and have no viable existence separate and apart from the service); and *Ex Parte Bank of Am. Nat’l Trust and Savings Ass’n*, 118 USPQ 165, 165 (Comm’r Pats. 1958) (mark not registrable for passbooks, checks and other

printed forms, where forms are used only as necessary tools in the performance of banking services, and the applicant is not engaged in printing or selling forms as commodities in trade).

II. Goods in Trade Refusal - Columns

Historically, the USPTO has treated non-syndicated print newspaper columns in International Class 16, and by logical extension publications recorded or downloaded on International Class 9 electronic media such as CD-ROMs, as failing to rise to the level of “goods in trade.” According to TMEP Section 1202.07(a) (“Marks That Identify Columns and Sections of Printed, Downloadable, or Recorded Publications in §1(a) Applications”):

A column, section, or supplement of a publication that is printed, downloadable, or recorded on electronic media is normally not considered to be separate “goods” or “goods in trade,” unless it is sold, syndicated, or offered for syndication separate and apart from the larger publication in which it appears.

The USPTO has carved out an exception for marks that identify non-syndicated columns or sections of printed newspapers by making them eligible for registration on the Principal Register under Trademark Act Section 2(f), 15 U.S.C. § 1052(f), upon a showing of acquired distinctiveness, or on the Supplemental Register. TMEP § 1202.07(a)(ii). These exceptions constitute an acknowledgment by the USPTO that non-syndicated columns or sections of printed newspapers may, with a showing of acquired distinctiveness, function as source indicators, or alternatively may be capable of functioning as source indicators if registered on the Supplemental Register. The USPTO’s practice of refusing marks identifying non-syndicated

columns in print format is based on decisions issued at a time when news or opinion columns were only available to consumers as part of the overall purchase of a particular newspaper, magazine or other type of publication in print format. *See, e.g., In re Broad. Publ'ns*, 135 USPQ 374 (TTAB 1962) and *Ex parte Meredith Publ'g*, 109 USPQ 426 (Comm'r Pats. 1956). The TMEP relies on the analysis set forth in *Meredith Publishing* below for a “goods in trade” refusal of print columns:

The basic question is whether or not, under the circumstances of use, the section title is a name adopted and used by the publisher to identify his goods and distinguish them from those of others. The “goods” actually are magazines - not sections of magazines. When the magazine is purchased, the purchaser receives the sections whether he wants them or not, and it is doubtful that magazine readers **ordinarily** purchase a magazine merely to receive a section of it, or think of a magazine merely in terms of a section title. Sections of magazines are not in and of themselves articles of commerce other than as a part of an integrated whole; and we must therefore be concerned with whether a section title actually identifies and distinguishes, and if so, what it distinguishes. Under these circumstances it becomes necessary to ask: Was the mark adopted to identify a section of applicant's magazine and distinguish it from sections of other publishers' magazines, or was it adopted to distinguish one section of applicant's magazine from the other sections of its magazine? **Ordinarily**, it is the latter.

TMEP § 1202.07(a) (quoting *Meredith Publ'g*, 109 USPQ at 426) (emphasis in original).

By contrast, because the provision of an online non-downloadable column is considered an International Class 41 service, it is not subject to a “goods in trade”

refusal.¹⁰ *Id.* Relying on dicta from *Ludden v. Metro Weekly*, 8 F. Supp. 2d 7, 47 USPQ2d 1087, 1093 (D.D.C. 1998), the USPTO’s stated rationale is that “[u]nlike a printed, downloadable, or recorded column or section, an online non-downloadable column or section can be accessed directly and can exist independent of any single publication as legal support.” *Id.* The TMEP does not provide guidance regarding the treatment of a proposed mark that identifies both print and online news or opinion columns.

Applicant does not dispute its print columns are not syndicated.¹¹ Applicant does not seek to register its marks in International Class 16 on the Principal Register under Trademark Act Section 2(f) or on the Supplemental Register.¹² Thus, the question before us is whether Applicant’s International Class 16 printed columns are independent “goods in trade”—that is, items sold or transported in commerce for use by others—or merely ancillary or incidental to its goods or services.

¹⁰ Under the USPTO’s classification system based on the NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES, to which the United States is a contractual party, printed publications are considered goods whereas online publications are classified as services. *See The Nice Classification, Twelfth Edition, version 2023* (NCL 12-2023) (effective Jan. 1, 2023); *see also* Section 30 of the Trademark Act, 15 U.S.C. § 1112 (“The Director may establish a classification of goods and services, for convenience of Patent and Trademark Office administration, but not to limit or extend the applicant’s or registrant’s rights.”); 37 C.F.R. § 6.1 (the international classification schedule for goods and services); and the USPTO’s ACCEPTABLE IDENTIFICATION OF GOODS AND SERVICES MANUAL (“ID Manual”) available at <https://idm-tmng.uspto.gov/id-master-list-public.html>.

¹¹ The record is devoid of evidence that any of Applicant’s columns are separately sold on an individual basis.

¹² During prosecution of each application, the Examining Attorney advised Applicant that it could obviate the refusals by submitting evidence that the columns are in fact separate goods in trade (for example, through syndication); submit sufficient evidence of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. § 1052(f); or amend to the Supplemental Register pursuant to Trademark Act Section 23, 15 U.S.C. § 1091. Applicant did not afford itself of these options.

With this in mind, we now look to the evidence of record and arguments presented to ascertain whether Applicant's non-syndicated print columns are separate goods in trade.

A. Summary of Arguments and Evidence

Relying on the guidance set forth in TMEP Section 1202.07(a)(ii) and cases cited therein, the Examining Attorney takes the position that because Applicant's marks identify individual portions (i.e., non-syndicated news or opinion columns) of Applicant's newspaper in print format, they do not identify "separate goods in trade" within the meaning of Trademark Act Sections 1, 2, and 45. The Examining Attorney points to the International Class 16 specimens for each mark displaying a "picture of a portion of a New York Times printed publication in which the applied-for mark is used in a header to indicate the name of a particular column contained within the printed publication."¹³ She also notes Applicant's own description of the specimens in each application as a "printout of [a] column."¹⁴ We highlight as an example the relevant portion of the International Class 16 specimen for the mark THE NEW OLD AGE for "Columns on the subject of science, aging, health, and personal finances:"¹⁵

¹³ Examining Attorney's Brief, 14 TTABVue 4. The pages from the applications at which the submitted Class 16 and 41 specimens may be found are provided in the Appendix following this decision.

¹⁴ *Id.*

¹⁵ Specimen filed with Application Serial No. 90106071 on August 11, 2020 at TSDR 1.

THE NEW YORK TIMES, TUESDAY, JULY 21, 2020

THE NEW OLD AGE | PAULA SPAN

Birthdays as Part of a Coronavirus Calculation

Reopenings, reclosings and inconsistent guidance complicate weighing risks.

WHAT TO DO about Lake Placid?
For weeks, Dave and Nancy Nathan had been debating whether to proceed with a long-planned family trip to a lodge there next month, marking his 80th birthday.

"It looked dreamy, mountains and lakes," said Nancy, 74. Besides, they hadn't gathered their clan — three daughters and their families, a dozen people in all — for a year. She thought she and Dave could manage the drive from their home in Bethesda, Md., to upstate New York.

He wasn't so sure.

Both retirees, they'd been cautious through the pandemic, mindful that while neither had health conditions that would make Covid-19 especially dangerous, age alone put them at higher risk. They had avoided supermarkets, relying on grocery delivery services and takeout food. Dave wore gloves on the tennis court.

"I've been dubious about travel," he said. "I have no need to be more daring." Worried, too, about the family members flying from Oregon and Florida for his birthday, he called himself Dr. No.

"It's not fun for him, or anyone, if he's always looking over his shoulder," Nancy said. Still, she hoped they could go.

Early on in the pandemic, most public health officials warned older adults to simply stay at home, except to buy food or medicine or exercise outdoors apart from others. Now, with states and cities reopening (and some reclosing) at varying paces, calculations grow more complicated.

"Lots of people are really agonizing about what to do and whom to have faith in," said Dr. William Schaffner, an infectious disease specialist at Vanderbilt University.

The Centers for Disease Control and Prevention has reported, based on March data, that Covid-19 hospitalizations rise with age, from about 12 per 100,000 people among those 65 to 74 years old to 17 per 100,000 for those over 85. And a large study from England has reported that patients over 80 are at least 20 times more likely to die than those in their 50s.

While the risk of contracting the new coronavirus appears no higher for people over 65, "once you get an infection, the virus is much nastier," said Dr. Schaffner, an older adult himself.

"Even if we recover, there's the possibility that we never get back to the same level of physical and mental competence we had."

Given that prospect, do you get a haircut? Dr. Schaffner has decided he will, wearing a surgical mask and knowing his longtime stylist will take "meticulous" precautions.

The Nathans' book group has been meet-

ing on Zoom. Can the four couples now meet in a backyard? The members agreed, as long as everyone distanced.

"The least risky thing is to stay home, lock the door and seal yourself in Sarah Wrap," Dr. Schaffner said.

Economists at M.I.T. came close to endorsing that strategy (minus the plastic wrap) in a recent paper suggesting age-targeted lockdowns. They proposed protecting people over 65 by having them isolate for an estimated 18 months until a vaccine becomes available; younger people, facing less health risk, would return to work.

"We could have both way fewer deaths and way less economic pain," said Michael Whinston, a co-author. In March, when he and three colleagues developed their model, they wanted to avert two extreme prospects: a projected two million American deaths if the country didn't shut down; economic devastation if it did.

But their approach also assumes that older adults' only interest lies in not dying.

"We have to find a balance between preserving safety and living," said Dr. Linda Fried, a geriatrician and the dean of the Mailman School of Public Health at Columbia University. "We all need to do some

things to maintain our mental health and well-being."

Normally, Dr. Fried pointed out, seniors would find decision-making less knotty because the C.D.C. would be providing detailed, science-based guidance for at-risk groups, updated weekly.

"It's immensely atypical, I believe unprecedented, that we're not seeing this," she said. Without that leadership, seniors confront a crazy quilt of changing state and local policies, and "everyone's on their own."

That means older people need to consider their individual health status when deciding which risks to take. Their less robust immune systems make it harder to bounce back from serious infection. They're also more apt to have the underlying conditions — diabetes, serious heart, lung or kidney disease — shown to increase severe illness and hospitalizations. People of color, obese people and men face higher risk.

"If you're a vibrant older person without chronic illnesses, you're probably a little more resilient," said Dr. Fried, quickly adding that "there are no guarantees."

A calculator developed by researchers at the Cleveland Clinic (riskcalc.org/COVID19) may provide a clearer sense of

individual ri
Geograph
New Hamps
are relative
for less rest
Florida and
surging. Pay
seeing case
map at nytir
good job
(unacast.co
You have
said Dr. Nat
the Institute
paredness a
advises New
Personal i
seems most
his wife via
and two gra
time in mon
hours — Na
socializing
not eating o
Even with
precautions
urged on ev
ply. Wearing
at least six
avoiding cro
protect ones
Outdoor a
have to be in
a door," Dr.
change in th
changes the
He also ur
to date on
which appea
against illne
they're inter
in the body
months by ri
to viral disea
Older peo
developing
places early
serving the
Bringing th
drinks to dis
Dr. Scha
ground rules
visations, "s
sion on the fl
a funeral/bu
be indoor or
tance?" Will
you don't lik
most more s
In the end
Lake Placid
"if the birth
But she's
reservations
don. It may
shows she t
performance
daydream at

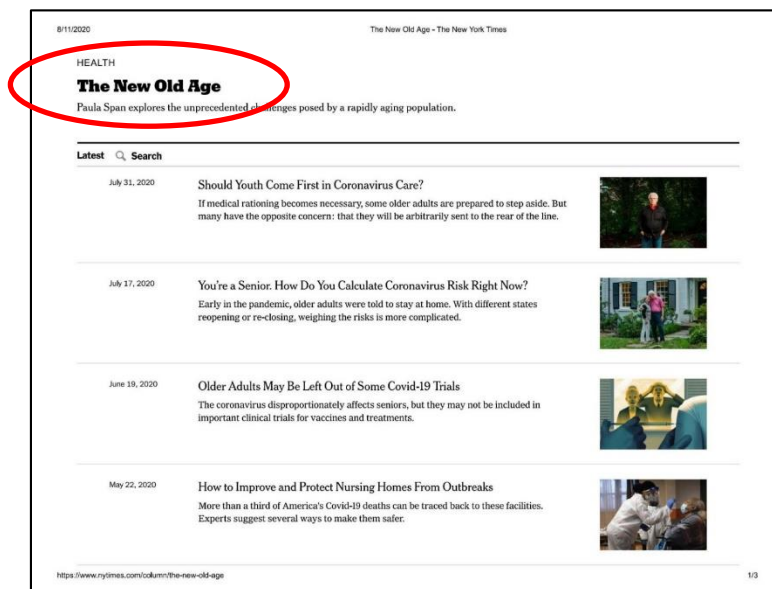
PHOTOGRAPH BY JEFFREY M. HARRIS FOR THE NEW YORK TIMES

The Examining Attorney's argues that:

[A]pplicant's mark is not used to distinguish its column from columns in **other publications**, but rather to distinguish it from others in **its own** publication (whether online or in print). The fact that consumers can purchase applicant's online newspaper without purchasing its print newspaper does not show that the column itself is a separate good in trade, but only shows that applicant offers its Class 41 services separately from its Class 16 goods.¹⁶

¹⁶ Examining Attorney's Brief, 14 TTABVue 6.

The Examining Attorney relies on the distinction made in TMEP Section 1202.07(a)(ii) between a printed column not separately sold or syndicated and a column provided in the format of an online publication as an International Class 41 service that is not also separately sold individually or syndicated. By way of comparison, the International Class 41 specimen for the mark THE NEW OLD AGE for “Providing on-line publications in the nature of articles, columns, and newspapers in the field of science, aging, health, and personal finances” is reprinted in part below:¹⁷



Applicant counters that its International Class 16 printed newspaper columns are “independently accessible” thereby making them “goods in trade.”¹⁸ As support,

¹⁷ Specimen filed with Application Serial No. 90106071 on August 11, 2020 at TSDR 2-4.

¹⁸ Applicant’s Brief, 10 TTABVUE 3.

Applicant submitted Internet search engine results showing that consumers can independently access the newspaper columns with the same content either through Internet searches for the name of the column or at separately dedicated pages within the nytimes.com website. Reprinted below are the Google® search results for “the new old age new york times:”¹⁹

¹⁹ February 24, 2021 Response to Office Action 2-3.

The refusal before us is distinguishable from a refusal on the ground that a proposed mark is the title of a single work. *See Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1378 (Fed. Cir. 2002) (“This court’s precedent ... clearly holds that the title of a single book cannot serve as a source identifier.”). Originally applied to books, the refusal applies to single creative works with content that does not change, but the refusal does not apply to a series of works, because they are not single. A series is not established when only the medium of the work is changed to electronic format. *See Mattel Inc. v. Brainy Baby Co.*, 101 USPQ2d 1140, 1143 (TTAB 2011) (finding that a program recorded on both a VHS tape and a DVD were the same creative work, and that the addition of minor enhancements in the DVD did not transform this single work into a series). The refusal also does not apply to activity books with changing content. Due to its reoccurring nature with different content at each occurrence, a trademark for a news or opinion column such as we have now in the appeals before us, by definition, cannot be the title of a single work.

Google

the new old age new york times

All News Images Shopping Videos More Settings Tools

About 3,000,000,000 results (0.12 seconds)

www.nytimes.com › column › the-new-old-age

The New Old Age - The New York Times

The New Old Age · Paula Span explores the unprecedented challenges posed by a rapidly aging population. · Paula Span explores the unprecedented challenges ...

Aging Out of the Mammogram · You're Not Too Old to Talk to...

You've visited this page 2 times. Last visit: 8/10/20

newoldage.blogs.nytimes.com

The New Old Age Blog - The New York Times

Jan 9, 2015 — A blog about aging, health, finances and relationships between parents and the adult children caring for them.

www.nytimes.com › topic › subject › elderly

Elderly - The New York Times

The New Old Age. In Line for Vaccination, and Not Getting Younger. Residents and workers at long-term-care facilities are high-priority candidates for the ...

www.nytimes.com › insider › new-old-age-column

How I Keep the Topic of Aging Fresh - The New York Times

Sep 4, 2017 — The Times's New Old Age columnist explains how she approaches writing about the elderly — and the effects her columns have had.

www.nytimes.com › paula-span

Paula Span - The New York Times

the new old age. How Meaningful Is Prediabetes for Older Adults? A new study indicates that the condition might be less of a worry than once believed. By Paula ...

www.nytimes.com › Well › Live

Why It's Good to Be Old, Even in a Pandemic - The New York ...

Jul 28, 2020 — That aging can make us better than ever may be the biggest dirty little secret of all time.

www.nytimes.com › 2019/12/23 › opinion › america-aging

Opinion - The New York Times

Dec 23, 2019 — We're Getting Old, but We're Not Doing Anything About It. Like climate change, the aging of America demands a serious rethinking of the way we ...

People also ask

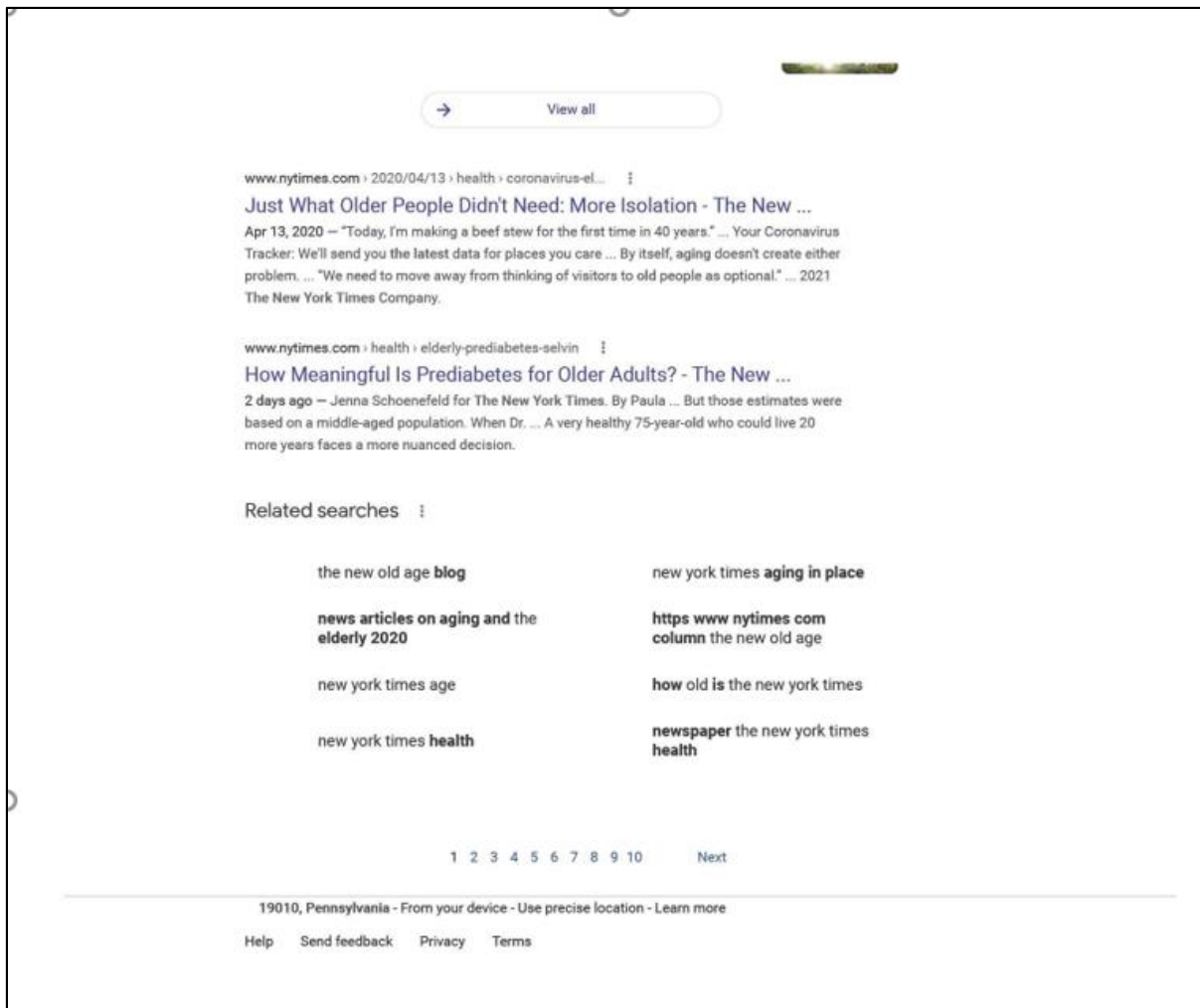
- What is the official old age?
- What are the old age problems?
- How do you call an old person?
- How do I get an old copy of The New York Times?

Feedback

Top stories

How Meaningful Is Prediabetes for Older Adults?

The New York Times · 1 day ago



B. Legal Analysis

The USPTO's practice of issuing "goods in trade" refusals of non-syndicated columns in print publications is based on *Broadcasting Publications* and *Meredith Publishing*. Both opinions were rendered before the advent of the Internet and the ubiquitous availability to consumers of electronic media including online columns, online publications, as well as Internet search engines. At that time, the delivery mechanism for a newspaper or magazine column was much more limited, with the result that "[s]ections of magazines [or newspapers] are not in and of themselves

articles of commerce other than as a part of an integrated whole” as the *Meredith Publishing* opinion found. See *Meredith Publ’g*, 109 USPQ at 426. The administrative tribunal in *Meredith Publishing* was not rigid in its thinking and did not necessarily intend to impose a per se prohibition to registration of such designations. Rather, it found critical the importance of consumer perception:

Was the mark adopted to identify a section of applicant’s magazine and distinguish it from sections of other publishers’ magazines, or was it adopted to distinguish one section of applicant’s magazine from the other sections of its magazine?

It is recognized that in some instances magazine section titles may have been so advertised, promoted and advanced that readers have developed a conscious association between the section title and the magazine and its publisher.

Thus, it is seen that the question of registrability on the Principal Register must be resolved first on the basis of what applicant has done with the section title.

Id.

Likewise, in adopting the foregoing rationale from *Meredith Publishing*, the Board noted in *Broadcasting Publications* that “[s]ections of magazines and other periodicals in which there is no trade as such are not in and of themselves articles of commerce but it does not necessarily follow that titles therefor are not proper subject matter for registration on the Principal Register.” *Broad. Publ’ns*, 135 USPQ at 374. In that case, the Board affirmed the refusal to register the proposed mark COLORCASTING for a section or column of a periodical publication on the ground that the record was devoid of evidence that “applicant has ever advertised, promoted or otherwise advanced its ‘COLORCASTING’ column separate and apart from the

magazine in which it appears” and that “the mark in question serves [no] purpose other than to distinguish one section of applicant’s magazine from other sections of its magazine.” *Id.* Thus, the Board implicitly postulated that the advertisement, promotion, or other similar activities of a column could rise to the level of qualifying such items as goods in trade.

The need for flexibility and appropriate context is echoed in *Ludden*. With extraordinary prescience, the United States District Court for the District of Columbia in *Ludden* cautioned courts about the dangers of adopting an overly rigid approach by making semantic distinctions between columns offered in print or digital media. *See Ludden*, 47 USPQ2d at 1093 (on summary judgment, the district court found as a legal matter that the title of a newspaper column can be protected as a trademark). *Ludden* begins with the pointed observation that when determining whether columns are eligible for trademark protections:

In the rapidly expanding media universe in which we now live, a bright-line rule excluding individual newspaper or magazine column titles from receiving trademark protection would be particularly disastrous. The broad sweep of the Lanham Act mandates that courts keep an eye open to the changing dynamics of use and context. *See Qualitex*, [514 U.S. 159, 162-64, 115 S.Ct. 1300, 34 USPQ2d 1161 (1995)].

* * * *

Now, there has been explosive growth in “printed matter,” which under a flexible interpretation would have to include digitally stored text. The emergence of magazines available only on the Internet (so-called Web zines) have the potential to radically alter readers’ view of the printed matter that they receive. [internal citations omitted].

The notions either that “it is doubtful that magazine readers ordinarily purchase a magazine merely to receive a section of it” or that “the purchaser receives the sections whether he wants them or not” may soon become quaint relics of the past, if they have not already. On the Internet, where one might use the title of a newspaper or magazine column as a search term, reading printed matter *à la carte* is both possible, and perhaps preferred by regular users of that medium. ...

... [T]hese developments suggest that the identity of a column not only can be distinct from that of the publication in which it appears but also that an electronic column can exist independent of any single publication. In this case, these developments serve only as a reminder that courts should be wary of adopting *per se* rules regarding the scope of protection under the Lanham Act and that reliance on out-of-date information regarding use is equally to be avoided.

Id.

As the *Ludden* court noted, changes in the marketplace for the delivery of news and opinion content have impacted consumer perceptions of what titles of non-syndicated columns represent, leading us to conclude that the correct legal standard for determining whether a non-syndicated column is a good in trade should no longer depend on the format in which it is offered. Whether a non-syndicated column that is, for example, “printed, downloadable, or recorded on electronic media,” TMEP Section 1202.07(a), is a good in trade should be analyzed using the same standard we use to assess goods in trade issues in other contexts. We therefore take the opportunity to align the standards by adopting the three-part test set forth by the U.S. Court of Appeals of the Federal Circuit in *Lens.com* as our new test moving forward for non-syndicated print columns or sections in printed publications or

recorded media. By doing so, we now have one uniform test for analyzing “goods in trade.”

According to the *Lens.com* test, factors to consider when evaluating whether an applicant’s goods are in fact “goods in trade,” include whether the goods are:²⁰

- (1) simply the conduit or necessary tool useful only in connection with the applicant’s primary goods or services;
- (2) so inextricably tied to and associated with the primary goods or services as to have no viable existence apart from them; and
- (3) neither sold separately nor of any independent value apart from the primary goods or services.

103 USPQ2d at 1676. *Accord Thomas White*, 106 USPQ2d at 1162 (applicant’s annual report does not constitute a “good in trade” based on application of *Lens.com* factors). None of these factors alone is dispositive; this inquiry is a factual determination that must be made on a case-by-case basis. *Lens.com*, 103 USPQ2d at 1676.

Implicit in the *Lens.com* test is that we consider consumer perception as well as the consumer’s experience or interaction with the product. The exception to the absolute bar to registration of “goods in trade” for marks that identify non-syndicated columns or sections of printed newspapers in the realm of “goods in trade” refusals by making them eligible for registration on the Principal Register, under Trademark

²⁰ To be clear, moving forward, the *Lens.com* test would only be applied to non-syndicated print columns to determine eligibility for registration on the Principal Register. Because syndicated print columns are already considered goods in trade, there would be no need to apply the *Lens.com* factors. *See* TMEP § 1202.07(a)(i) (discussing printed syndicated columns and sections of print publications, downloadable publications, or publications recorded on electronic media that are separately sold, syndicated, or offered for syndication). Thus, examining attorneys would only resort to this analysis if the identification of goods indicates that the printed columns are non-syndicated.

Act Section 2(f) or on the Supplemental Register, would be no longer necessary. This is because our adoption of the *Lens.com* test subsumes such considerations. Currently, in evaluating whether a non-syndicated print column has acquired distinctiveness under Section 2(f), the TMEP instructs examining attorneys to consider “evidence of promotion, long use, advertising expenditures, and breadth of distribution or sales figures that the public has come to recognize the proposed mark as an indicator of source;” whether “the column or section title is used and promoted to distinguish applicant’s column or section from the columns or sections of other publishers’ publications, rather than merely to distinguish applicant’s column or section from other columns or sections of applicant’s publication;” and whether a column is a “removable or pull-out section.” TMEP Section 1202.07(a) (discussing the types of considerations in determining whether a non-syndicated column in print format has acquired distinctiveness). All of these would remain viable factors to consider either under or in addition to the *Lens.com* framework set out above for non-syndicated print columns.

C. Application of the *Lens.com* Factors

We now turn our attention to the *Lens.com* factors as applied to the applications now on appeal. We find that, on review of the records before us in each appeal, Applicant’s International Class 16 print columns rise to the level of “goods in trade,” despite the fact that they are not syndicated.

1. Are the individual print columns simply the conduit or necessary tool useful only in connection with obtaining *The New York Times* print edition of the newspaper?

With regard to the first *Lens.com* factor, Applicant's columns in print format are not simply a "conduit or necessary tool" to obtain Applicant's primary goods, *The New York Times* newspaper in print format. In other words, Applicant's columns are not akin to an "annual investment report ... [that] is a common and necessary adjunct to the rendering of applicant's investment management and research services," *Thomas White*, 106 USPQ2d at 1162. Nor are Applicant's columns akin to an instructional manual or brochure describing to the reader how to use or navigate the entirety of *The New York Times* print edition. To suggest otherwise would be contrary to the evidence of record.

2. Are the individual print columns so inextricably tied to and associated with *The New York Times* print edition of the newspaper as to have no viable existence apart the print newspaper?

Turning to the second *Lens.com* factor, we find that Applicant's columns are not "so inextricably tied to and associated with" Applicant's print newspaper as to have "no viable existence" apart from the newspaper. The Google® search engine results Applicant made of record show that its columns may be retrieved by searching the name (i.e., the proposed trademark) for each column. We find this constitutes evidence that consumers may separately seek out Applicant's columns apart from the newspaper as a whole. In other words, these search engine results are probative of consumer perception and consumer experience that the print columns possess a viable existence apart from the newspaper as a whole.

Typically in the context of other types of refusals such as a likelihood of confusion refusal under Trademark Act Section 2(d) or a mere descriptiveness refusal under Trademark Act Section 2(e)(1), a truncated search result summary from a search engine, such as Yahoo!® or Google®, which shows use of a phrase as key words by the search engine, is of limited probative value. *See* TBMP § 1208.03 (“Such search results do not show use of a term or phrase as a heading, link or content on a website, or there may be insufficient text to show the context within which a term is used.”); *see also In re Consumer Protection Firm PLLC*, 2021 USPQ2d 238, at *21, n.28 (TTAB 2021) (“[A] list of Internet search results generally has little probative value, because such a list does not show the context in which the term is used on the listed web pages.”).²¹ Here, by contrast, Applicant has submitted the search results for a narrow purpose, to show merely that consumers recognize its print columns as possessing their own viable and separate existence. And in one of the applications, the evidence goes a step further and shows the applied-for mark identifying each column as referenced by other entities or individuals. The search engine results for Application Serial No. 90112577 for the mark HUNGRY CITY show references to the column

²¹ This is especially true with regard to other refusals where the context of the entire web page is critical. *See, e.g., In re Bayer AG*, 488 F.3d 960, 82 USPQ2d 1828, 1833 (Fed. Cir. 2003) (deeming Google® search results that provided very little context of the use of ASPIRINA to be “of little value in assessing the consumer public perception of the ASPIRINA mark”); *In re Tea & Sympathy, Inc.*, 88 USPQ2d 1062, 1064 n.3 (TTAB 2008) (finding truncated Google® search results entitled to little probative weight without additional evidence of how the searched term is used).

HUNGRY CITY on an array of websites such as MyEater.com, Fordham University, and Vice.com as well as the social media site “NY Cooking” on Facebook.²²

We are not concerned with the meaning of the terms as is often the case with Internet evidence in evaluating other types of refusals such as a likelihood of confusion or mere descriptiveness. We also are not relying on the fact that *The New York Times* newspaper or individual columns are also available online to readers (as is evident from Class 41 services identified in each involved application).

We therefore find the search results probative because they show that each individual print column is not so inextricably tied to and associated with *The New York Times* print edition of the newspaper as to have no viable existence apart from the print newspaper as a whole.²³ As the *Ludden* court foresaw, consumers may readily use each title (i.e., the proposed trademark) of Applicant’s applied-for print newspaper columns as a separate search term, making the reading of such columns “à la carte” not only possible but perhaps even preferred. *See Ludden*, 47 USPQ2d at 1093. Consumers therefore are likely to perceive the name of each print column for the specific content found therein to be distinct from *The New York Times* print newspaper as a whole.

²² See Appendix B.3, *infra*.

²³ Our consideration of the Google® search engine results for the narrow purpose submitted here should not be read as the Board’s general acceptance of search engine results in other situations where the presentation of the mark in the context of an entire web page would be critical to our analysis.

3. Are the print columns neither sold separately nor of any independent value apart from the print edition of *The New York Times* newspaper?

Under the final *Lens.com* factor, while we have no evidence that the print columns are “separately sold” or syndicated, the record shows they possess “independent value” separate and apart from Applicant’s newspaper as a whole. An actual discrete sale of the columns is unnecessary to meet the “use in commerce” requirement, provided that the goods are ‘transported’ in commerce.” *Lens.com*, 103 USPQ2d at 1675.

The search engine results support this finding insofar as consumers may look for and search for the name of the column, and then separately read the content for that column. It is not because the International Class 16 print columns are also provided online with the same content as the applied-for International Class 41 services that they have independent value. Rather, the search engine results show that the utility of the column is more than just a section within the print edition of *The New York Times*. The additional evidence in Application Serial No. 90112577 for the mark HUNGRY CITY showing references to the column HUNGRY CITY on other websites further supports a finding of “independent value” in that record.

Prior to the widespread availability of the Internet to consumers, the only way a printed newspaper column could reach a wide geographic area was through syndication.²⁴ The search engine results show the “independent value” of the print

²⁴ We take judicial notice of the definition of “syndication” from the online version of The Merriam Webster Dictionary (www.merriam-webster.com) as “the act of selling something (such as a newspaper column or television series) for publication or broadcast to multiple newspapers, periodicals, websites, stations, etc.” See *In re White Jasmine LLC*, 106 USPQ2d

columns to consumers insofar as readers recognize the columns as separate goods to such a degree that they may be searchable by name and retrieve multiple results. This has a similar impact on the consumer's experience as traditional syndication.

4. Conclusion under *Lens.com*

In sum, the record supports a finding that Applicant's International Class 16 columns are "not simply a conduit or necessary tool only" for readers to obtain Applicant's newspaper in print format. The record shows that Applicant's columns are not "inextricably tied" to its print newspaper as a whole, but instead, separately exist and are independently valued by consumers. Consumer perception and consumer interaction with the product is critical. As posited in *Meredith Publishing*, the record shows that Applicant's marks identify individual columns of Applicant's print newspaper, distinguishing them from columns of other publishers' newspapers, and may be perceived as such by the public.²⁵

We do not find, as Applicant argues, that the separate "goods in trade" are the online versions of the columns for which readers must purchase a separate subscription. Rather, we hold that such items may be registrable on the Principal Register without proof of acquired distinctiveness under Section 2(f), upon

1385, 1392 n.23 (TTAB 2013) (Board may take judicial notice of online dictionaries that exist in printed format or have regular fixed editions).

²⁵ Other examples of evidence showing public perception include, but are not limited to, consumer surveys, consumer affidavits, unsolicited media attention, and social media posts directed to an applicant's columns that identify applicant as their source.

consideration of the *Lens.com* factors and any other evidence that may be relevant in a particular case.

To be clear, our decision is not dependent on intermixing or conflating Applicant's online column services in International Class 41 with the print columns in International Class 16 in order to find that under *Lens.com* that the print columns constitute goods in trade. Our rationale is not based on the finding that Applicant's columns in print format are goods in trade simply because they are also provided with the same content in an online version. Moreover, we are not creating a per se rule that all non-syndicated newspaper columns existing in print format are goods in trade.

We therefore reverse the refusals to register Applicant's columns in International Class 16 under Trademark Act Sections 1, 2 and 45.

Decision: The refusals to register Applicant's marks in International Class 16 are reversed.

APPENDIX

A. Application Serial No. 90112154 for the mark A GOOD APPETITE

1. International Class 16 Specimen²⁶

D2 N THE NEW YORK TIMES, WEDNESDAY, JULY 22, 2020

MELISSA CLARKE | A GOOD APPETITE

What's Better Than Caramelized Onions

Caramelized sweet peppers, sautéed with garlic cloves.

IS THERE A pepper lover among us who doesn't swoon at the thought of a darkly roasted red bell: velvety, caramelized and dripping with juice?

Whether curled over crostini or draped onto some kind of tangy cheese, roasted peppers are the most crowd-pleasing way to enjoy the sweet summer vegetable (which, like a tomato, is botanically a fruit). This savory pasta offers all the joys of roasted peppers without having to roast and peel them, or to rely on slightly acid jarred versions.

Instead, silvers of fresh bell peppers (preferably with a mix of colors) are sautéed with whole garlic cloves until everything turns golden brown. This initial searing brings out their sweetness and softens them — to a point. The key to a truly plush texture happens when you deglaze the hot pan with a splash of liquid.

During deglazing, the tasty browned bits stuck to the bottom of the skillet dissolve, adding layers of flavor to the piquant, complex sauce. But in this recipe, there's a bonus: The steaming liquid will also break down any trace of spine the peppers might have maintained, leaving them perfectly floppy and gorgeously silky.

Because I like to sip wine when I cook, spilling some into the pan is my lazy person's method of deglazing. But you don't




PASTA WITH CARAMELIZED PEPPERS, ANCHOVIES AND RICOTTA

TIME: 30 MINUTES
YIELD: 4 TO 6 SERVINGS

Kosher salt
12 ounces short pasta, such as radiatori, fusilli or campanelle
3 tablespoons extra-virgin olive oil, plus more for drizzling
8 to 10 anchovy filets, chopped, or use a dash or two of soy sauce
2 large rosemary sprigs
6 garlic cloves, smashed and peeled
Large pinch of red-pepper flakes
2 sweet bell peppers (red, orange or yellow), thinly sliced
2 tablespoons dry red, white or rosé wine, or use dry vermouth or water
1 tablespoon unsalted butter
Fresh lemon juice
½ cup fresh ricotta
2 scallions, thinly sliced, or ¼ cup sliced red onion
Freshly ground black pepper
¼ cup finely chopped fresh mint, basil or thyme, plus torn mint or basil leaves

and tender sprigs, for garnish
Freshly grated Parmesan (optional)

1. Bring a large pot of heavily salted water to a boil. Add the pasta and cook, according to package instructions, until the pasta is just al dente.
2. As pasta cooks, heat a large sauté pan over medium-high, and add 3 tablespoons olive oil. When the oil is hot, add the anchovies and rosemary, and sauté until the anchovies start to dissolve, about 1 minute. Add the garlic and red-pepper flakes, and sauté until the garlic turns pale golden in spots, about 1 to 2 minutes.
3. Add the bell peppers and a large pinch of salt to the pan, and sauté until the bell peppers are very soft and well caramelized, 10 to 15 minutes, lowering the heat if the peppers start becoming too dark. Add the wine (or water) and the butter, and sauté, scraping up the browned bits on the bottom of the pan. Taste and season with lemon juice and more salt as needed.
4. Put ¼ cup ricotta and the scallions in a large serving bowl, and season aggressively with black pepper.
5. Use a coffee mug or measuring cup to scoop about ¼ cup pasta water from the pot. Drizzle the pasta, then add it to the bowl with the ricotta and scallions, tossing well. Add the pepper mixture and the herbs, and toss well, adding a splash or two of pasta water if the mixture looks dry. Taste and season with salt if needed.
6. Spoon pasta into bowls, and top with the rest of the remaining ¼ cup ricotta, a drizzle of oil and a little Parmesan, if you like. Shower with herb leaves over all.

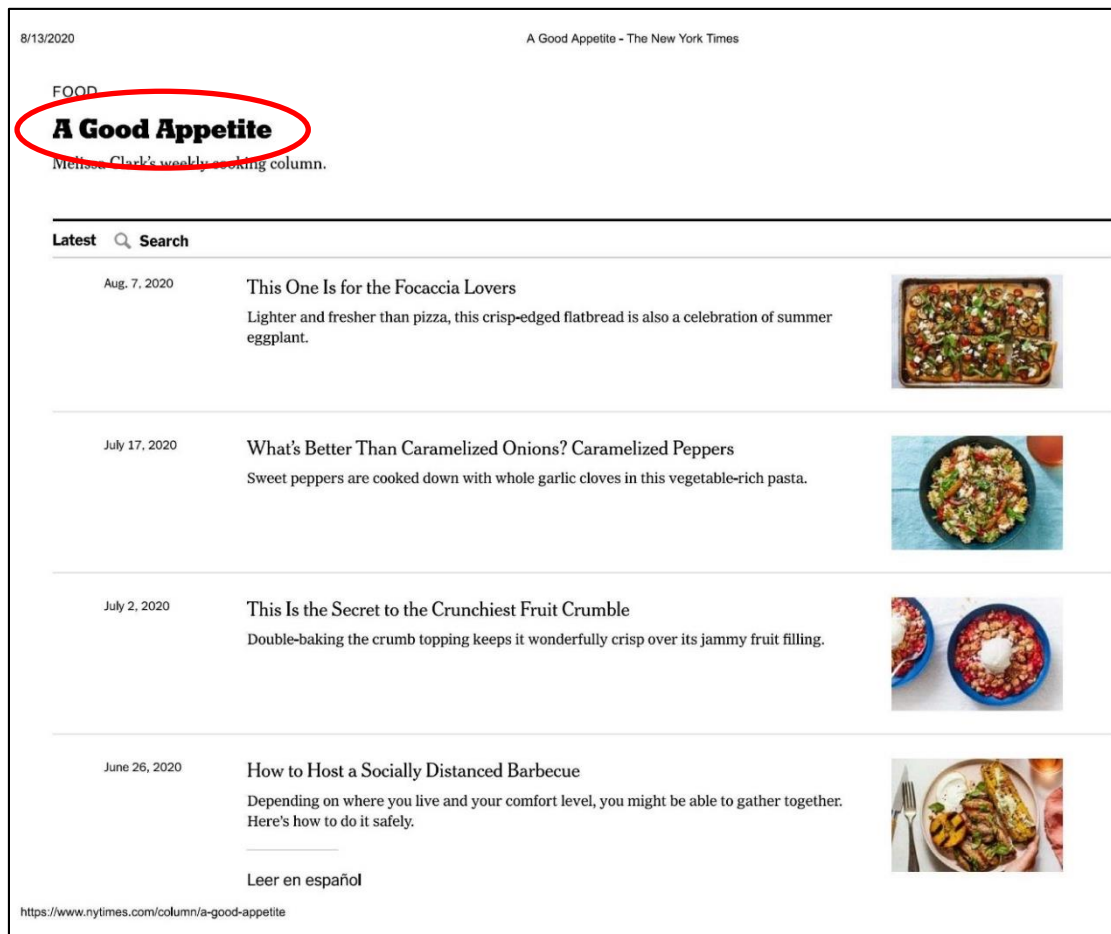
need to open a bottle just for this dish. Water, broth, beer, dry sherry, or even the gin and vermouth of your martini (if you can spare it) will work just as well, giving it a very slight nuance.

Really, you'll barely taste it, because most of the sauce's character comes from those burnished peppers and garlic cloves, zipped up with a little rosemary and red-pepper flakes, and deepened with loads of anchovies. (Yes, you can skip the anchovies, but compensate with some soy sauce.)






A dollop of fresh ricotta just before serving brings the elements together, lending creamy richness to contrast with the mound of torn fresh herbs and crisp scallions that make up the garnish. Don't skimp on those scallions. Other than the snap of al dente pasta, the scallions will be the only textural contrast in the bowl. But they are enough — all the dish needs to bring the suppleness of sweet peppers to the fore.

²⁶ Specimen filed with Application Serial No. 90112154 on August 13, 2020 at TSDR 3.

2. International Class 41 Specimen²⁷



²⁷ Specimen filed with Application Serial No. 90112154 on August 13, 2020 at TSDR 4-5.

8/13/2020	A Good Appetite - The New York Times	
June 22, 2020	Spicy Pork Kebabs, Fast Enough for a Weeknight Loads of whole spices, plus green chile and garlic, infuse the meat, but the marinade can also work on just about anything.	
June 12, 2020	Crunchy, Creamy and Just Sweet Enough Juicy sugar snap peas are quickly blanched, then tossed with a creamy yogurt-feta dressing for a light but rich summer salad.	
June 5, 2020	This Isn't Strawberry Shortcake as You Know It Serve this summery pair with crunchy cookies instead of soft biscuits.	
May 29, 2020	The Best Way to Eat Grilled Salmon Pair it with crisp lettuces and a pungent chile-lime dressing for a light, summery dinner.	
May 22, 2020	You Can't Beat a Savory Babka This cheesy garlic-scented, herb-speckled version may just outshine the chocolate kind.	
May 15, 2020	https://www.nytimes.com/column/a-good-appetite	

8/13/2020

A Good Appetite

The New York Times

Let Vegetables Be the Star of Your Memorial Day

Finished with creamy burrata and a sweet and tangy agrodolce sauce, this packed platter makes a glorious holiday meal.

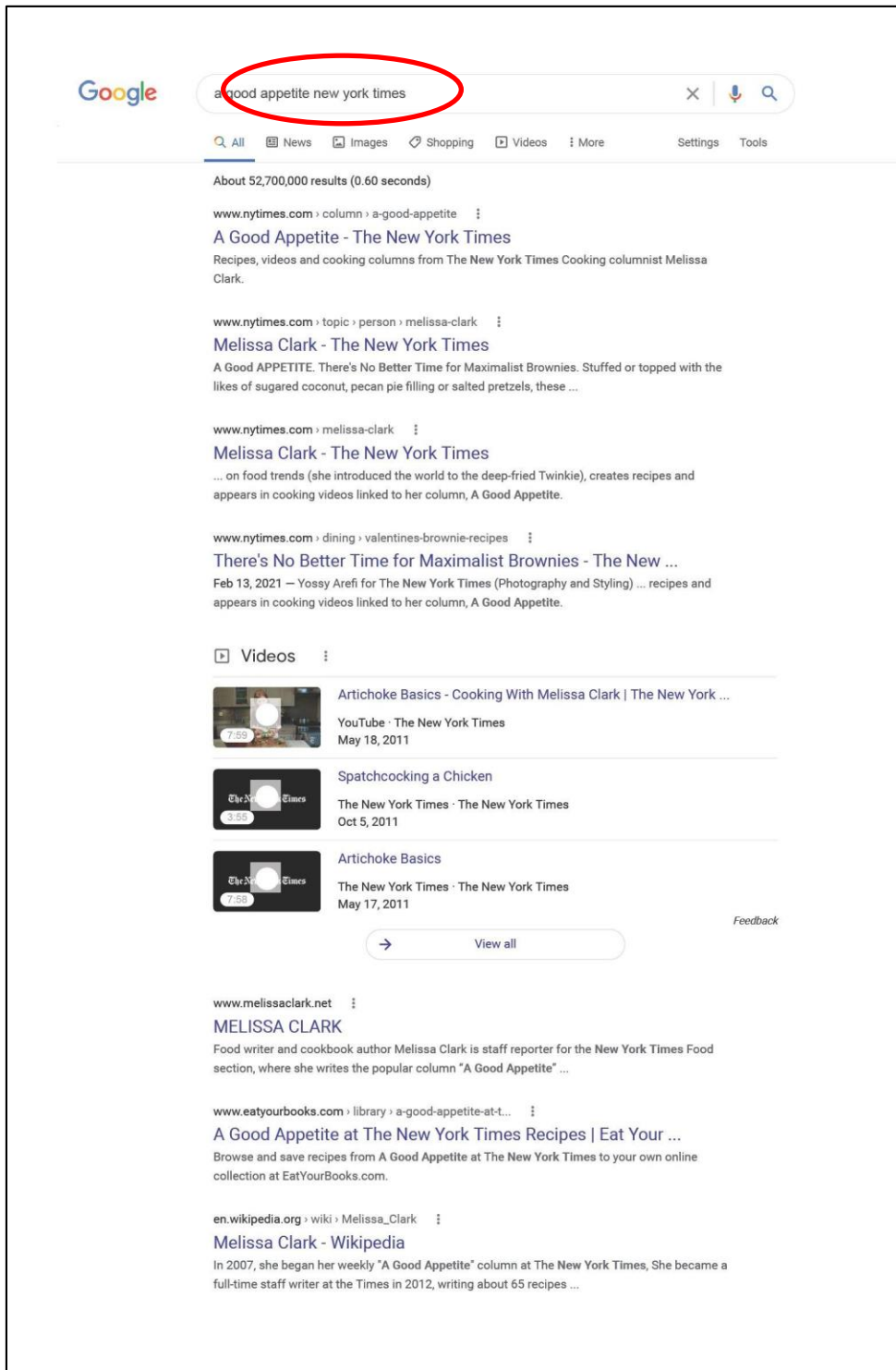


SHOW MORE

<https://www.nytimes.com/column/a-good-appetite>

3/3

3. Google® Search Engine Results²⁸



²⁸ February 26, 2021 Response to Office Action at TSDR 2-3.

www.pinterest.com › ... › Food Journal

A Good Appetite at The New York Times Recipes | Appetite ...

Jul 22, 2015 - Browse and save recipes from A Good Appetite at The New York Times to your own online collection at EatYourBooks.com.


www.amazon.com › Kitchen-Good-Appetite-Recipes-St...

In the Kitchen with A Good Appetite: 150 Recipes and Stories ...


"A Good Appetite," Melissa Clark's weekly feature in the New York Times Dining Section, is about dishes that are easy to cook and that speak to everyone, either ...

Related searches


New York Times food writer




Melissa Clark




Alison Roman




Sam Sifton



Mark Bittman




Dorie Greenspan



Florence Fabricant

→

See more



NYT Cooking book

Feedback

daniel gercke

new york times **cooking**

melissa clark

melissa clark recipes

nyt food

good appetite **meaning**

new york times **article on food**

new york times **cookbook**
author

123456789

Next

19010, Pennsylvania - From your device - Use precise location - Learn more

Help

Send feedback

Privacy

Terms

- 32 -

B. Application Serial No. 90112577 for the mark HUNGRY CITY

1. International Class 16 Specimen²⁹

THE NEW YORK TIMES, WEDNESDAY, MARCH 18, 2020

CRITIC'S NOTEBOOK | PETE WELLS

A Frantic Few Days Is Only the Beginning

Restaurants will need governments to act fast.

I HAD A REAL PEACH of a review lined up for this week, too. Last Wednesday, when I finished it, I still imagined that New York City's restaurants would continue to look and act in some recognizable manner through March and maybe April, if only we could slow the spread of the new, terrifyingly contagious coronavirus. The next day brought the news that the state had ordered them to cut their crowds to half of the legal capacity.

The review I had ready to go was about a below-ground sushi counter with eight seats. Was it going to become a four-seat sushi counter? Would a review of such a place look weird in a week? Was there any restaurant review that wouldn't look weird in a week?

My editors and I wondered about all this in emails that make surreal reading now. I still am not that right at a restaurant I was getting ready to review. Reservations there had been hard to come by for the past couple of months, and the place was full when I got there, although later in the night the table next to me not empty for a while, I remember feeling relieved. If restaurants began seating every other table, maybe we could all keep acting as if it was all going to be fine.

It was Friday afternoon when we decided to hold the review. Friday night, I stayed home. People who went out reported that, despite the 50 percent rule, many restaurants were full and bars were packed, some of them with lines out the door.

I always knew that when the end came, New Yorkers would watch it from a bar. But this was not the end any of us had imagined. Crowding together, not just a survival skill but an engine of the city in normal times, was the most dangerous thing of all.

I spent the weekend chasing rumors and talking to bar and restaurant owners. The crash of stocks and the violent plunge into a bear market, which in another time would have these owners in a panic, barely came up. Instead they talked about surviving. Or not surviving.

"I've been telling my staff for three weeks, 'Guys, get ready for a big hit,'" Tom Colicchio said. "This is terrible. This is the end of the restaurant business as we know it."

I spoke with Mr. Colicchio before the city announced the closing of all restaurants and bars for the time being, but after he had announced that the restaurants he owned in New York were going to shut down for now. When it became clear to him that there was no way to keep them open, he had been planning to call all his employees in for a company meeting to hand tell them in person. That would be the humane thing to do in any other time. This was a week, he decided, when bad news was best delivered by a mass email.

But there was no way to soften the blow for the city's 250,000 or so restaurant workers. (The number comes from a 2015 study by the Center for New York City Affairs at the New School and the National Employment Law Project.) Most jobs are gone for now. Nobody knows how long the city will wait before allowing restaurants to open fully again, but many places won't be able to survive even a short closure. The business is hand-to-mouth even in the best of times; last night's receipts go straight into tomorrow's payroll.

Facebook, Instagram and Twitter are full of appeals to diners to funnel restaurant workers a little cash by buying gift certificates or branded T-shirts, or by sending money directly or indirectly. Restaurants are commercial operations, at least in theory, but for those of us who can't imagine life without them, they act more like culture.

"This is the end of the restaurant business as we know it."

al institutions. If you would give money to keep the opera going, why not pay a little to keep the restaurant workers afloat? People have been giving. There is a lot of talk about supporting takeout and delivery, which are still legal in New York. This is wonderful. And it won't be enough. It won't even come close.

Because many of the fixed expenses of operating a restaurant haven't stopped. There is still rent to pay, and taxes, like the New York State sales tax bill due on Friday. These bills alone could crush restaurants in a matter of weeks, unless they have heaps of cash in reserve.

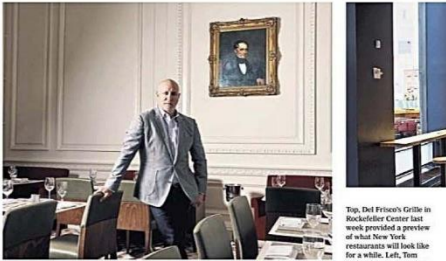
"Paupering or waiving the sales tax would be the fastest way to prop these businesses up without the government going out of pocket," Jonathan Butler, a founder of Smorgasburg and Brooklyn Flea, said on Sunday. "The other huge factor is how they treat leases. Most people have some form of personal guarantee on their leases. I can't imagine as a policy standpoint they want to come out of this crisis and have small-business owners losing their homes because they had a pause that cost some business."

In New York, the state has a \$75,000 award for restaurants that have been in business for more than 100 years. This is a bit of a small consolation, but it's a start. The major weeks have public health, but with a bit of early stage restaurants, and there's a lot of support.

I see two paths. One, state the country, give the close

they had a pause that cost some business. In New York, the state has a \$75,000 award for restaurants that have been in business for more than 100 years. This is a bit of a small consolation, but it's a start. The major weeks have public health, but with a bit of early stage restaurants, and there's a lot of support.

I see two paths. One, state the country, give the close



Top, Del Frisco's Grille in Rockefeller Center last week provided a preview of what New York restaurants will look like for a while. Left, Tom Colicchio, who closed all of his restaurants before the city ordered them to shut down. Above, a lone diner at a Chippie in Midtown last week. Below, David Chang.

that's safe. I came across a work in it since it's a safe. Will a con, but it's out of a financial crisis. The city ordered them to shut down. Above, a lone diner at a Chippie in Midtown last week. Below, David Chang.



that's safe. I came across a work in it since it's a safe. Will a con, but it's out of a financial crisis. The city ordered them to shut down. Above, a lone diner at a Chippie in Midtown last week. Below, David Chang.

Adapting Amid The Shutdown

A family-owned not-quite restaurant braces itself.

THE RESTAURANTS OF New York City have gone dark. But what of the not-quite restaurants: the in-betweeners with just a few wobbly chairs, the hatch counters that hedge bets by selling groceries alongside hot food, the tiny spots whose very grip at existence is a daily improvisation?

On Monday, Maria Elizabeth Marroquin and Lorenzo Garcia were watching the news, waiting to learn if the pizzeria they own and run in Flatbush, Brooklyn, would have to close. As of 8 p.m., all restaurants in the tristate area would be limited to takeout and delivery, to help halt the spread of the



ange juice a verized with bell peppers, dark red tort. Swap in r water for m. Passes are er disks quite. No popes, curried, a br rose, blanch salt. Giant ja with tortilla, takeout. It's i de salsa rai crush of cil with tomato. Each more Marroquin, nices — so front. They sausage w for steaming velvet from tart, wrap, sweet, butte. Some day the cash res

²⁹ Specimen filed with Application Serial No. 90112577 on August 13, 2020 at TSDR 1.

2. International Class 41 Specimen³⁰

8/13/2020

Hungry City - The New York Times

FOOD

Hungry City


Ligya Mishan reviews New York's great unsung restaurants.

Latest

Search


March 17, 2020

A Not-Quite-Restaurant Faces the New Reality
Mirna's Pupuseria is one of the city's many small, family-owned enterprises, struggling to stay in business in the time of coronavirus.




March 12, 2020

How an Ecuadorean Soup Inspired a Restaurant
Before El Encebollado de Rossy opened in Brooklyn, the chef's cooking had a loyal following.




March 5, 2020

Japanese Snacks Inspired by Mom's at Rice & Miso
This petite counter-service restaurant in Boerum Hill, Brooklyn, serves comforting rice balls, bento boxes and soups.



Feb. 28, 2020






At Hamido Seafood, Let the Staff Be Your Guide
This Egyptian restaurant in Astoria, Queens, allows diners to select their own fish and method of preparation. None of it is revelatory; it is simply perfect.



<https://www.nytimes.com/column/hungry-city>

1/3

³⁰ Specimen filed with Application Serial No. 90112577 on August 13, 2020 at TSDR 2-4.

8/13/2020	Hungry City » The New York Times	
Feb. 28, 2020	Fish With an Egyptian Touch At Hamido Seafood in Astoria, Queens, which opened last May, the staff will gently guide you toward the recipes best suited to your order.	
Feb. 20, 2020	Bottomless Brunch Means Bottomless Khao Tom at Noods n' Chill From the team behind Plant Love House in Brooklyn, this Williamsburg restaurant focuses on porridge for brunch.	
Feb. 13, 2020	Banh Mi That Travels the World at JoJu Call it fusion if you must, but, in the chef Julie Wong's hands, it's done in a way that doesn't assume the West is the starting point.	
Feb. 13, 2020	Embracing Queens 'as a Melting Pot' Julie Wong, the chef at JoJu, set out to represent many of the borough's cultures, so the banh mi fillings at her restaurant aren't confined to tradition.	
Feb. 6, 2020	Balanced Soup Dumplings, and Much More, at 3 Times At two Manhattan locations, xiao long bao are neatly pleated and filled with boisterously flavorful ingredients.	
Jan. 31, 2020	https://www.nytimes.com/column/hungry-city	

8/13/2020

Hungry City

The New York Times

Sichuan That Moves Beyond Spiciness at Chuan Tian Xia

At this Sunset Park, Brooklyn, restaurant, mala — the province's distinct marriage of numbing force and feral heat — is only one shade of the meal.

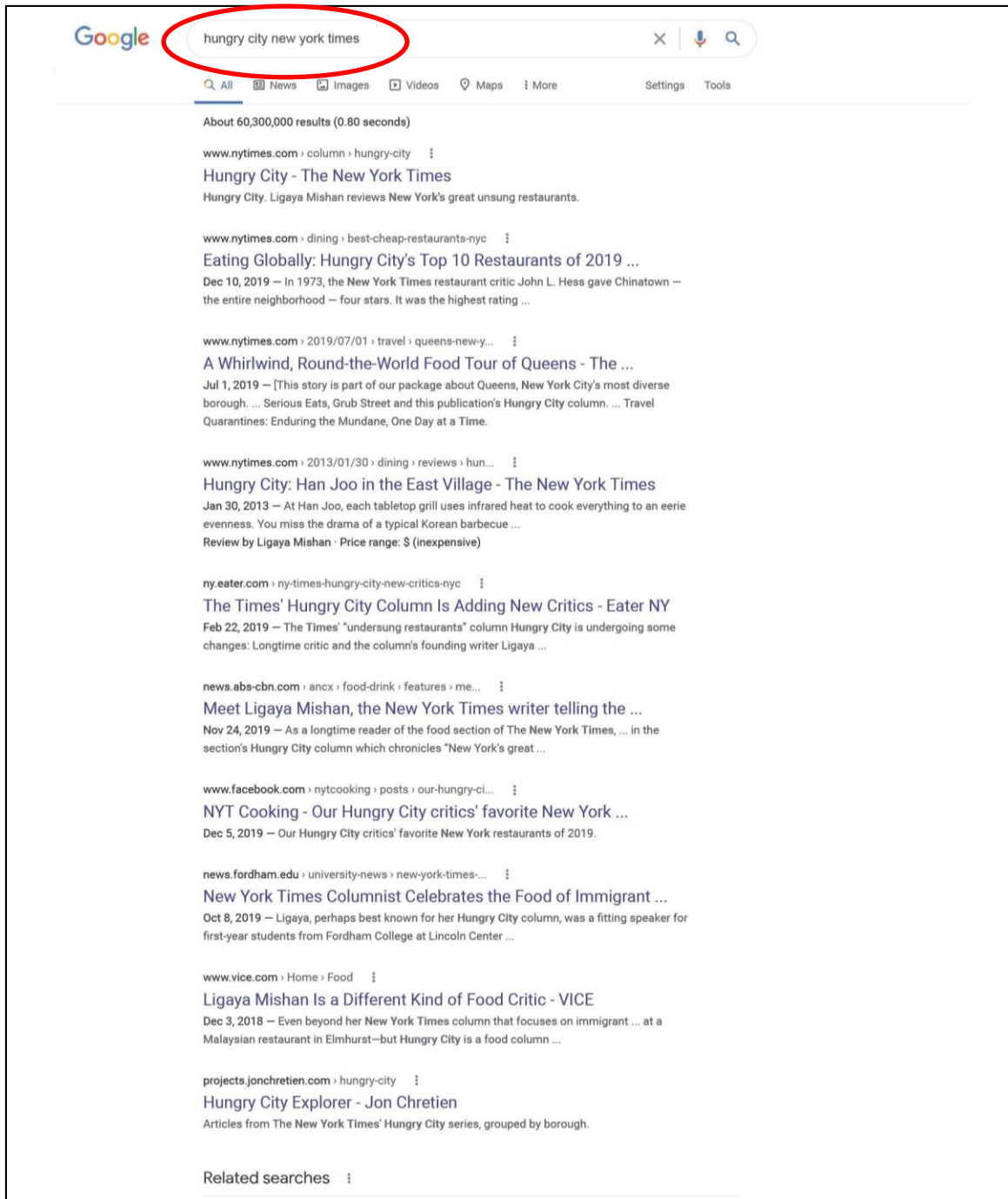


SHOW MORE

<https://www.nytimes.com/column/hungry-city>


3/3

3. Google® Search Engine Results³¹




³¹ February 26, 2021 Response to Office Action at TSDR 2-3.


New York Times restaurant critics




Pete Wells




Sam Sifton




Ruth Reichl



Frank Bruni



Craig Claiborne



John L. Hess

→

See more

Feedback

new york times **food**

new york times **article on food**

hungry city **pdf**

new york times **articles**

new york times **food writer**

new york times **food review**

international new york times

new york times **taste**

12345678910

Next

19010, Pennsylvania - From your places (Home) - Use precise location - Learn more

Help

Send feedback

Privacy

Terms

C. Application Serial No. 90115155 for the mark WORK FRIEND

1. International Class 16 Specimen³²

THE NEW YORK TIMES, SUNDAY, JULY 26, 2020
N.Y. 3

ECONOMIC VIEW | N. GREGORY MANKIW

A Balancing Act Many C.E.O.s Can't Do

To lead on both profits and broad social issues is too much for some chief executives.

WHAT IS THE JOB of a company's chief executive officer and, more generally, its management team?

This classic question of economics seems headed for the surface, yet it has made its way back to the top of the presidential agenda. Political leaders answer it may determine the future of American corporations and of much social policy as well.

If you are any student of economics, you know, such as me, you will tell me that a firm's objective is to maximize its profits. That goal is sometimes described as maximizing shareholder value, which is roughly the same thing because the value of a firm's shares depends on its current and future profitability.

Given this range of economic and political problems the world faces, this approach to firms and the business world is a recent invention, former Vice President George H. W. Bush is the presiding Democratic nominee for president, joined in the critics.

"It's way past time we put an end to the era of shareholder capitalism, the idea the only responsibility a corporation has is with shareholders," he said. "That's simply not true. It's an absolute lie. They have a responsibility to their workers, their community, to their country."

Mr. Biden echoed a stand taken last year by the Business Roundtable, a lobbying group for a new "Statement on the Purpose of a Corporation." Its chief executives belonging to the organization committed themselves "to lead their companies for the benefit of all stakeholders — customers, employees, suppliers, communities and shareholders."

In breaking a routine of some well-entrenched for one of broad social welfare, this approach to corporate management sounds noble, perhaps even divine. But it is more problematic under closer scrutiny.

Imagine that you are the chief executive of an auto company. Your management team brings you a proposal to build a plant producing gasoline cars in Michigan and open one producing electric cars in North Carolina. You must decide whether to approve the plan.

Under a conventional approach to management, you ask yourself one question: Should the change yield greater profits for shareholders? As any chief executive can attest, that question is not easy to answer with the ever-changing state of technology, consumer demand and competition. Still, having only a single question to answer focuses the mind.

Under the Biden and Business Roundtable approach to management, you must ask many more questions. The range is dizzying. Here are just a few.

• How much will the closure of the old plant hurt to workers and their community?

• How do you weigh those losses against the gains to the world be workers at the new plant?

• Given the nation's history of systemic racism, should you consider the racial makeup of the two groups of workers in an effort to reduce economic inequality?

• Does it matter whether the new plant is in North Carolina, providing jobs for African workers, or in Mexico, providing jobs for Mexican workers?

• How should you weigh the benefits of electric cars in mitigating climate change? Should you consider the global impact of climate change or only the impact on the United States?

• How should you balance those concerns against the interests of shareholders, who are entitled to know their savings?

In short, this approach to corporate management expects executives to be socially competent social planners rather than narrowly focused profit maximizers. It's unlikely that corporate executives, with their business training and limited experience, have the skills to play this role well.

And it is not clear how to motivate them to do so. From a company's share price, a board of directors can gauge how well its chief is serving shareholders. That is why boards often hold chief executives accountable by compensating them with stock or stock options. No similar metric is available to judge how effectively a chief executive is serving society as a whole.

To be sure, a shift in perspective about corporate management might be justified despite these difficulties if the self-interest inherent in shareholder capitalism were pernicious, sometimes, a undesirable, if not a societal evil. One lesson of Keynes II is that the self-interested behavior of consumers and businesses, directed by market forces and constrained by competition, can lead to desirable outcomes.

In more advanced economics courses, that lesson is called the first fundamental theorem of welfare economics. In essence, the theorem says that competitive markets with self-interested actors make the economy go as large as possible. This result is arguably the crown jewel of economic theory.

Let me think that this conclusion is mostly Panglossian, let me note three caveats.

First, a well-functioning government is needed to protect property rights and maintain the rule of law, on which competitive markets rely. Widespread corruption is one reason many nations remain mired in poverty.

Second, while free markets yield a large economic pie, they do not ensure that it is shared equitably. A robust social safety net is crucial to give those left behind and maintain confidence in a market economy.

Third, the first welfare theorem does not apply perfectly in the real world, where market activities can have significant adverse side effects. The carbon emissions that contribute to climate change are an example, which is why many economists endorse carbon taxes to correct the market failure.

In other words, the world needs people to look out for the broad well-being of society. But these people are not corporate executives. They are elected leaders, who are equipped and trusted.

Sally, we have not had such leadership in this White House over the past four years. That is why I plan to vote for Mr. Biden in November. I hope he will remember his view of shareholder capitalism.



What would work as competent, trustworthy social officials.

agreement, you ask yourself one question: Should the change yield greater profits for shareholders? As any chief executive can attest, that question is not easy to answer with the ever-changing state of technology, consumer demand and competition. Still, having only a single question to answer focuses the mind.

Under the Biden and Business Roundtable approach to management, you must ask many more questions. The range is dizzying. Here are just a few.

• How much will the closure of the old plant hurt to workers and their community?

• How do you weigh those losses against the gains to the world be workers at the new plant?

• Given the nation's history of systemic racism, should you consider the racial makeup of the two groups of workers in an effort to reduce economic inequality?

• Does it matter whether the new plant is in North Carolina, providing jobs for African workers, or in Mexico, providing jobs for Mexican workers?

• How should you weigh the benefits of electric cars in mitigating climate change? Should you consider the global impact of climate change or only the impact on the United States?

• How should you balance those concerns against the interests of shareholders, who are entitled to know their savings?

In short, this approach to corporate management expects executives to be socially competent social planners rather than narrowly focused profit maximizers. It's unlikely that corporate executives, with their business training and limited experience, have the skills to play this role well.

And it is not clear how to motivate them to do so. From a company's share price, a board of directors can gauge how well its chief is serving shareholders. That is why boards often hold chief executives accountable by compensating them with stock or stock options. No similar metric is available to judge how effectively a chief executive is serving society as a whole.

To be sure, a shift in perspective about corporate management might be justified despite these difficulties if the self-interest inherent in shareholder capitalism were pernicious, sometimes, a undesirable, if not a societal evil. One lesson of Keynes II is that the self-interested behavior of consumers and businesses, directed by market forces and constrained by competition, can lead to desirable outcomes.

In more advanced economics courses, that lesson is called the first fundamental theorem of welfare economics. In essence, the theorem says that competitive markets with self-interested actors make the economy go as large as possible. This result is arguably the crown jewel of economic theory.

Let me think that this conclusion is mostly Panglossian, let me note three caveats.

First, a well-functioning government is needed to protect property rights and maintain the rule of law, on which competitive markets rely. Widespread corruption is one reason many nations remain mired in poverty.

Second, while free markets yield a large economic pie, they do not ensure that it is shared equitably. A robust social safety net is crucial to give those left behind and maintain confidence in a market economy.

Third, the first welfare theorem does not apply perfectly in the real world, where market activities can have significant adverse side effects. The carbon emissions that contribute to climate change are an example, which is why many economists endorse carbon taxes to correct the market failure.

In other words, the world needs people to look out for the broad well-being of society. But these people are not corporate executives. They are elected leaders, who are equipped and trusted.

Sally, we have not had such leadership in this White House over the past four years. That is why I plan to vote for Mr. Biden in November. I hope he will remember his view of shareholder capitalism.

WORK FRIEND | N. GREGORY MANKIW

You're Not Getting Paid. Yes, Set Boundaries.

A few weeks ago, I started a part-time internship. The work is remote and unpaid, and my supervisor and I are working across time zones. My supervisor does not provide clear deadlines. They found myself working for much longer than I agreed to, and I work late at night to navigate the time difference. Our manager recently told us he was dissatisfied with our current progress.

How do I draw clear boundaries? Am I expected to always be available and "online" since we do not have synchronous working times? My supervisor and I have a very new working relationship and rarely have face-to-face meetings, so I am nervous about raising concerns because I do not want to come across as disrespectful or ungrateful. The unpaid internship is really meaningful, and I want to respect my commitment and my supervisor's time and energy.

Answers:

Unpaid internships are unreasonable. It is exploitative and there is no excuse for it in this day and age. That is more given that this is your job and you've agreed to these conditions, but it needs to be said. I am glad the work you're doing is meaningful so you're getting something out of this experience, but your manager is making unreasonable demands. And to not, this is a professional position. You have every right to establish boundaries. You do not need to be always available or work unreasonable hours. Certainly a job will sometimes demand more of your time than the 12 or 20 or 40 hours of work expected of you each week. Most people are happy to occasionally put in extra time to get the job done if they aren't being exploited. It's called "work" for a reason. But there is a difference between work and unreasonably overwork, which is what is currently being asked of you.

Decide what your boundaries are and write a polite but firm email to your manager articulating those boundaries. It would point out the time zone issue and also ask for them to provide clear expectations for the time frame within which you should complete your work. It is not unreasonable to assign tasks without expectations and to stand up for your time and not being a mind reader. Finally, it is not disrespectful or ungrateful to stand up for yourself at work. Your employer is not doing you a favor by giving you a job and they are especially not doing you a favor when they exploit your labor without compensation.

Can corporations change?

I think universities have training of work and learned a lot. The more I thought about it, I realized that corporations in our capitalist society inherently perpetuate abuse. It is possible for a corporate culture to both

its employees accountable for losses and allow its higher-ups to practice business practices that are honest, the respect for companies built on losses in the first place, at least.

Listen, any time you're dealing with corporate culture, you have to manage your expectations. Most corporations don't make meaningful changes about anything unless their bottom line demands doing so. That said, and the current social upheaval, we are seeing a lot of companies trying to say and do the right things about controlling internet bias and creating work environments that are more diverse, equitable and inclusive. Some of these efforts are sincere and some are cynical performance, but it is important to acknowledge progress, however incremental.

It is possible for a corporate culture to lead itself accountable, but it requires active and sustained effort. It requires capital investment and mutual change. Some of those changes — targeted hiring and promotion, cultural pay transparency and pay equity, consequences for bias, and risk policies that have people's change behaviors — will be unacceptable. Change and inclusion and reputation are unacceptable. Unfortunately, few companies are willing to let their employees and other stakeholders sit with the discomfort necessary to create change.

What you really are asking is if it's worth your time to advocate for change and hold yourself and your direct reports accountable for that reason when your boss probably isn't going to do that same work. The answer is also yes. In an ideal world, your company's executives will examine and confront their different biases and make the necessary adjustments as

they are making the most equitable hiring, salary promotion and other business decisions. But if they don't do that work, your company isn't doing anything but deepening inequities. As a middle manager you do have some power. You can and should lead by example.

Mandatory fun is never fun.

At the start of work from home, my manager suggested we do a virtual check-in with our team of four. The check-in really had to do with work and have merged into daily social chats for about an hour a day. Sometimes they are fun, and I admit they have been nice during this isolated time. But the mandatory nature is unnecessary and draining. How that works from home seems like one normal. For something if there is a way to carefully cut down on these calls without jeopardizing my job. ANSWERS

I completely understand where you're coming from and hear your frustrations. Your feelings are not unreasonable. That said, there are real challenges to remote work. There is no doubt that remote has the best of intentions in trying to replicate the social connection that has been lost now that your team is working from home. But it is a bit of a social conversation with co-workers, after a full workday, is a lot. Finally, it is a social conversation with co-workers, after a full workday, is a lot. Finally, it is a social conversation with co-workers, after a full workday, is a lot. Finally, it is a social conversation with co-workers, after a full workday, is a lot.

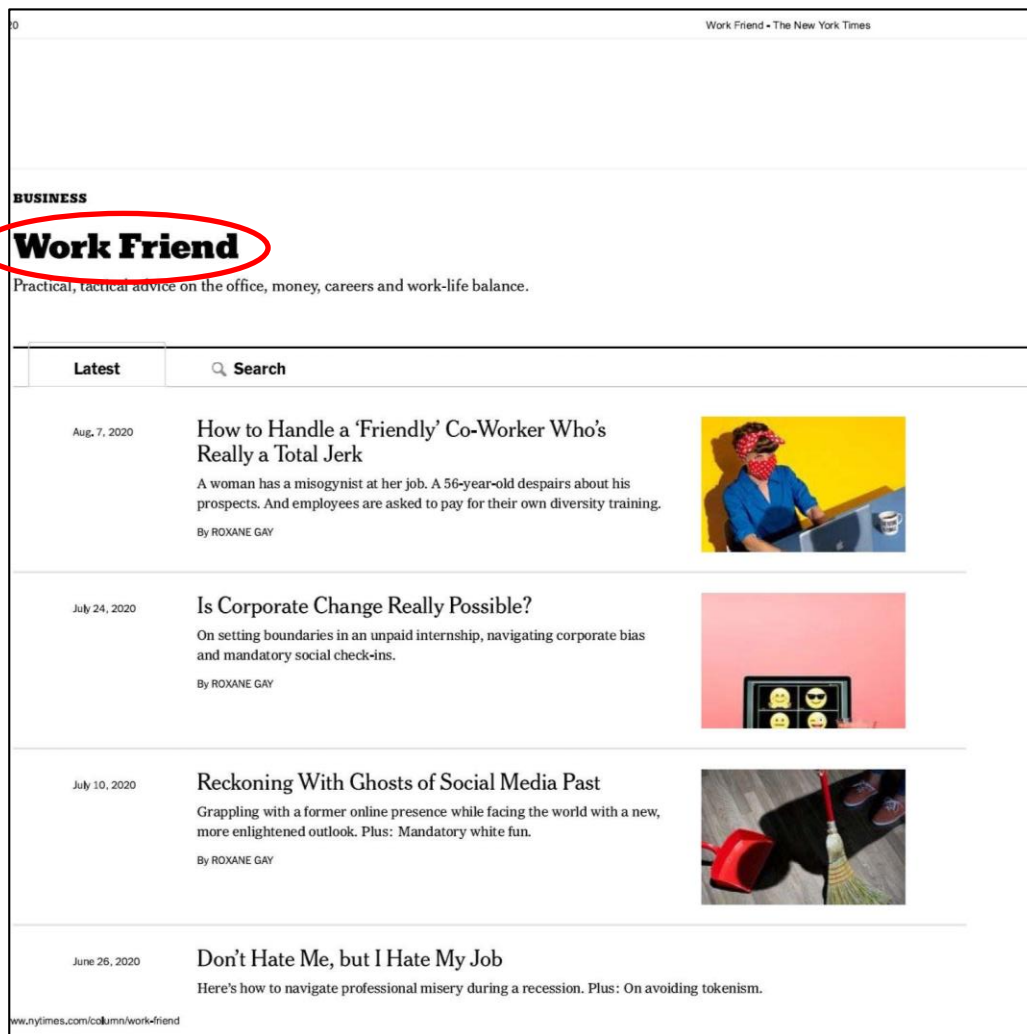
It would be reasonable for you to suggest that these check-ins take place maybe twice a week instead of every day. You might also suggest a driver agenda for the check-ins to keep the conversations mostly work-related (there's nothing wrong with some personal conversation). Creating a check-in agenda, if you don't already have one, could also be a workable option. With check-ins, your goal can be to connect and converse throughout the workday. If you break this off entirely, I think your manager will respond with an open mind and you can be relieved of at least some of the burden of these daily chats. I wish you the best of luck!

Reasons to be the author, most recently, "hunger" and a contributing opinion writer.






Send questions about the office, money, careers, and work to workfriend@nytimes.com. Include your name and location, and if you want to be credited, let us know by email.

Send questions about the office, money, careers, and work to workfriend@nytimes.com. Include your name and location, and if you want to be credited, let us know by email.

2. International Class 41 Specimen³³



³³ Specimen filed with Application Serial No. 90115155 on August 14, 2020 at TSDR 2-4.

0			<div>Work Friend • The New York Times</div> 
June 12, 2020	What Do I Do if My Employer Does Something I Can't Abide? You have to calibrate the difference between dumb and unacceptable, what you can live with and what you cannot. By ROXANE GAY		
May 29, 2020	Is It Safe to Keep Employing a Cleaner? Wrong Question, Lady Introducing your new Work Friend: Roxane Gay. By ROXANE GAY		
May 14, 2020	Rich Boss, Young Employee, Angry Wife: It Gets Twisted An email described an intimate ski trip between co-workers. But who really sent it? By CAITY WEAVER		
May 1, 2020	Bored at Work? The Solution Involves a Small Orange Man Plus: Once we all get back to work, let's give our pets a vacation. Forever. By CAITY WEAVER		
April 16, 2020	I'm Working Remotely. Can I Keep Hiding My Secret Baby? 'I'm pretty sure he thinks it's a cat.'		
www.nytimes.com/column/work-friend			

0

By CATY WEAVER

Work Friend • The New York Times




April 2, 2020

How to Make Your Work-Neighbors Be Quiet (In 3 Lies or Less)

We've been getting a lot of feedback that your neighbors are too loud. That's lie No. 1.

By CATY WEAVER

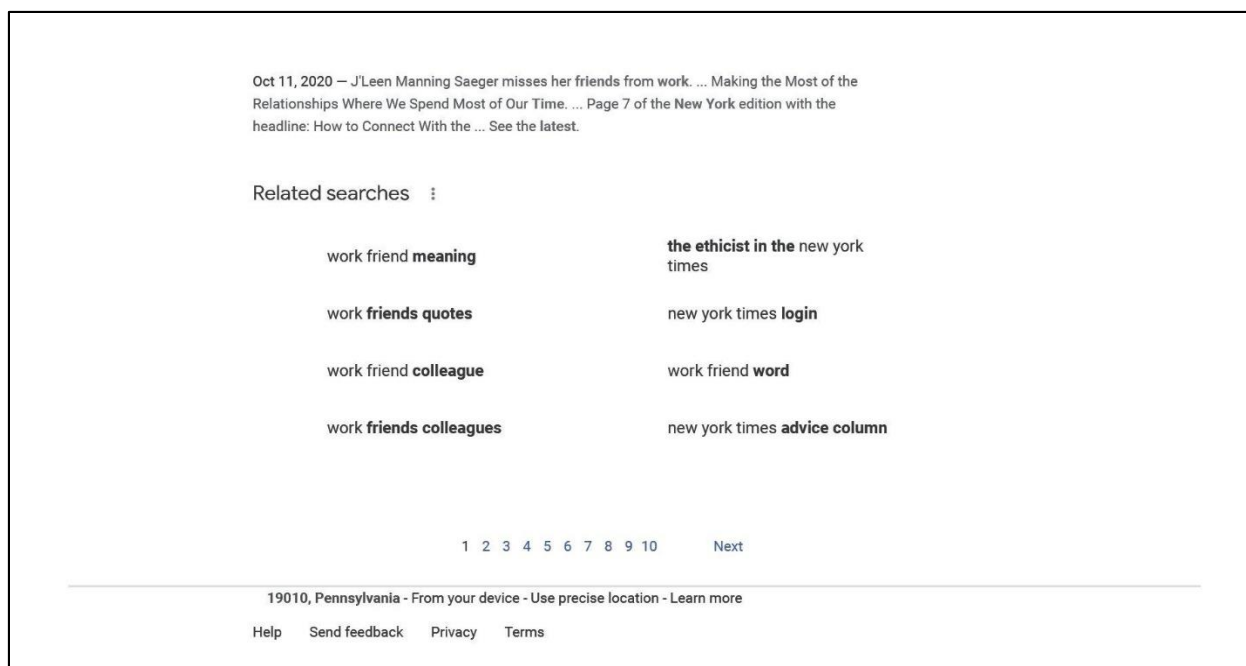
SHOW MORE



www.nytimes.com/column/work-friend

3. Google® Search Engine Results³⁴

The screenshot shows a Google search for "work friend new york times". The search bar is highlighted with a red circle. The results page shows approximately 603,000,000 results in 0.72 seconds. The first result is "Work Friend - The New York Times" with a description: "Practical, tactical advice on the office, money, careers and work-life balance. My Colleagues Have Great... · No More All-Nighters! · I'm Tired of Babysitting Man...". The second result is "No Boys Allowed - The New York Times" dated Nov 19, 2021, with a description: "Two colleagues recently lost their pets, and another colleague took up a ... I work for a social media agency where everyone is extremely online ...". The third result is "I Don't Want to Be the Office Grandma - The New York Times" dated Nov 27, 2020, with a description: "Advice for getting back into the work force at 60, dealing with shame and co-workers, and how to cope with losing all motivation for working ...". The fourth result is "Opinion - The New York Times" dated Oct 21, 2020, with a description: "Your Work Friends Knew Exactly What Kind of Week You'd Had. A future without chats in the office kitchen seems pretty lonely. By Ashley ...". The fifth result is "My Co-Worker Is a Scammer and She Gets on My Last Nerve ..." dated Jan 22, 2021, with a description: "Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, or a ...". The sixth result is "How to Handle a 'Friendly' Co-Worker Who's Really a Total ..." dated Aug 7, 2020, with a description: "I work with a man who is considered 'nice' and 'friendly'. ... And any time a man says feminism is B.S., he is plainly communicating exactly ... I find it hard to talk to friends because my news ultimately ends with failure. ... 9, 2020, Section BU, Page 3 of the New York edition with the headline: ... See the latest. ...". The seventh result is "Introducing 'Work Friend,' an Advice Column on Careers and ..." dated Nov 5, 2018, with a description: "We can be reached at workfriend@nytimes.com. Please know that we won't be answering individual questions there. This isn't a late-night hotline ...". The eighth result is "Office Treats Bring Out the Worst of Humanity - The New York ..." dated Jan 3, 2020, with a description: "Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, even if ...". The ninth result is "How to Handle Bad Co-Workers of the Anti-Mask and ..." dated Dec 11, 2020, with a description: "I never want to advocate for someone losing their job, especially in this economy. ... My partner and I moved into my parents' house while I waited to find full-time work. ... He's my best friend. ... 13, 2020, Section BU, Page 3 of the New York edition with the headline: When the Anti-Masker Is Your Employee. ...". The tenth result is "How to Connect With the Co-Workers You're Missing - The ...".



³⁴ February 26, 2021 Response to Office Action at TSDR 2-3.

The screenshot shows a Google search interface. The search bar contains the text "work friend new york times", which is circled in red. Below the search bar, the results are displayed. The first result is "Work Friend - The New York Times", with a description: "Practical, tactical advice on the office, money, careers and work-life balance. My Colleagues Have Great... · No More All-Nighters! · I'm Tired of Babysitting Man...". The second result is "No Boys Allowed - The New York Times", dated Feb 19, 2021, with a description: "Two colleagues recently lost their pets, and another colleague took up a ... I work for a social media agency where everyone is extremely online ...". The third result is "I Don't Want to Be the Office Grandma - The New York Times", dated Nov 27, 2020, with a description: "Advice for getting back into the work force at 60, dealing with shame and co-workers, and how to cope with losing all motivation for working ...". The fourth result is "Opinion - The New York Times", dated Oct 21, 2020, with a description: "Your Work Friends Knew Exactly What Kind of Week You'd Had. A future without chats in the office kitchen seems pretty lonely. By Ashley ...". The fifth result is "My Co-Worker Is a Scammer and She Gets on My Last Nerve ...", dated Jan 22, 2021, with a description: "Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, or a ...". The sixth result is "How to Handle a 'Friendly' Co-Worker Who's Really a Total ...", dated Aug 7, 2020, with a description: "I work with a man who is considered 'nice' and 'friendly'. ... And any time a man says feminism is B.S., he is plainly communicating exactly ... I find it hard to talk to friends because my news ultimately ends with failure. ... 9, 2020, Section BU, Page 3 of the New York edition with the headline: ... See the latest.". The seventh result is "Introducing 'Work Friend,' an Advice Column on Careers and ...", dated Nov 5, 2018, with a description: "We can be reached at workfriend@nytimes.com. Please know that we won't be answering individual questions there. This isn't a late-night hotline ...". The eighth result is "Office Treats Bring Out the Worst of Humanity - The New York ...", dated Jan 3, 2020, with a description: "Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, even if ...". The ninth result is "How to Handle Bad Co-Workers of the Anti-Mask and ...", dated Dec 11, 2020, with a description: "I never want to advocate for someone losing their job, especially in this economy. ... My partner and I moved into my parents' house while I waited to find full-time work. ... He's my best friend. ... 13, 2020, Section BU, Page 3 of the New York edition with the headline: When the Anti-Masker Is Your Employee.". The tenth result is "How to Connect With the Co-Workers You're Missing - The ...", dated 2020/10/11, with a description: "smarter-living · how-t...".

Google

work friend new york times

About 603,000,000 results (0.72 seconds)

www.nytimes.com › column › work-friend

Work Friend - The New York Times

Practical, tactical advice on the office, money, careers and work-life balance.
My Colleagues Have Great... · No More All-Nighters! · I'm Tired of Babysitting Man...

www.nytimes.com › 2021/02/19 › business › roxane-gay...

No Boys Allowed - The New York Times

Feb 19, 2021 — Two colleagues recently lost their pets, and another colleague took up a ... I work for a social media agency where everyone is extremely online ...

www.nytimes.com › work-friend-advice-roxane-gay

I Don't Want to Be the Office Grandma - The New York Times

Nov 27, 2020 — Advice for getting back into the work force at 60, dealing with shame and co-workers, and how to cope with losing all motivation for working ...

www.nytimes.com › opinion › work-from-home-loneliness

Opinion - The New York Times

Oct 21, 2020 — Your Work Friends Knew Exactly What Kind of Week You'd Had. A future without chats in the office kitchen seems pretty lonely. By Ashley ...

www.nytimes.com › 2021/01/22 › business › my-co-wor...

My Co-Worker Is a Scammer and She Gets on My Last Nerve ...

Jan 22, 2021 — Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, or a ...

www.nytimes.com › 2020/08/07 › business › how-to-han...

How to Handle a 'Friendly' Co-Worker Who's Really a Total ...

Aug 7, 2020 — I work with a man who is considered "nice" and "friendly". ... And any time a man says feminism is B.S., he is plainly communicating exactly ... I find it hard to talk to friends because my news ultimately ends with failure. ... 9, 2020, Section BU, Page 3 of the New York edition with the headline: ... See the latest.

www.nytimes.com › 2018/11/05 › business › advice-colu...

Introducing 'Work Friend,' an Advice Column on Careers and ...

Nov 5, 2018 — We can be reached at workfriend@nytimes.com. Please know that we won't be answering individual questions there. This isn't a late-night hotline ...

www.nytimes.com › work-friend-office-cupcakes

Office Treats Bring Out the Worst of Humanity - The New York ...

Jan 3, 2020 — Send questions about the office, money, careers and work-life balance to workfriend@nytimes.com. Include your name and location, even if ...

www.nytimes.com › 2020/12/11 › business › roxane-gay...

How to Handle Bad Co-Workers of the Anti-Mask and ...

Dec 11, 2020 — I never want to advocate for someone losing their job, especially in this economy. ... My partner and I moved into my parents' house while I waited to find full-time work. ... He's my best friend. ... 13, 2020, Section BU, Page 3 of the New York edition with the headline: When the Anti-Masker Is Your Employee.

www.nytimes.com › 2020/10/11 › smarter-living › how-t...

How to Connect With the Co-Workers You're Missing - The ...

Oct 11, 2020 — J'Leen Manning Saeger misses her friends from work. ... Making the Most of the Relationships Where We Spend Most of Our Time. ... Page 7 of the New York edition with the headline: How to Connect With the ... See the latest.

Related searches :

work friend **meaning**

the ethicist in the new york times

work friends quotes

new york times login

work friend **colleague**

work friend **word**

work friends colleagues

new york times **advice** column

1 2 3 4 5 6 7 8 9 10 Next

19010, Pennsylvania - From your device - Use precise location - Learn more

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

2. International Class 41 Specimen³⁶

Off the Shelf - The New York Times

Page 1 of 2

BUSINESS

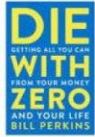
Off the Shelf

A collection of "Off the Shelf" columns published in The New York Times.

Latest 🔍 Search


Awkward Timing, but the Financial Ideas Are Still Sound

A book with a provocative title says you should have two equal goals when it comes to investing: Get all you can from both your money and your life.




A Novel Offers a Do-It-Yourself Remedy for Financial Anxiety

Starting a business while you still have a job might make your financial life easier, a novel suggests. It also has nuggets for going out on your own if you are unemployed.



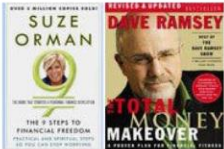
Are You Overlooking Something That Could Make You Richer?

You probably aren't paying enough attention to your debt, an accountant argues in a new book, and that could be costing you.

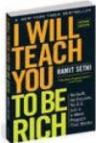


Reconsidering the Advice in 3 Popular Personal Finance Books

Books by Suze Orman, Dave Ramsey and Robert Kiyosaki don't tell us much about investing, our reviewer says, but their counsel still has value.



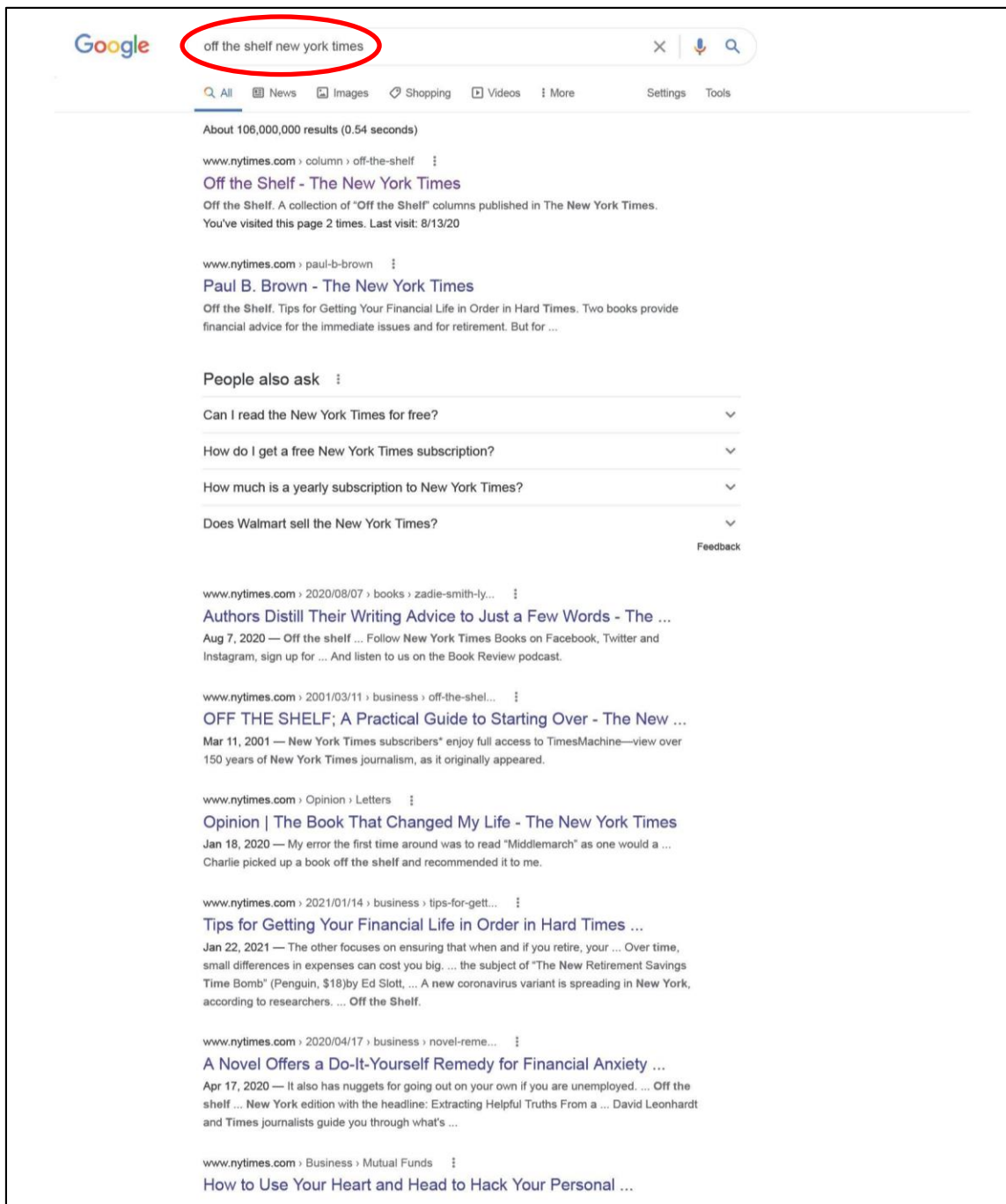
Buying Lattes Is Not Keeping You From Being Rich



<https://www.nytimes.com/column/off-the-shelf>

8/14/2020

3. Google® Search Engine Results³⁷



³⁶ Specimen filed with Application Serial No. 90115491 on August 14, 2020 at TSDR 2-3.

³⁷ February 26, 2021 Response to Office Action at TSDR 2-3.

Oct 8, 2020 — Use that money to gain control over your time so that you can, ... in print on Oct. 11, 2020, Section BU, Page 16 of the New York edition with the ... A collection of "Off the Shelf" columns published in The New York Times.

www.nytimes.com › [harry-hurt-iii](#) ›

Harry Hurt III - The New York Times

Off the Shelf. King of Beers, and a Slippery Throne. Julie MacIntosh examines how an American family's beer dynasty fell victim to a foreign takeover. By Harry ...

www.nytimes.com › 2020/07/27 › books › [tom-hanks-gw...](#) ›

The Celebrity Bookshelf Detective Is Back - The New York Times

Jul 27, 2020 — On "The Today Show," July 7. 1. The Presidential Recordings of Lyndon B. Johnson, Volumes 1-3: Transcripts of 700 hours of telephone ...

Ad · www.nytimes.com/ ▼ (888) 824-4085

Subscribe Today From \$1/Week - The New York Times

Subscribe to The **New York Times** Today For \$1/Week For One Year. Subscriber Only Discounts. Free Access to NYT Apps. Multiple Bundle Options. 1+ Bonus Subscriptions. High Quality Journalism. Types: Culture, Business, Science, Style, Health & Wellness, Politics.

Rating for nytimes.com: 4.6 - 656 reviews - Return policy: Most items 30+ days

Subscribe: Home Delivery · Subscribe: Academic Rate · New York Times Crossword

1 2 3 4 5 6 7 8 9 10 Next

19010, Pennsylvania - From your places (Home) - Use precise location - Learn more

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

E. Application Serial No. 90115337 for the mark LIKE A BOSS

1. International Class 16 Specimen³⁸

4

THE NEW YORK TIMES JUNE 26, 2020

Like a Boss

A Napa C.E.O.'s Pandemic Work Diary

Carlton McCoy
CHIEF EXECUTIVE, HETZ CELLAR

The first African-American to run a major winery spends his packed days making his industry more approachable and more inclusive.

CARLTON MCCOY, the chief executive of the second Hertz Cellar in Napa Valley, Calif., is used to being the only black man in the room. Out of nearly 200 master winemakers in the United States, Mr. McCoy, 38, is one of just three African-Americans.

"Wine is marketed as luxurious, even entry-level wine grapes," he said. "That's not what people of color are associated with."

Eighteen months ago, Mr. McCoy became the first African-American to run a major winery when he was hired to oversee Hertz, whose 17th-century vineyard cabernet sauvignon is considered one of the finest California wines ever bottled. He was hired to Hertz by the Arkansas agriculture billionaire Carlton Lawrence Jr., who bought the vineyard in 2018. The two had met at the Little Nell Hotel in Aspen, Colo., where Mr. McCoy directed the hotel's highly regarded wine program.

"Carlton had booked a reservation in the cellar, where I had created a lounge that was a bit of a speakeasy, and we bonded exclusively to a 'Yikes Cablot Queen,'" Mr. McCoy said. "I stepped in to say hello and we ended up talking for four hours over a 50 Petrus and an '02 DRC Grand Cru Echezeaux."

Mr. McCoy grew up in an extended multigenerational family where wine was not consumed. "My grandfather, who was from the South, used to get two gallons of homemade corn liquor from a buddy of his each year," he said. "And my grandfather was a preacher. He didn't drink at all."

After winning a cyclical cooking competition in high school with a deep-fried chicken sandwich accompanied by sautéed spring vegetables and an herb potato, Mr. McCoy attended the Culinary Institute of America, then worked at upscale restaurants such as Per Se and Aquavit while studying for his certification as a sommelier. After graduating at the top of his class, he moved on to one of the world's most prestigious ensembles of chefs, the Four Seasons Hotel in New York City.

The pandemic crisis, at a particularly inopportune time for Hertz, which was three months into its reopening campaign, Mr. McCoy did not let off any of the winery's 12 employees, but he did make several conditions for the new state of work. He began identifying "I understand how much I have done culture," he said. "I need to make eye contact and use body language," on internal emails long in this five sentences, and mandatory suggestions for improving Hertz — two per day.

The worst idea he received, he said, was to rebrand existing wine with new labels and higher price. "Something that happens in the wine industry all the time. The best was so good, he said, he couldn't share it publicly."

TUESDAY

4 A.M. I'm a rarity in the food and beverage industry: a morning person. I like to start the day with a run. Running gives me a clarity of mind that I can't get any other way. And I've done it one of our properties in the Napa Valley, the Hertz Vineyard, which I like to run by and see where it is in the growth cycle. If I need a little push, I listen to Black Kites.

5 A.M. My first meeting of the day is usually with our chief financial officer, who like most of our staff, is in his 30s. This is about strategy and looking at the big picture. Hertz is a historic wine company, but one of the things we're trying to do is come up with something more approachable, a place where young people can interact with pedigreed classic wines — the tried and true.

7 A.M. Exchange texts with one of my members, Mervyn Carter, the chief executive of Sprangill Entertainment, who is also Lawrence's business manager. Mervyn's next role as a wine client at the Little Nell, then became a friend. For African-Americans who make it out of poverty, you're a bit of an island, and as I've progressed in my career, I have found fewer people of color in the room. Mervyn's and I connect about music, food, business and things happening in the country. We text more than we speak, since we're both overcommited.

8 A.M. I put up an Instagram story about my grandfather, who raised me and has been in my mind because of the grape. After I graduated culinary school, my grandfather told me I needed to not my hair, change the way I spoke and wear new clothes. It rubbed me to say it, but even, she always instilled a sense of pride

in our culture, food, music and way of being. The understood that this country was far from perfect, but it's our country.

WEDNESDAY

9 A.M. I could not exist without coffee. I prefer a bitter, deep-roasted flavor, and if I could I would spend all day researching small roasters who can provide that. I ordered 12 pounds of the Trade Coffee Club and have my beans delivered. It's all about efficiency. Greater Goods Roasters in Blue and Stone is a brand I enjoyed. My mother is a JIRA Impresario Supermom.

10 A.M. Every morning I meet with our farming team to discuss things like canopy management. You can't make great wine without great farming, and I'm a young proponent from Santa Barbara. In doing studies of our vineyards so that we can create more soil-specific farming plans. Wherever I go, I see European consultants, but I prefer Americans. We have so much incredible talent here. If anything, the Europeans are leaving from us now that, thanks to climate change, Burgundy is also cooking wine.

12 P.M. Two hours of training meetings. This summer we're bringing out a new line called Bored, named by Louis Brando, a legendary old winemaker known for planting quality varieties like Cabernet. We're also bringing out Ink Grade, named for one of the oldest, most picturesque and highest-altitude vineyards in Napa Valley, which is more of an age-worthy wine, unlike Bored, which is a wine to drink every day.

THURSDAY

9 A.M. In online planning work with Aaron Hertz, a trainer I met at his City House studio in L.A. The music is incredible, and even though he has super-damian clients, he doesn't let you off easy.

10 A.M. A check-in call with Gaylen, our server. Most winery owners would have a hard time identifying their own wine, and they certainly have no interest in farming. Gaylen is a farmer. He'd rather be out walking the rows or driving a tractor. Back in March, when the impact of the pandemic started becoming obvious, I flew to Arkansas to see him, and we spent three days looking over every detail of the business.

4 P.M. A time but ultimately fruitful Zoom with the Hatz Society, an organization devoted to diversifying wine culture. We all want to give back to the community, but how we do it is a matter of disagreement. Personally, I would like to focus on job placement and education. The result of this call is that we are going to create a new arm of the society called the Hatz Fund, which will fund wine scholarships for the black community, followed by guaranteed job placement. We already have verbal commitments from 20 wineries.

FRIDAY

9 A.M. I'm high energy; my mind works fast. I talk fast. So to the relief of those who know me, I have recently taken up meditation as part of my morning routine. I use the Calm app. I figured if it's good enough for LeBron, why not me?

12 P.M. I just announced that Juneau will be a paid holiday for everyone in our company.

4 P.M. I join a conference call with the Court of Master Sommeliers, an organization that certifies wine professionals, which is in the news this week because of charges that it isn't inclusive. [The Court agreed to drop the use of the word "master," which is offensive to African-Americans.] These are real talks, not board meetings where people are appeased with hospitality from the server at a fancy restaurant who gives black people less than quality service because of the assumption that they won't tip. In the way someone meets when they go into a wine shop and a person of color is there to help them.

8 A.M. My morning text to my driver for my girlfriend, the winemaker Maya Challa Kato, and a few other people in the industry. Maya and I both grew up in America, but living here — here in Italy and Japan, more in basically the one in the middle — and back, so this is our element. A funny thing about wine industry people is that when you go to meet someone, they rarely serve their own wine, but I have. Being here, and we break out a 2018 Hertz Quarter Creek Chardonnay from Oak Knoll and a 2018 Bored Cayote Sauvignon. We don't talk about it, though. Wine is the table, but it should never be the guest of honor.



³⁸ Specimen filed with Application Serial No. 90115337 on August 14, 2020 at TSDBR 1.

2. International Class 41 Specimen³⁹

Like a Boss - The New York Times

Page 1 of 2

BUSINESS


Like a Boss

Workweek diaries from a crazy-busy generation of creative talent.

Latest 🔍 Search


Gemma Correll's Pandemic Diary: Just Like Her Normal Diary

The illustrator spends time with her pugs and counteracts social media with calm reality TV.




The Pandemic Work Diary of a Napa C.E.O.

The first African-American to run a major winery, Carlton McCoy spends his days making his industry more approachable and more inclusive.




The Work Diary of Gray Malin, Locked-Down 'Getaway' Photographer

Unable to shoot beach scenes out of a helicopter, he's exploring his archive and selling puzzles online.




The Pandemic Work Diary of Netflix's Queer Champion

"Joining the ranks of every other clichéd gay in L.A.," Fran Tirado is writing scripts and monitoring the platform's L.G.B.T.Q. content.



The Pandemic Work Diary of a Video-Streaming C.E.O.

From her parents' home, Vimeo's Anjali Sud oversees 600 employees and surging demand for feeds of documentaries, yoga classes and funerals.



<https://www.nytimes.com/column/like-a-boss>


8/14/2020

Like a Boss - The New York Times

Page 2 of 2


A Coffee C.E.O.'s Pandemic Diary: 'We Want to Still Provide an Escape'

Nick Stone, the founder of Bluestone Lane, says he is determined to see glimpses of humanity in a "devastating, absolutely devastating" crisis.




How Marie Kondo Declutters During a Pandemic

With promotional events for her new book canceled, the organizational expert finds solace in cooking, shredding documents and — of course — tidying her Los Angeles home.




The Work Diary of a Hairdresser So Coveted, She Travels by Private Jet

With a cult following on Instagram, Jayne Matthews gives \$325 cuts to a far-flung clientele.




The Work Diary of Jessica Walsh, Designing (and Wining) Woman

The graphic designer and founder of a creative agency powers through insomnia, migraines and helping mom with Instagram.



The Work Diary of Derrius Quarles, Million-Dollar Multitasker

A former foster care child pays it forward exponentially with a financial app, brand strategy and a new government position.



SHOW MORE

<https://www.nytimes.com/column/like-a-boss>

8/14/2020

³⁹ Specimen filed with Application Serial No. 90115337 on August 14, 2020 at TSDR 2-3.

3. Google® Search Engine Results⁴⁰

The screenshot shows a Google search interface with the query "new york times like a boss" entered in the search bar. The search bar is circled in red. Below the search bar, the results show "About 207,000,000 results (0.80 seconds)". The first result is from www.nytimes.com, titled "Like a Boss - The New York Times", with a subtitle "Like a Boss. Workweek diaries from a crazy-busy generation of creative talent." The second result is also from www.nytimes.com, dated 2020/01/09, titled "'Like a Boss' Review: Tiffany & Rose's Very Unfortunate ...", with a subtitle "Jan 9, 2020 — Like a Boss: Directed by Miguel Arteta: Comedy: R: 1h 23m ... Too bad that there's nothing human or funny about 'Like a Boss,' and little that ... 10, 2020, Section C, Page 6 of the New York edition with the ... David Leonhardt and Times journalists guide you through what's happening — and why it matters." The third result is from www.nytimes.com, dated Jan 15, 2021, titled "The Work Diary of an Executive Who Must Find Just the Right ...", with a subtitle "Jan 15, 2021 — Like a Boss ... This year the ball, like so many events, has been canceled, and Ms. ... and Arts Charter School, one of the oldest charter schools in New York. ... David Leonhardt and Times journalists guide you through what's ...". The fourth result is from www.nytimes.com, dated Feb 12, 2021, titled "The Work Diary of the Unofficial Talent Scout of New York City ...", with a subtitle "Feb 12, 2021 — ... site index. like a boss ... Beginning on Friday, icons like Jerry Seinfeld, Fran Lebowitz, Desus & Mero and Angie Martinez will remind riders to ...". The fifth result is from www.facebook.com, dated Nov 11, 2018, titled "Introducing 'Like a Boss': A new column... - The New York Times", with a subtitle "Nov 11, 2018 — Introducing 'Like a Boss': A new column revealing people's workweek diaries. First up: the indefatigable Phoebe Robinson." Below the results, there is a section titled "People also ask" with four questions: "Is the New York Times a respected newspaper?", "What is The New York Times known for?", "Who is the owner of New York Times?", and "What is The New York Times font called?". The sixth result is from www.agoodson.com, dated Nov 11, 2018, titled "Gemma Correll / Featured in The New York Times 'Like a Boss'", with a subtitle "Gemma Correll was featured in last weekend's New York Times Business supplement, in the regular column 'Like a Boss'. She was interviewed by Erin Griffith." The seventh result is from twitter.com, dated Nov 11, 2018, titled "The New York Times on Twitter: 'Introducing 'Like a Boss': A ...", with a subtitle "Nov 11, 2018 — Introducing 'Like a Boss': A new column revealing people's workweek diaries. First up: The ... Replying to @nytimes. SNOOZE! 0 replies 0 ...".

[www.niemanlab.org](#) › 2020/07 › newsonomics-the-new... ⓘ

Newsonomics: The New York Times' new CEO, Meredith ...

Jul 30, 2020 — Meredith Kopit Levien knew early on that she'd like to head up a ... Last week, the Times announced Levien as its new CEO, succeeding her boss and ... \$45: That's the share price of the New York Times Co. at Friday's close.

[www.amctheatres.com](#) › movies › like-a-boss-57274 ⓘ

Like A Boss now available On Demand! - AMC Theatres

Jan 10, 2020 — Like A Boss showtimes at an AMC movie theater near you. Get movie times, watch trailers and buy tickets.

[www.pressherald.com](#) › 2020/09/27 › new-york-times-t... ⓘ

New York Times: Trump paid \$750 in U.S. income taxes in ...

Sep 27, 2020 — New York Times: Trump paid \$750 in U.S. income taxes in 2016, 2017 ... "Now, Donald Trump is the boss of the agency he considers an ...

Related searches ⓘ

new york times **routine**

new york times **spending**
sunday

new york times a **day in the life**

new york times **owner**

new york times **corner office**

international new york times

new york times **articles**

new york times **what they do on**
sundays

1 2 3 4 5 6 7 8 [Next](#)

19010, Pennsylvania - From your places (Home) - Use precise location - [Learn more](#)

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)