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

Proceeding	91168038
Party	Plaintiff The GOLD CORPORATION
Correspondence Address	MARTIN E. HSIA Cades Schutte LLP 1000 Bishop Street, Suite 1200 HONOLULU, HI 96813 UNITED STATES mhsia@cades.com
Submission	Reply in Support of Motion
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Signature	/Martin E. Hsia/
Date	11/07/2007
Attachments	Reply Memo in Support of MSJ.PDF (23 pages)(590688 bytes)

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

THE GOLD CORPORATION,)	
)	
Opposer,)	
)	Opposition No. 91168038
v.)	Serial No.: 78/429,184
)	
HAWAII KINE INC.,)	
)	
Applicant.)	
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**OPPOSER’S REPLY MEMORANDUM IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Opposer THE GOLD CORPORATION, a Nevada corporation (“Opposer”), submits this reply memorandum in support of Opposer’s Motion for Summary Judgment, filed on April 24, 2007 (the “Motion”), and in response to the memorandum in opposition to the Motion filed by Applicant HAWAII KINE, INC., a British Virgin Islands corporation (“Applicant”), on or about October 19, 2007 (the “Opposition” or “Opp.”). For the reasons set forth below, Opposer respectfully submits that the Motion must be granted, sustaining this opposition against Applicant’s U.S. Trademark Application Serial No. 78/429,184 (the “Application”) to register the mark “HAWAII KINE” for coffee from Hawaii, because the subject mark is primarily geographically descriptive under Section 2(e) of the Lanham Act.

I. APPLICANT HAS FAILED TO PRESENT EVIDENCE REBUTTING THE PRESUMPTION OF A GOODS/PLACE ASSOCIATION.

Applicant argues that its “HAWAII KINE” mark is not primarily geographically descriptive because Opposer has allegedly not shown that the State of Hawaii is “popularly” known by the “American public” to be a source of coffee. Opp. at 10. Notably, Applicant does not present its own evidence to dispute Opposer’s evidence showing that the State of Hawaii is a

source of coffee, that Hawaii is the only state of the United States producing coffee, that Hawaii has produced coffee for many years, and that Applicant's coffee actually does come from Hawaii as admitted by Applicant (Exhibit "E" to Motion). Instead, Applicant contends that there is "no evidence" of "the degree to which consumers in the United States are aware that Hawaii is known for coffee." Id. (emphasis added).

Applicant misconstrues the relevant standard, and therefore fails to raise a genuine issue of material fact. Under Section 2(e), it is presumed that there is a goods/place association if applicant's goods actually come from the place named. See In Re Carolina Apparel, 48 USPQ2d 1542, 1543 (TTAB 1998) ("[w]here the goods or services actually originate from the geographic place designated in the mark, a public association of the goods or services may ordinarily be presumed."). In this case, in view of Opposer's evidence, such as the extracts from the Columbia Gazetteer (Exhibit "H" to Motion), the Internet article of the Hawaii Coffee Association (Exhibit "M"), and other Internet articles (e.g. Exhibit "N") – as well as Applicant's own specimen which states that "Hawaii is home to the World's most sought after coffee beans which Hawaii Kine blends with other choice beans from around the world for our delicious ready to drink beverages" (Exhibit "O") – it is presumed that "HAWAII KINE" is primarily geographically descriptive of the place from which its coffee goods originate. See 2 McCarthy on Trademarks and Unfair Competition, § 14:29 at 14-78 (4th ed. 2007).

Applicant fails to rebut the presumption because it presents no evidence that Hawaii is not known as a source of coffee. But even assuming for purposes of this Motion that countries other than the U.S. (Hawaii), produce coffee, or are more famous for coffee than Hawaii, Applicant has still failed to rebut the presumption. "[T]he goods-place association does not require proof that the place is well-known or noted for the goods." 2 McCarthy on

Trademarks and Unfair Competition, § 14:33 at 14-87 (4th ed. 2007). For instance, in In Re Broyhill Furniture Industries Inc., 60 USPQ2d 1511 (TTAB 2001), the applicant sought to register its “TOSCANA” mark for furniture. The Board found that it meant “TUSCANY” in English, that Tuscany is a region in Italy based on on-line encyclopedia and dictionary extracts (Id. at 1515), and that furniture is known to come from Tuscany based on various NEXIS/LEXIS articles and the applicant’s own specimens (Id. at 1517). The Board rejected the applicant’s argument that the record failed to show that Tuscany “is especially known for furniture”, “that such is recognized by consumers”, and that “purchasers would expect the goods” to have their origin in Tuscany. Id. at 1516. Instead, the Board affirmed the Examining Attorney’s refusal of registration (on the grounds that “TOSCANA” is primarily geographically deceptively misdescriptive), finding that “even if Tuscany is not famous or known for furniture and/or has not come to represent a style thereof, the production of furniture is nonetheless a significant industry in such region of Italy and has been for many years”. Id. at 1518. See also In Re Tobacconists, 59 USPQ2d 1080, 1084 (TTAB 2001) (Board affirmed 2(e) refusal of registration, finding that “[t]here is no requirement . . . that the State of Minnesota be noted for cigars and cigar products in order for a mark such as ‘MINNESOTA CIGAR COMPANY’ to be held primarily geographically descriptive, and prospective purchasers of applicant’s goods would reasonably believe that applicant’s goods . . . originate in the State of Minnesota . . .”) (emphasis added).

Similarly, Applicant here assumes incorrectly that a refusal of registration must be predicated upon proof that the geographic place is famous or noted for the listed goods. That is not the only basis for finding a goods/place association, however, and as in In Re Broyhill, supra, the contention that the listed goods come from other places does not rebut the goods/place

association. Accordingly, Applicant has failed to show the existence of a genuine issue of material fact as to whether Hawaii is associated with Applicant's coffee goods – as touted in Applicant's own specimens.

II. THE “KINE” PORTION OF APPLICANT’S MARK MAY BE TRANSLATED TO MEAN “KIND OF”, IN THE CONTEXT OF THE ENTIRE MARK.

Applicant next contends that, even if there is a goods/place association between its coffee goods and the State of Hawaii, its “HAWAII KINE” mark is allegedly not geographically descriptive because the meaning of the “KINE” portion of the mark is unclear. For instance, Applicant disputes that the term means “kind of” or “type of” based on the language sources submitted by Opposer, because “KINE is, in fact, a foreign language word” to which the doctrine of foreign equivalents does not apply. Opp. at 5-6. As such, Applicant contends that the American public will not translate the term and thus will not realize that “KINE” means “kind of” or “type of”.

Whether or not the doctrine of foreign equivalents applies is a red-herring issue, however. There is no proof that the Hawaiian pidgin language is a foreign language. Although Applicant complains about the Wikipedia extract, which Opposer cited to as indicating that “kine” is a Hawaiian creole term meaning “kind” (Exhibits “I” and “J” to Motion), Applicant presents no evidence that the term is a foreign or obscure word. Thus, Applicant has not shown that the applicability of the doctrine of foreign equivalents is a genuine issue.

Moreover, even if Applicant's argument is accepted, given the existence of other previously issued trademark registrations for marks containing the term “KINE”, which registrations state that it means “kind”, it should be assumed that consumers will know that the term “KINE” means “kind” regardless of the dictionary definitions. See e.g. Reg. No. 2,657,113 for “ISLAND KINE”, issued on December 3, 2002, noting that “The English translation of

‘Kine’ is ‘Kind’” (Exhibit “Q” attached hereto); Reg. No. 2,640,202 for “HAWAIIAN DA-KINES”, issued on October 22, 2002, noting that “ ‘Da-Kine’ is pigeon [sic] English and means ‘That Kind’ ” (Exhibit “R” attached hereto); Reg. No. 2,556,041 for “DA KINE”, issued on April 2, 2002, noting that “The translation of ‘Da Kine’ means ‘The Kind’ in English” (Exhibit “S” attached hereto); Reg. No. 2,493,939 for “HAWAIIAN DA-KINES”, issued on October 2, 2001, noting that “ ‘Da-Kine’ is pigeon [sic] English and means ‘That Kind’ ” (Exhibit “T” attached hereto).

Applicant further contends that the “KINE” portion of its mark is distinctive “regardless of the context in which it is used”. Opp. at 8. Opposer’s position, however, is not that “KINE” must be analyzed in the context of how it is “used”. Instead, Opposer’s position is that “KINE” is part of the mark “HAWAII KINE”, and thus whether “KINE” is descriptive depends on the other terms of the mark and the goods listed in the application.¹

Applicant’s “HAWAII KINE” mark is a composite of two terms. “Under the anti-dissection rule, a composite is tested for its validity and distinctiveness by looking at it as a whole, rather than dissecting it into its component parts.” 2 McCarthy on Trademarks and Unfair Competition, § 11:27 at 11-69 (4th ed. 2007). Thus, contrary to Applicant’s contention, it is entirely appropriate to assess the overall commercial impression of the composite – viz. in context of the entire mark – rather than to simply focus on the “KINE” portion. Indeed, the combination of descriptive terms must be evaluated for descriptiveness. See TMEP § 1209.03(d).

¹ Opposer has withdrawn its application Serial No. 76/670,531 to register “ALOHA KINE” for cookies, and thus Opposer’s collateral attack on the registration is irrelevant. Opp. at 2. Similarly, Applicant’s collateral attack on Opposer’s Registration No. 2,265,081, for “SCHOOL KINE COOKIES” for cookies (Opp. at 7) is irrelevant and inappropriate here as Applicant has not filed any counterclaim to the pleaded and incontestable registration.

As Opposer stated in its answer to Interrogatory No. 44 (Applicant's Exhibit 4 at p. 6) and in the Motion, "KINE" in connection with "HAWAII" – viz. in context – is descriptive in that it translates to "Hawaii type of" or "Hawaii kind of" coffee. Applicant has not presented any evidence that "KINE" in this context is not descriptive, other than to argue that "KINE" means "cow" in English. Opp. at 5. However, "[t]he fact that a term may have meanings other than the one relevant to a particular application is not controlling, because descriptiveness must be determined in relation to the goods or services for which registration is sought." TMEP § 1209.03(e). Obviously, "cow" has no relevance in the context of "HAWAII" and Applicant's coffee goods, but "HAWAII kind of" or "type of" is highly relevant in relation to coffee in that it signifies a particular style or grade of coffee, and is thus descriptive. See In Re Bacardi & Co., Ltd., 48 USPQ2d 1031, 1033 (TTAB 1997). In fact, Applicant itself attempts to trade on that significance in its advertisement specimen, which states that "Hawaii is the home to the World's most sought after coffee beans". Exhibit "O" to the Motion.

Similarly, Applicant contends that, even if "KINE" means "kind", the term "KIND" is not descriptive insofar as it translates to "friendly" and because there are other connotations of "KIND". Opp. at 11. Again, however, the "KINE" portion must be considered in the context of "HAWAII" and the coffee goods. Using Applicant's alternative meanings for "KIND", the translation of the entire mark – e.g. "Hawaii friendly" for coffee – is irrelevant. Hawaii's significance in terms of coffee production underscores the definition of "KIND" in the sense of "kind of" or "type of". Indeed, Applicant's own specimens belie its contention here that "KIND" means "friendly", because Applicant's advertising attempts to distinguish Hawaii's "kind of" or "type of" coffee ("Hawaii is the home to the World's most sought after coffee

beans”) from other “kinds of” or “types of” coffee (“which Hawaii Kine blends with other choice beans from around the world”). Exhibit “O” to Motion.

Applicant contends that “KINE”, like the other Hawaiian terms in registrations cited by Applicant, is distinctive. Opp. at 8-10. These cited marks are not relevant here, however, because none contains the term “KINE”. As noted above, there are at least four third-party registrations containing the term “KINE”, which Applicant did not cite. Notably, these registrations state that the English translation of “KINE” is “kind” or “that kind” or “the kind”, as Opposer maintains in the Motion. See Exhibits “Q” - “T” attached hereto. “Kine” in the context of “HAWAII KINE” for coffee is descriptive of the superior grade of Applicant’s coffee, because as Applicant states, “Hawaii is home to the World’s most sought after coffee beans”.

III. “KINE” IS A SLIGHT MISPELLING OF “KIND”, WHICH DOES NOT DISPEL THE DESCRIPTIVENESS OF “HAWAII KINE” FOR COFFEE.

Even assuming for purposes of the Motion that there exists a genuine issue as to the meaning of the term “KINE”, Applicant’s “HAWAII KINE” mark is geographically descriptive because “KINE” is only a slight misspelling of “KIND”. Applicant’s mark thus translates or is equivalent to “HAWAII KIND” for coffee that originates from Hawaii, and is therefore primarily geographically descriptive and unregistrable under Section 2(e).

Applicant relies on the term “KINE” in its “HAWAII KINE” mark, to argue that the mark is not geographically descriptive despite the term “HAWAII” and its admission that the listed coffee goods originate from Hawaii. However, “[a] slight misspelling of a word will not generally turn a descriptive or generic word into a non-descriptive mark.” TMEP § 1209.03(j). See also Restatement (Third) of Unfair Competition, § 14, comment a (1995) (“The misspelling or corruption of an otherwise descriptive word will not ordinarily alter the descriptive character of the designation.”).

“In discussing a misspelling of a descriptive term, the United States Supreme

Court said:

The word, therefore is descriptive, not indicative of the origin or ownership of the goods; and being of that quality, we cannot admit that it loses such quality and becomes arbitrary by being misspelled. Bad orthography has not yet become so rare or so easily detected as to make a word the arbitrary sign of something else than its conventional meaning.

2 McCarthy on Trademarks and Unfair Competition, § 11:31 at 11-75 (4th ed. 2007) (quoting Standard Paint Co. v. Trinidad Asphalt Mfg. Co., 220 U.S. 446, 55 L. Ed. 536, 31 S. Ct. 456 (1911) (RUBEROID mark for roofing materials)).

Thus, “[i]f the misspelling is so phonetically identical to the original descriptive term that buyers will recognize it as descriptive, then the misspelled mark is still ‘descriptive.’”

2 McCarthy on Trademarks and Unfair Competition, § 11:31 at 11-77 (4th ed. 2007). See Andrew J. McPartland, Inc. v. Montgomery Ward & Co., 164 F.2d 603, 76 USPQ 97 (C.C.P.A. 1947), cert. denied, 333 U.S. 875, 92 L. Ed. 1151, 68 S. Ct. 904, 77 USPQ 676 (1948). See Elizabeth Arden Sales Corp. v. Faberge, Inc., 304 F.2d 891, 134 USPQ 186 (C.C.P.A. 1962) (EXTRORDINAIRE mere misspelling of descriptive word “extraordinaire”); A. & H. Transp., Inc. v. Save Way Stations, Inc., 214 Md. 325, 135 A.2d 289, 115 USPQ 251 (1957) (SAVON GAS held equivalent of descriptive “Save on gas”); Barton v. Rex-Oil Co., 2 F.2d 402 (3d Cir, 1924) (DYANSHINE held equivalent of “Dye and Shine” for shoe polish); No-D-Ka Dentifrice Co. v. S. S. Kresge Co., 24 F.2d 726 (D. Mass. 1928) (NO-D-KA held equivalent of descriptive “No decay”); Norsan Products, Inc. v. R. F. Schuele Corp., 286 F. Supp. 12, 159 USPQ 689 (E.D. Wis. 1968) (KUF’N KOLAR held equivalent of “cuff and collar”); Keller Products, Inc. v. Rubber Linings Corp., 213 F.2d 382, 101 USPQ 307 (7th Cir. 1954) (KOVE held the equivalent of the descriptive “cove”); Steem-Electric Corp. v. Herzfeld-Phillipson Co., 118 F.2d 122, 48 USPQ 92 (7th Cir. 1940) (STEEM held the equivalent of the descriptive “steam”).

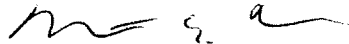
Here, it is apparent that the “KINE” portion of Applicant’s mark is a misspelling of the word “KIND”, as it simply substitutes the letter “E” for the letter “D” at the end of the term. The misspelled term thus is “so phonetically identical” to “KIND”, as the letter “E” is silent, “that buyers will recognize it as geographically descriptive” when used with “Hawaii”, because Applicant’s mark translates to “HAWAII KIND” of coffee that admittedly originates from Hawaii. Compare Applicant’s Exhibit 1 (“Kine” pronounced “kīn”) with Exhibit “U” attached hereto (“KIND” pronounced “kīnd”). Applicant does not present relevant evidence to dispute that “KIND”, if used in connection with “HAWAII” and coffee goods, would be geographically descriptive.

IV. CONCLUSION.

For the foregoing reasons, Opposer requests that its Motion be granted and that summary judgment be entered, sustaining this opposition against Hawaii Kine’s Application, Serial No. 78/429,184 for the mark “HAWAII KINE”.

DATED: Honolulu, Hawaii, November 7, 2007.

Respectfully submitted,



Martin E. Hsia, Reg. No. 32,471
CADES SCHUTTE LLP
A Limited Liability Law Partnership
P.O. Box 939
Honolulu, Hawaii 96808
Tel: (808) 521-9200

Attorney for Opposer
THE GOLD CORPORATION

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

THE GOLD CORPORATION,)	
)	
Opposer,)	
)	Opposition No. 91168038
v.)	Serial No.: 78/429,184
)	
HAWAII KINE INC.,)	
)	
Applicant.)	
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DECLARATION OF COUNSEL; EXHIBITS “Q” – “U”

I, MARTIN E. HSIA, hereby declare as follows:

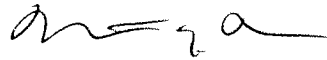
1. I am a partner of Cades Schutte A Limited Liability Law Partnership LLP, counsel of record in this proceeding for Opposer THE GOLD CORPORATION, and am duly authorized to make this declaration, which is based upon my personal knowledge and information unless otherwise stated.
2. Attached hereto as Exhibit “Q” is a true and correct copy of Trademark Registration No. 2,657,113 for “ISLAND KINE”, which I downloaded from the TDR website of the U.S. Patent and Trademark Office.
3. Attached hereto as Exhibit “R” is a true and correct copy of Trademark Registration No. 2,640,202 for “HAWAIIAN DA-KINES”, which I downloaded from the TDR website of the U.S. Patent and Trademark Office.
4. Attached hereto as Exhibit “S” is a true and correct copy of Trademark Registration No. 2,556,041 for “DA KINE”, which I downloaded from the TDR website of the U.S. Patent and Trademark Office.

5. Attached hereto as Exhibit "T" is a true and correct copy of Trademark Registration No. 2,493,939 for "HAWAIIAN DA-KINES", which I downloaded from the TDR website of the U.S. Patent and Trademark Office.

6. Attached hereto as Exhibit "U" is a true and correct copy of an excerpt from the webpage at <http://merriam-webster.com/dictionary/kind> (visited on November 3, 2007).

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

DATED: Honolulu, Hawaii, November 7, 2007.



MARTIN E. HSIA, Reg. No. 32,471

EXHIBIT “Q”

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,657,113

Registered Dec. 3, 2002

**TRADEMARK
PRINCIPAL REGISTER**

ISLAND KINE

HADA, GLENN (UNITED STATES INDIVIDUAL), DBA HADA DISTRIBUTORS,
P.O. BOX 27023
HONOLULU, HI 968270023

THE ENGLISH TRANSLATION OF "KINE" IS "KIND".

FOR: FOOTWEAR,SANDALS,SHOES,ZORIS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

SN 76-228,137, FILED 3-16-2001.

FIRST USE 1-1-2002; IN COMMERCE 1-1-2002.

NICHOLAS ALTREE, EXAMINING ATTORNEY

EXHIBIT Q

EXHIBIT “R”

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,640,202

Registered Oct. 22, 2002

**TRADEMARK
PRINCIPAL REGISTER**

HAWAIIAN DA-KINES

**BIG ISLAND CANDIES, INC. (HAWAII COR-
PORATION)
585 HINANO STREET
HILO, HI 96720**

**FOR: CRACKERS; CAKES; BREADS; MARI-
NADES; PROCESSED HERBS; SPICES; SAUCES, IN
CLASS 30 (U.S. CL. 46).**

FIRST USE 3-0-1991; IN COMMERCE 3-0-1991.

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

**"DA-KINE" IS PIGEON ENGLISH AND MEANS
"THAT KIND".**

SN 75-839,233, FILED 11-3-1999.

**JACQUELINE A. LAVINE, EXAMINING ATTOR-
NEY**

EXHIBIT R

EXHIBIT “S”

Int. Cl.: 16

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

United States Patent and Trademark Office

Reg. No. 2,556,041

Registered Apr. 2, 2002

**TRADEMARK
PRINCIPAL REGISTER**

DA KINE

ANDERSON, HANS (UNITED STATES CITIZEN)
2410 CLEGHORN STREET #2302
HONOLULU, HI 96815

THE TRANSLATION OF "DA KINE" MEANS
"THE KIND" IN ENGLISH.

FOR: MAGAZINE FEATURING ISSUES CON-
CERNING THE HOMOSEXUAL COMMUNITY, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-017,190, FILED 7-18-2000.

FIRST USE 12-1-1998; IN COMMERCE 12-1-1998.

DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-
NEY

EXHIBIT S

EXHIBIT “T”

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,493,939

Registered Oct. 2, 2001

**TRADEMARK
PRINCIPAL REGISTER**

HAWAIIAN DA-KINES

**BIG ISLAND CANDIES, INC. (HAWAII COR-
PORATION)
585 HINANO STREET
HILO, HI 96720**

**FOR: COOKIES; CANDIES, IN CLASS 30 (U.S. CL.
46).**

FIRST USE 3-0-1991; IN COMMERCE 3-0-1991.

**"DA-KINE" IS PIGEON ENGLISH FOR "THAT
KIND".**

SEC. 2(F).

SER. NO. 75-839,180, FILED 11-3-1999.

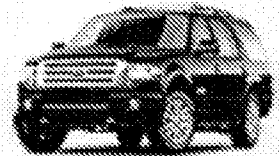
MARY ROSSMAN, EXAMINING ATTORNEY

EXHIBIT T

EXHIBIT “U”

SWAP YOUR RIDE

NO SCRIPTS OR PROMPTS.
JUST REAL PEOPLE.
TELLING REAL STORIES.



2008 FOR
EXPEDI

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kind

7 entries found.

kind [1,noun]

kind [2,adjective]

five of a kind

four of a kind

in-kind

kind of

three of a kind

Main Entry: **'kind**

Pronunciation: \ 'kīnd \

Function: *noun*

Etymology: Middle English *kinde*, from Old English *cynd*; akin to Old English *cynn* kin

Date: before 12th century

1 a *archaic* : NATURE **b** *archaic* : FAMILY, LINEAGE

2 *archaic* : MANNER

3 : fundamental nature or quality : ESSENCE

4 a : a group united by common traits or interests : CATEGORY **b** : a specific or recognized variety <what *kind* of car do you drive> **c** : a doubtful or barely admissible member of a category <a *kind* of gray>

5 a : goods or commodities as distinguished from money <payment in *kind*>

b : the equivalent of what has been offered or received

synonyms see TYPE

— **all kinds of**

1 : MANY <likes *all kinds of* sports>

2 : plenty of <has *all kinds of* time>

Learn more about "kind" and related topics at [Britannica.com](#)

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A B C D E
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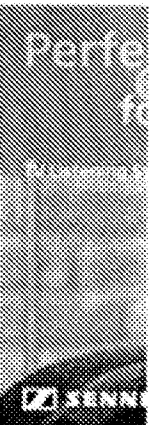


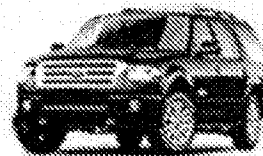
EXHIBIT U

Pronunciation Symbols

Go to sennheiser

SWAP YOUR RIDE

NO SCRIPTS OR PROMPTS.
JUST REAL PEOPLE.
TELLING REAL STORIES.



2008 FORD
EXPEDITION

C

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE
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)	Opposition No. 91168038
v.)	Serial No.: 78/429,184
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HAWAII KINE INC.,)	
)	
Applicant.)	
<hr/>		

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of OPPOSER'S MOTION FOR SUMMARY JUDGMENT was mailed on November 7, 2007, to: Douglas A. Miro, Esq., Ostrolenk, Faber, Gerb & Soffen, LLP, 1180 Avenue of the Americas, 7th Floor, New York, New York 10036.

DATED: Honolulu, November 7, 2007.



Martin E. Hsia, Reg. No. 32,471
CADES SCHUTTE LLP
A Limited Liability Law Partnership
P.O. Box 939
Honolulu, Hawaii 96808
Tel: (808) 521-9200

Attorney for Opposer
THE GOLD CORPORATION